

## Conference on the Future of Europe

# The challenges of EU engagement in the Western Balkans and how to fix them

*Ediz Topcuoglu and Raquel Ugarte Díez*

## Executive Summary

- > The Conference on the Future of Europe (CoFoE) provides a useful opportunity to rethink EU enlargement, and notably the course of the EU's enlargement policy towards the Western Balkans.
- > Enlargement has largely disappeared from the Union's agenda as constant crises have taken priority. For the Western Balkans, neither the EU institutions nor its member states have been able to commit to offering more than a 'European perspective'. As a result, Western Balkan countries find themselves with fewer allies inside the EU while being faced with low public support for their accession in the original EU-15.
- > This lack of support for enlargement has contributed to a politicization of a supposedly primarily technical accession process. This has significantly diminished the EU's credibility in the region.
- > To redynamise the enlargement process, we propose two recommendations that could be included in a potential treaty reform stemming from the conclusions of the CoFoE: changes to voting rules in the Council, as well as the regionalisation of the accession processes of the Western Balkans. These two measures could reinvigorate this process, enhance the EU's credibility, and facilitate the resolution of regional issues.

The Conference on the Future of Europe (CoFoE) aims at laying the groundwork for fundamental change to the architecture of the European Union (EU). It provides an opportunity for a radical rethinking of EU internal and external policies. Regarding the latter, a case in point is the EU's approach towards the 'Western Balkans', a technocratic geographical designation invented by the EU to encompass the six Balkan countries that are not members of the Union. In the framework of CoFoE, the Commission has taken steps to include

citizen representatives of Western Balkan candidate countries into the plenary debates. While this is commendable, it remains a symbolic measure that does not address the fundamental demands of the governments and publics of the region for a proportionate voice in the affairs of the continent. Such ownership only seems possible within the framework of EU membership or a fundamentally modified EU approach to the region. A new approach is also needed due to the fragility of the region's European aspirations, highlighted by, for instance, accession processes fraught with bilateral conflicts between candidates and EU member states, renewed calls for a break-up of Bosnia and Herzegovina (hereinafter Bosnia) as well as lingering crises in Montenegro and Kosovo.

This policy brief examines the challenges of the EU's approach to the region, with a strong emphasis on the enlargement process, as well as the EU's image and role and how they affect the region from the perspective of local actors. The analysis shows that the current structure of relations is unsustainable and concludes on proposals aimed at enhancing the consistency of EU action both to improve its image and to breathe new life into the region's European aspirations.

### Enlargement: out of energy

The Balkans have weighed heavily on the European consciousness since the breakup of Yugoslavia and the conflicts that ensued. The lack of a coordinated European response to the violence was one of the main drivers of the development of a European security and defence policy. It allowed the EU and its member states to effectively take over peacekeeping and peacebuilding roles from the United States in the early 2000s. Simultaneously, regional reconciliation in the Western Balkans was increasingly tied to the prospect of accession, which was hoped "would empower progressive forces in these countries and create space for domestically driven reform movements" (Vogel 2018). Evidently, while this two-fold EU approach has contributed to fostering a fragile peace in the Western Balkans, its current relations with the countries in the region do not provide the necessary incentives for a durable resolution of regional conflicts.

A key concern is that enlargement has moved from the top of the EU's political agenda in the run-up to the Eastern 'big bang' enlargement (Mišćević and Mrak 2017) to an issue that, even when it appears, is not a priority for either the EU or its member states. Two decades ago, the enlargement to the Western Balkans was seen as "much more effective and cheaper ... than to run international protectorates and military occupations in the region" (European Commission 2002, in Economides et al. 2017). Today, economic and political crises in Europe, as well as changes in the institutional and political configurations within the EU, have meant that member state publics and elites no longer buy into the idea that enlargement is unequivocally positive. Prior to the 2004/2007 enlargements, most EU citizens supported the idea of increasing EU membership. Recently, however, the 2019 winter Standard Eurobarometer showed that in many of the 'old' EU member states, a growing number of respondents opposed further enlargement, even in countries that would economically benefit from the accession of the Western Balkans like Germany or Austria.

While the European Commission has traditionally advocated for enlargement, the accession process is governed intergovernmentally. Member states decide unanimously whether to advance or not at every stage, from decisions to open negotiations to agreeing to close negotiations on each chapter of enlargement talks. It is therefore particularly important to understand the reasons why member states have lost interest in the accession of the Western Balkan countries.

### **Why accession is on the political backburner**

Enlargement has been dropped from the top of EU agendas principally due to external crises and diverging domestic priorities within the EU. Additionally, the shift away from a regionalised to a state-by-state approach to enlargement has been a key determinant in the current lack of progress.

A key explanatory factor was the economic crisis that started in 2008. This is evident when surveying the priorities of the countries that held the Council Presidency after 2009. Since then, and unlike during the 2004 enlargement, the financial cost of enlargement has regularly been highlighted by member states when discussing the Western Balkans. Additionally, and also unlike in the 2000s, EU representatives have deliberately avoided any kind of 'rhetorical entrapment' that would render opposition to such an enlargement impossible.

As a result, the Western Balkans are missing powerful allies inside the EU who would make their case for membership. The most vocal supporters of enlargement were often newer and smaller Eastern member states. Yet, these countries often have less of a voice and therefore a harder time convincing larger states that it is in their long-term geostrategic and economic interest to enlarge the Union. Some of the larger new members have also changed their position or been isolated. While Poland, for example, could have played a bigger role in advocating for enlargement, its standing in the Council has degraded substantially due to the ongoing dispute regarding the rule of law. Similarly, the 2018 Bulgarian

Council Presidency, which aimed to be a 'Balkan presidency', received a mixed assessment for its ability to advance this agenda. Croatia, arguably the best-placed smaller member to bring enlargement to the agenda, has had to focus on other challenges during its Council Presidency following the outbreak of the Covid crisis in early 2020. Hence, with each new crisis, the hope of making the Western Balkans a central issue has been dashed. Moreover, when members do advocate for enlargement, it is often not a high priority issue comparable to Greece's engagement for Cyprus prior to 2004. By consequence, no EU member using its veto power to block accession needs to worry about retaliatory action by pro-enlargement members in other policy areas.

Procedural differences between the accession processes of the current candidates and those that joined in the 2004 enlargement also work against the Western Balkans. Unlike at that time, the accession of Western Balkan countries to the EU is not timed to coincide. Candidate countries can thus not play member states off against each other to generate momentum. Moreover, in the 1990s and early 2000s, Central and Eastern European member states were able to unite their efforts (e.g. Visegrad 4 group) or rely on member states like Germany to push the process forward vigorously. Today, Western Balkan candidate countries do not benefit from that same unity because of their history of conflict. The EU's piecemeal approach to each candidate is at odds with its attempts at regionalising the area following the breakup of Yugoslavia. Indeed, the 'Western Balkans' as geographic entity is entirely an EU invention. This regionalised approach implies, however, that decisions relating to any of the six countries substantially impact decisions in the others. Albania's recent protests against Bulgaria's veto concerning North Macedonia is a case in point. The consequences of a politically motivated approach that one EU member state takes towards a Balkan candidate country can thus have negative repercussions for the entire region.

Additionally, general 'accession fatigue' among EU member states acts as a multiplier of these disadvantages, especially because migration has become a key issue in many EU countries. Indeed, the domestic preferences of its members have even led to the EU reneging on deals it had agreed to carry out, as in the case of visa-free travel for Kosovars. Finally, domestic politics is playing a growing role in enlargement decisions not only because some EU members have bilateral problems with candidates (Greece and Bulgaria with North Macedonia, Croatia with Serbia etc.) but also due to certain countries' belief that the current architecture of the Union cannot support new members either politically (France) or financially (the Netherlands).

All these elements imply that the incentives for the EU-27 to resolve differences within and without each country are low. EU leaders have rhetorically affirmed their commitment to integrating the region, but the EU has been unable to 'speak with one voice' on this issue. Indeed, the implicit contract that existed between the EU and the Western Balkans

has eroded as progress in technical reforms has been slow and EU members have at times vetoed advancement in the accession talks for purely political reasons throughout the 2010s. Alternative formats based on member state initiatives like the ‘Berlin process’, a German initiative to boost political and civil society dialogue in the region and finance projects towards regional connectivity projects, have had some success but can also be seen as detracting from the membership perspective and further contribute to the regionalisation of the space. In the long run, this fissure with the EU increasingly produces destructive effects within each Western Balkan country and in the region on the whole, given how deeply regional reconciliation has been tied to the prospect of further EU integration. This might also help explain why nostalgia for Yugoslavia is at an all-time high in the region (except in Kosovo), and why there is a steadily growing polarization of the issue of membership along Serb/non-Serb, Orthodox/non-Orthodox sectarian lines as in Montenegro and Bosnia (Keating and Ritter 2017; Crowcroft and Duric 2021).

### **An ineffective foreign policy tool**

As an incentive for reforms, accession, while still a powerful instrument and the nominal goal of all countries in the region, does not carry the same weight as in the 2000s. The external incentives model that was effective to some extent in the Europeanization of the Central and Eastern European countries no longer works in the same way since the EU has to a certain extent lost its credibility when it promised rewards for costly reforms. Besides the protracted accession process, the financial crisis, the UK’s departure from the Union, and disappointing economic growth for Croatia post-accession have all contributed to lessening the EU’s credibility in the Balkans. More recently, illiberal contestation of EU values from inside the Union has also undermined those that see the EU as a guarantee against authoritarian encroachment. While support for the EU among the publics in the region remains high overall, enthusiasm for accession has dampened somewhat over the past years as the membership prospects seem more distant than ever. Indeed, an internal EU working document obtained by various media organisations admitted: “We need to acknowledge that despite the steadfast commitment to EU integration ... the people in the region are experiencing a sense of deep disappointment in the enlargement process”.

Given the changing cost-benefit calculations about an enlargement to the Western Balkans among both the EU-27 and the countries in the region, the question is if enlargement can remain a potentially effective EU foreign policy tool for the region at all. At this point, it seems obvious that as a mechanism for promoting stability in the region, the prospect of accession has been disappointing. In the case of Bosnia, membership has not proven to be a sufficient incentive for the various domestic actors to overcome their differences and fulfil the Dayton Agreement requirements, which are a prerequisite for accession negotiations to start. Equally, the normalisation of relations is a pre-requisite for Serbia’s and Kosovo’s accession processes but has not materialised. Conversely, in Albania and

North Macedonia, where domestic divisions were more or less successfully overcome in the 1990s and 2000s (with assistance from the EU), the start of accession negotiations has been vetoed regularly by individual EU members, namely Greece, France, the Netherlands, and Bulgaria. Finally, Montenegro, which is the most advanced country in the region in terms of negotiations, faces an uncertain future due to its domestic politics. An attempted coup by pro-Serbian and pro-Russian elements within the Montenegrin state in 2016 and growing vocal opposition to the country’s Western orientation among the Serbian minority, which constitutes nearly 30% of the population, have led to a political polarization.

Overall, the candidate countries seem stuck between the promise that fulfilling technical criteria will eventually lead to their accession and the reality that the fate of each candidate depends on individual political decisions in each and every EU member state capital. This disconnect between expectations and reality has fuelled Euroscepticism in candidate and potential candidate countries. This phenomenon had already been observed in the last years of the Croatian negotiations to join the EU and left many puzzled. While negative Croatian public opinion did not hinder the ratification of the accession treaty by referendum (albeit with a very low turnout), public opposition to accession in countries where the processes are less advanced is already hardening, leading to alternative regional integration efforts such as the Open Balkan initiative led by Serbia. Indeed, governments often have little to show for making costly sacrifices in the name of accession. In North Macedonia, for example, the Prespa accord with Greece, which settled the dispute regarding the country’s name, was not rewarded by a decision of the Council of the EU to open negotiations.

Much of the disappointment with the EU is also down to the fact that Western Balkan countries applied to join a very different Union from what it is today. Formal membership to the club no longer guarantees equal rights to its members. Eurosceptic forces in the Western Balkans (and beyond) can point to Romania’s and Bulgaria’s difficulties in joining the Schengen area and the ‘cooperation and verification mechanism’ they are subject to, which ties EU structural funds to judicial reform. Conversely, if it is indeed possible to join the Union without having completed all the *acquis*, they wonder why it is not then possible to allow the current candidate countries to join the EU, too.

The EU’s rhetorical emphasis on a “credible European perspective” for the Western Balkans (European Commission 2018) thus at best confuses and at worst frustrates candidate countries while serving only to delegitimise the EU with each successive political veto. By the admission of Western Balkan leaders themselves, the EU is less and less a positive aspiration and more and more seen as the only alternative Western Balkan countries have if they wish to improve their (comparatively) dire economic and political state. While this negative motivation might still keep those countries engaged in the

process, it does not produce the same political drive for substantive reforms that a true positive desire would. The consequences of such a lack of genuine motivation can be observed when considering examples of how EU-driven reforms have been unable to deliver desired outcomes across the region.

### **The negative repercussions of ineffective EU-driven reforms – recent examples**

Based on the unwarranted assumption that efficiency will lead to legitimacy of EU-driven reforms, and often simply lacking knowledge of local dynamics, EU-led reform processes regularly touch upon politically sensitive areas, without addressing the root causes of those sensitivities. Several examples illustrate this. The case of police reform in Bosnia is emblematic because the EU's representative in the country is also the High Representative charged with sweeping executive powers by the Dayton accords. Hence the EU has the possibility to enforce its desired system by decree in Bosnia. Yet, far from a purely technical matter, police powers have a deeply significant political importance throughout the region, both because they represent the regalian power of the state and because of how critical police forces were during the dissolution of Yugoslavia and the role of the police in the subsequent conflicts. In Slovenia and Croatia, the customs officers and police forces were the first officials to defect from the Yugoslav ranks, reimposing internal borders and changing uniforms to signal the independence of their nations. Ethnic Serb police officers also participated in the Bosnian genocide. As a result, local Serb authorities in Bosnia have done their utmost to resist the implementation of EU-induced reforms, which, rather than simplify the complex security architecture in the country, have made it even more dysfunctional. 'Europeanisation by decree' in this, as well as more recent examples like the Bosnian Genocide Denial Law, introduced on the last day of High Representative Inzko's term and now being revised to try and reduce tensions, serve to further convince the Republika Srpska authorities that the EU is a biased actor and reinforces Serbian nationalist victimhood narratives.

More broadly, the EU's relationship to Serbia and Serb minority groups is ever closer to becoming a fault line in the region as Serbian nationalists increasingly claim that the EU is on the side of their local rivals. The most prominent argument made by Serbian nationalists is that the EU is selective when it comes to the application of international law. Since the dissolution of Yugoslavia, NATO and the EU have justified their various military and civilian interventions in the internal affairs of Western Balkan countries with the help of international law and the accepted use of coercive force, particularly in the period immediately after the cold war. Nevertheless, NATO's intervention in Kosovo in 1999 and the subsequent EULEX Kosovo did not have UN backing, mainly due to Russian opposition in the UN Security Council. Acting without a UN mandate in Kosovo has placed the EU in a somewhat contradictory position. On the one hand, it is in favour of Kosovo independence based on the right to self-determination

– the fact that four EU member states do not recognise Kosovo has not prevented the EU from engaging substantially with it on an ad hoc basis. On the other hand, the EU is entirely opposed to Bosnian-Serb demands for independence, while some member states have gone as far as suggesting using sanctions pre-emptively against local separatist leaders. Serbia itself has pointed to a 'double standard', given that it does not dispute the territorial integrity of Bosnia (at least formally) while the West disputes its own authority in Kosovo.

Finally, while Serb/non-Serb conflicts predate the interference of the EU, perceived discrimination is contributing towards anti-EU sentiment among Serbian minorities. Indeed, there is a growing correlation between ethnic divisions and EU sentiment throughout the region (Centre for Insights in Survey Research, 2020). In Montenegro, while pro-independence and pro-EU sentiment are solid (both have around 80% support), Serbian nationalists traditionally dominate the opposition and are distinctly anti-Euro-Atlanticist. The referendum to declare independence, won by just a fraction of a point above the required threshold in 2006, is still mired by accusations of voter fraud. Furthermore, anti-Serbian sentiment helps fuel President Djukanovic's coalition, which lost power for the first time in August 2021. Since then, public discourse has been increasingly divided on Serb/non-Serb lines, including through violent protests over the past few years. In June 2021, the Montenegrin parliament passed the Srebrenica genocide denial law in line with its pledge to protect human rights and minority rights as part of the implementation of EU acquis. This drew criticism from Serbia, and, in September, following protests and counterprotests in Montenegro, President Djukanovic joined Croatia's President Milanovic in condemning Belgrade for "reviving nationalism" in the region (Kajosevic 2021).

All these developments mean that – in the absence of a clear membership perspective and EU reform proposals that more adequately take account of regional sensitivities – the EU increasingly risks becoming a vehicle for interethnic rivalries in the Balkans, hence losing its traditionally otherwise excellent position of broad-based support.

### **Recommendations: adjusting to reaffirm EU-Western Balkan relations**

The EU is certainly not to blame when it comes to the many historic conflicts that plague the Balkan region. Indeed, most of them predate the European Communities, and the EU has engaged in the region with a view to mitigating these problems. However, despite these good intentions, the tool-set and mechanisms that have characterized EU engagement have at times been inadequate and counterproductive. The enlargement process, often hailed as the EU's most successful foreign policy, can no longer be used to that effect because it produces promises which member states are patently no longer willing to keep. This fuels resentment which can translate into Euroscepticism and hostility towards the EU.

A simple change in the voting structure of enlargement-related decisions can help overcome this issue. The current

CoFoE can lay the groundwork for a treaty change in this direction or lead to an agreement to use the passerelle clause of Art. 48(7)TEU to change the voting system on enlargement decisions. Currently, unanimity governs the whole process. Member states therefore feel like they can go along with any given step in the procedure with the knowledge that they can veto at any stage. This, however, creates false hopes among the publics of candidate countries. As a remedy, we suggest that EU members vote on opening accession negotiations by unanimity but that all subsequent decisions, to open or close chapters and to admit the candidate, should be decided by qualified majority. This would mean that member states would keep the right to veto any new members but must make a genuine commitment when deciding to start the process rather than vote according to short-term political incentives. Candidate or accession countries would also be reassured that they have the backing of all member states to join in principle *if* they make genuine progress, thus increasing incentives and eliminating the fear that a political decision might mean their efforts are naught.

Additionally, in the Western Balkans, where commitments have already been made, the EU should act towards changing the incentive structure by grouping the candidates together as in the case of the big bang enlargement of 2004. A ‘no one joins until everyone joins’ approach would allow for local actors to work together to iron out issues. Serbia could for example use its influence in Bosnia to increase the cooperation of local Serb authorities. Equally, Montenegrin authorities

would have greater incentives to find consensus domestically. This kind of approach could therefore help unblock the accession processes in the region and lead to substantial regional cooperation. States that are lagging behind their neighbours would face not only EU pressure but also local pressure to implement the acquis, producing a ‘race to the top’.

To practically implement this proposal, a ‘reset’ of the existing processes would be necessary, giving EU members one last unanimous vote on the principle of expanding the membership. Depending on the state of negotiations, Montenegro could be exempted from this as its process is already well on its way and may actually finish (unlike Turkey’s for example). If member states were to vote ‘no’ in this once-in-a-generation decision, it would at least clarify the situation for the candidate countries (within and outside of the Western Balkans) so that they can act accordingly. For them, it may be better to know sooner rather than later when frustrations are bound to be even higher.

If the EU-27 do not wish to enlarge the Union, then alternative forms of engagement with the region will need to be found to foster regional reconciliation and stability. The EU could politically and financially support a deep level of regional integration between the Western Balkan countries that takes inspiration from the EU acquis. The offer has to be convincing, however, – or else other major powers will gain even more ground in this EU neighbourhood region.

## Further reading

IRI's Center for Insights in Survey Research. "Western Balkans Regional Poll" June 2020. <https://www.iri.org/node/5642>.

Crowcroft, O. & J. Duric. 2021. "15 years on, Montenegro's vote to join Serbia still cuts deep". *Euronews*, 20 May 2021.

Economides, S. & J. Sperling. 2017. *EU security strategies: extending the EU system of security governance*. London: Routledge.

European Commission. 2018. "A credible enlargement perspective for and enhanced engagement with the Western Balkans". COM(2018) 65 final. Brussels, 6 February 2018.

European Commission, Directorate-General for Communication. 2019. "Public Opinion in the European Union". Wave EB91.5. Brussels, June 2019, <https://europa.eu/eurobarometer/api/deliverable/download/file?deliverableId=70918>.

Kajosevic, S. 2021. "Croatian, Montenegrin Presidents Accuse Vucic of Reviving Serbian Nationalism". *Balkan Insight*. Podgorica, 16 September 2021.

Keating, E. & Z. Ritter. 2017. "Many in Balkans still see more harm from Yugoslavia Breakup". *Gallup*, 18 May 2017.

Miščević, T. & M. Mrak. 2017. "The EU accession process: Western Balkans vs EU-10." *Politička misao: časopis za politologiju* 54 (4): 185-204.

Vogel, T. 2018. "Out of focus: the EU's relations with the Western Balkans", *Heinrich Böll Foundation*. 9/10/2018, Brussels. <https://eu.boell.org/en/2018/10/09/out-focus-eus-relations-western-balkans>.

## About the Authors

**Ediz Topcuoglu** is an academic assistant at the EU International Relations and Diplomacy Studies Department of the College of Europe, Bruges. He is also an interim lecturer at the Catholic University of Lille on EU integration theory. His research focus is on EU foreign policy and security issues.

**Raquel Ugarte Díez** is an academic assistant at the Political and Governance Studies Department at the College of Europe, Bruges. Her research focuses on internal and external EU differentiated integration, European Political Economy and the debate on the future of Europe.

Views expressed in the College of Europe Policy Briefs are those of the authors only and do not necessarily reflect positions of either the series editors or the College of Europe. Free online subscription at: [www.coleurope.eu/CEPOB](http://www.coleurope.eu/CEPOB).