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Between effective engagement and damaging politicisation

Prospects for a credible EU enlargement policy to the Western Balkans

This policy brief assesses how politicisation of the EU's enlargement strategies thwarts the Europeanisation process in the Western Balkans. It argues that compromising on or adding extra demands to the accession criteria undermines the credibility and effectiveness of the process, underpinning this by discussing developments such as the recent protests across the region, the conclusion of the Prespa agreement between Greece and North Macedonia, and the 2015 migration crisis. At the same time, the paper questions the idea that a completely technical and straightforward accession process is attainable. It searches to find a balance between effective engagement and damaging politicisation of the enlargement process. The brief finally recommends on how to revive the credibility of the enlargement process, amongst other things through recognising the eventual accession perspective of the Western Balkan six, engaging with Western Balkans countries beyond the formal accession process and adjusting strategies towards incumbent leaders in the region.

Introduction

Accession to the European Union formally rests on straightforward conditionality. The Copenhagen criteria define the political, economic, judicial and administrative standards a candidate country needs to meet before it can enter the Union. For the Western Balkans, the Stabilisation and Association Process (SAP) defines the additional criteria of regional cooperation and good neighbourly relations.

Theoretically, after a country receives candidate status and implements all required reforms, and if the EU has the capacity to integrate the country, it is accepted as a member. The latter 'if' is increasingly getting bigger, as since the financial and migration crises, the EU has proved more divided and inward-looking. In recent years, concerns over the Rule of Law in a number of its Member States have further tested solidarity and the strength of common values as enshrined in the treaties. As such, the (perceived) 'absorption capacity' of the EU has deteriorated over the past decade.

However, experiences of the past ten years have illustrated that it is not only the EU's integrative capacity that affects the straightforwardness of the accession process. The EU's transactional approach and the interests of individual Member States, sometimes characterised by political expediency, have politicised the process, either adding extra demands to or compromising on the formal accession criteria. Attitudes of EU Member States vary greatly when it comes to enlargement, ranging from full support, support in name only, indifference as a result of being preoccupied with other issues, to scepticism. Logically, the diverging positions of EU Member States result from geographical vicinity to the Western Balkans, as well as diverging economic ties and geopolitical interests in the region.

At the same time, the past years have shown that without political momentum and strong engagement from both the EU and the WB6,¹ the enlargement process risks becoming a 'ticking the boxes' exercise not capable of inducing real and sustainable reform. The lack of reform, in its turn, induces EU Member States to block accession negotiations or to hesitate to publicly acknowledge the European vocation of the Western Balkan countries. However, a credible accession perspective from the EU side remains crucial to sustain progress in the Balkans, especially in light of increased influence in the region from other major powers like China and Turkey, and continuing Russian engagement.

The year 2018 seemed to bring about new momentum for the WB6, as the publication of the European Commission's new Western Balkans Strategy in February showed increased attention for the region. The EU-Western Balkans summit in May was the first of its kind since 2003 and European Commission president Juncker went as far as to declare that Serbia and Montenegro could be ready to join the EU as early as

1 The 'Western Balkans six' or WB6 include Serbia, Montenegro, North Macedonia, Albania, Bosnia-Herzegovina and Kosovo.

in 2025. The revived attention did, however, barely lead to concrete results, and experts from the region may have entered 2019 with a sense of disappointment. While marking a break with past years, the EU-Western Balkans summit did not culminate in a declaration more ambitious than its 2003 predecessor.² The European Council decided not to open accession negotiations with North Macedonia and Albania, despite a positive advice by the Commission and a preliminary agreement to resolve the Greek-Macedonian name issue.³ And under the Austrian presidency, the EU remained strongly preoccupied with concerns over the deterioration of the Rule of Law within some of its Member States and intensifying dividing lines in the run-up to the European Elections of May 2019.

Meanwhile, in the Western Balkan countries a Europeanisation fatigue has emerged, and experts question the EU's real objectives, asking whether the European Commission and EU Member States really strive for reform or, given other challenges at hand, have for the time being settled for the status quo.⁴ Moreover, commentators go as far as to say that not only have leaders of the Western Balkans learned to trick the EU

2 For the 2018 Sofia declaration, see: European Council (2018). *Sofia declaration of the EU-Western Balkans summit*, <https://www.consilium.europa.eu/en/press/press-releases/2018/05/17/sofia-declaration-of-the-eu-western-balkans-summit/>. For the 2003 Thessaloniki declaration, see:

European Commission (2003). *EU-Western Balkans Summit Declaration*, http://europa.eu/rapid/press-release_PRES-03-163_en.htm.

3 See: Council of the European Union (2018). *Enlargement And Stabilisation and Association Process – Council conclusions of 26 June 2018*, 10555/18, <https://www.consilium.europa.eu/media/35863/st10555-en18.pdf>; *Endorsement by the European Council on 28 June 2018*, see: <https://www.consilium.europa.eu/en/press/press-releases/2018/06/29/20180628-euco-conclusions-final/pdf>.

4 Kmezić, M., 'EU Rule of Law Conditionality: Democracy or 'Stabilitocracy' Promotion in the Western Balkans?', in: Džankić, J., Keil, S. and M. Kmezić (2019). *The Europeanisation Of The Western Balkans – A Failure of EU Conditionality*, Palgrave Macmillan, p. 90.

for their own win, European Commission officials actually know that they are being tricked.⁵ Though this might be far-fetched, it shows that the perceived credibility of the accession perspective is currently low. Another development is the growing disenchantment between citizens of the Western Balkans and local political elites, whom they accuse of being largely corrupt and incompetent.⁶ Indeed, despite many years of discussions on democracy and the Rule of Law, local ruling elites retain a lack of democratic sensitivity that seems to result from their vested interests. Whatever the EU agrees on with Western Balkan governments who are seen as having captured the state (even by the European Commission itself⁷), therefore leads to a weakening of trust amongst citizens in the region, and adds to the perception that the EU prefers stability over reform. It is in this context that the wave of popular protests that started late 2018 has spread over the region, prompting media to speak of a 'Balkan spring'.⁸

Given the deepening entrenchment of semi-autocratic regimes in the region and the lack of progress in Europeanisation, it is clear that EU strategies need further reform. One question crucial to the success of the process thereby emerges: How can the EU continue a credible enlargement process without compromising on or overpromising on its commitments? In other words, how can the EU strike a balance between effective engagement and damaging politicisation in the enlargement process, and what should such effective engagement

entail in practice? This paper searches to answer these questions by analysing developments like the conclusion of the Prespa agreement between Greece and North Macedonia, the recent protests across the region, and the 2015 migration crisis. At the same time, it questions the idea that a completely technical and straightforward accession process is attainable. The paper concludes with an analysis of the prospects for the enlargement process in the upcoming year and recommends on how to revive its credibility.⁹

The politicisation of the enlargement process

As the EU's *acquis communautaire* evolves over time, countries seeking to accede the EU have to adjust to a moving target. As such, in an integration process covering multiple decades, it is impossible for the EU to lay down fixed accession requirements at the start and to not adjust those requirements during the process. Such an adjustment does in principle not affect the credibility of the process.¹⁰ This changes if the European Commission and/or the EU Member States either compromise on or add extra demands to the Western Balkan countries that are not a result of the gradually evolving EU *acquis*. Inconsistency in requirements, both over time and between different aspiring candidate countries, has a direct impact on the credibility of the process. Such arbitrariness from the EU side

5 Statement from a Western Balkans expert during the CEPS Ideas Lab 2019 conference in Brussels (under Chatham House rule).

6 See: Bieber, F. and M. Kmezić (2017). 'The Crisis of Democracy in the Western Balkans. An Anatomy of Stabilitocracy and the Limits of EU Democracy Promotion', *BiEPAG Policy Paper*, p. 12.

7 European Commission (2018). *Communication: A Credible Enlargement Perspective for and Enhanced EU Engagement with the Western Balkans*, COM(2018) 65 Final, p. 3.

8 Independent (2019). *Anti-government protests in Montenegro, Serbia and Albania inspire hopes of 'Balkan Spring'*, <https://www.independent.co.uk/news/world/europe/balkan-spring-protests-montenegro-serbia-albania-a8858046.html>.

9 It should be acknowledged that the Western Balkan countries cannot be regarded as a homogeneous group. Both in terms of advancement in the enlargement process and remaining challenges, each country should be considered in its own right. The fact that the countries are regularly grouped together in this brief is because it is focussed on EU policies towards the region, the credibility of which depends on the uniformity of the EU's principles and conditions for all six Western Balkan countries.

10 Vachudova, M. A., 'EU Enlargement and State Capture in the Western Balkans', in: Džankić, J., Keil, S. and M. Kmezić (2019). *The Europeanisation Of The Western Balkans – A Failure of EU Conditionality*, Palgrave Macmillan, p. 71.

weakens the conditionality mechanism on which EU enlargement is largely based.

From the European Commission itself, an example of such an added requirement has been to bring judicial reform and anti-corruption efforts to the core of the accession process. Given the experiences with the 2004/2007 enlargement rounds, this can be regarded as a justifiable decision. Making accession conditional upon cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) is another example which in the past proved more contested in the region itself.¹¹ It is however mostly the EU Member States that have posed extraneous political demands to aspiring members. Especially the reform of the accession process in 2012 has added a political dimension through introducing veto points for Member States. Increasing Member State involvement has had positive effects, among which to turn enlargement into more than just a European Commission-run process. It is furthermore a positive development that Member States are now better positioned to raise their concerns throughout the process. As a result, they are not confronted with a 'take it or leave it' offer at the end, but are more in control. But the other side of the story is that Member States are now enabled to introduce their own political demands into what should be a relatively clear and straightforward process.¹²

What's in a name?

The most prominent example to illustrate how political expediency by EU Member States blocks progress is the only recently resolved Greek-Macedonian conflict over the name of the latter, which Greece claimed to be its own heritage. The Greek have continuously blocked the opening of accession talks, since (now North) Macedonia received candidate status in 2004, despite six positive recommendations

by the European Commission. It is without doubt that such political expediency of a single Member State is detrimental to the reforms as strived for under the enlargement policies. Macedonia experienced clear setbacks in terms of Rule and Law and democracy under the 2006-2016 Gruevski government that could at least partly be attributed to the absence of a credible accession perspective as a result of Greece's veto. Public polls indeed show that support under Macedonian citizens for joining the EU decreased from 96% in April 2008 to 72% in January 2016 (when Gruevski was ousted). This trend reflects a 'Europeanisation fatigue' that has only reversed since revived commitment of the (new) Macedonian government and the EU made the accession perspective more credible again.¹³

The blocking by France, the Netherlands and Denmark of opening accession negotiations with North Macedonia and Albania also seems to be motivated by domestic political concerns. As declared by French president Macron, the official reason for such reluctance is that before taking in new members, 'a real reform to allow a deepening and better functioning of the European Union' would be needed.¹⁴ Opening accession talks, however, differs considerably from taking in new members and is only a first step in that direction. It therefore seems his government's decision is at least partially motivated by concerns of populist and anti-immigration sentiments in France itself.¹⁵

11 Bieber, F. 'introduction', in: Bieber, F. (ed.) (2013). *EU conditionality in the Western Balkans*, Routledge.

12 Vogel, T. (2018). 'Beyond Enlargement – Why the EU's Western Balkans Policy Needs a Reset', *FES report*, p. 16.

13 International Republican Institute's (IRI) Center for Insights in Survey Research (2018). *Macedonia National Public Opinion Poll*, https://www.iri.org/sites/default/files/iri_macedonia_july_2018_poll_public_final.pdf, p. 48.

14 Politico (2018). *Macron pours cold water on Balkan EU membership hopes*, <https://www.politico.eu/article/emmanuel-macron-pours-cold-water-balkans-eu-membership-enlargement>.

15 See: Reuters (2018). *EU puts off Balkan membership talks as France demands reforms*, <https://www.reuters.com/article/us-eu-balkans/eu-puts-off-balkan-membership-talks-as-france-demands-reforms-idUSKBN1JM14M>; Tregoures, L. (2018). *Macron's European Ambition Begins in the Balkans*, BalkanInsight comment, <https://balkaninsight.com/2018/07/05/macron-s-european-ambition-begins-in-the-balkans-07-04-2018/>.

History shows: Compromising on values poses a real risk

The EU and its Member States have at times added extra demands to countries aspiring to join the EU. At the same time, the EU and its Member States have also been in the past proven to be prone to compromise on requirements for political reasons. Such compromising could also be classified as a ‘politicisation’ of enlargement, and in that respect represents the other side of the same coin.

Take Bulgaria and Romania, on which the European Commission concluded late 2006, before accession, that ‘there has been some progress in the areas of judicial reform and the fight against corruption, money-laundering and organised crime, but further tangible results are needed’.¹⁶ While a one-year delay was discussed among Commission officials and Member States, the fact that both countries became an EU member just three months after was the result of a fear of backlash of such a decision. As such, despite EC progress reports having ‘repeatedly criticized the countries’ endemic corruption, the weak judiciary, the incompetent administrations, the widespread criminal networks, and the trafficking’,¹⁷ the EU compromised on its criteria.

Another example is provided by the case of Hungary’s media freedom on the road to accession. Despite having adopted a new Radio and Television Act in late 1995 and a new Media law in 2002, both meaning to democratise the media, in 2003 Hungary and the surrounding countries, who passed similar laws, still faced persisting political pressure on the media through institutionalised informal political control, weak news competition, as well as issues related to professionalism, lack of minority

access and representation, and weak media markets.¹⁸ While acknowledging some of these issues, the European Commission in its 2002 progress report on Hungary still concluded that ‘Hungary is generally meeting the commitments it has made in the accession negotiations in this field’, and two years later allowed the country to become an EU member.¹⁹ With the introduction of a new Media law in 2011, Hungary’s media freedom quickly deteriorated again,²⁰ showing that past democratisation efforts had not succeeded in building a free and resilient media sphere able to counter such measures through public mobilization.

There is a wide understanding nowadays among both scholars and policymakers that the accession of both Romania and Bulgaria was rushed and with that accession, the EU compromised on Rule of Law requirements. A realisation has also taken place that once a country becomes a member, the incentives for further reform strongly decrease and mechanisms designed to do so lack leverage.²¹ Especially in Romania, the latest European Commission progress report on the ‘Cooperation Verification Mechanism’ shows consolidation of the Rule of Law has still not occurred, noting ‘The entry into force of the amended Justice laws, the pressure on judicial independence in general and on the National Anti-Corruption Directorate in particular, and other steps undermining the fight against corruption have reversed

16 European Commission (2006). *Communication: Monitoring report on the state of preparedness for EU membership of Bulgaria and Romania*, COM(2006) 549 final, p. 12-13.

17 Dempsey, J. (2012). ‘The EU’s Flawed Enlargement Strategy’, *Carnegie blog*, <https://carnegieeurope.eu/strategieurope/48857>.

18 Sükösd, M. and P. Bajomi-Lázár, ‘The second wave of media reform in East Central Europe’, in: Sükösd, M. and P. Bajomi-Lázár (eds) (2003). *Reinventing media: Media policy reform in East-Central Europe*, CEU Press, p. 14-15.

19 European Commission (2002). *Regular Report On Hungary’s Progress Towards Accession*, COM(2002) 700 final.

20 See: Sedelmeier, U. (2014). ‘Anchoring Democracy from Above? The European Union and Democratic Backsliding in Hungary and Romania after Accession’, *Journal of Common Market Studies*, no. 52(1), p. 115.

21 Börzel, T. A. and F. Schimmelfennig (2017). ‘Coming together or drifting apart? The EU’s political integration capacity in Eastern Europe’, *Journal of European Public Policy*, no. 24(2), p. 285.

or called into question the irreversibility of progress'.²²

From Central Europe to the Balkans: Has the EU learned?

More recent examples in the Western Balkans show that EU and EU Member state officials have not learned when it comes to remaining firm on the EU's conditions. While the Rule of Law and quality of democracy have taken a more central place in the accession process (amongst others through accession chapters 23 and 24 being opened through the entire process), and benchmarking has been increased to ensure that real reforms are made, signs of the EU compromising on its conditions remain.

This is especially the case with major political issues like migration and the Prespa agreement between North Macedonia and Greece. Despite linking the name change to EU and NATO accession on the official ballot paper, the low turnout of the Macedonian referendum on the name deal with Greece – 36.89%, whereas 50% was the threshold required to validate the result²³ – was quite disappointing for Macedonian Prime Minister Zoran Zaev who had been at the heart of the negotiations with his Greek counterpart Alexis Tsipras. To still secure the deal, the backing of eight opposition MP's from the VMRO-DPMNE party was needed. Critics accuse Zaev of buying the vote in exchange for amnesty on charges of involvement in the violent clash in the Macedonian Parliament

of April 2017.²⁴ While it is hardly possible to determine the truth behind such allegations, the comments of EC commissioner Hahn prior to the parliamentary vote raise doubts over the European Commission's stance on such potential deals. He noted that to secure the votes, he 'believe[s] in the combination of the Balkan and rational approach'.²⁵ With this statement he undermined the adherence to the Rule of Law, according to which a democratic vote is preferred above a disputable backroom deal, even if the outcome was of significant importance for the enlargement prospect.

Another major factor that may prompt EU interlocutors to be too lenient in the accession process is the (perceived) increasing influence of outside actors like Russia, China and Turkey. Fear-driven discourses drive accession forward whereas for some Member States it is in reality unclear if they are at all in favour of further enlargements of the EU. EU officials and politicians have for example expressed fears of Turkish expansionism in the region, suspecting the country to try and impose an alternative model to EU accession. However, recent research points out that Turkish interests are for the time being in fact much aligned with those of the EU, even when it comes to EU accession.²⁶ While in the case of Russia this is clearly different, Russia hardly provides a viable alternative to the EU accession model. One could argue that the WB6 have no other credible partner to go to than the EU. That is not only due to the geographical proximity of the region, but also due to the EU being their strongest trade partner, largest source of Foreign Direct Investment (FDI), the high number of student exchanges, and the EU being

22 European Commission (2018). *Report from the Commission to the European Parliament and the Council on progress in Romania under the Cooperation and Verification Mechanism*, COM(2018) 851, p. 17.

23 See Euractiv (2018). *After 'failing a referendum', who gets to use the name 'Macedonia'?*, <https://www.euractiv.com/section/enlargement/opinion/after-failing-a-referendum-who-gets-to-use-the-name-macedonia/>.

24 See: BalkanInsight (2018). *Macedonia Moves Forward With Amnesty Law*, <https://balkaninsight.com/2018/12/13/macedonia-amnesty-law-moves-forward-12-13-2018/>.

25 BalkanInsight (2018). *Macedonia Starts Procedure on Changing Country's Name*, <https://balkaninsight.com/2018/10/08/macedonia-starts-procedure-for-name-change-10-08-2018/>.

26 Aydintasbas, A. (2019). 'From Myth to Reality: How to Understand Turkey's Role in the Western Balkans', *ECFR Policy Brief*, p. 3.

the main destination for migrants from the region.²⁷ While a realisation of the continuing influence of Russia and increasing influence of Turkey and China on the Western Balkans is crucial, such developments should not be a reason for unfounded fears that may lead to compromises on the criteria of accession. That is because from the perspective of the EU's own credibility, compromising on criteria, for whatever reason, has strong negative effects on the accession process and, in the end, the EU itself.

A related risk for the Western Balkans, like for the Eastern Neighbourhood, is that geopolitical competition becomes intermixed with domestic politics. Responding to recent protests in Montenegro, the country's president Đukanović suggested that the activists were led by pro-Russian forces and intended to reverse the country's course to the EU.²⁸ In fact, protesters were brought to the street over domestic Rule of Law concerns, following evidence of high-level corruption that included the president himself. This is just one example of how Western Balkan leaders misuse their relations with the EU to legitimise their rule. Relations with the EU enable Western Balkan leaders to capitalise on the legitimizing effects of the accession process while simultaneously continuing their semi-autocratic rule. Recent research shows that EU accession conditionality indeed 'unintentionally enables informal networks to consolidate their power, creating a dynamic that durably undermines any progress towards sustainable democratisation'.²⁹

What does not help in that respect is that EU interlocutors emphasise personal

relations with incumbent Balkan leaders and publicly endorse their rule despite signs of continuous state capture, e.g. in the case of Serbian president Vučić, named a 'soul mate' and 'strong patriot' by European Council president Donald Tusk³⁰. Except for personal relations, party ties between political families in the EU and Western Balkans ruling parties may not help either. The prime example is Sebastian Kurz' (Austrian People's Party, or ÖVP) performance at an election rally of the then ruling Macedonian VMRO-DPMNE party in 2016. Kurz endorsed the party's leader Nikola Gruevski despite the latest European Commission report on the country condemning enduring state capture by Gruevski's party. Party ties between Serbian president Vučić and Donald Tusk, whose national parties are respectively an associate member and member of the European People's Party / EPP, may have also played a role in Tusks' statements. Being in the same political family may prompt perverse incentives for EU politicians to back leaders in the region who engage in non-democratic behaviour – a dynamic that can also be found within the EU these days. In order to make formal EU accession conditionality on democratic standards, media freedom and the Rule of Law work, it should be upheld in informal contacts. As an ISS report notes, "European party families must never tolerate or turn a blind eye to major democratic shortcomings of their associative members in the region".³¹

And what about when the EU needs the Western Balkans to stop migrants?

The EU's deal-making approach also becomes clear from its engagement with the Western Balkan countries on the

27 Dabrowski, M. and Y. Myachenkova (2018). 'The Western Balkans on the road to the European Union', *Bruegel Policy Contribution Issue no. 4*.

28 Independent (2019). *Anti-government protests in Montenegro, Serbia and Albania inspire hopes of 'Balkan Spring'*, <https://www.independent.co.uk/news/world/europe/balkan-spring-protests-montenegro-serbia-albania-a8858046.html>.

29 Richter, S. and N. Wunsch (2019). 'Money, power, glory: the linkages between EU conditionality and state capture in the Western Balkans', *Journal of European Public Policy*, p. 16.

30 Richter, S. and N. Wunsch (2019). 'Money, power, glory: the linkages between EU conditionality and state capture in the Western Balkans', *Journal of European Public Policy*, p. 12.

31 Bandović, I. and N. Dimitrov (2017). 'Balkan Strongmen and Fragile Institutions, Resilience in the Western Balkans', in: *Resilience in the Western Balkans*, ISS ISSUE Report no. 36, p. 85.

handling of the migration crisis. Suddenly needing South-Eastern Europe to close the migration route from Greece did not lead EU leaders to take more interest in the regions Europeanization challenges, but instead made them turn a blind eye on democratization measures.³² As one author puts it, 'the EU's response was marked by a deal-making logic that seems to take hold in the EU whenever issues of domestic political importance are concerned; it traded longer-term concerns for short-term gains'.³³ This became especially evident in European Commission progress reports on (then still) Macedonia and Serbia, which made no reference of systematic illegal push-backs of irregular migrants by those countries. Some EU Member States had an important role here too as they did not only take the same measures, but also publicly supported the Macedonian and Serbian measures.³⁴

On media freedom, it seems like the EU has learned a little from the 2004/2007 round of enlargement and the backlash on the issue within some of the new Member States. Whereas free media are vital to further democratisation, the European Parliament noted in 2014 that the EU does not have a specific policy on media freedom for the Western Balkan region and that the issue is 'not necessarily the most central element of establishing compliance with EU norms'.³⁵ Since then, the EU has stepped up its game on the issue, amongst others by enhancing support for independent media and organising an annual EU-Western Balkans

Media Days conference from 2017 onwards.³⁶ Still, one author recently concluded on the Western Balkans that 'The region is brewing with incidents of media freedom violations, attacking not just the basic right to freedom of expression, but also the state of democracy as such'.³⁷ Exactly because media freedom is so strongly interrelated with the state of democracy, and given the lessons of the Hungarian case, the Commission is advised to remain firm on its conditions on a free and pluralistic media landscape.

A completely technical accession process lacks efficacy

While the risks of politicising the accession process are clear, a completely technical accession process centralised around interaction between the European Commission and Western Balkan governments may not bring about the results the EU desires either. The reason is that while Western Balkan countries are strongly focussed on meeting benchmarks in the accession process, they are only loosely connected to contemporary political challenges and discussions in the EU. Such a lack of political socialisation means that third countries are not sufficiently included in discussions that will shape the future of the EU, e.g. on climate, the EU's social pillar, research and innovation, migration, and reform of cohesion and agricultural policies. It also means that they can hardly see how policy- and decision-making in the EU works

32 Cvijić, S., 'No Open Society – No Resilience', in: *Resilience in the Western Balkans*, ISS report (2017), p. 72; Cvijic, S., Dimitrov, N. and N. Wunsch, 'The migrant crisis: a catalyst for EU enlargement?', *BiEPAG Policy Paper*, June 2016; Szpala, M. (2018). 'A new opening in relations between the EU and the Western Balkans', *OSW commentary*, p. 4.

33 Vogel, T. (2018). 'Beyond Enlargement – Why the EU's Western Balkans Policy Needs a Reset', *FES report*, p. 12.

34 Weber, B. (2017). 'The EU-Turkey Refugee Deal and the Not Quite Closed Balkan Route', *FES report*, p. 19.

35 European Parliament, DG External Policies (2014). *Freedom of the Media in the Western Balkans*, EXPO/B/DROI/2013/16, p. 7.

36 See: European Commission (2018). *Press release: The European Union strengthens its support to media freedom and young journalists in the Western Balkans*, http://europa.eu/rapid/press-release_IP-18-5789_en.htm and European Commission (2018). *Factsheet: EU Support To Media In The Western Balkans*, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180914_wb_media_days_factsheet.pdf.

37 Kmezić, M., 'EU Rule of Law Conditionality: Democracy or 'Stabilitocracy' Promotion in the Western Balkans?', in: Džankić, J., Keil, S. and M. Kmezić (2019). *The Europeanisation Of The Western Balkans – A Failure of EU Conditionality*, Palgrave Macmillan, p. 90.

in practice. Third country policymakers and politicians might as a result not realise the complexity of processes that determine political outcomes. As such, as seen in the past with eastern enlargement, they might have unrealistic expectations of what the EU can and cannot do.³⁸ True 'Europeanisation' requires a process of socialisation beyond administrative and political processes. It requires both governments in the Western Balkans to be enabled to step beyond local paradigms and engage in EU societal, policy and political discussions beyond the formal accession talks. Hence, the technical accession process would benefit largely from being accompanied by broader interaction between EU institutions, EU Member State governments and EU Member State societal actors on the one hand, and their counterparts in the Western Balkans on the other.

Towards constructive engagement and a credible accession perspective

Research shows that especially without a clear accession perspective, conditionality is incapable of inducing systematic Europeanisation reforms.³⁹ The question therefore emerges how to balance effective engagement and damaging politicisation. Take in that respect the statement made by European Commission president Juncker in 2018 that 'the 2025 date is open to all candidate countries'.⁴⁰ Some authors have lauded this from the perspective that it is

an example of remaining engaged. It could however also be explained as a form of unrealistic political courtesy that can only lead to disappointments among citizens, as scholars agree 2025 is in fact hardly realistic and accession still a process of decades rather than years. What Juncker seems to forget is that a fixation on potential accession dates derives attention from the political and institutional transformation that is needed in the Western Balkan countries. After all, the accession prospect should from the EU's perspective be a tool for transformation of the South-Eastern European countries and not, as for the WB6, an end in itself. So what can the EU institutions and EU Member States do to enhance the credibility of the accession process and be more effectively engaged in the region?

First, all EU interlocutors should clearly keep in mind the consequences of politicising the accession process for its effectiveness. The most important of those consequences is that the EU's normative power and claim of leading by example is undermined and therefore its credibility. If the EU and its Member States want to pertain to the popular idea that the EU is in fact a 'post-modern' power not bound by geopolitical realities, they should refrain from political expediency and be ready to place common principles and values at the fore of their policies at the expense of unilateral interests. In the accession process, the EU at large needs to be strict but fair, straightforward and stick to its principles. Rewarding or punishing accession countries on political issues for short-term gains bears a high risk of backfiring in the longer term. As such, accession conditionality should be designed and expressed in such a way that it decreases state capture instead of consolidating it. Think tanks and academics have an important role to play in defining the parameters of effective conditionality, an effort for which more research is needed.

Second, the EU Member States should not be hesitant about the eventual accession perspective of the WB6. Member States like the Netherlands should acknowledge that for all six Western Balkan countries membership is on the table if conditions are met.

38 This proved especially the case in the early phases of the enlargement process, e.g. in Poland. See: Szczerbiak, A. (2001). 'Polish Public Opinion: Explaining Declining Support for EU Membership', *Journal of Common Market Studies*, no. 39(1), pp. 106-107.

39 Börzel, T. A. and F. Schimmelfennig (2017). 'Coming together or drifting apart? The EU's political integration capacity in Eastern Europe', *Journal of European Public Policy*, no. 24(2), p. 291.

40 Euractiv (2018). *Juncker tells Balkan states 2025 entry possible for all*, <https://www.euractiv.com/section/enlargement/news/juncker-tells-balkan-states-2025-entry-possible-for-all/>.

The hesitation to do so has led to a sense in the region that membership will never be attained, which strongly undermines the pull factor of accession as an instrument for transformation.

Third, the EU and its Member States are advised not to rush the accession process, even in light of (perceived) external pressure by third powers. While a realisation of the continuing influence of Russia and increasing influence of Turkey and China on the Western Balkans is crucial, such developments should not be a reason for compromising on the criteria of accession, given the harm it causes to the EU's credibility.

Fourth, constructive engagement needs to go beyond the technical process of accession. Western Balkan countries are strongly focussed on the accession process, but only loosely connected to contemporary political challenges and discussions in the EU. Not being included in discussions that will shape the future of the EU, such as on climate or migration, might leave both third country governments and societies with unrealistic expectations of what the EU can and cannot do. Hence, the idea of 'concentric circles' or a multi-speed Europe needs to be expanded beyond EU borders to include candidate countries. Observer status in EU bodies like the Council and its preparatory bodies and specialised EU agencies would be one way to achieve that. While the former may politically be a long shot, with regard to the latter tentative steps have already been taken with the inclusion of North Macedonia and Serbia as observers in the European Union Agency for Fundamental Rights (FRA).⁴¹ Such steps could be steadily expanded.

Fifth, EU officials would benefit from realising the fact that the EU's own credibility is determined first and foremost by citizens in the region. If the EU wants to induce real change and export democracy and the Rule of Law, it needs to focus on creating conditions for societies to develop themselves and empower agents of change. Citizens' participation in the Western Balkans needs to be enhanced, and bottom-up pressure is needed to overcome clientelism, corruption and misgovernment. EU policies should not contribute to incumbent politicians who engage in such state capture. Sending a clear message that democratic reform can lead to regime change and engaging more directly with citizens would also help to overcome Europeanisation fatigue and the perception that the EU only works in the interest of local political elites.

Lastly, EU and EU Member State officials should realise that a continuation of the status quo will not lead to more democratisation, a ban of corruption, or more pro-European governments in the region. To the contrary, as seen in the past decade, it will lead to further consolidation of (semi-)autocratic regimes and a decline in popular support for Europeanisation measures. The new European Commission is advised to take decisive and serious action, and step up its efforts in any way possible, including thereby taking into account the above recommendations.

41 See: European Union Agency for Fundamental Rights (2018)., *Serbia joins FRA as observer*, <https://fra.europa.eu/en/news/2018/serbia-joins-fra-observer> and European Union Agency for Fundamental Rights, *Member States of the EU*, <https://fra.europa.eu/en/cooperation/eu-member-states>.

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