

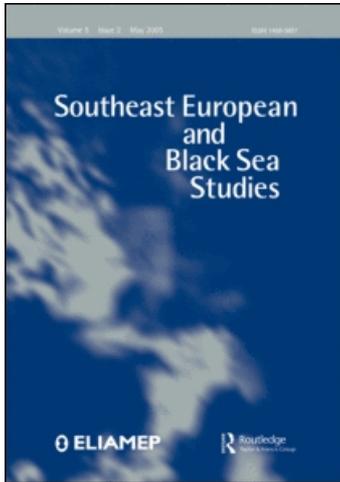
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Access details: Access Details: [subscription number 773573598]

Publisher Routledge

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## Southeast European and Black Sea Studies

Publication details, including instructions for authors and subscription information:

<http://www.informaworld.com/smpp/title-content=t713634533>

### The EU's political conditionality in the Western Balkans: towards a more pragmatic approach

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Online Publication Date: 01 December 2008

**To cite this Article** Anastasakis, Othon(2008)'The EU's political conditionality in the Western Balkans: towards a more pragmatic approach',Southeast European and Black Sea Studies,8:4,365 — 377

**To link to this Article:** DOI: 10.1080/14683850802556384

**URL:** <http://dx.doi.org/10.1080/14683850802556384>

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## The EU's political conditionality in the Western Balkans: towards a more pragmatic approach

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The article discusses the nature of the EU's political conditionality in the Western Balkans, and the effort of the EU to manage the diversity of bilateral agreements in a small space with a mixed record of compliance. The Western Balkan region reveals special trends in the EU's handling of the strategy of political conditionality, and some creeping contradictions and dangers are beginning to reveal the changing nature and the limits of conditionality. More specifically, the EU (a) is adding further, yet necessary, political conditions and criteria to weaker or more reluctant partners and emphasizes the 'journey' rather than the outcome of accession, affecting the credibility of the strategy; (b) is blending together normative, functional and *realpolitik* claims in the choice of its conditions, affecting the clarity of its intentions; (c) is pursuing, in some cases, a rigorous assessment of compliance and, in other cases, a more adaptable and pragmatic assessment, affecting the consistency of the process. These Western Balkan trends are bound to become more pertinent in future cases, as the EU gets more involved with other more difficult states in its eastern and southern periphery, and where the carrot of membership will be either very distant or irrelevant.

**Keywords:** political conditionality; EU enlargement; stabilisation and association process; Western Balkans; democratization

### Introduction

During the 1990s, the EU's political conditionality became a powerful strategy of post-communist transformation aiming at policy change, and convergence of Central and East European countries with the norms and practices of the European Union. Since 2000, its significance increased even more as a result of addressing more difficult and demanding political and post-conflict transformations in the Western Balkans, Turkey and the European Neighborhood, in the EU's south and east. This article discusses the nature of the EU's political conditionality in the Western Balkans – a process that has become more forceful and intrusive, more comprehensive and complex, and is often contested.

Against a background of the so-called 'enlargement fatigue', the European Union, through the prominent position of the European Commission, actively interferes in the domestic politics of the Western Balkan states, putting pressure on local elites to comply with certain designated criteria. For this it receives praise as well as criticism, and the use of its political conditionality is seen by some as a 'necessary evil' and by others as blatant intervention coming from abroad. Undoubtedly, without the EU pressure and political conditionality many of the required changes would have not taken place, or would have taken a longer time to happen. Yet political conditionality also generates

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reaction, polarization and a sense of injustice in most Western Balkan countries, especially when it touches upon nationally sensitive matters and unresolved post-conflict issues.

This article discusses the nature of the EU's political conditionality in the Western Balkans, and the effort of the EU to manage the diversity of bilateral agreements in a small space with a mixed record of compliance. The Western Balkan region reveals special trends in the EU's handling of the strategy of political conditionality, and some creeping contradictions and dangers are beginning to show the changing nature and the limits of conditionality. More specifically, the EU (a) is adding further, yet necessary, political conditions and criteria to weaker or more reluctant partners and emphasizes the 'journey' rather than the outcome of accession, affecting the credibility of the strategy; (b) blends together normative, functional, and *realpolitik* claims in the choice of its conditions, affecting the clarity of its intentions; (c) pursues, in some cases, a rigorous assessment of compliance and, in other cases, a more adaptable and pragmatic assessment for the sake of preserving peace and avoiding security risks, affecting the consistency of the process. These Western Balkan trends are bound to become more pertinent in future cases, as the EU gets more involved with other more difficult states in its eastern and southern periphery, and where the carrot of membership will be either very distant or irrelevant.

### **The credibility of the strategy: emphasis on the 'journey'**

In most of the relevant literature, political conditionality is linked by default with the democratization of post-authoritarian countries aspiring and/or negotiating to become members of the European Union, and is seen to have a positive impact on the democratic transition and consolidation of their political systems. Far from rejecting the validity of this thesis, I choose to use the term 'political conditionality' instead of 'democratic conditionality' (Pridham 2007) in order to emphasize the notion of political transformation, and less so that of 'democratization'. The reason is that the instrument of EU conditionality is not always, strictly speaking, democratic, based as it is on an unequal and asymmetric relationship of imposition, pressure, control and, partly, threats. Moreover, local compliance with some of the criteria is not always the result of democratic dialogue within the countries, their parliaments and/or societies, especially when it has to happen at very high speed. From a substantive point of view, EU political conditionality can run counter to democratization, at least in the short term when some of the prescriptions prioritize law and order instead of elections and/or civil society development. This happens, especially, in post-conflict cases where the rule of law is weak and the goal of law and order takes precedence over other democratic bottom-up goals and criteria.

The democratic credentials of political conditionality suffer when the role of the international administrators is strong and interventionist and the pressure to comply is accompanied by authoritarian practices like the heavy-handed interferences of Bosnia's High Representatives in dismissing elected politicians (Knaus and Martin 2003). In other cases, the EU may intervene through the instrument of conditionality in support of those it perceives to be pro-European and pro-reform actors, and tries to affect electoral outcomes. Finally, the EU may even export its own democratic deficits through the instrument of conditionality and its almost automatic preference of the executive with regard to the parliamentary process (Grabbe 2001). Hence, it is preferable to argue that political conditionality is linked with political transformation and reform that claims to be EU-compatible and seeks convergence with the norms and practices of the European Union, and in the long run leads to democratic consolidation and a better-quality democracy.

A second qualification relates to the distinction between political conditionality and the *acquis*-related conditionality. The first is connected with a broadly defined *acquis politique* (Manners 2002) of commonly accepted political standards, norms, and practices and is differentiated, but not disconnected, from the more technical *acquis communautaire*, which promotes a growing body of laws, agreements, resolutions, declarations, and judicial decisions and takes place mostly during the negotiations of the 35 chapters and more than 80,000 pages of legislative texts.<sup>1</sup> The *acquis* conditionality is about the harmonization of the candidate countries with the specific regulations, legislations, and treaties of the EU, a process that goes through regular screening and assessment aiming at the technical preparedness of countries to become members of the EU and clearly spelt out in the third Copenhagen criteria as the ‘ability of the candidate countries to take on the obligations of membership including adherence to the aims of political, economic and monetary union’.

With these two qualifications in mind, political conditionality is a strategy with both a substantive and an operational dimension, referring, on the one hand, to the message and the designated political criteria and, on the other, to the way the instrument is operated through deadlines, thresholds, and the practice of pressure from abroad. Both dimensions are particularly important and can affect the outcome of political transformation in a given situation. The first dimension points to the values, standards, demands and obligations, the areas that have to be addressed by the applicant countries, and the criteria that have to be adopted and implemented – ranging from the broad Copenhagen political principles to the more focused criteria of the Association Agreements and/or the specific conditions linked to financial assistance and projects (Anastasakis and Bechev 2003).

From its inception, the European Community advocated the universality of its democratic, pluralist, and liberal values and principles, and as early as the 1950s it stipulated that it was open to all European *democratic* states. Its first concrete political conditionality came with the 1962 Birkelbach Report of the European Parliament,<sup>2</sup> stating that only those states that guaranteed truly democratic practices and respect for human rights and fundamental liberties would be admitted into the Community (Alonso and Maravall 2003). The principles of democracy, rule of law, social justice, and respect for human rights were made more precise in the 1973 Copenhagen declaration on European identity<sup>3</sup> (Manners 2002). An initial and milder (compared to the one that would follow with the post-communist states) form of political conditionality was practised for the first time during the pre-accession of the post-dictatorial Southern European states, Greece, Spain, and Portugal, demanding pluralist democracy, liberal constitution, and free elections (Pridham 2007).

The mid-1980s Single European Act, which took place at a time of a rising political conditionality and democracy promotion in international politics (Carothers 1999), reiterated the principles of democracy, rule of law and human rights. But it was the Central and East European post-communist environment that led the EU to place political criteria at the core of its conditionality, firmly specifying them once again in Copenhagen<sup>4</sup> and laying explicitly the non-negotiable side of political conditionality: pluralist and multi-party democracy, respect for human and minority rights, rule of law, independence of civil society, freedom of expression, separation of powers, and civilian control over the military, among others. The scope of political conditionality has since increased to include further criteria such as the fight against corruption, social and cultural rights, and good neighbourly relations among states.

The pending next enlargement towards the Western Balkans (and Turkey) reproduces many of the patterns of the Central and East European enlargement experience, and introduces some new aspects to the evolving process of political conditionality. The addition of new criteria reflects the changing international circumstances, the internal EU anxieties and

balances, and the regional and country-specific contexts. Next to the Copenhagen principles and universal Western criteria, the EU adopted an additional cluster of criteria especially for the Western Balkans addressing the post-conflict regional challenges of reconstruction, stabilization and reform. Its first attempt with the 1997 Regional Approach advocated the fulfilment of some basic political criteria and combined them with the introduction of trade concessions, financial assistance, and economic cooperation.<sup>5</sup> Yet the 1997 Regional Approach had limited success and focused more on the suspension of, and/or exclusion from agreements, or the freezing of financial assistance.

In the aftermath of the 1999 Kosovo war, the EU introduced a more comprehensive and positive-looking regional approach through the Stabilisation and Association Process (SAP) for the Western Balkans<sup>6</sup> and the regional Stability Pact for Southeastern Europe (SP). Its political conditionality placed the emphasis on the principles of peace, justice for war crimes, reconciliation, anti-discrimination, and good neighbourly relations. The EU asked explicitly for the return of refugees to their pre-war properties, compensation for lost or damaged property, cooperation with the Hague-based International Criminal Tribunal for Yugoslavia (ICTY) for the crimes committed during the Yugoslav wars, and compliance with the peace agreements of Dayton in Bosnia, Ohrid for the former Yugoslav Republic of Macedonia and the UN 1244 resolution for Kosovo. Beyond these criteria, the EU reports and strategy papers stressed the state and institutional weakness of all the Western Balkan states and focused additionally on state-building, offering in parallel financial and technical assistance for the modernization of the local administrative structures.

In the post-reconstruction and EU association phase, the EU is focusing on the rule of law, justice and home affairs, institution-building, civil society development and education, complementarity with the *acquis communautaire* and socio-economic change (European Commission 2008).<sup>7</sup> Increasingly, the EU is relying on the strategy of conditionality to address the difficulties of the post-conflict and ethnically divisive situation in the Western Balkans, the weakness of their state structures, and the delayed character of their political transition.

Undoubtedly, the EU's political conditionality is at its best when it is linked with the carrot of membership, when it is associated with a real and credible process of accession into the European Union. EU accession conditionality contributed to a process of transformation of post-communist countries because it made clear and explicit that it would lead to the successful conclusion of the accession negotiations for membership into the European Union. Notwithstanding the difficulties in complying with some of the criteria and legislation, especially at the level of implementation, Central and East European accession countries undertook major reforms, political, economic and in the area of the *acquis communautaire*, partly also because they were aware of the outcome of accession. In the Central and East European experience, the journey led to a destination that was, more or less, guaranteed during the accession process. In the Western Balkan experience, the journey has become more important, through the use of multiple thresholds, intermediate rewards, regional instruments, regular assessments, and a communication strategy to convince for the benefits of conditionality; yet the outcome of accession is more uncertain. The EU is strengthening its conditionality, control, and pressure on the Western Balkans during the earlier stages of the pre-association and pre-candidacy process.

Within this long journey, the various steps of the SAP acquire a special significance as both targets and rewards for the applicants; from the feasibility study of the SAP to the start of negotiations for a Stabilisation and Association Agreement (SAA), the conclusion of SAA negotiations, the initialling of the SAA, the signing of the SAA, the ratification process, the EU candidacy, and the start of accession talks; all these stages are being used

to maximize the potential leverage of the EU on applicant states. Progress from one step to the next is linked closely with the fulfilment of criteria and a well-endowed political conditionality. Within these numerous steps, the SAP is marked by bilateral heterogeneity, where each country of the Western Balkans – a region of seven negotiating partners (including Kosovo's separate tracing mechanism) and a population of no more than 22 million people – is often at a different step in the EU ladder. This comes into contrast with the pre-accession of the Central and Eastern European states, when the EU would 'cut corners' (Pridham 2008) and pursue a 'package' enlargement approach with all 10 states, plus Malta and Cyprus.

The EU has also increased the significance and symbolism of some intermediate rewards in the form of targeted financial assistance, visa facilitation and liberalization, student exchanges, academic programs, and civil society assistance. These rewards are deemed to be necessary in order to keep the applicant countries on the EU path, without having to commit to an EU membership date. In addition, the EU is rearranging and repackaging its financial and regional instruments, aiming at what it calls more effective organization and better communication. In 2006, it introduced the more integrated and unified Instrument of Pre-accession Assistance (IPA), with a focus on reform (and added emphasis on institution-building, good governance, administrative capacity, and state-building), to replace the maze of pre-existing financial instruments (CARDS, PHARE, OBNOVA, SAPHARD).<sup>8</sup>

In 2008, the EU introduced the Regional Cooperation Council, aiming at increased regional ownership and targeted assistance,<sup>9</sup> to follow up on the initially over-ambitious and gradually underperforming Stability Pact (Delevic 2007).<sup>10</sup> It also opted for the strengthening of Commission delegations in each country, as a way of more closely monitoring their EU progress and transition. Related to this, the European Agency for Reconstruction, which was originally created to assist the post-war reconstruction of the former Yugoslav states that had been affected by the Kosovo war, ceased its operations at the end of 2008.<sup>11</sup> These instruments are closely linked with the operation of political conditionality and are used first, as rewards for progress achieved within the countries; second, as instruments for assistance and capacity-building; and third, as part of the Commission's communication strategy to win the local populations (Rehn 2005).

In addition, the EU is following regional and country progress through regular assessments and annual reports presented by the European Commission, a practice that started with the Central and East European acceding countries and intensified with the Western Balkan states and Turkey. The regular reports of the European Commission are major documents in their own right, eagerly anticipated before their publication, and have multiple cognitive and symbolic functions: first, they are a source of information on the state of the political economy of the countries in question and on recorded internal progress and shortcomings; second, they are a strategy for extra EU pressure on the regional actors to comply and/or stick by the reform process; third, they are important signals for extra-EU international actors to engage or not, politically and economically, with the countries in question; finally, they are the evidence of regional diversity and bilateral differentiation.

Overall, the journey to 'potential' EU membership for the Western Balkan states is paved with an intense and more demanding political conditionality, monitored regularly by reports and strategy papers and accompanied by technical assistance and financial dependency. Yet the diversity of bilateral relations within the single SAP framework and the lukewarm promise of EU membership weaken the credibility of the strategy in the eyes of the local elites, and the EU often appears non-committal, fearful, and uncertain about whether or not the Western Balkans belong to the European family.

### The clarity of intentions: normative, functional, and realist considerations

Defining the logic behind the use of political conditionality is particularly important for the EU, because this process implies a power asymmetry between a commanding supply side and a weaker demanding side that aims to get into the prestigious club; even more so because the EU, as a civilian entity – using its soft, more than its military, power – has to convince others of the rightful cause of its actions. The EU may pursue three agendas when it uses its conditionality with applicant states, candidates, or third countries, based on normative, functional and/or realist considerations.

The normative agenda aims at political transformation based on what is defined as ‘normal’ and often presumed as ‘universal’ (Manners 2002). The principles of democracy, peace, justice, human rights, and minority rights have an international legal legitimacy, as well as an ethical dimension and moral justification, attached to them. In the Western Balkans, the EU’s normative agenda is particularly evident in its calls for respect of the rule of law, reform in justice and home affairs, the fight against corruption and organized crime, cooperation with the ICTY, justice for the victims of massacres and genocides, the return of refugees, or good neighbourly relations. More often than not, such claims allow the EU to intervene in order to impose, monitor, and assess criteria and even impinge on state sovereignty. Having said that, what is ‘normal’ for the EU is not always perceived as ‘normal’ and ‘appropriate’ by applicant countries, especially in post-conflict societies where the notion of normalcy and justice is affected by irreconcilable perceptions and misperceptions.

The Western Balkan region suffers from normative contradictions, and the notions of security, justice, human rights, and minority protection have different, often conflicting meanings for the different ethnic groups or states. As a rule, most parties feel themselves to be victims of the injustices of the other ethnic group or of external actors; the allegations differ completely, depending on which side is making a claim. The notion of international justice and cooperation with ICTY, for example, has a different meaning for Croats, Serbs, Bosniaks (Muslims), or Kosovo Albanians. Most Serbs feel that the international community is laying the blame squarely and unjustly on them for the wars and the crimes of the 1990s. Kosovo Albanians feel that they have the right to independent statehood as a result of the atrocities committed against their people during the Milosevic period. Bosniak (Muslims) feel that they have been the weaker and the most severely hit ethnic group during the wars in Bosnia. Finally, Croats argue that they had every right to defend their territory from Serb aggression during the wars of Croatian secession and should not be punished for that.

Within such a contradictory climate, it is difficult to establish a common sense of objective historical truth, regional justice, a satisfactory solution to the return of refugees or a common understanding of good neighbourly relations. Yet the EU is using normative claims, as they are practiced and understood by Western states, in its effort not just to convince the people in the region of the rightfulness of the criteria, but also as a means to interfere more legitimately in the internal affairs of local governments, as the administrator, the arbiter, and the bearer of moral values.

The second agenda aims at convergence and political transformation from a functional and practical perspective, through the adoption of rules and procedures and/or the creation of institutions and public administrations that are capable of more effectively addressing the local political concerns and the externally imposed *acquis communautaire*. Beyond the ‘appropriate’ and the ‘normal’, the functional agenda refers to the ‘sustainable’ and the ‘viable’ for the countries in question, with the aim of suppressing clientelistic, particularistic, dysfunctional mentalities, practices, and rules. The logic of functionality seeks to

address the weak state structures and institutions that resulted from the post-communist transition, the ethnic wars, the intrusive and heavy-handed external interference and the lack of capacity and experience of the new independent states, successors of former Yugoslavia.

State weakness has become the main challenge of the region and refers to the lack of the rule of law, flourishing organized crime and corruption, and illegitimate and non-representative institutions (UNDP 2002). Most of the Western Balkan states are weak states (albeit with strong national identities), separated by soft (for informal activities) borders, with inexperienced administrations and a high degree of external dependency (Krastev 2002). The functional agenda of political conditionality is more evident on state-building and institution-building aiming to create institutions and structures that should be sustainable and practical, and can produce more efficient outcomes.

Yet what is functional for the EU is not always perceived as functional for the countries concerned; more often than not, it is difficult to convince applicants, candidates or even member states that a change of policy or a change of institution is a preferable option. Functionality is connected with habits and ways of doing things, and changing these behaviors and institutions is usually seen as hazardous and upsetting. Moreover, functionality is often difficult to justify when there are no common EU templates and 'regimes' on how institutions or administrations should operate. Much of the twinning process is based on 'normativity' and 'functionality', and refers to the transfer of administrative practices from the members to the candidates;<sup>12</sup> yet here we are dealing with the diffusion of the member states' administrative experiences, rather than common EU practices.

One of the most prominent examples of functionality considerations refer to the EU's effort to create common state structures in Bosnia–Herzegovina, a typical case of a dysfunctional political structure composed of 14 governments (at the state, entity, and cantonal levels) and countless bureaucracies for a population of just 3.8 million people. This has been criticized not only as ethnically divisive, but also as utterly inefficient and financially non-viable. The signature of the SAA became conditional upon the creation of central state structures in the military, tax system and police, among others. This conditionality aimed not only at reconciliation, ethnic co-existence, normalcy, and respect, but also at a more efficient dissemination of the state product across ethnic and social groups, and a more legitimate source of state power which addresses the demands of the citizens more effectively. But what the EU considers normal and functional does not coincide with the normalcy and functionality from the Bosnian actors' point of view and, even at their level, no consensus seems to exist as to what is normal, just, moral, or functional. Bosnian politicians have different views on how to revise the Dayton constitution and what the new constitution should be all about. The leaders of the Bosniak (Muslim) community favor a constitution structure that would do away with the two entities, while the ethnic Serbs and Croats advocate a federal structure along ethnic lines.

Finally, the realist political conditionality is informed by pragmatic calculations, *realpolitik* considerations and the power interests of external actors. Very often, security concerns supersede all other considerations and can affect the choice of criteria and the course of conditionality. The threat of instability and the fear of its spillover can act as breaks or accelerators of the process of integration of the Balkan states with the EU. In many cases, the EU has to take into account its strategic interests in the region, its fears on the security domain or the local and internal balances, before it develops its political conditions, and must opt for the 'possible' rather than the 'optimal'. It also has to take into account the competing or complementary interests of its member states. Greece, for instance, motivated by the name dispute with the former Yugoslav Republic of Macedonia, has a special interest in ensuring the inclusion of a political condition related to good neighbourly relations and

external behavior. Hungary, for its part, with its mind in Hungarian populations outside its borders, has a special concern regarding the protection of minority rights. The Netherlands, home to the Hague Tribunal, has a special interest in the conditionality of the ICTY.

In addition, the choice of political conditions may reflect the domestic balances and political disputes. The EU, for instance, is careful not to include the elimination of the Dayton constitution as part of its conditionality in Bosnia, despite its dysfunctional character, but opts for the centralization of state powers within the delicate Dayton internal ethnic balance. All three agendas of political conditionality are intertwined with a claim to support complementary and/or alternative goals, but they can also be competitive and mutually exclusive, often complicating the conditionality's clarity of purpose.

### **The consistency of assessment: rigorous versus flexible interpretation of criteria**

Political conditionality can be vague, its criteria not easily definable because they are linked with broad and general political norms and values whose assessment and fulfilment can be subjective, partial and/or sometimes politically sensitive. While general progress is usually visible in the areas of democratic political transformation, the degree of change cannot be easily assessed because most of the political criteria have a qualitative side to them that is hard to estimate in an objective and commonly defined way, especially when assessing from abroad. In many of the political areas, the EU itself does not have any instructions, specifications or commonly defined policies on how political standards should be attained, and in some other areas (like minority protection or regionalization) there is a 'thin' conditionality (Hughes, Sasse, and Gordon 2004), reflecting the lack of a common European 'political regime'.

The role of the European Commission in the interpretation and assessment of political conditionality is central within the EU, and it is the Commission that is endowed with the appropriate human and technical resources for such a task. Beyond the European Commission, the European Parliament often interferes with the adoption of resolutions that may be critical or complimentary of the democratization process in applicant countries. Moreover, the intergovernmental nature of the European Union allows member states to voice their own concerns and anxieties with respect to the fulfilment of political conditions. The assessment of political criteria is often exercised by the EU in cooperation with other relevant international organizations, such as the Council of Europe, the Organization for the Stability and Cooperation in Europe or the ICTY, as a form of cross-conditionality that gives the assessment a more collective, more forceful character and guarantees more external legitimacy.

The decision to grant a carrot, or use the stick, is usually a point of contention among different international organizations but also among EU institutions and EU member states, especially when this concerns the fulfilment of criteria that are nationally sensitive for a particular country. External actors may be divided as to whether to use rigorous conditionality or a more flexible assessment of compliance when faced with a major decision like the granting of the candidacy status, the start of accession talks or a date for EU accession. Such divisions were less controversial during the enlargement of Central Europe and the Baltics, but became more apparent before the accession of Bulgaria and Romania through the use of 'safeguard clauses'<sup>13</sup> and more obvious in the face of future enlargements, reflected in the debates of 'absorption capacity' and 'enlargement fatigue'. The prospect of further expansion towards the Western Balkans and Turkey has made this dilemma very explicit; and while in the case of Turkey it reflects a fear for the inclusion of a big and difficult country, in the case of the Western Balkans it reflects concerns regarding the technical preparedness

of these small states and a sense of uncertainty emanating from their potential exclusion from the EU ranks.

The EU approach to political conditionality oscillates between the adoption of a stringent political conditionality based on strongly held, non-negotiable principles, and the practice of a more adaptable conditionality informed by a pragmatic assessment of the local environment and security considerations. The argument for a rigorous conditionality is advocated, in principle, by the whole of the European Union, its member states and its institutions, claiming that the Western Balkan countries should be politically and technically ready before they become EU member states. In its 2005 progress report, the European Commission stated that:

The EU must remain rigorous in demanding fulfilment of its criteria, but fair in duly rewarding progress. Aspirant countries can only proceed from one stage of the process to the next once they have met the conditions for that stage. Moreover, the Commission is prepared to recommend the suspension of progress in case of a serious and persistent breach of the EU's fundamental principles, or if a country fails to meet essential requirements at any stage. Such requirements include cooperating with the International Criminal Tribunal for the former Yugoslavia (ICTY).

Advocates of a rigorous conditionality often point to the cases of Bulgaria and Romania, arguing that the two states were not fully prepared at the time of their accession into the EU. They also point to the post-accession problems with the administrative and legal systems and the unsatisfactory fight against corruption. From a different perspective, the case of Cyprus and its post-accession unresolved conflict offers fertile ground to those who argue for the use of a tough political conditionality to solve ethnic conflicts in countries before they become member states. All in all, arguments for a rigorous interpretation of conditionality are linked with the dangers of jeopardizing the achievements of integration, through the inclusion of states that are not fully prepared from a security, politico-administrative or socio-economic perspective.

On the other hand, there are arguments for the occasional relaxing of political conditionality in the interests of security in the region and Europe in general. Security concerns have been in the recent past the catalysts for advancing the European course of some candidate states, as was the Helsinki invitation in 1999 to start accession talks with Romania and Bulgaria, in the aftermath of the Kosovo war, although the two states did not fully meet their conditions at the time. There are also claims that the EU toned down its criticism of the Russian minorities in Latvia and Estonia, in order to avoid Russian grievances and keep the Baltic States on the EU side of the border (Pridham 2008). Security and stability considerations have often been the primary motive behind the EU's strategy in former Yugoslavia, as a result of a turbulent decade of war and disintegration.

A second argument for the adoption of a more tactical political conditionality is linked to the fear of alienating the Western Balkan states and driving them out of the European integration course. One of the key aims of political conditionality is therefore to strengthen and sustain a critical mass of supporters of the EU. Contrary to the Central and East European states, whose elites and public enjoyed an overall consensus regarding their EU orientation, public support, and political will in the Western Balkans are more volatile and unpredictable. Here, we see what Schimmenfennig calls 'mixed constellation of party politics', where liberal and illiberal parties compete for political power. In this mixed political constellation, political conditionality has a potential for influence – compared with the smoother compliant cases of a 'liberal' constellation (pro-reform, pro-EU), and as opposed to the more negative and obstinate cases of the illiberal orientation

(nationalists, populists, or communists) – but it is also a very uncertain and contested process (Schimmenfennig 2007).

Though the division among liberals and illiberals (Vachudova 2005) is not always as clear-cut and unambiguous as it may seem (in that political elites are often more tactical and opportunistic in their thinking and political actions), still the EU and the wider international community sees local politics as a split between pro-reform versus anti-reform forces, liberals versus illiberals, Europeanists versus nationalists (Rehn 2008). Some of the political criteria that touch upon nationally sensitive issues – such as cooperation with the ICTY, return of refugees, state reform in Bosnia–Herzegovina, or constitutional compliance in FYR Macedonia – are conducive to internal divisions and polarizations and make it difficult to reach internal consensus over the legitimacy of political conditionality. All these states have strong ‘veto players’ who have the ability to decline what is prescribed by the EU and the power to stop the change from the status quo (Tsebelis 2002). Political elites in Serbia or Bosnia are deeply polarized, especially regarding their states’ relations with the international community and what they perceive as external interferences and unacceptable political conditionality. In this divisive context, the EU tries to woo reformers and liberals and, most conveniently, to interpret its political conditionality more tactically.

The decision to start the dialogue on visa liberalization with Serbia only three days before the presidential elections in early 2008 was a gift for the pro-European presidential candidate Tadic in his electoral battle with the rising ultra-nationalist Radical party. Similarly in April 2008, the foreign ministers of the 27 member states decided to sign the SAA with Serbia, though the latter still did not fulfil the obligation of cooperation with the UN war crimes tribunal; it was a premature offer to influence yet again the outcome of national elections in Serbia and give a boost to the reformers and liberals, amid a polarized political climate in Serbia, and in the wake of the Kosovo declaration of independence and its recognition by a number of EU member states. The EU was gradually vindicated with the apprehension of Karadjic in July of the same year. Having said that, cooperation with ICTY has been one of the most consistent and clear political conditions, an example of a rigorous cross-conditionality that bore results and led to the gradual compliance of all the Western Balkan states.

By contrast, with respect to the political condition of police reform in Bosnia, there was no similar determination as to how consistent, clear, and rigorous the EU should be with this condition, which it had reluctantly inherited from the Ashdown years. While the EU had explicitly called for the unification of the police forces as a prerequisite for the signing of an SAA, it eventually had to water down its strict conditionality when faced with a strong internal reaction from Bosnian Serbs that threatened to derail the whole process of EU–Bosnian association. In the end, the agreement between the two was an accommodation between the different internal views in Bosnia and the EU, and foresaw the setting-up of some new state-level police coordination bodies without immediately affecting the autonomy of the two forces.

More often than not, the EU is faced with the limits of a rigorous conditionality and is willing to downplay its heavy-handedness in the interest of security, stability, and keeping the pro-European critical mass on course to European integration. This affects the consistency of its assessment and creates uneasiness and competitive feelings among the different states in the region. Moreover, the EU is so entangled with domestic political developments – in Kosovo’s independence, Bosnia’s ethnic reconciliation, Serbia’s domestic politics, Montenegro’s state modernization, and the former Yugoslav Republic of Macedonia’s efforts for consensus politics – that it often becomes difficult to pursue an objective, critical assessment of its political conditionality. Instead, it is caught between rhetoric of rigorous

conditionality and a more adaptable evaluation, and tries to avoid any insecurity hazards. There are those like Paddy Ashdown, one of the most active High Representatives in Bosnia–Herzegovina, who advocate a rigorous commitment to EU conditionality and at the same time a firm EU commitment to membership for the Western Balkan countries. These two goals in the post-conflict context of the Western Balkans are difficult to reconcile in practice, given that a firm commitment to EU membership would require a more flexible approach to conditionality and in that sense the EU's political conditionality in the region becomes a test of fine-tuning and cautious treading among security risks.

## Conclusion

The current reluctance of the European Union to pursue yet another enlargement, the most problematic of them all, stems from the lack of both will and capacity to deal with more member states, and was initially addressed in the context of the EU's constitutional crisis of 2006, as well as in the subsequent debates on the EU's 'absorption' and 'integration capacity'.<sup>14</sup> Further debates have included the 'borders of Europe' and the introduction of the ideas of 'privileged partnership', 'special relationship', and 'European neighbourhood' as alternative options to EU membership with the EU's near abroad.<sup>15</sup> This climate – which is reflected in some member states' lack of enthusiasm, in some political parties' outright rejection and in the downbeat public opinion mood – sets the tone of negativity and fear regarding further enlargements in the future. It also undermines the credibility, clarity, and consistency of political conditionality.

Much of this negative language may not be directly aimed at the Western Balkan states, which are regarded as an unambiguous part of Europe and are surrounded by European Union member states, but rather at the prospect of Turkey's membership and the East European 'near abroad' (Ukraine, Moldova, Georgia). In fact, the Western Balkan region is often referred to as the EU's 'unfinished business', its major challenge and opportunity to contribute to the state-building, transition and development of young, small and inexperienced states (Altmann et al. 2004). But the EU will be faced eventually with a paradox that is bound to become more obvious with Turkey and the European neighbourhood. On the one hand, political conditionality will be all the more necessary as more countries approach the EU club; yet on the other, its scope, impact, and effectiveness will become increasingly vulnerable to local, regional, and high politics.

## Notes

1. During accession talks with the countries of Central and Eastern Europe, the *acquis* was divided into 31 chapters. Since the negotiations with Croatia and Turkey, the EU divided the *acquis* into 35 chapters by rearranging the different areas with the purpose of better balancing between the chapters: dividing the most difficult ones into separate chapters for easier negotiation, uniting some easier chapters, and moving some policies between chapters, as well as renaming a few of them in the process.
2. *Rapport fait au nom de la commission politique sur les aspects politiques et institutionnels de l'adhésion ou de l'association à la Communauté par M. Willi Birkelbach Rapporteur*. [s.l.]: Services des publications des Communautés européennes, 15 January 1962. 20 pp., ISBN 2837/2/62/2. (Assemblée parlementaire européenne, Documents de séance 1961–1962, Document 122).
3. Declaration on European Identity, in *Bulletin of the European Communities*. December 1973, No. 12, pp. 118–22.
4. 'The stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union.' European Council in Copenhagen, 21–22 June 1993, *Conclusions of the Presidency*, SN 180/93.

5. The conditions included respect for democratic principles, human rights, and the rule of law, protection of minorities, and regional cooperation: see Conclusions of the General Affairs Council of 26 February 1996. [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressdata/en/gena/028a0001.htm](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/028a0001.htm).
6. Conclusions of the General Affairs Council of 21–22 June 1999. [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressdata/en/gena/09008.EN9.htm](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/09008.EN9.htm).
7. Commission Communication on the Western Balkans – 5 March 2008. [http://ec.europa.eu/enlargement/pdf/balkans\\_communication/western\\_balkans\\_communication\\_050308\\_en.pdf](http://ec.europa.eu/enlargement/pdf/balkans_communication/western_balkans_communication_050308_en.pdf).
8. Official Journal of the European Union, Council Regulation (EC) no 1085/2006. <http://eur-lex.europa.eu/lex/LexUriServ/LexUriServ.do?uri=OJ:L:2006:210:0082:0093:EN:PDF>.
9. Social development, justice and home affairs, security cooperation, building human capital, and parliamentary cooperation.
10. On the establishment of the Stability Pact successor, see the Stability Pact press release of 2 March 2007. <http://www.stabilitypact.org/pages/Press/detail.asp?y=2007&p=534>.
11. ‘Mission accomplished’: interview with the Agency’s Acting Director, 17 January 2008. [http://www.ear.eu.int/home/documents/EAR\\_AM\\_Interview.pdf](http://www.ear.eu.int/home/documents/EAR_AM_Interview.pdf).
12. European Commission, *Twinning: a tested experience in the broader European context*, Directorate General Enlargement, Institution Building Unit, 2005. [http://ec.europa.eu/enlargement/archives/pdf/press\\_corner/publications/twinning\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/press_corner/publications/twinning_en.pdf).
13. Europa ‘Frequently asked questions about the safeguard clauses included in the Treaty of Accession of Bulgaria and Romania’ Communiqué de Presse, Référence: MEMO/05/396, 25 October 2005. <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/05/396&format=HTML&aged=1&language=EN&guiLanguage=fr>.
14. EurActiv.com, ‘From absorption to integration capacity’: EU European information on enlargement and neighbours, June 2007. <http://www.euractiv.com/en/enlargement/absorption-integration-capacity/article-159550>.
15. Fondation Robert Schuman, ‘The privileged partnership, an alternative to membership’, December 2006. <http://www.robert-schuman.org/notes.php?num=38>.

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