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Where to now for Enlargement?

Key Challenges to Western Balkans' accession into a Brexiting European Union

Abstract

Twenty years of enlargement policy have produced mixed results –and no miracle. While undergoing an unprecedented process of integration, forming very significant bonds with the European Union (EU), the countries of the Western Balkans have not seen their accession perspectives coming any closer to reality. Their inability to catch up with the EU through effective reforms and the fragmentation of the EU's commitment to enlargement remain compelling sources of unpredictability for an already very lengthy process. While enlargement will continue to be part of the debate on the future of Europe, it should no longer be taken for granted. A concerted, strategic response to this challenge, emphasising solidarity, needs to take shape in the region itself to ensure that new momentum created in the past few years through the Berlin Process, does not fade away.

No magic formula in politics

The countries of the Western Balkans¹ entered the anteroom of the European Union (EU) twenty years ago. Back then, the launch of the Stabilisation and Association process in May 1999, finalised at the Zagreb Summit in November 2000, was to demonstrate the EU's commitment to European integration and reassure the countries of the region of "Europe's solidarity"². Three years later, in Thessaloniki, the European Council reiterated its "determination to fully and effectively support the European perspectives" of the countries of the region³. Spirits were high: enlargement was perceived as the most successful vehicle of the Union's burgeoning foreign policy. France and other member states supported it very actively.

But unforeseen developments in Europe and beyond soon overshadowed the EU's commitment and solidarity towards the region. The enlargement fatigue, which gained ground after the 2004 accession wave and accession of Romania and Bulgaria in 2007, failed to dissipate and became more resilient

as the EU faced even greater challenges in the following years: a financial crisis in the late 2000s, the outbreak of wars in its Eastern and southern neighbourhoods in the early 2010s, migration crises in the mid-2010s, Brexit and Euroscepticism in the past few years.

The erosion of the EU's enthusiasm in this changing environment went hand in hand with the slackening of reforms in the region, the persistence of bilateral issues and cultivation of ethnonational politics. Twenty years of European integration have brought many positive changes in the region (and beyond), but they have been no panacea. How could they have been Brexit and current developments within the EU show that European integration is a fragile process fraught with entrenched complexities and divergent interests. Its pace, scope, outcome and resilience are subject to key uncertainties. The bad news under such circumstances is that overly high ambitions are likely to be met by disillusionment. There is no "quick fix" solution to Western Balkans' issues, just as there is no lifetime warranty on the EU's internal achievements in integration matters.

The good news is that the national politics and uncertainties underpinning European integration make the process essentially perfectible. For the EU, this means henceforth offering more "credible enlargement perspectives" to the countries of the region⁴. After years out of the radar, the Western Balkans seem indeed to be back on the agenda of the EU. This renewed energy is evident in the new Enlargement Strategy, issued in February 2018, the EU-Western Balkans Summit convened in Sofia in May 2018, fifteen years after the Thessaloniki Declaration, the name agreement reached by Greece and North Macedonia (which cannot, however, be credited to the EU) and above all the Berlin process, initiated in 2014 to promote "additional real progress" in reform processes⁵. After Berlin, Vienna, Paris and Trieste and London, a new Western Balkans Summit will take place in this framework in Poznan, in July 2019.

The Western Balkans have become more inextricably linked with the EU than ever; but they are still not catching up

Twenty years of European integration have firmly placed the Western Balkans on the EU's human, economic, political and security map. The Western Balkans are (and have always been) an integrative part of Europe's geography. By the end of 2013, 5,7 million people originating from the Western Balkans lived abroad, mostly in the EU⁶. Many arrived as *Gastarbeiter* in the 1970s or refugees in the 1990s. Emigration from the region continues today at high rates owing to a lack of socioeconomic convergence and dissatisfaction with reform processes. More than half of the young Albanians, Bosnians, Kosovars and (North) Macedonians express the wish to leave their country. And emigration does not recede after accession: it has tripled in Croatia since 2013. All in all, the OCDE estimates that the population of the Western Balkans will decrease by 50% by the end of the century. The human geography of the region, in that sense, is inextricably linked to the EU's.

Economically, the EU is more than the region's main trading partner and primary source of foreign direct investment (with a trade and total FDI share of 73%): it is a powerful centre of gravity. In the past ten years, EU trade with the countries of the region has more than doubled, while intra-regional trade only showed limited progress. This trade expansion has benefited from the free trade agreements concluded as part of the countries' Stabilisation and Association agreements. The Western Balkans today are fully integrated into the EU value producing chain⁷. They are physically connected or being connected to Trans-European Networks (TEN). In fact, it is now easier to travel from Tirana to Bologna than to Sarajevo or Podgorica.

In political terms and with regards to security, the Western Balkans have bound their future to that of the EU, although the date for the formal celebration of this union remains elusive. Virtually all political parties in the region support EU enlargement, at least on paper, regardless of their constituency's mixed feelings about it. Cautious incentives for political reform are offered by the EU in accordance to its "strict but fair" conditionality approach, while alignment with the EU on foreign and security policy matters has become systematic -albeit less ardent than before. Serbia, for instance, currently participates in 4 EU-led operations.

And yet progress in the region remains hesitant at best, and has not enabled the Western Balkans to catch up with the EU in the different fields covered by Copenhagen accession criteria. Studies based on the experience of CEE countries (which had larger administrative capacities and no post-conflict legacy) indicate that it would take decades for the countries of the region to adopt and implement the rules, standards and policies that make up the body of EU law⁸. Albania and Bosnia Herzegovina, according to these estimates, would still not be able to comply with the *acquis* criterion by the 2050s. Likewise, the past 10 years do not indicate that the countries of the region have come closer to fulfilling the political criteria⁹. Their democratic backsliding into countries now designated as "partly free" by Freedom House has become a major source of concern¹⁰ and experts expect that bridging the governance gap in the rule of law will similarly take years, if not decades, in the case of Bosnia-Herzegovina¹¹. As for economic convergence, it remains a long-term goal. The Western Balkans' GDP per capita today is at the same level as twenty years ago when measured in relation to CEE countries (40 to 60%). And it would take 60 to 200 years for the countries of the Western Balkans to catch up with the average of the EU, depending on growth rates projections¹².

The meagre prospects of catching up with the EU imply *ceteris paribus* that the accession process of the countries of the region is likely to remain lengthy at best, notwithstanding their level of, and progress in, *de facto* integration. In fact, the lengthiness of the accession process is likely to be amplified by a series of new, additional criteria that are currently piling up, with little attention given to their assessability: good neighbourly relations and reconciliation, for instance, have recently been introduced as a "prerequisite for accession"¹³. While there are good reasons to increase the focus on these crucial issues, positing them as one more box-to-tick in the enlargement apparatus is more likely to offer new opportunities to enlargement veto-players rather than to produce the penetrating effect that is intended.

The European Union certainly remains committed... but to what exactly?

The EU, which has invested €12,2bn in the region over the past 12 years and earmarked €7,1bn for the period 2014-2020 under IPA II, remains formally committed to the Thessaloniki Agenda. In practice,

however, the reality is more complicated, the signals less univocal and unpredictability is clearly looming over the European perspectives offered to countries of the Western Balkans¹⁴. In the past few years, the intergovernmental character of the enlargement policy has been strengthened with the gradual re-nationalisation of decision-making mechanisms, at the expense of community forces¹⁵. At the institutional level, mechanisms to steer and restrain the enlargement process have been introduced at all stages in several member states.¹⁶ In France, Austria, and the Netherlands, national referendums have been posited as “constitutional requirements” for the ratification of future accession treaties pursuant art. 49 TEU or are now considered as political *sine qua non*. In Germany, the powers of the Bundestag have been extended in 2009 through the Federal Act on EU Cooperation in order to decisively influence the Council’s decisions when it comes to reaching enlargement milestones, e.g. granting candidate status or opening negotiations.

Meanwhile, at the EU level, intergovernmental institutions have (re)gained decisive power on enlargement. The Commission, the assessments of which key member states deem biased and too positive, has seen its authority accordingly contested, and the Council, for want of unanimity, commonly disregards the Commission’s (and European Parliament’s) recommendations.

Once (more or less moderately) supportive of enlargement, the member states now voice heterogeneous preferences vis-à-vis enlargement: Germany, the most influential capital in that region, remains a key supporter of enlargement, but opposes relaxing conditionality (like the Netherlands, Finland and Sweden); France has not woken up from its enlargement fatigue and remains more nostalgic for “little Europe” than ever¹⁷; Hungary and Poland, reviving the British position of widening as a bulwark against deepening, hold at one and the same time Eurosceptical and pro-enlargement views on integration¹⁸; and five member states still do not recognise Kosovo as an independent state. With the general increase in popular opposition to enlargement in most EU member states (47% of EU citizens on average), unpredictability can be found at all levels of EU governance.

On the top of that, after a decade of lying dormant, the “widening vs. deepening” debate seems to have regained ground in EU politics, reviving the “absorption capacity” debate which before applied to

Turkey. The enlargement strategy is categorical: “the Union must be stronger and more solid, before it can be bigger”¹⁹, no matter how long that might take. The alleged tension between the logic of widening and deepening has also been made explicit by President Macron before the European Parliament in April 2018, when he stated that he “will only support an enlargement when there is first a deepening and a reform of our Europe.”²⁰ While the resurgence of this “widening vs. deepening” debate is not surprising, considering Brexit and the other challenges the EU faces, it certainly adds a supplementary layer of unpredictability.

Conclusion: squaring circles... or waiting for circles to be squared?

While differentiated integration may open new avenues of inclusion and help overcome future deadlocks, the risks accompanying the further decoupling of European integration and EU enlargement processes in the Western Balkans need to be given proper consideration. What is at play is the EU’s credibility as a power inspiring change and guiding transformation: one fourth of Western Balkans citizens believe that their country will never join the EU²¹. External actors have already increased their level of engagement in the region, extended their economic, diplomatic and cultural linkages and perceptibly raised their ability to project competing influence: China has granted billions of dollars of state-to-state loans in the region (primarily to Serbia and Bosnia) for the construction of energy or transport infrastructures²²; Russia’s public diplomacy has been stepped up with the launch of misinformation campaigns undermining regional cooperation efforts; Turkey has extended its repression against the Gülen movement to the countries of the region; etc...

The challenges that lie ahead will not be solved by positing the “widening” and “deepening” of the EU as antithetical. The history of the EU actually shows that these two logics not only worked hand in hand in the making of Europe, but that their tension has been a source of cross-fertilisation. The fourth enlargement wave to three neutral states in 1995 (Austria, Finland, and Sweden) for instance, took place while the EU agreed on the adoption of a Common Foreign and Security Policy (Treaty of Maastricht) and Common Security and Defence Policy (Treaty of Amsterdam). Previous enlargements have been a source of legal, institutional, if not political, progress.

For the Western Balkans, however, the road to accession will be long and uncertain. And blindly believing the EU's profession of faith that it will open up to the countries of the region when the time has come may be little more than wishful thinking. Instead of a "best case scenario" coming from Brussels²³, what the region needs is a strategic response elevating the region's views, interests and priorities on EU enlargement and European integration. This concerted response should seek to step up Western Balkans' participation in the on-going debates on the future of the EU, knowing that this future is also theirs. And it should start where the EU wavers the most: in the reaffirmation of the EU's principle of solidarity in the form of real actions for the region. Only by supporting each other and presenting a united front will the Western Balkans be able to make their voice heard in credible ways.

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