

THE OBJECTIVES OF THE KOSOVO-EU STABILIZATION AND ASSOCIATION AGREEMENT WITH THE FOCUS ON MINORITY RIGHTS

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Abstract. The paper makes an analysis of the costs and benefits of the Kosovo's political process integration into the European Union (EU) with the focus in the promotion of minority rights as political objective of the Kosovo-EU Stabilization and Association Agreement. Kosovo is the last state from Balkan Peninsula that signed a Stabilization and Association Agreement (SAA) with the EU. While this is the first contractual relationship between the EU and Kosovo, then what is the political goal of this agreement and the impact into the minority rights? For other Western Balkans countries which signed SAA, the main objective was their integration and membership in the EU while such a target is not included in the Kosovo – EU SAA agreement. Thus, a specific attention of this paper is to analyse the impact of the SAA in general and the minority rights in Kosovo in particular.

Keywords: EU, integration, Kosovo, minorities, Stabilization and Association Agreement

1. Introduction

EU efforts to respond to post-communist and post-conflict circumstances in Central and Eastern European (CEEC) countries became a major priority for its foreign and security policy since 1992. In this context, the EU's enlargement policy was the most influential instrument in promoting a number of structural changes¹ in these societies, and which, according to Landaburu (2006, 1), was considered a key tool in promoting overall socio-political stability in these countries. According to Schukkink and Niemann (2012, 7), this has led to enlargement policy being a geopolitical process, where even expansion according to Herzog (2008, 23) was considered not as an instrument chosen by the EU but also as an imposed impossibility. So, at the same time as the EU was trying to fit into a changing environment in the early twentieth century, it managed to finish the most important foreign policy action so far; acceptance of 10 + 2 CEEC countries in 2004 and 2007, conceived as an extension of the 'bing bang' (Dugolli and Bashota, 2016, 145). However, instead of a bing expansion model like the CEEC, for the Western Balkans, the EU preferred the regatta model or individual approach to the EU based on personal achievements and merits in implementing the reforms. As stated in the international report of the Center for European Policy (2010, 13), this EU approach became clear in its two summits held in Zagreb in 2000 and in Thessaloniki in 2003. Concretely, at the

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¹ In a theoretical interpretation, in the context of the EU's external policy, the sector of enlargement, structured policy refers to a specific dimension of this policy, which takes place for a longer time and which is intended to influence or to form stable political, legal, socio-economic, security structures in the states that claim to be integrated into the EU.

summit Zagreb, the EU presented the Stabilization Association Process (SAP) as a long-term co-operation framework for Western Balkan countries until their membership in the EU.

The most important instrument determining EU contractual relations with a candidate country and providing guidelines and facilitations for a candidate to be followed was defined in the Stabilization and Association Agreement (SAA). Since the EU applies a regatta membership approach to Western Balkan countries, then the SAA associated with a particular candidate is fluid in nature and adapts to the specific situation of each country and serves as a basis for implementing the membership process. SAA is an instrument of the EU to continue the aim for the Western Balkan countries. Economic, political and administrative reforms are the main requests from EU through SAA. According to national report of Group for Legal and Political Studies (2014, 6). 'The agreement mainly seeks to boost economic cooperation by establishing a free trade zone as well as supporting the stabilization of the political, social and economic situations in the targeted country'. Based on the current circumstances of the EU, integration process as whole and the inclusion of the Western Balkans in particular, seems that there is a long road map for the states from the region to join. Republic of Kosovo, as a country from the Western Balkans, is fully committed to the process of European integration with its clear final objective; join the EU. Kosovo is the last state from Balkan Peninsula that signed a SAA.

2. The specifics of Kosovo-EU relations in framework of SAA

EU relations with Kosovo continue to be very specific compared to other Balkan countries. The basis of Kosovo's official relations with the EU has started more specifically since 2006; the Council adopted a European Partnership, which, apart from Serbia and Montenegro, included Kosovo as well, and according to its political status as a sub territory administered of United Nations Interim Administration Mission in Kosovo (UNMIK) in conformity with the 1244 Security Council Resolution. As stated in International Policy Analysis, *Kosovo After Independence* (Džihić & Kramer 2009, 19-20), since then, Kosovo won the status of a Potential Candidate Country. However, despite so far, only 23 out of 27 EU members have recognized Kosovo's independence, the EU maintains contractual relations with Kosovo through SAP, thus enabling Kosovo to receive ongoing financial assistance from EU pre-accession. Since 1999, Kosovo has received over € 3 billion in aid from the EU. While the EU at the beginning was focused on emergency actions and re-building, a function which it exercised through UNMIK's Pillar IV, for the moment, these EU aid mainly focuses on Kosovo's oversight of building sustainable institutions and stable economic development for a secure European future (European Union Office in Kosovo, 2017).

Efforts to concretize and formalize relations between Kosovo and the EU through the implementation of an SAA have been compounded strongly by the lack of full diplomatic recognition of Kosovo by all EU countries. But despite the political stance among the member states, the European Commission in October 2012 announced the results of a feasibility study, which revealed that the EU could conclude an SAA with Kosovo. In this atmosphere, EU leaders agreed to start these negotiations in October 2013. Unlike other Balkan countries, the process of SAA achievement between Kosovo and the EU was characterized as conditionality, and later as a reward from the EU side, since Kosovo came to Serbia with the so-called 'The First Agreement Governing the Principles for Normalization of Relations' (also known as the Brussels Agreement 2013)

in the framework of negotiations for normalizing the relations between these two EU-mediated countries. Three days after the parties reached the 19 April agreement, this happened practically when the European Commission on April 22 recommended recapturing relevant SAA negotiations between Kosovo and the EU.

3. Political objectives of the stabilization and association process

Unlike other countries in the region, Kosovo launched SAA talks on 2013; eight years after the last wave of the Balkans countries and is the last from Western Balkan countries that signed SAA agreement with the EU to conclude a 15-year process launched by the Zagreb Summit in 2000. The EU has signed SAAs with North Macedonia and Croatia in 2001, then five years later with Albania, with Montenegro in 2007 and a year later with Serbia and Bosnia and Herzegovina. In all these SAAs, signatories were the EU, all EU member states, and Balkan states and political goal of these agreements was to help countries towards EU membership. On 27th October 2015 was signed the Kosovo-EU SAA agreement, which was the first one that was concluded in the form of an EU-only agreement. In addition to this change, in the case of Kosovo, the word EU membership and EU integration is not found in the SAA agreement and consequently, this SAA does not open the way for European integration formally.

Thus, unlike SAA's of the EU with countries in the region, the SAA agreement with Kosovo does not treat the Kosovo as a sovereign and independent state and specifies that will not prejudice the positions of countries not recognizing Kosovo. EU continues to address Kosovo with asterics (*) without prejudicing the various positions for the status of Kosovo under UN Resolution 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence. Seeking “the golden mean” to draft an agreement that would not be rejected by five member states of the EU that do not recognize the state of Kosovo, the EU has chosen to change politically by not making formal political promises for Kosovo's EU integration. “Since the fall of the Berlin wall in 1989 and the escape of the former Communist bloc from Soviet influence, the EU and Member States entered into many association agreements with Central and Eastern European Countries” (Ball, 2013:203). The following table shows the willingness of the EU to other countries of the Western Balkans for their integration and membership in the EU. Such a target is not included in the SAA agreement between Kosovo and the EU. The first SAA to go through the full cycle is the Stabilisation and Association Agreement which expired on 1st July 2013, when Croatia became the twenty-eighth Member State of the EU (including Great Britain at the time). (Petrov& Van Elsuwege, 2014:111).

Table 1. The SAAs between EU and Western Balkan countries, except Kosovo

Country	EU statement
Albania	“RECALLING the European Union's readiness to integrate to the fullest possible extent Albania into the political and economic mainstream of Europe and its status as a potential candidate for EU membership on the basis of the Treaty on EU” (SAA EU-Albania, 2009:7).
Bosnia	“CONSIDERING the European Union's readiness to integrate Bosnia and Herzegovina to the fullest possible extent into the political and economic mainstream of Europe and its status as a potential candidate for EU membership on the basis of the Treaty

	on EU and fulfilment of the criteria defined by the European Council in June 1993 as well as the conditions of the Stabilisation and Association process, subject to the successful implementation of this Agreement, notably regarding regional cooperation" (SAA-EU Bosnia and Herzegovina, 2009:5).
Croatia	“RECALLING the European Union's readiness to integrate to the fullest possible extent Croatia into the political and economic mainstream of Europe and its status as a potential candidate for EU membership on the basis of the Treaty on EU and fulfilment of the criteria defined by the European Council in June 1993, subject to the successful implementation of this Agreement, notably regarding regional cooperation” SAA EU-Croatia, 2005:4)
North Macedonia	“RECALLING the European Union's readiness to integrate to the fullest possible extent the former Yugoslav Republic of (North) Macedonia into the political and economic mainstream of Europe and its status as a potential candidate for EU membership on the basis of the Treaty on EU and fulfilment of the criteria defined by the European Council in June 1993, subject to successful implementation of this Agreement, notably regarding regional cooperation” (SAA EU-Macedonia, 2001: 6)
Montenegro	“CONSIDERING the European Union's readiness to integrate Montenegro to the fullest possible extent into the political and economic mainstream of Europe and its status as a potential candidate for EU membership on the basis of the Treaty on European Union and fulfilment of the criteria defined by the European Council in June 1993 as well as the SAp conditionalities, subject to the successful implementation of this Agreement, notably regarding regional cooperation” (SAA EU-Montenegro, 2007:5)
Serbia	“CONSIDERING the EU's readiness to integrate Serbia to the fullest possible extent into the political and economic mainstream of Europe and its status as a potential candidate for EU membership on the basis of the Treaty on European Union” (SAA EU-Serbia, 2006:5).

Following the conclusion of a Stabilisation and Association Agreement, the path is clear for a membership application and the opening of accession negotiations. However, this too continues to be conditional on the continued implementation of the Agreement” (Braniff, 2011:86). While in SAA's with other Western Balkan countries, EU promises their integration and membership in the EU, in the Kosovo's case, the EU does not mention the readiness to give the Kosovo, status as a potential candidate for EU membership. In this context, the EU states that:

“Considering the EU's readiness to take concrete steps to realise Kosovo's European perspective and rapprochement with the EU in line with the perspective of the region by integrating Kosovo towards the political

and economic mainstream of Europe, through Kosovo's on-going participation in the Stabilisation and Association process (SAP) with the aim to fulfil the relevant criteria and SAP conditionalities, subject to the successful implementation of this Agreement, notably regarding regional cooperation; this process will lead to progress in Kosovo's European perspective and rapprochement with the EU, should objective circumstances so permit and Kosovo fulfil the criteria defined by the European Council in Copenhagen on 21-22 June 1993 and the aforementioned conditionalities," (SAA EU-Kosovo, 2016: 4)

The SAA agreement is the most important document in the relations between Kosovo and the EU. However, in the current situation, Article 49² of the EU Treaty does not allow Kosovo to obtain candidate status because the EU as an entity, still do not recognize Kosovo, and while this situation continues, Kosovo can not receive the candidate status. In the enlargement process, decisions are taken by unanimity. Although most of EU members recognize the state of Kosovo, 23 of 27 member countries, the problem exists to five Member States that are still refusing to do so. Kosovo does not stumble to apply for candidate status, also said by EU officials, but without recognition of the 5 Member States cannot be expected to have a formal step towards EU integration.

Continued problems that create states that do not recognize Kosovo, particularly Spain and Cyprus prove that without changing the attitudes of these countries about the state of Kosovo, Kosovo cannot be treated as a state within the EU."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 use more public diplomacy concerning these five countries, i.e., include non-governmental actors to improve its image in the eyes of the public in these countries" (Hoti & Gërguri, 2017). Upon the signing of the Stabilisation and Association Agreement, on 27 October 2015 in Strasbourg, Kosovo entered the first contractual relation with the EU. "It was subsequently adopted by the Government of the Republic of Kosovo on 30 October 2015, through Decision no. 01/55 on approving the Draft-law on ratification of the Stabilization and Association Agreement between the Republic of Kosovo, in one side, and the EU, at the other side, and it was ratified by the Assembly of the Republic of Kosovo on 2nd of November 2015. (Ministry of European Integration). SAA entered into force on 1st April 2016.

² *Official Journal of the EU* C115, Volume 51, 2008/C115/1, 9 May 2008. Consolidated version of the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), available at

< <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2012:326:FULL&from=EN>>. Article 49: 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. The European Parliament and national Parliaments shall be notified of this application. The applicant State shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the consent of the European Parliament, which shall act by a majority of its component members. The conditions of eligibility agreed upon by the European Council shall be taken into account. The conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.

In the following let us present an overview containing key data on Kosovo's EU integration process:

Table 1. Key dates in Kosovo's path toward the EU. Source: European Commission, "European Neighbourhood Policy and Enlargement Negotiations", Kosovo, last updated: 06/12/2016, available at https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/kosovo_en.

Date	Key developments
01.04.2016	Entry into force of the Stabilization and Association Agreement (SAA)
27.10.2015	Signature of the Stabilization and Association Agreement (SAA) between the EU and Kosovo in Brussels.
25.07.2014	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
10.09.2012	Kosovo declares the end of supervised independence
14.06.2012	Commission issues Kosovo's visa liberalisation roadmap
30.05.2012	Commission launches the Structured Dialogue on the Rule of Law
19.01.2012	Commission launches the visa liberalisation dialogue with Kosovo
08.03.2011	Following a UN General Assembly Resolution the Kosovo-Serbia technical dialogue begins
22.07.2010	The International Court of Justice issue's advisory opinion on Kosovo's declaration of independence
14.10.2009	Commission issues Communication 'Kosovo-Fulfilling its European Perspective'
09.12.2008	EULEX becomes operational
15.06.2008	Kosovo adopts its Constitution
18.02.2008	Council acknowledges Kosovo's declaration of independence, underlines EU conviction that Kosovo is a <i>sui generis</i> case.
04.02.2008	Council adopts Joint Action establishing EU Rule of Law mission in Kosovo EULEX
01.02.2006	UN Special Envoy launches status negotiations
01.04.2005	Commission adopts a Communication on "A European Future for Kosovo"
01.11.2000	Zagreb Summit launches Stabilisation and Association Process (SAP) for five countries of south-eastern Europe

Stabilization and Association Agreement between EU and Kosovo contains ten chapters:

- I: General Principles;
- II: Political Dialogue;

- III: Regional Cooperation.
- IV: Free movement of goods.
- V: Establishment, Supply of Services and Capital.
- VI: Approximation of Kosovo's law to the EU Acquis, law enforcement, and competition rules.
- VII: Freedom, Security, and Justice.
- VIII: Cooperation Policies.
- IX: Financial Cooperation, and
- X: Institutional, General, and Final Provisions.

Bodies of the SAA which will take political decisions and other decisions for implementation, monitoring, and evaluation of the SAA are:

- Stabilization and Association Council (Highest political level);
- Stabilization and Association Committee.
- Stabilization and Association Sub-Committee.
- Stabilization and Association Parliamentary Committee (Joint structure between European Parliament and Kosovo Assembly).

Among others, chapters dealing with the minorities are considered the most problematic as there is still clash and ethnic cleavage in the country. Internal aspects dealing with ethnic issues as well as regional cooperation meaning the relations with northern neighbour Serbia remain the most problematic and a corner stone for the integration process in general.

On 25 November of 2016 in Brussels, the Stabilisation and Association Council held its first meeting. "These joint institutional structures manage the process by jointly overseeing the implementation of the SAA. While the EU provides technical advice and financial support to Kosovo for its reforms, Kosovo's own institutions are solely responsible for the implementation of the Agreement" (Gashi, 2016:10). Kosovo and the EU have co-operated in fields that are also covered by SAA, but the difference is that this agreement is not based on willingness but elevates the cooperation to a contractual, institutional level. "The SAA focuses on respect for key democratic principles and core elements that are at the heart of the EU's single market. The SAA will establish an area that allows for free trade and the application of European standards in other areas such as competition, state aid, and intellectual property. It will also help the implementation of reforms designed to achieve the adoption of European standards by Kosovo. Other provisions cover political dialogue, cooperation in a wide variety of sectors ranging from education and employment to energy, the environment and justice and home affairs" (European Commission, 2015). Benefits from SAA affect the area of trade, reform in accordance with the laws of the EU, regional cooperation, etc. SAA open the European Union market for Kosovo products without any barriers (this does not apply to some products as wine, sugar, etc.) but these products must meet the European Union standards. After 1st April 2016, Kosovar producers do not offer their products only in Kosovo or in Region but has the opportunity to go beyond the region and to export throughout the European Union. These facilities are not created only for Kosovo producers, but with SAA, the EU companies also are exempt from duties for certain products. The EU countries remain the biggest investors in Kosovo, but Kosovo needs to improve its economy to export goods to the EU members. "In addition to the Stabilisation and Association Agreements, the EU at the Thessaloniki Summit in June 2013 introduced

the common instruments for EU accession, such as the European Partnerships and the Progress Reports for the Western Balkans" (Braniff, 2011:87). Regarding the general trends in trade relations with the EU, the last Progress Report of the EC published in 2015 reveals that for the past five years there is a tendency of steady decline in the volume of exports of Kosovar goods to the EU members, especially in the year 2014. However, this is not accompanied by the same tendency in the volume of imports from these countries where we can notice a small decline, as it shown in Figure 3.

Table 2. Kosovo's trade with the EU 28 countries, 2010-2015. Data Source: European Commission, "Kosovo Progress Report 2016", p.76. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_kosovo.pdf

	2010	2011	2012	2013	2014	2015
Share of exports to EU-28 countries in value of total exports (%)	45.5%	45.5%	41.1%	43.5%	30.2%	32.6%
Share of imports from EU-28 countries in value of total imports (%)	41%	41.5%	42.6%	44.7%	42.6%	42.2%

Kosovo's political elites, consisting of all parties represented in the parliament, continue to declare European integration their priority, while the EU continues to request various reforms and apply some level of conditionality. As Michele Cini says, "for the EU, conditionality has become a source of power over states who wish to join the Union" (Barnes & Barnes, 2009:427). Schimmelfennig et al. illustrated the model of the strategy of international conditionality, shown below in the figure.

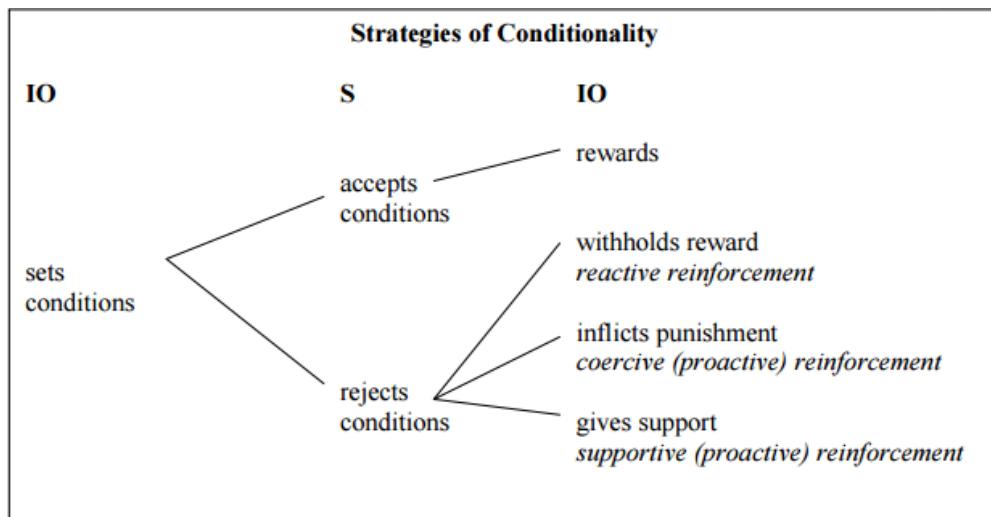


Figure 1. Strategies of Conditionality Source: Schimmelfennig, F. & Engert, S. & Knobel, H. (2002): "The Conditions of Conditionality, The Impact of the EU on Democracy and Human Rights in European Non-Member States." Paper prepared for Workshop 4, 'Enlargement and European Governance' at the Conference on Enlargement and European Governance, Turin, p.3.

International organization (IO) sets conditions for a state (S), and when the state accepts and fulfills these conditions, then offer a reward for the country. In Kosovo's case, the EU had set two conditions for visa liberalization as a step toward EU integration. The EU requested that Kosovo complete the border demarcation with Montenegro and intensify its fight against organized crime and corruption. Once Kosovo fulfilled these conditions, the EU promised to reward Kosovars with visa liberalization, which took effect from January 1st of this year. The condition for the ratification of the border/boundary delineation agreement with Montenegro was used for the first time for Kosovo, while the EU had not asked for this condition from other countries in the region. Kosovo has similar challenges as other countries of the Western Balkans to implement the Stabilisation and Association Agreement, such as reforms in the public administration, rule of law, etc., but unlike other countries, Kosovo has to deal also with the non-recognition of Kosovo's statehood by the five EU member-states. The SAA is a great opportunity for Kosovo to improve its governance, to increase internal stability and to strengthen its institutions. The SAA also can improve the quality of the life of its citizens. Although the agreement does not mention membership in the European Union, the fulfillment of the agreement still brings the state of Kosovo closer to the EU. Although the agreement does not mention the next stage of European integration process, applying for a candidate country status and open the accession negotiations with the EU, the fulfillment of the agreement still brings the state of Kosovo closer to the EU. Kosovo's legislation will comply more with the EU legislation and in general, the SAA helps Kosovo in developing economically and politically. Economic development will improve citizen's lives in Kosovo by strengthening local businesses and increasing investment from abroad which will positively affect the improvement of the economic situation of Kosovar families. Apart from these SAA obligations, seems that the most complicated and sensitive issue in this regard remains the integration of minorities and respect of the minority rights. Before all, this is important in cases where there is no mutual recognition and very low profile of communication.

4. Stabilisation and Association Agreement and the promotion of minority rights

As defined by the Lisbon Treaty, to become a member of the EU, each candidate must respect "European values" (TEU Article 2). First of all, these values, which consist of human dignity, freedom, democracy, equality, rule of law and respect for human rights and freedoms, are the fundamental values laid down in this treaty. More concretely, in order to legally guarantee these basic values, the Lisbon Treaty has included itself the European Charter of Fundamental Rights³, which is legally binding both for the EU and for the member states. Therefore, the Lisbon Treaty presents additional conditionality regarding the adoption of this Charter for each aspirant country (Risteska, 2010: 121). Regarding the definitions of the EU for Kosovo within the SAA, a part of the principles of co-operation and commitments of the Kosovo side in relation to the EU consists in the promotion of human rights and freedoms, especially of minorities, as part of respect of these 'European values'. According to the EU, this process will lead to improving Kosovo's European perspective and rapprochement with the EU.

³ It is important to note that the European Charter of Fundamental Rights is legally binding. This Charter which was solemnly signed in 2000 and since then was merely a declarative character, entered into the Treaty of Lisbon and became a legally binding part of the EU's primary legislation.

As in the part of the general principles proclaimed under the SAA, in the part of the agreements, in relevant articles such as: cultural cooperation, social cooperation, development of regional cooperation and good neighborly relations, "Kosovo is committed to respecting the right and international instruments, but not only those that relate to the protection of human rights and fundamental rights, to the protection of persons belonging to minorities and without discrimination on any ground ". (See: SAA between Kosovo and EU, Article 4, p.7). Since the respect and dignified treatment without discrimination of all minorities living in Kosovo has already become a criterion of proportionalism in the democratization of Kosovo society, then Kosovo institutions have taken all necessary steps to improve institutional and legal infrastructure. Through such mechanisms, a good basis for dealing with minorities in conformity with the standards set by the EU has been established. Regarding the assessment of the real situation of respect for human rights and the protection of minorities in particular, the European Commission in the Progress Report on Kosovo 2016 gave a general overview. The report notes that 'the legal framework in general guarantees the protection of fundamental and human rights in accordance with European standards' (Kosovo 2016 Report).

In general terms, the progress report for Kosovo called on state authorities to show greater political will and to take adequate action for more dignified treatment of minority rights. In an effort to have more coordinated policies for advancing minority rights, within the framework of institutional infrastructure regulation, there is also a special office on minority issues within the Office of the Prime Minister-Office for Community Affairs. This office carries out a series of coordinating activities related to the work activities of government bodies, agencies and independent institutions at ministerial and municipal level. Also, in trying to better address community issues, it coordinates donor activities and international mechanisms to influence positively the changing lives of people, with particular emphasis on the most vulnerable groups (Office for Community Affairs - Office of the Prime Minister). Another institutional mechanism dealing with the promotion and protection of minority rights is the Consultative Council for Communities within the Office of the President of the Republic of Kosovo. The mandate of the Community Consultative Council includes the provision to set a mechanism for exchange of views between communities and the Government of Kosovo. In addition, within this Council, it is possible for communities to participate in the early stages of legislative initiatives and policies prepared by the Government and the Assembly. The Council also enables communities to participate in the design and oversight of programs dedicated to their members (Consultative Council for Communities-Office of the Republic of Kosovo). Regarding the assessment of the real situation on respect for human rights and the protection of minorities in particular, the European Commission in its Progress Report on Kosovo 2016 gave an overview noting that 'the legal framework in general guarantees the protection of fundamental and human rights in line with European standards' (Kosovo 2016 Report). However, the report notes that the main shortcomings that significantly impede the proper treatment of minority rights under these European standards are, above all, considered to be inadequate strategies and frameworks of inadequate legislation. The EU has consistently encouraged Kosovo's institutions and political leaders to be more active in policy making that would create a more favorable political environment within which minority rights would come to be unobstructed. On this basis, the EU has raised concerns that the situation of minorities from Roma, Ashkali and Egyptian communities remains challenging for

Kosovar institutions and society. In general terms, the progress report for Kosovo called on state authorities to show greater political will and to take adequate action for more dignified treatment of minority rights.

The Kosovo Human Rights Network Report (2023) provides a critical evaluation of the persistent challenges faced by minority communities in Kosovo, specifically Serbs, Roma, Ashkali, and Egyptians. These groups continue to experience systemic discrimination across vital sectors, including employment, healthcare, and education. This suggests that while legal frameworks might exist to protect these communities, implementation remains weak, resulting in unequal access to essential services. The report also highlights substantial barriers in the justice system. Minorities struggle to access justice due to inadequate legal representation and the lack of translation services. This creates a situation where these communities cannot effectively engage with legal processes, further perpetuating their marginalization. It reflects a deeper institutional shortcoming in ensuring that the rule of law is accessible to all citizens, regardless of ethnic or social background. Another crucial point the report emphasizes is the underrepresentation of minorities in public institutions and decision-making processes. This limited participation diminishes their influence over policies that directly affect their communities, undermining their ability to advocate for equitable treatment and resources. The report makes over 200 recommendations, addressing various aspects of these systemic problems. These include calls for more inclusive policies, better implementation of existing legal frameworks, and greater accountability from both Kosovo's institutions and its international partners. The emphasis on these recommendations suggests that achieving meaningful reform requires coordinated efforts at both the national and international levels, especially regarding institutional reforms and improved governance structures.

In essence, the report paints a picture of a society where formal legal protections for minorities exist but fall short due to weak institutional enforcement, further entrenched by structural issues like corruption and underrepresentation. This analysis indicates the need for a comprehensive and sustained effort to translate legal commitments into practical realities for Kosovo's minority populations.

5. Conclusions

In summary, Kosovo's journey toward EU integration is impeded by both internal and external challenges. The lack of recognition by five EU member states—Spain, Slovakia, Greece, Cyprus, and Romania—remains a significant barrier, compounded by ongoing diplomatic disputes with Serbia. To facilitate progress, the EU must intensify diplomatic efforts to address these recognition issues and encourage member states to acknowledge Kosovo's statehood. This step is essential not only for Kosovo's integration but also for the stability and unity of the EU's approach to the Western Balkans. Simultaneously, the EU should leverage its position in the Serbia-Kosovo dialogue to condition Serbia's accession negotiations on the formal recognition of Kosovo. This would address the core issue of Serbia's refusal to recognize Kosovo, a stance that continues to hinder regional stability and cooperation. Internally, Kosovo's institutions must focus on implementing and advancing critical reforms, particularly in the areas of rule of law, anti-corruption, and governance. These reforms are crucial for fostering a conducive environment for sustainable economic development and attracting necessary investments.

Progress in these areas will not only support Kosovo's EU aspirations but also improve the standard of living for its residents. Respecting and effectively implementing minority rights is another crucial aspect of Kosovo's EU integration process. As a candidate for EU membership, Kosovo must uphold European values by ensuring that minority rights are not only guaranteed by law but also respected in practice. This commitment is essential for demonstrating Kosovo's readiness to embrace and contribute to the European values of equality and inclusivity. In conclusion, Kosovo's path to EU membership requires a multifaceted approach. The resolution of recognition issues and the resolution of the Serbia-Kosovo dispute are critical external factors. Concurrently, Kosovo must continue to advance internal reforms and uphold minority rights to align with EU standards. By addressing these areas effectively, Kosovo can enhance its prospects for joining the European Union and contribute positively to the broader European integration process.

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