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Enlargement Policy Consensus Among EU Member States: the Question of Kosovo's Independence and its Effects on Serbia's Accession

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Abstract

In a continuously evolving world system, it is more crucial than ever for the European Union (EU) to work as a cohesive and unified bloc. Yet this is hindered by the EU's inability to fully integrate member states and its futile enlargement objectives. The EU's ambitions in the Western Balkans include a full implementation of European values within the region by making membership an incentive. This tactic is two-fold; it increases the EU's influence in the Western Balkans by negating Russia's power, and it unifies a larger portion of the continent. However, the current enlargement policy is not sufficient enough to withstand Kosovo's disputed independence. This debate creates a dichotomy between member states that support Kosovo's independence and those that do not. Thus, this paper aims to answer the question of how much is Serbia willing to compromise in order to become an EU member state, and how much is the EU willing to compromise to strengthen its influence in the Western Balkans. To do so, a case study comparing Serbia and Croatia's accession processes will be presented. This paper will analyze the effect Kosovo's status will have on the accession process in terms of member state consensus. Finally, this paper will advance recommendations for ways in which the EU can adjust the accession for the special case of Serbia in order to maintain influence in the Western Balkans.

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Introduction

Kosovo is a small nation whose statehood is disputed globally. As it stands, Kosovo faces a dichotomy in relation to its autonomy; it is considered both an independent enclave of Serbia and a sovereign and independent state. Serbia vehemently denies Kosovo's independence, which is also disputed amongst the European Union (EU) member states. Despite the lack of an explicit clause, Kosovo's recognition is an implied condition of Serbia's membership. Serbia's chances of EU accession remain unlikely as long as the Kosovo question remains unsettled. Thus, this paper aims to answer the question of how much is Serbia willing to compromise in order to become an EU member state, and how much is the EU willing to compromise to strengthen its influence in the Western Balkans. Additionally, the study will explore the constraints that member state consensus places on enlargement in the Western Balkans, and how this affects the regions' relations with Russia. The objective of this paper overall is to use Serbia-Kosovo relations as a focal point that will examine policy consensus amongst EU member states in terms of EU enlargement policy. Furthermore, a case study comparing Serbia's candidacy status and Croatia's accession process will be subsequently presented in order to highlight the EU's willingness to adapt for Western Balkan enlargement. The objective is to reveal the tactics that need to be adjusted in order for the EU to proceed with Serbia's accession and the special case of Kosovo. This study argues that a special clause needs to be included in Serbia's accession negotiations regarding Kosovo, and conclusory observations will present what the aforementioned clause should entail.

Literature Review

Enlargement Policy in the Western Balkans

In 2018 the EU unveiled a new enlargement strategy meant to facilitate Western Balkan alignment with EU values and standards. Bonomi (2019) argues that European integration from this point onward will need to adapt, and new combinations of bargaining will arise. In order for enlargement to be successful in the Western Balkans, the EU needs to adjust its integration

process and negotiations considering each state in the Western Balkans has a history of conflict with other actors in the region. This paper underscores this assertion by arguing that Serbia's accession process needs to be approached differently than enlargement in the past due to the dispute over Kosovo's independence. It is a new beast per se, in the sense that no state has entered the EU while also having a recently seceded territory with its own accession aspirations. Economides and Ker-Lindsay (2015) present an argument along these lines, stating that Serbia's accession process treats Europeanization as a policy rather than the ultimate goal. This study will expand on this argument by providing evidence of Serbia's unique accession process and comparing it to that of Croatia's. Kosovo shows it is willing to dedicate itself to the European identity. However, Serbia's public attitude towards the EU is waning, which forces the EU to adapt if it wants to be successful in enlargement as well as support Kosovo's independence. The EU's ability to adapt its foreign policy and enlargement strategies can be described as principled pragmatism. According to Juncos (2017), this consists of a balancing act from the EU side between European values and compromises that arise from Western Balkan integration. The concept of principled pragmatism is relevant to Serbia – and eventually Kosovo's – accession. The EU needs to take into account the reality of relations between Serbia and Kosovo, seeing as it is not a typical issue that can be fixed with traditional diplomacy. Ensuring the Western Balkans adheres to EU values for the long-term will require the right configuration of power and interests, as Juncos states. This paper will use the three aforementioned arguments to highlight the fact that the case of Serbia's accession is unlike anything the EU has dealt with before, and thus new methods and strategies are necessary to move forward. Through a comparison with Croatia's accession, this study will highlight the areas in which reconfiguration is needed.

European Union Theories of Bargaining Power

Only 23 member states formally recognize Kosovo as an independent state and despite this majority, the five that do not acknowledge its independence hold more bargaining power over the majority. This puzzle will be addressed in the following sections in order to explore the individual power that certain member states have over this matter and ultimately the enlargement process as a whole. Such bargaining power, according to Konig and Slapin (2006), makes itself increasingly present when there is a dispute at hand. This study utilizes this argument and ascertains that the minority of member states have more power over the Kosovo dispute than the

EU would like to admit, which drastically changes the way enlargement and Serbia's accession need to be approached. Furthermore, certain member states that align with Serbia have distinct qualities that give them more bargaining power; their proximity to Russia and relatively new status as a member state. This study argues that power in this regard is indicative of member states' chances of being a pivotal player in negotiations. This claim is based on Bailer (2010), who claims that current distributions of power favor big and nearly-big member states, such as Spain, but also give smaller EU member states more voting power and influence than economic size would indicate.

Competition for Western Balkan Influence: Russia versus the European Union

Enlargement in the Western Balkans is a geopolitical strategy that strengthens the EU bloc and creates a regional blockade to Russian power. Russia's overarching goal in the Western Balkans is to repudiate Europeanization and integration and assert influence in order to create regional competition. This assertive policy has not reversed the region's European integration (Secrieru 2019), but it has created insecurity about the benefits of EU membership. This paper expands Secrieru's argument that the EU needs to pursue more vigorous pushback policies against Russia in the region. Furthermore, this study suggests the way to do this is through stronger efforts to sustain and encourage integration and enlargement. Thus, Serbia becomes a strategic tool to thwart Russian influence and must be integrated sooner rather than later, making the Kosovo dispute a time-sensitive issue. Van Ham (2014) states that the EU's leverage over the Western Balkans is dwindling and becoming more obsolete. This study uses this author's claims as a reason to reform the current enlargement policy. This is due to the fact that as the EU's attractiveness wanes, opportunities arise for outside actors to engage with the region. If the EU continues to struggle with its enlargement consensus, the Western Balkans, and more specifically Serbia, may become restless. Belgrade is happy to be "Russia's privileged partner," as Secrieru states, and as long as they receive support from both Russia and the EU there is no incentive to change their foreign policy. As stated above, the rise of Eurosceptic parties and leaders makes Serbia's accession a time-sensitive issue.

Kosovo's Fight for Legitimacy: An Overview

Conflict Build-up

Kosovo is stuck in what can be considered unfinished statehood; meaning it has qualities of both a sovereign state and a stateless nation. Within the region, the ethnic make-up is an Albanian majority and a Serbian minority. Kosovo became part of Serbia early in the 20th century and was officially recognized as a province of Serbia following the second world war. The Serbian minority and Serbian government viewed this incorporation as the rightful return of territory. In contrast, the Albanian majority was outraged and viewed this move as an annexation that effectively marginalized the majority (Congressional Research Service 2020). When Yugoslavia dissolved in 1991 Kosovo lost its status as a federal entity, and its autonomy was abolished by Serbia. Throughout the 1990s, Serbian authorities excessively discriminated against Kosovo's Albanians (Kosovars). The marginalized group was excluded from administrative, health and education systems (Rohan 2018). Riots held by Kosovars ensued as thousands were put out of work and restrictions were placed on their gatherings and cultural organizations. Mass amounts of oppression and marginalization led by Slobodan Milosevic – former president of Serbia charged with multiple counts of war crimes – leads to the secret vote and creation of the Republic of Kosovo in 1991, which earned little international recognition (PBS 2017). Over the next five years, little changed, and Kosovo's struggles were overshadowed by the war in Bosnia. Kosovar President Ibrahim Rugova – elected during the secret vote – pursued a pacifist strategy of peaceful resistance during that time, but there was a distinct lack of progress. Starting in 1996 the Kosovo Liberation Army (KLA) commences sporadic attacks against Serbian officials in Kosovo, leading to intensified repression, massive military operations, and atrocious acts from the Serbian government.

Outside Intervention

After failed negotiation discussions between the involved parties, NATO decided to intervene on Kosovo's behalf in March 1999 (Rohan 2018). However, this resulted in Serbian retaliation and subsequently led to 800,000 displaced Kosovars. NATO airstrikes thus continued for approximately three months until President Milosevic finally agreed to withdraw all security

forces from Kosovo. On June 10, 1999, the UN Security Council passed resolution 1244 which established a UN-led interim administration. Furthermore, this resolution asserted that Kosovo still belonged “de jure” to Serbia but was a UN protectorate. In 2006 the political process began to establish an independent democracy and decide Kosovo’s future role on the world stage. Seventeen rounds of negotiations were held in Vienna between Serbian and Kosovar delegations as well as a Contact Group that consisted of Germany, France, Italy, Russia, the United Kingdom, and the United States. Along with the UN, the Contact Group stipulated principles of a peace settlement which stated Kosovo’s future status must ensure multiethnicity cooperation and insurance that government participation would be allowed for all communities. The Republic of Kosovo formally declared its independence from Serbia in 2008. Kosovo’s recognition around the world has increased since 1999. As it stands, 111 member states of the UN formally recognize Kosovo as a sovereign state.

Serbia’s Prospective Accession into the European Union

Normalization

Relations between Serbia and Kosovo following the 2008 declaration of independence were hostile. Although tensions did not amount to violence, all ambassadors from countries that formally recognized Kosovo’s sovereignty were expelled from Serbia. Since 2008, countless steps were taken to normalize relations between the two, which have been led by the European Union (EU). By mitigating the normalization process, the EU ultimately hopes that Serbia will formally recognize Kosovo as an independent state. Decreasing tensions in the Western Balkans will allow both Serbia and Kosovo to move forward and make substantial progress towards EU accession, increasing their influence in the region. In 2013 a 15-point bilateral agreement between the two entities was signed. The “First Agreement of Principles Governing the Normalization of Relations” is a historic achievement between Serbia and Kosovo. However, Serbia’s motives can hardly be categorized under Europeanization. While the EU dangles many carrots for Serbian accession, the country pursues foreign relationships – in particular with Russia – that allow them to reap the benefits. Serbia’s foreign policy is that of non-alignment, meaning it pursues relations with multiple different actors each with their own advantages (DG for External Policies 2017). Based on its foreign policy objectives, this study argues that Serbia

will pursue any avenue that provides political and economic opportunism. With that being said, Serbia will only commit to full normalization – meaning acknowledging Kosovo’s independence – if there are material benefits from the declaration, which diminishes the power of membership’s incentive. Another obstacle to normalization is the fact that Serbia views the process as a threat to its sovereignty since the process implies Kosovo’s eventual recognition (Wochnik 2012). The normalization process has the potential to drive Serbia even farther from Europeanization and even decrease their desire to become an EU member state, hindering the EU’s plans for Western Balkan integration.

How Kosovo Plays a Role

Serbia’s refusal to accept Kosovo as an independent nation is detrimental to its EU accession. As its candidacy aspirations continue, Serbia fails to completely Europeanize its foreign policy in regard to Kosovo (Wochnik 2012). In other words, the incentive of EU membership fails to encourage Serbia to normalize its relations with Kosovo in a way that is completely in line with EU standards. However, there is currently no official conditionality clause that exists in which Serbia must recognize Kosovo if it wants to join the EU. Despite the lack of a formal clause, or perhaps due to the lack of a clause, relations are at a standstill. As it stands Serbia is not required to recognize Kosovo’s independence as a condition of EU membership. A requirement for Western Balkans states to join the EU is “good neighborly relations and regional cooperation” (Wochnik 2012). There is an underlying implication that the Serbia-Kosovo deadlock must be resolved in order for accession to be complete. In the long-term, the EU envisions a completely integrated Western Balkans that includes Kosovo. This vision will not be possible if member states block Serbia’s EU accession.

Further complications arise when one takes into account the lack of consensus amongst current member states about Kosovo’s independence. The EU’s influence and role in the area is undermined by its inability to normalize relations between Serbia and Kosovo, a problem that has decreased the institution’s own credibility (Chun 2011). The lack of unity and policy consensus in regard to Kosovo’s independence hinders the accession of both Serbia and Kosovo and risks deeper cleavages within the EU over enlargement policies. Due to a lack of consensus on Kosovo’s statehood, the EU has no official policy on its recognition. Batt (2005) asserts that the EU’s commitment to Western Balkan integration is contingent on the transformation of the

region into that of a peaceful and prosperous area. The idea is that Serbia will redefine its national and foreign policy interests based on incentives that the EU offers. However, it is difficult to present the ultimatum of “Kosovo or Europe” when not all EU member states recognize Kosovo as an independent state. For an organization based on unity, this lack of policy consensus creates a stalemate amongst decision-makers. Five member states do not recognize Kosovo as an independent nation; Spain, Slovakia, Cyprus, Romania, and Greece. These member states fear that Kosovo’s secession will ignite movements within their own borders (Vicere 2019). In order to uphold the stance of the other 22 member states that do in fact recognize Kosovo, the EU has adopted a status-neutral position, allowing it to mediate relations between Kosovo and Serbia without bias. However, this lack of policy consensus within the EU limits its enlargement capabilities and diminishes its goals of territorial peace and democracy within the Western Balkans.

Geopolitical Constraints and European Union Conditionality

The Western Balkans have a tradition of instability and conflict in the post-Yugoslavia world. EU conditionality and international pressure have been the most effective tools in eliciting cooperation and stability in the region. The EU uses soft-power by incentivizing membership to ensure Western Balkan states comply with the Hague-based International Criminal Tribunal for the former Yugoslavia (ICTY) (Hartmann 2009). In the case of Croatia, strict EU conditionality and ICTY cooperation strengthened pro-EU forces in the country and led the emergence of a consensus on EU accession. Serbia, on the other hand, is resistant to Europeanization. Yet the EU makes compromises in terms of conditionality, which now is applied selectively due to the differences between each Western Balkan candidate. In other words, the EU is more lenient towards Serbia because it is a “special case,” already adjusting the process from that of Croatia. Since the breakup of Yugoslavia, Serbia has been resistant to the spirit of ultimate reform. The EU has proven it is willing to selectively apply the conditionality clause in order to maintain the carrot of membership. This strategy will not be effective in truly accomplishing democratization and Europeanization in the long-run, which are two values that the EU cannot compromise for the sake of the bloc.

Serbia-Russia Relations

Serbia continues to remain a candidacy country, which opens the door for its traditional Slavic ally Russia. Despite the EU's attractiveness in regard to trade, investment, aid and stability, Russia has offered political support for Serbia in its stance against Kosovo's recognition. Russia does not recognize Kosovo as a sovereign state, a move which Serbia has reciprocated by refusing to impose sanctions against Russia as a reaction to Crimea (DG for External Policies 2017). Its policy of amity and cooperation with Serbia underscore Russia's desire to be influential in the Western Balkans, undermining EU enlargement and integration policies. Russia and Serbia's historical Slovak relationship, exacerbated by the Kosovo dispute, can be detrimental in the long-term and has the potential to cripple Serbia's chances of EU accession (Radeljic 2016). In the same token, it can also push Serbia towards closer EU relations if Serbia chooses to align its values and foreign policy with those of the West. EU accession negotiations and enlargement objectives have not derailed Russia from its relations with Serbia, and its influence in the candidate state remains strong after its recent backsliding.

Examining Member States' Positions: Classifications

Member State Positions

	Member States
Non-recognizers and Non-engagers	Cyprus, Spain
Non-recognizers and engagers	Greece, Romania, Slovakia
Recognizers	Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovenia, and Sweden

Non-recognizers and Non-engagers

Spain's Position. Spain is the most influential EU member state that refuses to recognize Kosovo as a sovereign independent state. Its decision to not recognize Kosovo's independence is political and cultural in nature. By supporting its sovereignty, Spain would be accused of promoting secessionist movements and the aspirations of independentist politicians (McShane 2011). Spain has outwardly declared that it considers the right of self-determination and secessionist movements as illegal and has accused Kosovo of violating international law, and has been extremely sympathetic towards Serbia. Spain's refusal to recognize Kosovo stems from its own vehement denial of Catalonia's secession as legal and legitimate. Despite the fact that all the major EU countries have recognized Kosovo, Spain has managed to diminish the possibility of an EU consensus on its foreign policy position by equating Catalonia and Kosovo. Given the recent 2017 declaration that Catalonia's independence referendum was unlawful, Spain's position against Kosovo has only hardened. Forecasts do not predict that Spain will change its position on the matter in the near future which does not bode well for Kosovo's accession prospects and the EU's vision of enlargement in the Western Balkans. Spain has even gone as far as to say that despite the EU's well-wishes for the region, enlargement is not to be used as a conflict-prevention instrument (Rettman 2018).

Spain clearly does not support the enlargement strategy that the EU is currently pursuing, making a distinction between the enlargement process and political ambitions in the Western Balkans. Out of the five member states that do not recognize Kosovo, Spain is the most outspoken and has the toughest stance that some may argue is even more hard-lined than that of Russia and Serbia. Spain refuses any official meetings with Kosovar authorities and continuously reject Kosovo visas and passports. On top of that, Spain repeatedly votes against Kosovo's accession into other international organizations such as UNESCO and FIFA (Demjaha 2019). The only conceivable way that Spain can reverse its position is if Serbia formally recognizes Kosovo and redraws its borders. If an official normalization agreement were signed, or a special clause were written into Serbia's accession agreement, Spain would have no choice in the matter but to recognize Kosovo. Until this is achieved, the EU must adapt to this position and find new means to achieve consensus on Serbian accession, while still ensuring Kosovo's accession and recognition remain on the table.

Cyprus' Position. From the onset Cyprus has positioned itself against Kosovo's statehood, citing international law and respect of human rights as its premier reasoning. Due to

the consequences of the Turkish invasion and occupation, Cyprus is steadfast in its refusal to recognize Kosovo and instead stipulates that its sovereignty must be determined by negotiations between Kosovo and Serbia (Ioannides 2017). For reasons mentioned above, Kosovar visas and travel documents are not recognized in Cyprus, and it voted against Pristina's application for UNESCO membership. Its position is supported by its declaration that Kosovo's independence is not in line with international law and that the right of self-determination does not give a nation legal competence to secede. Like Spain, Cyprus' motivations and its position are hard-lined and based on core values and concerns. Serbia maintains close ties with Cyprus and is the only Western Balkan state with successful trade and tourism relations. Due to its value-based foreign policy and close ties with Serbia, Cyprus does not pursue an engagement policy with Kosovo. This is not likely to change unless the UN Security Council approves a settlement between Serbia and Kosovo. Cyprus will not take a harder stance than Serbia and will follow suit if it formally recognizes Kosovo and comes to a normalization agreement.

Non-Recognizers and Engagers

Greece's Position. Unlike Spain, Greece is not as vocal nor assertive on its non-recognition position, and actually pursues a strong policy of engagement with Pristina. Out of the five member states that do not recognize Kosovo, Greece has the most substantial political and economic interests in the Western Balkans. Greece defended its non-recognition position, explaining that it is based on respect for international law, the territorial integrity of states, and regional stability in the Western Balkans (Armakolas 2017). Its position is somewhat motivated by concerns that Kosovo will set a precedent for Cyprus, albeit not as strong as Spain's disdain of Catalonia's secession. While other non-recognizers do not have liaison offices in Pristina, Greece maintains an embassy in Kosovo's capital (Armakolas 2017). There have been numerous formal as well as informal meetings between the two since 2008, and more importantly Greece recognizes Kosovar travel document which both Spain and Cyprus fail to do. Greek officials have not ruled out a decision to recognize Kosovo by stating that Greece will support any Kosovo status that results from legal, mutual, and negotiated agreements and normalization between Kosovo and Serbia. Greece's aspirations are in line with EU enlargement policy and it formally aims to promote the integration of the Western Balkans into the EU. Greece is committed to promoting bilateral trade and investment with Kosovo, and trade relations, as well

as economic connections, are strengthening between the two. This implies that at some point Greece will truly consider recognizing Kosovo as a sovereign state, or that Greece expects there to be a special clause written into Serbia's accession negotiation.

Romania's Position. Romania's position within the EU is not as influential as the likes of Spain and Greece, yet the member states prove that relations with Kosovo and the position's on engagement can evolve over time. Its reasons for non-recognition are embedded in international law and the fact that Kosovo may set a risky precedent for other separatist movements, such as pro-Russian separatists in Romania (Ivan 2017). In 2011 the Romanian president declined to participate in a meeting of heads of state in Warsaw with former US President Obama because Kosovo would be present at the meetings. Since then, Romania has loosened its non-recognition position and organized several multilateral meetings with Kosovo. Romania is now a key contributor to Kosovo's development and integration with other EU member states. Its close ties with Serbia suggest that Romania's position will only be officially altered when Kosovo is formally recognized by Serbia and will adapt its position accordingly.

Slovakia's Position. Despite its refusal to recognize Kosovo, Slovakia makes it abundantly clear that is willing to engage with the disputed state. Much like Romania and Greece, Slovakia insisted that Kosovo's independence was to be a matter decided mutually with Serbia. However, from 2008 forward Slovakia has maintained a liaison office within Kosovo, holds consistent meetings with officials in Kosovo, and recognizes Kosovar travel documents and visas. Slovakia is so deeply engaged in Kosovo relations that it appeared as if it were ready to change its position and formally recognize Kosovo (Nič 2017), with speculations this move would be in conjuncture with Greece and Romania. Although no move was actually carried out, the engagement between Slovakia and Kosovo remains strong.

Reason for Refusing to Recognize Kosovo's Statehood

	Spain	Cyprus	Greece	Romania	Slovakia
Violation of International Law	✓	✓	✓	✓	
Ties with Serbia					✓
Concern of Internal Secession Movement	✓	✓	✓	✓	✓

Recognizers and Engagers

Germany's Position. Germany, along with France, is one of the most influential EU member states. Its own foreign policy is linked with that of the EU, meaning its policies are deeply embedded in integration, cooperation, and European values. Germany's regional role in the Western Balkans continues to grow, especially considering as of January 2020, Kosovo lost its other biggest supporter in the EU due to Brexit. Its dedication to the integration of Europe and enlargement of the EU encourages Germany to actively pursue Kosovo's statehood and independence. Germany even goes one step further than the other 21 member states that recognize Kosovo by actively pressuring Serbia to normalize its relations, gaining more bilateral recognition, and advocating for Kosovo's membership in additional international organizations. Germany has been instrumental in garnering high recognition numbers amongst EU member states, acting as the most outspoken advocate of Kosovo's sovereign statehood (Himmrich 2017). Germany makes it clear that Serbia must commit to normalized relations with Serbia in order to move ahead in the accession process. Furthermore, Germany will not support Serbia's membership ambitions if the Kosovo question is not addressed properly prior to accession. Therefore, it can be concluded that Germany will support a special conditionality clause written

into Serbia’s accession negotiations. Its visions of integration and its commitment to EU enlargement are not be mistaken for desperation. Germany will not cut corners in order to satisfy its foreign policy and EU goals. Germany will not consider Serbia’s accession if Kosovo is not addressed, and its ambitions for regional stability in the Western Balkans include Kosovo’s own accession into the EU.

The European Union’s Enlargement Process: Croatia versus Serbia

	Population Size	Ethnic Populations	Current Conflicts	Date of SAA	Date of Official Candidacy	Date of Accession Negotiations	Date of Official (or Perceived) Membership
Croatia	4.3 million	90.4 % Croat and 4.4 % Serbs	None	2001	2004	2005-2011	2013
Serbia	8.7 million	83 % Serbs, 3.5 % Hungarian, and 0.8% Croats	Kosovo’s statehood	2013	2012	2014-present	2025

Post-war Identity

Croatia was the first in a series of similar states in the EU’s enlargement plan for the Western Balkans. The region was plagued with internal and external ethnic conflicts and border disputes during the 1990s. Its accession to the EU was the most complex process of integration up until now when more Western Balkan states are moving closer to accession. The proceeding section will highlight the reasons why Croatia is the first successful case of Western Balkan enlargement and how that differs from Serbia’s accession by examining multiple factors of the process and of the individual cases. It is important to note that Croatia distinguishes itself from its neighbors by arguing that regional candidates are far behind in terms of post-war reconstruction and democratization (Jovic 2011). Croatia asserts that its Western Balkan neighbors still have unresolved internal issues and open disputes with neighbors, as is the case with Serbia and Kosovo. The newest member state made a point to differentiate itself from

Western Balkan neighbors and argued that this grouping would only hinder its own chances of accession. In almost all cases of war, there is a perceived winner and a clear loser, as well as the typical “good guy” versus the “bad guy.” Following the conflict in the 1990s, Croatia was viewed not only as the winner but also as the victim of war and foreign aggression. The ethnic Serbs living in Croatia were labeled as foreign invaders despite the fact that they did not come from anywhere else and had roots in Croatia. This image was reflected not only within Croatia but also projected itself among the EU. With that being said, Croatia was not exempt from post-war obligations that would ensure its accession, but nonetheless it was granted EU membership well before any of its Western Balkan neighbors may achieve the same feat.

Serbia has faced countless setbacks in terms of democratization and Europeanization since the 1990s. Its continued dispute with Kosovo paints the image of an unstable political environment, which makes them both a less than ideal candidate. Furthermore, while the EU continues to approach Western Balkan enlargement in the same manner, Serbia’s western values and support for EU membership are waning. Given that the majority of EU member states recognize Kosovo as legitimate, Serbia is seen as denying a country its sovereignty and independence. This does not sit well with Kosovo-recognizers. Who view this as oppressive and harmful to the region’s stability. Therefore, Kosovo is seen as the loser and the victim in this situation, meaning Serbia’s accession cannot be approached the same way as Croatia’s simply in terms of post-war identities.

Stabilization and Association Process

The Stabilization and Association Process (SAP) is the EU’s soft power policy towards the Western Balkans. It was developed with intentions of offering bigger incentives but also had more demanding conditions and an emphasis on regional cooperation (Fisher 2005). The SAP is guided by the principle of conditionality based on the candidate country’s compliance with the Copenhagen Criteria, allowing the EU to control the pace of the enlargement process in the Western Balkans. In 2001, Croatia signed the Stabilization and Association Agreement (SAA) and formally started accession negotiations by creating a contractual relationship with the EU (Horopakha 2018). This agreement stipulated the gradual implementation of a free trade area and a dedication to reforms towards EU values and standards that would eventually steer Croatia to EU membership. The SAP was the basis of political dialogue for regional cooperation due to the

fact that it encouraged Croatia to promote European integration to its regional neighbors. It also contributed to the deepening of trade and economic relations by providing mechanisms for management and monitoring all areas or relations (Horopakha 2018).

Regional cooperation is a key element to the EU's Western Balkan enlargement plan. With that being said, the SAP is a bilateral and regional tool that encourages cooperation with both regional neighbors and the EU. Initial negotiations on an SAA with Serbia began in 2005 but were postponed in 2006 because of Serbia's failure to cooperate fully with the ICTY and other political obstacles (Minic 2007). However, an official SAA went into force in 2013 following an official declaration of candidacy in 2012. Serbia's failure to adhere to political policies and democratization proved to be a factor in its decelerating accession when negotiations were halted in 2006. This exposes a pattern of backsliding and inconsistency when compared to the process of Croatia. Despite their regional similarity, the two are incomparable when it comes to post-war stabilization and willingness to fully cooperate with the EU. Within Croatia there was a complete desire and consensus among politicians that EU membership was the ultimate goal, and there was not a single anti-EU party in the parliament (Sabic 2019). This also leads to the conclusion that Croatia prioritized EU accession more than Serbia does, which means incentivizing membership is not the most effective soft power tool in dealing with the Kosovo dispute. SAP and SAAs are the most unique and adaptable tool that the EU uses in its Western Balkan enlargement plan because it is specific to each candidate, meaning it is flexible and specialized by nature.

Adhering to the Acquis Communautaire

Western Balkan enlargement is unique from previous EU expansions, and the process was adjusted with Croatia's accession. When negotiations were started, key problems of the region were identified and the *acquis communautaire* was refined accordingly. From Croatia's accession onward, the *acquis* will now include justice and fundamental rights taking into account the protection of ethnic minorities and war crime issues of the 1990s (Sabic 2019). Croatia had been exposed to the most advanced set of *acquis* criteria up until that point by raising the number of chapters from 31 to 35, underscoring the EU's ability to change the accession process where it sees fit. Furthermore, the SAP took over as the most important carrot tool for the EU because it imposed specific guidelines for each country. Thus, the EU is willing to adapt its process for

each state in the Western Balkans, but Serbia's accession is even more unique and will require more substantial adjustments.

Conclusions

Consensus and its Effect on Western Balkan Enlargement

Despite the fact that all member states support Serbia's accession into the EU, the process is slowing substantially due to a lack of consensus over Kosovo's recognition. This is the first time in the history of EU enlargement policy that a candidate's accession is blocked by a non-EU actor. Not all member states share the same interests when it comes to enlargement, which is apparent in the dispute over Kosovo's legitimacy. The five member states that do not recognize Kosovo's statehood manage to slow down Serbia's accession process unintentionally as a result of the opposition. Member states that do recognize Kosovo are not as vocal as the non-recognizers, aside from Germany. Yet even Germany's influence is not powerful or effective enough to persuade non-recognizers to change their position, which is deeply embedded in fears of secessionist disputes within their own states. Although Greece, Romania, and Slovakia are willing to engage with Kosovo, their own relations with Serbia imply that positions will only change if Serbia itself recognizes Kosovo as a sovereign state. Lack of consensus over the Kosovo dispute is detrimental to Serbia's EU aspirations. Furthermore, it destroys the EU's Western Balkan enlargement plan until the dispute is settled in some manner. As the EU struggles to find a principled pragmatism approach to Serbia's accession, Russia is redefining its relationship and its expanding influence in the Western Balkans. Its definitive stance on Kosovo it is a political move that unites Serbia with its historical Slavic ally, and creates a more positive view of Russia over the EU. As accession negotiations decelerate, Russian influence increases and threatens to diminish the relevance of EU membership, which will effectively disincentivize accession. This point of contention is not the main focus of this study, but nonetheless it is an important revelation that EU decision-makers must be aware of. Serbia's accession is a time-sensitive issue and must be completed sooner rather than later. Given that non-recognizers' positions are unlikely to change in the near future the EU must pursue new avenues to address the Kosovo dispute and complete Serbia's accession.

Adapting to Serbia's Unique Position

Based on the evidence presented in this study it can be concluded that conditionality and SAAs are the most effective soft power tools in enlargement. The SAA with Croatia was successful in incentivizing EU membership while effectively Europeanizing the Western Balkan state. Thus, Croatia is a prime example of what an SAA is capable of when catered to the specific state rather than the Copenhagen Criteria which is generic and used for every candidate. Therefore, this study puts forth the recommendation that a special conditionality clause regarding Kosovo must be written into the Serbia SAA or final accession document. Noting that five EU member states are likely to remain non-recognizers unless Serbia miraculously changes, it is illogical to imply that Serbia must recognize Kosovo if it wants to become a member state. Furthermore, Russia relations are diminishing the influence that the EU has in Serbia, making the EU's carrot less effective than initially thought. In order to complete Serbia's accession process, the EU must stipulate that Serbia cannot veto Kosovo's membership if the day arises, despite its position on Kosovo's statehood. This would secure Serbia's membership while simultaneously leaving the door open for the EU's full Western Balkans enlargement plan. This alternative will also quell the current consensus dispute over Serbia's accession between the recognizers and non-recognizers. It is advantageous for the EU to pursue this alternative in order to accelerate Serbia's accession due to Russia's rising influence, as well as set up a mechanism to settle the Kosovo dispute in other ways than the failed normalization negotiations. It is imperative that the EU is successful in its enlargement, democratization, and Europeanization of the Western Balkans to maintain its partnership and promote stability within the region. Ultimately this study does not adequately address the future of Kosovo's accession, and therefore there is room for further research on this matter that would help to better explain the complications of enlargement in the Western Balkans.

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