

The EU and Kosovo

Time to Rethink the Enlargement and Integration Policy?

Marko Klasnja

The EU's approach to the Western Balkans has been plagued with inconsistencies and half-baked measures. The situation in Kosovo demonstrates that the EU needs to rethink its policy arsenal if it is to achieve its goals.

THE European Union has been hailed for its contribution to the largely successful post-communist transition in the countries of Central and Eastern Europe. Exerting its well-known “soft power” advantages by offering the possibility of membership, the EU encouraged the partners in the ongoing process of integration and “Europeanization,”¹ here meant to connote the processes and mechanisms by which European efforts to build political, economic, legal, and social institutions cause changes at the domestic level.² This success story has so far not been replicated in the Western Balkans, another region undergoing transition where the EU's ambitions and pledges seem to mirror those of the earlier “Eastern Enlargement.” The results in the Western Balkans have so far been much more limited and by no means assure an equally successful outcome. This may be a consequence of the much wider range of challenges faced by the region than was the case with Central and Eastern Europe, given the recurring conflicts in the former Yugoslavia, the late start of transition in many countries, and the unsolved territorial and ethnic issues, not to mention other problems. The intricacies of the status-settlement process for Kosovo—that is, whether the province will become an independent country or remain part of Serbia—exemplify the multi-faceted nature of the transition process in the region. However, the correlation between this insufficient progress and the current institutional crisis and “enlargement fatigue” in the EU hardly seems coincidental. Taken together, these two dilemmas raise some questions. Can the lure of EU membership adequately address the chal-

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lenges in the Western Balkans? Are the complexities of the transition in this region posing new challenges to the EU's capacity as a soft power, and more particularly to its enlargement, as well as Common Foreign and Security Policy (CFSP)? Does the EU need to change its integration strategy?

This article addresses these questions by examining EU-Kosovo relations following the 1999 war. As the status-settlement process nears completion, the role of the EU before and during the negotiations, the short-term plans for its engagement in the post-status developments, and its medium to long-term approach to Kosovo and the region are examined in turn. Overall, the EU's approach to Kosovo, and to the region in general, is not characterized by a well-thought-out strategy, but rather is plagued with inconsistencies and half-baked measures. This is in stark contrast with the pervasive expectations in both the international community and the region itself that the EU is the key international actor to help the region successfully navigate the transition onto a sustainable path of democratization, marketization, and, hopefully, Europeanization. In this respect, it may be time to rethink the existing enlargement and CFSP arsenal. In Misirolli's adept phrasing, "If the membership is the 'golden carrot' but is [currently] not on offer, what silver and/or bronze carrots can be devised for the EU . . . to carry out effective policies?"³

Autonomy, Assimilation, Protectorate

Kosovo's current administrative status was established with the creation of the Socialist Federal Republic of Yugoslavia. From 1946 to 1973, Kosovo was officially an autonomous area (oblast) within the Republic of Serbia, but it enjoyed little genuine autonomy. With the enactment of Yugoslavia's 1974 constitution, Kosovo was given the status of autonomous province, with the same level of representation in the federal organs as the six republics,⁴ an autochthonous executive, judicial, and legislative structure, its own police force, a set of enhanced cultural and educational rights, complete fiscal independence, and a rudimentary capacity to connect with other regions on a bilateral basis.⁵ Following the death of President Josip Broz Tito in 1980 and amid the beginning of the identity crisis of Titoist Yugoslavia, Kosovar Albanians took to the streets to demand republic status for Kosovo.

Along with the rise of Serbian strongman Slobodan Milošević in the late 1980s, however, Kosovo was assimilated (back) into a unified Serbian political system

with the enactment of the new Serbian constitution in September 1991. This prompted an unofficial, locally organized referendum in Kosovo, in which a large majority voted for the independence and sovereignty of the Republic of Kosova (the preferred spelling in the local Albanian language). Before long, an autochthonous government, president, and parliament were elected, but the occupants of these posts were soon forced into exile or underground by the authorities in Belgrade. Nevertheless, an elaborate parallel party-state apparatus, run by the largest indigenous political party—the Democratic League of Kosovo (LDK)—managed to function quite effectively, even if informally, for much of the 1990s.⁶ It stopped short of assertively pursuing independence for Kosovo, however, thus generating an aggressive, guerrilla-like opposition in the form of the Kosovo Liberation Army, whose campaign against the Serbian authorities and the LDK party apparatus alike had assumed a systematic pattern by the beginning of 1998. Isolated fighting turned into widespread repression by the Serbian police and military, substantial civilian casualties, and a massive exodus of non-Serbs from Kosovo, prompting active involvement by members of the international community.

In the wake of the unsuccessful Organization for Security and Cooperation in Europe (OSCE) and NATO Kosovo Verification Missions deployed in late 1998, three ineffective UN Security Council Resolutions,⁷ and the Račak massacre of Albanian civilians in January 1999, the Contact Group of interested international negotiators—revived once again to deal with the conflict in the Balkans⁸—sponsored peace talks at Rambouillet in February 1999. As a result, Kosovo regained a substantial degree of autonomy modeled largely on the relevant 1974 constitutional provisions, Serbian military and police forces withdrew, international peace-keeping troops entered the area, and a civilian mission was established for a period of three years, after which an international meeting was to be held to "determine a mechanism for a final settlement for Kosovo."⁹ The conference was a failure, however, because the Serbian side refused to sign the accords, which paved the way for the 78-day NATO air campaign against Yugoslavia.

The war ended when Belgrade agreed to sign the Kumanovo Agreement, a platform for the ensuing UNSC Resolution 1244, which established the United Nations administration (UNMIK) and the NATO peace-keeping force (KFOR) in Kosovo. Despite some changes in wording, UNSCR 1244 restated the major conditions stipulated in the Rambouillet Accords, with the exception of the "three-year-period" provision, making Kosovo an

effective protectorate, despite formally keeping it within the sovereign territory of Yugoslavia.

Post-1999 Kosovo: Standards-Status Combinations and Permutations

In May 2001, following the first two years of immediate reconstruction, UNMIK adopted the “Constitutional Framework of Kosovo,” which led to the “Provisional Institutions for Self-Government” (PISG) framework in February 2002. PISG initiated the (re-)creation of a subset of indigenous institutions (an assembly, some elements of the executive branch, and the presidency), while keeping some of the more sensitive powers to itself (justice, security, external affairs, privatization, etc). In April 2002 UNMIK articulated a set of policy targets for the PISG to pursue in order for Kosovo to be “functioning, stable, and on its way to Europe.”¹⁰ It could be argued that this “Standards before Status” strategy implicitly marked the end of the three-year time-out period envisaged by the Rambouillet Accords but omitted from the UNSCR 1244 text. More important, it sought to launch a much-needed dialogue between Prishtina and Belgrade regarding such ethnic-sensitive issues as the return of refugees, protection of minority rights, and the status of the Serbian Orthodox Church. It was also designed to execute a more efficient transfer of powers to the PISG, since most of the eight standards were related to state functionality and had to be addressed by the PISG rather than UNMIK.¹¹

UNMIK claimed that the process was progressing rather satisfactorily, if slowly, until the eruption of widespread, deliberate violence against non-Albanians and their residential property, as well as their cultural and religious sites, in March 2004, bringing home the inefficacy of the UNMIK and KFOR administration, and demonstrating the still all-pervasive fragility of the post-conflict stabilization effort. This was, perhaps, primarily a consequence of a serious inconsistency plaguing the strategy—namely, while the strategy’s logic was apparent, its “incentive function” was not. From a Kosovar-Albanian perspective, the strategy offered genuine incentives only if fulfilling the standards would guarantee independence. Conversely, the Serbian side (official Belgrade more than the Serbs on the ground) saw no incentive whatsoever, given its boycott of the PISG and the demands for independence by the Albanians. Thus, “The strategy could unfold its incentive function for one party only and only if it prejudiced the final status outcome.”¹² In any case, the event sobered

the international community, leading to a comprehensive standard-implementation review by the UN special envoy, Kai Eide. Following the recommendations of the Eide Report, and given the eagerness of UNMIK and NATO to avoid the embarrassment of renewed outbreaks of violence, the strategy was redesigned into that of “Standards and Status,” setting the agenda for status negotiations, to be led by another UN special representative, Martti Ahtisaari of Estonia. This effectively marked a U-turn in the international approach to Kosovo, away from the hopes that the tension between the Albanians and the Serbs would be done away with bit by bit through constructive actions within the status quo. Therefore, the UN-brokered talks between Priština and Belgrade began in February 2006 under the negotiating guidelines spelled out by the Contact Group.¹³

EU Engagement in the Run-up to the Status Talks: Subtle Dictation?

The Contact Group and the UN Security Council are widely seen to have been the most instrumental of the international players that shaped post-conflict developments in Kosovo, especially with respect to the aforementioned U-turn. At the same time, however, it has been almost equally widely overlooked that the EU, or rather the European Commission in conjunction with UNMIK, could be seen as a subtle forerunner and an active precursor to this volte-face by increasing its viability through a broadening set of formal relations established with Kosovo independent of Belgrade.¹⁴ In doing so, it sophisticatedly channeled developments onto the track envisaged by the Rambouillet Accords but eschewed in UNSCR 1244.

The European Commission led the international community in implementing the newly established situation in Kosovo after the Kumanovo Agreement. As early as November 1999, the EU advanced from being just an aid donor to becoming an integral part of UNMIK through the jointly run and funded Pillar IV, designated to conduct and oversee the economic development of Kosovo. Also, Kosovo was granted Autonomous Trade Measures (ATMs) in December 2000, separately from Yugoslavia, which came into force in February 2001.¹⁵ This is not a trivial fact, because it created a customs status for Kosovo separate from Serbia¹⁶ and recognized the republic’s independence for trade negotiation purposes.

More important, Kosovo was the first component of post-war Yugoslavia to formally enter the EU Stabiliza-

WHAT ARE THE STANDARDS?

Standards are eight areas in which Kosovo needs to make progress in order to be functioning, stable, and on its way to Europe. As progress in these areas is achieved, life in Kosovo will become measurably better. Standards are key to jobs and security.

WHAT IS THE KOSOVO STANDARDS IMPLEMENTATION PLAN?

It is a detailed plan that describes concrete actions needed to meet the Standards. It describes clearly who is responsible for what action and the time by which these actions should take place.

WHO DRAFTED THESE TWO DOCUMENTS?

The Kosovo government and UNMIK (United Nations Mission in Kosovo) worked on these documents in partnership. Subsequently both texts were endorsed by the United Nations Security Council, the EU, the Contact Group, and other key international actors. The eight Standards were made public on 10 December 2003, the Kosovo Standards Implementation Plan on 31 March 2004.

WHAT ARE THE PRIORITY STANDARDS AND WHY THEY WERE CREATED?

Priority Standards were agreed between the Kosovo government and UNMIK as a way of focusing the government's efforts on those Standards goals and related Kosovo Standards Implementation Plan (KSIP) actions which most support "sustainable multi-ethnicity". They are the most urgent and important Standards goals and actions (from all eight Standards areas) that need to be implemented before mid-2005.

DOES IT MEAN THAT OTHER STANDARDS ARE LESS IMPORTANT?

No, other Standards remain important, as do all the actions included in the Kosovo Standards Implementation Plan. The Priorities are meant to focus on what needs to be done first and what will most support multi-ethnicity. All Standards will have to be met, though some may take a long time. Standards are targets at which Kosovo must aim if it is to one day realize its European future.

WHEN WILL THE STANDARDS BE ACHIEVED?

Only Kosovans can determine how quickly Kosovo moves ahead.

WHO DECIDES THAT KOSOVO HAS MADE PROGRESS AND HOW THIS WORKS?

There is a clear process of monitoring progress and reporting on it: the Kosovo government and UNMIK conduct "line-by-line assessments." On this basis Technical Assessments are made—they are written by UNMIK in consultation with the Kosovo government and the Contact Group. Also, Political Assessments are included in the Secretary General reports, which are made by Kofi Annan himself. A comprehensive review by the international community is planned for the summer of 2005. Following this, the international community will make its judgment on whether progress has been sufficient for status talks.

ALL THIS IS VERY TECHNICAL: HOW CAN AN AVERAGE CITIZEN SEE FOR HIMSELF IF KOSOVO HAS MADE PROGRESS?

The progress or absence of the progress will be clear to everyone. Street signs will be in all the languages—or they won't. Buses will move freely through all areas, or they will be stoned. Citizens will cooperate with the police to fight crime or otherwise criminals will be free to roam Kosovo. It will be clear when life in Kosovo becomes normal for all its citizens, whoever they are and wherever they live.

WHO IS RESPONSIBLE FOR MAKING PROGRESS IN ACHIEVING THE STANDARDS?

Kosovo citizens and their institutions. UNMIK retains responsibility for some reserved areas.

DO STANDARDS MEAN INDEPENDENCE?

If Standards are met, the international community will decide to initiate talks on Kosovo's future status. The results of such talks cannot be determined beforehand. Whatever the outcome of these talks, meeting Standards will mean a better life for all in Kosovo.

WHAT WOULD HAPPEN IF THE STANDARDS ARE NOT FULFILLED BY THE MIDDLE OF 2005? WILL THE TALKS ON THE FINAL STATUS START ANYWAY?

The SRSG (Special Representative of the Secretary General) has stated on several occasions that this process is by no means automatic. Only a successful fulfillment of Standards will lead to a review process and if the review is positive, to talks about final status.

WHAT ARE THE STANDARDS IMPLEMENTATION WORKING GROUPS?

Standards Implementation Working Groups meet every three weeks to check on progress in fulfilment of actions in the Kosovo Standards Implementation Plan and to decide on next steps. Progress on these steps is then checked at the next meeting. They also discuss any problems that may arise in implementation of the Standards. A typical working group on each standard is co-chaired by a minister (appointed by the Prime Minister) and an UNMIK Pillar head. The group also includes PISG [Provisional Institutions of Self-Government] and UNMIK Standards Coordinators as well as officials from the PISG and UNMIK involved in performing the actions. Contact Group members are also invited to monitor progress in the meetings.

HOW CAN I CONTRIBUTE TO IMPLEMENTING THE STANDARDS?

Standards are aimed at creating a Kosovo where all citizens, of whatever ethnicity, have the same rights and responsibilities. We can all, in our daily lives, make sure that we act according to our responsibilities and that we treat others according to their rights. Many people believe that the implementation of Standards is up to the government. This is true only to a certain degree; in fact, there are many Standards that depend on the actions of every citizen of Kosovo. Standards are about creating an environment for all people to live and work in Kosovo in peace. This means welcoming our neighbors home, when they want to return home and standing up for them when their safety is threatened by others. In our diversity lies our strength and although we are all different, we share the same desire to live in peace and prosperity.

IS KOSOVO THE ONLY PLACE WHERE PEOPLE HAVE TO “LIVE UP TO STANDARDS”?

Every country has its Standards set in the form of laws, which its citizens have to respect so they can live in dignity, freedom, and security, no matter where they come from and what religion they profess. In addition, every country wishing to join the European Union must meet the Standards set down by the European Union, including respect for human rights and minorities, good legislation, rule of law, and democracy.

THE EIGHT STANDARDS WILL BE FULFILLED WHEN THE FOLLOWING IS ACHIEVED:

1. **FUNCTIONING DEMOCRATIC INSTITUTIONS**—The PISG are freely and fairly elected. The PISG governs in an impartial, transparent and accountable manner. Media is independent and provides access to information for all communities. There is an independent regulatory authority to monitor all media and this authority is recruited without discrimination. Hate speech is condemned by the media, media regulatory commission, and media commentators.
2. **RULE OF LAW**—There exists a sound legal framework and effective law enforcement, compliant with European Standards. No one is above the law and anyone can be prosecuted for crime no matter who they are or who they know. There are strong measures in place to fight ethnically motivated crime as well as economic and financial crime. Anticorruption laws are enforced, and both those asking for bribes and those offering them are punished.
3. **FREEDOM OF MOVEMENT**—All people in Kosovo are able to travel, work and live in safety without fear of attack, harassment, or intimidation. All people are free to use their own language anywhere in Kosovo. All people have access to markets, public and social services, and utilities.
4. **SUSTAINABLE RETURNS AND THE RIGHTS OF COMMUNITIES AND THEIR MEMBERS**—Members of all communities must be able to participate fully in the economic, political, and social life of Kosovo, and must not face threats to their security and well-being based on their ethnicity. All refugees and displaced persons who wish to return to Kosovo must be able to do so in safety and dignity.
5. **ECONOMY**—A legal framework for a sustainable, competitive market economy is in place and implemented. A regulatory commission is established that holds government officials and the private sector accountable. A tax regime that sustains the functioning of government, encourages investment, and provides basic services to all, such as health care and education.
6. **PROPERTY RIGHTS**—All people should have the right to own and live in their homes anywhere in Kosovo. The fair enforcement of property rights is essential to encourage returns of IDPs [internally displaced persons] and the equal treatment of all ethnic communities. A system to remedy disputes over agricultural land and commercial property must be established. A property registry must be established and municipal surveys establishing boundaries, subdivision lines, buildings, and related details must be completed.
7. **DIALOGUE**—There must be a constructive and continuing dialogue between the PISG and their counterparts in Belgrade over practical issues such as energy, transport, communications, missing, etc. Kosovo’s cooperation within the region is well developed.
8. **KPC**—The KPC [Kosovo Protection Corps] fully complies with its mandate as stated in the Constitutional Framework as a civilian emergency organization which carries out rapid response for public safety in times of disaster or emergency. The KPC must operate in a transparent and accountable manner and represents all communities of Kosovo.

Source: United Nations Mission for Kosovo, “Standards for Kosovo,” www.unmikonline.org/standards/priorities.htm.

Table 1

Key International Players in Kosovo

| | United Nations | NATO | European Union | Contact group |
|------------|---|---|--|---|
| History | <p>Founded in 1945, the United Nations was established to maintain international peace and security; develop friendly relations among nations; cooperate in solving international economic, social, cultural and humanitarian problems and in promoting respect for human rights and fundamental freedoms; and to be a center for harmonizing the actions of nations in attaining these ends.</p> | <p>The North Atlantic Treaty Organization is an alliance of 26 countries from North America and Europe committed to fulfilling the goals of the North Atlantic Treaty signed April 4, 1949.</p> <p>Membership has expanded in several rounds; a fifth round admitted Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia in 2004.</p> | <p>The European Union is the latest stage in a five-decade process of creating a common European market and coordinated economic and security policies. Membership currently stands at 27.</p> <p>Membership has expanded in several rounds; the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovakia and Slovenia joined in 2004, followed by Bulgaria and Romania in 2007.</p> | <p>Informal grouping of key countries with interests in the Balkans that emerged in early 1990s; members include France, Germany, Italy, Russia, United Kingdom, and United States.</p> |
| Structures | <p>UN Security Council handles international security issues on a day-to-day basis. Ten seats rotate monthly; five permanent members (China, Russia, France, United Kingdom, and United States) can veto any resolution.</p> | <p>North Atlantic Council</p> <p>NATO Military Committee</p> | <p>The EU is governed by three structures: the EU Commission, the European Council, and the European Parliament. The commission and council are executive agencies, but members of the commission work for the EU as a whole, whereas councilors work for their home country.</p> | |
| Policies | <p>UNSC Resolution 1244 (June 10, 1999) created UNMIK to bring peace, build democracy, and facilitate status determination in Kosovo.</p> <p>Constitutional Framework of Kosovo (2001)—initial governing structure</p> <p>Provisional Institutions of Self-Government (PISG)—a 2002 set of institutions to realize the Framework</p> | <p>Membership Application Plans (MAPs)—customized blueprints to prepare applicants for membership; currently Albania, Croatia, and Macedonia have MAPs</p> | <p>Common Foreign and Security Policy (CFSP)—since 1992, the stated shared goals of the EU in security matters</p> <p>Community Assistance for Reconstruction, Development and Stabilization (CARDS)—financial aid package for Western Balkans</p> <p>Action Plans—specific recommendations to meet accession criteria</p> <p>European Agreements—format used for Central and Eastern Europe, with membership guaranteed</p> | <p>Sponsored Rambouillet negotiations in February 1999</p> <p>“Guiding Principles for the Settlement of the Status”—reference document for Kosovo negotiations</p> |

United Nations Interim Administrative Mission in Kosovo (UNMIK), set up in 1999 and consists of four “pillars”:

- Pillar I: Police and Justice
- Pillar II: Civil Administration
- Pillar III: Democratization and Institution Building (run by Organization for Security and Cooperation in Europe)
- Pillar IV: Economic Development (assigned to European Union)

Stabilization and Association Process (SAP)—individualized economic and democratization programs to prepare Albania, Bosnia, Croatia, Yugoslavia, and Macedonia to apply for EU membership

Stabilization and Association Tracking Mechanisms (STM)—benchmarks for evaluating SAP progress

Stabilization and Association Agreement (SAA)—culmination of SAP

European Partnerships—outline European perspective on Western Balkan countries in the Stabilization and Association Process

Partnership Action Plans

Kosovo Standards Implementation Plans

Feasibility Studies for SAM and SAP

Association Agreements

EUFOR-Althea (military)

EUPM (police)

High representatives

Special representative (EUSR)

Stefan Lehne (on Ahtisaari commission)

Agents

UNMIK is run by a special representative to the UN Secretary General

Kosovo Verification Mission (1998)

Kosovo Force (KFOR)*
NATO runs as part of UNSC 1244 since 1999

Kai Eide—special envoy of UN Secretary General Kofi Annan on Kosovo (2002–2005); issued reports in 2004 and 2005
Martti Ahtisaari—Eide’s successor

Source: Information drawn from United Nations Mission in Kosovo, www.euinkosovo.org/uk/about/about.php.

* Modeled on the NATO Stabilization Force (SFOR) used following war in Bosnia.

tion and Association Process (SAP) through the establishment of the Stabilization and Association Tracking Mechanism (STM) in November 2002, more than six months before the European Partnership was agreed between Yugoslavia and the commission in July 2003 and long before the adoption of the Feasibility Study Report for Serbia and Montenegro in April 2005. By resorting to a standardized contract mechanism, the EU was arguably the first international actor (notwithstanding the UN) to factually recognize Kosovo's independence from the rest of Yugoslavia, giving UNSCR 1244 a new dimension. In other words, the fact that a major stakeholder, one that was exerting a substantial policy-shaping influence in the region,¹⁷ was treating Kosovo separately from Yugoslavia may have contributed to the further fashioning of Kosovo's individuality, thereby increasing the international viability, appeal, and even "spontaneity" of a certain status option—*independence*. Therefore, the European Commission has made the shift from the "Standards before Status" to the "Standards and Status" strategy much easier. The UN- and NATO-sponsored status of a protectorate was naturally intended to be a provisional solution, but the text of UNSCR 1244 failed to infuse it with dynamism and perspective, since the crucial clause from the Rambouillet Accords (Chap. 8, Art. 3, see note 9) was left out.¹⁸ The diminishing U.S. presence and interest, given the re-prioritization of Washington's foreign policy toward the Middle East, coupled with the downsizing of KFOR, only reinforced the sense of stalemate among the UNMIK-wary, U.S.-oriented Kosovars.¹⁹ The formalization of EU-Kosovo relations outside the context of Yugoslavia may have helped to prop up the dynamics, provide further—if not decisive—incentive for action, and thus facilitate the move toward the "final settlement of the future status" of Kosovo.

Nevertheless, this is not to overstate the role of the EU in generating movement on the status issue. Following the March 2004 riots in Kosovo, the UN Security Council and the Contact Group embarked on three crucial steps: the standard-implementation review, the subsequent recommendations, and the negotiation guidelines. And this has largely been done in response to developments on the ground, such as the political turnover in Kosovar institutions²⁰ that threatened the stability of the PISG, and the institutional isolation of the northern Kosovar, Serb-inhabited municipalities, which severed ties with the PISG and maintained links with Belgrade, thus raising concerns about the partition of Kosovo. Still, two properties of the run-up to the status negotiations should not be

overlooked. First, the EU was seen as ultimately the crucial international factor in Kosovo's future, a perception certainly fueled by the activities described in the run-up to the status talks. Indeed, one of the key conclusions of the Eide Report contended that

the United Nations has done a credible and impressive job in fulfilling its mandate in difficult circumstances. But its leverage in Kosovo is diminishing. Kosovo is located in Europe, where strong regional organizations exist. In the future, they—and in particular the European Union (EU)—will have to play the most prominent role in Kosovo. They will have the leverage required and will be able to offer prospects in the framework of the European integration process.²¹

Second, as noted earlier, one of the main negotiation guidelines laid down by the Contact Group was that there must be no changes in existing borders except in the context of EU integration. Thus there is a consensus among the relevant components of the international community about the strategic importance of the European integration process, *ipso facto* attaching weight to how the EU views the region and what steps it takes to position itself.

That is not to say that the described EU engagement prejudiced the status outcome, which, as of the spring of 2007, was up to the UNSC to decide on the basis of the proposal submitted by Martti Ahtisaari following the unsuccessful fourteen-month-long negotiations between the two sides in Vienna. Even though there is no explicit mention of it, the proposal presents an expected solution of "supervised independence," whereby most of the rights and prerogatives of a sovereign state would be transferred to Kosovo, but with a continued international security and civilian presence.²² And yet again, a distinct European path for Kosovo was already quite observable, and this may well have strongly influenced Ahtisaari's decision to propose a formal separation of Kosovo from Yugoslavia beyond UNSCR 1244. Thus the European Council delivered the first European Partnership for Serbia and Montenegro (including Kosovo) in June 2004, but the short-term and medium-term priorities for Kosovo were listed separately.²³

In response, UNMIK and PISG developed a separate Action Plan, different from the one submitted by the Serbian, Montenegrin, and Serbia and Montenegro authorities. Consequently, the European Commission reviewed the implementation of Actions Plans individually and wrote two independent Annual Progress Reports.²⁴ Furthermore, the November 2005 Enlargement Strategy Paper restated this separation.²⁵ In January 2006, the council revised the

progress in the European Partnership(s) and adopted a new set of short- and medium-term priorities for Kosovo and Serbia and Montenegro alike, which bred a further division in the European integration process for at least two reasons. First, the pace of the progress turned out to be uneven, being more rapid in Serbia and Montenegro proper than in Kosovo. Second, a full incorporation of the revised Kosovo Standard Implementation Plan into the new European Partnership Action Plan was completed in June 2006. Again, the weight of this merger was not trivial. It basically equaled the implementation of the eight standards—something the international community has particularly stressed as crucial for progress on the status issue in order to suppress the possible moral hazard on the part of the PISG—with progress in the SAP. In other words, it ensured that Kosovo's progress in the implementation of the standards meant a concomitant strengthening of its progress in the SAP.

Therefore, although Kosovo had not (yet) completely embarked on its own SAP, by the time the status talks began, a distinct European path was readily visible.²⁶ If stating that the EU was prejudicing the status outcome in favor of independence would mean going a step too far, then perhaps it was providing subtle signposts for a constructive solution that entails the EU-Kosovo rather than the EU-Serbia-Kosovo relationship. That is to say, the EU has clearly indicated that the “Stabilization and Association Process, as enhanced by the Thessaloniki Agenda . . . will remain the framework for the European course of [Western Balkan] countries all the way to their future accession.”²⁷ Moreover, to apply the familiar tools of partnership and conditionality that such a process entails, it has so far engaged only with traditional state-like partners with full sovereignty (in the Helsinki-Final-Act sense of the word) and thus unambiguous treaty-making powers. If Kosovo was not to be an exception to this rule, it would be only reasonable to expect that it was on its way to independence.

Even with Ahtisaari's proposal shaping the discussion in the UNSC, such a “clean” outcome is still not inevitable. This uncertainty is at least in part a function of the unambitious EU engagement in the immediate post-status Kosovo, as well as the already ambiguous approach toward the Western Balkan countries that the EU employs via the Stabilization and Association Process. Therefore, as is very much the case with the surrounding non-candidate countries (Bosnia and Herzegovina, Albania, Serbia, and Montenegro, and, to a lesser extent, the Former Yugoslav Republic of Macedonia, which holds a rather tentative candidate status), the EU-Kosovo relationship

currently and in the medium run is plagued with many inconsistencies, half-baked measures, and a discernible lack of a well thought out sustainable strategy.

EU Status Talks: “A Big Ugly Baby of Uncertain Parentage”?

As noted above, all the major players in the status talks, including the EU itself, believe that the EU will be a central international player in post-status Kosovo.²⁸ Despite this, the EU has apparently had an unusually and unevenly minor position in the negotiations.²⁹ It has taken the reactivation of the Contact Group to stipulate the guidelines for the talks, the body in which the European Commission and the EU troika only have an observer status, and thus a mere supporting role.³⁰ Also, like the United States, the EU had only one appointed envoy in Ahtisaari's negotiation team: Stefan Lehne. Therefore, one could argue, “Its capacity during the final status process to stipulate what it will and will not take on is circumscribed.”³¹

Viewing the role of the EU in the status talks as that of a monolith would be overly simplistic, but unfortunately overly optimistic as well.³² That is, casting an eye on the serious divides between the EU member states about how to approach the status settlement process, and how to deal with its possible effects on the region, only uncovers further weaknesses in the EU's engagement in the process. For example, the member states were polarized on the timetable for the talks, with France, the United Kingdom, Slovenia, and Austria generally leading the bloc of advocates for, and Italy, Greece, Spain, and (until recently) Germany against, a tight streamline according to the preset schedule. This lack of consensus may have contributed to the uneven pace and frequent alteration of the momentum of the process.

The local factors and their impact on the status-settlement process and hence on the EU's role must not be overlooked, however. The negotiations began later than initially envisaged because of the political instability brought on by the death of Ibrahim Rugova in January 2006. At the time Rugova was simultaneously the head of the Kosovar Albanian negotiating team, the president of Kosovo, and the leader of the majority-holding LDK.³³ Similarly, the referendum on Montenegrin independence in April 2006 and the ripples the yes vote caused in Serbia, as well as the referendum on the new Serbian constitution in October 2006 and its implications for Serbia's position on the future status,³⁴ dragged out the talks considerably. Finally, in November 2006, the Contact Group decided to suspend the already dead-end negotiations and postpone

publication of Ahtisaari's proposal and recommendations until after the parliamentary elections in Serbia, held on January 21, 2007. This was done out of concern that doing so before the elections could backfire, bringing the continually strong extreme-nationalist Radical Party of Serbia to power and thus most likely causing the Serbian side to pull out of the negotiations altogether. More recently, the Ahtisaari team took one last stab at bringing the two sides closer, this time through negotiations about revisions to his proposal. The talks again ended in deadlock, making way for the ensuing debate in the UN Security Council, and, most likely, a new resolution to supersede UNSCR 1244.

Given that the EU's engagement in the region is much more multi-faceted, "organic," and long-term than that of any individual country participating in the Contact Group anticipated,³⁵ and consequently that there is greater need for careful balancing, it is not surprising that these and similar developments on the ground have only complicated the stance of individual EU members and the Brussels institutions on the status of Kosovo. Nevertheless, this should only have been yet another reason for the EU to be more assertive and active, rather than reactive, in the run-up to the UNSC debate. It has only occasionally shown that by the very nature of this involvement in the region it possesses sufficient power to be "first among equals" in managing the talks. For example, it was very effective in sanctioning a sloppy statement in breach of the Contact Group negotiation guidelines made by the Albanian foreign minister, Besnik Mustafaj, on March 14, 2006,³⁶ and also in extracting a self-correcting statement only one day later, simply by invoking a re-examination of the SAP and a possible further prolongation of the signing of the Stabilization and Association Agreement with Albania.³⁷ This is even more pronounced in the case of the two negotiating sides, particularly the recalcitrant Serbia.

Through the SAP, and especially the concomitant precondition of full cooperation with the Hague Tribunal, the EU has become a very important factor in Serbian domestic politics. From May 2006 until June 2007, the SAA negotiations between Serbia and the European Commission were suspended because of Belgrade's lack of cooperation with the Hague Tribunal. Specifically, the failure of the Serbian government to arrest and extradite one of the two most-wanted fugitives from the Bosnian war believed to be hiding in Serbia, General Ratko Mladić. However, by digging in its heels about the continuation of the SAA negotiations, the EU unfortunately failed to produce a positive stimulus for Serbia and only left itself

and the other side to grapple in the quicksand. To date, General Mladić is still at large, Serbia (in addition to Bosnia) remains the only country in the region without a formal contractual arrangement,³⁸ and disagreements in Brussels and among member states are arising as to how exactly to interpret the "full cooperation" condition in this deadlock situation.³⁹ Thus, a retarded incentive function, much as in the case of the Standards before Status strategy, seems to be unfolding again. Further, by refusing to even consider linking the issue of Serbia's cooperation in the status talks with that of the SAA talks, the EU has perhaps missed the chance to constructively include Kosovo, another dominant issue in Serbian domestic politics.

Finally, it is important to note the role of Russia in the settlement process, especially its influence in the Contact Group and its threat of a veto in the UN Security Council. From the beginning of the process, Moscow has insisted that giving Kosovo its independence should be regarded as establishing a precedent for stripping a country of its sovereignty without its acquiescence (and not as a unique case, as argued by the rest of the Contact Group, the UN, and the EU). Russia has hardened on this position over time, linking it to the recognition of friendly mini-states that have sought to break away from Georgia and Moldova, namely, Abkhazia, South Ossetia, and Transnistria.⁴⁰ As a traditional ally of Serbia in pursuing regional interests, Moscow has fueled Serbia's intransigence in the negotiations and hopes for blockage in the Security Council. Most important, through the Contact Group, Moscow has probably influenced Ahtisaari to remove some symbolic and perhaps functional elements of prospective independence from the settlement package. With its veto power, Russia may force the Security Council to endorse only the narrowest of formulas for Kosovo's status, thereby complicating the follow-on mission.

Russia's position has undoubtedly affected the EU's stance and behavior in the settlement process, all the more so given the dynamics between the two parties outside the Kosovo process, such as on the issues of energy, human rights, and several diplomatic strains. And yet, it is precisely because of the impact that Russia will have on the post-status landscape, as well as the influence it had within the Contact Group and the Security Council during the settlement process, that the EU should have been more assertive. It will bear the lion's share of the follow-on mission, but its outlook is significantly influenced elsewhere. Moscow has pushed more toward the largely unsuccessful 1995 Dayton Agreement for Bosnia than the more successful (and mainly EU-brokered) Ohrid Agreement for Macedonia. More active EU engagement

could have diminished Russia's leverage simply because the decision-making would have taken place outside the forums where Moscow has a strong say. However, given the current state of affairs, as vividly expressed by the International Crisis Group: "the harder and messier it is in New York, the more difficult it will be in [and for] the EU."

The EU and Post-Status Kosovo

In June 2005 the high representative for CFSP and the enlargement commissioner jointly outlined the likely post-status EU mission in Kosovo. Three main conclusions were advanced.

The future international civilian presence could take the form of an international office with an important EU component but cannot be "EUMIK";

The future military presence should continue to be entrusted to NATO;

Core areas will be the protection of minorities and the rule of law (police and justice).⁴¹

The first conclusion clearly distilled the hopes expressed hitherto that an EU protectorate would replace the UN protectorate. Essentially, Kosovo would be offered EU supervision in lieu of statehood or return to Serbian control. The EU's adamant stance against the EUMIK model did not come as a surprise, given the experience in Bosnia, where the "legitimacy deficit" of the international administration had become a buzz word much as its "democratic deficit" twin has been in the theoretical discourse on supra-nationalism. The rationale was based on the need to increase local ownership of the reforms and multi-faceted adjustments to the EU *acquis communautaire*,⁴² which largely influenced the international community's approach to the ethnic tensions in Macedonia (FYROM) through the Ohrid Agreement.⁴³

The second conclusion reflected that the EU was not enthusiastic about repeating its CFSP adventure in Bosnia and Herzegovina, where it has taken over the security realm from NATO's SFOR in its entirety, providing for the military (EUFOR-Althea) and police (EUPM) missions.

The third conclusion, however, suggested that the EU might consider repeating the experience from Macedonia with the Concordia, Proxima, and EUPAT police missions, as well as lending a hand in the judiciary, perhaps along the lines of one of the Eide Report recommendations.⁴⁴ In April 2006, the European

Councils adopted an Action Plan for the "EU Crisis Management Operation in Kosovo," establishing EUPT Kosovo, whose main mission is to "ensure a smooth transition between selected tasks of UNMIK and a possible EU crisis-management operation in the field of rule of law and other areas."⁴⁵

Even though this outline made the EU seem eager not to repeat the paternalistic Dayton-like international arrangement, with a staff of seventy-two members and some 200 bureaucrats,⁴⁶ it was uncomfortably limited and unambitious in scope for the still-fragile situation on the ground. Surprisingly, for example, there was no mention of the follow-up to Pillar IV after the withdrawal of UNMIK, meaning that in some important economic matters that await due consideration (e.g., the settlement of Kosovo's share in Serbia's external debt), the EU would actually be reducing its involvement in comparison to the current situation.⁴⁷

The initial plan for the EU mission has since been revised and slightly augmented. The only noticeable novelty was that the head of the future international civilian office (ICR) would also be the EU special representative (EUSR), and thus an EU national. Unfortunately, this novelty marked the move away from the Ohrid Agreement and back toward the Dayton arrangement, because the "double-hatted" ICR/EUSR would again be endowed with some "Bonn Powers,"⁴⁸ such as the authority to annul laws and decisions deemed to be against the "spirit of the settlement,"⁴⁹ or to remove individual judges to prevent the implementation of the settlement.

However, the EU did not make these choices in a vacuum. A major limitation on the scope and depth of the EU mission comes from the solutions in Ahtisaari's proposal, which have also been tailored to ensure its passage in the UN Security Council and avoid possible Russian obstruction. More concretely, given the need to win over the Kosovar Serbs and provide a maximum level of protection for them, the proposal only deepens the already extensive decentralization that UNMIK pushed upon the PISG following the 2004 U-turn.⁵⁰ The decentralization elements of the settlement proposal include some non-traditional areas tailored to the Serb community, such as tertiary education and hospital management. In addition, the proposal allows for the maintenance both of horizontal links between Serb-majority municipalities and of limited (and transparent) vertical linkages with official Belgrade. The price is likely to be institutional arrangements less in tune with the EU's wishes.

Nevertheless, while these plans may seem realistic, they invoke concern because, while worryingly deaf

to some constructive proposals,⁵¹ they give the EU disproportionately little short-term political visibility. This stands in contrast to the consensus about the EU's political weight among the international actors and the Western Balkan countries.

Next Steps in the Western Balkans

The EU's "organic" engagement in the region positions it as the most important and arguably most influential international player. This is primarily due to the integration perspective offered to the countries of the region through the Stabilization and Association Process. How important is the SAP for realizing this Europeanization process? How much of a "carrot" does the SAP and its culmination, the Stabilization and Association Agreement (SAA), really represent, if the most potent instrument for the process of integration that the EU has to offer—membership—is diluted and not guaranteed? A more careful analysis of the SAP and the SAA reveals that the EU was more politically and economically committed in the case of the European Agreements (EAs) used during the Eastern Enlargement round than in the present SAAs used for the Western Balkan countries. Specifically, while the EAs essentially promised eventual membership, this is by no means an inevitable outcome of the SAAs. If the EU is not sufficiently committed to the goal of membership, its commitment to the longer-term goals of integration and Europeanization will also be called into question.

Concepts and Goals. The European Commission was keen to differentiate between the SAA, as a distinct new type of association agreement, and the EAs used in the fifth round of enlargement in 2004. The reasons were essentially twofold. First, the situation was more complex. Unlike the conditions in Central and Eastern Europe, the conflicts in the Balkans throughout the 1990s had left a number of failing states. The difference in magnitude is reflected in the title of the program: The first and foremost task was to achieve stabilization, for only then could association be addressed. Second, and equally important, by the time the war in Kosovo was over, the EU was facing its most extensive enlargement to date, and there was "scant enthusiasm for widening the organization further by offering Europe Agreements to countries in the Western Balkans."⁵² The commission, then, chose to closely model the SAAs on the EAs, albeit with several arrangements peculiar to the region's idiosyncrasies. In doing so, however, it watered them down.⁵³

This is shown by the worrying lack of a clear connection "between the SAP and the pre-accession proper."⁵⁴ As noted by Phinnemore,

whereas the EU notes in the preamble to the Europe Agreement that they will make a positive contribution to achieving membership, in the case of SAAs, not only does the EU fail to acknowledge accession as the ultimate objective . . . , it makes no explicit reference to the SAA helping achieve this goal.⁵⁵

In other words, the key is the purpose of "association." While under the EA association helped achieve the goal of membership, it does not under the SAA. The SAA stops one step short of candidacy, conferring only "potential candidate" status, with membership far from automatic. This is confirmed in reality. Of the three Western Balkan countries that have thus far signed the SAA—Croatia, Macedonia, and Albania (not counting Montenegro, which signed it in March 2007)—the first two were granted the status of "candidate countries" upon application, while Albania will have to wait for its SAA to be ratified. None arrived at this stage tension-free, however. Accession negotiations with Croatia, scheduled to start in March 2005, were postponed due to insufficient cooperation with the International Criminal Tribunal for Yugoslavia (ICTY) and the country's meek record on refugee return. Negotiations were re-opened in October 2005 only after the capture of the fugitive General Ante Gotovina. The case of Macedonia is yet to be equally successfully resolved. Although it granted candidate status in December 2005, the council imposed a set of conditions that need to be fulfilled for Macedonia to proceed with accession talks, most notably complete implementation of the Ohrid Agreement and cooperation with ICTY.⁵⁶ As for Albania, the commission has repeatedly stressed that considerable additional reforms remain.⁵⁷

While the differences may be subtle (and the promise from the EU, however conditional and distilled, is unlikely to be withdrawn), they are politically and financially important. This is especially true in the case of Kosovo, which is the least developed economically and democratically and thus has the longest way to go.

Money. One major implication of the foregoing is that financially, the Western Balkans will not be on an equal footing with the Central and East European countries. As analyzed by the European Stability Initiative (ESI),⁵⁸ the Instrument of Pre-Accession Assistance (IPA)—the new financial framework for Southeastern Europe in the 2007–2013 period—is problematic on several levels. The total volume of assistance is declining, it discriminates

between current candidates and non-candidates, and it is largely passive and modest for the latter group. And this occurs at the very moment when the EU needs its leverage in the region, particularly in Kosovo, to be at its most effective.⁵⁹

In the upcoming period, the non-candidates will receive significantly less than they do now. According to the breakdown estimated by ESI, the situation will be particularly grim for Kosovo, which comes as little surprise, given that it is at the lowest level of contractual relations with the EU. Specifically, Kosovo was allocated €114 million from the Community Assistance for Reconstruction, Development and Stabilization (CARDS) program in the 2005–6 period, mostly for institution-building purposes.⁶⁰ For the 2007–13 period, however, ESI estimates suggest that it will overall receive only slightly more, a total of €207 million (at 2004 prices).⁶¹ Things do not get any better regarding overall foreign aid flows into Kosovo. According to the RIINVEST Institute for Development Research, foreign aid flows have been dropping in all major areas since peaking in 2002. Even more, another—if not crucial—source of external financing has been decreasing since the high post-war levels, namely diasporic remittances.⁶² As once again astutely observed by the ESI, concerted action by the EU member states to restrict migration patterns has had a less recognized but no less important effect on the present and future economic situation in Kosovo.

The contrast is even more pronounced when compared to how much current candidate countries are slated to receive over the same period, not to mention Bulgaria and Romania, entrants in January 2007.⁶³ This stems from the fact that the non-candidates are excluded from participation in the structural and development funds available to the candidates, most notably assistance for regional, rural, and human resource development. Thus, it can be argued that the Western Balkan countries are not being prepared for membership. The development gap between the countries that have already advanced in the EU integration process and those struggling to keep up will only increase.⁶⁴ As the status for Kosovo is determined, “The EU’s financial engagement in the region will be at its lowest level since the Kosovo war.”⁶⁵

Is There a Coherent Strategy? The shortcomings of the SAA and the IPA suggest the lack of a coherent, strategic approach to the Western Balkans. This is hardly surprising, given the current institutional crisis in the EU itself. The correlation is certainly more than coincidental. As the December 2005 European Council prepared to

discuss the commission’s proposal to grant Macedonia candidate status, France declared that it was prepared to veto it. Although in the end it did not use the veto, this threat was an echo of the call for a freeze on enlargement that had been pervasive in the wake of the failed constitutional referenda in France and the Netherlands in 2005.⁶⁶ While it is normal and desirable for the EU to do some soul-searching following the constitution fiasco, the spill-over of these deliberations onto an already wobbly SAP agenda is worrisome.

This new wave of “enlargement fatigue” did not wither in the Europe-wide political *couloirs*, but eventually penetrated the official EU agenda. An explicit reference to the EU’s “absorption capacity”⁶⁷ was made by the commission in the 2005 Enlargement Strategy Paper, reflecting the request sent by the Foreign Committee of the European Parliament to the commission to “submit a report by 31 December 2006 setting out the principles which underpin this concept [and] invites the Commission to factor this element into the overall negotiation timetable.”⁶⁸ More important, the report asserted that the “stalemate in the ratification of the Treaty establishing a Constitution for Europe is preventing the Union from enhancing its absorption capacity,”⁶⁹ thus reinforcing the notion of enlargement fatigue by linking it directly to the issue of failed constitutional amendments in member states. References to absorption capacity have since become commonplace in documents related to the region, as exemplified in the commission’s “Enlargement Strategy and Main Challenges 2006–2007, Including Annexed Special Report on the EU’s Capacity to Integrate New Members.”⁷⁰

Is There a Need for an Intermediate Solution?

Has the EU done enough to ensure Kosovo’s successful transition into a functioning state when and if the time comes for it (and other non-candidate countries in the region) to negotiate an accession? The answer seems to be no. The current and envisaged framework is simply not a strong enough tool for what ESI designates as the member-state building needed in larger doses in Kosovo now as well as later.⁷¹

This raises a related but more general question. Is the EU’s integration capacity, and thus Europeanization as we know it, losing steam? Does it need a redefinition, a fresh perspective, or perhaps an overhaul? One way to address this would surely be to increase financial assistance and abolish the discriminatory nature of the IPA. However, the budget has been set, with a limited increase for the

Western Balkans. It may be wiser to turn the efforts to alerting the EU not to sink the available funds into police missions and other stabilization costs in Kosovo at the expense of development and institution-building.

If the financial perspective is sealed, the fall-back option could at least be to increase the EU's short-run political importance and visibility in Kosovo (and elsewhere in the region) to unambiguously demonstrate the political resolve to eventually integrate Kosovo (and the Western Balkans) into the "European mainstream." Post-status Kosovo needs reassurance, a political family picture that will supply it with a sense of European identity from the outset of its fresh but raw individuality. This has indeed been the nudge of Europeanization so far.

What would this entail in practice? There seems to be a gaping need for a solution bolder and more resolute than the EU has so far employed for Kosovo and the Western Balkans. Perhaps an "intermediate" solution that would bridge the mismatch in timelines, given the immediacy of the Kosovo status settlement, on the one hand, and the long period it will take for the issue of Kosovo's membership in the EU to mature, on the other. The issue is pressing, because the stability of the region is at stake, a region that has continually been a major challenge for the CFSP. Any status solution entails considerable risks. Supervised independence, as proposed by Ahtisaari, is likely to dissatisfy not only the more extremist portions of the Kosovar Albanian public who demand full unconditional independence, gathered mainly around the Albin Kurti's Self-Determination (Vetëvendosje),⁷² a movement that is already noted for resorting to violence against UNMIK and KFOR, but also the general Albanian population in those southern municipalities that would undergo the most extensive decentralization measures. For Serbia, any status solution entailing independence is likely to augment nationalist sentiment and further destabilize the domestic political scene, weakening the pro-European political parties in favor of the chauvinistic Radicals. Likewise, the separation of Kosovo from Serbia may have repercussions on Bosnia and Herzegovina, itself going through a crisis after the Dayton accords failed to be replaced by a new constitution early this year, since the entity of Republika Srpska has increasingly been voicing its aspirations to follow Kosovo's example. Independence may also embolden the Albanians of Macedonia, where the Ohrid Agreement is still not fully on autopilot, as well as those of Southern Serbia, where the EU has already intervened to neutralize possible conflict.⁷³ Challenges of this kind were absent in Central and Eastern Europe during its transition. Ensuring the stability of post-status Kosovo also means trying

to insulate the wider region from renewed instability. As Kosovo does not exist in a vacuum, the solution will have to include the surrounding countries as well, with perhaps the exception of Croatia, which has traveled much farther than the rest in its relations with the EU, not least because it is the most stable, developed, and problem-free country in the region.

While such a solution may be quite challenging for the existing CFSP principles, there are relevant precedents within the EU. For example, the same European Parliament report that maintained that "defining the nature of the EU, including its geographical borders, is fundamental to understanding the concept of absorption capacity" also stated:

[The report] calls on the Commission and the Council . . . to submit, for all European countries currently without a membership perspective, proposals for a close multilateral relationship with the EU; underlines that it is up to *all countries with recognized membership perspective to join this multilateral framework as an intermediate step towards full membership*; [and] is of the opinion that such an option would also offer the European perspective which is necessary in order to promote the many internal reforms required in the countries in question [emphasis added].⁷⁴

In expanding on what was meant by the "close multilateral relationship," Elmar Brok, the then-chair and rapporteur of the Committee on Foreign Relations, contended:

Countries may want to participate in such a new multilateral structure because it may be a long time yet before they can actually join the EU, or because they will never be able to join or because they do not wish to join. For the countries concerned there will be the huge advantage that they will never be left empty-handed. Accession negotiations are now an all-or-nothing process: a country may negotiate hard for many years, but in the end it is either yes or no and nothing in between. And the risk of a no has become greater now that some countries have said they will have a referendum on all future enlargements.⁷⁵

Many aspects of the proposed arrangement, of course, are unpolished and do not recognize the current limitations of the integration and Neighborhood Policies of the EU. Brok himself labeled the proposal as "something like a European Economic Area Plus," referring to the European Economic Area, which allowed the European Free Trade Area members to participate in the Single Market without joining the EU (although some of them eventually opted for membership). It is hard, however, to imagine that there would be any modus for including countries as diverse in

economic and political stature and relationship with the EU as Norway, Switzerland, Moldova, Ukraine, much less Kosovo, to participate in a single structure of this kind, however multi-lateral. Also, it is easily conceivable that none of the potential members would decide to join, even if the benefits were apparent, out of the fear that such a “half-way house” may affect primary commitments made by the EU. The EU would have to be very transparent and persuasive to dispel the fears of the prospective entrants and make them participate. Indeed, there are numerous examples of regional arrangements other than the EU (and proposed or endorsed by the EU) being accepted with the utmost wariness by the candidate countries (the Višegrad Group, the Central European Free Trade Agreement, or the latest CEFTA, 2006).⁷⁶

Nevertheless, several important points were made that are quite pertinent to the current state of affairs between the EU and Kosovo, as well as the Western Balkans overall. While an all-or-nothing enlargement mechanism still awaits its “nothing” precedent, the example of Turkey’s almost five-decade-long odyssey certainly reveals that generically, it suffers from deficiencies that need amending. Characteristics of the SAAs described above and the extent of the EU’s short-term post-UNSCR 1244 Kosovo engagement qualify them for these amendments. A powerful political message, akin to that from the Helsinki 1999 Council that granted Turkey official candidate status might do the job for Kosovo in the post-status stage. As noted by ESI:

The decision to accept Turkey’s candidature despite shortcomings [in meeting the Copenhagen criteria] was remarkable in that it brought EU member-state building tools to be used for a state that was still only aspiring to meet its strict membership criteria—but was willing to take on the project of *internalizing these values and standards* [emphasis added].⁷⁷

It is precisely the process of internalizing European values and standards that is the key in the immediate post-status stage of state-building of Kosovo for its long-term European future. While temporizing Kosovo’s actual integration is perfectly logical, tampering with its transition in a lukewarm manner and with perfunctory instruments would be unstrategic. This is not unknown to the EU, however. As has been noted, in crises the EU has traditionally acted conservatively, instinctively falling back on an existing policy approach even where this was no longer appropriate.⁷⁸

Here, the second point made by Brok is important. In the shadow of three “fatigues”—constitution fatigue, enlargement fatigue, and so-called Balkan fatigue (the weariness of the international community and aid do-

nors)—the risk of “no” has increased substantially, emphasizing the inflexibility and “institutional costs” of the enlargement process. As Missiroli rightly posits:

unlike NATO and its Partnership for Peace (PfP) programme—which has managed, quite successfully to blur the difference between members and non-members and thus distribute security benefits across the entire Continent without incurring significant institutional costs—the Union has a serious problem in doing that effectively without clarifying (internally as well as externally) the ultimate goal of its partnerships.⁷⁹

At the 2003 Thessaloniki Summit, the EU made a commitment that was supposed to clarify the ultimate goal of the SAP. However, it actually failed to do so. Thus, the distribution of economic and political benefits in the way NATO has done in the area of security is by no means assured. Does this mean that in Western Balkan countries, the EU should resort to “blurring” the difference between members and non-members, or current candidates and non-candidates, offering the latter a second-best bid? The answer would again be no. What it could mean, however, is that the EU ought to find the means to alleviate the risk and cost of the enlargement process for both sides. Therefore, much as for Kosovo, the EU might benefit from rethinking its approach toward the remaining Western Balkan countries. The urgency and complexity of the Kosovo issue, and its possible repercussions on the surrounding countries, should warrant serious consideration by the EU. To repeat: “if the membership is not [currently] on offer, what silver carrots can be devised for the EU . . . to carry out effective policies?”

The proposal set forth by the European Parliament might be satisfactory food for thought with which to begin in devising the intermediate “silver carrot” that would promote fast-paced reforms in post-status Kosovo better than the existing Stabilization Tracking Mechanism, while keeping the cost for the EU within reasonable bounds at this sensitive juncture. Perhaps the status of “associate aspirant” or “temporary virtual member”⁸⁰ could be created. While such a move might require investing more energy than the EU might be willing to devote in the short run, putting Kosovo, and the wider region, in a pair of “golden handcuffs” is bound to be less costly overall than risking yet another failed protectorate in the Balkans.

Notes

1. The author thanks an anonymous reviewer for underlining the conceptual difference between integration as an ongoing process and membership as an immediate goal and an instrument in this process.

2. The other common top-down interpretation of this somewhat hazy term, which is implied here and not directly addressed, is related to the “emergence and the development at the European level of distinct structures of governance, that is, of political, legal, and social institutions associated with political problem-solving that formalizes interactions among the actors, and of policy networks specializing in the creation of authoritative rules” (Thomas Risse, Maria Green Cowles, and James A. Caporaso, “Introduction,” in *Europeanization and Domestic Political Change*, ed. Thomas Risse, Maria Green Cowles, and James A. Caporaso [Ithaca: Cornell University Press, 2001], p. 2).

3. Antonio Missiroli, “The EU and Its Changing Neighbourhoods: Stabilisation, Integration, Partnership,” in “Partners and Neighbours: A CFSP for a Wider Europe,” Chaillot Paper No. 64 (Paris: Institute for Security Studies, September 2003), p. 21 (<http://se1.isn.ch/serviceengine/FileContent?serviceID=PublishingHouse&fileID=91FEF3A7-0A25-F050-7150-255D0907CE12&lng=en/>).

4. Slovenia, Croatia, Bosnia and Herzegovina, Montenegro, Macedonia, and Serbia, which also included two provinces: Vojvodina in the north, and Kosovo in the south.

5. Paul Shoup, *Communism and the Yugoslav National Question* (New York: Columbia University Press, 1968), pp. 104–30.

6. For a succinct overview of these developments, see Andrew March and Sil Rudra, “The ‘Republic of Kosova’ (1989–1998) and the Resolution of Ethno-Separatist Conflict: Rethinking ‘Sovereignty’ in the Post–Cold War Era,” Working Paper No. 99-01 (Browne Center for International Politics, University of Pennsylvania, January 1999). Setting up a parallel governing system in times of crisis is a recurring feature of Kosovar-Albanian resistance to outside oppression. It occurred during the brief era of Bulgarian rule before World War I and again in the pre–World War II Kingdom of Yugoslavia. See, for example, Stevan K. Pavlowitch, “Kosovo: An Analysis of Yugoslavia’s Albanian Problem,” *Conflict Studies*, nos. 137/138 (1982): 7–22, and Hugh Poulton, “Macedonians and Albanians as Yugoslavs,” in *Yugoslavism: Histories of a Failed Idea, 1918–1992*, ed. Dejan Djokic (Madison: University of Wisconsin Press, 2003), pp. 115–35.

7. UNSC Resolution 1160, March 31, 1998; UNSC Resolution 1199, September 23 1998; UNSC Resolution 1203, October 24, 1998 (www.un.org/Docs/scres/1998/scres98.htm).

8. The Contact Group consists of six countries: the United States, United Kingdom, France, Germany, Italy, and Russia.

9. Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accords), February 23, 1999, Chap. 8, Art. 3 (full text at www.kosovo.mod.uk/rambouillet_text.htm).

10. United Nations Mission in Kosovo, “Standards for Kosovo,” www.unmikonline.org/standards/priorities.htm.

11. The eight standards are: functioning democratic institutions, rule of law, freedom of movement, sustainable returns, legal framework for a market economy, property rights, dialogue between the PISG and Belgrade, and the Kosovo Protection Corps. For a more detailed description, see www.unmikonline.org/standards/priorities.htm.

12. Wim Van Meurs, *Kosovo’s Fifth Anniversary: On the Road to Nowhere?* (Munich: Bertelsmann Forschungsgruppe Politik, Centrum für angewandte Politikforschung, March 2004), p. 9 (www.cap.uni-muenchen.de/download/2004/2004_Kosovo.pdf).

13. The most important ones are (a) Kosovo must not return to the pre-1999 status, (b) there must be no changes of borders, except in the context of EU integration, (c) post-status Kosovo cannot join any other country or region, and (d) there can be no partitioning of Kosovo as presently defined under the UNMIK administration, according to the Contact Group Statement from September 22, 2004, meeting in New York (www.state.gov/p/eur/rls/or/37535.htm). The guidelines were reiterated at the London meeting on January 31, 2006 (www.state.gov/p/eur/rls/or/62459.htm).

14. The Federal Republic of Yugoslavia subsequently became the State Union of Serbia and Montenegro, and then two separate states, Serbia and Montenegro, after the latter voted for independence in a referendum held on May 21, 2006. Serbia is the formal successor of Serbia and Montenegro in international affairs, including all formal arrangements with the UN and the EU.

15. The European Council granted the ATMs to Yugoslavia on April 27, 1997, only to withdraw the decision on January 1, 1998, because of the worsening situation in Kosovo. They were reactivated in February 2001. See

EU Integration Office of the Serbian Government, www.seio.sr.gov.yu/code/navigate.asp?Id=20/.

16. Montenegro opted for a monetary and customs regime independent of Serbia in early 1999, whereupon it adopted the deutsche mark as its currency, subsequently replaced by the euro with its adoption in the Eurozone.

17. By 2002 all the other countries in the Western Balkan region—Albania, Bosnia and Herzegovina (partially), Croatia, and Macedonia—had been encompassed by the Stabilization and Association Process. More details about this follow below.

18. Of course, this static environment was intended to be remedied by a number of complementary and concomitant initiatives, most notably the devolution of powers started by the enactment of the Para-Constitutional Charter of May 200, which established the PISG, bilateral working groups agreed on at the Vienna meeting of October 2003, an attempt at decentralization through six municipal pilot projects (Junik in Dečane, Patreš in Gnjilane, Hani i Elizit in Kaçanik, Gračanica in Prishtina, and Mamuşa in Prizren), the Publicly Owned Enterprises (POEs) privatization program, and several revisions of the Kosovo Standards Implementation Plan (KSIP) in the December 2003–January 2006 period. None of these has achieved much success, especially in the light of the March 2004 riots.

19. Kosovar Albanians, both ordinary citizens and the political elite—especially those from the former KLA—tend to view the United States as a key patron in their fight for independence, and thus as the primary foreign policy partner. On the Kosovar attitude toward the United States, the European Union, and the international community in general, see the Annex to *International Commission on the Balkans: The Balkans in Europe’s Future* (Sofia: Centre for Liberal Strategies, April 2005), pp. 40–53 (www.balkan-commission.org/activities/Report.pdf); U.S. Institute of Peace Special Reports no. 91 (July 2002), www.usip.org/pubs/specialreports/sr91.pdf, and no. 95 (November 2002), www.usip.org/pubs/specialreports/sr95.pdf.

20. In December 2004, following the October elections, Ramush Haradinaj, a former KLA leader and the forerunner of the Alliance for the Future of Kosova (AAK), took over the cabinet from Bajram Rexhepi by forming a somewhat surprising coalition with the leading Kosovar party of President Ibrahim Rugova, the LDK. This sparked a strong protest from the Serbs in Kosovo and Belgrade, who expected Haradinaj to be indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY). The prospects for the end of Serbian boycott of the PISG were thus further diminished, perpetuating the inefficiency of the PISG framework. Together with worries about the effect of the possible indictment of Haradinaj on the security situation in Kosovo, this helped prop up the status-resolution process.

21. Kai Eide, “A Comprehensive Review of the Situation in Kosovo,” UNSC Document S/2005/635 (October 7, 2005), p. 5 (www.reliefweb.int/library/documents/2005/unsc-ser-7oct.pdf).

22. The “Comprehensive Proposal for the Kosovo Status Settlement” is discussed in more detail below. It is available at <http://operationkosovo.kentlaw.edu/Comprehensive%20Proposal%20for%20the%20Kosovo%20Settlement.pdf>.

23. Council Decision 2004/520/EC, Official Journal of the European Union, L 227/21 (June 26, 2004), http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_227/l_22720040626en00210034.pdf.

24. 2005 SCG Progress Report, SEC (2005) 1428 (http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/package/sec_1428_final_progress_report_cs_en.pdf); Kosovo 2005 Progress Report, SEC (2005) 1423 (http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/package/sec_1423_final_progress_report_ks_en.pdf).

25. European Commission, 2005 Enlargement Strategy Paper, COM (2005) 561 Final, Brussels (November 9, 2005), esp. pp. 3–12 and 22–28 (http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0561en01.pdf).

26. This was mirrored in the EU documents as well: “The possibility of negotiating a fully fledged Stabilisation and Association Agreement with Kosovo is not on the table at present. However, the Commission is committed to exploring creative ways to ensure that Kosovo can fully benefit from all EU instruments, and—depending on the outcome of status talks—in due course engage in contractual relations with the Union as appropriate.” See European Commission, *A European Future for Kosovo*, COM (2005) 156, May 20, 2005, p. 4 (http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0156en01.pdf).

27. European Commission, "The Western Balkans on the Road to the EU: Consolidating Stability and Raising Prosperity," COM (2006) 27 Final (January 27, 2006), p. 4 (http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0027en01.pdf).

28. "Kosovo: The Challenge of Transition," International Crisis Group Europe Report no. 170, Brussels (February 17, 2006), p. 14 (www.isn.ethz.ch/pubs/ph/details.cfm?lng=en&id=15312/).

29. "Post-Status Kosovo will be primarily a European responsibility" (*European Future for Kosovo*, p. 1).

30. For the history of EU–Contact Group dynamics, see Christoph Schwemmann, "The Contact Group and Its Impact on the European Institutional Structure," Institute for Security Studies Occasional Paper no. 16 (European Union, Paris, June 2000), www.iss-eu.org/occasion/occ16.pdf.

31. "Kosovo: The Challenge of Transition," p. 14.

32. I thank an anonymous reader for emphasizing the importance of this point.

33. Factions within the LDK appeared days after the burial of Rugova, with parliamentary speaker Nexhat Daci and the long-standing parliamentarian Kolë Berisha emerging as the early favorites. Other non-LDK politicians, such as the leader of the second-largest party, the Democratic Party of Kosovo, and the former KLA front-man Hashim Thaçi, and the 1980s dissident Adem Demaci were also seen as possible heirs to Rugova, who had not groomed a political protégé. In the end, it was another senior member of the LDK, the moderate Fatmir Sejdiu, who won the presidency of both the LDK and Kosovo, while Nexhat Daci (as well as the then prime minister, Bajram Kosumi) were dropped from the party and parliament amidst allegations of corruption. See Radio Free Europe Balkan Reports (www.rferl.org/reports/FullReport.aspx?report=564/).

34. The preamble of the new constitution, which only passed narrowly, stipulates that Kosovo is an integral part of the sovereign territory of Serbia, thus implying that any attempt at alienating it or any of its parts from Serbia would be in direct breach of the democratically adopted constitution, legitimately invoking all constitutional means for its defense. The text of the constitution is available at www.parlament.sr.gov.yu/content/eng/akta/ustav/ustav_ceo.asp.

35. In addition to the SAP, the EU also has peacekeeping missions in Bosnia and Macedonia, as well as special representatives there appointed by Javier Solana. It is indirectly engaged, through the Stability Pact of Southeastern Europe, in a panel of projects aimed at fostering regional cooperation in the areas of economy, democracy, and security, and the CEFTA 2006 Initiative, a regional free-trade area. It was also one of the signatories of the Belgrade Agreement, which established what turned out to be a transitory state union between Serbia and Montenegro. Moreover, it has participated in the adoption of the so-called Čović Plan, which helped end the crisis involving the Albanian Liberation Army (ANA) in the three municipalities adjacent to the Kosovo border with southern Serbia.

36. Foreign Minister Mustafaj stated that should Kosovo be partitioned or become fully independent, Tirana could not guarantee the principle of unchangeable borders with Kosovo and Macedonia. *Demanti* came only a day later after Javier Solana stated that any such unilateral decision on the part of Albania would lead Brussels to reexamine the ongoing SAP with Albania and called Mustafaj to explain his view (Beta News Agency [March 14–16, 2006]).

37. The SAA with Albania was signed on June 12, 2006.

38. On March 15, 2007, Montenegro signed the SAA with the EU, pending ratification in the Montenegrin and the European parliaments.

39. Italy has been most vocal in calling for the continuation of the SAA negotiations with Serbia even if General Mladić is not turned over to the court, so long as the incoming Serbian government (yet to be formed following the January 21 elections) proves that it is doing everything in its capacity to locate him. This is the line increasingly adopted by Javier Solana as well, who posited that it is the actual meaning of the "full cooperation" condition. Enlargement Commissioner Rehn, however, has been closer to the tough stance adopted by Carla del Ponte, the chief prosecutor of the ICTY, who insists that Mladić is hiding in Serbia, and that Serbian security and defense agencies are protecting him. It is not surprising that after the elections, the EU has intensified the pressures on Serbia to continue with reforms of the security sector and the military. This may partially account for NATO's decision at its November meeting in Riga to unconditionally accept Serbia into the Partnership for Peace, despite

its insufficient cooperation with the Hague Tribunal, and much to del Ponte's disappointment (Beta News Agency, B92 TV/Radio Station).

40. But at the same time, "unembarrassed by the implications of this for Chechnya and other North Caucasus entities." "Kosovo Status: Delay Is Risky," International Crisis Group, Europe Report no. 177, Brussels (November 10, 2006): 2 (www.isn.ethz.ch/pubs/ph/details.cfm?lng=en&id=26118/).

41. "The Future EU Role and Contribution in Kosovo," S217/05, Brussels, June 14, 2005.

42. On the "legitimacy deficit" and the local ownership problem in Bosnia and Herzegovina, see International Crisis Group, Europe Briefing no. 28 (June 20, 2003), www.isn.ethz.ch/pubs/ph/details.cfm?lng=en&id=27943/; Europe Report no. 146, www.isn.ethz.ch/pubs/ph/details.cfm?lng=en&id=28073/; Vesna Bojicic-Dzelilovic, Fakret Causevic, and Rajko Tomas, "Bosnia and Herzegovina: Problems, Obstacles and Outcome of the Reforms," *European Balkan Observer* 2, no. 4 (December 2004), www.wiiw.ac.at/balkan/files/EBO6.pdf.

43. With FYROM teetering on the edge of the civil war in 2001, the international community emphasized that a solution must not just ensure peaceful coexistence and power-sharing, and thus be susceptible to zero-sum exploitation by ethnic groups already at odds, but must also set preconditions for meaningful and constructive engagement of local groups empowered through decentralization, so as to successfully ensure local ownership of the post-conflict reconstruction. Thus, the Ohrid Agreement differed significantly from the Dayton Accords. One could argue that it has thus far been more successful as well. See, for example, International Crisis Group Europe Briefings no. 37 (www.isn.ethz.ch/pubs/ph/details.cfm?lng=en&id=28101/) and no. 41 (www.isn.ethz.ch/pubs/ph/details.cfm?lng=en&id=15041/). However, the implementation of the Ohrid Agreement is not proceeding without difficulties. See, for example, International Crisis Group Europe Briefing no. 33 (www.isn.ethz.ch/pubs/ph/details.cfm?lng=en&id=28099/); Kamelia R. Dimitrova, "Municipal Decisions on the Border of Collapse: Macedonian Decentralization and the Challenge of Post-Ohrid Democracy," *Southeast European Politics* 5, nos. 2–3 (December 2004): 172–86 (www.seep.ceu.hu/archives/issue52/dimitrova.pdf).

44. "A High Representative—or a similar arrangement will have to be considered. Such an arrangement should be firmly anchored in the EU. . . . However, the international presence must be developed in a spirit of partnership and local ownership. . . . To copy the experience of BiH would therefore be a simplistic approach. However, a 'Bonn Powers' arrangement could be envisaged in areas relating to inter-ethnic issues" (Eide Report, p. 21, point 83, www.unosek.org/docref/KaiEidereport.pdf).

45. For the full text, see Council of the European Union, 2722d Council Meeting, General Affairs and External Relations, 7938/06 (Presse 94), Luxembourg, April 10, 2006 (www.eu2006.at/en/News/Council_Conclusions/1004RAA_Teil_AA.pdf).

46. Associated Press (March 12, 2007).

47. See, for example, "The ICO/EUSR Preparation Team Report to the Political and Security Committee," Council of the European Union, 16441/06 EXT1, Brussels, February 16, 2007, www.consilium.eu.int/uedocs/cmsUpload/background_ICO-EUSR_Prep_and_EUPT_in_Kosovo-eng.pdf.

48. The December 1997 Bonn meeting of the Peace Implementation Council granted the high representative in Bosnia extensive powers of intervention, such as the authority to remove any officials, including elected representatives, from office if he deemed them to be obstructing the implementation of the peace agreement.

49. "ICO/EUSR Preparation Team Report," p. 8.

50. See Annex III of the Comprehensive Proposal.

51. See, for example, International Commission for the Balkans, *Balkans in Europe's Future*; ICG Europe Reports no. 161 (www.isn.ethz.ch/pubs/ph/details.cfm?lng=en&id=28089/), 165 (www.isn.ethz.ch/pubs/ph/details.cfm?lng=en&id=13565/), and 170 (www.isn.ethz.ch/pubs/ph/details.cfm?lng=en&id=15312/); Judy Batt, ed., "The Western Balkans: Moving On," Chaillot Paper no. 70 (Institute for Security Studies, Paris, October 2004), www.iss-eu.org/chaillot/chai70.pdf.

52. David Phinnemore, "Stabilization and Association Agreements: Europe Agreements for the Western Balkans?" *European Foreign Affairs Review* 8 (2003): 79.

53. The 2003 Greek presidency introduced the idea of European partnerships for the Western Balkans, making it a central topic of the June 2003 Thessaloniki

Summit. The initial proposal called for a European Integration Partnership, but the key term “integration” was dropped in the end. See Vladimir Gligorov, “European Partnership with the Balkans,” *European Balkan Observer* 2, no. 1 (May 2004): 2–8 (www.wiiw.ac.at/balkan/files/EBO%203.pdf). This is indicative of the ambiguity discussed further in the text.

54. Missiroli, “EU and Its Changing Neighbourhoods,” p. 16.

55. Phinnemore, “Stabilization and Association Agreements,” p. 100.

56. For Croatia, see Council Decision of February 20, 2006/145/EC (http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_055/l_05520060225en00300043.pdf) and Official Journal of the European Union, L 55/30 (February 25, 2006), http://eur-lex.europa.eu/LexUriServ/site/en/oj/2002/l_055/l_05520020226en00290032.pdf; for FYROM, see Council Decision of January 30, 2006, 2006/57/EC, Official Journal of the European Union, L 35/57 (February 7, 2006), http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_035/l_03520060207en00570072.pdf and International Crisis Group Europe Briefing no. 41 (January 12, 2006), www.isn.ethz.ch/pubs/ph/details.cfm?lng=en&id=15041/.

57. See Albania 2006 Annual Progress Report, SEC (2006) 1383, Brussels (November 8, 2006), http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/al_sec_1383_en.pdf.

58. “Breaking Out of the Balkan Ghetto: Why IPA Should Be Changed,” European Stability Initiative Report (Berlin, Brussels, and Istanbul, June 1, 2005), www.esiweb.org/pdf/esi_document_id_66.pdf.

59. Ibid., p. 2.

60. *European Future for Kosovo*, p. 8.

61. The figure was taken from the ESI report. Since the estimating method was not examined, the numbers cannot be taken at face value. Nevertheless, the fact that Heading 4 of the EU 2007–2013 Financial Perspectives, under which the IPA is located, has been downscaled several times during the budget finalization (from €95.35 trillion in the initial proposal to €50.01 trillion proposed by the British presidency) supports the case that the funds for the Western Balkans, particularly the non-candidate countries, will be rather limited. The problem is that the breakdown for the categories has not been presented for the overall period. The complete IPA commitments for 2007 total €1.2 billion, a 6.5 percent rise in comparison to 2006. More at http://ec.europa.eu/budget/budget_detail/index_en.htm.

62. RIINVEST Institute for Development Research, “Patterns of the Foreign Aid Flows in the Post-Conflict Kosovo,” *European Balkan Observer* 3, no. 3 (December 2005): 2–14 (www.wiiw.ac.at/balkan/files/EBO9.pdf).

63. For tentative comparisons of the financial assistance to Bulgaria as opposed to Serbia, and to candidates as opposed to non-candidates (including Kosovo), see “Breaking Out of the Balkan Ghetto,” pp. 4–7.

64. For an overview, from regional, European, and global perspectives, of the quality of democracy, market economy, and political management in the SEE countries, see Martin Brusis, *Assessing Democracy, Market Economy and Political Management: The Bertelsmann Transformation Index and Southeastern Europe* (Munich: Bertelsmann Forschungsgruppe Politik, Centrum für angewandte Politikforschung, December 2005), www.cap.lmu.de/download/2005/CAP-Policy-Research-2005-01.pdf; idem and Peter Thiery, *Comparing Political Governance: Southeastern Europe in a Global Perspective* (Munich: Bertelsmann Forschungsgruppe Politik, Centrum für angewandte Politikforschung, January 2006), www.cap.lmu.de/download/2006/CAP-Policy-Research-2006-01.pdf.

65. “Breaking Out of the Balkan Ghetto,” p. 5.

66. For more on this, see “Moment of Truth: Macedonia, the EU Budget and the Destabilisation of the Balkans,” European Stability Initiative Report (Berlin, Brussels, and Istanbul, December 14, 2005), www.esiweb.org/pdf/esi_document_id_73.pdf.

67. “The EU recalled that a debate on the enlargement strategy is due in 2006 as set out by the Council conclusions of 12 December 2005. The EU

also notes that its absorption capacity has to be taken into account.” Salzburg Joint Press Statement, http://consilium.europa.eu/uedocs/cmsUpload/060311-Salzburg_EU_Western_Balkans-Joint_Press_Statement.pdf.

68. European Parliament, Committee on Foreign Affairs, “Report on the Commission’s 2005 Enlargement Strategy Paper,” EP Session Document FINAL A6-0025/2006 (February 3, 2006), p. 4 (www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2006-0025+0+DOC+PDF+V0//EN/).

69. Ibid., p. 5.

70. COM(2006) 649 (November 8, 2006), http://ec.europa.eu/enlargement/pdf/key_documents/2006/Nov/com_649_strategy_paper_en.pdf.

71. European Stability Initiative Report, “The Helsinki Moment: European Member-State Building in the Balkans” (Berlin, Brussels, and Istanbul, February 1, 2005), www.esiweb.org/pdf/esi_document_id_65.pdf. The report differentiates between authoritarian state-building, currently prevalent in Bosnia and Herzegovina and in Kosovo, traditional capacity building, in place in non-candidate SAP countries like Albania and Serbia and Montenegro, and member-state building, at work in candidate countries, that is, Croatia, FYROM, and Turkey.

72. Recently, there have been several terrorist attacks on KFOR vehicles and premises. The responsibility for one of the attacks, in which three UNMIK vehicles were destroyed, was claimed by an unknown organization claiming it is the reassembled Kosovo Liberation Army (Beta News Agency [February 20, 2007]).

73. See note 35. For more details, see “Pan-Albanianism: How Big a Threat to Balkan Stability?” International Crisis Group Europe Report no. 153 (Tirana and Brussels, February 25, 2004), www.isn.ethz.ch/pubs/ph/details.cfm?lng=en&id=28080/.

74. European Parliament, “Report on the Commission’s 2005 Enlargement Strategy Paper,” p. 4.

75. “The EU Must Define How Far It Can Expand,” interview with Elmar Brok and Jan Marinus Wiesma (March 29, 2006), EP Headlines, www.europarl.eu.int/news/public/story_page/027-6822-072-03-11-903-20060329STO06821-2006-13-03-2006/default_en.htm.

76. CEFTA 2006 was signed in December 2006 under the auspices of the EU and the Stability Pact for Southeastern Europe, replacing the 31 bilateral agreements between the countries of southeastern Europe with one overarching multilateral agreement. Bulgaria and Romania were original signatories but formally dropped out after joining the EU.

77. “Helsinki Moment,” p. 4.

78. John Peterson, “The European Union as a Global Actor,” in *A Common Foreign Policy for Europe*, ed. John Peterson and Helen Sjursen (New York: Routledge, 1998), pp. 3–17.

79. Missiroli, “EU and Its Changing Neighbourhoods,” p. 20.

80. The former president of the European Commission, Romano Prodi, floated the idea of “virtual membership” in 2001. More recently, on the fiftieth anniversary of the EU, Chancellor Angela Merkel of Germany stressed the importance of maintaining the European perspective for the Western Balkans as a sign of continued openness to the region. She remarked that this openness could take the form of a “privileged partnership” in cases where membership is not currently an option. See “Constitution ‘Key for EU Success,’” BBC News (January 17, 2007), <http://news.bbc.co.uk/2/europe/6269349.stm>.

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