

Visa Liberalization: Kosovo's Saga on the EU Path

ZORAN NECHEV AND
DONIKA EMINI



Visa Liberalization: Kosovo's Saga on the EU Path

Title:

Visa Liberalization: Kosovo's Saga
on the EU Path

Authors:

Zoran Nechev and Donika Emini

Contributor:

Ivan Nikolovski

Published by:

Kosovo Foundation for Open
Society

Prishtina,
January 2022

This publication has been produced with the support of the Kosovo Foundation for Open Society, KFOS. The contents of this publication are the sole responsibility of the author and in no way can it be considered to reflect the views of Open Society Foundations, OSF or KFOS.

— Visa Liberalization: Kosovo's Saga on the EU Path

0

Introduction

p.10

1

Reaching a decade of the visa roadmap implementation: how to complete the puzzle?

p.11

2

Politicization of the visa liberalization process: what are the consequences?

p.14

3

Disentangling the Gordian Knot: how visa liberalization can strengthen the position of the EU in the dialogue between Kosovo and Serbia

p.19

4

Ending the wait and see approach: how can Kosovo continue delivering in the process?

p.22

5

Conclusion

p.24

Bibliography

p.25

Introduction

The frustration among Kosovo citizens as well as the political elites has been on constant rise since the positive assessment by the European Commission for the fulfillment of the visa liberalisation criteria and the lack of political will in the Council i.e. specific EU member states to grant visa free travel to Kosovo citizens. The skepticism in Prishtina that there will be any resolution of the issue soon did not soften even during the European Union Presidency led by Slovenia, regarded as a friendly country to Kosovo.

The impact of the EU reluctance to conclude this process is manifold, but primarily it's detrimental to its credibility and leverage: when it comes to deliver from EU's side, i.e when the homework has been done and assessed positively by the Commission, the EU fails to do so. On the other hand, in Kosovo, the impact of this process is vastly shaping the attitude of the political elite and the perception of the citizens toward the EU in general – most importantly in its ability to deliver on more sensitive issues such as dialogue between Kosovo and Serbia. Moreover, it normalizes over-politicization of the process beyond its technical

nature and directly impacts the already complex relations of Kosovo with the EU. The latter is important due to the fact that the EU is facilitating an important process for Kosovo – the dialogue with Serbia which is extensively more sensitive politically than the visa liberalization. If the EU is failing to deliver on the visa liberalization process after evident fulfilment of the benchmarks, one should not have great expectations that it will be able to lead a process as sensitive as the dialogue despite the efforts made.

This paper goes back in time to portray the thorny and difficult path Kosovo took and remains to take in order to be granted visa-free travel for its citizens. It offers an assessment of the current situation – albeit the European Commission did not revisit its opinion on Kosovo, nor has the European Parliament changed its positive stance toward Kosovo. The analysis continues to debunk the extensive politicization of the process and offers suggestions on how to unblock the process by granting Kosovo visa liberalization, thus having an extensive positive impact on how the EU is perceived in Kosovo and in the region.

1

Reaching a decade of the visa roadmap implementation: how to complete the puzzle?

It has been almost a decade since Kosovo started its visa liberalization process with the EU when in 2012 the European Commission launched the visa liberalization dialogue,¹ introducing a roadmap for Kosovo with two key requirements: 1) *readmission and reintegration*; and 2) *document security, border/boundary and migration management, public order and security, and fundamental rights related to the freedom of movement*.² In addition, the second requirement is divided into four blocs:

1. Block 1 – *document security* (personal travel documents, ID cards, and breeder documents);
2. Block 2 – *border/boundary and migration management* (border/boundary management, carriers' responsibility, migration management, and asylum);
3. Block 3 – *public order and security* (preventing and combating organized crime, corruption, and terrorism, law enforcement co-operation, judicial co-operation in criminal matters, data protection); and

1 European Commission, "Commission Delivers Visa Roadmap to Kosovo Government," Text, European Commission - European Commission, June 14, 2012, https://ec.europa.eu/commission/presscorner/detail/en/IP_12_605.

2 European Commission, "Visa Liberalisation with Kosovo" Roadmap," June 14, 2012, 7-6, <https://www.esiweb.org/pdf/White%20List%20Project%20Paper%20-%20Roadmap%20Kosovo.pdf>.

4. Block 4 – *fundamental rights related to the freedom of movement* (freedom of movement, conditions, and procedures for issuing identity documents, human rights, and respect for and protection of minorities).³

However, due to its contested status by five EU member states,⁴ Kosovo, unlike the rest of the countries in the Western Balkans, needed to sign bilateral readmission agreements with individual or group of EU member states instead with the EU as a whole to even start the visa dialogue.⁵ Nonetheless, despite the unprecedented challenges from its very inception, Kosovo has managed to sign 22 readmission agreements with 24 countries since the start of the visa dialogue, including 20 EU or Schengen member states, Turkey, and its Western Balkan neighbors, except Serbia.⁶ Additionally, in 2010, the Kosovar Parliament adopted the Law on readmission, providing a legal framework for the readmission-related relations with the rest of the EU member states not covered with bilateral readmission agreements.⁷ Furthermore, Kosovo had to meet additional conditions for launching the visa-free dialogue, including

specifically tailored requirements in the areas of reintegration, border security, management of civil registries, and issuance of documents, aimed at preventing illegal migration and reintegrating Kosovans who were readmitted in the country.⁸

In addition to this, the number of benchmarks Kosovo got in the visa roadmap was almost double of that from other Western Balkan countries had had. In this specific case, it was a matter of increasing the level of detail and precision, rather than imposing a largely higher number of criteria to be fulfilled. However, the precedent created in the case of the Kosovo's visa liberalisation roadmap is the "full involvement of the Council and Member States in developing and, if necessary, amending this roadmap".⁹ Previously, this was not the case. The additional, very specific and, at times, politically loaded requirements, not present in the Visa Liberalization Roadmaps of other Western Balkan countries, as well as their inconsistent and politicized reading by the Member States, have ultimately translated into domestic political quarrels, paradoxically hindering the visa liberalization process, which they allegedly meant to facilitate.¹⁰ Such case is the

3 Ibid, 7-14

4 Cyprus, Greece, Romania, Slovakia and Spain do not recognize Kosovo as an independent state.

5 Ibid.

6 European Commission, "Fourth Report on Progress by Kosovo* in Fulfilling the Requirements of the Visa Liberalisation Roadmap," May 4, 2016, https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/fourth_progress_report_on_kosovo_visa_liberalisation_roadmap_swd_en.pdf; European Commission, "Kosovo* 2019 Report," May 29, 2019, <https://ec.europa.eu/neighborhood-enlargement/sites/near/files/20190529-kosovo-report.pdf>.

7 Assembly of the Republic of Kosovo, "Law on Readmission," Pub. L. No. Law No.03/L -208 (2010), <https://www.refworld.org/docid/5ddfcef14.html>.

8 Donika Emini, "Migration: Challenging Visa Liberalization for Kosovo," Kosovar Centre for Security Studies (KCSS), November 2015, <http://www.qkss.org/en/Policy-Papers/Migration-Challenging-visa-liberalization-for-Kosovo-578>; Zoran Nechev and Ivan Nikolovski, "EU Conditionality in the Visa Liberalisation Process with Kosovo: Increased Specificity, Meticulous Scrutiny," in *Local and International Determinants of Kosovo's Statehood*, ed. Ioannis Armatas et al. (Prishtina: Kosovo Foundation for Open Society, 2019), 308, <https://kfos.org/storage/app/uploads/public/5f9/29d/8d1/5f929d8d19752917745210.pdf>.

9 European Commission, "Visa Liberalisation with Kosovo* Roadmap," 3.

10 Nechev and Nikolovski, "EU Conditionality in the Visa Liberalisation Process with Kosovo: Increased Specificity, Meticulous Scrutiny," 10-11; Gentiola Madhi, "Germany's Cautious Support to Kosovo's Visa Liberalisation,"

requirement for delineation of the border with Montenegro (part of **Block 2**), which reads “to complete the endeavor, in a coordinated manner with the other party, the delineation of the border/boundary with Montenegro”. This benchmark became extremely problematic to fulfil to the extent that in the end, the government in Prishtina after delineating the border, had immense challenges to ratify the Agreement reached with Podgorica, steering political conflict, which eventually led to its change.¹¹ As a result, the state institutions remained paralyzed and were unable to implement visa roadmap requirements for almost three years.¹²

Notwithstanding the difficulties arising from the visa liberalization process, Prishtina managed to overcome the domestic political turbulences, ratify the border agreement with Montenegro and meet all the outstanding requirements, resulting in European Commission’s 2018 proposal for a visa-free regime with Kosovo.¹³ Nevertheless, regardless of European Commission’s three consecutive recommendations for lifting the visa requirements for Kosovo (2018, 2019, and 2020),¹⁴ the EU has continually failed to deliver on its commitments even

in the only integration-related process that both parties have seen as mutually acceptable and implementable given Kosovo’s disputed status.¹⁵ Despite EU’s similar approach to Kosovo’s visa-free dialogue vis-à-vis the rest of the Western Balkans, at least in terms of enforced policy instruments and methods of assessment,¹⁶ Kosovo partial recognition by the EU has tied a Gordian Knot around the visa dialogue, placing the fate of its citizens’ free movement in yet another waiting room.¹⁷ An example of this is the time needed to sign the readmission agreements with individual EU Member States instead of collectively as in the case of the other Western Balkan countries.

Hence, the seemingly ‘technical’ process has increasingly turned into a contentious and overly politicized matter, both internally, in Kosovo, and among the EU Member States, as we demonstrate in the following sub-chapters.

European Western Balkans, March 26, 2020, <https://europeanwesternbalkans.com/2020/03/26/germanys-cautious-support-to-kosovos-visa-liberalisation/>; Gentiola Madhi, “Diluting Principles, Darkening EU Accession Perspective: Politicization of Kosovo’s Visa Liberalization Process,” in *Local and International Determinants of Kosovo’s Statehood*, ed. Ioannis Armakolas et al., vol. 2 (Prishtina: Kosovo Foundation for Open Society, 2021), 301–34, <https://kfos.org/en/news/77/new-publication-local-and-international-determinants-vol-2>.

11 Nechev and Nikolovski, “EU Conditionality in the Visa Liberalisation Process with Kosovo: Increased Specificity, Meticulous Scrutiny,” 310.

12 Freedom House, “Kosovo: Nations in Transit 2018 Country Report,” 2018, 2–3, <https://freedomhouse.org/country/kosovo/nations-transit/2018>.

13 European Commission, “Kosovo* 2018 Report,” April 17, 2018, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-kosovo-report.pdf>.

14 European Commission, “Kosovo* 2016 Report,” November 9, 2016, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_kosovo.pdf; European Commission, “Kosovo* 2018 Report”; European Commission, “Kosovo* 2019 Report”; European Commission, “Kosovo* 2020 Report,” October 6, 2020, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/kosovo_report_2020.pdf.

15 Nechev and Nikolovski, “EU Conditionality in the Visa Liberalisation Process with Kosovo: Increased Specificity, Meticulous Scrutiny,” 301.

16 Ibid, 300

17 Ibid.

2

Politicization of the visa liberalization process: what are the consequences?

In the Western Balkans, the EU has immensely used the ongoing processes such as the integration of the countries in the region to not only foster reforms but also promote good neighbourly relations. Various mechanisms and platforms have been used to push the countries toward solving bilateral disputes, thus paving the way for solving bilateral relations between countries in the Western Balkans and fostering regional cooperation.¹⁸

In the case of Kosovo, the only country in the Western Balkans without a clear

membership path, the EU used the existing processes to generate carrots for Kosovo. One of the biggest carrots, the Stabilization Association Agreement, has been granted when Kosovo marked progress in the process of the EU facilitated dialogue between Kosovo and Serbia.¹⁹ However, another very important process for the Kosovo Government and the citizens remains the visa liberalization process as the only perceived tangible outcome. Observing the importance of visa liberalization in Kosovo as well as the readiness of the Government to deliver timely to catch the dynamics of

18 O'Brennan, John. "On the Slow Train to Nowhere? The European Union, 'Enlargement Fatigue' and the Western Balkans." *European Foreign Affairs Review* 19.2 (2014).

19 Interview with Expert on EU Integration - Think Tank 2, 18 August 2021.

other countries in the region, the EU alongside the government agreed to include the demarcation with Montenegro as a requirement in the visa liberalization process.²⁰

From the point of view of the EU integrating border demarcation with Montenegro has been considered another shortcut in conditionality aiming to resolve a potential dispute between Kosovo and Montenegro, the political cost of this approach has been detrimental for Kosovo.²¹ By including this criterion halfway through the process emphasized the differentiated approach of the EU toward Kosovo - an approach which was already evident at the political level due to lack of diplomatic recognition by the five EU member states. The developments around the border demarcation issue swiftly turned a technical process into a turmoil in the already existing complex relations between Kosovo and the EU. Visa liberalization gradually became the main process through which the EU would be seen in Kosovo, thus seriously challenging the EU integration process and the importance of other relevant ongoing reforms.

Kosovo missed the train in 2016 to join Georgia and Ukraine who obtained visa-free agreements in March and June 2017, respectively. At that point in time, Kosovo had already implemented 93 out of 95 criteria. In May 2016, the European Commission

approved the fourth and final report which recommended visa liberalisation for Kosovo on the condition of the ratification of the border demarcation agreement with Montenegro and the establishment of a track record of investigations, final court decisions and seizures on cases of high profile organised crime and corruption. The implementation of the former caused internal political turmoil and crisis in Kosovo with unpleasant images of teargas attacks by the then opposition in the Parliament. It was used as a reason to bring down the government of the then prime minister Isa Mustafa. The opposition toward the content of the agreement had been initiated by Ramush Haradinaj who was one of the most vocal opposition voices, followed by the current prime minister of Kosovo, Albin Kurti.²²

The lack of transparency in the process of reaching this agreement has been considered as the main issue of concern by the opposition claiming that the agreed demarcation left 8,000 hectares outside of the Kosovo territory.²³ Thus, the leaders of the opposition vocally demanded that the border demarcation agreement with Montenegro to be renegotiated²⁴, or in have the international arbitration court decide on the matter. Otherwise, the agreement would not be ratified in the Assembly risking failure to fully implement the Visa Liberalization Roadmap.

20 Interview with former Member of the Parliament, 1 July 2021.

21 Zijadin Gashi, 'Demarkacioni, "mollë shërr" me Malin e Zi', *Radio Evropa e Lirë*, 14:49:55Z, sec. Aktuale, <https://www.evropaelire.org/a/27832943.html>.

22 'Demarkacioni Me Malin e Zi Ndan Edhe Më Tej Politikën Kosovare | Ballkani | DW | 15.07.2016', accessed 18 September 2021, <https://www.dw.com/sq/demarkacioni-me-malin-e-zi-ndan-edhe-m%C3%AB-tej-politik%C3%ABn-kosovare/a-19400113>.

23 'Demarkacioni me Malin e Zi, hendek në politikë', *Klan Kosova* (blog), 22 May 2016, <https://klankosova.tv/demarkacioni-me-malin-e-zi-hendek-ne-politike/>.

24 'Ymeri: Të Rinegociohet Demarkacioni Me Malin e Zi - KOHA.Net', accessed 18 September 2021, <https://www.koha.net/arberi/55895/ymeri-te-rinegociohet-demarkacioni-me-malin-e-zi/>.

The government led by Mustafa in 2017, for its part had insisted that the government commission that marked the border line with Montenegro was correct. Furthermore, the government claimed this was confirmed by an international commission that was convened with American, British, and German experts, which verified the work of the Kosovo state commission. The findings of the international commission confirmed that the demarcation of the border with Montenegro was done correctly, however, the process of reaching the agreement has not been transparent enough.²⁵ The Kosovar opposition did not agree on the findings and questioned the methodology used by the international commission.

The initial plan to open the debate on the content of the agreement escalated into violent actions such as the tear gas in the Assembly. This caused a political deadlock which sent the country to snap elections. The result of the elections which brought to power Ramush Haradinaj who vocally opposed the demarcation agreement, changed the situation on the ground. As the leader of the country, Haradinaj who created and used the demarcation cause to juggle his way to power by creating another commission on the demarcation agreement, pushed the agreement in the parliament.²⁶ In 2018, Kosovo signed the agreement under the claim that the border between Montenegro will be revisited at a later point.

In the meantime, as the Kosovo elite was going through power change, the window of opportunity to be voted as a package alongside Georgia and Ukraine was missed.²⁷ The circumstances in the EU changed after the refugee crisis which triggered political debates among the EU member states.

As Haradinaj took over the prime minister office in 2018, he claimed the following:

*"In the first days of the new government we will have liberalization. Part of the work will take place even now in the end of November, but liberalization will happen in December. We all carry merit and guilt. The EU is interested in moving forward with this decision"*²⁸

As Haradinaj was clearly failing to deliver on what he claimed to be his first success as the prime minister of the country, the tables turned with the former prime minister Isa Mustafa accusing Haradinaj about his false cause:

*"We all knew that the visa liberalization would be delayed due to delays in ratifying the demarcation agreement with Montenegro. The EU was unjust toward Kosovo, because it imposed more conditions for Kosovo than other countries, but the EU informed us in time, in 2015 and 2016, that if we delay the ratification of the agreement, liberalization will be prolonged."*²⁹

25 Kallxo, 'Presidentja Themeloi Komisionin Për Demarkacionin', 15 March 2016, <https://kallxo.com/shkurt/presidentja-themeloi-komisionin-nderkombetar-per-demarkacionin/>.

26 'Bulliqi: Shumica e punës së ish komisionit për demarkacion është bërë gabim', *Klan Kosova* (blog), 4 December 2017, <https://klankosova.tv/bulliqi-shumica-e-punes-se-ish-komisionit-per-demarkacion-eshte-bere-gabim/>.

27 Interview with EU Member State Ambassador in Kosovo 1, 13 July 2021.

28 Klan Kosova, 'Haradinaj Thotë Se Vizat Pritet Të Hiqen Në Dhjetor'.

29 Radio Free Europe, 'Isa Mustafa: Nuk Hiqen Vizat Me Një Qeveri Që Merr Vendime Arbitrare Dhe Ka Shumë Ministra Me Aktakuza', 6 December 2018, <https://www.radiokosovaelire.com/isa-mustafa-nuk-hiqen-vizat-me-nje->



In the first days of the new government we will have liberalization. Part of the work will take place even now in the end of November, but liberalization will happen in December. We all carry merit and guilt. The EU is interested in moving forward with this decision”

However, the almost three years of delay cost Kosovars a lot losing the momentum in the European Union to close the story of visa-free travel of European countries. Ever since, subsequent governments including the existing one, have tried to put the visa-free travel back on the agenda without any success.

On the EU side, the climate has not been very favourable ever since. Growing skepticism within some EU member states, the past exodus, mistrust in the European Commission assessment, and the rise of populism further worsened the atmosphere. The government in Prishtina is also faced with distrust and disbelief among a number of member states about its seriousness and achievements in fight against corruption and organized crime. According to the Dutch Ministry of Foreign Affairs, the country suffers from a high level of corruption and organised crime and that there is not enough support for the visa liberalisation process for Kosovo in the Council.³⁰

According to French officials, Paris is still not convinced regarding the prospering of Kosovo in this process and the reasons are primarily fear around the level of crime and the corruption affairs.³¹ The latest signs coming from Germany are positive and a small ray of light, after years of waiting. The position was announced on a recent visit by the German Minister of Foreign Affairs Heiko Mass who stated that Kosovo “has fulfilled all criteria for visa liberalisation and it should be granted”.³²

The question pops up immediately – was the idea of including the border demarcation with Montenegro in the visa roadmap necessary? For the EU having one potential dispute less in the Western Balkans would already be considered a success. With Montenegro preparing to join NATO, having its borders agreed was imperative. Kosovo and Montenegro since 2008 have had solid bilateral relations. Montenegro has made an outstanding decision toward Kosovo on the occasion of its statehood recognition.

qeveri-qe-merr-vendime-arbitrare-dhe-ka-shume-ministra-me-aktakuza/.

30 <https://www.schengenvisa.info.com/news/netherlands-continues-to-oppose-kosovos-visa-liberalisation-due-to-corruption/>

31 <https://www.schengenvisa.info.com/news/france-extinguishes-kosovo-hopes-for-visa-liberalization-in-the-near-future/>

32 <https://euobserver.com/world/151874>

The demarcation process between two countries with well-established relations would be manageable to be solved bilaterally with expert level assistance by the EU without the necessity for it to be integrated in the visa liberalization process. Kosovo already has a good track record in concluding the demarcation process with North Macedonia.³³ The demarcation with North Macedonia was successfully renegotiated in 2008 when Kosovo's independence was declared. The demarcation involved leaders that represented local people affected by the border agreement and communication on a national level. The same process could have been replicated using a bottom-up approach with governments having more ownership in the process, rather than integrating it within the visa liberalization process.

Even in the peak of the political crisis caused by the demarcation with Montenegro, the issue was not considered as a bilateral dispute as it merely had an impact in the relations between Kosovo and Montenegro.³⁴ The Kosovo – Montenegro has been mainly a process that further increased political polarization and alienated the political elite in Kosovo. Insisting to have this issue integrated in the visa liberalization process did not change the perception toward Montenegro as much as it is negatively impacting the way that the EU is seen in Kosovo.

In order to see the light of the day, and transfer Kosovo on the white list of countries, the decision requires a qualified majority of 55% of member states, representing at least 65% of EU population. The decision will need to be reached jointly by the EU Ministers for Internal and Foreign Affairs in order to approve the action in the Council of European Union. However, if France and the Netherlands object the decision, then the decision will be postponed and not put on the table until these two member states do not change their assessment.

Finally, the situation with Kosovo's visa liberalisation process has showed the increasing lack of trust among EU institutions. In the case of the visa liberalization for Kosovo, the EU Commission and the EU Parliament have not only procedurally given the green light to Kosovo on this matter, but the voices heralded from these institutions openly call for the member states to deliver.³⁵ Thus, understanding the importance of the EU leverage in Kosovo and the Western Balkans but also by simply living up to the commitments .

33 Interview with Expert on EU integration - Think Tank 1.

34 Marika Djolai and Zoran Nechev, 'Bilateral Disputes Conundrum: Accepting the Past and Finding Solutions for the Western Balkans', n.d., 20.

35 Radio Free Europe, 'PE-Ja Miraton Raportin Për Kosovën, Mbështet Liberalizimin e Vizave', 25 March 2021, <https://www.evropaelire.org/a/parlamenti-evropian-insiston-liberalizim-vizash-vazhdim-dialogut-kosoven/31169126.html>.

3

Disentangling the Gordian Knot: how visa liberalization can strengthen the position of the EU in the dialogue between Kosovo and Serbia

In 2013, the European Commission issued the first report on the implementation of Kosovo's Visa Liberalization Roadmap.³⁶ The report included recommendations for all of the benchmark areas, including pre-conditions, such as the thorough implementation

of the Law on Readmission, the conclusion of bilateral readmission agreements with the EU Member States and third countries, reduction of the number of pending readmission requests from all Member States, readmission of its citizens, third-country

³⁶ European Commission, "Report from the Commission to the European Parliament and Council on Progress by Kosovo* in Fulfilling the Requirements of the Visa Liberalisation Roadmap," February 8, 2013, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52013DC0066&from=EN>.

nationals and stateless persons who no longer fulfill the conditions of entry and stay in the EU Member States, and improvement of the data exchange with Member States' authorities concerning the special needs of returnees, including victims of human trafficking.³⁷

A year later, the European Commission issued the second report, including much of the previous recommendations.³⁸ Notwithstanding that progress was noted in all priority areas, the European Commission demanded more devotion in ensuring judicial independence and reinforcing the capacities of the independent bodies and agencies.³⁹ By 2015, Kosovo met most of the remaining benchmarks. Nevertheless, the European Commission requested additional requirements in terms of reintegration, including assistance with employment, the establishment of small businesses, vocational training, and linguistic training for children.⁴⁰

In 2016, the European Commission introduced its fourth consecutive report, stating that Kosovo managed to implement all of the remaining requirements except for the ratification of the Border Agreement with

Montenegro.⁴¹ In response, the European Commission proposed to the Council of the European Union and the European Parliament to lift the visa requirements for Kosovo as soon as the outstanding issues are solved (European Commission 2016). Nevertheless, this proposal came with two conditions for Kosovo to ratify the border agreement with Montenegro and to further strengthen its track record in the fight against organized crime and corruption.⁴²

When Kosovo finally managed to ratify the agreement with Montenegro in March 2018 and improved the track record of combatting serious corruption and organized crime cases, the European Commission, applauding the progress the country had made, officially submitted a proposal for a visa-free regime with the EU in July 2018, calling for its smooth adoption by the European Parliament and European Council.⁴³ The European Parliament approved the Commission's proposal in September 2018.

However, despite Prishtina's compliance with the numerous requirements and regardless of the repeated calls for a visa-free regime by the European Commission and European Parliament, the European Coun-

³⁷ European Commission, 20–21.

³⁸ European Commission, "Second Report on Progress by Kosovo* in Fulfilling the Requirements of the Visa Liberalisation Roadmap," July 24, 2014, https://ec.europa.eu/home-affairs/sites/default/files/what-is-new/news/news/docs/second_commission_assessment_en.pdf.

³⁹ European Commission, 6–7.

⁴⁰ European Commission, "Third Report on Progress by Kosovo* in Fulfilling the Requirements of the Visa Liberalisation Roadmap," December 18, 2015, 3,11, https://ec.europa.eu/home-affairs/sites/default/files/e-library/documents/policies/international-affairs/general/docs/swd_third_report_progress_kosovo_fulfilling_requirements_visa_liberalisation_roadmap_en.pdf.

⁴¹ European Commission, "Fourth Report on Progress by Kosovo* in Fulfilling the Requirements of the Visa Liberalisation Roadmap."

⁴² European Commission.

⁴³ European Commission, "Visa Liberalisation: Commission Confirms Kosovo Fulfills All Required Benchmarks," European Commission - European Commission, July 18, 2018, https://ec.europa.eu/commission/presscorner/detail/en/IP_18_4562.

cil has not yet given the long-awaited green light on this matter. On the contrary, in June 2019, the Council called for a more resolute fight against corruption and organized crime,⁴⁴ questioning the European Commission's ability to evaluate Kosovo's progress on the matter at stake.⁴⁵

Similar concerns were raised by some of the EU Member States' diplomats in Kosovo. Such is the case with the French Ambassador in Prishtina, Didier Chabert, who said the fight against corruption and organized crime in the country is not sufficient.⁴⁶ His superior, the French Minister for European and Foreign Affairs, Jean-Yves Le Drian, has reiterated this stance, adding that "France, together with some other member states, believes that in this phase not all of the conditions are fulfilled".⁴⁷ As a result, the Kosovar and French Ministries of Interior have agreed to establish a joint technical committee aimed at addressing Paris' concerns yet without 'a change of heart' in the French position to date.⁴⁸ Pressured by the domestic opposition and harsh public stances on illegal migration, as well as concerned with the success of the previous visa liberalization cycles, the

Member States, especially France and the Netherlands but also Germany, which has supported the European Commission's proposal but has not been especially vocal about it, have blocked the process indefinitely with no signs of resolution in the foreseeable future.⁴⁹

Although not a requirement, Serbia – Kosovo dialogue (or the lack thereof) has also greatly influenced the success of the visa liberalization process (or the lack thereof). It is worth mentioning that every breakthrough in the negotiations between Belgrade and Pristina immediately translated into progress in Kosovo's visa dialogue. For instance, half a year after Brussels started the accession negotiations with Belgrade, Kosovo and Serbia were closer to normalizing their relations.⁵⁰ At the same time, the former progressed in its EU integration, by signing the Stabilisation and Association Agreement and launching the visa dialogue with the EU.⁵¹ The EU manages to successfully push its reformist agenda in the Western Balkans whenever it assures the countries of the region with tangible rewards by the Union, regardless of the reforms' complexity and/or contentiousness.⁵²

44 Council of the European Union, "Council Conclusions on Enlargement and Stabilisation and Association Process," June 18, 2019, <https://www.consilium.europa.eu/en/press/press-releases/2019/06/18/council-conclusions-on-enlargement-and-stabilisation-and-association-process/>.

45 Madhi, "Diluting Principles, Darkening EU Accession Perspective: Politicization of Kosovo's Visa Liberalization Process," 312.

46 Veriu Info, "Franca e Prerë Për Vizat: Ky Është Kushti Për Të Marrë Liberalizimin," Veriu.info, December 19, 2018, <https://veriu.info/franca-e-prere-per-vizat-ky-eshte-kushti-per-te-marre-liberalizimin/>.

47 Senat, "Libéralisation Des Visas Pour Les R ressortissants Du Kosovo 15e Législature," April 25, 2019, <https://www.senat.fr/questions/base/2019/qSEQ190410179.html> in Madhi, "Diluting Principles, Darkening EU Accession Perspective: Politicization of Kosovo's Visa Liberalization Process," 316.

48 Ibid

49 Ibid

50 Adnan Çerimagić and Zoran Nechev, "Resolution of Bilateral Disputes in the Western Balkans: Role of the European Union and Berlin Process," Institute for Democracy "Societas Civilis" - Skopje, June 2019, 7, https://idsocs.org.mk/wp-content/uploads/2019/12/webA5_Bilaterla_Disputes_EU-1.pdf.

51 Ibid

52 Ibid, 6



Ending the wait and see approach: how can Kosovo continue delivering in the process?

Understandably, the lack of clear signs and guidance from the EU has left the Kosovar political elites and society frustrated with the fate of the visa liberalization process. This frustration has translated into the last snap parliamentary elections whose major actors, both on the side of the incumbents and the opposition, unlike in the past, have not been especially keen to exploit the topic in their party campaigns.⁵³ However,

the issue has not remained entirely unaddressed. Namely, a window of opportunity has been opened by the European Parliament, which, at the beginning of March 2021, adopted the 2019-2020 Commission Report for Kosovo.⁵⁴ Furthermore, European Parliaments' rapporteur for Kosovo, Viola von Cramon-Taubadel, and visa liberalization rapporteur, Tanja Fajon, have continuously called for lifting the visa requirements

⁵³ Donika Emini and Zoran Nechev, "Visa Liberalization for Kosovo: From One Report to Another," *European Western Balkans*, April 29, 2021, <https://europeanwesternbalkans.com/2021/04/29/visa-liberalization-for-kosovo-from-one-report-to-another/>.

⁵⁴ Emini and Nechev; European Parliament, "Report on the 2019-2020 Commission Reports on Kosovo," March 3, 2021, https://www.europarl.europa.eu/doceo/document/A-9-2021-0031_EN.pdf.

for the Kosovar citizens.⁵⁵ This provides a rare possibility for the new government in Prishtina to exploit this momentum by engaging in more active diplomatic and advocacy efforts to convince the Member States to finally give a green light for the long-awaited visa-free regime.⁵⁶

Indeed, the report by the European Parliament coincided with the election of the new government led by Albin Kurti and a new Head of State, Vjosa Osmani. Both Kurti and Osmani are considered reformists and have already announced that they would carry out thorough reforms in the fight against corruption and the judicial system, one of the skeptical Member States' main concerns with the visa liberalization process.⁵⁷ Hence, the Kosovar authorities in consultation with France and the Netherlands in addition to the European Commission need to come up with a comprehensive strategy how to move forward. This also includes proactive relations, as well as regular and consistent diplomatic and advocacy activities to convince the sceptics to give the well-deserved 'go' on this crucial matter for the citizens of the Balkans' youngest democracy.⁵⁸ As we have witnessed in the past, a movement forward in the visa dialogue can have a spill-over effect on the negotiations between Belgrade and Pristina, creating opportunities for a final solution to one of the longest-lasting bilateral issues in the region.⁵⁹



Furthermore, European Parliaments' rapporteur for Kosovo, Viola von Cramon-Taubadel, and visa liberalization rapporteur, Tanja Fajon, have continuously called for lifting the visa requirements for the Kosovar citizens. This provides a rare possibility for the new government in Prishtina to exploit this momentum by engaging in more active diplomatic and advocacy efforts to convince the Member States to finally give a green light for the long-awaited visa-free regime.

55 Ibid

56 Ibid

57 Ibid.

58 Ibid.

59 Ibid.



Conclusion

At this moment, visa liberalization is the only “carrot” the EU can offer to Kosovo to incentivize it to stay on a constructive path. While it may not seem as much, it is considered very important by the citizens of Kosovo. Furthermore, this process is the main lens through which the citizens of Kosovo look at the EU.

The gloomy future of this process will indeed contribute to diminishing the influence and the role of the EU in Kosovo not only as the main catalyser of reforms but also in the process of the dialogue between Kosovo and Serbia. The latter is a process in which the EU not only needs to prove to be a reliable partner but also to gain full trust of the political elite and the citizens.

While the EU member states give very little attention to what ‘not delivering’ to Kosovo might cause in the region, it already had a detrimental impact. The political responsibility for moving the visa liberalization process forward and not letting Kosovo drift away completely from the EU path now lies in hand of leaders on both sides, the EU – with empathises on the member states – and the new government in Kosovo. Both actors should

seriously and genuinely tackle this issue which will further strengthen cooperation and increase trust among parties for future important processes.

The Kosovo government needs to work on two main fronts which will give a lively approach to the process. While the opinion of the EU Commission and the EU parliament is of crucial importance and shall be used by Kosovo, it shall not be an excuse for the government to have a sit and wait approach toward this process. As such, Kosovo needs to firstly work on bilateral level with all member states – all member states have equal importance and shall be categorized by the level of reluctance to support visa liberalisation for Kosovo. Engagement with the diplomatic level is crucial and most necessary step. In the meantime, Kosovo government shall proactively work with embassies present in Prishtina on regularly updating on the political willingness to continue the fight against corruption and organized crime. This will further ensure the EU member states that Kosovo continues to show commitment in the reforming process but specifically on convincing member states which hesitate to provide support for Kosovo in this regard.

Bibliography

- Assembly of the Republic of Kosovo. Law on Readmission, Pub. L. No. Law No.03/L -208 (2010). <https://www.refworld.org/docid/5ddfcf14.html>.
- Ćerimagić, Adnan, and Zoran Nechev. "Resolution of Bilateral Disputes in the Western Balkans: Role of the European Union and Berlin Process." Institute for Democracy "Societas Civilis" - Skopje, June 2019. https://idscs.org.mk/wp-content/uploads/2019/12/webA5_Bilaterla_Disputes_EU-1.pdf.
- Council of the European Union. "Council Conclusions on Enlargement and Stabilisation and Association Process," June 18, 2019. <https://www.consilium.europa.eu/en/press/press-releases/2019/06/18/council-conclusions-on-enlargement-and-stabilisation-and-association-process/>.
- Emini, Donika. "Migration: Challenging Visa Liberalization for Kosovo." Kosovar Centre for Security Studies (KCSS), November 2015. <http://www.qkss.org/en/Policy-Papers/Migration-Challenging-visa-liberalization-for-Kosovo-578>.
- Emini, Donika, and Zoran Nechev. "Visa Liberalization for Kosovo: From One Report to Another." European Western Balkans, April 29, 2021. <https://europeanwesternbalkans.com/2021/04/29/visa-liberalization-for-kosovo-from-one-report-to-another/>.
- European Commission. "Commission Delivers Visa Roadmap to Kosovo Government." Text. European Commission - European Commission, June 14, 2012. https://ec.europa.eu/commission/presscorner/detail/en/IP_12_605.
- "Fourth Report on Progress by Kosovo* in Fulfilling the Requirements of the Visa Liberalisation Roadmap," May 4, 2016. https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/fourth_progress_report_on_kosovo_visa_liberalisation_roadmap_sw_d_en.pdf.
- "Kosovo* 2016 Report," November 9, 2016. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_kosovo.pdf.
- "Kosovo* 2018 Report," April 17, 2018. <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-kosovo-report.pdf>.
- "Kosovo* 2019 Report," May 29, 2019. <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-kosovo-report.pdf>.
- "Kosovo* 2020 Report," October 6, 2020. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/kosovo_report_2020.pdf.
- "Report from the Commission to the European Parliament and Council on Progress by Kosovo* in Fulfilling the Requirements of the Visa Liberalisation Roadmap," February 8, 2013. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52013DC0066&from=EN>.

- “Second Report on Progress by Kosovo* in Fulfilling the Requirements of the Visa Liberalisation Roadmap,” July 24, 2014. https://ec.europa.eu/home-affairs/sites/default/files/what-is-new/news/news/docs/second_commission_assessment_en.pdf.
- “Third Report on Progress by Kosovo* in Fulfilling the Requirements of the Visa Liberalisation Roadmap,” December 18, 2015. https://ec.europa.eu/home-affairs/sites/default/files/e-library/documents/policies/international-affairs/general/docs/swd_third_report_progress_kosovo_fulfilling_requirements_visa_liberalisation_roadmap_en.pdf.
- “Visa Liberalisation: Commission Confirms Kosovo Fulfils All Required Benchmarks.” European Commission - European Commission, July 18, 2018. https://ec.europa.eu/commission/presscorner/detail/en/IP_18_4562.
- “Visa Liberalisation with Kosovo* Roadmap,” June 14, 2012. <https://www.esiweb.org/pdf/White%20List%20Project%20Paper%20-%20Roadmap%20Kosovo.pdf>.
- European Parliament. “Report on the 2019-2020 Commission Reports on Kosovo,” March 3, 2021. https://www.europarl.europa.eu/doceo/document/A-9-2021-0031_EN.pdf.
- Freedom House. “Kosovo: Nations in Transit 2018 Country Report,” 2018. <https://freedom-house.org/country/kosovo/nations-transit/2018>.
- Madhi, Gentiola. “Diluting Principles, Darkening EU Accession Perspective: Politicization of Kosovo’s Visa Liberalization Process.” In *Local and International Determinants of Kosovo’s Statehood*, edited by Ioannis Armakolas, Agon Demjaha, Arolda Elbasani, and Stephanie Schwandner-Sievers, 2:301–34. Prishtina: Kosovo Foundation for Open Society, 2021. <https://kfos.org/en/news/77/new-publication-local-and-international-determinants-vol-2>.
- “Germany’s Cautious Support to Kosovo’s Visa Liberalisation.” European Western Balkans, March 26, 2020. <https://europeanwesternbalkans.com/2020/03/26/germanys-cautious-support-to-kosovos-visa-liberalisation/>.
- Nechev, Zoran, and Ivan Nikolovski. “EU Conditionality in the Visa Liberalisation Process with Kosovo: Increased Specificity, Meticulous Scrutiny.” In *Local and International Determinants of Kosovo’s Statehood*, edited by Ioannis Armakolas, Agon Demjaha, Arolda Elbasani, and Stephanie Schwandner-Sievers, 299–320. Prishtina: Kosovo Foundation for Open Society, 2019. <https://kfos.org/storage/app/uploads/public/5f9/29d/8d1/5f929d8d19752917745210.pdf>.
- Senat. “Libéralisation Des Visas Pour Les R ressortissants Du Kosovo 15e Législature,” April 25, 2019. <https://www.senat.fr/questions/base/2019/qSEQ190410179.html>.
- Veriu Info. “Franca e Prerë Për Vizat: Ky Është Kushti Për Të Marrë Liberalizimin.” Veriu.info, December 19, 2018. <https://veriu.info/franca-e-prere-per-vizat-ky-eshte-kushti-per-te-marre-liberalizimin/>.

About the author



Donika Emini (PhD candidate in Politics and International Relations at the University of Westminster, London) is leading the CiviKos Platform, a secretariat gathering 260 CSOs in Kosovo. She holds a scholarship of the Global Challenges Research Fund (GCRF), and a master's degree in Public Policy, specializing in Public and Non-Profit Management and International Relations. Upon her return from Germany to Kosovo, Ms. Emini was a recipient of the OSI – Think Tank Young Professional Development Program as part of the Kosovar Centre for Security Studies where she previously worked (2013-2019). Furthermore, she was a Research Fellow at the EU Institute for Security Studies (EUISS) Paris Office HQ – fellowship granted by European Fund for the Balkans. Previously, Ms. Emini worked with the Transparency International Secretariat in Berlin, Balkan Policy Institute (IPOL), and the General Consulate of the Republic of Kosovo in New York.



Zoran Nechev heads the Center for EU Integration of the Institute for Democracy, a think tank from North Macedonia. He is a member of the Balkans in Europe Policy Advisory Group (BiEPAG) and a Europe's Futures Fellow 2021/22 at the Institut für die Wissenschaften vom Menschen (IWM) in Vienna, Austria. He has been working as an Alfred von Oppenheim Center for European Policy Studies associate fellow at the Deutsche Gesellschaft für Auswärtige Politik (DGAP) since July 2021. He specializes in EU-Western Balkans relations, external dimensions of justice and home affairs, corrosive capital, and malign influences.

