

The Europeanisation of the Balkans: A Concrete Strategy or just a Placebo?

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1. The EU's Past Record in the Balkans

As the recent commemoration of Srebrenica has put in stark contrast, over the past decade the EU has evidently come a long way in defining, implementing and upholding its strategic vision for the Balkans. Handling the independence of Croatia and Slovenia was not the heyday of European policy coordination with the naiveté of the Dutch government eager to take the credit for solving the post-Yugoslav crisis in its presidency and the Franco-German wariness. In the early days of Eastern enlargement Paris had insisted on multilateral regionalism as a model for stabilisation, whereas Bonn favoured bilateral conditionality. Conversely, in the Balkans France banked on individual solutions, whereas Germany opted for regional holistic strategies. Additionally, European coherence was hampered by the standoff between those rejecting post-Yugoslav federal constructions and those offering national self-determination. Between 1995 and 1999 Europe has mastered a steep learning curve – from the ethnocentric and dysfunctional Dayton model to the more realistic and workable Ohrid model, from the adhocery of the Bosnian conflict to the concerted conflict-management in Kosovo and Macedonia five years later.⁶³

In 1999, in the immediate aftermath of the Kosovo War, the International Community laid out its strategic principles and objectives for the Western Balkans region, five in total (not necessarily in this order):

⁶³ D. Heimerl and W.v. Meurs (2004). “The Balkans between Paris and Berlin”. Journal of Southeastern Europe and Black Sea Studies 5(3): 343-360.; N. Both (2000). From indifference to entrapment: the Netherlands and the Yugoslav crisis 1990-1995. Amsterdam, Amsterdam University Press.

- regionalism, multilateral relations and the instigation of regional cooperation;
- conditionality as the bilateral basis for status vis-à-vis the EU and access to preferential treatment;
- separation of the agendas of integration, transformation and stabilisation;
- the European perspective; and
- standards before status.

The European principle of regionalism was enshrined in the June 1999 Stability Pact for South Eastern Europe. After drawing some heavy fire in 2001-2002, the Stability Pact has now scaled down its ambitions, prioritised its objectives and found its niche in the international framework for Kosovo and the Balkans. The principle of regionalism, however, by and large lost out to conditionality.⁶⁴

As the core principle of EU integration, conditionality came with the Stabilisation and Association Process (SAP), initiated in parallel with the Stability Pact in 1999, but fleshed out in 2000-2001 only. EU conditionality for the Balkans added several more to the well-known Copenhagen Criteria of Eastern enlargement. For Kosovo, it was Special Representative of the Secretary General Steiner's "standards before status" that wrote conditionality in the book in 2002. Since then, it has become apparent that conditionality tends to conflict with regionalism as it produces widening gaps within the projected region by concentrating assistance and privileged relations on those that do well in economic transition and in fulfilling EU integration criteria, at the expense of the laggards.⁶⁵

At the same time, the nexus between conditionality and the stages of EU integration deprives Brussels of much strategic leverage for key objectives of inclusive state consolidation and regional stabilisation in a

⁶⁴ F.-L. Altmann (2002). Regionale Kooperation in Südosteuropa. Organisationen, Pläne, Erfahrungen. Berlin, SWP.

⁶⁵ A. Wittkowsky (2000). Stabilität durch Integration?: Südosteuropa als Herausforderung für die Europäische Union. Bonn, Friedrich-Ebert-Stiftung.

region of unfinished statehood. The current state of affairs in the region indicates that socio-economic transformation makes limited inroads as long as issues of state sovereignty and inter-ethnic power games dominate the regional and national agendas. With capacities still in the making and the institutional separation of the agenda of transformation integration from the agenda of stabilisation still largely in place, conditionality often appears powerless with the risk of strategic initiatives running aground.

In his October 2005 report, Kai Eide thrashed the “standards before status” approach in principle,⁶⁶ blaming it to a significant degree for the general malaise in Kosovo and, paradoxically, for the Kosovars’ failure to meet the benchmarks too. The “standards before status” approach for Kosovo was the mirror image of the EU’s conditionality-based strategy for the integration of the entire region into Europe. Thus, the pivotal principle of “conditionality” also known as “standards before status” in international and most of all European strategies toward the Balkans is now coming under question. The consequences for the much-cited “EU perspective” are uncertain.

2. 2005 – a successful year, 2006 – a year of decisions?

At the same time, the EU itself has plunged into a deep existential crisis. Apart from collective soul-searching, the crisis seemed to produce a state of near-paralysis in the Brussels policy-making institutions. Yet, the effects of the crisis on the panacea of the “EU perspective” for the Balkans seem hardly dramatic and in some respects even counterintuitive.

Once the depth of the EU constitutional crisis became apparent with the French and Dutch referendums, Brussels went out of its way to reassure the Southeast European countries that these issues of the deepening of European integration would in no way endanger their European perspective. Undeniably, however, paying more attention to national

⁶⁶ K. Eide (2005). A Comprehensive Review of the Situation in Kosovo. Washington DC, UN.

constituencies in the EU made politicians in the capitals as well as the EU institutions reluctant to push the vastly unpopular agenda of Southeastern enlargement. Conditionality became more pronounced in the statements from Brussels; the strategy of the three C's – conditionality (as such), consolidation (of conditionality) and communication (of conditionality). In view of the real, but slow and uneven progress in the Balkans, the three C's seemed to confirm the regional leaders' worst fears by offering Europe a ruse to push back the issue of integrating the Balkans without having to revoke promises made.

For Croatia, the EU at first seemed to apply its standards with utmost strictness by making the actual opening of accession negotiation dependent on handing over General Ante Gotovina, indicted by the Hague Tribunal. The volte-face in October 2005 was the very opposite of strict, but fair criteria – a package deal involving Croatia and Turkey. Similarly, only an extremely naïve observer might not have seen the connection between the upcoming Kosovo negotiations and the sudden progress towards a Stabilisation and Association Agreement for Serbia and Montenegro. Unperturbed by the tension between a functioning democratic process and the dominant role of the High Representative, on 21 October 2005, the European Commission recommended the opening of negotiations for a Stabilisation and Association Agreement with Bosnia-Herzegovina to the Council. On 9 November, the Commission unexpectedly recommended to grant Macedonia candidate status. The recommendation is based, however, on a report that assesses this state as unable to organise free elections, not fully in control of its own territory, with a weak and politicised judiciary, not attracting foreign investors and falling far behind the rest of the region in terms of economic growth. Eventually, in January 2006 SAA negotiations with the last laggard, Albania, were concluded.⁶⁷

The first reaction to the EU crisis seemed to be that Brussels would take conditionality and standards very seriously in order to be able to deal

⁶⁷ (2005). 2005 Enlargement Strategy Paper. Brussels, Commission of the European Communities.

with its own crisis of deepening before facing the challenge of enlarging to the Southeast. The term “enlargement fatigue” became the ubiquitous answer to all questions. Next, these very conditions were bypassed or sidelined and each country in the region was upgraded to the respective higher level of relations with the EU: “higher status with some standards”. In the Kosovo case, “standards before status” has not been modified to “standards with status,” but they have de facto been decoupled. The countries of the region have been granted a higher status, a strategic move largely decoupled from the real, but uneven progress in the region. Thus, the verdict on the EU perspective’s real impact on the stabilisation and transformation of the region has been adjourned. The presumption of innocence for both Brussels and the Western Balkans, however, may be a missed opportunity to set the record straight.

Thus, in less than half a year after the crisis, the EU has implicitly forsaken some of its sacred principles in order to come to terms with the reality check of the Balkans and international constraints. Since mid-2005 the status of each Western Balkans’ status vis-à-vis the EU, if not EU policy towards the respective country, appeared to have made a U-turn from strict conditionality to “status with or without standards”. At closer scrutiny, “moving the region forward” has become the measure of success in and by itself: Rather than providing conditionality for the stability and statehood-relevant issues, the EU has largely chosen an indirect approach by waiving conditionality on the EU integration agenda and hoping for an implicit quid pro quo on the stabilisation agenda – without, however, establishing an explicit strategic link between these parallel agendas under the European perspective.

3. European Perspective?

Thus far the doubts on conditionality and the gloom over the EU perspective seem to have had little positive or negative consequences for relations between Europe and the Balkans. As a matter of fact, on closer scrutiny, explanations on how the EU perspective works or should work vary considerably. Four views may be discerned. Firstly, standard political rhetoric on the Balkans puts its trust in the assumption that the EU perspective per se offers such an attractive option to the peoples of

the region that no politician can afford to ignore this popular consensus for long. Despite the inevitable setbacks and political ill-will, it is argued, the long-term stabilising and transformative effects of the EU perspective are a self-fulfilling prophecy in the political process of what used to be Europe's last hotspot. The EU perspective thus more or less produces its positive effects almost irrespective of the actual aid programs, policy instruments and technical assistance linked to it.

Others have argued that Eastern enlargement has proven that even a more short-term perspective cannot do without the financial resources, norms, expertise and guidance of the EU to bring the transformation countries closer to EU standards. Optimistically, this second view assumes that the transformation process in South-eastern Europe will just take longer and be more arduous than its role model and predecessor in East-Central Europe. Conversely, it might be argued that at least in some respects the Balkans is not the next enlargement, but Europe's first encounter with countries that are not relatively close to EU standards, still in the middle of the transformation process and without a tangible membership perspective to drive the process and uphold the popular consensus, i.e. more like the countries in the European neighbourhood.⁶⁸ The concrete architecture and logic of EU policies and resources for the Balkans has often been criticized as being too technical and focussed on good governance and administrative capacity building.⁶⁹ Another point of critique concerns the strict nexus between formal status vis-à-vis the EU and access to certain programs and instruments.⁷⁰ Croatia, for instance, bitterly complained that Romania and Bulgaria had access to certain EU benefits forfeited to Croatia because it did not have candidate status. Logically, conditionality rewards the most successful transformers in the heterogeneous region and widens the gap to the laggards.

⁶⁸ W.v. Meurs (2003). "The Next Europe. South-Eastern Europe after Thessaloniki". South East Europe Review for Labour and Social Affairs 5(3): 9-16.

⁶⁹ M.-J. Calic (2004). *Der Stabilisierungs- und Assoziierungsprozeß auf dem Prüfstand. Empfehlungen für die Weiterentwicklung europäischer Balkanpolitik*. Berlin, SWP.

⁷⁰ (2002). *Western Balkans 2004. Assistance, Cohesion and the New Boundaries of Europe. A Call for Policy Reform*. Berlin, European Stability Initiative.

A third, less ambitious, but equally optimistic view claims that the true power of the EU is neither in the perspective per se nor in the concrete instruments, but in the so called “member state building”. The intricate process of EU integration with all its norms, procedures and criteria is the best crash-course in rational state management, good governance and administrative capacity building ever. The added value is in the form rather than the content of the EU integration process.⁷¹

Fourthly, the most relevant sceptics in the current context are those who insist that the EU should make good use of its integration perspective in a much more strategic manner, by linking the benefits and incentives of accession explicitly to the core objectives of stability and statehood. It is argued that the full catalogue of EU benchmarks, criteria and *acquis* is more than a bridge too far for a region still hampered by unresolved questions of state and nation building, be it Bosnia-Herzegovina, Serbia, Montenegro or the future status of Kosovo. It is argued that the heterogeneity of status vis-à-vis the EU for each and every country in the region defies all declarations on regionalism.⁷² At the same time, the strict separation of the agendas of stabilisation and integration allows local politicians to obstruct the process of regional stabilisation despite all EU urgings, while urging Brussels not to obstruct the next step towards EU membership.

4. Strategic Europe? Status with or without standards

As noted, “standards before status” is the localisation of EU conditionality for the particular case of Kosovo. As the contrasts between the various EU agendas are nowhere more apparent than in the last remaining powder keg of the Balkans, the dilemma of conditionality and the strategic deficits of Europe stand out with particular clarity here.

⁷¹ (2005). The Balkans in Europe’s Future. Sofia, International Commission on the Balkans, (2005). *The Helsinki Moment – European Member State Building in the Balkans*. Berlin, European Stability Initiative.

⁷² (2005). The Balkans in Europe’s Future. Sofia, International Commission on the Balkans.

In May 2005, the U.S. State Department's Nicholas Burns strongly suggested that negotiations would start almost irrespective of the outcome of the standards review and in no veiled terms offered advantages in Euro-Atlantic integration to both parties to the conflict as a reward for a constructive attitude at the negotiation table. With real negotiations approaching, however, uncompromising rhetoric is back to conceal what is actually a lack of preparedness for a major political deal. Typically, the nexus between status and stabilisation, on the one hand, and the perspective of EU integration, on the other hand, was made by an American.

Defining Kosovo's future status requires a strategic deal and political arm-twisting. The comprehensive catalogue of standards, reaching far beyond the actual issues of unfinished statehood and minority protection is inappropriate as a litmus test for opening the door to independence. On the one hand, the standards before status fails to provide (negative and positive) incentives for the Serb minority and, on the other hand, the standards catalogue makes it too easy for Kosovar politicians to go for a D grade – “poor, but passing”; progress in some areas and serious deficits in other. Thus, the Special Envoy of the UN Secretary General Kai Eide gave a mixed judgement on the standards in his October 2005 report (tougher and more forthright than many observers had expected).⁷³ The Eide report is indeed not so much an assessment of the state of affairs and Kosovo's fulfilment of the UN standards, but rather a political post-status recommendation. His suggestions included a High Representative-type international guarantor and monitor mission for interethnic relations, minority protection as well as special rights for the Serbs concerning cultural and religious sites. It is worth noting, moreover, that the report referred to the “future” and not to the “final” status of Kosovo. Evidently, the envisaged outcome is an incremental process rather than a fixed *finalité*. The EU integration perspective is expected to serve as the driver, the objective and guiding principle of the status process.

⁷³ K. Eide (2005). A Comprehensive Review of the Situation in Kosovo. Washington DC, UN.

The one option with a potential for a viable future for Albanians and Serbs in Kosovo within a stable Western Balkans is qualified independence. Kosovo's independence should be qualified by international (probably EU) monitoring of minority protection and policies with substantial, but functional autonomy for the Serb communities in an inclusive state of Kosovo, but without sharing (territorial) sovereign rights over Kosovo between Prishtina and Belgrade.⁷⁴ Can the EU shoulder such a multiple task – Kosovo and for the region as a whole? Brussels has expressed its readiness to shoulder more tasks in Kosovo and the Balkans in general, ranging from police missions to a post-status EU-MIK.

5. Challenges Ahead

The EU seems ready to take the lead in managing both the post-status future for Kosovo and the stabilisation and transformation process for the region as a whole. Yet, the past few months have seen unexpected, but contradictory changes in the EU's strategic approach. The assumed pull of the EU perspective is increasingly questioned, if only because of the EU's internal crisis, and a decoupling of standards and status seems to have taken place not only for Kosovo, but also for the region as a whole. Upgrading the status of each Balkan country recently therefore was the right move for the wrong reasons. The strategic questions have been pushed away, but not resolved.

In sum, the European Union will be challenged in the near future not only to hold out the EU perspective as an positive alternative to the vicious circle of ethnic strife and flawed transition, but also to set up and manage the actual process combining stabilisation, transition and integration in a effective and consistent manner. At the same time, with the opening of status negotiations the strategy of standards before status for Kosovo has been sidelined. The parallel upgrading of most countries of the region based on the urge to demonstrate success in combination

⁷⁴ W.v. Meurs (2004). "Kosovo's Fifth Anniversary. On the Road to Nowhere?" Global Review of Ethnopolitics 3 (3-4): 60-74.

with the EU perspective has similarly cast doubt on the authority of the EU's key strategy for the region (and beyond).

In sum, Kosovo has successfully argued that it can only fulfil Steiner's catalogue of standards once it has independent status. Bosnia has persuaded the EU to give it SAA status although serious deficits on basic criteria remain. Once it had been given SAA status, Croatia convinced Brussels that its progress towards EU standards actually required the instruments and incentives of candidate status to produce further results. The conflict between the vicious circle of "no standards without status" and the virtuous circle of "status after standards" cannot be resolved as long as the stabilisation of the region and its entities or states is not pushed with a targeted and relevant menu of conditions and incentives. By and large, the EU package of conditions and assistance remains monolithic and determined by a country's status vis-à-vis the EU rather than by its actual needs and capacities. Consequently, some useful and effective instruments for fulfilling EU criteria are withheld from aspiring countries because they do not have the right status. Especially the traditional misfit of, on the one hand, the structural and procedural agendas of transformation and integration represented by the Commission and the SAP and, on the other hand, the agenda of stabilisation and crisis management represented by Solana and the Council has substantially reduced the leverage of Europe and the consistency of EU leadership in the region. With the prospect of Bosnia and Kosovo (and to a lesser extent Macedonia) becoming some kind of EU neo-trusteeships for the medium-term, the sequencing and management of conditionality and status and of the stabilisation and integration agendas should be taken very seriously; turning the EU into a proactive strategic player without forsaking the inherent power of the EU perspective.

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