

Relations between the EU and Republic of Kosovo - The path of Kosovo integration towards the EU

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Abstract

Almost all the European Union member states have surpassed various challenges toward their integration into the European family. Although all these challenges are special cases on their own, Kosovo's journey differs from the above mentioned cases, because Kosovo has not been recognized as an independent state by some members of the European family. The other key element that differs Kosovo's journey from other cases is the presence of international institutions such as: EULEX, ICO, UNMIK, KFOR etc. in Kosovo's territory. These organizations were not present in other member states of the European Union and other countries which aim for European integration.

This manuscript aims to analyze the Kosovo challenges in its path towards the European family, which is only possible if Kosovo can create sustainable politics and cause fundamental changes in all fields, whether in public or private institutions, in order to build the rule of law. In general, this article will discuss the presence of international institutions in Kosovo such as: EULEX, ICO, UNMIK, KFOR and other international organizations, their effects on the rule of law, economic development and the sustainability of institutions. Moreover, this paper will particularly analyze the influence of the above mentioned factors to ease Kosovo's path, as an observed country, compared to other countries in the region.

Keywords: European, Union, Identity, Government, Stabilization.

Introduction

The most common uttered word in the European region or in Europe is the word Europe and European, which in turn raises the question: what do we mean by the word Europe, respectively European?

Based on terminology, many linguists have given various definitions, which in turn let the reader create different meanings of the concept. For example, the word Europe derives from the Greek word "erebos" which means darkness, implying the sunset, opposite to "Asia" implying the land or place where the sun rises.¹ The first man who wrote the word Europe in 900 BC was Hesiod, while the first man who described Europe and compared it to Asia was Hippocrates, however, the first records appear late in the VIII-th century (Reka & Ibrahim, 2004, 18-19)

I do not intend to continue defining the concept of "Europe", and its linguistic description, nor its origin or derivation, or in terms of its mythological portrait, what has been already heard, but rather its essence of contemporary use of the same. Nowadays, the word Europe is often being used by various regional institutions, as in: political, geographical, military, philosophical, economical, cultural (religious)

¹ (<http://www.wasistwas.de/aktuelles/artikel/link//a2a2e3cf81/article/die-frage-der-woche-woher-kommt-der-name-europa-und-woher-haben-die-laender-ihre-namen.html>) (21.02.2016).

and educational discourses. Starting from the above mentioned perspectives, several questions are raised: what is Europe, how far does it extend, what is the European identity, which military force does Europe belongs to, how is the word "Europe" explained, what economic organization does it belong to, which culture prevails in Europe (religions), is it being conducted in faculties, etc. In almost all of these questions, no precise or definitive answer can be made.

To begin with the first question, what is Europe? Europe is an area in which the European states live together under same roof. It should be stated that in its early days, Europe was comprised from 6 states, but has been extended to 28 states nowadays, with a continuous tendency to increase the number of member countries. If the preamble is considered, "The Charter of Fundamental Rights of the European Union" proclaimed in December 2000, it appears that the European countries are determined to share in unity, a peaceful future based on the values, increasingly being aware of the spiritual and moral heritage of the union, which is founded upon universal values and inseparable human dignity, freedom, equality and solidarity, based on the principle of democracy and the rule of law.

In the respect of the question, how far does it extend; it is noticeable that the continent extends from the Atlantic Ocean to the Ural Mountains on the west of the Eurasian continent, therefore it is not separated from Asia, but historically considered as a culturally independent continent. However, due to further expansion claims by certain countries such as transcontinental Turkey, Europe's territory was decreased (For Europe there is no definition in where the borders are, but quoted in article 49 of the Treaty of Lisbon's, there one of the main criteria to become membership of EU is to be part of European Continent. This it mean geographically Kosovo is a part of European Continent).

European identity is a very controversial challenge in the European continent and many books by many authors have been written about this topic. We already know that research on European identity is quite old as well as the effort to understand this continent as a whole. The answers have been different starting from the most banal and contradictory ones to violent efforts in order to harmonize things that cannot be united and generally speaking these results have not provided convincing arguments. There are many types of European identity, starting from: cultural and political identity, modern and postmodern identity, national and European identity, etc (Meyer, 2009, 15-20).

With the regard to third question which military force does Europe belong to, one might say that it does not belong to NATO, since within the European Union one can find states that are not yet Members of NATO.²

In terms of fourth question how is the word Europe explained, besides its mythological meaning, for certain people the word Europe means peace instead of war, democracy instead of tyranny, equality rather than inequality, the place where the diversity is respected, where states feel equal, where the values are adhered, etc.

In the fifth question, what economic organization does it belong to, the possible response might be as follows: it was established as BTHC (Riza, 2012, 366), as BAE,

² http://www.nato.int/cps/en/natohq/nato_countries.htm (22.02.2016).

and as the EEC, but whereas the EFTA was established as its antipode. Initially the states were EFTA members, but over time most of them are already European Union member states, and still there is a relation between EFTA and the EU, which altogether have established another organization named EEA (EEA European Economic Area-European Economic Space consisting of 28 member states of the European Union and 3 EFTA countries), which's acronym means the European Economic Area.

In the sixth question which is the culture that prevails in Europe (religious), the attributes that Europe belongs to a certain religion or race, is left with no suitable response either. Since the population living in Europe region, are not restricted to only Christianity (Roman), but meantime a large number of Islamic and Christian (orthodox) people are residents of Europe, too. Furthermore, Europe is composed from a diversity of races, such as the black and white people are (The Treaties of EU-promote that EU belongs to different cultures and religions).

Regarding the question as whether European law is being conducted in faculties, herein it can be said that in most of the universities that are within the region, certain subjects are being taught, meantime there are still faculties left uncovered

My purpose is not to be concerned with the terminology or to alter certain authors claims concerned on what Europe is, or what we understand from the word Europe, but on the basis of, what I told above, is to give a definition, which appear to be quite short but I do claim that it is highly accurate. So I can conclude that "Europe is a place of democratic values". What also is ultimately stated in the 1 and 2 articles of the Treaty of Lisbon (Amendments to the Treaty on European Union and the Treaty establishing the European Community in the Official Journal of the European Union No. C 306/10 dated 17.12.2007 DE). Naturally, all of these values (as highlighted in the Treaty) are highly desirable by all of the European Union countries.

Relations between the EU and Republic of Kosovo

With respect to the European Union, relations can be divided into: relations between the group of states or international organizations (UN, NATO, OSCE, Council of Europe, etc.) (Riza, 2012, 224, 280, 284, and 299) and with the states individually, however the relations between the states that have been previously recognized such as: U.S., Russia, China, should be distinguished from the states which are in pre-accession (not recognized) by the EU, such as: Slovenia and Kosovo.

Kosovo-European Union relations, date before the war (1999), but only in the field of human rights (European Parliament issued Resolution for Protection of Human Rights, for more visit Resolution 1998).

Short after the war, the European Union established relationship with Kosovo through UNMIK, which is involved in the fourth pillar (Economic Development of Kosovo). An approach that might be considered more respectful, between Kosovo and the European Union, was made in the Thessaloniki Summit in 2003. On the way of the utilization of the Stabilization and Association Process, for the Western Balkans, Kosovo in June 2004, was engaged as well, what was the next approval of partnership with Kosovo, while on 20 of April, 2005 the European Commission adopts a statement "European Future for Kosovo" which was found to be more serious approach

towards the integration of Kosovo into the European Union. Although Kosovo has not yet declared its independence, in 2006 the European Council, adopted the first European Partnership, and after Kosovo's declaration of independence, the European Union adopted its second Partnership, in 2008. Kosovo's government, being highly enthusiastic with regard to this case, responded with a document named as: "Action Plan for the Implementation of the European Partnership, in 2008".³ European Union addressed an action plan and the challenges of Kosovo integration, of the 2009-2010 to European Council and Parliament, where problems and challenges of Kosovo's European Integration have been presented.

The European Commission proposed to deepen and strengthen the European perspective of Kosovo. Although we have a higher approach towards Kosovo's status, there has been no contractual relationship established between Kosovo and the EU (As mentioned above). After the dialogue between Kosovo and Serbia, the European Commission approved opening negotiations on Serbia's accession in EU, whereas Kosovo was given an official start date, of negotiations, on a Stabilization and Association Agreement. Finally on 02.11.2015 Kosovo ratified the SAA- Stabilization and Association Agreement, whereas on 04.02.2016 European Parliament adopted this resolution which is expected to be applicable in June 2016.⁴

What is Stabilization and Association Process, what is its purpose, for what states is it applicable?

In Zagreb Summit in November 2000, the beginning of the European perspective of the Western Balkan countries was held, which included the perspective that was confirmed in the Thessaloniki Summit, held on 21 June 2003, where all participants, high representatives of the European Union and the representatives of the Balkan states, have signed the Declaration of nine clauses, whereby they have defined the relationship between them, so the Thessaloniki summit has completed this process with a new set of instruments.

Based on these two events, the question arises, what is the Stabilization and Association process about? Since this political act has been issued by the European Union for the Western Balkan countries, the answer would be that " *The stabilization and association process is the EU policy framework for the Western Balkan countries, till their complete EU accession*".⁵

The process of Stabilization and Association has got four main purposes: political stability of the candidate country, a swift transition to the market economy, the promotion of regional collaboration and the prospects to EU membership, by all means to candidate country. This agreement foresees that a part of products originating from the European Union to be custom free and some to be released gradually, whereas there will be products from Kosovo exported to countries of the European Union.

-Political stability of a the candidate country (Kosovo), obviously is based on the formulation, that has been made by the European Council on 22 July 1993, at the

³ http://www.mei-ks.net/repository/docs/Plani_i_veprimit_te_Partneritetit_Evropian_20_12.pdf. (16.6.2016).

⁴ <http://www.europarl.europa.eu/news/en/news-room/20160114IPR09905/MEPs-ratify-EU-Kosovo-Association-Agreement> (16.06.2016).

⁵ http://europa.eu/legislation_summaries/glossary/accession_criteria_copenhagen_de.htm, (22.02.2016).

Copenhagen Summit, regarding the enlargement of the European Union, moreover in 1995 the same has been confirmed at the European Council meeting, in Madrid. These criteria have been introduced in Article 49 of the Treaty of European Union,⁶ wherein have been assigned, three sets of criteria, as noted above; Political criteria, economic criteria and aqui criteria. The political criteria are understood as stable institutions to guarantee democracy and legal state.

Kosovo had elections on 8-th of June 2014, which were considered to be high standard election performance, which revealed that a country like Kosovo is likely to organize democratic elections which contribute to political stability.⁷ In the European Union there has been no clear definition regarding minorities. However, the Parliamentary Assembly of the Council of Europe, seeks to solve the issue of conformity with the requirements of the Protocol, which states that expression of National Minorities, shows a number of persons to a country which:

- Residing in the territory of a state and its citizens;
- Keeps old, stable relatio and strong with this country;
- Express ethnic, cultural, religious, and special linguistic features;
- Can be less in number than the rest of the population of this country;
- Are inspired to preserve the culture, traditions, religion or language (Benoit-Rohmer, 1996, 12).

Again, it is quite clear that, there are not many countries where minorities are (according to the constitution of Kosovo) guaranteed so many seats (from, 120 seats, 10 seats for Serbian community and 10 seats for other communities), (Article 64 of the Constitution of the Republic of Kosovo). As far as freedom and human rights are considered, Kosovo Ombudsperson has increased funding, which was previously set at 636,000, to become over a million nowadays, which in turn enabled the growth of the administrative staff either, that of 48 to 60 employees, what was in the same time the requirements of the European Commission.⁸ Another political problem remains the relation of Kosovo with its neighbors; in particular relationship with Serbia, which constantly refuses de jure recognition of Kosovo.

We witnessed that in this respect, with the mediation of the European Union, there has been progressive negotiations between Kosovo and Serbia, in enriching agreement, but not to desirable level that will not obstruct Kosovo towards European integration. By this, I mean that non-implementation of this *agreement* represents a great difficulty in terms of attracting foreign investors. This is obvious obstacle that Serbia makes to Kosovo towards integration in international organizations. For example, although Kosovo and Serbia are members of the Free Trade Agreement in Europe (CEFTA) due to non-admitted status of Kosovo from Serbia, often blockade the exportation of goods from Kosovo to Serbia, and thus preventing the economic growth of Kosovo. The Economic criteria are the ability of a functioning market and the ability to be and keep competition within the European Union. In this regard, despite good legal infrastructure, low enforcement still remains a great challenge. Here we can mention the rights of patents, intellectual property and copyrights, hence it could be said that despite the efforts undertaken by the government, offenders are not being

⁶ http://eur-lex.europa.eu/summary/glossary/accession_criteria_copenhagen.html (24.02.2016).

⁷ http://ceas.europa.eu/delegations/kosovo/press_corner/allnews/news/2014/20140606_sq.htm (24.02.2016).

⁸ http://ec.europa.eu/enlargement/pdf/key_documents/2013/ks_spring_report_2013_en.pdf (22.02.2016).

punished, as a simple example, of law banning smoking in public places, which has not been implemented to the proper level. Likewise with economics, Kosovo has a large number of unemployed, up to 30.9%, while the young people between the ages of 15-24, represent up to 55.3% of the population.⁹ It is not enough to state the fact that, Kosovo has new workforce, when such power is not active in the labor market. Moreover the implementation of labor laws proves informal relations between employers and employees. This has been another demand in the Report of the European Commission, particularly for Kosovo.

The Criteria of the EU acquis adoption ability of handling the growing obligations towered the European Union, to enrich political and economic goals (monetary union), or better said, undertake steps for the implementation of shared values of the Union.¹⁰ All of the above criteria, at the first glance look fewer, but we must not forget the fact that by establishing the same, European Union aims to achieve several objectives and eliminate some restrictions; the movement of capital, services and labor, achieving common policies, agribusiness, setting common charges, the establishment of common currency and monetary policy.

Conclusions

Based on the above analysis I would give some challenges and recommendations. An obvious Challenge remains the regional economic integration, which is the same issue as Western Balkans countries, that claim to join the European Union, also Albania and Kosovo have had economic problems (prohibition of the flow of goods) of two states, or another case, between Macedonia and Kosovo, even though these countries do recognize the international subjectivity. But the biggest problem Kosovo has had, and is still ongoing, is Serbia. Furthermore, these integrations depend on both form regions, as well as from other international factors. European Commission report, on what was accomplished from observation of Kosovo, between the period of 2011 - 2013, it has been concluded that Kosovo still needs to be supported on the way of progress in creation and consolidation of the rule of law, efforts to strengthen further reforms in public administration and in terms of improving the functioning of juridical independence. This includes the fight against corruption, organized crime, human trafficking, drug smuggling and money laundering as well as the freedom of expression.¹¹ It has been confirmed, that Kosovo has established a range of state mechanisms to fight these occurrences. Here it should be added that the accession of Kosovo in NATO countries, would be a great advantage but not essential.

Common challenge of the European Union remains the obedience of five member states that have not yet recognized Kosovo independence, since it is announced that without approval of all the states of the Union, a candidate country cannot be accepted as a member country of the European Union, hence the path of Kosovo towards membership will be long enough.

Another common challenge of the European Union and Kosovo is the issue of visa liberalization. How can a normal human being realize that, from all of the countries

⁹ <http://ask.rks-gov.net/> (22.02.2016).

¹⁰ http://eur-lex.europa.eu/summary/glossary/accession_criteria_copenhagen.html?locale=de (24.02.2016).

¹¹ http://ec.europa.eu/enlargement/pdf/key_documents/2013/ks_spring_report_2013_en.pdf (24.02.2016).

of European Continent, exclusively Kosovo has remained without visa liberalization? Criteria that a candidate must meet to be a membership country, when visa lifting regime is considered, there is no doubt that they are good. So, a pretender must meet the standards required, but when Kosovo is considered, those prerequisites are proved to be more excessive, since even the certain member states of the European Union have not fulfilled such criteria on the process for visa liberalization. So the delay of liberalization of visas, for citizens of Kosovo, by the European Union, might understand that Kosovo is a country with no Public Security, a place where there is a lack of rule of law, a place with high organized crime, with a very high corruption etc. Therefore, I am of the opinion, that the Schengen countries must submit the liberalization of visas for the Kosovo people, since this would enhance the reliability of the international investors, as well as create the true image of Kosovo as a country with political stability. Ultimately the liberalization of visas helps preventing Kosovo citizens searching for alternative ways (not legal or semi-legal).

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