

The European Union readmission policy after Lisbon

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Highlights

- *In 2010, several Western Balkans states have taken steps towards EU integration, but after Croatia's accession, the rest of the region will have to work hard for many years before it is ready to join.*
- *EU concerns with problems at home do not favour further enlargement prospects, but sustaining momentum also depends on deep reforms in the Western Balkans region.*
- *More realistic expectations regarding enlargement could buy some time to pay more attention to the democratic quality of the process, building popular trust in political elites and institutions, and enhancing mutual understanding between the EU and the Western Balkans.*

As the year draws to an end, all eyes in the Western Balkans turn somewhat nervously towards Brussels and the European Commission's annual Enlargement Strategy and Progress Report. This year, results were rather mixed, but the Commission attempted to stress the positive aspects. According to the Commission, in general, this past year has witnessed 'new momentum' in the enlargement process, and important milestones were achieved. From December, Bosnia and Herzegovina and Albania will join the visa liberalisation regime (implemented in Macedonia, Montenegro and Serbia in December 2009), showing that even the laggards can meet the required standards when the conditions are clear and the incentives compelling. Montenegro is ready to become an official EU candidate in December. Serbia's application for EU membership, submitted in December 2009, has now been sent to the Commission, which is expected to issue a formal 'opinion' and recommendation to EU member states before the end of 2011. Serbia not only hopes to be

granted candidate status (like Macedonia, and shortly Montenegro), but also expects the opening of immediate accession negotiations.

Croatia, commended for 'steady progress', has resumed accession talks, which are now at a 'final stage' after several months of stagnation due to a border dispute with Slovenia. This, if not yet resolved, would be dealt with bilaterally according to an agreed process that should not affect Croatia's EU entry. If talks proceed without further hitches, the Accession Treaty will be ready for signature sometime in the second half of 2011. Accession will follow about a year later, once all member states have ratified the treaty. This will represent a landmark for the enlargement process.

For the Commission, Croatia's future accession shows the remaining countries of the region that they too could enjoy the same prospects provided they fulfil the required conditions. This should encourage additional efforts in the Western Balkans to speed up the pace of reform.

Nonetheless, concerns abound that the EU's preoccupation with its huge internal problems, especially regarding the euro's legitimacy in the face of the threat of economic meltdown in Greece, Ireland and possibly other member states, could further diminish the Union's enthusiasm for enlargement towards the Balkans. Thus, Croatia's accession could be the last for many years, perhaps a decade or more. But governments in the Western Balkans need a much faster pace of integration if they are to be motivated to sell tough reforms to weary electorates.

Dreams postponed

The sober reality is that several years need to pass before the remaining aspirants in the Western Balkans region are able to join. And it is not just a question of how many years it will take the EU to overcome its current economic woes, regain confidence and turn its attention back to its unfinished business in the Balkans. There are practical, technical limits too, as well as longstanding weaknesses in the Western Balkans states that need to be addressed.

Thus, if Serbia, for example, which is often cited as the most administratively capable among the remaining states of the region, were indeed invited to begin accession negotiations in, let's say, early 2012, it is hard to imagine it concluding them much faster than Croatia. This would

imply a realistic accession date of 2019–20. But Serbia still has to deal with two specific political challenges before being deemed fit to enter accession talks: first, capturing indicted war criminals, and second, better cooperation with the EU over Kosovo.

While the Netherlands agreed in October that Serbia's membership application could be forwarded to the Commission for consideration, it still insists on Serbia handing over indicted war criminals Ratko Mladic and Goran Hadzic to the International Criminal Tribunal for the former Yugoslavia (ICTY) before allowing any further steps towards EU membership. Most member states felt that Serbia deserved to be rewarded for dropping its confrontational stance over Kosovo. At the United Nations in September, President Tadic finally took the reins back from his abrasive young foreign minister, Vuk Jeremic, and agreed to a joint EU-Serbia resolution that committed Serbia to dialogue with Kosovo without reopening the status question. In recognition of the Netherlands' flexibility over Serbia's membership application, the EU reiterated (to the Netherlands' satisfaction) that 'full cooperation'

with the ICTY – meaning delivery of the indicted war criminals – was a sine qua non condition to gaining candidate status. President Tadic has therefore one year to solve the question that has long bedevilled Serbia's European prospects and that, if unattended to, will block Serbia's otherwise quite good chances of securing candidate status in 2011.

Unfortunately, the latest report on Serbia's performance in this respect, to be delivered in December to the United Nations by ICTY Chief Prosecutor Serge Brammertz, will not be encouraging. In recent statements, Brammertz declared that, as late as 2006, Serbia's security forces deliberately missed the chance of arresting Mladic. The current Serbian war crimes prosecutor, Vladimir Vukcevic, admitted as much in a press interview in November. The main problem is that Serbia's political leaders are still unable effectively to control the security forces responsible for arresting the fugitives. Similarly, they seem to lack the courage to confront key individuals firmly ensconced in those forces, who are allegedly connected to the shadowy Serbian underworld that assassinated former Prime Minister Zoran Djindzic when he started to pose serious challenges.

In addition, there is the still uncertain course of the Kosovo dialogue scheduled to begin early next year. At present, Kosovo's leaders are the ones who are dragging their feet, having called for early elections in December after the fall of the government in Pristina – much to the EU's frustration, as it wanted talks to start straight away. In the meantime, however, Serbia has to start preparing its answers to the questionnaire that Enlargement Commissioner Stefan Fuele delivered to Belgrade on 24 November. The questionnaire includes thousands of detailed questions on all aspects of Serbia's policy-making, administrative and regulatory structures, legislative framework and laws relevant to its EU bid. It is on this basis that the Commission will produce its opinion and its recommendation on Serbia's application.

Although Serbia had started working on draft answers to the anticipated questionnaire long before the application was submitted, there is no doubt that, in many fields, Serbia's insistence on Kosovo being a part of Serbia will greatly complicate matters. What may seem narrow, technical questions could rapidly lead to political minefields that the technocrats of the European Integration Office will have to throw onto the overloaded desks of their political masters. These might prove hard to handle as the electoral cycle ap-

proaches, with both president and parliament reaching the limits of their terms in early 2012.

Even if these political time bombs can be sidestepped, the Commission's latest Progress Report on Serbia points out just how much still has to be done with regard to the 'normal' reform agenda if the country is to be granted candidate status. Having read the previous progress reports, the Commission's critical tone this year is unsurprising. Serbia has failed to address long-standing weaknesses, particularly in the judicial field. The general opinion that Serbia has developed an 'administrative capacity' is only true in comparison with its neighbours, but still falls short of the standards required by the EU. Public administration reform and the fight against organised crime and corruption require 'additional efforts' too. Only 'limited progress' has been made in turning Serbia into a 'functioning market economy', and structural reforms, privatisation and labour market reforms have been postponed again this year.

So much energy and attention has been consumed on the Kosovo issue that nitty-gritty issues have been neglected. And just as the government seemed ready to focus on EU integration, it was knocked down by the severe impact of the European economic and financial crisis and has had to turn to the International Monetary Fund. In other words, Serbia needs more time to handle its formidable political agenda: to digest the loss of Kosovo; unravel the sinister tentacles of the 'deep state' that stunt its democracy; overhaul the judiciary and the state administration in order to entrench the rule of law; and advance with the transition to a market economy. All this amidst a deep economic crisis and dim prospects for foreign investment and assistance inflows.

If we look at Macedonia, we can also see the limits to accelerating the EU's integration process. Macedonia gained EU candidate status in December 2005. This was done somewhat 'prematurely', some would argue, given that the country was then in much poorer shape in technical, administrative and economic terms than Serbia is today. The decision was political and belonged to a reward package for implementing the politically difficult Ohrid Agreement that settled the terms of peaceful coexistence between Macedonia's ethnic Macedonians (Slavs) and its sizeable Albanian minority after the country narrowly avoided civil war in 2001. Nevertheless, political stability in Macedonia remains fragile, and political life polarised not only along ethnic lines but also within the ethnic

communities themselves. Although Macedonia has worked hard and made huge progress (for example, the country has for several years been near the top of the World Bank's rankings of improvers of business conditions), at times reform has been hostage to wider political struggles. For some time, Macedonia argued that it was ready to begin accession negotiations, and indeed, needed to begin them in order to keep politics on track

– a telling reversal of the normal logic of conditionality that rewards states for keeping themselves on track.

In its 2009 Progress Report the Commission supported Macedonia's readiness to embark on accession negotiations, but domestic politics has become increasingly poisoned by the protracted

– and increasingly bizarre – dispute with Greece over the country's name and the language spoken by the Slavic majority. Festering since the very emergence of the state itself back in 1991, the dispute now blocks Macedonia's accession to both NATO and the EU, due to Greece's veto. This, in turn, frustrates the Albanians, for whom the name issue is a symbolic matter of no significance and who consider NATO and EU integration a priority. The government, increasingly dominated by strident – and popular – Macedonian nationalists, has been adding fuel to the fire. It has embarked on an extravagant programme to rebuild the centre of Skopje that includes a gigantic, central statue of Alexander the Great. This not only inflames Greek outrage at the 'expropriation' of what they see as essentially Greek cultural heritage, but also infuriates Albanians and the Macedonian opposition who see it as a wilful squandering of scarce resources.

In this year's report, in a heroic understatement the Commission notes the need to 'strengthen political dialogue' and desist from 'actions and statements which could adversely affect good neighbourly relations'. Although the Commission continues to back Macedonia's hopes to begin entry talks, it also underlines that reforms have continued 'at an uneven pace' in the past year. There remains a lengthy state building agenda before Macedonia fully meets EU membership obligations. Thus, while Greece's behaviour towards Macedonia shocks most of its European partners, the Macedonian government is far from innocent. However, even if this political spat were to melt away and Macedonia began accession negotiations next year, for instance, state weakness and politico-institutional fragility would continue to slow the pace of the integration process.

Good things come to those who wait

Sustaining the momentum of EU enlargement is clearly vital to consolidating peace and security in the Western Balkans, but the onerous process of preparing for EU accession cannot be rushed. Excessive pressure can also strain democratic institutions and democratic practices in weak states in transition. Harmonising the vast array of laws, regulations and policies with the EU's *acquis* – now approaching some 100,000 pages – almost inevitably leads to short-cuts in the democratic process, leaving little scope or time for serious parliamentary debate and scrutiny. This can reinforce the already strong tendency in leader-dominated political cultures to concentrate power in the hands of the government, and to centralise control within a narrow elite.

The argument that 'there is no alternative' to the dictates of the EU is open to exploitation by governments that are frequently intolerant towards civil society criticism and exercise an iron rule over their party supporters through their extensive powers of patronage. Laws drafted in excessive haste by overworked legal experts, sometimes by simply cutting and pasting from EU templates, often turn out to be incompatible with existing laws, requiring frequent amendments and revisions. All this generates a sense of legal instability that hardly contributes to strengthening the rule of law.

It also has several implications for the development of a wider democratic political culture. While for the region the strategic importance of joining the EU is clear, the European Union can loom almost too large in domestic politics, eclipsing the equally important challenge of strengthening the democratic accountability of political leaders and the population's trust in political institutions. Successive opinion polls conducted by the Gallup Balkan Monitor (www.balkan-monitor.eu) reveal the very low level of popular trust in governments, parliaments, political parties and the judiciary. In most states of the region, vast majorities profess to have 'only a little trust' or 'no trust at all' in their government.

What people want to see is greater effort to bring about immediate, tangible improvements in their everyday standards of living and employment prospects. EU integration, a dominant question during election time, offers no quick fix here, yet competing party programmes rarely address these issues with clear and

practical, alternative policies. Thus, it is unsurprising that approximately two-thirds of citizens in Serbia, Bosnia and Herzegovina and Macedonia say that no politician or political party really represents their views. The EU could be an important ally for domestic civil society in the region, by providing relatively impartial information on governments' performance and supporting capacity-development. However, NGOs also need to build strong and extensive roots in the wider society in general, which remains a passive and sceptical observer of the EU's integration processes.

How can the European Union maintain the credibility of the 'EU perspective' in the region? The EU's own poor performance in this respect is widely acknowledged, but further transparency and realism are also needed with regard to the challenges facing the Western Balkans over the next decade. The Greek foreign minister recently floated again the idea of setting a clear accession timetable for the rest of the region after Croatia's accession. But there is still strong resistance in Brussels and many member state capitals, which are mindful of the political pressures raised by the arguably premature accession of Romania and Bulgaria in 2007.

But more important than the timing of accession itself, is the effectiveness of the reforms carried out in the years preceding that. In the coming years, the EU needs to get over its introversion and redouble its efforts to support such reforms, engage with more determination in 'member state building', especially in Bosnia and Herzegovina and Kosovo, and improve its communication with the general public both in the region and at home. In the economic field, the EU should allocate more resources to development and growth, not just the implementation of the *acquis*, tailored mainly to the needs of much more prosperous and sophisticated economies.

In the interim, the abolition of the visa regime for the Balkans this year is perhaps the most promising and significant gesture that the EU could make. EU support for 'people-to-people' exchanges must now expand so that citizens in the Western Balkans can more easily experience the European way of life. They may indeed find it sobering, but this is no bad thing if it entails a more realistic, down-to-earth, and solid understanding of what they can expect of the EU, and what they must demand of their own governments if their aspirations are to be achieved.