

THE COPENHAGEN POLITICAL CRITERIA FOR JOINING THE EU: THE CASE OF KOSOVO

Abstract. *The Republic of Kosovo is fully committed to the process of European Integration with one clear objective: to join the EU. As the last state from the Balkan Peninsula to do so, Kosovo has signed a Stabilisation and Association Agreement with the EU. The promise of EU membership is thus on the horizon, but Kosovo expects considerable work to achieve that objective. The Copenhagen Convention requires development in political, economic and legislative contexts. This paper examines Kosovo's development in terms of meeting one of the Copenhagen Criteria: the Political Criteria. By applying analytical methodology, the paper elaborates Kosovo's progress in the political arena.*

Keywords: *Copenhagen criteria, EU, integration, Kosovo, political criteria*

Introduction and theoretical framework

In contemporary legal, social and political studies dealing with integration of a supranational nature and multi-level governance, some researchers point to the very early ideas that went as far as calling for the creation of communities such as the 'United States of Europe'. The idea emerged at the end of the Second World War, promoted by some politicians and followed by academics later on. In their ideas to create a 'United States of Europe', the founders of Europe employed different theoretical arguments similar to those used by functionalists, intergovernmentalists, federalists and later neo-functionalists (Dugolli and Bashota, 2016: 137-139). Schuman and Jean Monnet, one of his civil servants (and later High Commissioner of the ECSC who was largely responsible for the 'Schuman Plan'), picked up on the functionalist arguments of David Mitrany and others (Mitrany, 1965) and transferred them to the regional level. They enriched Mitrany's functionalism by emphasising the central role of a supranational body (today's European Commission) to guard and promote the integration process (Diez, Albert

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and Stetter, 2008: 3). Schuman and Monnet's 'method' thus became known as neofunctionalism (Diez, Albert and Stetter, 2008: 3).

At the start of the twenty-first century, European integration is generally seen as not being in the best of shape. Budgetary quarrels and the persistence of national differences in various policy domains, including foreign policy, dominate the headlines; the majority of voters have rejected the proposed European Constitution in referenda held in two founding member states; the euro is derided for having made life more expensive since having been introduced as a common currency in many member states. Perhaps most importantly, many European Union (EU) citizens (but also academics) believe that the EU is by its very nature characterised by a democratic deficit (Diez, Albert and Stetter, 2008: 1). In the meantime, many other phenomena like waves of migration from the Middle East and the Western Balkans, the risk of terrorist attacks, or economic crisis mean that some EU members undergoing the integration process today find it more complicated than it previously appeared. Thus, when EU political leaders sought to justify the 2004 enlargement they too invoked the horrors of nationalism and the benefits of integration for peace in making their case to accept new member states from Central and Eastern Europe (Higashino, 2004). However, despite what may be seen at the declarative level, it seems the integration process in the European context has in practice never gone beyond a partial and difficult separation of power and competencies between the state and supranational levels of integration structures (Goldstein, 2000: 413). As such, Jean-Louis Bourlanges would ironically describe the situations facing the EU both yesterday and today with these words: "Until now, Europe functioned under its three components: French imaginary, German determination and British avoidance. Today, however we are witnessing the British imagination, French determination and German avoidance" (Bourlanges, 2008: 3).

The European Union is expected to expand its borders toward the Western Balkans. The last event proving this infusive approach of the EU is the Conference of Western Balkan States in Berlin, chaired by German Chancellor Angela Merkel and President of the European Commission José Manuel Barroso. At this conference, Merkel said: "I believe that the EU prospects of all those countries have made this possible. We have promised EU membership to all countries in the Western Balkans, and we stand firmly behind this promise. It is clear that more time is needed in the Balkans" (Europeanwesternbalkans.com, 2014). On the other side, Balkan countries are working to join the EU and are at various stages of EU integration. In the background to all of this is Kosovo whose accession process is complicated by the European Union's foreign policy, namely the EU does not have one single position on Kosovo. Consequently, the country is still not recognised

by five EU member states (Spain, Romania, Greece, Slovakia and Cyprus) while the European Union continues to address Kosovo with an asterisk (*) without prejudicing the various positions regarding the political status of Kosovo and in accordance with UN Resolution 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence.

At the national level, Kosovan institutions have clearly determined integration with the EU as an objective which is quite often shown by the political leaders of Kosovo. The research question of this paper is: what is Kosovo's progress in the political sphere and which are the biggest internal and external challenges as part of joining the EU? Thus, in this paper using analytical methodology we intend to elaborate on the activities by Kosovan institutions to meet the Copenhagen Political Criteria, as part of paving the way for EU membership. Kosovo is in the earliest stage of integrating with the EU. The importance of these criteria and their nature is best shown by the fact it is mentioned 33 times in the EU Progress Report 2015 for Kosovo.

The Copenhagen Criteria as the first and fundamental background for EU Membership

Accession conditions

“The Copenhagen Criteria are the conditions candidate countries must meet before they can become members of the European Union” (Rezler, 2011: 391). The three biggest criteria concentrate on a country's democratic institutions, economic improvements to cope with the competitive pressures of the Single Market, and an administrative criterion to ensure that EU law is implemented. “The Copenhagen criteria also required that the capacity to absorb new member states should not jeopardize the momentum of European integration” (Staab, 2011: 37). (See Table 1 following.)

Table 1: THE COPENHAGEN CRITERIA FOR ENLARGEMENT

1. Political Criteria	Institutions guaranteeing democracy, human rights, the rule of law, respect for and protection of minorities
2. Economic Criteria	Existence of a functioning market economy, Capacity to cope with competitive pressure and market forces
3. Administrative Criteria	Take on the obligations of membership (Acquis Communautaire)

Source: Staab, 2011: 37.

The European Council that took place in Madrid in December 1995 “shifted EU policy firmly towards enlargement” (Sedelmeier, 2005: 416) and also added that a candidate country must be able to apply EU law. “While it is important that European Community legislation is transposed into national legislation, it is even more important that the legislation is implemented effectively through appropriate administrative and judicial structures” (European Commission, 2013: 8). The European Union is open to any country wishing to become part of it, but which also respects the values of the EU, democratic values, human rights that were present when the EU was being established. But, after several waves of enlargement, the political, economic and legal nature of the EU became a compulsory element for countries aspiring to achieve membership. “It was only in the middle of the 1990s that the perspective of the Union enlargement started becoming clearer following the adoption of the Copenhagen criteria in June 1993...” (Landabaru, 2007: 11). The idea of strengthening the criteria generally and the political criteria in particular was specifically emphasised in the Lisbon Treaty as the main legal basis of the EU. Article 49 of the Treaty on the European Union (2012: 43) says: “Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union”. In addition, Article 2 of TEU (2012: 17) says: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail”. However, a state may only become a member when it meets all of the membership criteria, with the EU monitoring a candidate’s progress in that respect. The EU has the right to decide when a candidate country meets the Copenhagen Criteria. They were defined by the European Council in 1993 and updated two years later in Madrid. “It seems that the Copenhagen criteria are being taken more seriously in the course of the ongoing enlargement process” (Marktler, 2006: 363). Unlike with the membership of the Central European countries where the EU imposed a policy of signing Agreements, due to the turbulence the countries went through in the case of South East Europe a policy of Stabilisation and Association was imposed. This meant a country first had to be stabilised and only then could it move forward with EU association. For the Western Balkan countries, in addition to the three Copenhagen Criteria, the EU has also set other membership conditions in the Stabilisation and Association Process that focus on establishing good neighbourly relations and regional cooperation. This is due to the unrest all of the Western Balkan countries experienced, specifically Kosovo, which is the focus of this paper.

Kosovo and the Stabilisation and Association Process

The Stabilisation and Association Process, a mechanism to help countries join the EU, has three main objectives:

- I. stabilising countries politically and encouraging their swift transition to a market economy;
- II. promoting regional cooperation; and
- III. eventual membership of the EU (European Neighbourhood Policy and Enlargement Negotiations, 2016).

Former President of the EU Commission, Romano Prodi, talked about a new European order, “a wider European area offering peace, stability, and prosperity to all: a new European order” (Grabbe, 2000: 519). In the context of the enlargement process, in 1999 the EU launched the Stabilisation and Association Process (SAP) to support the ambitions of the Western Balkan countries for EU membership. “However, this integration process is neither similar nor comparable, and it demonstrates more divergence than convergence. All countries want to join the EU and have identified EU integration as their number one foreign policy objective” (Soeren and Stahl, 2014: 7). One of them, Croatia already passed all stages successfully in 2013. The SAP was an EU framework that supported EU enlargement towards the Western Balkans and aimed to ensure peace and stability in the region and help those countries develop economically, to have the promise of integration into the European Union. “In the last 25 years the processes of stabilisation, democratisation and the perspective of integration have gradually brought about greater security, stability and prosperity in the Western Balkans (Skocajic Juvan and Grizold, 2016: 261).

The EU took a step forward in 2003 at the Thessaloniki Summit by giving all Western Balkan countries candidate status for membership. At this summit, the EU’s commitment to this region was confirmed, “the future of the Balkans is within the European Union” (Declaration of EU-Western Balkans Summit, 2003). In the case of Kosovo, the EU reiterated the prospect of a new state in the region for EU integration at a meeting of the General Affairs Council on 21 and 22 February 2005, after which the Commission adopted the Communication: “A European Future for Kosovo”. Unlike other countries in the region, Kosovo launched SAA talks on 28 October 2013, eight years after the previous wave of Balkan countries. Two years after the European Commission formally opened negotiations for a Stabilisation and Association Agreement between Kosovo and the EU, on 27 October 2015 Kosovo became the final country in the region to sign the Agreement, which was concluded in the form of an EU-only agreement. This agreement entered into force on 1 April 2016.

Table 2: KEY DATES IN KOSOVO'S PATH TOWARDS THE EU

1. 4. 2016	Entry into force of the Stabilisation and Association Agreement (SAA)
27. 10. 2015	Signature of the Stabilisation and Association Agreement (SAA) between the EU and Kosovo in Brussels
25. 7. 2014	The EU and Kosovo chief negotiators initialled the Stabilisation and Association Agreement between the EU and Kosovo in Brussels
19. 10. 2012	High-level dialogue between Kosovo and Serbia as facilitated by HRVP Ashton begins
10. 10. 2012	Commission issues its feasibility study for a Stabilisation and Association Agreement between the EU and Kosovo
10. 9. 2012	Kosovo declares the end of supervised independence
14. 6. 2012	Commission issues Kosovo's visa liberalisation roadmap
30. 5. 2012	Commission launches the Structured Dialogue on the Rule of Law
19. 1. 2012	Commission launches the visa liberalisation dialogue with Kosovo
8. 3. 2011	Following a UN General Assembly Resolution the Kosovo-Serbia technical dialogue begins
22. 7. 2010	The International Court of Justice issues advisory opinion on Kosovo's declaration of independence
14. 10. 2009	Commission issues Communication 'Kosovo-Fulfilling its European Perspective'
9. 12. 2008	EULEX becomes operational
15. 6. 2008	Kosovo adopts its Constitution
18. 2. 2008	Council acknowledges Kosovo's declaration of independence, underlines EU conviction that Kosovo is a sui generis case
4. 2. 2008	Council adopts Joint Action establishing EU Rule of Law mission in Kosovo EULEX
1. 2. 2006	UN Special Envoy launches status negotiations
1. 4. 2005	Commission adopts a Communication on "A European Future for Kosovo"
1. 11. 2000	Zagreb Summit launches the Stabilisation and Association Process (SAP) for five countries of South East Europe

Data source: accessible at http://ec.europa.eu/enlargement/countries/detailed-countryinformation/kosovo/index_en.htm (12. 7. 2017).

The Copenhagen Political Criteria

Regional and Kosovo applicability

The Copenhagen Political Criteria are based on the principles of democracy, respect for human rights and fundamental freedoms, and the rule of law. The evaluation of democracy and the rule of law includes certain factors: elections, functioning of the legislature, operation of the executive,

civil society, public administration reform, functioning of the judiciary, the fight against corruption and the fight against organised crime. The Copenhagen Political Criteria also include respect for human rights and minority protection, while “democratic institutions and stability are considered by the Commission to be the very basis for an improvement and maintenance of an environment protective of human rights” (Fierro, 2003: 142). Koch (2015: 105) says that the objectives of the political criteria have evolved “from an exclusive focus on political and civil rights to the second and third generations of human rights, and concerns for labour rights and sustainable development more broadly”. In Kosovo’s case, the EU also monitors regional cooperation and good neighbourly relations. “The political conditions established in Copenhagen were translated by the EU into a demand for specific political reforms from each candidate” (Baracani, 2010: 306–307). Frank Schimmelfennig and Hanno Scholtz (2008) looked at the incentives in EU political conditionality. As shown below in Table 3, Kosovo fits on the 2nd level of the credibility of incentives when the EU began to make agreements with states interested in membership such as Stabilisation and Association Agreements and also the 3rd level with regard to the size of incentives provided because Kosovo has to go through membership candidacy and accession negotiations. “... conditionality under enlargement involved one single exam for all, with identical criteria (the Copenhagen criteria) and the same bonus if successful (accession)” (Casier, 2010: 108).

Table 3: INCENTIVES IN EU POLITICAL CONDITIONALITY

		Credibility of incentives		
		0	1	2
Size of incentives	0	No tangible incentives: <i>Relations with Central and Eastern Europe before 1989</i>		
	1	Partnership (minor economic and financial incentives) without political conditionality: <i>Relations with Mediterranean countries before 1995</i>	Conditional partnership with low credibility of threats and/or promises: <i>Partnership and Cooperation Agreements with post-Soviet states</i>	Conditional partnership with high credibility of threats and/or promises: <i>Trade and Cooperation Agreements with Central European and Balkan countries</i>
	2	Association (including market access and financial assistance) without political conditionality	Conditional association with low credibility of threats and/or promises: <i>Euro-Mediterranean Association Agreements</i>	Conditional association with high credibility of threats and/or promises: <i>Europe Agreements, Stabilization and Association Agreements</i>
	3	Membership without political conditionality	Conditional membership with low credibility of promise: <i>General membership promise without candidate status</i>	Conditional membership with high credibility of promise: <i>Membership candidacy, opening of accession negotiations</i>

Source: Schimmelfennig & Scholtz, 2008: 196.

The European Union is constantly monitoring the progress of countries intending to join the EU in complying with these demands. The European Commission issues a Progress Report yearly and identifies the problems which need to be given priority by Kosovan institutions. As mentioned, one of the accession criteria is political which has to do with the stability of the institutions. "Political conditionality is a strategy of reinforcement used by international organizations and other international actors to bring about and stabilize political change at the state level" (Schimmelfennig, 2007: 127). The EU is not an exception to this because it uses the political criteria to promote democracy, the rule of law, human rights and minorities protection. "The Commission's pre-accession strategy in these cases involves a deepening of the relationship, the creation of the appropriate legal and institutional basis, the enhancement of trade and the provision of economic aid" (Tilloston and Foster, 2003: 23).

Measuring political progress in Kosovo

However, to see how far Kosovo has gone in complying with the Political Criteria, every year the European Commission publishes the findings of the Progress Reports on Kosovo. Let us now analyse and present some of them like neighbourly relations, electoral reforms, reform of the public administration, the fight against organised crime and corruption, media relations and civil society's involvement in decision-making and so on.

- i. The Progress Reports emphasise that "Kosovo continued to consolidate the functioning of its democratic institutions" (Kosovo Progress Report, 2015: 6). After the six-month political delay and the previous elections, Kosovo is experiencing another institutional blockade, this time from the opposition. The opposition parties are opposed to two agreements, the agreement between Kosovo and Serbia to establish an Association/Community of Serb majority municipalities, and the other on ratifying the border demarcation agreement with Montenegro. This opposition is blocking the country's highest institution, the Assembly. "Violent obstructions of recent plenary sessions by members of the opposition have adversely affected the functioning of the Assembly. Such actions go against European values" (Kosovo Progress Report, 2015: 6). Meanwhile, as a result of such disagreements, on the streets of Pristine and in other cities too several protests were organised in recent months, some of which even became violent.

Other analyses of Kosovo's political progress bring us to the country's ratings in the Freedom in the World 2016 report where Freedom House classifies Kosovo as a "partly free state". Among the candidate and potential candidate countries, Kosovo's rating for political rights improved

from 4th to 3rd, namely better than for Bosnia and Macedonia but worse than for Serbia. In its rating for civil liberties, Kosovo is worse than the countries in the region and equal to Turkey, a candidate country. We present the country rating table below.

Table 4: COMPARISON OF POLITICAL RIGHTS AND CIVIL LIBERTIES IN CANDIDATES AND POTENTIAL CANDIDATES, FREEDOM IN THE WORLD 2016. RATING SCORE EXPLANATION: (1 = MOST FREE AND 7 = LEAST FREE)

	Political Rights	Civil Liberties	Trend	Status
Kosovo	3.0	4.0	Positive	Partly Free
Albania	3.0	3.0	Stable	Partly Free
Bosnia and H.	4.0	3.0	Stable	Partly Free
Macedonia	4.0	3.0	Stable	Partly Free
Montenegro	3.0	3.0	Negative	Partly Free
Serbia	2.0	2.0	Stable	Free
Turkey	3.0	4.0	Negative	Partly Free

Data source: accessible at <https://freedomhouse.org/report/freedom-world-2016/table-scores> (20. 11. 2017).

- ii. Kosovo has not yet managed to adopt an electoral reform. The EU Commission concludes that “the Assembly also needs to initiate an independent audit of political party financing and party electoral campaigning, as provided for in the law on financing of political parties” (Kosovo Progress Report, 2015: 6). The findings of the Commission show an improvement in legislation for the Ombudsperson. Problems highlighted in the 2015 progress report about the lack of adequate conditions for the proper functioning of the Ombudsperson were finally settled in February 2016 because the institution of the Ombudsperson was established in a suitable building. This was also one of the EU’s conditions for liberalising the visa system.
- iii. The functioning of the executive is crucial, as Kochenov (2008: 179) says: “... the assurance of democracy and the Rule of Law is unthinkable without the participation of the executive”. In relation to the functioning of the executive, the 2015 Progress Report mostly concentrates on the following issues: a) Implementing the EU-related reform priorities; b) Remaining committed to the EU-facilitated dialogue with Serbia; c) Putting the legislation and policies into practice; and d) Good communication with the Assembly;
- iv. The 2015 Progress Report highlights the lack of cooperation of Kosovan institutions with civil society and seeks to implement the government’s strategy to ensure greater cooperation with civil society. “The lack of

appropriate participation by relevant ministries, insufficient resources and capacity and an overreliance on donor-funding illustrate the absence of political will to engage genuinely with civil society” (Kosovo Progress Report, 2015: 9).

- v. Regarding the reform of public administration, the Progress Report concludes that Kosovo has reached a level of preparation in that reform and is improving the legislation. The EU recommends that Kosovo “effectively monitor implementation of the PAR strategic framework under the umbrella of the wider development strategy [...], to improve accountability through a review of all agencies and improve access to administrative justice by addressing the backlog of administrative cases and to adopt a comprehensive public financial management reform programme” (Kosovo Progress Report, 2015: 10).
- vi. The rule of law continues to be one of the biggest problems facing Kosovo. The 2015 Progress Report notes little progress has been made in Kosovo’s judicial system and, according to the European Commission: “Kosovo’s judicial system is at an early stage of developing a well-functioning justice system” (Kosovo Progress Report, 2015: 12). The report criticises the administration of justice and is concerned with political interference in the judicial structures. Independence of the judiciary, stepping up the financial and human resources and making improvements in the handling of cases are some of the primary concerns regarding the rule of law.
- vii. Fighting corruption is another priority for the institutions of Kosovo. Even in this area, the European Commission finds that Kosovo is at an early stage to combat this phenomenon and that little has been done in the past few years. “A comprehensive and strategic approach is necessary to ensure real results in fighting the endemic corruption in Kosovo” (Kosovo Progress Report, 2015: 15). The rapporteur also highlighted the corruption problem in Kosovo for the Parliamentary Assembly of the Council of Europe, Agustin Conde, who states that “endemic and widespread corruption negatively impacts the lives of people in Kosovo and holds back Kosovo’s economic development” (2016: 1). In the Corruption Perception Index 2015 prepared by Transparency International, Kosovo was ranked 110th out of 168 countries surveyed. The problem of corruption is also highlighted in “Freedom in the World 2016” which states that “the institutional framework to combat is weak. The mandates of Kosovo’s four main anticorruption bodies overlap, and they have difficulty coordinating their efforts”. So far, there does not seem to be enough political will to prove the government’s intention to counter this phenomenon. See the corruption perception index below.

Table 5: CORRUPTION PERCEPTION INDEX, SCORES FROM 2012 TO 2015
RATING SCORE EXPLANATION (0 – HIGHLY CORRUPT) TO (100 –
VERY CLEAN)

	2015	2014	2013	2012
Kosovo	33	33	33	34
Albania	36	33	31	33
Bosnia and H.	38	39	42	42
Macedonia	42	45	44	43
Montenegro	44	42	44	41
Serbia	40	41	42	39
Turkey	42	45	50	49

Source: Transparency International (2012–2015).

- viii. The same evaluation was given regarding the fight against organised crime, which is also at an early stage. “The number of final convictions and financial investigations remains low” (Kosovo Progress Report, 2015: 18).
- ix. The Kosovan legal framework guarantees the protection of fundamental and human rights in accordance with European standards found in the Convention for the protection of various human rights in Article 22 of the Constitution of Kosovo. However, according to the 2015 Progress Report little has been done in this area. Gender-based violence, women’s lack of access to property ownership, the denial of rights to persons with disabilities, disrespect of various sexual orientations (LGBT) or attacks on them are some of the gaps the Progress Report highlights, which also requires compliance with the precise strategy and legislation on the rights of minorities and their protection across Kosovo.
- x. A critical situation is emerging regarding the freedom of expression where the Progress Report says that over the past years progress has not been seen in this field. “There were no legislative developments on the regulation of media ownership and transparency. No solution was reached on the sustainable funding of the public broadcaster, leaving it vulnerable to political pressure and influence” (Kosovo Progress Report, 2015: 22). The investigation and punishment of physical attacks made against journalists and a financial solution for the problems facing the public broadcaster remain a challenge for Kosovan institutions. “Media freedom is an important challenge for any country that aspires to join the EU, not only because freedom of the press is a fundamental right and one of the values of the European Union, but also because freedom of the media is considered an indicator of a country’s democracy. The media play a major role in the functioning of democracy in providing the right

information, creating transparency and making the public ‘the supervisor’ of the work of government and political institutions – namely, by fulfilling the role of journalism as a ‘watchdog’, especially through what is called investigative journalism” (Hoti and Gërguri, 2015: 30).

Conclusion

The Political Criteria are not everything that Kosovo has to meet before it can join the EU, but we consider these Criteria to be the main ones. “The European Council has thus confirmed that the political criteria, although partly inserted in the Treaty, still determine the admissibility of a candidate rather than its eligibility, suggesting a hierarchy between the two conditions of Article 49 (1) of the TEU” (Hillion, 2004: 21). Apart from the Political Criteria, Kosovo must meet the Economic Criteria and the Legislative Criteria, with the latter known as the *Acquis Communautaire*. As discussed, Kosovo has achieved substantial progress toward the EU by signing the Stabilisation and Association Agreement, but more awaits to be done to meet the Political Criteria and for this area to be seen as completed.

On Kosovo’s path towards the EU the biggest external problems are the non-recognition by the mentioned five EU member states (Cyprus, Greece, Romania, Slovakia and Spain) as well as regional cooperation, mainly Bosnia and Herzegovina, and Serbia. This multiple lack of recognition by these five EU members is complicating the process of Kosovo’s membership of the large EU family. Kosovo has tried to build state relations with these five countries through traditional diplomacy and lobbying with the help of friendly countries, but Kosovo should employ greater public diplomacy vis-à-vis these five EU members, i.e. by including non-governmental actors to improve its image in the public’s eyes in those countries. Regional cooperation is an integral part of the SAA and one of the Political Criteria Kosovo must fulfil on its way to European integration. Kosovo is not the one which should have problems with such cooperation; instead, it is Serbia which must face up to this problem. Kosovo does not prevent Serbia from participating in regional organisations. Kosovo recognises the state of Serbia and does not work against its participation in these initiatives. Kosovo’s government has many times expressed its desire to have good neighbourly cooperation with Serbia, as also highlighted in the National Strategy for European Integration “Kosovo 2020” where it states: “We will further be engaged in goodwill to strengthen the regional cooperation, both bilaterally and multilaterally and good neighbourly relations” (2013: 57). However, it is the Serbia which is not implementing the agreement on regional representation and collaboration reached during EU-facilitated dialogue in Brussels in February 2012. An example is the prohibition on flights to and from Pristine through

Serbian airspace. This issue was also singled out in the 2015 Progress Report (2015: 8), “however, despite government efforts, Kosovo is still not represented in all regional organisations, for instance, the Southeast European Law Enforcement Centre”. The accession of the Western Balkans is a long-term prospect but, as Tim Judah says, “there are various steps the EU could undertake in the meantime to help to sustain the reform momentum in the region. Most urgently, the EU should signal to Serbia, the key state in the region, that Kosovo independence is inevitable” (Judah, 2006: 8).

Besides external problems, Kosovo is facing many internal problems such as the electoral reform, reform of the public administration, the fight against both organised crime and corruption, media relations and civil society’s involvement in decision-making, and so on. Kosovo already has in place the legislative and institutional framework to provide for democracy, the rule of law and the respect for human rights and minorities, but Kosovo’s institutions are deficient in ensuring the framework’s proper implementation. According to a European Commission evaluation, the key finding of the 2015 Progress Report is that Kosovo is at an early stage of achievement, or at some level of preparation in most areas. Finally, to conclude, the Political Criteria provided in the Copenhagen Convention remains a *jus cogens* norm for all states aspiring to the EU. The same applies to them as it does for Kosovo: there will be no EU without first fully meeting the Criteria. This well-known objective clearly stands in Kosovo’s way ahead. It is up to Kosovo to accelerate, satisfy and implement it.

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