

# South East Europe's Consolidation in Light of the EU Crisis, Refugee Influx and Religious Extremism

**Predrag Jureković (Ed.)**

Study Group Information



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# **South East Europe's Consolidation in Light of the EU Crisis, Refugee Influx and Religious Extremism**

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"Regional Stability in South East Europe"**

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## Foreword

*Predrag Jureković*

The 32<sup>nd</sup> workshop of the Study Group “Regional Stability in South East Europe” was convened in Reichenau, Austria, from 19 to 22 May 2016. Under the overarching title of “South East Europe’s Consolidation in Light of the EU Crisis, Refugee Influx and Religious Extremism” almost 40 experts from the South East European region, the international community and major stakeholder nations met under the umbrella of the Partnership for Peace Consortium of Defence Academies and Security Studies Institutes and the Austrian Ministry of Defence and Sports, represented through its National Defence Academy and Directorate General for Security Policy.

Global security developments as well as crises phenomena, which are connected to the European Union (EU), have had or could have an increased influence on processes of regional consolidation in South East Europe.

As a consequence of the ongoing violent conflicts in the Middle East, hundreds of thousands of refugees have fled to Europe, using among others the “Balkan route”, which until March 2016 was an important “transit zone” for migrants on their way to a noticeably overwhelmed EU. Apart from the challenges that are linked to the refugee/migrant crisis, there are rising concerns within EU member states – in particular after the attacks in Paris, Brussels and Berlin in 2015/16 – of becoming the target of further terrorist attacks by radical Islamists. This circumstance has also turned the spotlight on radicalized individuals and groups from the Western Balkan countries that have shown sympathy for the terrorist organization “Islamic State”, have built up links with it, or even joined their combat forces as foreign fighters.

Enhanced by the international refugee/migrant crisis, various crises symptoms have emerged within the EU, such as the lack of solidarity and cohesion, disintegrative developments – such as, the British referendum – as well as the rise of semi-authoritarian political models. A further deterioration of EU standards and co-operative behaviour would harm not only the EU as a political union but could challenge its unique global position as a democratic and co-operative role model, as well as its integrative function for South East Europe.

The aforementioned international and EU crises phenomena come up against a semi-consolidated South East European region that still suffers from the legacies of former wars and huge economic problems, despite the progress that has already been achieved. How these external challenges interact with intra-regional consolidation necessities was discussed during the Reichenau workshop.

The following key questions constituted the framework of discussion and debate during the workshop and, thus, also form the structure of the contributions from the three panels in the following pages:

- To which extent do the various crises and insecurities in Europe and abroad (refugee flows, terrorism and religious radicalization, lack of EU cohesion, authoritarian political models, separatist movements etc.) influence the various processes of consolidation in South East Europe?
- How has the refugee/migrant crisis been managed along the so called “Balkan route”, thus far, and what are the lessons learnt for the crisis management capabilities of the individual countries, as well as the regional cooperation in this field?
- To what extent are countries in South East Europe endangered by terrorist attacks undertaken by Islamists?
- What is the “contribution” of local extremists to the so-called “Islamic State” and other international terrorist organizations? Is regional co-operation of security agencies doing well in orchestrating counter strategies?
- On the other hand, how can the positive co-existence of different ethnic and religious communities in South East Europe be used to

delegitimize religious extremism?

- The spreading of the international refugee/migrant crisis to Europe has shown a worrying lack of cohesion and solidarity among EU countries in difficult times. Could this weakness, if not addressed appropriately, undermine the EU's consolidation and integration policies towards South East Europe in the medium term?
- Will the ongoing turbulences within the EU demand a more active role of the US to tackle unsolved issues in South East Europe?
- To which extent does the electoral success of semi-authoritarian politicians in some EU countries and abroad influences the process of democratization in South East European transition countries?
- Could separatist movements within South East Europe be boosted by disintegrative developments in the EU (British referendum, Catalonia) and beyond?

In part I of this book; Aja Fukuda (Group 484, Belgrade), Saša Gosić (Serbian Ministry of the Interior) and Jasmin Redžepi (NGO Legis, Skopje) address, from different perspectives, the experiences of Western Balkan countries in dealing with the migration crisis in 2015/16. Nermin Botonjić (Islamic Community in Croatia, Zagreb) and Drago Pilsel (Autograf.hr / Initiative "Dobrodošli"-Welcome) focus on the issues of religious dialogue and extremism in their contributions in part II. The role that the EU still can – and has to – play in regard to her support for normalizing the fragile regional relations in the Western Balkans is analysed comprehensively in part III of this Study Group Information. Ambassador Michael Schmunck (GIGA Hamburg), in his in-depth contribution, deals with the connections between the multiple EU crises and the unfinished business in the Western Balkans. This is followed by regional case studies, which are authored by Dane Taleski (South East European University, Skopje) on Macedonia, Aleksandra Joksimović (Center for Foreign Policy, Belgrade) on Serbia, Besa Shahini (independent analyst, Prishtina / Priština), Amer Kapetanović (Ministry of Foreign Affairs, Sarajevo) on Bosnia and Herzegovina, Blagoje Gledović (Ministry of Justice, Podgorica) on Montenegro and Sokol Lleshi (Albanian Institute for International Studies, Tirana) on Albania. The policy recommendations and findings of the expert group are summarized by Predrag Jureković (National Defence Academy, Vienna) at the end of this publication in part IV.

The editor would like to express his thanks to all authors who contributed papers to this volume of the Study Group Information. He is pleased to present the valued readers with the analyses and recommendations of the Reichenau meeting and hope this Study Group Information can contribute in generating positive ideas for supporting the current challenging processes of consolidating peace in South East Europe.

Special thanks go to Ms. Adriana Dubo, who supported this publication as facilitating editor, to Mr. Ali El-Haj for his support in the proofreading process, and to Mr. Benedikt Hensellek for his stout support to the Study Group.

## Abstract

The publication of the 32<sup>nd</sup> workshop of the PFP Consortium Study Group “Regional Stability in South East Europe” entitled “South East Europe’s Consolidation in Light of the EU Crisis, Refugee Influx and Religious Extremism“, aims at presenting the findings of the workshop to a diverse readership.

South East Europe has always been a strategic partner to the European Union. The importance of this partnership became even more evident during the recent migration crisis. Hundreds of thousands of refugees have fled to Europe, using the “Balkan Route”. EU member states, which fear further terrorist attacks, have raised concern over the fact that several terrorist organizations have links to some South Eastern European countries. Due to these developments and new insecurities an increasing lack of solidarity and cohesion, disintegrative developments as well as the rise of semi-authoritarian political models is noticeable within the Union. Many fear that a further deterioration of EU standards and co-operative behaviour would harm not only the EU as a political union but could also challenge its position as a democratic and co-operative role model.

This workshop aimed at identifying to which extent the various crises and insecurities in Europe and abroad (refugee flows, terrorism and religious radicalization, lack of EU cohesion, authoritarian political models, separatist movements etc.) influenced the various processes of consolidation in South East Europe.

**PART I:**

**EXPERIENCES FROM DEALING WITH  
THE MIGRATION CRISIS**

# A Perception from the “Balkan Route”

*Aja Fukuda*

## Introduction

More than half a million refugees and migrants passed through Serbia in 2015 following the Balkan migration route. The massive influx required joint actions of the EU member states, but since they did not manage to set a common ground for handling the migrant and refugee crisis, countries on the route paved their policies and measures through high level conferences and meetings.

Serbia and Macedonia, the EU candidate countries have found themselves in a position to be directly involved in managing migration together with the neighbouring member countries of the EU. However, instead of reaffirming the EU acquis and respect of international standards related to migration, the migration policies of both member states and candidates have narrowed down the scope of standards and principles leading to violations of fundamental rights.

The paper will shed light on how EU policy<sup>1</sup> has framed cooperation on managing migration around limiting the entry and not around respecting the rights of migrants and people in need for international protection. Furthermore, the paper provides empirical evidence on the rights violations happening on the ground.

In the concluding remarks, the paper stresses that the EU reactions to the migration and refugee crisis endanger fundamental rights and standards, jeopardising the capacities for democratic reforms of the countries seeking membership in the EU family.

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<sup>1</sup> The paper is treating the policies of the EU member states on the Balkan route as the EU policy, thus emphasising the perception outside of the EU.

## **The EU Policies and Measures towards Refugees and Migrants**

The policies of the EU countries related to the treatment of migrants and refugees were defined along the series of conferences and meetings, which has eventually led to the common goal of preventing migrants and refugees to reach the EU, excluding the German's policy of open-door towards migrants. The policies declaratively bring up the rights of people in need for international protection but through the applied measures, it is not clear who is actually entitled to this international protection.

Involvement of the Western Balkan countries in the dialogue with the EU at the Leaders' Meeting on refugee flows along the Western Balkans Route in October 2015 sent a positive message to the region that they were relevant actors in the joint efforts to resolve the migrant and refugee crisis. The meeting resulted in a 17-point plan<sup>2</sup> raising several concerns.

The plan uses the term "to discourage" movements of refugees and migrants, implying that the countries are expected to limit their freedom of movement, which will eventually cause different interpretations along the route.

Without any rationale, the number of 50,000 people was defined to be deployed in the countries along the route. Apart from that, there was no word on the status of the people planned to be deployed; whether they want to integrate in one of the countries on the route or whether they are returnees upon readmission agreement or the people in line waiting for their turn to claim asylum in the EU. In addition, the document did not set any standard related to the capacity to be provided in each of these countries and according to what criteria, as well as the character of the reception centres i.e. whether they will be of an open type or with special regime of movement in order to achieve "gradual, controlled and orderly movement of persons".<sup>3</sup>

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<sup>2</sup> Leaders' Meeting on refugee flows along the Western Balkans Route, Leaders' Statement <[http://ec.europa.eu/news/2015/docs/leader\\_statement\\_final.pdf](http://ec.europa.eu/news/2015/docs/leader_statement_final.pdf)>, accessed on June 8, 2016.

<sup>3</sup> Ibid.

The Plan strengthens the principle of refusal of entry of third country nationals who do not confirm their willingness to seek international protection but it does not evaluate whether the Balkan countries possess infrastructure and human resources for border profiling.

Follow up to the Leaders' Meeting on refugee flows along the Western Balkans Route<sup>4</sup> of the European Commission to the European Parliament and the Council states that national-based entry conditions for migrants entering Croatia, Serbia and Macedonia and the fence construction between Macedonia and Greece and previously put up by Hungary creates "uncertainty and instability in the region". Still, the report failed to underline the fear and anxiety of the refugees and migrants, and family separations due to the discriminative practice. The European Charter of Fundamental Rights stipulates that any discrimination on the grounds of nationality is prohibited. It also guarantees the right of a person to seek asylum from persecution in other country.

The Plan reconfirms the principle that a country may refuse entry to third country nationals who do not confirm a wish to apply for international protection. The EC follow-up report just briefly notes, "it is unclear whether all those who have been refused entry effectively did not express a wish to apply for asylum", failing to stress right violations and derogation of international standards happening on the ground.

The language of the documents is inconsiderable, emphasising the importance of informing the refugees and migrants about the "consequences of a refusal to be registered, fingerprinted and to seek protection where they are"<sup>5</sup>. Moreover, the term "no registration-no rights" was restated in some documents<sup>6</sup> which shows attitude towards migrants, disregarding the

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<sup>4</sup> Report from the Commission to the European Parliament and the Council on the follow-up to the Leaders' Meeting on refugee flows along the Western Balkans Route, (December 2015). <[http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/securing-eu-borders/legal-documents/docs/report\\_western\\_balkans\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/securing-eu-borders/legal-documents/docs/report_western_balkans_en.pdf)>, accessed on June 8, 2016.

<sup>5</sup> Leaders' Meeting on refugee flows along the Western Balkans Route, Leaders' Statement <[http://ec.europa.eu/news/2015/docs/leader\\_statement\\_final.pdf](http://ec.europa.eu/news/2015/docs/leader_statement_final.pdf)>, accessed on June 1, 2016, pg. 3.

<sup>6</sup> Report from the Commission to the European Parliament and the Council on the

fact that human rights are universal and that even irregular migrants have rights.

In February 2016, heads of police of Austria, Slovenia, Croatia, Serbia and Macedonia, during the meeting in Zagreb, agreed to further tighten the measures and reduce the migration flow. The profiling was agreed to be done on a Greece-Macedonian border by representatives of all respective countries and the Joint Statement<sup>7</sup> explicitly declared denial of the principle of family unity, i.e. that family reunification is not considered as valid reasons for approving entrance to a country. The Geneva Convention relating to the Status of Refugees of 1951 together with the EU Council Directive 2003/86/EC outlines the right to family reunification as a fundamental right.

The meeting of Ministers of Foreign Affairs and Ministers of Interior of Croatia, Slovenia and Austria and representatives of Western Balkan countries in Vienna on 24 February 2016, again demonstrated the lack of common EU policy towards the migration crisis. The Declaration “Managing Migration Together”<sup>8</sup> uses the narrative of securitisation. It brought up direct correlation of asylum applicants with potential consequences for internal security, which will pave the way for security measures such as border closure.

The Declaration explicitly specifies that “the right to asylum does not include the right of applicants for international protection to travel onwards and choose a country of preference”. The stance is refutable by so many examples in the history of migration of human kind, even the ones in recent history since all countries on the route have just recently granted asy-

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follow-up to the Leaders' Meeting on refugee flows along the Western Balkans Route, (December 2015). <[http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/securing-eu-borders/legal-documents/docs/report\\_western\\_balkans\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/securing-eu-borders/legal-documents/docs/report_western_balkans_en.pdf)>, accessed on June 8, 2016, pg. 7.

<sup>7</sup> Joint Statement of Head of Police Services from the Meeting held in Zagreb, Croatia, (February 18, 2016). <[http://www.mup.hr/UserDocsImages/topvijesti/2016/veljaca/migranti\\_sastanak/joint\\_statement.pdf](http://www.mup.hr/UserDocsImages/topvijesti/2016/veljaca/migranti_sastanak/joint_statement.pdf)>, accessed on June 8, 2016.

<sup>8</sup> Conference “Managing Migration Together” in Vienna, (February 24, 2016). <<http://data.consilium.europa.eu/doc/document/ST-6481-2016-INIT/en/pdf>>, accessed on June 1, 2016.

lum to so many refugees coming from far. In addition, it raises pressure on countries at the periphery, increases the number of stranded people on border zones and does not provide any durable solution.

The EU stance to discourage the movement of refugees, jeopardising the access to international protection, encourages building of razor blade fences, waiving the principle of family unity and eventually leads to closures of borders. Instead of sharing the responsibility, in accordance with the economic and social possibilities, protection of borders from migrants and refugees has become the priority.

### **Managing the Refugee and Migrant Crisis in Serbia**

According to the UNHCR statistics, in 2015 the number of refugees and migrants reached around 580,000 persons.<sup>9</sup> These numbers are just estimations of how many people went through Serbia since there are many migrants and refugees who did not want to go through official registration, fearing that it would bring them back to Serbia and prevent them from the possibility to claim asylum in the country of destination. The numbers are even less accurate for 2016 specifically since the closure of borders in March. Reflecting on the actions, neither the Government of Serbia nor international and domestic organisations were prepared to deal with such a massive influx. Shelters, food, water, sanitation were not in place and relevant government institutions lacked procedures and human and infrastructure capacities. Nevertheless, due to the combination of political will, resources of international donors and flexibility of the civil society organisations, basic humanitarian aid was provided to most refugees and migrants. Furthermore, reception centres for registration and other refugee aid points were opened close to the entry, transit and exit points, following the migration flow.

Managing migration policy in Serbia balances between maintaining a positive image in the international arena for the provision of humanitarian aid and the concern that the lack of EU solidarity will leave Serbia with hun-

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<sup>9</sup> January 2,425; February 2,537; March 3,761; April 4,425; May 9,034; June 15,209; July 29,037; August 37,463; September 51,048; October 180,307; November 149,923; December 92,826.

dreds of thousands of refugees and migrants stranded on its territory. This has led to abrupt changes of policy, from punishing refugees and migrants for illegal entry to the policy of open borders, recognition of their humanitarian needs, facilitating the transit for all, later only for those coming from Syria, Afghanistan and Iraq, and eventually to the closure of borders for migration and refugee flows.

During 2015, there were more than ten thousands cases<sup>10</sup> of illegal entries or stays before the misdemeanour courts in Serbia against migrants and refugees, mostly coming from Syria, Iraq and Afghanistan. Regardless of the fact that the principle of non-punishment of asylum seekers and refugees for illegal entry was violated and the fact that proceedings were conducted in most cases without the presence of interpreters<sup>11</sup>, these rights did not find a place in the EU agenda on managing crisis. Over time, the number of cases terminated due to the expression of intention to seek asylum and the international principle of non-punishment of asylum seekers and refugees for illegal entry or stay have increased. However, the practice is still arbitrary throughout the country leading to the situation where some people are penalised and some others are not.<sup>12</sup>

Another worrisome practice related to managing migration and refugee crisis that has not been addressed by the EU documents is push-backs along the Balkan route.<sup>13</sup> Groups of migrants and refugees were returned to the first country they had previously transited, without any paper they can appeal against. It seems that the Plan and declarations emphasise the right of states to refuse the entry of third country nationals who do not express an intention to seek international protection but fail to address the fact that

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<sup>10</sup> Newspaper Blic, Serbian borders will remain open for migrants (October 4, 2015). Available in Serbian at: <<http://www.blic.rs/vesti/drustvo/srpske-granice-ostace-otvorene-za-migrante/wvmppd0>>, accessed on June 14, 2016.

<sup>11</sup> The Committee against Torture, Concluding observations on the second periodic report of Serbia, (May 2015). [http://www.azil.rs/doc/CAT\\_C\\_SRB\\_CO\\_2\\_20491\\_E.pdf](http://www.azil.rs/doc/CAT_C_SRB_CO_2_20491_E.pdf) >, accessed on June 8, 2016, pg. 6.

<sup>12</sup> Right to Asylum in the Republic of Serbia 2015 (May 13, 2016). <[http://azil.rs/doc/Azil\\_2016\\_ENG\\_1.pdf](http://azil.rs/doc/Azil_2016_ENG_1.pdf) >, accessed on June 13, 2016, pg. 52.

<sup>13</sup> Ibid. pg. 42. In addition, UNHCR warns of growing asylum crisis in Greece and the Western Balkans amid arrivals of refugees from war. <http://www.unhcr.org/news/briefing/2015/7/559fa5da6/unhcr-warns-growing-asylum-crisis-greece-western-balkans-amid-arrivals.html> >, accessed on June 14, 2016.

it has been carried out without any procedure and procedural safeguards, without screening individual grounds for seeking protection, any explanation to people and the possibility to appeal. Furthermore, civil society organisations reported about push-backs<sup>14</sup> and even formal readmission procedures to countries where many refugees complained on physical violence by police.<sup>15</sup> At the beginning of the migration crisis, push-backs were publicly commented by key decision makers.<sup>16</sup> This practice is breaching of the principle of non-refoulement, one of the fundamental principles governing migration, which prohibits the return of a refugee to a territory where his or her life or freedom is threatened. In addition, prohibition of expulsion in these cases is stipulated in other instruments of international law such as the EU Charter of Fundamental Rights (art. 19) and the European Convention on Human Rights (art. 3).

In the context where EU countries refused to accept refugees and would rather manage the problem away from their territories, the Government of Serbia took a stand that it was sufficient to take care of refugees and migrants for a limited period of time only since their intention is to reach the EU countries. Around mid-November, as a consequence of denying the entry to Croatia and further on the route, Serbia decided to start preventing transit of migrants from other countries except Syria, Iraq and Afghanistan.

Joint profiling at the Greece-Macedonia border, following the heads of police meeting in February 2016, did not bring certainty but rather continued with the practice of right violations. Along the route, police would screen out and even separate a parent from the family based on the answer that he/she was in Turkey for three days, or that he/she had a core family member in the country of destination. This was happening regardless of the

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<sup>14</sup> Human Rights Watch, Serbia: Police Abusing Migrants, Asylum Seekers, (April 15, 2015). <<https://www.hrw.org/news/2015/04/15/serbia-police-abusing-migrants-asylum-seekers>>, accessed on June 13, 2016.

<sup>15</sup> Belgrade Center for Human Rights, Safe Passage: Testimony of people arriving in Dimitrovgrad, Serbia from Bulgaria (October 2015). <[http://azil.rs/doc/SafePassage\\_2.pdf](http://azil.rs/doc/SafePassage_2.pdf)>, accessed on June 3, 2016.

<sup>16</sup> Newspaper Blic, Vulin (Ministry of Labour, Employment, Veteran and Social Affairs): Serbia cannot alone, urgently convene regional conference on migration, (June 22, 2015). <<http://www.blic.rs/vesti/drustvo/vulin-srbija-ne-moze-sama-hitno-sazvati-regionalnu-konferenciju-o-migrantima/tv61f9n>>, accessed on June 5, 2016.

fact that the person had already passed profiling on the Greece-Macedonian border, and had valid documentation and unified registration form.

At one point, even refugees from Afghanistan were denied entry in Slovenia, and consequently returned all the way to the border between Serbia and Macedonia.

Moreover, profiling at the borders was heavily relying on the knowledge of interpreters of different dialects to distinguish where the migrants and refugees were from. The practice was changing daily; one day people from the same city would be considered refugees escaping atrocities, and the other day member of a militant group and thus denied entry.

Closure of the Balkan route, at the beginning of March, was explained by the government officials as a reaction to the new regime of Slovenia and Croatia allowing entry only to migrants with valid travel documents and visas.<sup>17</sup> Since the closure of the borders, refugees have been more vulnerable, relying mostly on smugglers and they have been facing different practices along the route. Only in Serbia, unpredictable treatment still varies from push-backs to Macedonia or Bulgaria without any procedure to expulsion orders rendered by misdemeanour courts and accommodation in asylum centres where they can receive humanitarian aid even without documents.

*The Convention is both a status and rights-based instrument and is underpinned by a number of fundamental principles, most notably non-discrimination, non-penalisation and non-refoulement.*<sup>18</sup> EU reports on follow-up to the Leaders' Meeting on refugee flows along the Western Balkans Route failed to reflect on violations of these rights.

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<sup>17</sup> Commissariat for Refugees and Migration of the Republic of Serbia, Serbia will respect EU-Turkey Agreement, Balkan migration route closed, (March 1-31, 2016). Available in Serbian at < [http://www.kirs.gov.rs/docs/aktuelno/20160406\\_newsletter%2006%20ser.pdf](http://www.kirs.gov.rs/docs/aktuelno/20160406_newsletter%2006%20ser.pdf)>, accessed on June 5, 2016, pg. 2.

<sup>18</sup> Introductory Note by the Office of the United Nations High Commissioner for Refugees, <<http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>>, accessed on June 14, 2016, pg. 5.

## Lessons Learnt

The closure of the Balkan route did not stop migration and refugee flow. There are still people going through and their number is increasing on a daily basis. The EU countries should define different **categories of migrants and durable options for each of the categories**, respecting the international and EU principles related to migration.

There should be a **common understanding of the purpose of border profiling**, it has to be protective and gender sensitive, recognizing the people in need for international protection, in need for humanitarian assistance and needs of different vulnerable groups such as unaccompanied and separated child migrants, victims of trafficking or smuggling, etc.

It is crucial to **address rights violations** and reaffirm that massive influx cannot be the justification for not treating people with dignity. Migrants should not be criminalised and if they are caught in irregular situation, their return have to be conducted in line with international standards and with respect of fundamental rights.

Reiterate **zero-tolerance policy towards discrimination**. Unjustified difference between migrants based on certain nationality is unacceptable violation of human rights. A person can be persecuted based on different reasons, such as religion, sexual orientation, nationality, language, membership of a particular social group and this has to be evaluated case by case and not based on the country of origin.

One of the biggest problems during the migration crisis is the language barrier. Abrupt changes of polices, who can transit, who is considered in need for international protection, whether the borders are open or close for migrants, together with the lack of availability of interpreters amplify people's fear and anxiety. The problem of interpretation lies not only in availability of interpreters, but also on the level of skills and knowledge to recognise people in need of protection. Furthermore, every policy must be timely communicated with the migrants and refugees in the language they understand, not to mention that there has to be **a space for dialogue** not only one-way distribution of information.

Managing the migrant and refugee crisis requires close **cooperation and coordination between government bodies and institutions, civil society organisations and international community** at the national, regional and EU level. Regional cooperation has to be established at all levels in order to ensure sharing of experience and identification of good practices. Cooperation between countries on the Balkan route was encouraged by the EU through 17-point Plan. Still, cooperation of institutions responsible for direct protection, humanitarian aid, or asylum procedure should be also supported. In addition, direct cooperation among civil societies of the region was not explored to the full capacity but rather in sporadic cooperation of field workers in ensuring safe passage of the most vulnerable, scarce joint advocacy efforts and a couple of regional conferences. Governments and civil society organisations from the Western Balkan region should also be involved in the EU debates on the refugee and migrant crisis but also on integration and combating xenophobia and discrimination.

When developing policies and measures, it is essential never to forget that **people are subject of migration not just an object of policy, protection or activity**. It has to be ensured that their perspectives are involved in developing policies and solutions.

## **Conclusion**

The EU unwelcoming policy has led to the confusion as to who the people in need of international protection are: whether they are only people fleeing from the war in Syria, Afghanistan and Iraq, or only from a certain town in these countries, with additional conditions not to have spent more than three days in Turkey or any other neighbouring country, and not to have a core family member in the country of destination.

Closure of the Balkan route is explicit violation of international and EU principles governing the migration policies: anti-discrimination, non-refoulement, individual right to asylum, different grounds for fleeing prosecution, family unity, and protection of children regardless of migratory status. In addition, strengthening border protection and raising security concerns deepen social distance towards immigrant population.

The values incorporated in the creation of the EU such as human dignity, liberty, democracy, equality, the rule of law and respect for human rights do not seem to be the paradigm any more. From a civil society point of view, it has become difficult to put pressure on the government to implement all the standards laid down in the negotiating chapters, which facilitate harmonisation with the *acquis*, when it is clear that the implementation of standards even in the EU heavily depends on current political interests.

The absence of solidarity is still the main cause for the lack of durable policy towards migrants and refugees, the people in need of protection.

# Experiences from Dealing with Migration Crisis in the Republic of Serbia

*Saša Gosić*<sup>1</sup>

## Introduction

According to the leading EU Border Agency **FRONTEX**<sup>2</sup>, the numbers of non-regional migrants transiting the Balkans reached unprecedented and extraordinary levels during 2015 with over 2 million illegal border-crossings reported by all the countries in the region. For comparison, this was roughly 30 times more than in 2014. For several years, the main routes have remained the same: Turkey-Greece-former Yugoslav Republic of Macedonia-Serbia-Hungary/Croatia and Turkey-Bulgaria-Serbia-Hungary/Croatia. This extraordinary situation resulted in the largest migratory crisis in Europe since the Second World War. The steep increase in migratory pressure in the Eastern Aegean brought about a range of political decisions from attempts to prevent irregular migration to inter-governmental agreements on facilitated transit across the region towards the main destination countries (e.g. Germany). The countries in the region adapted to the rising migratory flows in response to the decisions taken by their neighbours or the main destination countries. The aim was to avoid a situation where people would become stranded. These high-level decisions also reflected the enormity of the challenges as numbers started to rise to several thousand people per day. This resulted in temporary inability of some countries to perform border-control tasks as stipulated by relevant legislation, including the Schengen Borders Code and the EURODAC regulation.<sup>3</sup>

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<sup>1</sup> Chief Police Inspector, Ministry of Interior of the Republic of Serbia, Border Police Directorate.

<sup>2</sup> European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) was established by Council Regulation (EC) 2007/2004, available at: <http://frontex.europa.eu/about-frontex/origin/>, 09.06.2016.

<sup>3</sup> FRONTEX, Western Balkans Annual Risk Analysis 2016, Executive summary, p. 4, available at: [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/WB\\_ARA\\_2016.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_ARA_2016.pdf), 04.06.2016.

According to EUROPOL, in 2015, more than one million migrants reached the EU. This development has had a profound impact on Europe's criminal landscape. Criminal networks have adapted quickly to this development and substantially increased their involvement in migrant smuggling. More than 90% of the migrants travelling to the EU used facilitation services. In most cases, these services were offered and provided by criminal groups. A large number of criminal networks as well as individual criminal entrepreneurs now generate substantial profits from migrant smuggling.<sup>4</sup> The record number of migrants arriving in Greece had a direct knock-on effect on the Western Balkan route, as the people who entered the EU in Greece tried to make their way via the former Yugoslav Republic of Macedonia, Serbia into Hungary and Croatia and then towards western Europe. This led to unprecedented numbers of migrants seeking to re-enter the EU through Hungary's borders with Serbia. After Hungary completed the construction of a fence on its border with Serbia in September, the flow of migrants shifted to Croatia.<sup>5</sup>

In 2015, the Ministry of Interior of the Republic of Serbia registered **579,518**<sup>6</sup> migrants declaring intentions to seek asylum<sup>7</sup> in Serbia ("asylum seekers"<sup>8</sup>) and more than 19,000 other categories of migrants. Very high percentage of minors was recorded among "asylum seekers" – out of total number, 30% (173,284). Comparing with previous years, the numbers of documented migrants are very high.

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<sup>4</sup> EUROPOL, Migrant Smuggling in the EU, Foreword, p. 2, February 2016, available at: <https://www.europol.europa.eu/content/migrant-smuggling-eu>, 08.06.2016.

<sup>5</sup> FRONTEX, Western Balkan Route, available at: <http://frontex.europa.eu/trends-and-routes/western-balkan-route/>, 04.06.2016.

<sup>6</sup> Source: Border Police Directorate, Ministry of Interior.

<sup>7</sup> Law on Asylum, 2007, Chapter IV, The asylum procedure, *Intention to seek asylum*, Article 22, "An alien may, verbally or in writing, express his/her intention to seek asylum to an authorized police officer of the Ministry of the Interior, during a border check in the course of entering the Republic of Serbia, or inside its territory. An alien who has expressed an intention to seek asylum shall be entered into records and referred to the Asylum Office, i.e., the Asylum Centre. An alien shall be under an obligation to report within 72 hours to an authorized officer of the Asylum Office, i.e., the Asylum Centre".

<sup>8</sup> For the purposes of this text we will use term "Asylum seekers" although only 1% of them submitted asylum applications to an authorized officer of the Asylum Office on a prescribed form, in accordance with Law on Asylum.

In 2013 - 5,065 asylum intentions were recorded in the Republic of Serbia, and in 2014, 16,500 asylum intentions.

Despite the fact that the majority of migrants and refugees do not view it as their final destination, Serbia has found itself at the epicenter of the Western Balkans migratory route given that all refugees and migrants from Syria, Afghanistan, Iraq and other unstable countries, primarily from the Middle East, have passed through her territory on their way towards the countries of the North and Western Europe, after having passed through the EU member states Greece and Bulgaria. However, even if Serbia is essentially a transit country, the manner in which the situation is unfolding brings to bear significant pressure on those government institutions engaged in migration management, both in the organizational and financial sense as migration management represents a complex process, one requisite of a planned and organized response, as also a coordinated and continuous approach undertaken on behalf of all relevant actors. Aiming at establishing a broad and all-encompassing migration policy, Serbia has developed a strategic, legal and institutional framework for joint migration management and the establishment of conditions for the integration and social inclusion of migrants.<sup>9</sup>

### **What are experiences from dealing with migration crisis in the Republic of Serbia? A Border Police Directorate perspective**

#### *Position of Border Police Directorate in Serbia*

The Border Police Directorate (BPD) is one of the units within the General Police Directorate, Ministry of Interior, together with the Criminal Police Directorate, Uniform Police, Traffic Police and other units. The BPD has a complex structure consisting of several units: Department for State Border, Department for Foreigners, Department for Combating Cross-border crime, Illegal Migration and Trafficking in Human Beings, Duty Center, Threat Assessment Unit, Central Mobile Unit, Asylum Office, Section for International Cooperation, and Regional Centers towards Neighboring Countries, with more than 3,200 police officers in service. Some of the

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<sup>9</sup> Contribution of Commissariat for Refugees and Migration, Republic of Serbia, May 2016.

main tasks and responsibilities of the BPD are: Protection of borders, border crossing points& international airports, suppression of crossborder crime& investigations, suppression of illegal migration, suppression of trafficking in human beings, asylum procedures and related issues, regulation of foreigners, threats and risk analysis, international cooperation, protection of visa free access to the Schengen, fight against corruption, integrated border management and cooperation with all relevant national stakeholders (GO's, NGO's and IO's), EU integration (Action Plan for Chapter 24 – Justice, Freedom, Security) and projects implementation and harmonization with EU legislation.

The following review shows some of the results the BPD realized during 2015. In addition to the unprecedented migratory pressure on our border, the BPD has achieved significant results in the field of legal migration border controls, including the control of passengers and vehicles. For example, in 2015, **58.4 million** passengers were registered on Border crossing points, which was 6.9% increase comparing to 2014. The same trend was documented comparing 2013/2014. At the same time 14 million cars were controlled (10% increase), around 330,000 buses (5% increase), 2.18 million trucks, 36,000 trains, over 49,000 boats (50% increase), and over 62,000 aircrafts.

### **Mixed migration flows, suppression of illegal migration and managing migration in 2015**

As already mentioned, almost 600,000 “asylum seekers” and migrants had been recorded in 2015 (**599,033**), with very high percentage of minors (30%). They were coming mostly from FYROM and Bulgaria, and rarely from Montenegro. The high number of minors, including unaccompanied minors, additionally complicated the already complex situation on the field, especially regarding the humanitarian aspect of the crisis, the reception, accommodation and protection of migrants during their transit and stay on the territory of Serbia. Heaving that in mind as well as the origin, nationality and structure of migrants, BPD and other police units together with other national stakeholders faced the phenomenon of “mixed migration flows”. The majority of “asylum seekers” originated from Syria (302,597 – 52%), Afghanistan (161,250 – 28%) and Iraq (76,109 – 13%). Other nationalities made 7% (39,562) out of total number. According to available

data 77% of the “Asylum seekers” were male and 23% female. The biggest pressure was in October (181,813), November (149,923) and December (92,826), see Table 1.

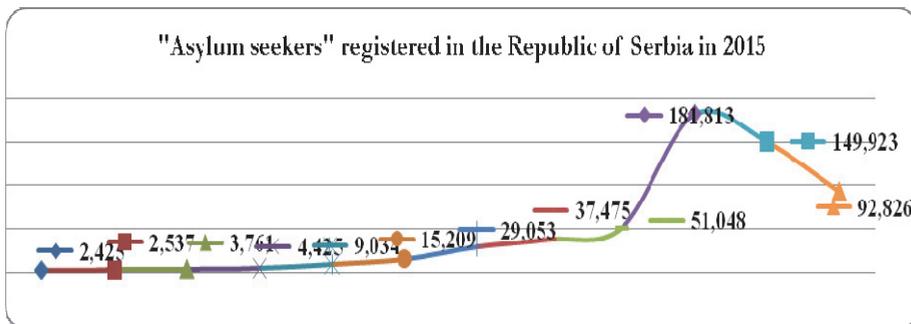


Table 1: “Asylum seekers” registered in the Republic of Serbia, by months. Source: Border Police Directorate, Ministry of Interior.

In first six months of 2016 (until 10 June), new **100,830** migrants were registered. From this number, only 3,626 of them had declared intentions to seek asylum and the big majority (96,116) received a Certificate of having entered the territory of Serbia for migrants coming from countries where their lives are in danger<sup>10</sup> (Certificate). Slightly over 1,000 were processed for illegal border crossing (1,088). The majority of migrants that received a Certificate originated from Syria (45,922 – 47.7%), Afghanistan (28,621 – 29.7%) and Iraq (21,190 - 22%). Other nationalities made less than 1% out of the total number (Somalia – 162, others 221). According to available data 63% of these migrants were male and 37% female, with even higher percentage of minors out of total number (37.7%), comparing to 2015.

The identification of Trafficking in Human Beings (THB) victims within the migrant population was one of the biggest challenges. It was a difficult task due to the short time they spent in Serbia. The focus was on training

<sup>10</sup> Government of Serbia, 24 September 2015, Decision on Issuing a Certificate of Having Entered the Territory of Serbia for Migrants Coming from Countries Where Their Lives are in Danger, Official Gazette, no. 81/2015. since December 2015, a Certificate of entry into the territory of the Republic of Serbia have been issued to the migrants who come from war-torn areas where their lives are in danger. The Certificate is intended for persons who do not wish to express an intention to seek asylum or to apply for asylum in the Republic of Serbia, but who want asylum in the EU countries.

of professionals for preliminary identification of the THB victims. The formal identification of the THB victims in Serbia lies within the responsibility of the Center for Human Trafficking Victims Protection<sup>11</sup>, a state agency within the social protection system. One of the examples of training of professionals working with migrants was the training for engaged professionals and volunteers who work with immigrants in Preševo and Miratovac, organized by the International Organization for Migration, 25th and 26th of November 2015. The training was held with the theme “Human Trafficking in the Context of Migration” and “Protecting Unaccompanied Migrant Minors”. This education was for about 40 representatives of police, social work centers of Preševo, Bujanovac and Vranje, involved physicians, as well as representatives of UN organizations involved in the Shelter Center in Preševo.<sup>12</sup>

### Suppression of illegal migration

The police in Serbia in 2015 had significant results in the field of suppression of illegal migration and people smuggling. In 2014, police filed **277** criminal charges against **516** perpetrators for people smuggling. In these cases **3,181** persons had being smuggled. In 2015, police filed **759** criminal charges (2.7 times increase) against **1,127** perpetrators (2.1 times increase). In these cases, **8,068** persons being smuggled (2.5 times increase). The majority of these criminal charges were filed by border police regional centers towards Macedonia and Hungary (381 – 50%, out of the total number). The Regional Police Directorate in Vranje holds the second place for the number of cases (113) and the Belgrade City Police holds the third place (93).

The Criminal Police Directorate provided important contribution on the national and international level by suppressing organized criminal groups that deal with smuggling of migrants and by their involvement in international investigations coordinated through SELEC<sup>13</sup> and others. For exam-

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<sup>11</sup> More about the Center available at: <http://www.centarzztlj.rs/eng/>.

<sup>12</sup> More about this activity available at: <http://www.centarzztlj.rs/eng/index.php/component/k2/item/52-training-in-bujanovac>, 07.06.2016.

<sup>13</sup> The Southeast European Law Enforcement Center (SELEC), more info about SELEC, available at <http://www.selec.org/m105/Home>, 04.06.2016.

ple, the Operation KASHMIR, conducted in 2015, was a joint investigation in the field of migrants smuggling involving the competent authorities from Hungary and Serbia, which led to the arrest of 33 persons suspected of smuggling more than 600 migrants, and seizure of firearms, drugs, and more than 360,000 EUR.<sup>14</sup>

**Main challenges the BPD and other organizational units within the MoI of Republic of Serbia faced during migration crisis were:**

- **Humane treatment of asylum seekers and migrants and their protection;**
- **Security issues, including the verification of citizenship/identity of migrants, having in mind 2015 Paris and Brussels terrorist attacks;**
- **Suppression of migrant smuggling and other types of cross border crime;**
- **Suppression of corruption;**
- **Protecting public peace and order especially in towns in the vicinity of the state border and in the asylum centers;**
- **Resources (IT and other technical equipment, vehicles, fuel, human resources, working facilities etc.) including interpreters for rare languages;**
- **Information exchange, both, on the internal (within MoI) and external level (with neighboring border agencies and other international partners);**
- **Coordination and cooperation on local, regional and central level.**

**Border management and police cooperation – some of the activities as examples of good practice were:** Police officers from Hungary, Austria and Germany deployed to the Serbian border; deployment of the Serbian border police at the Greek-Macedonian border; mixed patrols; Joint Contact Centers; “Zagreb declaration” of the Police Directors from Croatia, Austria, FYROM, Slovenia and Serbia and the Protocol with Croatia on cooperation in the migration crisis and in preventing illegal migration; joint (Regional) registration of migrants on the border between FYROM and

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<sup>14</sup> Information about SELEC’S AWARDS GRANTED TO LAW ENFORCEMENT AUTHORITIES FOR THE SECOND SEMESTER OF 2015 available at: <http://www.selec.org/p629/28+March+2016#2>, 10.04.2016.

Greece; Information exchange with FRONTEX, EUROPOL, INTERPOL etc.

It is important to stress the contribution of police officers from countries in the region and joint activities and duties performed on the field together with the Serbian Border Police during the peak of the crisis in September and October 2015. From 29 June to 20 September 2015 a total of 30 police officers from the Republic of Hungary MoI have been employed in the Border Police Regional Centre towards the Republic of Macedonia, with four vehicles for mobile surveillance of the state border (thermo-vision vehicles) and one patrol field vehicle; From 14 July to 8 October 2015, a total of 22 police officers of the Republic of Austria MoI have been employed in the same Regional Centre, with one vehicle for mobile surveillance of the state border (thermo-vision vehicle) and one van. From 7 August to 13 November 2015 a total of 25 police officers of the German Federal Police also have been employed on the same border, with nine patrol vehicles holding the sign of the German Police. From other side, from 28 December 2015 to 26 January 2016, 20 police officers of the BPD – Regional Centre towards the Republic of Croatia were appointed to the Macedonian-Greek border for the purpose of participating in the joint operation and assisting the Macedonian Border Police in the actual irregular migration situation.

In the period May - December 2015, in the joint operation at the Hungarian-Serbian border organized by FRONTEX 22 police officers of the BPD have participated. In the period from 28 September to 7 October 2015 the DCAF international joint operation “Koštana 2015” has been realized in the Republic of Serbia at the part of the state border towards the Republic of Macedonia, including the Border Crossing Point (BCP) Preševo. Two border police officers from the Republic of Austria, Bosnia and Herzegovina, Montenegro, the Republic of Albania, Republic of Slovenia and Republic of Macedonia have participated in this operation. The border police officers from Serbia have been working jointly with the police officers from participating countries at the green line and performed a second line border control at the BCP Preševo. The aim of this international joint operation has been to prevent illegal migration, smuggling of narcotics, weapons, motor vehicles, goods and the detection of other forms of cross-border criminal activities.

In the period 14 - 23 December 2015, the international operation „Rosa 2015“, coordinated by the DCAF, has been realized on the territory of the Republic of Albania, Bosnia and Herzegovina, Republic of Macedonia, Montenegro and Republic of Serbia. This operation has been realized in Serbia at the part of the state border towards Hungary (BCP Kelebija and BCP Horgoš), Romania (BCP Vatin and BCP Kladovo), Bulgaria (BCP Gradina, BCP Vrška Čuka), Montenegro (BCP Gostun, BCP Mehov Krš), Bosnia and Herzegovina (BCP Mali Zvornik – Novi most, BCP Sremska Rača). The aim of the operation has been the suppression of all forms of cross-border crime with the emphasis on detection of falsified documents. Further, representatives of the Republic of Serbia MoI Criminal Police Directorate and the BPD have participated in the realization of the operation "MIRAGE 2015". It was an additional example for regional cooperation aimed at suppressing irregular migration, and was implemented in the period from 2 – 6 November 2015 and organized by the SELEC.

On 30 October 2015, the Protocol has been signed between the Republic of Serbia Ministry of Interior and the Republic of Croatia on the cooperation in the migration crisis and in preventing illegal migration. The Protocol entered into force on the date of its signature and started with its implementation already on 2 November 2015. The basis of the Protocol is the exchange of information on the movement of migrants and practical cooperation in providing assistance related to the reception of migrants, organization of transfer of migrants from Serbia to Croatian territory over the BCP Šid – railway crossing. The cooperation is carried out in a manner that the Croatian side ensures railway compositions that come on the territory of Serbia accompanied by a number of police officers of the Croatian MoI, taking over migrants who are boarding the compositions and subsequently are being transported to reception centers on the territory of the Republic of Croatia.

Besides the MoI and the BPD, the main stakeholders deploying their resources during the migration crisis were the Ministry of Labour, Employment, Social and Veteran Affairs, the Commissariat for Refugees and Migration, the local governments, International organizations, Red Cross of Serbia, civil society organizations and volunteers. It was not a new task for them having in mind that Serbia has accepted more than 800,000 refugees and IDP's in the past two decades and still is making significant efforts to

complete the integration of more than 300,000 refugees from former Yugoslav republics, who have opted for integration in Serbia. The situation regarding IDP's is even worse considering the fact that the conditions for return to previous places of residence within the territory of Kosovo and Metohija, have not been created even after 15 years and that finding durable solutions is further complicated due to the lack of access to assets in places of origin. Furthermore, the Republic of Serbia is also fulfilling all its obligations under the Agreement with the EU on readmission of persons residing without authorization, which entered into force in 2008, including the reintegration of this category of persons in their place of return.

**Most important measures and activities on the national level during the migration crisis were:**

- **Establishing a governmental working group for dealing with mixed migration flows;**
- **Establishing additional 13 reception-transit centers along the route;**
- **State budget allocations for local government units;**
- **Plan of response in case of increased influx of migrants with needs assessment;**
- **Training of professionals.**

*Some of the most important activities undertaken on the national level in 2015 and first three months of 2016, including activities of the Commissariat for Refugees and Migration.<sup>15</sup>*

## **2015**

**5 June** – The Government of the Republic of Serbia, acting in accordance with data provided by the Commissariat for Refugees and Migration (*hereinafter referred to Commissariat*), made the decision to establish a working group for solving problems of mixed migration flows which is composed of ministers of 5 mandatory fields and the Commissariat for Refugees and Migration. **15 June** – First meeting of the working group for solving problems of

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<sup>15</sup> Overview of the activities undertaken during the increased influx of migrants, Commissariat for Refugees and Migration, available at <http://www.kirs.gov.rs/articles/navigate.php?type1=3&lang=ENG&id=2330&date=0,09.06.2016>.

mixed migration flows, attended by the Minister of Labour, Employment, Veteran and Social Policy (MLEVS) as Chair, the Minister of Interior, the Minister without Portfolio in charge of EU integration of Serbia, the Commissioner for Refugees and Migration (Commissioner), the Assistant Minister of Health and representatives of the EU Delegation. The current situation in the asylum system and announcements of building a wall at the Hungarian border were discussed at the meeting. The common conclusion was that it is necessary to find a suitable location for establishing a One Stop Centre. **16 June** – Based on the conclusions from the first meeting, Defense Minister visited the facility of the Tobacco industry in Preševo, to ensure that the facility is suitable for establishing a One Stop Centre for migrants.

**23 June** – A meeting in the Commissariat was held with representatives of the Ministry of Health and the Red Cross of Serbia. The meeting was also attended by the City Councilor of Subotica. The meeting aimed to coordinate the competent services to provide humanitarian and other assistance to vulnerable migrants; **24 June** – The Commissariat and Migration Team conducted a detailed assessment of the situation in Preševo. That team also prepared a report on the current situation. There were also present representatives of the Ministry of Interior, the Serbian Armed Forces, and the Coordination Body of the Government of the Republic of Serbia in the Municipalities of Preševo, Bujanovac and Medvedja. **26 June** – The MLEVS specified the necessary means and equipment for establishing a facility on the area of the Tobacco industry in Preševo, which will be used as a One Stop Centre. With the increasing number of migrants in the city of Belgrade, the Government started with taking measures to provide assistance to this category of persons. Concerning this issue, a meeting between representatives of the Commissariat and the City of Belgrade was held, where they agreed the modalities of cooperation in order to solve the new situation in the municipality of Savski Venac.

**27 June** – The distribution of leaflets, containing the most important information and phone numbers, started in Preševo, as well at locations where migrants retain. The leaflets contain all the relevant information regarding accommodation and the exercise of associated rights and the relevant contacts of institutions that provide assistance to migrants. **30 June** – The Assistant Commissioner for Reception, Accommodation and Shelter-

ing, Return and Durable Solutions of Refugees together with MLEVS, has performed an assessment of the situation in the municipalities of Subotica and Kanjiža, where a growing number of migrants has been observed.

**1 July** – The Commissariat organized a coordination meeting with IO`s and NGO`s regarding the detailed planning of further steps for providing coordinated and timely delivering humanitarian help. The meeting was held in accordance with representatives of the UNHCR, the Arbeiter Samariter Bund, the Danish Refugee Council, the charitable fund of the Serbian Orthodox Church – “Philanthropy”, the Caritas, the Catholic Relief Services (CRS), the humanitarian organisation ADRA, the German NGO HELP and the Open Society Foundation. At the meeting the organization of a donor`s conference was discussed and it was agreed that a list of necessities for establishing a One Stop Center in Preševo will be forwarded to all participants. The organizations were also asked to what extent and in which way they can help. It was concluded that after the meeting of the Working Group it will be more precisely defined how the funds would be used.

**8 July** – All the prerequisites were provided for normal functioning and the One Stop Centre was officially opened. **9 July** – At the Hotel ‘Palas’ a partnership meeting with representatives of the diplomatic core and non-governmental sector, in the presence of the Commissioner, was held. Representatives of the Commissariat informed the parties concerned about the current situation, the measures taken and about the need to provide further forms of support and additional resources. In order to ensure an adequate level of awareness among the migrants and facilitate the admission procedures, informational posters were distributed with information on the procedure of admission to the One Stop Centre in Preševo and translated into the native languages of migrants. **13 July** – The plan for public procurement of supplies necessary for the functioning of the One Stop Center in Preševo was drafted and submitted to the Administration for Joint Services of the Republic Bodies. **14 July** – The meeting with the State Secretary at the MLEVS regarding available means took place. It was agreed that the NGO CRS would provide help to the Municipality of Kanjiža, and the NGO Arbeiter Samariter Bund to Subotica. Prime Minister Vučić, together with Minister of Interior and Minister of Health, visited the One Stop Centre in Preševo.

**17 July** – The Assistant Commissioner met with the Consul of the Republic Poland and reached an agreement on the establishment of bilateral cooperation between institutions responsible for migration issues. The competent authorities of the Commissariat launched a detailed specification of requirements and a more detailed plan in case of a longer stay of migrants in Serbia.

**27 July** – At the meeting, initiated by the MLEVS, which was attended by the Commissioner, setting up a humanitarian point in Miratovac (*author's note: South of Serbia, border with FYROM*) was planned.

**5 August** – During the meeting with representatives of the MLEVS they agreed on the necessary details about the further distribution of food, which will be possible, in the future, only through the Red Cross. **10 August** – The Commissariat initiated a meeting which aimed to achieve full coordination of state bodies in case of further increasing of the influx of migrants, in accordance with its mandate, to provide additional infrastructure and resources for an adequate care of migrants. **12 August** – The point for an urgent reception of migrants was opened in Kanjiža (*author's note: North of Serbia, border with Hungary*), which is a centre with mainly humanitarian character. **13 August** – Meeting of the Working Group for solving the problems of mixed migration flows. The current situation and necessary improvements were discussed. **14 August** – The Russian Ambassador to Serbia, Alexander Chepurin, the Minister of LEVS and the Commissioner visited the Reception Centre (RC) in Preševo. **20 August** – The US Ambassador Michael Kirby, accompanied by the Defence Minister of Serbia, visited the RC in Preševo. **24 August** – The Government adopted a Conclusion that allows the local governmental units, which witnessed increased number of migrants on their territory, to provide funds from the budget. Based on the need assessment, means are to ensure adequate and human answers to migration. **3 September** – Prime Minister Vučić, the Minister of LEVS and the Minister of Interior, accompanied by the Minister for European Affairs of Bavaria, have visited the point for an urgent reception of migrants in Kanjiža. **4 September** – A Conclusion of the Government, granting the operating plan, has been adopted. Government reviewed the measures and proposals for further action due to the increased influx of migrants. **8 and 9 September** – The Commissariat organized a two-day's training on asylum with the trustees of refugees and mi-

gration and provided them information on the possible opening of temporary accommodation centers for migrants on the territory of their municipalities and cities. **8 September** – The Commissioner met with representatives of the EU Delegation during his visit to the One Stop Centre in Preševo. A meeting on improving the capacity of the camp, the relocation of existing tents for better rationalization of space in Kanjiža was held with representatives of the UNHCR, Norwegian Church Aid and the Commissariat. **10 September** – The Commissioner visited the One Stop Centre in Presevo together with representatives of the diplomatic core and the UNHCR. On that occasion, the Commissioner informed the participants on the current situation, procedures and challenges, which Serbia is dealing with, as with her needs and forms of further cooperation. **16 September** – The Commissioner opened the Transit Center for migrants in the building of the former children’s hospital “Principovac” at the town of Šid, which is intended for acceptance and emergency assistance to migrants who move to the Croatian border.

**19 September** – The Government adopted the Conclusion on the opening of a special purpose account to collect donations and to identify ways of using donations for migrants. **20 September** – At the meeting in Brussels the Serbian delegation, led by the Minister of LEVS, was dedicated to the increased influx of migrants. **21 September** – Meeting with the heads of the asylum centers and representatives of NGO’s to comply the needs with donations. The managers of the centers outlined their current capacities and how they could be improved. **23 September** – Leaders of the Commissariat and the State Secretary of the MLEVS met in the Palace of Serbia with representatives of the Committee on Foreign Affairs (AFET) and the Subcommittee on Human and Minority rights (DROI) of the European Parliament. The topic was the current situation with migrants. Senior officials congratulated Serbia on her efforts and humanity in terms of solving the problem of migrants and the care during their stay on the territory of the Republic of Serbia. **25 September** – Johannes Hahn, the Commissioner for the European Neighbourhood Policy & Enlargement Negotiations, the Serbian Prime Minister Vučić and the Minister of LEVS, visited the transit center Principovac near Šid, which is intended for the acceptance and the emergency assistance to migrants who move to the Croatian border. On this occasion, all the officials were convinced that Serbia fulfills its obligations and respects the human rights of migrants.

**28 September** – The Minister of LEVS visited the temporary RC Principovac at Šid together with the Commissioner. On this occasion, the Minister, during the handover of winter clothes and other humanitarian assistance, highlighted that people from the Commissariat, the Red Cross and others, work and care for migrants as they did in the first days of the crisis.

**29 September** – Stephan Sellen, Deputy Director General, Directorate General for Loans and Social Development, Council of Europe Development Bank (CEB) and Grzegorz Krzewski, CEB Country Manager for Serbia, together with the representatives of the Commissariat, visited the temporary RC Principovac near the town of Šid.

**30 September** – A donor coordination meeting on migration, which was attended by the Commissioner, was held in Belgrade. The aim of the meeting was to inform the donor community about the current situation in Serbia following the mass influx of migrants and the needs of Serbia for international assistance. The meeting was co-chaired by the Minister without Portfolio responsible for European integration, the national IPA coordinator, the coordinator of the donor's aid, the Minister for LEVS and the President of the Group for solving the problem of mixed migration flows. 550 beds were delivered to the RC in Preševo as a continuation of the delivery of 700 sets of bed sheets and 350 pillows, within the assistance package worth close to 240,000 EUR, which was provided by the European Union and the Swiss Government. In September, ten metal grid waste containers for PET waste material, water tank and 15 mobile toilets were delivered to the center through the development program European PROGRESS. The submitted items will help the centre to take care of the most vulnerable refugees and to meet the basic hygienic and sanitary conditions necessary for receiving people. The Hollywood actor Orlando Bloom, as a UNICEF ambassador, supported the migrants and visited them in the RC in Preševo. On this occasion he visited the “children's corners” in the camp.

**1 October** – The Commissioner held a meeting with the Director of the Swiss Cooperation Office for Serbia, Isabel Perich. **2 October** – The representatives of the Swiss Cooperation Office for Serbia, UNHCR and the Commissariat held a meeting. The aim of the meeting was to define the program of support to the UNHCR that focuses on supporting the Government and civil society to promptly identify and address the acute humanitarian and basic needs that arise as a result of the continuous increase in the number of migrants who transit through Serbia.

**11 and 12 October** – The second donation within the Mechanism for Civil Protection of the EU in order to improve the position of migrants on the territory of the Republic of Serbia was delivered by the General Inspectorate of the Ministry of Internal Affairs of Romania. Humanitarian aid consisted of 500 folding beds, 500 mattresses, 1,000 blankets, 2,000 bedclothes, 1,000 pillowcases and 2,500 sleeping bags. The first one donated within this project was delivered by the Government of Hungary on 22 September 2015 and consisted of 50,000 protective masks. France donated seven ablution units, 5,000 blankets and 2 generators. The donation was worth 136,000 US dollars and was intended to help the migrants transiting through the territory of Serbia. **15 October** – Representatives of the Commissariat visited locations in Belgrade where migrants has stayed and provided them with necessary information about the possibility of staying in the Center for asylum seekers, which is located in the Belgrade municipality of Palilula, Krnjača. The bus line started to depart every two hours to Krnjače from 11 am to 7 pm.

**16 October** – The temporary RC in Bujanovac in the premises of the DP 'Svetlost' was opened. This center will enable the registration of 1,500 migrants daily. During the winter and rainy period it will provide shelter for about 150 people while being registered. **19 October** – The third donation within the Mechanism for Civil Protection of the EU with the aim of improving the position of migrants who are on the territory of the Republic of Serbia was delivered by the British Government. It consisted of 11,000 blankets, 500 sleeping bags and 3,000 sleeping pads. **24 October** – The Minister of LEVS visited together with the Commissioner migrants in the Centre for asylum seekers in Krnjaca and said that the center has 350 beds for migrants and, if needed, the number of beds could reach 1,000.

**30 October** – The closure of the RC in Kanjiža was conducted. The complete equipment and the rest of the humanitarian aid (blankets, mats) will be transferred to other reception centers in Subotica, Sombor and Sid (childrens hospital Principovac and former hotel Adaševci). **1 November** – The Minister of LEVS, accompanied by the Commissioner, visited the temporary RC in Šid and saw the works on the adaptation of the premises, intended to be used for more than 1,000 migrants, mostly women and children. **3 November** – The new regime of transferring migrants through Serbian territory and their transport to Croatia started to operate. It was

planned that each day four to five trains in Šid accept migrants and in accordance with appropriate procedures to transfer them to Croatia. In Šid, at approximately seven in the morning, the first train from Croatia arrived to transport migrants to the town of Slavonski Brod. Some 1,000 migrants were boarded this way. The competent authorities make efforts that all migrants have the valid documents, and provide check-ups several times during their trip to ensure that they are appropriately registered. The temporary RC Adaševci near the town of Šid began to receive migrants. In the Centre they are provided with assistance and food while waiting to get on the train from Sid to Slavonski Brod in Croatia. **6 November 2015** – The fourth donation within the Mechanism for Civil Protection of the EU with the aim of improving the position of migrants on the territory of the Republic of Serbia has been delivered by the Government of Luxembourg. It consists of 5,000 protective masks and 2,600 disposable protective gloves. **7 November 2015** – The French senator Jean Yves Leconte, president of the Friendship Group with the Western Balkans in the French Senate, visited the Centre for asylum seekers in Krnjaca. On this occasion he was assured that the Centre functions well and he praised the employees of the Commissariat. **10 November** – The previously announced Austrian donation in the framework of the Mechanism for Civil Protection of the European Union, with the aim of improving the position of migrants who are on the territory of the Republic of Serbia, was delivered. This donation comprised 500 pillows and 50,000 gloves. **16 November** – After the completion of the 2-month works on adaptation and expansion of existing facilities, the Minister of LEVS opened the Reception-transit center in Subotica. The center has a capacity of 150 beds and occupies 580 square meters. The existing buildings were renovated and an additional bedroom was built. Furthermore, the old administrative building was repaired and will host a medical team. The renovating of the center was financed by the German's ASB. They invested 150,000 EUR and pledged to provide another 100,000 EUR from European funds to finance the construction of a warehouse within the center. After the completion of the migrant crisis the renovated building will remain the property of the local government.

**17 November** – Tavakol Karman from Yemen, Shirin Ebadi from Iran and Jody Williams from the US, leaders of peace and human rights organizations, visited the Centre for asylum seekers in Krnjaca. **18 November** – Serbian authorities, in line with the other countries on the migrant route,

introduced a stricter regime of transiting for the migrants and limited the flow of economic migrants. The decision was made to let enter the Serbian territory only migrants who came from countries where their lives were threatened. The Ambassador of the Czech Republic to Serbia, Ivana Hlavsova, visited the Commissariat and met with the Commissioner. The meeting was organized on the occasion of the donation of the Czech Republic in the amount of 220,000 EUR to help the Serbian asylum system. The UN High Commissioner for Refugees, Antonio Guterres, visited together with the Commissioner a temporary RC in Preševo. There he was familiarized with the procedure and the conditions in which migrants stay. He visited the tent where the migrants fill in the questionnaires, the building in which the migrants are registered, then the ambulance, prefabricated houses and tents.

**24 November** – The Commissariat, in cooperation with the municipality of Šid, opened a facility for the reception and accommodation of migrants at the train station in Šid. The projected capacity of this facility is 200 beds for longer stays and 100 beds for transit. **4 December** – Deputy Prime Minister and Minister of Foreign Affairs of Slovakia Miroslav Lajčák visited with the Minister of LEVS and the Commissioner RC for asylum seekers in Krnjača. On that occasion, Mr. Lajčák handed packages of blankets, mats for lying, raincoats and hygiene items in the amount of 50,000 EUR. Slovakia will pay the same amount to the account of the National Bank of Serbia, which was specially opened for funds for assistance to migrants. Slovak Foreign Minister praised the work of the Serbian government, adding that it is very important for the whole of Europe. **7 December** – A meeting with representatives of the European Commission took place. It was attended by representatives of the Commissariat, the Delegation of the EU and the European Integration Office. It was agreed that funds from special measures would be spent on the reconstruction of facilities and increase the accommodation capacity in Krnjača, Pirot, Dimitrovgrad and Bosilegrad.<sup>16</sup> Attendees suggested potential additional locations to equip facilities to accommodate migrants.

**9 December** – The Director of the Office for the programs of emergency response of UNICEF, Afshan Khan, together with the Director of

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<sup>16</sup> Pirot, Dimitrovgrad and Bosilegrad are towns near border with Bulgaria.

UNICEF in Serbia, Michel Saint-Lot, met with the Deputy Commissioner at the premises of the Commissariat. It was agreed to establish a children's corner in Dimitrovgrad, reported to witness an increased number of migrants coming from Bulgaria. **11 December** – The Minister of LEVS, the Assistant Commissioner and the UN Resident Coordinator in Serbia Irena Vojackova Sollorano visited the RC “Stanica” in Šid. **17 December** – Minister of LEVS, Commissioner and Norwegian Ambassador Arne Sannes Bjornstad Sanes, opened the RC in Preševo. It is renovated space in which migrants can stay longer during the winter months. In a renovated factory hall of the former tobacco industry, in warm conditions, there will be 650 beds for migrants. The construction of a permanent accommodation for migrants in Preševo was financed by the Kingdom of Norway. In addition to the rooms for accommodation, toilets, cabins with showers and toilets for the disabled and rooms for accommodation of mothers with children were built.

**18 December** – The Minister of LEVS, the Assistant Commissioner and the Japanese Ambassador to Serbia Djuici Takahara, visited the new transit center in the village of Miratovac and the Reception center for migrants in Preševo, where the Government of Japan has donated hygiene kits, food, medical supplies and medicines for migrants. In addition, Japan finances adaptation of sanitary facilities in the center of Preševo and the Ambassador to Serbia handed over the keys of two mini buses for mobile teams carrying migrants from Miratovac to Preševo. One vehicle was given to the police. The Government of Japan has so far allocated 2.7 million dollars to help migrants in Serbia and Macedonia. **26 December 2015** – It was announced that a total of 85 million RSD, through the division of 17,000 payment cards, will be paid to the most vulnerable categories of migrants and refugees who enter Serbia. The money was provided thanks to the help of charitable foundation of the Serbian Orthodox Church “Čovekoljublje”. Migrants will be able to get Dinar payment cards in the amount of 5,000 dinars by showing their certificate that they have passed through our system, and they will spend the money for what they need.

## 2016

**1 January** – New Year's Eve was celebrated in a working manner by the Commissariat employees. Since mid-year, when the increased influx of mi-

grants has begun, employees of the Commissariat have been working in three shifts at the reception-transit centers and have provided all necessary assistance to migrants who pass through Serbia. It was like that last night of the year, around 11 pm in the Reception-transit center Sid-Station, where they helped migrants to get on the train to Slavonski Brod in Croatia.

**2 January** – Slovenia and Croatia have introduced new rules for transportation and registration of migrants, relating to the reduction of trains capacity for migrants. The decision stipulates that trains cannot carry more than 940 migrants and must be accompanied by an appropriate list of names and countries of origin.

**15 January** – The European Commissioner for Humanitarian Aid and Emergency Management, Christos Stylianides, together with the Minister for LEVS and the Commissioner, visited Reception-transit centers "Adaševci" and "Sid-Station". In "Adaševci" Commissioner Stylianides inaugurated the extended child-friendly space which is used by mothers and babies for feeding and changing as well as for children to play. A newly enlarged corner offers even more space for mothers and children to relax, and to obtain information and advice on child nutrition, hygiene and safety.

**25 January** – A meeting with representatives of the UNHCR in the premises of the Commissariat was held, in order to consider all the activities of NGOs and IOs on the territory of Šid. A presentation was shown that contains the data from the questionnaires for international and non-governmental organizations in connection with the work in the reception-transit centers, which, as of 11 December, was posted on the official website of the Commissariat.

**1 February** – The first coordination meeting for the RCs in the premises of the Palace of Serbia was held. The meeting was attended by representatives of the Commissariat, the MLEVS and of IO's involved in activities related to the collection centers, as well as those who intend to engage in these activities. The Minister of LEVS and representatives of the int. humanitarian organization "Mercy Corps" visited the RC in Preševo, where the humanitarian organization began with the distribution of payment cards for migrants. The pilot program was planned to last for two months. Vulnerable migrants will be granted 1,600 Master Card credit cards. In addition to migrants, a number of payment cards will be also given to Serbian citizens who belong to the socially vulnerable groups. The whole project is worth 270,000 EUR and will be implemented in the next two months.

Value cards of 210 EUR will be given to families and of 70 EUR to individuals.

**10 February** – Morten Skovgaard Hansen, the Embassy of Denmark in Serbia Charge D’Affaires, met with the Commissioner at the premises of the Commissariat. The topic of the meeting was the current migratory crisis. **16 February** – Two family pavilions for temporary accommodation of 350 migrants were established at the One Stop Centre in Preševo, as well as the Child Friendly Space, a new ambulance, a new 900 m<sup>2</sup> warehouse, a pre-registration space which can accommodate 250 people, a laundry and a bus stop for the organized transport of migrants. This completes the second phase of reconstruction of the building, which was financed by the Royal Norwegian Ministry of Foreign Affairs. **16 February** – The Dutch Minister for Foreign Trade and Development Cooperation, Lilianne Ploumen, donated 4 ambulance vehicles and 4,000 sleeping bags for the assistance to migrants in Serbia. This is the Dutch donation to the Commissariat and Ploumen, after visiting the railway station in Šid, said that the cooperation of all parties is important so that the refugees transiting through Serbia would be accommodated. Before this, Ploumen visited Refugee Aid Points in Adaševci and Šid. The Dutch Minister also met with the Commissariat, the UNHCR, the UNDP, the Red Cross and NGO’s dealing with refugees in order to get an update on the developments in the field.

**18 February** – Police chiefs from Macedonia, Serbia, Croatia, Slovenia and Austria agreed to introduce a joint registration of refugees crossing from Greece into Macedonia and to organize their transport from the border straight to Austria. In this process of identification biometric data from the migrants should be taken and it should be determined whether they come from countries deemed dangerous, such as Syria, Iraq or Afghanistan. It will not grant them status as asylum seekers, a step that will take place in Austria or whatever other country they might travel to. **22 February** – The police chiefs of Austria, Croatia, Macedonia, Slovenia and Serbia agreed to organize the joint profiling of migrants. That means that migrants from countries deemed dangerous, such as Syria, Iraq or Afghanistan will be able to move through the West Balkan route, only with the certificate from the Greece-Macedonian border which has the corresponding stamp and proper photograph. In the premises of the Palace of Serbia the donation conference was held with the aim of collecting financial means for equipping and

for enlarging accommodation, for additional staff engagement and meeting the floating needs of migrants. **27 February** – 4,258 migrants have passed through Serbia since 22 February and the introduction of the new measures along the West Balkan route. This is a significantly smaller number compared to the previous period. Migrants continue to be cared for and everyone gets food and shelter. **8 March** – Serbia was informed that Croatia and Slovenia, as of midnight, began to implement the new regime of entry into the Schengen zone. As of **9 March**, those two countries will not receive migrants without valid visas and passports. This means that the "Balkan route" is effectively closed for migrants. **10 March** – A delegation of the NATO Parliamentary Assembly visited the reception-transit center "Adaševci". The delegation was welcomed and showed the center by the Minister of LEVS and Assistant Commissioner.

## **Conclusion**

Little more than 700,000 "Asylum seekers" and migrants were registered in the Republic of Serbia in 2015 and the first half of 2016. The majority of them originated from Syria (app. 50%), Afghanistan and Iraq that means from countries affected with armed conflicts. High percentages were minors and women. This fact additionally complicated the tasks of the Border Police and other agencies, especially regarding the reception, registration, accommodation and protection of migrants during their transit and stay on the territory of Serbia. Activities with migrants from Afro-Asian countries in addition brought some other challenges considering cultural, religious, sociological and language barriers. These differences and deficiencies were surpassed by numerous trainings and education.

2015 was extremely challenging for all the professionals dealing with migration flows including the government and non-government sector with plenty of complicated tasks on daily basis, especially for the Border Police. On the one hand, the approach of the BPD and other units of the Serbian police was humanitarian but on the other hand, security issues were also essential, especially after the mass terrorist attacks organized by the so called "Islamic State" and other radical groups in Egypt, France, Belgium, Turkey as well as countries in the region (FYROM and Bosnia and Herzegovina).

As previously mentioned the Border Police simultaneously had been under high pressure of illegal migration. Significant results in the field of suppression of illegal migration were achieved by the Serbian Police in 2015 with over 1,100 identified and prosecuted smugglers in more than 750 cases with the leading role of BPD. Through the fight against this type of crime the security level in the State had been raised, and better protection of migrants had been achieved, having in mind that they are under higher risk of exploitation during the smuggling phase. Regarding the security challenges, especially in the area of state border protection, the international operative police cooperation, joint activities with neighboring countries border and other officials and their field activities with the Serbian Police on the south of Serbia had immeasurable contribution (for example, the engagement of Austrian, German and Hungarian police on the border with FYROM). Police joint activities and measures in the region and along the Balkan Route provided successful control of the migrant's movement as well as suppression of irregular migration towards Austria, Germany and other more developed EU countries which were destination countries from the beginning of the migration crisis.

It was a difficult task to be prepared for such a massive influx of refugees and migrants that happened in Europe in 2015. Many argue that response on mixed migration flows in 2015 by Serbia had been successful, including police and other state authorities response, considering that they were under highest pressure (Ministry of Labor, Commissariat and the local authorities – especially in border and “hotspots” areas: Preševo on south of Serbia, the capital Belgrade, Novi Sad, Subotica, Šid and other places where asylum Centers were established.) Relevant international organizations, the European Commission and migrants transiting through Serbia, all confirmed these facts.

We believe that there are multiple reasons for such an achievement. Of great importance were the experiences of the state authorities in accepting hundreds of thousands of refugees from the countries of former Yugoslavia, IDP's from Kosovo and Metohija, and significant numbers of returnees through the process of readmission. All of the above, has provided significant experience to all professional services that come into contact with the forced migrants, and over the years created a flexible system for managing migration, which was largely able to manage with the so-called

“mixed migration flows”. The most important reasons are measures taken on the national level, and especially the establishment of a multi-sectorial Government Working Group and the adoption of a plan of response in case of increased influx of migrants. The activities were well coordinated by the Working Group, with promoting and strengthening the partnership and trust between the various subjects. The text presented only a part of a large number of activities undertaken in the course of 2015 and the first three months of 2016. Through public appearance of state officials in the media migrants were presented as refugees escaping the wars, with high numbers of most vulnerable categories among them.

Special importance should be given to measures at the local level, which was under the highest pressure, cooperation with the media and the transparency of the measures taken. Transparency of activities and international cooperation, in any case, were among the key factors for the successful management of mixed migration flows. In addition, presentations of activities, field trips, donor conferences and other activities with EU representatives, foreign officials, representatives of the diplomatic corps in Serbia, relevant IO's as well as representatives of the civil society, international and national NGO's were crucial. We should not forget the positive role that EU had in this area, through various projects implemented in recent years and the funds intended for the Western Balkan countries, to strengthen the national systems, including through funding and strengthening state authorities and the rule of law. The EU's role was evident through specific projects realized during the crisis in 2015, including the activation of the Mechanism for Civil Protection of the EU. Lessons learned have further strengthened Border Police in Serbia and other national entities of importance for the management of migration and can serve other states, particularly given the uncertain situation regarding the prognosis for migratory movements in the course of 2016/2017.

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## **A Testimonial from a Humanitarian NGO Activist Regarding the Refugee Crisis in Macedonia**

*Jasmin Redžepi*

Respected colleagues, professors, activists!  
Thank you for your invitation to be part of this international conference. Even if the focus of this conference is “Migration in the Mediterranean”, still, myself as an activist from Macedonia, I will speak about the refugee crisis in Macedonia, as witnessed on the ground.

For the first time in modern history, the country became part of important global happenings and movements that affect not only the Balkans and the European Union, but the entire world community. Unexpectedly, Macedonia became a key component of the so-called “Balkan route”, the route that migrants take in order to reach EU states like Austria or Germany in order to seek asylum. This specific geopolitical position, imposed the country with an important, or better to say a crucial, role in the migration phenomenon, which as awkward as it seems implies “defending” national borders from illegal crossings from Greece, an EU-country and member of the Schengen zone.

This migration phenomenon became known to the Macedonian public for the first time in November 2014, when a “migrant was run over by a train on the railway from Veles to Skopje”.<sup>1</sup> This shocking news, which reached every person, raised many questions and poured many doubts. In fact, my colleagues and I from the NGO “LEGIS” – a humanitarian organization that participated in several big humanitarian actions in Syria – we posed some important questions about what was happening in Macedonia. Why all of a sudden there are so many migrants that cross the country? Where do they come from? Where are they headed to? What is their route? Why do they cross Macedonia and why do they take the railway instead of seeking other passages?

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<sup>1</sup> <http://mrt.com.mk/node/16671>.

Of course, our questions and demands brought us to discover the unfortunate migrants' road through Macedonia, to interrogate Macedonia's laws and legislation, and to actively help refugees and also being involved in the ongoing crisis.

Let me begin from the very origin of the migration flow which took the route through Macedonia. Most of the migrants or better to say refugees, are coming from war zones in the Middle East and other countries. After taking a dangerous boat trip from Turkey to Greece, they disembark on Greek soil and usually refugees obtain registration documents that allow them to travel through Greece. Afterwards, they take public transport to Thessaloniki (in northern Greece), and from there refugees walk by foot for approximately 30 km to the village of Idomeni, that is the nearest village to Macedonia's border. From here, in order to avoid border police and vehicle patrol, they pass through natural non-marked and unsafe land in order to reach Macedonia's borders.

After the point of reaching and entering Macedonia, here is where our first contact with the refugees started, and most probably the only contact, since during the first half of 2015 we were the only organization to assist and to help refugees. Apart from us, there was also a 48 year old woman from the city Veles (a town near the capital), Lence Zdravkin<sup>2</sup>, who had her house right in front of the railway tracks where the refugees were passing. She was assisting and helping them all day and night, giving them food, refreshments, clothing and first necessities, among others. Most of the refugees called her the "Mother of the refugees".

This situation started changing and the public opinion became aware of the refugees flow, when on the 24<sup>th</sup> of April 2015 it went on the breaking news the information that 14 migrants died on the train tracks in Veles.<sup>3</sup> The majority of migrants were teenagers from Afghanistan and one of them was from Somalia.

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<sup>2</sup> <http://www.independent.mk/articles/20441/Exemplary+Humanitarian+Lence+Zdravkin+Helps+Immigrants+Daily>.

<sup>3</sup> <http://www.theguardian.com/world/2015/apr/24/several-migrants-hit-by-train-killed-central-macedonia>.

It was then that the Macedonian public for the first time started talking with compassion and solidarity of these innocent souls, whose “only sin” was, having the wrong nationality!

After this tragedy, LEGIS started investigating these events and of course we started interrogating many aspects of what was to be the following refugee crisis. In fact, here is where things started to become really intriguing and interesting. The first thing that came out from our conversations and interviews with the refugees was Macedonia’s Law on Foreigners and the treatment of refugees/migrants.

According to the Law on Foreigners<sup>4</sup>, anyone that illegally crosses into Macedonia (presuming that they are smuggled by smugglers), will be deported to the country of first entry; and while awaiting the process of interrogation and investigation, those foreigners will be accommodated in the Reception Center “Gazi Baba” in Skopje, better known as a detention facility. Having said that it what most often happens is that refugees, unfamiliar with the territory of the Republic of Macedonia, turn to smugglers. The smugglers on the other hand, have already a well- established network, which is among the best developed businesses on the black market in Macedonia, and had become the most frequent criminal offence prosecuted. In fact, as of 31<sup>st</sup> of May 2015 the Public Prosecution stated<sup>5</sup> that 160 criminal proceedings, which, among others, were initiated by the inquiries of LEGIS, were undertaken against nationals and foreigners under a founded suspicion that they were smuggling illegal migrants.

The most interesting and intriguing part is yet to come. Namely, the amendments to the Criminal Law according to which the witness must testify against the perpetrator of the criminal offence, implied that in every police action where smugglers were arrested, refugees were also arrested and taken to the transit Centre of “Gazi Baba”, in order to wait for the trial (of the smuggler), so they could testify about the identification of the perpetrator of the criminal offence, i.e.”human trafficking”. Furthermore, the

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<sup>4</sup> <http://62.162.77.57/Uploads/Precisten%20zakon%20za%20strancite%2025-01.13.pdf>.

<sup>5</sup> <http://jorm.gov.mk/>.

amendments of the Criminal Code<sup>6</sup> that refers to the Public Prosecutor as being in charge of the investigation measures greatly slowed down the work of the prosecution, which as a result prolonged the stay of the arrested refugees in the Centre of “Gazi Baba” by months. The procedure continues in a way that after their testimony, refugees are allowed to seek asylum. If they do not seek asylum, they will be deported back to Greece or Bulgaria or the country of entry. In fact, based on the inquiries that LEGIS has conducted on field, we found out that refugees were detained in this Reception centre without actually being charged or without even being put on testimony. Sadly to know, this detention sometimes lasted up to 8 months in environments that did not fulfil the minimum living standards, where regrettably refugees had to stay in inhumane conditions.

Having the thought that the migrants were refugees – running away from war and torture- and bearing in mind the International Convention for refugees<sup>7</sup>, pushed us to investigate even more thoroughly the whole situation. Unfortunately, even if Macedonia has acceded to and is party to all Geneva Conventions and other UN international documents, and even though the country developed in 2008 a long term strategy for refugees and foreigners<sup>8</sup>, still we were witnessing refugees that walked for 8 days by foot, that were hungry, unprotected and beaten by criminal gangs<sup>9</sup>, and who were forced to use smugglers. At the end of the day, they were just ‘illegal immigrants’ with no rights. The most disappointing thing was that we could not secure them with basic human rights like the RIGHT TO LIFE.

Willing to oppose and fight the impotence towards these breaches of human rights, we turned to the UNHCR office in Macedonia, in order to seek clarification and answers. However, after various attempts to gain some kind of information unfortunately we did not receive any feedback.

Instead, we found an open door with Human Rights Watch, who were willing to work with us and together we continued investigating the status of refugees and migrants in Macedonia. The field investigation started in

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<sup>6</sup> <http://finpol.gov.mk/Files/Zakon/4.pdf>.

<sup>7</sup> <http://www.unhcr.org/3b66c2aa10.html>.

<sup>8</sup> [http://mtsp.gov.mk/WBStorage/Files/strategija\\_begalci.pdf](http://mtsp.gov.mk/WBStorage/Files/strategija_begalci.pdf).

<sup>9</sup> <http://daily.mk/makedonija/pretepan-ograben-migrant-sirija-1>.

January, and ended in September 2015, and the final outcome of it was summarized in a 59-page report<sup>10</sup> which was drafted based on more than 64 testimonies of refugees, that testified about their trip through Macedonia and especially about the terrifying conditions in the Reception centre in “Gazi Baba”. Our report got high feedback from the public opinion, and soon after as a result the Reception Centre was closed, and the remaining migrants were transferred to a new facility.

In parallel, we also started making pressure on the local political elite with the purpose of changing the Law for Asylum in Macedonia. We also had numerous meetings and interviews with Members of Parliament, who we pressurized in order to make the presence of the refugees in Macedonia to be legal. Combining these actions together with the harsh public opinion that could not stand watching refugees walking on foot or driving bicycles along dangerous roads, the Parliament drafted a new article in the Law of Asylum, adding the term: expressed intention for applying request to seek asylum.<sup>11</sup> This meant that refugees who will express their intention in a police station, will get a document issued by the police with which they could legally travel through Macedonia by registered means of transportation (for example train, bus or licenced taxi), and within 72 hours from their first entry they have to leave the country. After the expiration of this timeframe, refugees that are still found on the territory of the country are allowed either to ask for asylum or otherwise be deported back to the country of their entry.

Taking stand of the reviewed legislation, a new wave of refugees knocked on Macedonia’s doors, walking by foot and taking up dangerous journeys along the rail tracks, with many small children and babies. The lack of a proper response from the institutions and the state, generated a humanitarian wave of self-organised citizen initiatives, where LEGIS was the most active organization with the role of being an all-unifying, inspirational agent in the country – it did not matter which religion, ethnicity or nationality you belonged to, and, on top of that, we were all united towards a common goal – to help the ones that are helpless. Except for LEGIS and the NGO

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<sup>10</sup> <https://www.hrw.org/report/2015/09/21/though-we-are-not-human-beings/police-brutality-against-migrants-and-asylum>.

<sup>11</sup> <http://www.voanews.com/content/macedonia-migrants-asylum-law/2828577.html>.

NUN, with whom we were working near the train station, providing for food and clothing, the UNHCR and the Red Cross were also present in the vicinity, providing for medical assistance on the road. As Aleksandra Davidovska, an activist of LEGIS from Kumanovo, concerning the mosque of Kumanovo where refugees were being accommodated, justifiably observed:

“As an atheist, never in my life did I think that I would spend that much time in the house of God; of any God. But what this house represents in times of incessant suffering and deep pain of thousands of people – when the institutions that have the authority to help, decide to resort to bureaucratic excuses and remain blind – what this house represents, restores my faith. Not in God, but in humanity. In doing good regardless of nationality or religion.”

Portrayed in numbers, this massive influx counted more than 1,000 refugees registered per day, but however, the number of the refugees that could travel through Macedonia to Serbia’s border, was not more than 500 refugees, since there was only one train in circulation. This once again showed a shameful picture of especially Macedonia’s institutions.<sup>12</sup>

The road that the refugees took once they entered Macedonia was long. Firstly, refugees entered the country from Idomeni to Gevgelija (the nearest town on the Macedonian side), in only one border crossing – stone 59. While entering Macedonia, each refugee had to possess Greek registration documents or any other document that would confirm their nationality. Going further on, from the border crossing to the camp there are about 600 meters and here refugees gathered and waited in groups to enter the camp. The waiting time was between one to three hours. After they have entered, refugees waited for registration in Macedonia that lasted a maximum of one hour. During their stay in the camp, refugees were being provided with complete aid that was offered from the organizations in the camp. The aid comprised food for each refugee, free medical aid, tents for mothers and children with heating and educational materials, winter clothes and shoes, and all was free of charge. Continuing the journey, refugees needed three to four hours to reach the Serbian border. There was another camp in a place called Tabanovce on the border with Serbia, about 5.5 km

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<sup>12</sup> <http://www.dailymail.co.uk/news/article-3165752/Hundreds-migrants-clamber-board-packed-trains-Macedonia-desperate-attempt-seek-new-life-Europe-Hungary-build-175km-fence-stop-crossing-country.html>.

from the first village Miratovac, from where refugees usually walked by foot, in plus temperatures or in the dark at night, because state authorities did not organize any transport. In this camp, as well as the one in Gevgelija, thankfully to NGO Legis, Vlaznia and Merhamet, refugees received aid that was free of charge.

However, regardless of Aleksandra's precious words we witnessed for the umpteenth time a state restriction to the humanitarian wave. All of a sudden it became "illegal" to give water to a person who is thirsty or to give shoes to a kid that is barefoot. In fact, an arbitrary rule was introduced which prescribed that anyone that wants to give water to another human being (refugee) and help refugees in general, should be registered with an organization! And this was said to be "according to the law", even though no such law was to be found anywhere. Once again, the NGO LEGIS played the leading unifying role here. In spite of all restrictions, LEGIS opened the door for every citizen who wanted to get involved in humanitarian actions, so that he or she could help refugees.

Furthermore, as the number of refugees increased, the state xenophobia also climbed to an alarming level in Gevgelija. In fact, we witnessed the closure of the state border for 3 days and the proclamation of a state of emergency.<sup>13</sup> Soon after, the state established a new camp, right outside of the city Gevgelija, an empty desert, with no water or electricity, nor any track of civilization. Luckily, the daily work of LEGIS together with other organizations, including the UNHCR who rapidly provided the main facilities, we managed to put in place a camp that provided refugees with the basic needs. Sadly to say, but the situation in Tabanovce was somewhat similar.

The refugees in Macedonia enter through only one border crossing, from Eidomeni- Greece in Gevgelija, stone 59. While entering Macedonia, each refugee must possess documents for registration from Greece, or any other document by which will be confirmed their nationality. From the border crossing to the camp there are about 600 meters .The refugees wait in groups to enter the camp. The waiting time is between one to three hours, maximum .The refugees in the camp wait for their registration, which lasts

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<sup>13</sup> <http://vlada.mk/node/10918>.

a maximum of one hour, but during that time complete aid is offered to them from the organizations in the camp. These provide free food for each refugee, free medical aid and separated tents for mothers and children with heating and educational materials, winter clothes and shoes. All this aid is free.

The drive to the Macedonia-Serbia border lasted three to four hours. The camp is in the place called Tabanovce. At the camp, the refugees have the same aid like in Gevgelija, which is free.

Around, one million refugees entered into Macedonia in 2015/16, but also, all of them left the same day. No request for asylum was processed, and no one was granted with asylum.

Yet, we should not forget, that we are not a member of the EU, and that Macedonia is a poor country, who managed to struggle alone with all the influx of the refugees through her territory.

After the EU summit, we had 1,441 stranded refugees in the camp of Tabanovce, which can accommodate only 500 refugees. It is over-crowded, and no one knows what will happen with the refugees. We are present in this camp, with our team of activists and volunteers, giving every day 1,500 hot meals, and other hygiene items and non food items.

After Macedonia closed the border, the team of LEGIS, visited the camp in Idomeni, distributing humanitarian aid, including food and non-food items, helping the 12,000 refugees.

There are desperate attempts for illegal entrance into Macedonia, but most of them ended with fatal consequences. Macedonia built a 100 km razor fence, to “protect” the EU from the refugees, and they are planning to continue with building a further 200 km.

After 5 months of officially closing the Balkan Route, there are now 200 stranded refugees, who have been kept in closed camps, without legal status. Since all these refugees have been kept in a closed camp, it is very important to work on their mental health with additional activities. The Macedonian government and the Red Cross took responsibility of taking care

for the food and non-food needs of the refugees; the LEGIS team focuses their work in the camp with social-psycho activities. These activities include the following:

### **Hygiene Promotion at refugee camps**

The main objective of the project is to improve hygiene practices and the use of sanitation facilities for the refugees.

Through Identification of the main needs of the vulnerable population, through hygiene promotion on the field, the LEGIS team conducted more than 12 focus groups, a qualitative tool for understanding the needs, views and risk behaviours of groups of people with similar background.

### **Sports games**

We noted that sports games are recreation for the refugees, and help them release negative energy. Playing badminton helps them to ward off depression, anxiety, stress and increase self-esteem especially children really enjoy playing this game.

Table tennis is a sport that can be enjoyed by individuals of any age and physical ability. It's a great way to stimulate the brain and promote quick thinking while improving hand-eye coordination and the refugees love it.

### **Dominoes & cards**

Most of the games we play together are classic but really fun for refugees, especially for the children. It is a great way to bond with the children, and learn basics of problem-solving and thinking creatively. Children enjoy this game and together with us learn new things, such as repeating the numbers and colours in English.

### **Chess**

We think that chess teaches the players logic and efficiency and builds problem solving abilities. By playing chess we learn self-control, control of the brain and the discipline of developing logic. The chessboard symbolizes the human internal space where one fights against the other. This game is very helpful for refugees.

## **Drawing**

We think that drawing is very important for children. Here they express their feelings, desires, dreams and expectations. In their drawings we can clearly see their desire and thirst for freedom. Drawing helps children to advance their imagination and creativity. We noted that children had fun and satisfaction during the process of drawing and colouring their drawings. Children expressed their feelings about their lost family and how they see themselves in some years. We are constantly working with them to help them somehow feel better.

## **Knitting**

This activity is everyday more increasing the interest of women. They are enjoying the products we gave to them and working hard in order to progress with their work. Their work has been supervised by us. Through learning and teaching active creativity has been encouraged and patience and perseverance have been taught.

## **Working with beads**

This activity is the most popular activity among refugees. By making different shirt-bands and earrings for themselves they improve their creativity. Also we know that the situation in which the refugees are in does not allow them to give gifts to their loved ones – this activity is a good way to do this. They make something of their wish and give it to their loved ones. It is an indescribable feeling when we see the smile and joy in faces of the children when they, with our help, finish something and then give the gift to their loved ones, most often to their mothers. This activity provides the refugees with a feeling of hard work and satisfaction.

## **Soft clay**

Children are very happy and focused on their tasks. Their work is very creative. Through this activity they remove from themselves negative emotions and aggressiveness. They made human figures and then tried to express their feelings about the people they lost. Even though the time has passed, their feelings remain untouched, and with what we have, and the activities we are organising for them, we are making the impossible to entertain them and make them feel happy here and forget their struggles.

## **Movie night**

We evaluate that watching a movie breaks the monotony of refugees and positively affects their mood. The presence of juices and popcorns make the movie night more interesting and funny for all the children. We also have the presence of Disney characters who entertain the children. This fills the faces of the children with joy and happiness. They always enjoy watching movies and cannot wait for the next movie nights. This activity is a good way to make the children forget, for a few hours, where they are and make them feel like they are in a cinema. This is something very different from other activities.

Summa summarum, around a million refugees entered Macedonia and at the same time left the country, except the 200 stranded refugees, who are here not of their own will. Until summer 2016, no request for asylum was processed nor was any asylum granted. My message to the government and to the EU is that we should not leave refugees helpless. They are people like all of us. The only difference is that they are escaping from war and terror, and we are closing our doors on them like they are aliens from another world. Furthermore, the EU should not forget that Macedonia is also a poor country and cannot struggle alone with the influx of refugees. However, at the end of the day, we, LEGIS are happy to have the chance to tell all of them: Refugees, welcome in Macedonia!

## **PART II:**

# **RELIGIOUS EXTREMISM AND COUNTER-STRATEGIES: REGIONAL AND GLOBAL DIMENSION**

## **Functional Model of Integration of Muslims – Croatian Example**

*Nermin Botonjić*

The events that have occurred in the past few years (terrorist attacks, and the fear of further terrorist activities fostered by migrant crisis) have raised to some extent the awareness that something should be done regarding the position of religious minorities and their integration in the society. The concept of open boundaries and free movement of people has been put on serious test during this period in the European Union (EU). We have even witnessed a suspension of the Schengen regime. All this has raised great concern and put serious pressure on the relevant international factors in order to cope with the new situation. Since the majority of the problems have the prefix „Islamic“ I would like to share with you some thoughts based on the experiences we have in Croatia.

The fear of the unknown or strange is something that is familiar to the majority of people. Muslims exist in Europe for centuries. In some countries the major immigration of Muslims has occurred in the last century and in EU member states they have lived for decades now. But, unfortunately, the process of their integration in society faced a kind of stalemate. They somehow remained strangers to a certain extent, as well as their religion, in the majority of EU member states. The need for the changes in the integration process is something we cannot avoid but how does one start them? We have the elements – such as the basic principles like freedom of religion<sup>1</sup> – they only need certain amendments and basic ones are institutionalization of the Islamic communities and education.

### **Shortcomings of the current situation**

The fact is that Muslims are, like all others, victims of the non-institutional interpretation of religion and its misuse. The current situation in the major-

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<sup>1</sup> See the European Convention on Human Rights [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf), as well as the Universal Charter on Human Rights <http://www.un.org/en/universal-declaration-human-rights/>.

ity of the EU member states is that Islam is not recognized as one of the religions within their territory, and at the same time Muslim religious communities exist but as a kind of ethnically/nationally/culturally based communities, organizations and so on. Only Austria, Croatia, Belgium and Spain have done this in the last century – these countries have recognized Islam as an equal religion. Without recognition, the possibility of establishing one official address, which will be the legitimate one to give religious interpretations and answers on questions that arise in certain circumstances, and on matters of everyday life, is very limited if not impossible. How much this is needed is shown after the terrorist attacks in Paris and Brussels. Even though all the citizens have the right to freely express their religion and fulfill their religious life how it can be guaranteed that the interpretation of the religion will be accurate and not misused for political or any other objectives? Who is, or which institution is, the widely recognized Muslim authority in Europe, or in the EU member states that can give the answers about religious matters, and can condemn terrorist attacks or any other violent behaviour and also be respected? That is the question we have to answer on. Also, another question is, whether it is possible to expect that nationally/ethnically/culturally based organisations that deal with religion can contribute to the process of integration? Prior to giving the answer to this question, we have to consider whether this model of arrangement of the position of religious communities is in favor of ghettoisation, and therefore, in direct jeopardy of integration? Secondly, is it likely to be expected that the global policies that affect their states of origin will affect their behaviour and acting in their own societies where they have lived for decades or more? Is it not the case today that we consider some act as religiously motivated, Islamic based, regardless of the fact that it is in its essence strongly prohibited by Islam? Freedom is one of the most, if not the most, important element for the normal functioning of every individual, the universal value – but freedom without responsibilities is something that leads in the end to anarchy. Therefore, it is very important to have institutionally organized Islamic communities that will deal with religious matters only, educate their own members, but also the wider community, and be responsible and spread messages of life together (coexistence is not an adequate term in my opinion, since we have it but it means life one next to another and not one with another), love and mutual respect.

## **The example of Croatia**

In 2016 we celebrated 100 years of the Croatian parliament's decision by which Islam has been recognized as one of the religions with equal rights and status to all other religious communities in Croatia.<sup>2</sup> In 100 years we had ups and downs but, in the end, the development of the standards in the field of the protection of religious rights was never addressed. The political regimes, especially the communists in the former Yugoslavia, were not always in favour of the Islamic community and other religious communities. But after the breakup of Yugoslavia and when Croatia gained its independence, the Islamic Community started to develop its organizations and institutions. If somebody questioned the loyalty of Muslims to the state, the fact that 1,180 Muslims gave their life in defending their country is sufficient argument to dispel any doubts, and that is around 10 % of the all Croatian soldiers that gave their lives in the War of Independence. The Muslim population in Croatia amounts, according to the last census, about 1.6% of the total population and that is in numbers 62,977.<sup>3</sup> Regardless of their number, in 2002, the Islamic Community has signed an agreement with the Government of the Republic of Croatia in which the rights and the duties are precisely defined.<sup>4</sup> By this agreement, the Islamic Community in Croatia has full autonomy and freedom in its activities but also full responsibility, and it is the only address in Croatia which deals with religious matters when it comes to Islam.

### **What is defined by the Agreement?**

The Islamic Community in Croatia has the right to freely organize itself and its institutions, to define its internal structure, to operate based on its own regulations which are in accordance with the legal framework of the state, to run educational programmes through religious classes in public schools – the curricula of the religious classes is confirmed by the Ministry

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<sup>2</sup> Stenografski zapisnici Sabora kraljevina Hrvatske, Slavonije i Dalmacije, 1913–1918, vol. III, year 1915. and 1916, Zagreb, 1916, page 637.–883. <http://www.sabor.hr/donosenje-zakona-o-priznanju-islamske-vjeroispovij>.

<sup>3</sup> [http://www.dzs.hr/Hrv/censuses/census2011/results/htm/H01\\_01\\_10/h01\\_01\\_10\\_RH.html](http://www.dzs.hr/Hrv/censuses/census2011/results/htm/H01_01_10/h01_01_10_RH.html).

<sup>4</sup> <http://www.propisi.hr/print.php?id=3824> Official Gazette “Narodne novine”, broj 196/03, 86/14 - Ispravak i 46/16.

of Science, Education and Sports; it has the right to its own media, is the only one entitled to employ imams and is responsible for their acts and teachings as official representatives, to build its facilities like mosques, the whole cultural and scientific heritage of Islam and Muslims in Croatia are recognized as the part of the Croatian national heritage and is protected and available to all the citizens of Croatia, guardianship service in military service, police, hospitals, prisons and where needed is established in cooperation with the responsible ministry, to establish institutions that will deal with charity activities, to conduct marriage according to the sharia principles and to discuss all the matters with the responsible ministries. Based on this agreement, the Islamic Community in Croatia has established four institutions: the High School Islamic Gymnasium Dr. Ahmed Smajlović, the Center for halal quality certification, the Zirat of Islamic Community – the institution that deals with charity work – and Vakuf, the institution which deals with the facilities of the Islamic Community in Croatia.

### **The structure and the principles of functioning**

The main authority in the Islamic Community in Croatia is the president of Meshihat who is the mufti at the same time and the only person responsible for the interpretation of the religious matters as well as the only person responsible in front of the state for the activities of the Islamic Community. Regarding its structure, the Islamic Community is led by the president of the Meshihat. Meshihat is the main body for the operational functioning of the Community. Also the Islamic Community has its own Parliament which adopts internal acts. In everyday life members of the Community gather in Medzlis which are regional suborganizational units led by head imams. Head imams are the members of the Mufti's Council and are directly responsible to the president of Meshihat/mufti for all the activities. They run the educational programmes according to the curricula previously mentioned. In every medzlis there is a steering board which is elected every four years and consists of the members of our community. President of Meshihat/mufti is as well elected through the democratic process.

The basic principle of functioning is that the Islamic Community in Croatia is not nationally/ethnically based but it gathers all the Muslims around religion solely. It does not deal with political matters, does not interfere in the state's policy-making process, but it supports all the state's and society ori-

ented activities aimed towards the building of a better society for all. The Islamic Community in Croatia is spiritually connected with the Islamic Community in Bosnia and Herzegovina.

### **The outcomes**

The previously described, as we call it, Croatian model, has multiple benefits. On the one hand, we have content members of the religious community. On the other hand, the state has loyal citizens through a functional system that balances rights and duties. Croatia is one of the countries that did not have participants in the wars in the Middle East or anywhere else. In Croatia there is no Wahhabi movement, terrorist or any other kind of violent organization that can be connected to Islam. This is the result of the well organized educational system allowed and supported by the state where children, from an early age, learn about their religion through institutions of the Islamic Community as well as in the public schools through religious lessons. In practice, the institutional education has proved to be the main tool for the prevention of the development of violent groups. Also, one institutionally organized Islamic Community takes care of the organization of the religious life of every member of the Community but also provides them with adequately educated imams who will teach them about pure Islam, free of any ideology or political thoughts. That is why, not only the members, but also imams are those who are educated correctly, preferably in local schools (Medresa in Zagreb or BiH) and local universities, and if they have gained education abroad it is exclusively at the well known and acceptable universities. The Community took a lot of care about this part since there were examples elsewhere of people who gained, with their education, some political ideas or ideologies and tried to incorporate these into teachings about Islam. In this way, imams support the process of integration because they understand the time and place they live in and they transfer this to the members of the community. Furthermore, the official language in the Islamic Community in Croatia is Croatian and that is one of the tools for fostering the integration process. In the past, many came from areas where they did not speak or understand the Croatian language. In order to foster integrative processes, the Islamic Community established an organization called Center for Cultural Dialogue with aim of further educating students and elderly people who would like to learn about the religion's compatibility with the time and place they live in. Now we

have an ongoing program for students about the position of the Islamic Community in Croatia and what their tasks are as the members of the Community in order to contribute to the development of the society. Regarding the migrant crisis, the Islamic Community has started to develop the program of integration for the migrants that are going to stay in Croatia in cooperation with the Ministry of Interior. According to the census 1,600 of them will be transferred to Croatia. Thus, in 2015, we started preparations in order to make their adaptation to the new environment easier. I am not sure whether this will be possible to do in other countries in the most adequate way and feel that we will have the rising problem of integration. There will be some help from local Muslims, but the system will remain the same, and that means the same problem of possible ghettoisation and closing into smaller self sustainable groups.

## **Recommendations**

1. In order to start the integration it is necessary to encourage Muslims to open themselves up towards the societies they live in. This can be done through the legal framework of the state and their education.
2. Foster societies to become more open towards the reception of Muslims as their neighbours. This can be done through education as well since the perception of Muslims is created mainly through media, where reports are rarely unbiased and accurate.
3. Establishment of the Islamic Community as the Institution with defined rights and duties which is not based on ethnic or any other origin.
4. Make clear distinction between the Islamic Community, teaching of Islam and political/ideological preferences of certain ethnic/national groups.
5. Establishment of the educational institutions for imams that will be accepted and respected by the majority of the Muslim population and include Muslims in these processes. Also, taking into consideration the necessity of avoiding the political influence from abroad in the making of curricula.
6. State support, especially financial support, in order to avoid funding of suspicious activities.

## A Plea for a Tolerant Discourse

*Drago Pilsel*<sup>1</sup>

### Introduction

Dear colleagues, it is my job in this panel to present an event of great importance: Pope Francis' visit to the island of Lesbos and to the refugee camp Moria on Saturday, April 16, 2016. It was without doubt a great gesture of charity and solidarity towards the refugees, a warning call to Europe and the international community, and an answer to the challenge of religious extremism. The Pope met there with the archbishop of Athens and of all Greece Ieronymos, and with Bartholomew, the ecumenical patriarch of Constantinople.

Ieronymos said that they had travelled there to look into the eyes of the refugees, to hear their voices, and to hold their hands, saying: "We have travelled here to tell you that we care. We have travelled here because the world has not forgotten you".

He said that they know that the refugees had come from areas of war, hunger and suffering, and that their hearts were full of anxiety about their families, and that they are looking for a safer and brighter future.

"We have wept as we watched the Mediterranean Sea becoming a burial ground for your loved ones. We have wept as we witnessed the sympathy and sensitivity of the people of Lesbos and other islands. But we also wept as we saw the hard-heartedness of our fellow brothers and sisters – your fellow brothers and sisters close borders and turn away."

The Archbishop said that those who are afraid of the refugees have not looked into their eyes, they do not see their faces and they do not see their children.

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<sup>1</sup> Drago Pilsel was born in 1962 in Buenos Aires. He has a Master's degree in Political Theology and has been active in journalism since 1979. He is Editor-in-Chief of the political website [www.autograf.hr](http://www.autograf.hr) in Zagreb where he continues to develop his rich career as an analyst of domestic and international political affairs.

“They forget that dignity and freedom transcend fear and division. They forget that migration is not an issue for the Middle East and Northern Africa, for Europe and Greece. It is an issue for the world.”

He said that the world will be judged by the way it has treated the refugees and that we will all be accountable for the way we respond to the crisis and conflicts in the regions that they come from.

“The Mediterranean Sea should not be a tomb. It is a place of life, a cross-road of cultures and civilizations, a place of exchange and dialogue.”

He promised that the religious leaders will never forget them: “We shall never stop speaking for you. And we assure you that we will do everything to open the eyes and hearts of the world.”

After this, patriarch Bartholomew said that they are uniting their voices in condemning the uprooting of the refugees, and to decry any form of deprecation of the human person.

“From this island, Lesbos, I hope to begin a worldwide movement of awareness in order for this current course to be changed by those who hold the fate of nations in their hands and bring back the peace and safety to every home, to every family, to every citizen.”

He said that unfortunately this is not the first time they have denounced the politics that have brought these people to this impasse and that they will act until the aberration and deprecation of the human person has stopped.

“We do not need to say many words. Only those who see the eyes of those small children that we met at the refugee camps will be able to immediately recognize, in its entirety, the “bankruptcy” of humanity and solidarity that Europe has shown these last few years to these, and not only these people.”

Pope Francis said that he wanted to be with the refugees and that he wants to tell them that they are not alone. In the weeks and months, the refugees have endured much suffering in their search for a better life.

“We have come to call the attention of the world to this grave humanitarian crisis and to plead for its resolution. As people of faith, we wish to join our voices to speak out on your behalf. We hope that the world will see these scenes of tragic and indeed desperate need, and respond in a way worthy of our common humanity.”

Finally, Pope Francis, the Ecumenical Patriarch and the Archbishop signed a common declaration from which I want to quote the most important paragraphs:

Pope Francis, the Ecumenical Patriarch Bartholomew and the Archbishop Ieronymos of Athens and all Greece, have met on the Greek island of Lesbos to demonstrate their profound concern for the tragic situation of the numerous refugees, migrants and asylum seekers who have come to Europe fleeing from situations of conflict and, in many cases, daily threats to their survival.

World opinion cannot ignore the colossal humanitarian crisis created by the spread of violence and armed conflict, the persecution and displacement of religious and ethnic minorities, and the uprooting of families from their homes, in violation of their human dignity and their fundamental human rights and freedoms.

The tragedy of forced migration and displacement affects millions, and is fundamentally a crisis of humanity, calling for a response of solidarity, compassion, generosity and an immediate practical commitment of resources.

From Lesbos, we appeal to the international community to respond with courage in facing this massive humanitarian crisis and its underlying causes, through diplomatic, political and charitable initiatives, and through cooperative efforts, both in the Middle East and in Europe.

As leaders of our respective Churches, we are one in our desire for peace and in our readiness to promote the resolution of conflicts through dialogue and reconciliation. While acknowledging the efforts already being made to provide help and care to refugees, migrants and asylum seekers, we call upon all political leaders to employ every means to ensure that individuals and communities, including Christians, remain in their homelands and enjoy the fundamental right to live in peace and security.

A broader international consensus and an assistance programme are urgently needed to uphold the rule of law, to defend fundamental human rights in this unsustainable situation, to protect minorities, to combat hu-

man trafficking and smuggling, to eliminate unsafe routes, such as those through the Aegean Sea and the entire Mediterranean, and to develop safe resettlement procedures.

In this way we will be able to assist those countries directly engaged in meeting the needs of so many of our suffering brothers and sisters.

Together we solemnly plead for an end to war and violence in the Middle East, a just and lasting peace and the honourable return of those forced to abandon their homes.

We ask religious communities to increase their efforts to receive, assist and protect refugees of all faiths, and that religious and civil relief services work to coordinate their initiatives.

For as long as the need exists, we urge all countries to extend temporary asylum, to offer refugee status to those who are eligible, to expand their relief efforts and to work with all men and women of good will for a prompt end to the conflicts in course.

We urge the international community to make the protection of human lives a priority and, at every level, to support inclusive policies which extend to all religious communities.

Dear colleagues, I thought it would be appropriate to present the most important parts of these speeches to show that there is an alternative to the egoistic discourse we are hearing in some European countries, and of course, to the discourse of religious extremism promoted by the terrorists of Islamic State such as the unacceptable, xenophobic discourse promoted by many European Christians.

Thank you for your attention.

## **PART III:**

### **EU AS A POLITICAL ROLE MODEL: STILL UNDISPUTED?**

# The Multiple EU Crises and the Unfinished Business in the Western Balkans: About Immortal Myths and Harsh Realities in the Enlargement World

*Michael Schmunk*

## I.

At this PfPC-workshop series, we have been basically talking, year after year, about one issue: the EU perspective of the Western Balkans states, the chances of the original eight, and for some time now, the six countries which still remain outside of this prime European institution: Albania, Bosnia and Hercegovina, Kosovo, Macedonia, Montenegro and Serbia. We have been talking about this topic many times: at thirty two meetings by now. Still, enlargement has not happened. No membership yet, not even in sight, realistically speaking. Some have been wondering, in particular in the Balkans, if this “perspective” was nothing else but a “myth”, created in Brussels to keep them quiet and make them hope forever.

Only a myth? No chance of realization when it comes to a final political commitment? Actually, not much has moved forward so far – the most optimistic version of an answer to this dilemma has been: *it is only a question of time!* Slovenia and Croatia have definitely played in a different league from the very outset – the first countries internationally recognized as independent and the first ones of the eight potential members to enter the club. And still, the enthusiasm in Brussels and the main capitals has been limited, especially with Croatia’s performance: at least some disappointment regarding their attitudes and their behavior as club members can be felt here and there. Now, it seems, on the part of Brussels and most member states, even the time of soothing and self-appeasement has come to an end. EU enlargement, in particular in the light of the BREXIT decision of 23 June 2016, has become a non-issue, at least for the foreseeable future. The issue is no longer part of the institution’s real foreign policy agenda. The refugee crisis, it appears, has finally dealt overly optimistic predictions

regarding expansion a kind of deathblow.<sup>1</sup> This does not necessarily mean that the enlargement units in Brussels and at the EU members' foreign ministries have been quietly closed down, not at all. There is still an EU Commissioner and a large Commission department dedicated only to EU enlargement. The bureaucratic negotiations machine has been running despite all the reality and policy changes, perseveringly. And, yes, you will still find the standard reference to the *Thessaloniki* pledge<sup>2</sup> in Sunday speeches. And, yes, we have been reading time and again pledges like: "Brussels, Berlin, Vienna, Rome, London assures XY that XY will become a member of the EU". And, yes, there have been time and again both bilateral and EU-wide numerous "new" initiatives<sup>3</sup> and processes<sup>4</sup> to keep everyone involved believing that negotiations are well on track. The *Pacta Sunt Servanda*-dogma versus a far-ranging changed reality?

What has changed so fundamentally? In one sentence: the EU enlargement fatigue of the last decade has turned into an obvious enlargement refusal although no EU leader of relevance would ever say so. A scenario of multiple, fundamental and simultaneous, if not existential, crises has changed the EU's priority set dramatically. It seems that the refugee crisis in the end has constituted the "crisis of crises" of the EU.<sup>5</sup> This development started, at the latest, after the 2012 decision about Croatia's membership, when in particular *Jean-Claude Juncker* and *Angela Merkel* declared that there was no

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<sup>1</sup> Bieber, Florian: How the Dutch referendum killed EU enlargement. In: Balkans in Europe policy blog, 7.4.2016.

<sup>2</sup> EU document C/03/163 Thessaloniki 21.6.2003; see also some respective analysis at Prifti, Eviola (Ed.): The European future of the Western Balkans. Thessaloniki@10 (2003-2013). European Union Institute for Security Studies (EUISS), Paris, 2013.

<sup>3</sup> See, for example, the so-called "German-British Initiative" for the acceleration of the accession of BiH to the EU: Steinmeier, Walter/Hammond, Philip: Ein Neustart für Bosnien-Herzegowina. Eine deutsch-britische Initiative soll den Reformprozess beleben und die Annäherung an die EU erleichtern. In: Frankfurter Rundschau, 5.11.2014. This Initiative has been turned into EU policy on 15.12.2014.

<sup>4</sup> See, for example, the so-called "Berlin Process" that was initiated by German chancellor Angela Merkel, with the first summit taking place in Berlin on 28.8.2014. The second summit of this five-year process took place in Vienna on 27.8.2015, to be followed by summits in Paris (2016) and Rome (2017). With this process, the prime ministers of the 28 intend to underline their commitment to EU enlargement.

<sup>5</sup> See Körber Foundation: Europe at the crossroads. 161<sup>st</sup> Bergedorf round table. Berlin, March 2016, p.2.

intention at that moment to seriously consider further memberships from the Balkans.<sup>6</sup> At least since the financial, the Greek and Euro-crises and the Ukraine crisis, the EU has been fighting, for the first time in its history, with survival. Against the background of EU integration that has come to a complete standstill if not already being on its way towards disintegration (*GREXIT*; *BREXIT*, and others of this kind), EU expansion through taking the Western Balkans in has become second-rate. And this, although the Western Balkans have been back in the media and political attention of the European continent as the protagonists of the so-called *Balkan Route*, a migration line of refugees from the Middle East, Afghanistan and the Maghreb, have chosen to get to the promised lands in the north of the continent, providing asylum, security and a life in dignity. It happened to be enlargement Commissioner *Johannes Hahn*, who conceded at a recent Brussels' conference<sup>7</sup> that the refugee crisis has demonstrated that the Western Balkans countries "are already part of the club one way or the other". Does that mean that the refugee crisis has moved the Western Balkans states closer to EU membership? Could that be a recipe to bypass agonizing, frustrating, nearly endless seeming negotiations, chapter by chapter, year by year?

It seems that when it comes to the political gratitude of Brussels or to the sympathy of Europeans outside of the Route, the Western Balkans countries have failed to considerably increase their accession chances by pulling the Unions chestnuts out of the fire. Rather the opposite, it seems. "The citizens of the Balkans' countries", says *Ivan Krastev*, "probably have become the strongest example for the collateral damages of the present crisis"<sup>8</sup> Against the background of the refugees crisis, both politicians and citizens of the countries outside of the Western Balkans, in particular from the eastern European region, confused their "Angst" of becoming overwhelmed by non-Europeans, non-Christians, "Orientals", so to say, from

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<sup>6</sup> See e.g. Martens, Michael: Nachruf auf Thessaloniki, in: Frankfurter Allgemeine Zeitung, 19.12.2012, p.8.; Juncker repeated his position in his statement regarding the outcome of the BREXIT referendum on 24 June 2016 at the German TV show "zdf heute journal".

<sup>7</sup> [www.friendsofeurope.org/media/uploads/2016/03/FoE-FE-EPS-Balkans-Report.pdf](http://www.friendsofeurope.org/media/uploads/2016/03/FoE-FE-EPS-Balkans-Report.pdf), accessed on 6.5.2016.

<sup>8</sup> Krastev, Ivan: Die Utopie vom Leben jenseits der Grenze. In: Frankfurter Allgemeine Zeitung, 22.2.2016, p.6.

the Middle East and the Maghreb, with a re-born “Angst” regarding “the *Balkanites*”, mostly also Muslims. Some in Germany, for instance, argue that most of the roughly 1 million refugees to be integrated from Syria, Iraq, Afghanistan, Libya, Morocco and others are Muslims – a recipe for fundamental change of the “German Christian society” if not for destruction of “Christian identity”, whatever that means.

Has there been a different picture though on the part of the “remaining six” (Albania; Bosnia and Herzegovina; Kosovo; Macedonia; Montenegro; Serbia)? Not really. Also here, the enlargement perspective has become second-rate, because of several reasons. The opinion polls of the *RCC Balkan Barometer 2015*<sup>9</sup> show that only 40% of the respondents in the Western Balkans regarded EU membership as still a good thing.<sup>10</sup> Obviously, EU membership, as a major policy goal, has lost attraction over the last years if not decades. Too many promises have been made in Brussels and at home, yet no tangible progress so far. Even worse: the Western Balkan states, in particular those with whom concrete accession negotiations have already been started, get cryptic messages that even in cases where all negotiations might have yielded successful results, a positive recommendation of the Commission to member states would not necessarily guarantee eventual membership. More than ever before, it would then be up to member states to take a final political decision, be it through parliamentary ratification or, even more uncertain and incalculable, through referendum. In an increasingly frightened Europe – when it comes to immigration and in particular refugees and asylum seekers, especially those being Muslims – the acceptance level has become lower and lower. Some political observers and researchers have been warning that decisions such as the Netherlands’ Ukraine referendum could easily be repeated in the case, let’s say, of an EU decision over Albania’s full EU membership. We should not forget: unanimity is required!

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<sup>9</sup> Regional Cooperation Council (RCC): *Balkan Barometer 2015*. Public Opinion Survey. Analytical report. Sarajevo, 2015, p.45.

<sup>10</sup> With the ‘freedom of movement’ and ‘economic growth’ as the major hopes and expectations.

## II.

1. Let us now look a little bit closer at the new (and old) hurdles for accession of the remaining Western Balkans states.

For many years, the optimism of the EU, in particular of the Brussels institutions, has been nearly endless when it came to further and deeper integration. The international financial crisis, the Euro and Greek crisis, the Ukraine adventure and finally the refugee crisis, overshadowed by the outcome of the *BREXIT* referendum, and last but not least the growing Euro-scepticism<sup>11</sup>, neo-nationalism and the growth of the right-populist parties and movements in more and more member states (France, Germany, Denmark, Poland, Hungary, Slovakia, Austria) led to a widening perception among politicians, elites and voters that the EU had arrived at a point of “*finalité*” regarding both integration and, as a consequence, enlargement. The *GREXIT* and *BREXIT* debates have indicated that the EU might have even reached the point of an integration reverse, of ‘disintegration’, last but not least inspired by the British 23 June decision<sup>12</sup> In particular, the so-called “four basic freedoms”<sup>13</sup> of the EU are seen as endangered by the influx of more and more refugees, asylum seekers, but also of new citizens from potentially new member states. Fences being established between member states, the repeal of *Schengen*, high numbers of non-European (Arabic, African, Middle Eastern, Afghan) and non-Christian immigrants are regarded by many, though not all, as a threat to existing cultures, religious confessions, jobs and even health of the autochthonous societies – eventually too resistant to sustainable integration. For all these growing numbers of sceptics, critics and objectors, the point has long been exceeded where integration was reasonable and possible. Not just a few refuse any further integration – some even ask for disintegration (most of the nationalist-populist right-wing parties, for example). In already seven EU member

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<sup>11</sup> See Ondarza, Nicolai von: EU-Skeptiker an der Macht. Die Rolle der integrationskritischen Parteien im EU-Parlament und nationalen Regierungen. SWP-Aktuell 23, Berlin, April 2016.

<sup>12</sup> Rudloff, Bettina/Schmieg, Evita: Zerfall der Europäischen Union. Handels- und wirtschaftspolitisch steht viel auf dem Spiel. SWP-Aktuell 24, Berlin, April 2016, p.1.

<sup>13</sup> Free movement of goods; freedom of movement of persons (and citizenship), including free movement of workers; right of establishment and freedom to provide services; free movement of capital.

states, Denmark, Estonia, the UK, Lithuania, Poland, Sweden and Slovakia, hardline Eurosceptics are part of the ruling governments, though their prime ministers still favor both EU membership and EU enlargement for the Western Balkans.<sup>14</sup> However, there have been other crises contributing to the present EU's integration standstill: the violation of many EU pacts, rules and legislation, the weak growth, high (youth) unemployment, an increasing social divide, the overall finance and debt crisis, the weakness of the Euro, a crisis of European values and solidarity, growing racism, religious intolerance, the terrorist threat, general xenophobia, and many more.

EU integration is in shambles – there is no room for any further geographic expansion for the time being, it appears. Obviously, we have reached the point, where EU priorities will be focused on stopping disintegration, keeping the present Union together, and starting with stocktaking and consolidation – maybe with eventually a set of different “Unions”. These could be marked by e.g. *Eurozone* and *Schengen* (Dublin!) memberships, budget and debt discipline (Maastricht!), fiscal harmonization, joint asylum standards and immigration policies and a true common foreign- and security policy, just to name a few, creating the long predicted “Europe of different speeds”. It would be an EU with a variable geometry or even a fixed “core Europe”, where at different levels and pace European nation states would participate according to the political situation of each individual country, their interests, needs and especially their willingness to transfer national sovereignty to Brussels. This altogether would imply that geopolitical inclusivity, at least for a longer period of a decade or two, would be downgraded if not sacrificed for the institution's fundamental rehabilitation – if there is even a joint vision of what that could look like.<sup>15</sup>

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<sup>14</sup> Ondarza, p.4.

<sup>15</sup> See the respective discussion at Guérot, Ulrike: Trümmerhaufen Europa. Um das europäische Haus wieder aufzubauen, müssen wir uns einig sein, wie es aussehen soll. In: Internationale Politik und Gesellschaft, IPG, vom 1.3.2016 ([www.ipg-journal.de](http://www.ipg-journal.de)); also: Stark, Jürgen: Europa wankt - rat- und führungslos. Was tun? Und wer ist schuld? In: Neue Zürcher Zeitung vom 9.3.2016, p.10; Verheugen, Günter: Am Ende eines notwendigen Reformprozesses werden wir eine andere EU haben als heute. In: Deutsche Gesellschaft für Auswärtige Politik (DGAP) vom 16.2.2016 ([www.dgap.org/de/article/27592](http://www.dgap.org/de/article/27592), accessed on 29.2.16).

2. The de facto moratorium on enlargement over the last years has not really been regarded by the “remaining Six” as an opportunity to make the best use of the time in the waiting room. This was discussed in more detail at the country-by-country presentations of this workshop. The European Commission in its 2015 Enlargement Strategy<sup>16</sup> painted, in general, a rather critical picture of the candidates’ and the potential candidates’ readiness to join the Union. Still, the “remaining Six” share grave problems of widespread corruption, clientilism, a weak rule of law and a low awareness of the rule of law in all societies concerned, a weak judiciary, organized crime, election manipulations, ethnic tensions and ethnically divided police, among others. Above all, the economic and social developments have been negative, and living standards did not significantly improve. Autocratism has increased, and geopolitics has returned to the Western Balkans, mostly in the form of Russia’s exertion of influence (e.g. Belgrade’s pact with Moscow). From the perspective of citizens of the Western Balkans, the EU has a massive credibility problem when it comes to the promised expansion. The EU’s policy in the Euro crisis, towards Greece, and even more so during the ongoing refugee crisis has given the impression that the EU is totally divided, with the institutions and the membership falling apart, hastening from piecemeal to piecemeal solutions without a clear strategy and a vision. Some in the Western Balkans have already begun to see the EU rather as “net exporter of instability to the region”<sup>17</sup> than a provider of sustainable reforms and a higher living standard. The generation which around 15 to 20 years ago had already started for a long time to suspect that they will never, if at all, benefit in their lifetime from the next step of EU enlargement, because of a belief that any further expansion would realistically need a further 10 to 15 years time. This has been producing even more skepticism and frustration – a development that does not generate the necessary support for and involvement in the societal reform processes. Thus, also on the side of the candidates and potential candidates, the enlargement process seems to be called into serious, discouraging question. This helps the autocrats, the non-democrats, the political and ideological seducers,

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<sup>16</sup> European Commission: Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions: EU Enlargement Strategy. COM (2015) 611 final; Brussels, 10.11.2015.

<sup>17</sup> Borja Lasheras, Francisco de: Return to instability: How migration and great power politics threaten the Western Balkans. European Council on Foreign Relations (ECFR), Policy Brief 163, London, March 2016, p.1.

often also coming from the outside, equipped with big money and anti-democratic or fundamentalist promises.

### III.

Thus, is there an enlargement obituary, when it comes to the EU's south-eastern neighborhood? Not at all!

The EU, however bad and serious its inner condition may be, cannot seriously have any interest in giving up on its original enlargement targets from, let's say, the late Nineties and then *Thessaloniki*. Abandoning *Thessaloniki*, there seems to be agreement among experts, could lead the fragile stability in the Western Balkans to fall apart. At the latest, the refugee crisis and the Balkan Route drama have demonstrated that the Western Balkans "black hole" has not ceased to remain a security and even a geopolitical threat to the Union as such. And, that is for sure, the Western Balkans will be the EU's Achilles' heel forever at its southeastern flank, if it is not integrated eventually. Different from a decade ago, or so, the price will matter now, due to many missed chances. However the price for non-expansion will definitely be much higher. And the time span until then may be wider, much wider than it would have been some years ago, if the "six-pack", so to say, had been courageously taken on board all at once. But nothing geopolitical in the history of the Balkans has ever been an easy deal. Thus, despite the "harsh realities", the people in the Western Balkans should not give up. Instead, they should be grateful to those fellow countrymen, who have kept up with the process for such a long time, still believing in *Thessaloniki*. With sufficient consolidation progress reached though, it may still take a long time, until EU policy is not paralyzed by the refugee crisis anymore, and the "Angst" of an EU becoming "foreignized" and disintegrated vanishes, after the recognition that the altogether ca. 18.8 million<sup>18</sup> (an EU membership increase of only 3.69%) potential new members are in every respect as "true" Europeans as they themselves. To substantially flank the "waiting time", the "Berlin Process" could be extended after 2017 for another five to ten years.

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<sup>18</sup> Albania: 3.162.000; Bosnia and Hercegovina: 3.834.000; Kosovo: 1.806.000; Macedonia: 2.106.000; Montenegro: 621.000; Serbia: 7.224.00 (all figures from 2014; EU membership: 506.860.000).

But also the Western Balkans states themselves should take measures to bridge the long time from now until the 28<sup>19</sup> parliaments' and referenda give their final green light. Thus, the remaining six Western Balkans countries should, parallel to their ongoing "bureaucratic" accession negotiation processes, chapter by chapter, with the Brussels institutions, join together to form something like a "*Union of the Western Balkans*" in order to open an exclusive, political negotiation "process" *sui generis* directly with the 28 capitals.

The 28 member states should be convinced to eventually integrate the remaining six as a "Six Pack" altogether, let us say, by 2025. The initiative for this "track-two" initiative must come from the side of the "package" of six. This requires that they put their individual membership goals aside. "United we are strong(er)" is how this strategy should read. The "Union" should meet, in turn, monthly, in the form of retreats with "advisors" from the outside. There should be at least one meeting between the "Six Pack" and the 28 per EU-Presidency. The strategy should be embedded into a hearts-and-minds winning public relations approach vis-à-vis the public of the 28 member states: "*We, the 34 – a richness of cultures, homogeneous in values, pluralistic in thinking, democratic in action.*"

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<sup>19</sup> Probably only 27 after the UK will have left the EU.

# **Refugees/Migrants Imbroglia and EU Enlargement: What Consequences for Macedonia?**

*Dane Taleski*

## **Introduction**

Western Balkans countries face many obstacles to democratize and EU accession has been seen as the key instrument to overcome the impediments. However, the environment in the EU is not favorable to enlargement, and as a consequence there has been a slow-down of the process and a shift of focus. Enlargement which at its core is a security policy became a technocratic process in which stability was often seen primary to advancing democracy. In such a context, the refugees/migrant crisis gave a new impetus in the relations between the EU and the Western Balkan countries.

The primary interest of this chapter is to see what effect, if any, has the refugee/migrant crisis had on EU enlargement policy toward Macedonia? When EU's approach in Macedonia is traced from 2001 to 2016, then one sees that a rise of a complicated environment in the EU, and negative for enlargement, had adverse effects in Macedonia, and that the refugee/migrant crisis further increased the negative tendencies. The changing nature of the process allowed the EU to continue with its enlargement policy de jure, but de facto the policy lost the democratization momentum. Multitude of crises in the EU, rise of authoritarianism in EU and disintegrative tendencies have contributed toward increasing environmental incentives for crisis and disintegration in a complex country like Macedonia. In conclusion, the chapter argues that it is necessary to bring enlargement back to its basis and to aim to build democracies for the sake of a common security.

## **Theoretical Expectations and Developments in Practice**

Some SEE countries are regarded as democracies (e.g. Slovenia, Croatia and Romania), while others are labelled as hybrid regimes (e.g. Montene-

gro, Albania, Macedonia, Bosnia and Herzegovina, Kosovo).<sup>1</sup> Slovenia and Croatia are regarded as being ahead in democratic development, while Bosnia-Herzegovina, Kosovo, Macedonia, Montenegro and Serbia are still fragile. A variety of domestic issues and external factors hamper democratization.<sup>2</sup> In the post-conflict period, power sharing imposed a complicated institutional design for functioning of democracy in South East Europe and other factors slowed down democratization.<sup>3</sup> Authoritarian parties have prevented regime change and impeded democratization in SEE,<sup>4</sup> and absence of sovereignty and state legitimacy presented problems for democratization in the Balkans.<sup>5</sup> Lacks of democratic tradition weak institutions and weak civil society have been another set of obstacles for democratization.<sup>6</sup> There are also challenges from populist movements, from criminal groups and individuals, corruption, and shadow economy.<sup>7</sup> For example, it is argued that Bosnia and Herzegovina has been unable to make democratic progress because of structural impediments set in the Dayton agreement, permanent instrumentalization of etho-nationalism and prolonged socio-economic problems.<sup>8</sup> In Serbia, there is diminished willingness for activism and participation in political activities and majority of citizens expect changes to come from outside.<sup>9</sup>

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- <sup>1</sup> Berglund, Sten, et al (Eds): *The handbook of political change in Eastern Europe* (3rd ed.). Cheltenham 2013.
  - <sup>2</sup> Bieber, Florian and Ristic, Irena: *Constrained democracy: The consolidation of democracy in Yugoslav successor states*. In: *Southeastern Europe*, 36(3)/2012, pp. 373-397.
  - <sup>3</sup> Bieber, Florian: *Power Sharing and Democracy in Southeast Europe*. In: *Taiwan Journal of Democracy*, Special Issue/2013, pp. 129-148.
  - <sup>4</sup> Dolenc, Daniela: *Democratic Institutions and Authoritarian Rule in Southeast Europe*. ECPR press 2013.
  - <sup>5</sup> Vucetic, Srdjan: *From Southern to Southeastern Europe: Any lessons for democratisation theory?*, In: *Southeast European Politics*, 5(2-3)/2004, pp. 115-141.
  - <sup>6</sup> Jese Perkovic, Ana: *The European Union and the democratization process of the Western Balkans: A critical perspective*. *Southeastern Europe*, 38(1)/2014, pp. 112-33.
  - <sup>7</sup> Brusis, Martin: *Assessing the state of democracy, market economy and political management in Southeastern Europe*. In: *Southeast European and Black Sea Studies*, 6(1)/2006, pp. 3-24.
  - <sup>8</sup> Džihic, Vedran: *Failing promise of democracy: Structural preconditions, political crisis and socioeconomic instability in Bosnia and Herzegovina*. *Southeastern Europe*, 36(3)/2012, pp. 328-348.
  - <sup>9</sup> Matic, Jovanka: *(Too) high expectations of democracy in Serbia? Interpretation of empirical research results*. In: *Southeastern Europe*, 36(3)/2012, pp. 304-327.

EU accession is seen as one of the instruments, among the strongest one, to support democratic reforms. The promise of EU membership is considered to be among the strongest incentives for democratization.<sup>10</sup> It is a strong push for undertaking democratic reforms; however, political elites often fail to comply with EU rules.<sup>11</sup> It is argued that EU political conditionality has significant influence for democratisation.<sup>12</sup> If EU offers membership, then a country should undergo political reforms which support democratization to meet the accession criteria. However, if there is no clear path to membership, but only partnership and cooperation with the EU, then it is not sufficient to sustain democratic change.

On the other hand, there have been serious changes in EU's paradigm toward enlargement. There was a prolonged talk of EU enlargement fatigue. This has been exacerbated by the statement of Jean-Claude Juncker, upon becoming President of the EU Commission, that enlargement is not to be expected in the near future.<sup>13</sup> There is also a lack of appetite to support enlargement in EU member states' capitals. For example, the envisaged constitutional referendums in France and in the Netherlands put a high hurdle to cross in next enlargement rounds. In addition, when Dutch voters in a referendum rejected Ukrainians' EU perspectives, then this sent negative shock-waves for the future of EU enlargement.<sup>14</sup> The prolonged financial, economic and institutional crises in the EU are additionally complicating things. In addition, it is very likely that the most unfortunate Brexit will have negative effects on EU enlargement.

The EU response, in a context of all of these adverse factors, has been to slow down enlargement and to make it more inert. The EU has shifted its

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<sup>10</sup> Jese Perkovic, Ana: The European Union and the democratization process of the Western Balkans: A critical perspective. *Southeastern Europe*, 38(1)/2014, pp. 112-33.

<sup>11</sup> Noutcheva, Gergana: Fake, partial and imposed compliance: The limits of the EU's normative power in the Western Balkans. In: *Journal of European Public Policy*, 16(7)/2009, pp. 1065-1084.

<sup>12</sup> Schimmelfennig, Frank and Scholtz, Hanno: EU democracy promotion in the European neighbourhood: Political conditionality, economic development and transnational exchange. In: *European Union Politics*, 9(2)/2008, pp. 187-215.

<sup>13</sup> Juncker to halt enlargement as EU Commission head. In: *EUbusiness* (15 July 2014) (available at <http://www.eubusiness.com/news-eu/politics-juncker.x29>).

<sup>14</sup> Bieber, Florian: How the Dutch Referendum Killed EU enlargement (7 April, 2016), BiEPAG blog (available at <http://www.suedosteuropa.uni-graz.at/biepag/node/203>).

priorities to ‘front-loading’ chapters 23 and 24 (Judiciary and Fundamental Rights and Justice, Freedom and Security) in the accession process and changing the format of the regular EU annual reports. The new report format tracks implementation and functioning of democracy, and provides a stock taking exercise of the state of democracy in a given country. The first reports done in this format show a worrisome picture that democratic reforms still face many problems. The Western Balkan (WB) region is facing a standstill in democratic reforms and a rise of authoritarian tendencies.<sup>15</sup>

It is in this context that the refugees/migrants crisis is putting the EU-WB relations to the test. The promise of EU accession is distant and therefore the effectiveness of political conditionality is rather weak. The EU appears in lack of instruments to discipline irresponsible political elites. And in the face of perceived threat from the refugees/migrants, the EU may even welcome all cooperative partners from the Western Balkan region, regardless of their credentials and commitments to democracy.

### **EU’s approach toward Macedonia**

The EU relations with Macedonia changed several times. In 2001, the EU along with the US was involved in conflict mediation and after that the EU was involved in the implementation of the peace agreement, reconstruction and reconciliation. In 2005, Macedonia received the status of an EU candidate country. From 2009, the European Commission (EC) has recommended opening accession negotiations with Macedonia; however, Greece is blocking the decision because of the unresolved “name-dispute”. The EU remained engaged in mediating the internal political crises and dealing with the deadlock over the years.<sup>16</sup>

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<sup>15</sup> Freedom House, Nations in Transit 2015 (available at <https://freedomhouse.org/report/nations-transit/nations-transit-2015#.VwGCH5x96W8>). Bertelsmann Transformation Index 2016 (available at <http://www.bti-project.org/en/home/>).

<sup>16</sup> For example, EU was involved in brokering a way out from the political and inter-ethnic impasse 2006-2008, Commissioner Stefan Füle pushed for an agreement to settle the political crisis between the government and the opposition in 2012, when the government forcefully ejected journalists and opposition MPs from parliament, and Commissioner Johannes Hahn played a similar role in 2015, after wire-tapped materials showing gross abuse of power were released.

The clear future perspective for Macedonia to become an EU member state provided the basis for involvement of the EU. The involvement of the EU was in the framework of its enlargement policy and priorities. However, the loss of interests for EU enlargement and the decreasing priority for this policy, had consequences for EU's approach in Macedonia. One can trace the changes, over three time period.

*I period 2001 – 2008:* In the first period, EU enlargement policy was regarded and used as a tool to support democratization. In the first several years of this period the EU, with the support of the US, was involved in improving inter-ethnic relations after the inter-ethnic conflict. Macedonia and EU signed a Stabilization and Association Agreement, which set the contractual framework for relations and initiated the Stabilization and Association process. Having a clear enlargement outlook, the country started to adopt the EU *acquis*. Most of the policy making was driven by the annual *acquis* approximation programs. The EU started to get more heavily involved in institutional capacity building. Within the EU there was a consensus between EC and member states about EU's policy toward Macedonia, and the country was even granted a candidate status in 2005. EU's political conditionality was at its highest. It facilitated key elements of the Ohrid Framework Agreement that stopped the conflict in 2001, to be implemented, for example decentralization and equitable representation of ethnic minorities in public administration.

*II period 2009 – 2013:* In the second period, EU enlargement was mostly used as a technocratic tool. The EC was pushing policy reforms that were in line with the EU agenda in Macedonia. As an outcome the country received visa liberalization with the EU Schengen area and got EC recommendation to open accession. However, the EU neglected to address properly the various facets of a rising political crisis. The rise of authoritarian governance and the spread of bad governance practices, such as clientelism and corruption, were not acknowledged by the EU and were not addressed properly. Instead of trying to initiate substantial political reforms and prevent backsliding of democracy, the EU answer was to invent new policy instruments, focused on technocratic reforms. For example, the EC came out with a High Level Accession Dialogue (HLAD), which basically provided a road map for policy changes, when governance became problematic and internal political relations were becoming tense. It was a 'light'

instrument for a growing problem. The change in EU's approach coincided with the increasing enlargement fatigue and the financial crisis. In lack of a clear EU perspective, the effectiveness of political conditionality started to erode. At the same time, the US left the EU to have the dominant say in efforts to democratize the Balkans. However, in its policy toward the Western Balkans, the EU started to prioritize security before democracy.

*III period 2013 – 2016:* In the third period, Macedonia became politically unstable and the EU was involved in mediation and conflict prevention. The EU Commissioner for enlargement was frequently involved in shuttle diplomacy trying to resolve the political crisis. Most of the efforts were to keep the country on “track” to the EU. However, the EU did not acknowledge the root causes of the crisis, which were failure of democracy, state capture and huge rule of law failures. The EU oversaw the rise of a corrupt authoritarian regime, or its representatives chose to look the other way. The EU insisted on institution building in cases where it was clear that institutions became completely dysfunctional. For example, when police used brute force to throw out journalist and opposition MPs, the EU facilitated negotiations between government and opposition that ended with an agreement to improve parliament's rule of procedure. The agreement was never implemented. When the opposition left the parliament in 2014, and started to release wire-tapped materials in 2015, the EU tried to improve intra-party cooperation and restore a 'facade' democracy. The EU read the complete meltdown of democracy in Macedonia as a power struggle between government and opposition. In this period, the EU crises continued and the US was still stepping back from the Balkans. Disintegration tendencies within the EU, like the unsuccessful Grexit and most unfortunate Brexit, further disabled the EU to engage in the Balkans, in general, and in Macedonia, in particular. In addition, the migrant crisis contributed to the complexity. There was a divergence in the EU, as to how to handle the migrant crisis. Security concerns dominated the policy discussions. Stability was a top priority. Some new EU member states actively supported Macedonia to become the first line of defense for “fortress Europe”. While the EC was trying to resolve the internal political crisis, for some EU member states a failing authoritarian regime was good enough partner to ensure strict border management.

## Effects in Macedonia

The EU has witnessed degradation of democracy and the rise of authoritarianism in Macedonia. Social, political and ethnic inequalities are also on the rise. The country is engulfed in deep political polarization that even challenges the common vision for the future. It does not necessarily mean that there is another alternative provided, but it means that the attractiveness of the EU is losing its appeal.

Citizens faced with uncertain EU perspective, and personal perspective, stagnating socio-economic conditions and increasing authoritarian tendencies have two options: voice or exit. To voice means to join social movements and protests that want to change the status quo. There are social movements and protests that try to bring political changes, and there are ethnic social movements that try to improve the position and status of ethnic minorities, and some among them even make federalist demands. To exit means to leave the country, either through seeking economic asylum or finding another way to integrate in foreign countries and labor markets, and primarily those of EU member states.

Macedonia managed its borders efficiently during the refugee/migrant crisis; notwithstanding that the country received significant support in personnel, material and technical equipment from some EU member states (e.g. Austria, Slovenia, Croatia, Višegrad group). However, the country's political stability was shaken by a series of strong anti-government protests in the first half of 2015 and after April 2016. Maintaining public order and security was put under question.

The EC commissioned an independent experts' senior group to review the situation in Macedonia. The main finding of the experts' group was rather embarrassing for the EU: state capture and gross abuse of power were the main problems in Macedonia.<sup>17</sup> One has to wonder, how is it that this is the

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<sup>17</sup> The former Yugoslav Republic of Macedonia: Recommendations of the Senior Experts' Group on systemic Rule of Law issues relating to the communications interception revealed in spring 2015, pp 4. Available at: [http://ec.europa.eu/enlargement/news\\_corner/news/news-files/20150619\\_recommendations\\_of\\_the\\_senior\\_experts\\_group.pdf](http://ec.europa.eu/enlargement/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.pdf).

outcome after 15 years of EU's involvement in Macedonia, and support for reforms and democratization? And at the same time, the appeal of the EU is losing strength.

One answer is that the crises in EU (i.e. economic and financial, rise of authoritarianism in EU and disintegrative tendencies) contribute toward increasing environmental incentives for crisis and disintegration in a complex country as Macedonia. The refugees/migrants crisis came as the latest element in the puzzle and it contributes in the same direction. The point is that there has been an adverse process. Enlargement fatigue, divisions between EC and member states, handling EU enlargement as a technocratic process, prioritizing stability before democracy and therefore maintaining a facade democracy has led to an empowerment of authoritarian tendencies. This is completely contrary to priorities and outcomes attached to EU's enlargement. Instead of functional democracies in the Balkans, there is a production of captured states and feudal overlords.

## **Conclusion**

To remedy the situation one needs to go back to the basis of EU enlargement. This means to provide support for democratization and instigate country's transformation process to be able to meet EU criteria for accession. The whole process matters. Only in this way, will Macedonia and the other Western Balkans countries, be able to provide sustainable contribution for stability and security of the EU.

The EC has a mandate to do at least couple of things to reinvigorate EU enlargement. First, it should treat enlargement issues beyond the necessary technocratic policy changes. To reinvigorate democracy the EC needs to directly assist civil society, and to advocate and demand more inclusive policy and decision making. The EC should pay attention that basic rights and freedoms are respected and upheld in practice, and to ensure the quality and effectiveness of public service provision, especially in combating corruption and organized crime and tackling political criminality. This is primarily the task of national authorities; however, since the EU has decided to "front-load" chapter 23 and 24 in the accession process, then the EU should further operationalize its rule of law support. For example, setting up of new 'special' institutions with investigative and prosecutor's compe-

tences significantly improve the fight against corruption and political criminality in Croatia and Romania, and is seen as the most important legal instrument to provide resolution of the crisis in Macedonia.

In addition, if there is willingness among EU member states more things can be done to reinvigorate EU enlargement. For example, the EU can open accession talks with all Western Balkans countries, or at least pave a way for sectoral integration of the region in the EU. One way is following the EC's fundamentals first approach and opening accession negotiations with all countries on chapters 23 and 24. Another way is to follow and empower the Berlin process, that is focused on regional projects in infrastructure, energy and improving connectivity, and open accession negotiations on chapters 14 (Energy) and 15 (Transport), or even upgrade to opening accession talks on chapters 1 to 4 about movement of goods, labor, services and capital. If there is sufficient willingness across EU member states, they can even grant Western Balkans countries access to EU structural funds.

These policy recommendations are not specific for Macedonia; however, the country would benefit from any of them. The country needs to get back on the democratic road toward the EU. It would be good if the EU can act as a pull factor. Macedonia needs to re-institute impartial and strong rule of law. The EU should support the Special Public Prosecutor, established on basis of the EU brokered agreement in June/July 2015, and it would help to reform and empower the rest of the judiciary by opens negotiations on ch. 23 and 24. These are not new requests made to the EU. It is a request to reinvigorate enlargement and to bring it back to the basic initial approach when it was geared directly toward building functional democracies in the Western Balkans.

## The EU as a Role Model Still Undisputed? – Serbia’s Case

*Aleksandra Joksimović*<sup>1</sup>

### **As well as being the EU’s backyard, the Balkans are the “underbelly” of Brussels’ diplomacy**<sup>2</sup>

The EU is no longer what it was in the last decades of the previous century: a group of developed European countries, part of the Euro-Atlantic alliance at the rise and progress – the winner of the decades-long ideological and bloc competition. The differences in the attitudes of the Member States concerning certain issues, such as the treatment of migrants or settlement of debts created mistrust. From the major promoter of democratic values, some EU countries are more and more suffering from democratic deficit, while the new European populist slogans and extreme-right movements, additionally caused by terrorist acts, sometimes uncomfortably remind of the 1930s.

In such an atmosphere, countries in the Western Balkans, which share the same strategic foreign policy goal, full EU membership, are still suffering from post conflict discomfort and are trying to find solutions for open questions. As falling down at the list of priorities of the EU concern, Western Balkan countries are following European trends, losing stability one after another, primarily due to the internal political crisis.

Other foreign policy issues have taken precedence for the EU from the Ukraine to Syria, and the Western Balkans have inevitably fallen down in its list of foreign and security priorities, accompanied by a drawing down of the NATO and EU military presence in the region. A Balkan fatigue has set in, after two decades of international involvement.<sup>3</sup>

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<sup>2</sup> Ivan Krastev, The Balkans are the soft underbelly of Europe, Financial times, January 14, 2015, Internet: <http://www.ft.com/cms/s/0/2287ba66-8489-11e4-bae9-00144feabdc0.html#axzz48o626on6>.

<sup>3</sup> Francisco de Borja Lasheras with Vessela Tcherneva and Fredrik Wesslau, Return to Instability: How Migration and Great Power Politics Threaten the Western Balkans,

In the rapidly changed international environment, the countries in the Western Balkans are influenced by other players like Russia and Turkey, that could not dramatically influence political trends, but could severely challenge Euro-optimism of the population.

### **Serbia's early elections – causes and results**

Many analysts compared the early elections in Serbia 2016, with a de facto referendum on EU membership. In a recent interview with Aleksandar Vučić, in “Politico” he described Serbia's vote as a battle between extreme nationalist and pro-European forces.<sup>4</sup> When Vučić called for early elections this year, he had multiple objectives in mind.

Calling for parliamentary elections allowed him personal involvement into the campaign. Such involvement increased the SNS (Serbian Progressive Party) results on the local level as well as in the province of Vojvodina.

A notional referendum between the EU and Russia, usually used in media analyses, was not substantial in the overall campaign message. It was the message to SNS members. Vučić hoped to isolate members that were still loyal to the President of Serbia and founder of his party Tomislav Nikolić and win his inter-party battle. The Prime Minister was leading a substantially pro-European campaign, contrary to the more and more pro Russian position of President Nikolić.

In accordance with the previous objective, new elections gave the mandate to Vučić for intra governmental personal changes. Reconstructing the government instead of conducting new elections seemed more risky for the Prime Minister.

Finally, Vučić counted that the Democratic Party (DP) and many of the smaller parties – which grew out of a popular movement against Milošević – would not be able to reach the 5 percent parliament entry

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European Council on Foreign Relations, ECFR/163, March 2016, Internet: [http://www.ecfr.eu/page/-/ECFR\\_163\\_RETURN\\_TO\\_INSTABILITY.pdf](http://www.ecfr.eu/page/-/ECFR_163_RETURN_TO_INSTABILITY.pdf).

<sup>4</sup> Srdjan Cvijic, Serbia election: EU grasping at straws, Brussels, <https://euobserver.com/opinion/133226> 27.04.2016., Internet: 05.05.2016.

threshold. The DP was treated as a major opponent inspite its own vulnerability.

As many as seven political parties or coalitions managed to enter the parliament, without even counting the minority parties to which the 5 percent threshold does not apply.<sup>5</sup>

Inspite of the confusion linked to the electoral results after the electoral day, the overall overview of the electoral process due to ODIHR was positive:

„The 24 April 2016 early parliamentary elections offered voters a variety of choices. The election administration performed its duties efficiently and generally enjoyed the trust of the electoral stakeholders. Although fundamental freedoms were respected, biased media coverage, undue advantage of incumbency and a blurring of distinction between state and party activities unlevelled the playing field for contestants. Election Day procedures were generally conducted in accordance with the law in the limited number of polling stations visited by international observers. The legislation provides an overall sound basis for the conduct of democratic elections in line with OSCE commitments and other international obligations and standards. However, a number of previous recommendations by the OSCE/ODIHR and the Council of Europe’s Venice Commission remain unaddressed. Key shortcomings include insufficient rules on candidate registration, ineffective measures against the misuse of administrative resources for campaigning, inadequate regulation of campaign finance, deficiencies in dispute resolution, absence of sanctions for certain violations, and the lack of provisions on observers.“<sup>6</sup>

Vučić himself won the same, 48 percentage of votes, but more popular votes than in previous elections. Vučić’s victory is less convincing since the number of parliamentarians coming from his party dropped significantly (from 158 seats after the 2014 elections to 131 now).

Despite a serious erosion of credibility and legitimacy since they came to power in 2000, the DP (the only member of the Socialist International and the Party of European Socialists from Serbia) will remain in the parliament

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<sup>5</sup> Electoral polls issued two months before the elections by the prominent IPSOS STRATEGIC MARKETING predicted precise results. There were no surprises.

<sup>6</sup> International Election Observation Mission, Republic of Serbia — Early Parliamentary Elections, 24 April 2016, Statement of preliminary findings and conclusions, Belgrade April 25th 2016, Internet: <http://www.osce.org/odihr/elections/serbia/235936?download=true>.

and will most probably lead the opposition. A hardly preserved position in the political life was almost immediately lost by the call of the previous DP President Bojan Pajtić to party supporters to vote for the right-wing coalition Dveri-DSS at a repeated voting at some polling stations due to irregularity on the electoral day.<sup>7</sup>

Vučić's strategy gave some results – in particular in Vojvodina the results for his party were better than ever. But on the republican level, in spite of advanced popular vote he lost substantial number of MPs. Thanks to the D'Onts system in 2012, SNS have got additional 15% of MPs. This time it was only 3%. Some of pre-electoral targets, like central Belgrade municipalities where DP was on power for more than two decades were failures. Symbolically, it was important for Vučić to make a shift in those urban areas.

### **Election results**

The coalition around the SNS, “Aleksandar Vučić – Serbia is winning“, won 48.25% of the total votes (1,823,147 votes). The coalition of the Socialist Party of Serbia (SPS) won 10.95% (413,770 votes), while the Serbian Radical Party (SRS) won 8.10% (306,052 votes).

The “It's enough” movement won 6.02% (227,626 votes), the DP coalition 6.02% (227,589 votes), the coalition Dveri-DSS won 5.04% (190,530 votes), the liberal-socialdemocratic coalition of LDP-SDS-LSV 5.02% (189,564 votes).

Minority lists who entered into the Parliament are the Hungarian SVM (56,620 VOTES), the Bosniac Democratic Community (BDZ) of Muamer Zukorlić (32,526 votes), SDA Sandžak of Sulejman Ugljanin (30,092 votes), Green Party (23,890 votes) and the Albanian PDD (16,262 votes).

Lists with Russian prefix, 9 of them, won negligible number of votes. 3,778,923 voters voted, what is 56.07% of the electorate.<sup>8</sup>

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<sup>7</sup> Srdjan Cvijic, Serbia election: EU grasping at straws, Brussels, <https://euobserver.com/opinion/133226> 27.04.2016., Internet: 05.05.2016.

<sup>8</sup> Beta, RIK objavio konačne rezultate izbora, u skupštini predstavnici 12 lista, Novosti,

The major change after the elections will be return of anti-European parties into the parliament- SRS led by Vojislav Šešelj, a Hague indictee, whom the Hague Tribunal have found not guilty in the first trial, achieved 8.03%. The coalition DSS-Dveri, who hardly passed the census, is the second list openly advocating a pro-Russian policy.<sup>9</sup>

The strengthening of the extrem right is a European trend, but the fear of pro-Europeans is that harmonization of the Serbian legislation with the *acquis communautaire* will be jeopardized with the parliamentary obstruction from pro-Russian parties.

In the province Vojvodina, Vučić has reached a substantial majority result. According to the website of the Province's Electoral Commission, the list "Aleksandar Vučić – Serbia wins" won 44.48 percent of the votes in Vojvodina, making a total of 63 parliamentary seats, out of 120.

The second is a list of the coalition of theSPS, United Serbia (JS) and the Patriotic Movement of Serbia, which won 8.86 percent of the votes, or 12 seats. Democratic Party coalition won 10 seats (7.24%) as well as the "Dr. Vojislav Šešelj – Serbian Radical Party," (7.66%).

The list "Nenad Čanak – League of Social Democrats of Vojvodina – keep your head up" won 6.43 percent of votes and nine deputy mandates.

The following list is "Enough is enough – Saša Radulović" with 5.54 percent of the votes and seven seats, followed by the "Alliance of Vojvodina Hungarians – Istvan Pastor," which won 4.88 percent of the votes and six seats.

In addition, the list "Hungarian Autonomy Movement – Dr. Tamas Korhec – DZVM – Aron Čonka", which won 1.71 percent of the votes

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Beograd 5.5.2016, Internet: <http://www.novosti.rs/vesti/naslovnja/politika/aktuelno.289.html:603886-RIK-objavio-konacne-rezultate-izbora-u-Skupstini-predstavnici-12-lista>.

<sup>9</sup> DSS was previously led by Vojislav Koštunica, the ex-President and former Prime Minister of Serbia, now led by Sanda Rašković Ivić, daughter of Croatian Serb Dr. Jovan Rašković. Dveri (Gate) is a pro-Russian party, supported by the Serbian Orthodox Church.

and two mandates, as well as the Green Party with 1.14 percent of the votes and a parliamentary mandate, are represented in the provincial parliament.<sup>10</sup>

The overall results have shown that Vučić could form the government of the province of Vojvodina with the votes of the Hungarian minority Party „Alliance of Vojvodina Hungarians“. Coalitions on the republican level might have an influence on the Vojvodina government as well.

In spite of controversial signals, it is most probable that the SPS will continue participating in the government, or at least support it.

Serbia's foreign policy and the messages from the new government will remain in the same line – EU membership as the strategic foreign policy goal, constructive regional policy, maintaining military neutrality, with no sanctions imposed to Russia.

### **Migrant crisis**

The Western Balkan countries have been largely cooperative in responding to the crisis – at least in the early stages, as long as the migrants continued northward. Fresh memories of the refugee flows caused by the Balkan wars of the 1990s mean that large parts of the population are sympathetic to the plight of refugees and willing to support humane policies – in contrast to many EU countries. Regional leaders have also seen the crisis as an opportunity to be “good Europeans”, partly driven by the desire to offset the criticism that the region is a source of illegal migration to the EU.<sup>11</sup>

In Serbia, internally, crisis hasn't caused substantial disturbances like in the EU countries. Most of the camps have been located in the poor part of the country, with predominant Albanian population, at the South of Serbia.

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<sup>10</sup> Beta, PIK objavio konačne rezultate izbora u Vojvodini, B92, Novi Sad 4.5.2016, [http://www.b92.net/info/vesti/index.php?yyyy=2016&mm=05&dd=04&nav\\_category=11&nav\\_id=1127554](http://www.b92.net/info/vesti/index.php?yyyy=2016&mm=05&dd=04&nav_category=11&nav_id=1127554).

<sup>11</sup> Francisco de Borja Lasheras with Vessela Tcherneva and Fredrik Wesslau, Return to Instability: How Migration and Great Power Politics Threaten the Western Balkans, European Council on Foreign Relations, ECFR/163, March 2016, Internet: [http://www.ecfr.eu/page/-/ECFR\\_163\\_RETURN\\_TO\\_INSTABILITY.pdf](http://www.ecfr.eu/page/-/ECFR_163_RETURN_TO_INSTABILITY.pdf), p.2.

The presence of migrants has become an economical category, since local economies have flourished thanks to the contribution of migrant population. Contrary to internal reactions, bilateral relations in the Western Balkans quickly deteriorated, and regional leaders traded insults and accusations, drawing attention on tensions dating back to the Yugoslav wars. The migrant crisis was one of the misused topics in the Croatian electoral campaign in 2015. “Until I see the Budapest – Belgrade axis stop burdening Croatia with refugees, I will remain convinced that (the Serbs) are doing something behind our back”, Croatian Prime Minister Zoran Milanović said at that month’s EU summit on migration.<sup>12</sup>

### **Regional developments and the role of Serbia**

Internal political instability is present in most of the Western Balkan countries (including Croatia, the youngest EU member state). Macedonia, which has been blocked in the EU and NATO integration due to a Greek veto, has had big troubles to find a solution for free and fair elections. The late involvement of Western partners could not yet contribute to the stabilization of this country. Montenegro, which is heading in the EU integration process and was invited to become a NATO member, has been confronted with opposition protests that have been openly supported by Russian officials, in order to stop NATO enlargement. Bosnia and Herzegovina is destabilized in both entities, economically devastated, with no vision for a functional state. The situation in Kosovo has been characterized by tear gas attacks in the Parliament and by an opposition that has opposed everything what was agreed in Brussels with Serbia. This rising extremism is jeopardizing the further negotiation process, which is crucial for regional stability. The only currently regional stability providers are Albania and Serbia.

In the European Commission Progress Report 2015 for Serbia, regional cooperation was marked as positive.<sup>13</sup>

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<sup>12</sup> Aleksandar Vasovic and Ivana Sekularac, “Serbia bans Croatian goods as ties hit low over migrants”, Reuters, 24 September 2015, available at <http://uk.reuters.com/article/uk-europe-migrants-serbia-croatia/idUKKCN0RN0RY20150923>.

<sup>13</sup> European Commission, Serbia 2015 Report, Regional issues and international obligations, Brussels 10.11.2015., Internet: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2015/20151110\\_report\\_serbia.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_serbia.pdf), pp 19-21.

„Regional cooperation and good neighbourly relations form an essential part of Serbia’s process of moving towards the EU. Serbia has shown a constructive commitment to good neighbourly relations. Serbia has also continued to participate actively in regional initiatives such as the South-East Europe Cooperation Process, the Brdo process, the Regional Cooperation Council and the Central European Free Trade Agreement.“

Relations with Albania improved overall. Serbia and Albania exchanged visits on the highest level. Visit to Serbia by Albania’s Prime Minister in November 2014 was the first of its kind in 68 years. The Serbian Prime Minister’s visit to Tirana in May 2015 was the first ever.

Relations with the Former Yugoslav Republic of Macedonia were further upgraded. A joint session of the two governments took place in February 2015 in Skopje at which several cooperation agreements were signed in different fields.

Relations with Montenegro improved from 2012 onwards. Personal relations of high level officials contributed to the impression that Serbia does not interfere into internal political dynamics in Montenegro.

Relations with Bosnia and Herzegovina remained good. The chair of Bosnia and Herzegovina’s Presidency visited Belgrade and the Serbian Prime Minister visited Sarajevo in May 2015. The Serbian Prime Minister’s attendance at the commemoration of Srebrenica genocide in July sent a positive message.

In spite of good remarks from the European Commission side, it would be necessary to mention that the year 2015 was difficult for regional cooperation due to the anniversary of the Srebrenica massacre, the Dayton agreement and the military operation “Oluja” (Storm) in Croatia. All those anniversaries re-awakened – in different national communities – negative sentiments from the nineties.

Relations with Croatia are declining. The anti-Serb campaign remained on the agenda even after the election of the new government in Croatia. Misunderstandings between the two countries culminated with the Croatian attempt to block Serbia in opening Chapter 23 in its negotiations with the EU. The instability of government in Croatia led to new elections cycle

but with different result concerning the composition of the government. Newly elected HDZ Prime-Minister Plenković opposed some of the most radical ministers from the previous government. With his personal EU background and moderate approach, assumptions for the further normalisation were fulfilled. Unfortunately, it appeared more difficult to step back for both sides, Croatia and Serbian as well. Croatia has shown as obstacle for the Serbian enlargement process, as well as some of Serbian ministers left diplomatic area of speech in reacting on Croatia steps. The Croatia approach today is not influencing only bilateral relations, but the overall perception of EU in Serbia, that is a far more dangerous development.

### **Normalisation of relations between Serbia and Kosovo**

„Overall, Serbia and Kosovo have remained engaged in the dialogue and committed to the implementation of the April 2013 First agreement of principles governing the normalisation of relations and other agreements reached in the dialogue. The steps taken gave fresh momentum in the normalisation of relations and should have a positive and concrete impact on the everyday life of citizens in both Kosovo and Serbia. Further progress in this area remains essential for advancing the European future of both Serbia and Kosovo.“<sup>14</sup>

The implementation of already achieved agreements in some areas has continued, albeit at a slower pace.

Key agreements were finalised on 25 August 2015. General principles/main elements on the establishment of the Association /Community of Serb majority municipalities in Kosovo (ASM) through the adoption of its Statute were agreed, but not yet implemented.

The negotiating chapters energy sector, telecommunication and reopening of the Mitrovica bridge to all traffic by summer/not later than June 2016, are still to be implemented.

The vulnerable political situation, protests against the implementation of the ASM in Pristina, tear gas attacks and the unpredictable political developments in Kosovo, that are not only connected to the Belgrade-Pristina

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<sup>14</sup> European Commission, Serbia 2015 Report, Normalization of relations between Serbia and Kosovo Brussels 10.11.2015., Internet: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2015/20151110\\_report\\_serbia.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_serbia.pdf), pp 19-21.

talks, are postponing progress in the implementation of the Brussels Agreements.

Without further involvement of the EU (and US) in the negotiation process, and without the involvement of the highest political level officials from Belgrade and Pristina, it would be hard to expect any further progress in the implementation of already agreed issues, as well as in the continuation of normalisation of relations.

### **Freedom of expression**

The European Commission Progress Reports for the WB countries have shown a deficit in regard to freedom of expression. A special report was issued in May 2016, on media freedom, comparing the reports of the US-based nonprofit organization IREX, Freedomhouse and Reporters without Borders.

As part of their EU agenda, the Western Balkan countries have largely aligned their relevant legislation with EU standards. However, inadequate implementation remains a concern. In all these countries opaque media ownership, financial instability in this sector, intimidation and pressure on journalists and poor working conditions, put spokes in the wheel of independent journalism, encourage self-censorship, and broadly interfere with the media's key role in informing the public.

„The World Press Freedom Index provided by “Reporters without Borders” shows that “media freedom is in retreat”, with FYR Macedonia and Montenegro ranked lowest in the region. According to Freedom House’s 2016 Freedom of the Press ranking, media is 'partly free' in all Western Balkan countries except FYR Macedonia, where press freedom has significantly declined and is assessed as “not free.”

IREX's main messages regarding Serbia: The media sector in Serbia has witnessed delays in implementing three new media laws; an incomplete media privatisation process; smear campaigns against journalists; and general failures to respect ethical, professional and social norms. Historical and more recent cases of attacks against journalists and media outlets have prompted loud protests by the European Federation of Journalists. On a more positive note, the report highlights that the Prime Minister fired the Minister of Defence after he made a vulgar and sexist remark about a TV

B92 journalist, which had triggered protests by journalists.<sup>15</sup>

What should be added is that the assessments made in the European Commission Progress Report for 2011 and 2015 regarding the media sector were similar.<sup>16</sup> Finally, the global report on media freedom is showing a decline in all developed democracies.

“Most of the movement in the World Press Freedom Index unveiled today by Reporters Without Borders is indicative of a climate of fear and tension combined with increasing control over newsrooms by governments and private-sector interests.”<sup>17</sup>

Serbia is on the 59th place of the list, between 180 ranked countries, as the best positioned country of the region (Croatia 63, BiH 68, Albania 82, Kosovo 90, Montenegro 106, and Macedonia 118).

While concentrated on political issues in the WB, it is not expected that the EU will insist on the improvement of freedom of expression, particularly having on mind the deteriorating global trends in the media sphere.

## **Russian influence**

There is a growing sense in the region that the EU is falling apart and is not serious about integration. This is creating a power vacuum into which other actors, particularly Russia but also Turkey, are inserting themselves.<sup>18</sup>

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<sup>15</sup> European Parliamentary Research Service, Velina Lilyanova, Media freedom in the Western Balkans; state of play, European Parliament Briefing, May 2016, file://C:/Users/AJOKSIMOVIC/Downloads/EPRS\_BRI(2016)582009\_EN%20(1).pdf.

<sup>16</sup> European Commission, Serbia 2015 Report, Freedom of Expression, Brussels 10.11.2015, Internet: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2015/20151110\\_report\\_serbia.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_serbia.pdf), pp 17-18. European Commission, Serbia 2011 Report, Freedom of Expression, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2011/package/sr\\_analytical\\_rapport\\_2011\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/sr_analytical_rapport_2011_en.pdf), p.25.

<sup>17</sup> Reporters without borders, 2016 World Press Freedom Index – Leaders paranoid about journalists, Reports and Statistics, Internet <https://rsf.org/en/news/2016-world-press-freedom-index-leaders-paranoid-about-journalists>.

<sup>18</sup> Francisko de Borja Lasheras with Vessela Tcherneva and Fredrik Wesslau, Return to Instability: How Migration and Great Power Politics Threaten the Western Balkans, European Council on Foreign Relations, ECFR/163, March 2016, Internet: [http://www.ecfr.eu/page/-/ECFR\\_163\\_RETURN\\_TO\\_INSTABILITY.pdf](http://www.ecfr.eu/page/-/ECFR_163_RETURN_TO_INSTABILITY.pdf), p.1.

In July 2015, Russia vetoed a Western-backed resolution that referred to the Srebrenica massacre as genocide. This scored points with Serbia, which had reportedly asked Russia to use its veto power.<sup>19</sup> A few days later, Serbian Prime Minister Aleksandar Vučić and his delegation were pelted with stones by an angry mob at the commemoration of the massacre held in Srebrenica itself.<sup>20</sup>

The Russian influence on Republika Srpska creates additional pressure on Serbia – in particular on Prime Minister Vučić. Facing growing criticism, the President of Bosnia’s Serb-dominated entity Republika Srpska, Milorad Dodik, postponed a planned referendum which was intended to challenge the authority of the state judiciary. According to the Banja Luka-based political analyst Tanja Topić, the key element in persuading Dodik to put the referendum on hold was the role played by Serbia. In spite of Russian support, both the Serbian President Tomislav Nikolić and Prime Minister Aleksandar Vučić declined to support the referendum and openly called on Dodik to shelve the idea.<sup>21</sup>

However, Bosnia’s survival as a unified state cannot be taken for granted. If Russia openly backs the secessionist aspirations of the Republika Srpska, it could be the point of no return. Moscow’s decision in November 2014 to abstain in an UN vote authorising a prolonged EU mission to the country has led many to believe that the Kremlin is seriously considering such a move.<sup>22</sup>

In spite of a unified decision on imposing sanctions to Russia, EU is sending mixed messages to the WB region. Germany’s Minister for Economy,

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<sup>19</sup> “Serbia Asks Russia to Veto UN Resolution on Srebrenica”, Radio Free Europe/Radio Liberty, 4 July 2015, available at <http://www.rferl.org/content/serbia-russia-srebrenicagenocide-un-resolution/27109972.html>.

<sup>20</sup> “Incident u Srebrenici: Vučić pogoden kamenom u lice, delegacija evakuisana”, Blic online, 11 July 2015, available at <http://www.blic.rs/vesti/politika/incident-u-srebrenicivucic-pogoden-kamenom-u-lice-delegacija-evakuisana/0h1nyn3>.

<sup>21</sup> Daniel Kovacevic, Bosnian Serb Leader Postpones Controversial Referendum, BalkanInsight, Banja Luka, 9.2.2016, Internet <http://www.balkaninsight.com/en/article/bosnian-serb-leader-puts-controversial-referendum-on-hold--02-09-2016>.

<sup>22</sup> Ivan Krastev, The Balkans are the soft underbelly of Europe, Financial Times, January 14, 2015, Internet: <http://www.ft.com/cms/s/0/2287ba66-8489-11e4-bae9-00144feabdc0.html#axzz48o626on6>.

Sigmar Gabriel, called in March 2016 for the European Union to try to create conditions to lift sanctions imposed against Russia over the Ukraine crisis.<sup>23</sup> France's Lower House of Parliament voted in favour of lifting the EU sanctions against Russia in April, in a non-binding vote that went against the Socialist government's recommendation.<sup>24</sup>

French deputies voted by 55 to 44 in favour of the resolution to lift the sanctions slapped on Moscow by the 28-member EU after Russia annexed Crimea and the conflict with the Ukraine escalated. The French Parliament voted in favour of a resolution against the sanctions.

Russia is using its soft power to increase its influence in the region and to win the hearts and minds, while consolidating its presence in strategic sectors. Russia's policy towards the Western Balkans, in the present circumstances of confrontation and assertiveness towards the West, constitutes an immediate challenge to the EU's objectives of transformation. Russia is back, though its presence varies across different countries, and in an unpredictable manner.<sup>25</sup>

Russia was the fourth- and fifth-biggest investor in Serbia and Bosnia respectively in 2015, though the sums are modest compared to those of some EU member states.<sup>26</sup>

But destabilising the Balkans – if that is indeed what Moscow is trying to do – is a risky project. Russia can offer these societies neither a working economic model, nor an attractive political one. It cannot even pony up

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<sup>23</sup> Hannibal Hanschke, Germany's Economy Minister aims to get Russia sanctions lifted, Reuters, Berlin, Germany, March 16, 2016, internet: <http://www.reuters.com/article/us-ukraine-crisis-sanctions-germany-idUSKCN0WJ2VY>.

<sup>24</sup> Stefan Wermuth, French lawmakers adopt non-binding proposal to lift Russia sanctions, World, Apr 28, 2016, Reuters, Internet: <http://uk.reuters.com/article/uk-ukraine-crisis-france-idUKKCN0XP1C7>.

<sup>25</sup> Francisco de Borja Lasheras with Vessela Tcherneva and Fredrik Wesslau, Return to Instability: How Migration and Great Power Politics Threaten the Western Balkans, European Council on Foreign Relations, ECFR/163, March 2016, Internet: [http://www.ecfr.eu/page/-/ECFR\\_163\\_RETURN\\_TO\\_INSTABILITY.pdf](http://www.ecfr.eu/page/-/ECFR_163_RETURN_TO_INSTABILITY.pdf). P.4.

<sup>26</sup> "Coordinated Direct Investment Survey", International Monetary Fund, available at <http://data.imf.org/?sk=40313609-F037-48C1-84B1-E1F1CE54D6D5&sId=1390030109571>.

much cash. Shared resentment is not the same as shared perspective. Abandoning the construction of the proposed South Stream pipeline reduced Moscow's influence. Russian companies will be the big losers from any Russian attempt to destabilise pro-western governments in the Balkans.<sup>27</sup>

Due to its close relations with Russia, Serbia is gaining low percentage in harmonization with EU's Common Foreign and Security Policy, (63-64 in the last two years). This could become an obstacle in negotiating Chapter 31.

### **European orientation of Serbian citizens – last polls**

In December 2015, a public opinion poll was conducted by the Office for European Integration on "the European orientation of Serbian citizens". If the referendum were to be held tomorrow with the question "Do you support Serbia's membership in the EU?", 48 percent of Serbian citizens would vote for, 28 percent of them would vote against it, 15 percent would not vote at all, while 9 percent do not know what to respond to this question.

Support of citizens for reforms is, as in previous years, very high. Of those surveyed, 73 percent of them believe that the necessary reforms to bring Serbia into the EU should be implemented anyway, for the benefit of citizens and for creating a better Serbia.

The largest percentage of the population, 65 percent of them, considered that the problems between Belgrade and Pristina should be resolved regardless of whether this is required by the EU, and two-thirds of the respondents supported the commitment of the Government of the Republic of Serbia for the continuation of the dialogue between Belgrade and Pristina in searching for sustainable solutions.

Contrary to the impression of the Serbian population, when we speak of granting development aid to Serbia, from 2000 to the present, 27 percent

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<sup>27</sup> Pro-Russian support in Serbia is in fact anti-reform orientated with an ideological background that is influenced by the Serbian Orthodox Church.

of the respondents recognized that the EU has been the largest donor for Serbia in the last 15 years, 20 percent thought that it has been Russia, Japan was named by 15 percent of the citizens, while the fourth place was taken by China with 14 percent. The official data showed that in the period from 2000 to 2014, the European Union and its member states, with about 2.6 billion Euros donated funds, are the biggest donors, which have contributed significantly to the development of Serbia.<sup>28</sup>

### **Instead of Conclusions**

Without the European perspective, without sticks and carrots from the EU side, it would be impossible to expect a further stabilization of the WB region. Democratic reforms and the development of democratic institutions are impossible without the negotiation process with the EU.

The EU is focused on its own priorities and crises, with no substantial interest for the WB anymore, with some exceptions, as the Berlin Process (which has an uncertain future). The political criteria are prioritized contrary to necessary reforms. Internal political dynamics as well as the violation of democratic values are not in the focus and interest of the EU, as being occupied with similar problems in some member states as well.

The stability of the region is above all other criteria. The EU crises are decreasing the attractiveness of EU membership. Enlargement and integration fatigue is present. But in the environment of multiple crises, changing balances of power in the global international relations, WB should work together with EU partners in stabilizing and securing Europe as the only homeland we all do have.

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<sup>28</sup> Kancelarija za evropske integracije Republike Srbije, Istraživanje javnog mnjenja, decembar 2015. Internet: <http://www.seio.gov.rs/%D0%B2%D0%B5%D1%81%D1%82%D0%B8.39.html?newsid=2113>.

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## **Ambiguity is Never Constructive – How the EU is Failing to Stabilise the Balkans through the Kosovo-Serbia Dialogue**

*Besa Shahini*

In 2011 the EU began facilitating a political dialogue with the aim to normalise relations between Kosovo and Serbia. The dialogue promised two main results: 1) that it will pave the way for both Kosovo and Serbia to make concrete progress toward the European Union, and 2) that it will integrate Kosovo Serbs into the Kosovo institutions, especially the northern municipalities that remained governed by Serbia even after Kosovo's independence. In the local discourse in Kosovo, the dialogue carried a third promise as well, 3) that it will bring Serbia to recognise Kosovo as a state.

In 2016, five years later, it became clear that the dialogue will not deliver on the results it promised, at least not for Kosovo. First, Kosovo's EU perspective is unclear. Due to the five EU member states that do not recognise its statehood, Kosovo will not even be able to apply for membership to the EU. Second, the agreements produced by the dialogue – especially the one on the Association/Community of Serbian-majority municipalities – if implemented, will result in the further disintegration of Kosovo Serbs from the rest of Kosovo. And third, there is also no indication that Serbia will have to recognise Kosovo as an independent state at the end of this process.

The EU was in an ideal position to lead this dialogue. Both Kosovo and Serbia intend to join the EU, which gives it a lot of leverage over both countries. However, due to a lack of clear objectives for this dialogue, EU has missed the opportunity to finalise the project of “decoupling” of Kosovo from Serbia, thus failed to become the catalyst of lasting peace and stability in the Balkans.

Relations between Kosovo and Serbia are not improving. Nor are the relations between Albanians and Serbs in Kosovo.

If continued unchanged, this dialogue might lead to new tensions and open the Balkans up for more instability in the future.

## The Dialogue

After many rounds of negotiations with Serbia, Kosovo declared independence in 2008. Germany, France, UK, Italy, Belgium and 18 other EU member states, as well as three Western Balkan countries, recognised Kosovo as an independent state. Serbia, Bosnia and Herzegovina, as well as 5 EU member states did not. Urged by Serbia – who was very nervous about the number of recognitions Kosovo’s independence received and wanted to bring them to a halt – the General Assembly of the UN pursued the advice of the International Court of Justice (ICJ) on the unilateral declaration of independence by Kosovo in accordance with international law.<sup>1</sup>

ICJ ruled that the declaration of independence was not in violation of the international law.<sup>2</sup> Serbia, unsatisfied, urged the UN General Assembly to take this issue a step further. They asked for a resolution to oblige both Kosovo and Serbia to engage in a dialogue that would address Kosovo’s desire to secede from Serbia through a mutually acceptable agreement.<sup>3</sup> At the same time, Serbia had lobbied the EU to support this dialogue – which resulted in EU’s willingness to facilitate it – even though 22 out of 27 member states had already recognised Kosovo as a state. In 2010, the General Assembly adopted a resolution welcoming the EU’s facilitation.<sup>4</sup>

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<sup>1</sup> UN General Assembly Resolution, 2008: <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Kos%20A%20RES63%203.pdf>.

<sup>2</sup> International Court of Justice, Advisory Opinion: Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, 2010: <http://www.icj-cij.org/docket/files/141/15987.pdf>.

<sup>3</sup> UN General Assembly, Letter from Serbia to UNSG, 2010: <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Kos%20A64%20876.pdf>.

<sup>4</sup> UN General Assembly, 2010: <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Kos%20A64%20L.65%20Rev1.pdf>.

Kosovo accepted immediately,<sup>5</sup> which was a major setback to its state-building effort. New recognitions stopped, as everyone was now waiting for the outcome of the dialogue that Serbia had initiated. To appease the opposition in Kosovo, the government insisted that the dialogue is only technical, addressing practical issues – such as freedom of movement of goods and people - which would normalise the relations between Kosovo and Serbia. A lot of people in Kosovo – analysts, policymakers - also believed this, as it was inconceivable that Kosovo would be willing to negotiate the terms of secession with Serbia, after it had declared independence and half the world recognised it.

In 2011 “the EU facilitated dialogue for the normalization of relations between Belgrade and Pristina begun”.<sup>6</sup> It was under the auspices of the EU High Representative for Foreign Affairs and Security.<sup>7</sup> The first agreements were already reached in 2011. They addressed issues such as return of copies of civil registries or cadastral records from Serbia to Kosovo, taken during the war; recognition of the Kosovo Customs Stamps by Serbia to allow goods to pass from Kosovo to Serbia; mutual acceptance of university diplomas; free movement of Kosovo citizens to Serbia using ID cards. These were rather easy agreements to conclude but harder to implement and some are not yet fully implemented.<sup>8</sup>

Then in April 2013 the big political agreement on “the principles governing the normalization of relations”<sup>9</sup> was reached. It contains 15 short points, dealing with the integration of Serbian police and justice from northern

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<sup>5</sup> In December 2010 the Council of Europe issued a report implicating Kosovo’s leaders in inhuman treatment of people during the war, as well as organized crime: <http://assembly.coe.int/nw/xml/News/FeaturesManager-View-EN.asp?ID=964>. In order to avoid future indictments on these allegations they became compliant and accepted any demand that came from the international community.

<sup>6</sup> EEAS, Description of the Dialogue: [http://www.eeas.europa.eu/dialogue-pristina-belgrade/index\\_en.htm](http://www.eeas.europa.eu/dialogue-pristina-belgrade/index_en.htm).

<sup>7</sup> Initially this was Catherine Ashton and now Federica Mogherini.

<sup>8</sup> For more see Balkan Investigative Research Network studies on the implementation of the agreements: <http://birn.eu.com/en/file/show/ENG-publikim-BIGDEAL-3-FINAL.pdf>.

<sup>9</sup> First Agreement on Principles, 2013: [http://www.kryeministri-ks.net/repository/docs/FIRST\\_AGREEMENT\\_OF\\_PRINCIPLES\\_GOVERNING\\_THE\\_NORMALIZATION\\_OF\\_RELATIONS,\\_APRIL\\_19,\\_2013\\_BRUSSELS\\_en.pdf](http://www.kryeministri-ks.net/repository/docs/FIRST_AGREEMENT_OF_PRINCIPLES_GOVERNING_THE_NORMALIZATION_OF_RELATIONS,_APRIL_19,_2013_BRUSSELS_en.pdf).

Kosovo into the Kosovo police and justice system; addressing the next steps of the Dialogue (implementation plan, implementation committee, intensifying talks on energy and telecommunication); and contains a pledge by both Kosovo and Serbia that neither will block the other on their way toward the EU.<sup>10</sup>

The main part of the agreement however concerns the creation of the Association/Community of Serb majority municipalities in Kosovo (referred to subsequently as *the Association*). This was foreseen to be an institution that has “full overview of areas of economic development, education, health, urban and rural planning”.<sup>11</sup>

What this meant exactly was not clear. The details would be negotiated later. Each side in the dialogue had its own version of how this Association should look like. The Kosovo side asserted that this association would resemble other municipal associations: institutions that foster cooperation between municipalities, but do not carry out executive functions. On the other hand, the Serbian side demanded a government structure, with executive functions, financially and politically connected to Serbia and representing Serbs in Kosovo. The EU was aware of these two very different – and mutually exclusive – understandings of the Association. It was clear that these different understandings would prevent implementation. Regardless, the EU still hailed the Agreement as a major success, a historic agreement reached between former warring parties.

It was not until August 2015 that the prime ministers of Kosovo and Serbia agreed on the main elements<sup>12</sup> of the implementing legislation for the creation of the Association. Kept in secret as it was being negotiated, the

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<sup>10</sup> An earlier draft of the agreement had broader scope in this point, suggesting that neither side should block the other in the process of joining any international organization, not just the EU. But with Serbia’s insistence this point was reduced to the EU only, allowing Serbia to block Kosovo’s accession to different organizations. As a result, Serbia engaged in a successful campaign to block Kosovo’s membership to UNESCO in autumn 2015 and was not reprimanded by the EU.

<sup>11</sup> First Agreement on Principles, 2013.

<sup>12</sup> The Agreement on the Association, 2015: [http://ceas.europa.eu/statements-ceas/docs/150825\\_02\\_association-community-of-serb-majority-municipalities-in-kosovo-general-principles-main-elements\\_en.pdf](http://ceas.europa.eu/statements-ceas/docs/150825_02_association-community-of-serb-majority-municipalities-in-kosovo-general-principles-main-elements_en.pdf).

agreement on the Association was for the first time published on 25 August 2015 by the EU. No discussion in the parliament of Kosovo, nor any other public debate, preceded this agreement. The prime minister of Kosovo declared that since the initial agreement from 2013 had passed in the parliament – and since the second agreement of 2015 was only clarifying the implementation of the initial agreement – he did not think it was necessary to bring it to the parliament.

The prime minister knew, however, that the 2015 agreement was going to be contentious, thus wanted to avoid confrontation by bypassing public discussion on the matter. The EU and the member states involved did not object this, putting the emphasis on reaching the agreement and ignoring the difficulties it would have with implementation if all parties were not consulted.

### **Constructive Ambiguity – A Dictionary**

It was not just this agreement that was kept away from public scrutiny. The entire dialogue - its aims, processes and results – were largely kept very opaque. Involved officials from the EU, Kosovo and Serbia, spoke ambiguously about what they wanted to achieve with the dialogue. Nothing was published and no notes from the meetings are to be found. The opacity even received a name: *constructive ambiguity* – and allowed all sides, including the EU, to interpret the dialogue and the agreements in any way they thought would please their respective audiences. Often these interpretations were mutually exclusive.

After five years of this process, however, some parts have become clear and cannot remain veiled behind ambiguity any longer.

Starting with the term *status-neutral*, The EU does not treat Kosovo as a state, because five EU member states do not recognise Kosovo. The EU therefore refers to its position on Kosovo as status-neutral. This is misleading. By not treating Kosovo as a state, the EU is in fact assuming a *status-negative* position. In the course of the Brussels dialogue, this is problematic. By upholding a similar position on Kosovo's statehood as Serbia, the EU has diminished its neutrality as a mediator between Kosovo and Serbia.

Or the term *facilitation*: the role of the EU in this dialogue is much more prominent than is captured by the term *facilitation*, defined in the dictionary as making something “easier” or “less hard”. The EU is a party to this dialogue. It brought Kosovo and Serbia to the table – and is controlling the process – by using the carrot of the future EU integration.

The term *dialogue* is also misleading. This is more of a negotiation that the EU is conducting with Kosovo and Serbia separately, to reach a deal in exchange for EU accession perspective. A deal that in most part aims to accommodate Belgrade’s ideas and ambitions about the institutions that will serve Serbs in Kosovo and how those institutions will be linked to Belgrade.

*Belgrade* and *Prishtina* is used instead of Serbia and Kosovo. The names of the capitals hint toward the two governments while avoiding allusions to the countries those capitals belong. This both appeases Serbia’s position on Kosovo and allows the EU to avoid the discomfort of underlining that it too does not recognise Kosovo as a state.

Using this dictionary to unwrap the dialogue from “constructive ambiguity”, a more realistic description would read like this: “in 2011, the EU started negotiating an agreement between the Republic of Serbia (candidate for accession to the EU) and Kosovo (the non-state entity), to accommodate Belgrade’s ideas about the future of Kosovo.”

This clarity has seeped into the public discourse in Kosovo and as a result, the resistance is growing to the implementation of the agreements. Ambiguity has therefore not proven so constructive after all. The only thing it had managed to do is to delay the moment of reckoning.

## **The Agreement**

Kosovo’s ethnic composition is 92 percent Albanian, 5-7 percent Serb, the rest: Turks, Goranis, Roma, Egyptian, and Ashkali. Ten out of 38 municipalities in Kosovo have Serb-majority populations. Most of these municipalities were created by the “Comprehensive Proposal for the Kosovo Sta-

tus Settlement”<sup>13</sup> or, the *Ahtisaari Plan*, which was drafted at the end of a long negotiation cycle between Kosovo and Serbia in 2007. The UN had mandated Ambassador Ahtisaari to write a proposal – based on the negotiation process – to settle the status of Kosovo.

The Ahtisaari Plan contained the demands that Serbia had put forward during the negotiation, including enhanced rights for the Serb minority in Kosovo. Even so, Serbia rejected the Plan, as it required the recognition of Kosovo’s statehood. Kosovo, however, accepted the Plan and unilaterally declared independence. The principles of this Plan were soon translated into the *Constitution of the Republic of Kosovo*<sup>14</sup> and all subsequent legislation. In the following four years, an international body – the International Steering Group (ISG)<sup>15</sup> – supervised Kosovo’s implementation of the Ahtisaari Plan and concluded in 2012 that Kosovo has fully implemented it.

The two most relevant features of this Plan for the Brussels dialogue today, are the two contradictory principles enshrined in it: on the one side, the definition of Kosovo as a multi-ethnic state, and on the other the process of ethnic decentralization. The idea behind the creation of new ethnic municipalities in Kosovo was to *decentralize power* as much as possible to minorities, so they can have more control over their affairs in an independent Kosovo.

The new agreements are deepening this contradiction. They are now aiming to pool these powers vested on the Serb majority municipalities and create an institution that would govern over them. This new institution, *the Association*, would be a new level of government in Kosovo – between the existing national and municipal levels – but only for Serbs, further challenging the concept of multi-ethnicity in Kosovo.

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<sup>13</sup> Comprehensive Proposal for the Kosovo Status Settlement (the Ahtisaari Plan), 2007: <http://www.kuvendikosoves.org/common/docs/Comprehensive%20Proposal%20.pdf>.

<sup>14</sup> Constitution of the Republic of Kosovo, <http://www.kuvendikosoves.org/common/docs/Constitution1%20of%20the%20Republic%20of%20Kosovo.pdf>.

<sup>15</sup> The ISG was composed of 23 EU countries, USA and Turkey and had a mission on the ground in Kosovo, the International Civilian Office (ICO), which conducted the day-to-day monitoring.

The 2015 agreement gives the Association a lot of powers. It “will have as its main objectives in delivering public functions and services to” exercise full overview over the local economy, education, health and social care. The rest of the functions of the Association are of a more monitoring and coordinating nature.<sup>16</sup>

The Association “will promote the interests of the Kosovo Serb community in its relations with the central authorities.” It will also be entitled to propose amendments to legislation, as well as initiate or participate in proceedings before the competent courts (including Constitutional Court), for issues relevant to the Association.<sup>17</sup> To date these have been exclusive rights of the governing bodies in Kosovo: the President, government and municipalities in some cases.

The 2015 agreement foresees only one way to dissolve the Association, “by a decision of its Assembly adopted by a 2/3 majority of its members”, – thus making it fully independent from the rest of the institutional structures in Kosovo by not giving any oversight powers to the Kosovo courts or other central institutions.

The association will be “endowed with the legal capacity necessary under Kosovo law to perform its objectives” as well as be able to co-own “companies that provide local services within the scope of the Association.” Its staff would be civil servants. It will have its own budget, which is collected from municipal budget contributions, national government transfers, Republic of Serbia and any other donors.

In short, the agreement is creating a governing institution for the Serbs in Kosovo, which would take powers from the municipalities and the central level, and would not be accountable to any of the national institutions: courts, parliament, and government.

The Kosovo prime minister insisted that the functions allocated to the Association are all encompassed within Kosovo Law. That this is all supported by the constitution of Kosovo and there are no contradictions. The op-

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<sup>16</sup> The Agreement on the Association 2015.

<sup>17</sup> The Agreement on the Association 2015.

position did not agree and launched a protest against this agreement, demanding a withdrawal from it.

To address the crisis that ensued, the President of Kosovo sent the agreement to the Constitutional Court, asking whether it is compatible with the spirit of the Constitution. The Court published its judgement in December 2015 and ruled that it is not.<sup>18</sup> In order to be in compliance with the constitution, the court ruled that the following elements must be observed:

“the objectives of the Association...shall...not replace or undermine the status of the participating municipalities as the basic units of democratic local self-government (148)”

“the civil service is understood to be employment within a governmental body (157)” therefore “the Court concludes that the staff of the administration of the Association/Community shall not to be considered part of the Civil Service...(159)”

“the Court finds that the Association/Community cannot be vested with full and exclusive authority to promote the interests of the Kosovo Serb community in its relations with the central authorities (166)”

“the Court finds that the Association/Community cannot be entitled to propose amendments to legislation and other regulations (173)”

Perhaps most importantly, the Court noted that the Association “shall be an organization within the meaning of Article 44 of the Constitution (132)”. This article allows municipalities to create associations. But it also allows the courts to prohibit those associations if they “infringe in the constitutional order.” Contrary to what the 2015 agreement foresaw, that the only way to dissolve the association is by a decision of its own members.

The Constitutional court ruling stripped the association from most controversial parts. The court allowed for an association that looks like the one created by Serb majority municipalities in Croatia. *Zajedničko Vijeće Općina (ZVO)* – the Joint Municipal Council of Serb majority municipalities in Croatia<sup>19</sup> – does not have executive functions nor is it a governing institution.

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<sup>18</sup> Kosovo Constitutional Court Judgment, 2015: [http://www.gjk-ks.org/repository/docs/gjk\\_ko\\_130\\_15\\_ang.pdf](http://www.gjk-ks.org/repository/docs/gjk_ko_130_15_ang.pdf).

<sup>19</sup> Statut Zajedničkog Vijeća Općina, 2006: <http://www.zvo.hr/dokumenti/4d907cb1f915a8b.pdf>.

It is an Association that furthers human rights in Croatia, with special focus on the Serb community.

The ruling made clear that the Constitution of Kosovo, built on the Ahtisaari Plan (that was negotiated with Serbia), does not support the Association of Serb majority municipalities envisioned by the agreement of 2015.

## **Kosovo Serbs**

There are no exact figures of how many Serbs live in Kosovo as they largely boycotted the 2011 census. It is estimated that there are 140,000 Serbs in Kosovo, with more than a third living in the four northern municipalities and the rest living in the rest of Kosovo.

The six Serb majority municipalities established or expanded with the Ahtisaari Plan, as well as the four older ones, have been run by parallel municipal administrations, controlled and financed by Serbia, implementing Serbian laws. In the last decade, at different times, these municipalities have also established Kosovo municipal administrations, financed by Kosovo, implementing Kosovo laws. The real power is held by the parallel Serbian municipal structures, which Serbia supported with close to 3 billion Euros until 2012.<sup>20</sup>

Thousands of people work for the parallel administrations and this includes not only administrative education and health staff, but also employees of public companies, some of which have already been privatised by Kosovo. As the Crisis Group described: “The aim [of Belgrade was] to enforce loyalty and obedience in return for the state resources it provides.”<sup>21</sup> The inevitable loss of some of these incomes is an important concern that Kosovo Serbs have in the process of integration into Kosovo institutions.

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<sup>20</sup> Balkans Policy Research Group, Serb Integration in Kosovo after the Brussels Agreement, 2015: <http://balkansgroup.org/wp-content/uploads/2015/03/Serb-Integration-Kosovo-19-March-2015.pdf>, p.18.

<sup>21</sup> International Crisis Group, Kosovo’s First Month, 2008, <https://d2071andvip0wj.cloudfront.net/b47-kosovo-s-first-month.pdf>.

These parallel structures must be abolished to allow for the development of Kosovo institutions. If Serbia wishes to support Kosovo Serbs, its financing should go to the Kosovo municipal administrations through the Kosovo central budget, as foreseen by law. In fact, the parallel structures were supposed to be abolished already in 2008, in return for the decentralisation, but Serbia refused to do so. It is now insisting that the Association takes all the functions and staff from the parallel structures. What Serbia wants, therefore, is not to abolish them but to legalise them through the Association. With it, to legalise Serbia's control and influence in Kosovo.

While the southern municipalities were more integrated than the northern ones, in some aspects all ten municipalities remained equally disintegrated from Kosovo and firmly linked to Serbia. Education is one of these aspects – an important one at that.

There are some 20,000 Serbian students in pre-university education in Kosovo<sup>22</sup> who work under the Serbian education system. The Law on Education in the Municipalities of the Republic of Kosovo<sup>23</sup> – based on the Ahtisaari Plan – allows Kosovo Serbs to use the curricula and textbooks produced in the Republic of Serbia, provided that they respect the principles of Constitution of the Republic of Kosovo. Namely, that the textbooks must refer to Kosovo as a Republic, must not challenge the concept of Kosovo's multi-ethnicity, must not incite inter-ethnic hate.

Needless to say, the Serbian textbooks do not comply with this legal request. They deliberately teach the wrong facts about the Albanians and refer to Kosovo as the Serbian Province of Kosovo and Metohija.<sup>24</sup> In addition, Serbian children learn Russian as a second language and are not taught a word in Albanian. The education system is therefore working against the integration of younger generations of Serbs into Kosovo, a

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<sup>22</sup> This is just an estimate as Serbian education in Kosovo is run by the Ministry of Education of Serbia who are not keen on releasing such data.

<sup>23</sup> Kosovo Assembly, Law on Education in the Municipalities of the Republic of Kosovo, 2008: [http://www.kuvendikosoves.org/common/docs/ligjet/2008\\_03-L068\\_en.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L068_en.pdf).

<sup>24</sup> Report of Independent Commission for the Review of the Serbian Language Teaching Material, 2010: <http://www.erisee.org/sites/default/files/-%20Comprehensive%20Report%20of%20Independent%20Commission%20for%20the%20review%20of%20serbian%20language%20teaching%20materials.pdf>.

country they are taught is not their own and a society they are taught to fear. With creation of the Association, Serbia wants to make sure this never changes.

A poll done in the four northern municipalities in summer 2015 noted that 83 percent of respondents believe that the new agreements did not improve the freedoms and rights of the Serbian community.<sup>25</sup> This has been a common complaint of the Kosovo Serbs: they have not been involved in this dialogue and have not received what they needed out of it. It is becoming increasingly clear that the dialogue is not going to address what Kosovo citizens need, be they Serb or Albanian.<sup>26</sup>

The same survey cited above, noted that attitudes in the northern municipalities toward socio-economic integration have changed somewhat. One indicator is that 56 percent of respondents support the participation of Serbs in Kosovo institutions<sup>27</sup> a considerable increase from previous surveys. In light of the inevitable loss of income from the ghost jobs Serbia finances, this is an important issue to be discussed within Kosovo: how to employ more willing Serbs into Kosovo institutions.

But for this and other important issues of Serb integration to be discussed, an internal dialogue between Albanians and Serbs in Kosovo must take place. This new dialogue should address Kosovo Serb needs for employment, security and education. This should be a joint conversation between

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<sup>25</sup> NGO Aktiv, View of the Citizens in the North of Kosovo, 2015: <http://www.ngoaktiv.org/fajlovi/Views%20of%20the%20citizens%20in%20north%20Kosovo.pdf>.

<sup>26</sup> A further complication arose when Serbia created a political party in Kosovo – Srpska Lista – and urged Kosovo Serbs to vote for them in municipal and national elections. During election campaigns, Serbia promised to serve the Kosovo Serbs through this party. As a result they won almost all municipalities, all the seats in the parliament and a disproportionate representation in the Government of Kosovo. Thus obliterating all local Kosovo Serb political parties. The problem though is that Srpska Lista responds to Belgrade and cannot make a single decision without consulting the Serbian Government. So in cases of disagreements between Kosovo Serbs and the Serbian Government, Srpska Lista takes on the position of the Serbian Government. As a result, they do not represent the Kosovo Serbs but the Government of Serbia, in all the institutions they occupy.

<sup>27</sup> *ibid.*

equal citizens of Kosovo (Serb, Albanian and other) for the future of the Republic of Kosovo and the future of all communities within.

The Kosovo-Serbia dialogue should be reserved for issues to be resolved between Kosovo and Serbia, such as war reparations, missing persons and recognition.

## **The Protest**

What Kosovo got in return for the agreements reached with Serbia, is a Stabilisation and Association Agreement (SAA)<sup>28</sup> with the EU – a free trade agreement, given to all Western Balkan countries. It is the first contractual agreement between Kosovo and the EU and high hopes were attached to it. Mainly this would be the first step in the long road toward EU integration.

From a political perspective, the SAA will not be of much use to Kosovo. It has been signed by Kosovo with the denomination “Kosovo\*<sup>29</sup>” – not “Republic of Kosovo” – meaning that in relation to the EU Kosovo is not a state. Since only European states can apply for membership to the EU, this means that Kosovo cannot apply.

From an economic perspective, the SAA will not be very useful either. Kosovo had customs-free access to the EU market through the Autonomous Trade Measures that the EU applied to products originating in Kosovo. Even so, Kosovo in 2015 managed to export a total of 100 million Euros<sup>30</sup> worth of goods to the EU. Kosovo has a very low export base and the SAA alone will not change that.

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<sup>28</sup> The Stabilization and Association Agreement between the EU and Kosovo, 2016: <http://data.consilium.europa.eu/doc/document/ST-10728-2015-REV-1/en/pdf>.

<sup>29</sup> The “\*” stands for “This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.” It was another result of the Kosovo Serbia dialogue, indicating that Kosovo, Serbia and the international community do not agree on Kosovo’s statehood.

<sup>30</sup> European Union, Trade in goods with Kosovo, 2015. [http://trade.ec.europa.eu/doclib/docs/2011/january/tradoc\\_147309.pdf](http://trade.ec.europa.eu/doclib/docs/2011/january/tradoc_147309.pdf).

It will however strip EU products off of customs duties, which might damage the infantile local industries that will not be able to compete with the surge of cheaper EU products entering the Kosovo market.

Serbia on the other hand started negotiations for EU accession. Its “chapter 35” contains all the Kosovo-related criteria Serbia should meet in order to get EU ready. It is disappointing to find that recognition of Kosovo’s statehood is not one of those criteria.

What became clear therefore is that the dialogue will not get Kosovo closer to the EU, nor will it push Serbia to recognise Kosovo. These were just empty promises in the false discourse that the EU and Kosovo Government were pursuing in Kosovo.

It was this new clarity that prompted the opposition to protest the agreement. They stopped the work of the parliament by using tear gas inside the parliament. They organised the biggest street protests in post-war Kosovo. They collected over 200,000 signatures against the agreement. Many MPs and opposition activists were imprisoned or sent to house arrest for their protest.

The protest resulted in the president’s question about the constitutionality of the 2015 Agreement and the subsequent Constitutional court ruling. This in turn prompted a national debate about the effects of the Brussels dialogue on Kosovo’s sovereignty and the future of the state. The Brussels agreements were exposed as a tool for Serbia to delay further recognitions for Kosovo’s statehood, as well as legalise Serbia’s control and influence over Kosovo. Media and NGO polls in spring 2016 showed low support for the agreements among the general population, which puts in question the ability of the Kosovo Government to implement them.

## **The EU**

The EU – both Brussels and some member states – were very vocal in their criticism toward the opposition. They rushed to qualify the protest as nothing more than political wrangling of rival parties who failed to make it into the governing coalition after the 2014 election. This way, the EU was trying to diminish the importance of the protest.

The EU also tried to ignore the implication of the constitutional court judgment on the Association. The day that the judgment was published, the EU office in Kosovo issued a short statement<sup>31</sup> calling on all parties to draft the necessary legislation that will create the Association, and do it quickly. They made no mention that the Court ruled the 2015 agreement not in compliance with the spirit of the constitution.

This reaction to the ruling exposed a contradiction in the role that the EU plays in Kosovo. On the one hand they place a very high importance on the respect and strengthening of the rule of law in Kosovo. On the other they choose to undermine rule of law institutions when they issue judgments that clash with the projects the EU is pursuing in Kosovo.

But the implications of the Constitutional court judgment cannot be ignored as they spill over into the 2013 agreements, and all other agreements produced in the dialogue. The judgment is clear that ethnically divided institutions cannot exist in the multi ethnic state of Kosovo. This implies also that courts, police, and other institutions covered by the agreements, cannot be ethnically divided otherwise they are in the breach of constitution.

In fact they are in breach of what the EU usually demands from states elsewhere. In Bosnia and Herzegovina, the case of Sejdic and Finci<sup>32</sup> – ethnically divided presidency that cannot accommodate all ethnicities – has become the biggest obstacle to Bosnia's move toward the EU. Solving this issue was a key requirement imposed on Bosnia by the EU. It is baffling therefore that when it comes to Kosovo; the EU is pursuing the implementation of agreements that will create similar problems: ethnically divided institutions that cannot accommodate all ethnicities. This will inevitable become a challenge to Kosovo's future EU integration process, should that process ever become unlocked.

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<sup>31</sup> EU Office/EUSR Statement on Constitutional Court Decision concerning the Association/Community of Serb majority municipalities, 2015: [http://ceas.europa.eu/delegations/kosovo/press\\_corner/all\\_news/news/2015/20151224\\_en.htm](http://ceas.europa.eu/delegations/kosovo/press_corner/all_news/news/2015/20151224_en.htm).

<sup>32</sup> Council of Europe, Sejdic and Finci vs Bosnia and Herzegovina (summary): [http://www.coe.org.rs/eng/news\\_sr\\_eng/?conid=1545](http://www.coe.org.rs/eng/news_sr_eng/?conid=1545).

### **Solutions are clear:**

Constructive ambiguity did not work well for the process of the dialogue. It allowed for agreements to be reached but it is preventing their implementation. Unless all sides have the same clear understanding of what it is that they have agreed upon, implementation cannot take place. What should be implemented? Serbia's version of the agreement? EU's version? Kosovo's version?

The integration of the Kosovo Serbs in Kosovo is not only desirable, it is also important for the future of the country. However, what the Dialogue exposed is that the key tool proposed for this integration – ie. the Association of Serb majority municipalities – will not lead to integration. It will instead legalise and solidify their disintegration from the rest of the society.

Kosovo cannot become a prosperous country that can improve the lives of all its citizens if it remains as isolated, as it is now. The Dialogue exposed also that the question of Kosovo's isolation is closely connected to the question of statehood. The non-state entity status of Kosovo in relation to the EU and Serbia is preventing Kosovo's further integration in regional, European and international institutions.

The EU cannot remain "status neutral" – and allow Serbia not to recognise Kosovo - and at the same time hope to successfully negotiate a "normalisation" of relations between the two countries. The EU must find a way to treat both parties as equal in this process. Alternatively, it should mandate a group of strong member states who recognise Kosovo to host this negotiation for the EU.

Therefore the solutions are clear:

"The Serb-majority municipalities should establish their Association in order to coordinate their affairs. This is very much allowed in the legislation of Kosovo. However, this institution cannot have executive functions, its staff cannot be public servants and it cannot represent Serbs in front of Kosovo institutions. It can be an association similar to the one Serbs have in Croatia. All executive functions should remain at the municipal level."

Kosovo Serbs should be integrated in Kosovo, not just politically through representation in institutions, but also socio-economically. This necessitates

a conversation between Albanians and Serbs within Kosovo. This internal dialogue should address concerns of Serbs in Kosovo: employment, security, education. Solutions should be found within Kosovo – within the legislation and institutions that have been designed with the Kosovo Serbs in mind.

Education should be a key topic in the internal dialogue. Serbs in Kosovo should be able to use curricula and textbooks produced in Serbia. However they have to be cleared from the elements that misrepresent the Albanians and deny the existence of the Republic of Kosovo. In addition, the language in which economic activities take place should be taught to the students: this means Albanian language to all Serb students and Serbian language to the Albanian students living in Serb majority towns or villages. Cooperation on subjects such as sciences and mathematics between Albanian and Serb teachers must begin, with the aim of improving quality of education for all.

The process of normalizing relations between Kosovo and Serbia should take place in parallel and the EU – or a group of member states who recognise Kosovo - should host of this process. This should be a dialogue to discuss missing persons, war reparations and recognition of Kosovo by Serbia.

# **EU as a Political Role Model – Still Undisputed? Brussels, we have a Problem ... Softening a Wrong Power**

*Amer Kapetanović*

## **Introduction**

In this article I will try to explain why I believe that the EU enlargement could still have enormous impact on the Western Balkans, although as time passes different challenges and even obstacles are growing as never before. They are in fact generated by many interdependent factors which can be condensed in a rather simplified phrase, the misbalance between perceptions and expectations. While dozens of millions of fellow Europeans, frightened by the migrant crisis, refugee influx, terrorism threat and even European values, want to preserve their wealth and well being, thus wrongly opting for Eurosceptic “closure”, millions of inhabitants of the Western Balkans are perceiving the EU as the only opportunity, a role model, thus asking for open door policy.<sup>1</sup> In such a coordinating system of high expectation and ever lower response, enlargement as a soft power doctrine seems to be sliding towards identity crisis. Maybe we all are paying off an old debt that stems from the fact that enlargement has always been more than a golden ticket for entering the wealthy club and less than a real ideological reunification of Europe? Maybe because only in times of prosperity, enlargement was seen as a functional stabilizer, but in times of crisis, particularly after the 2008 financial crisis, has enlargement for many citizens of the EU become a burden? It is far from being so simple, black and white and therefore one should try to understand the wider context when it comes to the question of whether the EU enlargement still mesmerizes by its ideological appeal. First of all one has to take into consideration what characterizes the EU’s strong appeal and then determine what the current challenges are and how to deal with them. In order to describe why the EU enlargement as a doctrine is important and has to be continued, practical example

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<sup>1</sup> Regional Cooperation Council (RCC): Attitudes on EU integration and Regional Cooperation In: Balkan Barometer –Public, Sarajevo 2015, pp.21-40 [http://www.rcc.int/seeds/files/RCC\\_BalkanBarometer2015\\_PublicOpinion\\_FIN\\_forWeb.pdf](http://www.rcc.int/seeds/files/RCC_BalkanBarometer2015_PublicOpinion_FIN_forWeb.pdf).

of three countries in the Western Balkans will be used – **Bosnia and Herzegovina, Croatia and Serbia**. I will use these examples to try to practically show off achievements, but at the same time, to remind the reader of what could have been lost if we rejected the EU vision, as a post-war denominator. As we do not want to be lulled by the enlargement appeal alone, we shall put in focus some dangerous challenges as well. These are challenges that cannot be answered by the Western Balkans' countries alone, because they result from global geo-political and geo-economic changes. Refugee influx, growing terrorist threat as well as growing anti-immigration and xenophobic movements within the EU, in combination with endemic economic inequality, high level unemployment among youth, lack of social cohesion, low trust in political parties and democratic deficiency in the Western Balkans and the EU alike can easily push us all back to black.

### **Reminder of Three Interconnected Successes**

On July 1, 2016 three years have passed since the official accession of Croatia into the European Union took place, an event that back in 2013, was appropriately depicted as historical. Just shortly after we found out that this would be the last one until 2020 and even maybe beyond. Nonetheless, in the region with its triangle connecting Zagreb - Belgrade - Sarajevo<sup>2</sup> (even beyond) many anniversaries have been marked and celebrated these days in a polarising manner – but on the other hand no political atmosphere of cooperation and rapprochement has been created. In other words, it seems like people in the Western Balkans learned to distinguish usual political bluffs from the necessity for pragmatic reconnection based on the EU matrix. The beginning of WWI was marked in the newly reconstructed City Hall (Vijećnica) in Sarajevo and in “Andrićgrad” that is located in Višegrad.<sup>3</sup> In Sarajevo the assassination was perceived as a terrorist act which in Višegrad is has been seen as a heroic deed, but what prevailed was the message of hope the imperative of learning from century old mistakes. Serbian

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<sup>2</sup> Balkan Triangle – European Perspective as Pythagoras' Theorem. In: Policy Analysis (FES and VPI BiH), October 2014, pp.3-5.

<sup>3</sup> Radio Free Europe (With reporting by AFP, Reuters, and B92). “Bosnia Marks 100th Anniversary of Franz Ferdinand's Assassination”, June 28, 2014 (<http://goo.gl/IV0UOQ>).

Prime Minister, Aleksandar Vučić, attended the 10<sup>th</sup> Memorial Commemoration to the victims of Genocide in Srebrenica where he was attacked, but he returned four months after the attack to pay respect to the victims.<sup>4</sup> Remembrance of genocide against Jews, Communists, Serbs, and Romas in Jasenovac by Pavelić's fascist regime was marked in Gradina by Serbian and Bosnian Serb leadership, whereas the official commemoration in Jasenovac, organized by the Government of Croatia, was boycotted by the Serb representatives.

We could continue on and on, but the bottom line here is that fifteen million people of different ethnic and religious backgrounds in our "triangle" can hardly agree on the contents of a history textbook, but very few are still ready to negate that we all belong to the similar and economically and culturally mutually interdependent area. If we put practical models of regional cooperation into a theoretical framework, we could recognise at least three types of regions: a) very insecure, b) partially insecure and c) prosperous. Very insecure are those regions with deeply divided states in a state of permanent conflict, which is based on negation of all similarities and accentuation of differences (ethnic, national, and religious) and states, which, as such, have a sole ambition to conquer or dominate each other. The regions falling into the second type are safe thanks to the balance of military power of the key states in these regions. However, they are not prosperous as regions as they remain focused on mutual ideological and other hatred, saber rattling and constant threats to stability. However, due to the balance of powers or influence of a foreign factor, there is absence of conflict in these regions. The third type of regions consists of the states that rely on each other, share the same cultural values, economic interests and respect all differences as an advantage. Different languages or even different historical perspectives are not perceived as obstacles. These are the regions of prosperity based on mutual interests and without denial of the interests of other parties. It is important to say that this definition is not an axiom and that today's most prosperous regions used to be sites of conflicts and fear. If applying this modest definition, the countries of our triangle in the last ninety years transformed through the first two types of regions and they are bravely creating preconditions to evolve into the third type.

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<sup>4</sup> BBC. "Serbian PM Vucic returns to Srebrenica memorial after attack", November 11<sup>th</sup>, 2015. (<http://www.bbc.com/news/world-europe-34788014>).

Thanks to two major motivators: a) EU enlargement and b) economic interests.

### **From Enlargement in the Triangle**

From 2000 to 2016 **Serbia**<sup>5</sup> had gone a long way from inception of the SAA to the official EU membership application, to the candidate status and openness. What happened in the meantime shows a serious ideological transformation that was clearly driven by the EU conditionality. We could argue, as many do in Serbia, whether that transformation was full and sincere, but let us admit that even such a partial change is a big difference in comparison to what we once had in Serbia. One of the first tests was a full cooperation with the ICTY that resulted in the arrest of Milošević, Karadžić, Mladić and other former politicians and military leaders that have been accused. From a complete negation of Kosovo's self-declared independence and readiness at some point to even wage a war, Serbia, thanks to EU engagement, accepted to negotiate and reached a historic deal with Kosovo on the free movement of people and goods, thus fulfilling preconditions for EU's membership application to be taken into consideration (Romania gave up its opposition over some bilateral dispute and Netherlands decided to finally support the application a bit later). From the former president of Serbia, Tadić, who refused to even attend at the Brdo Process Summit in Slovenia on March 2010 due to the presence of Kosovo's leadership to Prime Minister Vučić who six years later, in April 2016, paid visit to Kosovo after numerous direct meetings with the Prime Minister and President of Kosovo in the meantime. On July 2, 1999 Croatia instituted proceedings before the International Court of Justice (ICJ) against the then Federal Republic of Yugoslavia for violations of the Convention on the Prevention and Punishment of the Crime of Genocide. A year later, Serbia led a lawsuit against Croatia before the same court for genocide over the Serb population in Croatia. Despite the expectations these "utterly idiotic mutual accusations, benefiting only the handsomely paid London lawyers",<sup>6</sup> have not led to the freezing of relations between Belgrade and Zagreb. Quite to the contrary, there were more high-level visits between the

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<sup>5</sup> European Commission, Final Declaration, Zagreb Summit, November 24, 2000.

<sup>6</sup> The Economist. "The International Court of Justice Croatia v Serbia", March 11, 2014. <http://goo.gl/NSxF9E>.

two countries in the period from January to June 2013 than in the period of five previous years. Relations between the two countries, particularly after the last elections in Serbia and Croatia's accession to the EU, have been characterized by political openness, slight increase of trade cooperation, growth of investments and very dynamic regional diplomacy. Political correctness, preceded by two decades of war of words, is also visible in the fact that Croatia's recognition of Kosovo and significant economic presence did not prevent simultaneous improvement of relations with Serbia in all segments – from mutual visits to the stable volume of foreign trade. The most recent exchange of poisoned arrows and announced blockage of Serbian EU negotiations by Croatia is not a contradiction to what has been achieved so far but rather a serious reminder of what could happen if we continue sliding off of the enlargement trajectory.

**Bosnia and Herzegovina**<sup>7</sup> had got clearance for the EU “journey” in 2000, the very same year Serbia overthrew Slobodan Milošević. In November 2005, five years after the Zagreb Summit the negotiations for the Stabilization and Association Agreement (SAA) begun. In the following decade, the country went through internal challenges, failures and success. The same year of the inception of negotiation with the EU over the SAA, politicians in BiH failed to agree on the so called April package of constitutional reforms aiming at fine-tuning some of Dayton's shortcomings and flaws, making the complex political system in BiH working.<sup>8</sup> The failure of the April Package had widened even more the space for nationalistic concepts that were based on identity issues rather than on EU pragmatic policy. That was the phase of EU declarative consensus (political parties loudly professed Europeanisation, while practically playing on segregation).<sup>9</sup> Between 2006 and 2013 BiH was tottering in some sort of domestic political limbo, from one announced referendum to another, from one identity crisis to another. But two key elements prevented retrograde political forces to completely prevail: the visa liberalization regime and the new approach of

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<sup>7</sup> European Commission, Final Declaration, Zagreb Summit, November 24, 2000.

<sup>8</sup> Latal, Srecko: Agreement in its Labyrinth. In: Kapetanovic A. and Illerhues J. (Ed.): The Legacy of Peace-BiH 20 years after Dayton Peace Accords. Friedrich Ebert Stiftung BiH. pp. 30-34.

<sup>9</sup> Dedić, Hoda: The Arithmetic of Bad Assumptions. In: Kapetanovic A. and Illerhues J. (Ed.): The Legacy of Peace-BiH 20 years after Dayton Peace Accords. Friedrich Ebert Stiftung BiH. Pp. 204-208.

the EU towards BiH or so-called German-British Initiative. Visa liberalization was granted to BiH in December 2010 after intensive but productive negotiations over strict but fair conditionality. Amid of perpetual internal political crisis, BiH was confronted with something that was worthwhile of burring down the hatchets. The road map for visa free visa regime was composed of 34 policy demands divided into four blocks: from readmission agreement with all schengen member states to human rights and individual rights issues. Surprisingly, BiH authorities that could not previously unite behind any common goal were working closely together in fulfilling all preconditions. That was the first point of the most tangible EU soft power achievement in BiH. Divided politicians showed that the working consensus on the EU integration is possible. Four years after, in 2014, BiH was ready for yet another important step. After realizing that BiH is not ready to first sort out the most difficult issue that belong to identity line, or at least were perceived as such (namely the Sejdic-Finci issue), the EU and major stakeholders decided to accept some domestic advises of Bosnian Europhiles who were advocating not for removing conditionality, but rather for smart reshuffling.<sup>10</sup> See the excerpt from the non paper offered by Bosnians to the EU:

“The approach towards Bosnia and Herzegovina (BiH) which focused on resolving implementation of the ECHR ruling in the Sejdic/Finci case, needs to be reconsidered in the light of recent events (February 2014 protests, note of author) which have sent a clear message to all stakeholders in BiH. Apart from its intention to alarm all stakeholders, the awakened public attention is also an opportunity to stop and reverse the negative trend that is characterised by general apathy and stalemate. First and foremost, confidence needs to be restored into the process of European integration of BiH, which is the main framework within which the country can thrive. Unfortunately, the last few rounds of negotiations on Sejdic/Finci resulted in the loss of confidence in each other by the EU and BiH authorities, as well as among BiH parties. Basic assumptions behind a new approach: 1. **Creativity needs to replace ‘off-the-shelf’ solutions:** The first step in designing a new approach needs to be the formal recognition that BiH requires creativity and a tailor made approach based on the fact that it is a ‘special case’; 2. **A proactive approach needs to replace a reactive mode:** The EU needs to put itself in a position in which it can influence the pace of progress. The pace of progress followed the internal stalemate in BiH, rather than being driven by positive changes in the

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<sup>10</sup> The Author of this article was among those who drafted the non paper titled: “Addressing a need for a new, reinvigorated and tailor-made EU approach towards BiH” that was officially handed over to C. Ashton, former UK Foreign Secretary W.Hague and to all ambassadors of EU countries accredited in BiH.

region; 3. **Accession benefits are not a one way street**. Instead of setting conditionality as a reward for good behaviour awarded by the EU as an agent external to the accession process, there needs to be an understanding within the EU that it too can benefit from BiH accession, and that it may not be able to afford the costs or risk Bosnia's non-accession; 4. **Accommodate process to the structures, rather than structures to the process**. While the accession framework can work for most countries in the region, it does not work for BiH, which is hostage to a series of internal challenges, structural as well as political. Under the circumstances in which structural dysfunctions cannot be directly addressed, a new perspective can be provided by accommodating the accession process in a creative way to suit BiH faster accession”.

This appeal was planted in a fertile ground of understanding that BiH needs to have no special, not necessarily new, but somewhat smarter approach and coincided with similar appeal undertaken by Croatian and Slovenian Foreign Ministers Vesna Pusić and Karl Erjavec. Soon after, German and British Foreign Ministers, F. W. Steinmeier and Philippe Hammond, visited BiH and launched the so called German-British Initiative that helped BiH to make the most significant step towards working consensus since the inception of the EU process. Newly elected members of the Presidency adopted the New Reform Agenda<sup>11</sup> committing not only themselves but overall state administration to EU driven reforms composed of seven chapters and particularly three preconditions for submitting credible application for the EU membership: a) decision on coordination mechanism on EU affairs; b) adaptation of the SAA; c) meaningful reform progress and d) publishing the results of the last census; decision of the Presidency, then after by the Council of Ministers of BiH to create a positive momentum and even working consensus on preparing BiH for the implementation of the SAA and submitting the credible application on February 15<sup>th</sup> 2016.<sup>12</sup>

**Croatia** begun its EU journey by signing the SAA on March 4<sup>th</sup> 2001 and ended it up by joining the EU as 28<sup>th</sup> member state on July 1<sup>st</sup> 2013. It took twelve years of hard working and swallowing of the bitter pills: cooperation with ICTY, arrest and indictment against ex-Prime Minister Ivo Sanader, de-radicalization of Croatia's policy towards BiH and Serbia and improve-

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<sup>11</sup> Reform Agenda for Bosnia and Herzegovina 2015 – 2018. <http://goo.gl/oKEXGM>.

<sup>12</sup> Nielsen, Nikolaj. BiH applies for EU membership (February 15<sup>th</sup> 2016). EU Observer. (<https://euobserver.com/enlargement/132271>).

ments of its relations with Slovenia attempted to resolve the border dispute over Piran Bay. During the final stage of president Tuđman, Croatia was conducting a paternalistic foreign policy towards BiH and its Croat constituency and provided them not only right to be granted citizenships but as well to vote in Croatian elections, what later become “a game changing” 11<sup>th</sup> electorate constituency of Croatia. Tuđman has always claimed BiH as an artificial state, stressing a necessity for sorting it out along the ethnic lines and always trying to openly control its internal political processes<sup>13</sup> as “father of the nation” and political father figure of Croats in BiH. But that changed utterly along the steady but conditional approach of the country towards the EU, particularly when President Mešić took over presidency, followed by President Josipović and President Grabar-Kitarović.<sup>14</sup>

Looking back to this transforming decade one could easily notice how EU conditionality helped changing political ideologies in Serbia and Croatia, thus infusing a new positive algorithm within the triangle. As concludes analysis of Foreign Policy Initiative, foreign policy think - tank from Bosnia and Herzegovina:

“Observing this triangle as a geometric shape, the lines Zagreb – Sarajevo and Sarajevo – Belgrade are catheti, while the line Belgrade – Zagreb represents a hypotenuse of this triangle. If for a moment we convert the relations between the states into a geometric form, by using the Pythagoras’ Theorem we could conclude, of course symbolically, sums of (squares) of relations of Sarajevo with other two capitals is equal to the (square) of the relation between ZAGREB and BELGRADE, as its hypotenuse. This geometry lesson and its perhaps forced application on the regional relations leads to a unique conclusion which very much fits the reality: Zagreb and Belgrade always held and still hold the key to regional relations, particularly at the territory that is the subject of this analysis.”<sup>15</sup>

In other words, as long as Croatia plays a constructive and emancipated European role and Serbia has a clear EU perspective, BiH will be having an important positive atmosphere to get along on its EU path. But the overall situation is still fragile and could be easily perverted if the EU occupied by

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<sup>13</sup> “Big Ideas and small people”, Dr Franjo Tuđman, Matica Hrvatska (pp 13 and pp 121-122).

<sup>14</sup> Trkanjec, Zeljko. Croatia launches new foreign policy drive (March 9<sup>th</sup>, 2010).EU Observer. (<https://euobserver.com/news/29635>).

<sup>15</sup> Balkan Triangle – European Perspective as Pythagoras’ Theorem. In: Policy Analysis (FES and VPI BiH), October 2014, p.3.

its own problems, losses the grip of persistence and the tailor made approach to each and every Balkan country.

### **To the Economy of the Triangle**

There are two relevant schools of thought when it comes to paradigmatic rapprochement between three countries that (only) 25 years ago were at war. Economic determinists tend to believe that the economic interest and not the EU enlargement conditionality was the driving force behind this change. Europhiles are more on the side of the EU conditionality that helped societies and political elites to get to the higher level of emancipation and readiness to admit that people in the WB are all economically interdependent and culturally connected more than they used to be ready to admit. It is indeed hard to contradict any of them, as both, economy and enlargement, are two sides of the same coin. But, as in case of historical development of the EU itself, the biggest contribution to the maturing of European ideas of *Laissez faire* and awareness of them has come from a real sector, which had found national borders to be too tight even during the war. Data on foreign trade exchange between the countries in the region and mutual acquisitions best confirm the thesis that it was to the great extent business, which prepared the grounds for politics, and then, as their sponsors, turned it in a different direction. It is strong enough an impulse that encourages the arrival of politicians of the new generation. If we follow business logic, we can see that this Balkan space is much more compact and broader than the official CEFTA space. We can see that Slovenia and Croatia are an integral part of it and that even the biggest Balkan-skeptics in those countries do not dare to say otherwise. Over the past seven years there has been an increase in investment and acquisitions by Croatian companies in Slovenia, and consequently an indirect purchase of the Slovenian share in other countries of the region<sup>16</sup>. Given the purchase of Droga Kolinska and the offer to purchase Mercator which was approved by the Slovenian Competition Protection Agency, analyses concur that the food-trade chain in Slovenia has been slipping into a tight grip of Croatian companies (Agrokor and Atlantic Group). It is exactly these two Croatian food giants that market over 50% of their products in the CEFTA territory.

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<sup>16</sup> The Foreign Policy Initiative BiH (FPI BiH) and Friedrich Ebert Stiftung (FES). Regional Reconnection – New Paradigm. In: Policy Analysis, October 2013, pp. 6-8.

The Atlantic Group submits that with the acquisitions in Slovenia, the sales share in Croatia has gone down to 33%, while they sell 48% of the products in other former Yugoslav countries. Agrokor has made a tempting offer for Mercator (53% share) of EUR 240 million or 53% share in ownership. Atlantic Group has purchased Droga Kolinska (till then owned by the Serbian NCA Investment Group) for EUR 243 million.<sup>17</sup>

During the period from 1998 to 2013, Croatia has invested a total of EUR 622 million in Serbia, which constitutes about 43% of the outflow of Croatian investments in the region. Of this number, 450 million pertain to Agrokor investments. In Serbia, Agrokor owns the retail chain Idea, companies Frikom and Dijamant, a mill in Kikinda, a farm for fattening of heifers with annual capacity of 2000 head, a fruit and vegetable distribution center, and the mineral water plant Mirela. Dukat owns a milk factory in Sombor (investment of EUR 26 million). The Atlantic Group (with the acquisition of Droga Kolinska) assumed ownership of the factory of candy products Soko Štark, Grand Kafa and Palanački Kiseljak. Vindija has factories and distribution centers in Serbia.<sup>18</sup>

In Bosnia and Herzegovina, EUR 612 million have been invested from Croatia during the period between 1993 and 2013. Bosnia and Herzegovina is third in terms of scope of Croatian investments (after the Netherlands and Serbia). Biggest investments were in trade, the food industry and chemical manufacturing. T-Hrvatski Telekom (39.1%) and Hrvatske Pošte (5.2%) are co-owners of HT Eronet. INA-MOL has purchased 67% of shares in the Sarajevo-based Energopetrol for BAM 220 million; Agrokor (Konzum d.d.) has made investments in the trade sector – opening and purchase of supermarkets and purchase of Sarajevski Kiseljak through Jamnica. The single largest investment in Bosnia and Herzegovina has come from Serbia; it is the purchase of Telekom Srpske by Telekom Srbije in 2007. The investment amounted to around EUR 646 million (65% of shares). The oil industry of Serbia NIS, owned by the Russian Gazprom, has been present in Bosnia and Herzegovina under two brands: NIS Petrol and Gazprom (which has taken over petrol stations from the Austrian OMV). By the end of 2013, NIS is expected to invest EUR 90 million in

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<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

Bosnia and Herzegovina. The concern Hemofarm a.d. has invested into Hemofarm d.o.o. Banja Luka. Komercijalna banka a.d. has opened branches in Bosnia and Herzegovina.<sup>19</sup> Necessity for more emphasis on economic and social challenges and infrastructural, energy and environmental cohesion was clearly aforementioned in the Enlargement Strategy 2012 and concretised by the enlargement commissioner Mr.S.Fuele at the World Bank and EBRD Conference on investments in the Western Balkans on February 2014. Fuele concludes:

“The Western Balkans Investment Framework (WBIF) was created to bring together national donors and IFIs to develop a pipeline of projects in the countries. Under the WBIF, the Commission, bilateral donors and IFIs are supporting € 8 billion worth of investments in transport, energy, the environment, climate change, the social sector and private sector/SME development. The WBIF will play an increasingly important role to help prepare and support those investments most needed for boosting growth and jobs.”

Enlargement strategies in the past decade have been heavily focused on democratization, rule of law and institutional building, with not equal attention paid on growing economic disarray, macro-economic instability and ever widening social inequality of citizens in the region. According to the World Bank and Eurostat, all countries in the region combined are still on not more than 30% of the EU's GDP average, with unemployment rate above 20% which is two times of whole EU's average (let alone the EU monetary zone); and even a three times bigger unemployment rate among youth (above 50%) in comparing to all EU member states (21%). If we count the Zagreb Summit (2000) as a referent point, we dare to say that sixteenth year since the inception of contractual enlargement with the region, the notion that something has to be done in order to help the Western Balkans to pull itself together economically, to connect physically and to then, in a later stage, become a Western Balkans palatable integral part of the EU has come to its place. But skeptics would say – a balanced and smartly intrusive approach of the EU has got in to the greatest identity crisis that the EU is facing since the Schuman Declaration.

### **Potential Danger (Un) recognized**

What would an honest and professional “feasibility study” about full EU

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<sup>19</sup> Ibid.

integration of the Western Balkans look like? To hire the best consultants in the world who would make a feasibility study of how much money, energy and overall effort it would cost to integrate the Western Balkans into the EU against all odds, and how much of everything (not only money, but the security as well) would it cost to just leave it behind, in some sort of SAP limbo? And how would it look like to communicate then openly the results of that feasibility study to fellow Europeans - to make them aware of all aspects of what they could lose/gain or neither of these, with and without the Western Balkans. Although this proposal may seem pathetic and unrealistic, it is hard to contradict that almost two decades of the enlargement process the EU has been more focused on convincing Western Balkans countries on SAP benefits than it tried to convince its own electorate on the fact that it is not all about philanthropy and that there are some benefits for them as well. The refugee and migrant crisis in combination with terrorist attacks in Paris and Brussels made the overall perception even worse and made fellow Europeans to even more misunderstand others, including citizens from the Western Balkans. In her video message on May 9<sup>th</sup> 2016, the Europe Day, Federica Mogherini, the High Representative for EU Foreign and Security policy, admits:

“For the first time in our history, our European Union faces an existential threat. This is not simply about terrorism: we have the tools to defeat the terrorist threat and prevent radicalization. This is for sure not about migration: a Union of half a billion can manage the current flows, protect lives and build strong partnerships with other countries, in our region and beyond. The existential threat comes from within our own borders. Our Union is at risk when we build walls, instead of tearing them down. Our Union is at risk when we behave as part-time Europeans – we call for help when we need it, but we are not ready to help. If we discriminate people for the colour of their skin, or the language they speak, or the way they pray – if we do so, our Union is at risk, because our identity is based on diversity. In this tough moment in the history of the world, the world needs a strong Europe more than ever. We have a responsibility to our own citizens, and also to the rest of the world.”<sup>20</sup>

We cannot agree more with this dramatic appeal, for we also firmly believe that the EU is in crisis from within – the crisis of perception driven by fear and misunderstanding. Fear is a normal human reaction and has to be treated accordingly, but misunderstanding is more dangerous, for it belongs

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<sup>20</sup> Mogherini, Federica: Video Message on 9 May, Europe Day (May 9 2016). <http://europa.ba/?p=42525>.

to the strange family of ignorance. Let us only imagine what could happen if this crisis spreads out on our above-mentioned triangle. Croatia may continue blocking off Serbia on its EU path (for any possible reason one could imagine). Serbia may turn to local geopolitics by using its influence in BiH, thus provoking Croatia to the same reaction in order to protect the well being of Croats (who in almost 100% have a double citizenship, and are already Croatian citizens), Bosniak Moslems would fearfully react to that and BiH in a moment implodes along the ethnic lines. It would however further strengthen authoritarian tendencies to have at its disposal the identity crisis as a mighty weapon. Would that be helpful to preventing possible radicalisation of those who are looking their last chance is vanishing? We could continue with this conditional scenario, but that is not the point I want to make here. The point here in fact is on what the EU and Western Balkans countries should do to prevent this negative chain reaction from happening. Here are some possibilities which are targeting the weakest aspects of the current EU-Western Balkans relations:

The EU has to keep enlargement high on its agenda, but not only in communication with the SAP countries from the Western Balkans but when it comes to the daily communication between politicians from EU member states and their respective electorate. No, they will not lose elections if they say the truth that the Western Balkans, with all its flaws and virtues, has to be part of the EU – it is geographically close, it has always been part of Europe, it could be a good guardian of overall security and stability in Europe, could definitely be an added value to economic prosperity of EU and strong supplement to its cultural, religious and ethnic diversity. Many European nations have only now begun to understand and distinguish between Islam as a religion of peace and prosperity that actually is part of Europe and radical Islamic tendencies that respect nothing but murder and terror. Fellow citizens of the EU from a village in Tirol (Austria) to the outskirts of London, Helsinki, and Tallin ought to know that the Western Balkans is a historical and geographical place on earth where Islam and Christianity, despite many historical challenges, came to peace with its doctrinal differences for the sake of a common European identity<sup>21</sup>.

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<sup>21</sup> Bremer, Thomas: Bosnia's new Grand Mufti to promote tolerance (20.10 2012.). Deutsche Welle: <http://goo.gl/nuMzmt>, accessed on May 11th 2016.

Strict sectoral conditionality has to remain the driving force of the enlargement process, but the EU should avoid automatization tendencies: all countries have the same preconditions and progress is made when all boxes are ticked off. Just look at what is going on in Macedonia (FYROM) or what on the contrary happened in BiH once the EU decided to take into consideration a rather bigger picture.

EU has to face more decisively both, authoritarian tendencies at home and in the Western Balkans by reinventing benchmarks and red lines which clearly distinguish European democracy and its values from growing tendency of misusing the same values (i.e. those who have won elections on xenophobia, fear and lies are acceptable only because they democratically won it).

The EU has to reinvent mechanism that prevents all EU member states to misuse their position for gaining on bilateral issues with those non-members who have EU aspirations. One example: at the Vienna Connectivity Summit in June 2015, Foreign Ministers of the Western Balkans' countries adopted the text of the „Declaration on Bilateral Issues“, committing themselves to a resolution of all open questions in the spirit of good neighborliness and commitment to European Integration. Unfortunately the same declaration was not signed by the Ministers of Foreign Affairs of the EU member states who share borders with the Western Balkans, namely: Croatia, Hungary, Romania, Bulgaria, Greece and even Italy. Why? It was also offered to them in the first draft, but then later was given up. This is one of the biggest challenges the EU is facing in the coming years and if it does not accordingly it may have repercussions through loosening EU sentiments among Western Balkan countries, strengthening new role models.

The Western Balkans are coping on the other side with enormous democratic deficiency, lower trust in politicians and democratic institutions and perpetual economic crisis. The EU therefore should continue supporting democratic processes alongside with economic reforms and infrastructural reconnection at the Connectivity 2020 Platform and the Western Balkans Investment Framework. The Western Balkan's countries should be financially and organizationally supported and through that support also demanded to:

Reforming Parliaments; a) strengthening the role of Parliaments and democratization of political parties, with the emphasis of financial means for their operations and selection of their leadership. According to the survey conducted by Transparency International, using crinis<sup>22</sup> methodology, the weakest dimension in political parties financing in the Western Balkans is prevention of wrongdoings and sanctions which has as its final consequence enormous political clientelism and patronage and all other ways of political corruption; b) changing laws and constitution if necessary in order to provide parliaments with real power of knowledge and expertise to lead the process – from formulation of strategic priorities to approving strategic decisions; c) parliaments in most of the countries in the region are in some sort of defensive mode vis-à-vis the executive branches because they lack human capacities, expertise and because they put too much emphasis on political party identification as the supreme source of their power. This narrative should be changed incrementally through a more extensive role of parliamentary committees in the law making procedure and not only in the final stage of parliamentary approval but rather through the whole process; opening up a strategic platform of communication between parliaments and other important societal stakeholders – NGO, associations, trade unions; more parliamentary scrutiny over executive branches.

**Reforming public Administration (PA) and Civil Service:** Despite to the fact that all countries in the Western Balkans have undergone civil service reforms, many normative benefits envisaged by the reform have vanished to the omnipresent conclusion: the civil service is independent and merit based on paper, meaning they all have adopted civil service law, with in some cases well established rule book and control bodies such are agencies of the civil service. In BiH, for example, there are three different civil services: in two entities and at the state level. While at the state level law stipulates civil service independence up to the top ministerial echelon (assistant ministers and state secretaries), in entities (particularly after recent law amendments, in FBiH) it provides politicians right to make changes

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<sup>22</sup> CRINIS is a methodology used to assess the legislative system and examine the procedures of key actors involved in the political financing. It is based on the belief that transparency is a prerequisite for monitoring money in politics. The purpose of this study was to identify gaps and weaknesses in political financing in Croatia, with a view to increase transparency in the financing of political parties.

based on political affiliation down to the level of departments and units. In other regional countries, particularly in Serbia and Croatia that seem to be a trend due to a general notion that the ministries are better governable if a ruling political parties have a final say in recruiting people for so called managerial posts in civil service. These arguments have indeed strong pros and cons, but we should not allow political patronage and clientelism to be (re)established for the sake of governability alone. In other words, governability goes hand in hand with political culture and where political culture is still very low, like in many countries of the Western Balkans, governability as such leads directly in some sort of political corruption. Therefore internationally – driven PA reforms should put more emphasis both on merit based norms (even if model of political approvals for the civil service prevails) as well as on practical implementation in different and somewhat difficult societal context. PA independence needs to be fortified by the constitutional provisions, not only by laws and sub-law regulations (i.e. independence of judiciary). It is necessary to continue with PA reforms in the region through strategically streamlined efforts for community empowerment, efficiency improvement, leadership development, modernization of administrative and public services. The future strategic orientation and action has to be based on lessons learned from own mistakes, putting SIG-MA principles as general guideline.

**Strengthening Research and Education:** The overall democratic and economic malaise is reflecting itself heavily on education and research as a very important aspect of democratic development. The systemic co-relation between research, education and business sector can in the long-run vastly contribute to a better economic performance, thus increase the GDP per capita. The European Union's average spending on research and education is around 2% of the GDP, forming the basis of its general policy orientation towards creating a knowledge-based economy whereas in the Western Balkans it does not go over 0.77% of GDP (World Bank, 2013). A regional approach adjustment to education, research and development is the only viable trajectory that can bring about a paradigmatic change. Bigger markets mean bigger opportunities, stronger competition and higher investments in this field that can be generated only if governments create a positive environment. Public expenditure has to be redistributed so that more public money goes towards encouraging a new narrative - education means knowledge and not only an academic degree. A job for life in the public

administration should not be the dreamlike life scenario. The EU should also support countries to boost absorption capacities for community programs (Horizon 2020, Creative Europe 2020, COSME etc.) and by encouraging their best universities to set up their own educational centers for the region. A survey of King Baudouin's Foundation has shown very small mobility of students from the Western Balkans who have a chance to study abroad and even fewer of those who know how to get there. In order to prevent a possible brain drain, it would be valuable to set up as many partnerships between renown universities with the universities in the region in terms of harmonizing syllabuses, degrees etc. All countries in the Western Balkans have to increase (re-allocation of money) spending in education and research the number of the so called "university spin-off support centers". The Western Balkans countries could establish a Research Excellence Fund to strengthen research capabilities in the Western Balkans. The EU should be more insisting and helping the full implementation of the Western Balkans Regional Research and Development Strategy for Innovation. We in the Western Balkans should work more closely with each other to spread the narrative of meaningful connection between research, education and economy as is stated with the Europe 2020 strategy; establishing more social cohesion in the Western Balkans. As group of authors from the Western Balkans argue in their study.<sup>23</sup>

**“Introduction of fair taxation and identification of the citizens’ wealth:** The set of the measures should include progressive personal income taxes, higher property taxes for the wealthier citizens, and progressive payment based on income of the public services, such as child services, health and education. Correct identification of the citizens’ income and wealth is key condition for fair taxation. Therefore efforts should be made in national level, as well as regional level, in development of platforms for determination of personal assets, including owner-occupied housing, cash, bank deposits, money funds, savings in insurance and pension plans, investment in real estate, corporate stock, financial securities, cars, yachts and arts. This process could lead in implementation of more sophisticated taxation on wealth. Re-build of the social safety net: Western Balkans governments must reverse the privatization of public services, and instead focus their efforts towards the increase of their quality and efficiency. The first steps in the reform process should be focused on the programs designed to provide social fairness in the societies such as

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<sup>23</sup> Cenic, Svetlana; Hackaj, Adrian; Kapetanovic, Amer; Koppa, Eleni, Maria; Qorraj, Gazmend; Spasojevic, Dusan; Tevdovski, Dragan and Uljarevic, Daliborka: Social Cohesion – A New Initiative for Stability and Prosperity in the Western Balkans. In: Pesrepective. Friedrich Ebert Stiftung, June 2015.

adequate minimum wage (in order to provide coverage of the basic living expenses), minimum income scheme (to provide additional income in order recipient to exit from the poverty) and youth guarantee (to provide young people with job, apprenticeship, traineeship, or continued education within 4 months from leaving formal education or becoming unemployed)".

# Montenegro in the EU – A Prospect with No Alternatives

*Blagoje Gledović*

## Introduction

For the Western Balkan countries, especially those that were a part of the former Yugoslavia, after its dissolution and conflicts that happened during 90's, the process of building democratic institutions and reforming political and economic systems, through the years has shown to be very demanding and pretty much time and energy consuming. Most of the countries in the region have been struggling between the need and willingness to adopt Western standards and the European way of life, and abandoning characteristics and practices inherited from the socialist time. The Change from one system to another, combined with the weakening of the institutions during times of conflict and crippling of the rule of law, has led to the downfall of existing economic systems and raise of social inequalities. As years passed by, and the situation was getting worse, it became clear that only strong, comprehensive, long-term reforms and integration policies may provide a better perspective for these societies. Sooner or later, all these countries have decided to pursue their future in the Western integration frameworks, thus identifying the European Union as a political structure that might help them to rebuild themselves and to have the set of European values, which they all share in their respective societies. By applying for the membership to the EU, these countries have entered into a preparatory process of building an adequate legislative framework, of reinforcing institutions, enhancing administrative capacities, and, what is more important, changing the mind-set towards a more democratic horizon. From their perspective the EU integration has proved so far to be a solid instrument to entice positive reforms and reinstate the rule of law, despite the fact that on a wider level the EU enlargement policy has over the years become significantly and literally overshadowed<sup>1</sup> by other challenges that

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<sup>1</sup> Take as an example media headlines, such as The Brussels Times: 'EU Summit on Western Balkans overshadowed by migration tragedy', 28 August 2015, <http://www.brusselstimes.com/eu-affairs/3965/eu-summit-on-western-balkans-overshadowed-by-migration-tragedy>.

the EU has been facing. Thanks to the concept of the system introduced by the Stabilisation and Association Agreements,<sup>2</sup> supported by strong European bureaucracies and pushed by the political will from the most influential EU member states, through the time, it came out as quite visible that this framework began to be a guarantee of the constant “work on yourself” for these countries, an impetus to improve and build up better systems for the sake of their citizens. Apart from that, the EU integration has been and it still can be used as a good tool for implementing solutions in various policy areas that the Western Balkan countries did not have to come up with by themselves, but just to take them as they are, since they had already been successfully tried somewhere else.

### **The Concept of the EU Integration in Montenegro – Milestones and More**

Montenegro may be said to fully comply with the features of the countries described in the introductory words. As a rather young country, Montenegro defined its European trajectory at the very beginning of its existence – after re-gaining its independence in 2006 the country started its European integration story, by setting up the EU and NATO integration as key foreign policy priorities<sup>3</sup>. This has also been reflected in its Constitution<sup>4</sup>, that paved the way towards the sharp enough definition of what was Montenegro’s vision of itself – namely to become a future member of NATO and the EU. It might be also interpreted as a promise to its citizens – that the country will pursue the path of Euro-Atlantic integration to bring them a better life: a more democratic, more European and more stable and safe life, guaranteed by the membership in the NATO and the EU.

**Why putting the integration into these two international organizations in the same context and calling the process “Euro-Atlantic”? This may be attributed to the fact that these two integration systems showed to be complementary in their nature.** To explain this premise, it

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<sup>2</sup> More on Stabilisation and Association Agreements on the European Commission web page: [http://ec.europa.eu/enlargement/policy/glossary/terms/saa\\_en.htm](http://ec.europa.eu/enlargement/policy/glossary/terms/saa_en.htm).

<sup>3</sup> More on Montenegro foreign policy priorities at: <http://www.mvpei.gov.me/en/ministry/Foreign-Policy/>.

<sup>4</sup> Preamble of the Constitution of Montenegro, document retractable at: <http://www.skupstina.me/images/documents/constitution-of-montenegro.pdf>.

is important to lay down a couple of facts. Namely, although in their essence, they are different organizations, both, the EU and NATO, actually have focused on the same or similar criteria for membership, when it comes to requests for implementing reforms by the candidate countries. Even though they were set up in a different context, according to the nature and method of administrative functions and internal policies the two organisations, the demands for reforms in substance happened to be very complementary, especially when it comes to reforms in the rule of law area.

From one side, the EU framework for accession, elaborated under the obligations from the Stabilisation and Association Agreement between Montenegro and the EU,<sup>5</sup> has consisted of a set of quite comprehensive tasks for satisfying 1. the political criteria, 2. the economic criteria and 3. the legislative alignment comprising 33 chapters of the *Acquis Communautaire* and effective implementation of the new legislation. The crucial approach, namely, was triggered by the decision of the European Commission, inspired by tough experience of accession negotiations with Bulgaria and Romania, and later Croatia, to focus the whole process around the key axis – the progress in the rule of law chapters – 23 (Judiciary and fundamental rights) and 24 (Justice, freedom and security). Thus, Montenegro became the first country to negotiate with the EU under the new approach that gives the utmost priority to the progress of the country in the rule of law area, as all other chapters may be closed only when all the tasks within these two chapters are fulfilled. Even though the official negotiations started in June 2012, Montenegrin administration in consultation with the European Commission elaborated the relevant action plans<sup>6</sup> for the said chapters even before, defining all the steps and activities in the following years the candidates conduct in order to implement the necessary reforms and prepare for the membership in these areas. All this led to the successful opening of negotiations about the chapters 23 and 24, in December 2013, whereby the Commission defined a set of interim benchmarks that the

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<sup>5</sup> <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=7281>.

<sup>6</sup> Action plan for Chapter 23 Judiciary and Human Rights (February 2015), at: <http://www.gov.me/ResourceManager/FileDownload.aspx?rid=146815&rType=2&file=AP%2023%20ENG.doc> Action plan for Chapter 24 Justice, Freedom and Security, (February 2015), at: <http://www.gov.me/ResourceManager/FileDownload.aspx?rid=146817&rType=2&file=AP%2024%20ENG.doc>.

country has been devotedly working upon ever since. The key indicator that the reforms have been successful will be an adequate tangible track-record, especially in areas such as fighting corruption and organized crime.

On the other side, NATO integration may be said to entail somewhat “less bureaucratic” organization requirements. Namely, since 2008, when NATO granted the Membership Action Plan (MAP) for Montenegro, it has focused mainly on areas such as: reform of the defence sector as well as security and intelligence sector, public support for the NATO integration, but on the reforms in the rule of law area and legal issues as well. Consequently, the Annual National Programs (ANP’s) within the MAP process were drafted in the manner to be more concrete and concise, and to include the main, crucial reform plans in these areas, by regular biannual reporting on activities fulfilling defined goals. At the very end of the process prior to receiving invitation for membership, at the Wales summit<sup>7</sup> in 2014, NATO decided to open the process of the intensified and focused talks with Montenegro<sup>8</sup>, which was actually a step prior to the setting up of the deadline for the decision on whether it should send the invitation to Montenegro in 2015. This process has been particularly focused on concrete plans and the delivery of the results in four crucial areas – defence issues, intelligence sector reform, **rule of law** and public support for NATO. It was whatsoever very clear that particularly the demands for strengthening the rule of law were based on almost the same issues as in the European integration process – normative and institutional reforms regarding the system for countering organized crime and corruption, and delivering track record in those areas.

Coming back to the idea and reasons of the chosen Euro-Atlantic integration path, it is important to highlight that these categories are actually not only part of an appealing perspective, but there are many reasons to believe that the Euro-Atlantic integration is actually a geopolitical choice with no alternatives. What are the arguments in favour of this statement? First of

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<sup>7</sup> Wales Summit Declaration (September 2014) available at: [http://www.nato.int/cps/en/natohq/official\\_texts\\_112964.htm](http://www.nato.int/cps/en/natohq/official_texts_112964.htm).

<sup>8</sup> North Atlantic Treaty Organization, NATO Enlargement & Open Door, Fact Sheet (June 2016) <[http://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_2016\\_06/20160610\\_1606-factsheet\\_enlargement-en.pdf](http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2016_06/20160610_1606-factsheet_enlargement-en.pdf)>.

all, in terms of a broader geopolitical context, Montenegro sees the EU as the only “family” it essentially belongs to, culturally and historically, because the Montenegrin society and its citizens share, or at least want to share, the same European values, as well as the common historical and cultural background with the EU. These characteristics could also be attributed to the other Western Balkan or South East European countries. Despite some narratives according to which the region has over the centuries been culturally connected to the East and Russia in terms of closeness of the pan-Slavic worlds and orthodox Christianity and premises such as the one that history cannot be disregarded, it is, however, clear that it is actually Europe where the region geographically, geo-strategically and geopolitically belongs to. Apart from that, people in the region aspire to achieve the level of democracy and stability cherished by the EU countries, as a guarantee for a freer, secure and prosperous lifestyle. This is exactly why the EU integration has so far been the most logical choice as the framework which could provide conditions for future progress and advancement in a long term perspective. This may to a great extent answer the question – why to struggle with the cumbersome legislative and bureaucratic procedures, imposed by Brussels in terms of the alignment with the EU Acquis, when you might find allies among other economically very potential partners such as Russia, especially in terms of energy dependency<sup>9</sup>, or Turkey, which has in recent years heavily invested in the region?<sup>10</sup> The answer lies within the opted choice of values that the people of the Region share and those are aspirations towards a better society with established rule of law and democracy, freedom and prosperity for all. And these have been identified among those standards empowered and cherished in the first place by the European Union.

It has to be underlined that, speaking again in terms of the regional or geopolitical context, neither Russia, nor Turkey might be seen as possible options for becoming countries to “liaise with”, especially given the unpopular heritage of instability in the Western Balkans region, stemming from the conflicts in the 1990s. Peace, stability and security are questions of utmost

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<sup>9</sup> Vladimir Djordjević: 'Business Deals and Western Fears (Russian challenge in the W. Balkans' (November 2014) at: <http://www.cepolicy.org/publications/business-deals-and-western-fears-russian-challenge-w-balkans>.

<sup>10</sup> <http://www.balkaninsight.com/en/article/turkey-s-balkan-shopping-spree>.

importance for the Western Balkans and South East Europe in the integration context, taking into consideration the historical context, which includes a track record of conflicts, even during the past decade. First of all, no bright future for the region might be expected without provision of long term stability and security. In this regard, only an appropriate integration framework and good inter-state and inter-ethnic relations should be the guarantees for prosperity and stability. The parallel can be to a certain extent drawn with the very beginnings of the establishment of the European Union<sup>11</sup>, whereby the founding fathers, especially France and Germany used the political project of creating the EU as an “excuse” to reconcile and enforce their common economic interest, thus turning a Europe of conflict into a Europe of unity. Likewise, the Western Balkans countries have seen the EU integration framework as a way of boosting regional cooperation and pursuing common interests, while overcoming the political differences that in the 1990s were the cause of the severe conflicts in this region.

In terms of maintaining stability in the region and cherishing stronger ties between Western Balkan countries, the EU integration may thus be considered as a common denominator of tighter relations, because it has been already proved that the six Western Balkan countries have enhanced the cooperation and exchange of experiences on the EU path. (Just to illustrate this, by entering into the technical process with the EU, Montenegro received a significant technical assistance from Croatia and Slovenia, as countries which already passed through the process. Given the varying stage of the EU accession negotiating process, Montenegro, being the most advanced of the present candidate countries, similarly acted in the case of Serbia, offering support to the Serbian administration in the negotiations process, especially by sharing experience from the new approach in the rule of law chapters. Apart from that, in 2013, Montenegro launched the initiative “Western Balkans Six”, aimed at stimulating the cooperation of the region in overcoming the similar challenges stemming from the EU integration. It was intended to make the countries cooperate at the highest political level in order to find creative and concrete solutions for the common problems and to remove obstacles to accelerate the EU integration

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<sup>11</sup> Di Nolfo Enio, ‘Storia delle relazioni internazionali 1918-1999’, GLF Editori Laterza, p. 778.

dynamics, such as reinforcing the rule of law, building infrastructure to boost investments in the Region, cutting red tape to remove business barriers. This gradually evolved into the so called “Berlin Process”, launched in 2014, whereby some member states such as Germany, Austria and Italy strongly supported the initiative of identifying specific infrastructural projects in the fields of transport and energy that are crucial for the region. In line with the conclusions of the Summit in Vienna in August 2015,<sup>12</sup> the Western Balkan countries have established the national investment committees and pre-identified the priority projects in energy and transport that are important for all the region and that may apply for financing out of Western Balkans Investment Framework funds. In this way the common interest of the WB countries was also connected with the EU Connectivity Agenda and the concept of further building trans-European networks. The overall idea remains to integrate the region firmly as well as provide counselling and financial support in connecting Western Balkan countries, in preparation for the future EU membership.

### **EU Related Perceptions in Montenegro – the Case of Public Support for the EU**

In case of Montenegro, the question of the perceptions regarding the EU membership could serve as an example to describe the positive influence of the EU enlargement policy. In that sense, it is important to say that the public support in Montenegro for the EU and the EU integration process has predominantly remained very high over the last decade.

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<sup>12</sup> Final Declaration by the Chair of the Vienna Western Balkans Summit 27 August 2015, available at: [http://ec.europa.eu/enlargement/pdf/policy-highlights/regional-cooperation/20150828\\_chairmans\\_conclusions\\_western\\_balkans\\_summit.pdf](http://ec.europa.eu/enlargement/pdf/policy-highlights/regional-cooperation/20150828_chairmans_conclusions_western_balkans_summit.pdf).



Source: Center for Democratic Transition and Human Rights (CEDEM). The graph shows a trend of public support for the EU integration from 2002 to 2015.

Reasons for this are different. People in the country feel that they belong to the European continent, as explained in the previous paragraphs. There are, as well, many advantages connected with the high life standards in the EU, that may in a way remind people of the context of social security in ex-Yugoslavia during times of progress in the 1970s and 80s, characterised by the high employment and ability to afford things and travel freely, work and study around Europe and the rest of the world. By all means, the high standard of life of the EU citizens is very appealing to the average citizen of Montenegro. All these advantages are today associated with the EU, and the ordinary citizen feels that being a part of modern Europe means that the individual has a chance to be treated equally and that his/her rights would be respected. Countries of the EU are regarded as the ones, which are setting the standards, launching innovations, implementing high technology solutions, creating better life conditions, while preserving the nature and ecology. The case of neighbouring Slovenia and Croatia and their paths toward the EU also serve as a role model for Montenegro and other Western Balkan countries. At the same time, the “proximity” of the EU in recent period, has enabled people to get to know better these countries and make parallels of what you have now and what you could have if becoming the “part of the club.” The advantages of the four freedoms of the EU –

free movement of goods, people, services and capital<sup>13</sup> have remained the most appealing aspect of this process, especially after the visa liberalisation was granted to Montenegro, in December 2009.<sup>14</sup> For Montenegrin citizens, especially for the young ones, this was the first palpable result of the EU integration process for their benefit in terms of much greater and easier mobility.

Further to that, there is at the same time a 100% political support to the EU integration. It means that all of the parties in the Montenegrin Parliament have been pro-European, expressing that at least by public rhetoric as an expression of the determination to cherish European values and promote these within their respective political programs. One might discern hereby a sort of political pragmatism, as well as the political parties are acutely aware of the figures in favour of EU popularity among Montenegrin citizens. The EU integration has been relying on the full political consensus among all the Parliament parties, despite their different nature, profiles and affiliations. Institutionally, there is a Parliamentary Committee on European integration,<sup>15</sup> established as a part of the negotiating structure, which has been chaired by an opposition party representative. Here, one should highlight an active role and engagement in the negotiation process in terms of shaping and fine-tuning of the negotiating position papers for various chapters of the Acquis. Each position paper has to be passed by this Committee, who discusses specific points of national interest reflected within the 33 chapter of the Acquis.

However, what is significant to point out in this context (and in relation with foreign policy priorities) is the fact that, whereas there is a cross-party consensus in the Parliament on the EU integration of Montenegro, the situation is quite different when it comes to political parties' support to the NATO integration. The level of public support for NATO has varied in recent years and currently is being, according to some polls,<sup>16</sup> between 45

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<sup>13</sup> [http://ec.europa.eu/growth/single-market/index\\_en.htm](http://ec.europa.eu/growth/single-market/index_en.htm).

<sup>14</sup> European Parliament, Fact Sheets on the European Union, The Western Balkans, by Andre De Munter (November 2015). available at: [http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuId=FTU\\_6.5.2.html](http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuId=FTU_6.5.2.html).

<sup>15</sup> <http://www.skupstina.me/index.php/en/odbor-za-evropske-integracije/aktuelnosti>.

<sup>16</sup> <http://www.rtcg.me/vijesti/otvoreno-o-nato-u/130541/775-odsto-smatra-da-cc-cg-u-nato.html>.

and 48% of the people supporting the idea of Montenegro becoming a NATO member. Reasons for this vary, and some of elements of influence might be the following:

1. A different nature of these two international organisations – the EU is seen by most people as a prevalingly economy-oriented alliance, whose regulations and standards would enable a higher quality of life for the citizens, while NATO is, perceived by some people, such as “pacifist” intellectuals and students, as a military alliance that undertakes some unjustified global military actions over the world;
2. Negative memories of NATO bombing of the Federal Republic of Yugoslavia (Serbia and Montenegro) in 1999;
3. Traditional historical ties with Russia;
4. Russia exercising influence via the Orthodox Church, its media propaganda and through financing of some organizations, opposition parties etc.

In Parliament, currently, in this composition of parties, there is almost a two thirds majority of the parties which are pro NATO membership, according to their political programs. On the other side, there is a part of the opposition, mostly pro-Serb conservative parties which are aggressively campaigning against joining NATO, and doing that by using different means. Even though those structures often lack good arguments and strategies that would really influence the public opinion, it is clear that they contribute to maintaining the anti-NATO stance at some groups. In addition, sometimes in the Western Balkan region the populist rhetoric is just enough to create some beliefs and stances. Some of the reasons for doing this sometimes are that particular political structures tend to reason in the following manner – “if you, as political party, represent Serbs in Montenegro, you can never promote NATO accession because of the emotionally sensitive issue of NATO intervention in 1999, as well as due to the fact that the neighbouring Serbia has chosen (so far) the path of neutrality”. It might be the case that this part of the opposition just wants to differ themselves sharply from the government and the ruling party politics, or just to “play the opposition” and opposing for the sheer sake of opposing.

On the other hand, the Montenegrin administration has undertaken notable activities on maintaining the EU integration idea popular. This includes the implementation of the Strategy for Informing Citizens about the European Union and Membership Preparations 2014-2018<sup>17</sup> as well as organizing different public debates and topical round tables on various chapters of the Acquis. It is important to underline that these activities are also not only intended to make the EU integration popular, but also to explain its essence, to educate different levels of Montenegrin society of its significance, but also of the underlying responsibilities and tasks of an EU member state.

Comparing to this, there is a public dialog strategy and process aimed at raising public support for the NATO accession as well<sup>18</sup>, which has been quite intensive in the last two years, aiming to explain all the facts about the NATO and to counter the possible myths and prejudices, as well as to try to attract the profile of people that have generally lacked interest in this and similar topics, so that they possibly start thinking about the importance of security and a collective security system for one country in the Balkans, such as Montenegro.

### **Influence of the EU Integration – EU Serving as a Motor for Democratic Reforms?**

Moving on further in this field, it is quite important to touch upon the influence of the EU or, more precisely, the EU integration process in some particular areas. It has been already discussed a lot on different forums about the question what actually the Euro-Atlantic integration processes can bring to the countries in South East Europe and Western Balkans. As a result, a plenty of conclusions and particular recommendations have been delivered in recent years.

However, the fact is that, what remains the point of common agreement is the premise that European and Euro-Atlantic integration processes in many ways represent a driving force for the reforms, and, furthermore, for the whole democratisation in the region. This remains an incontestable fact,

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<sup>17</sup> <http://www.gov.me/ResourceManager/FileDownload.aspx?rId=160422&rType=2>.

<sup>18</sup> More at: <http://www.natomontenegro.me/naslovna>.

despite all the wider challenges that the EU has been dealing with recently – the migration and refugee crisis, the tough negotiations with Turkey, the possible exit of the United Kingdom from the EU. The perfect example in favour of this premise is the case of Montenegro and its reform activities, further boosted by the status of an EU candidate country and, from recently, a NATO acceding country.

In particular, the positive influence on reforms of these integration policies is very much visible in many policy areas. For instance, the most important is **the overall progress in the rule of law area**, the progress in chapters 23 and 24, in particular, being an impetus for the overall EU integration process. Key steps and achievements since the opening of negotiations in June 2012 were made. In technical terms, comprehensive action plans for the chapters 23 and 24 were adopted, and the process of implementation of the reforms is being closely monitored and evaluated by the EU through reporting twice a year and delivering progress reports. It is all a part of the mechanism that the EU puts in place once a country enters the accession process. Through that framework, since the start of the negotiations, Montenegro has truly done a lot on building up a legislative and institutional framework for the enforcement of the rule of law. As regards the legislative framework, 51 laws have been adopted since September 2013, many of them establishing new systems and procedures and substantially reforming the existing ones. A number of key laws were adopted for empowering judiciary and reinforcing its independence and boosting fight against corruption and organised crime. For the first time, Montenegro introduced in its institutional system a Special State Prosecutors Office and Anti-corruption Agency, reflecting the reforms that have been done under the European integration framework. These activities were aimed at building up capacities of independent institutions, which is quite important, given the fact that is one of the particular problems in the Balkan states. In particular, when it comes to chapter 23, for example, in the area of **judiciary**, after the constitutional amendments in 2013, the Montenegrin Parliament adopted a set of new legislation regulating all aspects of the judiciary, including the prosecutorial organization, which established the basis for the introduction of the new systems for election, the evaluation and promotion of prosecutors and judges. In the area of **fighting against corruption**, a set of legislation was adopted in 2014, regulating various fields such as lobbying, financing political parties, administrative procedures, strengthening

the public procurement system etc. Consequently, in 2015, there were amendments to important criminal legislation laws as well completing the legal framework in this area and creating better preconditions for the fight against serious crime and therefore strengthening the rule of law in general. In the area of **fundamental** rights, a significant legal reform took place during 2014 and 2015, which should support Montenegro to further align itself to EU standards in this field. Steps forward were made, specifically aiming at strengthening the position of minorities, as well as improving gender equality and the position of vulnerable groups, like persons with disabilities. Furthermore, the prison system was reformed and attention has been paid to a better guarantee of human rights and fundamental freedoms, while in that regard the capacities of the institution of Ombudsman has been further strengthened.

Apart from the rule of law, an **economic reform programme has been set up** as a part of the economic dialogue between the EU and the candidate countries, with the aim to develop a “wise”, long-term and strategic economic thinking, and to be prepared for the European semester. The Economic and Financial Dialogue between the EU and the Western Balkans and Turkey<sup>19</sup> is meant to prepare the candidate countries for their future participation in the EU economic policy coordination. The dialogue reflects to some extent the European Semester<sup>20</sup> process at the EU level and is focused on targeted policy guidance to support efforts towards fulfilling the Copenhagen economic criteria.<sup>21</sup>

In line with the new requirements of the Commission in the economic dialogue with the candidate countries, MERP – the Montenegro Economic Reform Programme 2016-2018<sup>22</sup> was elaborated by the government in January 2016, presenting the economic policy of the country and has been an important obligation on the EU integration path. As set out in ERP 2016-

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<sup>19</sup> Joint conclusions of the Economic and Financial Dialogue between the EU and the Western Balkans and Turkey (May 2016). [http://www.consilium.europa.eu/en/meetings/ecofin/2016/05/st09258-re01\\_en16\\_pdf/](http://www.consilium.europa.eu/en/meetings/ecofin/2016/05/st09258-re01_en16_pdf/).

<sup>20</sup> [http://ec.europa.eu/economy\\_finance/economic\\_governance/the\\_european\\_semester/index\\_en.thm](http://ec.europa.eu/economy_finance/economic_governance/the_european_semester/index_en.thm).

<sup>21</sup> [http://eur-lex.europa.eu/summary/glossary/accession\\_criteria\\_copenhagen.html](http://eur-lex.europa.eu/summary/glossary/accession_criteria_copenhagen.html).

<sup>22</sup> Available at: <http://www.gov.me/en/News/157668/Montenegro-Economic-Reform-Programme-2016-2018.html>.

18, the key objective of Montenegro's economic policy will be a more intense and sustainable economic growth and the creation of new jobs. As stated in MERP, the Montenegrin economic policy in 2016-2018 will be prevalently focused on increasing the competitiveness of the Montenegrin economy by implementing structural reforms and developing the necessary infrastructure aimed at boosting both domestic and foreign direct investments, by focusing on the following:

- further development of transport infrastructure,
- fiscal sustainability,
- favourable business environment/investment climate,
- systemic decrease of informal employment (undeclared work),
- creating conditions for boosting loans, as well as the growth of SMEs,
- strengthening the external position of the country as well as enhancing the human resources.

There are as well variety programs in other significant areas that Montenegro has started participating, such as mobility of students (ERASMUS<sup>23</sup>), science and research (Horizon programme<sup>24</sup>), development of the SME/small medium enterprises and business environment (COSME programme<sup>25</sup>), agriculture (IPARD<sup>26</sup>), environment (ECRAN<sup>27</sup>) etc., preparing the candidates for the future EU membership. In addition, it is necessary to mention the possible benefits of the linkage between the so called “Connectivity Agenda”<sup>28</sup> within the Berlin Process – as was already mentioned in the paragraph above, major infrastructure projects in the Western Balkans in the field of Transport and Energy that are planned to be heavily financed by the European Union in terms of co-financing of Investment Projects in the Western Balkans.

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<sup>23</sup> <http://www.erasmusprogramme.com/>.

<sup>24</sup> <https://ec.europa.eu/programmes/horizon2020/>.

<sup>25</sup> <http://ec.europa.eu/growth/smes/cosme/>.

<sup>26</sup> [http://ec.europa.eu/agriculture/enlargement/assistance/ipard/index\\_en.htm](http://ec.europa.eu/agriculture/enlargement/assistance/ipard/index_en.htm).

<sup>27</sup> <http://www.ecranetwork.org/>.

<sup>28</sup> Connectivity Agenda, Co-financing of Investment Projects in the Western Balkans in 2015. Document available at: [http://ec.europa.eu/enlargement/pdf/policy-highlights/regional-cooperation/20150828\\_vienna\\_info\\_pack.pdf](http://ec.europa.eu/enlargement/pdf/policy-highlights/regional-cooperation/20150828_vienna_info_pack.pdf).

On the other hand, in comparison to this, it is worth of putting emphasis on the fact that the NATO integration process in case of Montenegro actually could also be used as a proof how the NATO context and framework can be used as well to improve and consolidate some aspects at a national and institutional level. Montenegro made a significant progress as regards to improving the defence and security system by implementing significant reforms and introducing high standards. Progress is visible in the rule of law and law enforcement area (compatible with the EU, but monitored as well), but in terms of raising a public awareness of what security means for a small country like Montenegro and how to provide it in a smart way by being a part of collective defence system rather than choosing significantly expensive and less appropriate solutions.

### **The EU Integration Mechanisms Change the Society for the Better**

Taking look at what has been laid out above, it could be argued that these processes and programs within the EU integration framework so far have had affected Montenegro in a positive manner. As a result, Montenegro is now well advanced in the EU accession process, bearing in mind that it opened the negotiations in 22 out of 33 chapters of the Acquis and that it hopes to start closing some of these in the recent future. Notwithstanding the fact that the country and its society will still have to do a lot of work prior to becoming a full-fledged member of the EU, in case of Montenegro the EU integration has so far become an irreversible process in terms of bringing the positive change to the Montenegrin society. Positive effects are visible through different areas such as:

- Changing the overall mind-set and boosting tolerance,
- guaranteeing of human rights and freedoms,
- strengthening of independence of media,
- improving LGBT rights and
- raising transparency of the government and public administration etc.

Even the cross-party dialogue that took place recently, could serve as a good indicator of the more mature democratic society and a result of the common efforts on the EU path.

## Conclusions and Possible Policy Guidelines

The general impression is that EU integration will nonetheless not lack in popularity in Montenegro for all the above stated reasons. Thus, the integration process will remain a perfect “excuse” for the Montenegrin society to build up and improve itself, since reaching the EU standards is an inspiring task whose direct beneficiaries are the very citizens of Montenegro. Again, this could be attributed to other countries from the Western Balkan region as well.

What might be drawn as a major conclusion, especially when taking into consideration the last two sections and the example of Montenegro, is that the EU through its external policy and enlargement strategy has a significant power and a tool, which is very important for this part of Europe. The European integration process has so far served as an important framework for South East European and Western Balkan countries in their transitional and post-transitional period. That is why these policies need to remain strong, which, among other factors, eventually highly depend on internal relations within the EU. It is important that the crises that have been occurring do not endanger the pace of the EU integration processes in all countries concerned, as they serve as significant tools for institutional development and further democratization. Huge challenges, such as the migration crisis and the rise of right-wing philosophy, “Brexit” and others, if deeply analysed, eventually reaffirm the stance that only a strong EU can be a guarantee of stability and progress in the Balkans and South East Europe.

The EU administration should put further efforts to maintain the idea of enlargement to the Western Balkans sustainable, and therefore provide a long term European perspective to the countries of the region. This issue is geopolitically important for the EU, for stability, security and economy of the European continent as well. Big member states like Germany and France should continue to support the European perspective of the Western Balkans through its policies and different initiatives transferred on the EU level, maintaining the enlargement process ongoing. Technical aspects of the process remain to serve as a training for public administrations, while the core of the process should be aimed at further democratization and institution-building, leading to the higher degree of the rule of law and protection of fundamental freedoms, stronger economies and better living standards in all countries of the Western Balkans.

# **Normative Incongruence between EU Norms and the Albanian Political Elite: Explaining the Limited Effectiveness of EU Democratic Conditionality**

*Sokol Lleshi*

## **Introduction**

The political project of integrating into the EU and of ‘returning’ to Europe after the fall of the communist regimes has been a shared goal of the post-communist countries in East Central Europe, including Albania. The initial waves of enlargement that incorporated the post-authoritarian societies of Spain, Portugal and later Greece buttressed to some extent the legitimacy of the democratic transitions in these countries. Yet, a more coherent and explicit EU policy with regard to enlargement and the coupling of EU integration with certain concrete political, economic and social criteria, known as the Copenhagen criteria, appeared after the regime transitions in post-communist East Central Europe. The Copenhagen criteria became the cornerstone of what is known in the Europeanization literature as the EU conditionality effect relying on a combination of the EU normative ‘soft’ power and withdrawal of the EU membership promise if prompted by domestic conditions or when necessary. During the latest waves of the EU enlargement in East Central Europe, the EU has been effective in countervailing the authoritarian tendencies in post-communist ECE such as in the case of the Meciar’s rule in Slovakia by postponing the reward of full membership and supporting and galvanizing the domestic transformations triggered by the civil society and the political opposition there. In most of the cases the European Union has conceived of the conditionality policy as an effect of the soft power. In this paper I argue that the effect of EU political conditionality in transforming the features of the polity of the Albanian post-communist regime is less effective and successful. A different mechanism of making effective the political conditionality would be more appropriate. Rather than having as main and the only interlocutors the political elite and representative of state institutions, the EU representatives could consider incorporating pertinent local societal actors of the aspiring EU accession country. On the other hand, the paper presents the unin-

tended consequences of the prevailing mechanism of the political conditionality as it is exerted in the case of Albania.

Contrary to other cases where there have been intractable conflicts, historical legacies, or an influential presence of Euroskepticism, that would explain the limited efficacy of the EU political conditionality, Albania constitutes a case where there is a widespread support for the EU integration. There is no political articulation of alternative projects instead of the EU or of anti-EU position. Therefore, the paper tries to explain the weakening effect of the EU normative power in the case of Albania by looking at the dynamic of the interaction between the local political elite and the EU representatives and institutions. The claim of the paper is that the inefficacy or the weakening of the normative power of the EU is explained by the ambiguity of the political discourse of the ruling elite, which constitutes the main actor of the negotiations and dialogue between the EU and the Albanian society. As a corollary to this claim, the short-term or even mid-term expectations of the EU regarding the effect of EU conditionality and of the reforms to transform and democratize the society, with the intention to bring Albania closer to the European standards and institutions, falter due to the incongruence of the normative values and due to the limited effect of the mechanism for exerting political conditionality that the EU uses.

Plausible alternative theoretical explanations regarding the not so successful role of the EU is the one that argues for a discrepancy between the domestic process of legitimation of the democratic regime in Albania and the legitimating effect coming from the EU integration process<sup>1</sup>. I agree with the argument that the process of EU political conditionality entails an iterative and two-level legitimating playing field which includes a domestic and an external actor type of normative intervention that aims to enhance or orient the local domestic legitimation. However, I argue that this discrepancy and the two-level playing field is a central dimension of the EU conditionality which intends to externally induce political, economic reforms that would lead to 'goodness of fit' or normative congruence. In this respect, I explain in this paper the inefficacy of this working practice of the EU political conditionality within the theoretical boundaries of the compet-

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<sup>1</sup> Kajsia, Blendi: Down with Politics!: The Crisis of Representation in Post-communist Albania. In: *East European Politics and Societies*, 2/2010, pp. 229-253.

ing perspectives rather than providing a critique from a perspective outside of the prevailing paradigm, which also yields valid analytical arguments.

In order to delineate and explain this particular case, I rely on the conceptual framework of constructivism and the logic of appropriateness<sup>2</sup> (March and Olsen 1989) in relation to the effect of the EU conditionality. Thus, the long-term effects of EU conditionality and in particular its weaknesses cannot be fully explained by the rational-choice model of credibility of commitments on behalf of the EU, and the 'stick' and 'carrot' frame of interaction. I concede that there are other more suave explanatory models based on the rational choice perspective, yet the empirical case shows that there is a degree of entanglement in a long process of interaction that displays a continuous pattern of normative incongruence. This empirical condition calls for a revision of the standard applied model to induce democratization, change and reforms. I delineate the political elite as the central domestic actor for various reasons. The dominant structure of the negotiations between the EU and Albania renders priority to the political elite. On the other hand, the institutional mechanisms such as electoral rules, and the parliamentary system favor the dominance of a stable two-bloc system dominated by the Socialist Party in the left-of center spectrum and the Democratic Party in the right-of center spectrum. On the other hand, to some extent due to the communist rule, there is an assumed legacy of weak civil society<sup>3</sup> in East Central Europe, including Albania. One could argue that the structure of the civil society in Albania is such that there is no sustainable and consistent presence of autonomous loci of action that counterveil the political society.

This paper uses the method of critical discourse analysis in order to tease out the framing and the normative underpinning done by the political elite with regard to the stated goal of EU integration. Henceforth, to understand how the EU is depicted and how the EU's role is constructed discursively by the central political actors that are part of the interaction pattern with the EU institutions, I analyze the speeches of the main political leaders

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<sup>2</sup> March, James G. and Johan P.Olsen : *Rediscovering Institutions: The Organizational Basis of Politics*. New York 1989.

<sup>3</sup> Howard, Marc Morje: *The Weakness of Post-communist Civil Society*. In: *Journal of Democracy*, 1/2002, 157-169.

when they were in government given that they shape and direct the dominant ideological framework within their respective political parties and government. At the same time, the same method is used to reveal the underlying normative framework that European Union uses in the progress reports and other institutional documents when referring to the processes of reforms and the needed transformations that country such as Albania has to go through to approximate the EU membership according to the Copenhagen criteria.

The following sub-sections of the paper present an overview of the case, and then concentrate on the last five to six years that include two different governments, which yet despite certain nuances reflect a similar ambiguity with the EU integration project. On the other hand, the context of this normative ambiguity of the political elite by expressing a general commitment to the EU project of integration and at the same time mobilizing an anti-bureaucratic or populist rhetoric is the context of the EU economic crisis and the internal dynamic of the European Union. Nonetheless, the normative incongruence with the values of the EU in terms of norm-compliance has been a constant feature of the Albanian political class. The other sections explicate the process of entanglement of the EU institutions positioned across party lines such as the EU Parliament representatives, following the local party politics cleavages and divisions in Albania. The final section draws the conclusions and ramifications of the limited inefficacy of the EU normative power in this two level playing game characterized by dissonance.

### **Catching up the EU Train or Following Divergent Trajectories**

A year later after the 1989 revolutions in East Central Europe, Albania experienced its own regime transition. The main motto of the students' protests in 1990, which triggered the move from liberalization to democratization, was: 'Make Albania like Europe', which has been a catchy slogan and at the same time the recognition of the non-democratic and un-European nature of the past communist regime. It was to some extent the same demand of the post-communist East Central Europe for the 'return to Europe'. Very early after the democratic transition, Albania profited from the PHARE Program and took advantage of the EU-Albania free trade relations that dominated the initial interaction between the European

Union and Albania. A number of other EU financing and donor programs were developed in Albania, within the framework of the Western Balkans and the Stabilization and Association Agreements, such as CARDS, and IPA. During this process towards EU integration, one could mention the entering into force of the Stabilization and Association Agreement in 2009, the liberalization of the visas for the Albanian citizens in 2010, and the granting of the candidate status in 2014.

Despite these landmarks in the process of EU integration, one could hardly notice a substantial change or a leap forward. It has typically been the case that the turnover in government has been considered as a sufficient feature of an acceptable functioning of democratic institutions, given that through elections, albeit their continuous limitations, political competition or conflict could be resolved peacefully. In these critical moments, the EU institutions have rewarded the Albanian state and representatives with the signing of milestone agreements or providing further support in the way towards the EU membership. However, the concrete effects of political conditionality have been limited. The Albanian political class since the initial elections of 1991 and 1992, after regime change have had limited success in organizing free and fair elections, whose legitimacy had been disputed or questioned by the opposition with the exception of those cases in which there had been a turnover in government. On the other hand, as most of the EU progress reports on Albania indicate continuously, the political competition in Albania and the party system institutionalization albeit stable is characterized by political polarization that can stem partly from the mobilization of the regime divide<sup>4</sup> and from the absence of a social learning process of mutual recognition and cooperation between the political elite.<sup>5</sup> The Albanian political elite can be characterized as fragmented political elite.<sup>6</sup> It is precisely the political polarization features which stupefy the EU institutions and their representatives that make EU institutions reiterate in the progress reports the urge for political cooperation, mutual recognition and using existing democratic institutions as venues of political dialogue. The

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<sup>4</sup> Grzymala-Busse, Anna: Coalition Formation and Regime Divide in New Democracies: East Central Europe. In: *Comparative Politics*, 1/2001, pp. 85-104.

<sup>5</sup> Dawisha, Karen and Stephen Deets: Political Learning in Early Post-Communist Elections. In: *East European Politics and Societies*, 4/ 2006, pp. 691-728.

<sup>6</sup> Higley, John and Jan Pakulski: Elite Power Games and Democratic Consolidation in Central and Eastern Europe. In: *Historical Social Research*, 1/1999, pp. 292-319.

paper shall explain in the following sections, through the method of critical discourse analysis, the EU normative conceptualization of inducing change in the absence of an effective agency in required political transformations. This contradiction rests on the incomplete accountability mechanisms of the EU with regard to the required transformations within the Albanian society. Furthermore, the paper shall explain the unintended consequences of the mechanism for exerting the EU political conditionality in the case of Albania. The EU political conditionality mechanism instead of inducing incremental change in the direction of fulfilling the Copenhagen criteria, in the case of Albania has produced a divergent outcome from the intended aims.

### **Conceptual Framework: Long Term and Stable Effects Instead of Short Term Crisis Management**

The EU political conditionality as part of its normative external policy, sometimes dubbed as ‘soft power’, has been central to the European Union’s enlargement policy and in particular in aiming to transform the polities of the non-EU aspiring members. EU as a normative power means as Ian Manners says, “The EU acts in a normative way in the international system.”<sup>7</sup> In general, the standard theoretical frameworks that analyze the process of compliance with the EU political conditionality emphasize the importance of EU credibility with regard to the rewards for membership once the aspiring non-EU states do comply with the conditions. The credibility of the EU and its commitment to bring candidate or aspiring countries closer to the EU is also understood as the commitment to withhold the reward once the prospective EU members are in breach of the democratic conditionality. Schimmelfennig and associates define in this way EU political conditionality: “Democratic conditionality is the core strategy of the EU to induce non-Member States to comply with its principles of legitimate statehood.”<sup>8</sup> The question remains to what extent the political conditionality is effective in producing the transformative change in the non-EU

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<sup>7</sup> Manners, Ian: Normative Power Europe: A Contradiction in Terms? In: *Journal of Common Market Studies*, 2/2002, p.239.

<sup>8</sup> Schimmelfennig, Frank, Stephan Engert and Heiko Knobel: Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey. In: *Journal of Common Market Studies*, 3/2003, p.495.

member states. The theoretical model devised by Schimmelfenning and associates introduced certain conditions in order to test the effect of the political conditionality. One of the defining features of the cases under investigation, such as Slovakia under Meciar, Latvia and Turkey prior to the rise of the AKP party, includes the presence of a “significant conflict between EU rules and the initial situation in the candidate countries”.<sup>9</sup> On the other hand two broad mechanisms are identified as channels through which EU-induced transformation goes through, namely, the intergovernmental level and the transnational level according to Schimmelfenning et.al. There is an assumption that East Central European post-communist countries have weak civil societies and as a consequence the interactions of the European Union institutions with the state and political elite is more apposite and could produce results under certain conditions. Nonetheless, in the Albanian case we experience a situation in which the EU has hardly renounced its commitment and credibility with regard to rewarding EU membership to Albania and the interaction between the Albanian political elite and the EU has not yielded positive results through time. What is important to note, is that there is no substantial conflict as in previous cases in the Albanian case. I mean that the Albanian case represents more a polarized, albeit stable party system, and has moved away from the conditions of competitive authoritarian regime of the mid 1990s, that would make Albania similar to the Slovak case under Meciar’s rule. It is for these above-mentioned reasons that the theoretical framework based on the “reinforcement by reward”, intergovernmental channel of interaction, and the cost benefit analysis hardly explains the ineffectiveness of the EU political conditionality and its mechanisms in the case of Albania.

The European Union institutions have been consistent in using the “reinforcement by reward” mechanism, in a piecemeal manner, in the case of Albania when they have approved the signature of the Stabilization and Association Agreement after the turnover in power in 2005, and granted their approval to the candidate status of Albania for EU membership a year after the 2013 elections, which also constituted a change in government. Nonetheless, the concrete effect of this mechanism has been low given that

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<sup>9</sup> Schimmelfennig, Frank, Stephan Engert and Heiko Knobel: Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey. In: *Journal of Common Market Studies*, 3/2003, p.501.

the transformative reforms have either protracted or stalled after the material incentives. The problems have remained the same such as the absence of political consensus among the Albanian political elite, albeit shared ideological goal of making Albania an EU member, the inability to hold free and fair elections which are not disputed, and the politicization of the public administration, as well as the nonchalance towards the procedural dimensions of democratic rule and the rule of law. These features of the Albanian polity have been present across all the different ruling parties in government. Schimmelfennig and associates (2003) explicate that one of the plausible reasons for the absence of compliance with the EU conditionality includes the costs of compliance to “the government’s domestic power bases, and its core political practices for power preservation.”<sup>10</sup> The social bases of the political parties if we may use this term do not object to the EU accession process of the country. I would argue that to some extent, the transformative reforms that would bring Albania closer to the “principles of legitimate statehood”<sup>11</sup> might not be consistent with the core political practices of the political parties or the political elite. I would suggest to broaden the notion of political practices and not to link it specifically with interest-based costs. In this regard, power ruling political practices have been rather similar in Albania, despite manifesting a rhetoric of democratic redemption and of modernization prior to obtaining power. The ruling political practices reflect rather a cultural practice of the Albanian ruling elite as part of their political culture. As a consequence, juxtaposing the normative framework of the EU’s policy narrative and discourse of democratization with the actual ruling practices of the local elites and the “inconsistent compliance”<sup>12</sup> will respond to the main question of interest of this paper. Therefore, a different theoretical and conceptual framework based on constructivism and socialization effects is considered when analyzing the interaction between the normative inducing mechanisms of the

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<sup>10</sup> Schimmelfennig, Frank, Stephan Engert and Heiko Knobel: Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey. In: *Journal of Common Market Studies*, 3/2003, p.499.

<sup>11</sup> Schimmelfennig, Frank, Stephan Engert and Heiko Knobel: Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey. In: *Journal of Common Market Studies*, 3/2003, p. 495.

<sup>12</sup> Freyburg, Tina and Solveig Richer: National Identity Matters: The Limited Impact of EU Political Conditionality in the Western Balkans. In: *Journal of European Public Policy*, July, 2008, p.5.

EU and the political elite, which remains only ideologically committed to the EU accession project.

A central tenant of constructivism in international relations and in social research consists of the role of norms, values and cultural practices in determining or orienting concrete actions of the agents. It is a shared understanding that the EU operates as a normative power. In this respect and as a consequence EU's representatives refer to the main pillars of a democratic European Union, in their official discourse or official documents such as progress reports. This paper, besides scrutinizing the cultural practices of the Albanian ruling elite and the persistent unresolved issues with regard to the democratic legitimacy, rule of law, and inconsistent compliance with EU conditionality, scrutinizes as well the role of the EU and its effect in the absence of a successful compliance in the set of ambiguous cases, as the Albanian case. As a result, the following sections of the paper reveal the contradiction between the normative power of the EU and the non-normative mechanisms of 'reinforcement by reward', which has been the basis of the political conditionality mechanism. This particular contradiction and the ineffectiveness of the inter-governmental channel of interaction used by the EU indicate the absence of an adequate domestic political transformative agency. Most scholars and students of the South Eastern Europe argue that EU conditionality has been less effective with this region than with the Central Europe. "Yet so far, EU membership has not motivated Balkan leaders very strongly to undertake the necessary reforms as was the case in CEE, where regime transformation had been peaceful."<sup>13</sup> Other local scholars as well reiterate the same contradiction: "It [EU conditionality] has proved unable to sustain reform and to generate local consensus about the need for reform."<sup>14</sup> Henceforth, the financial and material rewards on the path to the EU accession, as well as the prospective EU membership as a central reward had not been that effective in the case of the South East Europe and Albania in this case. Before suggesting further strategies of improvement, among those already existing, I consider that

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<sup>13</sup> Börzel, Tanja and Thomas Risse: One Size Fits All! EU Policies for the Promotion of Human Rights, Democracy and the Rule of Law. In Center for Transnational Studies Foreign and Security Policy 2004 p.3.

<sup>14</sup> Anastasakis, Othon and Dimitar Bechev: EU Conditionality in South East Europe: Bringing Commitment to the Process. In: South East European Studies Program, 2003, p.3.

the constructivist perspective and the socialization effect provides a better analysis of the problematique and at the same time enhances the possibilities of a long-term transformative effect of the EU political conditionality rather than achieving short-term goals that are not sustainable.

As a democratic-norm promoter the European Union's effect in democratization and the emergence and consolidation of 'legitimate statehood' is confounded in those cases where the effect of the democratic transition has been successful and where democratic rule remains the "only game in town" prior to or simultaneously with the inducement of the EU democratic conditionality. As a consequence, in the countries of Central Europe such as Czech Republic, Hungary or Poland the material rewards of EU membership and the financial assistance had no substantial singular effect on the democratization process. In those cases where the EU institutions were facing authoritarian or populist governments, such as in Slovakia, the political conditions proved incompatible and costly for the governing elites. Yet, the democratic opposition in Slovakia and the Slovak civil society constituted that part of the society and of the political society whose normative values resonated with the EU norms on the rule of law, democracy, human rights and the protection of the minorities. As Milada Vachudova rightly emphasizes this dimension of the EU democratic conditionality's dynamic in a local context of non-democratic rule: "the conduits for international influence on domestic politics were the electorate and the opposition, not the government."<sup>15</sup> The constructivist and socialization conceptual framework explains this concrete convergence between the civil society, political opposition and the EU institutions' normative framework in this way: "...it matters for the success of socialization to what extent the actor being socialized identifies with the norm promoting actor and vice versa, and the extent to which such identification extends to the domestic level."<sup>16</sup> Therefore, the paper builds on this theoretical framework to identify the success, or inconsistent compliance with EU democratic conditionality in the case of Albania. In the following empirical section, I identify the pertinent ac-

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<sup>15</sup> Vachudova, Milada: *The Leverage of International Institutions on Democratizing States: Eastern Europe and the European Union*. In: Robert Schuman Center for Advanced Studies, 2001, p.5.

<sup>16</sup> Flockhart, Trine : *Complex Socialization and the Transfer of Democratic Norms*. In: Flockhart, Trine (Eds.): *Socializing Democratic Norms: The Role of International Organizations for the Construction of Europe*. Basingstoke 2005, p. 47.

tors involved in the interaction between EU institutions and domestic local representatives in relation to the accession process. A more explicit conceptual definition of successful socialization is provided in this formulation: “The key determinant for a successful and robust socialization process is clearly ideational closeness between the socializee and the socializer”<sup>17</sup> Hence, this conceptual term purports a normative congruence between the EU institutions, inducing the transformation through political conditionality mechanisms, and the domestic actors of different levels. The “reinforcement by reward” understanding of the EU conditionality mechanism implies certain pragmatic rational calculations of political elites that even when they do not share fully the normative values of the EU, they can comply with the EU political conditionality. “Political actors in the target countries then calculate whether the rewards offered by the international organization are worth the costs of adaptation. If the welfare or power balance is positive, they comply.”<sup>18</sup> It turns out that in cases of non-democratic rule or in the presence of illiberal practices the “reinforcement by reward”, which implies even a strategic compliance<sup>19</sup>, works in a negative sense. Thus, in these cases even a strategic compliance that belies the lack of normative congruence, such as in Turkey and Slovakia, does not actually materialize. In this respect, two important observations are to be made. The first observation relates to the limited effect of the political conditionality mechanism that gives priority to the political elite through high level dialogue between EU and the domestic political elite, under conditions of incomplete compliance or limited normative congruence of the ruling elite with the EU norms. The second observation is related to conditions under which the EU democratic conditionality can positively affect, in the long term, the domestic process of democratization and the process of EU accession of candidate member countries. Henceforth, the social mechanism, and the socialization effect accompanied by more inclusive and

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<sup>17</sup> Flockhart, Trine : Complex Socialization and the Transfer of Democratic Norms. In: Flockhart, Trine (Eds.): *Socializing Democratic Norms: The Role of International Organizations for the Construction of Europe*. Basingstoke 2005, p. 58.

<sup>18</sup> Schimmelfennig, Frank, Stephan Engert and Heiko Knobel: Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey. In: *Journal of Common Market Studies*, 3/2003, p. 497.

<sup>19</sup> Pridham, Geoffrey: The EU's Political Conditionality and Post-Accession Tendencies: Comparisons from Slovakia and Latvia. In: *Journal of Common Market Studies*, 2/2008, p. 376.

various mechanisms better explain and predict compliance with the EU political conditionality, under certain conditions.

It has been a defining feature of the EU conditionality mechanism that it precludes sanctions in case of noncompliance and nor does it provide “re-inforcement by support”.<sup>20</sup> This dimension of the EU conditionality indicates the normative grounding of this mechanism. On the other hand, the main interlocutor of the EU institutions has generally been the government of the day in an aspiring EU accession country. The socialization and norm-diffusion theoretical model substitutes the cost benefit calculus with “ideational closeness” between the socializee and the socializer, in this case EU institutions, or domestic epistemic communities acting as socializers and pertinent domestic actors acting as socializes.<sup>21</sup> This paper builds on this particular framework and the disaggregated model in order to explain under what conditions EU conditionality mechanisms can be effective and what implications there are for transforming the domestic reality of the aspiring non-EU members. The standard EU framework of interaction with the domestic actors, which includes primarily the political elite, is a top-down, asymmetrical and hierarchical framework.<sup>22</sup> According to the social constructivist model of norm-diffusion and norm-abiding behavior the interaction between the EU institutions and the domestic actors follows a different structure and practice from the asymmetrical and hierarchical framework:

“In the absence of uniform criteria for the evaluation of compliance and application of sanctions in case of violation, a cooperative and process-oriented approach allows to develop a common understanding of the behavioral requirements under the Copenhagen criteria. Socialization also appears to be more promising...”<sup>23</sup>

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<sup>20</sup> Schimmelfennig, Frank, Stephan Engert and Heiko Knobel: Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey. In: *Journal of Common Market Studies*, 3/2003, p. 497.

<sup>21</sup> Flockhart, Trine : Complex Socialization and the Transfer of Democratic Norms. In: Flockhart, Trine (Eds.): *Socializing Democratic Norms: The Role of International Organizations for the Construction of Europe*. Basingstoke 2005, p.58.

<sup>22</sup> Börzel, Tanja and Thomas Risse: One Size Fits All! EU Policies for the Promotion of Human Rights, Democracy and the Rule of Law. In: *Center for Transnational Studies Foreign and Security Policy* 2004 p.3.

<sup>23</sup> Börzel, Tanja and Thomas Risse: One Size Fits All! EU Policies for the Promotion of Human Rights, Democracy and the Rule of Law. In *Center for Transnational Studies*

Thus, the scope of the actors involved is not limited to the political elite and it is not a bilateral interaction, but it involves other actors that have a say at different levels of the public administration, at the civil society, epistemic communities, and even those that are identified as “anti-system”<sup>24</sup> social groups that contrary to the ambiguous positions of the governmental elites, support the EU norms and standards. In more concrete terms, the process of interaction and the role of the actors involved according to this particular model, to which this paper subscribes to, follow this script: “...which strategies [of socialization] are utilized, how salient the socialization norm set is with the receiver of socialization”,<sup>25</sup> and the extent to which the socializing agent is able to access the domestic political system of the socializee and able to build “winning coalitions” that can ensure the adoption of the new norm set in terms of policy and daily behaviour.<sup>26</sup> Henceforth, rather than a standard assumed interaction model between the political elite and the EU, this model allows for the creation of a winning coalition and different points of access to the adamant or ambiguous ruling elite. In this respect, one could identify the differences between the positions or discursive frameworks and normative values of the domestic actors as well as the possibilities for different coalition-formation alliances. To some extent, this perspective albeit mainly analytical has normative undertones and implications.

### **EU’s Limited Effectiveness when Inducing Political Conditionality: Norms Devoid of Transformative Agency**

In this section of the paper I analyze the discursive framework of the EU institutions’ official documents that are related to the EU enlargement policy and to the mechanisms of political conditionality as expressed in pro-

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Foreign and Security Policy 2004 p.21.

<sup>24</sup> Flockhart, Trine : Complex Socialization and the Transfer of Democratic Norms. In: Flockhart, Trine (Eds.): *Socializing Democratic Norms: The Role of International Organizations for the Construction of Europe*. Basingstoke 2005, pp.43-63.

<sup>25</sup> Cortell, Andrew P. and James W. Davis Jr: How do International Institutions Matter?: The Domestic Impact of International Rules and Norms. In: *International Studies Quarterly*, 4/1996, pp. 451-478.

<sup>26</sup> Kappen-Risse, Thomas: Ideas do not Float Freely: Transnational Coalitions, Domestic Structures, and the End of the Cold War. In: *International Organization*, 2/1994, pp. 185-214.

gress reports and strategy papers. The EU has included different level of actors and units in assessing and monitoring the compliance with the EU political conditionality and the *acquis communautaire*. In the case of the Western Balkans and Albania, important actors and units include: the EU enlargement commissioner, the High Level Dialogue Unit between the aspiring candidate country representatives and the EU representatives, the EU delegation in Albania and low level working groups. The standard practice of EU interaction with domestic actors, as described in the above sections of the paper, involves mostly the political elite. The position of the political elite in Albania towards EU accession is rather ambiguous and a bane in the success of the EU transformative project. The analysis of the official documents of the EU such as yearly progressive reports is useful in delineating and scrutinizing the underlining values and norms that the EU basis its project of norm diffusion and EU conditionality in the aspiring accession countries. On the other hand, the analysis of discursive articulations of monitoring process and steps for improvement reveals a contradiction. The EU demands democratic transformation to the political elite which at the same time exhibits normative incongruence with the EU values. The discursive articulations of the short-term and long-term goals of the necessary changes identified by EU institutions appear to be more moral invectives rather than sequential processes and steps that have disaggregated responsible agencies to implement locally the induced and necessary democratic transformations.

A central tenant of the EU enlargement policy concerning the Western Balkan countries is stated explicitly in the official documents:

“The Western Balkans is a particular challenge for the EU. Enlargement policy needs to demonstrate its power of transformation in a region where states are weak and societies divided. A convincing political perspective for eventual integration into the EU is crucial to keep their reforms on track.”<sup>27</sup>

The EU is aware that the Balkans and in particular, Albania, constitute a challenging test for the compliance with the EU conditionality. The official documents indicate that the main strategy of the EU remains the rewarding or withholding of membership status:

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<sup>27</sup> Communication from the Commission: 2005 Enlargement Strategy Paper 2005, p. 2.

“Moreover, the Commission is prepared to recommend the suspension of progress in case of serious and persistent breach of the EU’s fundamental principles, or if a country fails to meet essential requirements at any stage.”<sup>28</sup>

As the prevailing theoretical perspectives on the working of EU conditionality show, the EU does not impose sanctions but simply delays the reward of candidate status, and more importantly the membership, in case key short term and long term priorities are not met. The middle-level mechanism of monitoring the approximation towards compliance with EU political conditionality is that of the European Partnerships which

“...identify the short and medium-term priorities for each particular stage of the pre-accession process. The countries should respond to the priorities proposed by the EU with their own corresponding Action Plans without delay.”<sup>29</sup>

The EU seems to be, given the current applied interaction framework, less equipped with establishing norm-diffusion and norm-behavior compliance of the pertinent decision-making domestic actors. The legal accomplishment of the priorities proposed by the EU is appreciated by EU institutions and seen usually as an indication of progress.

The EU is baffled by the continuous lack of compliance in more substantial issues that relate to political conditionality in the case of Albania. In most of the reports, the EU reiterates the concern for rule of law and democratic institutions that need to be present in the candidate countries.

“Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.”<sup>30</sup>

The EU continues to refer to the “reinforcement by reward” and withdrawal of the reward as a central mechanism:

“The Commission considers that negotiations for accession to the European Union should be opened with Albania once the country has achieved the necessary degree of compliance with the membership criteria and in particular the Copenhagen political criteria requiring the stability of the institutions guaranteeing notably democracy and rule of law.”<sup>31</sup>

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<sup>28</sup> Communication from the Commission 2005, p. 3.

<sup>29</sup> Communication from the Commission 2005, p.11.

<sup>30</sup> Commission Opinion on Albania’s Application for Membership of the European Union 2010, p.3.

<sup>31</sup> Commission Opinion on Albania’s Application for Membership of the European

One of the symptoms identified by the EU institutions in the case of Albania include:

“Parliamentary institutions do not function properly. Political dialogue is confrontational and unconstructive...The public administration’s legal framework and the civil service system are mostly in line with European standards and practices. However, proper implementation of the legal framework is a concern and the public service is very politicized, lacks transparency in appointments...”<sup>32</sup>

Concerning the general electoral process in Albania the Commission continues to identify, similar to the OSCE reports, the same issues of concern:

“The June 2009 elections were assessed by OSCE ODHIR as meeting most of the international standards and being an improvement on the past practices. However, shortcomings were identified and a number of recommendations were made for future elections including the politicization of processes.”<sup>33</sup>

The EU representatives and institutions in the progress reports on Albania and on other official documents, as shown in this section of the paper, do identify the divergence between the EU norms and the institutional or ruling practices in Albania. However, by analyzing the discursive frame used by the EU’s representatives in the official documents, this paper claims that the EU does not identify a concrete transformative agency or it implies a continuous central role of the Albanian political elite. The normative invectives presented in the official discourse of the progress reports are constructed in the passive voice. Nor do they delineate a path of sequential steps of how the implementation of the transformation is about to occur. On the other hand, the open coordination method that has been recently applied by the EU in certain policy areas is not part of the mechanisms of interaction in the case of the EU political conditionality. The discourse used reveals a hierarchical mode of interaction between the EU and the domestic society.

When referring to the political criteria of the EU conditionality, discursively the EU official documents indicate that more approximation towards EU norms and practices should be happening, although there is no concrete mentioning of transformative agency. “A more constructive cross-party

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Union 2010, p.11.

<sup>32</sup> Commission Opinion on Albania’s Application for Membership of the European Union 2010, p.6.

<sup>33</sup> Ibid. 2010, p.6.

dialogue remains to be ensured. Constructive dialogue in parliament and its technical bodies needs to be ensured.”<sup>34</sup> Thus, the EU defines certain processes that need to take place, such as a continuous consensual type of political dialogue between the political parties and a more democratic and accountable functioning of the parliament. However, the same political groups and actors that are devoid of normative congruence with the EU values are called upon to make these changes. Furthermore, the EU does not in any form become involved, nor other societal actors in inducing these transformations. It is in this sense that the contradiction appears between the standard mechanism of political conditionality and the expected diffused norms.

Another facet of the incomplete democratic practices not in line with the EU normative values and practices is related to the public administration in post-communist countries, and particularly in Albania. The neutral rule-bound practice of the public administration that approximates the Weberian ideal-type bureaucracy is one of the normative goals of EU political conditionality, albeit a long history of its emergence in Western Europe. The EU official reports articulate discursively in this way the necessary steps that would cover the gap:

“Further efforts are needed to ensure the professionalism and depoliticization of independent institutions. Albania should examine the possibilities for introducing harmonized provisions on the appointment and dismissal of heads of independent institutions.”<sup>35</sup>

Even though the report takes on a more concrete language and terms, the moral invective type of discursive articulation remains:

“In order to fulfill the key priority on public administration reform, in the coming year, Albania should in particular: continue to demonstrate transparent and merit-based recruitment and dismissal of civil servants in all state institutions in order to achieve the objective of a professional and depoliticized public administration.”<sup>36</sup>

An alternative mechanism or practice that would induce long-term transformations within the public administration would be the identifying and including an epistemic community or middle-level ranks within the public

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<sup>34</sup> Commission Staff Working Document: Albania Report 2015, p.6.

<sup>35</sup> Ibid. 2015, p.7.

<sup>36</sup> Ibid. 2015, p.9.

administration that in interacting with the EU could act as norm diffusion actor or as a constituency part of the winning coalitions limiting political intervention.

In the next section of the paper, I discuss the discrepancy between the ideological, or better say the rhetorical commitment of the Albanian political elite to EU accession and the ambiguity of their political discourse on the position of Albania towards the EU project and enlargement. Albeit the economic crisis and the internal dynamics of the EU has not waned the attention and commitment of the EU to reward the steps to accession membership for Albania, the representatives of the Albanian political elite has changed the political discourse with regard to the EU integration process by presenting an ambiguous commitment to integration process after the financial crisis. Henceforth, the normative incongruence between the political elite and the EU norms is reflected also in the political discourse besides the actual ruling practices that lack norm-binding behavior.

### **The Ambiguity of the Political Elite's Commitment to the EU: Neither firm Democrats nor real Europeanists**

A persistent problem in the Albanian case has been the incomplete legitimacy of the elections, which according to the international monitoring institutions have not obtained the standard democratic features of existing polyarchies as yet. A fragmented political elite and the polarized party system has not eased the process of approaching the consolidation of a democratic regime. The EU institutions and representatives as well as other international organizations have continuously identified these features of the political system as a problem to be overcome. The European press that covered the last parliamentary elections of 2013 mentions this persistent issue:

“Since the end of Albania’s communist rule in 1991, the impoverished country of 2.8 million people has never held an election deemed fully free and fair, and failure again would further set back its ambitions to join the European Union.”<sup>37</sup>

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<sup>37</sup> Albania Election Marred by Fatal Shootout (24 June 2013). <<http://euractiv.com/section/elections/news/albania-election-marred-by-fatal-shootout/>>, accessed on 29<sup>th</sup> June 2016.

The electoral administration is run by political parties' representatives and not by independent individuals. Certain autonomous individuals in the society that have been deeply involved in the process of EU integration of Albania, thereby constituting to some extent an epistemic community rooted in civil society, have expressed their recognition of the issue and at the same time raised criticism towards the EU stances: "Brussels still has time to speak the truth to on Albania and to put pressure on the ruling elite to do its job"<sup>38</sup>, says an Albanian journalists that covers EU. Henceforth, the absence of mutual recognition of political parties as legitimate competitors (reference of the authors) has eroded the legitimacy of the political system. Nonetheless, main political parties remain the usual interlocutors of the EU institutions.

The Albanian political elite has reinstated frequently its objective of integrating the country into European Union. However the rhetorical commitment to EU integration is contradicted by the recent political discourse articulated by the apex of the political elite on the European Union and what does it mean to make Albania European. The advent of the economic crisis and the backsliding to authoritarianism in some of the EU members has been accompanied in Albania with a change in the political discourse that borders on populism and anti-technocratic rhetoric. Europeanizing the Albanian polity is discursively constructed by the political elite as a process of modernization and catching up with the Western model of political development rather than as a process of democratization, democratic legitimacy and institutional building. At the same time, Albanian representatives purport to be defenders of an ever closer Union, which resembles a federalist project of the European Union. Nonetheless, the way EU integration of Albania is conceived by representatives of the political elite differs from the standard model of interaction between EU institutions and the domestic local elite that is entailed in the EU political conditionality mechanism. During the years 2012-2013, a period which coincided with the hundred anniversary of the independence of the Albanian state, the center-right government was involved in a reversal of its main political discourse. Less than a year ahead of parliamentary elections of 23<sup>rd</sup> June 2013, the Albanian Prime Minister, Sali Berisha, articulated a political discourse that evaded the

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<sup>38</sup> Bunguri, Ernest: See no Evil- EU Approach is Failing the Albanian People (13 July 2011). <[http:// euobserver.com/opinion/32625](http://euobserver.com/opinion/32625)>, accessed on 29<sup>th</sup> June 2016.

theme of Europeanization and focused on what he considered to be an emergence of Albanophobia, a suave populist theme with nationalist undertones. In a straightforward manner the Democratic Party leader presents its nationalist ideology, which in fact sounds rather populist.

“The national issue is the polar star of the program of the Democratic Party. Those who believe that we could have a different priority other than the national Albanian issue are very much mistaken.”<sup>39</sup>

Thus the nationalist issue displaces the efforts of democratizing the Albanian polity as part of the process of EU accession. Putting at center stage of the political discourse and public discussions the assumed threat to the regional stability by Albanophobia, a term coined by Berisha, appears to have been a strategic move to avoid accountability and to take advantage of the crisis in Europe.

The understanding of the process of EU integration by the center-right political leader is rather incomplete and narrow and it does not reflect or abide to the EU normative practices and values. The EU accession and the steps toward such as the granting of the candidate status is considered as linked to economic development and modernization.

“Candidate status means hundreds of millions of euro of free investment from the European Commission, for roads, schools, hospitals in order for Albanians to live and have the infrastructure of European citizens.”<sup>40</sup>

The alleged modernization model of the center-right political project during 2009-2013 governing mandate was tied to the construction of roads, highways and schools. This particular framework dominated an important part of the political discourse of the center-right apart from the economic policy of flat tax. In this respect, the political leadership of the center-right did not reflect a real awareness of what complying with the EU model and Europeanizing the country meant.

The political discourse of the center-left leadership, namely the current socialist Prime Minister, during the current crisis, is more suave and rich yet

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<sup>39</sup> First Priority in the National Albanian Issue, says Berisha. In: Proto Thema,, 01.December 2012. <<http://balkanstory.wordpress.com/2012/12/02/first-priority-in-the-national-albanian-issue-says-berisha/>>, accessed on 29<sup>th</sup> June 2016.

<sup>40</sup> Berisha’s Promises of EU Cash for Albania ‘False’. In: Balkan Insight, 15 May 2013.

it remains ambiguous, and reflects still a normative incongruence with the democratic conditionality's induced norms. The project of Europeanization of Albania is discursively framed as an extensive project of modernization and state-building, which confounds the process of democratization and consolidation of democratic institutions. A novel theme of this particular ambiguous and contradictory political discourse is the idea of building Europe in Albania rather than catching up with Europe, in this case European Union. This particular narrative on the process of EU accession and integration of Albania is constructed on the basis of a convergence with the Federalist project of European Union externally and an 'autarkic' model of let-us-build Europe alone in our country, domestically. Whereas in the first political project of center-right, the nationalist theme took center stage substituting the EU integration ideological commitment manifested earlier, the second political project maintains the ideological commitment to EU accession yet suggests, to some extent, a sui-generis process that delinks Albania from the standard monitoring mechanism of EU democratic conditionality.

The commitment to the EU integration is presented by making references to lofty terms such as dignity, freedom and peace, which makes it difficult to assess in concrete terms the commitment to Europeanizing the country. The actual ruling practices of the political elite and the persistent problems with the legitimacy of the elections belie the rhetoric of commitment. In order to enforce the endorsement of the EU accession of Albania, the center-left party leadership makes references to the utmost ever closer Union project that of a federal Europe. "For our government, the journey to European Union is a journey to prosperity in peace, freedom and dignity."<sup>41</sup> When presenting the case of his commitment to the EU integration, the Prime Minister says:

"Thus, my country's determination to join the EU and our attachment to its founding principles, are related to the will to contribute to the success of a brilliant international project; a European Union that already contributes to the prosperity of millions..."<sup>42</sup>

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<sup>41</sup> Rama, Edi: Albania's European Renaissance In: Kriesky Forum for International Dialogue 12. May. 2014.

<sup>42</sup> Rama, Edi: Albania's European Renaissance In: Kriesky Forum for International Dialogue 12. May. 2014.

The socialist center-left leader positions itself with those actors that demand more Europe rather than the current way of administering the EU. However, demanding more Europe or a more 'political Europe' is linked indirectly to the accession of Western Balkans and Albania in the EU, as a corollary. When asked what steps need to be made for Albania to be part of the European Union, the center-left leader responds by arguing that: "Europe should not be afraid of being Europe. [The process] is not about learning. It is about integrating. There is no learning as such. Integration leads to change."<sup>43</sup> In this respect, in the hierarchy of values the process of integration is ranked higher in this political discourse compared to the process of learning and sharing of experiences, which is more about non-hierarchical diffusion of norms and socialization.

The accession process of Albania to the EU is considered and presented as interlinked with the stability of the EU project. This particular discourse uses an anti-technocratic and anti-bureaucratic populist stance towards the EU, finding the solution to the EU accession and continuity of the EU project to the notion of the political will manifested in a political Europe rather than technocratic Europe. This particular bifurcation between a technocratic and a political Europe is a misconception given that European Union is a different kind of entity compared to a nation-state. It is at this particular juncture of the discursive articulation that the center-left project is conceived as that of building Europe in Albania parallel to the expected EU's political will and courage to integrate Albania into the EU.

"I could not be on such a train [the idea of catching up to Europe], because to me as an Albanian, Europe is not a destination besides us, beyond us, or external to us. Europe is a destination within us. ...it is about change, it is about transformation; it is about building Europe in Albania; it is our inner journey."<sup>44</sup>

It might be the case that the commitment to the EU values has increased the awareness of a part of the political elite to comply with certain democratic practices that are at the core of the EU project. That remains to be seen through time. Nonetheless, the project of building Europe in Albania

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<sup>43</sup> Rama, Edi: Europe should not be afraid of being Europe (11.03.2015). <<http://theeuropean-magazine.com/edi-rama--2/9786-edi-rama-on-the-united-states-of-europe>>, accessed on 29<sup>th</sup> June 2016.

<sup>44</sup> Rama, Edi: Albania's European Renaissance In: Kriesky Forum for International Dialogue 12. May. 2014.

seems to reflect isolationist undertones and weakens the control mechanism of the EU with regard to the transformation process. The socialist Prime Minister explains in more concrete terms what he means by “building Europe in Albania”: “To us Europe is the daily democracy in our country; the state institutions that ensure liberties and equality of opportunities; a strong civil society.”<sup>45</sup> The current problems that relate to the state of democracy and the politicized public administration are not mentioned. The ‘bureaucratic’ dimension of the EU is to be blamed for the absence of the political will of the EU to move forward, which includes the enlargement as well. Considering inappropriate the metaphor of the train, the socialist Prime Minister opposes EU bureaucracy: “Which train wasn’t I on? The one made of well-filed papers that are required by Brussels, but are rarely matched by the reality of the country or the quality of democracy?”<sup>46</sup> Thus the daily democracy of a country does not match with the democratic conditions in the existing EU member countries. The implied meaning is that the EU is demanding too much of a democracy in a country with a weak democratic polity. According to this particular discursive frame on EU integration and the EU project it seems that one option would be to leave the country on its own in building its democratic institutions. The other option would have been for the EU to recognize still the political elite as the main interlocutor given the claimed value commitments to the EU project and its role as the sole modernizer of the country without making a distinction between intermediary autonomous institutions, representatives and the institutions of the political society. In this respect, the political project of building Europe in Albania entails in both situations a limited leverage of the EU institutions in the process of EU integration under conditions of fragmented and polarized political elite.

The model of modernizing the country takes center stage within the narrative of EU integration of Albania and is confounded with the process of democratization. Contrary to the limited understanding of modernization related mostly to infrastructural investments, the discursive trope of modernization in the center-left political discourse is rather more sophisticated.

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<sup>45</sup> Rama, Edi: Albania’s European Renaissance In: Kriesky Forum for International Dialogue 12. May. 2014.

<sup>46</sup> Ibid.

“If we look back at history and see our past in relation to the challenge of integration, which ultimately is neither more nor less but the challenge of building a modern state, with functioning institutions to implement a democratic constitution...”<sup>47</sup>

Another facet of the modernization project is related, according to this discourse, to the capabilities to respond to globalization effects.

“I always say that the fantastic thing about integration process is the process itself, not the end of it, because it is the only process I know and that I can imagine that can force a country to modernize.”<sup>48</sup>

Thus, the political elite understands the process of Europeanization as modernization, which could allegedly resonate with the political culture of a backward country, in which the intellectual elite has claimed the monopoly of modernizing the country compared to Europe. It might be said that the political elite does not possess entrenched democratic norms and visions, or the process of expanding democratic rights and contestation could challenge their ruling practices. What is important to note is the fact that the modernization project does not converge with the Europeanization project as conceived by the EU institutions.

Despite the commitment to the EU integration, at least rhetorically, the center-left discourse presents another dimension, which is related to the fatigue of complying with the EU conditions, and technical processes. Expressing the belief in the European identity of Albania the center-left leader presents its concerns about the slow process of the integration of Albania into the EU.

“...on behalf of a great dream, which is the dream of European Albania and that of the concrete materialization of our European belonging, a belonging which is not only spiritual, cultural, and geographical, but is also a belonging to the European Union table...”<sup>49</sup>

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<sup>47</sup> Rama, Edi: Albania and Europe, 25 years after the fall of communism (08. December. 2015). <<http://kryeministria.al/en/newsroom/speeches/albania-and-europe-25-years-after-the-fall-of-communism&page=6>>, accessed on 29<sup>th</sup> June 2016.

<sup>48</sup> Rama, Edi: Europe should not be afraid of being Europe (11.03.2015). <<http://theeuropean-magazine.com/edi-rama--2/9786-edi-rama-on-the-united-states-of-europe>>, accessed on 29<sup>th</sup> June 2016.

<sup>49</sup> Rama, Edi: For a common European dream! (09.May.2016). <<http://kryeministria.al/en/newsroom/speeches/for-a-common-european-dream&page=2>>,

When talking figuratively about the celebrations of the European Day, the Prime Minister says: “It will be a long day, but everything done with the European Union cannot be but long. The European Union works on long terms, and we are already used to this.”<sup>50</sup>

There is a long record of non-democratic practices by the dominant ruling political elite in Albania, which contravene with the foundational values, norms and practices of the European Union, or at least those stated in the Copenhagen criteria. Recently, probably propelled by the uncertainty of the financial crisis, extensive migration and internal dynamics with the EU, the Albanian political elite which possesses an un-accountable and unchallenged position domestically, embarked on a change of the political discourse that does not reflect more Europe, but either an altogether different project based on national issue, or a drift away from Europe, presenting a peculiar version of domestic Europeanization. The rift between the main political parties in Albania is reflected also in the European Parliament where the Socialist Party group allies with the center-left in Albania and the representatives of the European People’s Party allies with the center-right. This has transposed the domestic conflict unintentionally at the European stage. This feature of the interaction between the political elite in Albania and the political parties at the European Parliament is an indication of the weakness of the current mechanism of interaction between the EU and

## **Conclusion**

The structured process of EU democratic conditionality has been based on few foundational concepts such as the ‘reinforcement by reward’ and the withdrawal of membership status instead of ‘reinforcement by support’ as a default mechanism. On the other hand, the second important practice of the EU democratic conditionality in inducing transformation or change within the aspiring non-EU member is the mode of interaction between EU institutions and the domestic society. The interaction mode tilts towards intergovernmental channel that favors the political elite as the main

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accessed on 29 June 2016.

<sup>50</sup> Rama, Edi: For a common European dream! (09.May.2016). <<http://kryeministria.al/en/newsroom/speeches/for-a-common-european-dream&page=2>>, accessed on 29 June 2016.

interlocutor, whereas the transnational channel is used with low frequency and at certain critical moments, if at all. In those cases of non-democratic regimes that display authoritarian features the EU institutions have opted to withhold the membership status. The 'reinforcement by reward' has not usually propelled strategic and rational calculations on behalf of non-democratic leaders to comply with the EU conditions. As the empirical cases of past EU enlargement show, EU has had to find different configuration of supporting actors and social groups in the process of democratic transformation and consolidation in those societies to reverse the status-quo of the authoritarian rule. In this respect, the reinforcement by reward mechanism works in a negative way in non-democratic regimes. Furthermore, the ineffectiveness of this standard mechanism of EU conditionality in the difficult cases indicates that the rational choice expectation of cost and benefit analysis is insufficient.

The main assumption has been that in those aspiring candidate countries where there is an intractable conflict with the criteria of the EU political conditionality, the cost and benefit calculus of pertinent actors shall prevail. In this paper, I argue that even when the EU institutions are consistent on exerting the political conditionality and express their commitment to EU accession of aspiring candidate countries and where conditions of authoritarian backsliding are not present, the reinforcement by reward and the intergovernmental channel appears limited in its effectiveness. The case of Albania provides the necessary empirical material to test the effectiveness of the standard mechanisms of the EU in inducing transformation and democratic consolidation in the way towards EU accession of the country. The focus on negotiating and interacting solely or primarily with a political elite whose dominant representatives have ambiguous positions with regard to EU integration and the foundational norms, due to the lack of norm-abiding behavior, has proved to be one of the pitfalls for the limited and protracted effectiveness of the EU conditionality.

The paper has displayed the contradictions of the normative dimension of the EU institutions when involved in inducing change through the conditionality mechanism, which contradicts the normative discourse used in the official documents of the European Union. Henceforth, the paper proposes the socialization theory as an explanatory framework of the limited effectiveness through time of the EU normative power as evidenced in the

case of Albania. This paper has aimed to demonstrate that the normative incongruence between the EU foundational values and practices and the domestic political elite norms and practices has produced a long and ineffective process even followed by unintended consequences such as the transposition of the divisive political cleavage of the Albanian politics within the EU institutions such as the EU parliament along ideological lines. The emergence of the economic crisis and the internal dynamics of the EU have made more evident the incongruence or the rift between the main interlocutor of the EU, namely the political elite, and the pertinent EU actors and institutions involved through the standard mechanisms of inducing compliance and change.

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**PART V:**

**POLICY RECOMMENDATIONS**

# Policy Recommendations from the Study Group Regional Stability in South East Europe<sup>1</sup>

*Predrag Jureković*

## Executive Summary of Recommendations:

- Develop plans for further sudden flows of migrants and enlarge financial and technical assistance for the Western Balkan countries.
- Provide the Western Balkan countries access to relevant EU data bases as maintained by FRONTEX and EUROPOL.
- Motivate neighboring countries to abstain from misusing open bilateral issues to block the EU integration of any country in the Western Balkans.
- Focus more distinctly on democratic values, rights of freedom of opinion and the role of the civil society when negotiating with the Western Balkan countries on EU integration.
- Act as a Western Balkans “Six Pack” when addressing the EU to enhance the visibility in the enlargement process, since all countries share the common goal of EU membership.
- Maintain the enlargement process through concrete political initiatives of influential EU countries.
- Encourage and support organizations which promulgate the traditions and practices of an autochthonous and tolerant Balkan Islam.
- Improve regional coordination of migration policies through better use of regional platforms like “The Migration, Asylum, Refugees Regional Initiative“(MARRI) and the “Southeast European Law Enforcement Center“(SELEC).
- Adopt strategies for the re-socialisation of former foreign fighters and for de-radicalization of Islamists in co-operation with the official Islamic communities.

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<sup>1</sup> These policy recommendations reflect the discussions of the 32<sup>nd</sup> RSSEE workshop on “South East Europe’s Consolidation in Light of the EU Crisis, Refugee Influx and Religious Extremism” from 19 to 21 May 2016 in Reichenau/Austria. They were prepared by Predrag Jureković; valuable support came from Adriana Dubo (staff of the Austrian National Defence Academy).

- Eliminate in-transparent financing of religious communities, in particular from foreign countries.

## Situation Analysis

Hundred thousands of migrants<sup>2</sup> used the “Balkan route” from spring 2015 to spring 2016 as a transit route to reach their final destinations. In view of lacking resources and facilities for supplying the migrants, the region, which still has been passing through a process of conflict transition, coped quite well with this heavy challenge. Bearing in mind that Macedonia, Serbia and Croatia were “just” transit countries for the migrants, the predominantly good cooperation between state agencies and NGOs as well as neighbouring countries (not ignoring the tensions that occurred at the first peak of the crisis between Croatia and Serbia) were decisive for an effective crisis management.

However, this prevalent positive assessment should not hide some relevant critical issues that came to light during the crisis. Some of them could hamper crisis management in case of a new migrant influx. For instance, EU’s difficulties to agree on a common policy regarding the migration crisis has brought in particular Macedonia into an unpleasant situation towards its southern neighbour Greece, as some of the EU countries have perceived Macedonia’s border management as a de facto replacement of Greece’s Schengen regime.

The EU-Turkey deal, which has been achieved in March 2016, is regarded as an agreement that stands on rather shaky legs. This raises the question whether the EU and the Western Balkan countries are prepared for a new wave of refugees, if this agreement fails. Hundred thousands of new mi-

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<sup>2</sup> This paper follows the terminology of the International Organization for Migration (see: <http://www.iom.int/key-migration-terms>) that defines a migrant “as any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person’s legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is.” According to this definition also refugees are migrants. The author therefore waives to use the term “refugee” additionally to the term “migrant”, which by no means should be misinterpreted as ignorance towards the specific status of this vulnerable group of people.

grants (including Kurds from Turkey) could then enter the Western Balkans and destabilize the region. In the light of such a possible scenario the establishment of a close coordination mechanism between the EU and the Western Balkans seems to be of urgent need, as well as adequate financial support from Brussels to build facilities for migrants that allow a decent transit period.

Even if a second heavy inflow of migrants is not likely in the foreseeable future, some humanitarian and security problems will further affect the Western Balkan region. On the ground, the circumstances that several hundred migrants with unclear legal status face – among them unaccompanied minors – are terrible. After the closing of the Balkan route between the Slovenian-Croatian and Macedonian-Greek border many families were separated. The closing of the route hasn't stopped smuggling in human beings but has rather created new smuggling routes (e.g. between Bulgaria and Serbia).

Religious extremism in South East Europe is not solely connected to Islam. Radical representatives can also be identified within other religious groups like the Catholic Church or the Orthodox Churches. However, in recent times, security related problems occur in connection to Muslim Salafi activities. The traditionally liberal-minded and tolerant interpretation of Islam in the Balkans – especially in Bosnia and Herzegovina, Kosovo, Macedonia and in the Sandžak region – is challenged by followers of rigid interpretations. Unfinished processes of statebuilding (Bosnia and Herzegovina, Kosovo), the maintenance of nationalistic policy agendas, the general lack of citizens' confidence in state institutions and their capacities, the lack of life perspectives for young people and power struggles inside some of the Islamic communities are internal factors that favour the rise of religious extremism.

Additionally, the partly intransparent financial support coming from various Arabic countries to South East Europe has remained a major source for the spreading of radical Islamist ideology. However, the most disturbing factor so far has been the participation of foreign fighters from the Western Balkans (mostly from Bosnia-Herzegovina and Kosovo) in the wars in Syria and Iraq. Between 2012 and 2015, 600-800 foreign fighters have joined the "Islamic State" and "Al-Nusra". Their number has signifi-

cantly decreased over the past months, due to deaths, returns, criminal legislation reforms and pro-active policies of the law enforcement institutions against recruitment. Nevertheless, Islamist networks have been established all over the region and represent a potential security threat.

Unfortunately, punitive measures that have been taken by the state agencies are not sufficient to serve as a comprehensive preventive strategy against radicalization. They are not targeted enough to respond efficiently to the complex nature of religious extremism. Well-functioning official Islamic communities which are highly respected by the Muslim believers and are well integrated into a multi-religious society, play a crucial role. In Croatia for example, where no Salafi groups have been reported so far, the Islamic community represents more than 60.000 Muslims and is perceived as a positive role model for the rest of the region.

In view of the multiple EU integration crises – fuelled by the “Brexit” referendum of late June – and the present migration movement towards Europe, the EU membership for the six Western Balkan countries has become a very long-term and insecure perspective. Due to their individual reform processes the “Six” have to struggle with difficulties in fully implementing the *acquis communautaire* and other EU conditions.

In the years to come, the EU will have to consolidate thoroughly, reform its internal structures and keep the present member states together. This will consume most if not all of the EU’s political attention and energy. There will be only limited time to negotiate a further enlargement – not to mention the present enlargement fatigue of most member states.

However, the bureaucratic processes for preparing the Western Balkan countries for a possible EU integration will be postponed until decided otherwise. Regional perceptions of the EU have changed partially in recent years. Still, a considerable majority of citizens in the Western Balkan countries supports a future membership in the EU, but are fairly reserved. The long-term charm to join the Union has lost some of its former appeal. Nevertheless, EU’s political influence in regard to the complex post war reconciliation will remain a key factor for this part of South East Europe. For more credibility, the EU needs to renew its policies to foster democratic values and the rule of law in this region.

According to the perceptions of civil society representatives from the Western Balkans, the EU has placed too much emphasis on political stability (e.g. in Macedonia) in recent times. A further decline of EU's credibility as a promoter of democratic transition could increase bilateral tensions and intra-state conflicts. Furthermore, it could impair the Union's geopolitical position in this part of South East Europe that has been challenged in particular by Russia.

### **Summary of the Recommendations – Addressing the Migration Crisis**

- A unified common EU policy towards the migration crisis would provide strong policy guidance for the Western Balkan countries, give incentives to foster regional cooperation in regard to migration management and contribute towards stability in the region.
- In case of a failing EU-Turkey deal, all involved actors must be prepared for a second migration influx. This would require good coordination of legal, security, and humanitarian factors.
- The Western Balkan countries and the EU should jointly develop contingency plans for addressing all possible scenarios in case of further sudden flows of migrants from Turkey, the Middle East and Africa. These plans should include various models of assistance such as financial support for strengthening border control mechanisms as well as access to relevant databases.
- The EU should, through its “Asylum, Migration and Integration Fund” (AMIF), support Western Balkan countries' endeavours in developing and implementing migration and asylum policies, including the system of integration, especially paying attention to the protection of vulnerable groups such as unaccompanied and separated children, women, people with disabilities, elderly people etc.
- For preventing illegal migration alternative measures should be considered. By providing the border police in Macedonia with adequate equipment and reasonable salaries corruption could be reduced. Currently, police officers are paid by smugglers for illegal border crossings.
- All Western Balkan countries, both those who were on the migratory route and those who were not (Albania, Bosnia and Herzegovina, Kosovo and Montenegro), should commit themselves to a “Western Bal-

kan Action Plan”, which could be part of the EU migration strategy. The plan should rely on financial and technical support from the EU and use present regional platforms such as “The Migration, Asylum, Refugees Regional Initiative” (MARRI) and the “Southeast European Law Enforcement Center” (SELEC) in order to share information, resources, man power and to establish different emergency teams.

- The Western Balkan countries need to have access to different databases to avoid multiple registrations and make processes easier (EURODAC, FRONTEX, EUROPOL).
- The information of migrants is essential to avoid chaos.
- No policy should be applied to deny the individual right to claim asylum. The principle of non-discrimination and family reunification should stay upright.
- In addition to governments, civil society organizations from the Western Balkans should be continuously involved in the EU debates on migration crisis.
- Use local Muslim organizations to enable and support the integration of the newcomers.

### **Addressing Religious Extremism**

- Religious extremism needs to be addressed and discussed in all faith communities.
- Comprehensive strategies for countering religious violent extremism should include non-state actors, religious communities, civil society organizations, academia and educational institutions, media outlets and other relevant stakeholders. A set of measures for prevention and countering radicalization needs to be established at different stages.
- Without concrete measures for de-radicalizing and resocializing returning foreign fighters will remain an incalculable risk to the societies in the Western Balkans and the whole European continent.
- More transparency should be provided concerning financing of religious communities in particular in regard to foreign financing as well as the contents of religious education.
- The assesment of the current efforts of the Islamic Community in Bosnia and Herzegovina would be helpful to reintegrate the so called “Paradžemati” (Salafi associations outside the recognized institutions)

as a possible model for preventing further radicalization of young Muslims in and out of the Western Balkans.

- The encouragement of organizations like the Sarajevo based “Institute for Islamic Tradition of Bosniaks”, which promulgate the traditions and practices of an autochthonous and tolerant European Islam.
- The establishment of a widely acknowledged Islamic Community (in contrast to various fractions) in every Western Balkan country that is respected as a partner by the state institutions and by the other relevant religious communities would reduce the risk of Islamic radicalization.
- In the scope of anti-terrorist activities state institutions should cooperate better with representatives of the media. They should establish journalistic ethic standards to avoid that the media is misused by extremists as a propaganda tool.

### **Addressing the EU as an – (Un) disputed Role Model**

*For the Western Balkan countries:*

- The negotiations with the EU should not be additionally burdened or even blocked by “fellow” countries in particular from the Western Balkans (e.g. Croatia) or from the wider Southeast European region (e.g. Greece). These states should assist and support their “fellow” neighbors in their struggle for full membership.
- Taking the present “enlargement stop” into account, the remaining six Western Balkans states should jointly form a “Union of the Western Balkans” for membership negotiations.
- The EU should be convinced to eventually integrate the remaining six as a “Six Pack”, latest by 2025. The initiative must come from the “Six Pack” itself. This demands that they negotiate as an entity and less as an individual state. “United we are strong(er)” could be a possible slogan. One meeting per EU Presidency between the “Six Pack” and the member states could speed up the process.
- There is a need to operationalize rule of law reforms by forming “special prosecutors’ offices”. These policy innovations have led to significant improvements in strengthening rule of law in Croatia and Romania, and are making progress in Macedonia. However, the situation in Macedonia also shows that rule of law reforms need to be comple-

mented with further policy innovations in the judiciary in order to work.

*For the EU:*

- Despite all the challenges that are currently identifiable in Europe, such as the migration crisis, the rise of populist philosophy and ideologies, or EU's institutional crisis – among others evoked by UK's "Brexit" vote –, the EU administration should maintain the idea of enlargement to the Western Balkans and try to provide a long term European perspective to the countries of the region.
- Big member states like Germany and France should continue to support the European membership perspective of the Western Balkans through concrete political initiatives at the EU level.
- Brussels should strongly appeal to its members to rather act as facilitators than blockaders concerning Western Balkans integration into the EU.
- The countries in South East Europe, which are already members of the EU, should insist towards remaining candidates on meeting the Copenhagen criteria. Without meeting these criteria, membership in the Union would be impossible.
- When reporting on developments and progress of the countries concerned, the EU should focus more distinctly on functioning of democracy, rights of freedom of opinion and the role of the civil society.

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As a consequence of the ongoing violent conflicts in the Middle East, hundreds of thousands of migrants have fled to Europe, using the “Balkan Route“. Apart from the problems that are linked to this development, there are member states that fear that the EU might become a target for further terrorist attacks committed by radical Islamists. This circumstance has once more turned the spotlight on South East Europe who is facing big challenges such as radicalised individuals and groups as well as the absence of structural and financial means to tackle the situation. Many fear that the current lack of solidarity and cohesion, disintegrative developments as well as the rise of semi-authoritarian political models will lead to a deterioration of EU standards and co-operative behaviour. This would harm not only the EU as a political union but could challenge its position as a democratic and co-operative role model as well as its integrative function for South East Europe.

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