

ENLARGEMENT OF THE EUROPEAN UNION AND THE WESTERN BALKANS

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I. Instead of Introduction

The fall of the communistic regimes in Eastern Europe that began in Poland in 1989 and continued in Hungary, East Germany, Bulgaria, Czechoslovakia and Romania created a prospect of changes for the countries that experienced communist regimes for more than forty years. The success of those changes that can be qualified as democratic revolution also encouraged the constitutive federation units¹ of the Former Socialist Republic of Yugoslavia, populated by non-Serbs, to break away from the Serbian-dominated, communist-oriented central government². Serious fighting broke out in the summer of 1991, as the northern republics of Slovenia and Croatia declared their independence, followed by Bosnia and Herzegovina. While the local Serbs were directly supported by the federal army, controlled and commanded by the Serbian Republic, they pretended to prevent separation from the federation of both republics (Slovenia and Croatia) „justifying“ its action by reference to „the need for protection“ of the Serbian population in the abovementioned federal units. The brutality of the war had not been experienced on the territory of Europe since World War II as it happened especially in Bosnia and Herzegovina.

For many, peace on the territory of the SFRJ (Socialist Federal Republic of Yugoslavia as defined by the Federal constitution of 1974³) became real while concluding the Dayton Peace Agreement in 1995, the primary aim of which was to stop genocide and ethnic cleansing. It proved wrong for those who believed that the process of dissolution of

¹ Republics and provinces, see the Constitution of the Former Yugoslavia of 1974.

² Yoder, Amos. *The Evolution of the United Nations System*, Washington 1996, p. 86.

³ Federal Constitution of 1946 PSRY (Peoples Socialist Republic of Yugoslavia) the name from 'Peoples' Republic' into 'Socialist Republic' changed by the Constitution of 1974.

Yugoslavia has ended, while the situation escalated in the southern federal unit of the Federation (as defined by federal constitution of SFRJ in 1974) - Kosovo.

The International Community being aware of the brutality and the eagerness of Milosevic's regime to cause ethnic cleansing in order to maintain his power reacted promptly to stop an even worse scenario of that already seen in the territory of the Former SFRJ. After 78 days of the NATO bombing campaign in 1999 the Milosevic forces withdrew from Kosovo. At the same time the Security Council of the United Nations adopted Resolution 1244⁴ that would open the path for military and civilian presence deployment in the territory of Kosovo. Again many say that this was the momentum when the process of dissolution of Yugoslavia ended. I would agree that the period of wars in the territory Yugoslavia ended⁵, excluding the conflict in Republic of Macedonia, but the dissolution of the SFRJ continued with the independence of Montenegro in 2006. After a referendum held on 21 May 2006⁶, the results have been recognised immediately by the five permanent members of the Security Council of the United Nations on 23 May 2006. The results were proceeded on the 3rd of June 2006 by the Assembly of the Republic Montenegro which announced a formal Declaration of Independence⁷.

On the eve of the independence of Montenegro, the 'Vienna Talks'⁸ were organised in order to find solution of the final status of Kosovo, by bringing together representatives of the Republic of Serbia and the representatives of Kosovo (Kosovo Under Resolution 1244 of the Security Council of United Nations). The 'Vienna Talks' did not result in an agreement between the parties. However, UN envoy Mr. Marti Ahtisaari, former president of Finland, proposed the status settlement for Kosovo, which opened the path for the Declaration of Independence of Kosovo by its elected representatives on the 18 February 2008⁹. Up to date the independence of Kosovo is recognised by 112 member states of the United Nations, 23 of them being member states of the European Union¹⁰. Only three of the permanent members of the Security Council of the UN recognised the independence of Kosovo¹¹ and Russia is the main opponent of the independence of Kosovo. There was no consensus among them to adopt Ahtissari's proposal, even though Mr. Ahtissari had been appointed

⁴ See Security Council Resolution 1244 (1999) on the Situation relating Kosovo.

⁵ The ethnic conflict that escalated in the Republic of Macedonia in 2001 that ended by concluding the Framework Agreement on the 13.08.2001 between the Political Leaders of the Ethnic Groups in the country.

⁶ About 55.5 % of the eligible voters in Montenegro voted in favour of the Independence of Montenegro. See official webpage of the Electoral Commission of Montenegro.

⁷ See Declaration of the Independence of Montenegro.

⁸ Weller, M., Negotiating the Final Status of Kosovo, Chailot Paper, EUISS December 2008.

⁹ See Kosovo Declaration of Independence, Sunday, 17.02.2008, available also at the official webpage of the Assembly of the Republic of Kosovo.

¹⁰ See official webpage of the Foreign Ministry of the Republic of Kosovo.

¹¹ Among the permanent Members States of the Security Council of the United Nations that recognised Kosovo are: USA, UK, and France. Among the permanent member states of the Security Council of United Nations that did not recognise Kosovo are: Russia and China. See official webpage of the Foreign Ministry of the Republic of Kosovo.

by the Security Council of the UN to mediate the 'Vienna Talks'. Furthermore, there are still five Members States of the European Union which did not recognise the independence of Kosovo, even though the International Court of Justice gave a positive opinion on the Declaration of the Independence of Kosovo. One would argue that Kosovo is the last unsolved issue in the process of the dissolution of the SFRJ.

The European integration process may be considered as one of the biggest peace projects in the history of humanity. The membership in the EU of 28 European Union nation states, including two units of the SFRJ (Slovenia and Croatia), creates a unique political entity. This political entity has developed during the last 60 years, peacefully unified the people of Europe and impacted significantly the policy-making process. The remaining countries from the Western Balkans that have not yet accomplished EU membership, still have a long way ahead of them in order to comply with the accession criteria. All of them suffer from a very high levels of corruption and organised crime. Political elites are considered to be the main obstacle for an effective fight against corruption and organised crime. Some disputes between the countries still remain unsolved. It is still to be seen whether the EU will be able to find a solution for the remaining countries of the Western Balkans, considered as 'European problems'. The enlargement proved to be the most effective policy of the EU, since it contributed successfully to peace, stability, economic prosperity and the democratic development all over the continent. The author's focus in this paper will be whether enlargement of the EU will be a solution for the remaining countries of the Western Balkans.

II. First Steps for the Prospect of Membership of the Western Balkans

First steps for the future of the Western Balkans in the EU have been made right after the NATO campaign against Yugoslavia that ended the violence of the Milosevic forces against Kosovo's people. The US and NATO had done a great job for defeating Milosevic militarily, while it was now the EU to contribute to the economic growth of the region. The Stability Pact launched by the German Presidency of the EU resurrected the idea of the 'hour of Europe'¹². It was obvious that it was the EU's 'duty' to form and coordinate a coalition of international credible donors to make certain promises for the countries of the Western Balkans.

The Stability Pact for South-Eastern Europe, adopted on 10 June 1999 in Cologne, a European Union's initiative, may be considered as the first step towards political and economic stability of South-Eastern Europe. The Pact's founding documents solemnly declared that „the EU will draw the region closer to the perspective of full integration of these countries in South East Europe into its structures“¹³. In terms of its approach, the Pact was not an accession platform. Initiated by the German Presidency and sanctioned by

¹² See Lykke Friis and Anna Murphy, Turbo-charged Negotiations: the EU and the Stability Pact for South Eastern Europe, *Journal of European Public Policy*, Vol. 7, No. 5, 2000, pp. 767-786.

¹³ Stability Pact for South East Europe, Cologne, 10 June 1999.

the Cologne Council, it was nonetheless placed institutionally under the OSCE. The EU was just one important actor among many others. Following the Cologne Council, and in the post war era the EU's 'Soft Power' was not enough to perform the same transformation as in the Central and Eastern Europe. The EU's policy for the Western Balkans is stabilisation through integration¹⁴. In the wake of the 1999 crisis in the Western Balkans, the EU member states recognised that a comprehensive policy for the whole region was needed and in 2000 the Stabilisation and Association Process (SAP) was launched. This gave to the countries of the region the „perspective“ for eventual EU membership, stipulated more explicitly at the Thessaloniki EU-Western Balkans Summit in June 2003, which declared that „the future of the Balkans is within the European Union“¹⁵. The Stabilisation and Association Process was designed as a framework for the EU negotiations with the Western Balkans countries up to their full accession into the EU.

III. Concepts of the New Peaceful Order in the Western Balkans

The Communication from the Commission to the Council and the European Parliament of 26 May 1999 on the Stabilisation and Association Process of South-East Europe,¹⁶ contributed to the development of the Union's common strategy for South-Eastern Europe¹⁷. It formed the framework for cooperation between the EU and the region. The new approach involved the establishment of stabilisation and association process which entails:

- drafting of Stabilisation and Association Agreements, with view to accession to the EU once the Copenhagen Criteria are fulfilled;
- development of economic and trade relations with the region and within the region;
- development of the existing economic and financial aid;
- providing aid for democratisation, civil society, education and development of institutions;
- cooperation in the field of justice and home affairs;
- improvement of political dialogue.

Even though substantial efforts were made by the EU and by the countries of the Western Balkans, a lot has been done but still much more needs to be done before all the countries become fully prepared in a political, economic and societal aspect to become members of the European Union. The new Enlargement Criteria - Absorption Capacity, advocating greater conditionally and highlighting the need to communicate with public; the BREXIT issue and its impact; the lack of political will by the political elites of the countries of the Western Balkans to undertake the necessary reforms in the accession process – all these tendencies will slow down the speed of the EU's Enlargement.

¹⁴ Communication from the Commission to the Council and the European Parliament, Stabilisation and Association Process for Countries of South-Eastern Europe, COM(99) 235 final, 26.5.1999.

¹⁵ EU-Western Balkans Summit - Declaration, on the Thessaloniki Summit in 21 June 2003.

¹⁶ COM (99) 235 final, 26.5.1999.

¹⁷ Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia.

IV. Europeanisation of the Western Balkans

If we take as the starting point the differences between the 'Europeanisation West' and the 'Europeanisation East' in a short summary, they consist of the following elements:

- there were in different starting points;
- noncompliance in Europeanisation West is linked to relatively mild sanctions compared to Central Eastern European Countries (and the Western Balkans);
- requirements to change national political, administrative and judicial structures;
- prevailing centrist policy;
- Europeanisation West as a two-way street, whereas Europeanisation East (and WB) as a one way street.

If we take into consideration the theoretical approaches referring to the Europeanisation, the two approaches that aim to explain the Europeanisation process are:

- Rational choice institutionalism;
- Sociological (or Constructivist) institutionalism.

The logic of rationalist institutionalism suggests that Europeanisation leads to domestic change through a differential empowerment of actors, resulting from a redistribution of resources at the domestic level.¹⁸ According to Sociological approach „Sociological institutionalism suggests that Europeanisation leads to domestic change through a socialisation and collective learning process, resulting in norm internalisation and the development of new identities.¹⁹

The EU conditionality is the main policy for aspiring states. Conditions (Copenhagen Criteria and the *Acquis Communautaire*) result in rewards such as: start of negotiations for Stabilisation Associations Agreements, candidate status, start of official negotiations of accession etc. If we take into consideration as case studies the police reform in Bosnia and Herzegovina and the negotiations between Serbia and Kosovo for normalisation of relations and stabilisation, we can clearly see that the principle of conditionality was never taken into consideration as a condition for the respective countries to move in the accession process. While Bosnia and Herzegovina never implemented the police reform, at the same time the reward was given to Bosnia. The Agreement mediated by the EU High Representative between Kosovo and Serbia was reached on 19 April 2013, its key parts have never been implemented, while the reward to both countries has been granted: Serbia opened the chapters of the accession negotiations and Kosovo signed the SAA.

The European Union's policy towards the Western Balkans can be seen as priority in relation to the status of certain countries, rather than of the region as a whole. It increases strategic attention to specific political issues such as the dialogue between Kosovo and Serbia, often at the expense of structural reforms and core EU conditions, including the Copenhagen Criteria.

¹⁸ Börzel, Risse 2009.

¹⁹ Ibid.

V. EU Enlargement: Western Balkans - Regional Comparison

Below, there is a brief comparison between the countries from the Western Balkans in their progress towards EU accession.

Montenegro: After the declaration of independence of 3 June 2006 the speed of EU integration of Montenegro comparing to the other countries of the region is really fast. On 15 October 2007 Montenegro signed the Stabilisation and Association Agreement. On 15 December 2008 Montenegro submitted application for membership in the European Union, on 22 July 2009 the European Commission delivers questionnaire to the government of Montenegro, on 1 May 2010 the SAA enters into force, on 9 November 2010 the European Commission gives positive opinion on Montenegro application for EU membership, on 17 December 2010 the EU granted candidate status to Montenegro, on the 12 October 2011 the report of the Commission recommended the opening of the accession negotiations with the country and on 29 June 2012 the negotiations process between the EU and the Montenegro officially started. Since then many negotiating chapters have been opened and some of them provisionary closed, such as: Education and Culture, Science and Research etc. The progress report issued by the European Commission on Montenegro states (Summary):

- Montenegro continues to fulfil the political conditions;
- Public administration needs to be further rationalised;
- Allegations of wrongdoing during municipality elections;
- The impact of anti-corruption measures so far limited;
- Concerns with respect to freedom of expression;
- Good neighbourhood relations;
- Main problems/obstacles for Montenegro: rule of law deficits and high levels of corruption.

Serbia: the speed of Serbia in the EU accession process after the independence of Montenegro is faster than before. On 29 April 2009 Serbia and the EU signed the SAA, on 19 December 2009 visa liberalisation entered into force, on 22 December 2009 Serbia applied for European Union membership, on 1 March 2012 the European Council decided to grant Serbia the candidate status, on 19 April 2013, Brussels Agreement between Kosovo and Serbia was signed, on 1 September 2013 the SAA between Serbia and the EU entered into force, on 20 December 2013 the European Council decided the accession negotiations to be opened and on 21 January 2014 accession negotiations formally commenced.

The progress report (Summary) on Serbia stated as follows:

- Serbia and Kosovo have remained engaged to the EU facilitated dialogue, but progress has markedly slowed down since March 2014;
- Serbia has made some progress in public administration reform;
- As regards the judiciary, important legislation as well appraisal rules for judges and prosecutors were adopted;
- There is strong political impetus to fight corruption;

- Continued efforts are needed to ensure an effective, independent judiciary;
- However, there are concerns about deteriorating conditions for the full exercise of freedom of expression;
- Main problems/obstacles: need for normalisation of relations with Kosovo.

Macedonia: On March 2000 Macedonia started negotiations on the SAA, on 9 April 2001 the SAA was signed, on 1 April 2004 the SAA entered into force, on 16 December 2005 the European Council granted Macedonia candidate status, on 19 December 2009 the visa free travel enters into force. The Progress report on Macedonia (Summary) states the following:

- Overall, the country continues to sufficiently meet the political criteria;
- Serious challenges: increasingly divisive political culture;
- Serious concerns about increasing politisation and government control over state institutions and media;
- Still fragile inter-ethnic situation;
- Politicisation of the public administration, at both central and local level, is a serious concern;
- Independence and competence of courts also needs to be enhanced further;
- Corruption remains in many areas and continues to be a serious problem;
- The situation on media freedom continues to deteriorate;
- Main problems/obstacles: fragile inter-ethnic situation (but also: freedom of media, rule of law, corruption, politisation of public administration).

Albania: In 2001 the Commission undertook negotiations on SAA with Albania, on January 2003 negotiations on the SAA between the EU and Albania were launched, in June 2006 SAA was signed at the General Affairs and External relations Council, on 1 April 2009 SAA entered into force, on 28 April 2010 Albania submits its application for EU membership, on 15 December 2010 visa liberalisation enters into force, on 27 June 2014 Albania receives EU Candidate status. The progress report (Summary) on Albania states the following:

- Tense political climate impinged on parliamentary work;
- Depolitisation of public administration;
- Some steps were made to improve the accountability and transparency of the judiciary;
- The government has shown political will to act decisively in the prevention and fight against corruption. However, it still remains a serious problem;
- Fundamental rights, freedom of assembly and association, as well as freedom of thought and religion, continued to be generally respected;
- Regarding freedom of expression and media, the government failed to act on the identified priorities;
- Main problems/obstacles: rule of law deficits, judiciary problems, but most of all: inefficient parliament.

Bosnia and Herzegovina: in November 2005 the SAA negotiations between the EU and BiH were officially launched, on 26 May Visa liberalisation dialogue was started, on 16 June 2008 the European Union and BiH signed the SAA and on 15 December 2010 visa free

regime was introduced for all BiH citizens having biometric passport. The progress report main findings for BiH are: The country remains at a standstill in the European integration process;

- There has been very limited progress on political and economic issues and on moving towards European standards;
- Despite intensive facilitation efforts of the Commission to resolve remaining blockages, the Sejdic-Finci ruling of the European Court of Human Rights has not been implemented;
- There has been no tangible progress in establishing functional and sustainable institutions;
- Cooperation with civil society at the State, Entity and cantonal levels remains weak;
- Very limited progress has been made in reforming public administration;
- The area of judicial system reform saw little progress;
- There was little progress in advancing reforms to reduce corruption;
- Increased political and financial pressure on the media, intimidation and threats against journalists and editors are of serious concern;
- Main problems/obstacles: „statehood“ problem.

Kosovo: on 19 January 2012 the European Commission launches the visa free dialogue with Kosovo, on 2 May 2014 SAA negotiations were successfully completed and on 1 April 2016 SAA entered into force. The main findings of the commission's report for Kosovo does not differ too much from those of the countries mentioned above as concerns the high scale of corruption, rule of law deficits and lack of political will to cope with the criteria stipulated clearly by the accession process.

Conclusions:

The countries from the Western Balkans are on different stages in relation to their European integration process. They have some similar shortcomings but at the same time each country has its own specificities. The European Integration process of the Western Balkans has important challenges both for the countries from the region but also for the EU. These challenges shall be overcome with political will and actions on both sides – the EU and the Western Balkan countries.

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