

IS THERE ANY FUTURE FOR THE EU ENLARGEMENT IN THE WESTERN BALKANS?

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Abstract:

The future of EU enlargement in the Western Balkans is now more unclear than ever. In spite of a couple of new enlargement methodologies presented in the last nine years and the fact that the region is in the process of joining the EU for almost two decades, there are no signs that it would come to a conclusion any time soon. The feeling that there is more form than substance in the process is becoming ever stronger. Disparities among the countries or groups of countries are also becoming more profound. Enlargement actually does not work like it used to – bringing transformation to both the candidates and the Union. The paper offers several scenarios on the possible development of the enlargement process for the next decade or so. These scenarios depend on the Western Balkan countries readiness and ability to commit and perform reforms; but also, on the EU's openness and willingness to overcome the fatigue and anxiety of admitting new Member States. These scenarios have to be seen against the backdrop of permanent crisis environment that can affect the process both negatively and positively. Third actors' activities and influence need also to be factored in. This paper, finally, tries to inform on the repercussions of no-enlargement for the wider region of South-East Europe and the EU.

Keywords: EU, Western Balkans, Enlargement scenarios, Third Actors, regional cooperation

1. Introduction

The Brdo Summit of the EU and the Western Balkans for some was meant to mark a new phase of the relationship between the region and the Union, while for others it was just another in a row of summits and meetings that produce nothing especially new in the EU agenda. The leaders met, the vows of reconfirmed commitment to a shared European future were exchanged,

while a declaration remained as a legacy for the enlargement process to continue entrenched in the new methodology that the European Union adopted in 2020.

In reality, in spite of all that has been said, reiterated and promised, the enlargement road ahead is very uncertain and nobody can precisely predict when any of the Western Balkans countries could join the Union. This uncertainty is, however, having a multifold effect on the overall situation in the region. The Balkan decision makers now, more than ever, wonder if they need to stay fully devoted to painful reforms if there is no guarantee that they are worth paying for. On the other hand, other, non-Western actors have become a part of the reality in the Western Balkans – their capital, know-how, cultural and historic ties as well as political and security influence penetrate the porous region. It demonstrates how unstable, volatile and changeable the situation is, and how it can develop into various directions.

Perhaps the most important thing is that the transformative power of the enlargement has lost both its charm and strength. It is just not doing „the miracles“ that it was thought to be producing in the previous waves of the European integration. Today, even some Member States that have passed through this enlargement transformation show that reversibility of certain aspects, out of which the concept and the implementation of the value of the rule of law is the most prominent, can become a reality.

So, how can a region cope with such a huge burden of complexities and variables that make any effort highly uncertain? What is the real situation in the Western Balkans and what are the possible scenarios for its European integration? This article tries to answer these and some related questions, or at least go give some food for thought on how to understand better the region's European fate.

2. The new enlargement methodological framework

When on 5 February 2020, just a month before the full outbreak of the Covid-19 pandemic in Europe, the European Commission unveiled its new Communication on enlargement, there were divergent hopes and views of what this new tool would mean. The methodology that was presented came as a result of a stream of events that spiralled out of the usual way the European institutions are coming up with new approaches to their policies. It did not come after careful considerations and lessons learnt, like it was done in 2012 with the new approach that put the rule of law at the heart of accession talks.

This time it was France that insisted that the Commission altered the way it conducted its integration process with candidate countries. During her visit to Belgrade in February 2019, the French Minister for Europe at the time stated very clearly and directly that „the current state of the EU does not allow new associations in satisfactory conditions - both for the European Union itself

and for new countries that would like to join it.¹ The French would later on state that the Balkans were not ready at all for the EU Membership² and practically implemented this approach in October 2019 i. e. the deadline for the European promise of opening accession talks with Albania and North Macedonia from June 2019 Council.³ French President Macron expressed his view that the enlargement was not the only form of cooperation with the neighbouring countries. He also found the enlargement to be too bureaucratic and not adapted to the actual moment, therefore asking for its redefinition that would make it more political and clearly reversible.⁴ President of the European Council Donald Tusk had to put the question at the Summit's agenda as there could be no decision on how to proceed on the promised deadline.⁵ The European Commission also kept its view that the two countries had to open the talks as they had done everything that was asked from them. The majority of the EU Member States supported the opening of talks, too. However, the consensus could not be reached and the European Council could only agree to postpone the decision until the Zagreb Western Balkans Summit in May 2020.⁶

The French delivered a Non-Paper⁷ presented their views on the enlargement, which created a lot of stir as it offered elements that the new approach of the EU should be in the enlargement field. Consequently, Paris asked the European Commission to produce a proposal for the enhancement of the negotiation process into a more coherent and concrete tool by January 2020.⁸ The French insisted that the new methodology rested on four principles – stringent conditions, gradual association, tangible benefits and reversibility

¹ Драган Вукотић, Интервју: Натали Лоазо, Министарка за европске послове у Влади Француске, *Садашње стање ЕУ не омогућава пријем нових чланица*, Политика, 25. 2. 2019, <http://www.politika.rs/scc/clanak/423503/Sadasnje-stanje-EU-ne-omogucava-prijem-novih-clanica>, last accessed 10 October 2021

² N1 HR, *French MEP: Balkans not ready at all to join EU*, France Inter radio, 16. 7. 2019. <http://hr.n1info.com/English/NEWS/a419574/French-MEP-Balkans-not-ready-at-all-to-join-EU.html>, last accessed 10 October 2021

³ Council of the European Union, *Outcome of the Council Meeting President 3702nd General Affairs Council*, 10396/19, Luxembourg, 18 June 2019.

⁴ Élysée, *Conférence de presse à l'issue du Conseil européen des 17 et 18 octobre 2019*, 18. 10. 2019. <https://www.elysee.fr/emmanuel-macron/2019/10/18/conference-de-presse-a-lissue-du-conseil-europeen-des-17-et-18-octobre-2019>, last accessed 10 October 2021

⁵ Council of the European Union, *Remarks by President Donald Tusk after the European Council meeting on 17 and 18 October 2019*

⁶ Council of the European Union, *Presidency conclusions*, European Council in Brussels, 17 -18 October 2019

⁷ Government of France, *Non-Paper Reforming the European Union accession process*, Paris, 2019

⁸ Vie publique, *Déclaration de Mme Amélie de Montchalin, secrétaire d'État aux affaires européennes, sur l'élargissement de l'Union européenne aux pays des Balkans, à Bruxelles le 19 novembre 2019. Prononcé le 19 novembre 2019* <https://www.vie-publique.fr/discours/271973-amelie-de-montchalin-19112019-ue-balkans>, last accessed 10 October 2021

of the process. The Commission then started with the work on the proposal along these criteria and the new methodology was indeed presented in the beginning of 2020, only to be swiftly adopted on 5 February 2020 in the form of a Communication⁹ together with a special report on the progress of Albania and North Macedonia. France accepted this new methodological framework (although it deviated to a certain extent, it was clearly mostly based on the very French Non-Paper) and announced its support to the opening of accession talks with Tirana and Skopje.¹⁰

The new methodology brought up a different approach to negotiation procedures. The Commission emphasised the need to boost the process with tools to address structural weaknesses, especially in the field of fundamentals i.e. the rule of law, public administration reform, political and economic criteria. Key principles to guide the EU on the overall progress within accession talks with candidates are more commitment, tangible and sustainable results, as well as credibility within the reforms in the fundamentals cluster. Key innovations in the methodology are the strengthening of the role of the rule of law chapters, introduction of a system of clustering of chapters, strengthened conditionality and elaboration of the reversibility principle, inclusion of reversed qualified majority voting (RQMV), introduction of the possibility to scale down the scope and intensity of pre-accession assistance, as well as cross-checking of all relevant chapters of the *acquis* against anti-corruption policies.

Finally, after the methodology was adopted, on March 25, 2020, the General Affairs Council adopted the Conclusions¹¹ in which it was decided to open negotiations with Albania and North Macedonia and for the EC to prepare a negotiating framework to prepare the first intergovernmental conference with the two countries. However, as of today, there is no decision on the adoption of the draft negotiation frameworks for the two countries, which were presented to the Council in July 2020. In the meantime, Montenegro joined the new methodology in May 2020,¹² while Serbia did the same in July of the same year.¹³ That paved the way for holding of the first inter-governmental conferences under the revised

⁹ European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Enhancing the accession process - A credible EU perspective for the Western Balkans*, COM(2020) 57 final, Brussels, 5 February 2020

¹⁰ European Western Balkans, *Macron: Negotiations will be opened once there is confidence that the process works*, 15.02.2020, <https://europeanwesternbalkans.com/2020/02/15/macron-negotiations-will-be-opened-once-there-is-confidence-that-the-process-works/>, last accessed 10 October 2021.

¹¹ Council of the European Union, *Outcome of the Council Meeting President General Affairs Council, Enlargement and Stabilisation and Association Process - the Republic of North Macedonia and the Republic of Albania Council conclusions*, Brussels, 7002/20, 25 March 2020

¹² Vlada Crne Gore, *Crna Gora prihvatiла novu metodologiju, dobra platforma za intenziviranje reformi*, 15. May 2020, <http://www.gov.me/vijesti/224479/Crna-Gora-prihvatiла-novu-metodologiju-dobra-platforma-za-intenziviranje-reformi.html>, last accessed 10 October 2021

¹³ Radio Slobodna Evropa, *Vučić: Srbija odlučila da prihvati novu metodologiju u pristupnim pregovorima s EU*, 10 July 2020, <https://www.slobodnaevropa.org/a/30717769.html>, last accessed 10 October 2021

enlargement methodology (the thirteenth meeting of the Accession Conference with Montenegro¹⁴ and the twelfth meeting with Serbia¹⁵) Luxembourg in June 2021. These meetings, however, did not deliver any practical progress within the accession process, with only the EU taking stock of the actual situation and the expression of need of the both candidates to make more progress in the area of the rule of law. At the same time, Montenegro opened its last chapter in June 2020, while Serbia has not managed to open any chapter since December 2019.

2.1. Did the Balkans need a new enlargement methodology?

Covid-19 brought not only the whole world to a standstill for the past year and a half, but it would be safe to state that this was also a period without any real progress in the field of EU accession. Methodologies were drafted, new approaches introduced, structures set up, but nothing really happened in practice. In line with the new methodology that it joined last year, Montenegro is now officially and legally unable to initiate the closure of any chapter as it has first to fulfil 83 interim benchmarks it received for the rule of law chapters 23 and 24. The President of the Commission during her visit in late September 2021 to Podgorica underlined that Montenegro was the most advanced candidate country, but in her speech, which was very much about Covid-19 and economy, she also made clear the need for Montenegro to „make progress on the rule of law, interim benchmarks and to move forward on the EU path. This also means making sure that there is no backtracking on earlier achievements.“¹⁶ Years may pass before Montenegro, thus, makes enough progress and provide a credible track record on the rule of law paving the way towards the first closure of chapters. This means that other chapters have to wait in line leaving Montenegrin decision makers public and its administration wonder why they should invest even more effort in finalising the work in transport, food safety or customs chapters now when no chapter can be closed no matter how hard one works on the closing benchmarks.

Serbia, on the other hand, has been unable to open clusters 3 and 4 in June 2021 as the lack of progress in the rule of law, and more specifically within the reform of the judiciary, is hindering the possibility that the Council approaches

¹⁴ European Commission, *Press release of the Thirteenth meeting of the Accession Conference with Montenegro at Ministerial level*, 22 June 2021, <https://www.consilium.europa.eu/en/press/press-releases/2021/06/22/thirteenth-meeting-of-the-accession-conference-with-montenegro-at-ministerial-level/>, last accessed 10 October 2021

¹⁵ European Commission, *Press Release of the Twelfth meeting of the Accession Conference with Serbia at Ministerial level*, 22 June 2021, <https://www.consilium.europa.eu/en/press/press-releases/2021/06/22/twelfth-meeting-of-the-accession-conference-with-serbia-at-ministerial-level/>, last accessed 10 October 2021

¹⁶ European Commission, *Statement by President von der Leyen on the occasion of her official visit to Montenegro*, 29 September 2021, https://ec.europa.eu/commission/presscorner/detail/da/statement_21_4942, last accessed 10 October 2021

the finalisation of the procedures. The EU in its May 2021 Rule of Law Non-paper clearly indicated that Serbia needed to further accelerate reforms in the key areas of the judiciary and notably judicial independence, the fight against corruption and organised crime, media freedom, and handling of war crimes.¹⁷ Serbian Minister of European integration, on the other hand, found the lack of political will and lack of readiness of the EU to apply the new methodology as key factors in not allowing that candidate country to open any further chapters.¹⁸ As these tangible improvements require a sustained and intensive level of engagement and progress in reforms, it is obvious that there is a long way of opening the first next cluster. Chancellor Merkel summed it saying that the EU and the region „have achieved a whole range of results, although Serbia and the countries of the region still have a lot to do on the ways to membership in the European Union.“¹⁹

At the same time, North Macedonia and Albania have experienced a very long ride towards the opening of accession talks. Ever since the decision was made in March 2020, the adoption of the negotiation framework has been regularly postponed in the Council blocking the procedure of convening the first intergovernmental conference. Bulgaria has had a key role in the postponement of the decision to open accession talks. Sofia sent a memorandum to the other 26 countries insisting that EU documents need to acknowledge that „the official language used in today's Republic of North Macedonia can be only considered as a written regional norm of the Bulgarian language“, as well as that the „Enlargement process must not legitimize the ethnic and linguistic engineering that has taken place under former authoritarian regimes.“²⁰ The memorandum also stated explicitly that Skopje must strictly adhere to the principles and the values of the EU and the good neighbour agreement signed between Bulgaria and North Macedonia in 2017.²¹ In late September 2021, Prime Minister of North Macedonia Zoran Zaev announced that in the spirit of European good neighbourly relations, they will „intensify talks with Bulgaria with a sincere will to take steps closer to a solution to our bilateral issues“.²² However, it is unlikely to expect any breakthroughs on this matter any time in the most immediate future. Albania has been a part of this

¹⁷ European Commission, Rule of Law non-paper regarding chapters 23 and 24 for Serbia, May 2021, p. 2

¹⁸ European Western Balkans, *RTS: Bez saglasnosti unutar EU za otvaranje novih poglavlja sa Srbijom u junu*, 14 June 2021, <https://europeanwesternbalkans.rs/rts-bez-saglasnosti-unutar-eu-za-otvaranje-novih-poglavlja-sa-srbijom-u-junu/>, last accessed 10 October 2021

¹⁹ Aleksandar Miladinović, *Angela Merkel u Beogradu: Mnogo rezultata, ali dug put do Evropske unije*, BBC News, 13 September 2021, <https://www.bbc.com/serbian/lat/srbija-58551805>, last accessed 10 October 2021

²⁰ Una Hajdari, *Tongue-tied: Bulgaria's language gripe blocks North Macedonia's EU path*, Politico, 8 December 2020, <https://www.politico.eu/article/bulgaria-north-macedonia-eu-accession-talks-language-dispute/>

²¹ BNR, *Bulgaria sends memorandum to the Council on North Macedonia*, 17 September 2020, <https://bnr.bg/en/post/101342245/bulgaria-sends-memorandum-to-the-council-on-north-macedonia>, last accessed 10 October 2021

²² Фросина Димеска, *Посетите на Лајен и Вархеји Вовед во постизборни преговори за отворање на патот кон ЕУ*, Radio Slobodna Evropa, 30 September 2021, <https://www.slobodnaevropa.mk/a/лајен-и-вархеји-вовед-во-пост-изборните-преговори-за-почеток-на-преговорите-со-еу/31485698.html>, last accessed 10 October 2021

postponement. While formally there is no EU Member State opposing the opening of accession talks with Tirana, ever since Albania and North Macedonia have started with their bid to open negotiations, they have been treated jointly.²³ Therefore, one can expect that the opening, if and when it happens, will be based on the adoption of both negotiation frameworks for Albania and for North Macedonia at once.

Hence, what has the new methodology brought in terms of an enhanced and more efficient approach on accession negotiations as promised in the EC's Communication on new enlargement methodology? First of all, Commission's intention has been to offer concrete proposals for strengthening the whole accession process. These concrete tools have, however, remain unused in the last year and half, as none of the candidate countries could make any progress on the basis of the new methodology. As stated above, the two negotiating countries are wedged in the procedures and legal clauses of conditioned progress, while the other two have not been able to use the new mechanisms, as they have been prevented from opening the talks in concrete terms. Furthermore, the Communication states that the overall aim of these proposals „is to enhance credibility and trust on both sides and yield better results on the ground“.²⁴ Whether this is a case, it can be argued from many sides as it can be seen that trust and credibility have been very much eroded by the lack of delivery on the promises and the feeling that the EU is not ready to go on with the enlargement, while at the same time there is a feeling that the Western Balkans will not be prepared for the membership for many years to come. The real value of the new methodology and its tool, therefore, can only be seen once they are put in motion and the candidate countries use it to progress it along the set lines and criteria. The truth is that the new mechanism brings about more credibility with the rule-of-law-conditioning as it does not let any candidate come too close to the membership without showing that its rule of law is strong, reliable and sustainable. The issue of what the rule of law actually represents is yet another problem. Extensive literature²⁵ on the concept of the rule of law offer many

²³ Brussels has consistently preferred to deal with accession states in packages or pairs whenever possible. We are now talking about the two frontrunners (Montenegro and Serbia), Spain and Portugal were lumped together during their talks, while the Commission liked to observe Cyprus and Malta as a pair, no matter how different they were during the negotiation process.

²⁴ COM(2020) 57, *Ibid*, p. 1

²⁵ Paul Craig, *Formal and Substantive Conceptions of the Rule of Law: An Analytical Framework*, Public Law, 1997; Lon L. Fuller, *The Morality of Law*, revised edition, Yale University Press, New Haven, 1969. Flora A. N. Goudappel, J. & M. H. Hirsch Ballin, *Ernst, Democracy and Rule of Law in the European Union*, Asser Press, Rotterdam, 2016; Herbert L. A. Hart, *Law, Liberty and Morality*, Oxford University Press, Oxford, 1982; Neil MacCormick, *Rhetoric and the Rule of Law: A Theory of Legal Reasoning*, Oxford University Press, Oxford, 2010; Gianluigi Palombella, *The Rule of Law and Its Core, Relocating the Rule of Law*, Gianluigi Palombella, Neil Walker, eds., Hart Publishers, 2009; Joseph Raz, *The Rule of Law and Its Virtue*, in J. Raz, *The Authority of Law: Essays on Law and Morality*, Clarendon Press, Oxford, 1979; Judith N. Shklar, *Political Theory and the Rule of Law*, in Allan C Hutchinson and Patrick Monahan (eds), *The Rule of Law: Ideal or Ideology?*, Carswell, Toronto, 1987; Brian Z Tamanaha, - *On the Rule of Law History, Politics, Theory*, Cambridge University Press, Cambridge, 2004; Diane P. Wood, *The Rule of Law in Times of Stress*, 70 University of Chicago Law School, Chicago, 2003, etc.

possible definitions and solutions on how one can look at this exquisite idea that perplexes both thinkers and scientist, as well as politicians and bureaucrats. The problem with the understanding of the concept becomes even more acute when it has to be applied to different legal systems and has to be based on a very fragile structure of the EU *acquis* for the rule of law that should bind together all the EU Member States. In this regard, the challenges that the EU is experiencing with Hungary and Poland are just a part of the bigger picture of finding proper approach to the rule of law controversy. Austria, Greece, Romania and also other Member States can all be the cases in point to a varying degree of the problems the EU is experiencing with the rule of law.²⁶ The common values on which the EU is based, according to its TEU Article 2, put the rule of law as one of the most important tenets; one of the *raisons d'être* of the Union, for which, paradoxically, the EU lacks an enforcement mechanism to ensure the respect of it.²⁷ The vulnerability of the EU in the domain of values, with the rule of law as the most prominent, is in the words of Kochenov „caused by a far-reaching systemic problem of the European Union's design and also by the modalities of its day-to-day functioning, both falling short of upholding the much-restated rule of law ideal for the Union.“²⁸

Considering the problems the EU is experiencing, it is no wonder that the centrepiece of the Union's conditionality in the new methodology for the enlargement is extremely difficult to be quantifiably measured in the accession countries. The countries of the Western Balkans need to invest considerable efforts to fight corruption and organised crime, to strengthen and improve their feeble rule of law institutions, build reputable track record and show the overall progress before they can address other chapters/areas of *acquis*. This is coupled with sometimes very slow political and economic reforms in Western Balkan countries, where the ever-slower pace of integration is in direct connection with the shrinking commitment and focus of the Balkan politicians to reforms. Enlargement has stopped being a magic wand that can transform the countries that go through it. On top of that, there is no assurance that even those candidates that became members of the EU have finalised their own transformation up to the expectations of the old Member States.

On the other hand, the EU itself increasingly pays lip service to the idea of enlargement, while at the same time new hurdles and delays tend to be greeted with relief in several key member states.²⁹ The causality expressed in the

²⁶ Carlos Closa and Dimitry Kochenov, *Reinforcement of the Rule of Law Oversight in the European Union: Key Options*, Cambridge University Press, Cambridge, 2016, p. 1

²⁷ Petra Bárd, *Scrutiny over the rule of law in the European Union*, XXXVI Polish Yearbook of International Law, Scholar, Warsaw, 2016, p. 193

²⁸ Dimitry Kochenov, *The EU and the Rule of Law - Naïvetem or a Grand Design?*, University of Groningen Faculty of Law Research Paper Series No. 5/2018, 2018 p. 3

²⁹ Carl Bildt, *The Dangerous Balkan Standstill*, Project Syndicate, <https://www.project-syndicate.org/commentary/balkan-eu-accession-standstill-has-dangerous-implications-by-carl-bildt-2021-08>, last accessed 10 October 2021

sanctioning mechanisms of the new enlargement methodology rest on the very difficult foundations that cannot be addressed easily or fast enough to allow for the roll out of the enlargement process as we have seen in the past EU integration waves.³⁰ Therefore, the road ahead looks less obvious than ever before and there is no assurance that any new methodology could do miracles and bring back the dynamism of the process.

3. Are the Western Balkans integrating with the EU or with themselves?

The long-awaited EU – Western Balkans summit which happened on 6 October came with certain expectations that the things might move forward. Hopes were especially rising when the presiding EU Member State, Slovenia, floated the idea that the EU should expand to include the entire western Balkans by 2030. This proposal from the holder of the bloc's presidency stunned fellow member states ahead of the summit.³¹ The reactions were diverse, with many depicting the proposal as totally unrealistic. Indeed, in the end, the proposed Declaration for the Summit offered a lukewarm language on the enlargement, reconfirming the EU's commitment to the enlargement process and its decisions taken thereon, and immediately conditioning it „upon credible reforms by partners, fair and rigorous conditionality and the principle of own merits“.³² The candidates and potential candidates, which are not mentioned once in the Declaration (the term that has been replaced by „partners“ in the EU's declarations recently), have been offered a lot of conditionality, anti-Covid-19 measures, European Investment Plan money, as well as political and security cooperation, but no clear commitment to either opening of accession talks for Albania or North Macedonia, not to mention any notion of a deadline for joining of the EU for any accession country.

The Summit's tepid Declaration remained the same as proposed in spite of the discussions that took place during the meeting and certain Member States asking for a date. The overall mood was, however, that there should be no real commitment by the EU on the next enlargement. Chancellor Merkel summed it up after the summit: „I don't really believe in setting dates, I believe

³⁰ More on this topic in: Aleksandar Andrija Pejović, *Rule of Law Through the Mirror Glass - Is the New 2020 Enlargement Methodology a Pre-Accession TEU Article 7 Mechanism?*, Anali Pravnog fakulteta u Beogradu, Belgrade, 2021; and Aleksandar Andrija Pejović, *Would Money Make A Difference?": How Effective Can the Rule of Law Based Protection of Financial Interests in the EU Structural and Enlargement Policy Be*, EU And Comparative Law Issues And Challenges Series (Eclic 5) International Scientific Conference - EU 2021 - The future of the EU in and after the pandemic, Osijek, 2021.

³¹ Sam Fleming & Henry Foy, *Slovenia urges EU to admit western Balkan states by 2030*, Financial Times, 1 October 2021, <https://www.ft.com/content/39750a50-faf3-4d25-afdd-f18ef9071e00>, last accessed 10 October 2021

³² Brdo Declaration, 6 October 2021, p. 1.

in making good on our promises: Once the conditions are met the accession can take place.”³³

3.1. Open Balkans

Parallel to that, Open Balkans came as a new initiative to replace what had previously been colloquially called Mini-Schengen. The leaders of three countries Albania, North Macedonia, and Serbia met in Skopje in June 2021³⁴ to reveal a new name for their plans of further regional cooperation and association. The main goal of the three countries is to achieve a Schengen-like free movement area, i. e. a very ambitious intention to abolish border controls for citizens and commerce between their countries by 1 January 2023, as well as a common work permit for the participating members. Whether this can be achieved so fast and its entirety remains to be seen. The creation of a common borderless area calls for many other activities and areas to be synchronised: visa requirements need to be unified and a common software and information sharing system have to be set up. Maybe the most untenable and unrealistic issue are customs. If the Open Balkan members want a common borderless market for goods that are imported, then they need to set up common regional external tariffs, which in turn would demand the creation of common regional institutions to deal with the revenues. Emulating the EU’s success with common borders, which took decades and immense efforts, is not at all easy and therefore, one needs to wait and see what the three Balkan countries will be able to perform in the years to come.

Additionally, the fact that there is an already existing Common Regional Market (CRM) initiative raises the question of the need for a new format of cooperation, which in this case does not include all the members of the Western Balkan region. The Open Balkan initiative aims at completely removing border controls and setting up one work permit for all the members unlike the gradual and less ambitious approach to the aims of the CRM. While many wonder if the extremely ambitious goals of the Open Balkans can be reached in the remaining fifteen months, many others fear that this initiative could present a return to Yugoslav days, diver attention and efforts that instead need to be invested in the European integration process, or actually be a replacement for an EU membership. That is why Pristina, Sarajevo and Podgorica declined the offer to take part in the endeavour. While Montenegro saw the new initiative as drifting away from the Juncker’s 2025 deadline for the EU entry and

³³ Reuters, EU should not set date for enlargement on Western Balkans, Merkel says, 6 October 2021, <https://www.reuters.com/world/europe/eu-should-not-set-date-enlargement-western-balkans-merkel-says-2021-10-06/>, last accessed 10 October 2021

³⁴ European Western Balkans, *Mini Schengen renamed „Open Balkan“; Vučić, Rama and Zaev sign three documents*, 29 July 2021, <https://europeanwesternbalkans.com/2021/07/29/mini-schengen-renamed-open-balkan-vucic-rama-and-zaev-sign-three-documents/>, last accessed 10 October 2021

underlined the need to retain the European perspective,³⁵ in which some, at least in the Western Balkans, still believe as a tangible date; and while Kosovo saw it as spreading of Serbian influence preferring to stick to the existing regional mechanisms (CEFTA, CRM etc),³⁶ Bosnia and Herzegovina is torn internally on the issue, and as often in these matters, not able to take any side.³⁷

At best, in the current circumstances, if the three candidate countries manage to implement the promised goals, this initiative shall remain limited, i. e. without those that would probably apply the wait-and-see strategy. Therefore, one will have to wait to see if the Open Balkans will grow into something worth considering either as a replacement for the EU (for the pessimists) or as a functional tool that would accelerate the EU integration and early reaching of the CRM objectives. Either way, the Western Balkans are moving slowly and without any clear date of integrating into the Union.

3.2. Porous Balkans

The new enlargement methodology indicated the expectation that the candidate countries would show commitment to the strategic goal of joining the Union and that, in this context, the influence of third parties would be prevented. This political framework is now very much emphasised in the methodology, because the perception of the influence of Russia, China, Turkey, as well as the Arab states on the Western Balkans has been felt more and more in previous years. Raising awareness in the region about the opportunities closer integration and reforms entail, as well as tackling malign third country influence are very much underlined by the Communication.³⁸ The EU has also been analysing disinformation and other hybrid threats, originating in particular from third-state actors seeking to undermine the region's European perspective. This is further confirmed by the Brdo Declaration that accentuated that the EU and the Western Balkans share a number of security challenges and that a coordinated action is badly needed.³⁹

³⁵ Biljana Matijašević, *Crna Gora trenutno nije zainteresovana za Otvoreni Balkan: Prioritet zajedničko tržište pod okriljem EU*, Vijesti, 15 August 2021, <https://www.vijesti.me/vijesti/politika/562428/crna-gora-trenutno-nije-zainteresovana-za-otvoreni-balkan-prioritet-zajednicko-trziste-pod-okriljem-eu>, last accessed 10 October 2021

³⁶ Prime Minister of Kosovo Mr Albin Kurti on mini-Schengen initiative: „I do not see why we need mini-Schengen when we have the Berlin Process, which has now been including, since the Sofia Summit, the Common Regional Market“, Nikola Burazer, EWB Interview, Kurti: *Kosovo is becoming a success story, we can live without Serbia's recognition*, 13 July 2021, <https://europeanwesternbalkans.com/2021/07/13/ewb-interview-kurti-kosovo-is-becoming-a-success-story-we-can-live-without-serbias-recognition/>, last accessed 10 October 2021.

³⁷ E. Halimić, *„Mini Šengen“ kreće bez BiH*, Dnevni avaz, 28 July 2021, <https://avaz.ba/vijesti/bih/669664/mini-sengen-kreće-bez-bih>, last accessed 10 October 2021.

³⁸ Ibid, COM(2020) 57, p. 2

³⁹ Ibid (Brdo Declaration), p. 7

The EU, therefore, wants to reinforce cooperation on resilience-building, enlarge its engagement in fields such as space and military mobility to ease access of civil-military assistance to the region in the event of pandemics and natural disasters. Finally, it aims to enhance collective cyber security and cyber diplomacy together with an increase of the impact of the common EU-Western Balkans strategic communication.

The EU has been attempting to achieve two priorities: democracy and security - building with its main instrument - political conditionality⁴⁰ through the Stabilisation and Association Process. However, the Western Balkans have been experiencing a decrease of Western (EU and US) presence, influence and interest in the region. The balance of power of international actors has changed with the emergence of non-Western actors that have started to influence the region on cultural, economic and political level. The broader the gap between the proclaimed goals of the EU's enlargement in the region and the practical level of engagement, the wider the door for third actors' influence has been opening. The reasons for this are manifold; crisis shaking the EU, American withdrawal from the European and Balkan affairs, the ongoing identity crisis⁴¹ as well as a growing lack of progress and commitment to reforms by the Western Balkan countries. That is why the latest Declaration of the October 2021 Brdo Summit put so much emphasis on counter strategies for the third actors' influence, i. e. preventing the EU's „immediate neighbourhood being shaped by others“.⁴²

The three most prominent non-Western actors are China, Russia and Turkey. They all affect and influence the Western Balkan countries and fill the void left by the withdrawal of Europe and America from the region. At the same time, Western Balkan countries show their readiness to be open to new alternatives - though with reservations often dictated by the transatlantic geopolitics.⁴³ The causality of this relationship can be clearly seen on many levels. Where there is less European eagerness to invest, there is enough money coming from China for infrastructure. Turkish reconstructions of Ottoman heritage stand much more visible than EU funds spent on public administration. Russians have a special place in the general perception of the most of Slavic nations in the Balkans as brothers and benefactors unlike their Western cousins.

⁴⁰ Solveig Richter, *Two at one blow? The EU and its quest for security and democracy by political conditionality in the Western Balkans*, Democratization volume 19, issue 3, 2017, p.509.

⁴¹ The question if the union is a supranational state, just a single market, a federation, or something other, in: Martin Sokolov, *The role of international actors in the Balkans*, Journal Diplomacy, MFA Diplomatic Institute, 18/2016, p. 193

⁴² European Commission, Jean-Claude Juncker, President of the European Commission, *State of the Union 2018, The Hour of European Sovereignty, Authorised version of the State of the Union Address*, 2018, p. 4.

⁴³ Roland Lami, Blendi Lami, *Influence of Non-Western Actors in the Balkans, Assessing the EU's Actorness in the Eastern Neighbourhood*, EURINT, Iași, 2021, p. 116

China has built its reputation as one of the most, if not the most important investors in the region. It has established a platform for direct cooperation with the countries of the Western Balkans through its Belt and Road Initiative.⁴⁴ Its low-interest loans with long maturity periods for infrastructure projects have become a prime example of the might of Chinese affluence and influence. Chinese investments in Serbia are well-diversified in metal and energy industry to technology and they go hand in hand with diverse network of government and non-government actors (Confucius institutes and cultural cooperation or student exchanges).⁴⁵ The construction of the Bar - Boljare Motorway connecting Montenegro with Serbia became a case study of the Stanford University⁴⁶ and made Fukuyama conclude rightly that neither the EU nor the U.S. had been able to offer much of an alternative in countering the Belt and Road Initiative, while at the same time Montenegro represented a relatively small investment to win back a strategically important country.⁴⁷ What started as Chinese buying of the Greek port of Piraeus, became a much larger regional strategy of internal connectivity in order to facilitate the transport of Chinese manufactured products from to Europe through the Balkans.

Russia, on the other hand, has been focusing its efforts and influence along the old cultural, religious and ethnic lines - meaning Serbia, Republika Srpska (B&H), Montenegro and North Macedonia. Its political support to Serbia in the UN Security Council opposing the recognition of Kosovo's independence has been upgraded in the last years through an enlarged political presence that provides support for the political aims of Republika Srpska. This political support from Russia comes together with energy investments of Gazprom and oil refineries and petrol stations, especially in Serbia, Srpska and North Macedonia, while Russian investment in Montenegrin real estate made it the dominant actor in this market. Montenegro also witnessed a long court saga over the case of Russian involvement in the general election of 2016, which has seen its ups and downs on the verdict for an attempted coup.⁴⁸ Additionally, Russian influence cannot be fully examined without its expanded media presence through Serbian language operated Sputnik and RT. Ritsa Panagiotou finds that perhaps the

⁴⁴ This does not hold true only of Kosovo that China refuses to recognise.

⁴⁵ Barbora Chrsová, Anja Grabovac, Martin Hála, Jan Lalić (Eds.), *Western Balkans at the Crossroads: Assessing Influences of Non-Western External Actors*, The Prague Security Studies Institute, Prague, 2019, p. 2

⁴⁶ Emily Gray, *The European Silk Road: Montenegro's Decision to Build a New Highway Case Studies*, 2021, <https://cddrl.fsi.stanford.edu/publication/european-silk-road-montenegreros-decision-build-new-highway>

⁴⁷ Francis Fukuyama, *A Highway in Montenegro and the Struggle with China*, American Purpose, <https://www.americanpurpose.com/blog/fukuyama/a-highway-in-montenegro-and-struggle-with-china/>, 26 April 2021, last accessed 10 October 2021

⁴⁸ Associated Press, *Montenegro overturns coup verdict for 2 Russians, 11 others*, 5 February 2021, <https://apnews.com/article/montenegro-serbia-russia-laws-99f6088f797f46fefac4866931083d5f>, last accessed 10 October 2021.

most crucial indication of the geopolitical shift caused by the EU looking inwards and focusing on its serious domestic challenges has been the resurgence of Russian policy, influence and involvement in the region.⁴⁹

Turkey's presence in the region has been growing exponentially as the space and possibilities for its European integration diminished. On the basis of a resilient multicentennial presence and its civilisational influence, Turkish policy today mainly centres on social, cultural, religious and economic issues. On the other hand, Western Balkan governments aspire to maintain good relations with Turkey considering their own economic shortcomings, unemployment, and the risk of irregular immigration.⁵⁰ The revival of neo-Ottoman heritage has, thus, played strongly in the relationship of Turkey with its Balkan neighbours. Networks of Turkish religious and cultural institutions have steadily grown in many parts of the Western Balkans, while educational institutions sprang up, only to revive and strengthen demographic and cultural linkages.⁵¹ Turkey has also actively worked on its trade and investment relations with the Balkans through various chambers of commerce and investment boards such as the Foreign Economic Relationship Council.⁵²

As one can witness, the porousness of the Balkan region makes it an ideal field for various interests and influences of non-Western factors. If the ultimate goal of the Western Balkans is, as it is regularly confirmed, full membership in the European Union, then there should be no space for an increase of any of the third actors' roles in the region. This notion and conditionality have to be perfectly clear both to the EU and the Western Balkans. However, as specified earlier, the EU has not been experiencing the best period of its life.

4. Factoring in the role of crises

Crisis has become one of the words most associated with the EU in recent years. Whether we talk about the economic and financial crisis, migration, pandemic or the crisis of the functioning of the Union, this has turned to be a constant in the media coverage and the overall discourse about the future of the Union. In these circumstances, the EU has to find a way to bring back its enlargement policy to its former significance. Hence, when one talks about the future of the Western Balkans in the European Union, one ought to factor in the impact of the past, current and potentially future crisis events.

⁴⁹ Ritsa Panagiotou, *The Western Balkans and the EU-Russia Tug of War*, Essays, Politics & Foreign Affairs, Society, Impakter, <https://impakter.com/the-western-balkans-and-the-eu-russia-tug-of-war/>, 15 August 2019, last accessed 10 October 2021

⁵⁰ Mehmet Üğur Ekinci, Turkey and the Western Balkans: Stable Relations and Deepening Cooperation, in Sasha Toperich and Aylin Ünver Noi (eds.), *Turkey and Transatlantic Relations*, Washington DC, Center for Transatlantic Relations, 2017, pp. 167

⁵¹ Alida Vraćić, *Turkey's Role in the Western Balkans*, SWP Papers, Berlin, 2016, p. 6

⁵² Aslı Aydintاشbaş, *From Myth to Reality: How to Understand Turkey's Role in the Western Balkans*, ECFR Essays, 2019. P. 217.

The EU has enjoyed a very long period of economic, social and integration progress. Almost unimpededly, ever since its creation, the Union has acquired more wealth, more members and more prestige. It seemed that the process of the integration of the whole European continent is irreversible. The Big Bang Enlargement had finished with the remaining two new Member States set to join in 2007, the proposal of the European Constitution was tabled, while economy was booming. Then came a row of problems that hit the European project. First came the rejection of the Constitution in the French and Dutch referenda, followed by the preparation of a less ambitious Lisbon Treaty. Then came the first major economic and financial exam for the Union.

The economic crisis of 2008 led to a full-fledged debt crisis in Member States which were particularly exposed to structural problems caused by global market disruptions and could no longer pay their due obligations. Greece, Spain, Italy, Portugal and Ireland were forced to seek financial assistance from their European colleagues to be able to overcome the thrust of the debt crisis. This provoked many to deliberate and speculate about the end of the euro, euro area or the EU as such. The distress was both visible in the northern brethren, who could not hide their disappointment of the lax policies of the rest of the Union, and the southern relatives, who felt left out by their richer neighbours. Forgotten borders and prejudices started to spring up across the EU undermining the principle of the unity and mutual assistance. All this led to a change in the perception of the European Union, that is, to less and less trust in the Union and its possibilities, and even in its legitimacy itself. Former Commission's President Barroso named this as „the greatest challenge in the history of the Union – a crisis of confidence in our leaders, in Europe itself, and in our capacity to find solutions.⁵³

The Union managed to survive and to strengthen its own mechanism of financial and banking control as well as pour in badly needed money to those that needed it. This happened at the time when Croatia was finalising its accession process in 2011 and joined in 2013. At the same time the first of the remaining Balkan countries – Montenegro – opened accession negotiations in mid 2012. The new approach with the focus on the rule of law was specifically designed for Montenegro and any other newcomer to the accession talks in order to deal with this important issue, but also to set up new rules of game that would consequently alter the length and content of the talks. The EC President of the time Jean-Claude Juncker summed it up in 2014 upon taking the office when he pointed out that EU enlargement had proven to be an historic success, but that the EU needed a break to find a way to absorb thirteen new member states in the last 10 years and to consolidate what had been done, practically announcing that no enlargement would happen in the next five years.⁵⁴

⁵³ European Parliament, President of the European Commission José Manuel Durão Barroso, European renewal - State of the Union Address 2011, SPEECH/11/607, Strasbourg, 28 September 2011

⁵⁴ European Commission, Jean-Claude Juncker, *My Priorities*, 2014

And then, there was another crisis in coming. The Union was about to be left by one of its most populous and richest members - the United Kingdom. The 2016 referendum marked the return of the reversibility of the process of unification of the continent. When TEU Article 50 was initiated after that, the UK entered a long period of exit from the Union that ended on 31 January 2020. Brexit became a buzzword and replaced any notion of enlargement happening during the time of the British lengthy exit. The credibility and strength of the Union had been not only shaken in the eyes of external spectators, but the loss of such a Member State had a profound impact on internal functioning of the Union. First of all, a delicate balance of power among the Member States in the Council has been lost, and the UK has been one of the greatest proponents of enlargement, not only to the Western Balkans, but to Turkey, too. Now, Italy remained the only one of the great four that really had interest and will to push for enlarging the Union to its direct neighbourhood. French reluctance gradually transitioned into open opposition to any new Member State in near future, the results of which are at present enjoyed by North Macedonia and Albania. Germany, although in principle, and in political sense, supportive of the enlargement, has not been so prominently advocating the entry of any candidate country the way it had done with the previous waves of Central European enlargements and Croatia. Finally, the EU administration has been so much focused on Brexit, that there was not enough space to have enlargement policy placed high on any agenda or develop better mechanisms or measures to deal with the challenges in the Western Balkans.

The British referendum negotiations and the media frenzy over it were very much guided by the issue of renegotiation of the freedom of movement, labour and immigration package. This coincided with the migration crisis, which at the time stroke at the unity of the EU in the field of justice, freedom and security. Actually, the crisis with the migrants from Syria was the tip of iceberg of problems with the functioning of external borders security, Schengen zone, the inefficiency of the asylum system, and finally terrorist attacks in a number of European capitals. A feeling of insecurity spread across the Union and started to affect the policy-makers in their approach on dealing with the issue of asylum, border security and terrorism. The issue of migrants from the Middle East cannot be easily separated from the issue of terrorism as the public perception prevalently saw millions of Syrian and other refugees in 2015-2016 as a threat for the „European way of life“. When in April 2015, the European Commission proposed a Ten-Point Plan⁵⁵ for overcoming the crisis, the proposal of relocation of 120,000 migrants was jointly rejected by Visegrad Group (Poland, the Czech Republic, Slovakia and Hungary) stating that they would not agree to binding long-term reallocation quotas. When the Visegrad Group countries were outvoted in the Council by QMV,⁵⁶ a crack in the unity

⁵⁵ Council of the EU, Press release, *Joint Foreign and Home Affairs Council: Ten-point action plan on migration*, 20 April 2015, Luxembourg

⁵⁶ More on contentiousness of QMV usage in migration matters in: Florian Trauner, *Asylum policy: the EU's 'crises' and the looming policy regime failure*, Journal of European Integration 38.3 (2016): 311-325

became wider showing very divergent views among Member States on how many migrants the European Union should accept and how responsibilities will be shared among Member States with regard to providing migrants with access to health care and education. Only when the EU concluded an agreement⁵⁷ with Turkey managed to put aside the divisions in the Council as it stopped the influx of migrants entering the Schengen area from Turkish territory first through Greece, and then again from the Western Balkans into the Central European Schengen Members.

The Western Balkans played their part of the role in this crisis as they were an instrumental element of the so-called „Balkan-route“. This brought the region back to the limelight of the EU, though in somewhat different light than what was hoped for in the context of enlargement policy. No matter what the geostrategic security and political position of the Western Balkans came to be in these specific circumstances, the feeling of importance was quickly replaced with the feeling of being an ante-chamber for migrants along the established route. The crisis, therefore, has not helped the Balkans to move closer to the membership.

One of the consequences of migrant crisis, along with the overall negative environment for the European unity, was an increase in support for extreme political parties in certain EU member states, such as Sweden, Finland, Poland, Germany or France, as well as its impact on the UK's referendum. Within this frame of increased political extremism, the EU has started to experience a crisis of the rule of law. It has been a different crisis, less visible and present in public discourse. The situation with Poland and Hungary has been the most acute example of how much the EU is divided along the fundamental values lines. Just take the most recent ruling of the Polish Constitutional Tribunal that put into question some of the key articles in the EU treaty for their possible inconsistency with the Polish constitution.⁵⁸ It seems that the Union has never managed to create sufficiently efficient mechanisms to deal with possible breaches of the rule of law. And above all, the rule of law crisis has had the most profound effect on the enlargement methodology, i. e. any problem or challenge the EU has experienced with it in the past years has had an impact on more and more stringent criteria for membership.

Finally, the pandemic of Covid-19 has had its share of impact on the enlargement policy. The decision to open accession talks with Albania and North Macedonia happened right at the beginning of long Covid-19 lockdowns and certainly did not help these two countries move further along the path

⁵⁷ Factsheet on the EU-Turkey Statement, https://ec.europa.eu/commission/presscorner/detail/en/MEMO_16_963, 19 March 2016, last accessed 10 October 2021

⁵⁸ Polish Constitutional Tribunal, Assessment of the conformity to the Polish Constitution of selected provisions of the Treaty on European Union, K3/21, 7 October 2021, <https://trybunal.gov.pl/en/hearings/judgments/art/11662-ocena-zgodnosci-z-konstytucja-rp-wybranych-przepisow-traktatu-o-unii-europejskiej>, last accessed 10 October 2021

towards convening the first intergovernmental conference. It has rather added to a long list of things that turned the attention of the Union away from the Balkans.

To sum it up, the debt, Brexit, migrant, rule of law and pandemic crises - have all further undermined the enlargement policy producing a delaying effect, i. e. prevented institutions and EU Member States from dealing with the queue of members in waiting.

5. Possible scenarios for the future of enlargement in the Western Balkans

The Western Balkans is at the crossroads again. Its road towards the European family is today more uncertain than it was for recent decades. As one could see, while the Zagreb 2000 Declaration offered „the prospect of accession“⁵⁹ and Thessaloniki Agenda of 2003 reiterated the „unequivocal support to the European perspective“⁶⁰ of the Western Balkans to the acceding and candidate states; the Brdo Declaration repeated the usual phrase of „unequivocal support for the European perspective“⁶¹ of the „partners“ in the Western Balkans. Candidates or acceding countries have long disappeared from the new generation of declarative documents (the same one as in the Sofia 2018⁶² or Zagreb 2020 Declaration⁶³). These small changes and the fact that after two decades still only a perspective is offered to the remaining Balkans can make many disillusioned with the prospects for the future. This paper offers three different scenarios, which the author finds as the most tangible and sustainable to happen: a group approach that would take long years; an option of letting in individual countries to placate and raise hopes; and an additional scenario where the European inactivity gets interrupted by a possible conflict in the region.

5.1. A long march home

When Chancellor Merkel warned that „we should always keep as our goal that in the end it is about the six countries“⁶⁴ she synthesised the German enlargement policy for the last decade - a policy of caution and regional approach rather than the one where any individual country could repeat the feat of Greece in 1981 and Croatia in 2013. If one carefully monitors the language of the European Union in the last decade, the „regatta principle“ has never been really officially abandoned, although the „convoy principle“

⁵⁹ Zagreb Summit 24 November 2000 Final Declaration, p. 2

⁶⁰ EU-Western Balkans Summit Declaration, 21 June 2003, p. 1

⁶¹ Ibid (Brdo Declaration), p. 1

⁶² Sofia Declaration, 17 May 2018

⁶³ Zagreb Declaration, 6 May 2020

⁶⁴ Dušan Telesković, *AufWiedersehen, Angela - Šta je kancelarka ostavila, a šta odnela Zapadnom Balkanu*, Nedeljnik, 16 September 2021, p. 6

has been mentioned and discussed at multiple occasions. When Montenegro officially opened accession talks in 2012, it was the only Balkan country to start negotiating. At the time, Turkey was still conducting accession talks and opening a chapter here and there, while Iceland was uninterrupted yet by the political decision to suspend the EU negotiations. Until Serbia opened accession talks in January 2014, it was Montenegro which really progressed towards membership and chances were high as it managed to open as many as seven and provisionally close two chapters by the end of 2013.

In the following years, the situation has much changed. Iceland dropped from the race altogether, Turkey managed to open its last chapter in 2016⁶⁵ and Montenegro and Serbia started to create an initial track record of opened and provisionally closed chapters. In 2017 Juncker started to use a new phrase „frontrunners“ and changed the approach of no enlargement under his commission to a more tangible deadline of 2025⁶⁶ for the two frontrunners of Montenegro and Serbia. At the time, it seemed that there would be no group joining involving Albania and North Macedonia as Montenegro and Serbia were too far ahead to be joined by any other candidate country.

The „Western Balkan partners“ are at the point where Podgorica is currently unable to provisionally close any chapter while Belgrade needs to do much more on its rule of law European agenda to continue opening chapters through clusters. Tirana and Skopje are in a vacuum of a long-awaited decision to convene their first intergovernmental accession conference. At the same time, a decision of granting candidate status or opening accession talks for Sarajevo and Pristina are not even within sight. The outlook, therefore, does not seem to be any brighter than it has been for the last couple of years as not much has changed.

In these circumstances, and considering the recent declarative language, it is highly unlikely that there would be any breakthrough for the enlargement to happen for some time ahead. It would probably continue with a low-key rhythm and in a group format. This would mean that the „frontrunners“ will wait for Albania and North Macedonia to start the chapters screening and open the first clusters. Once these two newcomers open the Fundamentals’ Cluster and focus on the rest of cluster-opening, the differences shall not be so unsurpassable. This would give ground to the feeling that there should be a date for the four Western Balkan countries to enter the EU sometime in the thirties and with the understanding that they fulfil all the set conditions and criteria. This would also involve an understanding that the EU of the thirties would remain ready and interested in enlarging itself, which would heavily depend on multitude of factors (crisis and non-crisis ones).

⁶⁵ Chapter 33 Financial and Budgetary Provisions was opened on 30 June 2016.

⁶⁶ European Commission, *State of the Union Letter of Intent to Antonio Tajani and to Prime Minister Juri Ratas, by President of the European Commission Jean-Claude Juncker*, 2018, p. 10

In any case, a group entry would still not solve the issue of potential candidates - Bosnia and Herzegovina and Kosovo. Recent calls for a group format of enlargement of the Union onto all the six Western Balkan countries are, therefore, putting political and geostrategic thinking ahead of technical readiness requirements. A joint entry of the WB six would delay even further the prospects of the WB four as they would have to wait for the latecomers. This would lead one to think in terms of the forties rather than thirties for the conclusion of the accession process. In both sub-scenarios, the remaining part of South East Europe has a long way to go until it can finalise its European goal. The politicians and other decision makers would, thus, start questioning the costs and benefits of the marathonic process, which would be an introduction into a state of mind as we witness it today in Ankara.

5.2. It's a tune for one

A possibility to have one country acceding the Union has never been dismissed. Historic occasions in 1981 and 2013 support this theory, while the EU has always reiterated its commitment to the individual-merit-based approach. However, this scenario is less likely now to occur than the previous one involving a long-term group enlargement. Why is that?

Take Montenegro - one of the „frontrunners“. It has opened all the 33 chapters that are negotiated for this country, and it managed to provisionally close three of them - therefore, not just the „easy ones“ dealing with Education and Culture (25) and Science and Research (26), but also Chapter 30 that deals with external economic relations of the EU with other countries. Montenegro, thus, has shown capacity to fulfil closing benchmarks and close chapters, so the question is why it has not closed anything since 2017. The New approach of 2012 introduced a conditionality mechanism that put the rule of law chapters (23 and 24) as the litmus test to any other progress. A lack of progress of Montenegro in fulfilling as many as 83 interim benchmarks for chapters 23 & 24 prevented the country's bid to close any further chapter. This unofficial „brake system“ was then „legalised“ into an official condition with the new enlargement methodology of 2020 that prescribes that a candidate country cannot close chapters before it fulfils rule of law interim benchmarks and receives the closing benchmarks for the two key chapters.

If Montenegro manages to break from this magic circle of reinvigorated conditionality and indeed receives chapters 23 & 24 closing benchmarks in the near future (two to three years), then it would be possible to think about the country creating progress in closing chapter by chapter, thus leading to a possible finalisation of the accession talk within this decade. Montenegro could, therefore, be successful on the condition that it really manages to produce a reputable track record in the area of fight against organised crime and corruption and convince the EU Member States that the achieved would be enough for a positive decision on entering a new phase of its work on the rule of law issues. Even in this overtly positive scenario, the country would be

negotiating close to two decades – a period which, aside from Turkey, the EU has never experienced before.

A similar scenario could also be envisaged for Serbia as this country has already a good stock of eighteen opened chapters, but Belgrade would need to produce more concrete results in the area of judiciary, freedom of expression, fundamental rights and security if it wants to really come to a phase where all the clusters become open and, again, interim benchmarks for chapters 23 & 24 are fulfilled. Serbia, however, would have an additional endeavour to take on. Its Chapter 35 is about relationship between Belgrade and Pristina, and even once the country fulfils interim benchmarks and gets closing benchmarks for this chapter, it would still remain to be seen how the Council / Member States would receive a country whose borders and sovereignty issues are not fully reconciled, i. e. the Cypriot scenario would not be easily an option in the next years.

Ultimately, in the case the individual entry scenario really comes to life, the real hard question would be if the Member States are ready to undergo the pains of the process of legal and structural changes of the Union just because of letting in one new Member State, be it Serbia, or even more because of such a small country as Montenegro is. This issue has been vocally articulated in French positions of „the Union needs first to resolve its own issues“ and then enlarge, that Mr Macron⁶⁷ did not hesitate to mention each time the enlargement came into the focus. Ideally, for one country to enter, the best would be the first year of the successive financial perspectives, i. e. 2028 or 2036. But even those entries would call for extensive legal preparations and reconfiguration of numbers and data that the EU is much less eager to undergo than it was in its last golden years around the adoption of the Lisbon Treaty.

5.3. A conflict could change everything

A scenario that could actually change everything is, unfortunately, a scenario based on a possible conflict erupting in the region. From time to time, we hear of the possibilities of having another conflict happening if nothing is done in the Western Balkans. Sometimes, these voices are discarded as not realistic, but sometimes due interest and focus is given to them by those who carefully study the possibilities of conflict in „cleft countries“.⁶⁸ If really the

⁶⁷ „I am more than skeptical toward those who say that the future of Europe lies in further enlargement, when we can't find agreement between 28 nations,“ Macron said as he left fruitless all-night negotiations in Brussels on Monday. „And I am insistent on the fact that I will refuse all forms of enlargement before deep reform to the way we function institutionally.“ - Richard Lough, *Size matters: France deflates EU enlargement aspirations*, Reuters, 2 July 2019, <https://www.reuters.com/article/us-eu-enlargement-idUSKCN1TX2AA>, last accessed 10 October 2021

⁶⁸ Huntington's Clash of Civilizations presents the thesis of cleft countries as those where „Identity issues are, of course, particularly intense in cleft countries that have sizable groups of people from different civilizations.“ Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, Simon & Schuster Paperbacks, NYC, 2011, p. 307.

Western Balkans is „a cleft region“,⁶⁹ then there are good chances a conflict can emerge at any point of time, especially when there are no safety breaks i. e. when prevention mechanisms are left without proper maintenance. At this point of time, the feeling in the Western Balkans about the lack of shared European destiny with their EU brethren has been the strongest. As we have argued in this article, third actors are gaining ground caused by a lack of the Western World’s presence, which had been in turn caused by permanent state of crisis and, to add, a lack of real economic and political interest in the region. Balkan politicians now have an increasingly unclear agenda, the clarity of which is necessary to bind them to reforms; while the burden of EU standards is becoming less and less attractive for them. This creates a spiral of new political and geostrategic alliances that involve non-EU actors that might not regard the current set-up of the region as the only realistic one thus favouring change.

In turn, any change of the fragile geopolitical and geo-security architecture of the Balkans can open up the region to a possible conflict. The difficulty is that this conflict can erupt anywhere in the Western Balkans and the domino effect, as all the countries are fully interconnected, can flare up the whole area. A conflict between Pristina and Belgrade can lead to the involvement of Albania and influence the delicate structure of relations in North Macedonia. A conflict occurring in Bosnia and Herzegovina might be a call for the involvement of its neighbours and would affect the relationship and balance of powers on the axis of Serbia-Kosovo-Albania. A disturbance of the ethnically most diverse country in the region (and the EU frontrunner) – Montenegro – would mean not only a defeat of the European policy in the Balkans, but would send the waves of tremor across the peninsula.

The list of feasible conflicts can go further, but the real paradox lays not in their acute possibility. Rather it is the fact that any more serious conflictual situation in the Western Balkans would inevitably lead to an interruption of the current policy of the EU (and America, to that end) towards the region. For good or for bad, Brussels, as well as Washington, would then need to fully change their approach and find a better mechanism to deal with the issue of the remaining piece of the continent that is neither inside, nor outside of the Union. This means that the EU would either need to find a way that would not leave the Western Balkans just floating by its side – with the danger that that could be two very different scenarios.

The first scenario could be that Brussels would finally try to set up a target date for the entry of the Western Balkans and establish a very clear and understandable list of criteria that the Balkan candidates need to fulfil. This optimistic scenario would build on the need to find a new approach to prevent any further conflict by finally getting the region into the Union before years of European investment and effort, be it pre-accession assistance or the huge

⁶⁹ Or a „region of cleft countries“.

political capital spent on finding sustainable solutions, evaporate leaving no chances for the European future of the region. The EU would need to present serious and rigorous criteria that would need to be fully respected according to an agreed timetable, but also to respect its own commitments and deliver on them. Concomitantly, the Western Balkan leaders would need to approach their integration agenda with full responsibility and honesty, discipline their public administration and focus on real reforms that bring change. Only a serious and committed approach by both sides could produce real and tangible results.

The second, pessimistic, scenario would mean the EU would look at any new conflict in the Western Balkans as a final reminder that the region has no potential for stabilisation and subsequent accession. This would prove right those that claim that the Western Balkans cannot and will never be ready for the Union. A conflict would dissolve any hopes for the region to join the Union for some decades to come. Western allies would have to find a way of keeping in peace and stability their Western Balkan island, surrounded by their Schengen and non-Schengen borders alike. However, this option would not include any enlargement of the Union onto the region, and we would witness a birth of a new policy towards the Balkans which would be more of a neighbourhood policy with an additional focus on stabilisation and measures for preventing an enlarged third actors' influence. Therefore, more security and politics, and less of technicalities, i. e. the termination of enlargement as such.

6. Conclusions

The Western Balkans are at a special moment in their European integration timeline. Twenty-one years after the opening of the European perspective for the remaining part of the Balkan Peninsula, the future is more uncertain than ever. Paradoxically, the feeling of certainty and hope in a foreseeable EU entry for the Western Balkans has been diminishing as the number of declarative documents on the „European future of the Western Balkans“ in the region's neighbourhood (Sofia, Zagreb, Brdo) was growing. At the same time, the disorientation of the candidates and potential candidates on the European prospects has gone hand in hand with a multitude of criteria and conditions in new methodologies. Finally, more of non-Western actors has replaced less of the EU and American presence filling the void in economic, political, security and cultural matters.

Within these specific circumstances, it is indeed very difficult to predict when the next, seventh, enlargement is going to happen. This paper has tried to offer three scenarios through which one can observe the enlargement developments in the next few decades; a group scenario with a package solution for the whole region; a separate entry of one or two countries, and finally a conflict scenario that can have a negative, but also a positive impact on the Balkan enlargement policy.

The first two options, both the team and the individual entry into the EU, could take a greater part of the next thirty years of integration. Montenegro is next year entering its second decade of accession talks, Serbia will also follow soon in 2024. The outlook for the rest remains bleak – Albania and North Macedonia have a long way to go even after they manage to officially start the bilateral screening. At the same time, Bosnia & Herzegovina and Kosovo need first to achieve their candidate status to be able to look for the negotiation process to start. However diverse, none of the Western Balkan „partners“ can easily get out of the complexity of enlargement conditions. The conditionality has grown more stringent, complicated, demanding leaving the candidates and potential candidates in a quagmire of public administration’s inability to produce results, lack of will of politicians to undertake real reforms as well as too high and sometimes unreachable moving targets set by Brussels. Therefore, years will need to pass before the region scores an entry in the Union.

A potential for conflicts has never left the region. It is very possible to have a scenario where any, even a minor, conflict could ignite the whole region and thrust it backwards for decades. The third scenario might look as the most unrealistic one, but if it happens at some point, it would have a huge impact on both the region and the EU. As explained in the article, it could be a catalyst for an enlarged and this time more effective focus of the Union in the Balkans, but it can also come as a termination of the European dreams in the region.

The current situation, recent developments and possible future scenarios all denote the complexity of the situation in the Western Balkans. This calls for a very serious contemplation and subsequent action in order to find the suitable solution for the only remaining part of the European continent that wants to join the Union.

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