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When the EU met the western Balkans: Ready for the wedding?

Abstract

Albania, Bosnia and Herzegovina (BiH), Croatia, former Yugoslav Republic of Macedonia (fYRoM), Montenegro, Kosovo and Serbia are all western Balkan countries that have been given the prospect of EU membership. In June 2000, the European Council decided that all Stabilisation and Association countries are 'potential candidates', including BiH and Kosovo which have not currently applied for membership. Given the unstable environment that characterises the western Balkans, the EU is eager to create an area where peace, stability, prosperity and freedom can thrive. However, many challenges persist. This two-part paper uses, in the first half, 'Europeanisation' as a methodology tool in order to reach some conclusions on whether this model can explain the pre-accession process for applicant countries; and, in the second, a case study, drawing a draft profile of western Balkan countries in order to draw possible conclusions as to whether the carrot of enlargement is sufficient to guide potential candidates in the process of Europeanisation.

Keywords: Potential candidates, enlargement, western Balkans, Europeanisation

Introduction

This article will apply and examine a case study of how the process of Europeanisation has affected western Balkan countries. For reasons of economy, short evaluations will be presented, while a comparison of Croatia and Kosovo will also be put forward. Thus, the countries that will be examined are Albania, Bosnia and Herzegovina (BiH), Croatia, Former Yugoslav Republic of Macedonia (fYRoM), Montenegro, Kosovo¹ and Serbia.

The central argument is the deficit that Europeanisation presents in the case of south-east European countries. Document analysis of primary and secondary sources, with the aim of process tracing, is the basis of the study. The primary sources refer to the regular progress reports of the European Commission for each country and the IPA annual report *Stabilisation and Association Agreements*. Secondary sources refer to the relevant literature on Europeanisation, EU enlargement and conditionality.

Europeanisation hand-in-hand with enlargement: a literature review

According to one reviewer of the dynamics of enlargement, enlargement is:

A complex and multi-dimensional process. (Scherpereel, 2005: 364)

1 Under resolution 1244 of the United Nations Security Council.

Enlargement can be viewed either as a means of magnifying the political strength of Europe within the international arena or as an opportunity to bring peace, consolidate democracy and boost economic performance in Europe. Enlargement is based on a shared vision of common European values and beliefs. What is needed for a country to become an EU member state is to fulfil the Copenhagen criteria, which require the (potential) candidate country to achieve the:

Stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; a functioning market economy; and the capacity to adopt the common rules, standards and policies of the Union.

Additional to the Copenhagen criteria were the administrative criteria introduced by the Madrid European Council of December 1995.

In general, what has prevailed is that the driving force behind the decision of a country to become involved in the enlargement process is the economic incentives, since:

Enlargement is seen as a very good deal for both EU incumbents and new members. (Baldwin et al. 1997: 125)

This mainly stands for the applicant countries, given the full access to the EU's market and to the economic benefits of common policies and a common budget that go with EU membership (Graham, 2001: 2). Nevertheless, if enlargement is regarded from a plain economic perspective, it could have negative consequences for some western Balkan countries as a result of various forms of economic co-operation, even though the expansion of the EU's customs union entails penetration in more markets.

Enlargement can offer stabilisation to a region that has suffered from conflict disputes and economic under-development. From this perspective, a failure to enlarge may result in potential negative externalities since either:

Non-enlargement, limited expansion, or 'differential integration' could lead to a long-term isolation and marginalization of the excluded countries. (Bugajski, 2001: 42)

Geographically, western Balkan countries are a constituent part of Europe, which gives them the moral and legal rights to be part of the EU. Bechev argues that:

The role of the EU and its membership 'carrot' has been a magnet and source of inspiration for the region's efforts to build modern states and societies. (Bechev, 2006: 23)

Furthermore, if the EU does not move forward to completing this enlargement wave, it will suffer a:

Loss in credibility [that] can cause severe consequences, (Schimmelfennig, 1999)

as regards the image of the EU as a successful actor not only in the eyes of the western Balkans but also worldwide.

The recently-applied Lisbon Treaty gave an answer to the need for institutional reform before the EU would be able to continue to expand its membership further into the western Balkans. Indeed, the entry into force of the Lisbon Treaty ensured that the EU was able to pursue its enlargement agenda (Enlargement Strategy Paper, 2011: 2). One can thus conclude that enlargement is a case of willingness – both by the applicant countries to comply with and fulfil the necessary criteria; and by the EU to move gradually towards a new enlargement process.

The study of the Europeanisation of candidate countries and new members is a rather recent research area that has grown strongly since the early 2000s. In the case of candidate countries, the impact of accession on the dynamics of pre-accession Europeanisation is under frequent analysis; as is the durability and distinctiveness of the patterns of candidates' own Europeanisations in the post-accession stage (Sedelmeier, 2011: 1). The factors that make distinctive the more recent cases of candidate Europeanisation are not only the particular socio-economic characteristics of post-communist countries, but also the sustained attempts by the EU to transfer its rules to non-members prior to accession, underpinned by accession conditionality; a top-down, rather than two-way, nature of Europeanisation; and the significant power asymmetry between the EU and the targets of Europeanisation (Sedelmeier, 2011: 29).

Europeanisation theory gained special popularity among academics during the 1990s and beyond (Ladrech, 1994; Börzel and Risse, 2003; Radaelli, 2000). Europeanisation has emerged as a concept that could help adequately to enlighten the influence of European integration on domestic policy-making. Ladrech (1994: 70) first defined Europeanisation as:

An incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making.

Radaelli (2000: 4) moved a step forward by determining Europeanisation as the concept that includes the processes of construction, diffusion and institutionalisation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies.

Europeanisation is an interactive process in that it involves bottom-up and top-down procedures (Börzel, 2002). To dissect Europeanisation as reception and projection highlights our view of the relationship between the EU and member-government institutions as both iterative and interactive. It is difficult to try to conceive this relationship in conventional, positivist social science terms, i.e. with independent and dependent variables and simple causality, if analysis is to capture incrementalism and continuity (Bulmer and Burch, 2001: 78). Ioakimidis's definition offers an additional perspective (2001): Europeanisation is the powerful force that redefines the role, functions and powers of the state and alters the balance of power between the states on the one hand and society and the regions on the other.

For Europeanisation to be a top-down process, Ladrech believes that it is necessary to specify where the EU affects its member states; in what ways this occurs; and finally to understand what are the actual effects (Ladrech, 2010: 21). He sets two main characteristics to EU member states:

- a) the degree of intensity of interaction
- b) an expectation to adapt and implement agreed policies.

In our case, during the candidature stage there is more of an obligation to adapt agreed policies, i.e. the *acquis communautaire*, while there is a gap to the intensity of the interaction. If the consequences of EU membership is the open possibility of having the EU's ways of doing things (Ladrech, 2010: 35), and fundamental change arising from the pressure of Europeanisation is rare (Ladrech, 2010: 37), there is nevertheless a chance that the 'two-ways' process is a myth as, in reality, it has always been a one-way process. This can explain the case of the western Balkans in the sense that, as we fend off Brussels, the degree of potential Europeanisation is low, i.e. Kosovo. Actually, Ladrech (2010:36) employs a five-scale measurement in order to observe the degree of Europeanisation:

- a) inertia (no change)
- b) retrenchment (resistance to change)
- c) absorption (low degree of change)
- d) accommodation (adaptation without changing core or essential features)
- e) transformation (substantial change).

As might be concluded, no common definition has been agreed (Börzel, 1999: 574; Bulmer and Burch, 2001: 75; Checkel, 2001: 180). However, Europeanisation is generally used when studying 'The domestic impact of the EU' (Sedelmeier, 2006: 4), i.e. it explains the influence of European politics and institutions on domestic politics and stresses the process of change through which domestic actors adapt to European integration.

In the case under study here, our main question is whether Europeanisation can be exported, especially towards candidate countries (Papadimitriou, 2002: 5). Domestic configurations constitute a very important factor that considerably decides the degree of the diffusion of European values and principles (Cowles *et al.* 2001: 1-3). Countries accommodate Europeanisation pressures by adapting existing processes, policies and institutions without significantly changing their fundamental characteristics (Börzel and Risse, 2003: 70). In that case, the degree of Europeanisation is at a modest level.

Sedelmeier (2011) strongly believes that analyses of the Europeanisation of candidate countries suggest that conditionality is the dominant mechanism of the EU's influence. He underlines that this strategy is only effective under clearly-defined conditions: most importantly, a credible membership perspective as the main reward offered by the EU; and that domestic adjustment costs are not prohibitively high for incumbent governments and do not threaten their power base. So, the question is what happens when a country initiates its enlargement process, a process that is accepted and is seen as the most successful instrument to promote the values, practices and ideals to which EU member states adhere. We should not overlook that applicant countries adopt and implement the entire body of European laws and rules, known as the *acquis*.

communautaire, before they are allowed to join the EU. Conditionality is a concept that is strongly placed at the centre of Europeanisation.

Europeanisation is generally used as previously referenced with regard to ‘the domestic impact of the EU’ (Sedelmeier, 2006: 4) and thus constitutes a crucial concept for analysing the transformative power of the Union where conditionality is very much at the centre. EU conditionality may have an important catalytic role in prompting reforms, but a sustainable reform process also requires certain domestic conditions to prevail. The Europeanisation mechanism does not work properly when it meets with conflict and resistance in the national arena. This is the case of Kosovo whilst the contrary is met in the case of Croatia; different Europeanisation patterns may be observed in these countries.

According to Schimmelfennig *et al.* (2003: 501), we will be able to learn more about the conditions of Europeanisation’s effectiveness and ineffectiveness since the challenge to conditionality is higher in cases of significant conflict. Thus, Croatia and Kosovo, as our sub-case study, may be regarded as critical cases. Kosovo may be seen as the country which is most reluctant to Europeanise and, therefore, the one presenting the most challenging case for Europeanisation. It still remains persistently under-studied and under-theorised in the literature on Europeanisation. Noutcheva (2007: 2) argues that the EU’s policy of conditionality *vis-à-vis* three western Balkan cases, Kosovo among them, has been based on strategic interests rather than normative considerations or moral concerns.

Sedelmeier (2006: 10) points out that the pressure of the EU for adaptation changes the opportunity structure of domestic actors. The EU offers material rewards in the case of compliance with its interests, whereas national elites follow such conditionality according to a cost-benefit calculation. This logic primarily relies on an interest-driven argument according to which domestic reforms are implemented in order to pursue interests that are created or supported by this new opportunity structure. The EU uses the threat of exclusion from the next stage of the process on candidate countries that are not fulfilling the required reforms, and rewards states in response to progress they have made in complying with the conditions, implementing the reforms and adapting the EU’s laws. The most general proposition of the external incentives model of conditionality and Europeanisation is, therefore, that:

A state complies with the norms of the EU if the benefits of the rewards exceed the domestic adoption costs and the level of credibility of incentive is high. (Schimmelfennig, 2005: 4)

This cost-benefit balance depends on the size and credibility of international rewards, on the one hand, and the size of domestic adoption costs on the other.

Case study: western Balkans

The Feira European Council in June 2000 had acknowledged that the western Balkan countries participating in the Stabilisation and Association Process were ‘potential candidates’ for EU membership. The European perspective of these countries was further confirmed by the Thessaloniki European Council in June 2003, which endorsed the ‘Thessaloniki Agenda for the Western Balkans’. This agenda remains the

cornerstone of EU policy towards the region. In the 2011 Strategy Paper, it is clearly stated that:

The EU's commitment to the enlargement process reflects the member states' conviction that it is in the mutual interest of the Union and the aspirant countries.

The European Council of December 2006 renewed the EU's commitment:

That the future of the western Balkans lies in the European Union,

and reiterated that:

Each country's progress towards the European Union depends on its individual efforts to comply with the Copenhagen criteria and the conditionality of the Stabilisation and Association Process. A country's satisfactory track-record in implementing its obligations under a Stabilisation and Association Agreement (SAA), including trade-related provisions, is an essential element for the EU to consider any membership application.

Albania (COM(2010)680; SEC(2010)1335; MEMO/10/553)

Albania presented its application for membership of the European Union on 28 April 2009.

A Stabilisation and Association Agreement between the EU and Albania entered into force in April 2009. Earlier, the first European Partnership with Albania had been adopted by the Council in 2004 and, in February 2008, the Council had adopted a new European partnership with Albania. The Commission duly presented a proposal on lifting visa obligations for the citizens of Albania on 27 May 2010, which was subject to the fulfilment of certain outstanding criteria. The proposal was adopted by the European Parliament on 7 October and by the Council on 8 November 2010.

Albania has taken an active part in EU economic and fiscal supervision and in the reporting arrangements applying to potential candidate countries since 2006. The *National Strategy for Development and Integration (2007-2013)* is the key strategic policy document of the Albanian government, outlining its long-term national development and EU integration objectives. Albania has been receiving EU financial assistance since 1991.

Concerning the political criteria, the effectiveness and stability of the democratic institutions is not sufficiently achieved and parliamentary institutions and procedures do not function correctly. Shortcomings in the implementation of legislation have been observed, while proper implementation of the legal framework is a concern. The public service is highly politicised, lacks transparency in appointments and is marked by a high turnover of staff. Moreover, there is a lack of transparency in the appointment, promotion, transfer and evaluation of judges, and there are considerable weaknesses in the system of inspection of the judiciary. Corruption is prevalent in many areas and constitutes a particularly serious problem, and the activities of organised crime groups in Albania, with an impact outside the country, remain an issue of serious concern.

Human rights are broadly respected in Albania, but there are still some concerns as well as inconsistencies in the application of minority rights. As far as the Stabilisation

and Association Process is concerned, the country has ratified a bilateral immunity agreement with the United States regarding the International Criminal Court which does not comply with the relevant EU common positions and guiding principles.

Concerning the economic criteria, fiscal consolidation has been reversed and the high level of public debt remains a source of macro-financial vulnerability. The education system remains unable to equip the labour force with the skills needed in a changing job market. Foremost, the informal economy remains an important challenge.

An overall assessment leads to the conclusion that Albania has made progress towards fulfilling the criteria related to the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and the protection of minorities. Nonetheless, considerable further efforts are needed. Albania needs to strengthen governance further, improve the performance of the labour market, ensure the recognition of property rights and strengthen the rule of law. Albania would, however, be in a position to take on the obligations of membership in the medium-term in most of the fields of the *acquis*, provided that the alignment process continues.

Bosnia and Herzegovina (SEC(2010)1331; MEMO/10/557; COM(2010)660 final)

Bosnia and Herzegovina has not as yet applied for EU membership, although a Stabilisation and Association Agreement between Bosnia and Herzegovina and the EU was signed in June 2008. An international presence under UN auspices has been in place in Bosnia and Herzegovina since 1995.

Concerning the political criteria, Bosnia and Herzegovina has made only limited progress. Some advances relating to the rule of law, notably in areas such as border management and migration policy, has been made through reforms aimed at meeting visa liberalisation requirements. The administrative capacity of the parliament has improved but co-ordination with the Council of Ministers and with the Entities remains poor. A single state-level Ombudsman is, however, functioning well and financial resources for the implementation of the Roma Strategy have been increased. Important steps have also been taken to promote regional reconciliation, notably in the area of support for refugee return and judicial co-operation with neighbouring countries.

The mandates of the international judges and prosecutors dealing with war crimes have been extended and, over the last few years, co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) has remained satisfactory, although implementation of the Justice Reform Strategy and of the National War Crimes Strategy has been insufficient. The country has also made very little progress towards meeting the requirements for the closure of the OHR (Office of the High Representative), while the process for changing the Constitution to comply with the European Convention on Human Rights (ECHR) has not been initiated. The role played by ethnic identity in politics has continued to hamper the functioning of the executive, the legislative and the judiciary as well as the country's overall governance.

Political pressure on the judiciary has continued and the backlog of cases remains very high. Cases of the intimidation of journalists are on the increase, while the separation of children along ethnic lines within schools remains an issue. Widespread corruption is still a serious problem, although an anti-corruption agency has, at least, been established.

As far as economic criteria are concerned, it is also clear that Bosnia and Herzegovina has made little further progress towards establishing a functioning market economy. According to the Commission's *Progress Report* for 2010, considerable further reform efforts need to be pursued, and with determination, to enable the country to cope over the long-term with the competitive pressures and market forces operating within the Union. Nevertheless, implementation of the Stand-By Arrangement with the International Monetary Fund has been broadly satisfactory and confidence in local banks has returned. However, the fiscal situation in Bosnia and Herzegovina remains difficult, especially in the Federation, and commitment to agreed fiscal adjustment and structural reform measures, as well as their implementation, remains weak. Privatisation, the restructuring of public enterprises and the liberalisation of network industries has not advanced. The high level of social transfers, and their poor targeting, has reduced the propensity to work, further highlighting the need for reform of the social benefits system. Unemployment continues to be very high and the informal sector is an important challenge. Furthermore, the business environment is affected by administrative inefficiencies and the weak rule of law. Ultimately, progress towards the creation of a single economic space within the country has been very limited.

With regards to EU legislation, some progress has been made in aligning the country's legislation, policies and capacity with European standards in areas such as the free movement of capital; intellectual property; education and research; transport; financial control; and a number of justice, freedom and security-related matters. Progress otherwise remains insufficient in other areas, such as the free movement of goods, people and services; customs and taxation; competition and state aid; public procurement; employment and social policies; agriculture and fisheries; environment and energy; and information society and the media. Sustained efforts in sensitive areas, such as the fight against corruption and organised crime, are also a priority.

The main conclusion is that the lack of a shared vision by political leaders for the direction of the country has continued to block key reforms and further progress towards the EU.

Croatia (COM(2010)660 final; MEMO/10/558; SEC(2010)1326)

The European Council of June 2004 granted the status of candidate country to Croatia and accession negotiations were initiated in October 2005. Previously, a Stabilisation and Association Agreement between Croatia and the EU had been signed in October 2001 and this had come into force in February 2005.

Concerning the political criteria, progress has been made on efforts to strengthen the independence of the judiciary by adopting new legislation and reducing case backlogs. The Office for the Fight against Corruption and Organised Crime (USKOK) remains active and the first high-level political cases are before the courts. Croatia has contributed to improved bilateral relations in the region. Nevertheless, efforts must continue, in particular in the fields of judicial and administrative reform, minority rights, refugee return and war crimes. Furthermore, full co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) remains a requirement for Croatia's progress throughout the accession process, in line with the Negotiating Framework. Judicial reform has continued, although remaining challenges include the

application of objective and transparent criteria for the appointment of judges and prosecutors, the further reduction of the backlog of cases and the length of proceedings and the improved enforcement of decisions. Corruption remains prevalent in many areas. The new structures and tools have not yet been tested fully in practice, particularly the courts' ability to handle the increasing number and complexity of cases. Stronger political commitment and improved co-ordination between the key stakeholders is needed to achieve tangible results in the area of public administration reform.

Looking next at the economic criteria, Croatia is expected to be able to cope with the competitive pressures and market forces operating within the Union provided that it determinedly continues to implement its comprehensive reform programme in order to reduce its structural weaknesses. Due to the global economic and financial crisis, unemployment, public deficit and debt have increased significantly. External indebtedness has risen further and this remains a vulnerable aspect of the economy. Monetary stability has been preserved by the policies of the central bank and the financial sector weathered the crisis relatively well. The Economic Recovery Programme has given economic policy a medium-term orientation, but this needs to be implemented effectively. It is also noticed that the investment climate continues to be hampered by regulatory burdens and para-fiscal taxes. Further efforts will be needed to contain the rising deficit and to increase the efficiency of public spending. Improving the budgetary process and discipline remains a key challenge in order to achieve medium-term fiscal sustainability.

There has been further progress in all key areas of implementing the *acquis communautaire*, including in those chapters where the level of alignment with EU rules was already high. However, additional efforts are necessary, in particular to strengthen further the administrative capacity necessary for the proper implementation of EU legislation, and the standards this contains, as well as the absorption of EU funds.

Overall, the European Commission has concluded that the good overall progress achieved by Croatia in numerous fields means that negotiations have entered their final phase.² Negotiations are expected to be concluded once Croatia has met the outstanding benchmarks, in particular in the field of the judiciary and fundamental rights.

Former Yugoslav Republic of Macedonia (fYRoM) (COM(2010)660 final; MEMO/10/556; SEC(2010)1332)

The European Council of December 2005 granted the status of candidate country to the Former Yugoslav Republic of Macedonia.

The Stabilisation and Association Agreement between the Former Yugoslav Republic of Macedonia and the EU was signed in April 2001, coming into force in April 2004. The Council adopted an Accession Partnership for the country, including key priorities for reform, in February 2008. Subsequently, in October 2009, the Commission recommended the Council open negotiations with the country and move to the second phase of implementation of the Stabilisation and Association Agreement, although the Council has not yet taken a position. Visa liberalisation came into force in December 2009.

2 Croatia is expected to become the 28th member state of the EU by 2013.

In the political domain, the governing coalition is stable and there is co-operation between political forces. Some progress has been achieved as regards the reform of parliament, the police, the judiciary, public administration and in the area of cultural and minority rights. However, further efforts are needed, in particular as regards the independence of the judiciary, the fight against corruption, the reform of public administration and in freedom of expression in the media. Important steps also need to be taken to strengthen the political dialogue.

In order to fulfil the economic criteria, fYRoM needs to continue to reform and strengthen its legal system, as well as to implement its reform programme to reduce structural weaknesses. The economy has contracted only slightly due to resilient private capital inflows and stable public sector demand, while monetary and fiscal policies are oriented towards stability. The country's external balances have improved, reflecting a slight recovery in exports and a drop in imports. Structural reforms have continued, although very high structural unemployment persists, in particular among young people and the less educated. Some improvements have been achieved with respect to addressing institutional weaknesses and to reducing barriers to market entry and exit, but some deficiencies in the rule of law continue to have a negative bearing on the business climate and on inflows of foreign direct investment.

Concerning EU legislation, further progress has been made in aligning fYRoM's legislation, policies and administrative capacity with those of the EU, in particular as regards the free movement of goods, company law and financial services. Progress has also been made on alignment with EU policies in the area of justice, freedom and security, while efforts are ongoing to address the new rise in asylum applications in EU member states. In contrast, less progress has been achieved in other areas such as public procurement, information society and the media as well as in social policy and employment. Sustained efforts are also needed to strengthen administrative capacity for the implementation and enforcement of legislation.

In its progress report for fYRoM, the Commission concluded that the country continues to fulfil the political criteria sufficiently. Following substantial reforms in 2009, further progress has been made in key reform areas, although at an uneven pace.

Montenegro (COM(2010)670; MEMO/10/552; SEC(2010)1334)

Montenegro presented its application for membership of the European Union on 15 December 2008.

Montenegro had declared its independence on 3rd June 2006, following a referendum held on 21 May 2006. In June 2006, the EU decided to establish relations with Montenegro as a sovereign state after all EU member states had recognised Montenegro's independence. A European Partnership with Montenegro was adopted by the Council on 22nd January 2007 while, in October 2007, a Stabilisation and Association Agreement was signed between the European Union and Montenegro, as was an Interim Agreement on trade and trade-related matters. The Interim Agreement came into force in January 2008 and the Stabilisation and Association Agreement in May 2010, following its ratification by the parties.

On the basis of the political criteria, it is stated in the *Progress Report* that Montenegro has improved its legal framework and strengthened its administrative and in-

stitutional capacity. Regarding human rights, and the respect for and protection of minorities, the legal and policy framework is largely in place and broadly corresponds to European and international standards. The institutional framework is largely adequate. However, it needs effectively to implement and to enforce legislation in all fields. Increased awareness and sensitivity of the administration, police and the judiciary in terms of the application of EU standards are required.

The main concerns are related to the effectiveness of anti-discrimination policies, freedom of expression and government relations with civil society, as well as the situation of displaced people from Croatia, Bosnia and Herzegovina and Kosovo. Furthermore, Montenegro needs to intensify its efforts to consolidate the rule of law, in particular in the fight against corruption and organised crime, which remain serious problems. Visa liberalisation for Montenegrin citizens was granted by the Council after consultation with the European Parliament, as of 19 December 2009.

As far as the economic criteria are concerned, Montenegro needs to address its internal and external imbalances further, as well as several weaknesses that it has, notably in the financial sector and in the functioning of the labour market. To be able to cope in the medium-term with the competitive pressure and market forces existing within the Union, Montenegro needs to continue to implement reforms and reduce its structural weaknesses. Montenegro has a good track record in the implementation of economic reforms and benefits from a broad domestic consensus on the fundamentals of economic policy. However, the Commission concludes that the global crisis has unveiled significant internal and external imbalances, exposing the country and threatening its macroeconomic stability. The crisis has also uncovered vulnerabilities in the regulation and supervision of the banking sector, requiring a critical recapitalisation of the banking sector. Persistent unemployment points to weaknesses in education and vocational training systems, as well as to some labour market rigidities, while the country still has an insufficient energy and transport infrastructure. Weaknesses also persist in the rule of law and the large informal sector negatively affects the business environment.

Regarding EU legislation, Montenegro has made further progress in areas related to the internal market, trade-related provisions, customs and taxation. However, additional efforts are needed to align with EU legislation and to implement it effectively in the medium-term as regards freedom of movement for workers, services and capital; public procurement; competition; financial services; information society and the media; transport policy; energy; economic and monetary policy; and consumer and health protection. It is noted that the country faces major challenges in implementing and enforcing its legislation. Administrative and judicial capacities remain limited overall, and the country will need to make sustained efforts to strengthen these in order to assume the obligations of membership in the medium-term.

Overall, the Commission concluded that Montenegro is ready to become a candidate country for EU membership, although further reforms are needed in a number of key areas before the country is ready to start accession negotiations.

Kosovo (COM(2010)660 final; MEMO/10/554; SEC(2010)1329)

In July 2010, the International Court of Justice (ICJ) issued an advisory opinion which concluded that Kosovo's declaration of independence did not violate general international law or Security Council Resolution 1244 (from 1999). The UN General Assembly adopted on 9 September a joint resolution tabled by Serbia and co-sponsored by EU member states as a follow up to the ICJ's opinion. The resolution aims at opening the way for a process of dialogue between Pristina and Belgrade to promote co-operation, achieve progress on the path to the European Union and improve people's lives. To date, Kosovo has been recognised by 71 UN member states, including 22 from the EU.

Kosovo has not thus far applied for EU membership, along Bosnia and Herzegovina, as mentioned previously.

In the political sector, co-operation with the EU rule of law mission (EULEX) has improved and the authorities have launched a number of anti-corruption operations with EULEX support. The decentralisation process has advanced significantly, but the participation of local communities is of high importance. The capacity of public administration remains weak, the judiciary does not functioning effectively and the rule of law remains a serious concern. Efforts to tackle corruption, organised crime and money-laundering activities need to be strengthened.

Turning to the economic criteria, considerable reform and investment is needed to enable Kosovo to cope over the long-term with the competitive pressure and market forces found inside the Union. Kosovo's economy continued to grow in 2010 due to the use of the euro, as well as the low levels of external debt and the narrow export base that have limited the economy's exposure to the economic crisis. The banking sector continued to expand and has remained stable and profitable. However, deficiencies in policy formulation and implementation have increased the already-high level of uncertainty in the economy. Unemployment remains very high, particularly among the young. The weak rule of law, corruption, uncertainty over property rights and high interest rates continue to have a negative impact on the business environment and prevent economic development. The informal sector remains an important challenge.

The legal framework has been developed further in the areas of customs; taxation; the free transport of goods; statistics; policing; and anti-terrorism. Approximation is at an early stage as regards competition; intellectual property; the environment; energy; agriculture and food safety; integrated border management; and money-laundering. Alignment with European standards nevertheless remains limited in the areas of public procurement, financial control, drug-trafficking, organised crime and personal data protection.

The EU Commission's conclusion is that, given Kosovo's strengthened commitment to the European agenda and policy reforms, the Commission is committed shortly to launch a dialogue on visa liberalisation, to assist Kosovo to put into place the conditions necessary for a possible trade agreement with the EU and to propose the opening of the participation of Kosovo in relevant Union programmes, such as 'Europe for Citizens' and 'Culture'.

Serbia (COM(2010)660 final; MEMO/10/560; SEC(2010)1330)

Serbia applied for EU membership in December 2009 and, hence, it is a potential candidate for EU membership.

An Interim Agreement entered into force in February 2010 and Serbia has further progressed in complying with the requirements of the Stabilisation and Association Agreement, for which the process of ratification process was launched in June 2010.

In the political context, judicial reform has continued but there have been serious shortcomings in the re-appointment procedure for judges and prosecutors. Additional efforts are also required regarding the reform of public administration and the fight against organised crime and corruption. The report underlines the active co-operation of Serbia with the International Criminal Tribunal for the former Yugoslavia.³ The UN General Assembly's joint resolution aims at opening the way for a process of dialogue between Pristina and Belgrade as a means of promoting co-operation, making progress on the path to the European Union and improving lives.

Regarding economic criteria, Serbia needs to make greater efforts to restructure its economy so as to cope in the medium-term with the competitive pressures and market forces existing within the European Union. The economy picked up in 2010, as noted in the *Progress Report*, although Serbia had been hit severely by the economic and financial crisis. Strong exports and the adoption of timely and appropriate measures, in agreement with the IMF, was the key in the re-establishment of macroeconomic stability. However, Serbia has further postponed reforms aimed at tackling the structural shortcomings. The labour market has continued to deteriorate. Additionally, privatisation of socially-owned companies has slipped backwards, following the withdrawal of numerous sale contracts, and the privatisation of state-owned companies has been further delayed. The business environment continues to be constrained by burdensome administrative procedures and a weak rule of law. Furthermore, deficiencies in competition and infrastructure bottlenecks remain barriers to doing business.

Finally, as far as the EU legislative framework is concerned, Serbia has made further progress towards complying with the requirements of the Stabilisation and Association Agreement in a number of areas, including agriculture, science and research, and statistics. Significant progress has been achieved in the fight against organised crime, with good results in high-profile investigations into organised crime groups. However, further efforts are necessary to bring the country's legislation and policies into line with European standards. Implementation and enforcement of the EU-related legislation which has been adopted needs, furthermore, to be assured.

Overall, the report highlights the country's progress on its European path as it has taken important steps towards reconciliation in the region.

3 This co-operation is strongly proven by the arrest of Ratko Mladić, which marked a seminal moment in Serbia's long effort to shed its status as a pariah nation. 'Ratko Mladić' (12 June 2011) *The New York Times*.

Sub-case study: Croatia vs. Kosovo

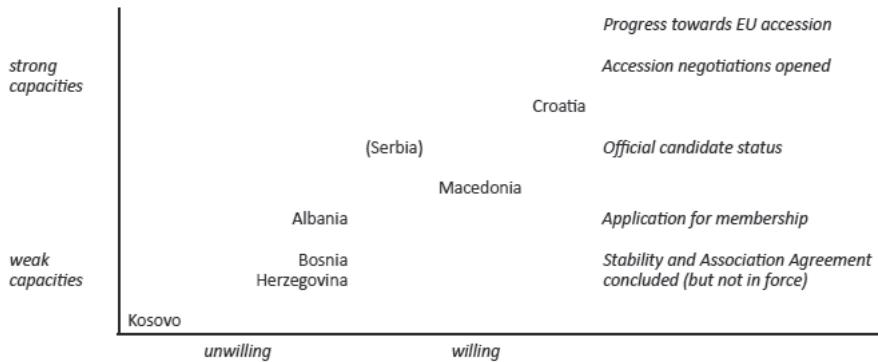
The difference between Croatia and Kosovo is remarkable: Croatia resembles a developed western Balkan paradigm, in contrast to the relative backwardness of Kosovo. However, Croatia has, since the beginning of the 1990s, been expectant of a quick and successful Europeanisation process as well as of its EU membership (Sigér, 2009).

Croatia has made sufficient progress to conclude accession negotiations successfully, while Kosovo is seriously lagging behind and has not even applied for membership. Perhaps the problem of limited statehood has seriously curbed the transformative power of the EU in the western Balkans, despite the membership perspectives of individual states (Börzel, 2011). What may be observed is that the EU has a differential impact in the western Balkans; on the one hand Croatia is a country that has managed to become a consolidated democracy with a relatively functioning market economy; while, on the other, Kosovo suffers from serious problems of bad governance with regard to the effectiveness and democratic legitimacy of its domestic institutions. Croatia has proved to have sufficient state capacity to introduce political and economic reforms, while in Kosovo international and domestic sovereignty is externally constrained and ethnically contested, borders are unsettled and constitutional issues remain unresolved. Hence, we may realise the low capacity of the EU to influence and produce systemic transformations in cases where statehood presents multi-faceted problems.

What one should keep in mind is that Kosovo came out of the war, and the issues raised by the war, last. Armed conflict changes the fundamental rules of society; it creates special conditions in which the exception becomes the rule. The end of war does not mean the end of this special period. Moreover, war influences the dynamics of interest groups. It serves as a basis of reference for several groups long after the end of armed conflict and puts nationalism into a different costume. In other words, the war creates a special path dependency (Sigér, 2009).

The conclusion is that there has been no uniform Europeanising effect in central and east European countries; rather, EU pressures for adaptation have produced diverse and ambivalent responses. The outcomes in central and east European countries (Hughes *et al.* 2002) seem to apply in the case of both Croatia and Kosovo and can be generalised in the case of the western Balkans. Paraphrasing Salgado and Woll, Europeanisation is not a bilateral process but a simple unidirectional one towards Europe (2004), even though the Union is presenting Europeanisation as a desirable and modernising change (Anastasakis, 2005). We share Börzel's (2011) argument that even the weakest and most contested states in the western Balkans have engaged in significant formal domestic change with regard to legally-adopted EU norms and rules, including in areas where the costs are high, but the remaining issue is that of effective implementation and enforcement. Limited statehood does not only affect the capacity to comply with EU expectations for domestic change, but also has implications for the willingness of incumbent elites to adopt and implement reforms in the first place.

Figure 1 – statehood, capacity, willingness and EU relations with the western Balkans



Source: Börzel (2011): 11

It can be said that, among the western Balkan countries apart from Croatia, none seems likely to be ready for full EU membership before 2020 and, most probably, Kosovo will probably be the last country to join the EU. However, even though Croatia is on the threshold of the EU, we should bear in mind the question of post-accession sustainability that has arisen; there are good reasons to expect that, given the current status of ‘partial compliance’ or ‘bounded transformation’ in Croatia, and the subsequent lifting of accession conditionality in the aftermath of EU entrance, the Croatian state elites might defer continuing adaptation or even reverse the existing structures (Chatzigiakou, 2010).

Unfolding the relationship between Europeanisation and conditionality, it is less the candidate/membership status *per se* that matters. Rather, it is unfavourable domestic factors, the high costs of compliance, the existence of domestic players who have veto power and the failure of the countries to include civil society actors in the transformation process that account for the limited impact of the transformative power of EU, as well as for the low level of compliance in candidate and, mostly, in potential candidate countries (Balkir and Soyaltın, 2009).

An analysis of these two cases – Croatia and Kosovo – reveals that a credible accession conditionality is a necessary, but not yet a sufficient, condition of EU success in promoting the reform process. In order to be effective, it has to be accompanied by favourable domestic conditions.

In conclusion, European actors must take into account the cultural filters of target countries and loopholes in the Europeanisation process and recognise that ‘one size does not fit all’: instead, it is domestic factors that matter most.

Conclusions

The growing literature on the subject concludes that the results of Europeanisation are sector-specific and dependent on the level of match between the policy and the institutional solutions suggested by EU law and the domestic structures of the applicant countries. Their domestic institutions tend to be weak, or not in place at all (there is a low level of institutionalisation of public policy), but the dominant logic of institutional change in candidate and applicant countries is different. The EU's enlargement policy has great potential to push for a significant Europeanisation reform process in candidate or potential candidate countries.

Europeanisation as regards the western Balkan countries is mainly an externally-driven process since the EU is the main generator of changes, offering its own models; providing financial assistance for reconstruction, development, and transition; and also setting the criteria and technical standards to be achieved (Anastasakis, 2005: 81-82). However, the inability and problem of the western Balkan's 'weak states' to adopt and implement EU standards is often portrayed as the most important cause of the weaknesses in the reform process (Carothers, 2002: 84).

Nowadays, the focus of Europeanisation has been broadened to encompass state-building, security, law and order and other sectors largely beyond the *acquis* (the Stabilisation and Association process). However, the EU lacks both the competence and the resources to guide the complex process of state-building and transition in the western Balkans. The *Strategy Paper* of 2010 accepted as such:

The EU's enlargement process is moving forward at a pace which is largely determined by the proven capacity of the aspirant countries to take on the obligations of membership.

The *Strategy Paper* is summed up by this indication, as well as the promise that the EU will remain committed to working with the countries concerned to advance to the next steps in the process as they meet the standards which have been set including, most notably, those linked to democracy, the rule of law and fundamental rights and freedoms.

Enlargement is clearly in the EU's interests, since it enables the EU to achieve its own economic and political objectives, particularly in areas such as the internal market, energy, transport, environmental protection and efforts to limit climate change (Füle, 2010: 2). Credibility, however, is a two-way street: for member states, the credibility of the enlargement process means rigorous conditionality towards the applicants; and, for candidate and potential candidate countries, credibility is about their tangible European perspective. Anastasakis (2008: 375) comments that the western Balkans region is often referred to as the EU's 'unfinished business' and, as a result, its major challenge and opportunity is to contribute to the state-building, transition and development of young, small and inexperienced states.

Given the complex and multi-faceted nature of the EU's Europeanising effects on eastern Europe, however, the use of the term 'Europeanisation', if not adequately unpacked, is in danger of blurring rather than clarifying our understanding of the reform process among accession applicants (Papadimitriou, 2002: 13). Conditionality as a direct mechanism of Europeanisation is based on the EU's manipulation of the cost-

benefit calculations of the other actors. In the context that the EU seeks to disseminate its governance rules by setting them as conditions that the external actors have to meet in order to obtain the rewards and avoid the sanctions of the EU, the most relevant reward that we have studied is accession itself (Schimmelfennig, 2010: 327).

What may be observed by studying Europeanisation is the peculiarity of the case of the western Balkans compared to previous enlargements; a geographic area encompassing distinctive and particular political and socio-economic characteristics. The EU has realised the need for sustained attempts to transfer its rules to non-members prior to accession, underpinned by accession conditionality and a top-down approach, in contrast to the two-way nature of Europeanisation. The entry into force of the Lisbon Treaty ensures that candidate countries and potential candidates can chase the enlargement dream via the offer of political stability, peace, prosperity and freedom, as well as economic gains and material benefits (full access to the EU market; economic benefits from EU policies and budget; foreign direct investment; and technology transfer). Economic incentives are tangible even during the pre-accession stage, as Table 1 reports.

Table 1 – EU financial assistance under IPA, 2007-2012 (€m)

	2007	2008	2009	2010	2011	2012	2007-2012
Croatia	141.2	146.0	151.2	154.2	157.2	160.4	910.2
FYROM	58.5	70.2	81.8	92.3	98.7	105.8	507.3
Turkey	497.2	528.7	566.4	653.7	781.9	899.5	3 937.4
Albania	61.0	70.7	81.2	93.2	95.0	96.9	498.0
BiH	62.1	74.8	89.1	106.0	108.1	110.2	550.3
Kosovo	68.3	184.7	106.1	67.3	68.7	70.0	565.1
Montenegro	31.4	32.6	33.3	34.0	34.7	35.4	201.4
Serbia	189.7	190.9	194.8	198.7	202.7	206.8	1 183.6
Multi-country support	109.0	135.7	160.0	157.7	160.8	164.2	887.4
TOTAL	1 218.4	1 444.3	1 463.9	1 557.1	1 707.8	1 849.2	9 240.7

Source: IPA A new focus to EU assistance for enlargement European Communities.

Membership remains the most sizeable reward and incentive that the EU can offer but, to be effective, it needs to be credible. In the case of the western Balkans, and with the exception of Croatia, the membership prospect is more distant than in previous cases of enlargement. The EU must make the citizens of candidate countries and potential candidates perceive that the reforms being implemented are in their interest (via, for example, the visa case). This is a different enlargement process in the sense that the EU must pay particular attention to the role of civil society in the integration process

due to the significance of minorities. The enlargement of the western Balkans can be a win-win situation both for the EU and western Balkans countries but, on the basis of the evidence so far, it seems that the accession of western Balkans countries will complete only in a substantially differentiated timetable. So, for the time being, we can only talk about a prolonged engagement.

If, as Ladrech supposes, membership in the European Union implies costs as well as benefits, and all member governments believe that the benefits outweigh the costs (Ladrech, 2010: 206), the question is how we can explain the fewer Europeanisation phenomena encountered in the case of the western Balkans. At the beginning, the prospect of EU membership made EU leverage in the Balkans much stronger and EU conditionality more efficient, since this is the strongest incentive for changes and it has transformative power in those states that are prospective EU members.

The case of the western Balkans has proved that there are two main conditions for successful EU conditionality:

- a) the possibility of further EU enlargement and a membership perspective for the targeted countries
- b) that the political costs of compliance of this conditionality are not too high for target governments.

So can we really talk about the Europeanisation of the western Balkans? If Europeanisation means a transformative power, then the EU is not doing so well, due to it having not taken into account the sharp differences between western Balkans countries.

We may conclude, although this is not an exhaustive analysis, that the integration of the Balkans can be made fully successful by the creation of a policy climate that would encourage a change in the perception of the Balkans (Gligor, 2010), as it relates to the Europeanisation process, in the sense of the introduction of mutually-reinforcing realities that need to complement each other rather than be mutually exclusive. In this context, the downloading of EU policies will still be a one-way policy, but it will be influenced by specific differential characteristics that may be uploaded as part of the same process.

In this article, it has been argued that Europeanisation means the:

Development of networks of interactions among domestic and supranational actors to initiate and unfold the decision-making process during the input base,

as well as the:

Gradual and differentiated diffusion-penetration of values, general norms, and specific decisions from European institutions into domestic politics, that is, into the working domestic institutions, decision-making processes and domestic policies at different levels. (Morlino, 2002: 237-260)

With this in view, the EU is definitely not succeeding in the case of the western Balkans. The enlargement process of this geographic area demands new methods of, and a new approach to, Europeanisation in the sense that differentiated characteristics equal a differentiated interaction. With the exception of Croatia, the EU has refused to set target dates for the completion of its accession negotiations with the countries of

the western Balkans, stressing instead that the process of enlargement is ‘open-ended’ and without a ‘pre-determined outcome’ (Papadimitriou and Gateva, 2009). Thus, we are left with a vision compatibility running in parallel with a method incompatibility.

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