

# THE UNSUPERVISED STATE

## INTERNALLY DIVIDED, INTERNATIONALLY HALF-LEGITIMATE

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### INTRODUCTION

At its fifteenth meeting of 2 July 2012, the International Steering Group (ISG) has announced its intention to end Kosovo's supervised independence sometime in mid-September 2012. At this meeting the ISG has praised the Government of Kosovo (GoK) for its "clear support for a democratic and multi-ethnic state, as evidenced in the passing of the laws and amendments to implement the Comprehensive Settlement Proposal (CSP) package, including laws on cultural and religious heritage, community rights and decentralization".<sup>1</sup> Regarding northern Kosovo, the ISG has recognized and welcomed the GoK's decision to open the Mitrovica North Administrative Office (MNAO) and the Prime Minister's intention to engage with the Serb community there. In regards to strengthening the international legitimacy for the new state, the ISG has committed itself to continue supporting Kosovo's "quest" for further international recognitions and its "aspiration" towards membership in relevant international organizations.

There are in fact successes in implementing the provisions of the CSP such as the creation of new Kosovo Serb majority municipalities, decentralization, protection of religious and cultural heritage, adoption of national symbols, flag, and anthem reflecting its multi-ethnic character, the establishment of a multi-ethnic Kosovo Police (KP), and gradual inclusion of non-majority communities in public institutions.

More than four years after declaring independence, almost 90 states have recognized Kosovo as an independent state, which has also managed to become a member of only two international institutions - the World Bank and the International Monetary Fund. Therefore, it is very likely that the official ending of Kosovo's supervised independence will be celebrated. People in Kosovo as well as those abroad will be told of the "immense achievements" of the new state and its international supervisors.

This celebration, however, will miss Kosovo's real problems: it remains divided internally and with limited legitimacy internationally. Besides that in general there is a lack of implementation of the passed legislation, Kosovo has deep problems with basic democratic functioning. The northern part remains de-facto divided, a situation which risks undermining all the successes in the south. The state security and the fight against corruption and organized crime will continue to rely on bodies whose mandates derive from the 1999 UN Security Council Resolution 1244, KFOR and EULEX respectively. The appointed international staff by the International Civilian Representative (ICR) will still remain present in the country's most important public institutions. Finally, due to the lack of commitment by the sponsors of the supervised independence, Kosovo's international legitimacy has come to rely more on Serbia and the "normalization of relations" with Belgrade, than on its international supervisors who were responsible for this. Strategically, Kosovo lacks prospects for joining NATO's Partnership for Peace program, and remains without contractual relations with the European Union (EU) – from which not only reforms but also security and stability of the country depend on.

## THE MYTH OF DEMOCRATIC GOVERNANCE

Kosovo has one of the most advanced Constitutions in the region adopted in June 2008. It includes the main principles of the CSP

and at the same time provides the main building blocks for a free, open, and democratic multi-ethnic state. The Kosovo Assembly has adopted more than 300 laws in order to ensure proper functioning of a democratic society.<sup>2</sup> In reality, there are still significant problems left with the implementation of these legal instruments which as a result leave Kosovo with basic problems of its democratic functioning and institutional independence.

First, Kosovo faces major problems with one of the fundamental elements of democracy – free and fair elections. The latest elections, held on 12 December 2010, is a stark example of a completely degraded democratic practice that Kosovo has faced since 1999. Between forty to sixty percent of the votes were reported to be fraudulent, leading to the irregular re-counting of all the 40% of the ballots.<sup>3</sup> Despite what has been known as the "industrial theft of votes" by several diplomats present in Kosovo, in the end the outcome of the elections was generally accepted and endorsed by key western diplomats and high officials. The Vice-President of the EU Commission and the High Representative for Common Foreign and Security Policy (CFSP), Catherine Ashton, and the Commissionaire for Enlargement, Štefan Füle, immediately congratulated "the people of Kosovo on their elections [...] and the calm and orderly manner in which the majority of the voting took place."<sup>4</sup>

<sup>1</sup> ISG, Communiqué of 2<sup>nd</sup> of July, (Vienna: 2012), <http://tinyurl.com/bv5v7n5>.

<sup>2</sup> Rep. of Kosovo, Laws Published in Official Gazette of Republic of Kosovo, (Prishtina: 2012),

<sup>3</sup> Eur. Commission, Commission Staff Working Paper: Kosovo\* 2011 Progress Report, (Brussels: 2011), [http://ec.europa.eu/enlargement/pdf/key\\_documents/2011/package/ks\\_rapport\\_2011\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/ks_rapport_2011_en.pdf). Moreover, Re-elections were held in 3 municipalities and in 2 voting stations (20% of the electorate) in order to leave an impression that steps were being taken to address the fraud.

<sup>4</sup> Joint statement by the EU High Representative Catherine Ashton and Commissioner for enlargement Štefan Füle on Kosovo elections, (Brussels: Memo 2010).

These democratically deficient practices, not disputed or rejected by “the international supervisors” who according to the CSP have the executive power to do so, have resulted with the establishment of a government with a permanent disputed legitimacy. The perpetrators involved in this election fraud have not been properly dealt with neither by the local law enforcement authorities nor by the EULEX.<sup>5</sup> Their prosecution was not carried out properly, and the improper prosecution of those indicted has also led to the creation of a perception of impunity by those manipulated and involved in such activities. The mishandling of election fraud has also led to people’s diminished trust on the value of elections as a tool to bring about change.

The international supervisor’s inaction towards such breach of human rights during the elections, has also contributed to the creation of a public perception that there is a strong partnership between the illegitimate local political elite in power and the international stakeholders. This “local-international partnership” is perceived as being untouchable and unchangeable by the standard democratic instruments, as well as immune from being held accountable. This “local-international partnership” established after widely accepted fraudulent elections has left the society in Kosovo believing that democracy is a myth and will continue to be so. It has also weakened the ability of people for holding those elected accountable, for the perception has also been created that the unbreakable “local-international partnership” is the elite that ultimately decides.

A political solution to these problems had been offered in April 2011, in an electoral reform agreement between the Democratic Party of Kosovo (PDK), the Democratic League of

Kosovo (LDK) and the Alliance for New Kosovo (AKR). This agreement, which became an obligatory resolution in the Assembly of Kosovo, foresaw the change of the national electoral law and the election of the president, and called for holding new presidential elections in 2012, and new national and local elections in 2013. However, this resolution has not been respected. The electoral reform working groups did not produce results, violating yet another process which had aimed at resolving the major electoral deficiencies.

Another major democratic deficiency can be noted in the role and work of the Kosovo Assembly. The Assembly, which has a deeply contested legitimacy, is constantly undermined and highly manipulated. It has come to serve of no purpose in the young state’s system of checks and balances. It has become more an object of the “local-international partnership” rather than a subject for debating and passing the necessary laws and ratifying resolutions and decisions that advance the state’s interests according to its Constitution. There are several examples that illustrate this. The dialogue between Kosovo and Serbia began without the GoK’s platform on the dialogue being authorized by the Assembly. The executive was authorized to enter the dialogue only after the first round of talks had been concluded. In addition, the Resolution<sup>6</sup> which obliges the official assigned by the Prime Minister to lead the negotiations between Kosovo and Serbia to inform the Committee on Foreign Affairs and other relevant Committees of the Kosovo Assembly on regular basis on the progress of the dialogue was disregarded by the executive. Furthermore, the two Assembly motions, which have requested the GoK to apply reciprocity measures with Serbia, and which conditioned the dialogue with Serbia with solving the issue of the missing persons first, were interpreted as

<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/675&type=HTML>

<sup>5</sup> More than 1,300 people were indicted and more than 900 are expected to be indicted by the Prosecutor’s Office for their involvement in these fraudulent activities during the elections, as well as their involvement in threats and intimidation, destroying voting documents, and alike.

<sup>6</sup> Assemb. of the Rep. of Kosovo Assembly, Resolution Nr. 04-R-001, Prishtina, 10 March 2011. <http://tinyurl.com/caafv6t>.

mere recommendations with no obligatory power.<sup>7</sup>

The negligence of the Assembly and its resolutions by the Executive when it comes to the dialogue between Kosovo and Serbia are silently supported by the EU and other western actors. At times they go as far as encouraging the negligence of the Assembly and other democratic practices, since the unpopular dialogue between Kosovo and Serbia seems to be the only hope left for the west to “save regional stability”. What is striking here is that, among all the democratic shortcomings that the 2011 EU Commission’s Progress Report has stated regarding the work of the Assembly, it fails to address these important democratic shortcomings<sup>8</sup> of the work of the Assembly. This makes the case of the “local – international partnership”, which undermines the basic democratic processes in the country, even stronger. Trading off democracy for stability may seem a reasonable short-term goal; however, such tradeoff harms the society’s ability to use the democratic processes and instruments to respect its Constitution and advance, which in the long run will affect state and regional stability even more negatively.

### THE PARADOX: ENDING WHILE CONTINUING THE SUPERVISION

In the spirit of the CSP, the eventual ending of the supervised independence would occur when and after the ICR has realized that the local authorities are ready to take over the responsibility from international members present in the public institutions. However, the closure of the ICO will not result in the end of the mandates of the international appointees. Most of these mandates have been extended until 2014, implying that the national authorities

are not ready to be fully responsible for running the key state and public institutions. Nevertheless, the extension of the mandates for international staff does not mean that the state will be capable to do so even after 2014. Furthermore, it is highly unlikely that the current irresponsible practices in several of these institutions will change in the next two years, something that the presence of internationals in these past 4 years has not ensured. The international members will still retain their positions in the following institutions:

- (1) *The Constitutional Court*: Composed of 9 judges, 3 of them are international members appointed by the ICR.<sup>9</sup> The mandate of the international judges has been extended with the decision of the ICR until 31 August 2014.
- (2) *The Kosovo Judicial Council (KJC)*: Composed of 13 judges, 2 of which are international members appointed by the ICR that will continue to retain power even after the ICO closes.
- (3) *The Supreme Court, district and other courts*: The ICR retains the authority to appoint only the two international judges of the Appeals Panel of the Supreme Court.<sup>10</sup> The ICR however, has, with his decision of March 2010,<sup>11</sup> yielded his authority to consent to future appointments of international judges and prosecutors selected by EULEX. Given that EULEX does not operate according to the CSP, meaning that its executive mandate to appoint judges and prosecutors is not subject to the ICR’s consent as provided by the CSP, the ICR has taken the March 2010 decision to accommodate the reality on the ground.
- (4) *The Auditor General*: The ICR retains the authority to appoint the Auditor General<sup>12</sup> who was appointed in 2009 for a five year mandate.
- (5) *The Board of the Privatization Agency of Kosovo (PAK)*: Composed of 8 members, 3 of which are

<sup>7</sup> Lumturie Blakaj, “Mocioni i plotfuqishëm”, Zëri, 23 may, 2012, accessed 23 July 2012, <http://www.zeri.info/artikulli/1/1/49830/mocioni-i-plotfuqishem/>

<sup>8</sup> Since the issue with the two motions happened in 2012, it is to be seen from the 2012 progress report whether or not this has been an issue for the EU Commission.

<sup>9</sup> CSP, Annex I, Article 6.1.3

<sup>10</sup> CSP, Annex VII, Article 5.1

<sup>11</sup> ICO, Decision No. 2010/36, <http://www.ico-kos.org/d/Decision%202010-36%20ENG.pdf>

<sup>12</sup> CSP, Annex IX, Article 2.2a

international members appointed by the ICR. The ICR also appoints the Director of the Executive Secretariat of the Board of Directors of the PAK, one member in each of the liquidation committees, and one member, who shall also be the chair, in each of the Review Committees. Five other members of the Board<sup>13</sup> are appointed by the Kosovo Assembly. The ICR has taken the decision to re-appoint two of the three international members of the Board of Directors following, as stated in a dubious decision by the ICR, “the Government of Kosovo’s decision to amend the Constitution to allow the ICR appointees to provide further technical assistance to Kosovo institutions after the end of supervised independence”<sup>14</sup> This in itself is in breach of Kosovo’s constitution and the CSP itself, as the amendments to the Constitution of Kosovo are made by the 2/3 voting of the Assembly.<sup>15</sup> The Government itself cannot change the Constitution; it may only propose changes or amendments to the Constitution.<sup>16</sup>

(6) *The Supervisory Board of the Kosovo Property Agency (KPA)*: Composed of 5 members, 3 of which, including the Chairperson, are appointed by the ICR.<sup>17</sup> The ICR also appoints 2 members of the Property Claims Commission. The other two members of the Supervisory Board are appointed by the Assembly of Kosovo upon nomination by the Prime Minister.

(7) *The Governing Board of the Kosovo Pensions Savings Trust*: Composed of 8 members, 1 of which is appointed by the ICR, and the remaining 7 by the Kosovo Assembly.

(8) *The Independent Commission for the Review of Serb Language Textbooks*: Composed of 7 members, one which is appointed by the ICR, three by the Kosovo’s Ministry of Education Science and

Technology, and three others by the Kosovo Serb deputies of the Kosovo Assembly.

There are three other bodies that should have been created according to the CSP, but which never came to life. These are: (1) the Implementation and Monitoring Council which should have been responsible for monitoring and facilitating the implementation of the provisions of this CSP relating to the protection of the Serbian religious and cultural heritage in Kosovo. The task of this body, instead, is being fulfilled by the Head of the Greek Liaison Office in Prishtina; (2) the Independent Commission for Mitrovica North University; and (3) the Joint Board of Mitrovica North and Mitrovica South municipalities.

## THE OMNIPRESENT RESOLUTION 1244

With the closure of the ICO, Prishtina will lose the only pro-independence international body present in Kosovo, which otherwise should have been the last multi-national institution to close down. Instead, Kosovo will be left with UNMIK, KFOR, and EULEX, missions which will continue with their status neutral presence. This means that the most important areas of the new state will be left “supervised” by institutions according to the UNSC Resolution 1244, which at the same time negate the existence of the new state. Important areas, such as state security and fight against corruption and organized crime will continue to rely on these status neutral bodies. The ISG was not able to deliver upon its promise to create the International Military Presence (IMP) and a European rule of law mission in accordance with the CSP, from which the responsibilities would have eventually been transferred to local authorities with the ending of the supervised independence.

Regardless of these legal and practical shortcomings, the ISG has encouraged Kosovo’s Government and institutions to support the continuation of EULEX’s mandate, including its executive functions, on an

<sup>13</sup> Rep. of Kosovo, Law No. 04/L-034 on the PAK, Article 12.2

<sup>14</sup> ICO, Letter of 29 June 2012, containing decisions No. 2012/07 and No. 2012/08

<sup>15</sup> CSP, Annex I, Article 10.1

<sup>16</sup> Const. of the Rep. of Kosovo, Article 144.1

<sup>17</sup> CSP, Annex VII, Article 4.2 and the Const. of the Rep. of Kosovo, Article 144.2

“appropriate legal basis.”<sup>18</sup> This, too, is paradoxical because as the supervision of Kosovo’s independence is ending, the ISG is encouraging Kosovo to legalize EULEX’s mandate according to the UNSC Resolution 1244, which the officials of an independent Kosovo believe to be part of “the past”.

The closure of the ICO therefore, will not translate into the ending and the transfer of competences from the respective international military and rule of law missions to Kosovo authorities, Kosovo Security Force (KSF) and the GoK respectively, as the CSP foresaw. These international missions and their eventual fate will be decided upon the changes to the Resolution 1244, which depend on Russia, whose eventual decisions depend on Serbia’s will and its position towards Kosovo.

## THE POSITION OF ETHNIC MINORITIES

The current government in Kosovo, for the first time, depends on the votes of ethnic minority parties whose representatives continuously complain about the position of their communities. The ethnic minority parties have not entirely used this political leverage to advance their position. All ethnic minority groups have the necessary institutional tools to protect their rights, and become more active political players in Kosovo. Instead, they remain fragmented and bicker about their political rivals.

In such circumstances, the ethnic minorities remain fearful of the Kosovo Albanian political class, whom they accuse of being insensitive towards their needs. In order to address some key institutional deficiencies, the GoK has decided to appoint a Language Commissioner, whose office would be responsible to ensure full implementation of the respect of use of the law on official languages. Also, by mid-September, the Government will appoint a director of Serb language second Radio and Television of Kosovo channel.

One of the biggest successes of implementation of the CSP has been the decentralization which has benefited the minorities; new municipalities with minority majorities have been established. This has helped the minorities take the governance of their areas and management of most public services onto their hands. They manage education, healthcare, the judicial sector, cultural affairs, and alike. It was this successful decentralization which has provided basic accommodation for two thirds of Kosovo Serbs. The new municipalities, however, have not lived up to their potential – there is flawed governance in most of them. Their main sources of finance still come from central government.

Also, in Serb majority settlements south of Ibar there are still Belgrade supported parallel institutions and parallel municipalities.<sup>19</sup> These institutions, however, do not interfere with the work of legal municipalities – they focus on education, healthcare, social payments and pensions. The parallel municipalities south of Ibar serve more as an employment service for the local Serbs rather than as saboteurs of Kosovo’s institutions. The employment provided by these parallel municipalities is an important source of income for the employed Serbs in these municipalities. Therefore ceasing the operations of parallel municipalities needs to follow a detailed plan to absorb and accommodate them.

The Kosovo Serbs will have to address their fundamental problem – that of a weak political leadership. A number of Kosovo Serb leaders throughout Kosovo have begun thinking of creating a joint political council, autonomous from Belgrade, and in such unity present their demands to Prishtina, Belgrade and the international presence.<sup>20</sup> They see that the Serbs south of Ibar will continue being marginalized without a stronger political voice. The governing Kosovo Serb Independent Liberal Party (SLS) is under fierce criticism from all other Serb

<sup>18</sup>ISG, Communiqué of 2<sup>nd</sup> of July, (Vienna: 2012), <http://tinyurl.com/bv5v7n5>.

<sup>19</sup> These parallel institutions are present in and functioning in 27 out of 38 municipalities of Kosovo.

<sup>20</sup> KIPRED numerous interviews with Kosovo Serb leaders, May, June, and July 2012.

political parties and civil society organizations that it has not been able to fully use the institutions to advance the Kosovo Serb interests.

The Serbs feel Kosovo is not ready for ending of supervised independence. They are all demanding a “single address” where they can turn to, given the deterioration of inter-ethnic relations south of Ibar. Furthermore, the position of Kosovo Serbs south of Ibar critically depends on the position of the north, and the way the north will remain in Kosovo.<sup>21</sup>

The Bosniak community remains politically tied to Democratic Party of Kosovo (PDK). As political allies, the Bosniak parties have achieved to slowly push for gradual advancement of their status. In conjunction with the ICO, they have succeeded in beginning a feasibility study for creation of three Bosniak majority municipalities, still underway. They see the creation of these municipalities as insurance for their own local development, especially around Prizren and Peja. In achieving this, they will need firmer international presence’s support. Similarly, the Roma, Ashkali, and the Egyptian (RAE) communities have not seen benefits from the international presences in Kosovo. They remain the forgotten minority, despite all Constitutional and legal protections, and their position will advance only within a EU accession process framework – currently not offered to Kosovo. Unlike them, the Turkish community does not have outstanding issues, under the protection of Turkey, their status is stable and advancing.

## THE NORTH

There has not been a serious attempt to implement the CSP in the north neither by the international stakeholders in Kosovo nor by the GoK.<sup>22</sup> The decision to close the ICO without

any serious step to integrate the north is yet another sign of unfinished business and signifies lack of commitment by the sponsors of independence to Kosovo’s future stability. In reality, the ISG will leave the north to a future political dialogue between Kosovo and Serbia, facilitated again by the EU. The special status for the north already lingers in Brussels as a potential consensus for the club of 27.

Unlike the ISG’s January 2012 statement which had urged Serbia to withdraw its police and security state presence from northern Kosovo, this commitment was not repeated in its July statement. Instead, the GoK was praised for opening the MNAO, which being an insufficient step in its own and its high probability to fail, will only pave the way for Kosovo to justify to the public its political dialogue with Serbia regarding the north. The establishment of the MNAO has not produced anything but a local office which among other things, supports Serbia’s parallel institutions in the north; a mere continuation of the UNMIK Office in Mitrovica (UAM). The newly appointed head of this office was recommended by EU senior officials in Kosovo to financially assist the activities of the parallel municipality of Mitrovica North.

With no serious pressure on Serbia to withdraw its security apparatus from the north, and with the divided EU on the status of Kosovo, the decision to close the ICO is hasty. These circumstances leave the state internally divided on the eve of the end of supervised independence, with challenges ahead for which the political class is not capable to deal with.

## THE TROUBLES WITH INTERNATIONAL HALF-LEGITIMACY

Given that the CSP was not endorsed by Russia and China as permanent members of the UN Security Council, it did not turn out to be an internationally accepted proposal for Kosovo’s final status settlement. This led to Kosovo’s declaration of independence in coordination

<sup>21</sup> For more information, see: Shpend Kursani and Ilir Deda, “Autonomy for the northern part of Kosovo: Unfolding Scenarios and Regional Consequences”, KIPRED (2012). <http://tinyurl.com/ccsn5gh>.

<sup>22</sup> For more information, see: Shpend Kursani, “A Comprehensive Vision for the north: The Final

Countdown”, KIPRED (2012). <http://tinyurl.com/c6wd8mk>.

with the US and key EU member states, and thus adopt the CSP as the basis for state building and its functioning. This was done with decisive support by the sponsors of independence, who had initially guaranteed 100 “easy” recognitions. Even after more than four years of its independence, Kosovo struggles with recognitions, which for a long time have been stuck at around 90.

Against this background, Kosovo was to be assisted by the ICO and the ISG in seeking representation in international organizations. With the involvement and support of these two bodies, Kosovo has managed to become a member of only two international organizations, that of the IMF and the World Bank. Membership and representation in other important international organizations such as NATO, the EU, the UN, the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe - important in strengthening Kosovo’s international legitimacy - still lags behind. The promise, which dates back for a year now, that Kosovo will be a member of the European Bank for Reconstruction and Development (EBRD) even after the Council of the EU has explicitly recognized<sup>23</sup> such a fact, is a stark example of the inability of the Western partners to effectively deliver upon such promises. Therefore, Prishtina remains without realistic prospects to soon acquire membership in international organizations

The failure to strengthen Kosovo’s international legitimacy through increasing recognitions has also translated to an “in-house” failure to do so. To date, five EU Member States have not recognized Kosovo, a position unlikely to change soon. In light of the inability to help Kosovo in this regard, its international sponsors and supervisors will push Prishtina to enter a political dialogue with Belgrade. They expect that this dialogue, likely to be facilitated by the EU which is divided on Kosovo’s status, will

<sup>23</sup> Council of the EU, Council conclusions on enlargement and stabilization and association process, (Brussels: 2011). <http://tinyurl.com/c2sbfzr>.

result with a “normalization” of the relations between Prishtina and Belgrade. Given the track record of Brussels during the technical dialogue, it is unlikely that the new political dialogue will produce positive results within the expected timeframe – by mid 2013.

In general the technical dialogue was characterized by increased tensions between the two states. While Kosovo was praised for its “constructive approach”, Serbia had a zero-sum approach<sup>24</sup> to the dialogue, using it for its own interests while at the same time working against Kosovo’s international legitimacy. Prishtina’s dive into this dialogue, by and large, has tied Kosovo’s future international legitimacy to Belgrade’s will. For instance, membership in regional organizations was one of the things that was meant to be solved through this dialogue. Eager to gain legitimacy in regional organizations, Prishtina ended up accepting a controversial footnote on its name when being represented in regional organizations and meetings. Republic of Kosovo became to be represented in regional organizations as Kosovo\* (*this designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence*).

Even this status self-contesting designation has not ensured Kosovo’s membership in regional organizations. This agreement was a diplomatic trick used by Brussels to ensure Serbia’s candidate status and help former president Boris Tadic. Belgrade and Prishtina were given different interpretations on the implementation of the asterisk agreement. Belgrade was told that in every regional organization, Kosovo would be represented by both the asterisk and the footnote. Prishtina, on the other hand, was told

<sup>24</sup> Prior to the commencement of the dialogue, Serbia has informed the non-recognizing states that they should not rush in and recognize Kosovo, since allegedly Kosovo’s final status is still to be defined as a result of these negotiations. This is exactly what has happened. Ever since Kosovo entered the dialogue, very little progress has been made in increasing the number of recognitions.

that it would be represented only by the asterisk, while the footnote would be mentioned only in written documents. The regional organizations, on the other hand, received the Brussels “conclusion” without guidance on how to implement it, thus leaving it subject to interpretation to all parties. Nevertheless, Kosovo – with or without the asterisk and the footnote – is still unable to achieve membership in majority of regional organizations.

More importantly, the European Union has not found a way how to include Kosovo in a European accession agenda, due to five non-recognizers. The EU cannot sign contractual agreements with non-states, and needs

consensus of all the member states to proceed with signing contractual agreements. By not being able to convince its own members to recognize Kosovo, the EU cannot fully use its leverage over Prishtina. This way, Kosovo is placed in a position to seek normalization of relations with Serbia, hoping that this “new relationship” would lead to EU non-recognizers changing their position towards the status of Kosovo, which would result in more recognitions globally and eventual membership in the UN and other relevant international organizations. The lessons learned from Serbia’s position on and its ventures against Kosovo during latest technical dialogue, however, do not leave much room for such hopes to materialize.

Published by:



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This project is supported by: Balkan Trust for Democracy (BTD)

**B | T | D** The Balkan Trust for Democracy  
 A PROJECT OF THE GERMAN MARSHALL FUND

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