

Europeanisation through Conditionality and Deliberation

Jehona Lushaku Sadriu
University of Prishtina
jehona.lushaku@uni-pr.edu

Abstract

This paper analyses the Europeanisation of Kosovo by focusing on conditionality and deliberation as EU enlargement tools. Despite the high presence of EU institutions in Kosovo, the EU does not recognize Kosovo as a country, but offers the possibility of integration as it currently does for all other Western Balkan countries. This paper analyses the way in which the EU applies conditionality towards Kosovo in the pre-accession period and the extent to which this is combined with deliberation. In order to measure conditionality and deliberation, I take as a case study the Stabilization Association Process Dialogue Meeting between EU and Kosovo. For conditionality I present my own methodology, whereas for deliberation I apply Discourse Quality Index (DQI). I conclude, that EU uses deliberation in the process of conditionality, whereas Kosovo representatives use conditionality very rarely.

Key words: Europeanisation, conditionality, deliberation, Kosovo, SAA

1. Introduction

Countries aspiring to join the European Union must undergo a complex process of transformation and change designed by the EU in order to ensure that European values are accepted and adopted by the candidate country. However, this is not a one-sided process: the EU also undergoes change. Research into Europeanisation and its processes and effects both on candidate countries and the EU itself has been driven mainly by the recognition that EU enlargement has involved large-scale political and legal transformation in candidate countries caused by EU conditionality (Zhelyazkova, et.al, 2019, 34).

This paper analyses the Europeanisation of Kosovo by focusing on EU conditionality and deliberation as important tools. Kosovo as a new country is faced with many processes at the same time: state building, democratization of institutions and society, reconciliation with Serbia, international recognition and membership in international organizations and integration of minorities. Despite the high presence of EU institutions in Kosovo, the EU does not recognize Kosovo as a country due to the fact that five member countries still do not recognize Kosovo's independence. In order to investigate the workings of conditionality and deliberation in the case of Kosovo, I analyse the documentation of the High Representative Meeting between EU and Kosovo representatives in the Stabilization and Association Process Dialogue: Sectorial Meeting on Justice, Freedom and Security, which was held in Prishtina in January 2016. This meeting has been chosen, because it represents an official mechanism of the

Stabilization and Association Agreement, which covers fields in which Kosovo faces the most challenges. It was a two-day meeting with morning and afternoon sessions. I was present in all these meetings and took notes based on my observations of the dialogues. I observed tone and manner as well as the body language of the speakers. All in all, I coded and evaluated 30 dialogues on specific issues between the two sides. For the transcripts I used official government audio. The meeting took place behind closed doors, which needs to be considered when interpreting the data, because political actors often behave differently in public versus non-public meetings (Steiner et al, 2005)¹.

The main research question is to what extent the discussions between EU and Kosovo representatives were characterized by conditionality and deliberation. For conditionality I have developed my own index, and for deliberation I use the Discourse Quality Index (DQI) developed by Jürg Steiner and his research team (Steiner et al. 2012).

2. Theoretical Framework

2.1 Europeanisation and Conditionality

Europeanisation is most often associated with ‘domestic adaptation to the pressures emanating directly or indirectly from EU membership’ (Featherstone /Radaelli, 2003, 7). It is also seen as a process that involves ‘the penetration of national and sub-national systems of governance by a European Political Centre and European-wide norms (Olsen, 2001, 3). *Per definitionem* ‘Europeanisation’ suggests a ‘top-down’ diffusion of common political rules, norms and practices, but there are significant differences of opinion as to the substantive content of the concept and whether it has meaningful effects within national political systems.

The literature on Europeanisation identifies conditionality as the EU’s most powerful instrument of change (Grabbe, 2003, 316). EU policy towards candidate countries is generally described as predominantly a policy of conditionality. It is conceptualized as a “bargaining strategy of reinforcement by reward”, in which the use of threats and promises influences the likelihood of compliance with the imposed criteria (Schimmelfennig/Sedelmeier, 2004, 64). Conditionality thus acts as a gate-keeping mechanism, as the EU bases access to the upper stages of the association and integration process on satisfactory performance (Heather, 2002, 57). The Union controls this process by means of 1) access to negotiations, 2) the provision of legislative and institutional templates, 3) aid and technical assistance, 4) policy advice, and 5) monitoring (Grabbe, 2002, 57).

In the Western Balkans, EU conditionality is not just an enlargement tool, it is a political multi-dimensional and multi-purpose instrument of EU Foreign and Security Policy, geared to establish reconstruction, reconciliation and reform in the respective countries. In previous years, the EU had no common strategy defined with visible benefits from the EU integration process for the Western Balkans. In this uncoordinated situation, the Western Balkan countries experienced difficulties in implementing substantial democratic reforms. Deeply divided societies, political fragility and damaged and broken inter-state relations characterize the Western

¹ For more detailed results on this study see my book: Lushaku Sadriu, Jehona. *Europeanization through conditionality and deliberation. An analysis of the case of Kosovo*. LIT Verlag, Münster, 2019

Balkan countries. Therefore, conditionality as a tool to achieve Europeanisation cannot be used alone- it needs to be combined with a lot of deliberation.

2.2 Europeanisation and Deliberation

Deliberation can be regarded as a process in which different relevant reasons and opinions with regard to political issues are discussed and evaluated. Deliberation is a public political procedure associated with well-functioning democratic practices (Weale, 2007, 84). Deliberation means unconstrained participation of all stakeholders, justification of arguments with good reasons, references to the common good, respect for arguments of others, truthfulness, and the willingness to yield to the force of the better argument. This leads to a democratic system, in which the process of deliberation is embedded within the system and gives more legitimacy to political outcomes (Mansbridge, 2007, 251). Deliberation contrasts with politics only driven by power and self-interest. In a political culture of deliberation, there should be less polarization, making it easier to resolve political problems. Therefore, it is important that actors are willing to be fallible, revising their positions, if new information turns up. In this way, deliberation has a long-term perspective in the sense that political decisions are not one-time shots but are extended over time. In a deliberative political system, power and self-interest are still present, but they are not the exclusive forces driving politics (Guttmann and Thompson, 2004, 6).

According to Habermas' theory of communication, the proper application of deliberation is not only a desirable function for a democracy, but a vital one. This is because deliberation generates not only a decision, but also a legitimation of the decision through the negotiation process. For Habermas it is particularly important that ordinary citizens are involved in the political process. They do not only participate in elections but are also involved in discussing everyday political issues. Habermas foresees a two-phase process. First, ordinary citizens discuss political issues among themselves and transmit their positions to political leaders, who then discuss the issues further and make the formal decisions. In this way, deliberative democracy is much more participatory than a political system based on elections (Habermas, 1984).

In reality, deliberation will never appear in such an idealised form. Often, political actors formulate conditions that they absolutely want to be fulfilled. They insist on their own preferences and do not care about the preferences of others. In real political life, deliberation and conditionality may often be mixed within the same meeting and sometimes even within the same speech. In this paper, I investigate this complexity between deliberation and conditionality in one particular meeting between representatives of Kosovo and the European Union.

3. Political Engagement of the EU in Kosovo

Kosovo declared its independence on February 17, 2008 and committed to fulfilling its obligations foreseen in the Ahtisaari Plan to build a democratic country with good governance based on multi-ethnicity, during a period of international supervision. From the declaration of its independence, over 110 countries have recognized Kosovo, including 23 of the 28 member countries of the EU, and all the neighbouring countries of the Western Balkans, except for Serbia.

3.1 EU and Kosovo Relations

At the EU Summit in Cologne (1999), the EU took some important decisions for the Europeanisation of its Foreign and Security Policy. These included the establishment of the Stability Pact, under which the countries of Ex-Yugoslavia, including Kosovo, would profit (Lemke, 2018, 98) from an agenda for further integration and future membership in the EU.

Another significant step for the Western Balkan countries was the European Council Summit in Thessaloniki in 2003, where the determination to support the perspective of the Western Balkan countries was confirmed. The agenda adopted at that summit, The Thessaloniki Agenda for the Western Balkans, aimed at further strengthening the privileged relations between the EU and the Western Balkans. This confirmed the EU's accession perspective for the countries of the region in very clear language that the future of the Balkans is within the European Union². Kosovo was included among the other Western Balkan countries in this common future integration process; even though the final status of Kosovo was not defined.

Kosovo was administered at that time by the United Nations Mission (UNMIK), whose mandate was defined under Resolution 1244³. This resolution authorized the deployment of an international civilian and military presence that has provided an international transitional administration and security presence that oversaw the return of refugees and the withdrawal of military forces from Kosovo. By this Resolution was foreseen that an international civilian presence would facilitate a political process to determine the future status of Kosovo⁴. Between 1999-2008 UNMIK was administrating Kosovo, meanwhile a legal base was created for Kosovo's institutions to gradually receive more competences for self-administration. The EU was part of UNMIK-third pillar, responsible for economic development and reconstruction.

During the following years, the EU's approach to Kosovo, as with all Western Balkan countries, occurred in the framework of European Partnerships, which are supporting instruments aiming to identify short- to mid-term priorities for reforms and help the countries on the European integration path⁵. In Kosovo, this partnership aimed to support to strengthen democracy and the rule of law, to contribute to political and institutional stability, and to support the efforts of Kosovo to develop its economic and international cooperation and the approximation of its legislation to that of the EU.

Between 2005 and 2008, three 'Action Plans' for the implementation of the European partnership have been implemented as a guide for improvements to Kosovo institutions. These partnership agreements confirmed the commitment of the EU towards Kosovo and helped to identify the financial needs based on the priorities confirmed by the Kosovo government.

² Council of European Union: The Thessaloniki Agenda for the Western Balkans. https://europa.eu › rapid › press-release_PRES-03-163_en (accessed 10 June 2019).

³ Resolution 1244 (1999) / adopted by the Security Council at its 4011th meeting, on 10 June 1999, <https://digitallibrary.un.org/record/274488> (accessed 10 June 2019).

⁴ Resolution 1244 (1999) / adopted by the Security Council at its 4011th meeting, on 10 June 1999, <https://digitallibrary.un.org/record/274488> (accessed 10 June 2019).

⁵ European Partnerships came out in the Thessaloniki Agenda in 2001.

In 2008, the EU adopted another partnership with both Serbia and Kosovo, aiming to offer a supporting framework to prepare them for further integration into the European Union. The main objective of this partnership framework was to define priority areas for reform and implementation of appropriate legislation; development of plan for financial assistance for action in these priority areas and the definition of principles and conditions governing implementation of the partnership. This partnership aimed to be implemented through the Stabilization and Association process, which represents the EU's policy towards the Western Balkans with the aim of eventual EU membership.

After independence, the relations between the EU and Kosovo were very intensive and advanced to a higher level. After its Declaration of Independence, Kosovo invited an EU mission (EULEX) to be deployed for supporting the rule of law in the country.

3.2 The European Union Rule of Law Mission in Kosovo (EULEX)

The European Union Rule of Law Mission in Kosovo (EULEX)'s overall mission was to assist the Kosovo authorities in establishing sustainable and independent rule of law institutions through monitoring and operation pillars. Furthermore, the EULEX mandate was to assist the Kosovo institutions, judicial authorities and law enforcement agencies in their progress towards sustainability and accountability. Part of this mandate was to develop and strengthen an independent multi-ethnic justice system and multi-ethnic police and customs service, ensuring that these institutions are free from political interference and adhere to internationally recognized standards and European best practices. A new mission's mandate has been launched to 14 June 2020 based on Council Decision CFSP 2018/856, whereas EULEX still works within the framework of UN Security Council Resolution 1244, under which the status of Kosovo is not defined.

3.3 Visa Liberalization Process

As in all other Western Balkan countries, the European Commission started the Kosovo visa liberalization process in 2012. The Commission presented Kosovo with a roadmap for such liberalization, which identified the legislation and institutional measures that Kosovo needed to adopt and implement to advance towards visa liberalization. The roadmap foresees a comprehensive list of reforms, including document security, border boundaries, migration management, asylum, the fight against organized crime and corruption and fundamental rights related to the freedom of movement. Kosovo was evaluated by the EU Commission four times between 2012 till 2016 in separate reports, which contained an assessment of Kosovo's progress in fulfilling the 95 benchmarks of the visa roadmap, recommendations addressed to Kosovo, and an assessment of the potential migratory and security impacts of visa liberalization. In the latest report published in 2016, the EU concluded that only two criteria remained unfulfilled: ratification of the border demarcation agreement with Montenegro and strengthening of the fight against organized crime and corruption. In 2018, the European Commission concluded that the remaining two criteria had been fulfilled and recommended to the EU Parliament and the Council of EU to start the procedure for making a positive decision regarding a visa free regime for Kosovo. The European Parliament voted in favour of the mandate for negotiations, but the EU member countries did not achieve a consensus for inclusion of the mandate on the

agenda of the Council of EU. Thus, Kosovo remains the last Western Balkan country unable to participate in the Schengen visa free regime.

3.4 Stabilization and Association Process (SAP)

The most significant step in Kosovo's path towards EU membership was the Stabilization and Association Agreement (SAA) signed on 1 April 2016 in Strasbourg between the EU and Kosovo. This agreement is the first contractual agreement between Kosovo and the EU and has a significant political, economic and legal impact. The SAA Agreement will be implemented mainly by the public institutions of Kosovo and has an impact in different fields from strengthening democracy and the rule of law, to contributing to political, economic and institutional stability, providing an appropriate framework for political dialogue, to developing and strengthening the economic and international cooperation, and to approximation of the legislation to that of the EU; to gradually developing a free trade area between the EU and Kosovo; etc. There will be regular negotiations between representatives of the EU and Kosovo on achieving the goals as set out in SAA Agreement. These negotiations will be structured and divided into sectorial dialogues in different fields called Stabilization and Association Partnership Dialogue Meetings (SAPD).

The SAP Dialogues are the basic framework of technical and political discussions between Kosovo high representatives and EU delegations on the achievements regarding the European Agenda. In these meetings the EU receives reports on the implementation of reforms and fulfilment of criteria stipulated by the European Partnership.

The main sectorial meeting areas that the SAP Dialogues focused on were Justice, Freedom and Security; Innovation, Information Society, Social Policy, Education and Culture; Trade, Industry, Customs and Taxation; Internal Market, Competition, Consumer and Health Protection; Agriculture, Fisheries, Forestry, Food Safety; Transport, Environment, Energy, Regional Development; Economic and Financial Issues, Statistics.

3.5 European Union as Donor in Kosovo

After the war in 1999 in Kosovo, the EU provided the largest amount of funding for reconstruction, giving 275 million Euros in the year 2000⁶. Together with the World Bank, the EU designed a reconstruction and recovery program for Kosovo, which outlined the recovery strategy, set overall goals and priorities, and provided an estimate of external funding requirements for economic development, improvements in infrastructure and public administration.

4. Measuring the Level of Conditionality and Deliberation

Over the past decades, the European Union has applied conditionality towards countries in the process of enlargement to encourage their adoption and institutionalization of European values and standards. In the Western Balkans, EU conditionality has been used to consolidate peace, encourage multi-ethnicity, improve relations between countries, and stabilize economies. This aspect of conditionality has

⁶ Kosovo one year on the European Contribution: Available at: https://europa.eu/rapid/press-release_MEMO-00-12_en.htm

been widely researched by different authors, but not in relation to deliberation. Therefore, in this paper I introduce a new field to this research: the interplay between conditionality and deliberation, which I will examine by analysing the dialogues between representatives of the EU and Kosovo.

4.1 Measuring Conditionality

For the level of conditionality, I use three codes:

No conditionality

In such dialogues, neither side puts a condition to the other. There are no threats of sanctions or promises of rewards.

Implicit conditionality

One or both sides express dissatisfaction, but no threats of sanctions or promises of rewards are expressed. Such threats and promises, however, exist implicitly in the background.

Explicit conditionality

One or both sides put conditions to the other side and attempt to get their way with the threat of sanctions and/or the promise of rewards.

4.2 Measuring Deliberation

To measure the level of deliberation in the individual dialogues, I use the well-established Discourse Quality Index (DQI) developed by the research team of Jürg Steiner (Steiner et al., 2005). This index shows high scores when:

- there are no constraints on any participant to speak freely
- arguments are justified with reasons
- arguments are justified in terms of the common good
- arguments of others are treated with respect
- participants are willing to yield to the force of the better argument

4.3 Coding of the Sectorial Meeting in the Process of Stabilization Association Process Dialogue (SAPD)

Sectorial Meetings in the process of SAPD are the main meetings that cover a whole sector, such as Justice, Freedom and Security; Innovation, Information Society, etc. and are co-chaired by representatives from the European Commission and the country government, in this case Kosovo. In these meetings, representatives of EU Commission and EU Delegation meet with all respective representatives from country institutions and report on/discuss different issues. The main aim of these meetings is to check the progress made by country institutions as recommended by the annual country report, published by European Commission. EU Representatives asked the representatives of Kosovo about different issues and they have to report and give explanations. Each meeting results in jointly agreed follow-up actions to be taken by the Kosovo authorities. The conclusions from the meetings are posted on the website of the EU Office of the Kosovo/EU Special Representative.

One such sectorial meeting of the SAPD is the basis of this study, which has an overall focus on Justice, Freedom and Security; it consisted of six sections focused on: Home affairs and the fight against organized crime; the fight against corruption; human rights and fundamental freedoms; respect and protection of minority communities; protection of cultural heritage; and the judiciary.

Thirty dialogues between EU representatives and representatives of Kosovo institutions in this meeting were coded according to conditionality and deliberation, using the categories presented above.

5. Analysis of the Thirty Dialogues

I will present the first of the thirty Dialogues in some detail to provide an overview into my research procedure and clarify how I combine qualitative and quantitative methods. To keep the confidentiality of the participants⁷, I do not give their real names. The meeting begins with an interchange between EU representative EU1, who is the chair, and KS1 of the Election Commission of Kosovo. EU1 begins the discussion in a respectful way, telling KS1 that it is “very nice meeting you.” EU1 then tries to take pressure of KS1, acknowledging that she may not be able to “give answers to all of the questions” from the EU1 side. EU1 then formulates her first question in a non-threatening, ‘neutral’ way, asking KS1 whether “the electoral reform is needed, and how it should be done.” There are no elements of conditionality in this opening speech, in the sense that EU1 does not state that election reform is a precondition for positive measures of the EU. EU1’s inquiry instead finds a neutral way to ask KS1 how things stand in Kosovo with regard to the election reform.

KS1’s answer remains at an informational level. She informs EU1 that the Election Commission “is not the institution, who can initiate electoral reform,” but can only “inform everybody [and] give recommendations on the reforms. It is the parliament, or the representatives of the parties who can start this political reform.” KS1 continues, stating that she can give advice on technical matters of an election reform, but cannot say whether the reform itself is needed. The discussion continues at a deliberative level with KS1 staying on topic and answering the question of EU1.

EU1 does not complain that KS1 did not answer her question in a satisfactory way. Instead, EU1 politely encourages KS1 to outline the technical recommendations that she had mentioned [to whom?] with regard to the election reform.

KS1 is evasive and unclear in her answer. She responds:

“some small changes – technical changes – as I said, and now I cannot give the details because it is impossible to give recommendations in detail, but some technical issues, some technical operations need to be changed to have better elections.”

KS1 tries to downplay the importance of these technical details, but then still argues that a change in these technical details is important for better election. Finally, she states that “the electoral system is something that we are not dealing with in our institution.” She contradicts her earlier statement that the Election Commission can

⁷ The real names from EU representatives have been coded as EU1, EU2, EU3... and the representatives of Kosovo as KS1, KS2, KS3...

give advice on technical matters and appears unwilling to give any technical details on the election system. With this evasive and unclear statement, KS1 lowers the level of deliberation, and the discussion reaches an impasse. KS1 seems to have something that she does not wish to reveal.

EU1 reacts in a deliberative way, by not complaining about KS1's refusal to answer the question asked of her. EU1 continues to show respect for KS1. There are also no signs of conditionality, since EU1 does not threaten that an answer to her question would be precondition for further progress in negotiations. Instead, she turns to the question of voters' lists and asks what role the Election Commission has in establishing these lists.

This time, KS1 gives a lengthy and clear answer, explaining that it is not up to the Election Commission to establish the voters' lists. As she explains:

“In fact, as it is now, we are just receiving the lists from the Civil Registration Agency or from the Ministry of the Interior. So, we are not creating the voters' list, it is created by the Agency. The second day after the election is announced, we are just receiving the lists from the Agency for Civil Registration, and basically, we cannot change the lists except with a judicial order. We cannot remove or add anybody except if we have a judicial order, and if we don't have it, we cannot change anything.”

KS1's explanation here includes the instances when the Election Commission is allowed to change the voters' lists, which is very deliberative from an informational perspective. From the context, it was easier this time for KS1 to give a straightforward answer because, contrary to the previous question posed by EU1, she did not have to hide recommendations that she did not wish to reveal.

EU1 acknowledges that:

“Perhaps some of our questions go beyond your competence, but we just raise them because of the records and because these are the questions we have. You could always get back to us with written answers and let us know.”

Here again, there are no elements of conditionality, EU1 rather shows understanding in a deliberative way that KS1 did not answer all the questions satisfactorily. Having assured KS1, EU1 continues with two more questions. First, he wonders whether the voters' lists should be revised to become more accurate. Second, he asks whether the audits of the finances of the political parties have been properly done. KS1 does not answer the first question and for the second question, she states that “the Election Commission is not responsible to do the audit of the finances of the political parties. This is done by the Parliament and we have nothing to do with that.”

What does this interchange between EU1 and KS1 tell us about conditionality and deliberation in the context of formal EU-Kosovo relations in the pre-accession period? To what extent was this dialogue characterized by deliberation versus conditionality? Were the two forms of interaction more often used by the EU or the Kosovo sides? Firstly, in this dialogue there were no signs of conditionality. When KS1 was evasive about a question or did not answer at all, not once did EU1 threaten that unsatisfactory answers could endanger any EU programs. On the contrary, he was always polite, smiling from time to time, and nodding his head in a supportive manner. His questions were all formulated in a clear and neutral way. Moreover, all of this demonstrates a

highly deliberative performance on the part of EU1. KS1, by contrast, was defensive and often worried that she was saying something wrong. She appeared to feel inferior to EU1, often speaking without clarity. However, she never used inappropriate language. As a result, I'd argue that her behaviour represented a middle level of deliberation.

With regard to conditionality, we had the following three codes to choose from: no conditionality, implicit conditionality and explicit conditionality.

There was no situation in this particular dialogue between EU1 and KS1, where one of the two actors would have insisted that a particular condition had to be fulfilled by the other side to get some rewards or to avoid some punishment. Such conditionality was not expressed explicitly and not even implicitly.

With regard to deliberation, both EU1 and KS1 were judged according to the Discourse Quality Index (DQI). Neither actor interrupted the other in an undue way. Furthermore, both used respectful language and listened to each other attentively. KS1, however, due to some of her confusion, disrupted at some point the flow of discussion. Using the three categories below, EU1 was coded as *good deliberation* and KS1 as some deliberation among these three categories:

- no deliberation
- some deliberation
- good deliberation

Having presented the analysis of the first dialogue in some detail as a case study, I can now present the overall results for all 30 dialogues. With regards to conditionality, the results are as follows:

Conditionality expressed by the EU side:

- no conditionality: in 5 dialogues
- implicit conditionality: in 21 dialogues
- explicit conditionality: in 4 dialogues

Conditionality expressed by the Kosovo side:

- no conditionality: 29 dialogues
- implicit conditionality: 0 dialogue
- explicit conditionality: 1 dialogue

Comparing conditionality expressed by both sides, it is clear that the EU representatives held the position of power. Nevertheless, it should still be noted that there was one dialogue where conditionality came from the Kosovo side, and this even in an explicit way. KS1 argued that many of the conditions that EU1 mentioned to her institutions were not fitting under her institution competence, therefore were not relevant. KS1 asked the representatives of the EU to remove these conditions, because of the relevance. This is noteworthy, although it was the exception to the expectations of the EU representatives.

The EU's actions in these negotiations suggest a firm, but non-aggressive stance. In 25 of the 30 dialogues, the EU representative stipulated clearly what actions were expected of Kosovo. However, in almost all these cases, conditionality was expressed

in an implicit way, which meant that conditionality could be seen only from the context in which it was expressed.

Regarding deliberation, the results are as follows:

Deliberation by the EU side

- no deliberation: no dialogue
- some deliberation: no dialogue
- good deliberation: 30 dialogues

Deliberation by the Kosovo side

- no deliberation: no dialogue
- some deliberation: 1 dialogue
- good deliberation: 29 dialogues

In 29 of the 30 dialogues, each side achieved a level of good deliberation. The only exception occurred in the first dialogue, where KS1 was awarded a level of “some deliberation”, as we have seen above, when we covered the first dialogue in some detail. There we have shown that KS1 was reluctant to answer a question with regard to the election system, which led to some disruption in the flow of the discussion. Such disruptions did not occur in any of the other 29 dialogues.

One important note to add: when an actor’s behaviour is coded as “good deliberation,” this does not mean that the behaviour corresponded to ‘ideal’ deliberation. Rather, it means the behaviour was ‘good enough’ from a deliberative perspective in the sense that discussion could flow dynamically. As outlined in section 2, deliberation in its ideal form hardly ever occurs. Accordingly, it makes sense to identify ‘good deliberation’ here as a situation in which representatives of both sides listened to the each other respectfully and without interruption.

6. Conclusion

The EU’s pre-accession mechanisms can play a substantive role in the Europeanisation process of Kosovo by transferring European values and experiences to newly established Kosovar institutions. My research shows that over the course of an official two-day dialogue, EU representatives used conditionality in a moderate way embedded in a general atmosphere of good deliberation. Kosovo representatives also adhered to key deliberative criteria and, in at least one case, formulated their own conditionality. These results augur well for a positive ongoing process of Europeanisation in Kosovo. The caveat is, however, that the meetings took place behind closed doors, where it is usually easier to downplay conditionality and to upgrade deliberation (Steiner et al., 2005). The challenge for the future is to apply the moderate behaviour that I have observed in the closed-door meetings also when the representatives from both sides speak up in the public eye.

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