



Historical Experience and the Reunification of Europe

**HISTORICAL EXPERIENCE
AND THE REUNIFICATION
OF EUROPE**

Institute for Foreign Affairs and Trade

Budapest, 2020

Published by the Institute for Foreign Affairs and Trade

Publisher: Márton Ugródsy

Editors: Ferenc Németh, Anna Orosz

Proofreading: Sejla Almadi

Layout and design: Tamás Lévárt

Institute for Foreign Affairs and Trade

H-1016 Budapest, Bérc u. 13-15.

Phone: +36 1 279 5700

Email: info@ifat.hu

Web: www.kki.hu

Copyright © 2019

Gergely Fejérdy

Mateusz Gniazdowski

Christina Griessler

Dušan Janjić

András Klein

Adea Pirdeni

Ulrich Schlie

Dragan Tilev

Jaroslav Wisniewski

ISBN ISBN 978-963-7039-66-9

© Institute for Foreign Affairs and Trade, 2020

Budapest, 2020



HOAL 2020

AUTHORS AND AFFILIATIONS

Gergely FEJÉRDY,

Senior Research Fellow, Institute for Foreign Affairs and Trade
Deputy Director, Otto von Habsburg Foundation

Mateusz GNIAZDOWSKI,

Deputy Director, Centre for Eastern Studies (OSW)

Christina GRIESSLER,

Research Fellow, Network for Political Communication,
Andrássy University Budapest

Dušan JANJIĆ,

President of the Executive Board, Forum for Ethnic Relations

András KLEIN,

Director of the Western Balkans Department,
Ministry of Foreign Affairs and Trade of Hungary

Adea PIRDENI,

Lecturer and Researcher, Faculty of Law, University of Tirana

Ulrich SCHLIE,

Henry-Kissinger-Professor, Center for Advanced Security,
Strategic and Integration Studies, University of Bonn

Dragan TILEV,

State Counselor for EU Affairs, Secretariat for European Affairs,
Government of the Republic of North Macedonia

Jaroslaw WISNIEWSKI,

Visiting Fellow, European Institute, London School of Economics

CONTENTS

Forewords:	
Gergely PRÓHLE	6
Márton UGRÓSDY	8
Ulrich SCHLIE:	
The Balkan Question and the European Security Architecture: Germany's Strategic Choices in the Past and Present	10
Gergely FEJÉRDY:	
Enlargement of the European Union in the Western Balkans from a French Perspective	30
Jaroslav WISNIEWSKI:	
The UK and The EU Enlargement Post-Brexit	55
Mateusz GNIAZDOWSKI:	
Participating in the Berlin Process as a Visegrad Country	68
Christina GRIESSLER:	
Austrian Foreign Policy towards the Western Balkans: Bilateral Relations and EU Enlargement	83
András KLEIN:	
The Necessity of the Integration of the Western Balkans	106
Dragan TILEV:	
Someone Can Always Say a "No"- The Difficulties of Preserving Credibility at Domestic and European Level	118
Adea PIRDENI:	
The Dilemma between Objective and Political Conditionality: Judicial Reform and the Assessment of Rule of Law Conditionality in Albania	142
Dušan JANJIĆ:	
Being in the Same Boat	162



FOREWORD

Realpolitik – in a Historical Context

Gergely PRÓHLE

Director of the Otto von Habsburg Foundation

During his long life, Otto von Habsburg experienced many turns and vicissitudes in the 20th century. As a four-year-old boy, he was there at the coronation of his father, King Charles IV in the Buda Castle in 1916. He was involved in the fight against Nazism in the 1930s and 1940s. During the Cold War, he clearly saw that communist power could not survive in the long run, and after the regime change, continuing his decades-long work as a European politician, Otto von Habsburg did a lot to bring about the institutional unification of the continent. Meanwhile, as the head of Europe's oldest royal family, he had no illusions of regaining real political power, yet he had centuries of political experience and a vast historical knowledge that raised the horizons of his thinking about the future of the old continent far above others.

This is especially true for the fate of the Balkans. He did not get caught up in the often-voiced cliché that the region should be looked at as a “gunpowder barrel,” but made it clear in precise analyses - being aware of the ethnic conditions, the historical background and the contradictions of international treaties on the Balkans -, which countries or groups of countries need to be carefully monitored in order to prevent escalation. In his 1995 book, *Friedensmacht Europa (Europe as a Peace Power)*, he gave an excellent analysis on the Balkan policies of the great powers, Russia and the United States, listing the serious mistakes made in the early 1990s; but most importantly, he emphasises that Europe cannot remain idle in the midst of events in the region, as the perspective of integration can only be a cure for centuries of contradictions.

Nowadays, there is no direct threat of any kind of armed conflict, but at the same time, the dilemmas in the Balkans are constantly posing new and new challenges when thinking about foreign policy. The continuous coordination of positions and the exchange of views between the Member States can contribute to the development of

not only theoretical answers, but also concrete action plans. Hungary is committed to a continuous European integration in the Western Balkans, which is both its historical responsibility and its well-defined economic interest.

Otto von Habsburg's approach towards Realpolitik provides an appropriate historical dimension to answer present questions, therefore, the Otto von Habsburg Foundation considers it evident to contribute to the joint thinking initiated by the Institute for Foreign Affairs and Trade.



FOREWORD

The Challenging Way to the Reunification of Europe

Márton UGRÓSDY

Director of the Institute for Foreign Affairs and Trade

It is my greatest pleasure to present this volume about the reunification of Europe and the future of EU enlargement on the Western Balkans. The Institute for Foreign Affairs and Trade (IFAT) and the Otto von Habsburg Foundation organised a conference entitled “Historical experience and the reunification of Europe,” where we brought together experts from EU member states and the Western Balkans to discuss our current challenges, and more importantly, to share - and confront - visions of our common European future.

The three-panel conference was held in a timely and yet very difficult situation: shortly after the decision of the European Council not to open the accession negotiations with Albania and North Macedonia, the contrasting views on the future of EU integration and the need for a new enlargement strategy created uncertainties in the Western Balkans. The speakers of the conference put the different national positions into a wider political context, including the debate on the future of the EU and domestic political aspects. The diversity of views on the reunification of Europe is not a new phenomenon: the history of Europe could never present one united approach for this great project. However, the European integration process could facilitate a long-lasting peace on the continent since the end of World War II which still serves as the best practice for the war-torn region in South-East Europe. Nonetheless, there are varying opinions about the proper timing and conditions of the accession process and whether the EU is ready to accept new members.

The establishment of the new European Commission led by Ursula von der Leyen and the appointment of Olivér Várhelyi as Commissioner for Neighbourhood and Enlargement gave hope for a more engaged approach towards enlargement-related issues to the region. The positive decisions of the Council of the European Union in March 2020 - the green light for Tirana and Skopje to start their accession negotiations as well as the acceptance of a new enlargement strategy - show that even in times of a global (health) crisis, the EU has not forgotten its almost twenty-year-long commitment to the region.

We at the Institute firmly believe that the reunification of Europe cannot be finished without the incorporation of the Western Balkans. From the Hungarian perspective, the EU enlargement enjoys a national consensus: the stability of the region is the key for ensuring security and economic growth, the well-being of the Hungarian communities living beyond our borders and for tackling global issues - such as migration - effectively. As the Euro-Atlantic integration of the Western Balkans is one of the cornerstones of Hungarian diplomacy, IFAT has been always putting a great emphasis on the promotion of a European future for the region.

In previous years, our colleagues collaborated with state institutions, think tanks and research centres from the Western Balkans and Europe to bring the EU and its neighbourhood closer to each other. The Institute gave priority to facilitate better understanding of the social, political, and economic dynamics of South-East Europe that inevitably influence the integration process. We truly believe that the dialogue between the EU and the aspiring member states is an essential tool for moving forward. We are glad that the new enlargement strategy also puts the emphasis on frequent high-level meetings and dialogue between the member states and the countries of the region. The present volume is yet an additional manifestation of our dedication towards the EU enlargement.

Our efforts to be actively engaged in the region and to organise this conference could not be possible without the ever-lasting dedication of our partners and colleagues. I am thankful for our co-organiser, the Otto von Habsburg Foundation and for our organising team from IFAT. This joint volume will preserve the difficulties we faced and the expectations we had for the EU enlargement in the beginning of 2020. I can only hope that our conference successfully served as a first step for further cooperation in the near future.



The Balkan Question and the European Security Architecture: Germany's Strategic Choices in the Past and Present

Ulrich SCHLIE

Henry-Kissinger-Professor, Center for Advanced Security, Strategic and Integration Studies, University of Bonn

Abstract: The article examines the paradox of German power with regard to the German foreign policy debates on greater responsibility and the impact of history. It looks at the road to German re-unification in 1990 from a historical perspective, outlines the power-political effects, legal aspects and the Cold War framework which characterised the limitations and goals of German foreign policy in a divided country. It examines the debates and decision-making process of German foreign policy in a new strategic environment after 1990 with a special emphasis on the events following the break-up of former Yugoslavia. Against the background of the geopolitical implications of Mittellage, Germany's engagement for a deeper and wider Europe is analysed in a greater detail. The article argues that Germany's history provides a framework in which it can assume a formative role regarding its relationship with Central Europe and the Balkans.

Keywords: Bündnisfähigkeit, German foreign policy debate, Germany's reunification, military engagement, Mitteleuropa, Mittellage, Yugoslavia

The German Question in Past and Present

After the stroke of luck that was reunification, Germany's geographical and political situation has improved significantly in 1990. The key geopolitical outcome of the resulting shift in power is that the country's historically central position has become the determining factor in German foreign policy. The centre was to a certain extent occupied by the West as a result of the geopolitical upheaval. Europe's reunification was made possible by several factors, including (1) the European revolutions of 1989; (2) the inclusion of a large part of the East-Central European, East European and South-East European reform states into the Euro-Atlantic structures; (3) the

struggle for a relationship between Europe and Russia that fluctuated between cooperation and vigilant prevention; (4) the tendency, persisting since the beginning of the 1990s, towards a stronger European security policy association in the form of a European foreign and security policy; and (5) the associated questions of the division of labour and future cohesion in the Atlantic Community. These factors contributed heavily to the collapse of the Yalta and Potsdam order in 1989.

From the beginning, the “German question” did not only ask who belonged to Germany, but also where Germans should belong.¹ Initially, the question of who belonged to Germany involved not only the matter of nationality, but also the matter of the nation state’s social structure and political constitution. Issues initially resolved in 1871, continued to emanate into the respective present for a long time thereafter, particularly regarding the issues of “Greater Germany versus Lesser Germany” and “Unitarianism versus Federalism.” The question of where the Germans should belong was essentially related to the problem of Great Power, which was constituted by Germany’s geopolitical position in the centre of Europe. It was further aggravated by the unique connection of the German nation state to the dominant great power, Prussia, and found its own expression through Prussia’s relationship to the “Third Germany.”

For centuries, the German question had been a central point in the Great Powers’ struggle for a balance of power. It seemed to have been solved in 1990. However, to this day, the territorial and power-political effects, and the geopolitical shifts of the 1990 solution to the German question, continue to have political consequences in Europe and the world. Germany’s attitude towards a Europe which is growing together, its relationship to its neighbours, as well as the way in which Germany’s foreign policy presently defines and pursues national interests, cannot be evaluated without considering the circumstances and conditions since its reunification in 1990 and the prehistory of the German question.²

Since 1990, the German question has been resolved, but the questions for Germany remain.³ For the first time in history, the German question has essentially been reduced to the way larger Germany participates in the expansion of the European house, how it shapes its relations with its neighbours and how it lives up to its international

1 Cf. Becker & Hillgruber (1983); cf. also from a contemporary view, Kundnani (2015).
2 For an international view, cf. Simms (2013).
3 Cf. for example, Rödder (2018).



responsibilities. Nonetheless, foreign countries remain interested in Germany's current state-of-affairs. Reunited Germany must live with the expectations and questions of foreign observers, sometimes even with their chimeras and phobias. It is precisely this preoccupation with the German question - especially the manifestations and psychological strains which are revealed in the response of foreign countries to the question "Who is afraid of Germany?" - which proclaims that time and again that irrationality can reappear and that rational solutions are rejected because of underlying motives.

Anyone who aims to identify the varieties of the German question and the significance of their after-effects on the current task of completing Europe's reunification will have to start examining the dilemma of Bismarck's founding of the Reich. What Ludwig Dehio (1955, p. 13) called the "semi-hegemonic position" - too small for hegemony, too large for balance - became the defining fundamental problem of the German Reich. Stresemann's policy of balancing between East and West in the 1920s, and his attempt to reconcile German strength and European order in one concept, also evoked ambivalent memories among those with a knowledge of history after 1990.⁴ Shortly after a peaceful and free reunification in 1990, warnings of a Fourth Reich were uttered, especially in Anglo-Saxon countries.⁵ Fear from Germany is a recurring motif with many varieties. Polish Foreign Minister Radek Sikorski's astounding aphorism - who remarked in 2011 in Berlin that he did not fear from Germany's strength but Germany's weakness - is still a minority opinion, not only in Poland (Sikorski, 2011).

The article presented here on Germany's historical experience regarding its current foreign policy commitment to a reunified Europe aims to answer a dual question. On the one hand, it asks about the lessons of history, which led to a successful, peaceful and free reunification in 1989/90. On the other hand, the contribution describes the connection between national interests and international responsibility, which has existed since then and continues to exist to this day. More precisely, it describes how the strategy of international and European responsibility arising from Germany's situation and its historical responsibility still determines Germany's foreign policy actions today. Against the background of aiming to complete Europe's reunification, Germany's European, Atlantic, and global tasks are particularly taken into consideration.

4 Cf. Kissinger (1994, pp. 266ff).

5 Cf. for example, Nicholas Ridley, quoted from Lawson (1990, p. 8f).

Mittelage and German Foreign Policy Traditions

The foreign policy of the old Federal Republic before 1989 was predetermined in its range of action in three ways: (1) the multitude of Allied reservations and restrictive conditions of limited sovereignty; (2) the moral burden of the Hitler regime's then „recent past” and the suffering of millions between 1933 and 1945; (3) and the special conditions of the artificial division of the country and the establishment of the frontline during the Cold War. The fact that until 1989, 17 million Germans were a “bargaining chip,” emphasizes this frontline position.

Foreign policy is the sum of a country's geography, history, and memories. Considering its history and experience, the rupture in 1945 could not have been more significant for Germany. The country moved from being the subject of world politics to being the object of victory. For Germany, the catastrophe of 1945, which brought about liberation from the National Socialist dictatorship, was a total political and military capitulation. Furthermore, it brought about the glorious end of the German nation state, the collapse of state power, the takeover of state sovereignty by an occupying regime of the four victorious powers - the United States, Great Britain, the Soviet Union and France - and the dismemberment of the country into different parts. After 1945, the moral mortgage of guilt was added to the ruin of power politics when the full extent of the Nazis' crimes gradually came to light. Establishing state sovereignty and regaining agency in foreign policy were the primary goals of German policy immediately after the war. Therefore, the transitory character of the international system defined the starting point. The collapse of the German Empire had left a power vacuum into which Stalin's Soviet Union tried to push with extreme brutality. The rupture between the United States and the Soviet Union, which was laboriously concealed during the years of Allied warfare, became evident in 1946/47's unstable constellation. It was not until the Communist coup d'état in Czechoslovakia in 1948 and the Berlin Blockade in 1948/49 that massive US involvement was triggered, helping to avert the danger of Soviet hegemony on the European continent.

The geographical location of Germany, first and foremost, informed the imposed division by the victorious powers of the Second World War at the Allied conferences. After the unconditional surrender, an American-Soviet condominium was established in Germany. However, the agreement did not last long. The agreements reached in Potsdam were little more than a formulaic compromise, the instruments of a common policy on Germany that was doomed to fail from the outset. The differing views between the



United States and the Soviet Union clashed irreconcilably, which became apparent at the Paris Conference of Foreign Ministers in June 1946. Moscow still insisted on an overall solution, albeit on its own terms - four-power control, including over the Ruhrgebiet, disarmament of Germany, and the withdrawal of Soviet reparations, including from the Western occupation zones.

Considering this context, Germany's possibilities for shaping its own foreign policy were extremely limited. The Occupation Statute of September 21, 1949 granted only the occupying authorities competences for foreign affairs. This remained unaltered until the revision of the Occupation Statute in March 1951, through which the Federal Government was able to establish a Foreign Office and diplomatic and consular missions abroad. Thus, the assumption that foreign policy cannot be understood if it is analysed separately from the domestic political basis has a special significance in post-1945 Germany. In his New Year's address at the turn of the year 1949/50, Federal President Theodor Heuss recommended a democratic domestic policy as "the best, perhaps the only foreign policy" (Heuss, 1950). The German chancellors since Adenauer have taken this advice to heart *grosso modo*. They understood the limits of politics, Germany's special situation, and what could be reasonably asked of its neighbours - from some more, from others less.

With the progressing division of Europe and the world into two antagonistic systems of order, the prospect of rapidly overcoming Germany's division diminished. Instead, the German question had become the fundamental issue of the international system.

The first Chancellor of the Federal Republic, Konrad Adenauer, had recognised earlier than others that the only way to ensure the country's rapid reemergence would be a consistent decision in favor of the West. Furthermore, he was aware of the limits that had been placed upon Germany due to its past and geostrategic position. Fundamental strength and perseverance in the pursuit of his foreign policy concept, a commitment to freedom, peace, and unity in Germany - these were the secrets of his success. Adenauer was a "statesman of concern" (Mann, 1976). In light of the upheavals of the two world wars, he believed that only steadfastness and calm could restore its partners' confidence in Germany on the one hand, and the self-confidence of the profoundly unsettled people, on the other. The Adenauer administration's decision to contribute to West Germany's defence was based on the insight that the country could not ensure its own security by itself. Therefore, the entry into the North Atlantic Alliance (1955) and the establishment of its own armed forces, the Bundeswehr in the following year seemed to be a logical consequence.

The need for security and the goal of reunification have been inseparably linked in German foreign policy since the founding of the Federal Republic. However, the unsolvable problem remained - German foreign policy had to be simultaneously status quo-oriented and revisionist. The country's capacities for shaping its own policy were increasingly limited by de facto restrictions on sovereignty and the general political climate. Every political upheaval affected the divided country. Also, all political steps had to be evaluated based on their potential to restore state sovereignty. According to Adenauer, leaving the German question unanswered was the only feasible way. Furthermore, Germans in the unfree communist sphere of power were taken into consideration.

Adenauer's achievement was successfully incorporating the aim of reunification in the 1952 Treaty on Germany, as well as elevating the reunification to a goal of American foreign policy - a goal that had been repeatedly confirmed by political practice. Konrad Adenauer's dictum, which he handed down in connection with Germany's accession to the Atlantic Alliance in 1955, is embedded in this context. The accession formally concluded the division of Germany and the continent: "We are now in the strongest military alliance in the world. It will bring us the reunification" (Wuermeling & Mautner, 1987, p. 79).⁶

A partnership with the United States was essential to ensure the resurgence of a free Germany. Through its presence and commitment, the United States had made a decisive contribution to the return of freedom and democracy to the western part of Germany. Unlike in 1919, the Americans had remained in Europe in 1945. American involvement was tangible wherever the nation's vital interests were involved. During the Cold War, this literally meant "war or peace" - it meant living in freedom or surrendering to Stalin's satellites. The two crises around Berlin in the years between 1958 and 1962 had confirmed this in all severity.

Fundamental decisions of German foreign policy after 1949 - rearmament and integration into the West, Ostpolitik and medium-range stationing as NATO retrofitting - are primarily a logical consequence of the German question, and thus, of the *Conditio Germaniae*. During the early years of the Federal Republic, foreign policy was characterised by a limited range of action and the statesman's wisdom guided by insight into what was possible. Over the years, reunification became more and more of an overarching goal.

6 Cf. Lothar Rühl in a television interview 1967 about a statement by Konrad Adenauer in the autumn of 1954, quote from Adenauer und die Deutschen (Wuermeling & Mautner, 1987, p. 79).



Nonetheless, it took a back seat in the reality of German citizens - Africa, Asia, Latin America, the Middle and the Far East were far away. They only appeared significant to German foreign policy when a country's diplomatic representative did not affirm the claim of sole representation, which was declared the supreme maxim of German foreign policy in the Hallstein Doctrine. For example, the question of recognising the GDR centrally shaped relations with the Arab world until the 1960s. The German question set the agenda, and German policy was essentially Berlin security policy.

This context confirms that the central foreign policy decision, the reconciliation with Germany's former "hereditary enemy" France, is also a product of the basic conditions forming the German question. With the Elysée Treaty signed in January 1963, Adenauer and de Gaulle had accomplished a treaty against history, in which Franco-German bilateralism was established as the core of European integration. The agreement focused on cooperation in security matters. The General's words, handed down by Adenauer's confidant Horst Osterheld - "All that we (French and Germans) create in the field of defence brings us together and moves us forward. If we do nothing in this field, we will soon have nothing left to say to each other politically." (Osterheld, 1987, p. 189) - remain a legacy to the present and remind us of the obligation to advance in the least developed part of the European Union, the common foreign and security policy. As early as 1966, Henry Kissinger had already succinctly pointed out the close connection between the deepening European integration and the resolving of the German question, as well as the necessary change in Germany's strategy that this entails (p. 838): "German unity will only become possible if either Soviet power collapses or if there is a change in the world's ideological climate, in the course of which the East German regime loses out for a national Russia. The prospects of a successful reunification will be all the better, the more the national borders have lost their significance within a European system."

Bismarck's Legacy

Involvement, compensation, self-determination, participation in the international order - overall, what German foreign policy gained from the limited framework of 1949 was learned lessons from the historical experiences of the Reich's founding. Even then, the German nation state had been founded in a "trough of world politics," with Bismarck's conscious self-decision, and had to live with the dilemma of its semi-hegemonic situation from the very beginning. This contradiction has already been put to the test in the "war-in-sight" crisis of 1875, leading the still young German Reich to the limits

of its power. From the very beginning, the annexation of Alsace-Lorraine forced France's opposition to the German Reich. Bismarck wrote the following sentence regarding the foreign policy possibilities after the Reich's founding in 1871: "You cannot play chess if you are not allowed to occupy 16 of 64 squares." After 1945, the situation was reversed: Germany could not even occupy 12 of the 64 squares, and with every move - and this was a further challenge - the consequences in the Soviet-occupied zone had to be evaluated. The occupation of the Second Reich, the German Empire of 1871, led to this conclusion. The German question was never the sole property of the Germans, it has always been, first and foremost, a European question. For Bismarck, the consequence of this power-political situation was that of the three basic options for German foreign policy - as succinctly outlined by the Cologne historian, Andreas Hillgruber (n.d.) - only one remained. Conventional politics, staking spheres of influence at the expense of small and medium-sized states, as well as the concept of preventive war advocated by Chief of General Staff Moltke since the 1860s, were ruled out. Thus, the only option left was the "diplomatic-political game Bismarck masterfully played of pitting the interests of the other great powers against each other and directing the tensions as a whole from the centre to the periphery, increasingly exploiting the antagonisms between them in Africa and Asia resulting from the great powers' overseas expansion." Bismarck's magic formula for the coming years - in the history of diplomacy one speaks only of the Bismarck era - was the concession that Germany was a saturated power. Nightmarish coalitions determined his game with five balls, of which he outlined the guidelines in the famous Kissingen dictation of 15 June 1877: "If I were able to work, I could complete and refine the picture I had in mind: not that of some acquisition of a country, but that of an overall political situation in which all powers, except France, need ours, and are kept from coalitions against us by their relations with one another as far as possible."

The Kissingen dictation summarised Bismarck's political calculation, which had developed as a consequence of the "war-in-sight" crisis of 1875, to a certain extent in nuce. Bismarck had consciously contributed to the diplomatic escalation, which was triggered by the publication of Constantin Rößler's article "Ist Krieg in Sicht?" (Is war in sight?) in the official mail on April 8, 1875. The article, a reaction to a French cadre law, held out the prospect of its withdrawal by a serious threat of war. The finding of common ground, provoked in response to Bismarck's challenge, between the otherwise uncooperating powers of Great Britain and Russia clearly showed him the limits of power and brought about a



clarification of the international situation. As much as the powers might disagree on other central issues, they agreed on one point: the conviction that Germany, the parvenu in the state system, should not be permitted to gain any more power. The concession of saturation, which from then on was renewed like a prayer, thus became a political necessity for survival. Bismarck's art of shifting the interests of the powers from the centre to the periphery and steering them against each other followed his insight into the (limited) possibilities of German politics. Now there was no longer any doubt that the founding of the German Empire in 1871 created a political centre of gravity in the middle of Europe, which signified a fundamental change in the European system of power. Therefore, Bismarck's priority in the following years was to secure the former achievements and to avoid getting into conflict with the conservative powers in Europe's domestic and foreign policy. The shock of the Paris Commune still lingered with the powers, which were geared towards maintaining the status quo. The shock's consequences were judged in Berlin in a similar way as in Vienna. Bismarck's foreign policy option for both Austria-Hungary and Russia followed his realisation that similarity in the assessment of fundamental issues cannot be considered the worst prerequisite for a closer political cooperation. Habsburg and Prussian-Germany drew basically similar conclusions from the political constellation triggered by the founding of the empire, thus, they moved towards each other - albeit for different reasons. The rapprochement with Austria was Bismarck's first foreign policy move after the founding of the Reich. And the program formulated by the Austrian Foreign Minister Beust after the Peace of Frankfurt in May 1871 - "de facto domination of Central Europe in the balance of European destiny through a provisional understanding between Austria-Hungary and Prussia-Germany on all burning issues of the day with the express purpose of maintaining world peace" (Lutz, 1972) - remained a decisive factor in Austro-Hungarian policy in the coming years. The emerging political goal of the dual alliance between the two unequal empires was burdened in two ways from the outset. Firstly, the German Empire allowed itself to be drawn too far into the Habsburg Monarchy's Central European sphere of interest. Secondly, the question of the disintegrating or preserving the Monarchy, a decisive element for Vienna's political orientation, was elevated at the same time to the realm of alliance policy by the alliance with the German Empire. From then on, it influenced policy decisions that were subject to quite different laws. Austria, the defeated of 1866, had resigned itself to the founding of the Reich; what Vienna primarily valued was the ongoing pursuit of its goal - namely to successfully facilitate a constellation that followed its own interests.

The Reunification of 1990 as the German Revolution

In 1989, Germany was given a “second chance” (Stern, 1996, p. 11ff). Its reunification was only possible as part of a pan-European upheaval that facilitated the dissolution of the Soviet Union, the collapse of the Soviet system’s hegemony over East-Central and South-Eastern Europe, as well as the triumph of freedom, democracy and market economy across the European continent. The accelerated transformation of the years 1989 to 1991 confirmed an old historically founded insight - Germany’s reunification could only be achieved after a shift in the balance of power between the great powers and alongside its neighbours. Furthermore, Bonn’s far-sighted vision became apparent, as it never abandoned its fundamental legal positions in the face of ever-increasing pressure in policy on Germany.⁷

In his speech on November 28, 1989, at the slight opening of the historical window, Chancellor Helmut Kohl emphasised the connection between Germany’s reunification and the opening of Eastern-Central Europe by declaring the prospect of admitting the reform-oriented states of Central, Eastern and South-Eastern Europe as a European interest (Chronik der Mauer 1989). However, this also voluntarily limited Germany’s range of action in foreign policy after 1990. The self-limitation of power shaped Germany’s European destiny after 1990. It was due to an insight into history and a realistic assessment of the limited possibilities. Nonetheless, self-limitation did not silence the debate over reunified Germany’s great power role. As the geopolitical situation of Germany in Europe after 1990 was nevertheless an objective fact, the great power role of Germany “has long since been written on the body by history” (Rühl, 1996, p. 83).

But what were the tasks for German foreign policy? On the one hand, they were determined by the self-chosen commitment to the internal connection between German and European reunification. On the other hand, they resulted from the opening of the East, with Russia as a new economic investment centre. This signified an important economic momentum, especially for German exports. Further restrictions were imposed on independence. Both American and French foreign policy had a decisive influence on the future course of fundamental decisions in German foreign policy, as well as on their actions in alliances and supranational organisations. These tendencies, which emerged in 1990, have intensified considerably since then. Globalisation and the associated increase

7 Cf. Chronik der Mauer (1980).



in strategic uncertainties have further restricted the range of action for national foreign policy in all states. As a result, tensions, reactions to crises and unforeseen events, as well as the definition and fulfillment of alliance commitments, increasingly require states to act in a coordinated and supportive manner. Hopes for a peace dividend, which emerged in the immediate post-1990 period, soon proved to be illusory.

Chancellor Helmut Kohl and President Francois Mitterrand's agreement in 1989/90 aimed to link the European partner's approval of German reunification to the commitment of expanding the European Community - particularly into an economic and monetary union. Their agreements, as well as the Kohl administration's advocacy in favor of opening the North Atlantic Alliance for former Warsaw Pact states, were constituted by Germany's specific geopolitical situation and the combination of national interests and international responsibility. This set the frame of reference for the foreign and security policy agenda of the coming years: to prioritise Europe as a political project and to strengthen relations with the United States. This frame particularly included a visible contribution to the North Atlantic Alliance in line with Germany's international responsibilities, an agenda which continues to exist to the present day, despite all its constellation dependence. These particular uncertainties were the shape of the future relationship between the European Union and the United Kingdom, Franco-German bilateralism, Europe's strategic orientation - the relationship with Russia and emerging China, the question of Europe's finality, and relations with Trump's America - as well as fundamental provisions of Europe's economic, social and societal orientation. The latter category is partly constituted by migration issues, matters of budgetary discipline and the responsibilities of European financial policy. It is in line with historical experience - both in Germany and in the other European member states - that disagreement and an unclear long-term weaken the Union as a whole, thus, limiting the shaping possibilities of the individual states. This is countered by the vision of a strong Europe, which above all assumes its responsibility for non-European areas from the African Mediterranean region via the Middle East to Russia and Asia, acts as a pioneer in the United Nations, especially on the issues of peace and development, and also makes a significant military contribution to a functioning North Atlantic Alliance. To achieve this goal, Franco-German cooperation plays a formative role, without excluding other partners. Furthermore, this initiative role could also have a magnetic effect on other partners and help to overcome recurring national egotisms. Francois Mitterrand (1986, p. 140) sketched out this vision years ago and combined it with wise advice wrapped up in a sentence:

“It is in the nature of a great nation to write great designs.” One of the legacies of German foreign policy, which resulted from Germany’s historical situation, has always been the evaluation of how neighbours and partners perceive one’s own action. Consideration for small partners is a particular historical mission, which is emphasised by Chancellor Helmut Kohl and his dealings with the small states in Europe, dealings that can only be associated with mutual consideration.

Mitteleuropa Perspective and European Disorders following the Fall of Yugoslavia

Both the Atlantic Alliance and the European Union have been widely regarded as indispensable pillars in order to shape a new and stable world order. The integration of a united Germany into the West and a reliable relationship between the West and the new Russia had to be seen as two sides of the same problem. The commitment of the United States to enhance European identity and bring forward European institutions with the aim of leaving no space for different zones of security (“Zwischeneuropa”), as well as autonomous European military action, favored a political concept in which the reestablishment of European order, stability, freedom and democracy in former Yugoslavia could be regarded as a first test case. The break-up of Tito’s artificial construction of a federal republic of Yugoslavia in the bloody civil wars which took place in Croatia in 1991 and soon thereafter, which led to the formal dissolution of the Yugoslav state, was followed by a period of atrocities, ethnic cleansing, prosecution of minorities and showed the inability of the Europeans to re-establish security and the respect of human rights on their own. The Yugoslav crisis did not prove to be the hour of Europe, and the European states collectively failed to deal with the challenge adequately. Only the decision of the United States - and in particular Madeleine Albright as President Clinton’s representative at the United Nations - to intervene as “indispensable nation” brought forward a concept of humanitarian intervention which made military action possible. The break-up of former Yugoslavia and the political and moral catastrophe following the events can be considered as a defining moment and turning point in the German foreign policy culture in a long way of rising awareness and confrontation with the atrocious reality of neglect and transgression of international law, human rights and minority rights in particular. This led to what Brendan Simms (2013, p. 501f) rightly described as the beginning of the “re-militarisation of German foreign policy.” The justification of German involvement in the Kosovo war can be seen as a turning point in Germany’s long way to accommodate herself



with rising expectations from partners and a growing willingness to accept obligations and commitments on the international stage. Chancellor Gerhard Schröder had justified Germany's involvement in the Kosovo war by using the notion of normality which was a combination of the pursuit of national interest and *Bündnisfähigkeit*. Germany wanted to be seen from now on as a normal country and a normal ally. The Kosovo war helped to bring forward the objective of a European security and defence policy, helped to create institutional bodies such as the Political Security Committee (PSC), the European Military Committee (EMC), the European Military Staff (IMS) and the Helsinki European Headline Goals creating a Rapid Reaction Force, in order to undertake humanitarian intervention in civil conflicts. The stability pact for the Balkans helped to bring forward security guarantees and to create a security umbrella over the new democracies in Eastern and Central Europe. Germany's firm commitment towards the full integration of the new democracies in the Euro-Atlantic structures, in particular the opening of the Atlantic Alliance, and the commitment to a reassuring relationship with Russia as a partner - not an enemy - of the Alliance have to be seen against this historical context in which the Balkans - both in history and in present - played a decisive role. It corresponds with the completion of reunifying the continent - a concept which is geared towards Europe as a shaping power - to assume the shaping role in Central Europe facilitated by Germany's geopolitical centre in a greater extent than before and to revive the geographical area in the middle of Europe as a political and economic centre of gravity. In the bipolar world of the Cold War, there was hardly any room for Central Europe. It was not until the 1980s, when signs of dissolution in the Soviet Union's sphere of power and its satellite states began to appear, that Central Europe became a kind of protest concept, above all for artists and intellectuals who rebelled against the continent's artificial division and sought to culturally overcome the separation. It was correctly pointed out that the idea of Central Europe had always been dependent on the respective ideas of Western and Eastern Europe (Brix & Busek, 2018, p. 12).⁸ Therefore, it is true that the geographically imprecise concept, and the movement related to it, is essentially associated with the end of the post-war period and the collapse of the East-Central European dictatorships and their democratic renewal. The conceptual imprecision has made it possible to link the term, originally aligned with the cultural diversity of the Habsburg Monarchy, with the democratic awakening at that historical moment. While the geographical imprecision was also precarious, it is not advisable to go as far as Emil Brix and Erhard Busek, who follow a 19th century definition and want to see the entire geographical area between Germany and Russia described as "Central Europe" (p. 13). Today, Central Europe is closely related to the

cooperation between Poland, Slovakia, the Czech Republic and Hungary, which was established in the Treaty of Visegrád as early as 1991 on the basis of common historical, cultural and social experiences, and was intended to serve the democratisation of the region.⁹ Over the years, this cooperation has developed into an instrument of influence politics, whose limits lie in the inconsistency of the member states' political intentions. The cooperation proposes, nonetheless, a claim to political shaping and to a bridging function between the European Union, Russia and the non-members of the Balkans. Particularly in East-Central Europe, with its deep twofold experience of oppression, mass deportations, forced resettlements and humiliation - first by Hitler, then by Stalin - the urge for prosperity and freedom has always been the moving European political motive. At the same time, a deep skepticism about Russia, and to an extent also Germany, as well as the fear of a relapse into times believed to be overcome, has remained.

If Germany wants to play a formative role in Central Europe, it must do so within the framework outlined here. At the same time, it must be ready to respond to the concerns and needs of the Visegrad states. Because of its geographical location, long common history, and the resulting historical experiences, hopes and expectations in Central Europe have traditionally been directed primarily towards Germany. There are historical reasons for this, which are derived from older traditions of German foreign policy. They range from the Central European plans of the "New Course" under Reich Chancellor Leo von Caprivi in the 1890s - which ultimately failed due to fear of Russia - to Friedrich Naumann's Central European plans at the beginning of the 20th century, and additionally, the conceptual considerations on Danube Europe in the 1920s and 1930s. There is a relation between these elements and Germany's active role immediately after reunification (Naumann, 1915).¹⁰ Measured against this, today's Germany does not fulfil the expectations placed upon it. The "pressure of expectations" in the present is further increased by France's withdrawal from Central Europe. After Britain's withdrawal from the European Union, Germany is once again the focus of political and economic decision-making issues with regard to Central Europe in the European Union and the North Atlantic Alliance.

A framework for a formative role could be provided by the fundamental position that the reunified Germany took in the development of Central Europe after the turn of 1989/90. After all, of all the European states, reunified Germany was the strongest

9 Joint Declaration of the Former Signatory States, Hungary, Poland and Czechoslovakia, February 15, 1991, with the objective to solve similar problems as cooperatively as possible, cf. Gehring & Kirchner (2012, pp. 78ff).

10 On the Central Europe discussion in historical perspective, cf. Plaschka, Haselsteiner, Drabek & Zaar (1995, pp. 283-303).



advocate of admitting the Central European states to the European Union after 1990. The strategic justification for this can be found most clearly in the contemplations published on September 1, 1994 by Wolfgang Schäuble, then chairman of the CDU/CSU parliamentary group in the German Bundestag, together with Karl Lamers, foreign policy spokesman for the CDU/CSU parliamentary group in the Bundestag: “Because of its geographical location, size and history, Germany has a special interest in preventing Europe from drifting apart, which would return it to its old central position. In the past, this situation between East and West has made it difficult for Germany to clearly orient its internal order and to establish a lastingly stable foreign policy balance. ... The only solution to this problem of order that can prevent a relapse into the unstable pre-war system and Germany’s return to its old central position is the integration of its Central-Eastern European neighbours into the (West) European post-war system and a comprehensive partnership between the latter and Russia” (p. 2-3).

Thereby, a strategic consideration can be identified. It was precisely the avoidance of a “stability endangering vacuum,” which was linked to the security dilemma of inter-European relations in the interwar period, that prompted German foreign policy in that phase to become the advocate of rapid enlargement of the European Union. Once again, it became apparent that the fate of Central Europe is closely related to the question of how to deal with Russia. In their 1994 policy paper, the Union politicians, Schäuble and Lamers explained that in the memory of the region, Germany’s Ostpolitik in cooperation with Russia was perceived to have been conducted “at the expense of the countries in-between,” an assertion which became a rational in their considerations. Schäuble and Lamers state additionally that Germany must have a fundamental interest “in further developing the system established in 1945 for the settlement of conflicts, the reconciliation of interests, mutual support and self-assertion externally, and transferring it to Germany’s Central-Eastern European neighbours”.

At that time, the security policy dimension was at the forefront of the debate over the geographical area’s future orientation. It was argued that no different zones of security should be established in Europe, that the term “intermediate Europe” from the interwar period, which was associated with geopolitical threats, should not be revived. This strong argument facilitated a membership of the East-Central European states in the North Atlantic Alliance relatively early. The connection between security and economic prosperity, as reflected in the gradual sequence of accession first to the Alliance and then to the EU for most countries, corresponded to this logic. Euro-Atlantic

structures were intrinsically interdependent from the perspective of Western Europe, and for the acceding countries, the way to join the European Union was sometimes through membership in the Atlantic Alliance.

The major decision-making issues in the security policy of the period - such as the question of participation in the US military intervention in Iraq in 2003, the controversial and postponed issue of granting Membership Action Plan status to Georgia and Ukraine at the NATO summit in Bucharest in 2009, or support for the US-British-French alliance for the UN Security Council-mandated Libya intervention in 2011 - already revealed a division in Europe. As the states of Central Europe were almost consistently on the side of the United States, the division into “old Europe” versus “new Europe” conceptualised by then Defence Minister Donald Rumsfeld at the Munich Security Conference in 2003 was implicitly confirmed (Baker, 2003; Rumsfeld, 2011).

Germany’s Choices as an European Power

Today, Germany is an equal member of the community of states. The tranquility in the shadow of world politics, the abstinence in foreign policy, the direct consequence of the special geopolitical situation has always been - and sometimes still is today - a pretext to stand aside comfortably and follow special paths, including those of morality. This view can no longer be reconciled with the correctly interpreted responsibility for Europe, with the country’s current international tasks - tasks that are also based on history. Thus, it can be dismissed as a historical misunderstanding. One of the lasting constants of German foreign policy, however, continues to be in two respects a direct reference to the constraints and requirements of the past: both with regard to Hitler and the Nazi era and to the long years of division under the sign of bipolarity. Beyond left and right, “Never again Auschwitz” and “Never again war” remain the leitmotifs of German politics. However, these historical commitments are overstretched and misinterpreted when they are associated with the terms “Risk Germany” (Fischer, 1994), “Self-restraint of power” (Fischer, 1998) or “Culture of restraint” (Kinkel, 1994, p. 658).

Even more clearly than in the past, Germany could reflect on the strengths of its historical experience and derive design tasks from it today. Unlike France or Britain, it has no ongoing tradition of an imperial past. The history of the German colonies was short and unsuccessful: after a good 30 years, the Treaty of Versailles in 1919 ended it abruptly



and ingloriously. This is beneficial for Germany in the present, as consideration and costly presences for the Federal Republic are no longer required, but it also comes at the price of a much lower level of influence in Africa and Asia compared with France and Britain. A formative role in foreign policy presupposes a clarified relationship to its own history. The future itself remains, by its very nature, always uncertain. The European compass, however, stands and gives orientation. There is no way back to Rapallo, and the return of great German patriots' dreams of power is not a threat. After 1990, the solidarity and trust of the partners ensured Germany's return with full sovereignty to the community of states. For this, an understanding of history was a prerequisite and it has helped in a wise way to determine the European course. Foreign policy can never be static. Insight into history must therefore not replace the willingness to change positions. Carrying out this balancing act in an increasingly confusing strategic environment is the real task that the "domesticated Germans" (Schwarz, 1985, p. 15-60) today must take on in their responsibility before history if they want to understand Germany's legacy to a European present. The Balkans have been both central in terms of historical legacy as well as foreign policy engagement in the 1990s which led to a re-establishment of a European order. This commitment should be encouraging as well as imperative when in the world of today, 20 years after the Kosovo war, European disunity, the loosening of transatlantic bonds and rising strategic uncertainties demand for new ways of thinking and new strategies.

Bibliography

- Baker, M. (2003). U.S.: Rumsfeld's 'Old' And 'New' Europe Touches On Uneasy Divide. *Radio Free Europe Radio Liberty*. Retrieved from <https://www.rferl.org/a/1102012.html> [Accessed June 5, 2020].
- Becker, J., & Hillgruber A. (1983). *Die Deutsche Frage im 19. und 20. Jahrhundert*. München: E. Vögel.
- Bismarck, O. (1877). Diktat Bismarck's "Zur Zeit in Kissingen" vom 15. Juni 1877. In J. Lepsius, A. Mendelssohn Bartholdy & F. Thimme (Eds.), *Große Politik der europäischen Kabinette. Sammlung der Diplomatischen Akten des Auswärtigen Amtes. Im Auftrag des Auswärtigen Amtes* (2nd ed., p. 153f). Berlin 1922–1927.
- Brix E., & Busek, E. (2018). *Mitteleuropa revisited. Warum Europas Zukunft in Mitteleuropa entschieden wird*. Vienna: Kremayr & Scheriau.
- Chronik der Mauer. (1980). *Rede des Generalsekretärs des ZK der SED, Erich Honecker, zur Eröffnung des SED-Parteilehrjahres 1980/81 in Gera, 13. Oktober 1980*. Retrieved from http://www.chronik-der-mauer.de/system/files/dokument_pdf/57345_cdm-801013_honecker-geraer-rede.pdf [Accessed May 2, 2020].
- Chronik der Mauer. (1989). *Rede von Bundeskanzler Helmut Kohl im Bundestag ("10-Punkte-Programm")*, 28. November 1989. Retrieved from http://www.chronik-der-mauer.de/system/files/dokument_pdf/58671_cdm-891128-10punkte.pdf [Accessed May 2, 2020].
- Dehio, L. (1955). Gedanken über die deutsche Sendung 1900-1918. In: *Deutschland und die Weltpolitik im 20. Jahrhundert*. München: R. Oldenburg.
- Fischer, J. (1994). *Risiko Deutschland. Krise und Zukunft der deutschen Politik*. Cologne: Kiwi Bibliothek.
- Fischer, J. (1998). Die Selbstbeschränkung der Macht muß fortbestehen. Lecture on June 8, in the Berlin Townhall. In K. Kaiser (Ed.), *Reden zur Außenpolitik der Berliner Republik*, Bonn.
- Gehring, H., & Kirchner, L. (2012). Zwischen Gemeinsamkeiten und nationalen Egoismen. Rolle und Potenzial der Visegrád-Länder in der EU. *KAS Auslandsinformationen, Konrad-Adenauer-Stiftung*, August.
- Heuss, T. (1950). *Silvesteransprache des Bundespräsidenten 1949*. New Year's Speech of Bundespräsident Theodor Heuss, December 31. Retrieved from <http://www.bundesarchiv.de/DE/Content/Virtuelle-Ausstellungen/Silvesteransprache-Des-Bundespräsidenten-1949/silvesteransprache-des-bundespräsidenten-1949.html> [Accessed June 15, 2020].



- Hillgruber, A. (n.d.). Grundzüge der Außenpolitik Bismarcks von der Reichsgründung bis zum Abschluß des Dreibundes 1882. In K.O. Freiherr von Aretin (1978), *Bismarcks Außenpolitik und der Berliner Kongreß* (p. 45). Wiesbaden: Steiner.
- Kinkel, K. (1994). Konsequenzen aus Urteil des Bundesverfassungsgerichts vom 12. Juli 1994. Regierungserklärung des Bundesministers des Auswärtigen, abgegeben vor dem Deutschen Bundestag am 22. Juli 1994. *Bulletin des Presse- und Informationsamts der Bundesregierung*, (70).
- Kissinger, H. (1994). *Diplomacy*. New York: Simon & Schuster.
- Kissinger, H. A. (1966). Die deutsche Frage als Problem der europäischen und der internationalen Sicherheit. *Europa-Archiv*, (23).
- Kundnani, H. (2015). *The Paradox of German power*. Oxford: C Hurst & Co.
- Lawson, D. (1990). Saying the Unsayable About the Germans. *The Spectator*, July 14.
- Lutz, H. (1972). Zur Wende der österreichisch-ungarischen Außenpolitik 1871. Die Denkschrift des Grafen Beust für Kaiser Franz Joseph vom 18. Mai. In Festschrift für H. L. Mikoletzky, *Mitteilungen des Österreichischen Staatsarchivs*, 25, 169 ff.
- Mann, G. (1976). Konrad Adenauer: Staatsmann der Sorge. *Frankfurter Allgemeine Zeitung*, February 14.
- Mitterrand, F. (1986). *Réflexions sur la politique extérieure de la France. Introduction à vingt-cinq discours*. Paris: Fayard.
- Naumann, F. (1915). *Mitteleuropa*. Berlin: Georg Reimer.
- Osterheld, H. (1987). *Ich gebe nicht leichten Herzens. Adenauers letzte Kanzlerjahre; ein dokumentarischer Bericht*. Mainz: M. Grünewald.
- Plaschka, R. G., Haselsteiner, H., Drabek, A. M., & Zaar, B. (Eds.). (1995). *Mitteleuropa-Konzeptionen in der ersten Hälfte des 20. Jahrhunderts*. Vienna: Verlag der österreichischen Akademie der Wissenschaften.
- Rödter, A. (2018). *Wer hat Angst vor Deutschland? Geschichte eines europäischen Problems*. Frankfurt/M: S. Fischer.
- Röbber, C. (1875). *Ist Krieg in Sicht?* Post, April 9.
- Rühl, L. (1996). *Deutschland als europäische Macht. Nationale Interessen und internationale Verantwortung*. Bonn: Bouvier.

- Rumsfeld, D. (2011). *Known and Unknown. A Memoir*. New York: Sentinel.
- Schäuble, W., & Lamers, K. (1994). Überlegungen zu einer europäischen Politik. Bundesministerium des Finanzen. Retrieved from https://www.bundesfinanzministerium.de/Content/DE/Downloads/schaeuble-lamers-papier-1994.pdf;jsessionid=67AA865A8D0D5E8B74671BCCA35C9C45?__blob=publicationFile&v=1 [Accessed June 15, 2020].
- Schwarz, H.-P. (1985). Die gezähmten Deutschen oder: Der Stil bundesdeutscher Außenpolitik. In *Die gezähmten Deutschen. Von der Machtbesessenheit zur Machtvergessenheit*. Stuttgart: Deutsche Verlags-Anstalt.
- Sikorski, R. (2011). *Polen und die Zukunft der Europäischen Union*. Berlin Speech of the Polish Foreign Minister, November 28.
- Simms, B. (2013). *Europe. The Struggle for Supremacy. 1453 to the Present*. London: Basic Books.
- Stern, F. (1966). Die zweite Chance? Deutschland am Anfang und am Ende des Jahrhunderts. In *Verspielte Größe, Essays zur deutschen Geschichte des 20. Jahrhunderts* (pp. 11ff).
- Wuermeling, H. L., & Mautner, P. (Eds.). (1987). *Adenauer und die Deutschen: Gedanken und Erinnerungen*. Bonn Aktuelle.



Enlargement of the European Union in the Western Balkans from a French Perspective

Gergely FEJÉRDY

Senior Research Fellow, Institute for Foreign Affairs and Trade,
Deputy Director, Otto von Habsburg Foundation

Abstract: At the European summit in Brussels on October 17-18, 2019, French President Macron vetoed the start of accession negotiations with Albania and North Macedonia. This study attempts to explore the causes and consequences of this decision and outline the likely scenarios for the French policy on the Western Balkan issues and the enlargement of the European Union. By presenting the policy of enlargement of France as well as its relations with the Western Balkans in recent history, the article tries to shed light on the deep springs of President Macron's decision. Only then will the causes and consequences of the French veto be concretely explained. The study includes writings by experts, and statements by French politicians and officials, as well as parliamentary reports, etc. As a conclusion, the veto in October 2019 could well be explained by several arguments. However, this decision makes France isolated and creates tensions in the German-French relations, gives opportunity for rival powers to reinforce their influences in the region, and also calls into question the credibility of the European Union. The French proposition on the reform of the accession process was taken seriously, therefore, on February 5, 2020, the Commission presented a text in this subject that relies on the "Non-Paper" of Paris. Macron is in a dilemma which makes the French attitude unpredictable for the Zagreb Summit, even though there are several indications that he will not hinder the start of accession negotiations with Albania and North Macedonia.

Keywords: accession process reform, Emmanuel Macron, France, Western Balkans

Introduction

At the European summit on October 17-18, 2019, France vetoed the start of accession negotiations with Albania and North Macedonia. President Emmanuel Macron's step caused astonishment. The decision of the French Head of State was heavily criticised by commentators and warned of its negative consequences. Macron's actions were considered by many European leaders as a terrible mistake. President of the European

Council, Donald Tusk, President of the European Commission, Jean-Claude Juncker, and EU Commissioner for Enlargement, Johannes Hahn both directly apologised to Skopje and Tirana for delaying the expected accession negotiations following the veto. European leaders were most outraged at French attitude in the case of North Macedonia. It was hoped that the two states' request would be dealt with separately by Paris, but it became evident that, despite the efforts made by the Finnish Presidency to separate the two Balkan countries and reach a satisfactory compromise, Macron's decision ignored these attempts at the Brussels Summit.

This study attempts to explore the causes and consequences of Macron's decision and outline the likely scenarios for French policy on the Balkan issues and the enlargement of the European Union. France's position on the Western Balkans is, in fact, fluid. Macron's veto is not definitive. Paris may revisit its decision, if the proposed revision of the European Union's enlargement process will be retained, and if other aspects important to France convince the head of state.

France has traditionally regarded the European construction as an effective means of asserting its own interests, while controversially fearing for its sovereignty and identity (Bossuat, 2003). These features of French foreign policy were reinforced during Macron's time. These factors must be borne in mind when analysing the French veto in case of Albania and North Macedonia. Furthermore, we must not forget the traditionally cautious, often refusing, policy of France towards states wishing to join the European integration. Paris has traditionally been in favour of a "deepening" of the European construction, and only then of any enlargement (Bossuat, 2003, p. 156).

History of the European Enlargement Process from a French Perspective

The accession to the European Union or to the European Economic Community before 1993 was preceded by careful consideration on behalf of France. For Paris, an important aspect has always been the international context, but also how the accession of a state influences the possibilities of French interests.

On January 14, 1963, Charles de Gaulle believed that Britain would be an obstacle to the political deepening of European construction with the French leadership that Paris still wanted. He also worried that London would turn the European Community



into an Anglo-Saxon free trade zone, and therefore, vetoed British entry. The French President also feared that through London, the United States would gain more control over Europe and give Washington too much freedom in the European defence policy, contrary to France's interests. It is no coincidence that, in November 1967, the French President also prevented the reopening of the accession negotiations requested by London (Vaisse, 2009). As it is known, Great Britain, only following two vetoes, after the death of Charles de Gaulle, could join the European Economic Community and Euratom from January 1973, as did Ireland and Denmark (Black, 2019).

French President Valéry Giscard d'Estaing supported Greece's admission during his term, although the Federal Republic of Germany and many other Member States would have delayed it, mainly because of the country's extremely backward economic situation. An important aspect of this enlargement process was the personal friendly relationship between the French Head of State and the Greek Prime Minister, Konstantinos Karamanlis. France, in part because of this and because of Greece's dependence on Paris which could be useful in disputes within the European Community, supported the rapid and positive examination of the request for Athens. The geopolitical situation of Greece also played an important role for French politics to support its candidacy (Clarck, 1997). France among other things, believed that the Greek accession could stabilise the Eastern Mediterranean and thereby give Paris a greater influence in the region.

Greece was a special case in the context of French enlargement policy. In the early 1980s, France might have well-supported the accession of Greece to the European Economic Community, but rather hindered the accession of rival Spain and Portugal, which had significant agricultural production. President François Mitterrand did not personally oppose the "third enlargement," but his party, the French Socialists was reluctant and generally moderated all political forces. Not only the prospect of a decline in agricultural subsidies was worrying for France, the conflict of interest in fisheries and Basque terrorism also prompted Paris to delay Spain's accession to the European Economic Community (Trouvé, 2008). Mitterrand finally issued an order that former Foreign Minister Roland Dumas recalled: "The case of Spain and Portugal must be closed, but you vigorously defend France's interests" (Dumas, 1996). After the enlargement of European Community in 1986, France considered the deepening and strengthening of the integration process as the most important. A few years later, after the spectacular collapse of the Eastern Bloc in 1989, in response to German reunification, further strengthened this French policy. In the years following the end of the Cold War, Paris was more cautious about enlargement.

President Mitterrand thus proposed a European Confederation Plan in 1989, which would include all European states and had the unconcealed purpose of delaying the accession of other Member States, particularly from Central and Eastern Europe, to the European Economic Community. Notwithstanding initially unanimous support for the plan, in June 1991, in Prague, this idea was clearly rejected not only by the countries of the Eastern Bloc but also by Germany (Maclean, 1998). Mitterrand was forced to accept that his idea, which would have delayed the accession of the countries of the region to the European Economic Community in the long run, had failed. Paris had no other choice in 1992, at the Lisbon Summit, to approve the start of accession negotiations with the countries of Central and Eastern Europe (Bozo, 2005). Nonetheless, at the Copenhagen meeting in 1993, strict criteria, in particular following French suggestion, were drawn up for accession to the European Union. These were made even more stringent a year later in Amsterdam (Majza, 2002). France favoured its accession to countries that were not economically poor in Europe and which did not represent any serious threat to French interests in any area. Thus, in 1995, the fourth enlargement was achieved with the rapid and unequivocal approval of Paris.

However, the government, led by Jacques Chirac, who came to power in 1995, and the government led by Alain Juppé, nevertheless, continued the traditionally French approach, which tended to delay eastward enlargement. Although the head of state in Warsaw in September 1996 stated that he hoped that Poland would become a member of the European Union in 2000, French diplomacy (Bossuat, 2003, p. 176-178) made it clear very soon that this date could hardly be kept. Jacques Chirac considered a multi-speed Europe as a solution where a cutting edge of cooperation would be deeper and deeper, while the other Member States could only join step by step after catching up. At the turn of the millennium, deepening of integration, rather than enlargement, came again to the fore with, among other things, the blueprint for a European constitution. Paris wanted to reform the institutional system of the European Union to be the main criterion for the accession of the new Member States, but the difficulties in this area, which became apparent at the Nice Summit, finally broke the French inexorability. After 2000, French diplomacy was not an obstacle to the planned European enlargement (Lequesne & Vaisse, 2013). From that time on, the countries of the Western Balkans were treated as potential candidate countries (Vincze, 2008).

In 2004 and in 2007, another 12 countries, including Slovenia, part of the former Yugoslavia, joined the European Union. The two-stage enlargement intensified fears in French society and politicians as it has arisen that with the accession of new states,



the interests of France and its citizens may be undermined, and the future of integration may become uncontrolled. The result of the referendum held in 2005 also reflected this (Sauger, Brouard & Grossmann, 2007).

From 2007, the accession of the new states raised the question of the demarcation of the geographical borders of the European Union, the ability of the old Member States to assimilate, and the Union's internal economic and social balance. French policy did not consider Turkey's accession to the European Union or the accession of Ukraine and Georgia as desirable, while in the case of the Balkans, it did not exclude enlargement in the long-term (Gaspard, 2007). In 2011, Paris supported Croatia's accession. The Cotemporary French Minister of European Affairs, Laurent Wauquiez underlined in his interview that France would like to promote Croatia's accession, but only if it fully meets the conditions set (Mével, 2011). In 2011, two houses of the French Parliament unanimously ratified Croatia's accession to the European Union (Légifrance, 2013). At the same time, some members of the parliament, including Thierry Mariani, a politician at the time of the UMP party, deplored the significant expansion of the former Yugoslav Member States (BFMTV, 2013). Although Paris did not oppose Croatian accession, it did not show much enthusiasm.

In 2013, France opposed any further short-term enlargements following Croatia's EU membership and argued in favour of strengthening the 28, even though it acknowledged the need to integrate the countries of the region in order to stabilise the Balkans (Assemblée Nationale, 2013).

Changing French Interest in the Western Balkans

The Balkans were never among France's primary foreign policy interests, but Paris diplomacy, especially since the 19th century, was forced to pay some attention to the region, in the view of the great powers, especially those of Germany, Austria-Hungary, Russia and Turkey. Paris has established privileged relations with Serbia (Ambassade de France à Belgrade, 2019), which were especially strengthened during the First World War, for example with the appearance of the French Army of the Orient (*Armée d'Orient*) in this part of Europe. After 1918, the French leadership believed that a centralised and united federal state had a stabilising effect in the Western Balkans, which were ethnically and religiously mixed. Paris had a great deal of confidence in Serbian-led Yugoslavia. After Second World War, the eccentric third-party policy of the country led by Tito was rather positively appreciated by French governments, but with some reservations.

Among other things, Charles de Gaulle never visited Belgrade because the Communist leaders of Yugoslavia executed a friend of Serbian descent, General Draza Mihailovic, who had known him at the Saint-Cyr Academy in France in 1930 (Vasic, 2009).

Later visits took place in Yugoslavia by such French Presidents like Valéry Giscard d'Estaing in 1976, Francois Mitterrand in 1983, but the issue of migration, that appeared in bilateral relations from the 1970s, created tensions. It was mainly for economic reasons that Yugoslav citizens massively emigrated to Western Europe, including France. According to contemporary diplomacy reports, 85,000 people crossed the French border in these years, often exporting internal ethnic and political tensions (Roudy, 2016). It should be noted that the migration circles also have a significant impact on the post-1989 policies of Paris towards this region and also on the French public opinion. Since the late 1990s, France, with its good social network, has been increasingly chosen by not only Yugoslavian but Albanian citizens (Madelaine & Topolian, 2005).

The collapse of the Berlin Wall and the process of the dissolution of Yugoslavia in the early 1990s brought back to Paris, for a brief period, a distinctly pro-Serbian political orientation. The recognition of the independence of Croatia and Slovenia triggered a heated debate between Germany and France. Mitterrand demanded guarantees for Belgrade, while Chancellor Helmut Kohl required rapid recognition (Brossard & Vidal, 2001). Finally, the dissolution of Yugoslavia gained international recognition, while the internal latent ethnic conflict escalated into a Yugoslav war.

Until 1993, Paris showed a modest activism in the armed struggle in the area. However, in 1993, responding to the pressure of French press and public, France reacted vigorously to the ongoing conflict in Bosnia-Herzegovina. This more active diplomacy was also due to the appointment of Foreign Minister Alain Juppé (Vaisse, 2009, p. 155). Paris first attempted a German-French peace plan, and when Jacques Chirac came to power, there was a strong military intervention. In 1995, the French President increased France's military presence in the Balkans and gave impetus to the Dayton agreement on the Bosnia-Herzegovina issue (Lequesne & Vaisse, 2013, p. 77-80). It is no coincidence that the peace treaty concluding the first phase of the Yugoslav Wars was signed on December 14, 1995, in the Elysée Palace in Paris. France also played an active role in the diplomatic and, inter alia, NATO military way of resolving the Kosovo conflict which erupted in 1998. However, after 1989, Paris had no particular long-term strategy for the region. The main objectives were general: eliminating the hostilities, promoting the democratic system of the states created by the dissolution of Yugoslavia, and the long-term European integration of the countries. Marginally,



during this period, the importance of countering the threat of Muslim terrorism in the region, which had more than once affected France, also arose (Trégourès, 2016). Basically, after the end of the hostilities, French diplomacy was characterised by a certain indifference to the countries of the Western Balkans (Wunsch, 2017).

France believed that the region would automatically catch up with Europe without having to play a significant role, and, moreover, these countries were not priority for the French politics. Paris only showed some bias towards Serbia, referring to its historical friendship, but in the area of so-called effective bilateral relations, it was only a modest, even if exceptionally good relations were demonstrated in 2001 during Jacques Chirac's official visit to Belgrade. This event took place one year after the summit held in Zagreb between the European Union and the Balkans, where the French President had faith in support of the European integration of the former Yugoslav Member States. At the Thessaloniki Summit in 2003, France argued that the small states of the Western Balkans were due to join the European Union. After Nicolas Sarkozy came to power in 2007, political interest in the Balkans became more subdued. Although the French President had promised to visit Belgrade, this trip had become nothing. Paris repeatedly expressed its support for Serbia's efforts to join the European Union after 2008, and did not prevent Croatia from joining in 2011, but in reality, the nice, encouraging statements were not followed by only few concrete acts. There was no special dynamism in bilateral relations either (Derens, 2010). This policy has not changed since François Hollande came to power in 2012. The French President attended the Balkans Summit in Ljubljana in 2013, and supported the launch of the Berlin Process in 2014, and hosted the event in Paris in 2016, but these spectacular meetings were not followed by any major turnarounds in France's politics for the Western Balkan countries. French diplomacy has always been restrained and hesitant about European enlargement to the Balkans. France did not openly obstruct the accession process, but it insisted on adherence to the conditions for accession. It also called for cooperation between the countries of the Western Balkans.¹

President Macron's Balkans Policy

Emmanuel Macron's policy, which came to power in 2017, shows a little change in substance, constantly linking the region's accession to reforms in the European Union, it emphasises that France wants to give impetus to the accession of the

1 About the policy of the European Union for the Balkans see: Glodic, 2017.

Western Balkans, while “the area should be the dead space of French diplomacy.” Thus in 2017, Paris promised a more active policy. This was also encouraged by the more than 170-page report produced by Pierre-Yves Le Borgn and Jean-Claude Mignon MPs a few months before Macron was elected in February 2017 (Assemblée Nationale, 2017). The French President also partly relied on this in a statement on September 26, 2017. In his speech, the Sorbonne specifically addressed the issue of the Western Balkans. He stated that the accession of the countries of the region was essential for the stability of the European Union (Élysée, 2017). The French President reiterated this statement on several occasions, but stressed that “if we want a stronger European Union, we need reforms before enlargement” (Élysée, 2018a). Thus, as early as 2018, Macron, according to the classic French concept, first called for stronger integration and then for accession.² However, the President and the French government³ have regularly raised the issue from 2017 onwards, and despite cautious public enthusiasm and the opposition’s cautious efforts to delay the accession, it has expressed its willingness to speed up the accession of the Western Balkans.

Paris was one of the initiators of the informal summit on the Balkans in Berlin in April 2019, at the end of which President Macron underlined first and foremost the importance of Franco-German cooperation concerning these countries and the stability in the region. He also stressed that France had a special role to play in the Balkans, and that it is obliged to do so. He also stated that among the most important tasks between Serbia and Kosovo are resuming a dialogue and finding a solution to the tensions. He also noted that he intended to focus on four main areas: to strengthen the economic and social development, and to strengthen the cooperation in the fields of security, defence policy and justice. Macron also highlighted the crucial importance of the fight against illegal arms trafficking, terrorism and illegal immigration (Permanent Representation of France to the European Union, 2019). Following the Berlin Summit, Paris announced its strategy for the Western Balkans in the spring of six countries that have not yet joined the European Union (Ministère de l’Europe et des Affaires Étrangères, French Diplomacie, 2019). The document available on the website of the French Ministry of Foreign Affairs identifies the following key points.

2 See for example the speech of President Macron at the European Parliament (Élysée, 2018b).

3 See for example the interview of Nathalie Loiseau secretary of states in charge of European affairs (Ambassade de France à Skopje, n.d.).



First and foremost, Paris regards the strengthening of bilateral political relations. This included an official visit by President Macron to Serbia in July 2019 (Élysée, 2019). This event was particularly welcomed in Belgrade. There were also plans to strengthen bilateral relations with members of the French government, including the Foreign Minister, in Tirana and Pristina in the fall of 2019, but this did not happen. In fact, since the strategy was announced in May 2019, except for Macron's trip to Serbia, there has only been one higher level visit to the region from the French side. At the end of October 2019, Geneviève Darrieussecq, Secretary of State of the French Ministry of Defence, travelled to Montenegro (Ambassade de France à Montenegro, 2019). The first point of the document also calls for visits by members of the National Assembly and the establishment of mutual relations between regions and municipalities. In these areas, too, significant progress has been made in recent months.

The second point of the French strategy is to strengthen the cooperation with the Western Balkan countries in four areas: economy, security, justice and defence. Paris wants to stimulate bilateral relations in the economic field through the French Development Agency (AFD). France has increased its previous budget of 100 million euros for the region to 150 million euros. The French Development Agency aims primarily to support projects that focus on energy, sustainable development, innovation and environment, reconciliation within society, equality between women and men, and youth. In the area of security, the French strategy is intended first and foremost to combat arms smuggling and illicit arms trafficking. Paris is a prominent player in the German-French Initiative on Firearms Smuggling in the Western Balkans, launched on January 31, 2019. At a conference evaluating the first year of the project in Berlin on January 31, 2020, French Foreign Minister Jean-Yves Le Drian announced that France would double its funding. The Western Balkans are offering 3 million euros instead of 1.5 million euros to combat firearms (Vie Publique, 2020). Paris places a particular emphasis on this issue, as a large part of the armed crime and terrorist attacks in France are carried out with weapons from the Balkans. The Strategy Paper, published in April 2019, highlights the importance of strengthening the cooperation in the fight against terrorism.

In the field of justice, the French strategy also aims to assist the Western Balkans in the area of trafficking illegal weapons, people and drugs. It would also like to strengthen the judicial cooperation on various issues.

In the field of defence, the French strategy would primarily seek to promote dialogue and military cooperation between the countries of the region. It would also support the training of officers of the Western Balkan countries in France, in cooperation with the Institute for National Defence Studies (IHEDN). Paris would also urge Western Balkan countries to support France's operations outside Europe.

The document underlines that Paris intends to work closely with Germany in all four areas and that France is committed to the Berlin process.

The third and final point of the strategy aims to complement the activities of the European Union. This would support, *inter alia*, the work of the Regional Youth Cooperation Support Office (RYCO).

The French strategy is an ambitious plan with regard to the interests of France, but so far its implementation has only had a little impact. Paris focuses mainly on Serbia and Kosovo, to the point where some analysts question whether Macron has returned to traditional Serbian politics (Merchet, 2019a, b).

Although hardly talked about, it was clear before October 2019 that France did not want to rush the enlargement of the European Union with the Western Balkans, but that it wanted to reform the accession process itself in a way that would bring greater transparency and efficiency, and allows it to be reversible. As early as February 2019, Nathalie Loiseau, then Secretary of State for European Affairs in France, said in an interview, among other things, about the Franco-Macedonian relations, that France might well support the country's move to join the NATO and the European Union, but for Paris, the negotiations with the European Union cannot begin until the country has met all the benchmarks and until reforms have been made in the accession process (Vie Publique, 2019). President Macron confirmed this position at a press conference held on October 16, 2019, at a meeting of the German-French Council of Ministers in Toulouse. He said during the press briefing: "I am convinced, like the Chancellor, that this region of the Western Balkans is totally strategic for Europe, that we need to link it to Europe. (...) We still have things to do before opening negotiations. (...) We must reform this procedure, which is now irreversible and non-progressive."

Against this background, the French veto at the October European Union summit is not surprising. Perhaps more people were hoping that Paris would give in. That is not what happened. Several factors played a role in Macron's decision.



The Reasons behind the French Veto

Albania as a Weak Link

France regards Albania as the weakest link among the Western Balkans countries. Concerning the two countries wishing to start accession negotiations, there has been little concrete criticism from the French side of North Macedonia. However, in the case of Albania, France has repeatedly expressed its dislike and stated that unless it experiences a noticeable change, it will be forced to slow down the country's accession to the European Union. French criticism is the first to complain about the high number of Albanian citizens applying for refugee status. From 2010, no visa requirement was imposed by France, which further strengthened this process.

According to the French Immigration Service (OFPRA), Albanians are one of the nations that receive the most refugee status in France. In 2018, 17 percent of applications were accepted, giving 1,400 French asylums (Staius, 2019). However, in the spring of 2019, a Senate delegation to Albania notes that the number of Albanian asylum-seekers in France has fallen by 28 percent in a year, following a bilateral Home Affairs Agreement in 2018. In the document, the senators express their hope that they will gain more sympathy from the French for the Albanians (Mazuir, Danesi & Lozach, 2019).

According to Paris, however, it is unacceptable for a country that it is forced to flee massively to join the European Union. President Macron, among other things, underlined that Albania was considered a “safe country,” but that poverty and unemployment had driven more than a third of the population into exile. He added: „How do you want me to explain to my fellow citizens that the second country that asks for the most asylums in France are people from Albania, but everything is going so well that we will open negotiations to enter the European Union? When I do not know how to explain it to people, there is a problem” (Berretta, 2019).

The French authorities also complain that more and more illegal smuggling of weapons and drugs is being carried out by the Albanian mafia in France (Chichizola, 2019). According to Paris, Albania is not moving fast enough with the necessary reforms in the areas of corruption and organised crime, so negotiations are early. The significant migration of the Western Balkans - 230,000 from the six countries in the region in 2018 - and their associated criminal circles to the European Union is not only irritating to France (Töglhofer, 2019).

Causes from French Internal Politics

In France, as stated earlier in the mainstream public opinion, the enlargement of the European Union is not overly supportive. Among other things, moderate right-wing circles have been cautious and accused President Macron of being naively irresponsible at the enlargement policies (Maad, 2019). There is also a sharp rejection of the French radical right on the issue of the Western Balkans. President Macron feared that on the eve of the French municipal elections of March 2020, or his party did not expect a good result, he did not favour Marine Le Pen, by the fact that he accepted the opening of negotiations for enlargement with the countries of the Western Balkans. The French Government also regularly states that the French people are hostile to the accession of newer Member States. However, according to a YouGov survey released in the spring of 2019, it seems that it is not true that there is a widespread opposition from the French. Opinion polls show that 42 percent of the population in France, 40 percent in Denmark and 46 percent in Germany are against the enlargement of the European Union (Rovan, 2019).

Lack of French Economic Interests

France's veto has repeatedly led to the argument that Paris has no special economic stake, which would make it particularly insistent on hastening the membership of Albania and North Macedonia to the European Union. The six countries of the Western Balkans are not priority French partners, including those wishing to start accession negotiations. This is illustrated, for example, by the fact that, except for Belgrade and Zagreb, there is no direct daily air link between the Western Balkan capitals and Paris. To date, there are no direct flights between Paris and Tirana. Only from Beauvais airport can reach Skopje by taking a low-cost flight.

Despite unfavourable circumstances, in case of Albania, although trade between the two countries has increased, it is still very limited. Commercial traffic in 2005 was 27 million euros and in 2018 it was already 150 million euros. France's trade deficit is 26 million euros against Albania. French exports in 2018 were 62 million euros, while imports were 88 million euros in the same year. Albania's most important European trading partner is Italy, but Germany ranks fourth and fifth. France is not in the top ten either. Albania imported 299 million euros from Germany and exported 99 million euros in 2017, which shows that Berlin's economic interest in the region



is stronger than in Paris (Auswaertiges Amt, 2020). France, by the way, is the 11th investor, far behind Greece, the Netherlands and Germany. In 2016, the total value of French investments was only 134 million euros in Albania (Ministère de l'Économie et des Finances, 2016).

In the case of North Macedonia, the situation is similar. Trade between the two countries totalled 140.3 million euros. French exports to North Macedonia increased by 10.5 percent in 2018, and this trend was confirmed in 2019. French investment is also modest in this country. France is only 9th with 5.8 million euros, surpassed by Germany, Austria, Greece, the Netherlands, Slovenia and the United Kingdom. Among others, the French dairy company Lactalis has a subsidiary in the country, and ADP, SUEZ, EGIS companies are also present (Ministère de l'Économie et des Finances, 2020). France also aids in the Western Balkans through the “Expertise France” (Expertise Française, n.d.), International Technical Cooperation Organisation, established in 2014. France is assisting the pre-accession within the quotas set by the European budget. At the national level, within the framework of bilateral cooperation, the AFD (*Agence Française de Développement*) provides development assistance with increasing value.

French International Political Considerations

According to some analysts, Paris's opening policy towards Russia may also have played a role in the veto. By delaying the start of European integration in the region, the French President wanted to make a gesture to the Russian leader who wants to have more influence in the Balkans (Vitanza, 2019). As it is known, in the case of North Macedonia, Moscow did not support the Prespa Agreement and also tried to strengthen the country's Russian energy and trade dependency. However, the French veto also brought to light the Franco-German conflict in the Balkans. While Paris strives to impress the opposite, it is clear that Berlin does not like President Macron's manoeuvring.

Divisions within the Union

On the French side, it has been repeatedly stated that Paris does not want to launch an enlargement process where there is no consensus among the 28. Amélie de Montchalin, French secretary of state for European affairs, said it was already clear in the General Affairs Council and earlier that there was a division between

European Union countries on the opening of accession negotiations with Albania and North Macedonia. Some expressed concerns about one country and others. The Netherlands and Denmark shared almost one-on-one Paris views until the last minute. French diplomacy was surprised that several countries that had previously expressed reservations had nevertheless supported the opening of accession negotiations.

The Necessary European Reform in the Area of Accession Negotiations

Paris has repeatedly stated that the current accession process needs to be reformed at several points. Following the veto, it will be read as early as on October 18 that France is taking a concrete step in this matter (Berretta, 2019). This is how on November 15 France published the Non-Paper on the reform of accession process to the European Union (Politico, 2019). While reaffirming the “unequivocal support” for the European perspective of the Western Balkans, it proposes to replace the 35 traditional chapters with a “gradual” approach around coherent blocks of policies, accompanied by rigorous criteria, opening up the possibility of participating in programs and European funding. A principle of reversibility would be introduced, in case the reforms slow down or stop. These proposals were welcomed by some Member States, less well by others, soberly commented by the Finnish president of the council. To those who accuse France of wanting to change the rules of the game along the way, the Minister of European Affairs, Amélie de Montchalin reminds for the problems encountered today: “We see that it does not work, because it is extremely slow , it’s extremely frustrating for those who participate (Marchais, 2019). Otherwise, Emmanuel Macron underlined that the process, „to be credible, must be reversible.” He said: „We are seeing it with Turkey right now. Do we think today that Turkey is destined to enter Europe, to open new chapters? But the process is not reversible. It can be totally stopped, but it is not reversible. For the record, Turkey has been a candidate country since 1987; Europe recognises him as a candidate in 1999. No fewer than 33 negotiating chapters have been opened. The European Parliament called for a freeze on accession negotiations in 2016” (Newsy Today, 2019). The French Non-Paper is considered by most analysts not to be a cause, but rather a reason invented by Paris in the post-veto situation. According to most of the articles in the issue, France wants to take some time.

French diplomacy, on the other hand, put forward a number of arguments to justify the revision of the accession framework. The French Secretary of State for European Affairs tried to explain his arguments to his European counterparts in a different way



than she had previously done. Thus, at the end of November 2019, Amélie de Montchalin consulted with the European secretaries of state for European affairs in the Visegrad countries (Représentation Permanente de la France auprès de l'Union Européenne, 2019). The French politician said that France needed a reform that would bring concrete benefits to the citizens of the accession countries before the accession. She stressed that they did not see any slowdown in the inflow of funds in Belgrade or Podgorica, despite the slowing down of the accession negotiations, but that this had a very limited impact on the people's lives. France does not perceive that the citizens of these countries directly benefit from these resources, and this is attributed to the European Union, but rather the governments of these countries seem to be waving to other actors. She gave as an example the Serbian agreement with the Eurasian Economic Union.

France has also begun to emphasise that it is only after the deepening of the existing European Union that new Western Balkan countries will be admitted. This was confirmed in November 2019 by a conference of the French Ambassador to Belgrade, Jean-Louis Falconi (European Policy Centre, 2019). Paris tried to communicate the veto and its reform agenda for the accession process as if it were to promote the interests of both the European Union and the countries of the Western Balkans. Among other reasons, this argument eventually led the Commission and other EU Member States, particularly Germany, to seek consensus after the first shock. This is how the draft of the accession process reform was published by Commissioner Olivér Várhelyi on February 5, 2019, was presented (European Commission, 2020), which relies heavily on the “French Non-Paper.”

(Potential) Consequences of the French Veto

Above all, France's veto provoked hatred against the French and demonstrated the European Union's lack of credibility in the Western Balkans (Fouéré, 2019). Macron's decision also had more significant consequences. For example, in North Macedonia, the French move could influence early elections and sweep away the current Western-friendly political force. With the April 2020 election, there is a good chance that those who reject the historic Prespa Agreement, which was also approved by France, will come to power. The people of North Macedonia consider it unjust to make an effort on their part and to reach agreement with Greece, but the start of the process of joining the European Union, promised in return, remains an uncertain future.

According to analysts in Albania, the lack of a European perspective could block the implementation of the judicial reform, which is being demanded in Brussels and leads to more significant redundancies. There will also be a downturn in the resolution of the conflicts in Kosovo, as neither Pristina nor Belgrade will be over-motivated to continue the dialogue. A few days later, statements by President Macron in *The Economist* (2019) and in the *Valeurs Actuelles* (2019) angered several Balkan countries. Bulgaria and Bosnia and Herzegovina, among others, resented the French President's statements. The latter country is outraged that Macron compared this Western Balkan state to a "pre-explosion bomb" because of recurring jihadists. According to some analysts, the French revelation, which has been heavily picked up by the local press, is generating renewed tensions in internal religious-based conflicts that still exist among Muslims, Orthodox and Catholics.

Statements regularly made in Paris say, for example, that with 33 countries, the European Union will become even more unmanageable, particularly repulsive with the governments of the Western Balkans, and will destabilise the confidence in the European integration. Thus, the influence of Moscow, Peking, Washington and Ankara could clearly increase in relation to Brussels (Berretta, 2019).

There are many who accuse Paris of favouring the region's instability with its October decision, which could pose significant risks to the European Union, even in the short- and medium-term. According to some analysts, it is not by chance that the United States is expected to increase its activity in the region (Mujanovic & Mongromery, 2019). Last but not least, France has strongly isolated itself with its veto. No one in the European Union stood up for Paris. French partners have complained that President Macron with his decision has also ignored the issue of the credibility of the European Union. It soon became clear that France would find it difficult to use its veto of October 2019 as a basis of bargain, or whatever other issue independent of the Western Balkans.

Possible Scenarios Following the French Veto

France's veto created shock. Nevertheless, several countries supported the reform of the accession process, while all interested French partners would support the start of accession negotiations in the spring of 2020. Paris tried to explain the veto underlining that with this decision issues related to the integration of the Western Balkans became to the focus (Berretta, 2020).



Officially, France will only reconsider its decision, if the Commission comes up with a convincing draft on the basis of the November French proposal, and there is a realistic chance of its adoption. Amélie de Montchalin, European Minister for European Affairs, also stressed that the French proposal did not require a treaty change, thus emphasising the openness of Paris. According to the statements of the French leaders, France could, in principle, support the opening of accession negotiations with North Macedonia and Albania, if three conditions were met. Firstly, there was a proposal from the Commission, which is close to the French idea. This text was born in early February. Secondly, North Macedonia needs to set up a special prosecutor's office to investigate more effectively and vigorously the various corruption crimes and Albania to come up with a credible plan for the appointment of judges in the judiciary to ensure its normal functioning. The third condition is that we need to work amongst ourselves on how the EU can operate and reform more effectively. She called the conference on the future of Europe a great framework for this. She said that enlargement should be transformed into a development process, so that our partners would evolve and move closer to the level of the Member States before their accession.

President Macron himself stated during the visit of Croatian Prime Minister in Paris on January 7, 2020, that he wants to return to the issue of enlargement before the summit in Zagreb (Stroobants & Malingre, 2020), but he would like to see a concrete Commission proposal on the reform of the accession process. Against this background, it appears in early February 2020 that Paris is expected to adopt the Commission's draft published on February 6, which incorporates many elements of the French proposal and that, if the two Western Balkan states meet the two additional criteria, France does not create any obstacle to start accession negotiations with the two countries.

However, it is possible that President Macron maintains his veto for various reasons, but it is a less likely scenario. In this case, he is likely to become even more isolated within the Union and unable to assert his interests in the Balkans, or in other areas only with greater difficulty.

It would undermine confidence in the European Union in the countries and regions concerned, which is likely to favour the influence of rival powers. In the long run, this would be a disadvantage for Paris, so it would give in to its waist in a seemingly favourable moment. However, such a moment will be less and less during Macron's

presidency, as from 2021 everything will be about the presidential elections of 2022, and it will be difficult for him to take a concrete step in the enlargement of the European Union, which is so unpopular on the right.

Whatever the scenario, Paris actually sees the protracted accession process as a possible path, because in the short-term, in the current European context, it does not want any enlargement in the Western Balkans.

Conclusion

France has traditionally been averse to enlargement. Above all, it would consider it important to strengthen the Union, for example by pushing the reform of the accession process before supporting the first steps needed for the accession of any new state. With the enlargements, Paris still fears that its own interests will be harmed. Brexit has made France particularly wary in the last few years concerning the intention of the accession of the new states. From 2017, after his hesitant predecessors, Macron, however, clearly formulated an intention to accelerate the integration of the Western Balkans.

The veto in October 2019 could well be explained in part by a number of arguments, such as the large number of Albanian refugees, French internal political considerations, etc., but despite everything, Macron's decision is not very logical. After the veto, Paris became isolated. Even after the start of the accession negotiations, France may block the accession and demand any criteria it desires, and even more legitimacy than the veto it has faced in the past.⁴ In fact, President Macron's decision has not only deprived France of the European Union as a whole, vis-à-vis its Western Balkan counterparts, particularly in North Macedonia.

The Paris decision also opened another front in Franco-German relations, where the two capitals were confronted. Although it seems that as traditionally the two parties are trying to move towards a compromise, until this question remains open, the tension persists, and it can even be a subject of blackmail.

4 Many analysts have pointed out that the French veto is ineffective and even counterproductive. For example, Andreas Eisl (2019) has tried to take stock of the reasons why France's decision needs to be reviewed.



Prolonged delays in accession negotiations could lead to increased instability in the Western Balkans and rival major powers could gain influence, such as Russia, China, Turkey and even the United States and Saudi Arabia, at the EU's south-eastern border and in the Eastern Mediterranean. From a geopolitical point of view, this region is, therefore, of interest to France, even if it is not currently one of the priority areas in economic terms.

Although Paris seems geographically distant from the states of the Western Balkans, Albania and North Macedonia, Tirana is 2000 and Skopje is 2200 kilometres far from the French capital indeed, therefore, they are closer than Algiers and Rabat, which receive a special attention from France.

President Macron's "same time" (*en meme temps*) policy also applies to the question of the Western Balkans. While fears emanate from the French side, for example, stressing that the European Union will not work with 33 Member States, because it is difficult to reach a common denominator even with 27 countries, the French president is indeed aware of the strategic importance of the Western Balkans (Tregoures, 2019). This dilemma makes the French attitude unpredictable at the Zagreb Summit, even though there are several indications that it will not hinder the start of accession negotiations for the two states.

Whatever the scenario, in fact, France, as a general rule for the majority of the Western European Member States of the European Union, does not have any priority in this context of enlargement to include the Western Balkans. Beyond its spectacular promises and its unwillingness to make a serious commitment, Paris does not want to go too far, because at present, it does not consider the area ready for accession and the European Union to accommodate new states. Only the growing influence of rival powers and problems specific to France, like terrorism, arms smuggling and migration, prompted Macron to engage more intensively with the countries of the region than his immediate predecessors.

Bibliography

- Agence Francaise de Développement. (n.d.). Retrieved from <https://www.afd.fr/fr> [Accessed February 4, 2020].
- Ambassade de France à Belgrade. (2019). *The 180-year history of French-Serbian official relations was celebrated in 2019 in Belgrade*. Retrieved from <https://rs.ambafrance.org/Un-colloque-scientifique-pour-saluer-les-180-ans-du-retablissement-des> [Accessed December 29, 2019].
- Ambassade de France à Montenegro. (2019). *Official visit of Genevieve Darrieussecq, Secretary of State of the French Ministry of Defence*. Retrieved from <https://me.ambafrance.org/21-22-octobre-2019-Visite-officielle-au-Montenegro-de-Mme-Genevieve> [Accessed January 11, 2020].
- Ambassade de France à Skopje. (n.d.). *Nathalie Loiseau secretary of states in charge of European affairs*. Retrieved from <https://mk.ambafrance.org/Il-n-y-a-pas-de-statut-quo-possible-dans-les-Balkans> [Accessed December 19, 2019].
- Assemblée Nationale. (2013). *Rapport de M. Philip Corderoy, 588*. Retrieved from [http://www2.assemblee-nationale.fr/documents/notice/14/rapports/r0588/\(index\)/rapports](http://www2.assemblee-nationale.fr/documents/notice/14/rapports/r0588/(index)/rapports) [Accessed December 29, 2019].
- Assemblée Nationale. (2017). *Rapport de Pierre-Yves Le Borgn' and Jean-Claude Mignon, 4550*. Retrieved from <http://www.assemblee-nationale.fr/14/rap-info/i4550.asp> [Accessed December 29, 2019].
- Auswaertiges Amt*. (2020). Albanien und Deutschland: Bilaterale Beziehungen. Retrieved from <https://www.auswaertiges-amt.de/de/aussenpolitik/laender/albanien-node/-/216236> [Accessed February 4, 2020].
- Berretta, E. (2019). Enlargissement de l'UE. Macron fait attendre l'Albanie et la Macedoine. *Le Point*. Retrieved from https://www.lepoint.fr/politique/emmanuel-berretta/elargissement-de-l-ue-macron-fait-attendre-l-albanie-et-la-macedoine-18-10-2019-2341990_1897.php [Accessed February 5, 2020].
- Berretta, E. (2020). Enlargissement de l'EU la commission reprend les idées de Macron. *Le Point*. Retrieved from https://www.lepoint.fr/politique/emmanuel-berretta/elargissement-de-l-ue-la-commission-reprend-les-idees-de-macron-06-02-2020-2361560_1897.php [Accessed February 9, 2020].
- Bfmtv*. (2013). Le Parlement français adopte le traité d'adhésion de la Croatie à l'UE. Retrieved from <https://www.bfmtv.com/politique/parlement-francais-adopte-traite-dadhesion-croatie-a-lue-426828.html> [Accessed December 29, 2019].

- Black, J. (2019). *Britain and Europe. A Short History*. London: C. Hurst, 164.
- Bossuat, G. (2003). *Faire l'Europe sans défaire la France 1943-2003*. Brussels: Peter Lang.
- Bozo, F. (2005). *Mitterrand, la fin de la Guerre Froide et l'unification de l'allemande*. Paris: Odile Jacob, 301-327.
- Brossard, Y., & Vidal, J. (2001). *L'éclatement de la Yougoslavie de Tito (1980-1995). Desintégration d'une fédération et guerre interethnique*. Laval: L'Harmattan, 154-161.
- Chichizola, J. (2019). Le Mafieux albanais de plus en plus implantés en France. *Le Figaro*. Retrieved from <https://www.lefigaro.fr/actualite-france/2018/11/02/01016-20181102ARTFIG00262-les-mafieux-albanais-de-plus-en-plus-implantes-en-france.php> [Accessed February 6, 2020].
- Clarck, D. (1997). *The Enlargement and Integration of the European Union: Issues and Strategies*. London: Routledge.
- Derens, J.-A. (2010). L'effacement de la France dans les Balkans. *DGAP Analyse*, (9). Retrieved from <https://www.ssoar.info/ssoar/handle/document/54964> [Accessed December 29, 2019].
- Dumas, R. (1996). *Le file et la pelote. Memoirs*. Paris: Plon, 189.
- Eisl A. (2019) France questionable arguments against EU enlargement. *Institut Delors*. Retrieved from <https://institutdelors.eu/publications/frances-questionnable-arguments-against-eu-enlargement/> [Accessed February 10, 2010].
- European Commission. (2020). *A more credible, dynamic, predictable and political EU accession process - Commission lays out its proposals*. February 5. Retrieved from https://ec.europa.eu/commission/presscorner/detail/fr/IP_20_181 [Accessed February 6, 2020].
- European Policy Centre. (2019). *Demystification of the French objection to the EU enlargement*. Retrieved from <https://cep.org.rs/en/demystification-of-the-french-objection-to-the-eu-enlargement/> [Accessed February 6, 2020].
- Expertise Française. (n.d.). *L'Agence Française de Coopération Technique Internationale*. Retrieved from <https://www.expertisefrance.fr/> [Accessed February 4, 2020].
- Élysée. (2017). *Présidence de la République: Speech of President Macron at the Sorbonne University*. Retrieved from <https://www.elysee.fr/emmanuel-macron/2017/09/26/initiative-pour-l-europe-discours-d-emmanuel-macron-pour-une-europe-souveraine-unie-democratique> [Accessed December 19, 2019].
- Élysée. (2018a). *Présidence de la République: Speech of President Macron at the Balkans Summit*. Retrieved from <https://www.elysee.fr/emmanuel-macron/2018/05/18/sommet-union-europeenne-balkans-occidentaux-a-sofia-en-bulgarie> [Accessed December 19, 2019].

- Élysée. (2018b). *The speech of President Macron at the European Parliament*. Retrieved from <https://www.elysee.fr/emmanuel-macron/2018/04/17/discours-du-president-de-la-republique-au-parlement-europeen-a-strasbourg> [Accessed December 6, 2019].
- Élysée. (2019). *Présidence de la République. Rapport on Macron's visit in Serbia*. Retrieved from <https://www.elysee.fr/emmanuel-macron/deplacement-en-serbie> [Accessed December 12, 2019].
- Fouéré, E. (2019). Macrons non to EU enlargement. *CEPS*. Retrieved from <https://www.ceps.eu/macrons-non-to-eu-enlargement/> [Accessed November 19, 2019].
- Gaspard, M. (2007). Les élargissements de l'Union dans les Balkans occidentaux: état des lieux et perspectives. *Politique étrangères*, (2), 427-440.
- Glodic, D. (2017). L'Union Européenne et les pays balkaniques non membres. La politique d'élargissement un outil d'influence toujours viable? *Annuaire Français des Relations internationales* (AFRI), 17, 489-502.
- Lequesne, C., & Vaisse M. (2013). *La politique étrangère de Jacques Chirac*. Paris: Riveneuve, 41-47.
- Légifrance. (2013). Service public de la diffusion du droit. *Dossiers législatifs - LOI n° 2013-99 du 28 janvier 2013 autorisant la ratification du traité relatif à l'adhésion de la République de Croatie à l'Union Européenne*. Retrieved from <https://www.legifrance.gouv.fr/affichLoiPubliee.do?idDocument=JORFDOLE000026842993&type=general&legislature=> [Accessed December 30, 2019].
- Maad, A. (2019). Les accusations de LR sur la volonté de Macron d'élargir l'EU et Schengen sont elles fondées. *Le Monde*. Retrieved from https://www.lemonde.fr/les-decodeurs/article/2019/05/23/les-accusations-de-lr-sur-la-volonte-de-macron-d-elargir-l-ue-et-schengen-sont-elles-fondees_5466163_4355770.html [Accessed February 5, 2020].
- Maclean, M. (1998). *The Mitterrand years. Legacy and evaluation*. London: Macmillan, 121.
- Madelaine, A., & Topollian, A. (2005). Migrants des Balkans. Un état des lieux. *Confluences Méditerranée*, 2(53), 121-126.
- Majza, B. (2002). La France et l'élargissement de l'Union Européenne à l'Europe Médiane, Balkanique et du Sud-est. *Annuaire Français des Relations Internationales* (AFRI), 3, 449-459.
- Marchais, I. (2019). Sur l'élargissement de l'UE, Paris insiste: pas de négociation avec l'Albanie ni la Macédoine du nord sans réforme. *L'Opinion*. Retrieved from <https://www.lopinion.fr/edition/international/elargissement-paris-refuse-negociation-albanie-macedoine-pas-reforme-203452> [Accessed November 22, 2019].



- Mazuir, R., Danesi, R., & Lozach, J.-J. (2019). Vers un intégration européenne de l'Albanie? Compte rendu du déplacement du groupe interparlementaire France-Albanie à Tirana et à Korça. *Sénat*. Retrieved from http://www.senat.fr/fileadmin/Fichiers/Images/reactions_internationales/Groupe_d_amitie/2019/Albanie_2019_CR_4pages_deplacement_.pdf [Accessed February 5, 2020].
- Merchet, J.-D. (2019a). Emmanuel Macron est-il pro-Serbe? *L'Opinion*. Retrieved from <https://www.lopinion.fr/edition/international/visite-emmanuel-macron-en-serbie-souleve-questions-albanie-kosovo-192828> [Accessed February 6, 2020].
- Merchet, J.-D. (2019b). Balkans politique président Macron suscite sentiment anti-français? *L'Opinion*. Retrieved from <https://www.lopinion.fr/edition/international/balkans-politique-president-macron-suscite-sentiment-anti-francais-204356> [Accessed February 6, 2020].
- Mével, J.-J. (2011). L'Union Européenne ouvre la porte à la Croatie. *Le Figaro*. Retrieved from <https://www.lefigaro.fr/international/2011/06/09/01003-20110609ARTFIG00749-l-union-europeenne-ouvre-la-porte-a-la-croatie.php> [Accessed November 30, 2019].
- Ministère de l'Europe et des Affaires Étrangères, French Diplomatie. (2019). *French strategy for the Western Balkans*. Retrieved from <https://www.diplomatie.gouv.fr/fr/dossiers-pays/europe/balkans-occidentaux/strategie-francaise-pour-les-balkans-occidentaux/> [Accessed December 12, 2019].
- Ministère de l'Économie et des Finances. (2016). *Albanie*. Retrieved from <https://www.tresor.economie.gouv.fr/Pays/AL/ide-et-presence-francaise-en-albanie-en-2016> [Accessed February 4, 2020].
- Ministère de l'Économie et des Finances. (2020). *Macédoine du Nord*. Retrieved from <https://www.tresor.economie.gouv.fr/Pays/MK/les-relations-bilaterales-france-macedoine> [Accessed February 4, 2020].
- Mujanovic, J., & Mongromery, M. (2019). Macron's Veto Leaves Balkans Wide Open for Russia and China. After the EU snub, the United States needs to step up in the region. *Foreign Policy*. Retrieved from <https://foreignpolicy.com/2019/10/31/western-balkans-european-union-veto-russia-china/> [Accessed November 12, 2019].
- Newsy Today*. (2019). Enlargement of the EU: Macron makes Albania and Macedonia wait. Retrieved from <https://newsy-today.com/enlargement-of-the-eu-macron-makes-albania-and-macedonia-wait/> [Accessed January 5, 2020].

- Permanent Representation of France to the European Union. (2019). *Press briefing of President Macron*. Retrieved from <https://ue.delegfrance.org/sommet-informel-avec-les-pays-des-4475#Declaration-conjointe-du-President-de-la-Republique-et-de-la-Chanceliere-nbsp> [Accessed December 8, 2019].
- Politico*. (2019). Non-Paper. Reforming the European Union accession process. Retrieved from <https://www.politico.eu/wp-content/uploads/2019/11/Enlargement-nonpaper.pdf> [Accessed November 30, 2019].
- Roudy, M. (2016). Immigration Yougoslave en France, 1974-1981. *Bulletin de l'Institut Pierre Renouvin*, 1(43), 41-52.
- Rovan, A. (2019). Les Européens veulent plus d'intégration. *Le Figaro*. Retrieved from <https://www.lefigaro.fr/elections/europeennes/les-europeens-veulent-plus-d-integration-20190512> [Accessed December 12, 2019].
- Sauger, N., Brouard, S., & Grossmann, E. (2007). *Les français contre l'Europe?: Le sens du referendum 29 mai 2005*. Paris: Les Presses de SciencesPo, 11-13.
- Stadius, T. (2019). Vendetta mafia persecutions homophobes pourquoi les albanais obtiennent l'asile en France. *Nouvelobs*. Retrieved from <https://www.nouvelobs.com/migrants/20191018.OBS19961/vendetta-mafia-persecutions-homophobes-pourquoi-les-albanais-obtiennent-l-asile-en-france.html> [Accessed February 6, 2020].
- Stroobants, J.-P., & Malingre, V. (2020). La France est prête à avancer sur l'élargissement. *Le Monde*. Retrieved from https://www.lemonde.fr/international/article/2020/01/10/ue-la-france-est-prete-a-avancer-sur-l-elandissement_6025401_3210.html [Accessed February 1, 2020].
- The Economist*. (2019). Emmanuel Macron in his own words. Retrieved from <https://www.economist.com/europe/2019/11/07/emmanuel-macron-in-his-own-words-french> [Accessed November 20, 2019].
- Töglhofer, T. (2019). Not time to lose for EU. Overcoming the Accession Stalemate in the Western Balkans. *DGAP Policy Brief*, 8. Retrieved from https://dgap.org/sites/default/files/article_pdfs/8dgap_policy_brief_7-19_western_balkans_0.pdf [Accessed February 3, 2020].
- Tregoures, L. (2019). By blocking enlargement decision, Macron undercuts France's Balkan goals. *Atlantic Council*. Retrieved from <https://www.atlanticcouncil.org/blogs/new-atlanticist/by-blocking-enlargement-decision-macron-undercuts-frances-balkan-goals/> [Accessed December 9, 2019].



- Trégourès, L. (2016). Développement de l'islam radical dans les Balkans: quelle réalité? Interview. *IRIS*. Retrieved from <https://www.iris-france.org/69948-developpement-de-lislam-radical-dans-les-balkans-quelle-realite/> [Accessed January 5, 2020].
- Trouvé, M. (2008). *La Diplomatie espagnole face à l'Europe (1962-1986)*. Brussels: P.I.E. Peter Lang, 330-335.
- Représentation Permanente de la France auprès de l'Union Européenne. (2019). *Déplacement d'Amélie de Montchalin à Prague*. Retrieved from <https://ue.delegfrance.org/deplacement-d-amelie-de-montchalin-4707> [Accessed February 6, 2020].
- Vaisse, M. (2009). *Puissance ou l'influence? La France dans le monde depuis 1958*. Paris: Fayard, 104-105.
- Valeurs Actuelles*. (2019). L'Ukraine et la Bulgarie critiquent les propos de Macron dans Valeurs Actuelles. Retrieved from <https://www.valeursactuelles.com/politique/lukraine-et-la-bulgarie-critiquent-les-propos-de-macron-dans-valeurs-actuelles-112456> [Accessed December 10, 2019].
- Vasic, R. (2009). *Mihailovic entre révolution et restauration, Yougoslavie 1941-1946*. Paris: l'Harmattan, 12.
- Vie Publique*. (2019). Déclaration de Mme Amélie de Montchalin, secrétaire d'État aux affaires européennes, sur l'accession de la Macédoine du Nord à l'Organisation du traité de l'Atlantique nord, à l'Assemblée nationale le 21 novembre 2019. Retrieved from <https://www.vie-publique.fr/taxonomy/term/6234> [Accessed February 6, 2020].
- Vie Publique*. (2020). Statement by Jean-Yves Le Drian, Minister for Europe and Foreign Affairs, on the fight against trafficking in firearms in the Western Balkans, in Berlin on 31st January 2020. Retrieved from <https://www.vie-publique.fr/taxonomy/term/6156> [Accessed February 6, 2020].
- Vincze, D. (2008). Az Európai Unió és a Nyugat-Balkán kapcsolatai és az unió bővítési stratégiájának változásai. *Külgügyi Szemle*, (3-4), 33.
- Vitanza, C. (2019). What's Behind France's Veto On The Balkans. *Insideover*. Retrieved from <https://www.insideover.com/politics/whats-behind-macron-veto-on-the-balkans.html> [Accessed January 18, 2019].
- Wunsch, N. (2017). Between indifference and hesitation: France and EU enlargement towards the Balkans. *Southeast European and Black Sea Studies*, 17(4), 541-554.

The UK and The EU Enlargement Post-Brexit

Jaroslav WISNIEWSKI

Visiting Fellow, European Institute, London School of Economics

Abstract: The UK will continue being a constructive partner in the European Union (EU) Enlargement process, despite Brexit. The Western Balkans, the next area of a potential enlargement of the European Union, are important for UK's security policy in Europe. This will determine UK's approach to the region, with much bigger focus put on instruments available within the North Atlantic Treaty Alliance (NATO). Interests of both the UK and the EU align in the region. Also, identification of challenges, from the deteriorating rule of law, through corruption and organised crime, to the malign influence of external actors, closely aligns. In many instances, the UK may provide an added value to the EU, and it should decide to get engaged. Governments change, interests remain. The democratic and stable Western Balkans are in London's interest. They mean the area of cooperation, not competition.

Keywords: EU enlargement, post-Brexit, security, United Kingdom, Western Balkans

Introduction

“We are leaving the EU, not Europe” has been one of the most common phrases used by British officials, from the Prime Ministers - both Theresa May (2017) and Boris Johnson (2016) - to members of parliament, civil servants and diplomats. On the January 31, the United Kingdom officially ceased to be a member of the European Union. Brexit will inevitably lead to seismic changes in many aspects of UK politics, including foreign policy. Interests, however, will remain. The UK has always been one of the staunchest supporters of the EU enlargement process, and since the early 1990s, it has heavily invested, both financially and politically, in the Western Balkans, the area of the next EU enlargement, whenever it takes place.

Future UK foreign policy, including how it will support the EU enlargement towards the Western Balkans, is full of “unknown unknowns.” No one has ever left the European Union, no one has ever tried to redefine its policy in a way that would maintain



alignment with closest allies, but at the same time add new, unique national features to it. No one has attempted to translate the “take back control” catchphrase into policy. This text analyses the UK’s approach towards the EU enlargement, the UK’s policy towards the Western Balkans, and it attempts to predict what can be expected from the new, more assertive “Global Britain” after it leaves the European Union. It argues that the UK can be a constructive partner in the future EU enlargement policy in general, and in policy towards the Western Balkans in particular.

The UK and The Enlargement of the European Union

The UK used to be one of the greatest advocates of EU enlargement. An idealistic interpretation of it would point out shared values and history and go back to Thatcher’s speech in Bruges in 1988, where she declared that it was necessary to remember that Prague, Warsaw and Budapest were also great European cities. A more cynical approach would argue that London supports the enlargement to counter the prospects of an ever-closer political union. The UK pushed for expansion that would gradually transform the EU into a loose federation of member states to counter the Franco-German axis. The truth may lay in the middle, based on the fact that the UK’s priority has always been a shared security and prosperity built on a firm foundation of democracy and the rule of law. In addition, it created export potential, new opportunities for Foreign Direct Investments and a more diverse labour market to offset the long-term effects of ageing populations. This is one of the justifications for the UK opening its labour market to all new EU Member States from the very first day of the 2004 EU enlargement. It was immigration, though, that turned out to be a double-edged sword. Pledge to limit immigration to “tens of thousands” helped the Conservative Party win the 2010 General Election and upend the long-held view that the EU enlargement is in the UK’s national interest. Official support for enlargement began to decline, with Germany becoming the steadiest supporter of another extension of the EU.

The prospects of the further EU enlargement to the Western Balkans and Turkey, and a further increase of the number of migrants able to take advantage of the freedom of movement, became one of the features of the Vote Leave campaign. An unlikely scenario of an imminent Turkish accession to the EU, and a prospect of 80 million Turks immediately taking advantage of the EU’s freedom of movement, became one of the scare tactics used by the Eurosceptics (Ker-Lindsay, 2018). The Vote Leave campaign effectively undermined the credibility of any future UK support for EU enlargement.

With the UK leaving the EU on the January 31, 2020, the country's influence on the future expansions is further weakened. Except for Algeria's departure from the EU, after it gained independence from France, and Greenland's decision to leave in 1985, the UK is formally the first country to leave the EU bloc. That creates a multitude of "unknown unknowns" phenomena which cannot be expected because there has been no prior experience or theoretical basis for planning them. It is unclear what the new foreign policy priorities of the new "Global Britain" will be, apart from the reasonable assumption that they will focus on securing the future trade deals with global partners (the EU, US, China, India, Australia, etc.) and on re-allocating the finite resources towards them. How that will impact the UK's policy towards the EU enlargement in general, and the Western Balkans in particular, is unknown. How the EU's approach of a "new-old" neighbour will be, whether the UK will be regarded as a strategic partner or a strategic competitor, is also unknown. Negotiations of a future comprehensive partnership agreement may take several years.

A common-sense assumption would be that we should not expect a revolution. The UK's foreign policy has been consistent throughout the years, its main objectives should not change. What will change is their prioritisation. The UK, however, has invested too much in the Western Balkans. It will remain present in the region, through different means though.

To assess what can we expect from the UK vis-à-vis EU enlargement and the Western Balkans, one has to analyse the UK's policy towards the region until now.

The UK Policy towards the Western Balkans

The collapse of Yugoslavia forced the UK to engage with the region, despite internal pressures to limit that engagement in the early years of the 1990s (Mulchinock, 2007, p. 30), Jamie Shea traces the hesitance of Britain about any form of direct military intervention in the early stages of conflict can be traced to the UK's experiences from Northern Ireland (Mulchinock, 2007, p. 34). In Robert E. Hunter's point of view:

"I never did understand this fully. There were several arguments. One was the historic British aversion to getting involved in 'Balkan Wars'. Another was the impact of advisors who served with Tito in the Second World War and reinforced the first point. A third was the supposed opposition of the British military, at a time when so many other British institutions were in disfavour. A fourth was something about Britain's like of the Serbs, in a competition with other European countries this seemed unlikely, but could have been a factor." (Mulchinock, 2007, p. 35)



According to Lord Hurd, former British Foreign Secretary, there was also a genuine sympathy towards Slobodan Milosevic, whom he found more straightforward to get on with than with other leaders (Mulchinock, 2007, p. 35). In overall, Britain was hesitant to use military force in Bosnia and Herzegovina due to the fear of possible spill-over effect on the other parts of former Yugoslavia (Mulchinock, 2007, p. 35). That position started to change, in particular, following the genocide in Srebrenica (Financial Times, 2019). The UK's efforts to end the conflict were conducted both by diplomacy and military force. London was at the forefront of NATO's 1999 intervention in Yugoslavia, later becoming Kosovo's most important European ally in its efforts to achieve the recognition of its independence. According to James Ker-Lindsay, it was the UK who led the way in Kosovo's membership in international bodies such as the World Bank, International Monetary Fund and the International Olympic Committee (Ker-Lindsay, 2019).

In the post-conflict of Western Balkans, the UK's policy priorities for the region focused on four challenges: tackling corruption, fighting organised crime, strengthening the rule of law, and supporting institutional reforms. In addition, the UK was involved in the capacity-building of the independent media (e.g. BBC's school of journalism in Bosnia and Herzegovina, later BBC Serbia service) and of military forces of all countries in the region. In 2014, the UK and Germany launched a new strategic approach towards BiH in order to push the EU accession process. London was also a staunch supporter of the Belgrade - Pristina dialogue, with the EU's High Representative Catherine Ashton, a British national, at its helm. But direct UK involvement in the region has decreased by time.

The Summit of Western Balkans leaders (organised in London in July 2018), under the umbrella of the 'Berlin Process,' provided an opportunity for re-engagement. The summit had three main objectives: increasing economic stability, strengthening regional security cooperation, and facilitating political cooperation. The issues primarily discussed included the increase of economic stability within the scope of improving the business environment, the promotion of entrepreneurship, the curbing of youth unemployment, and the promotion of regional inter-connectivity. Other issues discussed were the strengthening of regional security cooperation to help tackle common threats, including corruption, serious and organised crime, trafficking of people, drugs and firearms, and terrorism and violent extremism. The final topic was facilitating the political cooperation to consolidate democracy in the region and to resolve disputes from the breakup of Yugoslavia and from Kosovo's declaration of independence (Gov.UK, 2018a). Still, the summit was overshadowed by the resignation of the then-Secretary of State for Foreign and Commonwealth Affairs, Boris Johnson (The Independent, 2018).

Limited Human and Economic Ties

The direct UK ties to the region are relatively limited. According to the 2011 census (last reliable and full data), less than 75,000 people were coming from the six Western Balkan countries and living in the UK. That included 28,000 persons from Kosovo, 13,000 from Albania, 8,000 from Bosnia and Herzegovina, 8,000 from Serbia and Montenegro. That is significantly less than, e.g. in Germany, where the Western Balkan diaspora is estimated at over 1 million people. Also, divisions from the Western Balkans are transferred to their emigrant communities. There is a limited cooperation between the communities from Kosovo and Serbia. They lack a common platform or informal groups of influence. They are not significant enough in any particular constituency to make their voice influential for a local member of the parliament. That means that their voice in the UK Parliament is relatively weak and limited.

In terms of trade between the UK and the Western Balkan six, the figures are relatively small. According to the Office for National Statistics (ONS) data for 2016 (most recent available), Macedonia was the 53th partner of the UK for exports and the 103th for imports. Bosnia and Herzegovina was the 105th for exports and the 88th for imports. Albania was the 148th for exports and the 158th for imports. Kosovo was the 185th for exports and the 181st for imports. Montenegro was the 183rd for imports and the 169th for exports. Serbia was the 103rd for exports and the 85th for imports. British companies have so far failed to invest in a 20 million market composed of all Western Balkan countries. It seems unlikely that this will change after the Brexit, especially with the UK focusing on trade arrangements with the EU and big trading partners in the first place.

There is also a limited number of students from the Western Balkans studying at UK universities. According to Higher Education Statistics Agency (HESA) data for 2017-2018, there is an overall number of 850 students from the Western Balkans, including 290 from Albania, 280 from Serbia, 105 from Macedonia, 60 from Bosnia and Herzegovina, 60 from Kosovo and 55 from Montenegro.

Challenges in the Western Balkans – The UK Perspective

FCO defines the situation in the region as ‘fragile stability’ (Parliament.UK, n.d./a). UK strategy for the Western Balkans focuses on improving security, influence and prosperity: combating the impact from serious and organised crime and terrorism and



building resilience within the region to tackle its own problems; building UK influence, galvanising international engagement and countering malign influence; and building long-term stability and prosperity within the region (Gov.UK, 2018b).

In the UK's assessment, despite NATO enlargement (Albania, Montenegro, North Macedonia in 2020), crises and risks are increasing. They include malign influences (predominantly Russian), state capture, organised crime (drugs and illegal trafficking), illegal migration, radicalisation and potential terrorism. Western Balkans are also seen as a transit point for illegal migration and arms trade. In terms of external actors, FCO's attention focuses on Russia which, in the UK diplomats' assessment, is pursuing an increasingly confrontational approach, using various tools: 'political and diplomatic; historical and cultural; energy and wider economic and financial interests; soft power (including cultural, educational, and religious cooperation); Russian information campaigns and penetration of local media; links between politicians, as well as some donor assistance and significant military and intelligence cooperation' (Gov.UK, 2018b). Second country on FCO's radar in the Western Balkans is China and its One Belt, One Road Initiative (key features in the Balkans: purchase of the port of Piraeus, concession to run Tirana International Airport, financed large infrastructural projects such as Pupin Bridge in Belgrade and the new Belgrade-Budapest railway line).

Brexit Revolution - What Will the Future UK Policy Be towards the EU Enlargement?

The UK's exit from the EU poses significant challenges for the future relationship between Britain and the Western Balkan countries. The UK has been a substantial factor in the region, its influence was magnified by its membership in the European Union and the ability to impact the EU enlargement process. And the Brexit means that the UK will lose this direct influence.

The Brexit also provides opportunities to do things differently. At times, British officials were frustrated by the common EU approach in the region feeling that many ideas were diminished in order to protect the interests of particular Member States. Leaving the structures of Common Foreign and Security Policy allows the UK for a more tailored approach. This can be a combination of the utilisation of the country's memberships in the different international organisations (primarily NATO, but also OSCE, UN and the Council of Europe), and the application of its soft power

First, the UK will have to decide whether to unilaterally follow the EU's collective approach towards the Western Balkans, to go at it alone, or to invest in another platform of cooperation. The first option, unilaterally following the EU's policy, seems doubtful and will be questioned by the foreign policy community in the United Kingdom arguing that taking back control after the Brexit meant the ability to define one's own foreign policy priorities. Going at it alone in the Western Balkans may prove counter-productive, as the links between the UK and the Western Balkans are relatively weak. There is a small Western Balkan diaspora in the UK. Also, business links are relatively low. Six countries from the region are not a priority partner for the UK's future trade deals due to its small market. The most probable path the UK will choose is using another platform of engagement in the region. NATO seems to be the most reasonable choice - the UK's interests in the Western Balkans are primarily security-related. The UK military has invested significant resources in the region already in terms of the presence of military troops in Bosnia and Herzegovina and Kosovo. It has also supported the military capacity-building in all of the countries. Finally, the Western Balkans are one of the areas where Russia likes to test its hybrid warfare methods. Neither involvement through NATO, nor a seat in the UN Security Council will not, however, replace the loss of influence the UK was able to exert through its membership in the European Union.

- **NATO as the Preferred Platform**

Using NATO as a platform for the UK's Western Balkans policy will limit its reach and potential impact. Albania and Montenegro are already members, with North Macedonia scheduled to join the alliance in 2020, putting all three on an equal level to the UK. Serbia has repeatedly stated that it has no wish to join the NATO. The same applies to Bosnia and Herzegovina, where *Republika Srpska*, a constituent part of the country, refuses to endorse any closer relationship with the alliance. That leaves only Kosovo, but here the UK's influence is already significant (Ker-Lindsay, 2019).

There are positive aspects though. NATO does not seem to have an idea what it expects from the region. The Declaration of the 2018 NATO Summit included a reference to the region claiming that the Western Balkans are of "strategic importance" to the alliance, repeating the message of an "Open Door Policy" towards the countries in the region (NATO, 2018). It declared that:

"We remain fully committed to the stability and security of the Western Balkans, as well as to supporting the Euro-Atlantic aspirations of countries in the region. We will continue to work closely with the Western Balkans to maintain and promote regional and international peace and security. Democratic values, rule of law, domestic reforms, and good neighbourly relations are vital for regional cooperation and for the Euro-Atlantic integration process." (NATO, 2018)



The vagueness of the declaration allows space for various initiatives aimed at strengthening the Euro-Atlantic foothold in the region. Especially since further enlargements, after North Macedonia's membership is formalised, are highly doubtful. Three remaining countries - BiH, Kosovo, Serbia - are unlikely to join the alliance in the foreseeable future. France's veto for opening membership talks with Albania and North Macedonia (BBC News, 2019) adds to the uncertainty in the region. This creates opportunities for the UK, especially in the context of their expertise in countering hybrid threats in Ukraine and the Baltic States and significant investments made to translate that expertise to the Western Balkans. The UK is well aware that its involvement in the region via NATO, in order to have an impact, would have to focus on countering malign influence of third actors, Russia and China in particular. NATO's strategy to counter hybrid threat created a framework for action (NATO, 2019). NATO has also created a capability to monitor and analyse hybrid threats (e.g. through the European Centre of Excellence for Countering Hybrid Threats), based on the cooperation with European intelligence agencies. Finally, NATO has established the Counter Hybrid Support Teams. Their first deployment took place in November 2019, when they were sent to Montenegro to counter Russian-linked threats (Stripes, 2019)

The UK realises that going at it alone would be counter-productive. Equally counter-productive will be any attempt to link an increased Western media presence with the narrative of "fighting Russian propaganda." The return of the BBC to Serbia is a very welcome sign, but if it were linked with the perception of "the West's return," it would not only undermine the values of journalism the BBC promotes and stands for, but could also backfire and result in people rejecting any evidence put out by the organisation (confirmation bias). This is where strengthening the NATO's Counter Hybrid Support Teams would make more sense. The UK's messaging, that although it leaves the EU but supports the EU enlargement of all six Western Balkan countries, is often counter-productive and not taken seriously in the region. The first recommendation would be to work on strategic messaging, as Brexit requires a change of the language and narratives used by London in the Balkans. The second, more crucial recommendation, would be an appeal for consistency. The UK has invested significant resources in the region, also in training of journalists (e.g. by the BBC), to then leave the region assuming that it is already 'on the European path.' Some of those journalists, whom the BBC trained, now work for *Sputnik*, as it offers them permanent employment and decent salaries.

- **Diplomacy by Other Means**

The UK could further utilise its membership in international organisations active in the region. It could increase the number of diplomats seconded to OSCE, UN and Council of Europe, to compensate for the loss of UK diplomats no longer being able to work via the EU's External Action Service. The EU integration remains a strategic priority for all Western Balkan countries. Although the UK will not be able to support it directly, as an EU member could do it, it will be able to do it indirectly by focusing on the necessary reforms foreseen in the Copenhagen Criteria, especially around the rule of law and the capacity-building of institutions and public administration services. They all fall within the UK's interests and wider policy towards the region.

- **Taking Full Advantage of the UK's Soft Power**

The UK's soft power has been a significant aspect of its policy towards the region. The UK has been encouraging the EU accession of all six Western Balkan countries. During the Brexit, both Better Remain and Vote Leave made commitments that the Brexit would not affect the UK's relationship with the Western Balkans. A huge question mark remains over the financial resources. According to the British Council's submission to a House of Lords report on the Western Balkans, if the UK were to lose access to this funding, it would have serious implications for the UK's influence and standing in the region. The British Council was competitively awarded since 12.6 million euros for its work in the Western Balkans since 2015 (Parliament.UK, n.d./b). The UK's support could be extended to create opportunities for young people by promoting entrepreneurship, supporting creative industries, investing in digital skills and lobbying for education reforms in the region, building on British Council's regional expertise and presence in the region since 1940. British Council's activities reached beyond supporting education and civil society. In Kosovo, the British Council is responsible for capacity-building of civil servants, in Serbia, the Council's involvement in the EU Judicial Efficiency programme helped to reduce the backlog of unresolved court cases by 50 percent. Their projects in BiH, North Macedonia and Montenegro helped in modernising education systems (Parliament.UK, n.d./b). The UK's soft power can be further extended by supporting the development of creative industries through the British Council's Creative Industries project, the policies and practices of UK institutions such as Creative England, Knowledge Transfer network and NESTA. Significant resources have been put into the Conflict Stability and Security Fund (CSSF), used in the region by the British Council and Ecorys to address pertinent security challenges on the local level.



Education remains one of the strongest elements of the UK's soft power. The Chevening Scholarship, a prestigious funding stream allowing young people from the region to study in the UK is a tool of extending its influence and investing in the brightest. Similar approach is utilised by the Ministry of Defence, providing opportunities for young officers from the region to study at the most prestigious British military academies such as Royal Military Academy in Sandhurst.

The UK can further empower democratic institutions in the region by directly supporting civil society organisations and independent investigative journalism projects. Investing in capacity-building of civil society organisations through the 1990s paid off in the early 2000s (to give an example of *Otpor*). The US remains consistent in its support for civil society through NDI and USAID, the UK should mirror that approach.

This would be a maximalist, overtly optimistic assessment of potential future approach of the UK to the Western Balkans. The actual policy may be more limited due to the need to re-allocate resources elsewhere. But the reality is that the UK does not have any other instruments it could utilise in the region. If it wants to build a "global" foreign policy, it will have to support the EU enlargement and cooperate with the EU in the Western Balkans.

The UK - A Constructive Partner in the EU Enlargement Process

The straightforward answer as to how exactly will the UK be able to support the EU's enlargement policy is - no one knows. Several variables can influence the future of the UK's policy towards the Western Balkans.

Policymakers in London may decide that trying to maintain an active role in the region is not worth it, and it might be preferable to re-allocate relatively small financial and diplomatic resources elsewhere. Although many observers may think that Britain's involvement in the region will remain unchanged, there is a danger of complacency. While the risk of a return to conflict, the collapse of a state, increased levels of extremism and strengthening of organised crime are issues of concern for the UK, policymakers may argue that this is primarily the EU's concern. With Britain playing a supporting role in much more limited capacity than now. Another risk one can identify is that there may be policymakers who will argue that taking back control at the UK's borders will be enough to contain transnational organised crime and religious extremism. So, there is no need to do

it outside of the country. Such isolationism may tempt a total disengagement from the Western Balkans. At the same time, the new foreign policy of the modern “Global Britain” may decide to re-allocate its resources elsewhere, further disengaging from the region. In the context of Brexit, a case for continuing British involvement in the Western Balkans will need to be made, especially when the UK does not have particularly deep links to the region. Such engagement may require time, effort and money that could be deployed elsewhere.

Conclusion – the UK will still be involved in the EU Enlargement

What will happen? The most honest answer is: we do not know. Despite the phrase that the “UK is leaving the EU, but not Europe,” a lot will depend on the framework of the future UK - EU relationship. But potential UK support for enlargement will depend on broader UK interests. Question is who will define and have influence over the UK’s future foreign policy? Kremlinology may be an adequate approach to the analysis of the UK’s post-Brexit foreign policy. Personalities and their priorities will be significant. We have already seen it with Nick Timothy, now we see it with Dominic Cummings. They seem to have a more substantial impact on the UK’s policy than the cabinet ministers.

The most probable scenario, however, taking into consideration constraints that the UK will face after Brexit, is that London will be a constructive partner for Brussels in the EU’s future enlargement policy. And in particular, in policy towards the Western Balkans. There is a limited scope for competition. Interests of both the UK and the EU align in the region. Also, identification of challenges, from the deteriorating rule of law, through corruption and organised crime, to the malign influence of external actors, closely aligns. In many instances, the UK may provide an added value to the EU, it should decide to get engaged, e.g. in the Belgrade-Pristina dialogue, where the UK can influence both Serbia and Kosovo.

Governments change, interests remain. The democratic and stable Western Balkans are in London’s interest. They mean the area of cooperation, not competition. We will witness the UK - EU competition in other areas, but the EU enlargement policy and the Western Balkans will not be one of them.



Bibliography

- BBC News*. (2019). EU blocks Albania and North Macedonia membership bids. October 18. Retrieved from <https://www.bbc.co.uk/news/world-europe-50100201> [Accessed April 25, 2020].
- Financial Times*. (2019). British officials sought to avoid deeper involvement in Bosnian war. December 31. Retrieved from <https://www.ft.com/content/c0707922-2310-11ea-b8a1-584213ee7b2b> [Accessed April 25, 2020].
- Gov.UK. (2018a). *Western Balkans Summit: London 2018*. Retrieved from <https://www.gov.uk/government/topical-events/western-balkans-summit-london-2018> [Accessed April 25, 2020].
- Gov.UK. (2018b). *Prime Minister reveals package of measures to promote a more peaceful, prosperous and democratic Western Balkans*. July 11. Retrieved from <https://www.gov.uk/government/news/pm-reveals-package-of-measures-to-promote-a-more-peaceful-prosperous-and-democratic-western-balkans> [Accessed April 25, 2020].
- Higher Education Statistics Agency. (2018). *Where do HE students come from?*. Retrieved from <https://www.hesa.ac.uk/data-and-analysis/students/where-from> [Accessed April 25, 2020].
- Johnson, B. (2016). 'We are leaving the EU, not Europe.' *BBC*, October 13. Retrieved from <https://www.bbc.co.uk/news/av/uk-politics-37641405/boris-johnson-we-are-leaving-the-eu-not-europe> [Accessed April 25, 2020].
- Ker-Lindsay, J. (2018). Turkey's EU accession as a factor in the 2016 Brexit referendum. *Turkish Studies Journal*, 19(1). Retrieved from <https://www.tandfonline.com/doi/abs/10.1080/14683849.2017.1366860> [Accessed April 25, 2020].
- Ker-Lindsay, J. (2019). The United Kingdom: Kosovo's Strongest Supporter in Europe. In I. Armakolas & J. Ker-Lindsay (eds.), *The Politics of Recognition and Engagement. EU Member State Relations with Kosovo*, Palgrave Macmillan, p. 41.
- May, T. (2017). We have voted to leave the EU, but not Europe. *Le Figaro*, February 17. Retrieved from <https://www.gov.uk/government/speeches/we-have-voted-to-leave-the-eu-but-not-europe-article-by-theresa-may> [Accessed April 25, 2020].

- Mulchinock, N. (2007). *NATO and the Western Balkans: From neutral spectator to proactive peacemaker*. Palgrave Macmillan.
- NATO. (2018). *Brussels Summit Declaration issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Brussels 11-12 July 2018*. Retrieved from https://www.nato.int/cps/ru/natohq/official_texts_156624.htm?selectedLocale=en [Accessed April 25, 2020].
- NATO. (2019). *NATO's response to hybrid threats*. August 08. Retrieved from https://www.nato.int/cps/en/natohq/topics_156338.htm?selectedLocale=en [Accessed April 25, 2020].
- Office for National Statistics. (2016). *Who Does the UK Trade With?*. ONS Digital. Retrieved from <https://www.ons.gov.uk/businessindustryandtrade/internationaltrade/articles/whodoestheuktradewith/2017-02-21> [Accessed April 25, 2020].
- Parliament.UK (n.d./a). *Foreign and Commonwealth Office - Written Evidence*. Retrieved from <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/international-relations-and-defence-committee/beyond-brexit-the-uk-and-the-balkans/written/70208.pdf> [Accessed April 25, 2020].
- Parliament.UK. (n.d./b). *British Council - Written Evidence*. Retrieved from <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/international-relations-and-defence-committee/beyond-brexit-the-uk-and-the-balkans/written/72785.pdf> [Accessed April 25, 2020].
- Stripes*. (2019). First NATO counter-hybrid warfare team to deploy to Montenegro. November 08. Retrieved from <https://www.stripes.com/news/first-nato-counter-hybrid-warfare-team-to-deploy-to-montenegro-1.606562> [Accessed April 25, 2020].
- Thatcher, M. (1988). *Speech to the College of Europe* (“The Bruges Speech”). September 20. Retrieved from <https://www.margaretthatcher.org/document/107332> [Accessed April 25, 2020].
- The Independent*. (2018). European foreign ministers who travelled to London for meeting stood-up by resigning Boris Johnson. July 9. Retrieved from <https://www.independent.co.uk/news/uk/politics/boris-johnson-resigns-western-balkan-summit-no-show-london-brexit-theresa-may-david-davis-a8438946.html> [Accessed April 25, 2020].



Participating in the Berlin Process as a Visegrad Country

*Poland, the V4 and the Support of the EU Integration Process
of the Western Balkans*

Mateusz GNIAZDOWSKI

Deputy Director, Centre for Eastern Studies (OSW)

Abstract: The organisers of the conference in Budapest raised the question of what historical experience might determine the policy towards EU enlargement and European re-unification. My task is to outline the case of Poland, with a particular emphasis on its presence in the Berlin Process and on the V4 cooperation in the Balkans. The case of Poland is interesting because Poland, the most distant country of the V4 from the Balkans, was often seen as less interested in this region, focusing more on the Eastern neighbourhood of the EU and NATO. Many myths have arisen around this Eastern specialisation of Poland that distorted the image of the country's real interest in the Balkans. Poland's entry into the Berlin Process and the Western Balkans summit in Poznań in 2019 meant a greater political emphasis on the Western Balkans and EU enlargement, in Polish politics. It was also a time when the previous involvement was politically discounted. At the same time, this brought a number of challenges related to the cooperation of the V4 towards the Western Balkans and a reflection on their role in the regional cooperation in Central Europe.

Keywords: Berlin Process, EU enlargement, EU integration, Poland, V4, Western Balkans

The Western Balkans from the Polish Perspective

To understand the characteristics and the potential of the V4 cooperation in the Balkans, with Poland participating in the Berlin Process, it is worth briefly looking at the determinants of Poland's policy towards the Western Balkan region. Although Warsaw is farther from the Balkans than Budapest, Bratislava and even Prague are, the

Balkans are still not too far away from Poland. It is just as far from Warsaw to Belgrade as from Warsaw to Brussels. There is also a certain historical and cultural closeness between Poland and the Balkans. In the 19th century, the southern part of Poland belonged to the Habsburg monarchy along with part of the Balkan territories. There was a significant amount of mutual interaction and tradition. Politically, Poland was present in the Balkan region even when it was not on the map.¹

In the interwar period, after regaining independence in 1918, Poland looked at the Balkans as an area important to it from the perspective of security. Polish people associated their hopes during the Second World War with the Balkans. Winston Churchill's plan for a Balkan Allied invasion was an alternative scenario that would liberate Poland and bring real independence, not communist, Soviet enslavement. This plan is still popular in Polish discussions about the Second World War. After the war, many migrants from the Balkans came to Poland. At first, they were returning emigrants, mainly Polish settlers from Bosnia and Herzegovina. Currently, around 20,000 descendants of these returnees from Bosnia live near Boleslawiec in Western Poland, close to the German border. 12,000 refugees - Macedonians and Greeks - came to Poland after the end of the civil war in Greece.

From the beginning, Poland was also involved in international activities during armed conflicts in Yugoslavia. The first Polish non-communist PM after 1989, Tadeusz Mazowiecki, was the UN Special Rapporteur on the situation of human rights in the former Yugoslavia. After the Srebrenica massacre in 1995, he resigned from his function and announced a report on human rights violations by all parties to the conflict. We had large contingents of the Polish army in the international forces in Croatia, in Bosnia and Herzegovina, in Macedonia, in Kosovo. In 1997, Polish special forces caught the first war criminal in the Balkans in Eastern Slavonia, who was subsequently transferred to The Hague (Borger, 2016).

Stabilisation and Security

Joining the Berlin Process was an opportunity to discount the long-term Polish political and practical engagement in the Balkans. Poland has always been strong in Balkan missions as a stabilising factor, but unfortunately the political benefits of this were not

1 During the partition of Poland, the very active policy of the Balkans was led by Prince Adam Czartoryski - the "uncrowned king and unofficial foreign minister" of a non-existent Poland. In a distorted version, Czartoryski's ideas for the Balkan union can be seen in the famous Serbian political program Načertanije of Ilija Garašanin.



too great. Polish forces are still present in Kosovo. Initially, we had a robust contingent of 800 soldiers; currently in KFOR there are 240 Polish soldiers. Hungary has 385 soldiers in KFOR. The UK has 23 soldiers, the Czech Republic has a symbolic contingent of 10 soldiers and Slovakia withdrew from KFOR in 2010. We have also a special unit of the Polish police (nearly 100 people) in Kosovo. It is the largest component of the EULEX mission in their provision of security as a second responder after the Kosovo police and before KFOR (Mitrovica Formed Police Unit).

Poland believes that KFOR has not completed its mission and that it is still very relevant for Kosovo, NATO and Serbia. Serbian Foreign Minister Ivica Dačić has said many times that it is important that the mandate of the KFOR mission is fully implemented and that KFOR is the main guarantor of the Serb population in Kosovo. In the spring of 2013, after signing the Serbian-Kosovo agreement, Dačić assured the Serbs in Kosovo that the Poles from KFOR would defend their security. Poles are still seen as welcome there. Nevertheless, Poland, along with the UK (and also Sweden and the Baltic states), has many objections to negotiate chapter 31 with Serbia (foreign, security and defence policy), which in recent years has become no less problematic than chapters 23 (the judiciary and fundamental rights) and 24 (justice, freedom and security). Counteracting revisionism is also an important imperative of Polish policy in the region. Poland is particularly sensitive to questioning the territorial order in Europe. This was also the reason why President Lech Kaczyński had a problem with recognising Kosovo (Wiśniewski, 2019). He was afraid of the use of this precedent by Russia in Georgia. The Russian aggression against Ukraine, the annexation of Crimea, as well as the rise of populist movements in Europe, even increased the awareness of revisionism. It is also the reason why in Poland ideas such as swapping the territories are treated with reluctance.

Apart from these doctrinal elements, I think Poland can often play the role of an honest broker in the region: there are no extensive Polish investments in the energy sector in the Balkan countries, we do not invest in the arms sector in Serbia, we do not have open international arbitration procedures against any country in the region. Polish support for individual countries in the EU or NATO enlargement process is not dependent on particular business interests. And we do not have Polish minority there.

There is a belief in Poland that the possible destabilisation of the Balkans, possibly with a role played by external actors, would result in disastrous consequences for security in Europe and compromise the efforts of institutions - NATO and the EU

- which Poland is determined to see as the pillars of its security. That is why the international community must remain strongly engaged in Kosovo, but also in Bosnia and Herzegovina, particularly as mounting political, economic and social tensions could have appalling humanitarian and security consequences for the country and for the region as a whole. It is often stressed that “no amount of international support can substitute the political will of Bosnian politicians. If politicians in BiH are serious about their stated goal of joining the Euro-Atlantic community, they must be prepared to revisit their entrenched positions” (Waszczykowski, 2013). Although the security situation in BiH continued to remain stable for a long time, before 2014, there were some divergent opinions in the EU (and V4) in this case, and Poland supported the maintenance of EUFOR Althea operation with an executive mandate. Originally, the Polish contingent in BiH had about 660 soldiers (IFOR), now it is 50 soldiers in the EU Althea mission, and in practice - about 35 soldiers, including the Polish Liaison and Observation Team (LOT) in Doboje.

Poland has been devoting more attention to this region, both in the context of broader policy issues in the EU and NATO, and in the bilateral and regional dimension. Although in the Polish program documents, the Western Balkans do not occupy such exposed places as is the case of its V4 partners, the stabilisation of the Western Balkan countries and their integration with the EU was repeatedly the subject of reflection on the implications of this process for Polish interests (UKIE, 2008). The stabilisation and integration of the region, however, was also considered as one of the aspects of regional cooperation pursued by Poland, including in the V4 (Gniazdowski, 2008; Żornaczuk, 2009). It was clear many years ago, that Poland’s ignoring of Balkan matters or its viewing them as “competition” to V4’s eastern interests would weaken that group’s clout. Besides, in this situation, Poland would have less opportunity to influence other Central European states on matters that are important to it, especially those relating to its EU neighbours.

Processes in the Western Balkans are not the only challenge for Polish policy in the EU and NATO. Area measures implemented through national and regional cooperation instruments are also increasingly becoming a challenge. In June 2014, the government adopted the Guidelines of the Government of the Republic of Poland towards the Western Balkans. Its implementation by individual ministries aims to strengthen the reputation of Poland as a valuable partner in the process of integration with the EU (including the expansion of the grid cooperation in sharing experience from the accession negotiations), to strengthen economic exchange, public diplomacy, the



development of transport links, the implementation of Polish interests in the area of energy security and risks related to organised crime, terrorism and illegal migration (Polish MFA, 2014a). In the Polish policy towards the Western Balkans, broadly understood security issues are still important. Polish Prime Minister Mateusz Morawiecki said in May 2018 in Sofia during the EU summit that Poland is among the countries which argue that the advantages of the Western Balkan states joining far outweigh the risks. According to Morawiecki, this is important from the strategic, geopolitical, energy security, cyber security and migration security perspective (PAP, 2018a).

Poland together with its V4 partners belongs to the advocates of EU enlargement. Poland strongly supports EU enlargement and the countries of the Western Balkans in their integration efforts and introduced some practical instruments in this area. Poland has bilateral regular conferences with North Macedonia, Albania and Serbia - annual expert meetings with government officials to exchange practical experience on the enlargement process. These Skopje, Tirana and Belgrade conferences are based on the experience of the Utrecht Conferences - the Netherlands' tacit support for Poland during the accession process to the EU. The Enlargement Academy has been organised by the Polish MFA in Poland since 2015. It is an annual programme addressed to officials from all the Western Balkan states. Polish experts also participate in the German-led project to build the Kosovo administration's capacity for EU integration. The Western Balkans is not receiving significant Polish development assistance, but the Polish MFA established a new grant line for Polish public diplomacy on the Western Balkans (1 mln zloty - ca. €235000), starting in 2020 (Sejm RP, 2020).

The role of Poland's economic cooperation with the Western Balkan countries is also growing. Polish companies are present there, including in ports, in logistics. Infrastructure connections are improving. Certain possibilities will also be achieved by combining the Via Carpatia North-South route with Serbia and other countries of the Western Balkans region. LOT Polish Airlines is constantly increasing the number of connections with the countries of the region. The Balkans is also one of the favourite destinations of Polish tourists (especially Albania). Polish support for the enlargement process has the consent of all political parties and society. The Balkans are simply popular in Poland - culture, music, film, cuisine, history... Friendliness and friendship with the peoples of this area prevail over fears. There is no Serbophobia in Poland, no Albanophobia. According to the last Eurobarometer, Poland has a very high level of support for EU enlargement policy (66 percent of Polish people are in favour of enlargement and 23 percent are against). The situation is similar in Hungary

(62 percent for and 31 percent against). It is worse in Slovakia (only 47 percent for, and 41 percent against) and very bad in the Czech Republic, where the number of opponents of enlargement far exceeds the number of supporters - 34 percent for and as much as 54 percent against (European Commission, Public Opinion, 2019).

The Western Balkan Dimension of Visegrad Cooperation

The Balkans also play an important role in Polish regional activity in Central Europe. This is an important topic in the cooperation of V4 and a permanent element of cooperation in the “V4 +” format. The Balkans have always played a key role in the policy of our closest regional partners: the Czech Republic, Slovakia and Hungary. Poland is not concentrated entirely on the East - the Balkans are also a matter of Central European solidarity. We already pass on experiences from good regional cooperation to the Balkans - as the V4, we supported the creation of the Western Balkans Fund, which is supported and modelled on the International Visegrad Fund. The Western Balkans is also an important topic in the V4 cooperation with Slovenia and Croatia, and Romania and Bulgaria.

On the political level, the Visegrad Group has proved to be a committed advocate of the region in the EU and a supporter of the integration ambitions of the Western Balkans countries. As noted by the Serbian expert Jelica Minić, the V4 “can better understand the problems of the Western Balkans and approach them on a more equal footing than other big European Countries” (Tacconi, 2015). Poland, along with its partners from the V4, can serve as an example of a relatively successful transformation and the benefits of integration. Polish Foreign Minister Jacek Czaputowicz said in London that “It is easier for us to reach with some message and suggestion of reforms - we know the starting point better than some Western countries, that’s why our knowledge and experience can be valuable” (PAP, 2018b).

Why Poland in the Berlin Process?

The Berlin Process is an initiative supporting regional cooperation and the economic development of the Western Balkans and complementing the EU enlargement policy. The Berlin Process was inaugurated by a meeting of the heads of government in Berlin in 2014, with further summits taking place in Vienna (2015), Paris (2016), Trieste (2017) and London (2018). This collaboration framework encompasses the



Western Balkans region - which consists of candidates and potential candidates aspiring to EU membership: Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia - as well as several EU member states: Austria, Bulgaria, Croatia, France, Germany, Greece, Italy, Poland, Slovenia (and the United Kingdom). Actions undertaken in the Berlin Process also involve the European Commission, international financial institutions, and international and regional organisations.

Polish Prime Minister Beata Szydło received the invitation for Poland to the Berlin Process offer from German Chancellor Angela Merkel at the Hannover Messe in April 2017. Poland joined the process in 2018 following an invitation from the German Chancellor Angela Merkel, taking part in the summit in London and the accompanying meetings on the ministerial level. In 2019, Poland presided over the Berlin Process and organised the Western Balkans Summit in Poznań.

Because Germany plays a leading role in the Berlin Process, Chancellor Merkel's offer to Poland was perceived as a part of the attempt to improve Polish-German relations, and was welcomed in Warsaw. A silent topic of reflection since then, however, remains: Why was only Poland invited, not the entire V4? Only Germans can answer this question, and probably only those who were employed at the Chancellor's Office at the time. Comments on this subject by diplomats from Germany and other countries are often strange and contradictory. The arguments that Poland was the "easier" partner in Balkan policy for Germany, because the Polish government attaches a smaller role to this region and enlargement policy, are unconvincing. It may also sometimes be heard, even from high-level diplomats in Central Europe, that Poland demanded a place in the Berlin Process; this is also false. The key to understanding the situation of the exclusive invitation could probably be the German concerns about the coordination of the V4 and Austria in the migration crisis.

For Poland, the invitation was an opportunity to strengthen the cooperation with Germany and other Western European countries. The opportunity to discount the long-term political engagement in the Balkans was also a major draw. The issue of further coordination of regional cooperation for the Western Balkans with countries outside the Berlin Process, especially in the V4, remained as a political and practical challenge. There have also been some shortcomings in honest communication in this area. However, it is not true that no attempts at joint efforts of the V4 and Berlin Process have been made by the Polish side. Finally, there was the invitation to the Western Balkans Summit in Poland for the Czech Prime Minister (or Deputy Prime

Minister) in the name of the incoming V4 presidency, but it was not accepted by the Czech side. There were also invitations for Czech, Hungarian and Slovak experts to the Rzeszów Forum, as well as for expert and civil society events.

The Berlin Process, V4 and EU Enlargement Support

Poland has repeatedly emphasised that the Berlin Process is not a surrogate or replacement for enlargement. In June, Poland initiated a declaration of 13 EU countries calling for accelerated EU enlargement and the opening of accession talks with Albania and North Macedonia (Polish MFA, 2019a). All the V4 partners were also signatories to this declaration. During the summit in Poznań, President of Poland Andrzej Duda expressed criticism of the delay of the accession talks with Albania and North Macedonia.

The Polish engagement in preparing the summit and the vocal support for EU enlargement was appreciated by the Western Balkan Countries (Bobić, 2019). Poland started preparation for the summit with a broad consultation with the different stakeholders from the Western Balkans region. Moreover, the structure of the summit in Poznań, compared to the previous summits, ensured large interaction between politicians, business people, experts and civil society representatives. The former EU ambassador to Skopje said: “this summit certainly marked a qualitative step both in the wide range of representatives it brought together from think tanks, the business community and civil society, and in the interaction with political leaders attending the summit” (Fouéré, 2019). The representatives of think tanks and the Balkan non-governmental sector were invited to the meeting with the Ministries of Foreign Affairs. According to Jovana Marović (2019), “Poles showed great confidence in what the Balkan non-governmental sector could bring to the table.”

There were four priority areas of the Polish Presidency in the Berlin Process: the economy, the connectivity, civil society/youth and the security. The latter topic was particularly important in cooperation with the UK, who organised the previous Western Balkans Summit in London. Poland continued the activities developed by the UK in the area of security, including anti-corruption activities and combating organised crime. In March in Warsaw, the Polish MFA in cooperation with the British Embassy in Poland and the Global Initiative organised the seminar *From London to Poznań: Anti-corruption pledges, countering organised crime and the role of civil society in the Berlin Process*. It was a follow-up meeting to monitor the commitments made by the Western Balkans to address



corruption during the summit in London. Poland also supported the WB Organised Crime Observatory financially in the framework of the Global Initiative. The Polish Ministry of the Interior organised also two seminars devoted to combating drug-related crime and human trafficking. Another area of cooperation in this field is the joint support for the continuation of the implementation of a Regional Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of small arms and light weapons and their ammunition in the Western Balkans by 2024⁷ ('the Roadmap') adopted in July 2018.

In addition to security issues, continued at the working level during the Polish Presidency, there were also areas with innovation potential that created added value and can be developed in cooperation with partners from V4. Inside the connectivity agenda, the regions and cross-border cooperation was an innovative element in the Berlin Process and it is also an unexploited field of potential V4 cooperation towards the Western Balkans. The main activity of the Polish presidency in this area was the Forum of the Cities and Regions in Rzeszów. This was an event organised by the Polish Ministry of Regional Development and Investment in cooperation with the Network of Associations of Local Authorities of South-East Europe (NALAS) and the Association of Polish Cities. It was focused on using EU funds, regional development and cross-border cooperation. According to the NALAS (2019) press release: "thanks to the initiative of the Polish Presidency of the Berlin process, Rzeszów opened up the opportunity to firmly anchor local governments in the framework of the Berlin Process as a Polish legacy." NALAS concluded that the Polish experience is an example and a role model to be emulated for the Western Balkans, and stressed the success of Poland in socio-economic development, using EU support and the decentralisation process where local governments contributed decisively.

The areas which link Poland, the Berlin Process and the V4 could be the cooperation between cities and regions and cross-border cooperation. This potential has not yet been activated. Here, in the V4, we could be more open to a common transfer of experience. Study visits on cross-border cooperation and border management, implemented in Poland as part of the V4 Civil Servant Mobility Program instrument (study trips organised by the Centre for Eastern Studies for groups from Serbia, Montenegro, Macedonia and Albania) brought good results and confirmed the big potential in Central Europe in this area. For the Western Balkans area, the development of cross-border cooperation is a crucial issue. When we look at the map of the Western Balkans, these are mostly small countries whose territories are completely or almost entirely affected by the impact of cross-border links. A lot of problems in the Balkan states are connected with the

problems of cross-border cooperation. And a key to many solutions is in the cross-border cooperation - it is also an important part of the connectivity agenda in the Berlin process. Just some examples: facilitating the crossing of the border; the elimination of infrastructure bottlenecks, better public transport connections; the reconstruction of energy networks; trans-border ecological problems - air and water quality, water scarcity, trans-border problems related to crisis management - especially floods; strengthening cross-border cooperation is often the only chance for a developmental impulse for peripheral regions. Furthermore, strengthening cross-border cooperation is an investment in people-to-people contacts, building trust and strengthening business contacts - especially small and medium-sized enterprises. We have in V4 good experiences in these fields and it is worth considering how to use this potential in order to exploit this capital for effective cooperation for the Balkans. This should be a task for Poland and our neighbours (especially in V4), but probably also a topic for cooperation with the EC.

The element of the Polish presence in the Berlin Process which managed to increase V4 input was the cooperation of think tanks. Two editions of the Think Tank Forum were organised by the Centre for Eastern Studies (OSW) with the Institute for Democracy Societas Civilis Skopje (IDSCS) and other Western Balkan think tanks in cooperation with the Polish MFA in Skopje in May and just ahead of the Western Balkans Summit in Poznań (OSW, 2019). V4 partners were included in all of the think tank activities and the Western Balkans agenda were present in the activities of the Think Visegrad consortium (OSW, 2019). Thanks to the Slovak hosts, the annual forum of the Think Visegrad consortium in Bratislava was devoted to the Western Balkans. It was a side event of the ministerial V4+Western Balkans meeting (SFPA, 2019).

The V4's political cooperation for EU enlargement continued during the Polish presidency of the Berlin Process. The V4 countries remained very active supporters of enlargement. Before the European Council meeting on October 15, 2019, Polish Foreign Minister Jacek Czaputowicz co-authored an op-ed with fellow V4 foreign ministers supporting enlargement. According to their letter, the EU should “reaffirm its commitment to the stability, security, democracy and prosperity of the region. And it will acknowledge the fact that only through the integration of the Western Balkans can the EU be complete and its long-term interests properly safeguarded” (V4 Foreign Ministers, 2019). In a joint letter with the V4 partners, Prime Minister Mateusz Morawiecki also tried to convince other European leaders to begin the process. The V4 prime ministers (2019) stressed, that “we have to honour our commitments; the time to act geopolitically is now.”



The practical cooperation in the Balkan dimension of the V4 in 2019 was slightly influenced by the atmosphere of a certain reserve - especially among some diplomats - to deepen cooperation in V4, as well as a certain distance to Poland's involvement in the Balkans. This resulted from suspicion about the exclusive invitation for Poland to the Berlin Process. In some cases, the general reluctance to deepen the cooperation with Poland (and also with Hungary) due to disputes with EU institutions was also important. The jealous nurturing of national and business influences and particular interests was also significant, on the other hand, there are also some concerns - including in the Western Balkans - about Hungary's Balkan policy, with accusations that it is "hijacking V4" for its own purposes. There were also doubts about the strength of the V4 brand in the Balkans, after disputes in the EU regarding the migration crisis. However, experts from Balkan think tanks had fewer objections regarding the joint use of V4's potential. One of the studies stated explicitly that raising the question whether V4 and WB6 cooperation can be useful at all is clearly the wrong approach: "What is needed is not less cooperation between regions that have gone or will go through the progress of EU accession. Instead, it is time for new structures and tools for cooperation" (Kirschner, 2019).

Our friends from the Balkan think tanks and regions are mostly supporters of the idea of V4 and WB6 cooperation. From their perspective, it is even a good time for new structures and tools for cooperation. In OSW, we worked on some proposals in this field. Along with our partners from the Think Visegrad consortium, we prepared the idea of structured civil society and think tank cooperation. It was an idea to establish a WB think tanks cooperation network based on the Think Visegrad model. However, the Polish initiative and joint Think Visegrad proposal for International Visegrad Fund did not get the clear support of the some V4 and Western Balkans diplomats. Most likely this initiative was incorrectly recognised as a competition to the Western Balkans Fund.

Conclusions

The potential of Visegrad political cooperation, while limited, can nonetheless be particularly useful for defending and promoting the idea of the EU's "open door policy." The V4 states have similar views on this matter. Whenever the EU's crises and internal problems diverted the attention of member states away from the enlargement policy, the state of the V4 countries stressed that this policy is among the most efficient in the EU and is the most effective tool for the transformation of the countries in the EU's

southern and eastern neighbourhood (Gniazdowski & Strážay, 2016). For years, each of the programmes of the V4 Annual Presidency has also included a cooperation in support of the Western Balkans. The common goal of the V4 is to support NATO, and the EU's "open door policy." The V4 countries encourage countries in the Western Balkans region to intensify their reform efforts and assist them with their experience of the transition period and accession.

Polish involvement in the Berlin Process has shown that Poland does not treat the Western Balkans instrumentally. The enlargement of the European Union is perceived by the Polish government "as one of the strategic challenges whose effectiveness will determine the EU's strength and significance for many years to come" (Polish MFA, 2019b). According to the IFAT experts, as the only V4 member of the Berlin Process, Poland has started to be a very important promoter of EU enlargement in the Western Balkans (KKI, 2020). Therefore, some emphasis will be placed on the Western Balkan matters also in the programme of Poland's presidency of the Visegrad Group, commencing in July 2020.



Bibliography

- Bobić, M. (2019). Poznań Summit in retrospect: Notable successes and missed opportunities. *European Western Balkans*, July 18. Retrieved from <https://europeanwesternbalkans.com/2019/07/18/poznan-summit-in-retrospect-notable-successes-and-missed-opportunities/> [Accessed February 16, 2020].
- Borger, J. (2016). *The Butcher's Trail: How the Search for Balkan War Criminals Became the World's Most Successful Manhunt*. New York: Other Press, 28-31.
- European Commission, Public Opinion. (2019). *Standard Eurobarometer 90*. Retrieved from <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/standard/surveyky/2215> [Accessed February 16, 2020].
- Fouéré, E. (2019). After the Poznań Summit, Uncertainty Remains for the Western Balkans. *European Western Balkans*, July 18. Retrieved from <https://europeanwesternbalkans.com/2019/07/18/after-the-poznan-summit-uncertainty-remains-for-the-western-balkans/> [Accessed February 16, 2020].
- Glica, H. (2007). POLUKR Battalion. *NATO*, July 13. Retrieved from https://www.nato.int/Kfor/chronicle/2001/nr_011224.htm [Accessed February 16, 2020].
- Gniazdowski, M. (2008). Western Balkans: A Matter of Central European Solidarity. *The Polish Quarterly of International Affairs*, (2), 74-78.
- Gniazdowski, M., & Strážay, T. (2016). Visegrad Cooperation and Bosnia & Herzegovina: Challenges and Opportunities. In M. Szpala (ed.), *Paradoxes of Stabilisation. Bosnia and Herzegovina from the Perspective of Central Europe*, Warsaw: Centre for Eastern Studies, pp. 139-157.
- Baksa, B., Pál, B., Sászi, Á., & Varga, G. (2020). The Value of Central Europe on Donald Trump's Map: Cooperation and Divergence on Regional Issues (1). *KKI Policy Brief*, E-2020/09. Retrieved from https://kki.hu/wp-content/uploads/2020/01/E-2020-09_C-EUR-Trump_1.pdf [Accessed February 16, 2020].
- Marović, J. (2019). Notes from Poznan for the Western Balkans: Colourful but Discouraging. *The Balkans in Europe Policy Advisory Group*, July 9. Retrieved from <https://biepag.eu/notes-from-poznan-for-the-western-balkans-colourful-but-discouraging/> [Accessed February 16, 2020].

- NALAS. (2019). *The Forum of Cities and Regions - Involving Local Government Associations at regional and national level as strategic dialogue partners*. Retrieved from <http://www.nalas.eu/News/PanelRzeszow> [Accessed February 16, 2020].
- OSW. (2019). *Think Tank Forum - Cooperation of expert organisations in the Berlin Process*. Retrieved from <https://www.osw.waw.pl/en/projekty/think-tank-forum-cooperation-expert-organisations-berlin-process> [Accessed February 16, 2020].
- PAP. (2018a). *Premier: Polska na szczycie UE za wyciągnięciem dłoni do Bałkanów Zachodnich*. May 17. Retrieved from <https://www.pap.pl/aktualnosci/news%2C1417128%2Cpremier-polska-na-szczycie-ue-za-wyciagnieciem-dloni-do-balkanow-zachodnich.html> [Accessed February 16, 2020].
- PAP. (2018b). *Szefowie MSZ i MSW na szczycie wspierającym Bałkany Zachodnie*. July 9. Retrieved from <https://www.gazetaprawna.pl/artykuly/1168415,szefowie-msz-i-msw-na-szczycie-wspierajacym-balkany-zachodnie.html> [Accessed February 16, 2020].
- Polish MFA. (2014a). *Komunikat nr 22/2014 nt. prac Komitetu do Spraw Europejskich w okresie*. June 2 - 6. Retrieved from <https://msz.gov.pl/resource/4047ff09-f318-4c84-97c6-66e34ec7dbb3:JCR> [Accessed February 16, 2020].
- Polish MFA. (2014b). *Odpowiedź sekretarza stanu w Ministerstwie Spraw Zagranicznych - z upoważnienia ministra - na interpelację nr 29291 w sprawie korekty wyzwań dla polskiej polityki europejskiej na lata 2015-2025*. November 21. Retrieved from <http://www.sejm.gov.pl/sejm7.nsf/InterpelacjaTresc.xsp?key=722B5928> [Accessed February 16, 2020].
- Polish MFA. (2019a). *Joint Statement of the Foreign Ministers on the EU commitment to the Western Balkans' European integration*. June 11. Retrieved from <https://www.gov.pl/web/diplomacy/joint-statement-of-the-foreign-ministers-on-the-eu-commitment-to-the-western-balkans-european-integration> [Accessed February 16, 2020].
- Polish MFA. (2019b). *Towards a common Europe. Report on Polish presidency in the Berlin Process and the Western Balkans Summit*. Retrieved from <https://www.gov.pl/attachment/5ec42a01-4672-40de-b1ff-2636c9642046> [Accessed February 16, 2020].
- Research Forum. (2015). *European Integration of the Western Balkans - Can the Visegrad Group Countries Serve as Role Models*. Retrieved from <http://www.emins.org> [Accessed February 16, 2020].



- UKIE. (2008). *Balkany Zachodnie a integracja europejska. Perspektywy i implikacje*. Warszawa : Urząd Komitetu Integracji Europejskiej. Departament Analiz i Strategii, pp. 79-119. Retrieved from http://www.europedirect-katowice.pl/ed_stara_strona/dokumenty/1/balkany-zachodnie-a-integracja-europejska.pdf [Accessed February 16, 2020].
- Sejm RP. (2020). *Pełny zapis przebiegu posiedzenia Komisji Spraw Zagranicznych (nr 5) z dnia 15 stycznia 2020 r.* Retrieved from <http://orka.sejm.gov.pl/zapisy9.nsf/0/FA1322A65ED2752BC12584F60050548D/%24File/0016609.pdf> [Accessed February 16, 2020].
- SFPA. (2019). *Cooperation between V4 and the Western Balkans - what role for think tanks? - Think Visegrad mid-term conference 2019*. Retrieved from <http://www.sfpa.sk/event/cooperation-between-v4-and-the-western-balkans-what-role-for-think-?> [Accessed February 16, 2020].
- Tacconi, M. (2015). V4 and the Balkans. *Visegrad Insight*, 2(8), 77.
- V4 Foreign Ministers. (2019). *Let's move forward in the western Balkans*. Four EU foreign ministers call for accession talks with North Macedonia and Albania. October 14. Retrieved from <https://www.politico.eu/article/european-commission-western-balkans-north-macedonia-albania-accession-talks-eu/> [Accessed February 16, 2020].
- V4 Prime Ministers. (2019). *Letter of the Prime Ministers of the V4 Countries to Donald Tusk, President of the European Council; Jean-Claude Juncker, President of the European Commission; the Heads of States and Governments; the members of the European Council*. October 16. Retrieved from https://www.politico.eu/wp-content/uploads/2019/10/V4-PM_letter_enlargement_final.pdf [Accessed February 16, 2020].
- Waszczykowski, W. (2013). *The Western Balkans: Securing a Stable Future*. NATO Parliamentary Assembly, October 12. Retrieved from <https://www.nato-pa.int/sites/default/files/documents/2013%20-%2020143%20CDS%2013%20E%20REV1%20-%2020BALKANS%20-WASZCZYKOWSKI%20REPORT.doc> [Accessed February 16, 2020].
- Wiśniewski, J. (2019). Poland: Recognition, but No Diplomatic Relations with Kosovo. In I. Armakolas & J. Ker-Lindsay (eds.), *The Politics of Recognition and Engagement. EU Member State Relations with Kosovo*, Cham: Palgrave Macmillan, 103-122.
- Żornaczuk, T. (2009). Western Balkans in Poland's Foreign Policy. *Panorama of Global Security Environment 2009*. Bratislava: CENAA, 237-248.

Austrian Foreign Policy towards the Western Balkans: Bilateral Relations and EU Enlargement

Christina GRIESSLER

Research Fellow, Network for Political Communication, Andr ssy University Budapest

Abstract: This paper analysed the current bilateral relations between Austria and the countries of the Western Balkan region, in the context of the geographical and historical situation of Austria after World War II. Austria's foreign policy role was shaped by the reality of being a small, neutral state located between two ideologically incompatible political blocks during the Cold War. This experience still influences the Austrian foreign policy today. The hypothesis of the paper is that Austria's role has remained largely unchanged since 1955, and holds a benefit for its relations with the Western Balkans. An overview was provided on the political issues between Austria and Yugoslavia, on Austria's reaction to the dissolution of Yugoslavia, its support after the conflicts in the 1990s and current position on the EU enlargement. Additionally, the economic and social ties between Austria and the Western Balkans, and the Austrian participation in military missions in the region were briefly addressed. For this contribution academic articles, newspaper reports and official documents were used. Due to the fact that the Western Balkan region is located in the vicinity of Austria and to the long-established human, economic and political relations, the EU accession of the Western Balkans is a key priority for Austria.

Keywords: Austrian foreign policy, Yugoslavia, Western Balkans, EU enlargement

Introduction

This article addresses the Austrian foreign policy towards Yugoslavia, and later the Western Balkan region from 1955 to 2019. Austria's position on the EU Enlargement process of the remaining six Western Balkan states¹ is the focal point of this contribution.

1 i.e. Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia.



The historical scope of the paper is limited – it excludes the politics of the Austrian-Hungarian Dual Monarchy - due to the main argument that Austria's foreign policy behaviour was shaped from 1955 onwards. Austria regained its full sovereignty, when the State Treaty with the allied powers - France, USSR, USA and the UK - effectively ruling Austria after World War II was signed. In return for the withdrawal of all foreign troops from its territory, Austria agreed to become a neutral country and passed a corresponding law.

The historical legacies originating from the times of the Austrian-Hungarian Empire and after the World Wars, I have found their way into the historical narrative, than into the current political everyday relations with the states in the region. Austrian position to the Western Balkan countries relates to its role as a neutral smaller state and as a neighbour with a good understanding of the political developments in the region. The overview of the political issues and developments from 1955 provides a context to the importance of the region to Austria.

At the beginning, the paper explains the specific circumstances that influence the development of Austria's foreign policy. This is followed by the political background of the relations between Austria and Yugoslavia. A special attention is paid to the political developments in the year of 1989, which opened up a number of opportunities, as well as risks for Austria. Especially, the outbreak and the political attempts to address the violent conflict during the break-up of Yugoslavia, defined the relations between the new independent countries and Austria. The current situation is analysed along social, political and economic issues, thus it briefly mentions the Austrian participation in military operations under NATO, UN or EU command in the countries of the region.

The paper uses the term Western Balkans (WB) or Western Balkan Six (WB6) - although this term is contested, it is accepted as a technical term for the candidate and prospect candidate countries in the region. The Austrian Federal Ministry of Europe, Integration and Foreign Affairs rather refers to the Western Balkan region as South-Eastern Europe, which is a foreign priority region for the Austrian decision-makers, hence the political support for the EU accession of these counties is prevalent.

Austrian Foreign Policy: A Small State's Ability and Possibility

South-Eastern Europe is a key priority for Austrian foreign policy, but on what strategic considerations is this position based? What are the motives of the Austrian foreign policy? To respond these questions, an insight into the aspects, that are shaping foreign policy in general, is required. On one hand, we have objective factors such as size, location, population, economy, and on the other, subjective factors such as values, identity, history and the state's perceived role within the international community. States take up foreign policy roles, which are defined by their own perception, self-image, identity and by the other countries' expectation i.e. the international community. The *national role concept* is therefore rooted in the state's historical experience, cultural heritage and identity (Breuning, 2011) and in its relations with the international community. In general, foreign policy is value-based, hence the state's identity, self-perception and values define the foreign policy behaviour.

The key facts defining Austria are its small territorial and population size, geographical location in Central Europe - the "heart of Central Europe" -, strong economy and historical legacies - including experiences as a former multi-national monarchy, or as a weak and vulnerable democracy in the interwar period, an Austro-fascist country being part of the Nazi-Germany, with the responsibilities of participating in the holocaust, war atrocities and other crimes against humanity, or as a neutral state based on consociational democratic ideas.² After World War II, Austria had to position itself between the two cold war blocks. In 1955, as a precondition to the State Treaty, it declared itself neutral. Due to these specific circumstances, the Austrian interpretation of its own foreign policy role was to be a bridge builder and a mediator between the two political and ideological blocks. Neutrality, under Foreign Minister and later Chancellor Bruno Kreisky,³ was interpreted as an active policy concept. Therefore, Austria perceived its role as a foreign policy actor actively engaging in political dialogues and offering international organisations a home. Cede and Prosl (2015) claim that the main aspects of the Austrian foreign policy before the end of the Cold War were focused on the policy of active neutrality, the active neighbourhood policy, the strong engagement with human rights protection, the advocating of international law compliance, the policy of relaxation between the two blocks and on the humanitarian peacekeeping missions. However, Austria

2 The concept refers to a political system, where divisions in society are overcome by providing for an inclusive representation of the majority of groups in society and taking account of minority groups.

3 Bruno Kreisky served as Foreign Minister from 1959 to 1966 and was Chancellor from 1970 to 1983.



was well aware that its own security was depending on the mediation between the two blocks, as it was bordering on the countries of the “Eastern Block”. Especially, the popular uprisings in Hungary in 1956 and in Czechoslovakia in 1968 confirmed this presumption.

Wodak explains that during the Cold War period, foreign policy took place at three levels, which were determined by Austria’s geography: (1) relations towards its neighbours; (2) cooperation within Europe; (3) relations to the other countries world-wide (Wodak, 1976, p. 49). This stresses the importance of neighbourhood policy even in the Cold War, when Europe was politically divided. Consequently, Austria was one of the countries outside the communist block that could gain much experience from cooperating with the socialist countries (Steiner, 1977, p. 181-182). Kreisky’s policy towards the “Eastern Block” was based on the idea of containment of communism, but also on easing the tensions between the two blocs (Gehler, 2005, p. 294).

The guiding principle of Austrian foreign policy to facilitate political dialogue between different political systems led to the establishment of the predecessor organisation of the Central European Initiative, the Quadrangone - by Italy (a NATO member), Austria (a neutral country), Hungary (member of the Warsaw Pact) and SFR Yugoslavia (member of the Non-Aligned Movement) on November 11, 1989 in Budapest. The main aim of the organisation was to strengthen good neighbourly relations and to facilitate cooperation among its members (Wästfelt & Pibernik, 2017). In the following years, the organisation expanded to 18 members in the region. In May 2018, Austria withdrew its membership (Wölfl, 2018) to be able to refocus its capacities to other initiatives.

The changes in the political system and finally the end of Cold War in the late 1980s created new challenges for Austria. Especially, the conflict in former Yugoslavia raised questions about Austria’s military capacity and its status of neutrality. Since then, and particularly since its accession to the European Union (EU) in 1995, Austria was not able to clearly define a foreign policy strategy. However, its consistent and coherent support for the Western Balkans in achieving their European perspective of EU accession, as well as its military assistance in EU missions that take place in the region, are positively acknowledged by the countries there (Cede & Prosl, 2015, p. 14).

In the early 1990s, Austria's top priority was the accession to the EU, once this objective was achieved in 1995, it became more involved in regional initiatives with the post-communist countries (Cabada, 2018, p. 170 / Kiss, Königova & Luif 2003, p. 57), such as the already mentioned Central European Initiative or later the Regional Partnership. The initiation of the Regional Partnership in June 2001 was an Austrian attempt to form stronger alliances with the Central European countries, i.e. Czech Republic, Slovak Republic, Hungary, Slovenia and Poland (Kiss *et al.*, 2003, p. 64). In 1991, the Visegrad Group (V4) was established - consisting of Czech Republic, Hungary, Poland and Slovak Republic -, and extended its cooperation platform to V4+ format that enabled to invite neighbours, such as Austria, to participate in the meetings and selected activities. Regional cooperation has continued as a political strategy in Austrian foreign policy.

After Austria's EU accession, its foreign policy was aligned with the EU's foreign policy strategy, especially with the EU's Common Foreign and Security Policy, which limited the provisions for neutrality (Cede & Prosl, 2015, p. 11-12). In this regard, the Austrian government decided to participate in military mission for humanitarian causes under EU, UN or NATO command.

Austria was very much guided by its perception of an active "shareholder" (Plassnik, 2013, p. 55) of the EU. Hence, it would work along and within the EU guidelines, while "Austrian foreign politics have always had a strong regional component" (Plassnik 2013, p. 65).

Eastern Enlargement was a major topic of discussion in Austria, where the government's approach was to support the neighbouring countries in joining the union. This position was also adopted towards the countries of the Western Balkans. Austria's support of the European perspective for the countries in the region is seen as an investment into the regional stability (Federal Ministry for Integration, Europe and Foreign Affairs, n.d./a).

Consequently, political experiences, historical legacies, regional proximity and the long-standing relations with the countries in the Western Balkan region are influencing the way of how politics is conducted by Austria.



Relations with Yugoslavia

Its neutral status enabled Austria to cooperate with other neutral or non-aligned countries within the CSCE-Process,⁴ where Yugoslavia was an important representative. The Non-Aligned Movement (NAM) was initiated by India and officially established in Belgrade in 1961. Yugoslavia took on a leading role in the NAM. Austria and Yugoslavia followed similar positions on certain political issues.

Furthermore, Yugoslavia was an important neighbour of Austria. Tensions existed on the political level in relation to the treatment of the Slovenian minority and the full implementation of the minority protection in Austria as stated in Article 7 of the State Treaty of 1955. Issues, such as the provision of bilingual teaching in schools and topographical signage, were disputed and differently interpreted by Austria and Yugoslavia (Tollefson, 1981, pp. 305-306). These minority rights were partly resisted by the local population in Carinthia and this was demonstrated by removing the bilingual place name signs. Austria was heavily criticised by Yugoslavia for - according to their standpoint - not fulfilling the minority guarantees as mentioned in the State Treaty. A planned census to establish valid population data of Slovenes in Austria triggered a huge protest by Belgrade and a number of demonstrations in Yugoslavia against Austria. Slovenes demonstrating in Austria were arrested, which again worsened the situation (Browne, 1976). The inconsistency of data on the Slovenian minority, due to different use of denominations created a situation of distrust by the Slovenes in the Austrian government (Tollefson, 1981, p. 311). Still, the then Chancellor Bruno Kreisky tried to implement the minority rights against the opposition of the local German-speaking population and had a “good personal political relationship” with the Yugoslav leader Josip Broz Tito overall, according to his former secretary Wolfgang Petrisch (Buchacher, 2015).

Apart from the Slovene minority, Austria has also a recognised Croatian minority living in the Burgenland, the eastern part of the country. However, the Slovene-Austrian relations were strained, mainly due to the fact that Yugoslavia made territorial claims twice to parts of Carinthia, after both World Wars. After the dissolution of Yugoslavia, Slovenia claimed to be the legal successor of the Socialist Federal Republic of Yugoslavia in relation to Article 7 of the State Treaty. This interpretation was rejected as Slovenia as a state did not exist during World War II, however, Austria accepted the notion

4 Conference on Security and Cooperation in Europe (CSCE), renamed in the Organisation for Security and Cooperation in Europe (OSCE) in 1994.

that Slovenia had an interest in the well-being of the Slovene minority. The issue of the installation of the bilingual signs, which were the main controversial issue in Carinthia, was successfully addressed in 2011. In Carinthia, 164 municipalities have bilingual signs, and 16 municipalities have officially recognised Slovenian as the official language. (Cede & Prosl, 2015, p. 82)

Bilateral visits were important to ease the political tensions between the countries. The visit by Austrian Foreign Minister Bruno Kreisky to Belgrade in 1960 and a following visit of the Yugoslav Foreign Minister Popovic in Vienna improved the situation slightly, but the issue of the treatment of the Slovene minority troubled the bilateral-relations for years. Still, these important diplomatic visits led to the intensification of trade relations, the improvement of tourism and an agreement on cultural exchanges (Gehler, 2005, pp. 295-296.). Moreover, in 1966, the Interstate Agreement for the Employment of Yugoslav Employees in Austria (Anwerbeabkommen für "Gastarbeiter") took effect. Previously, Yugoslav citizens had already been the largest foreign community searching for employment in Austria, but with the agreement, it received an official status (Österreich1918Plus, n.d.). Furthermore, in the 1960s and 1970s, Yugoslavia became an important economic partner in South-Eastern Europe (Cede & Prosl, 2015, p. 82). And Yugoslavia became a popular destination for many Austrians for the summer holidays.

The funeral of Yugoslav President Josip Broz Tito on May 8, 1980 was attended by high Austrian representatives: the then President Rudolf Kirchschläger, the Chancellor Bruno Kreisky and the Minister of Foreign Affairs Willibald Pahr. Yugoslavia's politics turned nationalistic under the Serbian leadership of Slobodan Milošević, which consequently led to the violent breakup of the federation.

The Year of 1989 - New Challenges and Opportunities

Austria applied in June 1989 for membership to the European Community, a situation, which would not have been possible without the shifts in world politics. Due to its neutral status, Austria was not meant to join any western alliances, however, after summer 1989, the Soviet Union did not longer object that, due to its own internal problems. Around this time, in summer 1989, the events around the Pan-European Picnic and the escape of Eastern German citizens via Hungary and Austria were the confirmation that the political situation was changing. So, Austria's application for the EU membership was submitted even before the Berlin wall fell in November 1989.



The end of the Cold War provided a number of new opportunities due to the opening up of the countries at the eastern border and to Yugoslavia, which at the time was involved in some brutal wars, resulting in its dissolution. The first of the 1990s Balkan wars reached up to the Slovenian-Austrian border in summer 1991 and made Austrians aware of the security concerns and the challenges of being a target country of refugees from the area (Plassnik, 2013, p. 79). The Austrian army with approximately 7500 men was sent to secure the Austrian-Slovenian border, after there had been incidences resulting in two deaths at Bleiburg. The Yugoslav army also crossed into Austrian airspace, over the city of Graz in 1991 (Bundesministerium für Landesverteidigung, n.d.).

The recognition of Croatia's and Slovenia's independence created huge tensions within the coalition government at the time, consisting of the Social Democrats and the Austrian People's Party. Whereas the then social democratic Chancellor Franz Vranitzky preferred to be cautious, not to recognise the countries, hoping to prevent an escalation of the conflict, argued Foreign Minister Alois Mock from the People's Party that only the recognition would avoid further bloodshed. Mock tried to push the issue of recognition in Austria also with the members of the European Community (Plassnik, 2013, p.77), but by pursuing this path came in conflict with the Chancellor Vranitzky (Ultsch, 2011). Once it became apparent that other countries were going to recognise the independence of Croatia and Slovenia did the Austrian government follow suit and recognise both countries on January 15, 1991 (Der Standard, 2001). According to former Foreign Minister Plassnik, Mock's action "defined a guideline for Austrian foreign politics to this day: the reunification of Europe in freedom will only be achieved once all Balkan states have become EU members" (Plassnik, 2013, p.77).

As a reacting to the displacement of people in former Yugoslavia and the obvious need for assistance during the war, the Austrian Broadcasting Cooperation (ORF) jointly with the CARITAS and the Red Cross founded the initiative "Nachbar in Not" [Neighbour in Need] on May 26, 1992, which became a huge civil humanitarian organisation and was active throughout the Yugoslav wars from 1992 to 2002. The initiative continued to assist in other humanitarian crises (ORF, 2017).

Austria's Engagement for EU Enlargement

The Eastern Enlargement of 2004 was supported by the Austrian government, as it was seen as a “historical opportunity” (Plassnik, 2013, p. 71), mainly due to the regional proximity of the majority of accession countries and the economic interest of Austrian companies in the neighbouring region. This policy position was also upheld towards the region of the Western Balkans, whereby the historical legacy and geographical proximity, similarly to the situation of the Central European states, support this regional foreign policy focus.

According to the website of the Federal Ministry for Europe, Integration and Foreign Affairs Austria is closely linked to the region of South-Eastern Europe due to its historic, economic and cultural ties:

For instance, more than half a million Austrians have their roots in this part of Europe. Austrian foreign policy has therefore always attached particular importance to the region in which it is also among the biggest sources of foreign investment.” (Federal Ministry for Europe, Integration and Foreign Affairs, n.d./b).

Austria has mainly security and economic interests in the region (Saito, 2015). Hence, the primary goal of the Austrian foreign policy is to support the development of the region to an area of stability and democracy. This should be achieved by “the inclusion of the whole region in the process of European integration. It is in the interest of Austria and Europe as a whole to firmly embed the future of South-East Europe in the European Union through a concrete and realistic European perspective” (Federal Ministry for Europe, Integration and Foreign Affairs, n.d./b). Former Foreign Minister Ursula Plassnik⁵ states that “(i)n the quarter century since 1989, Austrian support of the Balkans has remained a priority not only for every administration but also for every government minister” and “(...) Austria enjoys a reputation for expertise and analytical skills with regards to the Balkans” (Plassnik, 2013, p. 78). Austria is seen as a “driver” of EU enlargement towards the Western Balkans (Saito, 2015, p. 11).

During the first Austrian EU Presidency in the second half of 1998 (July – December 1998) under the leadership of the Social Democrats and Conservative coalition government, the main issue on the agenda at the time was the so-called

5 Minister of Foreign Affairs from October 20, 2004 to December 2, 2008.



Eastern Enlargement (Parlament, 1998). However, the conflict in Kosovo had to be discussed at the European level, a ceasefire was agreed in Kosovo and the EU decided to provide a financial support of 50 million euros. A possible NATO attack on Serbian troops in Kosovo and on Serbia was fervently debated, but the decision was taken at a later stage during the subsequent German presidency (Plassnik, 2013, p. 74).

From the early 2000s, the Western Balkan region increasingly came into the focus of Austria's foreign policy. The primary interest lays in the security, including the political stabilisation, the fight against crime and migration control, and the economic interest (Saito, 2015, p. 20). During that time, the former Vice-Chancellor Erhard Busek was appointed as the Special Coordinator of the Stability Pact for South-Eastern Europe by the EU and served in this position from 2002 to 2008, which merged with the Regional Cooperation Council (RCC) in 2008. Previously, Busek was the Coordinator of the South-East European Cooperative Initiative (SECI) established in 1996.

Austria held its second EU Presidency in the first half of 2006 (January – June 2006). The Western Balkan countries were declared as a “particular foreign policy priority for the Austrian Presidency” (Federal Ministry of Foreign Affairs, 2006, p. 25). The presidency's document stated:

“In June 2005, the European Council reaffirmed that all the Balkan States have a “European perspective” and thus the possibility to accede to the EU, provided they satisfy the conditions for membership. Austria has always supported this policy. We are convinced that the future of all the countries in the Western Balkans lies within the European Union.” (Federal Ministry of Foreign Affairs, 2006).

At the time of the EU presidency, the Eastern Enlargement had taken place, Romania and Bulgaria had signed their accession treaties and Croatia and Turkey started their accession negotiations in October 2005. The Austrian agenda included the decision on opening negotiations with Macedonia. Montenegro's citizens decided in May 2006 in a referendum to become independent from the State Union with Serbia. Both countries were involved in negotiations on the Stabilisation and Association Agreement (SAA), which continued during the Austrian presidency. Austria stressed that it expected Serbia and Montenegro to fully cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY). Moreover, Austria officially supported the ongoing negotiation on the future of Kosovo under the leadership of Martti Ahtisaari as special envoy, and the start of the talks on the SAA with Bosnia and Herzegovina (Federal Ministry of Foreign Affairs, 2006). Unfortunately, the negotiations with BiH

on the SAA were not started during the Austrian presidency. However, the signing of the SAA with Albania took place on June 12, 2006. The informal meeting of the EU foreign ministers (the so-called *Gymnich meeting*), held in Salzburg on March 10-11, 2006, focused on the European perspective of the Western Balkans (Euractiv, 2012). The then Foreign Minister Ursula Plassnik remembered the eerie atmosphere among the group of state leaders at the day, when it became known that Milošević had died in Den Hague (Plassnik, 2013, p. 77). On the security front, the EU's military operation, the EUFOR-Althea in Bosnia and Herzegovina was scheduled to be reviewed during the presidency (Federal Ministry of Foreign Affairs, 2006).

From 2008 onwards, “the Balkans’ European future has become the trademark of Austria’s commitment” within the EU and other international organisations such as the UN (Plassnik, 2013, p. 78). In 2010, then Foreign Minister Michael Spindelegger together with his Greek counterpart, Giorgos Papandreu announced the “West-Balkan Year 2010” (*Westbalkan-Jahr 2010*) to regain the attention of the EU countries for the region (Federal Ministry for Europe, Integration and Foreign Affairs, 2010). The objective was the accession of all the Western Balkan countries to the EU by the end of 2020, as this would “create a zone of stability and prosperity in our neighbourhood” (Federal Ministry for Europe, Integration and Foreign Affairs, 2010).

The programme of the third EU presidency of Austria, taking place during the second half of 2018 (July – December 2018), listed EU enlargement as a priority. The programme had a reference to the special situation of Austria to the region; “(...) we are also linked by a common historical and cultural heritage. It is in the interest of Austria’s and Europe’s economy and security that the future of the Western Balkans / South-Eastern Europe lies within the European Union” (EU2018, 2018, p. 9). The Austrian Presidency aimed to work with its European partners to develop “a concrete EU perspective for all Western Balkan / South-Eastern European states based on clear criteria relating to their individual performance and work on achieving measurable progress (EU2018, 2018, p. 9). Austria in its role as the host of the EU meetings defined its understanding of responsibilities due to “its geographic location in the heart of the EU, its obligation of neutrality and in line with its traditional role as bridge builder, Austria will endeavour to contribute to the unity within the EU during its Council Presidency” (EU2018, 2018, p. 6).

In 2014, Austria was one of the countries to join the so-called Berlin Process, which was initiated by German Chancellor Angela Merkel to re-energise the EU enlargement process. This initiative became necessary after European Commission President



Jean-Claude Juncker announced in a speech in July 2015 that there would be no enlargement during his mandate (Juncker, 2014). Austria hosted the second summit of the Berlin Process in 2015, which was attended by representatives of the WB6 countries, Croatia, Slovenia, Germany, France, Italy and the European Commission. The main priority of the summit was on issues of establishing good neighbourly relations, clarifying border demarcations, migration and civil society (Marciacq, 2017). The participants from the Western Balkan states signed a declaration for “Regional Cooperation and the solution of Bilateral Disputes” which expressed a clear commitment from the Western Balkan leaders to address the open disputes on bilateral issues (Federal Ministry for Europe, Integration and Foreign Affairs, 2015). Moreover, the Civil Society Forum (CSF) was established at the Vienna Summit, which took place in meetings aside of the main summit. The Berlin Process was extended, and after summits in Berlin (2014), Vienna (2015), Paris (2016), Trieste (2017), London (2018) and Poznan (2019), the next summit is jointly hosted by Bulgaria and North Macedonia in 2020.

After the announcement at the EU summit in October 2019 - that France, the Netherlands and Denmark will not support the opening of EU negotiation talks with Albania and North Macedonia -, the Austrian Foreign Minister Schallerberg initiated a process to find a way to address the concerns of the EU members, and stressed the necessity of rapprochement of the Western Balkan countries to the EU (Die Presse, 2019). In relation to France’s demand of reforming the accession process, he stated that: “We are ready for a reform of the EU enlargement process; there is always room for improvement, but that must not lead to a delaying tactic regarding North Macedonia and Albania and their European perspective” (Politico, 2019). Before the summit in October, Schallerberg visited both countries to reaffirm Austria’s support for the countries’ efforts in joining the EU (Federal Ministry for Europe, Integration and Foreign Affairs, 2019). These activities are a proof that Austrian foreign policy will extend its focus on the region to ensure the successful accomplishment of the Western Balkan countries’ EU accession in the near future. The EU membership of the Western Balkan countries is seen as a guarantor for peace, stability and prosperity in the region and the neighbouring states.

Economics

Austria's economic development of business relations in the region of Central-Eastern and South-Eastern Europe⁶ (CEE/SEE) can be divided in four phases: the first phase started with the fall of the iron curtain in 1989 and lasted until 1995. For businesses, it was the time of opportunity and risks, and was characterised by the feeling of awakening, curiosity and also insecurity. Businesses were analysing the market situations, conducted risk assessments and researched the regional competitiveness. During the second phase, from 1995 to 2005, Austria tried to take advantage of its geographical location and worked on becoming a bridgehead or hub for the region. Austria gained access to the markets in the region, accompanied with building up personnel and institutional structures for businesses. The third phase stretched from 2005 to 2010 and included the time after the Eastern Enlargement, when Austrian companies were able to establish themselves in the region, which is considered by Austria as a success story. However, along with the professionalisation of business relations and the extension and deepening of networks, there was a disappointment by the partners in the region and an accusation of Austrian businesses dominating the market. From 2010 onwards, during the fourth phase, a disillusionment took place, when risks returned due to financial constraints and the increased competition (Hiess & Römisch, 2017, p. 3-4).

Austria's EU accession, the Eastern Enlargement of 2004, and the introduction of the euro were the main drivers of the successful Austrian exports (WKO, 2019a, p. 7). Obviously, the geographical location determined the Austrian trade priorities and guided the investments into certain regions. Austria was able to position itself as a hub for investments, services and trade in and with CEE and SEE.

What attracts Austrian companies to the CEE/SEE region are the geographical proximity, the highly trained staff, the low employment costs, the low levies for companies and the existing Austrian banks (ÖEZ, 2016, p. 8).

6 Author translates "Mittelost- und Südosteuropa" into Central-Eastern and South-Eastern Europe. This includes the following countries: Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Hungary, Slovak Republic, Kosovo, North Macedonia, Montenegro, Poland, Romania, Serbia, Slovenia, and Ukraine. See: Hiess, H. & Römisch, R. (2017, p. 11).



Table 1
Austrian Trade with the WB 6 Countries and Croatia and Slovenia in 2017 or 2018:

	Exports (in EUR)	Imports (in EUR)	Export of Ser- vices (in EUR)	Import of Ser- vice (in EUR)	Investments (in EUR)	Employment Related to Austrian Invest- ments
AL 2017	59,7 mio	21,7 mio	40 mio	10,5 mio	0,51 billion (in 2018)	appr. 2.800 (in 2015)
BiH 2018	408,4 mio	616,9 mio	104 mio	137 mio	1,09 billion (in 2018)	appr.7.000 (in 2016)
HR 2017	1.297,4 mio	688,6 mio	374 mio	1.265 mio	3,962 mio (in 2018)	24.326 (in 2016)
KV 2017	48,8 mio	10,9 mio	66 mio	10 mio	252,8 mio (in Oct 2018)	appr. 2.500 (in 2018)
ME 2018	49 mio	9,6 mio	15 mio	17 mio	95 mio (in 2018)	629 (in 2016)
NMK 2018	112 mio	66,5 mio	33 mio	46 mio	681 mio (in 2017)	appr.7.700 (in 2016)
SLO 2017	2.943 mio	1.952 mio	632 mio	1.156 mio	3,5 billion (in 2018)	appr. 20.000 (in 2018)
SR 2018	672 mio	521 mio	196 mio	237 mio	2,26 billion (in 2018)	appr.18.600 (in 2016)

Sources: This is a compilation of data from the annual reports on the countries of the Western Balkans published by the Aussenwirtschaft, Wirtschaftskammer Österreich (WKO). Report on Albania (WKO, 2019b, p. 3); Bosnia and Herzegovina (WKO, 2019c, p. 3); Croatia (WKO, 2019e, p. 3); Kosovo (WKO, 2019d, p. 3); Montenegro (WKO, 2019f, p. 3); North Macedonia (WKO, 2019g, p. 3); Serbia (WKO, 2019h, p. 3); Slovenia (WKO, 2019i, p. 3).

The economic environment has changed for Austria as the CEE/SEE states are economically catching up, Bulgaria, Romania and Croatia became EU members and the competitiveness has increased, hence the geographical focus of the Austrian export economy is currently revisited. The economic crisis impacted particularly South-Eastern Europe and changed the economic environment for Austrian businesses, regarding the potential and the risks of their businesses in the region (Hiess & Römisch, 2017, p. 1-2). It is apparent that Austria's geography influenced its economic relations, which led to a concentration of trade and business in the vicinity of the country.

Social Relations between Austria and the Western Balkans

In the 1960s, the Austrian economy required additional labour force. The government in the 1966 "Raab-Olah-Agreement" agreed to allow a certain contingent of foreign workers to take up employment in Austria for a limited time period. As a consequence, the Interstate Agreement for the Employment of Yugoslav Employees was signed with Yugoslavia in the same year. Although the take-up of the jobs was slow at the start, due to a short economic downturn, the numbers increased from approximately 19.000 in 1968 to 75.000 in 1973. The incoming workers mainly, more than half of all, came from Serbia (including Vojvodina), and then respectively, 10-15 percent from Bosnia and Herzegovina and Croatia (Weigl, 2015, p. 133). Although the general idea of accepting these workers, the so-called *Gastarbeiter*, in Austria was that they would provide the missing labour force for a limited time period and then they would return home to be replaced by new incoming workers with another limited contract. However, Yugoslav citizens started to settle down and move their families to Austria. Moreover, Austrian companies were not willing to newly train workers every time and preferred to retain the already trained staff for a longer period (Österreichischer Integrationsfonds, 2014).

During the wars in former Yugoslavia, in the early 1990s, thousands of refugees came to Austria to find protection. Many of them stayed. Therefore, people from former Yugoslavia became the largest group of immigrants to Austria (Statistik Austria, 2018) and one of the largest groups of naturalised Austrian citizens (Statistik Austria, 2019, p. 17). Due to the fact that it takes approximately 10 years to gain Austrian citizenship, the peak of naturalisation of people from former Yugoslavia with 44.700 people was reached in 2003. In 2018, 29 percent of all naturalised people were from the former Yugoslavia (Statistik Austria, 2019, p. 17). Currently, the largest group of citizens from a non-EU country living in Austria are Serbian citizens, with 121.348 people (Österreichischer



Integrationsfonds & Statistik Austria, 2019). According to the official statistics from 2019, there are 95.839 Bosnian, 79.999 Croatian, 25.549 Kosovar, 23.372 Macedonian and 20.168 Slovene citizens living in Austria (Österreichischer Integrationsfonds & Statistik Austria, 2019). This demographic background is another factor influencing the relations with the states in the Western Balkan region, as personal links remain strong between the country of origin and the new adopted home country.

There had been a lot of personal engagement by Austrian politicians, civil servants and military personnel with the political actors and the political, economic and military issues of the region.

Former Austrian Vice-Chancellor, Erhard Busek served as the Coordinator of the South-East European Cooperative Initiative (SECI) from 1996 to 2008 and as the Special Coordinator of the Stability Pact for South-Eastern Europe from January 2002 to June 2008. He still holds several functions and is involved in a number of activities with a regional focus. Wolfgang Petritsch, a former Ambassador to Belgrade from 1997 to 1999, was appointed as the EU's Special Envoy for Kosovo from 1998 to 1999 and he acted as the EU's chief negotiator at the Kosovo peace negotiations in France in 1999. In the same year, he was appointed as the High Representative for Bosnia and Herzegovina and stayed in that position until 2002 (Petritsch, n.d.). In this role, he was responsible for the implementation of the 1995 signed Dayton-Agreement. Since 2009, the Austrian Diplomat Valentin Inzko is holding the position of the High Representative of the EU and the International Community in Bosnia and Herzegovina. Inzko grew up in a Slovene-speaking household and received bilingual education in Carinthia (OHR, n.d.). Johannes Hahn served as the EU Commissioner for European Neighbourhood Policy and Enlargement Negotiations from 2014 to 2019. The former MEP, Ulrike Lunaschek acted as the European Parliament's rapporteur for Kosovo. In 2019, the Austrian Diplomat Johann Sattler was appointed as the Head of Delegation of the European Union to Bosnia and Herzegovina and is the European Union Special Representative in Bosnia and Herzegovina (EU Delegation to BiH, n.d.).

The appointment of Alma Zadić as Minister for Justice in January 2020 gained a lot of attention in Bosnia and Herzegovina. Zadić is the first Austrian Minister, who was not born in Austria, but in Tuzla, Bosnia and Herzegovina. At age ten, she fled with her family during the Bosnian War to Austria. She received her education mainly in Austria, and also went abroad for higher education, worked in international

organisations and finally became politically active (Votzi, 2020). Unfortunately, when the appointment became public, she was attacked by right-wing representatives and other political grouping, due to her Bosnian background.

The named personalities are a selection of Austrians, who were or are currently working in the region and established working or personal relationships, and demonstrate(d) the importance of the Western Balkans for politicians from various political backgrounds.

Military Cooperation in the Balkans

The Austrian army joined the NATO operations in the region within the framework of the “Partnership for peace” in 1995 (Bundesheer, n.d./a) and assisted in peacekeeping and security missions. In December 1995, the Austrian army participated in the IFOR (Implementation Force) mission, which changed to the SFOR (Stabilisation Force) in 1996. From 2004, the EU took on the mission under the name EUFOR/ALTHEA (Bundesheer, n.d./b). The aim is to ensure the compliance with the Dayton Agreement, to provide a secure environment for the population. Major General Reinhard Trischak, who had previously served in Kosovo, took up the position as the Commander of EUFOR in Operation of ALTHEA in 2019 (European Union Force in BiH, n.d.).

Austria also contributed to the NATO-led Kosovo Force (KFOR), where military personnel was provided to support the reconstruction of Kosovo in 1999. Currently, there are still more than 400 soldiers based in Kosovo, who are distributed in different areas there (Bundesheer, n.d./c).

The military engagement of Austria is officially legitimised as a peacebuilding effort, hence it contributed to the stabilisation of the region, and - in this regard – it is not contradicting Austria’s role as a neutral state.

Conclusions

Geography is the most dominating factor influencing Austrians foreign policy. Additionally, the experience of a small state located between two opposite ideological blocks during the Cold War shaped Austria’s role as a mediator and a bridge builder.



Austrian politicians actively engaged establishing good relations to the neighbourhood, which was also seen as an investment in guaranteeing Austria's security. The bilateral relations with Yugoslavia, for example, were occasionally tense, but still, through a visiting diplomacy, a general understanding in certain areas could be achieved. This approach of reaching out to the neighbourhood was - with an exception when Austria aimed at joining the EU - upheld and actively pursued before and after 1989. In this regard, despite the collapse of the bipolar system and the removal of the iron curtain at the Eastern borders of Austria, its foreign policy role has only partly changed since 1989.

The Austrian government supported the accession of the Central Eastern European states to the EU and is backing the Western Balkan states' efforts to become members as well. The main reason for that are the security and the economic benefits that Austria could gain, besides the Austrian politicians' general view that these countries belong to Europe. However, by taking the human factor also into account, we can easily realise that the Western Balkans are already part of the EU. The intake of "Gastarbeiter/innen" from the late 1960s changed the relations between Austria and Yugoslavia - and later the successor states - fundamentally, as the Yugoslav citizens remained and settled down in Austria. The Balkan Wars in the 1990s brought even more people from the region to Austria. It is a fact that a large number of people are living and working today in Austria with origins or citizenship from the Western Balkan region. Moreover, a number of Austrian politicians and civil servants lived and worked in the region and gained good insights of the challenges and opportunities of the countries there.

Since Austria joined the EU in 1995, it has aligned its foreign policy with the EU's foreign priorities. However, it continues its tradition to serve as a bridge builder and a mediator, and to have a focus on its neighbourhood. It is a strong supporter of the Western Balkans' European perspective and is politically, economically and humanly very closely connected to them.

To sum up, the close cooperation with the countries in the Western Balkan region has been identified as a priority for the Austrian government and will still remain in the years to come.

Bibliography

- Breuning, M. (2011). Role theory research in International Relations. State of the art and blind spots. In: S. Harnisch, C. Frank & H. W. Maull (eds.), *Role Theory in International Relations. Approaches and analyses*, Oxon: Routledge, pp. 16-35.
- Browne, W. M. (1976). Austrian-Yugoslav Split Over Minority Worsening. *The New York Times*, September 5. Retrieved from <https://www.nytimes.com/1976/09/05/archives/austrianyugoslav-split-over-minority-worsening.html> [Accessed January 24, 2020].
- Buchacher, R. (2015). Kreisky-Sekretär Petritsch im Interview: “Österreich war gefährdet.“ *Profil*, March 3. Retrieved from <https://www.profil.at/oesterreich/kreisky-sekretaer-petrirsch-interview-oesterreich-5536651> [Accessed January 24, 2020].
- Bundesheer. (n.d./a). *Auslandseinsätze des Bundesheeres*. Retrieved from <http://www.bundesheer.at/ausle/zahlen.shtml> [Accessed January 26, 2020].
- Bundesheer. (n.d./b). *Bundesheer in Bosnien*. Retrieved from <http://www.bundesheer.at/ausle/eufor/index.shtml> [Accessed January 26, 2020].
- Bundesheer. (n.d./c). *Bundesheer in Kosovo*. Retrieved from <http://www.bundesheer.at/ausle/kfor/index.shtml> [Accessed January 26, 2020].
- Bundesministerium für Landesverteidigung. (n.d.). *The Austrian Air Force - In the Past and Today*. Retrieved from <https://www.bundesheer.at/english/forces/airforce.shtml> [Accessed January 16, 2020].
- Cabada, L. (2018). Visegrad Cooperation in the Context of Other Central European Cooperation Formats. *Politics in Central Europe*, 14(2), 170.
- Cede, F., & Prosl, C. (2015). *Anspruch und Wirklichkeit. Österreichs Außenpolitik seit 1945*. Innsbruck: Studienverlag.
- Die Presse*. (2019). Österreich forciert EU-Erweiterung. November 21. Retrieved from <https://www.diepresse.com/5725784/osterreich-forciert-eu-erweiterung> [Accessed January 16, 2020].
- Der Standard*. (2001). Frage der Anerkennung löste Kontroverse in Österreich aus. June 7. Retrieved from <https://www.derstandard.at/story/606024/frage-der-erkennung-loeste-kontroverse-in-oesterreich-aus> [Accessed January 25, 2020].
- EU2018*. (2018). Programme of the Austrian Presidency 2018. Retrieved from <https://www.eu2018.at/agenda-priorities/programme.html> [Accessed January 21, 2020].



- EU Delegation to BiH. (n.d.). *Delegation of the European Union to Bosnia and Herzegovina and European Union Special Representative in Bosnian and Herzegovina*. Head of EU Delegation and EU Special Representative. Retrieved from https://europa.ba/?page_id=5497 [Accessed January 24, 2020].
- Euractiv*. (2012). Austrian Presidency looks south. May 28. Retrieved from <https://www.euractiv.com/section/central-europe/news/austrian-presidency-looks-south/> [Accessed January 29, 2020].
- European Union Force in BiH. (n.d.). *Major General Reinhard Trischak*. Retrieved from <http://www.euforbih.org/eufor/index.php/about-eufor/eufor-commanders/81-com-eufor> [Accessed January 21, 2020].
- Federal Ministry for Integration, Europe and Foreign Affairs. (n.d./a). *Foreign Affairs*. Retrieved from <https://www.bmeia.gv.at/en/european-foreign-policy/foreign-policy/> [Accessed January 20, 2020].
- Federal Ministry for Europe, Integration and Foreign Affairs (n.d./b). *Southeast Europe - A Priority of Austrian Foreign Policy*. Retrieved from <https://www.bmeia.gv.at/en/european-foreign-policy/foreign-policy/europe/southeast-europe/> [Accessed January 26, 2020].
- Federal Ministry for Europe, Integration and Foreign Affairs. (2010). *Spindelegger: "Good start for a Western Balkans Year' 2010."* January 22. Retrieved from <https://www.bmeia.gv.at/en/the-ministry/press/announcements/2010/spindelegger-good-start-for-a-western-balkans-year-2010/> [Accessed January 20, 2020].
- Federal Ministry for Europe, Integration and Foreign Affairs. (2015). *Western Balkans Summit, Vienna 2015*. Retrieved from <https://www.bmeia.gv.at/en/european-foreign-policy/foreign-policy/western-balkans-summit-vienna-2015/> [Accessed January 24, 2020].
- Federal Ministry for Europe, Integration and Foreign Affairs. (2019). *Alexander Schallenberg visits Albania*. Press release, October 8. Retrieved from <https://www.bmeia.gv.at/en/the-ministry/press/announcements/2019/10/alexander-schallenberg-visits-albania/> [Accessed January 16, 2020].
- Federal Ministry of Foreign Affairs. (2006). *The Austrian EU Presidency 2006*. November 23. Retrieved from http://www.eurosfair.pr.fr/7pc/doc/1134635746_presidence_autrichienne_2006.pdf [Accessed January 20, 2020].
- Gehler, M. (2005). *Österreichs Außenpolitik der Zweiten Republik. Von der alliierten Besatzung bis zum Europa des 21. Jahrhunderts*. Band 1, Innsbruck: Studienverlag.
- Hiess, H., & Römisch, R. (2017). *Aktuelle Entwicklungen und Trends in den Regionen*

Mittelost-/Südosteuropas und des Donauraums. *Forschungsbericht*, 6, The Vienna Institute for International Economic Studies (wiiw), Vienna.

Juncker, J.-C. (2014). *A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change*. Political Guidelines for the Next European Commission, Opening Statement in the European Parliament Plenary Session, Strasbourg, July 14. Retrieved from <https://www.eesc.europa.eu/resources/docs/jean-claude-juncker---political-guidelines.pdf> [Accessed January 29, 2018].

Kiss, L. J., Königova, L., & Luif, P. (2003). *Die "Regionale Partnerschaft": Subregionale Zusammenarbeit in der Mitte Europas*. Österreichische Zeitschrift für Politikwissenschaft (ÖZP).

Marciaq, F. (2017). The European Union and the Western Balkans after the Berlin Process, Reflections on the EU Enlargement in Times of Uncertainty. *Dialogue Southeast Europe*, Friedrich-Ebert-Stiftung, Sarajevo. Retrieved from <https://library.fes.de/pdf-files/bueros/sarajevo/13948.pdf> [Accessed January 26, 2018].

OHR. (n.d.). *High Representative*. Retrieved from <http://www.ohr.int/about-ohr/high-representative/> [Accessed January 24, 2020].

ORF. (2017). *Nachbar in Not*, June 21. Retrieved from <https://nachbarinnot.orf.at/?story=113> [Accessed January 24, 2020].

ÖEZ. (2016). *Donauraum/Westbalkan Regionalstrategie*. Austrian Development Agency (ADA) - Die Agentur der Österreichischen Entwicklungszusammenarbeit. September. Retrieved from https://www.entwicklung.at/fileadmin/user_upload/Dokumente/Publikationen/Strategien/Regionalstrategie_Donauraum_Westbalkan.PDF [Accessed January 29, 2020].

Österreich1918Plus. (n.d.). *"Gastarbeiter und Gastarbeiterinnen" aus verschiedenen Ländern*. Retrieved from <http://www.politik-lexikon.at/oesterreich1918plus/1966/> [Accessed January 29, 2020].

Österreichischer Integrationsfonds. (2014). *Fact Sheet Aktuelles zu Migration und Integration*. 04 Migration und Wirtschaft, Zuwanderungsgeschichte Österreichs. April. Retrieved from https://www.integrationsfonds.at/fileadmin/content/AT/Downloads/Publikationen/Fact_Sheet_04_Migration_und_Wirtschaft.pdf [Accessed January 21, 2020].

Österreichischer Integrationsfonds & Statistik Austria. (2019). *Migration - Zahlen und Daten für Österreich Statistiken zu Zuwanderung und Integration*. Retrieved from https://www.bmi.gv.at/Downloads/files/BMI_Migration_Zahlen_Fakten_122019_web.PDF [Accessed January 28, 2020].



- Plassnik, U. (2013). On the Road to a Modern Identity: Austrian Foreign Policy from the Cold War to the European Union. In Günter Bischof & Ferdinand Karlhofer, *Austria's International Position after the End of the Cold War*, University of New Orleans Press, pp. 55-94.
- Parlament. (1998). *Plenum: Österreichs EU-Vorsitz und der Europäische Rat von Wien*. December 16. Retrieved from https://www.parlament.gv.at/PAKT/PR/JAHR_1998/PK0826/index.shtml [Accessed January 24, 2020].
- Petritsch, W. (n.d.). *Welcome to the Personal Pages of Wolfgang Petritsch*. Retrieved from <https://www.wolfgangpetritsch.com/> [Accessed January 14, 2020].
- Politico*. (2019). 6 countries write to Juncker to support EU enlargement reform. November 19. Retrieved from <https://www.politico.eu/article/6-countries-write-to-juncker-to-support-eu-enlargement-reform/> [Accessed January 14, 2020].
- Saito, J. (2015). Österreich und die EU-Erweiterung am westlichen Balkan: Nationale Präferenzbildung und EU-Verhandlungsstrategie. *Institut für europäische Integrationsforschung*, Working Paper, (2/2015).
- Statistik Austria. (2018). *Bevölkerung mit Migrationshintergrund im Überblick*. Jahresdurchschnitt 2018. Retrieved from https://www.statistik.at/web_de/statistiken/menschen_und_gesellschaft/bevoelkerung/bevoelkerungsstruktur/bevoelkerung_nach_migrationshintergrund/033240.html [Accessed January 21, 2020].
- Statistik Austria. (2019). *Migration und integration. Zahlen. Daten. Indikatoren 2019*. Retrieved from https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Integrationsbericht_2019/Migration-Integration-2019.pdf [Accessed January 21, 2020].
- Steiner, L. (1977). Zur Außenpolitik der Zweiten Republik. In *Diplomatie und Außenpolitik Österreichs. Elf Beiträge zu ihrer Geschichte*, Wien: Österreichischer Bundesverlag, pp. 169-188.
- Tollefson, J. W. (1981). The Maintenance of Slovenian in Carinthia: A Yugoslav-Austrian. *Canadian Slavonic Papers/Revue Canadienne des Slavistes*, 23(3), 302-314.
- Ultsch, C. (2011). Zerfall Jugoslawiens: "Mock wollte Alleingang." *Die Presse*, June 24. Retrieved from <https://www.diepresse.com/672648/zerfall-jugoslawiens-bdquomock-wollte-alleingangldquo> [Accessed December 1, 2019].
- Votzi, J. (2020). Alma Zadić: Endlich angekommen. *Der Spiegel*, January 20. Retrieved from <https://www.zeit.de/2020/04/alma-zadic-justizministerin-migrantin-erfolg-fluechtling-oesterreich> [Accessed January 26, 2020].

- Wästfelt, M., & Pibernik T. (2017). Central European Initiative: 25 years for Central and South Eastern Europe. In E. Bos, C. Griessler & C. Walsch (eds.), *Die EU-Strategie für den Donaauraum auf dem Prüfstand. Erfahrungen und Perspektiven*, Andrassy Studien zur Europaforschung, Band 18, Baden-Baden: Nomos, pp. 233-242.
- Weigl, A. (2015). Die “Gastarbeiter“-Wanderung nach Wien und ihre Folgen, Wirtschaft und Gesellschaft. *Wirtschaft und Gesellschaft - WuG*, 41(1), 127-154.
- Wodak, W. (1976). *Diplomatie zwischen Ost und West*. Graz/Wien/Köln: Verlag Styria.
- WKO. (2019a). *Aussenwirtschaft Austria, Österreichische Exportwirtschaft 2019/2020*. Retrieved from <https://www.wko.at/service/aussenwirtschaft/exportwirtschaft.pdf> [Accessed January 27, 2020].
- WKO. (2019b). *Wirtschaftsbericht Außenwirtschaft Albanien*. March. Retrieved from <https://www.wko.at/service/aussenwirtschaft/albanien-wirtschaftsbericht.pdf> [Accessed January 28, 2020].
- WKO (2019c). *Wirtschaftsbericht Außenwirtschaft Bosnien und Herzegowina*. September. Retrieved from <https://www.wko.at/service/aussenwirtschaft/bosnien-und-herzegowina-wirtschaftsbericht.pdf> [Accessed January 28, 2020].
- WKO (2019d). *Wirtschaftsbericht Außenwirtschaft Kosovo*. March. Retrieved from <https://www.wko.at/service/aussenwirtschaft/kosovo-wirtschaftsbericht.pdf> [Accessed January 28, 2020].
- WKO (2019e). *Wirtschaftsbericht Außenwirtschaft Kroatien*. Retrieved from <https://www.wko.at/service/aussenwirtschaft/kroatien-wirtschaftsbericht.pdf> [Accessed January 28, 2020].
- WKO (2019f). *Wirtschaftsbericht Außenwirtschaft Montenegro*. Retrieved from <https://www.wko.at/service/aussenwirtschaft/montenegro-wirtschaftsbericht.pdf> [Accessed January 28, 2020].
- WKO (2019g). *Wirtschaftsbericht Außenwirtschaft Nordmazedonien*. Retrieved from <https://www.wko.at/service/aussenwirtschaft/nordmazedonien-wirtschaftsbericht.pdf> [Accessed January 28, 2020].
- WKO (2019h). *Wirtschaftsbericht Außenwirtschaft Serbien*. Retrieved from <https://www.wko.at/service/aussenwirtschaft/serbien-wirtschaftsbericht.pdf> [Accessed January 28, 2020].
- WKO (2019i). *Wirtschaftsbericht Außenwirtschaft Slowenien*. Retrieved from <https://www.wko.at/service/aussenwirtschaft/slowenien-wirtschaftsbericht.pdf> [Accessed January 28, 2020].
- Wölfl, A. (2018). Österreich tritt aus der Zentral europäischen Initiative aus. *Der Standard*, June 11. Retrieved from <https://www.derstandard.at/story/2000081380223/oesterreich-tritt-aus-der-zentraleuropaeischen-initiative-aus> [Accessed January 16, 2020].



The Necessity of the Integration of the Western Balkans

András KLEIN

Director of the Western Balkans Department, Ministry of Foreign Affairs and Trade of Hungary

Abstract: The integration of the Western Balkans to the European Union (EU) has seen a major slowdown in the recent years, culminating by the French veto at the European Council in 2019. The inclusion of the region to the European community and structures are of high importance. For the countries of the region, beyond political and economic benefits, the EU membership can solidify their statehoods and might resolve their demographic problems. Whereas for the EU, the stability of its neighbouring region bears with significance. Moreover, the presence of external powers - most notably Russia, Turkey, and China - can only be decreased with a clear EU perspective and commitment from both sides.

Keywords: demographics, EU integration, external powers, migration, statehood, Western Balkans

Introduction

The year of 2019 was a failure from the perspective of the EU enlargement process. While the formation of the new European Commission by the end of 2019 has been the cause of a few positive steps, the unknown political and economic consequences of the COVID-19 pandemic raise new doubts regarding the future of enlargement. The main question is whether the EU will have the will and the capability of continuing the process. In this paper, I will aim to gather the arguments that show why the continuation of the enlargement process and the stabilisation of the Balkans are important from a European perspective.

The Year of Failure: Who to Blame?

From the perspective of the EU integration of the Western Balkans, the year of 2019 should be considered as a failure. Through the failures of first the General Affairs Council, and then the European Council to come to a decision regarding the opening

of the accession talks of North Macedonia and Albania, and the minimal amount of chapters opened by Serbia and none by Montenegro, the enlargement process of the EU has entered a state of crisis. Moreover, mainly due to the French position on the question, the European Commission has been forced to work on the basics of a new enlargement mechanism. These developments could bring up many uncertainties:

- Will the new enlargement mechanism speed up the enlargement process or slow it down, and will qualified countries really be able to join the EU by 2025?
- How will the current candidates that have already started the accession negotiations (Serbia and Montenegro, respectively) join a new enlargement process?
- How will ideas regarding the new enlargement mechanism fit into EU jurisdiction?
- How is it possible to handle the contradiction of the new enlargement mechanism not including Turkey, a country that is officially in accession negotiations, even though member states do not want to cancel the talks with Ankara due to political reasons?

On the top of upholding uncertainty in the region, the behaviour of the European Union carries a politically dangerous message regarding the future.

It is well known that in order to support their integration processes, the states on the Balkans are forced to make a score of decisions that carry internal political risks. In the recent years, the most well-known example of this was North Macedonia signing and ratifying the Prespa Agreement with Greece. In the treaty, Skopje even gave up the name of its country, something important to the identity of its Slavic population, in order to support its European integration. Anybody who has spent time studying the Balkans would know how important any questions regarding national and ethnic identity are, even if they sometimes seem only symbolic from the outside. However, the European Union was unable to reciprocate the move of the North Macedonian government, regardless of the fact that it is clear for everyone: even though the beginning of the accession talks is a politically relevant step, in practice it makes no difference in the everyday life from the perspective of the EU member states. A country still has to go through around 130 unanimous decisions in various EU bodies from the beginning of its candidacy to becoming a full member state. In other words, becoming a candidate does not mean gaining a fast membership.

Considering the example of North Macedonia, both Pristina and Belgrade might question if taking an internal political risk by moving forward, the Belgrade-Pristina dialogue is worth it. The same example might also make the ethnic groups of Bosnia and



Herzegovina question giving up their purely ethnicity-based policies, since responsible behaviour towards the state seems to have no reward on the international stage. Considering these developments, we can safely say that the EU's enlargement exhaustion and indecisiveness themselves are becoming a destabilising factor in the Balkans.

It would be unfair, however, to put the blame for the situation solely on the EU. Leaders putting silencing their internal rivals ahead of gaining benefits in the international theatre is becoming more and more common in the Balkans: protecting the ruling party's economic background without any competition, silencing political rivals through administrative means and playing the traditional ethnic tensions are all becoming noticeable characteristics of the region.

All of these increase corruption, distort the economy and slow down the creation of the rule of law. These are the reasons why in Kosovo we have witnessed to a government formation, where a presidential nomination for 2021 was more important than creating a stable government for the upcoming and probably critical talks with Serbia (the future president will have a say in appointing judges and prosecutors, thus is an important question for the economic assets of parties). The reasons are the same for the situation in Albanian internal politics, where the relationships between ruling and opposition parties or between president and prime minister are no longer appraisable from a constitutional point of view (all of this in the middle of the disputes surrounding the beginning of the accession talks). In addition, in Bosnia and Herzegovina it is becoming a rare exception when the three dominant ethnic groups place the needs of the country above gaining advantages over one another. Of course, these happenings are not independent of the slowness of the enlargement process, since it decreases the pressure on the political elites of the Balkans, but these happenings also give plenty of munition to enlargement sceptic politicians to further argue against enlargement.

Why is Integration Important for the Balkans?

It is often said by many that the Balkans are still unstable and insecure, and integration is the best method for changing this. It is also evident that the Balkans is a place over which several superpowers are trying to exert their control and moving forward, the EU integration process is critical in ensuring that the local countries adopt a Western political and economic structure in the long-term. However, it is important to take a closer and more specific look at the possible effects of integration since the Balkan has many peculiarities.

One of the main sources of the Balkans' problems is the weakness of statehood in local countries, be it in the form of rule of law, the jurisdiction, organised crime and because of that the presence of economic problems. The weakness of statehood can mainly be explained by the lack of statehood tradition in the countries of the Western Balkans, maybe aside from Serbia, so they are in the phase of state building, and some are still building their national identities.

The Question of Statehood and Identity

The topic of statehood raises a lot of questions and concerns over the peninsula. Kosovo, being the youngest state of Europe, has always been a member of another empire or country, and to this day, lacks organised taxation, pension and healthcare systems (Malcolm, 2002). Similarly to Kosovo, Bosnia Herzegovina has never been an independent state, its existence is mainly due to the Austro-Hungarian Monarchy's conquests in the 19th century, and is so diverse, both ethnically and religiously, that it could not be integrated by any other country (Malcolm, 1994). However, it does not mean, that the population has a homogenous Bosnian national identity: the Bosniak, Croatian and Serbian national identities are predominant for a large part of the population.

The independence of Montenegro, especially the difference of its population from the Serbian one, is a fact disputed by many. It is no coincidence, that during the independence process, the question causing the most internal tensions were those that dealt with being completely independent of Serbia, such as the creation autocephalous Montenegrin Orthodox Church, that is independent of the Serbian Church, or the country's NATO membership, that has been seen as a further departure from being Serbian by the part of the population that still identifies themselves as Serbians, since Belgrade has declared that it does not wish to be a member of the military alliance.

North Macedonia has never been an independent country till the dissolution of Yugoslavia (unless we accept the recent theories of the country being the successor state of Alexander the Great's empire, a theory that has found little acceptance in the historians outside of the country). Furthermore, before the creation of the Communist Yugoslavia, the population had a Bulgarian national identity, coupled with a strong regional identity. This is no longer the case, since the population has embraced the Macedonian national identity, however, North Macedonia is a country where the process of nation-building will have to be finished (Dimitrov, 2011).



The Albanians of the peninsula, and their main country, Albania, are in a peculiar situation. Like other regional countries, we must go back far before 1912 to find an independent Albanian state, however, we must not forget that the existence of the Albanian people has been historically proven as far back as the end of the antique era. The creation of a modern Albanian statehood faces many difficulties, such as half of the Albanian people living outside of Albania today, the strong cultural division between the northern Ghegs and the southern Tosks, the religious division between followers of the Muslim, Orthodox and Catholic faiths, and the existence of clan-based division inside their society. This last tradition has also transformed into a locally dominant system based around oligarchs. All the above-mentioned characteristics makes the forming of the modern Albanian state harder.

All of this shows us that for the Balkan states, the EU integration is not just an opportunity that brings economic benefits, but an international recognition that would aid their efforts to stabilise their statehoods, that is a precondition of the formation of a system of norms and rights without which the region will never be secure. A good example of this was the expansion of NATO, that has benefited both Montenegro and Albania (and hopefully North Macedonia in the near future), not only from a traditional security policy point of view, but it also contributed to the consolidation of their statehoods through international recognition.

Peculiarities in the Western Balkans

The Presence of Ethnic and National Minorities

When examining the statehoods of the local countries, we cannot ignore the presence of the native national minorities. The Balkan is historically a very ethnically diverse region, and continues to be so to this day, regardless of the many ethnic cleansings that took place in the 20th century. Today, we can observe a consolidation in the region, even if the process has not been free of conflicts. It would seem that the political elites of the Balkans have learned from the bloody ethnicity-based conflicts taking place at the dissolution of Yugoslavia that keeping ethnic tensions in the realm of politics, which is necessary for creating stability.

In Montenegro, the political elite has found allies in the local non-Serbian minorities (mainly the Albanian and Bosniak ones) in achieving its goal of creating a country that is independent of Serbia, allowing these minorities to integrate into the political system in the process. In North Macedonia, the Ohrid Framework Agreement,

signed with the goal of avoiding armed conflict, gave the Albanian minority substantial collective rights and made them an unignorable factor in the political life of the country. Since Albania requires the cooperation of Greece for its EU integration, the country is forced to take the wishes of the local Greek minority into account.

Serbia, in part due to the Hungarian support required for its acceptance into the EU, has created a system that allows the Hungarian minority to exercise its rights through a framework of cultural autonomy. This system also gives the same rights to other national minorities, such as the Muslims of the Sandžak region, the Albanians of the Preševo Valley, the Croats in Vojvodina, the Romanians and Vlachs of the Banat, and the Bulgarians. In addition, while it is true that Serbia still has many disputes regarding minorities, these are now conducted in the political realm, a sharp contrast to the Milošević era. The situation in Kosovo is peculiar, however, the constitution of the country, following the footsteps of the Ahtisaari Plan that ended the war, has given wide-ranging constitutional rights to the remaining Serbs (that also benefits the local Turkish and Goranian minorities [Motoki, n.d.], with the latter being a Serbian speaking Muslim minority that lives in Southern Kosovo). It has also become evident that the continued existence of Kosovo with its current borders is not possible without ensuring the rights of the local Serbian minorities.

It is also important to note that one of the main driving forces behind ensuring the rights of minorities thus ensuring ethnic peace is the desire for the Euro-Atlantic integration. Joining the EU is important for both majorities and minorities, and thus we are free to say that the perspective of EU integration is an important warrant for ethnic peace in the region.

Ensuring Religious Diversity

The Muslim presence on the Balkans has become a topic that has seen much discussion lately. This is partly accountable to the migration crisis facing Europe, to the radical Islamic terrorism that has shaken the Western world or to the shock caused by ISIS. However, studies painting Muslim communities in the region as threats are often superficial and politically motivated. Since Islam is the majority religion amongst Albanians, both Kosovo and Albania are countries with a Muslim majority. In Bosnia and Herzegovina, it is probable that Muslim Bosniaks have reached absolute majority. Muslim minorities who speak Slavic languages or ethnic Turkish minorities live in Serbia, North Macedonia, Kosovo and Montenegro.



It is undeniable that Islam has a strong presence in the region. However, it is important to note, that from a historical point of view, Islam in the Balkans is younger and has always been the periphery of the Ottoman world, and thus the religion has never been such an integral part of society as it is for example in the Arabic world (or the Western European Muslim communities originating mainly from there). The fact that most of the Albanian Muslim communities are Bektashi, one of the most liberal branches of Islam, is also an important point. The countries in the region have had a period of Communism that was actively working against religion (even going as far banning it in Albania).

In other words, saying that the Balkans is one of the important reinforcement centres of Islam radicalism and drawing political conclusions from this statement are unjust. It is not a coincidence, that in proportion to the total number of Muslims, fewer ISIS warriors hailing from the Balkans have been identified than those hailing from Western Europe (Authority of the House of Lords, 2018). Even further, every state in the region has dealt with returning ISIS warriors strictly, since the strengthening of Islam radicalism is not in the interest of any of the local governments. Of course, we should not be naïve. For some social groups, the lack of perspective, the unjust societal structure caused by corruption and the poor social situation that has been persistent could cause a growing susceptibility towards radical Islam. Therefore, we can conclude that today Muslim communities in the Balkans mean no danger to the EU, however, the economic and social situation, that the long-term absence of integration could change this for the worse.

Connected to the previous point is the perception of illegal migration in the region. In all Balkan states (including the EU member Bulgaria), a balance has been formed between the numbers of Muslims and Christians in the population, something that the countries are able to handle. However, if through the illegal migration of the “Balkans Route” a large number of people who have a different Islamic culture arrive, either temporally or for a prolonged period, this balance and accepted behavioural patterns could be upset and these could lead to conflicts. Since the migratory pressure seems to be long-term, a form of the EU integration that is interested in the defence of the outer borders of the European Union and in an effective handling of the crisis is in the interest of Balkan states and even of the EU in general. The states of the Balkans are not capable of dealing with serious migratory pressure on their own.

Countries with Ageing Societies

One of the most worrying peculiarities of the Balkans is the current demographic disaster. Unless the tendencies change, the region could lose as much as 15 percent of its population in the next 10 years. As a part of the current emigration process, younger and educated people are the main ones to leave their homelands. All types of emigration are present in the region, with people leaving forever, for extended periods, seasonally or for the purpose of higher education. All of this leads to the countries in the region losing a group of people who are not only needed as workforce, but whose presence would be necessary for innovation and the handling of advanced technologies. Due to this, it is becoming harder and harder to attract investments that require a high added value and are suitable for creating long-lasting economic growth.

However, emigration does not only affect economic and through those social questions. In the Balkan states, the group of voters who are supporting the idea of the market economy and the rule of law to be in their interest is constantly diminishing. Since this is the case, the chances of populist and of nationalist parties winning elections, the latter of which already possess a strong influence in the region, are becoming greater. Due to this, the demographic tendencies in the region are also becoming a security risk.

As we have seen in Eastern and Central Europe, even the realistic perspective of joining the EU will not be able to stop the current demographic trends. However, in the long-term, a realistic way for a person to succeed in life linked to EU integration might make emigration a lesser problem. It is also a fact, that in order to create a meaningful rise in the standard of living, capable of keeping people at home, the Balkan states would have to double their current economic growth. For such an economic strengthening to occur, the cohesion funds of the EU and thus joining the Union would be required.

External Actors in the Western Balkans

It is often said by many, that the sluggishness of the EU integration leaves place for other Superpowers to strengthen their influence in the region. This phenomenon undeniably exists; however, we should beware generalisations and examine every single case separately.

Many believe that the region is important for Russia because it can gain influence in the hinterlands of the EU or even gain blackmail potential for its designs regarding the former Soviet Union (mainly Ukraine) and for its ambitions of opposing Brussels. However,



these geopolitical ideas ignore an important fact: the Western Balkans is the hinterland of the Black Sea region, which has always had a strategic importance for Russia. If we also consider the traditional historical, cultural, religious and economic ties of Russia to the region, we must conclude that the Balkans hold strategic importance for Moscow. This explains why Russia has reacted in ways that might be seemed aggressive against countries in the region joining the NATO. While Russia is probably right about countries in the region joining the NATO, it is decreasing its influence, its policy has visibly failed. It failed to prevent either Albania or Montenegro joining the Alliance, and it seems probable that North Macedonia will join the NATO in 2020; all the while Bosnia and Herzegovina is also deepening its cooperation with the military alliance.

For Russia, the fact of countries being NATO members is not the only problem: Moscow has created a political image of itself opposing the Euro-Atlantic integration of the region in general. It might be partly due to this reason that we can only detect serious Russian influence in the region in Serbia and in the Republika Srpska of Bosnia and Herzegovina. Furthermore, it is questionable whether this influence will remain so visible in Serbia, once the situation between the country and Kosovo is settled. It is an important question, whether Russia is able to learn from its failures so far, and accept the fact, that due to economic reasons (energy sector, tourism, and relatively high amounts of trade), it is interested in the stability and thus in the EU integration of the region. However, it is also true, that it is in the interests of both the EU and of the Balkan states for Russia not to see the European integration process as a threat to its economic interests.

We must also take into account, that in both cases of making meaningful progress in the Belgrade-Pristina talks and stabilising Bosnia and Herzegovina, it would be very hard to do it without Russian cooperation, and a failure to settle these issues would mean that the Balkans would never be truly stable. Some member countries expect Serbia to join the EU Common Foreign and Security Policy (CSFP) immediately, while it is only supposed to happen when the country becomes a full member of the European Union. However, this policy fails to consider the current security situation of Serbia, while projecting the member states' own (mostly justified) concerns regarding Russia to the Balkans, where many things are different.

The influence of Turkey in the region, characterised by a peculiar duality, deserves a special attention. On the one hand, the fact that the country borders the region, their shared history, and the presence of Muslim minorities lead to a self-explanatory

presence in the region. On the other hand, the fact that the Balkans are not a priority in the current foreign politics of Erdogan should also be considered. Turkey focuses much more on Central Asia, on the Middle East, on the Mediterranean and Africa (for example on Libya), all the while positioning itself in relation to Iran and Saudi Arabia regarding regional geopolitical matters. The importance of the Balkans for Ankara is based on a unique economic point of view. The Turkish economy is heavily dependent on trade with Europe, a large part of which passes through the Balkans.

The stability of the Balkans is an important question of national economy for Ankara. This might be the reason why the Turkish government has not taken any action in the past years that would have opposed the Euro-Atlantic integration of the region and even played an overly positive role in the NATO accession of Albania, Montenegro and North Macedonia, and also supported Bosnia and Herzegovina regarding its NATO Membership Action Plan. Of course, this does not mean that the new Turkish political doctrine does not wish to use the opportunities provided by the soft power of the presence of Muslim communities and Turkish minorities. We must also never forget that there are millions of Turkish citizens living in Turkey whose ancestors came from the Balkan states. Aside from all of this, it is highly likely that the Turkish government realises that the local Slavic population would not tolerate an overly strong presence of Turkish influence due to historical reasons. As for the Balkan states themselves, they are profiting from the transit of goods, from the presence of Turkish investments and the trade with Turkey itself. If we also consider the almost 4 million refugees present in Turkey, we can safely say that the Balkans are just as interested in a stable and prosperous Turkey and a normalisation of Turkish-EU relations as Turkey itself is interested in the stability of the region.

The United States of America is an important factor in the region. The American presence is a sort of heritage from the Cold War era. It also gives political strategists in Washington a place where they can put their ideas of geostrategic actions against both China and Russia into action. Therefore, American administrations always played a positive role in NATO expansion in the region, and therefore, the American diplomacy has been pushing for a faster EU expansion in the Balkans. Due to the role it played at the dissolution of Yugoslavia, the USA is one of the most important guarantees for the statehoods and interests of Albania, Kosovo, North Macedonia, Montenegro and the Bosnian-Croatian entity inside Bosnia and Herzegovina. Therefore, the position of the USA cannot be ignored when thinking about the security of the region. (Great Britain will partly lose its traditionally similar role due to Brexit.)



The problem today is that the unpredictability of the current US administration regarding its foreign policy is also true regarding its Balkan policies. We do not know who decides upon the Balkan policy of Washington: the State Department or the National Security Council. What is the division of work in the triangle of the President, the Vice-President and the Secretary of State? Will “Mr. Balkan” be the Balkans Special Envoy appointed by the State Department or the Special Envoy for the Belgrade-Pristina Talks, who was appointed by the White House? Since this is the year of the Presidential Elections in the United States, the country is expected to pay less attention to foreign policy questions. However, the news causing the greatest concern in the region are the ones regarding the disputes between the US and EU member states, since a loosening of the cohesion between NATO members would have extremely negative consequences for the countries in the region. The Balkans need both the USA and Europe to ensure their stability, so picking a side in any transatlantic dispute carries huge risks for any Balkan country. For reasons already stated, local governments also have to worry about the recent tensions that have arisen between Washington and Ankara.

While discussing the aspects of China gathering influence in foreign countries seems to be a trend today, the question has little relevance in the Balkans. While of course there is some Chinese economic influence in the region, it pales in comparison to similar tendencies in some Western European states. The Balkans are only a marginal question for Beijing. While it is true that China considers the port of Piraeus and the 10th European Transit Corridor as part of possible plans for trade routes, they only serve as alternatives to other options. Furthermore, we have not seen any attempt by Beijing to influence the internal politics or the Euro-Atlantic integration of the countries in the region.

Finally, let us briefly mention the influence of EU member states themselves. EU member states are by far the largest investors in the region and have the highest amount of trade with the Balkans by a large margin. The overwhelming majority of the Balkans’ population wants to belong to the European Union, and millions of the citizens of the peninsula are living and working in the EU. We can say that any theory saying that the population of the Balkans wants an orientation other than a pro-EU one, is a mere speculation. All in all this means, that while historical, cultural, economic and religious connections all tie, and to a degree will always tie the region to Russia, to Turkey and to the United States, a viable, credible and real way of European integration would allow EU member states to ensure both their interests and influence in the region. This would be very beneficial, since integrating the Balkans is a very important economic and security interest of the EU too.

Conclusion

In 2020, the new Head of the European Commission has shown the willingness to continue the enlargement process. The new Commission has also opened the accession talks with both North Macedonia and (along with setting some conditions for it) with Albania. However, just after these positive steps, a new uncertainty quickly surrounded the whole question. The COVID-19 pandemic in Europe, and its political and economic consequences, that are impossible to accurately foresee, makes the future of the enlargement process uncertain. The complete uncertainty surrounding the EU budget for the next seven years already has its first “victim” on the Balkans: the EU-Western Balkans summit that took place at the beginning of May in Zagreb did not go ahead as planned. The reasons for this is that the Commission originally planned to introduce its ideas for economic support at the summit, however, at the moment, we are not able to foresee the effects that the expected economic downturn will have on economies of the Balkans. Regardless of the unquestionably difficult period the EU is about to face, the fact that the stability of the Balkans is important for our entire continent still stands. Hopefully, the decision-makers will also accept this in the near future.

Bibliography

- Authority of the House of Lords. (2018). The UK and the future of the Western Balkans. HL Paper 53, 44-45. Retrieved from <https://publications.parliament.uk/pa/ld201719/ldselect/ldintrel/53/53.pdf> [Accessed May 13, 2020].
- Dimitrov, A. (2011). *Razhdenieto na edna nova darzshava* [The birth of a new state]. Sofia: Akademichesko Isdatelstvo.
- Malcolm, N. (2002). *Kosovo - A short history*. Pan Books.
- Malcolm, N. (1994). *Bosnia - A short history*. New York University press.
- Motoki, N. (n.d.). The Gorani People in Search of Identity - The Current Sociolinguistic Situation Among the Gorani Community of the Former Yugoslavia. *Hokkaido University*, Sapporo. Retrieved from http://src-h.slav.hokudai.ac.jp/coe21/publish/no34_ses/pp.375-412.pdf [Accessed May 13, 2020].



Someone Can Always Say a “No”- The Difficulties of Preserving Credibility at Domestic and European Level

The Case of North Macedonia¹

Dragan TILEV

State Counselor for EU Affairs, Secretariat for European Affairs, Government of the Republic of North Macedonia

Abstract: Choices and decisions we took were about personal and collective future. European leaders' responsibility was enormous and the consequences from their decisions were spread well beyond the European Union. Enlargement policy was a Nobel Prize winner. Delaying the decision to open accession negotiations with North Macedonia was a historic mistake that needs to be corrected as a matter of urgency. The credibility of the European Union was at stake. The European Union, as a complex structure exposed at the global scene that was constantly changing, needs to reform itself to bring back the trust of the people. The strategic orientation of North Macedonia was clearly towards the Euro-Atlantic integration and we will become the thirtieth member of the North-Atlantic Treaty Organisation. The country received ten consecutive recommendations to start accession negotiations, unfortunately with no positive result. The new commission declared Western Balkans as one of its priorities. The new methodology was launched with an aim to bring back the enlargement process, streamline accession negotiations and rebuild lost credibility. The proposed new approach could be seen as a new chance for a refreshed partnership. Key elements of the new methodology were political commitment, dynamism, capacities and reversibility. Clarity is a precondition for a successful process.

Keywords: accession, credibility, decision, enlargement, methodology, negotiation, priority

1 Since the dissolution of Ex-Yugoslavia, from 1991, the official constitutional name was “The Republic of Macedonia,” until the amendments to the constitution that enters into force on January 12, 2019, when the official name was changed to “The Republic of North Macedonia” (short name: North Macedonia), after the ratification in both parliaments of the signatories of the “Prespa” Agreement (Hellenic Republic and North Macedonia).

Introduction (and the Context)

Every decision we make during our life has consequences. Choices and decisions we take are about our personal and collective future. If you are a politician, your responsibility is exponentially growing. On a national level, decisions are setting the course for your country and your citizens. If you are a European politician, your responsibility is enormous and the consequences from your decisions are on several hundred million people and their future, on all your neighbouring countries and beyond on the entire global scene. We can only hope that the current European and global leaders have the courage to make the right choices and to make the right decisions at the right time. The time matters too. Every wise politician knows well that credibility and trust are the most important and maybe the only commodities they have. Once you lose your credibility, people will lose trust in your leadership.

At a certain point, most probably we have all experienced that feeling of being refused at the last moment. North Macedonia or Macedonian citizens have experienced that terrible feeling more than once. It happened in the beginning of the 1990s, just after the breakup of Ex-Yugoslavia, when our right of self-determination was questioned, and again in April 2008 in Bucharest at the NATO summit, when we were turned down at the last minute to become a member of the NATO, despite the fact that we had fulfilled all required criteria and preconditions. Further on, after solving a three-decade long dispute over the name with Greece (Prespa Agreement² from 2018) and signing an agreement on the good neighbourly relations with Bulgaria (2017) in June 2018, the Council did not award these unprecedented achievements and because of “technical reasons” decided to push back the decision for opening accession negotiations for EU membership for June 2019. That decision was once more postponed for October 2019, and again for 2020 (for “before May”). It would be a real challenge to find words to explain bitterness and frustration these “NOs” have provoked and the impact they had on the citizens of North Macedonia. Donald Tusk (2018), at the time when he was the President of the European Council, described the impasse as a mistake clearly stating that “It is not a failure, it is a mistake. I feel really embarrassed.” Jean-Claude Juncker (2018), at that time the President of the European Commission said that it was a “major historic mistake” not to take the decision to open accession

2 See: Republic of North Macedonia, Ministry of Foreign Affairs (n.d.).



negotiations with North Macedonia, adding: “If we want to be respected, we have to keep our promises.” The credibility of the Union is at stake. What we do hope is still possible, is that that “historic mistake” can be corrected, without additional delays and further damage.

It is well known that “any European country which respects the EU values (human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities³) referred to in the Treaty of the European Union (TEU) and is committed to promoting them, can apply to become a member of the EU” (EUR-Lex, Article 49). More sensitive decisions of the EU are still subject to unanimity (European Council, n.d.). Admission of new members into the EU and any decision related to EU enlargement is subject to this rule and a potential cause for a veto. Someone can always say a “no.” Any of the member states may practice veto or its right to say “no” when the Council decides whether to open accession negotiations with a candidate country. The same right to say “no” and to block progress in the accession negotiations can be also raised during the entire process while opening or closing any of the 35 chapters.⁴ From recent experiences, it seems that “the formal veto power wielded by each country is becoming a much more unpredictable and obstructive weapon than in earlier epochs” (De Witte, 2019). The dilemma about how to reform the Union with a constantly expanding number of member states in order to make it (or to keep it) functional and more efficient, while a diversity of interests is growing, is as old as the EU itself. However, after the “Big bang” wave of enlargement (2004, 2007 and 2013), the debate has sharpened, because the size of the Union has stretched to a breaking point and almost doubled the number of members with diverse interests (from 15 to 28) that have made the decision-making process complex, slow and unpredictable. In a global world with a rapidly changing landscape, the decision-making process has to match the speed in which the new digital societies function, including taking into consideration the potential foreign powers interference.

On January 31, 2020, after 47 years, the UK officially left the EU as the first country that has ever done that in the history of the Union. The thin majority of the people of the United Kingdom said “no” at the referendum in 2016, but in democratic societies, the will of a majority of the population has to be respected. Exit (withdrawal) of the UK, with its population of 67 million, 6th economy in

3 See: EUR-Lex (2012, Article 2).

4 The whole body of the EU law, for the purpose of accession negotiations, has been divided into 33 (35) chapters.

the world (by GDP), a second net contributor to the EU Budget, a permanent member of the UN Security Council and a country with a very capable diplomacy at a global scale, will have an inevitably strong impact on the European Union too. Many analyses have been done during the last couple of years, since the UK referendum, about the consequences, and most of the findings show high risks for both sides, for the EU and UK too.

At the same time, on February 5, this year, the European Commission (2020a) launched the Communication, “Enhancing the accession process - A credible EU perspective for the Western Balkans,” with a proposal for the reformed enlargement procedure and renewed methodology for accession negotiations that should pave the path for the Western Balkan countries to become future members in the European Union. Some reactions are positive, saying that this is a new chance for a fresh beginning, while some are concerned and they say that this is a recipe to make the process endless. We cannot afford not to be optimists, but we have to be cautious optimists.

Enlargement Policy in Competition with Other Priorities

During more than six decades, the European Union was evolving, constantly adapting to the new circumstances and adjusting to the new realities. The geopolitical environment has become more violent, and the “predictable unpredictability” became the norm. We live in a global world and in challenging times when the boundaries of geopolitics and global interests are blurring through the national, regional and global levels.

The EU became a moving target. It is a fact that the EU is constantly changing while adjusting to the evolving circumstances at home (at national and Union level) and at the global scene as well. Whether the pace of adaptation and the new architecture can match the changes, we will have to witness to see. In the meantime, reforms are moving on different tracks with different speeds and with evolving ideas, mostly driven by the vision and ambition of the MS’s and EU leaders. Therefore, it is of crucial importance that the Conference on the Future of Europe (European Commission, 2020b) - to be launched on May 9, 2020, and run for two years with a closing conference in 2022, during the French presidency of the Council of the EU -, take forward the “White Paper on the Future of EU 2025” to lay the ground for open, honest, all-inclusive and brave debate that should bring new fresh ideas on how the EU should look like in the next decades (European Commission, 2017).



New EU leadership will have to find new ways on how to improve its efficiency and the effectiveness of its policies, fully respecting principles of a supranational legal order, subsidiarity and proportionality, solidarity and fundamental values as the basis of its own existence. European Green Deal and New Investment Plan, Rule of Law Monitoring mechanism, including Justice Scoreboard, European Semester and enhanced Fiscal Rules, all are elements of the reforms that we want to believe can make the European Union stronger, more united, safer, more just, more resilient, more competitive and globally more influential. By mirroring the same reforms at our national level, even only as a candidate for membership country, we can become gradually part of all these important reforms. Reforms became a subject of existential nature, a matter of survival.

The last year elections for the new European Parliament ended with strong pro-European but yet more complex political landscape. It is evident that every next new MS's national elections are a test for conventional democratic means and procedures, very often targeted by external interference with extremely sophisticated means and methods making political divides bigger and more difficult to deal with. Inflammatory voices of populists, nationalists and radicals are raising the risk of violent behaviour and tendencies towards protectionism and disintegration processes. Euro-Atlantic relations, on which fundament the European Union was built and developed, are facing unprecedented challenges, followed by cracks in NATO architecture that needs to be fixed, rebuilt, strengthened and consolidated, coupled with new reinforced European Defence Policy and CFSP with full respect of coordination mechanisms, solidarity principle and coherent approach to common military challenges. Migration as one of the most pressing issues is burdening intra Union relations and stretching the principle of solidarity to a breaking point.

Last year process of appointment of the entirely new set of leaders in all the EU institutional structures had to sustain a pressure of bold differences and to build very complex coalitions with high bargaining stakes. All this inevitably leads to tough negotiations on the New Financial Perspective-MFF (2021-2027), without the net contribution of the UK and sharp differences between east and west, north and south, friends of cohesion policy and latent conflict between great contributors and biggest beneficiaries. Less money makes it more difficult to prepare better for the global warming phenomenon and climate change that may have devastating consequences on our environment, but also on our economies and our way of life. Negotiations on Brexit have already drained enormous quantity of time and energy of all involved, and

at the end will have unprecedented large impact on all countries involved (especially if no-trade deal at the end of this year), beginning with trade and financial impact, through changes of political relations ending with direct and indirect security issues on bilateral and global level. Not less worried, the world is challenged by the new forms of uncontrollable interference into democratic processes through cyberspace, using hybrid threats in combination with artificial intelligence and deep fake news, consequently challenging our common security and our way of life as we know it.

It was never easy to build complex systems, neither will be easy to keep them from falling down. European Union has shown its resistance capability on many occasions, becoming stronger and more resilient over the decades of its existence. The EU enlargement as a peace building process has been a successful project. The challenge is how to move forward with this success in the times of new economic, technologic, demographic and security challenges in changing geopolitical context? When launching Strategic Agenda 2019-2024, President Juncker said (2018): “We must now look forward, learning from our experience and building on our successes.” It sounds like good advice.

Enlargement and the Western Balkans

“The Enlargement process will not be completed until all Western Balkan countries are fully integrated” - (in different variations) is the sentence we have all heard many times declared by a number of European leaders, including those that are directly responsible for that enlargement to really happen. The recent history has shown how correct these statements are in their essence. Sooner we are fully integrated into the Union, sooner the Western Balkans will become a better place to live in and the European Union will become more secure and safer. Orientation of the Western Balkans towards the European Union is not only about geography, history or economy, but about building a strategic longstanding partnership, or about how we, the Western Balkans change and how the European Union changes to accept us as equal partners on the table where the policies and decisions about our common future are made. That mission still needs to be completed.

In the contemporary global world and modern democratic societies, one cannot afford geopolitical “free space,” simply because global powers with their gravity and intercontinental forces have tendencies to almost naturally fill that free space. Ursula von der Leyen (n.d.) in her Political Guidelines for the Next Commission 2019-2024 rightly elaborated that geopolitics must shape the policies of the new Commission. For the EU



perspective on the Western Balkans, she stressed that “We share the same continent, the same history, the same culture, and the same challenges. We will build the same future together.” But Shada Islam (2019) from “Friends of Europe” also rightly notify us that we should not forget that “geopolitics begins at home: Europe’s challenge is in the Western Balkans.” Investment in the integration of the Western Balkans is a direct investment in the EU’s stability. Unfortunately, “It is no secret that most of the European public is against enlargement” (Tcherneva, 2019), and Germany, Austria, France, Netherlands are the most skeptical countries, where 46-40 percent of the population is against new EU members from the Western Balkans. This can be changed only through a mix of political decisions, institutional efforts, and adequate communication strategy.

During the last decade, North Macedonia and Albania delivered on reforms and deserved the decision to open accession negotiations, Montenegro and Serbia need to act with greater determination and to accelerate their negotiation process, Bosnia and Herzegovina face some structural political challenges and Kosovo should put the political focus back on the European agenda. We have all done a lot in an extremely complex environment and under constant pressure. The reforms will have to go on, but some decisions on the enlargement to the Western Balkan countries will have to be taken now, so that we will not regret later.

Euro-Atlantic Orientation and Accession Aspirations of North Macedonia

Strategic goal and geopolitical orientation of the Republic of North Macedonia is clear and stone solid, we want to become members of the EU and members of NATO, as soon as possible. We deeply believe that the choice is right, not only for us but also for the region and for the EU as well. Any analysis from a historic, geographic, political, economic or cultural aspect about the reasons for the integration of North Macedonia results in the conclusion that we are part of Europe and should inevitably become part of the European Union.

There was not and there is no serious political party and serious political leader that would dare to dispute that orientation. Simply because all public polls show that between 72-90 percent of the population is in favour of the EU (and NATO) membership. For any politician, it is wise to follow the will of its people.

In few weeks, we are becoming the 30th member of NATO. For a small country, that is a huge achievement. NATO membership is bringing to the country's long-term security and predictability, and that is a precondition for our attractiveness for investments, which is essential for the development of our economy. And we believe that NATO membership is not important just for us, but also for strengthening the security and stability of South-Eastern Europe and the European Union itself.

Achieving one of the country's strategic goals gives us even more stimulus to accelerate the pace of the reforms and to double our efforts for the second generational goal, the EU accession. North Macedonia was the first country from our region to sign the SAA back in 2001 (initiated in 2000 in Zagreb, exactly 20 years ago), applying for membership in 2004, becoming candidate country in 2005 and receiving the first recommendation from the European Commission for the opening of accession negotiations in 2009. That same recommendation was repeated by the Commission and submitted to the Council for a decision ten (10) consecutive times from 2009 to 2019. Despite all the difficulties and obstructions, we have faced since our independence, we have not changed our Euro-Atlantic orientation, and it is clear today, more than ever, that this is the only option for us, no other alternatives or whatsoever. That is the option that gives us space to develop our democratic political system and to promote our market economy, to accelerate our social and economic development, to strengthen and enhance cooperation with the EU, to integrate into the ECSP, to consolidate Macedonian position at the international level and to promote our international identity as a peaceful country. If we do not become a full member of the EU in a foreseeable future, the main negative consequences could be demonstrated by the fact that North Macedonia would be outside the safeguard and solidarity mechanisms and would have to tackle its international position largely with its own forces. Also, we will not participate in the decision-making process on crucial matters which either directly or indirectly affect our future and economic development.

During the last two decades, North Macedonia has gone through a heavy EU-oriented reform process. No single angle of our society remained the same. All areas have gone through the process of approximation, and - as a result - several hundred new legal acts have been introduced into our legal system, transposing so far around 31 percent of the EU Acquis into our national legal system, even without a date for accession negotiations. Several dozen new institutions have been established and are fully functional. Our trade orientation is completely towards the EU and naturally



towards our region. Just to illustrate that 75 percent of our trade volume (import-export) is with the EU, around 4 percent is with China and 1.7 percent is with Russia. Around 3/4 of our FDI are from the EU.

To recapitulate, our legal and institutional system, our trade relations and business connections, FDI, our industrial technology are strongly and long-lastingly EU-oriented. To add to that, our students, scientists, tourists, seasonal workers go to the EU, end to conclude on the dilemma about the possible orientations and alternatives to the EU, we are as a country surrounded by two EU member states and three NATO member states. Geography and natural surrounding are very important when you are deciding about your geopolitical orientation and strategic options, it is simply a matter of rational thinking.

On Reforms, We Delivered

“North Macedonia has made great strides towards its strategic goal of EU and NATO integration. The country has shown its determination to advance the EU reform agenda and has delivered tangible and sustained results... in light of the significant progress achieved and the conditions set unanimously by the Council in June 2018 having been met, the Commission recommends that the Council now opens accession negotiations with North Macedonia” (European Commission, 2018). This is written by the professionals of the Commission (DG NEAR) who are constantly (on a daily basis) monitoring every step we do, every decision we take, and how we implement our promises. The same wording and the recommendation were repeated in 2019, too.

Nothing we got, nothing we achieved is a gift, including these clear recommendations to start accession negotiations. We had to earn every single word in these reports and to convince many experts from the Commission, from the MS's and from a number of relevant international organisations. And we delivered, with hard work, dedication and by using the knowledge accumulated over last twenty years as part of the Stabilisation and Association Process and by implementing the Stabilisation and Association Agreement.

A few years ago, very few believed that we could deliver what seemed to be impossible for almost three decades, and that is, to close open bilateral issues with Hellenic Republic and Bulgaria, to address internally sensitive interethnic issues, and to manage to stay focused on the reform path in key priority areas, such as the rule of law and the reform

of judiciary, the reform of the intelligence services, the anti-corruption and fight against organised crime, and the reform of public administration. We delivered on all our promises. There were many highly emotional and difficult decisions to take. It was not easy, neither everyone was equally satisfied, but it could not have been done differently.

Why We Should Become Part of the European Union

It is very often that we are asked to give arguments why North Macedonia should be part of the EU and should start accession negotiations, and among many arguments, the following can also be taken into consideration:

- After resolving a three-decade long name dispute with the Hellenic Republic and signing the Agreement with Bulgaria, North Macedonia is the only country in the region that has no open issue with any of its five neighbours and has conclusively resolved all border disputes;
- It is a fully functional multiethnic and multi-confessional democratic society;
- It was playing a very constructive role during the migration crises (and will play in the future);
- It is an island in the centre of the Western Balkans that can be (and want to be) a connector among the states and different ethnic groups;
- It is the missing piece in the EU's mosaic that can bring to the EU a new breath of cohesive spirit, and can serve as a positive example for the whole Western Balkan region;
- It is ready to act fully in line with the CFSP positions and to be part of the new EU Defence structures, and now as a NATO member (to be) as well;
- And it is fully ready in political terms and has institutional capacities to start accession negotiations.

Further on, there are more arguments for the decision, but from the opposite side. In the case we do not start accession negotiations, the risks are also many:

- Loss of hope for EU membership will provoke young educated people to start leaving the country in waves reducing the workforce and potential for development and growth;
- Loss of hope can also produce strong EU fatigue and EU skepticism, that on longer term can be devastating for the future of the country;



- Population division by ethnic, religious and social lines can come back and even deepen, resulting in the vulnerability of the democratic institutions and their capacity to govern;
- It can downsize the level of resistance for interference from outside and create fertile ground for increased influence of other global players;
- It may leave space for penetration of potential violent international groups thus increasing the risks for raising terrorism, extremism, nationalism, and separatism, which may affect the security of the EU as well.

We can go on with a great number of additional arguments why North Macedonia deserves and why we should become a member of the EU, on a merit-basis principle, but we need first to depart from ground “0” where we have been stuck for too long.

We Need a Decision/a Date to Start Negotiations

The political, economic and psychological impacts are essential. The credibility of the process needs to be preserved (or to be brought back). Opening accession negotiations is a new infusion into our bloodstream, so much needed after more than a decade of thick fog. Equally important is the technical part of the process that is fundamental to keep the process alive, the administration engaged and the society fully alert. Just a small positive signal, like explanatory screening that we have concluded last December (2019), and we can all see how the administration is picking up again and enthusiasm is back. The power of the enlargement process works again, after years of stalemate and gloomy perspective.

We need the date to keep the credibility of the Union and to preserve the gravity of the accession process. Only a clear perspective and predictability, combined with political leadership with vision and professional depoliticised public administration can prevent young people from leaving the country, can attract the best people to get into the process and can keep them home.

With the official decision, North Macedonia will enter the next phase of its integration into the EU which should result in (accession) agreement with the European Union with the terms under which we will be admitted as a member of the Union. First, with the decision, we can proceed with the bilateral screening exercise, and second, the Commission will receive a mandate to prepare the text of the Negotiation

Framework that needs to be adopted with a consensus by all the 27 MSs at the Council level confirmed by the European Council. This is an extremely important document that will certainly set the pace of the negotiations by its content and dynamism.

New Methodology: Enhancing the Accession Process

Right after the October's "fiasco" last year at Council meeting (European Council, 2019), France launched its "Non-paper - Reforming the European Union accession process" (Politico, 2019) with the intention to initiate substantial reforms of the EU accession process, followed by "Tallinn Group"⁵ proposals, as well as suggestions by several other member states. In this way, the process that was in impasse was unblocked.

On February 5, this year, the European Commission (2020a) launched the Communication to the EP, the Council, ECSC and CfR with a proposal for "Enhancing the accession process - A credible EU perspective for the Western Balkans," to drive forward the EU accession process, by making it more credible, with a strong political steer, and more dynamic and predictable. When officially presenting the Communication, Commissioner for Neighbourhood and Enlargement, Olivér Várhelyi, said: "The European Union enlargement to the Western Balkans is a top priority for the Commission," announcing a three-track approach: enhanced accession process, opening negotiations with North Macedonia and Albania and launching Economic and Development Plan for the Western Balkans, in Zagreb during the EU-WB Summit on May 6-7.

The "Communication," including the new methodology for accession negotiations was a result of short but intensive political consultations between the Commission and member states and among the member states. The political agreement ended with a widest possible amalgamation of different technical elements, aiming to balance political vision with strict administrative requirements of the accession negotiations process. This new changed approach has the intention to make the

5 The Tallinn Group is an informal group of EU member states that are supporters of enlargement. The group members are Poland, other V4 countries and the Baltic States as well as Finland, Romania, Slovenia, Sweden, Italy (and the United Kingdom).



process of enlargement (“political unification and territorial consolidation” of the Western Balkans into the EU) possible and realistic at the same time. As stated in the Communication “it remains more than ever a geopolitical investment into stable, strong and united Europe” (European Commission, 2020a).

In order the political intention to be accepted by negotiation sides, the one that defines the new approach and the one that needs to act in line with its letter and spirit, there is certainly a need for detailed elaboration and comprehensive all-inclusive dialogue to be open, as soon as possible. That should make us confident that we all understand equally the magnitude of the changes and its impact, as a fundamental precondition for success. Despite the fact that many of the elements and the wording of the methodology sounds the same as before, careful reading brings us to the conclusion that the changes are deep and the novelties are substantial. In a few words, the new approach is more complex, more political and more exposed to political changes, more dynamic, more demanding and more expensive.

The proposed methodology can be seen as a new political framework for (now more than) a technical process, which will be moved forward by political decisions as an “accession driven” gradual process, leading towards the full EU membership of all Western Balkan countries, fully respecting merit-based principle.

Context (Methodology)

We are not the only ones, but we are not alone too. We must accept that within the EU, there are other competing priorities, a part of enlargement and Western Balkans. The full impact from the Brexit or exit of the UK cannot be predicted in detail, but definitely will imbalance the EU Budget and will change the structure of the New Multiannual Financial Framework. Volatile political, military and trade environment requires an adequate response and vigilance. In these circumstances, we have to appreciate more that the Enlargement and Western Balkans are considered as a top geopolitical priority of the new Commission. We are back in the focus of interest of the EU (the reasons are many, including security), and we should use this opportunity to the maximum.

At the same time, the accession process is a two-way street and it is about a strategic partnership, so it has to work for good for both sides. On one side, we have to comply with the highest standards at all levels, and on the other side, the EU has to

reform itself to stay attractive and to become more efficient. We are convinced these two-side reforms can be done in parallel. Reforms (or changes) are not a beginning, neither the end of something. In a constantly changing world, reforms became a matter of survival and existential necessity.

This is the fourth time that the EU is introducing new rules in accession negotiations, starting in 1998 - in line with Copenhagen (European Council, 1993) and Madrid Criteria (European Commission, 1995) -, 2005 - introducing benchmark elements for Croatia (European Stability Initiative, 2005) -, 2011 - strengthening benchmarks approach and focusing on the rule of law for Montenegro and Serbia - and now in 2020 – more comprehensive methodology and more political approach for North Macedonia and Albania, and the countries to follow, B&H and Kosovo. Considering that, on one side, the current accession negotiation process is much slower than before, and on the other side, the EU is now functioning in a much more complex internal and external environment, change in the approach seems to be a necessity and inevitable. Considering how much the world, the EU and our region (and we as a country have changed), new methodology (approach) should not be such a surprise.

Accession negotiations under the new rules, as a massive and long-lasting process that should bring the country to a full EU membership, must become a state-owned project. The only way to reach our strategic goal in a more complex and changing environment is *unity*. No party or a person can have a monopoly on it. The process belongs to every single citizen. It lasts very long and it cost a lot. We all have to invest together in our strategic interests and in our joint future. There is no methodology, a document, which can take us to that point. We have to do it by ourselves for ourselves (and for our next generations).

We cannot stop the new methodology to happen and the rules to change, therefore, with sober and rational thinking and serious professional approach, it is wise to try to turn it into our gain and to use all possibilities that new mechanisms are offering. There is a new chance for the enlargement process and a new chance for us. However, as a country being in the process of EU integration for more than 25 years, investing constantly in it, the change of the rules is naturally raising some concerns that need to be addressed as a matter of urgency in an honest, open and friendly manner. Clarity is one of the key preconditions for success.



The Methodology: Some of the Main Elements and Some Suggestions

In my view, there are four key points in the methodology: political commitment, dynamism, capacities and reversibility.

First of the key points, political commitment is in the epicentre of the proposed methodology that should make it more political, more credible, more accountable, more predictable, more dynamic and more concrete.

It has been noticed quite often during the last decade particularly, that political statements and promises do not match the implementation of the same. This goes equally for the EU and accession countries. Not doing what was agreed or doing very little, dragged the accession negotiations in Montenegro and Serbia for too long, and did not give even a chance to North Macedonia and latter to Albania, to open the negotiations. The new methodology seems to address this weakness through closer enhanced political steer. The main logic behind is, once politicians agree on concrete roadmaps and action plans – the rule of law, functioning democratic institutions, stronger links with Economic Reform Programme -, first, they have to give clear public political statement, and second, they will have to keep promises and to deliver expected reforms through professional and depoliticised administration, in democratic and all-inclusive procedures. At the same time, all the way during negotiations, we will have to report what we have done and what not and why, thus strengthening accountability in front of our citizens and the EU, in a transparent way, offering to the media and civil society space they need to play their important monitoring and corrective role.

To ensure political steer and credibility, as well as trust on both sides, the Commission is proposing a set of institutional mechanisms as a mix of old and new (but enhanced) structures:

- Regular EU-Western Balkan Summit on an annual basis (so far there have been three such summits in Zagreb in 2000, in Thessalonica in 2003, and in Sofia in 2018, with a forth one announced for the beginning of May 2020 again in Zagreb), including more frequent ministerial meetings at a sectoral level;
- Country-specific Inter-Governmental Conference (IGC) will occur on annual basis, right after the Commission will publish the enlargement package and country reports, at the highest political level, to take stock of the achievements and plans for

the next year, for opening new clusters, meeting determined benchmarks (opening, interim and closing benchmarks);

- Regular annual, but more political meetings of the Council for stabilisation and association, as well as Committee and Subcommittee meetings (where SAA association process will be blurred with accession negotiations process). These coordination bodies exist, in the case of North Macedonia since 2004 with regular meetings once per year. What is new in the methodology is that, in addition to the SAA, these bodies will also discuss the pace of reforms and the advancement of the accession negotiation process, on a very high political level;
- Novelty also is that the representatives of the member states will be invited to monitor closely the accession process with their experts and contributions to the Commission reports.

This is a very important part of the new methodology that aims to ensure the constant political steer of the accession driven reforms, and even with the deeper involvement of the MSs, with meetings on a regular annual basis, in order to check regularly and consistently the implementation of the agreed commitments (credible, accountable, transparent).

However, the clear ground needs to be ensured by answering some questions to meet the concerns of the accession countries. We would suggest, as a matter of urgency, the followings:

- These multi-level institutional mechanisms need to be set in the right order and with well-defined (redefined) responsibilities (terms of reference, rules of procedures) on both sides, in order to avoid any potential for overlapping, duplication and erosion of efficiency;
- There is a need to better clarify the role of the MSs and their representatives on all levels, in order to avoid any misunderstanding during the negotiations;
- In addition to the above, it would have been much more convincing (that the process was fair and on an equal playing field), if the new methodology had been applied to all Western Balkan countries, including Montenegro and Serbia. With a full understanding of the legal obstacles, from the political aspect, introducing new rules only for those that yet need to start accession negotiations has a practical potential to create deeper divisions, at the same time losing advantage to be able to compare progress and alignment among all six Western Balkan countries.



Dynamism is the second key element that this methodology is bringing forward, as a potential for accelerated accession negotiations.

The main novelty is a clustering of all 33 Acquis chapters in six areas.⁶ The body of the Acquis is the same, but now it is clustered in six logically connected groups. At first look, it seems very complicated, but on the other hand, it offers a chance to accelerate the process, for example, with the opening up to 8-9 chapters at once. Precondition this to happen, is to be extremely well-prepared, strategically organised in planning the process, setting the right priorities in good order and ensuring necessary resources to be able to keep the tempo of the implementation of accepted obligations. The new approach is also opening a chance for closing chapters within a year if all benchmarks are met. Benchmarks, as introduced in 2005 and enhanced in 2011, remain, but now with Opening Benchmarks (OBM) per cluster, plus Interim Benchmarks (IBM) for Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom, and Security), as a precondition for any advancement in all other clusters. In the end, Closing Benchmarks (CBM) will be set for all chapters.

“Fundamentals” is the most complex and certainly the most difficult cluster to negotiate. This cluster should lay down the fundament of trust and ensure a credible negotiation process. It will be first to start and last to end the accession process, which makes this cluster longest to negotiate. It includes Chapters 23 and 24 (with Interim Benchmarks), and Chapters 5 (Public Procurement), 18 (Statistics) and 32 (Financial Control), as well as a new approach in the accession negotiations process, bringing inside this cluster also: Economic Criteria, Functioning of Democratic Institutions and Public Administration Reform. These areas are not new, they were part of the accession process before, but their introduction as part of the accession negotiations is new and quite unclear.

The other five clusters (and other 28 chapters) can be opened in order, depending on their stage of preparedness and their level of priority. We will have to agree on our approach and dynamism with the Commission and with the member states. Being well-prepared and choosing the right priorities will have a direct impact on the tempo of the accession negotiations, ensuring access to EU policies in line with our mutual interests. In addition to that, we should not forget about Chapters 34 (Institutions) and 35 (Other Issues), to be dealt with separately, that in our case may be very important and politically very sensitive.

6 Fundamentals, Internal market, Competitiveness and inclusive growth, Green agenda and sustainable connectivity, Resources, agriculture and cohesion and External relations.

This part of the new Commission methodology (clustering), needs to be thoroughly reviewed clarified and explained in more details, using practical examples, right after final adoption of the Communication, considering the followings:

- Detailed document (Guidelines for the New Enhanced Methodology) needs to be written and elaborated as soon as possible;
- EU and its member states may find appropriate and should consider, along the new methodology, to build and apply “mirroring approach,” bringing in the candidate countries at earliest possible stage into the new rule of law monitoring mechanism, including Justice Scoreboard (“Enhanced Rule of Law Mechanism”) and as soon as possible initiating gradual introduction of all elements of the European semester under the Economic Criteria, as all these are fundamentally important for a successful and sustainable progress in the accession negotiations;
- Countries concerned should be given a chance to ask questions, in an open dialogue with the Commission services, to better understand all new mechanisms and elements of the accession negotiations process;
- Existing “Screening Guidelines” needs to be rewritten and aligned with the new approach;
- Elements of the Fundamentals cluster, additional to chapters, like Economic Criteria, Functioning of Democratic Institutions and Public Administration Reform, needs much more detailed elaboration, including “Explanatory Screening”, in line with the new methodology;
- “Bilateral Screening” in clusters format need to start right after the decision for the opening of accession negotiations, therefore, Calendar for Bilateral Screenings needs to be agreed as soon as possible (and should not exceed 6-12 months maximum);
- Once Calendar is agreed, both sides need to make sure that preparations are set in the right order of the priority clusters and in line with the Calendar;
- There is also a need for clarification on how the “Screening Reports” will be prepared per cluster with defined Opening Benchmarks, which can set the dynamism of the entire process.

Capacity is the third key point of the methodology, which in my view is essential for successful negotiations and reforms. The more complex, more demanding process has to be matched with mobilising appropriate institutional capacities, from both sides. If there is a political will from both sides, then the dynamism of the process will depend



on the capacities and resources available, also on both sides. We certainly do not want to end up with a good document and strong will, but with no sufficient resources (capacity) to implement it.

Planning and preparation of the Bilateral Screening per clusters, a great number of political and technical meetings, preparing roadmaps, drafting action plans, writing many reports, not to mention the process of negotiations as such (which consists of translation, transposition and harmonisation of the Acquis, implementation in practice, monitoring, enforcement, track-records, etc.), all that requires a lot of experts' full time engaged into the process, on both sides.

In order to meet the capacity requirements:

- Commission (and MSs if they really want to participate in the process) needs, as a matter of urgency (considered as priority number one), to substantially strengthen DG NEAR, Directorate dealing with Western Balkans and all horizontal units dealing with negotiations and respective EU Delegations. Other DGs should also have experts and adequate capacities on disposal to participate in the negotiation process on a full-time basis;
- MSs should allow participation (step by step approach, as much as possible, for our experts in the work of the Commission bodies - there are 320 Committees according to the European Commission (n.d.), Comitology Register at the moment - and for the first time also in the work of some of the Council bodies (Council of the European Union, 2019) - there are 153 bodies at the moment. There is no better way to strengthen our capacities to learn policy creation, including decision-making system and process than to become part of it;
- On our side (as North Macedonia is concerned), we need as well as a matter of urgency, to rethink, redesign and reorganise all existing coordination structures, clarify the division of responsibilities among different government levels and institutions, in line with the new methodology;
- Common digital platform could also be considered, for example, “Enhanced Accession Negotiations Digital Platform,” where all involved sides at given stage can share relevant Acquis that is in force during the negotiation process, screening and negotiation guidelines, screening documents and presentations, Q&A, calendars for all meetings, minutes and conclusions, reports, address books, news and novelties, relevant statistics, lessons learned and experience, etc.

And the fourth key element in the new methodology is the reversibility or positive and negative conditionality. It fully makes sense to award countries that are progressing with their reforms and advancing in accession negotiations (closer integration and increased funds), and the opposite, to sanction those that are stagnating, dragging behind, slowing down or even backsliding (negotiations on hold, suspension, reduced funds, no concessions for market access). Complying with the required criteria, standards and full harmonisation with the EU Acquis (transposition, implementation, enforcement, and clear track record) is a serious challenge and requires serious approach by all sides, always keeping in mind the potential consequences.

In principle, we have no objection to the positive and negative conditionality, but what raises very serious concerns is the newly introduced decision-making process for awards and sanctions, which is quite different from the one applying for Montenegro and Serbia. In the case of MN and SR (for sanctions/suspensions in the case of serious breach), a proposal can be done by the Commission or 1/3 of MSs (at least 9 MSs) and adopted by the Council with QMV (at list 15 out of 27), while according to the new methodology that will apply for North Macedonia and Albania, a proposal can be placed by the Commission or just one MS (?) and adopted in simplified procedures (14 out of 27), including reverse QMV (proposal can be turned down with QMV-15 out of 27).

Considering that the new proposed decision-making mechanism and rules can substantially decrease the potential for accelerating the negotiation process (one MS can always find a reason to block the accession negotiation, “Someone can always say a NO”). In the case of North Macedonia, this mechanism is a direct threat and can put us under enormous pressure on very sensitive national issues, not necessarily connected with the Acquis, including possible differences in interpretation of some bilateral agreements.

Therefore, there is a need for some further considerations about this part of the methodology:

- The MSs, while discussing the new methodology, should take seriously into consideration that the proposed decision-making model is imposing (or has a potential to impose) increased risks for new disputes and obstacles during the negotiations;
- When the Negotiation Framework is drafted, this part needs a special attention to be safeguarded from becoming a hostage of the new methodology. One country proposing sanctions compared to nine countries in the case of MN and SR makes a great difference and may easily create new gaps;



- There is also a need to clarify the part of sanctions that refers to the pause or withdrawal of the “unilateral concessions for market access,” in relation to the SAA in force.

The next step, upon the adoption of the new methodology, will be: a decision taken to open accession negotiations with new countries, and a mandate given to the Commission to draft the Negotiation Frameworks, which need to be adopted at the Council level by unanimity by all (27) MSs. Details will be further developed in what seems to become a very comprehensive and extremely complex new generation of Negotiation Frameworks. The commission will be drafting this document on the basis of the new methodology, that will be thoroughly considered by relevant Council bodies (under the pressure of all interested MSs).

Conclusion

History is the best teacher of all, and lessons are many. What we have learned is that nothing is given for granted. Everything needs to be earned with wise decisions and hard work. The future is a potential, opportunity, set of options that depend on our individual or collective decisions, as politicians and citizens. Only the right decisions can take us forward, politicians with vision can take us closer to the future and charismatic leaders can drive us through present challenges.

We would like to believe that the “historical mistake” made by the European Council, in the case of North Macedonia, by not taking a decision to start accession negotiations, was just a moment of weakness on behalf of the Union. We still have full trust in the European leaders and we are convinced that they will soon make the right decision. The Council needs to decide to open accession negotiations with the Republic of North Macedonia as a matter of urgency.

The proposed new methodology is more complex and demanding than any other before, but if both sides are honest and dedicated, it offers a chance to lay down a credible, dynamic and sustainable political process. However, the risk of any member state to say “no” (to block or postpone the process) at any point in the negotiations remains open. One of the challenges to deal with is how to make sure that the new methodology and the decisions that will go with it are not used (or misused) as pure abuse of the position (position of the member state against the candidate country).

The new methodology must bring back the process to its fundamentals, as an “accession driven” process that should not just enlarge the European Union, but assist in its political unification and territorial consolidation with the Western Balkans as part of it.

At the Council meetings in March, the decision to open accession negotiations with North Macedonia can be taken. The expectations about the Zagreb Summit in May are great, with new avenues for EU membership of the Western Balkan countries, including a potential boost of our economies and investments. June could be the month to have the 1st IGC with North Macedonia. During the German Presidency, in the second half of the year, the process should be streamlined in line with the new methodology when we should start feeling the acceleration (if everything works well). In 2021, Portugal and Slovenia are taking forward the presidency, we believe that with full steam and adequate institutional support. In parallel with our negotiations, the Conference for the Future of Europe will be close to its final conference (first half of 2022), at the time when France will be at the chair of the Council of the EU. We are deeply convinced that two processes can run in parallel together, and can complement and help each other towards the same goal: more united, better coordinated, consolidated (enlarged) and better governed European Union.



Bibliography

- Council of the European Union. (2019). *List of Council preparatory bodies*. Brussels, December. Retrieved from <https://data.consilium.europa.eu/doc/document/ST-15119-2019-INIT/en/pdf> [Accessed March 31, 2020].
- De Witte, B. (2019). *Constitutional Challenges of the Enlargement: Is Further Enlargement Feasible without Constitutional Changes?*. Maastricht University.
- EUR-Lex. (2012). *Treaty of the European Union*. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M%2FTXT> [Accessed March 31, 2020].
- European Commission. (n.d.). *Comitology Register*. Retrieved from <https://ec.europa.eu/transparency/regcomitology/index.cfm?do=List.list> [Accessed March 31, 2020].
- European Commission. (1995). *Madrid European Council (15 and 16 December 1995): Presidency Conclusions*. Retrieved from https://ec.europa.eu/commission/presscorner/detail/en/DOC_95_9 [Accessed March 31, 2020].
- European Commission. (2017). *White paper on the future of Europe*. March. Retrieved from https://ec.europa.eu/commission/future-europe/white-paper-future-europe_en [Accessed March 31, 2020].
- European Commission. (2018). *The former Yugoslav Republic of Macedonia 2018 Report*. Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Commission Staff Working Document. Retrieved from <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-the-former-yugoslav-republic-of-macedonia-report.pdf> [Accessed March 31, 2020].
- European Commission. (2020a). *Enhancing the accession process - A credible EU perspective for the Western Balkans*. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Brussels, February. Retrieved from https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology_en.pdf [Accessed March 31, 2020].
- European Commission. (2020b). *The Commission's contribution to shaping the Conference on the Future of Europe*. Commission, January. Retrieved from https://ec.europa.eu/info/publications/commissions-contribution-shaping-conference-future-europe_en [Accessed March 31, 2020].

- European Council. (n.d.). *Unanimity*. Retrieved from <https://www.consilium.europa.eu/en/council-eu/voting-system/unanimity/> [Accessed March 31, 2020].
- European Council. (2019). *Conclusions – 17 and 18 October 2019*. Retrieved from <https://www.consilium.europa.eu/media/41123/17-18-euco-final-conclusions-en.pdf> [Accessed March 31, 2020].
- European Stability Initiative. (2005). *Negotiating Framework for Croatia*. Luxembourg, October. Retrieved from https://www.esiweb.org/pdf/croatia_ec_negotiation_framework_2005.pdf [Accessed March 31, 2020].
- Islam, S. (2019). Geopolitics begins at home: Europe's challenge is in the Western Balkans. *Friends of Europe, Peace, Security & Defence*, December. Retrieved from <https://www.friendsofeurope.org/insights/geopolitics-begins-at-home-europes-challenge-is-in-the-western-balkans/> [Accessed March 31, 2020].
- Juncker, J.-C. (2018). State of the Union 2018: The hour of European sovereignty. *European Commission*, Strasbourg, September. Retrieved from https://ec.europa.eu/commission/news/state-union-2018-hour-european-sovereignty-2018-sep-12_en [Accessed March 31, 2020].
- Politico. (2019). *Non-Paper Reforming the European Union accession process*. November. Retrieved from <https://www.politico.eu/wp-content/uploads/2019/11/Enlargement-nonpaper.pdf> [Accessed March 31, 2020].
- Republic of North Macedonia, Ministry of Foreign Affairs (n.d.). *Prespa Agreement*. Retrieved from <https://vlada.mk/sites/default/files/dokumenti/spogodba-en.pdf> [Accessed March 31, 2020].
- Tcherneva, V. (2019). Europe's new agenda in the Western Balkans. *European Council on Foreign Relations*, Commentary. Retrieved from https://www.ecfr.eu/%20profile/category/vessela_tcherneva [Accessed March 31, 2020].
- Von der Leyen, U. (n.d.). *A Union that strives for more. My agenda for Europe. Political Guidelines for the Next European Commission 2019-2024*. Retrieved from https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_en.pdf [Accessed March 31, 2020].



The Dilemma between Objective and Political Conditionality: Judicial Reform and the Assessment of Rule of Law Conditionality in Albania

Adea PIRDENI

Lecturer and Researcher, Faculty of Law, University of Tirana

Abstract: The scope of the present paper was to delve into the intricate workings between the assessment of rule of law conditionality and the advancement of domestic reform, with a special focus on the reform on the judiciary in Albania. The paper considered both facets of conditionality, objective/technical as well as political, as they unfold in the course of assessing the candidate country's advancement towards the fulfilment of enlargement criteria. Based on an analysis of the outcomes of the justice reform in Albania as a case study, the paper showed various discrepancies in assessing the advancement of the reform, the context of such a reform, as well as the achievements compared to other countries in the region. The analysis shed light on the need for an objective, and realistic assessment of the fulfilment of rule of law conditionality criteria from both the EU institutions and individual Member States through the identification of complexities accompanying the implementation of the overarching reform in the judiciary in Albania.

Keywords: conditionality, European Union, justice, reform, rule of law

Introduction

The EU Commission in its tenth anniversary has considered the enlargement to be in “Europe’s DNA. It is the most powerful instrument of transformation - it serves as a strong incentive for reforms” (EU Commission, 2014). Through this statement, the EU Commission strongly emphasises that the enlargement process constitutes a drive for pushing forward reforms in a candidate or prospective candidate country. As such, the EU and its Member States used the membership promise as a bargaining chip to influence, if not steer, the structural reforms with a view to ensuring that the newcomers would be as amenable to membership as possible (Hillion, 2011). Over the years, EU conditionality has brought about numerous improvements in the democratic

governance and rule of law structures, improvement of the economic governance processes as well as ambitious reform agendas for public administration (Lazarević, 2018). From another perspective, deliverables of domestic reforms *per se* have been, and still are, crucial for determining whether a country is progressing towards meeting the set standards or benchmarks. That is how reforms are being put at the very centre of the EU conditionality assessment agenda for candidate countries.

The advancement of reforms in candidate countries are acquiring an ever-growing share in defining the path of a that country towards the European Union. This finding may be illustrated by the importance acquired by the Justice Reform in Albania since its inception. The opening of the negotiations with Albania was primarily focused on ensuring the application of the rule of law in the country through the close monitoring of the progress made with the reform on the judiciary. However, the assessment of moving forward with the reforms, including that on the judiciary, has been assessed based on an ever-changing nature of EU conditionality characterised by the Member States becoming increasingly involved in monitoring and evaluating domestic reforms. The General Affairs Council and the European Council assume a critical role in decision-making on enlargement, often overruling or not taking into account the Commission's opinion (Balfour & Stratulat, 2015). A recent example of such tendency is the involvement of the German Bundestag (2019) by setting several pre-conditions for the opening of negotiations, coupled with the opposition of France, Denmark, and Netherlands in October 2019 for opening the accession negotiations with Albania. This attitude shows that, despite the positive endorsement by the Commission for carrying out such a reform, the efforts were clearly not enough. As discouraging as this might be, as Balfour and Statulat (2015) point out, instead of fixating on the end result, the countries of the region should focus on the reforms first and foremost for the sake of self-improvement. They should accept that enlargement is now defined by the logic of 'strict and fair' and by political 'frontloading,' which means that the process is more complex, more rigorous and more unpredictable than before.

Not surprisingly, complexity and predictability were some of the main features of EU enlargement policy that the newly published methodology aimed to address. This approach was developed following the rejection of opening of negotiations at the European Council's summit in October 2019, as well as the publication of the so-called French Non-Paper stating that the current membership process is flawed and is in the need of an overhaul (Politico, 2019). The Revised Enlargement Methodology titled "A more credible, dynamic, predictable and political EU accession process" was



published in February 2020, and from its title, it would seemingly try to address some of the shortcomings of the currently applied methodology. It seems to address four main pillars: increasing credibility (through an even stronger focus on fundamental reforms, starting with, inter alia, the rule of law), strengthening the political steer, rethinking the dynamics of the process, increasing predictability, namely: greater clarity on what the EU expects from enlargement countries at the different stages of the process. The methodology would aim at making clearer what the positive consequences progress on reforms can bring, and what the negative consequences will be when there is no progress (European Commission, 2020).

It is precisely the analysis of the interlinkage between enlargement conditionality and reforms that constitutes the basis of the analysis of this paper, with a special focus on the judicial reform in Albania. The aim of it is to unfold the dynamics and shed light on the need for an objective and realistic assessment of the fulfilment of rule of law conditionality criteria through the ramifications of the implementation of the overarching reform in the judiciary in Albania. The first section analyses the constitutional bedrock for conditionality in the EU and its dimensions. The second section is devoted to the developments of rule of law conditionality and the special role and features and their possible implications in the Albanian context. The third section focuses on the legal and institutional transformation of the judiciary in Albania. The fourth section brings closely together the initial positive and negative outcomes of the reform against the level of preparedness faced with the rule of law conditionality assessment required by the EU Commission and the Member States. It will be argued that despite the intricate and multifaceted character of conditionality assessment standards, in order to come up with a credible and realistic assessment, the EU institutions, and Member States shall be cognisant of the complexity, achievements, and the initial scarce outcomes of the justice reform. Moreover, Albania, and other candidate countries, shall work more towards establishing trust with both the Commission and their Member States' counterparts in order to increase the level of awareness of the efforts being made and the expected results.

EU and the Member States' Constitutional Dimensions of EU Conditionality: Objective or Political?

EU enlargement fundamentals are embedded in the Treaty on European Union. Article 49 sets out the procedure for applying to become a member of the European Union, conditioned to the commitment of the prospective entrant to comply with the values

enshrined in Article 2 of the Treaty on European Union. According to this article, the applicant state shall address its application to the Council, which acts unanimously after consulting the Commission and after receiving the consent of the European Parliament. The latter shall act by a majority of its component members. The conditions of eligibility agreed upon by the European Council shall be taken into account.

The European Council of Copenhagen in 1993 adopted the so-called “Copenhagen criteria” including political and economic criteria, and the ability to take on the obligations of membership including, *inter alia*, the adoption of the totality of the EU *acquis*. The main reference for the political criteria remains Article 2 of the Treaty of the European Union which lays down the values constituting the bedrock of the European Union, among which is also the respect for the rule of law. Since their inception, these conditions were construed with a high order of generality (Avery, 2015, p. 31). What adds more to the vagueness and the scarcity of specific Treaty rules on enlargement, is that there has been no significant source of interpretation of these rules by the ECJ. The latter has expressly acknowledged the political nature of the accession criteria and the accession negotiation terms (CJEU, 1978). In such circumstances, the constitutional setting of EU conditionality suggests that that EU institutions shall conduct the process, under the scrutiny of the Member States as the masters of the process.

Apart from the underlying EU constitutional rules of accession, the involvement of each Member State is enshrined in their own constitutional architecture. For instance, the Bundesverfassungsgericht decision on the Lisbon Treaty (BVerfG, 2009) yields for more engagement on behalf of the Bundestag in EU affairs. Also, the constitutional changes in France allowed the president to decide on a nation-wide referendum or for the parliament to decide by the means of a parliamentary vote on new entries (Miller, 2016). Additionally, other countries, such as the Netherlands and Austria, have been considering new constitutional requirements for ratifying future accession treaties (Balfour & Stratulat, 2015).

The process of assessing compliance with conditionality criteria lies between the dilemma of an *objective/technical* and a *political/subjective* nature. From an objective perspective, the enlargement process was perceived as a rather technical EU Commission-led process. The latter has developed the specific accession criteria, commonly agreed by each of the existing Member States. Objectively speaking, such criteria shall apply invariably towards each future entrant, and the fulfilment of such criteria shall pave the road to accession. The main rationale is that this process is only forward moving, and there is



“not stick without carrot” (Balfour & Stratulat, 2015), meaning that there is a balancing exercise between the rigorous conditions, on one hand, and providing a stimulus to push forward the reforming agenda in these countries, on the other. In a meritocratic spirit, each country is meant to be evaluated according to its actual progress and then gradually upgraded to the next step in the accession process as it fulfils the necessary conditions (Wunsch, 2011).

However, the latter would be a rather simplistic understanding of the enlargement dynamics. Apart from the technical/rather objective facet of conditionality, the latter is heavily influenced by politics. It is deemed that conditionality itself has a built-in political character, since it is constructed as having a “flexible, continuously evolving and highly politicised content” (Epstein & Sedelmeier, 2009, p. 50). It may easily shift from the EU’s policy to the Member States’ policy, where internal issues meddle with the enlargement process.

Politics at the EU and the Member States’ level may alter the pace and the very content of the conditionality criteria and assessment. Firstly, EU politics may jeopardise and raise uncertainties over the technical process of assessing conditionality on a merit basis. In his declaration upon taking office, Juncker stressed the need to digest the big enlargement of 2004, and therefore, no enlargement would take place within his term (Juncker, 2014). Moreover, within the EU itself, “absorption capacity” concerns might arise, namely with regard to the ability of EU institutions to function effectively (Hillion, 2015) in case newcomers are accepted. Secondly, Member States largely define the path of enlargement and are likely to stretch the accession criteria. Both the EU institutions and the Member States have their own say in the process, with regard to the content of the criteria of accession, as well as the procedure to be followed, making it in principle an inter-institutional process, but in practice inter-governmental (Hillion, 2015).

Regardless the desirability of the assessment being more democratic and participatory (Balfour & Stratulat, 2015) with the hands-on attitude of the Member States in the process and the oversight of the work done by the EU Commission, certain risks are associated with such involvement. The latter may come in the way of a uniform assessment of the criteria for each new entrant, and obstructing the procedure through domestic concerns associated with particular applicants. Issues of overall concern by the Member States on the stability, functioning of democracy and rule of law, human rights, corruption, functioning of market economy, financial stability, protection of own economic interest, and the like, gather particular momentum having the capacity of halting the enlargement

process. Moreover, bilateral issues might also become a significant burden that might hamper the advancement of the very process, such as the case between the Republic of North Macedonia and Greece.

The hands-on approach of the Member States is likely to be sending confusing signals to prospective entrants, by undermining the pace, predictability and outcomes of fulfilling the accession criteria. As such, the process tends towards acquiring more and more political aspects, rather than just purely technical ones. This dilemma between the technical/objective and political assessment is particularly manifested with regard to rule of law conditionality, which is prone to leave a wide margin of interpretation with regard to outcomes and impact.

Rule of Law Conditionality: Challenges of Definition and Objective versus Political Assessment

Rule of law is one of the most important core values of the Union enshrined in Article 2 of the Treaty of the European Union. Also, article 21 of the Treaty clearly gives a crucial importance to the rule of law, as one of the principles which has inspired the creation, development and enlargement of the European Union. The promotion of the rule of law has been and still is at the centre of the EU's both internal and external policies, and the European Commission has consistently acknowledged the paramount importance of the rule of law. "The EU and its Member States will promote the universal values of democracy, good governance, the rule of law and human rights for all, because they are preconditions for sustainable development and stability, across the full range of partnerships and instruments in all situations and in all countries, including through development action" (EU Commission, 2017).

Contrary to other areas where EU conditionality standards to be fulfilled are relatively clearly defined, with regard to the rule of law, the picture is rather different. The EU does not have specific hard *acquis*, neither agreed standards on the rule of law applicable to all Member States. The lack of common denominators within the rule of law realm may be evidenced quite vividly by the recent events of backsliding of the rule of law in certain Member States in the EU. Despite the overarching importance of this element of political criteria, the rule of law is rarely subject to explicit definitions and when definitions are offered, they often lack consistency or rather they tend to focus on specific formal and/or substantive components of the rule of law (Pech, 2009).



For instance, for Holternus (2018), the concept of the rule of law can be best described as a set of principles organising the relationship between a community and its governing institutions aiming at the subjection of power to law - namely the principles of legality, a public monopoly of power, the supremacy of law, the separation of powers, the effective judicial remedies, and the legitimacy. However, the rule of law concept extends beyond these principles. It may encompass, *inter alia*, the principles of proportionality, legal certainty, as well as constitutional justice (Venice Commission, 2016).

What constitutes a further complication is the context in which the rule of conditionality is applied and assessed. As Schimmelfenning (2011) rightly points out “In order to be effective (...), EU conditionality has to fall on fertile domestic ground.” Needless to stress that as it goes for the Western Balkan countries, they do not fall within this premise. The European Commission in its reports has asserted that the current and the potential candidate countries are suffering from rather profound challenges of statehood (Łazowski & Feketija, 2014). Many of the Western Balkan countries are characterised by poor institution-building, fragile democracy and rule of law, obstruction of political processes due to lack of political consensus, corruption, and organised crime. That is why, in the accession negotiation, fundamental importance was put towards ensuring rule of law as a major pre-condition to move further with meeting accession criteria.

The paramount importance of the rule of law in the enlargement talks was evidenced through the frontloading of the rule of law conditionality being set early on. Article 1 of the Stabilisation and Association Agreement with Albania puts the support for the efforts of Albania to strengthen democracy and the rule of law, *inter alia* as one of the foundations of the Agreement. Also, the enlargement approach, endorsed by the European Council in December 2011, pushes for countries to tackle issues such as judicial reform and the fight against organised crime and corruption early in accession negotiations (Kacarska & Abazi Imeri, 2019). In the ‘New Approach’ of 2012, the European Commission has acknowledged the frontloading of fundamental rights, justice, freedom and security. Moving further, the 2014 EU enlargement strategy prioritises three main pillars for WB countries’ accession process - rule of law, economic governance and public administration. The subsequent 2015 European Commission report hence assesses seven areas under this approach - including the functioning of judiciary (Vurmo, 2019). In 2018 in “A credible enlargement for and enhanced EU perspective for the Western Balkans,” the European Commission has tried to give a new impetus to the enlargement’s course of action with focus on, *inter alia*, the rule of law as one of the six flagship initiatives. Moreover, in 2018, through the Declaration of the Sofia Summit,

in its Priority Agenda for rule of law and good governance, it has stressed the enhanced support for judicial reforms as well as intensify the work towards better measurement of results in justice reform (EU Western Balkan Summit, 2018). One and a half year after its publication, there has been no major shift towards reinforced engagement on the rule of law (Kacarska & Abazi Imeri, 2019). Through the Revised Enlargement Methodology, published on February 5th 2020, the EU stands firm in frontloading the rule of law conditionality, by clustering within the fundamentals areas such as justice. For this purpose, if the Council will take a positive decision, the Commission will move on with drafting a roadmap on the rule of law chapters, equivalent to the previous action plans, which will constitute the opening benchmark (European Commission, 2020).

Despite Albania has not officially opened the negotiations, this country is not entirely new to the rule of law benchmarking system, due to the tendency to establish key priorities (initially 12 and then 5), through the High-Level Dialogues as well as other instruments. However, for Albania, similarly to other candidate countries which accession negotiations have not yet been launched, the European Commission tends to provide a greater number of detailed requirements related to implementation during the accession negotiations than earlier on in the process (Kacaska & Abazi Imeri, 2019).

Even with countries with which the negotiations have started, such as for instance Montenegro and Serbia, or even concluded leading to accession, such as Croatia, the rule of law conditionality has become incremental in terms of quantity of requirements and it still lacks clarity. As to Montenegro, the first noticeable difference, in comparison to the Croatian negotiations in Chapters 23-24, is the high number of opening benchmarks. For instance, in Chapter 23, Montenegro has to meet numerous benchmarks and adopt action plans (Łazowski & Feketija 2014). As Kochenov (2004) argues cited in Halmai (2019) with regard to the accession of Croatia, the assessment of democracy and the rule of law criteria during this enlargement was not really full, consistent and impartial, and the threshold to meet the criteria was very low. As a result, the Commission failed to establish a link between the actual stage of reform in the candidate countries and the acknowledgement that the Copenhagen political criteria had been met. Overall, standards such as independence, impartiality, efficiency, accountability, professionalism within the judiciary as core prerequisite for having in place a judicial system based on the rule of law are hard to be defined and assessed. If we take a look at the opening and interim benchmarks for countries of the Western Balkan region such as Serbia and Montenegro, there is a special focus on legislation adoption, setting up or strengthening a specific body and track record (Kacarska & Abazi Imeri, 2019).



Such uncertainties on the very content of rule of law conditionality have had their own repercussion for new entrants, by namely shifting the balance from an objective to a political assessment of the fulfilment of such criteria. Such difficulty in fine-tuning and possibility pre-defining the specific benchmarks for the rule of law has a two-fold effect. The less specified are the rule of law related benchmarks, the more confusing is the type of obligation candidate countries are required to comply with. As such, the rule of law criteria, it is a wide margin of interpretation by Member States of the EU.

Recent Developments in Reinstating the Rule of Law in Albania: The Justice Reform

Since the entry into force of the Stabilisation and Association Agreement between the Republic of Albania, the EU and EU Member States and the submission of its official application for membership in 2009, Albania has officially entered the vortex of aiming to comply with the accession criteria, and the requirement to ensure the application of the rule of law, with special focus on the functioning of the judiciary. Albania has shown a lack of a tradition of judicial independence, the justice system suffers from corruption, as well as lack of transparency, accountability and efficiency. Then EU Commission has urged that reforming of judiciary should continue by adopting a comprehensive judicial reform strategy and key pending laws (EU Commission, 2010). Also, in the Enlargement Strategy of 2013, the European Commission emphasised that “The rule of law is now at the heart of the enlargement process. The new approach, endorsed by the Council in December 2011, means that countries need to tackle issues such as judicial reform [...] in early in accession negotiations (European Commission, 2013). Moreover, the High-Level Dialogue key priorities for opening accession negotiations in November 2013 included, inter alia, reforming the judiciary.

In order to comply with the commitments within the EU integration framework, Albania undertook major steps towards the most radical reform on the judiciary in the country. In December 2014, the Albanian Parliament (2014) established an *ad hoc* Parliamentary Committee for Reforming the Justice System. Based on this decision, a Team of High Level Experts was established consisting of local experts as well as international experts of EURALIUS and OPDAT assigned with the task to conduct a comprehensive analysis of all the judicial system, identify the underlying causes of a dysfunctional judiciary, and address the shortcomings by suggesting the way forward.

The analysis of the justice system (Assembly, 2015a) has revealed major deficiencies and weaknesses in the legislative framework governing all the components of the justice system, the endemic corruption from which the system suffers heavily, the lack of professionalism among officials within the judiciary, including the inability of the system as a whole to keep up with the requirements and adopt international and EU standards (Assembly, 2015b). Based on these findings, the Ad Hoc Parliamentary Committee, drafted a strategy aiming to radically improve the system with the view of ensuring independence, impartiality, accountability, efficiency, transparency, as well as to restore the public trust in the judiciary. Both the analysis and the strategy have paved the road for undertaking the appropriate measures to address the shortcomings, starting with the adoption by unanimity of the constitutional amendments by the Assembly on 22 July 2016 and the accompanying package of laws. This work followed an intensive process of public consultation and close cooperation with the European Commission for democracy through law (Venice Commission) of the Council of Europe (European Commission, 2016).

The constitutional amendments had far reaching consequences in reshaping the organisation and functioning of the judiciary in Albania. From the institutional perspective, through these amendments both new permanent and temporary ad hoc institutions were established. Several new constitutional bodies were introduced, among which there are institutions governing the judiciary, such as the High Judicial Council, the High Prosecutorial Council, the High Justice Inspector, the Justice Appointment Council (Governance Law, 2016).

The High Judicial Council and the High Prosecution Council are new institutions introduced through the constitutional amendments of 2016. The Councils are respectively responsible for appointing, evaluating, promoting and transferring judges or prosecutors of all levels, and conduct disciplinary proceedings. The High Judicial Council is vested with the competence to propose to the President of the Republic the candidates for judges of the Supreme Court, whereas the High Prosecution Council shall appoint the Prosecutor General, as well as prosecutors of the Special Prosecution against Corruption and Organised Crime. The composition of the Councils with 11 members each (6 judges/prosecutors and 5 lawyers, non-judges or prosecutors) is designed as in granting greater independence from political influence (European Commission, 2016). In contrast to the former High Council of Justice, neither the President of the Republic, nor the Minister of Justice are members of the High Judicial Council.



Apart from both Councils, a newly established institution is the High Justice Inspector. This institution is responsible for the verification of complaints, the investigation of violations on its own initiative, and the initiation of disciplinary proceedings against judges and prosecutors of all levels, as well as members of the High Judicial Council, High Prosecution Council and the Prosecutor General. The establishment of this institution was aimed at entirely substituting the role of the executive, namely the Minister of Justice in the investigation of the disciplinary proceedings against judges and prosecutors.

Also, the Justice Appointment Council is a novelty introduced by the justice reform. This is an *ad hoc* institution assigned with the specific task of verifying the fulfilment of legal requirements and the assessment of professional and moral criteria of the candidates for the High Justice Inspector and the members of the Constitutional Court. The main rationale behind the establishment of this institution is ensuring a fair process of selection and ranking of candidates as well as preventing politicisation in the process of appointments (European Commission, 2016).

As one of the pillars of the justice reform was strengthening the fight against corruption and organised crime, the constitutional amendments and the subsequently adopted legal framework established a Special Prosecution for the fight against Corruption and Organised Crime, a Special Investigation Unit (namely the National Bureau of Investigation), both of which constitute the “Special Anti-Corruption and Organised Crime Structure.” The rationale behind these constitutional amendments and the legislative framework that was based on these provisions is creating structures with a special mandate to fight corruption and organised crime, free from the political influence. The cases brought by SPAK shall be heard by the Special Courts for Corruption and Organised Crime, consisting in the Court of First Instance and the Court of Appeals for Corruption and Organised Crime. Appeals at the third instance will be heard by the Supreme Court.

One of the most notable aspects brought by the constitutional amendments in the framework of the justice reform was the establishment of a fully-fledged system of re-evaluation of judges and prosecutors (vetting) based on article 179/b of the Constitution, the attached Annex, and Law 84/2016 “On the transitional re-evaluation of judges and prosecutors in the Republic of Albania.” This system was grounded on the necessity to guarantee the proper functioning of the rule of law, the independence of the judicial system, as well as to re-establish the public trust and confidence in these institutions. The institutional set-up for conducting the vetting process is composed of

the following institutions: The Independent Qualifications Commission, adjudicating in the first instance; the Special Appeals Chamber, acting as a second and last instance; the Public Commissioners, vested with the competence to appeal decisions by representing the public interest in the process; and lastly, the International Monitoring Operation, a one-of its kind monitoring institution embedded in the Constitution. The latter is a consortium led by the European Commission established to oversee the process of temporary re-evaluation of judges and prosecutors ('vetting') in the country. The Constitution of Albania also foresees that the IMO includes partners in the framework of the European integration process and Euro-Atlantic cooperation. Senior experts from the judiciaries of EU member states and the U.S. are supporting the activities of the IMO (Delegation of the European Union to Albania, 2017).

The Independent Qualifications Commission and Appeals Chamber institutions shall screen all subjects of vetting, namely all judges, including judges of the Constitutional Court and Supreme Court, all prosecutors, including the Prosecutor General, the former Chief Inspector and other inspectors of the former HCJ, as well as clerks and legal advisors at the highest courts (Vetting law, 2016). They are subject to a three-tier system of re-evaluation, including: control of assets, integrity (alleged ties with organised crime), and professional proficiency. Following a thorough investigation, if the vetting institutions reach the conclusion that the evidence collected is sufficient to constitute proof for dismissal or suspension, then the burden of proof is shifted to the subject of re-evaluation who must prove the contrary. If the latter fails to do so, the findings are considered valid and the subject is dismissed, or suspended (Constitution, 2016). These institutions conduct a disciplinary type of proceeding and do not perform criminal investigations tasks.

Apart from establishing new institutions, the constitutional amendments and the legislative package which followed envisaged significant changes in the organisation and functioning of the existing institutions with the view of strengthening the system of checks and balances and their functioning. Such amendments consisted in the re-organisation and functioning of the Constitutional Court, by reviewing the process of selection of judges of this court in order to grant greater independence in their appointment, extending the jurisdiction of the court, and fine-tuning procedural aspects its functioning. Also, the procedure of appointment of the members of the Supreme Court was to be conducted by the High Judicial Council, a procedure previously conducted by the President of the Republic with the approval of the Assembly. Moreover, the procedure for pre-selecting the candidates for Prosecutor General was to be conducted by the High Prosecution Council, before its appointment by the Assembly on a 3/5 majority voting.



In addition to the adoption of constitutional amendments and package of laws for the functioning of the above-mentioned institutions, reformed legislation was introduced in other areas as well. The main procedural laws, such as the Civil Procedure Code, Criminal Procedure Code a new Code of Juvenile Justice, legislation on legal aid, on the penitentiary system, on legal professions, as well as a new Strategy on Public Legal Education were adopted. Such substantive and extensive legislative work was undertaken following the constitutional amendments and it is still a work in progress. In many areas, sublegal acts are still to be adopted and implementation efforts have to be strengthened.

Initial Outcomes of the Reform Against the Backdrop of Rule of Law Conditionality

The Justice Reform has had a wide-ranging effect on the functioning the institutions of the judiciary. New institutions were established, and existing institutions underwent a process of substantial re-organisation. This reform has shown both achievements and shortcomings.

Referring to the institutional set up, almost 4 years after the adoption of the constitutional amendments, the newly judicial governance institutions and the institutions established for the fight against corruption and organised crime are now established and has started to become operational. Also, the vetting process may be considered as a “battle horse” of the justice reform. There is a tangible track record on cases of dismissal. Notwithstanding the initial difficulties in setting up the vetting institutions, and the slow pace of this process, the vetting process has advanced by manifesting clear results. Until February 2020, out of 800 assesses subject to vetting, only for 214, among which 33 have resigned. The process has resulted so far on the dismissal of 51 percent of assesses. (Reporter.al, 2020) However, the decision-making of the vetting institutions still has to undergo the test of the European Court of Human Rights, based on proceedings instituted by the dismissed judges and prosecutors.

Nevertheless, the implementation of the Justice Reform was accompanied by various delays and shortcomings. The establishment of the High Judicial Council, the High Prosecution Council and the Justice Appointment did not meet the constitutional deadlines. These institutions started becoming operational with a two and a half years delay following the adoption of the constitutional amendments. The vetting process has had a “snowball effect” in such delays, due to the requirement that the members

of the newly established institutions coming from the judiciary shall undergo vetting. Additionally, delays were caused due to difficulties in recruiting eligible candidates that meet the constitutional and legal criteria for appointment as members of these the Councils (Albanian Helsinki Committee, 2019). The vetting process had profound repercussions in the functioning of the Constitutional Court and Supreme Court. More than half of the members of the Constitutional Court and those of the Supreme Court were either dismissed by the vetting process or have resigned before the initiation of this process, resulting in the courts losing their quorum, and becoming entirely non-operational. Also, the pace of the appointment of new members of the Constitutional Court and Supreme Court remains concerning. Additionally, the dismissals deriving from the vetting process have extensively affected the functioning of all instances of the judiciary and prosecution. This situation is further detrimental to the effective judicial protection of the fundamental rights of the individuals, as well as towards ensuring the application of the necessary constitutional checks and balances between constitutional organs. Conceivably, the course of the implementation of the justice reform was also impacted by political tensions. Such tensions were particularly fuelled in the course of adopting legislative amendments, in the appointment of the members of the vetting institutions, and the appointment of the Constitutional Court judges, causing institutional deadlocks. Once again, political unfavourable, or rather conflictual, political climate comes in the way of application of reforms.

The shortcomings of the reform have to be put on a broader context of reform assessment. As Besimi and Monastiriotis (2019) rightly point out through their model, non-compliance ('reform delays') is intrinsic to the process that drives the reform effort, namely the process of EU conditionality. Setting too high a reform target increases the level of reforms but also increases the extent of non-compliance. The adoption of legislation, introduction of new institutions or re-inventing the functioning of the existing institutions, constitutes a massive endeavour requiring a strong political commitment, but also the allocation of adequate financial and human resources. Trying to adjust to the needs of such a demanding reform in the short term would undisputedly result to poor initial outcomes and delays.

The European Commission seems to be cognisant of the magnitude of the reform, the steps undertaken, and the obstacles encountered. As it can be deduced from the Reports, as of 2016, 2018, and 2019, the European Commission has consistently considered that there has been good progress with regard to justice reform. In the Report of 2018, the European Commission welcomed the efforts of Albania towards, inter alia, the justice



reform (European Commission, 2018). Further, in 2019, through the Enlargement Policy, it has confirmed once again its recommendation for the opening of the accession negotiations, by stating that Albania made important progress towards reforming its judicial system, which continues on schedule (European Commission, 2019). Moreover, the EU Delegation through this ambassador, Ms. Luigi Soreca has notably acknowledged that “No other country in the world has conceived a justice reform so deep” (Financial Times, 2019). However, despite the positive endorsement of the pace of the justice reform by the Commission and EU Delegation, it seems that the outcomes do not satisfy the requirement of single EU Member States, whose standards against which the reform is measured are not entirely clear.

The assessment with the progress of the judicial reform constitutes a case *par excellence* of the heavy in assessing accession conditionality. Based on the analysis of the features of rule of law conditionality elaborated in the article, there are various issues unfolding. Firstly, there are no set measurable standards within the rule of law conditionality relating to the justice reform, which would clarify for the acceding countries. The lack of such standards seems that compared to the accession of Croatia and to other frontrunners in the region, the threshold to meet is quite inconsistent and rather high for a candidate country with which accession negotiations have not started yet. What adds to the complexity is the context in which the reform is being undertaken and implemented. The longstanding concerns of Member States over deeply-rooted deficiencies of the rule of law in Albania, and the conflictual political climate are still detrimental in building trust to Member States that reforms are being taken seriously.

Conclusions

The enlargement process is a significant drive for reforms on one hand, and the latter are used to assess the progress of the country towards meeting enlargement conditions, on the other. This paper considered both facets of conditionality: objective/technical and political, as they unfold in the course of assessing the candidate country’s advancement towards the fulfilment of enlargement criteria. It would be erroneous to simplify the crafting and assessment of the enlargement conditionality as purely objective/technical. Both EU politics and Member States have a large share in defining the scope and path of the achievements of the set conditions. This holds true particularly for rule of law conditionality, where the lack of clearly defined standards and the ever-increasing bar adds more to the complexity and confusion posed before a candidate country.

Through the analysis of the initial outcomes of the justice reform in Albania, it was shown that it is imperative to acknowledge that the more demanding the reform on the judiciary, the less are the outcomes to be expected. Nevertheless, to this point, the reform has shown no major stagnation, despite the substantial delays, political meddling in the process, and the critical need to address the backlog. In assessing such outcomes, the European Union and Member States should take into consideration the scale and context of radical reforms.

Based on the above-findings, it is imperative for the EU institutions and Member States to establish a clear definition of what is expected from the candidate country with regard to rule of law conditionality, and the adequate and realistic timing to be granted to fulfil the conditions. This approach would lean towards a more objective assessment of rule of law conditionality in Albania. It would enable the granting a fair share to the country's achievements, as well as fine-tune the techniques available to EU Member States for monitoring progress, or even backsliding. This approach would increase the level of credibility and objectivity in assessing conditionality.

Albania, from the other hand, as other current candidates, should be prepared to adjust to the unsettled content of rule of law conditionality, and become more proactive in providing evidence in moving forward with the implementation of the reform, establishing clear track records, and strengthening domestic monitoring organisms of the reform, in order to follow up with the key requirements of the EU Commission and individual Member States.



Bibliography

- Albanian Helsinki Committee. (2019). *Report on the Establishment and Functioning of New Organs of Justice Government April 2018-March 2019*. Retrieved from <https://ahc.org.al/wp-content/uploads/2019/08/raport-%e2%80%93-krijimi-dhe-funksionimi-i-organeve-t%03%8b-reja-t%03%8b-qeverisjes-s%03%8b-drejt%03%8b-sis%03%8b.pdf> [Accessed January 20, 2020].
- Assembly. (2019). *Decision “On the appointment of the Prosecutor General.”* No. 138, December 5, 2019. Retrieved from <https://www.parlament.al/Files/Projekte/20191206092654vendim%20nr%20%20138%20dt%20%205%2012%202019.pdf> [Accessed April 25, 2020]
- Assembly. (2014). *Decision “On establishing the Parliamentary Ad Hoc Committee.”* No. 96 dated 27.11.2015 Retrieved from <http://www.reformanedrejttesi.al/baza-ligjore> [Accessed February 5, 2020]
- Assembly. (2015a). *The Analysis of the Justice System*. Retrieved from <http://www.reformanedrejttesi.al/dokumenti-analitik> [Accessed January 20, 2020].
- Assembly. (2015b). *Strategy of the Justice System*. Retrieved from <http://www.reformanedrejttesi.al/dokumenti-strategjik-dhe-plani-i-veprimit> [Accessed January 20, 2020].
- Assembly. (2016). *Law 115/2016 On governance institutions of the justice system*. Retrieved from <https://euralius.eu/index.php/en/library/albanian-legislation/category/87-governance-institutions> [Accessed January 20, 2020].
- Bundestag. (2019). *Establishing agreement between the Bundestag and the Federal Government on the application of the Republic of Albania for accession to the European Union and on the recommendation made by the European Commission and the High Representative on 29 May 2019 that accession negotiations be opened*. Retrieved from https://www.bundestag.de/resource/blob/661474/a7dbc7059c21262d3053c2baa8704adb/decision_albania-data.pdf [Accessed January 20, 2020].
- European Commission. (2006). *Enlargement Strategy and Main Challenges 2006 - 2007 Including Annexed Special Report on the EU's Capacity to Integrate New Members*. Retrieved from http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/com_649_strategy_paper_en.pdf [Accessed January 14, 2020].
- Emmert, F., & Petrovii, S. (2014). The Past, Present, and Future of EU Enlargement. *Fordham International Law Journal*, 37(5), article 2. Retrieved from <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2350&context=ilj> [Accessed January 20, 2020].

- European Commission. (2014). *10th Anniversary of 2004 Enlargement, Press Release*. 30 April. Retrieved from https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_14_143 [Accessed January 25, 2020].
- European Commission. (2016). *Albania 2016 Report*. Brussels, November 9. SWD (2016) 364 final. Retrieved from https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_albania.pdf [Accessed January 20, 2020].
- European Commission. (2017). *Proposal for a New European Consensus on Development - Our World, our Dignity, our Future*. 2017/C 210/01. Retrieved from <https://europa.eu/capacity4dev/hunger-foodsecurity-nutrition/blog/com2016-740-final-proposal-new-european-consensus-development-our-world-our-dignity-our-future> [Accessed January 25, 2020].
- European Commission. (2018). *Albania 2018 Report*. Strasbourg, April 17. SWD (2018) 151 final. Retrieved from <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-albania-report.pdf> [Accessed January 20, 2020].
- European Commission. (2019). *Albania 2019 Report*. Brussels, May 29. SWD (2019) 215 final. Retrieved from <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-albania-report.pdf> [Accessed January 20, 2020].
- European Commission. (2020). *Revised Methodology "A more credible, dynamic, predictable and political EU accession process."* February 5. Retrieved from https://ec.europa.eu/commission/presscorner/detail/en/IP_20_181 [Accessed February 13, 2020].
- European Commission for Democracy through Law (Venice Commission). (2016). *Rule of law checklist*. Retrieved from [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)007-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)007-e) [Accessed January 30, 2020].
- European Union Delegation in Albania. (2017). *Most frequently asked questions on the International Monitoring Operation (IMO)*. Retrieved from [https://eeas.europa.eu/delegations/albania_zh-hans/20144/Most%20frequently%20asked%20questions%20on%20the%20International%20Monitoring%20Operation%20\(IMO\)](https://eeas.europa.eu/delegations/albania_zh-hans/20144/Most%20frequently%20asked%20questions%20on%20the%20International%20Monitoring%20Operation%20(IMO)) [Accessed January 25, 2020].
- Hillion, C. (2011). EU Enlargement. In P. Craig & G. de Búrca, *Evolution of EU Law* (2nd edition). Oxford University Press.



- Herszenhorn, D. M., & Momtaz, M. (2019). France outlines proposal to overhaul EU accession process. *Politico*, November 18. Retrieved from <https://www.politico.eu/article/france-outlines-proposal-to-overhaul-eu-accession-process/> [Accessed January 10, 2020].
- Holternus, T. P. (2018). The Legal Dimensions of Rule of Law Promotion in EU Foreign Policy: EU Treaty Imperatives and Rule of Law Conditionality in the Foreign Trade and Development Nexus. *Göttingen Journal of International Law*, 9(1) Special Ed., 71-108.
- Hopkins, V. (2019). Albania pins hopes on judicial reforms for EU accession. *Financial Times*, June 16. Retrieved from <https://www.ft.com/content/229a8600-8dd5-11e9-a1c1-51bf8f989972> [Accessed February 10, 2020].
- Juncker, J.-C. (2014). *My priorities*. Declaration. Retrieved from <http://juncker.epp.eu/my-priorities> [Accessed January 29, 2020].
- Justice Appointment Council. (2019). *Announcement*. Retrieved from http://www.gjykataelarte.gov.al/web/shpalljeeprocedur_s_s_thirrjes_p_r_paraqitjenekandidaturave_p_r_plot_siminevendit_vakant_t_inspektorit_t_lart_t_drejt_sis_6179_1.php [Accessed January 20, 2020].
- Kacarska, S., & Abazi Imeri, A. (2019). Effective benchmarking for concrete rule of law reforms in the Western Balkans. *Think for Europe Network*, October. Retrieved from <https://ten.europeanpolicy.org/effective-benchmarking-for-concrete-rule-of-law-reforms-in-the-western-balkans/> [Accessed February 20, 2020].
- Halmaj, I G. (2019) The Possibility and Desirability of Rule of Law Conditionality. *Hague J Rule Law*, (11), 171-188. Retrieved from <https://link.springer.com/article/10.1007%2Fs40803-018-0077-2> [Accessed February 20, 2020].
- Lazarević, M. (2018). Away with the enlargement bogeyman. *European Policy Centre*. Discussion Paper. 3 July. Retrieved from <https://cep.org.rs/en/publications/away-with-the-enlargement-bogeyman/> [Accessed January 25, 2020].
- Lazowski, A., & Feketija, M. V. (2014). The Seventh EU Enlargement and Beyond: Pre-Accession Policy vis-à-vis the Western Balkans Revisited. *Croatian Yearbook of European Law and Policy*, (10), 1-37. Retrieved from <https://cyelp.com/index.php/cyelp/article/view/206> [Accessed February 4, 2020].
- Official Journal of the European Union*. (2012). Consolidated Version of the Treaty on the Functioning of the European Union. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=en> [Accessed October 30, 2018].

- Pech, L. (2009). The Rule of Law as a Constitutional Principle of the European Union. *Jean Monnet Working Paper*, 04/09. Retrieved from <https://jeanmonnetprogram.org/paper/the-rule-of-law-as-a-constitutional-principle-of-the-european-union/> [Accessed January 20, 2020].
- Reporter.al*. (2020). Vetting statistics. Retrieved from <https://reporter.al/vetingu/> [Accessed February 16, 2020].
- Schimmelfennig, F. (2008). EU political accession conditionality after the 2004 enlargement: consistency and effectiveness. *Journal of European Public Policy*, 15(6), 918-937, DOI: 10.1080/13501760802196861.
- Stratulat, C. (2018). Enlargement to the Balkans: Playing hardball or playing with fire? *European Policy Center*, June 27. Retrieved from <http://aei.pitt.edu/94237/> [Accessed January 20, 2020].
- Vurmo, G. (2019). The uncertainty of EU Enlargement. *Institute for Democracy and Mediation*, June. Retrieved from <https://idmalbania.org/analysis-the-uncertainty-of-eu-enlargement-june-2019/> [Accessed February 20, 2020].
- Wunsch, N. (2011). Reaching its Limits? EU Enlargement Policy in the Western Balkans. *Crossing Borders Rethinking the European Union's Neighborhood Policies*. In A. Möller (Ed.), August, (2). Retrieved from <https://www.iemed.org/observatori-en/arees-danalisi/documents/arxiu-externs/2011/crossing-borders-rethinking-the-european-union2019s-neighborhood-policies> [Accessed January 20, 2020].



Being in the Same Boat

The Normalisation of Relations between Kosovo¹ and Serbia and the Process of European Integration

Dušan JANJIĆ

President of the Executive Board, Forum for Ethnic Relations

Abstract: This paper examines the sustainability of the normalisation policy, its advantages and disadvantages, relative those advocated in an effort to resolve the existing conflicts between Serbia and Kosovo, and Serbs and Albanians. The processes of normalisation of Serbia-Kosovo relations and European integration as interlinked and mutually conditioned. The normalisation of relations itself is seen as an objective. The ultimate goal is the “full normalisation.” The “full normalisation” is a *conditio sine qua non* for Serbia’s EU membership. The Negotiating Framework as a mechanism and rules for membership negotiations with Serbia, confirm this condition. The paper also points to the fact that the normalisation is a complex process in which a solution must be found for a multitude of interrelated issues, including those inherited from the past and those arising from the Brussels Dialogue and the normalisation process itself. Compared to other policies geared towards regulating Serbia-Kosovo relations (such as the *status quo* policy or “frozen conflict” and ethnic and territorial division between Serbs and Albanians), the analysis of advantages and disadvantages of the normalisation policy shows that resetting and continuing the normalisation process is an option that offers the greatest opportunities.

1 In this paper, the term “Kosovo” is used both as a general and a technical term, primarily because its use is common in today’s domestic and international literature and the public. But the use of this, as well as other appropriate terms, that is, for this part of Serbia, is one of the most illustrative examples of a general “ethnification” of public and political life and language. Both Serbs and Albanians have their own separate and often mutually exclusive narrative dominated by special “key words,” especially as regards the names of cities, villages, streets, etc. The name “Kosovo and Metohija” has been in use for a very long time in terms of constitution and linguistics. “Kosovo and Metohija” is a designation used in the first constitution after the Second World War. However, the second part - “Metohija” was later dropped, and reintroduced into the constitutional terminology in 1990 by the constitutions of Serbia and the FRY. The designation “Kosovo and Metohija” is now considered a synonym for the “Serbian viewpoint.” The name “Kosovo” is of Turkish-Albanian origin and marks the district of Kosovo which, before the Balkan wars of 1912, included the territories of Sandzak, Gornje Polimlje, Kosovo and Metohija, Northern Macedonia to Veles and Eastern Macedonia to Bregalnica. The name was associated with the idea of Greater Albania. Today, Albanians do not say “Kosovo” but “Kosova.” “Kosova” is synonymous with the Albanian standpoint regarding the status of Kosovo; it is synonymous for Albanian domination over this territory and the people who live there.

Keywords: division along ethnic lines, ethnic conflicts, EU integration, Kosovo, normalisation, Serbia

Being in the Same Boat

The slogan “Being in the Same Boat” is set against the background of the widespread notion of Kosovo and Serbia as two distant, irreconcilably conflicting societies without any common points, needs or interests. The slogan alludes to the necessity to look at relations between Kosovo and Serbia in their entirety.

There are several common aspects shared by the crew and passengers of this “same boat:”

Firstly, there is the reality of shared neighbourhood. Serbs and Albanians have a long history of living next to each other, however, in their “parallel worlds.” This history is marked by instances of both cooperation and conflict (see: Appendix 1). They also share the eight decades (1918 to 1999) of living under one state (the former Yugoslavia). The modernisation of society and national communities that has taken place in the past, over these eight decades, is a determining factor for the present and future of relations between Serbia and Kosovo.

Secondly, the resolution of the conflict that arose and escalated during the collapse of the common state framework applies equally to the national and state identity of both national communities. In a deeper sense, the conflict itself is pertinent to control of the resources and territory of Kosovo and status of the Albanian and Serb communities in it. In recent history, the status of Kosovo has become a central point of Kosovo’s crisis. Finding a solution regarding the status of Kosovo is an important element in maintaining peace and state-building process.²

Thirdly, in the case of Kosovo and the Serb-Albanian conflict, we are dealing with a conflict in non-democratic societies and unfinished states. These are societies in transition and states in the unfinished state-building process, or rather the unfinished alignment

2 In coordination with Washington and Brussels, the Kosovo Declaration of Independence was adopted on February 17, 2008 by the Assembly of Kosovo. The declaration reflects the will of Kosovo people and is in full accordance with the recommendations of UN Special Envoy Martti Ahtisaari and his Comprehensive Proposal for the Kosovo Status Settlement. Kosovo is declared to be a “democratic, secular and multi-ethnic republic.” The international presence established in Kosovo, and leading role of the EU and NATO, is also welcomed in the declaration.



of constitutional, legislative and institutional organisation with the changes that have occurred locally, regionally as well as globally (Janjić, 2003, p. 3). This indicates that both societies are mutually conditioned and that these conflicts cannot be resolved by unilateral policies. Therefore, dialogue and compromise are the most effective ways towards the normalisation of relations between Kosovo and Serbia.

Fourthly, the present circumstances show evident commitment by both Kosovo and Serbia toward the “European future,” i.e. EU integrations. Both sides also exhibit awareness of the necessity to improve and facilitate the processes of reforms, that is, to achieve sustainable development and improve the lives of people, which can be qualified as the normalisation of each of the concerned societies. In this way, the processes of normalisation and Europeanisation are interconnected and intertwined.

Finally, the slogan “being in the same boat” implies any kind of one-sided or forceful acts to “keep the boat afloat” or abandon it - which is extremely risky and ultimately cannot fulfil the needs and interests of either party. But the experience of Serbs and Albanians, and Serbia and Kosovo over the last two decades of the 20th century is a testament to great human casualties, suffering and material losses. This experience, as well as the first results of the normalisation process (in particular, facilitation of the freedom of movement of people and goods) indicates that the ship should be powered by dialogue and steered towards the normalisation of relations and Europeanisation i.e. complete internal reforms, bringing it safely to a common port, which is the full EU membership.

Scenarios on the Development of Kosovo - Serbia Relations

In the period 2017-2019, the issue of possible scenarios for the building of relations between Kosovo and Serbia has emerged as a topic for the Serbian and Kosovo politicians and public. In Serbia, this revival was initiated by the “internal dialogue on Kosovo” (Vučić, 2017).³ An analysis of the presented arguments and likely scenarios has allowed to reduce the number of possible scenarios to the following:

3 In the article, Serbian President Vučić initiated the internal dialogue on Kosovo. The internal dialogue was concluded in May 2018, eleven months after it was initiated. It ended informally, the same way as it was initiated. It is possible that this was part of the plan of the dialogue initiator himself - the Serbian President. But there are arguments to support a conclusion that the internal dialogue actually collapsed. It seems as if there was no clear strategy behind the initiative that would allow a genuine dialogue and encourage coming to a broad social consensus on the issue of Kosovo.

- (1) *Status quo* policy or “frozen conflict;”
- (2) Ethnic and territorial division between Serbs and Albanians;⁴ and
- (3) Normalisation of relations between Serbia and Kosovo.

The assessment of variability of the proposed options starts with the assessment of attitudes to the facts: that Albanians from Kosovo will not live in Serbia, and that Serbian leadership cannot, in present day historical circumstances, give up Kosovo (Forum Za Etničke Odnose, 2018b, p. 17). In addition, the attitude towards basic principles which must be taken into account in each of the options that strive for sustainability and durability are: low potential for conflicts, protection of Serbs and cultural heritage in Kosovo and continuation of European integrations.

Status Quo Policy or Frozen Conflict

Status quo policy represents the most desirable option for most of the participants in the internal dialogue (Forum Za Etničke Odnose, 2017c, p. 201).

The basic arguments against this option are: (a) frozen conflict refers primarily to Northern Kosovo; this state of affairs has been in place since 2000, i.e. since the signing of the Kumanovo Agreement until the beginning of the process of integration of Serbs into Kosovo institutions in 2013; that is why the frozen conflict option would mean going backwards, before the beginning of the Brussels Dialogue; (b) the frozen conflict carries serious humanitarian risks - as well as the division of Kosovo - such as the emigration of Serb population from the south of Kosovo; (c) the frozen conflict in the north of Kosovo creates a fertile ground for further criminal endeavours and represents a serious threat to normal life and security of citizens; it also carries other security risks and is exhausting the patience of Pristina regarding the control of a part of the territory; (d) maintaining the status quo leads to the strengthening of Kosovo’s independence.

4 There is a notable confusion in terms of terminology and substance in the discussions on this issue. It is also symptomatic that the very proponents of this policy did not make an effort to clearly define the terms they use, such as “delineation between Serbs and Albanians,” “division of Kosovo,” “territorial exchange,” “change of borders in the Balkans,” “correction of the Kosovo - Serbia border.” Often, various contents were covered by the same terms, or different terms which are not synonymous were used to cover the same content. There was also no effort to substantiate the above claims or the advocated policies. The confusion was also increased by the failure to present to the public any document that would indicate the principle based on which new borders between Serbs and Albanians will be drawn (the right of the people to self-determination or acceptance of the de facto secession), how (through which mechanisms and procedures), and exact locations (Forum Za Etničke Odnose, 2018b, p. 25).



The main arguments of the proponents of the *status quo* policy are: (a) the EU and the US will increasingly lose influence, and the power of Russia and China will grow, which will be more favourable to Serbia and Serbs (Forum Za Etničke Odnose, 2017c, p. 43-44; Forum Za Etničke Odnose, 2017a), (b) “it’s not over yet” and it will be possible to “get Kosovo back” (Forum Za Etničke Odnose, 2017a; Forum Za Etničke Odnose, 2018a) and in the meantime, it is necessary to work on strengthening Serbia and the Serbian community in Kosovo (Forum Za Etničke Odnose, 2018b, p. 16-17).

Ethnic and Territorial Division

The most prominent proposition over the course of the internal dialogue⁵ was the idea of delineation of the border between Serbs and Albanians. This proposal implies territorial division along the ethnic lines (in the case of North Kosovo and Mitrovica along the Ibar river). The exchange of territories is a sub-category of the division concept, which implies the exchange of territories inhabited by Albanians in central Serbia (Preševo) for the territory of the municipalities of Zubin Potok, Leposavić, Zvečan and the northern part of Mitrovica in Kosovo (Forum Za Etničke Odnose, 2018d, p. 64).

The starting points of this concept are: (a) it is impossible to live together with others; (b) multiculturalism is a model that is unsustainable in the Balkans and in Kosovo; (c) the current experience of the relationship between Serbs and Albanians is seen through the model of domination and / or parallel life; (d) the guiding idea is building a nation-state that will bring together a nation (ethnicity) or round up the ethnic territory and make it homogeneous, with the help of ethnic engineering, including “humane relocation.”

The key arguments against the division are: (a) it is possible for Serbs and Albanians to live together; (b) the experience from the 1990s is that armed conflicts and over one million refugees are the result of applying the concept of delineation of the border, i.e. application of a concept that inevitably leads to new wars and new victims; (c) delineation and especially territorial division would necessarily have consequences outside Kosovo, above all in Macedonia, Bosnia and Herzegovina, but also in central Serbia, given that ethnic minorities are territorially concentrated in border areas; (d) without recognition there is no delineation; (e) it is not the right moment - for Serbia it is too late and for the West it is too early, (f) the division would lead to the creation of Greater Albania, (g) we know from experience that this will not produce a solution, (h) this is just playing the

5 Especially during the first (November 1 - January 15) and fourth reporting period (February 16 - March 15).

card of the Albanian extremists, (i) it is a result of wandering and not of a well-thought-out policy; (j) the international community is opposed to a violent change of boundaries, and the agreement of all relevant actors to establish new borders is unlikely (Forum Za Etničke Odnose, 2018b; Forum Za Etničke Odnose, 2018d, p. 16-17).

Normalisation of Relations between Serbia and Kosovo

For the vast majority of participants in the institutionalised and overall dialogue, the resolution of Kosovo issues, through the normalisation of relations between Serbia and Kosovo, the Brussels Dialogue and the EU integration of Serbia, was not acceptable. The proponents of continuation of the Brussels Dialogue and the full normalisation of relations between Serbia and Kosovo pointed to the following arguments “in favour:” (1) it is a sustainable and peaceful solution; dialogue and negotiations as ways of solving the problem require waiving the use of force, those would not produce higher interethnic tensions in Kosovo and the region; (2) there will be no new instability in Serbia, if the solution does not include full recognition of Kosovo by Serbia; in that case, Serbia could confirm that it did not “sell” Kosovo, which reduces the space for political extremism; (3) it allows Serbia and Kosovo to free itself from strong obstacles to its stability, development and security due to establishing relations with Kosovo and in relation to Kosovo with third countries; (4) the normalisation of relations creates favourable conditions for resolving the issue of Kosovo because it does not presume the full recognition of Kosovo’s unilaterally declared independence by Serbia, but creates an opportunity to open up the perspective of recognition or recognition of the reality of Kosovo’s existence as an independent state or the recognition of Kosovo statehood under the principle of *uti possidetis juris*; (5) this, in turn, allows balancing the territorial *status quo* as the initial basis for determining and marking the border / administrative line between Serbia and Kosovo (Tchereneva, 2018, p. 10-11); (6) it helps to achieve many essential interests of the Serbian community, including maintaining and improving the position of Serbs by creating a Community / Association of Municipalities with the Serb majority (ZSO) as well as maintaining and improving the status of the Serbian Orthodox Church (SPC); (8) the normalisation of relations is in line with the values and norms of the EU, especially the acceptance of ethnic and other diversity, reconciliation and transitional justice (Tzifakis, 2018, p. 10-11); (9) the present EU Negotiating Framework for Serbia will not be jeopardised; (10) achieving a comprehensive agreement on the full normalisation is an important condition for Serbia’s EU integration, which surpasses all interests of those who wish



to see isolated Serbs and Albanians in Kosovo and in Serbia; (11) the EU and the US would “save face” which could be relevant for the EU’s foreign policy; (12) a possible abandoning of the normalisation process would produce a number of serious economic and social consequences for Serbia⁶ and Kosovo; (13) the scenario of normalisation would be the preferred choice of the countries across the region, from Greece to the Western Balkans (Starova, 2018, p. 4).

The critics of the normalisation policy point out the following arguments “against:” (1) normalisation is a long-term process that requires a lot of engagement, energy and investment; it is also a complex process involving reforms, reconciliation, which can leave both sides frustrated due to “unfinished business” and facilitate the penetration of actors whose interests are threatened by the progress in the process of normalisation (Knezović, 2018, p. 5-6); (2) dissatisfaction on both sides due to “unfinished business;” in the case of “reduced recognition,” the “ultimate goal” of Kosovo Albanians remains unfulfilled, which is full recognition by Serbia; extending the period for reaching the agreement, and especially ineffective implementation of the agreement, can inspire radicalisation of ethnic-nationalism and anti-EU policies; in the present international security environment, opposition to the normalisation process increases the threat of terrorism (Starova, 2018, p. 4); (3) the normalisation of relations between Serbia and Kosovo is a road to the EU, and a membership in the EU is not a preferred option for a large number of citizens and many influential political, economic and social interest groups in both countries; (4) there are no clear criteria for the progress in the normalisation process nor criteria for assessing whether the “full normalisation” has been achieved (Rrecaj, 2018, p. 6-10); (5) in reality, the “normalisation” of relations between Serbia and Kosovo is a journey of many steps, which implies the “normalisation” of societies of Serbia and Kosovo as well; the interpretation is too general, making the normalisation process “a sea without shores”; (6) up until now, Serbia and Kosovo have agreed on one thing only: both countries are committed to become a full-fledged member of the EU; the fact is that the opponents of the “European future” have not been able to demonstrate that there was any alternative for Kosovo and Serbia but to join the EU. This common goal is a powerful anchor for resolving a number of issues through the dialogue and normalisation of Serbia and Kosovo relations. So from this perspective, current journey in the same boat full of unresolved problems and conflicts could end as

6 Marko Čadež, President of the Serbian Chamber of Commerce, said (2018): “Such a scenario would lead to the collapse of our economy, hyperinflation, infrastructure devastation, general criminalisation of society, high unemployment, low standards, mass impoverishment, collapse of health, education, welfare.”

being in the same boat of a common “European future” (Rrecaj, 2018, p. 17-18). The reset and continuation of the process of normalisation remains the option that offers the greatest possible protection for the Serbs, which may not be much or sufficient, but it is far more than what other solutions bring, given the support this solution enjoys with international actors. In addition, this solution allows uninterrupted continuation of the European integration of Serbia and Kosovo. The advantage of this option is that it does not view the issue of Kosovo solely as a territorial issue.

State of Play and Future Perspectives of Serbia and Kosovo Relations

The processes of normalisation of Serbia-Kosovo relations and the European integration are interlinked and mutually conditioned.

The EU-facilitated dialogue between Serbia and Kosovo (the Brussels Dialogue) moves along the path determined in the United Nations General Assembly Resolution 64/298, in March 2011. The path for the EU-facilitated dialogue for normalisation of relations between Serbia and Kosovo (Brussels Dialogue) can be described as the “normalisation with the aim of achieving peace, security and stability in the Western Balkans, and promoting cooperation and European integration to improve living conditions for all people.”

The Brussels Dialogue had produced forty-eighth (48) agreements, and dozens of arrangements, technical protocols and conclusions were reached.

Two decisive steps were made on April 19, 2013 with the signing of the “First Agreement of Principles Governing the Normalisation of Relations” (*First Agreement on Principles*), and on May 22, when a plan for its implementation was agreed. The significance of this agreement is that it represents the first sign that the parties have agreed to look ahead into the future in order to reduce hostilities. While there is a relatively high degree of agreement on the nature of the Agreement on Principles, this does not apply to the assessments of its implementation and the contribution of the “other side” to implement what was agreed. There is a pronounced disagreement regarding the fulfilment of a part of the agreement concerning the Community / Association of Municipalities with Serb majority (ZSO) (Janjić, 2015, p. 41-46).



The normalisation process facilitates political decisions on cooperation in the field of economy and especially in the building energy security of both, Serbia and Kosovo. The normalisation promotes further strengthening of such cooperation. For its part, energy security and economic cooperation between Serbia and Kosovo are two of the pillars of political and overall normalisation of Kosovo and Serbia, including their mutual relations.

Until now, the implementation of what was agreed has not produced satisfactory results when it came to improving cooperation or business. One of the important factors, which emerges as an obstacle to mutual business, is the existing macro-economic surrounding. This relates to limitations in the process of building a Kosovo economic system, as well as to the business ambience in Serbia that is under the influence of the politically unsolved issue of the status of Kosovo.

History teaches us that the process of transforming a once unified economic system into two independent economic systems is neither quick nor easy. It can be made easier, if there still exists a genuine desire to establish a new, broader and more efficient system like the EU system. The EU appears in two roles:

Firstly, as an active player in the creation of the separate Kosovo economy (as the IV pillar within UNMIK) where the political will, namely, Serbia's resistance was not respected and an internal Kosovo political consensus was not built.

Secondly, both to Kosovo and Serbia, the EU (i.e. the "European future") is offered at a moment when the EU itself is facing the impact of serious economic crisis and tendencies to be closed in front of new members and labour force, particularly from candidate countries. All this makes the "carrot" EU neither fresh nor as attractive as it used to be during the nineties of the previous century. Now the new hope for Kosovo and Serbia is based on the regional cooperation in the Western Balkans.

The overall economic and social framework in both Kosovo and Serbia stresses the necessity for change and reform; however, at the same time it is not favourable in this regard. This indicates that the process of the Brussels Dialogue and the normalisation will be accompanied with a number of risks related to economic and social life. From there come controversial signals: one group of signals, which encourage development and promotion of normalisation, and another group of signals which complicate dialogue and normalisation, and make them more difficult. This indicates that the key

role of the economic, political and state leadership is crucial and that the pace and quality of the solution depend on their capacities. One of the biggest challenges is the accelerated completion of the privatisation process.

Against the backdrop of the overall economic and social framework and complicated political relations between Serbia and Kosovo, economy showed growing trends between 2000 and 2018. This was much contributed by the application of achieved agreements within the Brussels Dialogue (particularly the freedom of movement, the integrated border management, the customs seal, the telecommunications and energy).

Kosovo had more trade turnover with Serbia than with any other country in both import and export (GAP Institute, 2019). Until 2017, products originating from Serbia had the highest share in Kosovo's total imports. Trade cooperation between Kosovo and Serbia has been quite large. Kosovo has had most of its imports of essential products coming from Serbia. This trade cooperation primarily meant a considerable level of imports from Serbia to Kosovo. This level of more than 400 million euros has been steadily rising (Kosovo Agency of Statistics, 2019).

But immediately after the signing of *First Agreement on Principles*, it became clear that the normalisation is a complex process in which a solution must be found for a multitude of interrelated issues, including those inherited from the past and those arising from the Brussels Dialogue and the normalisation process itself.

The normalisation of relations itself is seen as an objective. The ultimate goal is the "full normalisation." The "full normalisation" is a *conditio sine qua non* for Serbia's EU membership. The Negotiating Framework⁷ confirms this condition.⁸ It is a tool for the long-term regulation of coexistence for Serbia and Kosovo and their equal participation in the EU. It means that Serbia should not block Kosovo's future membership into the EU by refusing to recognise its independence, and that Kosovo should not hinder Serbia on its path towards the EU by conditioning and obstructing the process of normalising relations with Serbia. This suggests the need to have a legally binding document that

7 The Negotiating Framework - a mechanism and rules for membership negotiations with Serbia - states that both Serbia and Kosovo must reach a "legally binding agreement on the comprehensive normalisation of relations before Serbia becomes a member of the EU" (Government of the Republic of Serbia - Ministry of European Integration, n.d.).

8 Paragraph 23 of the Negotiating Framework states (Government of the Republic of Serbia - Ministry of European Integration, n.d.): "The issue of normalisation of relations between Serbia and Kosovo will be addressed under Chapter 35: "Other issues" as a specific item." The level of importance of Chapter 35 is higher than other chapters. This chapter even has the power to temporarily suspend negotiations on the association agreement and to slow down the pace of Serbia's entry into the EU.



keeps both countries obliged from acting against each other on the international scene, including in international organisations, in a way that would seriously harm the other's interests and internal policies.

In 2017 and 2018, in the public discourse in Serbia, including the “internal dialogue,” the normalisation of relations between Serbia and Kosovo was mentioned sporadically. From time to time, some members of the Serbian government would deliver a statement to remind themselves and the public that Serbia “will insist on the implementation of the Brussels agreement and the establishment of the ZSO” (N1, 2018), and that “Serbia’s strategic goal is to join the EU, which holds peace as its core value.”⁹ Despite being suppressed, the policy of normalisation of the relations between Serbia and Kosovo was still a solution supported by the largest number of citizens, according to opinion polls.¹⁰ 2018 and 2019 marked the years of uncertainty and growing crisis in relations between political actors on the issue of Kosovo, relations with Kosovo Albanians, as well as Serbia’s EU integration. This period started with a still unsolved murder of one of the most prominent leaders of Kosovo Serbs Oliver Ivanović on January 16, 2018, and continued with ill-intentioned usage of security incidents, military and police for the purposes of marketing and propaganda and for “the strengthening of negotiating positions.” In an effort to strengthen its positions, the Kosovo Government was particularly creative - it introduced 100 percent tariffs on goods from Serbia and Bosnia and Herzegovina.¹¹ This

9 “It is neither an economy nor a trade, nor a larger market. It is peace ... We want and need to be a part of the EU in order to have a sustainable peace, and with it, stability and prosperity in the Balkans, a restless region of the world that was also known as the “powder keg of Europe,” he said in a speech to the UN (N1, 2018).

10 Full normalisation of relations confirmed by a legally binding agreement is supported by 46 percent of respondents and demarcation and exchange, as already indicated, by 14 percent. If we add that 5 percent of the respondents supporting the recognition of Kosovo’s independence provided that Serbia becomes a member of the EU, the support is even higher (Public Omnibus Research, 2018, p. 16).

11 By introducing 100 percent tariffs on goods imported from Serbia and Bosnia and Herzegovina, Kosovo seems to have de facto resorted to economic policy measures in order to achieve certain political goals. One of those goals is to strengthen Kosovo’s position in the negotiations on the recognition of its public and international legal status as independent state, and also to oppose the activities of the Serbian authorities in challenging and preventing Kosovo’s membership in international organisations (e.g. UNESCO, Interpol) and counter withdrawals of Kosovo’s recognition by other countries.

Since the Kosovo Government imposed a 100 percent tariff on goods imported from Serbia, the business environment between Kosovo and Serbian companies has virtually disappeared. From a cooperation that had close to 500 million annual turnover, it turned into a very modest undertaking, operating within an extremely cold climate of cooperation. Exports from Serbia to Kosovo were reduced by 98 percent in the first year since the introduction of tariffs. The behaviour of Kosovo inhabitants - consumers, observed in short-term, showed that their political commitment dominates over their perception of the adverse economic impacts in the form of price increases and inflation. There was no shortage of goods on the market due to a drastic increase in imports from Slovenia, Croatia, Hungary, North Macedonia, Greece, Bulgaria and Turkey. However, changing the country of origin on product labels in Kosovo has resulted in higher food prices and, consequently, general level of prices for goods and services (up to 8 percent in overall).

is coupled with attempts to use the given circumstances to unilaterally resolve some of the outstanding obligations from the Brussels Agreement (such as the issue of licence plates, border crossings, various certificates, declarations, permits, etc.), deployment of police forces and the prosecutor's office in the implementation of the rule of law (gathering evidence in Oliver Ivanović murder investigation, as well as other criminal investigations).

Freeze-frame or slow-motion film techniques could be summoned to describe the present dynamics of the Brussels Dialogue - a dying patient (dialogue) and a group of disorientated doctors (politicians, bureaucrats, diplomats and experts) arguing whether to resuscitate the patient. The image goes off and on into slow-motion solely to allow the patient to take one breath. The (clinical) picture does not bode well for the patient. Presently, the Brussels Dialogue entails occasional meetings between politicians, exchanges over Tweeter and other media, etc., and mobilisation of masses for something that is not the normalisation of relations between Serbia and Kosovo.

Public, Serbian and Kosovo authorities, and international actors are now facing a choice: to reset the dialogue on normalisation or to live in a state of insecurity. By the state of things, there are at least two options, namely:

First, Serbia and Kosovo cannot resolve the current crisis unilaterally. The reality is that Kosovo cannot get recognition of its statehood from Serbia from this crisis, let alone the "mutual and viable recognition," but also that Serbia cannot do much for the Serbian community in Kosovo, even in Northern Kosovo, in terms of economy and security, if it does not cooperate with the Kosovo authorities. Diplomatic efforts are necessary to prevent the situation from escalating, and the Brussels Dialogue must be reset.

The appointment of two US special envoys (Matt Palmer for the Western Balkans and Richard Grenell for the Brussels Dialogue), the constitution of the European Commission foster hope for a restart of the dialogue and of the normalisation process. The problem of the formation of a new Kosovo Government, and the political and party confrontations ahead of the parliamentary and local elections in Serbia raise the question of whether the necessary political conditions for resuming and holding productive dialogue on the normalisation of relations between Serbia and Kosovo even exist.



Resetting the Brussels Dialogue should include the issue of recognition of Kosovo by Serbia, the issue of determining state borders / administrative lines. But these issues should be approached differently than it was done during 2017 and 2019, when the dialogue hit a dead-end.

In the course of the Brussels Dialogue so far, among the many important issues (Forum Za Etničke Odnose, 2018c) for the normalisation of Serbia-Kosovo relations, the issue of the Kosovo status has been negotiated:

Whether and when Kosovo will be recognised as an independent state, is a question with an uncertain answer. But it is certain that this question can only be resolved through a peaceful negotiation between Serbia and Kosovo and the formation of political elites who are capable of fulfilling the commitments taken on by Serbia and Kosovo, by strengthening the democratic procedures and institutions. This would be a major shift in policy, or “turning over a new leaf.”

At Serbia’s current level of (social, economic and political) development, unfinished state-institution-building and complex international position, the so-called “final solution” to the status question is risky or close to the “mission impossible.” At the same time, an old mantra “Serbia will never recognise Kosovo’s independence,” has so far proven to be hypocritical and blocking the development of Serbia and its EU integration. The logic of the Brussels Dialogue and the normalisation of relations is clear - Kosovo’s status will be addressed at a later date when the circumstances arise. As far as Serbia is concerned, it would be wise to link this question to Serbia’s full membership in the EU.

In the meantime, as the first step, Serbia could endorse this framework by explicit and legally binding acceptance of the reality of Kosovo’s independence, which imposes an obligation on Serbia not to hinder Kosovo’s full membership in the international community and restraining from the activities aimed at preventing this process.

The difference with regard to the full recognition is that Serbia and Kosovo would not exchange ambassadors but permanent representatives or liaison officers, but with increased capacities for carrying out diplomatic and consular activities.

Not closing the perspective of the international public recognition of Kosovo’s independence would facilitate the determination of borders and the territorial framework of Kosovo and Serbia. This issue could be resolved as part of the comprehensive

agreement, as a matter of marking or adapting (demarcation) of the current border / administrative line, as indicated in the Brussels agreement in relation to the freedom of movement. Such a solution would not be a precedent for the EU, given that Croatia became an EU and a NATO member while having interim or conditionally determined border with Montenegro. And at the time of reaching the agreement on Prevlaka, Montenegro was a federal unit and not an internationally recognised state, and a tacit political agreement was reached with Bosnia and Herzegovina and Serbia not to open border issues, and the EU was satisfied that a dispute was initiated with Slovenia involving the international arbitration.

This “narrow recognition” carries some risks:

- This solution will require a wide political consensus both in Serbia and Kosovo, which is hardly to be achieved. If there is no consensus, this solution is not sustainable in Serbia and there is also a risk of further political destabilisation and refusal of EU membership, especially in the case of Serbia. This could also bring deterioration of the situation in both Kosovo and the Western Balkans region.
- There is a risk of different misinterpretations of the “narrow recognition” by Serbia and Kosovo.

In order to mitigate this risk, proactive and synchronised action by the EU and USA towards Serbia and Kosovo, but also towards the interests of other great powers (especially Russia and China) are needed. Such engagement by the EU and the US is expected, considering that not all the EU states have recognised Kosovo, and that the agreement requires verification by the UN General Assembly and the UN Security Council.



Bibliography

- Vučić, A. Blic. (2017). Zašto nam je potreban unutrašnji dijalog [Why We Need Internal Dialogue on Kosovo]. *BKTV News*, in Vesti.rs, 24 July. Retrieved from <https://www.vesti.rs/Kosovo/Vucic-za-Blic-Zasto-nam-je-potreban-unutrasnji-dijalog-o-Kosovu.html> [Accessed April 25, 2020].
- Čadež, M. (2018). Failure to resolve the issue of Kosovo will take Serbia far back. *Biz, B92*, August 13. Retrieved from https://www.b92.net/biz/vesti/srbija.php?yyyy=2018&mm=08&dd=13&nav_id=1430518 [Accessed March 31, 2020].
- Forum Za Etničke Odnose. (2017a). Drugi izveštaj o monitoringu unutrašnjeg dijaloga o Kosovu, 1. novembar 2017 - 15. januar 2018. *Forum for Ethnic Relations and Open Society Foundation, Serbia*, Working Paper. Belgrade, January 25. Retrieved from <https://fer.org.rs/wp-content/uploads/2018/02/Izveštaj-II-final-PRESS.pdf> [Accessed April 25, 2020].
- Forum Za Etničke Odnose. (2017b). Overcoming Barriers to Business and Normalisation - Research of the Economic and Legal Framework for Doing Business between Serbia and Kosovo. *Forum for Ethnic Relations and Heinrich Boll Stiftung, Serbia, Montenegro, Kosovo*, Policy Paper, 2/2017, Belgrade, June. Retrieved from <http://fer.org.rs/wp-content/uploads/2018/01/Korica-Barijere-ENG-web-s.pdf> [Accessed April 25, 2020].
- Forum Za Etničke Odnose. (2017c). Prvi izvštaj o monitoring unutrašnjeg dijaloga o Kosovu [First Report on Monitoring the Internal Dialogue on Kosovo]. (2017). *Forum for Ethnic Relations and Open Society Foundation, Serbia*, Policy Paper.
- Forum Za Etničke Odnose. (2018a). Drugi izveštaj o unutrašnjem dijalogu o Kosovu, 1. novembar 2017 - 15. januar 2018. [Second Report on Monitoring the Internal Dialogue on Kosovo, November 1, 2017 – January 15, 2018]. *Forum for Ethnic Relations and Open Society Foundation, Serbia*. Retrieved from <http://fer.org.rs/wp-content/uploads/2018/02/Izveštaj-II-final-PRESS.pdf> [Accessed April 25, 2020].
- Forum Za Etničke Odnose. (2018b). Review of monitoring of the internal dialogue on Kosovo, 2017-2018. *Forum for Ethnic Relations and Open Society Foundation, Serbia*, Policy Paper, Belgrade.
- Forum Za Etničke Odnose. (2018c). The Position of the Forum for Ethnic Relations: Normalisation - The Way toward the Solution. (2018). *Forum for Ethnic Relations*, Policy Paper, 4/2018, Belgrade, July. Retrieved from <http://fer.org.rs/wp-content/uploads/2018/08/Forum-4-2018-ENG-web-s-1.pdf> [Accessed April 25, 2020].

- Forum Za Etničke Odnose. (2018d). Treći izveštaj o monitoringu unutrašnjeg dijaloga o Kosovu, 16. januar - 15. februar 2018 [Third Report on Monitoring the Internal Dialogue on Kosovo, January 16 – February 15, 2018]. *Forum for Ethnic Relations and Open Society Foundation, Serbia*. Retrieved from <https://fer.org.rs/wp-content/uploads/2018/02/Izveštaj-III-final.pdf> [Accessed March 31, 2020].
- Kosovo Agency of Statistics. (2019). *Foreign Trade Statistics 2010-2019*. Retrieved from <http://askdata.rks-gov.net/> [Accessed April 25, 2020].
- GAP Institute. (2019). *The 100% tax - Is it helping or hurting Kosovo's economy - The economic impact of the 100% tax on Serbia and Bosnia and Herzegovina's products*. Retrieved from https://www.institutigap.org/documents/35420_18637_TaxEconomicImpact.pdf [Accessed April 25, 2020].
- Government of the Republic of Serbia - Ministry of European Integration. (n.d.). *Negotiating Framework*. Retrieved from http://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracki_okvir.pdf [Accessed April 25, 2020].
- Janjić, D. (2003). Kosovo between conflict and dialogue [Ethnic Conflict and the Crisis of Identity: The Case of Serb - Albanian Relations]. *Forum for Ethnic Relations*, Centre for Tolerance and Dialogue, Belgrade, Podgorica.
- Janjić, D. (2015). Normalisation Challenges: Analysis of the Negotiation Process and the Implementation of the Brussels Agreement. *Forum for Ethnic Relations*, Policy Paper, Belgrade.
- Janjić, D., Limari, S., & Radunović, M. (2017). Energy sector of Serbia and Kosovo: Preliminary Analysis. (2017). *Forum for Ethnic Relations*. Retrieved from <http://fer.org.rs/wp-content/uploads/2018/01/ENERGY-SECTOR-eng.pdf> [Accessed April 25, 2020].
- Knezović, S. (2018). Swot Analysis Serbia - Kosovo Relations and Security in South - Eastern Europe. A View from Croatia. *Centre for Applied European Studies (CAES) and the Centre for Interdisciplinary Studies of the Balkans (CISBalk) of the Faculty of Political Sciences, University of Belgrade*. Working Paper, October, p. 5-6.
- N1. (2018). Brnabić u UN: Posvećeni miru, potrebna međunarodna podrška. September 28. Retrieved from: <http://rs.n1info.com/a423605/Vesti/Govor-Brnabic-u-UN.html> [Accessed September 28, 2018].
- Public Omnibus Research - CATI. (2018). *Demostat*. Belgrade, autumn.



- Rrecaj, B. T. (2018). Finalizing an overdue process: Kosovo - Serbia relations crucial for a long-term peace in the Balkans. *Centre for Applied European Studies (CAES) and the Centre for Interdisciplinary Studies of the Balkans (CISBalk) of the Faculty of Political Sciences, University of Belgrade*. Working Paper, October.
- Starova, A. (2018). Policy Paper on the future of Serbia - Kosovo relations. *Centre for Applied European Studies (CAES) and the Centre for Interdisciplinary Studies of the Balkans (CISBalk) of the Faculty of Political Sciences, University of Belgrade*. Working Paper, October.
- Tchereneva, V. (2018). The Serbia - Kosovo Resolutions: Three Scenarios. *Centre for Applied European Studies (CAES) and the Centre for Interdisciplinary Studies of the Balkans (CISBalk) of the Faculty of Political Sciences, University of Belgrade*. Working Paper, October.
- Tzifakis, N. (2018). The resolution of the Kosovo question: A SWOT analysis from a Greek Perspective. *Centre for Applied European Studies (CAES) and the Centre for Interdisciplinary Studies of the Balkans (CISBalk) of the Faculty of Political Sciences, University of Belgrade*. Working Paper, October.
- United Nations. (2010). *General Assembly. Resolution adopted by the General Assembly on 9 September 2010, 64/298*. Retrieved from https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/64/298 [Accessed 31 March 2020].

Appendix 1.

A Chronology on the History of the Serbian - Albanian Conflicts and Cooperation

Phase / Sub-phase	Timeline	Characteristics
Phase I	1918-1941/45	Mutual domination and violence
Phase II	1945-1966	Armed violence and administrative restrictions on the rights of the Albanian community
Phase III	1968-1981	Strengthening Kosovo's autonomy; Albanian national affirmation
Phase IV	1981-1999	Conflicts over the status of Kosovo
Sub-phase I	1981-1985	Strengthening the Albanian National Movement
- Sub-phase II	1986-1989	Political conflicts over the status of Kosovo and Albanian community
- Sub-phase III	1989-1997	Suspension of autonomy; parallel societies of Serbs and Albanians
- Sub-phase IV	1998-1999	Armed conflict (war)
Phase V	1999 - 2005	International (UN) military-civilian presence in Kosovo and systemic discrimination against ethnic Serbs
- Sub-phase I	May 1999 - end 1999	The end of war; establishment of the (UN) military-civilian presence; return of ethnic Albanian refugees and exodus of Serbs
- Sub-phase II	2000 - 2002	Building international institutions and Provisional Institutions of Self-Government (PISG) in Kosovo - "standards before status"
- Sub-phase III	2003 - March 17/19, 2004	Transition of the UN mission to the "Kosovo state-building" mission and escalation of ethnic Albanian extremism - "standards before status"
- Sub-phase IV	March 2004 - 2008	Restoration and strengthening international institutions and Provisional Institutions of Self-Government (PISG) in Kosovo and beginning the process of determining the future status of Kosovo - standards and status (attempts by the UN SC, UNMIK and the Government of Belgrade, to solve the problem through decentralisation; role of Michael Shepherd; Conference in Vienna, January - March 2008; Proposal for a comprehensive solution by Mahti Ahtisaari)



Phase VI	2008 - 2017	Unilateral declaration of Kosovo's independence and finding a peaceful solution
- Sub-phase I	February 17, 2008 - 2011	Disputes over recognition of Kosovo's independence (Unilateral declaration of independence of the Republic of Kosovo - "Declaration on the independence of Kosovo" (February 17, 2008); Non-recognition of the proclaimed independence of Kosovo by the National Assembly of the Republic of Serbia (February 18, 2008) and political demonstrations in Belgrade - "Kosovo is the heart of Serbia" (February 21, 2008); Reconstruction of the "international presence" - UNMIK-ICO transition, EULEX-establishment and KFOR-transformation; June 29, 2010, According to the advisory opinion of the International Court of Justice, the declaration of Kosovo's independence was in accordance with the general international law).
- Sub-phase II	March 2011 - April 2013	Back to the negotiation table (<i>UN General Assembly Resolution 64/298, March 2011</i> , determined the path for the EU-facilitated dialogue between Serbia and Kosovo; "Technical dialogue" - March 8/9 - July 2012; Beginning the "political dialogue," July 8, 2012 to April 2013, or the "first phase" of Brussels Dialogue).
	April 2013 - 2016	Dialogue for normalisation of relations between Serbia and Kosovo, or the "second phase" of Brussels Dialogue (<i>The First Agreement of principles governing normalisation of relations between Belgrade and Pristina</i> , initialled in April 2013; Beginning the negotiations on Serbia's EU membership and ratification of <i>the Negotiating framework - guidelines and principles for the accession negotiations with Serbia, including Chapter 35 - Other issues / Normalisation of relations between Serbia and Kosovo, December 17, 2013</i>).
- Sub-phase III	2017 - 2019	The Brussels Dialogue has faded away; The normalisation process has collapsed.

