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Kosovo's Capacity for EU Integration
Don't let the grass grow under your feet!

Prishtina, September 2006

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1. Introduction

Integration in the European Union (EU) is the most important goal for Kosovo regardless of the speed and difficulties along the process. In this regard, it is of paramount importance to adequately develop the institutional and legal infrastructure to best suit to this aim. This paper analyses the government's approach, recognizes the progress marked so far, but focuses on areas where progress has been slow and inefficient, and suggests practical steps for improvement. As the paper finds out, some of the problems that hinder Kosovo's approximation processes with EU are: institutional capacity gap, lack of human resources, and inadequate coordination among ministries. The paper intentionally focused on these problems as they can be addressed within a short period of time and requires affordable financial means for their implementation. Only a successful solution to these issues will pave the way to the long-term problems such as strategic planning, education and training of professional personnel to work on the EU integration process.

The integration in the EU will not happen until each potential country willing to join does not meet the Copenhagen criteria

In its attempt to achieve an agreement about the future political status, Kosovo is going through a difficult and uncertain negotiation process. However, regardless of the degree that the status target is moving, the EU integration target is more stable and remains critical.

The prospect of EU integration is considered to be the main engine for legal reforms, social transformation, and increasingly so for economic development. As EU gets closer, this trend is only likely to accelerate. Hence, the necessity to adopt adequate policies, which would make this process happen, becomes a priority. More specifically, this policy brief analyzes existing mechanisms, capacities, and policies dealing with EU integration processes.

Primarily, the paper analyzes strengths and weaknesses of main governmental policies relevant to the EU integration, especially current ones such as the proposal to establish the

Regardless of the outcome of the negotiations on the political status of Kosovo, "the EU has reiterated that the future of Western Balkan countries is integration in the EU"

Agency for European Integration (AEI). Overall, this paper finds that the process of capacity building has been very slow and that the coordination among the governmental mechanisms dealing with EU integration processes leaves plenty to desire. The government needs to strengthen its

institutional capacities given available resources involved in the EU integration process and improve the coordination between governmental mechanisms working in this process. Most importantly, the AEI must become fully operational, staffed with experts and have its director appointed as soon as possible.

Finally, the paper summarizes some practical recommendations for policy-makers in order to improve present mechanisms dealing with EU integration process and make them better equipped to prepare strategic plans, which would make sure that Kosovo moves steadily towards EU membership.

2. European Integration: Where does Kosovo stand?

The vision for the closer integration of the Western Balkans into the mainstream of Europe was launched at the Zagreb Summit in November 2000. The countries of the region during this summit agreed to abide by EU's conditionality and use the Stabilization and Association Process (SAP) to prepare themselves for accession into the EU (The Declaration of the Zagreb Summit 2000). Since 2002, Kosovo became part of SAP through EU's parallel track called SAP Tracking Mechanism (STM).

The STM was designed to provide the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Provisional Institutions of Self-Government (PISG) with expertise and policy guidance from the European Commission in order to strengthen policy-making relations with SAP and assist Kosovo authorities to make a better use of the core SAP instruments available for the region, namely CARDS and TEMPUS for higher education, as well as TAIEX for technical assistance and information exchange etc. Initially, the PISG and the Office of European Integration (OEI) within the European Union Pillar of UNMIK, financed by the European Commission, managed the STM for Kosovo, with the assistance of the PISG. The STM for Kosovo got a more powerful meaning with the adoption by the Council of the European Union of the European Partnership with Serbia and Montenegro, including Kosovo.

At that time, the European Partnership for Kosovo gave priority to the Kosovo Standards Implementation Plan (KSIP) whereas EU's SAP priorities were considered as complementary priorities (Council Decision 2004/520/EC, 2004). In response to that, on January 2005, the PISG adopted the Kosovo Action Plan for Implementation of European Partnership and ever since the Unit for Management of STM, within the Office of European Integration Processes, is monitoring and managing its implementation on behalf of PISG.

The capacities of the PISG to manage the STM were further strengthened with the establishment of the Office for European Integration Processes (OEIP) in July 2004, which is part and operates under the authority of the Office of the Prime Minister (OPM). One of the key tasks of this office has been the coordination of government activities in EU Law approximation, STM and participation in the SAP with UNMIK (Administrative Direction No.2004/18).

Work very hard together and with us in order of creating conditions that will enable Kosovo to become part of European prosperity, stability and peace" (Solana 2005:5)

Further on, having realized that giving too much priority to the KSIP would slow down the progress in meeting European standards, in January 2006, the Council of European Union made another decision on the principles, priorities and conditions contained in the Partnership with Serbia and Montenegro,

including Kosovo, as defined by the United Nations Security Council Resolution 1244 of 10 June 1999 and repealed Decision 2004/520/EC. The main purpose was to update the European Partnership in order to identify renewed priorities for additional work on the basis of the findings of 2005 Separate Report on Kosovo (UNSCR 1244) in order to further integration with the EU! It was further concluded that, as Kosovo is at present under international interim administration (pursuant to UNSCR 1244), a separate plan addressing the priorities concerning Kosovo should be developed under the authority of the UNMIK in order to address the priorities of this European Partnership (Council of the European Union, Brussels January 2006).

The 9th meeting of the EU's Kosovo SAP, Tracking Mechanism (STM) was held in Prishtina on March 2006. The European Commission monitors as well as accompanies Kosovo's progress on EU related issues on a regular basis. It was the first STM meeting co-chaired by Prime Minister Agim Çeku¹. Implementation of the European Partnership and the setting up of the future co-ordination procedures for the process of integration of Kosovo into the European Union structures were the main points of the agenda. The development of a European Partnership Action Plan was highlighted as one of the main tasks the PISG will have to accomplish as a concrete step for moving closer to the EU (STM Meeting, Prishtina 2006). The PISG has been struggling to develop the Action Plan since then. According to the Prime Minister, the action plan has been prepared and sent to the European Commission for feedback. The European Commission made comments and now the PISG needs to incorporate them and approve the document and commence with implementation (Gashi, Zijadin, Zëri. July 14, 2006).

Nevertheless, Kosovo is still lagging behind in the process of the EU integration when compared with other countries in the Western Balkans (figure.1 shows the current position of Kosovo in relationship with EU integration)².

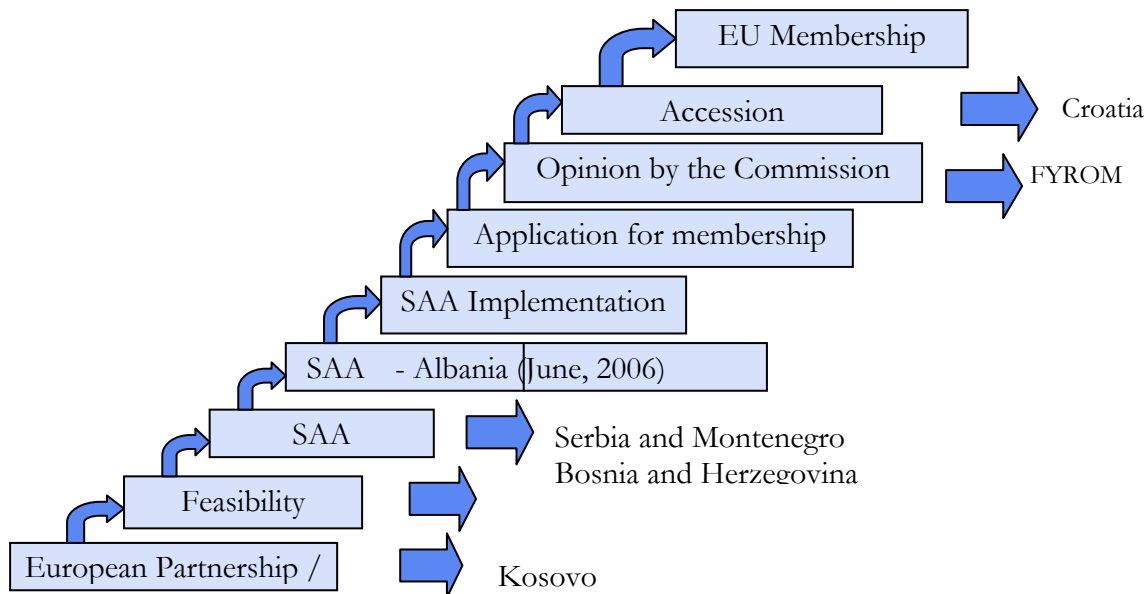


Figure. 1. Current position of Kosovo in relationship with EU integration process

The EU integration process is of extreme importance for Kosovo and without any doubt, it represents a major goal in Kosovo's policy. That is why this objective is shared by all Kosovo political parties and by the people of Kosovo. But now the main challenge is how to realize that vision and achieve the goal. That is why it is so important for policy-makers and Kosovo institutions to work seriously in order to make this vision a reality for the future. Kosovo has an advantage of being united around the vision for integration in the EU.

¹ Agim Çeku was elected as the Prime Minister of Kosovo on March 2006. He is the third Prime Minister of Kosovo since 2004. Before he was elected as the Prime Minister, he was General Commander of the Kosovo Protection Corps.

² Figure was prepared by Mr. Wolfgang Koeth, Deputy Head of the European Commission Liaison Office to Kosovo (January 18, 2006) and it has been updated for the purpose of this policy brief.

2.1. Weak and Insufficient Mechanisms to Accelerate the EU Integration Process

Ambiguity over the final political solution is still undermining the progress in the process of EU integration. Kosovo has no Ministry of Foreign Affairs or Ministry of European Integration in order to facilitate the process. Instead, the Provisional Institutions of Self-government, (PISG) and the United Nations Mission in Kosovo, (UNMIK), on July 2004 agreed to establish an Office for European Integration Processes (OEIP) operating under the authority of the Prime Minister (Administrative Direction N0.2004/18).

The Office was responsible for the coordination of Government activities in aligning practices and legislative activities with relevant EU norms and standards in the context of the SAP, with a view to facilitating economic, social and other reforms and capacity building to support in European integration processes. According to the terms of reference (see Annex 1 for the full terms of the reference) the OEIP was supposed to consist of seven units in order to accomplish attributed tasks. Nevertheless, apart from the unit of STM management, which has been operational from the very beginning, the other units have hardly been functional. While conducting an overall assessment of the OEIP, most common problems, which hindered the efficient work of the OEIP and made it less operational were: a) lack of capacities and human resources, b) weak mechanisms and lack of coordination.

I. Lack of capacity and human resources – continues to be a problem. Since its establishment, the OEIP failed to hire required staff at time and make operational all units within the office. Having failed to appoint a director, the Office of the Prime Minister (OPM) left the OEIP to be run by an acting director since January 2006. Further, until May 2006 the office counted only eleven employees³ out of which five hold a master degree in the EU affairs (Halili 2006). Budget restraints might have affected the problems in staffing the office, which instigated the government to introduce various projects towards this end. For instance, the Government agreed to establish a joint multi-donor Capacity Building Facility (CBF), on June 2004, with the help of the United Nations Development Program (UNDP) in Kosovo and the Kosovo Foundation for Open Society (KFOS). The main objective of this project was to support the central and municipal institutions of Kosovo in strengthening democratic institutions, improving public administration, and implementing ‘Standards for Kosovo’ policy framework. The CBF is still running through a combination of on-the-job coaching and advisory services for senior and middle managers in the civil service, on a demand basis, to address leadership and reform management deficiencies in the central government level (Capacity Building for Kosovo 2004). This project was open for local experts and currently counts 90 experts waiting to assist. On the other hand, having in consideration the urgent need for such experts in both central and local levels, it is a sheer paradox to have only 18 advisors/coaches currently hired by PISG to provide their expertise in different sectors⁴.

The OEIP has been the only cell within the PISG working concretely on EU affairs. Similar mechanisms working on EU matters in all ministries failed to be operational

³ The interview with the acting director of the Office of European Integration Processes, Mr. Ruzhdi Halili, argued in favour of the need to increase the number of the professional staff within this office.

⁴ The interview with CBF Project Coordinator, Marta K Gazideda has revealed the need for improvements and better coordination between the PISG and CBF in order to improve the capacity gap in the Kosovo

According to the CBF coordinator “there are possibilities for the PISG to use the assistance provided by the CBF program in a more effective and efficient way, however, there is a lack of vision to do that” (Gazideda, May 2006, personal interview). Perhaps this example is the best indicator to illustrate the current lack of the interest from the PISG to fulfill its capacity gaps and gain professional expertise. At a time when OEIP is in desperate need for experts and expertise, it is paradoxical that only one expert has been hired so far.

In support to the OPM, an ambitious project was introduced in 2003, by which ten young⁵ professionals were selected to acquire further training and education in prestigious European Universities. The purpose of this was to improve the government capabilities and strengthen its capacities in establishing EU legislation, economy and policies. The project financed and supported by the European Agency for Reconstruction and implemented by German Development Cooperation (GTZ) was directed primarily to the Office of the Prime Minister, respectively to the Office for EU Integration. In addition to these ten professionals, five others were selected by the implementing agency and the OPM. The project is still running with the third phase being implemented. There is already a decent number of professionals on EU affairs from the first generation, ready and committed to work in the PISG if asked to do so. Unfortunately, out of fifteen, only five have been absorbed by the OPM, while the rest have been awaiting any response from the secretariat of the OPM. Since this project was and is multiethnic, two minorities were included in the project. Both of them were successful in fulfilling their training and education. Though one of them is already working for the OEIP, the other one is working for the Coordination Center for Kosovo in Belgrade.

Out of fifteen scholarship grantees who got their MA degrees in European Studies, only five have been absorbed so far by the OPM

II. Weak Mechanisms and Lack of Coordination- is another problem hobbling the process of EU integration. Aside of the OEIP, the PISG has failed to put in place other mechanism within the ministries to tackle matters within their remit related to European integration. Some ministries established specific offices to deal with EU integration affairs but they lack human and professional resources to carry out their tasks. Besides, there has been little or no coordination between the OEIP and ministries. The OEIP was the main cell working in the EU integration affairs but it has failed to be fully operational mainly due to the staff shortage and lack of political leverage within the Kosovo government. Moreover, the logic does not flow well. This is why the OEIP failed to conduct any research in the area of EU policies, maintain contacts with institutions and experts on related studies and analysis. Furthermore, information campaigns on the EU institutions and related matters, which are necessary to increase the awareness among citizens, have been very scarce. Most common approach adopted has been on ad-hoc basis and the lack of clear strategic objectives has further undermined solid progress.

institutions. According to Marta, there are dozens of experts in the waiting list waiting for a call in order to get involved in different governmental sectors.

⁵ A scholar who gained by this project and finished his Master in EU Studies provided information about this project. The young scholar is still waiting to get involved and work for PISG.

3. The Agency for European Integration vs. Capacity Gap

Conscious of the slow progress and the need to accelerate the EU integration process, the PISG first proposed to establish an Executive Agency for European Integration and later proposed to upgrade this into a full-fledged Ministry. This proposal was accepted by UNMIK and as a result, the Special Representative of the Secretary-General (SRSG) issued an administrative direction on May 15, 2006 with the purpose of establishing the Agency for European Integration (AEI). The same administrative direction gave an end to the existence of the OEIP while the civil service and the budget was decided to be transferred to the new AEI (UNMIK/DIR/2006/6).

The Agency for European Integration (AEI) is to replace the OEIP in an attempt to enhance the level of representation but most importantly to increase efficiency. Government officials have shown enthusiasm about the establishment of the AEI and strongly believe that the situation will improve rapidly. However, high expectations may remain only as such if there is no practical impetus. Whether there is impetus is best shown by the fact that the terms of reference for the AEI are the same with those of OEIP, as is the scope of work and its structure. As before, the AEI shall be organizationally attached to the Office of the Prime Minister. The only change that is to come about,

Responsibilities and functions of the new AEI are similar with those of the OEIP, which now ceased to exist

High expectations will only remain expectations if the AEI inherits the same scope of work and structure of the OEIP.

according to a government document plan for the new proposed structure of the AEI, is an increase in the number of employees to 18 by the end of 2006 and is to reach 25 by mid 2007⁶. It remains unclear to what extent this new policy will improve and mark progress in coping with many challenges that lie ahead. Further, any progress

will be vague if the new policy is not coordinated through a planned information campaign and does not involve an orchestrated strategy embraced and executed by all ministries.

Government officials consider that the creation of the agency is a good solution for the moment, but do not exclude the possibility of establishing a separate ministry to deal with EU integration in the future (Halili, 2006). As a matter of fact, the proposed structure does

**MINISTRY OF EUROPEAN INTEGRATION
ORGANISATION CHART**

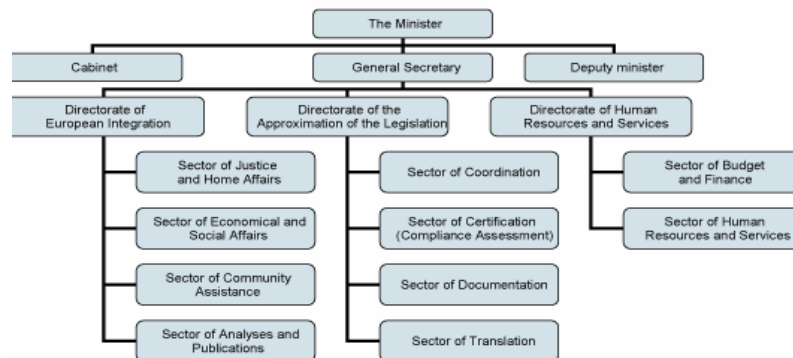


Figure 2. Organization chart of the Ministry of European Integration of Albania, 2006

⁶ Proposal for a priority recruitment and organization of the Office for European Integration Processes.

not differ much compared to that of relevant Ministries of European Integration in some of the neighboring countries, for instance Albania. However, neighboring countries in the region have already made a considerable success towards EU membership if compared with Kosovo (e.g. Albania has signed the Stabilization Association Agreement (SAA) and Croatia has opened negotiations for accession). Figures 2 and 3 show differences and similarities between the AEI in Kosovo and Ministry of European Integration of Albania.

The comparison of organization charts shows that the Albanian Ministry of European Integration has a more advanced organization chart compared to the one proposed for the AEI. Croatia’s Ministry of Foreign Affairs and European Integration has an even more advanced and complex organization. Further, these countries have not boosted the level of organization recently, but long before the first results in EU integration evinced. A better organization illustrates the attention given to the process of EU integration and the resources invested by the countries in the region, which already have an advanced status vis-à-vis the integration in the EU. Furthermore, it only argues in favor of the need to have effective and efficient mechanisms to deal with the complexity of the EU integration processes. Kosovo is already part of the EU integration processes and the range of tasks within this process will be increased rapidly. Performance and structure of Kosovo mechanisms dealing with EU integration process will determine to a great extent the speed and success towards EU membership.

“We should not fall into the trap and think that plans are going to solve the whole things” (Sohlstrom, 2006)

would cover these areas. As a result, the AEI will not have a unit to cover justice and home affairs despite the completed transfer of powers in these two crucial areas. In practical terms this means that the AEI will not be able to extend its influence and introduce rapid reforms in accordance with EU standards in these two areas.

Apart from the AEI, additional help for EU integration has emerged recently, with the agreement reached between the Organization of the United Nations (UN) and the EU to allow Kosovo to open a liaison office in Brussels. The mandate and the staffing has reportedly not been decided yet, however, difficulties regarding the level of presentation and selection of staff have already come to the forefront (Kastrati, Sami. Koha Ditore, May 30, 2006). Despite the lack of a legal framework that would regulate the functioning of this office, the government should

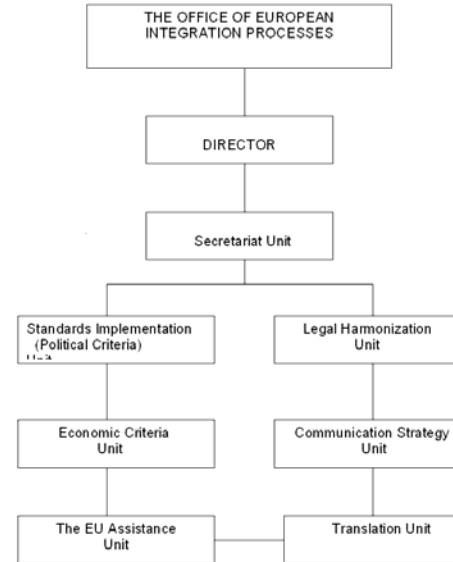


Figure 3. The proposed organization chart of the Agency for European Integration 2006.

AEI has no unit to cover justice and home affairs despite the completed transfer of powers in these two crucial areas

not allow its politicization, but instead, should select best experts on EU affairs to work there.

The Government of Kosovo is doing a job in developing all the above plans to accelerate the process. However, for as long as these remain on the planning level, they⁷ will not be sufficient to achieve desirable objectives. Thus, there is a need to invest much more in the human resources in order to have well-educated and trained staff to execute all these plans. Until now, the government has not been efficient in making the best of it in this regard. It has even failed to make a proper use of the existing capacity building facilities whereas new initiatives in this aspect are meager. Therefore, it remains critical to undertake necessary steps in order to maximize the use of all existing mechanisms and capacities, and move on with the creation on new ones, which will work on EU integration process.

4. Conclusions and Recommendations

Despite the supremacy of the negotiation process for the future political status of Kosovo, the PISG must further develop and increase its capacities in relation with EU integration process. It is widely accepted that there are no shortcuts to European integration and Kosovo is no exception to that. Hence, the ultimate responsibility lies in Kosovo's ability to introduce necessary reforms and adopt European standards and values. The opportunity and the credible perspective of EU membership have now been offered to Western Balkan countries and it is up to them to seize this momentum. Kosovo should activate all engines and work with a full speed to make progress in introducing necessary reforms and achieve European standards. Rhetorical expression of will and commitment is insufficient. More than anything, Kosovo needs to adopt new policies and establish adequate mechanisms to deal with the growing complexity of EU integration. The following recommendations represent just few possible steps, which might be useful to accelerate this process:

- The Agency for European Integration should be fully operational. All its units/directorates must operate effectively and should be developed in accordance with the transfer of competencies from UNMIK to the PISG.
- Great consideration should be given to strengthening coordinative functions of the Office of the Prime Minister in order to ensure a coordinated functioning of the government and public institutions as a whole.
- Kosovo Government needs to draft and adopt the necessary legal framework, which would regulate the functioning the service of foreign affairs in general. As such legislation takes time, the Government needs to issue an Administrative Directive to regulate the functioning of the Kosovo Liaison Office in Brussels. Further, it needs to ensure that best recruitment practices are used in this key area.
- As human resources is essential, and Kosovo is in a dire situation in this regard, the PISG must invest more on education and training of new personnel as well as better existing capacity building programs designed to support institutional building capacities.

⁷ Mr.Torbjorn Sohlstrom, Representative of the EU's High Representative for Common Foreign and Security Policy, Mr. Javier Solana welcomed the new steps undertaken by the PISG to accelerate the process of EU integration but in the same time warned that plans alone will solve many other issues related with the process.

- Increasing the number of the employees, and improving the management of existing mechanisms is essential to improving the delivery of key milestones and achieving actionable objectives
- All ministries must upgrade and improve their internal capacities and mechanisms in charge of European matters as well as their coordination with other levels of government, not the least with the OPM, AEI, but also municipalities and other public institutions.

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ANNEX 1.

UNITED NATIONS
United Nations Interim
Administration Mission in
Kosovo



NATIONS UNIES
Mission d'Administration
Intérimaire des Nations Unies
au Kosovo

UNMIK/DIR/2004/18
16 July 2004

**ADMINISTRATIVE DIRECTION NO. 2004/18
IMPLEMENTING UNMIK REGULATION NO. 2001/19
ON THE EXECUTIVE BRANCH OF THE PROVISIONAL
INSTITUTIONS OF SELF-GOVERNMENT**

The Special Representative of the Secretary-General,
Pursuant to the authority given to him under section 8 of United Nations Interim
Administration Mission in Kosovo (UNMIK) Regulation No. 2001/19 of 13
September 2001, as amended, on the Executive Branch of the Provisional
Institutions of Self-Government,

In conformity with the Constitutional Framework for Provisional Self-
Government in Kosovo (UNMIK Regulation No. 2001/9 of 15 May 2001),
Taking into account sections 5.6, 5.7 and 8.1(m), (n) and (o) of the
Constitutional Framework for Provisional Self-Government and section 2.1 of
UNMIK Regulation No. 2001/19, as amended,

Acting at the request of the Government, and based on the proposal of the Prime
Minister contained in his communication dated 20 May 2004,
For the purpose of establishing an Office for European Integration Processes within the
Office of the Prime Minister, in the context of the agreed restructuring
of the Office of the Prime Minister and pending the development of a comprehensive
regulatory framework therefor,

Hereby issues the following Administrative Direction:

Section 1

Office for European Integration Processes

An Office for European Integration Processes (hereinafter “the Office”) is hereby
established within the Office of the Prime Minister. The Office shall operate under the
authority of the Prime Minister.

Section 2

Responsibilities and Functions

2.1 The Office shall be responsible for coordination of Government action in aligning practices and legislative activities with relevant European Union (EU) norms and standards in the context of the EU Stabilisation and Association Process (SAP), with a view to facilitating economic, social and other reforms and capacity building to support the involvement in European integration processes. This shall not affect responsibilities and sectoral mandates of individual Ministries.

2.2 The Office shall:

- (a) Coordinate Government activities related to EU approximation and participation in the SAP with UNMIK;
- (b) Formulate proposals for upgrading the Government's activities for approximation to EU norms and standards and promotion of better understanding of the EU policies and decisions and practical effects thereof;
- (c) Coordinate preparation and timely provision of the Government's inputs related to the SAP Tracking Mechanism (STM) for Kosovo;
- (d) Coordinate and oversee the development and implementation of a general Government programme for approximation to relevant EU norms and standards;
- (e) Follow up on the recommendations within the Standards for Kosovo and STM processes through coordination with the competent Ministries and, as appropriate, with UNMIK;
- (f) Maintain a database and track contacts of individual Ministries on SAP related matters in line with the duly coordinated Government policy direction and objectives;
- (g) Facilitate, in coordination with relevant officials and the competent Ministries, the process of implementation of Standards for Kosovo with a view to achieving the goal of compatibility with EU standards;
- (h) Monitor the development of EU legislation and policies of relevance for the participation in the SAP and implementation of Standards for Kosovo and advise the Prime Minister and the Government accordingly;
- (i) Formulate proposals for the development of Government capacities for legislative harmonization and compatibility checks with the *acquis communautaire*, including proposals on priority areas for legislative harmonization;
- (j) Review PISG draft legislation for consistency with relevant EU norms and standards;
- (k) Conduct research in the area of EU policies and developments and maintain contacts with interested institutions and experts on related substantive studies and analysis;
- (l) Collect and distribute relevant EU information within the Government and organize information campaigns on EU related matters;
- (m) Prepare briefing packages for and advise the Prime Minister and the Government on the SAP and EU developments;
- (n) Organize and conduct, in coordination with the Ministry of Public Services, training programmes on the SAP for staff of the Office and other civil servants;
- (o) Organize and coordinate translation of relevant EU legislation and documents, and coordinate review of translation of PISG legislation and documents for consistency with EU standard terminology and vocabulary of the *acquis communautaire*;
- (p) Liaise, in coordination with the Ministry of Finance and Economy, with donors on financial, practical and expert support for development and implementation of assistance programmes relevant to EU approximation matters; and
- (q) Establish and maintain, in coordination with the Ministry of Economy and Finance, a database of assistance programmes relevant to EU approximation matters.

Section 3

Office Structure and Staffing

3.1 The Office shall consist of seven (7) units which will be responsible respectively for:

- (a) Office administration matters;
- (b) Implementation of EU related elements of the Standards for Kosovo;
- (c) STM management;
- (d) Legislative harmonization with EU norms and standards;
- (e) Planning and coordination of policy development;
- (f) Information, training and translation services; and
- (g) Assistance programmes.

3.2 The Office shall be staffed at all levels, within available budgetary resources, with civil servants who shall be under the administrative authority of the Permanent Secretary of the Office of the Prime Minister.

Section 4

Entry into Force

The present Administrative Direction shall enter into force on 16 July 2004.

Charles Brayshaw

Acting Special Representative of the Secretary-General