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THE ONE YEAR ANNIVERSARY OF EU MEASURES AGAINST KOSOVA

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Today marks exactly one year since the European Commission's (EC) spokesperson Peter Stano publicly announced that the European Union (EU) had decided to impose 'reversible and temporary measures' against Kosovar government.¹ This move came as a response to the government's decision to send the new mayors – elected with insignificant participation of the electorate in the northern municipalities – to their public offices, despite calls from the Western partners to refrain from such an action. As a result, riots ensued, and for the first time in many years, KFOR deployed troops on the ground to defend the municipality buildings. In subsequent violent clashes between local hooligans and KFOR soldiers, as much as 90 of the latter were wounded.

The EU put the blame for the raised tensions squarely on the Kosovar government and subsequently announced measures that included: suspension of new applications for EU funds and suspension of high-level meetings between Kosovar authorities and the EU and member states representatives.² The preconditions for lifting the punitive measures include a reduced police presence in and around municipal buildings and the organization of new elections in northern municipalities. This step was intended as a punishment for the government due to escalations and as a tool to incite public pressure on the latter to refrain from uncoordinated actions. However, a year from their adoption, the track record of the measures is debatable at best.

Economic impact

The biggest potential impact of the measures was on the country's public finances, primarily by cutting funding for new projects. For an underdeveloped country like Kosova, EU funds make a substantial contribution towards the public finances. During IPA II (2014-2020), Kosova was allocated upwards of 600 million euros from the EU, in support of democracy, rule of law and infrastructure projects.³ In 2023 alone, 75 million euros were allocated for the energy sector.⁴ Hence, the withdrawal of the EU funds had the largest capacity for a blow for the country.

It is hard to put a price tag on the financial impact of the measures, with the estimates ranging from 26 million all the way to 300 million euros.⁵ However, the EC made it clear that this was not a ban but rather a suspension of new applications, to be resumed after the de-escalation. Importantly, Kosova was allowed to proceed with its application for the Growth Plan facility that foresees an allocation of 945 million euros for the country. Therefore at this stage

¹ Koha Ditore. "Ekskluzive: BE përgatit pako sanksionesh ndaj Kosovës." Koha Ditore, 13 June 2023, www.koha.net/en/arberi/381574/be-ja-pergatit-masa-te-menjehershme-ndaj-kosoves-jo-sanksione

² Deutsche Welle. "BE njofton zyrtarisht Kosovën për masat ndëshkuese." Deutsche Welle, 2 July 2023, www.dw.com/sq/be-njofton-zyrtarisht-qeverinë-e-kosovës-për-masat-ndëshkuese/a-66095715

³ European Commission. "Kosovo - Financial Assistance under IPA." European Neighbourhood Policy and Enlargement Negotiations (DG NEAR), 2021, https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/overview-instrument-pre-accession-assistance/kosovo-financial-assistance-under-ipa_en

⁴ Mujaj, Gzim. "Kosova përfiton 75 milionë euro për energji nga marrëveshja IPA 2023." Ekonomia Online, 24 Feb. 2023, <https://ekonomiaonline.com/kosova-perfiton-75-milione-euro-per-energji-nga-marreveshja-ipa-2023/>

⁵ Voice of America. "Masat ndëshkuese të BE-së dhe ndikimi i tyre në Kosovë." Voice of America, 28 Jan. 2024, www.zeriamerikes.com/a/7460584.html

most of the costs incurred by these measures are in terms of opportunity costs, rather than actual economic losses. However, the longer these measures are upheld the more chances that these opportunity costs will result in actual lost funds. Hence, it is possible to observe that the EU was careful to avoid full-scale sanctions that would cripple the economy, but instead intended just a harsh warning to deter Kurti-led government from taking further actions in the Serb-majority northern municipalities.

Diplomatic impact

In the diplomatic arena, the restrictive measures were designed to 'name and shame' the government for its policies *vis-à-vis* the northern part of Kosovo and isolate its leadership. They included suspension of invitations for Kosovo's participation in high-level events and bilateral visits from the EU and member states. Further, the high-level Stabilization-Association Council and other relevant meetings were cancelled as well. This naturally damaged Kosovo's image as a democratic country dedicated to European integration.

The decrease in the international engagement at the European level was felt immediately. Before the measures, in the second half of 2022 Prime Minister Albin Kurti had 21 bilateral meetings with the heads of EU institutions and/or leaders of member states. That number decreased by a third to 14 in the same period during 2023.⁶ A notable exception was EC President von der Leyen's visit to Prishtina, on her Western Balkans tour. The only public case when meetings with government officials were refused is when Minister for Communities and Return Nenad Rasic's visit was refused by Brussels.⁷

Asymmetric approach

It is safe to observe that EU's restrictive measures were counter-productive in terms of the local public perception of the EU and its credibility.⁸ The EU's hesitation to sanction Serbia after the Banjska terrorist attack has created a perception of asymmetry. Ever since then, Serbia refused to arrest and extradite the self-confessed author of the attack, Milan Radoicic, placed its army in war footing near the border of Kosovo (ringing alarm bells in DC about a potential new war⁹) and voted and lobbied against Kosovo's accession into Council of Europe, in violation of the Ohrid Agreement. Consequently, not a single action was taken by the EU to reprimand Serbia for these escalatory steps. Naturally, this raised questions about the impartiality of the European mediators and their unequal approach towards the parties in dialogue.

Further, the decision to impose punitive measures against Kosovo was taken in a speedy and secretive manner, circumventing the usual procedure requiring the European Council approval, which would most certainly be vetoed.¹⁰ Within weeks, the country found itself under

⁶ Data obtained by the website of the Office of the Prime Minister: <https://kryeministri.rks-gov.net/lajme>.

⁷ Knaus, Gerald [@rumeliobserver]. "Absurdity; EU sanctions against Kosovo." X, 14 Aug. 2023, <https://x.com/rumeliobserver/status/1691109556842291200>

⁸ GLPS. "Unfair Treatment? The EU's Facilitator Role over the Kosovar or Serbian Contempt of the Dialogue." Group for Legal and Political Studies, Mar. 2024, www.legalpoliticalstudies.org/wp-content/uploads/2024/04/GLPS-PA012024-The-EU%E2%80%99s-facilitator-role-over-the-Kosovar-or-Serbian-contempt-of-the-Dialogue.pdf

⁹ Calabresi, Massimo. "Inside the White House Program to Share America's Secrets." Time, 29 Feb. 2024, <https://time.com/6835724/americas-intelligence-secrets/>

¹⁰ Palokaj, Augustin. "Si u vendosën masat dhe si vazhdimisht kërkohet nga kosova "të bëjë hapa shtesë" që të hiqen." Koha, 3 May 2024, www.koha.net/arberi/418488/si-u-vendosen-masat-dhe-si-vazhdimisht-kerkohet-nga-kosova-te-beje-hapa-shtese-qe-te-hiqen

measures by the EU in a non-transparent custom. Since then, Kosova agreed to the so-called Bratislava Agreement which foresaw a decrease in the police presence around municipal buildings and holding new local elections.¹¹ In the meantime the police forces were withdrawn from municipal buildings and the referendum to recall the mayors was held – despite the boycott by the local Serb community. Hence, it is almost inexplicable that one year from their adoption, the restrictive measures are still damaging Kosova's economy and reputation, despite fulfilling all necessary conditions to be lifted.

The way forward

The path forward to the withdrawal of the restrictive measures goes through more coordinated and well-explained policies by the Kosovar government and a more balanced approach by the EU vis-à-vis the parties to the dialogue. Retaining them after a full year, even after all the conditions of the Bratislava Agreement were fulfilled, is wrong and damages both the reputation of the EU and the Kosova's integration prospects. Therefore, the EC should lift the measures as soon as possible and speed up the integration process.

¹¹ Bislimi, Besnik [ZvKMBesnikBislimi]. "Bratislava Agreement Announcement". Facebook, 11 Jul. 2023. <https://www.facebook.com/ZvKMBesnikBislimi/posts/pfbid0yW7P3uyVyzHszn1jt5G1oZAmayEQshHzQoHZJoaCVxpmtf42QYnEsKZ6oVrgzql>

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