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# International Law and Geopolitical Challenges to Kosovo's Energy Stability

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## International Law and Geopolitical Challenges to Kosovo's Energy Stability

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### Abstract

The Balkan region, particularly the ongoing disputes between Kosovo and Serbia, poses intricate legal and geopolitical challenges affecting regional stability and international relations. This Article examines the legal aspects of these disputes, focusing on statehood, recognition, human rights, and the necessity of a special tribunal within the setting of the region's complex history. Although 22 of 27 EU member states recognize its sovereignty, key actors, including Serbia and five EU states, do not, hindering Kosovo's EU membership prospects. UNSC Resolution 1244 complicates Kosovo's path to statehood, making dialogue between Belgrade and Pristina essential for progress. Geopolitical tensions are heightened by Serbia's alliances with Russia and China. Meanwhile, Kosovo's outreach to Taiwan raises legal questions tied to the One-China policy. The proposed European Energy Resilience Fund (EERF) could help counter energy supply disruptions caused by sanctions. Furthermore, the EU's enlargement policy, along with EULEX's role, complicates Kosovo's path to lasting peace. This paper will analyze the Kosovo's legitimacy and support its EU integration and regional security goals.

**Keywords:** *Kosovo-Serbia Conflict, Geopolitics, International Law, Energy Security, EU Integration.*

## **1. Introduction**

### *1.1. Overview of the Balkan region*

The dissolution of Yugoslavia was driven by two opposing tendencies: Serbia's efforts to maintain political and economic hegemony over the federation, and the demands of other republics for democracy and self-determination. Serbia's centralizing policies and dominance in federal institutions alienated other republics, while movements for autonomy in Slovenia, Croatia, and Bosnia gained momentum, fueled by the desire to escape Serbia's influence. This period also introduced opportunities for the Balkans to shift from their historically conflict-prone status and address injustices from the post-World War II Yalta agreements. Following the Kosovo crisis, economic improvements emerged alongside the Pact of Stability for Southeast Europe. While Serbia imposed a hegemony asserting a united nation of Serbs, Croats, and Slovenes, ethnic tensions deepened under Tito's regime. Bulgaria, unlike its neighbors, returned to inter-ethnic tolerance by establishing stability in post-1989. Lessons from the Yugoslav conflicts have fostered new interethnic cooperation by mitigating fears of further Balkan wars (Pantev, 2002).

The notion that Balkan wars arise from ancient ethnic hostilities is misleading, as the conflicts in Croatia, Bosnia, and Kosovo were driven by political motives. The divide between Serbs and Albanians in Kosovo may seem ethnic at first glance, but a closer examination reveals a more intricate story. While Serbs are primarily Orthodox Christians and Albanians are mostly Muslims, religion has not been a key factor in Albanian political movements. Instead, religion has often been used as a political tool, especially by Serbian nationalists who employ religious language to justify what they consider sacred Serbian interests. Historically, relations between these groups were not entirely marked by hostility, with moments of cultural and religious coexistence shaping their shared history (Malcolm, 1998).

### *1.2. Significance of Kosovo-Serbia conflicts*

Tensions intensified in the late 20th century when Slobodan Milošević's policies suppressed Kosovo Albanians which has sparked resistance from

the Kosovo Liberation Army (KLA). The conflict escalated into ethnic cleansing leading to NATO's 1999 intervention (Badger, 2009).

The Kosovo-Serbia conflicts also shows the complexities of statehood in the Balkans. Kosovo has declared independence in 2008 which was recognized by many, but Serbia backed by Russia continues to reject it. While Kosovo's territorial integrity was emphasized in the Ahtisaari proposals, the attempt to partition would have a result of instability in neighboring regions like Bosnia. Serbia's desire for territorial adjustments is standing in conflict with Kosovo's international support, but the EU's "Free Territory" model offers a potential framework for coexistence without formal recognition (Gow, 2015).

Since 2011, the EU has mediated discussions aimed at normalizing relations. Both the countries aspiring to join the EU but Serbia's accession hinges on resolving the Kosovo issue. Most Serbs and Kosovo's Serb minority oppose the recognition of Kosovo's independence and counters the integration. Further, the Brussels Agreement which tried to create an Association of Serb Municipalities in 2013 remained contentious because of disagreements over Kosovo's independence (Russell, 2019).

## **2. Historical Context**

### *2.1. Overview of Kosovo's declaration of independence*

Kosovo declared independence on 17 February 2008. The declaration emphasized the creation of a democratic, secular, and multiethnic republic guided by principles of non-discrimination and equal protection under the law. While some legal scholars argue that Kosovo's independence is supported by international law due to the exceptional circumstances surrounding its secession, including systemic human rights abuses and the dissolution of Yugoslavia, the breakup itself stemmed from deep-seated tensions. These included Serbia's centralizing hegemony, which sought to dominate the federation, and the contrasting aspirations of other republics for democracy and self-determination. These opposing tendencies also shaped the debates on state sovereignty and territorial integrity, leading to polarized views on Kosovo's status. The United States along with most European nations and their allies advocate for Kosovo's sovereignty and push for its global recognition while Serbia with the backing of Russia

remains firmly opposed. Other prominent nations including China India Indonesia and South Africa have also refused to recognize Kosovo's independence deepening divisions within the international community. The 2007 proposal by UN Special Envoy Martti Ahtisaari which suggested independence for a Kosovo that is politically stable and economically sustainable was dismissed by Serbia resulting in a deadlock in negotiations (Newman & Visoka, 2018).

During its time within Yugoslavia, Kosovo operated with a dual identity as it was officially considered part of Serbia but also functioned as a distinct entity within the Yugoslav federation. It maintained its own parliament and government while having direct representation at the federal level alongside Serbia, making it effectively one of the eight federal units of Yugoslavia. The disintegration of Yugoslavia in the 1990s, primarily influenced by the policies of Slobodan Milosevic, dismantled this federal system, and most of the other units have since become independent nations. Kosovo's proclamation of independence in 2008 represents the final phase of this process, and from a historical standpoint, Kosovo is now regarded as a former Yugoslav state, a conclusion supported by many historians (Malcolm, 2008).

## *2.2. Historical relationship between Kosovo and Serbia*

In the years following World War II, the political and security landscape in Kosovo was largely controlled by Serbs, despite Albanians comprising the majority of the population. From 1945 to 1966, under the leadership of Aleksandar Ranković, a fervent Serbian nationalist, the Albanian community faced severe oppression. Ranković's removal from his role as head of Yugoslavia's secret police in 1966 marked a significant shift, opening the door for new policies aimed at addressing some of the long-standing concerns of the Albanian population. During this period, Kosovo Albanians were viewed as a security risk due to their connections with Albania and their resistance to communism, leading Serbian authorities to adopt measures intended to diminish their presence through enforced migration. This included mass expulsions where Albanians were classified as Turks to legitimize their removal under the guise of repatriating ethnic Turks, and as a result, between 1953 and 1957, an estimated 200,000 Albanians were either expelled or chose to leave Kosovo for Turkey (Ramet, 1996).

More than 150,000 acres of land were taken from Albanians and allocated to Serbian settlers as part of a strategy to shift the ethnic balance of Kosovo in favor of Serbs. After the removal of Ranković, Kosovo slowly gained increased self-rule, and by 1968 it was acknowledged as a Socialist Autonomous Province within Serbia, allowing Albanians limited rights such as the display of their national flag (Canada: Immigration and Refugee Board of Canada, 1997).

After the Second World War, Yugoslavia under Marshal Tito adopted the principle of self-determination to gain the backing of ethnic minorities, including Albanians in Kosovo. Although Albanians were allowed some cultural and educational rights, they faced accusations from Serbs of participating in ethnic cleansing. Tito is said to have issued directives preventing the return of Serbs who had left during the war while reportedly promoting migration from Albania, which profoundly changed the demographic makeup of Kosovo (Centre for Documentation and Research, 1996).

In 1968, mass protests by Albanians in Kosovo has called for greater autonomy. Though it was granted by the 1974 Yugoslav Constitution, it was subsequently revoked in 1989 by Slobodan Milošević which sparked further conflict and the eventual declaration of independence by Kosovo in 1990 (Medeiros, 2021).

In the late 1990s Milosevic reinterpreted the Kosovo myth to garner public backing by portraying NATO's bombing campaign as similar to the Ottoman conquest once again presenting Serbia as a victim of external threats. This narrative enabled him to shift domestic frustration away from his government (Edwards, 2015).

The historical significance of Kosovo within Yugoslavia has been a point of contention as its identity remains central to competing Serbian and Albanian perspectives. Noel Malcolm's work *Kosovo: A Short History* refutes entrenched myths and nationalist assertions often propagated by Serbian academics. Malcolm highlights how both Serbian and Albanian accounts of Kosovo's past have frequently been overstated or fabricated to align with contemporary political objectives. He deconstructs these narratives and advocates for a more impartial historical account. These dynamics reflect the overarching patterns of Serbia's dominance and the Albanian

community's drive for autonomy and self-governance. Malcolm also observes that Kosovo's formal inclusion within a Serbian framework spans just over fifty years out of the past five centuries, challenging the notion of inherent Serbian sovereignty (Malcolm, Djilas, et al., 1999).

Kosovo, though officially autonomous in the past, was largely governed by Serbs and Montenegrins, leaving its Albanian majority sidelined. Tito implemented policies that advanced areas such as education and language rights for Albanians, but these measures were inconsistent and driven by political strategy rather than genuine concern for the region's welfare. By the 1990s, Albanians made up over eighty percent of Kosovo's population, while the Serbian minority diminished due to emigration and a lower birth rate. As highlighted earlier, this reflects the tension between Serbia's dominance and the Kosovar Albanian aspirations for democratic representation and independence. The breakup of Yugoslavia in the early 1990s significantly altered Kosovo's political environment. Initially facing limited immediate effects, the region's trajectory shifted as the declarations of independence by Slovenia and Croatia in 1991 inspired Kosovar Albanians to abandon aspirations for republican status within Yugoslavia in favor of full independence (Malcolm, 1998).

### *2.3. Impact of the Yugoslav Wars on current conflicts*

The Yugoslav Wars had a profound impact on the ethnic landscape of the Western Balkans. The wars followed the disintegration of the Socialist Federal Republic of Yugoslavia, which was driven by Serbia's attempts to maintain hegemony over the federation and the rising aspirations of other republics for democracy and self-determination. These opposing forces fueled the rise of ethnic nationalism during the wars, which entrenched ethno-nationalist divisions and fostered desires for autonomy (Lendák-Kabók, 2024).

The disintegration was fueled by Serbia's efforts to control, which clashed with demands from other republics (Zenovic, 2020).

The breakup of Yugoslavia was shaped not by deep-rooted ethnic animosities but by contemporary political exploitation. Leaders such as Slobodan Milošević and Radovan Karadžić heightened interethnic discord through targeted propaganda and deliberate falsehoods by capitalizing on

the friction between Serbia's aspirations for dominance and the other republics' push for democratic governance and self-rule. Characterizing the Balkans as a land of perpetual mysticism and conflict overlooks extensive eras of harmonious coexistence and mutual understanding among diverse communities (Malcolm, 1993).

A central framework in understanding the breakup of Yugoslavia was the principle of state dissolution rather than secession. This approach, supported by international actors such as the Badinter Committee, refrained from endorsing unilateral secessions and instead treated Yugoslavia as having ceased to exist as a state. This perspective, influenced by the clash between Serbia's attempts to assert supremacy and the other republics' pursuit of sovereignty and representative governance, enabled the recognition of new successor states under international law while maintaining existing internal borders. The principle of *uti possidetis*, which upheld the borders of the republics, played a pivotal role in shaping the post-Yugoslav map. This interpretation legitimized the authority of republican governments over secessionist movements and significantly influenced historical narratives and political assertions in the region (Bieber, 2021).

The pursuit of independence by each republic led to violent conflicts, especially in Bosnia and Herzegovina, where the war became a symbol of ethnic cleansing and grave violations of human rights. These conflicts were deeply rooted in the opposition between Serbia's quest for control and the other republics' demand for self-governance and political liberalization. Efforts by the international community, including diplomatic negotiations and military action, ultimately resulted in the Dayton Agreement in 1995. While this accord brought an end to the Bosnian War, it left behind a deeply divided system of governance and ongoing ethnic divisions throughout the area (Bieber & Laštro, 2021).

### **3. Legal Aspects of Statehood and Recognition**

#### *3.1. Definition of statehood in international law*

The concept of statehood in international law is complex and has different theories. The declaratory theory holds that statehood exists independently of recognition. And the constitutive theory argues statehood depends on



recognition by other states. True independence means freedom from control by another state. Distinguishing between "formal" and "actual" independence is crucial. For a state to gain recognition, it must fulfill the requirements set forth by the Montevideo Convention which include having a stable and lasting population, a clearly established geographical area, a functioning authority, the ability to engage in diplomatic and international affairs, and true autonomy free from external domination.(Crawford, 2007).

Statehood remains a core concept in international law, but lacks a universally accepted definition. The conventional view of statehood is challenged and shaped by various doctrines and developments in international law such as the emergence of non-state actors, humanitarian interventions (e.g., Responsibility to Protect) and the recognition of indigenous peoples' rights. Shifts in the international system especially post-Cold War and during humanitarian crises have nuanced statehood by adding layers to the traditional territory-people-government model (Knop, 2015).

### *3.2. Recognition of Kosovo's sovereignty*

#### *3.2.1 EU's perspectives*

The European Parliament called on five European Union countries including Cyprus, Greece, Slovakia, Spain, and Romania to acknowledge Kosovo's declaration of independence. While the EU cannot officially recognize Kosovo on behalf of its members but it can influence their policies.. From the eyes of CJEU, the Kosovo is viewed as a "third country" though state recognition remains discretionary for individual EU states (Novak, 2023).

Although the European Union has facilitated discussions between Kosovo and Serbia while also supporting various reforms, the five mentioned EU member states continue to withhold recognition of Kosovo which creates obstacles for its integration. This lack of acknowledgment restricts Kosovo's involvement in European Union initiatives and programs. The EU's focus on stability over democracy has also considered to be a reason for stalling recognition efforts which left Kosovo in a diplomatic limbo (Mexhuani, 2023).

Following the Russia's 2022 invasion of Ukraine, the EU engaged for a verbal agreement between Kosovo and Serbia on 27 February 2023 to normalize relations. However, the meaning of "normalization" remains unclear as Serbia considers it status-neutral while Kosovo insists it requires Serbia's formal recognition (Axyonova & Kartsonaki, 2024)

### 3.2.2. Non-recognition by Serbia and select EU states

The non-recognition of Kosovo by Serbia and several EU countries significantly hinders its accession to international bodies like the UN and EU. As of 2 March 2020, Kosovo was recognized by 23 EU countries, while five EU nations have not recognized its sovereignty. This non-recognition stems particularly from Serbia's opposition to Kosovo's 2008 independence (Ferrero-Turrión, 2020).

Now, although 110 U.N. member states recognized Kosovo after its 2008 independence, this still falls short of the two-thirds needed for U.N. membership. Non-recognizing countries, many with historical ties to the former Yugoslavia complicate Kosovo's trade relationships because they are often its biggest trading partners (Choi, 2017)

The EU ties Kosovo's accession to meeting standards on democracy, human rights, and rule of law. Lack of recognition from EU members like Spain and Slovakia complicates Kosovo's status by undermining both Kosovo's integration and the EU's credibility as a regional power (Mexhuani, 2023).

Serbia's non-recognition of Kosovo stems from territorial claims as its constitution still considers Kosovo a province. Serbia seeks territorial concessions in exchange for peace with Albanians. Some EU states' recognition is motivated by geopolitical interests, while countries like Spain and Slovakia fear it might encourage separatist movements within their own borders (Daku, Haziri, & Shabani, 2024)

Serbia refuses to acknowledge Kosovo's independence, and tensions continue, particularly in northern Kosovo, where the majority Serb population maintains strong ties to Serbia. This unresolved conflict has hindered Kosovo's efforts to achieve complete statehood and has perpetuated enduring political and ethnic divides (Bieber, 2022).

### 3.2.3. UNSC Resolution 1244 and its implications

United Nations Security Council Resolution 1244 was adopted on 10 June 1999 and has played a crucial role in defining Kosovo's legal and political position after NATO's military intervention against the Federal Republic of Yugoslavia. The resolution set out the responsibilities of the United Nations in ensuring peace and stability while also providing for the withdrawal of Yugoslav forces and the establishment of provisional self-governance in Kosovo. However, it was vague on Kosovo's long-term status because it merely stated that any final resolution should consider the Rambouillet Accords. This ambiguity led to differing interpretations following Kosovo's 2008 declaration of independence. Also, it further complicated the legal arguments about its sovereignty and the necessity of Serbia's consent for changing Kosovo's status (Murphy, 2015)

The Provisional Institutions of Self-Government were created to transfer administrative responsibilities to local leadership. Despite facing difficulties such as ethnic divisions and limited recognition by certain countries, Kosovo has steadily developed its democratic institutions. Its constitution firmly forbids unification with other Albanian-majority regions, demonstrating the international community's commitment to preserving stability in the Balkans (Serwer, 2019).

### 3.2.4. Legal challenges to Kosovo's statehood

The central question revolves around whether Kosovo's unilateral declaration of independence was lawful under international law. Discussions arose over whether the protection of human rights or the sovereignty of Serbia should hold greater importance. The International Court of Justice ultimately determined that Kosovo's declaration did not breach international law. However, the absence of widespread recognition of Kosovo's statehood continues to create diplomatic and legal difficulties especially concerning Serbia's assertion of its territorial claims (Weller, 2009).

The Badinter Commission of the European Community concluded that Yugoslavia was undergoing dissolution, signifying the complete disintegration of the federal state and the transition of its components into independent nations. However, only the six republics such as Slovenia and

Croatia were officially acknowledged as independent entities, while Kosovo, despite operating as a federal unit under the 1974 Yugoslav Constitution, was classified as a part of Serbia. This outcome was shaped by Slobodan Milosevic's revocation of Kosovo's autonomy prior to the collapse of Yugoslavia. This revocation, enforced through military pressure, casts doubt on Serbia's legitimate claim over Kosovo, as Kosovo had previously possessed self-governing structures similar to those of the other republics (Malcolm, 1998).

#### **4. Human Rights Considerations**

##### *4.1. Human rights implications of the conflicts*

Human rights violations include arbitrary detention, beatings and use of electric torture devices on detainees. Freedom of association, speech, and movement are heavily restricted with Albanian organizations and media facing regular harassment. Discriminatory practices in education, employment and healthcare prevailed. Reports from the Council for the Defense of Human Rights and Freedoms highlighted numerous cases where detainees were held in detention longer than legally allowed and deprived of access to legal counsel and subjected to extreme torture to extract confessions. This abuse was systemic exacerbated by Serbia's compromised legal system under Slobodan Milošević and made the ethnic Albanians particularly vulnerable. These actions violated multiple provisions of the International Covenant on Civil and Political Rights along with the obligations outlined in the Helsinki Final Act and later documents adopted by the Conference on Security and Cooperation in Europe (Human Rights Watch, 1996).

In Serbia, conspiracy theories became a central mechanism for rallying support for the regime and discrediting opposing voices. The media frequently spread claims of foreign powers or internal enemies working against the nation, cultivating a sense of paranoia and rallying people around a shared narrative of victimization. This perspective served to legitimize acts of aggression and oppression, with Serbian leaders portraying even defensive actions by others as part of malicious plots. This environment of fear and falsehood ultimately fueled violence and obstructed Serbia's willingness to acknowledge its own accountability in the conflicts (Bieber & Daskalovski, 2003).

The Serbian government-maintained support for Serbs residing in Kosovo, particularly in the northern areas that largely remained detached from Kosovo's systems. However, internal divisions among Kosovo Serbs created challenges. Northern Serbs largely resisted engagement with Kosovo's institutions, while those in the southern regions began to integrate and participate. The Ahtisaari Plan, which forms a key element of Kosovo's constitution, provided significant safeguards for the Serb community through measures such as reserved seats in parliament, representation in governance, the establishment of Serb-majority municipalities, and the protection of Serbian Orthodox religious sites through designated zones. Despite these assurances, Serbia and most Kosovo Serbs rejected the plan, perceiving it as endorsing Kosovo's independence (Bieber, 2015).

Local and regional councils in Kosovo empower minority groups to manage their communities, providing avenues for leadership that might not be achievable on a broader national scale. This strategy mirrors comparable initiatives in Bosnia and other regions of the former Yugoslavia aimed at establishing more participatory governance frameworks (Serwer, 2018).

#### 4.2. Role of international law organizations in protecting human rights in the region

Efforts by regional initiatives and non-governmental organizations to record war crimes and promote dialogue have the potential to address and resolve some of these persistent disputes (Bieber, 2010).

## 5. Geopolitical Dynamics

### 5.1. Serbia's alliances with Russia and China

Serbia has established strong economic ties with Russia and China and focused majorly on trade and investment. In 2022, Serbia's trade with Russia reached €4 billion on energy projects. China's influence has grown since their 2009 with infrastructure investments through the Belt and Road Initiative. China is now a key foreign investor and both nations support Serbia on its geopolitical issues like Kosovo (Jovičić & Marjanović, 2024)

China's partnerships include Huawei's 'smart cities' projects and key infrastructure investments like the Smederevo steel mill and RTB Bor

mining. Serbia supports China in international forums and maintains a neutral stance on Ukraine aligning closely with Russia on Crimea-related resolutions in the UN (Garčević, 2021).

While acknowledging Ukraine's territorial integrity, Serbia depends on Russia for backing in the United Nations concerning the issue of Kosovo. This portrays Serbia's non-compliance with Western sanctions. In the post-invasion, Russian citizens and businesses have increased in Serbia and it benefitted from visa-free access and tax incentives. While Serbia aims for EU integration, some politicians prioritize ties with Russia which complicates adherence to EU policies. The public opinion in Serbia favors maintaining relations with Russia and reflects significant pro-Russian sentiment (Mitrović & Lunić, 2024).

The United States and the European Union must leverage their combined authority for Kosovo's integration into global institutions even without Serbia's acknowledgment. A potential U.S.-Kosovo Mutual Defense Treaty could strengthen Kosovo's standing and weaken Serbia's influence altering the course of the Kosovo-Serbia dialogue toward constructive negotiations while reducing external interference from Russia and China. Kosovo's ties with international players such as Israel and the United States further complicate matters as Israel's recognition of Kosovo could intensify divisions with Serbia especially if Serbia fails to fulfill commitments like those in the Washington Agreement which include relocating its embassy to Jerusalem. This highlights the broader geopolitical stakes involved in resolving the Kosovo-Serbia issue (Joseph, 2021).

### *5.2. Kosovo's outreach to Taiwan and the One-China policy*

Both Kosovo and Taiwan are small entities facing sovereignty challenges from Serbia and China and struggling for international recognition. Despite these pressures, Taiwan has shown interest in building ties with Kosovo which is supported by the U.S. Kosovo's leaders view this relationship as a strategy to counter Chinese influence (Baron, 2023).

Kosovo and Taiwan share similarities in their pursuit of sovereignty and democratic values like facing pressure from larger neighbors namely Serbia for Kosovo and China for Taiwan. Since Taiwan

recognized Kosovo in 2008, both have fostered cultural and economic exchanges (Sopaj, 2022).

Taiwan's diplomatic efforts in the Western Balkans are constrained by the region's adherence to the "One China" policy. None officially recognize Taiwan which is parallel to Kosovo's own struggle for full international recognition. While Serbia fully supports China's stance, Kosovo maintains limited bilateral ties with Taiwan mainly focused on cautious economic cooperation due to concerns about China's reaction (Vladisavljev, 2023).

### *5.3. Influence of geopolitical tensions on regional stability*

Growing ethnic tensions in northern Kosovo have intensified security challenge involving the Kosovo Police, Kosovo Security Force (KSF) and NATO's Kosovo Force (KFOR). The September 2023 Banjska attack highlights these tensions which is exacerbated by Serbia-Kosovo disputes and distrust in the police. Russia seeks to exploit this instability and undermine EU, U.S., and NATO influence in the Western Balkans (Ilazi & Lumi, 2024).

Russia has been actively involved in destabilizing the region through disinformation campaigns and supporting nationalist leaders like Dodik who reject cooperation with the EU and NATO. Meanwhile, in Kosovo, ethnic tensions particularly with Serbian nationalists complicate its EU accession process with several EU member states yet to recognize its statehood. The West's push for stability in the region is crucial especially in circumstances of the war in Ukraine (Hoxhaj, 2024).

After Russia's 2022 invasion of Ukraine, the European Union expedited its enlargement process by granting candidate status to Bosnia and Herzegovina and starting accession negotiations with Albania and North Macedonia. Despite these efforts, regional stability remains fragile due to unresolved conflicts from the 1990s, especially the ongoing tensions between Serbia and Kosovo (Dabrowski & Moffat, 2024).

During the conflict, nationalist sentiment in Serbia reached its highest point as the government sought to unify public opinion through appeals to patriotism and national solidarity. The resolution of the war,

which resulted in Kosovo achieving de facto autonomy under international oversight, continued to be a highly divisive topic within Serbian political discourse (Bieber, 2010).

The United States and Europe play distinct but interconnected roles in the region, with the European Union leading political initiatives while the United States focuses on achieving key objectives such as strengthening the rule of law and safeguarding minority rights. Both share a common goal of fostering a multi-ethnic and democratic Balkans within secure and recognized borders. Advancing Kosovo's final status is closely linked to maintaining stability across the region, with a strong emphasis on avoiding unrest in neighboring states such as Macedonia and Bosnia (Serwer, n.d.).

The ongoing tensions in northern Kosovo highlight the instability in the region where political and criminal forces target key figures reflecting the fragile dynamics in Mitrovica. This area remains a hotspot marked by deep-rooted corruption ethnic divisions and competing claims over authority and security. With the European Union's limited success in addressing these challenges the United States is viewed as the only power capable of mediating a sustainable resolution which would include Kosovo's integration into global organizations like the United Nations alongside Serbia's advancement toward European Union membership. The assassination of Oliver Ivanovic a leading Kosovo Serb politician who opposed criminal networks and advocated dialogue between Serbs and Albanians underscores the urgent need for stronger global action to resolve tensions curb Russian influence and prevent further unrest (Joseph, 2018).

Ukraine has the potential to serve as a key force in strengthening NATO unity by formally acknowledging Kosovo and encouraging other states that have not recognized it to align with broader Western solidarity. Such recognition by Ukraine would diminish Serbia's ties with Russia while paving the way for Kosovo's integration into NATO. This move could resolve the longstanding Kosovo-Serbia conflict while also curbing Russia's influence in both the Balkans and Ukraine (Joseph, 2023).

Ukraine's acknowledgment of Kosovo could serve as a powerful trigger for wider acceptance of Kosovo within NATO and the European Union. This move would frame the Kosovo question as a critical aspect of



European security compelling non-recognizing states to align with Ukraine's principled position against Russian aggression. It could also prompt countries like Greece which maintains favorable ties with Kosovo to officially recognize it thereby generating momentum for other non-recognizing nations such as Spain Romania and Slovakia to follow suit (Joseph, 2024).

#### *5.4. Challenges of Power-Sharing and Ethnic Governance*

Power-sharing systems in the Balkans, including Kosovo, Bosnia, and Macedonia, face similar challenges as ethnic divisions, fragile institutional structures, and political stalemates often block progress. Bosnia adopted strict constitutional power-sharing among its three primary ethnic groups namely Bosniaks, Croats, and Serbs resulted in a complex governance system with features like veto rights and grand coalitions designed to prevent the dominance of any single group. This rigid consociational model has drawn criticism for causing institutional stagnation, while Macedonia's more flexible approach under the Ohrid Framework Agreement has proven more adaptable. In Kosovo, political fragmentation and the unwillingness of Serbs to participate fully in state institutions continue to pose major hurdles (Bieber & Keil, 2009).

### **6. Dialogue and Negotiation Efforts**

#### *6.1. Importance of dialogue between Belgrade and Pristina*

The dialogue between Belgrade and Pristina is essential for stability in the Balkans, particularly as Kosovo seeks integration into Western structures. Russia's involvement complicates the process by opposing NATO's expansion. Despite setbacks, the EU-mediated First Agreement in 2013 marked a step forward. Russia's support for Serbia and its critique of Western mediation requires a greater UN role. Additionally, discussions of a territorial swap between Kosovo and Serbia have caused divisions within the EU and raised concerns about Russia's regional influence. The ongoing deadlock shows the critical nature of sustained dialogue to achieve a settlement acceptable to both parties. Without dialogue, the region remains a source of instability and posing security challenges to the Euro-Atlantic community. Thus, a comprehensive and balanced negotiation process

backed by the UN Security Council is key to countering external influences and ensuring lasting peace in the Western Balkans (Peci & Sejdiu, 2024).

The Integrated Border Management agreement of 2011 demonstrated a use of creative ambiguity as each side interpreted the terms differently with one viewing it as a border and the other as a boundary allowing for some progress while leaving fundamental disagreements unresolved. Serbia continued to oppose Kosovo's independence firmly asserting that Kosovo remained an autonomous province within Serbian jurisdiction as outlined in its 2006 Constitution (Bieber, 2015).

Countries like Turkey and the United Arab Emirates have acknowledged Kosovo's statehood, reflecting the geopolitical dynamics that shape this ongoing dispute (Bieber & Tzifakis, 2021).

The Balkans Forward report by the Atlantic Council calls on Washington and Brussels to demand complete adherence to these agreements while advocating for stronger support of Kosovo's initiatives to integrate Serb communities in the south. It contrasts the collaboration of these southern communities with the opposition seen in the northern Serb areas and emphasizes that active engagement with the southern Serb population could serve as a framework for wider reconciliation efforts (Joseph, 2018).

## *6.2. Historical attempts at negotiations*

The Rambouillet negotiations in 1999, inspired by the Dayton Accords, aimed to achieve a peaceful settlement but collapsed when Serbian leader Milošević declined to agree. For the Kosovars, the proposal represented a potential route to independence with the prospect of a referendum after three years, while Serbia perceived it as affirming its authority over Kosovo. This fundamental disagreement blocked any advancement and eventually triggered NATO's military involvement (Bieber, 2009).

Despite some agreements between Kosovo and Serbia over the past decade, the core issue remains the recognition of Kosovo's independence declared in 2008. Serbia's refusal to recognize Kosovo's sovereignty hinders progress toward EU integration for the Western Balkans. The EU-led dialogue has been largely ineffective and obstructed by ethnic conflict with

both sides perceiving gains as losses. Although Kosovo's tariffs on Serbian goods had interrupted the discussions, once again the dialogue resumed in July 2020 following a vague agreement facilitated by the Trump administration leading to Israel's recognition of Kosovo. The European Union designated Miroslav Lajčák as its Special Envoy with the responsibility of fostering discussions (Beshku, 2021).

However, by 2021 the dialogue was deadlocked with neither side willing to compromise. Serbian officials warned that a lack of engagement could lead to violence, while Kosovar leaders emphasized their sovereignty regarding a national army which is seen as a threat by Serbia (Distler, 2022).

Also the 2013 Brussels Agreement has faced criticism because it was ratified only by the Kosovo. Again an EU made proposal in 2023 saw only a limited progress in the normalisation process (Stanicek, 2023).

A significant proposal involved exchanging territories based on ethnic demographics, with Serbian-majority areas in Kosovo and Albanian-majority regions in Serbia trading sovereignty. This concept was highly controversial as it threatened to create a precedent for increased ethnic fragmentation and potential conflicts across the region. The plan has never been implemented, highlighting the broader challenges of reaching a lasting and comprehensive resolution (Serwer, 2020).

Serbia's major actions involve setting up integrated border management posts which represent a notable change in its position. However the dialogue continues to face significant challenges with strong resistance from Kosovo Serbs particularly in the north who oppose any moves toward integration with Pristina (Joseph, 2013).

### *6.3. Role of international mediators in the dialogue*

The EU's position is bolstered because both Kosovo and Serbia regard EU accession as a key foreign policy objective. Their commitment to dialogue ties to their progress in EU integration including Serbia's accession negotiations and Kosovo's Stabilization Association Agreement. The EU uses a strategy of "constructive ambiguity" in mediation allowing flexible interpretations that can accommodate both parties' differing perspectives (Gashi, Musliu, & Orbie, 2017).

The role of mediators particularly regarding UNOSEK's mediation strategy for Kosovo's independence significantly impacted the outcome. Ahtisaari led UNOSEK team prioritized practical issues over the contentious status question which is contended as bypassing inclusive dialogue. Ahtisaari's Comprehensive Settlement Plan was presented as a solution rather than a negotiation basis which the Serbian side viewed as an adversary (Bergmann, 2018).

The creation of the Mediation Support Unit within the European External Action Service has enhanced the European Union's proficiency in conflict resolution. While the EU has achieved milestones like the initial agreement outlining principles for the normalization of ties between Kosovo and Serbia, concerns regarding its overall efficiency have remained (Bergmann, 2017).

## **7. European Union Integration and Enlargement Policy**

### *7.1. EU's stance on Kosovo's membership*

The European Union takes a restrained stance regarding Kosovo's accession to global bodies such as the Council of Europe largely because of Serbia's territorial assertions over Kosovo. Despite Kosovo securing membership in the International Monetary Fund and the World Bank its journey toward joining the Council of Europe remains unclear. The Council necessitates adherence to principles of justice and fundamental rights and Kosovo must show conformity while managing ongoing political conflicts (Istrefi, 2018).

The position of the European Union on Kosovo's membership highlights notable disagreements among its member nations. Although 22 member states acknowledge Kosovo as an independent nation, five do not which creates challenges for the Union in its attempts to bring both Kosovo and Serbia into greater alignment. And this "status-neutral" approach affects the legitimacy of EU policies leading to challenges in achieving a final settlement. Despite these obstacles, the EU remains engaged through various initiatives including the Stabilisation and Association Agreement and recently accepted Kosovo's visa liberalization in March 2023 (Bargués-Pedreny, Dandashly, Dijkstra, & Noutcheva, 2024).

Kosovo aims to become a member of NATO and the European Union but encounters numerous challenges. While there is strong public backing for NATO membership, the absence of a formal military and resistance from Serbia present significant barriers to advancing these goals (Serwer, 2019).

Kosovo's aspirations to join NATO and the European Union stand as a cohesive objective. The area exemplifies a significant example of successful cooperative international efforts, emphasizing the value of unbiased involvement and agreement among worldwide authorities (Serwer, 2018).

### *7.2. Challenges in the EU enlargement process*

The EU has faced notable economic crises including debt issues in Greece, Spain, and Italy, along with fiscal policy challenges in the Eurozone. Security threats particularly the Ukrainian crisis and tensions with Russia posed obstacles to its enlargement which impacted EU policy and integration. Additionally, complex governance in Bosnia and Herzegovina, sensitive Kosovo-Serbia relations and the Macedonia name dispute further complicate the Western Balkans' integration into the EU (Besimi, 2016)

Candidate countries like Kosovo must show readiness to meet the Copenhagen criteria which include stable institutions, the rule of law, social and economic development, democracy, and human rights. However, many regional countries struggle with internal challenges such as governance weaknesses and corruption. Inter-ethnic conflicts particularly in Bosnia and Herzegovina and Serbia have historically impeded EU membership affecting political stability and economic development and complicating the path to integration for these nations (Paçarizi-Osmani & Osmani, 2024)

Economic crises, Brexit and rising skepticism toward the integration of Western Balkan countries hinder the EU's enlargement efforts. The UK's departure has reduced support for their EU membership aspirations. Bosnia and Herzegovina faces political instability which limited the progress on necessary reforms. Kosovo struggles with frequent government changes, while Montenegro experiences political polarization. North Macedonia has not enhanced its electoral legislation and Serbia faces

a polarized climate which impede the political consensus and reform efforts (Qorraj, Hajrullahu, & Qehaja, 2024).

Kosovo is described by Freedom House as a semi-consolidated authoritarian regime, while Serbia has also faced scrutiny for its regression in democratic governance. In contrast, Slovenia achieved a swift transition and successfully joined the European Union in 2004, but other successor states have faced significant challenges in advancing democratization and building stable institutions (Bieber & Ristić, 2012).

## **8. Energy Security and Economic Considerations**

### *8.1. Impact of sanctions on energy supply in the EU and Balkans*

Sanctions have disrupted energy flows in the EU and the Balkans. While Russia's influence in Europe's oil and gas market has declined, it remains strong in the Balkans through companies like Gazprom and Lukoil which supply Serbia, Bulgaria and Hungary. The TurkStream pipeline is vital for Hungary's gas imports. Bulgaria, cut off from Gazprom still receives Russian gas and its Neftochim refinery relies on Russian crude via sanctions exemptions (Bechev, 2023).

Rising energy prices due to the war have fueled inflation, reducing household disposable income and worsening the socio-economic situation in the Balkans. This crisis threatens the Green Agenda's decarbonization goals and also raises concerns about delaying EU enlargement (Džankić, Kacarska, & Keil, 2023).

Sanctions caused sharp inflation, with Eurostat reporting an 8.5% inflation rate in the Eurozone by March 2022 which increases living costs. Despite sanctions, Russia's export income increased by €93 billion due to EU reliance on its energy. EU plans to reduce imports by 2027. But this may have chances of worsening the energy crisis situation and further impact countries like Africa which rely on it. (Sun et al., 2024)

### *8.2. The European Energy Resilience Fund (EERF)*

The European Energy Resilience Fund is a strategic program aimed at strengthening the energy security of the European Union. It has the

potential to serve a crucial purpose in reducing the effects of any future energy disruptions. The EERF would offer financial and technical support to member states and Balkan nations to reduce their dependency on Russian energy. By aligning with the EU's Green Agenda and energy diversification goals, the EERF would fund critical infrastructure projects aimed at accelerating the transition to renewable energy and modernizing outdated energy grids particularly in regions heavily reliant on coal and Russian gas.

The fund could also serve as an emergency relief mechanism during energy supply disruptions by providing financial assistance to stabilize economies hit by rising energy costs such as those seen during the Ukraine conflict. By investing in alternative energy sources and cross-border energy infrastructure such as interconnectors and LNG terminals, the EERF would provide resilience in vulnerable economies like Kosovo, Serbia and Bulgaria. It would also incentivize the private sector to invest in sustainable energy projects by ensuring long-term economic and environmental sustainability.

By boosting energy independence and strengthening the EU's geopolitical position through EERF can diminish Russia's influence over the Balkans and also supports the region's EU integration aspirations.

### *8.3. Energy and Economic Implications for Kosovo's Stability and Development*

The EU plans to expand into the Western Balkans by 2030. But energy sector challenges threaten the region's stability. Countries like Kosovo, Serbia and North Macedonia rely on coal, while Montenegro and Albania focus on hydropower. However, inefficiencies and state-controlled energy sectors allow Russian influence to persist. Bulgaria, an EU member for 15 years faces similar issues. The EU is encouraged to promote reforms emphasizing competition, efficiency and reducing reliance on Russian energy sources (Bryza, 2024).

Despite Kosovo having diplomatic recognition from Hungary, it lacks significant economic and security ties compared to Serbia. Hungary's preference for Serbia is clear as seen in its opposition to Kosovo's Council of Europe membership and shielding Serbia from EU sanctions. Hungary

motivated by Orban's illiberal agenda has complicated Kosovo's aspirations (Pérez, 2024).

## **9. Conclusion**

### *9.1. Summary of Findings*

The analysis reveals the significant impact of sanctions on energy supply and economic stability in the EU and the Balkans. Russia's presence in the Balkan energy sector primarily through Gazprom and Lukoil remains substantial despite the EU's efforts to reduce dependency. Sanctions have disrupted traditional energy flows by causing energy shortages and inflation particularly in the Balkans where rising energy prices have affected socio-economic stability. The Turk Stream pipeline and the Lukoil-owned Neftochim refinery in Bulgaria continue to supply Russian gas and crude due to sanctions exemptions. The conflict has also strained EU relations with the Balkans which potentially delays EU enlargement and the region's Green Agenda, which aims at decarbonization. Kosovo, Serbia and other Western Balkan states face similar challenges in reforming their energy sectors with Russian influence remaining a key obstacle to EU-led initiatives for diversification and sustainability. Furthermore, Hungary's diplomatic preference for Serbia over Kosovo alongside Russia's strategic use of the Balkans to counter EU and NATO influence continues to shape regional dynamics. Energy mismanagement, inefficient state-controlled sectors and political alliances with Russia exacerbate these issues and complicates the region's economic and political future.

### *9.2. Implications for Regional Stability and International Relations*

The energy crisis and geopolitical dynamics significantly influence regional stability and international relations in the Balkans. Sanctions on Russia have destabilized energy supply chains and increased regional dependency on Russian energy sources despite EU efforts to diversify. This reliance on Russian energy infrastructure especially in countries like Serbia complicates efforts to achieve EU integration and energy independence. The ongoing energy crisis hampers the economic development of Kosovo and other Balkan countries and makes them vulnerable to external influence and regional instability. Hungary's preferential treatment of Serbia over Kosovo exacerbates diplomatic tensions and hinders Kosovo's efforts to



gain international recognition and EU membership. Furthermore, Russia's strategic involvement in the region by using energy as leverage continues to challenge EU and NATO influence. Further, it also fosters anti-Western sentiment and prolongs the normalization process between Serbia and Kosovo. This dynamic underscores the broader geopolitical struggle between Russia and the West, complicating EU enlargement prospects and regional peace-building initiatives. The unresolved situation of Kosovo along with Serbia's intricate ties to both the European Union and Russia creates a major obstacle to achieving lasting stability and regional integration in the Western Balkans while also posing risks of broader consequences for global relations.

### *9.3. Recommendations for Policy and Future Research*

To ensure regional stability and reduce Russian influence in the Balkans, the EU policy should prioritize energy sector reforms, fostering competition and sustainability. Accelerating the transition from coal to natural gas and renewable energy sources in countries like Kosovo, Serbia and Bulgaria is essential to diversify energy supply and reduce dependence on Russian energy. Strengthening partnerships with alternative suppliers such as Azerbaijan could provide much-needed diversification. Additionally, the EU must offer greater incentives and technical assistance to Western Balkan states to reform state-controlled energy monopolies and encourage private sector investment in clean energy initiatives.

The European Union needs to carefully manage its diplomatic relations with both Kosovo and Serbia by maintaining impartiality and encouraging both nations to strive for a peaceful settlement and the normalization of their ties. Pressuring Hungary to adopt a more neutral stance regarding Kosovo's integration into international bodies will be crucial for maintaining cohesion within the EU.

Future research should focus on the long-term socio-economic effects of energy dependency on regional stability as well as the geopolitical consequences of prolonged Russian influence in the Balkans. Additionally, investigating the role of alternative energy sources in reducing economic vulnerability in the region would provide insights into potential paths toward greater energy security and stability.

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