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# From normative to tangible governance: Time to change strategy of the EU enlargement process towards Western Balkans

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by Taulant Hasa

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## **Abstract**

Since the launch of the European integration process in the Western Balkans (WB), the political promise of membership has kept the south-east of Europe out of conflict. The pacification of the region is the core strategic goal of the process, while the European Union's (EU) use of its normative power is struggling to put the region on the path to Europeanization. Although the European governance targets member states, due to the gravitational attraction of its model, the WB has become an indirect recipient of it, producing a certain normative loyalty towards the EU. Nevertheless, in states currently in political transition, endemic corruption in the public administration, weak democracy, and lack of rule of law among other factors, make the implementation of the European model difficult. Therefore, the achievements of the supposed European governance are not very visible, which gives rise to many questions: Is there a membership perspective? Why does European governance have a limited effect on the WB? For many reasons, especially enlargement fatigue and the debate over a federal EU, the goal has been to keep the region tied to EI (European Integration) rather than a full accession.

Keywords: Governance, European Union, Western Balkans, Integration, Enlargement, Rule of Law





## 1. Introduction

The enlargement process of the EU towards the WB involves not only the application of the “*Acquis*,” but it also considers governance and legal transformation as key factors in becoming a member. This is visible in the public policy of the states that are currently a part of the enlargement process (Albania, Serbia, Montenegro, Kosovo, Bosnia Herzegovina, and the former Republic of Macedonia (FYROM),<sup>1</sup> making the EU and its institutions indispensable for the development of the area. The EU, and the promise to be part of it, has become the most important tool of regional stability, acting as the gravitational centre of public policy.

The region has been labelled as a battleground for old empires and new superpowers, making this the key factor for enlargement. Historical discussion surrounding the pacification of Europe has underlined the Balkans as a cornerstone to consolidate peace in the continent. This argument has been mentioned many times by European Commission President Jean Claude Juncker on its strategy for the future of the EU, most recently during his “State of the Union,” in September 2018. From Juncker’s perspective, all sides would benefit from this enlargement.

Almost 20 years of the integration process in the WB have muted the ethnic conflicts, paving the road to regional cooperation and stability. From the perspective of the EU, the region remains far from reaching the standards established in the Copenhagen criteria. Since 2001, in an effort to strengthen the rule of law, enhance institutional capability, and boost social and economic development, the EU has allocated approximately 20 billion Euros. These funds have been allocated under CARDS (Community Assistance for Reconstruction Development and Stabilization) and IPA (Instrument of Pre-Accession) I & II.<sup>2</sup> Nearly 45% of the financial assistance from these two major programs have sustained the first component, Assistance for

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<sup>1</sup> North Macedonia after the Prespa Agreement between Greece and FYROM.

<sup>2</sup> Including Croatia until the accession on the EU in 2013

Transition and Institution Building.<sup>3</sup> Meanwhile the Berlin Process, WBIF (Western Balkan Investment Framework), CEFTA (Central European Free Trade Agreement), and RCC (Regional Council of Cooperation) have spurred regional cooperation, which is one of the main goals of the enlargement process.

Even though the area has been a conglomerate of public and private European institutions, bilateral donors, development agencies, and International Organizations like the UN, the IMF, and the World Bank, gaps between the EU and the WB have not been reduced effectively.<sup>4</sup> Democracy and the rule of law, paramount factors to be part of EU, are still weak. Structural change of the Balkan economy, which went through heavy deindustrialization in the 1990s, remains one of the barriers to reducing the economic gap with the EU.<sup>5</sup> In an optimistic scenario predicting a rate of growth about 3.5-4% from 2015-2020, the area will need approximately 6 decades to catch up to the EU's rate of GDP per capita, assuming the EU's growth rate will continue at an average of 1.4%. In a pessimistic scenario, this could take up to 200 years.<sup>6</sup>

The objective of this paper is to examine the role of normative power and its efforts to turn south-east Europe into a better governed and therefore a more prosperous area. The EU has chosen the path of legal transformation, institutional capability, and regional stability to manage enlargement. In this regard, this research discusses two elements. The first element is the need for a new integration dynamic, as the normative power focused on the implementation of the EU model has had no significant achievements, apart from keeping this area out of

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<sup>3</sup>The other components of IPA are Cross-border cooperation including member states, Regional Development, Human Recourses, Rural Development.

<sup>4</sup>On the period of 2007-2017 World Bank Worldwide Governance Indicators WGI (Control of Corruption, Rule of Law, Regulatory Quality, Government effectiveness, Political Stability, Voice and Accountability) shows lack of significant change, ranking WB below 50 points in all the indicators, except political stability and lack of violence within notable achievements above 50 points. <http://info.worldbank.org/governance/wgi/#reports>

<sup>5</sup> According to the RCC Balkan barometer of 2017 the growth of industrial production of the region, on the period of 2009-2016, except Albania growing 10%, the rest of the states has had an irrelevant growth (Bosnia and Herzegovina 1.1%, Kosovo 4.5 FYROM 0.9, Montenegro -3.7, and Serbia 0.1). While the GDP per capita remains at 37% of the European average.

<sup>6</sup> Calculation of the author according to the data of World Bank, IMF, and WIIW

conflict. The second element is the normative transformation, which has proven difficult to implement due to a low level of development and a lack of functionality on the part of the public administrations. Consequently, a new strategy, based on less normative and more “spillover” mechanisms, would keep open the path of accession.

From the perspective of the EU Member States, the strength of rule of law has been the headline of the process. However, the lack of a common voice among them regarding enlargement is one of the reasons for their enlargement fatigue. The “fatigue” has affected the efficiency of the normative power of the EU, leading to the politicization of the Copenhagen criteria by some of the regional Member States, including their foreign and domestic policy, in this process. Other member states such as France, the Netherlands, and Denmark perceive further enlargement as a step that could complicate the reformation of the EU.

This research paper discusses factors that have impeded a quick transformation of the region. The hypothesis is that the EU has worked to impose a model of enlargement based on normative transformation, rather than on regional economic and social spillover mechanisms. The lack of these mechanisms has slowed down regional cooperation in the economic field, affecting the social development of the Western Balkans.

The paper proceeds as follows: Sections 2 and 3 review EU governance, Europeanization, and how these both are applied to the process of enlargement. Sections 4 and 5 discuss the politicization of the Copenhagen Criteria. Section 6 focuses on the lack of spillover strategy and how these elements make the integration process faster. Section 7 calls for a new approach to WB governance with a basis on economic development. Herein provided is a critical review of the methodology applied to the European integration of south-east Europe and contrasts theoretical research with some of the achievements and the state of development of the WB.

## 2. Conceptualization of EU Governance

The concept of governance applied to the EU is *sui generis*. Studies have shown that it is difficult to determine a conceptual scope, the areas to which it can be applied, and the effects that it can produce. However, to contribute to the definition and the meaning of European governance, in October 2000, Commission President Romano Prodi defined it through the, “White Paper on European Governance” as;

[A] Set of rules, processes, and behaviors that influence the exercise of powers at European level, especially from the point of view of openness, participation, responsibility, effectiveness, and coherence.

His purpose was to liberate the EU from normative and political complexity by adding executive power and replacing the states as the protagonist of European governance. However, the tendency was and still is to reaffirm the states as the axes of governance. From his perspective, he was calling for a new dimension to European Governance (EG) and urging for executive governance:

The Union must renew the Community Method by following a less top-down approach and complementing the EU’s policy tools more effectively with non-legislative instruments.<sup>7</sup>

The aim of EU governance has been to guarantee a consensus and to improve the implementation of the EU’s rules through the triangle of post-national governance, the fluidity of magnificent interstate cooperation, and concomitant institutionalization (Rosemond 2005). This triangle has generated a complex network of actors, instruments, and interests, thereby transforming the Westphalian concept of sovereignty. In the application of EU governance, three basic questions are raised: The first refers to its meaning in the European context; the second has to do with the distribution of power between the national authorities and the common institutions, and what power is exercised by each of them (Council, Parliament, and

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<sup>7</sup> COM (201) 428

Commission); the third refers to how the enlargement of the EU will influence the governance of it and of the new members.

As a part of EG, multilevel governance is a system in which different levels of government share definitions of problems and policies on broad thematic agendas. From this emerges a pattern or network of confluences between the local, regional, state, and supra-state space (Keohane and Hoffman, 1991). The political networks of the EU have been defined as hybrid mixtures of actors and systems composed of national, supranational, intergovernmental, trans-governmental, and transnational relations (Dan-Guien, 1993). From this perspective, the integration process is, once again, the construction of a new political entity, or “polity”. This authority, and its capacity to influence policymaking, is shared among a group of public and private actors, operating at varied levels of government (Benz and Eberlein, 1999, Hooghe, 1996, Hooghe and Marks, 2001).

The formulation and implementation of common policies led to the progressive Europeanization of national administrations, involving procedures and socio-economic interests (Wessels and Rometsch, 1996). The transformation of the state includes the incorporation of the sub-state into the European political arena, without necessarily leading to a “Europe of the Regions” (Kohler-Koch, 1998). However, other authors argue that the internal redistribution of power that derives from EI tends, in general, to reinforce more central governments and even large cities, to the detriment of regions (Moravcsik, 1994; Le Galès, 1997).

Lastly, but equally importantly, is the tendency of European institutions to act as a constitutional barrier in isolated cases of sub-national entities that claim auto-governance or independence, as is the case of Cataluña. In this context, EU governance is adding a new function, a guarantee for national stability, which translates to European stability. The message is clear that the EU is a product of states, rather than of regions. In this regard, decentralization is a tool of good governance, not to a path to independence.

Considering that this tendency may also affect the rest of Europe, the same message has been delivered to the associated states in the WB, where Bosnia and Hercegovina, Kosovo, Macedonia, or even Serbia could become subjects of irredentist movements again. Despite this message, the region is going through a new stage of geo-political reformation. Kosovo and Serbia, backed by their two strongest allies, the US and Russia respectively, are strongly evaluating a swap of two small ethnically territories populated by Serbs and Albanians.<sup>8</sup> The EU is against this agreement, even though this option has been part of the High-Level Dialogue led by Federica Mogherini, the High Representative of the EU. If this agreement passes in 2019, as is rumored, it will represent a failure of EU policy in the region, which has promoted multiethnicity as one of its conditions for membership.

### **3. Dissuasive normative power or hard power: Europeanization through conditionality**

Europeanization is a structural part of the EU, and furthermore of the integration process for the WB. Since the origin of the European project, Europeanization and integration have been elements of paramount importance. This overcomes theoretical conceptualization being a meta-theoretical element, a fusion of neo-functionalism and intergovernmentalism, which is evident in the political, economic, and normative process of the EU. Although Europeanization lacks a unanimous definition, it is usually related to the implementation of common legislation, multilevel governance, or the transfer of powers (Olsen 2002). According to Olsen, there are four characteristics of Europeanization: the export of the European model beyond its borders; the strength of governmental institutions at the supranational level; the supranational element giving influence to national and sub-national levels; and intensifying the process of unification of the EU. Another technical aspect of Europeanization is the “discharge” of directives and

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<sup>8</sup> This plan foresees the exchange of the valley of Presheva, in the southern part of Serbia majority populated by Albanians, with the northern part of Kosovo in the region of Mitrovica majority populated by Serbs. <https://www.dw.com/en/serbia-and-kosovo-moot-map-redraw-in-historic-land-swap/a-45389705>

regulations at the national level. One of the most important facets of normative power and the discharge of the EU model, through external action, is the attempt to Europeanize the concept of the state and its functionality. This requires not only the implementation of the *Acquis Communautaire*, but also the acceptance and absorption of the EU's values.

Normative power has led EI in the WB through the implementation and acceptance of communitarian rules. Seen as part of soft European power, conditionality is the hardest instrument applied in the WB. This mechanism tends to diminish regional disputes and heal political dialogue by using the EU's gravitational attraction to impose its model and policy. Conditionality is a vertically and horizontally dissuasive tool against the barriers that, state or sub-state entities, ideologies or nationalism, can represent on the path to EI. This dynamic goes beyond the framework of good governance, insisting on: the process of decision-policy making; regional stability; and democracy. At this stage, due to its gravitational model, the EU is not a mere "adviser" on the multilevel governance of WB, but an important stakeholder.

WB states, though not members of the EU, conform to the exigencies of Brussels, shifting their loyalty towards the new sphere of influence, competing with geostrategic and economic rivals like the USA, Russia, and China.<sup>9</sup> This shift has been institutionalized by the effects of the SAA (Stabilization and Association Agreement), the SAP (Stabilization and Association Process), and by the promise of accession. The benefits, but also obligations, of the free trade agreement and financial assistance have placed these national governments under the watchful eye of Brussels. The focus of Brussels is mostly on the rule of law and regional cooperation, the very first stages of EI. Due to the enlargement process, the EU's Common Foreign Policy (CFP) in the region has been perceived, not only as a mere "presence", but as an effective actor, and probably as the most important diplomatic interlocutor in WB. Since its

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<sup>9</sup>According to the WIIW (Vienna Institute for International Economic Studies), China's investment in the WB through the Belt and Road Initiative could raise up to 10 billion of Euro. By state, the impact on GDP could be 1.5% in the case of Albania, 14% in Montenegro, 5,15% in Serbia, 4,32% in FYROM, and 8.55% Bosnia and Herzegovina.

creation on the Treaty of Maastricht, the WB has been the CFP's first priority, and a challenge for its efficiency.<sup>10</sup>

On the policy of enlargement, Europeanization is a branch of normative power. As part of this process, the EU encourages dialogue within the new partners at a vertical and horizontal level. The role of the European Commission, as an executive body most exposed to Europeanization, becomes a supranational "government", even for the states that are part of the enlargement process (Harmsen and Wilson 2000). Although these states are not part of decision making within the EU, European governance still addresses them. Rather than associated states, they become indirect passive "members". To a large extent, they are a part of European governance, of the EU's Foreign Policy, of the infrastructures network, of European Security, and they face a multitude of other EU challenges - like migration.<sup>11</sup>

*Conditionality*, as an endogenous factor of EU policy, has been one of the most effective tools to strengthen the regional cooperation and the democratic transformation. Through this mechanism, the enlargement process has become an effective policy to the Europeanization of the region (Ugur and Tovias 2004). Metaphorically in terms of incentives and conditions, the "Stick and Carrot" Policy (Grabbe, 2002, Zoukui, 2010) has targeted those segments that have been an impediment to European policy in the region, restricting in many cases the sovereignty of these states. Their smaller economic weight, their independence from the European economy, and their aspirations to become a member turn these states into targets of conditionality. This asymmetric interdependence places their sovereignty on a secondary plane (Schimmelfennig F, Sedelmeier, U, 2004).

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<sup>10</sup> The EU Global Strategy on European Security of June 2016 identified 5 priorities direct and indirectly linked with WB: Security of the Union: State and Social Resilience in South and East of Europe: An Integrated approach of the conflicts: Regional Cooperation: Global Governance for the 21 Century.

<sup>11</sup> This is a conclusion of the author of this paper, extracted from its Doctoral thesis "The enlargement policy of EU towards Western Balkans. A new integration experience de-balkanizing and regionalizing the south-east of Europe" Complutense University of Madrid 2017



Nevertheless, this mechanism has been criticized as non-democratic and against sovereignty, with the integration process being charged as incompatible with sovereignty and the Westphalian concept of state. An example of this is the case of Turkey, where the Erdogan regime has opposed the discharge of the EU policy, slowing the EI process. In states like Bosnia and Herzegovina, the dispersion of sovereignty and administrative fragmentation has impeded the implementation of the European model. The rest of the states have rationally ceded in this process, except Serbia on foreign policy.<sup>12</sup>

#### **4. Integration through values or interest?**

Deeper or wider integration, is nowadays part of the European debate. Deeper integration has different connotations, including the 5 scenarios of the Juncker Commission's proposals for the future of the EU.<sup>13</sup> Of interest, a "*wider Union*" is not part of the 5 scenarios, suggesting that the enlargement process is not a priority of Member States or the EU. Both policies raise many questions over the future of the EU, primarily: Is European integration an endless process? How deep is deeper and how wide is wider? EU integration can be deeper, as many of the Member States want to further explore the economic, political, and security agendas. With regard to widening, the EU has a geographical limitation to the physical boundaries of the European continent. The second question has to do with who can be part of the EU. The WB are on this path, while the case of Turkey has to do not only with the Copenhagen Criteria but also the geostrategic pretensions of the EU in the future. The rest of the European states, such as Ukraine or Georgia, though eager to be part of the enlargement process, remain in the shadow of the

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<sup>12</sup> 2016 Serbian harmonization with the foreign policy of EU was only 59% (24 out of 41 of the EU's decisions were backed by Serbia) compared to other states of the region, Montenegro 100%, Albania 91%, FYROM 77%, and Bosnia and Herzegovina 73%. These decisions were principally linked with Russia. This might have been taken into consideration by the EU Commission during the negotiations of the accession of chapter 31 on Foreign Policy.

<sup>13</sup> The White Paper on the Future of the Europe: Reflections and Scenarios for the EU27, by 2025. COM (2017) 2025

new hegemonic Russian policy. The Association Agreement in 2014 with Ukraine was one of the detonators of the biggest European crises since the fragmentation of former Yugoslavia.

Both cases have similarities, because European integration was a common denominator. Two of the six former republics of Yugoslavia are members, while 4, including Kosovo, are on the path to membership. What we have learned from the enlargement policy in the Balkans is that being excluded from the process can predict destabilization. In other words, for many state and non-state actors, membership in the EU signifies a perpetual peace. On the other hand, for Georgia, Ukraine or even Moldova, the enlargement process can spark a crisis, while the opposite produces a certain cold peace.

Opposing perspectives regarding the enlargement policy have led to the politicization of the Copenhagen Criteria. Member States most linked with the process do not have a common view of these standards, ascribing different connotations to these criteria. It is easy to prove that the rule of law, or the guarantee a free and independent judiciary system, is a challenge for these states. The political concern of the anti-enlargement group is enlargement fatigue. The Copenhagen Criteria, as the cornerstone of the process, has been both a technical and political mechanism, with ramifications not only for the enlargement process but also the political dialogue surrounding it.

Despite the state of the rule of law in this region, Balkan member states of the EU have managed to use enlargement as a tool for their foreign policy. Interests of member states compete with the “values” of the integration process. In this context, the initiative of the Enlargement Commission is evaporated by member states who, through this process, are bypassing the EU's values. Regional states, such as Greece, Bulgaria, Croatia, and Slovenia have cited the enlargement policy as a “threat” to their foreign and domestic policies:

- Greece blocked FYROM from the EU and NATO for 13 years, due to diplomatic dispute over the name, and to a lesser extent, Albania, due to claims for the rights of a Greek minority;

- Croatia blocked Serbia over minority rights and collaboration with the International Criminal Tribunal for the former Yugoslavia;
- Slovenia blocked Croatia before its membership, due to the dispute over the maritime borderline;
- and Bulgaria questioned the identity of the Macedonian entity, displaying linguistic, historic, and folkloric paternalism over the ex-republics of Yugoslavia.<sup>14</sup>

On the other hand, Greece, Italy and regional states like Croatia and Bulgaria, despite deficiency of rule of law in the south-east of Europe, are backing the enlargement towards this area.<sup>15</sup> Bulgaria, under its presidency of the European Council during the first half of 2018, served as an EU representative to the WB, delivering a message for a new dynamic on the enlargement process. The summit in Sofia in May between the WB and the EU was the second, taking place 15 years after the first one held during the European Council of Thessaloniki in June of 2003.

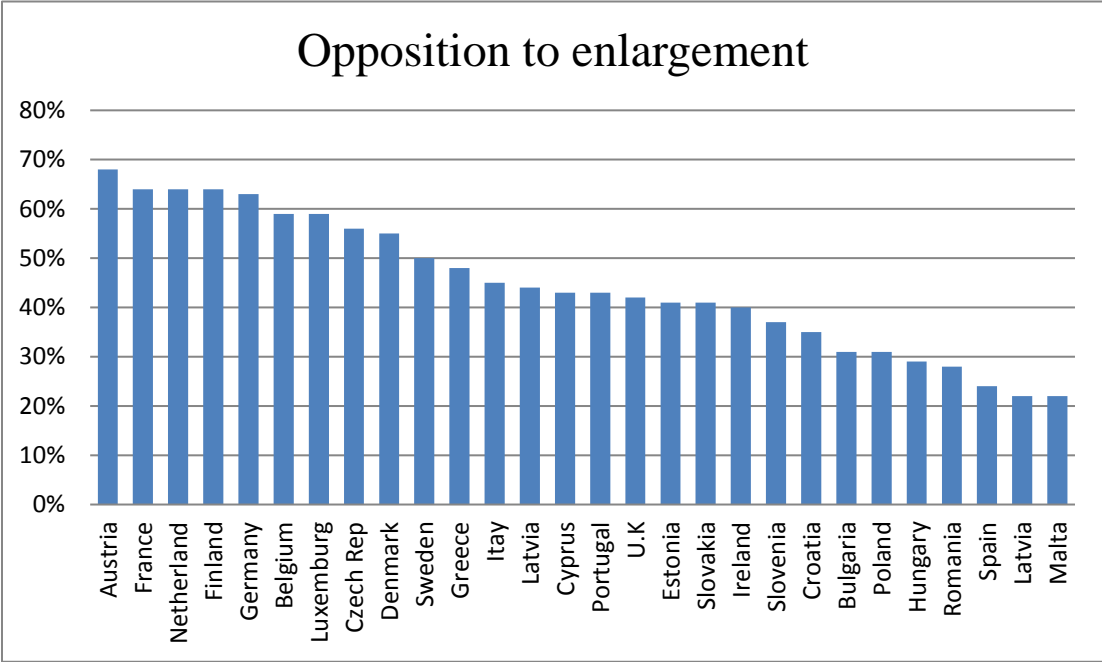
Generally, public opinion in western Europe is against the enlargement. This chorus is led by Austria, with 68% of its population in opposition to accepting new states. Surprisingly, the Austrian government, despite public opinion and having in the conservative coalition, the far-right Freedom Party, is backing a new enlargement. After Germany, Austria has been a leading voice in support of the integration of the WB. East and Central European member states,

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<sup>14</sup> 36 out of 37 cases ruled by the ECHR in 2017 condemned Greece for violating the European Convention of Human Rights; [https://www.echr.coe.int/Documents/CP\\_Greece\\_ENG.pdf](https://www.echr.coe.int/Documents/CP_Greece_ENG.pdf). According to its population, Croatia, Greece and Bulgaria were the states in which the most violations of ECHR were committed, respectively, 301, 588 and 864 cases; while Albania was condemned in 57 cases, Bosnia and Herzegovina 49, Serbia 161, and Montenegro 35, see [https://www.echr.coe.int/Documents/Stats\\_violation\\_1959\\_2017\\_ENG.pdf](https://www.echr.coe.int/Documents/Stats_violation_1959_2017_ENG.pdf). The ECHR in 2017 received 57 cases concerning human rights violations in Albania. None were accepted by the court, see [https://www.echr.coe.int/Documents/CP\\_Albania\\_ENG.pdf](https://www.echr.coe.int/Documents/CP_Albania_ENG.pdf). In 2017, 31 out of 39 judgments of ECHR founded out that Bulgaria committed at least one violation of the European Convention of Human Right, see [https://www.echr.coe.int/Documents/CP\\_Bulgaria\\_ENG.pdf](https://www.echr.coe.int/Documents/CP_Bulgaria_ENG.pdf)

<sup>15</sup> In 2016, Croatia was the only country among 28 to block the opening of chapters 23-24 with Serbia, making allegations over the rule of law standards in Serbia, underlining minority rights and collaboration with the ICTY (International Criminal Court for Yugoslavia).

contrary to western conservative policy, are broadly in favour of accepting WB membership. Despite the opposition to accepting refugees, and even with the high Muslim population of the WB, these member states support WB accession to the union.



Source: Eurobarometer 88

Germany, as the promoter of the integration of the region, has used the enlargement policy as a reaffirmation of its foreign policy, in accordance with the escalation of German power on European policy. Germany was a key country in dealing with the national and regional challenges in the region; the deal between Greece and FYROM over the name of the ex-Yugoslavian Republic; the political dialogue and reformation of the Albanian judiciary system; and the dialogue process between Kosovo and Serbia. Germany was the most important promoter of the Berlin Initiative, also overcoming EU policy resistance in the area.

From the perspective of the anti-enlargement group, the enlargement process is considered an obstacle to reforming the EU. This consideration is part of the argument that new states may affect political stability, fearing a strong reaction from the euro-skeptic part of the government coalition. In the Netherlands, the Christian Union party is a part of the coalition

with a euro-skeptic vision; likewise, in Denmark, the Conservative People's Party holds similar views. Throughout the Brexit campaign, the enlargement process was used as an argument to leave the union, as enlargement could spark a new wave of jobseekers from the WB. France, since Emmanuel Macron became president, is urging prudence on enlargement. Macron poured cold water on the Copenhagen criteria, by making the following remark during the Summit of Sofia:

What we have seen over the past 15 years is a path that has weakened Europe every time we think of enlarging it. I don't think we do a service to candidate states or ourselves by having a mechanism that in a way no longer has rules and keeps moving forward more enlargement. I am not in favour of moving toward enlargement before having all the necessary certainty and before having made a real reform to allow a deepening and better functioning of the EU.

## **5. Normative or executive governance**

The political argument over enlargement surmounts the EU normative factor and the accomplishment of the Copenhagen Criteria. These standards are not only a marker of the EI process but also a guideline for all indications of development and social cohesion. The trend to control these criteria reaffirms the new intergovernmental predisposition, where Member States are ceding territory on the regulation of the single market but are still decisive on the "big" policy like enlargement. One notable facet of the political argument against the enlargement is that a Union of 33 members could federalize Europe. This federalization could lead to an increase of the common budget and the sphere of power of the common institutions. On the other hand, and taking into account how the refugee crisis disrupted political cohesion among member states, it is quite understandable that an EU of 33 would generate concerns about the decision-making process. Furthermore, an EU with 33 members could lead to a model of a UE (United Europe) more than an EU, baring more similarities to the USA. The hypothesis is that a more federalized EU is not so much a utopian vision, as it is a potential reality. In this context, it is understandable why the effectiveness of EU governance in the WB has as a main goal the stabilization and development of the region, thereby delaying the full accession.

The CARDS and IPA financial assistance frameworks, mentioned earlier, were created to assist the improvement of public administration and the rule of law, both narrowly linked with the political and economic transition. The perspective of integration was based on the implementation of normative assistance. This strategy assumes that the normative transformation and institutional capability will lead to the development and the democratization of the region. The reformation of public administration is one of the pillars of the IPA framework. Ideally, the IPA could generate benefits after the first wave of the integration process, at least in the case of Montenegro and Serbia, rumoured to be part of EU by 2025. This prediction has been given credence by Commission President Jean-Claude Juncker. Due to the crucial role that the WB plays on the stability of Europe, the European Commission Presidents have highlighted the need to embrace the WB as part of the Common Project, citing the role of this region in the pacification of Europe.

The enlargement process in this part of Europe has a different approach compared to the previous processes. Factors such as the scale of development, certain democratic culture, the need for new dynamics, and the expansion of the single market, the enlargement of 2004 was made possible in only 13 years. Programs like PHARE, based on economic transformation with lowered regulatory burdens, had a crucial role not only in development but also in softening the effects of political transition. The process took shape quickly even before the fall of the Berlin Wall, when Poland and Hungary signed the association agreement with European Community and 7 years later the negotiation of the chapters started. On the other hand, there was a correlation between the political and social preference in Western Member States to extend the frontiers of EU, in the spirit of the Treaty of Maastricht, gaining economic, political, and geo-strategic power.

Eastern Europe and south-east Europe are opposite in economic, political, and cultural outlook, especially since the Eastern European states have a different approach to the values

and historical movement of Europe in the 18<sup>th</sup> and 19<sup>th</sup> centuries, such as industrialization. One of the most indicative examples of democratic and political maturity has been the separation of Czechoslovakia, a process characterized by democratic decision-making and a peaceful approach. The same process in Yugoslavia, only a hundred kilometres away, was characterized by the worst example of war since WWII, involving genocide, crimes against humanity, and ethnic cleansing. All these elements were weighted by Western Europe when launching a much-needed enlargement, in an effort to project the EU to a globalized world, while providing benefits for European citizens through economic development. This made possible a heightened speed of enlargement, producing visible shifts in economic governance with spillover effects. Another element that geared up the enlargement of the central and eastern European states was the absence of regional disputes and minority fragmentation and confrontation.

## **6. The lack of spillover in the WB**

The dilemma of this strategy is that one of the facets of normative transformation is to keep the region attached to the accession perspective, while additional indicators are added along the path to EI. As is shown in the example of the eastern enlargement, the political factor is a crucial element to gear up not only the enlargement policy, but also to deepen the EI and the economic governance of it. The narrative of EI has demonstrated how the neo-functionalism debate over the new mechanism to connect Europe politically and economically was made possible by integrating different economic sectors.

The attempt to regionalize the WB is also an example of what happened in Europe after WWII. The devastation of the war created the necessity to build more cooperation between Balkan states, extending these effects on economic grounds, while matters of security were advanced with mutual dialogue, peace-building, and the enlargement of NATO towards the WB. On the economic front, several initiatives took place, of which the most important today

are the CEFTA and Berlin Initiative. Institutionally, the RCC was the embryo of intergovernmentalism in the region, but 10 years since its creation, it is yet to turn to a supranational level, which is one of the indicators that the area must absorb according to the communitarian philosophy. The creation of the RCC was forced by the international community, particularly the EU, to set up regional dialogue and development, spurring regional security as part of the spillover strategy. Therefore, the CEFTA, the RCC and the SAP are the core of this approach, while the Berlin Initiative added additional value in keeping the European perspective alive.

To better understand the cooperation between states, the level of trade within the area and networks of communications show the lack of the “spillover” mechanisms. According to the RCC 2020 Strategy, a part of its scope was to increase the intra-regional trade up to 14% of the regional GDP. Until 2016 intra-regional trade was reduced by 15% compared to the baseline of 2010, remaining at 10.1% of the regional GDP. The target for the total trade of goods and services for 2020 is 120.500 million Euros, but until 2016 this volume was 78.621 million Euros, when the baseline in 2010 was 54.686 million Euros.<sup>16</sup> The RCC secretary, whose responsibility it is to ensure the realization of the strategy, underlined in 2018 that it was impossible to reach the targets on FDI, renewable energy, government effectiveness, and GDP per capita.<sup>17</sup> Trade and connectivity paved the path to EI, and in this regard a spillover mechanism is needed to regionalize and integrate this part of Europe.<sup>18</sup> Initiatives like the Regional Market Energy, Western Balkans Regional Economic Area (REA)<sup>19</sup> and the inclusion

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<sup>16</sup> RCC 2020 strategy intra-regional trade of good, % of GDP highlights targets. Results of 2010-2015. <https://www.rcc.int/pages/125/targets-and-results>

<sup>17</sup> South East Europe 2020 Strategy: Implementation Results 2018 pp 4-7. <https://www.rcc.int/pubs/67/brochure-south-east-europe-2020-see-2020-strategy--2018-implementation-results>

<sup>18</sup> In September of 2018 Albanian Ministry of Industries rejected an offer of Serbian Company to buy Albanian Telekom for 60 million of Euro. This was so far the highest offer to buy the Telecommunication Company which ranks as the third one on the national market of communication.

<sup>19</sup> [http://europa.eu/rapid/press-release\\_MEMO-17-1967\\_en.htm](http://europa.eu/rapid/press-release_MEMO-17-1967_en.htm)



of the WB on the agenda of the European TEN-T projects on infrastructure can incentivize the spillover mechanism and reduce regional disputes.

During the Summit of Trieste in 2017, part of Berlin Initiative, REA was promoted by the EU and enthusiastically backed by Serbia as the main exporter of the area. However, past reminiscences still condition the implementation of this idea. From the view of EC, this is a key factor to put the region on the track of supranationalism and economic integration. Although the EC has shown empathy for this project, the WB's states are still sceptical on how this idea can be implemented, before or after settling regional and cross-border disputes.

## **7. Time for a new governance strategy**

Multiple models of states, from the centralized model like Albania, Serbia, Montenegro, to a “quasi” federal model of FYROM, to the co-federal example of Bosnia and Herzegovina, and the parallel states structures in Kosovo, make it difficult to implement the legal transformation led by the EU. In this panorama, European rules are difficult to pursue because in some cases the authority of the state is diminished by the efficiency of public administration, and in others by the failure of the state to execute its power. Both cases are in the same paradigm of the state functionality and good governance. According to the European model, the duty to deliver good governance relies not only on the central government, but also on the local governments and other public powers. Good governance as a target of normative transformation is a crucial factor in the development and quality of democracy.<sup>20</sup> The role of EI is to chase the best standards of these elements as a substantial part of its entire role in these states, based on the Copenhagen and economic criteria to be part of the EU.

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<sup>20</sup> The conceptualization of good governance from the EU perspective is a combination of the rule of law, economic governance, the effectiveness of public administration and human rights, based on 5 principles; transparency, participation, accounting, efficiency, and coherence.

In this process, WB political parties, its elites, and governments, in general, are perceived as an obstacle to the integration process, due to problems like endemic corruption, weak democracy, and bad governance. The use of conditionality is correlated with public pressure, which perceives the governing elites as an impediment to the accession and relates this caste to the main problems in their societies. This is probably one of the reasons why European governance and integration must provide more benefits for the citizens, addressing them more directly. European rules discharged by normative power create a legal framework when citizens can chase public benefits, but in societies where the *rule of law* is sluggishly implemented, citizens are outward benefactors of the integration process. It is in this field where sometimes the euro-skepticism, populism and nationalism are cultivated, even in states on the way to accession.

Another branch of European governance is economic governance, as one of the three pillars of the EU enlargement process. To improve it, the EU created an economic dialogue with these states to promote macroeconomic and fiscal stability, economic growth, and competitiveness, including the package of Convergence criteria. Within these objectives in 2015, the EU, the WB, and Turkey created for the first time the Economic and Fiscal dialogue, based on the Economic Reform Programmes (ERP). This was an additional effort to provide evidence of economic sectors with a potential for growth, improving economic development and structural changes. The fact that 80% of the exports from this area are non-manufactured goods is one of the biggest gaps in economic convergence; in the EU, non-manufactured goods typically represent only 30% of exports.

Previously, under the SAA the EC oriented these states towards a neoliberal approach through privatization, reducing the weight of public administration, and strict budget stability. This process was narrowly linked to the performance of public administration bearing the burden of the implementation of the normative and legislative agenda. According to the EC and

ReSPA (Regional School of Public Administration), which is one of the most important promoters of this reform, Albania, Serbia, Montenegro, and FYROM are moderately prepared for the reform of public administration. Kosovo is somewhat prepared, while Bosnia and Herzegovina is in the early stages of this reform.<sup>21</sup> As this part of the governance, functionality and efficiency were under pressure of politicization and clientelism, therefore, the discharged EU norms and practices did not achieve good governance, diminishing the efficiency of the EU's normative power. For example, the process of privatization, backed by the recommendations of the EC during the first years of the SAP, was rumoured to have harboured cases of corruption and abuses in the sphere of public property, thereby having a negative impact on competitiveness, innovation, and foreign investments.

The ERP appointed the EC as the guardian of economic stability beyond EU borders, converting European institutions to a “watchdog” of economic convergence of the area, and as a privileged partner among the IMF and the World Bank. In this stage, EU is considered one of the most important levels in multilevel governance, and a preferred partner to the cost-opportunity balance of national governments, as the integration process is narrowly linked with the agenda of the political panorama. European Governance and the process leading to full accession is the common denominator, and the main political debate, on the national level. Furthermore, it is a mechanism that generates national and regional stability. This element has been able to shape the regional and foreign policy of WB states in accordance with EU guidelines, using it also as a counterweight to other actors implicated in the area such as Russia, China,<sup>22</sup> or Turkey. National debates regarding the integration perspective, the direct and indirect benefits of being a favoured partner on the way to full accession, and eagerness to

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<sup>21</sup> Regional School of Public Administration: *The Optimization of the Reform of Public Administration in Western Balkan Region. Comparative study with Baseline Analysis.* / 2016. Danilovgrad Montenegro pp 39-65

<sup>22</sup> Minister of Foreign Affairs of Germany Heiko Maas, addressing the Bundestag on 12 September of 2018, says that “China soon can replace EU factor in WB. China money, unlike EU funds, comes without strings”.

benefit from the 4 freedoms of EU membership make the EU one of the most important actors of multilevel governance.

This was not an optional choice, but a synchronization with the wave of Europeanization that took place at the same time as the technical process of enlargement started, mostly while negotiating the chapters of accession. It is quite obvious that these “states” are more receptive than other Member States (Poland, Hungary) to the conditionality of EC. Some examples are: the case of Albania (reform of the judiciary system), Serbia (reform of the judiciary system and dialogue process with Kosovo), Kosovo (agreement with Montenegro over the borderline), and Macedonia (implementation of Ohrid Agreement in 2001, and Prespa Agreement in 2018). As was shown during the migration crisis, Eastern European states have defied the instructions and obligations of the EC to face this crisis. Moreover, the tendencies of governments to control the judiciary system in Hungary, Poland, and Romania have deteriorated relations between the EC and these states. In this regard, sceptical European governmental and nongovernmental actors have the additional argument that an EU of 33 members could make political cohesion even more difficult. Regarding the WB, all the states, except Bosnia and Herzegovina (due to the political and territorial fragmentation) and Serbia on foreign policy, have followed the EC guidelines to maintain the momentum of integration.

An additional factor that has delayed the efficiency of the normative transformation in the WB has been the difficulty in implementing the legal framework recommended by the EC in order to improve the rule of law and make the judiciary system more efficient. This reform was highly linked with the efficiency of all the branches of governance, political stability, and even the quality of democracy. In Albania, only 16 years after the launch of the association process, this reform took place, while in Serbia, the attempt to reform the judiciary system in 2006 did not fit with the European requirements. Serbia approved another strategy in 2013-2018 to fulfil the EU standards and the negotiations of the chapters 23-34. This might have been

the reasons why CARDS, IPA I and II targeted the rule of law as one of the most important pillars of development and good governance. Even with this output, and almost 20 years after the beginning of EI, all the states of the region have more or less the same ranking on Transparency International's scale of perceptions regarding corruption, freedom, and democracy. Notably, they also remain at the bottom of the European scale that measures incomes per capita.

Perception of Corruption (scoring from 0 lowest to 100 heights)

	2012	2013	2014	2015	2016	2017
Serbia	39	42	41	40	42	41
Albania	33	31	33	36	39	38
Montenegro	41	44	42	44	45	46
Bosnia and Herzegovina	42	42	39	38	39	38
Kosovo <sup>23</sup>	34	33	33	33	36	39
FYROM	43	44	45	42	37	35

*Source Transparency International 2017*

In 2014, pushed by the Berlin Initiative, there was change in the normative and governance strategy focusing on the rule of law and economic governance. The agenda of connectivity (up to 1 billion Euros of investments in the regional energy market and transnational infrastructure), economic guidelines, and regional cooperation were the headlines of the EU policy. Member States with additional interests such as: Germany, Austria, and Italy, took part in this Berlin Initiative. Although the level of development, political transition, and

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<sup>23</sup> EU maintained in Kosovo, since 2008, the EULEX mission on the rule of law, the biggest on its history.

the regional framework of cooperation were not in the right condition to face the dynamics of regulation when the SAP was launched, investing more in infrastructure would have incentivized many actors to spur spillover effects in intra-regional trade, rural development, and investments. This strategy could have even impacted political dialogue, regional cooperation, and multiethnic connivance.

## **8. Conclusion**

The normative power of the EU is present in the public policy of the 6 states that are part of the enlargement policy. The EU, in its strategy, has chosen a normative transition to bring the WB closer to Europeanization, a process that will soon enter its third decade. As a contra-effect of enlargement fatigue, this may result in an integration fatigue, a “pathology” that has also started to affect member states, both old and new. The EU, represented by common institutions and member states with direct interests in the region, has been successful in keeping this area on the track of stabilization, with full membership as a secondary priority. Integrating the WB through normative power appeals to European pragmatism to expand its border, beyond the political barrier of the consensus over the future of EU. It considers not only new entrants, but also the appropriate model of the political union, in conjunction with the challenges that lie ahead. Member states have a strong argument to reject a new enlargement, due to the regional disputes and the weakness of the rule of law, democracy, and the culture of corruption. These syndromes of bad governance and the political transition reflect what this area has faced since the fall of the Berlin Wall. All of these factors make it difficult to hold the burden of negotiation of 35 chapters of accession. This could be seen as the most difficult stage in which to become a member, implying an entire reformation of the legal system and acceptance of the EU’s values.

The normative reformation has been an effective scheme in coping with the short-term challenges, a strategy that ponders the necessity in keeping the WB attached to the enlargement policy and the promise of accession. Moreover, the EU is not prepared to accept new states. From the perspective of the non-enlargement group, a fragmentation of the political union would cause more debate regarding its model for the future. The security and stability of the region are the primary grounds for this enlargement. It is clearly visible that in this case, European governance acts as a mechanism of pacification, considering the irrelevant economic weight of this area and the complexity of its variables like ethnicity and cultural diversity. Radicalism and the refugee crisis have identified the WB as a strategic partner capable of being a barrier to these threats surrounding Europe. It is in this additional pillar where the EU enlargement can find its necessary motivation. There will probably be the last enlargement, but the fog clouding the political view of the future of EU impedes a precise vision of it.

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