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The Upshot of the SAA: Kosovo-EU Relations

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Foreword

On April 1, 2016, the Stabilization and Association Agreement between Kosovo and the European Union, which was previously published on the Official Gazette of the EU, entered into force. This marks the most significant step so far between the EU and Kosovo in legal terms, in the form of establishment of contracting relations, but also in economic, commercial, political and other terms. This agreement undoubtedly has historical significance, and political representatives from both Kosovo and from the EU are not exaggerating when they give such significance to this SAA. With this agreement, Kosovo closes the long and difficult process of establishment of contractual agreements with the EU. Kosovo gains huge opportunities to access the EU market, and both the numerous opportunities that this agreement provides and its implementation will result in reforms that will change the country and the society for better. The EU too closes a long process that started with Zagreb Summit in autumn 2000. In this summit, the SAA process was initiated and the European perspective of the region was declared, conditioned on regional cooperation.

With this very agreement with Kosovo, the EU closes its rounds of such negotiations with all countries of the region, defined as the “Western Balkans,” which in fact includes the countries created on the territory of former Yugoslavia without Slovenia, and adding Albania. Thus, the SAA with Kosovo is undoubtedly of historic significance for the EU as well, which - through this process of Stabilization and Association –

has managed to help these countries achieve stabilization to the extent that it enables them to join the EU.

But, like many other issues related to Kosovo, this SAA is also “sui generis” compared to similar EU agreements with other countries. Generally speaking, it includes the same things as other agreements, but there is an important legal distinction: it was only signed by EU institutions and not by member states. Moreover, the political promises regarding Kosovo’s full integration into the EU are also vague, or conditioned by “circumstances”. This is because Kosovo is recognized as a state by the majority of EU member states, except for five countries which still do not recognize its independence. Therefore, even though the means of finding a legal form to have such an agreement with Kosovo can be considered a success, without prejudicing the position of EU member states regarding its status, this can also be considered an obstacle for future relations in Kosovo’s EU integration process.

On the other hand, the entire process of EU enlargement is not a primary focus anymore in Brussels or the capitals of EU member states, both due to the fact that the countries in the region are in reality far from meeting the membership criteria, and due to the internal problems of the EU. The European Union still keeps this process alive, making steps forward in the process of negotiation with the countries in the region, but at the same time there is an increasing hesitation and opposition to accept

new countries. At this point in particular, the decision of UK citizens to leave the EU marks the first sign of disintegration and even the initiation of a process of compression (or contraction). The atmosphere in the EU - as a result of the disappointment with Great Britain's decision to leave the Union - is such that some serious politicians do not hesitate to warn that if this challenge is not overcome, the EU might be dissolved.

In these circumstances, how realistic is it to expect from Kosovo to make steps towards European integration, and what will be the priorities and opportunities governing relations between Kosovo and the EU after the SAA enters into force? These are the central topics of this study, which was made based on existing documents, and discussions with both official and unofficial sources involved in this process.

Chronology of EU – Kosovo relations

- **2000** – At the Zagreb Summit, held on November 24, the EU promises that the momentum will progress towards the EU integration of the region’s countries. Kosovo does not take part in this summit, though the head of UNMIK is present as a guest. The formal declaration produced at summit mentions five countries. Kosovo and Montenegro are not mentioned – they declared independence later. The primary condition for EU integration is regional cooperation.
- **2002** – The tracking Mechanisms of Stabilization and Association for Kosovo are established. These mechanisms were used to prepare the country for the time when conditions are met for formal inclusion in the process.
- **2003** – The Thessaloniki Summit, held in June, results in a joint declaration of criteria of EU member states’ governments, confirming the perspective of EU integration of all Western Balkans countries¹. Kosovo is not left out although the declaration calls for standards to be met in order to move forward towards the determination of its status, which would open the way for the realization of its European perspective.
- **2005** – The document which refers to Kosovo’s European perspective the first time mentions the full integration of Kosovo into the EU². The document identifies Kosovo’s lack of status as an obstacle in order to start the Stabilization and Association process. The aim of this process, according to the document, is full integration in the EU. Regardless of the lack of status, at this point the European Commission promises to find “creative ways” for Kosovo to benefit from EU instruments.
- **2007** – The period of status negotiations was facilitated by Martti Ahtisaari. EU High Representative Javier Solana and EU Commissioner for Enlargement Olli Rehn prepared a joint report that envisions a European perspective for Kosovo as well, the same as for the countries in the region³. This document sets forth the possibility of an SSA with Kosovo after its status is determined. The report emphasizes that Kosovo should meet all conditions just like every other country in the Western Balkans. At

1 EU. (2003, June 21). EU-Western Balkans summit Thessaloniki, 21 June 2003. Retrieved from http://europa.eu/rapid/press-release_PRES-03-163_en.htm

2 EU. (2005, April). A European Future for Kosovo. retrieved from <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52005DC0156>

3 ³ Commission, E. (2007, March 29). Joint report by Javier SOLANA, EU high representative for the CFSP and Olli REHN, EU commissioner for enlargement, on the state of preparations of the future EU and international presence in Kosovo. Retrieved from http://europa.eu/rapid/press-release_MEMO-07-121_en.htm

the same time, it highlights that Kosovo should feel that the EU is committed to engage in contractual relations, foster regional cooperation and provide the same possibilities given to other countries in the region.

- **2009** – The European Commission publishes a post-independence “Study”⁴ for Kosovo. At that point, all but five EU member states had recognized Kosovo’s independence. These five members influenced the Commission to call this document a “Study” instead of a “Feasibility Study,” as was the practice with every other country in the Western Balkans when assessing a country’s readiness to start the process that normally leads to the signing of the SAA. This study highlights the necessity that the lack of recognition by all EU member states should not to be an obstacle to relations between Kosovo and the EU. This document recommends the initiation of the dialogue about visas, but also “the stabilization and association dialogue” which, according to this document, deepens and strengthens the participation of Kosovo in the process of Stabilization and Association.
- **2012** – The Feasibility Study for Kosovo is published.⁵ The key message of this document is that there are no obstacles for Kosovo to sign the SAA. It identifies fields where Kosovo should undertake serious reforms: Rule of law, public administration, protection of minorities, and trade.
- **2013** – In June, the European Council gives the green light to start the negotiations for Stabilization and Association. The first meeting is held in October.
- **2014** – Between May and June, the SAA negotiations are concluded and the text of the agreement is initialed.
- **2015** – On October 27 the SAA is signed between Kosovo and the EU in Strasbourg. The “EU only” principle is applied for the first time – meaning that the representatives of European institutions sign the agreement instead of the representatives of each member state.
- **2016** – The SAA between Kosovo and the EU enters into force in April 1.

4 Commission, E. (2009). *COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Kosovo * -fulfilling its European perspective* *. Retrieved from http://ec.europa.eu/enlargement/pdf/key_documents/2009/kosovo_study_en.pdf

5 EU. (2012). *COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on a feasibility study for a Stabilization and association agreement between the European Union and Kosovo* *. Retrieved from http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/ks_feasibility_2012_en.pdf

First challenge – SAA implementation

Whenever a step is undertaken in a long process, such as the one of the EU integration, it necessarily raises the question of the step that follows. Similarly, after the SAA between Kosovo and the EU entered into force, the question is rightfully raised: what is next? How can this SAA be used as a starting point of a new period in the country in order to understand the end of a process?

When EU officials in Brussels are asked about the upshots of the SAA, they answer almost unanimously that “Now the focus will be the implementation of SAA.” EU officials send such messages since the SAA entered into force.

In an EU press release dated April 1, 2016, when the SAA entered into force, High Representative of the EU for Foreign Affairs and Security Policy Federica Mogherini and the Commissioner for European Neighborhood Policy and Enlargement Johannes Hahn said this agreement was important to stimulate reforms in Kosovo⁶.

“This agreement is opening a new phase in the EU-Kosovo relationship. It represents an important contribution to stability and prosperity in Kosovo and the region at large. I am looking forward to its entering into force,” said High Representative Mogherini.

⁶ Press release of High Representative Mogherini and Commissioner Hahn, April 1, 2016

Commissioner Hahn, on the other hand, highlighted the importance for investments.

“This agreement is a milestone for the EU-Kosovo relationship. It will help Kosovo make much-needed reforms and will create trade and investment opportunities,” he said.

In their official reactions, EU officials do not mention the possibility of a next step in the process, but they insisted that now everything will focus on the implementation of the SAA, which in itself represents a big challenge. This agreement regulates trade with the EU, helps in the harmonization of the legislation, cooperation in the field of migration, and the fight against trafficking, money laundering, and terrorism. It establishes the Stabilization and Association Council as well as joint Committees which will meet regularly and monitor the implementation of the Agreement. It also sets out methodologies to settle disputes between the contracting parties.

Kosovo was given a time frame of 10 years for the implementation of this agreement. The text of the agreement sets out specific time frames for the implementation of each of its components. This is favorable for Kosovo because the EU will open its market more quickly, and it enables Kosovo to open its market gradually.

At first glance, it seems that there will be no problems in the implementation of the

Agreement because of the lack of recognition of Kosovo by some EU member states, but such problems should not be excluded either because countries, in certain cases, are allowed to implement their national legislation.

The EU will monitor the implementation of the SAA, produce progress reports regarding its implementation, and formulate joint positions for meetings with Kosovo. But what happened in the case of other countries, and is not expected in the case of Kosovo - at least not in its earliest phases - is another formal step in the process of integration. And the formal step of each country after signing an SAA was to submit a request for EU membership.

Next step in the rapprochement with Kosovo, including formal membership request

Kosovo was the last country in the region to sign an SAA with the EU and it is now the only one which has not submitted a formal request to become an EU member. After the SAA entered into force in other countries, and in some cases even before that, the next step was an application for membership and the status of candidate country.

However, in the case of Kosovo, such a thing is not expected due to status-related legal obstacles. Those obstacles were somehow overcome after a very long process in order to obtain this SAA, regardless of its difference with some other countries. However, in this case it seems that the EU reached its limit of finding formulas in order to achieve progress with Kosovo in the process of integration, without the need to be recognized by all EU member states. And the SAA makes it clear that, with this agreement, Kosovo is not recognized as a state and it does not prejudice the attitudes of member states regarding its status.

Article 49 of the EU Treaty, which serves as basis for the initiation of the process of enlargement with a country, sets out clearly that every “state” can apply for accession. So,

it mentions the notion “state,” which in the case of Kosovo, at this point, poses an insuperable legal obstacle.

Although the EU makes great efforts not to discuss this issue a lot, trying to give the impression that the process is more important than the form, everyone privately admits that Kosovo cannot become a candidate country without being recognized by all member states. In an interview for the Kosovo daily newspaper *Koha Ditore*, this is also what Commissioner Hahn said.

The newspaper asked: the natural step after signing the SAA would be to apply for membership in the EU. Can Kosovo do this, legally speaking, and get candidate status without being recognized by all member states?

Hahn answered: “No, you should be recognized by all member states. But now the focus should be on the economic development of the country, on the growth, creation of jobs. We have done a lot in order to reach this Agreement. It is over 500 pages long. Right now, we will focus on its implementation. I think this is important for the citizens as well, because it is not worth it to waste a lot of energy discussing theories. Let’s

do first things first.”⁷

Thus, it can be concluded that the SAA will be for a long time the document which regulates relations between Kosovo and the EU and that there will be no other formal step in the near future. This could happen in the case of an announcement, or the possibility that countries which do not recognize Kosovo to change their minds, but this is not expected to happen. They are unwilling to change their positions and such a thing is not required of them. Apart from the European Parliament, which constantly calls upon the five member states to recognize Kosovo without further ado, there is no pressure whatsoever by any other European structure. The European External Action Service (EEAS), which coordinates the EU’s foreign policy, and the EC are satisfied with the “constructive support” provided by these countries by not hindering Kosovo in the SAA process, or in the visa liberalization process, but they are not asking those countries to recognize Kosovo or, at least in the case of Kosovo, asking the EU to have a unique voice. In this way, all EU institutions, except for the European Parliament, continue to be “status-neutral.”

In political terms, some diplomats from the countries that did not recognize Kosovo told the authors of this study that they were told by EU officials that “in this way, they helped the EU become the best possible facilitator in the dialogue between Belgrade and Prishtina.”

“This is also an advantage, because it enables us to be the best possible facilitator in the dialogue between Kosovo and Serbia, by being neutral.

⁷ Interview published in Koha ditore in November 6, 2015

We tell Kosovars that their independence is a done deal, because the vast majority of EU member states recognized them, and we tell Serbs that five countries still did not recognize Kosovo, and thus we are neutral towards status,” one of the highest EU officials involved in the facilitation of the dialogue said years ago. Theoretically speaking, this seems logical, though it can be interpreted in favor of those who say that because of the dialogue Kosovo might face obstacles as well.

Although in their justifications for not recognizing Kosovo most countries said that “they respect international justice,” they did not change their positions after the opinion of the International Court of Justice, which found that the independence of Kosovo does not represent a breach of international justice. Although some of those countries, for instance Spain, insisted in February 2009 - after the declaration of the independence - that the EU in its declaration stressed that “this is a special case,” there is no doubt that the non-recognition is motivated by the aspiration of some regions for separation. The situation in this regard is even more complex today compared to eight years ago. Catalonia is announcing separation, and there will be no changing the Spanish position in the case of Kosovo. When other countries say that they might change their positions, they condition this with an agreement between Kosovo and Serbia. Taking into account that the dialogue will take years, maybe up to the possible memberships of Serbia in the EU, it is even more unrealistic to expect a change in their positions.

This situation, which is not expected to change in a near future, will make relations between Kosovo and the EU reach a new status quo: the SAA and nothing else. This would further increase the feeling of isolation among Kosovars because other countries in the region are moving forward, albeit slowly. Montenegro and Serbia are negotiating their membership; Albania and Macedonia have candidate status, and for Bosnia and Herzegovina the Council took the mandate to start drafting the opinion granting it candidate status.

This situation explains also why the SAA does not mention the integration of Kosovo into the EU, which makes it somewhat different from the SAAs with other countries.

The difference between Kosovo's SAA and those of other countries in the region

Though not very distinguishable at first glance in terms of language and form, the SAA with Kosovo is different from SAAs with other countries. Since the very process of the preparation for the initiation of negotiations, EU legal experts found a formula to have contractual relations with Kosovo, using an agreement model which is applicable with “entities that are not sovereign countries.” In this case, in internal communications, there was a mention of agreements with Hong Kong, Taiwan, Macao and the Palestinian Authorities.

Besides not stating clearly in the text that it does not prejudice the position of member states on its status, the agreement, when making mention of some objectives, uses the sentence “should circumstances so permit.” The EU in this agreement does not take over the obligations to advance the rapprochement with Kosovo, and that also differentiates this agreement different from the ones reached with other countries.

In the Stabilization and Association Agreement signed between Kosovo and the EU, Article 11 stipulates that the political dialogue between the signatories aims to promote the participation of Kosovo in the democratic international

community, with the remark “should objective circumstances so permit.”⁸ Another goal of the political dialogue is described in the form of the “advancement of Kosovo’s European perspective and its rapprochement with the EU,” in line with the European perspective of the region, based on individual merits and in line with Kosovo’s commitments under Article 5 of this Agreement.⁹

On the other hand, the chapter on political dialogue in the SAA between Serbia and the EU, Article 11, point 2a, clearly stipulates that this dialogue aims in particular to promote the full integration of Serbia in the community of democratic nations and a gradual rapprochement towards the EU¹⁰.

Furthermore, in the SAA between the EU and Albania, Article 8, which refers to political dialogue, point 2, highlights the full integration

8 EU. (2015). *STABILISATION AND ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN UNION, OF THE ONE PART, AND KOSOVO*. Retrieved from http://ec.europa.eu/enlargement/news_corner/news/news-files/20150430_saa.pdf

9 Article 5 of SAA refers to the obligation of Kosovo to engage in the improvement of relations with Serbia

10 EU. (2015). *STABILISATION AND ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN UNION, OF THE ONE PART, AND KOSOVO*. Retrieved from http://ec.europa.eu/enlargement/news_corner/news/news-files/20150430_saa.pdf

of Albania in the community of democratic nations and gradual rapprochement with the EU, as some of the goals of the dialogue.¹¹

The clear reference that SAA leads to Kosovo's full integration into the European community, as was stipulated in the cases of other countries in the region, is not there in the content of the agreement signed between Prishtina and Brussels in 2015.

Instead of European integration, in the case of Kosovo the commonly used term is "European perspective," which is a broader definition. This is not accidental because for some states integration implies membership in the EU, and in this case it could also imply that Kosovo is being treated as a state.¹²

But in reality, this SAA enables Kosovo to have benefits just like other states, except for EU integration, if by integration we mean a path towards membership. The SAA does not open this path formally speaking, even though its implementation - in terms of preparing Kosovo and achieving standards - can help it a lot.

11 EU. (2006). *STABILISATION AND ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND THE REPUBLIC OF ALBANIA, OF THE OTHER PART*. Retrieved from http://ec.europa.eu/enlargement/pdf/albania/st08164.06_en.pdf

12 From the conversation of the authors with two diplomats who did not recognize Kosovo. They say that in texts about Kosovo they do not accept anything which could be considered as treating Kosovo as an independent state

Little enthusiasm within the European Union regarding enlargement

When analyzing the chances of Kosovo in its path towards European integration, one should consider the steadfastness within the EU regarding enlargement and acceptance of new member states. As years go by, this steadfastness is fading and there is an impression that the enlargement process is kept alive more because of the fear of destabilization of the region than because of the determination to have these countries become members of the Union.

The current composition of the European Commission and its enlargement policy, including the way it is described – i.e. referred to as neighborhood policy – are clear evidence that this process is not one of the Commission's priorities anymore. This was made clear by the president of the Commission, Jean Claude Juncker, who announced that there would be no enlargement during his mandate.¹³

Though Juncker's declaration was criticized, especially by members of the European Parliament, it was actually realistic, because all countries in the region are in fact very far from their membership in the EU. Kosovo, on the other hand, is undoubtedly the last in this group, if one can claim that Kosovo is included in the formal process. It is not recognized by

five member states, while EU membership is a process between a candidate country and all existing member states.

The EU has made clear that it wants to consolidate itself internally before re-opening up for enlargement. In this way, meeting the criteria that requires reforms and substantial changes, economic development, respect for rule of law, the depoliticizing of public institutions, the establishment of a functional market economy - which are the conditions imposed by the EU to potential candidate countries - is only one side of the process. If those conditions are not met, there is no moving forward. Moreover, the process has an unpredictable end because it also depends on the readiness of the EU to accept new members. And here is where significant changes have occurred within the EU. This happened gradually, starting from the refusal of the European Constitution in France and Holland through referendums in 2005, to the current situation within the EU. It seems now enlargement is the last thing on the minds of EU citizens, and that if it actually happens they will oppose it.

Forced to deal with itself, since 2005 the EU has admitted Bulgaria and Romania, and their cases were closed even before these referendums. It somehow managed to admit Croatia in 2013. In

¹³ With this, he did not say that the process will not continue, but that no new membership is expected until the end of his five-year mandate

the meantime, there has been progress in other countries, but they always question the end of the process.

Some EU countries even changed their laws which opened ways for new obstacles in the enlargement process. France will organize referenda for the accession of every new member in the future. In Holland, one should only collect a couple hundred thousand signatures and organize a referendum. Over 70 different national and regional parliaments in the EU can oppose the membership of a new country. During each step of the negotiation process, even parliamentary commissions of a member state can suspend the process. This means that the possibility to obstruct accession is present at least 70 times during the entire process.¹⁴

Often, fear of enlargement makes some countries condition various developments that have no direct link to this process. Holland organized a referendum and opposed the Association Agreement with Ukraine. This referendum was not binding and does not oblige the government from any legal aspect. But in a country with a serious democracy, the government respects the will of its citizens even when it does not like it. As an option to get out of this blockade, and save the agreement, which actually prompted a war between Ukraine and Russia, Holland maintains that the EU has the option to issue a clear declaration that, with this agreement, Ukraine will not be able to become an EU member.

Currently, one gets the impression that should

there be a vote in any EU member state regarding an EU issue, the citizens would vote against it. And this makes the enlargement process even more difficult.

In these circumstances, the EU in its communication regarding enlargement also tries to send ambiguous messages: on the one hand, for the audience of its member states, especially the western countries, that there will be no enlargement in the near future, and on the other hand, for the countries in the Balkans, that the process is ongoing and they should trust in their future within the EU.

The UK's decision to leave the EU will further deteriorate the enlargement process. The country was considered skeptical towards enlargement even before organizing the referendum to leave the EU, but nonetheless, it was also one of the most engaged EU countries in the Balkans. Their decision to leave the EU will create a new gap in the region which cannot be filled only by Germany, which could be worrisome in case other countries do not show considerable interest in this region.

And this is a new problem for the EU – the risk that the gap might be filled by other interested international actors, which are not strategic partners of the EU but rather, opponents. Russia in particular was mentioned during the EU Summit in October 2016 as a country which is actively working to weaken the EU in the Balkans.¹⁵

Many countries are aware that they should be careful with the Western Balkans, where

¹⁴ There are 35 negotiating chapters and all member states have to agree before a chapter is opened and closed

¹⁵ Declaration of the President of the European Council, Donald Tusk, at a press conference in Brussels, after the end of the summit

peace was reached but problems have not been solved in a way that ensures long-lasting and sustainable stability. This is what the new Prime Minister of Croatia, Andrej Plenkovic, said when commenting on Russia's role in the Balkans: "I am convinced that the more the EU hesitates, the slower it is with its enlargement and neighborhood policy, the more space is created for the involvement and, of course, closer links of these countries with Russia. And it is because they do not see their perspective within the EU, which is in a way also legitimate, if you want" said the new Prime Minister of Croatia who, until recently, was the head of European Parliament Delegation for Ukraine.¹⁶

The current developments within the EU politics and difficulties in approving decisions prove that no country in the region can believe it is so important as to not be forgotten and neglected by the EU as a result of hesitation within the union. If such a thing happened with Ukraine, with the conflict starting as a result of the division between those who want more relations with the EU and those who support Russia, then it should also be a lesson for other parts of Europe. But if not for other advantages, the Western Balkans has the geographic fortune to be surrounded as an enclave by the EU. Therefore, the interest of the EU should be greater in order to continue the enlargement process with these countries. This should be done taking into consideration that the enlargement process is also a peacebuilding process in Europe.

¹⁶ Press conference in Brussels after the meeting of the European council in October 21, 2016

Conclusions

With the entering into force of the SAA, Kosovo and the EU have finally entered into formal contractual relations. The implementation of this agreement will pose a challenge both for Kosovo and for the European Union. The challenges of Kosovo will be mainly due to its capacities for implementation, while EU may face challenges if some member states introduce administrative obstacles as a result of not recognizing Kosovo. The agreement, enabling some member states to also use their national legislation in certain cases, can produce obstacles in its implementation.

With this agreement, the EU has seemingly reached its limits in relation with Kosovo as a country with perspective in the EU integration. This agreement undoubtedly creates huge opportunities for Kosovo, which were also mentioned in this paper. However, it does not open the formal path of progress of Kosovo towards its candidate status, and consequently towards the integration in the sense of membership in the EU. This progress is hindered by the non-recognition of Kosovo by five EU member states. Since the EU Treaty mentioned the possibility of application for membership for states, and since Kosovo cannot be treated as a state by the EU, this agreement cannot be considered a new path towards integration.

Due to existing circumstances within the EU, the diminishing readiness regarding enlargement, and the UK's exit from the EU, enlargement is not one of the key priorities

anymore. But the process is on-going. Montenegro continues its membership dialogue as one of the most advanced countries in this process. Serbia opened its first chapters and the process keeps moving forward. Albania and Macedonia have candidate status and they are waiting for the possibility to open negotiations, while for Bosnia and Herzegovina the Council has started drafting an opinion to grant it the candidate status. Kosovo has the SAA, but is unable to initiate the integration procedures.

The EU is not showing efforts to change the situation regarding the recognition of Kosovo by five member states. The European Parliament continues to be the only EU institution that considers Kosovo a state and calls for its recognition by member countries which did not do so. Such calls neither come from the European Commission nor from the European External Action Service (EEAS). The situation in some of the countries which did not recognize Kosovo is such that it does not leave a lot of space to expect that Kosovo will be recognized in the near future. Therefore, this situation will continue to be an unsurmountable obstacle in the progress of Kosovo from the SAA to candidate status.

The EU is aware of the challenges of security and stability of the Western Balkans which can affect entire Europe and the EU in particular. That is why the EU wants to keep the enlargement process alive. But this does not seem easy in times when Brussels and other

member countries send messages that there will be no enlargement in the near future. With this, the EU is at risk of somewhat losing its power of attraction among the Western Balkans countries, including Kosovo.

The conditioning of progress towards European integration with regional cooperation should be carried out carefully. In the case of Kosovo, the readiness and the will for regional cooperation should not be mixed with Serbia's territorial aspirations towards Kosovo. Therefore, the potential of the dialogue between Kosovo and Serbia in Brussels in order to reach comprehensive normalization of relations has its limits. This normalization cannot be achieved by always leaving aside the issue of the status, because these disputes become territorial disputes and are the source of tensions in their relations and the source of other technical problems.

The enlargement process was slowed down also by double conditioning. Besides the readiness of the candidates to become members, another condition is the readiness of the EU to integrate them. Formally, this has also been the case in the past, but in entirely different political circumstances - the enlargement being the key priority of the EU - and was considered the realization of the ideal of the unification of Europe. But the reality of this ideal cannot be considered done without the integration of Western Balkans countries in the EU. Therefore, after the implementation of EU procedures in its relations with other WB countries, there is a need to highlight once again the political will for EU enlargement.

Recommendations

Kosovo should make maximal efforts to make use of all opportunities provided by the SAA, from those concerning trade to the benefits from assistance for administrative capacity building.

Administrative capacities should be strengthened in order to achieve success in the implementation of the SAA. This cannot be achieved through political declarations but through work on the ground. These capacities should be built within all ministries and at the local level.

The debate about whether the SAA considers Kosovo a state is in vain. The agreement itself makes this point clear. This however should not be used as a justification for the failure to implement the agreement.

Kosovo should insist on its recognition by all member states and Kosovo representatives should not declare that they understand the position of Serbia and other countries that have not recognized Kosovo.

Kosovo at a certain point should decide whether it should challenge the EU by submitting a formal application for membership.

The EU should make sure that Kosovo is not discriminated against when comparing it with other countries in the process of the implementation of the SAA. Kosovo should work with other member states so that they do not use the non-recognition to hinder its

implementation.

The EU structures involved in the enlargement process should call upon member states to be unique in their positions regarding the status of Kosovo. With this, they would also help Serbia to accept the new reality that Kosovo is an independent state.

The EU should be careful not to leave gaps in the Western Balkans which could be filled by other international actors, such as Russia, in order to challenge the EU and make the region an area of frozen conflicts.

The EU should find strength – even in times when the process of its disintegration occurs for the first time – to continue its enlargement process, which is not only economic and technical but also continues the peacebuilding process in Europe.



Augustin Palokaj is the correspondent of Kosovo's Koha ditore and Croatia's Jutarnji List from Brussels since 1998. In his vast experience he has reported about EU and NATO enlargement processes, as well as about the developments within these organizations. Besides his regular articles on integration processes, he also writes analysis and gives lectures in many countries in the Balkan region and in the EU. He finished his secondary school in Peja and got his MA at the Faculty of Political Sciences of the University of Zagreb in Croatia. During the war in Croatia and in Bosnia & Herzegovina he was the correspondent of BBC World Service and he also reported for weekly magazine Koha, the antecedent of daily Koha ditore. He also wrote for German newspapers, part of WAZ Media Group. He received journalism prizes both in Kosovo and in Croatia.



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