

# SUFFICIENTLY DOCILE? EU'S DISCIPLINARY CONCERNS ON KOSOVARS' VISA-FREE TRAVEL

As of today, Kosovars are not still benefitting from visa-free travel opportunities in the Schengen area. Moreover, the exact date of visa-free travel's actualization is still ambiguous. In this article, I aim to evaluate EU's disciplinary concerns on Kosovar's visa-free travel as an important reason behind this postponement.

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## Introduction

European Commission confirmed that Kosovo has fulfilled all benchmarks of its visa liberalization process with the European Union on 18 July 2018. Even though Commissioner for Migration, Home Affairs and Citizens Dimitris Avramopoulos stated that “*I now call on the European Parliament and the Council to swiftly adopt our proposal on lifting visa requirements for Kosovo citizens*”, as of today, Kosovars are not still benefitting from visa-free travel opportunities in the Schengen area. Moreover, the exact date of visa-free travel's actualization is still ambiguous<sup>2</sup>. In this article, I aim to evaluate EU's disciplinary concerns on Kosovar's visa-free travel as an important reason behind this postponement. More concretely, I will claim that the European Union does not ‘*swiftly*’ implement the visa liberalization of Kosovo due to *possible* consequences of abuse.

## Context

EU's visa liberalization processes with third countries began after the EU-Western Balkan Summit in Thessaloniki on 16 June 2003. Since then, Western Balkan countries, with the exception of Kosovo, had reformed themselves under the guidelines of the EU and citizens of

these countries were able to enjoy visa-free travel in the Schengen area. In this context, the dialogue between Kosovo and the European Commission concerning visa liberalization was launched on 19 January 2012 and finalized in 2018<sup>3</sup>.

As the benchmarks of the process, the EU has required transformations of four policy fields in Kosovo: Europeanization of ‘*document security*’ like introducing biometric passports to citizens; reorganization of ‘*irregular immigration*’ management including border management, cooperation with the EU agencies like Frontex and implementation of readmission agreement; transformation of ‘*public order and security*’ practices that contain preventive activities against organized crime, human trafficking and/or terrorism and finally, improvement of ‘*external relations and fundamental rights*’ that aims to ensure freedom of movement, implementation of anti-discriminative legislations and policies<sup>4</sup>. In parallel with the process, the Commission has regularly monitored and evaluated the progress of Kosovo concerning above-mentioned four fields. Moreover, the EU has also carried out expertise service to adopt its ‘best practices’ and finally Europeanize regulations and policies of Kosovo.

There were two issues that made the process difficult for Kosovo: solving the border problems with Montene-



gro and improvement of Kosovo's capacity concerning fighting against organized crime and corruption<sup>5</sup>. Even though dealing with these challenges created other tensions<sup>6</sup>, Kosovo has found a way to overcome all these challenges. Furthermore, asylum applications of Kosovars, which is another problematic point according to the EU, decreased significantly from 11,675 in 2016 to 7,410 in 2015<sup>7</sup>. Consequently, EU officials celebrated the commitment of their counterpart in response to these achievements and finally all the benchmarks of the visa liberalization have been fulfilled in 2018. Nevertheless, achievements for the process does not proceed with the actualization of visa-free travel. Moreover, according to Igor Soltes, the European Parliament Rapporteur for Kosovo, it is difficult to predict this actualization before May 2019 which is the date of upcoming European Parliament elections<sup>8</sup>.

### **Kosovars: Sufficiently Docile?**

Why the EU *'swiftly'* actualize Kosovars' visa-free travel? It is possible to answer this question in many ways. One of the reasons is a contemporary perception about migration which is turned to be a security issue over the

years in the EU<sup>9</sup>. Donika Emini argues that the Syrian refugee crisis in 2015 has also contributed to this problematic situation to the detriment of Kosovars<sup>10</sup>. In addition to this, certain misuses of visa-free travel have also put question marks in the minds of EU member states. Germany, for instance, deported 65 Georgian citizens since they misused the visa-free travel on 22 February 2018<sup>11</sup>. Moreover, European Interior Affairs commissioner, Cecilia Malmstrom indirectly warned the citizens of Bosnia and Albania and stated that *"we encourage Albanians and Bosnians to think carefully and to respect the rules established for visa liberalization in the Schengen area."*<sup>12</sup>

**Western Balkan countries, with the exception of Kosovo, had reformed themselves under the guidelines of the EU and citizens of these countries were able to enjoy visa-free travel in the Schengen area.**

**For Kosovo, it is stated that Germany, France, and the Netherlands, which are the major asylum receiver countries in Europe, have certain concerns about possible immigration flows . In this context, Zeri, a newspaper in Kosovo, claims that a dozen member states have skeptical views on Kosovars' visa-free travel.**

For Kosovo, it is stated that Germany, France, and the Netherlands, which are the major asylum receiver countries in Europe, have certain concerns about possible immigration flows<sup>13</sup>. In this context, Zeri, a newspaper in Kosovo, claims that a dozen member states have skeptical views on Kosovars' visa-free travel<sup>14</sup>. According to Artan Murati, especially Germany and France are afraid of misuse of visa-free travel by Kosovars<sup>15</sup>. European Parliament rapporteur Tanja Fajon also states the role of Germany and France behind the above-mentioned postponement<sup>16</sup>.

Therefore, it is possible to say that core EU member states are not unconvinced for Kosovars' docility, i.e. whether they will obey the rules of the visa-free travel or not.

While the EU has introduced a monitoring mechanism in accordance with the commission statement on 8 November 2010<sup>17</sup>, current concerns show us that the EU is not still convinced about the *likely* consequences of the misuse of visa-free travel. In other words, the institutionalization of the *post-visa liberalization monitoring* system illustrates that how to discipline Western Balkan countries' citizens concerning misuse of visa-free travel is still a hot topic for the EU. Thus, this ambiguous atmosphere directly affects Kosovo's visa liberalization process. All in all, it can be said that the EU's (in)visible disciplinary concerns on the possibility of Kosovars' misuse postpone the actualization of visa-free travel.

As a consequence of this political apprehension, Kosovars' trust in the EU may be regressed. Moreover, this inconsistent behavior may also strengthen the euro-skeptic political actors' positions in the third countries and decrease the effectiveness of EU's conditionality tools in the mid-term<sup>18</sup>.



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## Endnotes

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