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Western Balkans: the case of Kosovo**

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The EU enlargement perspective

The enlargement strategy that the European Commission has set out with the “Communication for a credible enlargement perspective for an enhanced EU engagement with the Western Balkans”, published on 6 February 2018, has reaffirmed the importance of the European perspective for the Western Balkans and at the same time it has underlined the need for reforms that the six countries involved in the process -Serbia, Montenegro, the Former Yugoslav Republic of Macedonia, Albania and Kosovo- need to carry out.

According to the Strategy, the Western Balkan countries need to redouble their efforts and address those vital reforms on a wide spectrum of political, economical and social key areas. The window of opportunity opened by the Commission is historic and it arrives 15 years after the first EU-Western Balkans Summit held in Thessaloniki in 2003.

Accession to the European Union for the 6 countries is still on the agenda but the Sofia Summit has showed that also among the founders of the Union there is some reticence concerning the process and its timing. In the wave of the migration surge, the financial crisis and the internal frictions over EU governance and its core future, countries like France, Germany and The

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Netherlands have seemed to call for a more controlled and phased process of accession of the Western Balkans. While the European Commission's road map unequivocally binds the future of the involved countries to Europe and it expects their actions to be bold, decisive, firm and strongly committed to success on the path to membership, Member States in Sofia seemed to be more reluctant to go beyond the strengthening of connectivity.

Concerns are many: crime, corruption, bilateral unresolved disputes do replace the consideration that the Western Balkans are not only a strategic partner to many European countries but also that their membership in the EU is quintessential for security reasons.

Moreover, another factor is that governments that are adverse to the Commission's proposal for enlargement, fear that any opening to the process of inclusion of the 6 countries might produce a negative effect on voters ahead of May 2019 European elections.

Re-energising Europe at 27 is a project that needs strong political will, courage and leadership at national and trans-national level. The dangers of a more regressive, nationalistic, close and illiberal Europe are tangible, today more than ever. Enlargement can have direct effects on security cooperation, on fostering a culture of cross-border cooperation that is extended to the Western Balkans and can thus be a powerful instrument to tackle migration issues. A credible enlargement perspective for the region would inevitably create stability, enhancing the respect of rule of law, human rights, the amelioration of market economy and other membership criteria.

The economic potential of the European Union's relations with the Western Balkans is important: the European companies are the biggest investor with over 10 billion direct investments in the past five years, and 43 billion euros of total trade between the

EU and the WB in 2016. The future potential for the economy development is pivotal.

The indicators set by the European Commission highlight that Kosovo, above all, has still a road to make to meet the requirements of the accession process, where, as President Juncker stated, all is merit-base and the substance of what is accomplished becomes more strategic than speed.

As Christian Danielsson, Director for Neighborhood and Enlargement Negotiations of the European Commission recently stated, the 2025 perspective date is set to remain an indication with the role of a strong encouragement for those Countries who are more advanced in the accession process, the so-called front-runners: Serbia and Montenegro. The strategy, in fact, focuses on the realization of deep and durable reforms in the area of rule of law, independence of the judiciary, in the fight against corruption, organized crime and money laundering, and in the final resolution of bilateral disputes where the Commission wants definite and substantial solutions before the EU members door opens and any accession process is completed.

The case of Kosovo

The Sofia Western Balkans Summit has crystallized the political will to anchor the Balkans to the European Union but countries like France, in particular, have made it clear that the political momentum represents simply an opportunity to deepen mutual commitment in several areas, bringing forward means that will help foster economic cooperation and heighten engagement on security, migration and connectivity. But, at the moment, nothing more.

The Commission, on the other hand, has underlined once more its extensive efforts to promote cooperation at many levels.

"Connectivity" has become the word that the European Institutions have adopted instead of "enlargement": if the positive

idea behind it is that the Western Balkans are already part of Europe and, as such, do not need to be “integrated” and Europe enlarged, on the other hand the choice of the very word “connectivity” might as well represent a more nuanced kind of engagement due to political reasons such as the fact the Countries, even if potential candidates to enter the EU as full members, have still issues to resolve in the areas of rule of law, fight to corruption and organized crime, bilateral disputes and security and that, as in the case of Kosovo, 23 out of 28 (to be 27) European Member states have fully come to recognize its status, with 5 still missing.

Spain, Greece, Slovakia, Romania and Cyprus have in fact not yet recognized Kosovo’s independence, making it challenging for the European Institutions to build a unique solid approach to questions like visa liberalization and in general to adopt a bolder strategy and *modus operandi* liable of affecting and producing strong changes. Cracks and divisions within the European front generate uncertainties and at times timid reactions that work at the detriment of all parties.

The European Commission reports highlight that the six Countries in question are fully equipped to investigate organized crime and to act strongly at political level to implement those measures that are needed to tackle issues as trafficking of human beings, of drugs, of weapons, and criminal infiltration at different levels. But, in the case of Kosovo, if fundamental political response is needed now more than ever to ensure a real and effective adherence between the necessary and just European requirements on good governance and the Country’s hope about its future, then the prerequisites and conditions of qualification need to be provided provided with a clear indication of the road ahead, in order to motivate a coherent and continuous effort at all necessary levels, be them political or administrative.

How much political elites in the Western Balkans are ready to sacrifice, particularly in tackling organized crime and corruption,

if the final goal is not set or, worse, appears blurred? And why the ideal of common good seems at times heavily at stake in the Balkans? The answer to this could be provided by a more direct and effective role of civil society, who, as Srdjan Majstorovic of European Policy Center Belgrade pointed out recently, should be welcomed on board of political process by all Western Balkans political leaders.

The Summit of Sofia has given voice also to the concerns of candidate and not yet candidate countries. And it is quite clear that the very positive role played by the Bulgarian Presidency of the EU will be followed by Austria, Romania, Finland and Croatian Presidencies to come. The Prime Minister of Croatia has already announced that the Presidency will hold a Western Balkans Summit as well in Zagreb.

The engagement of the European Commission is apical, even within the Multiannual Financial Framework, published on 3 May 2018, where the Commission proposed that the budget line for external action (the enlargement process expenditures do fall under this category) be not only maintained but also increased. The specification of the budget lines for accession, in fact, will be defined only when the negotiations with the different countries have come to term. European investments in the region, anyway, continue with high figures, with a 1.07 billion euros foreseen for 2018.

Real efforts are expected by Kosovo’s Institutions, in order to address their many internal structural weaknesses. Showing an unambiguous commitment and engagement to the process with actions and facts would be the best ever answer to join the EU process in an unconditional way.

The European Commission, at the same time, is playing a key role in creating a convergence on the issues and working also with those Members States that are reluctant to recognize

Kosovo status and come to terms with a broader European perspective for the area.

Spain and Kosovo

In this light, linking the issues of Catalonia to Kosovo is a big political mistake that finds little correspondence in reality: Catalonia's population has not undergone a conflict with all the many severe implications of human rights violations, internally displaced persons, international presence (under the coordination of the UN and NATO), humanitarian aid, to name a few.

The political veto that Spain uses against Kosovo seems to find its origin in question of, but it has as a sole consequence a further marginalization of Spain on the European scene, where the Country has already suffered recently from its difficult stand on Gibraltar and Brexit. Blocking the construction of a real prospect for Kosovo would mean detracting attention to building a real pro-European approach to the future for a region that has an enormous impact on Europe, on its security, on its investments and on its core political stability.

The opinion of the International Court of Justice on Kosovo and its exercise of self-determination affirms that any declaration of independence must not contravene a democratic constitution, bill of rights or legitimate constitutional framework. Kosovo's independence, recognised by Italy as well, did not contravene any international law treaty. Kosovo has been under the UN Security Council Resolution 1244-set Administration for almost a decade and afterwards under the so called Legal Framework established on May 15, 2001, by UNMIK to continue with the Provisional Institutions of Self-Government and the elected Assemblies.

The future

Taking the lead now in the Western Balkans would be, as President Juncker mentioned, a unique opportunity for Europe.

The European Union as whole is the only entity that could operate this important shift for Kosovo and consequently for the whole area. Asking this young Country to work on the possibility of joining Europe in a far and distant era, pushing its Institutions to find motivation but building it on a distant hope is not the best offer that our European Founding Fathers would have proved capable of.

President Juncker said that the Western Balkans believe in Europe more than we (already Europeans by passport) do. True, and deeply encouraging. Because in front of Brexit, of mounting populisms and centrifugal pushes, the Western Balkans can revive the spirit of Europe in its foundations.

The issue of the Serb Community

Kosovo is a delicate mechanism whose Institutions need to be accompanied, if the European integration project wants to be successful. The partnership with Brussels must entrust Kosovo with a sense of social responsibility, accountability and involvement with their civil society. The EU should enhance this process, involving citizens to engage and work with local Institutions.

Clarity about the future of the Serb Community also in the North of Kosovo, about their position and political belonging would enhance their development and participation to society and their protection. The latest progress report of the Commission, which was published on 17 April 2018, mentions pressure and intimidations perpetrated on Kosovo Serb politicians who have spoken out against a strong control operated by Belgrade on their political actions.

Coming clear on the protection of Kosovo Serbs would avoid opening the Pandora box of new conflicts and tensions: the situation is, at present, very tense and speaking out against the

partition would mean standing up for the protection of the Serbs of all Kosovo, not only of those living in the North.

The President of the Commission said, while visiting the region, that it is up to Belgrade and Pristina to define the nature of the required legally binding agreement that should regulate full normalization of their relations. But the dialogue seems to be at a difficult turning point and signs of tension between the two Countries are on the rise. Protecting the rights of this fragile community would empower the population and avoid escalation all over the Western Balkans.

Keeping on making the future of Kosovo and Serbia dependent one on the other could represent a mistake, that would heighten pressure and strengthen the difficult situation already present, having as a consequence that those who are less protected fall out. Kosovo needs to be empowered through a mature and realistic action that starts in Pristina and continues in Mitrovica; its Institutions effectively involved and made accountable in a dedicated and continuous exchange with the European Institutions, to grab the area out of criminal organizations and to resolve the dramatically stagnating situation in the North, giving people a real future shaped on European shared values.

The Commission strategy for Western Balkans states that, "Everyday life in the Western Balkans should progressively become closer to life within the European Union". It is clear that a delicate process such as solidifying democracy, implementing social changes, making economy flourish and granting people social rights - conditions that will bring Balkans close to EU standards- cannot happen without real and targeted solutions that start from setting a clear time frame for Kosovo to access the EU and that pass by protecting most fragile groups as North Kosovo Serbs.

Sacrificing the real and effective resolution of key issues and advancement to maintaining an apparent and fragile stability within the region has showed an ineffective strategy. Europe needs rock-solid and strongly developed Western Balkans. Lasting stability in the Western Balkans is paramount for all EU Members States and can be facilitated by reforms and good relations among the countries. Tangible results in reforms and in particular of the judicial, strengthening of the economies, progress on reconciliation, cooperation on migration and security can build a clear perspective and should be accompanied by the clear will of Members States of anchoring the Western Balkans to the European Union.

Connectivity is essential for the security and the prosperity of the European Union along with that of the Western Balkans. The European Commission will support projects up to 1 billion EUR in key sectors in energy and transport between 2015 and 2020, an ambitious horizon that need to be accompanied with a deep implementation of regulatory reforms. Tackling crimes, drug traffic, strengthening cooperation on border and coast guard and enhancing liaison offices dealing with security can help foster better policies on all security issues and also migration, and secure the lives of those that arrive in Europe. Law enforcement alone is not enough without preventive action and the creation of socio-economic conditions to help societies in the Western Balkans develop.

The call is for a real implementation of the Europe-Western Balkans connectivity agenda, which is not only about physical infrastructure but supporting political action that can led the Council to face a discussion on the enlargement question in June 2018 with a positive attitude towards mutual success, even taken into consideration the difficult positions held by many Countries of the Visegrad Group.

CENTRO STUDI SUL FEDERALISMO

The **Centro Studi sul Federalismo (CSF)** was founded on November 2000, it is actually a foundation under the auspices of the Compagnia di San Paolo (one of the largest foundations in Europe) and the Universities of Turin, Pavia and Milan.

Its activities are focused on interdisciplinary research, documentation and information on the domestic and supranational federalism, the development of European integration, the governance of globalisation.

The CSF publishes **Comments, Policy Paper, Research Paper**, the books series “**Federalism**” and the journals **The Federalist Debate** and **Perspectives on Federalism**. For more information, see the website: www.csfederalismo.it

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