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## THE ONGOING EU ENLARGEMENT AND THE PUBLIC SPHERES IN THE WESTERN BALKANS

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The paper argues that, although it lost political relevance, the Europeanization of Western Balkans continues to offer results. While the so-called “enlargement fatigue” is generally overestimated, it has rather been bilateral controversies and domestic problems that obstructed the enlargement. Most of all it is the length of the process that should worry. Thus engaging the local public spheres has become fundamental to successfully accomplish the process and to avoid the serious risk of marginalizing the region.

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This paper aims at offering an overview of recent developments and future prospects of the EU enlargement process which continues to offer results despite the severe crisis faced by the European Union.

After Croatia's successful entry into the EU as its 28th member on July 1st 2013 as planned, there have been other remarkable steps forward in the Balkans in the last year and a half. Thanks to the Brussels agreements of April 2013, Kosovo opened the negotiations for the Stabilisation and Association Agreement in October 2013 and Serbia for the EU accession in January 2014. Meanwhile, Montenegro has been working on processing the chapter it is negotiating; while in 2013, the European Commission and the European Parliament Foreign Affairs Committee issued positive opinions on granting candidate status to Albania, even though the Council later postponed the signature of further verification to June 2014.

The enlargement process has been moving forward during a period of severe economic crisis for a region highly dependent from the outside, that since 2008 saw the collapse of foreign investment, the shrinking of the access to the international credit and the decline of remittances. Today, the region has three EU candidate countries – Macedonia, Montenegro, Serbia – and three potential candidate countries – Albania, Bosnia-Herzegovina and Kosovo. A popular pun circulating in the region already renamed them as the “restern Balkans” to underline that, after the entry of Croatia, the remaining countries risk to be marginalized at the EU doors<sup>1</sup>.

Away from the media spotlight, the Europeanization<sup>2</sup> of the western Balkans has continued with European Commission assistance and monitored by the European Parliament. In many ways, these achievements result from the institutionalization of the enlargement process: while public opinions in time of crisis can be especially volatile, the fact that there are institutions at work guarantees to slowly obtain results to long-term processes such as this one.

### **Lengthy process, bilateral disputes and domestic weaknesses**

Undoubtedly, the process of EU integration of the Balkans needs a considerable amount of time and work, and we will not see a country become the 29th EU member for years. The most optimistic forecast is that of the Serbian authorities that announced 2020 as their target

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<sup>1</sup> I thank Senada Selo-Sabic for having shared with me this pun.

<sup>2</sup> With the term Europeanization the academic literature refers to the adoption of EU rules and norms in light of the region's accession to the EU.

accession date, but most countries in the region will need significantly more time before they are ready. Even if, in the meantime, the EU becomes a different Union as a result of its current crisis, as stressed by the analyst Tim Judah, there is no realistic plan B for the region.<sup>3</sup>

Therefore, the priority is that the enlargement process keeps on moving and delivering its needed results to avoid the pitfalls of the current Macedonian scenario. Here, the EU proved its power of attraction containing the ethnic conflict and convincing the parties to negotiate at the beginning of the 2000's. But with the enlargement process stalled due to the Greek veto, the country saw the immediate worsening of inter-ethnic relations and a reversal of the democratization process.<sup>4</sup>

As Macedonia suggests, so far the most serious obstacles to enlargement are not due to the frequently-mentioned "enlargement fatigue". Rather, the process has regularly remained hostage to bilateral disputes. The Slovenian-Croatian contentions are a recent example, but we should expect more such cases in the future, considering that Croatia and Serbia have pending cases against one another at the International Court of Justice<sup>5</sup>. Since any EU member state can block any candidate country's membership with its veto at the European Council, Kosovo obviously risks the most, as it can fear not only Serbia, but also the five other EU member states that have not recognized its independence.<sup>6</sup>

Indeed, precisely as the accession process is still long, it gives time for other eventual solutions. The Pristina-Belgrade agreement reached during 2013 is an example that the seemingly impossible can happen with the necessary leverage and political engagement of the EU institutions.

As Elbasani stresses,<sup>7</sup> most of the academic literature on enlargement looks primarily at the role of conditionality imposed by the EU in stimulating fundamental political, economic and societal change, and the coherence of the EU's engagement. However, looking first at countries on

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<sup>3</sup> See, among others, his last contribution on this point: <http://www.suedosteuropa.uni-graz.at/biepag/node/53>.

<sup>4</sup> Greece has been vetoing the Macedonian opening of EU accession negotiations since 2005 when it gained the candidate status, despite repeated positive comments from the European Commission.

<sup>5</sup> The two countries sue each other for genocide in relation to the 1990s wars. See for instance: <http://www.balcanicaucaso.org/aree/Serbia/Serbia-e-Croazia-accusa-e-controaccusa-di-genocidio>.

<sup>6</sup> Cyprus, Greece, Romania, Spain, Slovakia are the EU member states that do not recognize Kosovo.

<sup>7</sup> A. ELBASANI (ed), *European Integration and Transformation in the Western Balkans: Europeanization or Business as Usual*, London, Routledge, 2013.

the domestic level may highlight many aspects fundamental to understanding the development of the Europeanization process.

Bosnia-Herzegovina is a case where the EU seemed not to have leverage any longer and the enlargement process was literally immobile. Up to the explosion of the public protests at the beginning of 2014, the debates focused on how to overcome the stalemate produced by the ineffectiveness of the EU conditionality before deaf political elites determined to impede any constitutional reform.<sup>8</sup> With no alternative to the EU conditionality mechanism, and all reforms made under international supervision repeatedly emptied by local elites, the country was sinking into its crisis.

Finally, since January 2014, a wide social movement swept BiH, radically changing the political landscape and bringing the public debates away from ethnic issues towards the need to tackle urgent social and economic needs. These ongoing protests occurred throughout the country and, for the first time since the war, were not organized around ethnic divides. Now, the challenge is to translate this political effervescence into a long-term process of transformation to overcome war legacies and ethnic clientélism.

### **Engaging public opinions in the region**

If it is clear that considerable political issues still obstruct the EU enlargement in the Balkans, the problem of engaging the local public opinion is not less important for the accomplishment of the process.

To raise awareness among local constituencies, it is pivotal to sustain the long and complex harmonization process that the six countries have ahead of them. The public in each country should be aware of every small achievement in the EU integration process and realize that full integration is gained only step by step.

Somehow, it was easier to explain the enlargement process initially, when political debates were still deeply influenced by war and post-communist legacies, as back then the public opinions in the first place aimed at achieving freedom of movement. Today, instead, to explain the Europeanization is more difficult as the harmonization of the local legislation to the *acquis communautaires* it is highly technical.

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<sup>8</sup> With the so-called Sejdic-Finci ruling, the EctHR Strasbourg court asked BiH to reform its constitution to allow “others” from Serbian, Croatian and Bosniak constituent nations to run for the Tripartite Presidency. Such reform was declared a precondition to progress in the enlargement process. See for an example of the heated debate Keil: <http://www.democratizationpolicy.org/uimages/pdf/LostinthetheBosnianLabyrinth.pdf>.

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However, the enlargement requires reforms around issues ranging from environmental management to consumer rights, that can generate and be accompanied by public debates. Engaging large section of the societies involved - civil servants, civil society, interest groups – in discussion around how the Europeanization process influences their daily lives is probably the most important strategy to accompany it. But debating enlargement in its concrete unfolding can be done only if its jargon is understood beyond closed circles of political and administrative elites.

As stressed by the German think-tank ESI, the European Commission should make a special effort to improve its communication strategy and make progress reports readable, measurable, and comparable, thus stimulating competition among countries involved and allowing media to transfer information to the public and to stimulate debates.<sup>9</sup>

Focusing on how to engage the local public sphere does not mean underestimating the role of the conditionality mechanism, rather it serves to reinforce it. A case in point is that of Albania. In 2013, the European Commission gave a positive avis for the candidate status to Albania after the June elections had allowed for the first time a change in government without violence. The fact that this basic democratic achievement came more than 20 years after the collapse of communism shows the long road of transformation that still lies ahead for the country.

Everybody in Albania understood that the Commission wanted to encourage the local elite to continue on the new political course of respecting democratic institutions. A different but equally straightforward message reached the country when the European Council decided to put the brakes on Albania's integration a few months later: Albania needs to adopt reforms, not just announce them.

The rigour in the application of the conditionality mechanism can reinforce the Europeanization process if the requests are unequivocal and commensurate to the current capacities of the country concerned. Obviously, in Albania the public debates following the Council's announcement were dominated by disappointment, but the meaning of the decision clearly reached in the country.<sup>10</sup>

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<sup>9</sup> The latest ESI report stresses predominantly the communication aspect, highlighting its political implication. See <http://www.esiweb.org/rumeliobserver/2014/01/31/enlargement-reloaded-esi-proposal-for-a-new-generation-of-progress-reports/>.

<sup>10</sup> See in this regard Marjola Rukaj <http://www.balcanicaucaso.org/aree/Albania/Albania-UE-oltre-l-ennesima-candidatura-bocciata-146368>.

## The Croatian example

The EU member states worry about whether Balkan elites are making superficial reforms just to get EU membership, and that in fragile states rules are often bypassed or emptied.

In Croatia, during the process of EU membership negotiation, there was no public debate around the adoption of laws, directives and regulations, which were instead accepted in speedy political procedures only to satisfy the EU accession criteria. Right after achieving its membership, however, the country was entangled in an unfortunate debate and eventually a referendum on the definition of marriage, that provoked great fears about the possible resurgence of radical nationalism. Furthermore, the implementation of the EU's minority protection norms faced serious challenges in the area of Vukovar where the Serbian minority's right to use the Cyrillic alphabet has been repeatedly threatened by extreme nationalists.

The wavering political commitment in Croatia raises concerns around the other countries and especially on Serbia where the penetration of the extreme right wing groups in the institutions has been longer. Here, the conservative Serbian Progressive Party (SNS) won the absolute majority of seats in the Parliament in the recent political elections using Serbia's improvements towards EU membership as a tool to gain political legitimacy.

It is clear that the Europeanization process does not work directly to change political cultures, it only provides institutional settings that allow democracy to function and that, in the long run, can have an impact on political culture.

Yet, examining the Croatian experience Grubisha stresses how it is not sufficient to train a few hundred members of the administrative elites that will be directly involved in the accession negotiations, as they remain isolated from the other thousands of public employees.<sup>11</sup> It is important, instead that gradually the newly-acquired administrative culture permeates the whole bureaucratic body especially as the administrative as well as political establishments suffer from weak public trust and legitimacy all over the region.

Indeed there are considerable differences between the six Balkan countries in the field of public administration. Serbia has a stronger administration than Montenegro, and incomparably stronger than Albania. This relative strength is a considerable advantage in the

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<sup>11</sup> The Croatian Ambassador Damir Grubisha raised this point at the conference at the EUI: <http://www.eui.eu/SeminarsAndEvents/Index.aspx?eventid=95603>.

developments of the next years since the availability of a state apparatus capable of facing the accession negotiations is a key asset for the success of the process.

### No longer strategic integrations

It is certain that EU harmonization is complex and will take time and commitments, but a frequent complaint is that candidate countries are shooting for a moving target as the enlargement process, over time, has become more demanding. After Croatia, the Commission decided to start the screening of the *acquis communautaries* from the chapter n.23 on the judiciary and fundamental rights, and n.24 on justice, freedom and security. And this decision was read in the Balkans as an unfair raising of the bar to harden the process.

These concerns distract the public from the importance of carrying out these reforms in the best interests of their countries. This is something very clear among a few activists in the region such as Vanja Čalović that in 2012 criticized the Commission reports for being too soft on Montenegro.<sup>12</sup> As the EU's leverage vanishes once a country becomes a member state, what we know from Romania and Bulgaria is that the price of so-called “strategic integration” of countries that were not ready to join has been paid primarily by their citizens.<sup>13</sup>

This, once again, shows the importance of creating constituencies that support reforms. Recently there have been a few encouraging signs in the public spheres across the region. For instance, in Kosovo, which represents a particularly difficult case of state weakness, the struggle against corruption made important steps ahead. In February 2014, students at Pristina University mobilized against, and finally obtained, the resignation of the Rector after a major scandal. Similarly, environmental issues, which are normally neglected as secondary issues in economically fragile countries, were the focus of a spontaneous protest in Albania last November against the disposal of Syrian chemical weapons in the country<sup>14</sup>.

It is glaring that the ongoing enlargement process is politically less relevant today than in the past for the EU, while the EU, with its economic and identity crisis, is less attractive to the Balkans now than 10

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<sup>12</sup> See Cancha: <http://www.balcanicaucaso.org/aree/Montenegro/In-Montenegro-e-primavera-117753>.

<sup>13</sup> The expression is by B. STAHAL, “Another “strategic accession”? The EU and Serbia (2000-2010)”, *Nationalities Papers: The Journal of Nationalism and Ethnicity*, vol. 41, no. 3, 2013.

<sup>14</sup> See Marjola Rukaj for OBC on this point <http://www.balcanicaucaso.org/aree/Albania/Albania-la-rivoluzione-civica-144664>.

years ago. And indeed the issue of rigour dominating the European public sphere today has outdated the slogan “small states, small problems” - that is to say the approach that EU should not fear taking on board 15 million people regardless of their reforms – and replaced it with the idea of the “enlargement fatigue”.

But what is sure is that none of the six countries can sharply accelerate the harmonization process, and corrupt administrations and weak economies cannot be improved overnight. This is why it is urgent to assure that the Balkan societies understand the enlargement in its complex mechanisms and commit to it.

Undoubtedly, raising awareness among EU member states on the role of the Enlargement policy for the democratization and stabilization of the Balkans and its positive effects for the EU space as a whole could alleviate the pressure and the fears to remain excluded that candidate and potential candidate countries legitimately have.

If a risk exists, for especially for the laggards Albania, Bosnia-Herzegovina, Kosovo and Macedonia, that the EU leaves behind the most difficult cases in order to focus only on larger and economically more viable countries; the worst case scenario for all the countries in region is that they remain not only at the EU doorstep but also unreformed by the EU enlargement process.