

THE EU WESTERN BALKAN STRATEGY: ENLARGEMENT PERSPECTIVE OR UNREALISTIC EXPECTATIONS

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Abstract

The much-awaited Western Balkans Strategy entitled “A credible enlargement perspective for and enhanced EU engagement with the Western Balkans” comes eighteen years after the introduction of the Stabilisation and Association Process for this region. The Strategy aims to provide a credible enlargement perspective for the Western Balkans besides the fact that still the candidate countries are far from membership.

The paper gives critical explication of what “credibility of enlargement” actually means in practice and if there is a realistic perspective for membership of the candidate countries of the Western Balkans by the projected year 2025. There is a disagreement among the EU foreign ministers over the projected year of integration, but the front-runners according to the Commission's assessment are Serbia and Montenegro, while Albania, Bosnia, Kosovo and Macedonia could join later.

The Strategy does not leave a lot of space for optimism because it detects the key issues that have to be targeted, such as poor rule of law performance, organized crime and corruption at all levels of government and administration, etc. Besides that, it emphasizes on the non-functioning market economy among “Western Balkan Six”. And last but not least is the key issue of adopting binding solutions for bilateral disputes prior to their accession, which means that the Greek-Macedonian name dispute should be solved before the accession, without offering involvement of any EU Member States. The Strategy fails to address the idea of grouping countries of the Western Balkans as a whole and offering a package for membership, but instead, it favors individual accession of countries. Besides the good opportunity for the Balkans, the Strategy does not spread much optimism for the region.

Keywords

European Union, Western Balkans, Member States, enlargement.

Introduction

The beginning of February 2018 was marked by the introduction of the new Enlargement strategy for the Western Balkans entitled “A credible enlargement perspective for and enhanced EU engagement with the Western Balkans”.

The Strategy on Enlargement of Western Balkans was adopted during the so-called “year of opportunity” (“At a glance”, 2018), which followed after the discouraging message of the European Commission in 2014 that there would be no enlargement during its term. However, 2017 was a year of growing willingness to move the enlargement higher on the EU agenda, and it was done by dynamic actions undertaken on many levels. This has increased the optimism and expectations of the Western Balkan countries for sooner accession. In March 2017 the European Council discussed the situation in the Western Balkans and the leaders stressed the need of continuing on the reform path, expressing full commitment to support EU-oriented reforms and projects, good neighborly relations and inclusive regional cooperation initiatives (European Council, 09-10/03/2017). Afterwards, a pro-active role has been undertaken by the President of the European Commission, Jean-Claude Juncker, who stated in his State of the Union address (State of the Union Address, 2017) that if the EU wants more stability in its neighborhood, then the EU has to maintain a credible enlargement process for the Western Balkans. But, he also pointed out that there would be no further enlargement during the mandate of the current Commission and Parliament because no candidate is ready.

Subsequently, President Juncker presented a Letter of Intent (State of the Union, 2017) to the European Parliament and to the Prime Minister of Estonia, where the Commission plans to launch a new initiative with a 2025 perspective and that is a Strategy for a successful EU accession of Serbia and Montenegro as frontrunner candidates in the Western Balkans, with a particular emphasis on the rule of law, fundamental rights and the fight against corruption and on the overall stability of the region. The Strategy on Enlargement of Western Balkans was followed up by the EU-Western Balkans Summit on May 17th,

2018 in Sofia where the leaders confirmed the European perspective of the region and set out a number of concrete actions to strengthen cooperation in the areas of connectivity, security and the rule of law (Press release, EU-Western Balkans Summit, 2018). In fact, Bulgaria that has been holding the EU Council Presidency since January 2018 stands for Western Balkans enlargement and this issue is among its priorities. An encouraging light comes even from the European Commissioner in charge of digital policies, Mariya Gabriel (Stupp 2017), who prepares a plan for reducing roaming charges between EU and the Western Balkans. This ended up as a conclusion at the EU-Western Balkans Summit in Sofia, where for the new Digital agenda partners agreed to extend the region's arrangements to reduce roaming costs to all six partners, while at the same time the EU took commitment to develop a roadmap to lower the cost of roaming between the Western Balkans and the EU (Press release, EU-Western Balkans Summit, 2018).

However, the EU enlargement towards Western Balkans has been a missing piece of the puzzle for complete and successful European project. The Western Balkans geographically and culturally belong to Europe and the stability of the EU is closely related and dependent on the stability in this critical region. But will this “year of opportunity” bring an enlargement perspective or it may just lead towards unrealistically high expectations for the Western Balkans six?

Looking through the prism of historical development, the progress that has been made over the past fifteen years for EU accession of the Western Balkan countries does leave some space for optimism, but not much. At the Thessaloniki EU-Western Balkan Summit in 2003, the Union declared its ‘unequivocal support’ for the region's European perspective. In the meantime, Croatia only became a EU Member State and the rest of the countries (Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia) have faced different challenges that prevented their developments to follow closely the EU accession criteria. The slow progress is visible in the fact that Albania, Macedonia, Serbia and Montenegro have a candidate status, Bosnia and Herzegovina has applied for it, and Kosovo is behind this process. Visa liberalization towards the EU has become available for all the countries except Kosovo. They have all signed Stabilization and Association Agreements (SAA) with the Union, and Montenegro and Serbia are considered as most successful since they have opened negotiations for several chapters of the EU *acquis*.

Since the Thessaloniki Summit, the EU has been growing constantly with 13 new member states in three waves of enlargement (2004 – the big wave with 10 new Member States, 2007 – Bulgaria and Romania, and 2013 – Croatia). EU enlargement conditionality has changed over time and its evolution is visible across different enlargement waves (Gateva, 2015). Copenhagen criteria (Accession criteria, n.d.) are facing strengthened conditionality compared to the previous enlargement waves. For the Western Balkan countries these criteria are particularly emphasizing the rule of law as part of the political criteria, economic governance from the economic criteria and democratic institutions in the context of administrative and institutional capacity for effective implementation of the *acquis*.

In addition, the EU critics for unfinished reforms and stricter criteria for accession for the Western Balkans are reflected in the decreasing Euro-enthusiasm that is slowly transforming into Euro-pessimism (Balkan Barometer 2017). In the context of enlargement, we have to be reminded that the Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration (Accession criteria, n.d.). Eventually, the EU reserves the right to decide when a candidate country has met the accession criteria and even when the criteria are met, the EU has to be ready to accept the new members, which relies on the political will.

Priority Reforms, Initiatives and Specific Measures of the Western Balkans Strategy

The long-awaited Strategy “A credible enlargement perspective for and enhanced EU engagement with the Western Balkans” sent a signal for the Western Balkan countries that the EU is putting strong efforts for renewing its engagement in the region. This signal was ensured with a series of different initiatives designed to bring specific benefits for the citizens. The Strategy once more acknowledges that the Western Balkans is part of Europe, geographically surrounded by EU Member States that share a common heritage and history, opportunities and challenges with the EU, but they also share the same future. The Strategy confirms that the firm, merit-based prospect of EU membership for the Western Balkans is in the Union's very own political, security and economic interest. A credible accession perspective is the key driver of transformation and therefore offers the Western Balkans a historic window of opportunity, but the countries

may catch up or overtake each other depending on the progress made. Acknowledging that the Union must be stronger and more solid before it can be bigger, for the first time the Strategy indicates a possible date for accession of Serbia and Montenegro by 2025, since they are considered as the most advanced in the accession process. But this perspective is indicated as possible and extremely ambitious and whether it is achieved will depend fully on the objective merits and results of each country, so the window of opportunity is opened for any of the countries.

The Strategy is mainly focused on highlighting the *reform priorities* for the Western Balkans since the accession criteria are not met by any of the potential Member States from the region. Comprehensive and convincing reforms are required in three crucial areas: **the rule of law, competitiveness, and regional cooperation and reconciliation**. Addressing the reforms in the area of ‘the rule of law’, the EU explicitly emphasizes that the countries show clear elements of state capture, including links with organized crime and corruption at all levels of government and administration, strong entanglement of public and private interests and controlled media. Therefore, visibly empowered and independent judiciary and accountable governments and administrations are essential for bringing about the lasting societal change that is needed.

Regarding the second area of competitiveness, none of the Western Balkans can currently be considered a functioning market economy, nor to have the capacity to cope with the competitive pressure and market forces in the Union. The structural weaknesses should be addressed, such as low competitiveness and high unemployment.

The third area of action refers to commitment for overcoming the legacy of the bilateral disputes in the region and the instability they could entail. The Union urges for adoption of definitive and binding solutions to the bilateral disputes prior to accession. As the Strategy emphasizes, “they must be solved as a matter of urgency by the responsible parties” facilitated by an atmosphere of good neighborly relations (European Commission, Strasbourg, 6.2.2018, COM 2018). But the EU declares neutrality by emphasizing that “regional co-operation, good neighborly relations and reconciliation cannot be imposed from outside. The leaders of the region must take full ownership and lead by example” (European Commission, Strasbourg, 6.2.2018, COM 2018). This leads towards the conclusion that the Union is reserved for the vetoing practice, considering it as it is done by some external factors. But the practice has shown that the EU is involved in many different disputes when

it comes to negotiations or finding solutions. There has been a long dispute between Croatia and Slovenia, but now it is transformed into an external one. Croatia is currently the country with the most unresolved border issues with the Western Balkan countries (Marini, 2018). Compared to the current potential bilateral issues, the Croatian-Slovenian border dispute seems completely harmless. There are many open and unresolved issues referring to border, property and social disputes. Additionally, problems with missing people during the war, prosecution of war crimes, the struggle with nationalism, hate speech, the rewriting of history, the monuments game are all problems with explosive potential (Marini, 2018). The dispute with the highest potential for long-term vetoing accession is the Greek veto over Macedonia based on the country's name, but the Strategy doesn't say a word about this particular case and it is generally addressed.

The Strategy considers Montenegro and Serbia as front-runners in the process of accession. Albania and Macedonia are making significant progress on their European path, especially in terms of their alignment with the EU foreign policy and the Commission is ready to prepare recommendations to open accession negotiations, on the basis of fulfilled conditions. Still, for the Republic of Macedonia, the main obstacle remains the name dispute with Greece and there are high expectations for resolving. Bosnia and Herzegovina has recently submitted the answers to the membership application and the Commission will start preparing an Opinion. The EU hopes that Bosnia and Herzegovina will get a candidate status soon. There are not many specific details about Kosovo's accession. The Strategy considers that Kosovo has an opportunity for sustainable progress through implementation of the Stabilization and Association Agreement and then forge ahead 'once objective circumstances allow'.

These commitments will have certain implications over the EU as well. Enlargement requires additional costs for the EU citizens and institutional arrangements and therefore it will have strong impact over the public support. Accordingly, the Strategy has a set of actions to be taken in 2018, such as launching an initiative to strengthen enforcement of the rule of law; adopting communications on the possibility to enhance the use of qualified majority voting; and stepping up strategic communication. Specific provisions for enlargement will be reflected in the Commission's proposals for the EU budget after 2020. Special arrangements will be made with respect to national languages of the future Member States and irrevocable

commitments to ensure that new Member States are not in a position to block the accession of other Western Balkan candidates.

The Strategy for the Western Balkans also introduces specific actions that the EU will take over the next years to support the transformation efforts of the Western Balkans in areas of mutual interest as an Annex entitled ‘Action Plan in support of the transformation of the Western Balkans’. The Action Plan includes six flagship initiatives that range from initiatives to strengthen the rule of law, reinforced cooperation on security and migration, supporting socio-economic development, increasing connectivity, launching a Digital Agenda for the Western Balkans and supporting reconciliation and good neighborly relations.

Each of the initiatives targets a specific area of mutual interest for the Union and the Western Balkans and projects particular actions to be taken between 2018 and 2020. The Commission plans to enhance the assessment on implementation of reforms including through new advisory missions on the ground extended to the whole Western Balkans. Regarding security and migration, it proposes joint cooperation in fighting organized crime, countering terrorism and violent extremism, cyber-security and fight against cyber-crime and improving migration and border management.

Socio-economic development would be targeted by boosting private investment, supporting start-ups, SMEs and facilitating trade, Regional Economic Area, as well as providing more funds for education, among other things. More investment is also envisaged for transport and energy connectivity.

The digital agenda includes a roadmap to facilitate lowering roaming costs, support to the deployment of broadband in the region and development of eGovernment, eProcurement, eHealth and digital skills. The initiative on reconciliation aims to support the fight against impunity and transitional justice, including through setting up a regional commission to establish facts about war crimes. Expanding the scope of the Regional Youth Cooperation Office also plans increasing cooperation in education, culture, youth and sport. To help implement these initiatives, the Commission has proposed a gradual increase of funds under IPA II until 2020, as far as reallocations within the existing envelope allow.

Credibility of Enlargement?

The Strategy on Western Balkans enlargement was long-awaited and welcomed, but it also raised a wide debate and even disagreement among different political actors.

But, let's focus on the 'credible enlargement perspective' or the meaning of credibility for enlargement. The Oxford dictionary defines the 'credibility' as the *quality of being trusted and believed in*, or the quality of being convincing or believable (English Oxford Living Dictionaries, n.d.). In the case of the Enlargement Strategy for the Western Balkans, the EU can be tested whether the accession criteria are clear, consistent and don't contain double standards and if the Union can be trusted or convince us that the full membership will be reached by the candidate countries as soon as the criteria or conditions are met. But what are the failures of the Strategy in the context of credibility?

The Strategy fails to address the idea of grouping countries of the Western Balkans as a whole. It does not offer a package for membership, but instead it favors individual accession of countries. The lessons learned from the past show that some of the countries from the region have already used the practice of imposing conditions for accession and by that created delays and blockages. Grouping countries of the Western Balkans as a whole could have prevented this.

But the EU enlargement experience shows that the package approach for enlargement reduces the effectiveness of conditionality. Once the date of the accession of the countries is revealed, the diminishing effectiveness of conditionality in the last stage of the accession negotiations is present (Steunenberg, B. and Dimitrova, A., 2007). Although the EU uses safeguard clauses that provide possibility of excluding a state or some of the benefits for membership in case of incomplete reforms, the group enlargement of the Union with new members from Central and Eastern Europe shows that no such measures were undertaken. The Czech Republic, for example, made a small move to comply with the EU's condition on introducing civil service legislation, since it was highly unlikely that the Union would leave this country out of the enlargement process (Dimitrova 2005: 87).

Another issue is the fact that the Strategy does not offer a suitable solution when the credibility of EU conditionality is affected. This means that the Strategy does not stand for any particular involvement of EU Member States when it comes to overcoming the bilateral disputes. The Union urges for adoption of definitive and binding solutions to the bilateral disputes prior to accession and "they must be solved as a matter of urgency by the responsible parties" (European Commission Strasbourg, 6.2.2018, COM 2018), facilitated by an atmosphere of good neighborly relations. But the EU declares neutrality, by emphasizing that "regional co-operation, good neighborly relations and reconciliation cannot be imposed from outside. The leaders of the region must take full ownership and lead by example"

(European Commission Strasbourg, 6.2.2018, COM 2018). This leads towards the conclusion that the Union is reserved for the vetoing practice, considering it as it is done by some external factors. But the practice has shown that the EU is involved in many different disputes when it comes to negotiations or finding solutions. The same is expected to happen for the Greece-Macedonia name dispute, Kosovo's non-recognition by five EU member states (Spain's non-paper), etc.

However, Strategy gives a central place to bilateral issues, but remains vague about possible solutions, or preventing veto on future enlargement by any of the Member States of the Union. Any future enlargement would be a test upon its credibility for enlargement.

Conclusions

The Strategy is to some extent realistic when it points out that none of the Western Balkans Six meets the criteria of Article 49 of the Treaty on European Union, including the Copenhagen criteria. But is there any room for optimism?

The optimism of the Western Balkans Six, in particular among the front-runners Serbia and Montenegro was ruined by the statement of the Jean-Claude Juncker (The SunDaily, 6 February 2018) when he warned against too much excitement and pointed out that the year 2025 is merely an indicative date, and encouragement date for Serbia and Montenegro and that people concerned can continue with the reforms. So there is not much space for optimism that the enlargement will be done by the projected 2025.

The Strategy is very critical towards the Western Balkans Six, pointing out the structural weaknesses that the countries should overcome by numerous reforms. Even the language used in the Strategy is less diplomatic than the one used in the progress reports of the countries and the critics for democratic deficit are supported by critical evidence. The critics mention 'state capture including links with organized crime and corruption', 'extensive political interference in and control of the media', 'none of the Western Balkan membership candidates can currently be considered a functioning market economy, nor to have the capacity to cope with the competitive pressure and market forces in the union,' etc.

According to the rhetoric used in the Strategy, the 2025 EU membership for the Western Balkans Six is an unrealistic expectation or a very hard objective to be reached, besides the strong desire for accession. In case it could be achieved, then urgent action is required. The Strategy states clearly that 'all the Western Balkan countries must now urgently *redouble*

their efforts, address vital reforms and complete their political, economic and social transformation, bringing all stakeholders on board from across the political spectrum and from civil society.’ It concludes that ‘to make the ambitious best-case scenario a reality, action must be taken now’ by countries’ authorities, with the support of their societies.

The Strategy indicates that the EU is putting significant efforts and funds to increase its engagement in the Region. The flagship initiatives present *credible* commitment of the Union with specific actions to be taken over the next years to support the transformation efforts of the Western Balkans in areas of mutual interest. The credibility of the actions will be tested by negotiations and adoption of the Budget where they should be included in order to be delivered.

The reactions for the Strategy and its Action plan are diverging. First, there was a disagreement among the EU foreign ministers over the projected year of integration (EUobserver, 15 February 2018). The views were diverging at the Informal foreign ministers meeting: some of them called for quicker integration, while others were questioning the 2015 perspective for accession.

On the other hand, during the plenary debate of the European Parliament, in which Vice President Federica Mogherini and Commissioner Johannes Hahn presented the Strategy, MEPs largely welcomed it, stressing that enlargement is in the EU’s interest, and the EU cannot be complete or stable without the WB. Some voiced doubt as to whether 2025 is a credible target, or questioned the renewed focus on the merit-based principle (EP Think Tank, 2018). Commissioner Hahn asked the European Parliament for full engagement into assisting the Commission by communicating back home with the citizens and explaining why the enlargement is important and necessary (European Parliament Plenary Debate, 6 February 2018).

The Strategy and its applicability will be tested in general on a long-term basis. Although it presents an opportunity for the countries and their leadership to deliver on the accession criteria, the time will test whether the Strategy would do enough to change the accession and progress dynamics of the region.

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