

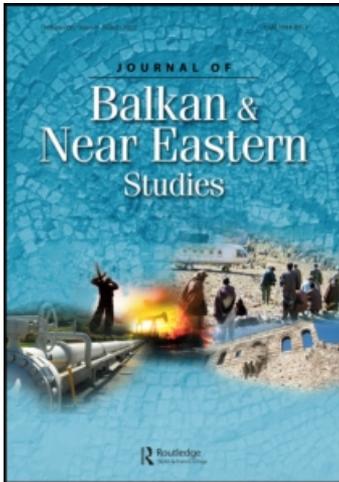
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Journal of Balkan and Near Eastern Studies

Publication details, including instructions for authors and subscription information:

<http://www.informaworld.com/smpp/title-content=t713435906>

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Online Publication Date: 01 December 2008

To cite this Article Elbasani, Arolda(2008)'EU enlargement in the Western Balkans: strategies of borrowing and inventing',Journal of Balkan and Near Eastern Studies,10:3,293 — 307

To link to this Article: DOI: 10.1080/14613190802493600

URL: <http://dx.doi.org/10.1080/14613190802493600>

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EU enlargement in the Western Balkans: strategies of borrowing and inventing

AROLDA ELBASANI

Introduction

At the turn of more than a decade of violent and rather uncertain transitions to democracy, the EU has envisaged a new vision for the Balkans.¹ It promises to transform the countries in the region into 'stable, self-sufficient democracies, at peace with themselves and each other, with market economies and the rule of law, and which will be either members of the EU or in the road to membership'.² The ambitious project builds on a new strategy, the so-called Stabilisation and Association Process (SAP), which for the first time comprises the perspective of European membership and outlines the tools of achieving that for all the countries in the region. The SAP is the major EU contribution to the aims of a wider conflict prevention strategy, the Stability Pact (SP). Yet, it has progressively turned into the major policy framework around which both foreign and domestic policies are elaborated. It has also become a word of faith among both political actors and people in the region, who have long opted to integrate into the European structures.

The SAP has, thus, created high expectations for change, which are further nourished by the strong assumptions on the EU transformative power in the post-communist countries included in the last wave of enlargement. Still, enlargement in the Western Balkans (WB) lacks both comparative analysis and depth of research, when compared to the burgeoning literature on Central and East European countries (CEEC). Few studies, so far, have explored the specifics of the EU enlargement framework in the WB and its potential for fostering transformation in the region. Moreover, research on the EU and the Balkans still needs to be embedded and make better use of the existing literature on EU enlargement instruments, mechanisms and factors of impact in the post-communist contexts.

¹The Balkans is a geo-political concept comprising the political units that compound the Balkan Peninsula. Although it refers to a precise geographical area, it often connotes different sub-regions. South East Europe (SEE) instead refers to a political grouping usually including seven Balkan countries—Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Romania, and Serbia and Montenegro—although it might occasionally include other countries. The same applies to the Western Balkans, which refers to a sub-region of the Balkans, including all SEE countries except for Bulgaria and Romania. The Western Balkans grouping is distinguished as a separate region in terms of European integration—the countries share a common perspective and framework of European integration.

²Independent Task Force, *Balkans 2010: Report of an Independent Task Force*, Council on Foreign Relations Press, New York, 2002, p. 28.

This paper questions whether the SAP justifies the strong assumptions on the EU transformative power in the region. The paper analyses its potential to serve as a framework of change by exploring how it innovates against both the EU previous approaches in the Balkans and the EU enlargement in the rest of the CEEC. In addition, the analysis delves into the implications of the distinguishing features of the SAP for fostering change. The paper proceeds in three parts. The first part elaborates on different forms and results of past interventions in the region. The second part outlines how and to what extent both the SP and the SAP signal a new approach including the perspective of European integration in the Balkans. The third part explores the main features of the SAP as a framework of enlargement and yet, tailored to cope with the particular challenges in the Balkans region. The paper suggests that although the EU policies have advanced to embrace the promise of membership and outline the accession stages for all the Balkan countries, the loaded agenda of both stabilization and association coupled with a weaker promise of membership can arguably erode the power of enlargement conditionality in the region.

International intervention in the Balkans: the limited success of ad hoc responses in coping with escalation of conflicts

At the aftermath of post-communist transitions when most Central and Eastern European countries embarked on a process of deep economic and political change, the Balkan countries remained entrenched in a series of ethnic conflicts, succession wars and endemic circles of instability. The explosion of conflicts in Slovenia, Croatia, Bosnia (1991–95), Kosovo (1999), Macedonia (2001), as well as the violent collapse of the economic system in Bulgaria (1997) and wholesale collapse of state institutions in Albania (1997), brought the Balkans to the fore of post-cold war international security concerns. European countries and international organizations worried about a possible spread of the crisis found themselves deeper and deeper involved through a series of interventions of different modalities—monitoring, diplomacy, recognition, humanitarian action, coercion as well as stationing of troops and advisers—according to the type and moment of the crisis.³ The novelty of these interventions was their strong orientation towards multilateral action, especially when it came to face common risks of instability, where the Balkans figured high on the agenda. Yet, the new interventionist ‘wave’, at least until recently, bore remarkable continuities with past intervention missions in the Balkans, whereas the region was considered to be of direct consequence to European security, but also laying at the margins and rather apart of the European mainstream.⁴ Consequently, most new and old interventions were driven by the desire to contain the crisis and maintain the status quo in the region, but also keep it outside of the European trends. International responses to the emerging crisis, thus, tried to avoid a longer-run and deeper engagement in the region. Not surprisingly, the configuration of new

³P. Siani Davies, ‘Introduction: international intervention (and non-intervention) in the Balkans’, in P. Siani-Davies (ed.), *International Intervention in the Balkans since 1995*, Routledge, London and New York, 2003, pp. 15–26.

⁴T. Gallagher, *Outcast Europe: The Balkans 1789–1989—From the Ottomans to Milosevic*, Routledge, London and New York, 2001.

interventionist policies proceeded only slowly, in the midst of Western countries' conflicting interests, divisive attitudes, cumbersome coordination structures and doubts on the consequences of intervention.⁵ Overall, those responses translated into a range of ambiguous and mixed messages rather than a coherent strategy of conflict prevention. As Bokova suggests:

It is hardly disputed now that the Western response to and attitude towards the region for most of the time has been one of neglect, of contradictory and mixed signals. The policy of 'wait and see', which was in fact an inert policy of 'containment' [] brought about in some cases paralyses, in others a polarisation of the situation and in yet others chaos and discontent.⁶

The European countries were thus drawn into the conflict, but they lacked a clear vision of what should be achieved and a clear exit strategy.

The EU was initially perceived as the main organization able to lead international action and control the post-communist turbulences in the region. Those expectations, however, proved to be illusionary as the EU seemingly failed to prevent the escalation of succession wars into dangerous circles of instability. Especially the long war in Bosnia came to be known as one of the bleak chapters of the European Common Foreign Policy and showed rather clearly that the Europeans lacked 'the cohesiveness, the determination and the instruments to bring the crisis under control'.⁷ Europeans' increased allocation of resources in the period 1995–99 did not change the overall division of roles between Europe and the USA. Although Europe still contributed the lion's share of financial assistance, expertise and troops to the region, its political influence was not commensurate to the strong turn of US foreign policy in determinate moments of crisis.⁸ The intensification of yet another war in Kosovo, in the period 1998–99, was to be disastrous for the credibility of the Union in this adjacent region as it once again failed to prevent and even control another regional conflict with important consequences for both regional stability and European security.

The outlines of a new EU strategy for the Balkans

The task of implementing negotiated peace accords in the Balkans necessitated new thinking among the European actors on the need of comprehensive moves to deal with circles of instability in the region. In December 1996, the EU presidency first launched the *Royamont Process for Stability and Good Neighbourliness in South-East Europe*, which aimed to promote regional cooperation schemes and fund projects on good neighbourly relations. In April 1997, the EU moved to clarify further the terms of a new *Regional Approach* comprising all SEE countries with

⁵S. Woodward, 'The United States lead, Europe pays', *Transitions*, 2(14), 1996, p. 160.

⁶I. Bokova, 'Integrating Southeastern Europe into the European mainstream', in D. Sotiropoulos and T. Veremis (eds), *Is Southeastern Europe Doomed to Instability?*, Frank Cass, London, 2002, p. 24.

⁷S. Lehne, 'Has the "Hour of Europe" come at last? The EU strategy for the Balkans', in J. Batt (ed.), *The Western Balkans: Moving On*, Chaillot Paper No. 70, Institute for Security Studies, Paris, 2004, p. 11; available at: <<http://www.iss-eu.org/chaillot/chai70.pdf>> .

⁸*Ibid.*, pp. 111–112.

which the EU did not have any association agreements.⁹ Since Romania and Bulgaria had already signed association agreements with the EU, the initiative was from the outset confined to the states of the former Yugoslavia (apart from Slovenia) and Albania. The new approach created a new sub-group, the so-called Western Balkans, which was to be treated differently in terms of relations with the EU.¹⁰

The *Regional Approach* confirmed and reinforced the principle of conditionality as the main bases for advancing the EU relations with the Balkan countries, while also updating the range of the offers at stake: (1) financial assistance, (2) unilateral trade preferences and (3) enhanced cooperation agreements.¹¹ These offers were explicitly related to graduated degrees of conditionality with the lowest degree pertaining to unilateral trade preferences and the highest to contractual relations. The new approach also differentiated between regional and bilateral conditions, thus, aiming to solve a potential contradiction between each country's individual achievements and a more comprehensive strategy encompassing the whole region. In this occasion, the EU enumerated in operational detail the conditions—democratic principles, human rights, minority rights and market economy—that a country needed to comply with in order to qualify for the range of EU offers.¹²

The EU had also previously applied the principle of conditionality in its relations with third countries and prospective member states, but the form of conditionality applied in the case of the Western Balkans was exceptional in terms of both the expansive, detailed and graduated list of requirements.¹³ Yet, the most crucial difference between the EU distinctive strategies in WB and CEEC was that the former did not entail any explicit perspective of membership. Under the *Regional Approach*, the EU relations with the Balkans were thus, marked by 'negative conditionality', be it in the form of limited contractual relations, exclusions from the association agreements and in the case of Serbia outright sanction.¹⁴ In the words of Turkes and Goksoz similarly:

The manner in which conditionality applied in the case of the Western Balkans clarified the contours of a distinctly different mode of relations that the EU would maintain with the region: there was no prospect for rapid membership but the countries meeting the conditions were to be rewarded with trade concessions, financial assistance and economic cooperation on the part of the EU. [] It emphasised the borders of fragmentation in the region, pushing the Western Balkans down to a lower rank in the accession partnership process.¹⁵

Overall, it outlined a different and lower rank treatment for the region.

⁹On the Regional Approach see M. Turkes and G. Goksoz, 'The European Union strategy towards the Western Balkans: exclusion or integration?', *East European Politics and Societies*, 20(4), 2006, pp. 675–677; see also C. Pippan, 'The rocky road to Europe: the EU stabilization and association process for the Western Balkans and the principle of conditionality', *European Foreign Affairs Review*, 9, 2004, pp. 221–229.

¹⁰W. Barlett and V. Samardzija, 'The reconstruction of South East Europe, the Stability Pact and the role of the EU: an overview', *Moct Most*, 2, 2000, pp. 253–254.

¹¹C. Pippan, op. cit., pp. 222–225.

¹²General Affairs Council, *Council Conclusions*, 29 April 1997, annex 1.

¹³C. Pippan, op. cit., p. 225.

¹⁴O. Anastasakis and D. Bechev, 'EU conditionality in South East Europe: bringing commitment to the process', South East European Studies Programme Working Papers, University of Oxford, 2003, p. 7; available at: <<http://www.sant.ox.ac.uk/areastudies/analyses.html>> .

¹⁵M. Turkes and G. Goksoz, op. cit., p. 676.

The drafting of comprehensive strategies for conflict prevention

The intensification of the Kosovo War in 1999 showed that the EU instruments used thus far—foreign policy, crisis management and not least the Regional Approach—were not sufficient to cope with the numerous challenges in the region. The Kosovo War pushed the European policy makers to update the EU piecemeal approach in the region. It also inserted a thorough new way to perceive the region as both an interdependent whole and an integral part of the European mainstream.¹⁶ The German Foreign Minister at the time would best summarize this ideational shift when asserting, ‘if the awful conflict in Kosovo has brought something good with it, it is that we understand our belonging together far better’.¹⁷ For the EU, it meant widening the strategy of integration to encompass also the Western Balkans. For the wider international community, it meant shifting to more comprehensive and coordinated action in the region. Overall, the new policies were to move beyond crisis management tools to broader conflict prevention strategies involving a two-pronged approach—regional cooperation and closer ties with the EU, each the main locus of two separate, but interrelated policy frameworks, the SP and the SAP.¹⁸

The Stability Pact: a platform for cooperation

The idea of the pact was first championed by the German presidency, but it was later adopted in the EU’s General Affairs Council of 17 April 1999 and was officially launched at a major international summit held on 30 July 1999 in Sarajevo. The pact as endorsed in the summit turned to be a complex multilateral venture including 40 countries and seven major international organizations.¹⁹ Announced as a novel ‘conflict prevention policy’, the pact aimed at promoting ‘peace, democracy, respect for human rights and economic prosperity’ in the whole region.²⁰ Regional cooperation was to be the cornerstone of this new policy framework. The pact indeed calls on the countries in the region to cooperate first among themselves and also with the international actors towards achieving a set of common objectives. In the final declaration, all the SEE countries recognized ‘their responsibility to [] develop a shared strategy for stability and growth of the region and to cooperate with each other and major donors to implement that strategy’.²¹

The pact also aimed to establish a division of responsibilities between both major organizations involved and bilateral donors. From the outset, it was perceived as an intergovernmental body providing a forum for dialogue and

¹⁶D. Phinnemore and P. Siani-Davies, ‘Beyond intervention? The Balkans, the Stability Pact and the European Union’, in P. Siani-Davies (ed.), *International Intervention in the Balkans since 1995*, Routledge, London and New York, 2003, p. 172.

¹⁷L. Friis and A. Murphy, ‘“Turbo-charged negotiations”: the EU and the Stability Pact for South Eastern Europe’, *Journal of European Public Policy*, 7(5), 2000, p. 779.

¹⁸R. Biermann, ‘The Stability Pact for South Eastern Europe—potential, problems and perspectives’, Centre for European Integration Studies, ZEI Discussion Paper C56, 1999, pp. 5–7.

¹⁹P. Welfens, *Stabilising and Integrating the Balkans: Economic Analysis of the Stability Pact, EU Reforms and International Organisations*, Springer, Berlin, 2001, p. 29.

²⁰*About the Stability Pact*; available at: <<http://www.stabilitypact.org/About.htm>> .

²¹*Report of the Cologne Meeting*, 10 July 1999; available at: <<http://www.stabilitypact.org/constituent/990610-cologne.asp>> .

cooperation around a set of goals.²² Politically, it showed international actors' long-term commitment in the region while practically, it enabled much needed coordination of various international structures. Subsequent assessments of the pact have been more often than not sceptical to its achievements. For many, the pact seemed to have added to rather than replaced the cooperation initiatives mushrooming in the region. Kut and Sirin, for example, assess that even after the introduction of the pact, 'the effectiveness of the different kinds of schemes, processes and initiatives [] remained a matter of concern. The "cooperation fatigue" remained another potential issue facing the participants from within and outside the region.'²³ Besides, much is said about the 'regional ownership' of the pact. Although the language is one of shared values, partnership, and regional ownership,²⁴ there are still doubts that the pact is an international intervention to 'achieve a certain set of goals' pertaining to intervening states' interest.²⁵ The pursuit of countries' national interest might not be necessarily inimical to the interest of recipient states in the Balkans, but it can certainly tip the balance towards certain sectors and priorities while neglecting others.

Although one can hear conflicting views on the merits and accomplishments of the pact, it remains a visible sign of international commitment to support sustainable transformation in the region. It also marks a significant shift from the traditional foreign interventions to new innovative strategies of incorporating the region into the European structures. According to the German Foreign Minister, Fischer, who first aired the idea, the decision on the pact was ultimately a long-term strategy to 'anchor the countries of SEE firmly in the values and institutional structures of the Euro-Atlantic community'.²⁶ In fact, the SP was soon overtaken by the SAP, which initially was merely the EU contribution to the pact. The EU initiative to lead the policy shift and take a common position on the pact was probably more attractive for the target countries than the pact itself.

The Stabilisation and Association Process: a framework for European integration

Since the very first stages of negotiating a more comprehensive strategy to cope with the Balkans, all the involved international actors welcomed the role of the EU 'to draw the region closer to the perspective of full integration [] into its structures' adding that this would be done through 'a new kind of contractual relationship [] with the perspective of EU membership on the basis of Amsterdam Treaty and once the Copenhagen Criteria have been met'.²⁷ The offer of EU membership was also the main innovation of the pact vis-à-vis the EU previous strategies towards the region.

²²C. Pippan, *op. cit.*, p. 227.

²³S. Kut and A. Sirin, 'The bright side of Balkan politics: cooperation in the Balkans', in D. Sotiropoulos and T. Veremis (eds), *Is Southeastern Europe Doomed to Instability?*, Frank Cass, London, 2002, p. 19.

²⁴R. Biermann, *op. cit.*, p. 31.

²⁵V. Gligorov, 'Notes on the Stability Pact', *Journal of Southeast European and Black Sea Studies*, 1(1), 2001, p. 17.

²⁶Quoted in L. Friis and A. Murphy, *op. cit.*, p. 769.

²⁷*Report of the Cologne Meeting*, *op. cit.*

The initial plan drafted by the German presidency insisted on offering a clear EU perspective when advocating:

Clear-cut and repeated declaration of the EU that the countries of the region have the perspective of membership. This is not only in order to ensure equal treatment with the countries of Central and Eastern Europe. The perspective of EU membership is, as developments in the Central and East European countries have demonstrated, a crucial stimulus for transformation.²⁸

This commitment was arguably watered down during the Council negotiations, which finally made only vague references to the 'perspective of EU integration', 'perspective of EU membership' and 'new contractual relations'.²⁹ The Commission's drafting of the SAP proposal insisted on adding more substance to those rhetorical signals. The Commission suggested a set of modified as well as new instruments including: (1) furthering economic and trade relations with and within the region; (2) development and partial redirection of existing economic and financial assistance; (3) increased assistance for democratization, civil society, education and institution-building; (4) cooperation in the area of justice and home affairs; (5) development of political dialogue also at the regional level; and (6) negotiation of Stabilisation and Association Agreements (SAA).³⁰ The last was by far the most important instrument since it would ultimately help provide the others and would act as the main stepping-stone to eventual EU membership. The Commission emphasized that the new contractual agreements, SAAs, would have a 'perspective of membership', but it also failed to specify its bases on the Treaty, which could have opened the path to membership applications. The SAAs, as described in the Commission proposal, would outline a new type of association enriched with elements tailored to the situation of the Balkan countries, although their idea and functions were very much modelled on the association agreements.³¹

Similar to the previous frame of enlargement, the SAP instruments were related to a range of conditions. Conditionality, as stated by the Council, was the very 'cement of the SAP'.³² In addition, under the SAP, the conditions for upgrading EU relations with individual countries and extending financial aid were based on the same premises formulated by the Council Conclusions on Conditionality of April 1997.³³ The new policy framework would, thus, utilize the same expansive, detailed and graduated frame of conditionality combining bilateral and regional components in addition to the Copenhagen criteria of enlargement. This new and yet old framework corresponded to the EU's dual objectives in the region—first stability and then integration. The name of the SAP itself recognizes that its purpose was not just association, but first and foremost stabilization.

²⁸General Affairs Council, *Special Meeting*, 8 April 1999, Press Release: 94—nr. 7208/99.

²⁹General Affairs Council, *Common Position Concerning the Launching of the Stability Pact of the EU on South Eastern Europe*, 17 May 1999, Press Release: 146—nr. 8016/99.

³⁰European Commission, *The Stabilisation and Association Process for Countries of South-Eastern Europe*, Brussels, 26 May 1999, COM (99) 235.

³¹D. Phinnemore, 'Stabilisation and Association Agreements: Europe agreements for the Western Balkans?', *European Foreign Affairs Review*, 8, 2003, pp. 77–103.

³²General Affairs Council, *Review of the Stabilisation and Association Process*, Annex Section III, Brussels, 11–12 June 2001, Press 01/226.

³³Biermann, *op. cit.*, p. 20.

The hazy path towards European integration

The SAP has, thus, outlined the WB's perspective of integration and the necessary tools for achieving it. The process has gradually turned into the major policy framework loaded with high expectations for change. As some analysts have rightly noted, 'the prospect of long-term EU integration, with the SAP and, to a lesser extent, the SP, as credible road maps leading to accession have become the key incentives for reform and stability in the region'.³⁴ Yet, the SAP framework differs in several aspects from the previous enlargement framework, which can also impact its potential to serve as the key incentive for transformation in the target countries in the Balkans.

The double stabilization and association agenda

One of the features of the SAP, that sets it apart from the previous enlargement framework in CEEC, is the inherent double agenda comprising two different objectives—stabilization and association. Stabilization was to be the main target of the SP, which advocates regional cooperation as a stabilizing remedy for the regional conflicts. The SAP, on the other hand, was to prioritize the associative dimension of the EU policies, while relying on stabilization and regional cooperation as merely auxiliary mechanisms.³⁵ The regional component assumes that the Balkan countries share a set of common problems that need regional solutions and that should be the starting point to create any meaningful vision of long-term stability in the region.

The SAP stabilization tasks and the related regional components have clearly built on the previous *Regional Approach* emphasizing common solutions to regional problems, but it has also put new emphasis on intra-regional cooperation.³⁶ The initial proposal asserted that 'the multilateral dimension [] must be enhanced to avoid the risk of concentrating solely on a policy of selective bilateralism to the detriment of a truly regional strategy'.³⁷ In this spirit, the Commission proposed concrete policies of cooperation such as the creation of free trade areas, trade preferences and even custom's unions within the region. The Commission was indeed intent to make it an important part of the conditionality basket when insisting that the development of cooperation among the Balkan countries was 'a prerequisite for the establishment of closer links with the EU and for assistance'.³⁸ Hence, regional cooperation among Balkan states was to be an additional and important requirement for the countries to advance into the EU structures.

The regional cooperation component was also inserted into the new association agreements, which has arguably set them apart from the European Agreements. David Phinnemore has shown how SAA's explicit conditionality

³⁴I. Kempe and W. Van Meyers, 'Europe beyond EU enlargement', in W. van Meurs (ed.), *Prospects and Risks Beyond EU Enlargement. Southeastern Europe: Weak States and Strong International Support*, Leske and Budrich, Opladen, 2003, p. 26.

³⁵D. Phinnemore and P. Siani-Davies, op. cit., pp. 178–181.

³⁶W. Bartlett and V. Samardzija, op. cit., p. 246.

³⁷European Commission, op. cit.

³⁸Ibid.

regarding regional cooperation is a novelty in the EU practice.³⁹ Even before entering into new contractual relations, Balkan states are expected to show a 'proven readiness' to establish good neighbourhood relations in order to open negotiations for an SAA. Once adopted, these agreements include a specific title on regional cooperation, which prescribes exactly what is expected from the signatories—countries must negotiate conventions on regional cooperation including political dialogue, establishment of free trade areas, mutual concessions on the movement of workers, services and capital, as well as cooperation in other fields, notably justice and home affairs.⁴⁰ As such, all steps of a country's association with the EU are conditioned by the pursuit of concrete measures of regional cooperation. In its first SAP report, the Commission reinforced this perception when asserting that 'integration with the EU is only possible if future members can demonstrate that they are willing and able to interact with their neighbours as EU member states do'.⁴¹

The drawbacks of the SAP agenda: loaded and conflicting objectives?

The SAP's innovative link between regional cooperation and European integration has contributed to load the integration process into a complex, if not conflictual, agenda. The requirement that Balkan countries comply with additional conditionality has put additional load on the association process and might well delay and obstruct the road to integration. This is more so as the links between regional stabilization and bilateral integration, as established in the SAP, risk being conflictual to each other.⁴² The bilateral approach, where each country proceeds according to its own pace of progress, encourages differentiation along each country's capacity to reform and hence, goes against the promotion of regional dimension, which includes the actions of also less advanced countries in the region. In fact the negotiation of SAAs with Macedonia (2001), Croatia (2001) and Albania (2005) have raised the issue of how a country's progress of contractual relations can be reconciled with the overall record of regional cooperation. The effort to make them complementary was to be neither easy nor straightforward.

At the EU level, the double strategy of stabilization and association has meant a set of priorities and a jungle of conditionality that does not fair well for the clarity of EU prescriptions and related compliance. Moreover, many have questioned whether the EU sensitivity to security issues can tip the balance towards stabilization priorities at the expense of the association agenda. As some analysts have long noted, 'the notions of Balkan Europeanization, modernisation, democratisation and institutional development have been completely subordinated to the issues of [] security'.⁴³ This seems to be even more problematic as security might carry different connotations for different authors. For the EU, it seems to be what takes to prevent refugees and illegal trafficking at its borders while for the countries in the region this might be the last of their security

³⁹D. Phinnemore, *op. cit.*, pp. 85–89.

⁴⁰*Ibid.*, p. 88.

⁴¹European Commission, *The Stabilisation and Association Process for South East Europe: First Annual SAP Report*, 4 April 2002, COM (2002) 163 final.

⁴²W. Bartlett and V. Samardzija, *op. cit.*

⁴³O. Anastasakis and D. Bechev, *op. cit.*, p. 9.

concerns.⁴⁴ In any case the use of security as a catch-all word might give the impression that the EU's renewed emphasis on regional stabilization could weaken the association goals in the Balkans and serve to relegate the region apart of the European trends.

Balkan countries, for their part, tend to regard regional schemes and their benefits with suspicion. The region is generally characterized by weak intra-regional economic and political links. The recent conflicts have further damaged these countries already weak economic relations—Albania, Bulgaria and Romania each trade less than 10 per cent of their total exports within the region, Croatia and Macedonia less than 20 per cent and Yugoslavia less than 30 per cent.⁴⁵ This has created an all but favourable ground for the working of regional schemes. In this context, most countries are afraid that the regional component can turn into a substitute for European integration.⁴⁶ Not surprisingly countries in the region have been suspicious of being dragged into regional cooperation schemes that do not have an explicit European dimension as they could slow down their individual progress and ambitions regarding EU accession. Hence, regional cooperation has been, more often than not, perceived as an extra load to domestic reforms with no immediate economic or political returns.

The Thessalonica Summit held in June 2003 seemingly tried to strengthen the association dimension of the EU policies in the WB. The drafting of new European Partnerships that should guide a country towards accomplishing a set of country-specific priorities, to some extent addresses critiques of the EU extensive focus on regionalism at the expense of bilateral conditionality.⁴⁷ The summit also strengthened the message that 'each country would proceed towards membership on its own merits and at its own speed'.⁴⁸ Yet, the regional component remained an important basket of the EU conditionality in the Balkans. In its revised enlargement strategy adopted in March 2008, the Commission was keen to emphasize 'enhanced regional cooperation' as an essential component for assessing a country's readiness to approach the EU structures.⁴⁹

The SAP commitment to membership

Another feature of the SAP, that also sets it apart from the previous enlargement in the CEEC, is its founding on an ambiguous offer of membership. From the outset, several member states opposed to offering a firm promise of membership to the Balkan countries because it would overload the already difficult enlargement process in CEEC.⁵⁰ Other members opposed giving strong signals of membership on the basis that the region faced a range of additional

⁴⁴M. Turkes and G. Goksoz, *op. cit.*, p. 681.

⁴⁵W. Bartlett and V. Samardzija, *op. cit.*, pp. 246–249.

⁴⁶O. Anastasakis and V. Bosisic, *Balkan Regional Cooperation and European Integration*, University of Oxford, South East European Studies Programme Working Series, 2002.

⁴⁷V. Gligorov, 'European partnership with the Balkans', *European Balkan Observer*, 2(1), 2004, pp. 5–6.

⁴⁸European Commission, *The Western Balkans and European Integration, Communication from the Commission to the Council and European Parliament*, Brussels, 21 May 2003, COM (2003) 285 Final, p. 5.

⁴⁹European Commission, *Western Balkans: Enhancing the European Perspective*, Press Communication, IP/08/378.

⁵⁰L. Friis and A. Murphy, *op. cit.*, pp. 772–773.

difficult issues and, hence, could not be offered the same rewards as to the CEEC. The Council position reached approximately one month after the initial proposal reflected some of the member states' hesitation to offer a quick and clear promise of membership to the Balkans.⁵¹ The Council's final declaration on the SAP made sure to take off the bold statements on membership as well as the explicit reference to the enlargement article of the Amsterdam Treaty. The Commission's communication on the SAP similarly made no explicit mention of the word 'membership', but instead promised to 'drawing the region closer to the perspective of full integration into EU structures'.⁵² Only one year later, the Council rewarded the status of 'potential candidates' to all Western Balkan countries,⁵³ which still signalled a merely vague commitment to membership. As Phinnemore put it, '[The term] has no official definition and does not confer on the holder a de jure right to membership. Politically though, the term recognises that the holder may well become a member of the EU.'⁵⁴

When it came to negotiate the first SAA with Macedonia, the EU member countries still lacked consensus on the degree of commitment to be included in the agreement, which would also establish a precedent for the forthcoming SAAs. The clause of membership proposed to the Macedonian delegation—the signatory was to be a 'potential candidate' depending on the fulfilment of EU conditions—seemed to be in stark contrast to the blunt assertion of European agreements that, '[the associates] ultimate objective is to accede to EU and that this association will help [it] to achieve this objective'.⁵⁵ The cautious commitment makes the relation all the more asymmetrical as WB countries are required to fulfil a broader range of conditions than the previous candidates.

The SAP seems to be equally ambiguous on the necessary stages for realizing the goal of membership. The structural similarity between the SAAs and EAs could be taken to imply that the first were attributed the same function as the second in terms of taking a country towards the goal of membership. Yet, whereas the European Agreements (EAs) maintained that they would help achieve the goal of membership, this is not explicit in the case of SAAs. Until recently, the EU had clarified nowhere what was the role of SAAs—did they make a country eligible for or did they advance a country towards membership. The SAP documents, including SAAs themselves were silent on how a country can advance from 'potential candidate' to 'candidate' status and the stages that will lead WB to eventual membership.⁵⁶

The Thessalonica Summit took a step further to clarify that the SAAs were to be the first and the last contractual agreements up to membership, thus avoiding previous allusions that they would serve as intermediate steps towards some new agreements.⁵⁷ The summit also contributed to enrich the EU strategy in the region with new instruments such as European Partnerships,⁵⁸ twining

⁵¹R. Biermann, *op. cit.*, pp. 16–18.

⁵²European Commission, *op. cit.*

⁵³European Council, *Presidency Conclusions*, Santa Maria de Fiera European Council Meeting, Point V/D, 19–20 June 2000.

⁵⁴D. Phinnemore, *op. cit.*, pp. 98–102.

⁵⁵Quoted in *Ibid.*, p. 68.

⁵⁶*Ibid.*, p. 100.

⁵⁷European Commission, *op. cit.*

⁵⁸In the initial proposal they were referred to as European Integration Partnerships, but reference

programme and participation in community programmes, which were all used during the pre-accession phase of enlargement in CEECs. The adoption of the new instruments heralded a step ahead towards integration, as the SAP was increasingly modelled on the pre-accession process. Yet, this policy framework in the Balkans still lacks the pre-accession tools that played an important role in preparing the CEEC for enlargement, most notably additional pre-accession funds. The Zagreb Summit of May 2007 and the Commission's subsequent moves to revise the SAP tools were limited to measures of visa liberalization, student scholarships and a new assistance Instrument for Pre-accession Assistance for the period 2007–13, which actually confirmed that the Balkan countries would continue to receive assistance along the lines set out in the 2000 CARDS regulation.⁵⁹ In short, the SAP even in its revised form, failed to clearly specify the intermediate offers, be it institutional or financial relations, which are tied to a structured, even if gradual, process of accession. The ambiguous commitment to membership has, thus, set the path for a lingering journey of neither total exclusion nor rapid integration.⁶⁰

The indeterminate promises and rewards

The EU efforts to clarify the stages of the Balkans' path to membership have not been reassuring to the target countries. In fact, the countries in the region have not relied on the SAP mechanisms to get closer to the goal of membership. The most advanced countries, Croatia and Macedonia, have applied for membership aiming to access faster the status of full candidate and gain pre-accession funds regardless of their SAA agreements and timeframes. The rest of the countries are expected to formally apply for membership, during 2008, arguably in order to keep the EU door open for them. As the Montenegrin Deputy Prime Minister confessed to her colleagues from the region 'Montenegro will not be discouraged by signals from EU member states possibly urging to slow down the process'.⁶¹ The positive avis on the membership application for both Croatia (June 2004) and Macedonia (April 2005) have contributed to tie up the path to membership by showing that it might be a reality also for the other countries. Since 2005, the WB countries were all included in the annual strategy paper on enlargement. The latest idea to offer a pre-membership deal to Serbia ahead of the very important presidential elections of January 2008 was another example of the EU being ready to give strong signals of support in crucial moments of decision-making.⁶² Coupled with other measures, the advancement

Footnote 58 continued

to integration was dropped in the final proposal. Modelled on the Accession Partnerships developed to prepare past aspirants for EU membership, the European partnerships were heralded as a milestone in the EU relations with the Balkans, but the difference in the qualifying adjectives suggests that the emphasis is on 'partnership' rather than 'accession'.

⁵⁹Council Regulation, *On Assistance for Albanian, Bosnia, and Herzegovina, Croatia, the FRY and the former Yugoslav Republic of Macedonia*, No. 2666/2000, 7 December 2000.

⁶⁰Turkes and Goksoz, *supra* note 17, p. 683.

⁶¹European Stability Initiative, *The Adriatic Push for Enlargement*, Brussels, 1 May 2008; available at: <<http://www.esiweb.org/index.php?lang=en&id=312>> .

⁶²E. Vucheva, 'EU offers Serbia interim deal ahead of decisive elections', *EUobserver.com*, 29 January 2008.

of membership commitment seems to conform to what Friis and Murphy had already predicted on the future of the SAP—the promise however vague and conditional can not be withdrawn. [It] will force the Union to increase its level of engagement within the region and to advance the ongoing enlargement process.⁶³ The Commission has been the main force behind enlargement reiterating that:

It is in the interest of the EU as a whole, as well as the countries concerned, that this process be stepped up. This will help the EU to attain its own objectives without the risk of renewed instability in a directly adjacent region.⁶⁴

Yet, the various initiatives have not altered the EU fuzzy commitment to expand in the Western Balkans. As Gligorov noted, the EU strategy in the Balkans is one where ‘integration, association, neighbourhood and accession are used again and again, often with some ambiguity and confusion’.⁶⁵ At the best, the path to membership is clarified along the process, but depending on the dynamics within the Balkans and the EU itself. This could be rather problematic in a context whereas the will of the EU to admit new members is an open question because it still needs to digest the challenging wave of enlargement to 12 new members.⁶⁶ Especially with the latest accession of Romania and Bulgaria, the group willingness to expand has further shrunk and Brussels seems to walk the tightrope of offering the prize of membership without actually giving it to the rest of the Balkans. Some of the EU leaders have indeed asked for slowing down future enlargements in response to the public’s declining support for a further expansion of the Union. The German Chancellor, Merkel, for example, has suggested a loose partnership option for the WB.⁶⁷ France and Netherlands have also called against ‘uncontrolled enlargement’, arguing that it was one of the reasons why their citizens voted down the Constitutional Treaty in the respective national referenda. In the same vein of argument, the French minister, Douste-Blazy, was reported as having said, ‘We can not act as if the people do not exist. [] We must not rush headlong into enlargement.’⁶⁸ Consequently, the EU’s efforts to keep on the path of enlargement in the Balkans can always be stalled by member state’s resistance, as long as the process is delineated in ambiguous terms.

Political elites and publics in the Western Balkans have almost consensually embraced the goal of membership as the end of a long transition from instable neighbours to members of the club.⁶⁹ Croatia and Macedonia’s bid for

⁶³Friis and Murphy, *supra* note 24, p. 784.

⁶⁴European Commission, *The Western Balkans on the Road to the EU: Consolidating Stability and Raising Prosperity*, Communication from the Commission, Brussels, 27 January 2007, COM (2006) 27 Final.

⁶⁵Gligorov, *op. cit.*, p. 5.

⁶⁶D. Phinnemore, ‘Beyond 25—the changing face of EU enlargement: commitment, conditionality and the Constitutional Treaty’, *Journal of Southern Europe and the Balkans*, 8(1), 2006, pp. 8–11.

⁶⁷E. Krasniqi and M. Beunderman, ‘Merkel moots “privileged partnership” for Balkans’, *EUobserver.com*, 17 March 2006.

⁶⁸M. Beunderman, ‘EU membership goal clarified under Balkan pressure’, *EUobserver.com*, 11 March 2006, p. 11.

⁶⁹J. Batt, ‘The stabilisation/integration dilemma’, in J. Batt (ed.), *The Western Balkans: Moving On*, Chaillot Paper No. 70, Institute for Security Studies, 2004, p. 12; available at: <<http://www.iss-eu.org/chaillot/chai70.pdf>> .

membership, the eagerness of Albanian political leaders to show progress in Albania's relations with the EU and the efforts of Bosnian, Serbian and Montenegrin leaders to speed up the process of integration all attests to the high pull of membership. Yet, the uncertainty attached to the membership promises can only undermine the attractiveness of EU incentives and its transformative effects in the Balkans.⁷⁰

Conclusion

The SAP, as the EU response to the previous failures to control conflict in the Balkans, has aimed at defining a comprehensive policy framework including long-run engagement and a clear vision of what to achieve—anchor the Balkans in the values and institutional structures of the EU. The new strategy has built on the strong assumption that the promise of EU membership would serve as a crucial stimulus for sustainable peace and transformation in the region. The approach of offering membership as the most effective instrument to setting the Balkans on the right path of reforms was certainly nourished by the successful experience of the EU previous wave of enlargement in the CEEC. In fact, the SAP has borrowed most of its instrument from the enlargement framework in the CEEC.

Yet, the SAP reflected the conviction that the Balkan countries faced different challenges and had to be treated under a specific policy framework, which was tailored to their particular situation. In this vein, the SAP set to innovate against the previous enlargement framework in at least two dimensions. First, from the outset, the SAP embodied a double agenda including two hardly reconcilable objectives—stabilization and association. Moreover, as recognized in its name, stabilization would come first and association second in the hierarchy of SAP objectives. In empirical terms this has created a jungle of regional and bilateral conditionality as well as strong perceptions of an overloaded process. Second, the SAP was to be much looser than the previous enlargement in terms of both the cautious promise of membership and the indeterminate stages for its realization. The SAP negotiation and the wording of the perspective of membership reflected the lack of an EU-wide consensus to extending in the Balkans at least in the short to medium term. While it has recognized that the target countries might well become EU members, the process does not confer a *de jure* right to membership and leaves the process open to the dynamics within the EU and the Balkans itself. This could be especially problematic in the current context whereas the group needs to digest the challenging wave of previous enlargement, which has shrunk further its willingness to expand.

Although the EU has moved to strengthen the frame of enlargement in the Balkans along the way and Croatia has become an inspiring precedent showing that the perspective of membership is a reality, the fuzzy commitment has often been perceived as a lingering journey of neither total exclusion nor rapid integration. The relation is all the more asymmetrical as the WB countries are

⁷⁰D. Triantaphyllou, 'The Balkans between stabilisation and integration', in J. Batt *et al.* (eds), *Partners and Neighbours: A CFSP for a Wider Europe*, Chaillot Paper No. 64, Institute for Security Studies, 2003, pp. 60–75; available at: <<http://www.iss-eu.org/chaillot/cha64.pdf>>.

required to comply with a broader range of conditions than the previous candidates.

Hence, the SAP is undisputedly a promotion compared to the previous ad hoc responses and even the Regional Approach in the region, but it is hardly a breakthrough that went all the way. The extensive range of conditions coupled with a set of weaker incentives can only undermine the attractiveness of the EU enlargement strategy and its potential to serve as a guardrail to sustainable peace and transformation in the region.

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