

EU Accession and Protection of Minorities as Condition

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Abstract

The protection of minorities in the EU legal system is considered to be as added value for developing a democratic rule of law and fundamental rights-based approach.

One of the main political criteria for countries aspiring to join the EU is the respect of fundamental economic rights and the protection of minorities. As Kosovo has been granted the status of the potential candidate country to join the EU and has already signed the SAA, its institutions should ensure the respect and protection of persons belonging to the minorities, without discrimination on any grounds (Article 4, SAA). EU assess that Kosovo has an adequate institutional and legal framework for the economic rights and protection of minorities, but it lacks full implementation.

The aim of this research is to present the state of play regarding the main challenges characterising the implementation of legal framework on protection of ethnic minorities in Kosovo as case study and comparing it with few it with few western Balkan countries and one EU country, in order to check if the EU gives the same weight to minority protection in the case of these countries. This comparative approach will help also to put forward several policy options to address the potential legal gaps.

Keywords: EU integration, minority protection, Kosovo legislation, EU conditionality, Western Balkan Countries