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The Dutch position on Kosovo's EU visa liberalisation process

Light at the end of the tunnel?

Kosovo remains the last country in the Western Balkans that has not yet attained EU visa liberalisation which would allow its citizens to travel freely to the EU for up to 90 days. In spite of a 2018 positive assessment from the European Commission on the fulfilment of the formal benchmarks, the Netherlands, as well as several other EU member states, have remained opposed to date, citing rule of law concerns. The status quo has resulted in a politicisation of the process and rising frustrations. Unpacking the different positions is essential in order to identify action points for breaking the deadlock on both the Dutch and the Kosovar side. This policy brief therefore assesses the Dutch position on the visa liberalisation process, as well as how that position is perceived in Kosovo. It does so through an analysis of government documents and interviews with policy makers, politicians and civil society representatives. The brief shows how the Dutch narrative is slowly changing, arguing that even if divergences in narratives remain, visa liberalisation could take place towards the end of 2022. It articulates recommendations for both Kosovo and the Netherlands to capitalise on the current momentum.

Introduction

When the European Commission proposed granting Kosovo visa liberalisation in 2018, the Council of the EU (hereafter 'the Council') failed to agree upon the matter. While officially the decision is made through qualified majority voting,¹ it never came to that. Among others, the Dutch, French and German delegations expressed concerns about Kosovo's progress, in particular with regard to the fight against corruption and

organised crime. Since then, Kosovo, the European Commission, and the European Parliament have repeatedly urged the Council to grant visa liberalisation, while the Netherlands in particular has continued to express concerns.² This stalemate has led to

¹ Meaning more than 55% of member states, representing at least 65% of the EU population, need to vote in favour.

² [Arlinda Kqiku and Arbesa Ibrahim, "Qëndrimi i Holandës, i Sllovakisë dhe i Bullgarisë për vizat", Zëri, July 11, 2019](#); ["42 MEPs Ask Macron & Rutte to Support Visa Liberalisation for Kosovo", Schengen news, July 9, 2020](#); ["Netherlands Continues to Oppose Kosovo's Visa Liberalisation Due to Corruption", Schengen news, May 19, 2021](#).

a politicisation of the process and, in turn, increased frustrations.³

In practical terms, the status quo means that the 1.9 million citizens of Kosovo are the only inhabitants of the Western Balkans who are not able to travel freely to the EU for a 90-day period – unless they have an Albanian or other second nationality. Unlike citizens of, for instance, Serbia or Montenegro, Kosovars must go through an extensive visa application procedure, which among other things requires them to submit personal information about income and wealth – and the outcome is uncertain. For Kosovar citizens, this situation exacerbates the already-present sense of living in a sort of second-class country, given that not all EU member states recognise Kosovo as an independent state.

This enduring impasse has given rise to two rather divergent narratives on the process. In Kosovo, it has left many frustrated with the Netherlands, as The Hague has continued to signal concerns – although without much political prioritisation or elaboration on how to resolve them. This has fed suspicions in Kosovo that extraneous factors like domestic political motivations or fears of increased migration are behind the Dutch position. Kosovar officials fail to understand what exactly needs to be done to resolve Dutch concerns. The Netherlands has, on the other hand, continued to point out that visa liberalisation is an EU-led process and should be dealt with as such. As it was not the only concerned member state in 2018, it does not fully understand the focus on the Dutch position nor the Kosovar wish to engage in a bilateral discussion on the issue.

Considering the current standstill, politicisation of the process and rising frustrations, there is a need for a clear and detailed understanding of the diverging narratives. Unpacking the different positions is essential in order to identify action points for breaking the deadlock on both the Dutch and Kosovar side. Searching for a constructive solution is in the interest of the Netherlands as the status quo on visa liberalisation adds to the overall stalemate of Western Balkans–EU integration, which negatively affects political stability and democratisation efforts, thus undermining EU credibility. This policy brief therefore assesses the Dutch and Kosovar position on the visa liberalisation process through an analysis of government documents and interviews with policy makers, politicians and civil society representatives. It tracks the Dutch position from 2018 to today, describes progress in rule of law reforms in Kosovo, and subsequently discusses Kosovo’s perspective on the Dutch position. The paper concludes with concrete recommendations for both parties.

The Dutch position in 2018

When the Commission proposed visa liberalisation in 2018, the Dutch and several other EU member states were not convinced that Kosovo had made sufficient progress in building a track record on tackling high-level corruption and organised crime. This was one of the two remaining formal reform benchmarks that Kosovo according to the reporting of the European Commission now had fulfilled. Kosovo’s self-reported track record comprised 42 cases, out of which indictments had been filled in 33 cases. There were five cases with final convictions, and nine people had been convicted.⁴ While the Commission called this ‘steady progress’ compared to its 2016 report, Dutch policy makers were concerned about cases being dismissed in the pre-trial phase and the low number of final convictions, as well as the

3 Aleksandar Ivković, “[What is holding Kosovo’s visa liberalisation back?](#)”, *European Western Balkans*, December 26, 2018; Gentiola Madhi, ‘Diluting Principles, Darkening EU Accession Perspective: Politicization of Kosovo’s Visa Liberalization Process’ in Armakolas et al (eds.), *Local and International Determinants of Kosovo’s Statehood* (2021), KFOS: 301-334; Zoran Nechev and Donika Emini, “[Visa Liberalisation: Kosovo’s Saga on the EU Path](#)”, *Kosovo Foundation for Open Society*, January 2022.

4 European Commission, “[Update on the implementation of the remaining benchmarks of the visa liberalisation roadmap by Kosovo](#)”, 543 final, July 18, 2018: 4.

overall absorption capacity of Kosovar rule of law institutions and a lack of political will to strengthen the track record. As such, the Dutch position on visa liberalisation fitted the strict and cautious overall approach of the Netherlands towards EU enlargement.

Dutch criticism was also directed at the European Commission, whose reporting it deemed insufficiently substantiated.⁵ Together with multiple delegations, the Dutch asked the Commission for further elaboration on why it deemed the benchmark to be fulfilled. According to Dutch policy makers, the Commission, however, never provided further elaboration. The deviation between the assessments of the Commission and the Netherlands occurs because, among other reasons, the Netherlands has set up its own monitoring mechanisms aside the Commission reports, notably through a 'Rule of Law Network' in its five embassies in the Western Balkans, including Kosovo.⁶

Since 2018, the Netherlands has continued to demand a 'thorough' track record and held that until then there should be no backsliding on any of the other benchmarks.⁷ The topic has not been discussed in the Council anymore, as no member state has put it on the agenda. As the Dutch insist that visa liberalisation remains a Kosovo-EU process, the Dutch government has been unwilling to establish a bilateral dialogue on the visa liberalisation process, unlike the French or Germans. Kosovo's strategy of lobbying individual member states has therefore been to little avail with the Dutch.⁸

The Dutch position is shifting...

The Dutch government regards visa liberalisation as 'an effective instrument to spur reforms...', especially in the core rule of law field.⁹ The track record is designed as an indicator of the overall progress of rule of law reform in fighting corruption and organised crime.¹⁰ As such, positive developments in this regard can alter calculations in The Hague. Notwithstanding the ambiguity about what such positive developments should precisely entail, various recent events are a cause for careful optimism. In November 2021, the Dutch government assessed the first months in office of the second Kurti government as promising.¹¹ Dutch policy makers have stated that Kurti's large majority in parliament promises the much-needed political stability that provides an opportunity for implementing reforms and fighting corruption. Meanwhile, the issue has also attracted some attention in the Dutch media.¹²

Moreover, just before the EU Council summit in June 2022, the Dutch parliament adopted a motion from MP Kati Piri (PvdA) to reconsider Kosovo visa liberalisation in the very short term on the basis of a new Commission opinion.¹³ Importantly,

5 Kamerstuk 21501-02, nr. 1939, "[Verslag van de Raad Buitenlandse Zaken van 10 december 2018](#)", December 12, 2018: 3.

6 "[Rule of Law Regional Network](#)", *Kingdom of the Netherlands*.

7 Kamerstuk 23987, nr. 361, "[Kabinetsappreciatie uitbreidingspakket 2019](#)", June 5, 2019: 7-8.

8 "[Minister Hardinaj Stubbla was received by her counterpart in the Hague, whereby inviting the Netherlands to reconsider its sceptical position towards the issue of visa liberalisation for Kosovo, at the same time they signed the Social Security Agreement between the two countries](#)", *Kosovo Ministry of Foreign Affairs and Diaspora*, September 17, 2020; Email procedure, "[Verzoek Kosovo inzake visumliberalisatie proces](#)", October 31, 2018.

9 Kamerstuk 2022Z08821, "[Kabinetsappreciatie van Europese Commissie rapporten inzake visumliberalisatie en het noodremmechanisme](#)", May 6, 2022: 2.

10 'The progress on the targeted high-level cases in the track record offers a snapshot of the overall progress of the anti-corruption framework in Kosovo and offers insights in how the authorities tackle high-level organised crime and corruption.' See European Commission, "[Update on the implementation of the remaining benchmarks of the visa liberalisation roadmap by Kosovo, as outlined in the fourth report on progress of 4 May 2016](#)", COM(2018) 543 final: 3.

11 Kamerstuk 23987, nr. 391, "[Kabinetsappreciatie uitbreidingspakket 2021](#)": 7.

12 Thijs Reuten, Stefan van Dijk, "[Steun democratisch Kosovo en hef die zinloze reisblokkade op](#)", *Trouw*, April 1, 2022; Marjolein Koster, "[Kosovaren willen zonder visum door de EU reizen en zijn het wachten beu](#)", *Nederlands Dagblad*, July 14, 2022.

13 Kamerstuk 21501-20, nr. 1810, "[Motie van het lid Piri c.s.](#)", June, 22, 2022.

during the summit, the Dutch delegation secured a commitment from the European Commission to prepare an updated report on Kosovo's fulfilment of the visa liberalisation benchmarks, to be published in October 2022.¹⁴ Furthermore, at the summit Prime Minister Mark Rutte told the press the following:

'[...] even maybe on Kosovo visa liberalisation, you might hope that later this year or next year, we might take the next step, because they have done a lot in terms of rule of law and independent judiciary'.¹⁵

Rutte's statement at the summit, whereby he refers to granting visa liberalisation as 'taking the next step', was significant because it was the first time that a Dutch official indicated a potential position change on Kosovo's visa liberalisation process. These developments illuminate a careful but nonetheless significant shift towards a more open and positive tone in the Dutch narrative.

... But obstacles remain

At the same time, various potential obstacles for a position change remain. First, the Netherlands holds that achieving the track record benchmark must not be a mere 'ticking the boxes exercise' based on a quantifiable number of evictions of high-level corruption cases. Instead, our conversations with policy makers suggest that the Dutch see visa liberalisation as part of a long process that involves fixing the deeply rooted problems of organised crime and corruption through rule of law reform, and hence is directly connected to institutional stability. Sustainability for the Netherlands might thus even imply that reforms survive elections.

Second, despite the government's technical approach and focus on rule of law reforms, the Dutch parliament has been more concerned with potential immigration and

crime issues tied to visa liberalisation. During a 2019 parliamentary debate about the involvement of Albanian-speaking people in organised crime, a motion urging the government to oppose visa liberalisation for Kosovo, irrespective of any future progress, failed to get a majority but nevertheless gained about one-third of the votes.¹⁶ During the same debate, the Dutch parliament did adopt a motion to invoke the emergency brake procedure in the post-visa liberalisation monitoring mechanism for Albania. As this failed to gain ground in Brussels, Dutch parliamentarians might be less susceptible to the argument that control over the visa regime is ensured through the suspension mechanism.

What can be expected in the near future?

Dutch Prime Minister Rutte recently ensured the Dutch parliament that the Netherlands will await the upcoming report from the European Commission.¹⁷ Significant improvements could lead the Dutch government to provide a more positive assessment in the subsequent 'kabinetsappreciatie' – a letter to the Dutch parliament outlining the Dutch government position on EU developments – of the Commission report. This could be the starting point for a change in the Dutch position.

History shows that Dutch calculations may also change if the Netherlands becomes isolated in its position. The Netherlands abstained from voting against visa liberalisation for Bosnia and Herzegovina and Albania in 2010 when it became clear that France had shifted its position and therefore no other member state opposed

14 Kamerstuk 21501-20, nr. 1824, "[Verslag van de Europese Raad, de Westelijke Balkantop en de Eurozonetop van 23 en 24 juni 2022](#)", July, 4, 2022.

15 European Council, "[Arrival and doorstep Rutte \(NL\) - Part 2](#)", June 23, 2022 (from minute 2.00).

16 Kamerstuk 2019D18263, "[Albanese bendes](#)", April, 11, 2019; Kamerstuk 29911, nr. 241, "[Motie van het lid Fritsma over geen visumvrijstelling voor Kosovo](#)", April, 11, 2019.

17 "[Debat over de Europese top van 23 en 24 juni 2022](#)", June 22, 2022, stenogram: 56-57.

it.¹⁸ Currently, it remains unclear which other member states might oppose visa liberalisation, though vocal support from German officials suggest that the opposition has abated since 2018.¹⁹ France's position may again be pivotal in this regard, as together with the Netherlands, it has been among the most vocal critics of Kosovo's reform progress. Interestingly, the French ambassador to Kosovo has recently made positive, albeit carefully formulated, statements about Kosovo's progress that indicate that the French position is also shifting.²⁰ Consequently, there is a considerable chance that Kosovo will be granted visa liberalisation by the end of 2022.

What is important, however, is that an EU member state, usually the one holding the presidency, will need to place EU visa liberalisation for Kosovo on the agenda of the Council again. It is clear that the Netherlands will not push for this itself as it does not regard the issue as a political priority. The Czech Presidency has, however, indicated that enlargement is a priority during their Council Presidency in the second half of 2022, and the Czech ambassador to Kosovo

has indicated that his country will push for visa liberalisation.²¹ It remains to be seen, however, if this translates into placing the issue on the agenda, as other member states have nominally pushed for the issue in the past years without taking much action. Still, the commitment from the June 2022 Council to revert to the issue in October 2022 is an indication that the Council after four years will discuss visa liberalisation again.²²

Overall, the starting points for the Dutch narrative about visa liberalisation have remained constant over the years, revolving around technicalities rather than political calculations or a vision on EU-Western Balkans rapprochement. Consequently, the Dutch government considers visa liberalisation not a right but an exceptional status for third countries, which can only be attributed if a country meets given criteria. The Dutch position therefore fits within its overall 'strict and fair approach' regarding EU enlargement, and the systematic concerns it expresses about the protection of the EU normative values, especially the rule of law.²³ For the Netherlands, it seems most important that any step towards Kosovo's visa liberalisation will fit this narrative. As such, the Dutch government will need to be able to place any potential change of position within its overall narrative in order to sell it domestically.

Development of reforms in Kosovo

As noted, the Netherlands has in the first half of 2022 made some more positive assessments about reform progress in Kosovo. To what extent is such an assessment justified? This section traces

18 In 2010, when visa liberalisation for Albania and Bosnia and Herzegovina was proposed, the situation initially unfolded in a similar manner as in 2018. Both the French and Dutch were critical, raising concerns regarding the progress on fighting corruption and organised crime, and illegal immigration. However, shortly before the Council negotiations the French shifted position, subsequently isolating the Dutch in their opposition. The Dutch Minister for Migration and Asylum at the time, Gerd Leers, eventually abstained from voting against visa liberalisation, thereby going against the assignment with which he was sent to Brussels. He did so because he did not want to do unnecessary damage to the Dutch position in Brussels, as it was clear that there would be a qualified majority for visa liberalisation. See Kamerstuk 2010D51945, "[Spoeddebat over de opheffing van de visumplicht voor Albanezen en Bosniërs](#)", December 15, 2010.

19 "[German MFA Says Kosovo Has Done Its Part on Visa Liberalisation](#)", *Schengen news*, March 14, 2022; "[Greek Foreign Minister in Kosovo, no word on recognition: Pro-visa liberalisation and dialogue with Serbia](#)", *Euronews Albania*, June 4, 2021.

20 "[French ambassador gives positive signal for visa liberalization](#)", *RTK Live*, July, 15, 2022.

21 Kosovapress, "[The Czech Presidency has the visa liberalization for Kosovo high on its agenda in the EU Council](#)", July 1, 2022.

22 Kamerstuk 21501-20, nr. 1824, "[Verslag van de Europese Raad, de Westelijke Balkantop en de Eurozonetop van 23 en 24 juni 2022](#)", July, 4, 2022.

23 Wouter Zweers and Iris van Loon, "[The Netherlands as a champion of EU enlargement?](#)", *Clingendael*, November 2020.

rule of law developments in Kosovo with a specific focus on its track record in combatting high-level corruption.

The failure of the EU to grant Kosovo visa liberalisation in 2018 was followed by a period of political instability in the country. Within four years Kosovo had had four changes of government. Such a volatile political environment impaired serious EU-related reform. Frustrated with the incapacity of former majority political parties to deliver reforms, and further exacerbated by their behaviour during the Covid-19 pandemic, citizens massively voted Vetëvendosje during the last general elections. Taping into citizens dissatisfaction, Vetëvendosje ran its electoral campaigns on the promise of 'Jobs & Justice'. As a result, the last general elections have given rise to a new government with unprecedented political legitimacy of over 50% citizens' support for the current prime minister, Albin Kurti. This has resulted for the first time in an Assembly that has a comfortable legislative majority with a strong political will to move forward on EU-related reforms. Since its inauguration, the key political focus of the new government has been the rule of law.

In this light, the Kosovar government has launched major overhaul efforts through three legislative proposals, including the amendment of the Prosecution Council law, a vetting process for judges and prosecutors, and the establishment of a government body on monitoring unjustified assets. In 2022 there has been an increase in police activity in fighting organised crime and corruption, which has led to an increase of 85% in indictments.²⁴ Moreover, Kosovo's efforts in rule of law reform have been noted by the international democracy and rule of law monitors. Thus, Kosovo achieved its highest annual improvement in the Transparency International Corruption Perceptions Index, and its highest ranking ever in the latest

Freedom House report.²⁵ In addition, last year Kosovar citizens constituted the second lowest number of asylum applicants in the EU compared to other countries of the region.²⁶

As part of the implementation of visa liberalisation requirements, Kosovo established a track record mechanism in 2015 to monitor the high-level corruption and organised crime cases in its justice system. By 2022, there have been 78 such cases targeted; 65 cases ended in indictments, of which 23 received a final court decision. Of such court decisions, 13 cases ended up with partially guilty verdicts, whereby 21 persons were convicted for corruption-related offences and four for organised crime ones.²⁷

In spite of the positive developments described above, the 2021 Commission report on Kosovo notes that 'Overall, corruption is widespread and remains an issue of serious concern. Despite efforts made, there is a need for strong and continual political will to effectively address systemic corruption risks, as well as a robust criminal justice response to high-level corruption.'²⁸ One continuous point of criticism from the Commission is that Kosovo should include all high-level cases on corruption and organised crime in the track-record instead of only those selected in the context of visa liberalisation.²⁹ All in all, it will be crucial to see further progress in the 2022 Commission report to convince rule of law-focused member states like the Netherlands.

24 Internal government report of the Republic of Kosovo, dated 5 May 2022.

25 In the [Freedom House report of 2022](#), Kosovo achieved a rank of 37.5 out of 100 in democracy (was 36.5 in 2021), whereas in the [Transparency International Corruption Index of 2021](#), it scored 39 out of 100 (was 36 in 2020).

26 About 1,600 Kosovar citizens applied for asylum in the EU in 2021. This constitutes a 95% decline from 2014, when 34,100 Kosovar citizens applied for asylum. See Eurostat, "[First time asylum applicants to EU by citizens of CPC, 2014 and 2021](#)"; Eurostat, "[Enlargement countries – statistics on migration, residence permits, citizenship and asylum](#)".

27 European Commission, Kosovo Report 2021, p23.

28 European Commission, "[Kosovo 2021 report](#)", SWD 292 final/2, October 19, 2021: 24.

29 E.g., European Commission, "[Kosovo 2021 Report](#)", SWD 292 final/2, October 19, 2021: 24

How the Dutch position is assessed in Pristina

There is a general perception in Pristina that there is no specific and solidified Dutch visa liberalisation rule of law argument. According to those interviewed for this study, the Netherlands has raised general concerns about the rule of law situation in Kosovo, but never defined what those concerns specifically are. Furthermore, they feel the Netherlands never seriously engaged with Kosovo, nor with the European Commission, to discuss and address those concerns. Such a position is seen as signalling a lack of interest in making progress on the visa liberalisation file. Generally, enlargement is not a priority for the Netherlands and it does not enjoy wide public support.³⁰ Hence, Kosovar officials feel that the Netherlands misuses the visa liberalisation file to apply conditionality towards Kosovo, which should actually be applied in the enlargement context.³¹ Four specific characteristics of the Dutch approach stand out for Kosovar officials.

First, the perception that the Netherlands has no solidified visa liberalisation rule of law argument is reinforced by the reporting of Kosovo government officials that Dutch authorities have reiterated that the Netherlands has no bilateral issues with Kosovo on visa liberalisation, and that it will express its position on the file if, and when, it is raised within the Council.³² This is also further underpinned by the fact that the Netherlands never formally expressed their rule of law concerns within the Council.³³ This is a clear case of the divergence in narratives, in which the Netherlands regards visa liberalisation an EU-led process, whereas Kosovo focuses on concerns of individual member states.

30 “Standard Eurobarometer 96 – Winter 2021-2022 – National reports Netherlands”: 13.

31 Interview with political cabinet member, April 2022, Pristina.

32 Interview with current senior Kosovo Government official, May 2022, Pristina.

33 Interview with a former senior Kosovo Government official, May 2022, Pristina.

Second, because the Dutch have not given any concrete indications on what would constitute a sufficiently thorough track record, there is an inevitable appearance of arbitrariness surrounding the Dutch position. This is difficult to understand for Kosovo actors. An environment without clear expectations and without a framework for dialogue to communicate parties' views is very fertile ground for misinterpretation and misunderstanding.³⁴ The Dutch ambiguity also signifies to Kosovar officials that the Dutch government does not agree with either the Commission benchmarking approach in the roadmap or its efforts to monitor progress.

Third, the Dutch focus on sustainability of reforms as such is not a criterium in the benchmarking methodology of visa liberalisation. In the current EU visa regime, the sustainability of reforms is safeguarded through post-liberalisation monitoring, which raises questions with regard to the Dutch insistence on pre-liberalisation reform sustainability. In Kosovo's view this represents a deteriorating relationship between the EU and its member states, which in turn may negatively affect the role and image of EU institutions in Kosovo.³⁵

Finally, while other sceptic countries have engaged in direct dialogue with Kosovo authorities, the Dutch view is that such dialogue should remain at EU level.³⁶ Kosovar authorities value the bilateral dialogues with France and Germany, as they reflect a willingness to engage. They therefore see the Dutch refusal to engage in bilateral dialogue

34 Interview with civil society member, June 2022, Pristina.

35 Indeed, many interviewees share their views that witnessing the disagreement between the member states and the EU Institutions when it comes to assessing the progress on visa liberalisation has negatively affected the credibility of the EU Commission in Kosovo, as well as in processes not directly linked to visa liberalisation.

36 Madhi, 2021, 'Diluting Principles, Darkening EU Accession Perspective: Politicization of Kosovo's Visa Liberalization Process', in Armakolas et al (eds.), *Local and International Determinants of Kosovo's Statehood*: 316.

as a distinct feature of Dutch unwillingness and arbitrariness in the visa liberalisation process.³⁷

The discussion on the Dutch perspective demonstrates there are two potential scenarios for the conclusion of Kosovo's visa liberalisation process: either progress in rule of law reforms or a shift of France's position and repetition of the 2010 scenario. There is a general understanding in Pristina that the scenario in which France changes its position and the Dutch become isolated is the most likely possibility. This shows that Kosovar representatives feel that the Dutch position is not as technical as it proclaims, but instead is very much influenced by political factors.

In conclusion, Kosovar officials consider the Dutch position on visa liberalisation difficult to justify. In their eyes, the rules of the visa liberalisation game were set in 2012. The game lasted for ten years and eventually the referee closed the game and announced the result: Kosovo had met all visa liberalisation criteria and merited visa free travel. Kosovar officials feel that this is the result of the game the Netherlands subscribed to and participated in. It therefore makes sense that changing the rules of the game halfway through the game, or refusing to accept the result of the game, is not regarded as a fair game in Kosovo.

Conclusions and recommendations

The interviews conducted for this study show that Dutch and Kosovar officials have diverging views on the visa liberalisation process. The narratives are far apart and seemingly difficult to bridge. Both are understandable. On the one hand, it makes sense that the Netherlands uses the visa liberalisation process to scrutinise reform progress in Kosovo. On the other hand, Kosovo has a point when arguing that the visa liberalisation process has not been as

straightforward in practice as it is supposed to be and that criteria have changed while also remained arbitrary throughout the process.

In spite of the divergent narratives, in the past year, Kosovo has made headway with rule of law reforms and the latest signals from the Netherlands suggest that this is recognised by The Hague. As a result, possibilities for breaking the deadlock are in sight, but ultimately depend on progress in Kosovo on rule of law reforms and fighting corruption and organised crime, and whether the upcoming Commission report can convince sceptical member states. There are, moreover, external factors that influence EU decision making that are beyond Kosovo's control. Geopolitical tectonic moves have been set in motion with unprovoked Russian aggression towards Ukraine. In this light, the most recent European Summit (23-24 June 2022) offered a strong impetus to Kosovo visa liberalisation. Many EU leaders spoke in favour of Kosovo visa liberalisation and for the first time no one spoke against.

Therefore, it can be expected that the visa liberalisation file will be strongly supported during the Czech Presidency of the EU Council. This could generate momentum in the Council for a decision by the end of this year. In the meantime, we recommend that Kosovo and the Netherlands focus their efforts along the following lines.

Recommendations for Kosovo

First, Kosovo should continue with whole-of-government reforms in the fields of rule of law, good governance and the fight against organised crime and corruption in a serious manner. As discussed above, The Hague is encouraged by the latest developments in Kosovo and expects that Pristina will continue reforms. Such reforms, especially those related to the visa process, are essential for both the Dutch and Commission reporting and can form the basis of a potential shift in the Dutch position.

Second, Kosovo is advised to continue to implement and report on the key visa liberalisation criteria. It is important that in close coordination with the Commission, Kosovo reports regularly on the progress made in the continuing implementation of the

³⁷ Interview with civil society member, June 2022, Pristina.

visa liberalisation roadmap. The enlargement package report for Kosovo has continuously recommended that Kosovar officials revise the track record so that it includes all high-level cases. Such publicly available disagreements between Kosovo and Commission reporting fuels scepticism about progress and should therefore be addressed.

Third, Kosovo should continue using all diplomatic channels in Pristina, Brussels and EU member states' capitals to regularly inform them about monthly progress being made on the abovementioned issues. In Pristina, regular Head of Mission meetings would be ideal for such monthly exchanges, whereas Kosovo diplomatic networks should replicate the same messages across EU institutions and member states.

Last, although the dialogue with Serbia is not a formal visa liberalisation requirement, in practice many member states regard advancements and setbacks in the dialogue as running more or less parallel to those in the visa liberalisation process. Even if these should be separate tracks, this suggests that visa liberalisation and the Belgrade-Pristina dialogue are connected at the broader EU-Kosovo level, and that setbacks in the dialogue process may negatively affect the political environment surrounding the visa liberalisation process.

Recommendations for the Netherlands

The Netherlands is advised to continue critically scrutinising rule of law reforms and the visa liberalisation benchmarks in Kosovo. Thereby, it should be careful in overemphasising long-term sustainability of reforms, as such sustainability is in the current methodology ensured in post-visa liberalisation monitoring instead of in pre-liberalisation conditionality.

In order to signal its open approach towards visa liberalisation, the Netherlands could be more active in bilateral engagement on visa liberalisation with Kosovo. Although the Dutch do not see bilateral engagement as a relevant part of the methodology, it would counter Kosovar frustrations and perceptions of the Dutch as unwilling and uninterested in engaging in the visa liberalisation process, which negatively affects Dutch and EU credibility in the broader EU integration processes of the region.

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