Europeanisation and Democratisation of the Western Balkans,
in the Light of the EU Enlargement Process

The case of Serbia, North Macedonia and Bosnia and Herzegovina

Doctoral Thesis

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Budapest
2019
### ADATLAP
a doktori értekezés nyilvánosságra hozatalához

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### II. Nyilatkozatok

1. **A doktori értekezés szerzőjeként**
   
   a) hozzájárulok, hogy a doktori fokozat megszerzését követően a doktori értekezésem és a tézisek nyilvánosságára kerüljenek az ELTE Digitális Intézményi Tudástárban. Felhatalmazom a ELTE Politikatudományi Doktori Iskola hivatalának ügyintézőjét Sturm Henriettát, hogy az értekezést és a téziseket feltöltse az ELTE Digitális Intézményi Tudástárba, és ennek során kitöltse a feltöltéshez szükséges nyilatkozatokat.

   b) kérem, hogy a mellékelt kérelemben részletezett szabadalmi, illetőleg oltalmi bejelentés közzétételétől a doktori értekezést ne bocsássák nyilvánosságra az Egyetemi Könyvtárban és az ELTE Digitális Intézményi Tudástárban;

   c) kérem, hogy a nemzetbiztonsági okból minősített adatot tartalmazó doktori értekezést a minősítés (datum)-ig tartó időtartama alatt ne bocsássák nyilvánosságra az Egyetemi Könyvtárban és az ELTE Digitális Intézményi Tudástárban;

   d) kérem, hogy a mű kiadására vonatkozó mellékelt kiadó szerzői jogait tekintettel a doktori értekezést a könyv megjelenéséig ne bocsássák nyilvánosságra az Egyetemi Könyvtárban, és az ELTE Digitális Intézményi Tudástárban;

   e) kérem, hogy a megfelelő szöveg aláhúzandó. A doktori értekezés és a tézisek nyomtatott változatai és az elektronikus adathordozón benyújtott tartalmak (szöveg és ábrák) mindenben megegyeznek.

2. **A doktori értekezés szerzőjeként kijelentem, hogy**

   a) az ELTE Digitális Intézményi Tudástárba feltöltendő doktori értekezés és a tézisek saját eredeti, önálló szellemi munkám és legjobb tudomásom szerint nem sértem vele senki szerzői jogait;

   b) a doktori értekezés és a tézisek nyomtatott változatai és az elektronikus adathordozón benyújtott tartalmak (szöveg és ábrák) mindenben megegyeznek.

3. **A doktori értekezés szerzőjeként hozzájárulok a doktori értekezés és a tézisek szövegének plágiumkereső adatbázisba helyezéséhez és plágiumellenőrző vizsgálatok lefuttatásához.**


   a doktori értekezés szerzőjének aláírása

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2. A kari hivatal ügyintézője tölti ki.
3. A megfelelő szöveg aláhúzandó.
4. A doktori értekezés benyújtásával egyidejűleg be kell adni a tudományágó doktori tanácsot az adott szabadalmi, illetőleg oltalmi bejelentést tanúsító okiratot és a nyilvánosságra hozatal elhalasztása iránti kérelmet.
5. A doktori értekezés benyújtásával egyidejűleg be kell nyújtni a minősített adatra vonatkozó közokiratot.
6. A doktori értekezés benyújtásával egyidejűleg be kell nyújtni a mű kiadásáról szóló kiadói szerződést.
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<tr>
<td>BiH</td>
<td>Bosnia and Herzegovina</td>
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<td>CEE</td>
<td>Central East Europe</td>
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<td>CFSP</td>
<td>Common Foreign and Security Policy</td>
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<td>EEC</td>
<td>European Economic Community</td>
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<td>EP</td>
<td>European Parliament</td>
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<td>EU</td>
<td>European Union</td>
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<td>FRY</td>
<td>Federal Republic of Yugoslavia</td>
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<td>HDZ (BiH)</td>
<td>Croatian Democratic Union (Hrvatska demokratska zajednica)</td>
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<td>ICTY</td>
<td>The International Criminal Tribunal for the former Yugoslavia</td>
</tr>
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<td>NATO</td>
<td>North Atlantic Treaty Organisation</td>
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<tr>
<td>OSCE</td>
<td>Organisation for Security and Co-Operation in Europe</td>
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<tr>
<td>SDA</td>
<td>Party of Democratic Action (Stranka demokratske akcije)</td>
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<tr>
<td>SDSM</td>
<td>Social Democratic Union of Macedonia</td>
</tr>
<tr>
<td>SEE</td>
<td>Southeast Europe</td>
</tr>
<tr>
<td>SFRY</td>
<td>Socialist Federalist Republic of Yugoslavia</td>
</tr>
<tr>
<td>SNS</td>
<td>Serbian Progressive Party (Srpska napredna stranka)</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>VMRO-DPMNE</td>
<td>The Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity</td>
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From brotherhood of unity to the unity in diversity - Foreword

The tragic dissolution of the Socialist Federal Republic of Yugoslavia changed the map of the Balkans. Some of the newly (re-)emerging countries renewed their statehood, while others became independent states for the first time in their history. Since the accession of Croatia to the European Union in 2013, the remaining four former Yugoslav republics, Bosnia and Herzegovina, Serbia, Montenegro, the Republic of Macedonia, together with Kosovo, which has been an autonomous province in Yugoslavia, and Albania, are part of the Western Balkans, a political region in Southeast Europe. Besides the inherited post-communist difficulties, the region had to face with post-conflict reconstruction as well. The political and socio-economic development of the former Yugoslav republics differed from one another. Although Europe had only a marginal role in the region at the beginning of the 1990s, the experiences of the Yugoslav and the Kosovo Wars demanded a more serious engagement by the European Union towards the region.

The euphoria experienced after the fall of the Berlin Wall gave hope for the unification of Europe but at the same time deep and complex series of conflicts have started in the Balkans. The attractiveness of the Western political integrations, such as EU membership could be observed throughout the former Eastern Bloc. The accession process of the former communist countries into the structures of the European Union encouraged the European decision-makers to repeat the same transformative exercise in the Balkans.

Potential integration of the region to the European Union has been partly on the agenda since 1999. Finally, the leaders of the European Union gave membership perspective for the Western Balkan countries at the Thessaloniki European Council Summit in June 2003.

The motivation behind the idea of the EU leaders was to stabilise the region through promoting and transferring European norms and values to the region and offering membership perspective as a reward. This meant that the EU has committed itself not only to the stabilisation, but also to the political and socio-economic transformation of the region by

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1 In this thesis the author referred to the Republic of North Macedonia (previously known as FYR Macedonia) as North Macedonia, or simply as Macedonia.

2 After the European Council Summit in Feira held in June 2000, Western Balkan countries were recognised as potential candidates of the EU. The 2002 Copenhagen European Council declarations confirmed the European perspective to the Western Balkan countries.
integrating the respective countries into the European Union. However, regional reconciliation, political and economic transformation as well as the European integration process itself seems to be much slower than originally expected – although a clear target date was never mentioned. More than fifteen years after the Thessaloniki Summit, leaders of the European Union decided to ‘renew’ the European perspective for the Western Balkan countries. What happened during these years and what is the reason behind the slow integration process of the region?

As EU membership is linked to conditionality the process requires revoking the values of the European Union and the fulfilment of the accession criteria. Adapting the EU acquis is another important condition. It is necessary to emphasise that due to different types of disincentives, the European Union had to revise the enlargement strategy as the candidate countries were facing many challenges on their integration path. This transformed not only the eventual EU membership into a moving target, but also risked to challenge the credibility of the perspective offered by Brussels. The question rises whether these challenges were unexpected or not. Critical voices questioned the transformative power and in some cases even the transformative commitment of the European Union. The genesis of this scepticism is a direct result of the divergent views and expectations concerning the added value of the enlargement process.

On the other hand, the transformation of the enlargement countries left something to be desired in some crucial fields, related to the democratisation, the implementation of the conditionality related reforms, or even in terms of economic policies. Albeit an optimistic mood surrounded the idea of integration, as both member states and the countries of the region hoped for quick regional reconciliation and smooth political and economic development generated by the EU values and its financial instruments, the past one and a half decade has shown that barriers are challenging the enlargement process of the Western Balkans.

Especially after the 2008 economic crisis, the international circumstances have changed comparing to the previous enlargement rounds in the former Eastern Bloc. Fear aroused that re-emerging external powers might divert the transformation dedication of the Western Balkans. Not only traditional powers such as Russia or Turkey were showing interest towards the region, but others also appeared. The Gulf countries and China are more and more present in these countries.
When it comes to the role of the EU, internal disputes on the future of the European Union diverted the attention from enlargement and the clash of different visions is not the only constraint. The post-accession experiences of the Central and Southeast European (CEE and SEE) states proved that membership in itself cannot solve every problem. The European institutions realised mainly after the 2007 enlargement round that a stricter approach has to be used before any new enlargement to secure deep-rooted and durable transformation results. This stricter approach could be observed during the Croatian accession. Besides the new approach mentioned, a new phenomenon appeared as well in the post-2007 enlargement debate. The so-called enlargement fatigue became an often used notion in the EU circles meaning that some member states are more critical towards the idea of further enlarging the European Union. As a matter of fact, the European Union is suffering from an enlargement fatigue, while obvious institutional reforms became also necessary.

Divergent views and expectations regarding the enlargement culminated in an implicit ‘enlargement crisis’, which required the strategical re-planning of the enlargement strategy. For that reason, taking into account the country specific consequences, a new enlargement approach has been initiated by the European Commission in 2018 in order to boost the enlargement process of the Western Balkans. The renewed EU strategy of the European Commission gave a special momentum for a successful EU enlargement process in the region. But it is more than necessary to assess precisely where the candidates are now and what are the main challenges holding them back on their EU path.
1 Introduction: research question

The aim of this PhD thesis was to analyse the political challenges of the EU enlargement process in the Western Balkans. On one hand, the thesis discussed the progress of the relations between the European Union and the Western Balkans since 2003 by presenting the development of the enlargement strategy; on the other hand, the project analysed the accession related challenges through three (case) studies. The case studies of this thesis focused on three enlargement countries that have to fulfil the accession criteria: Serbia, the Republic of North Macedonia and Bosnia and Herzegovina.

The common thread throughout the project was therefore the analysis of the ‘Europeanisation’ and the ‘democratisation’ of these countries. Europeanisation has been considered as the main driver of the EU’s transformative power; while democratisation gains a special importance as the Copenhagen political criteria requires stable democratic institutions and political system. The thesis also aimed to analyse the impact of these processes on the political sphere (mainly on politics and polity) as these are subject to the massive transformation power of the EU.

1.1 The scope of analysis and the hypotheses

In 2003, the European Council offered ‘perspective for membership’ for the six Western Balkan countries. The European Union built its enlargement strategy on the principle of conditionality, as the ‘Copenhagen criteria’ and the ‘Stabilisation and Association Process’ became the cornerstones of the criteria.

While the Copenhagen criteria defines the main political, economic, and administrative prerequisites of membership, the Stabilisation and Association Process focuses on (among many other aspects) regional stability and reconciliation. One might expect that a successful democratisation and market economic transformation would – as a spill over effect - contribute to the regional reconciliation in a post-conflict region however the efforts of these two flows somehow almost cancelled each other out. Although the European Union paid a special attention to manage the remaining regional and bilateral conflicts, less attention has been paid on the democratic progress. This temporary mismatch between the EU’s focus and the lack of capacity of the enlargement countries can be linked to a combination of factors, but what has to be understood is that this resulted in a paradoxical situation, where there was a willingness to resolve regional conflicts, but at the same time, no substantial progress
happened in terms of democratisation. This has been recognised by the EU and the renewed enlargement strategy put an even stronger focus on the democratic values and principles. Even though, the EU and the membership perspective certainly had an added value to the regional as well as to the national stability, only partial successes have been achieved in this field. The renewed enlargement concept therefore introduced or reinforced several aspects that are aiming to answer these obstacles on an appropriate manner. The first aspect is the ‘fundamentals firs principle’, which means that democratic development became a priority issue. The second reinforced aspect is that countries have to overcome their regional and bilateral disputes before joining the EU. A third important aspect is that the renewed strategy has to offer assistance for countries that are still dealing with specific regional difficulties related to stateness or statehood problems. At the same time, we have to remember that the European Union also has to be able to integrate new members.

This short introductory was necessary in order to avoid an “in medias res” start. From this approach, the thesis set up the following three hypotheses:

**H1: The fulfilment of the accession criteria is not possible without the consolidation of the democracy. Therefore the EU should pay more attention to this field.**

**H2: The EU has to continue its facilitator and mediator role in order to overcome regional, bilateral and national political divisions in the Western Balkans.**

**H3: The EU’s enlargement strategy has to be tailored to the particular needs of the countries of the region.**
1.2 The main concepts

Dayton Peace Agreement

“The General Framework Agreement for Peace in Bosnia and Herzegovina, also known as the Dayton Peace Agreement (DPA), Dayton Accords, Paris Protocol or Dayton-Paris Agreement, is the peace agreement reached at Wright-Patterson Air Force Base near Dayton, Ohio, United States, in November 1995, and formally signed in Paris on 14 December 1995. These accords put an end to the 3 1/2-year-long Bosnian War, one of the armed conflicts in the former Socialist Federative Republic of Yugoslavia. The current Constitution of Bosnia and Herzegovina is the Annex 4 of the DPA.” (OECD 1995)

Erdut Agreement

Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium The agreement established transitional arrangements such as transitional administration that facilitated the return of refugees in Croatia, the protection of refugees and their property rights, and the deployment of an international force to maintain peace and security. (UN 1995b)

Balkans The concept was presented in Chapter 3


Central and Eastern Europe:

According to the definition of the OECD, the Central and Eastern European Countries (CEECs) are the group of countries comprising Albania, Bulgaria, Croatia, the Czech Republic, Hungary, Poland, Romania, Slovakia, Slovenia, Estonia, Latvia and Lithuania. (OECD 2001)

Conditionality based enlargement strategy The concept was presented in Chapter 5.

Copenhagen criteria The concept was presented in Chapter 5.

Democratisation: The concept was presented in Chapter 2.

Eastern Bloc: The countries of the former Warsaw Pact and Yugoslavia.

EU enlargement: “Enlargement is the process whereby countries join the EU. Since it was founded in 1957, the EU has grown from 6 countries to 28.” (EU 2018)

Europeanisation: The concept was presented in Chapter 2.

ICTY: “The International Criminal Tribunal for the former Yugoslavia (ICTY) was a United Nations court of law that dealt with war crimes that took place during the conflicts in the Balkans in the 1990s. During its mandate, which lasted from 1993-2017, it irreversibly changed the landscape of international humanitarian law, provided victims an opportunity to voice the horrors they witnessed and experienced, and proved that those suspected of bearing the greatest responsibility for atrocities committed during armed conflicts can be called to account.” (UN 2017)

Integration (absorption) capacity: The concept was presented in Chapter 6, section 5.

Kosovo War: Armed conflict between Kosovar Albanians and Serbs in the territory of the former Federal Republic of Yugoslavia.

Madrid criteria: The concept was presented in Chapter 5, section 5.4.2.

Sofia Summit: The EU – Western Balkans Summit was held in Sophia in 2018.

Soft power: According to Joseph S. Nye, a power can be considered soft, “when one country gets other countries to want what it wants—might be called co-optive or soft power in contrast with the hard or command power of ordering others to do what it wants.” (Nye 1990, 166)

Southeast Europe: The Southeast European (SEE) countries are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Kosovo, Macedonia,
Montenegro, Romani, Serbia and the European parts of Turkey. Croatia and Slovenia are countries that are in between these regions therefore there is no clear consensus on if they are CEE or rather SEE countries.

SAP and SAA
The concept was presented in Chapter 5.

Stabilitocracy:
According to a Biepag policy paper released in March 2017, the notion “stabilitocracy” refers to a phenomenon where “weak democracies with autocratically minded leaders, who govern through informal, patronage networks and claim to provide pro-Western stability in the region.” (BiEPAG 2017, 7)

State capture
The notion state capture has more definitions. Researches have proven that the notion “has profound implications for the consolidation of democracy, systematically eroding democratic processes by undermining the election of public representatives, the institutionalisation and normalisation of democracy and the socioeconomic transformation processes.” (Meirotti 2018, 3) On the other hand, capture is a multi dimensional concept. It can be understood, “as a complex set of behaviour patterns and relationship that can be produced in many ways, often acting in concert with another.” (Mitnick 2011, 34-36)

Stateness:
Linz and Stepan defined stateness as a phenomenon that can “exist when significant proportion of the population does not accept the boundaries of the territorial state as a legitimate political unit to which they owe obedience.” (Linz and Stepan 1992, 123) In addition, when “ethno-national identity and sentiments are embedded in sovereignty of a territory” it can furtherly increase the problem of stateness. (Oberschall 2007, 10) Moreover, as Linz and Stepan added, that state legitimacy is a “fundamental and theoretical and political importance for democracy.” (Linz and Stepan 1992, 123)

Thessaloniki Summit
The Thessaloniki EU Summit in 2003.

Western Balkans
The concept was presented in Chapter 3.
1.3 Limitations

Given the fact that EU enlargement covers a broad topic, the author decided to limit his research respecting the following aspects:

1. The thesis analysed only the political criteria related challenges and obstacles of the ongoing enlargement process. Therefore the public administration and the economic transformation related challenges have not been subject of this thesis.
2. The case studies focused on three countries that are in three different phases in the enlargement process.
3. The three countries were not selected by “random” choice: each of them are in a different phase within the enlargement process and this approach allowed us to put focus on the transition (Europeanisation and democratisation) specific challenges.
4. Some references were made to indicate the EU accession path of the remaining enlargement countries, Albania, Montenegro and Kosovo in order to give the big picture and to better present the regional characteristics of the Western Balkans. The references focused more on the Slavic countries and less on Albania.
5. Europeanisation as well as democratisation is still an ongoing process. This means that the thesis analysed two processes, which’s outcome is still unknown. In other words, the project analysed an open-ended process, based on the current facts and knowledge.\(^9\)

1.4 The structure of the thesis

This thesis consists of two main parts.

The first part of the thesis focused on the development of the EU enlargement strategy in the Western Balkans. This part gave a theoretical and methodological overview of Europeanisation and democratisation. The reason behind this was to provide the topic of the thesis with an appropriate theoretical and methodological framework (chapter 2).

The third chapter presented the Western Balkans as a sub-region of Southeast Europe. Chapter 4 presented the development of the EU’s “Balkan policy” in the post-Dayton period.

Chapter 5 presented the development of the EU’s enlargement strategy. Chapter 6 analysed the limits of the enlargement criteria and the EU’s integration (or absorption) capacity.

\(^9\) The manuscript of the thesis was submitted on 15 April 2019.
The second part of the thesis focused on the depth or deepness of the challenges mentioned. Moreover, as the time framework of the analysis differs between the countries it allowed a better and more comprehensive way to present the ongoing Europeanisation and democratisation process. For that reason, three different case studies analysed the presented aspects. Each of these states are in a different phases within the enlargement process. Serbia is a candidate country that has already started the accession negotiations. North Macedonia is a candidate country as well, but did not start the negotiations yet. Bosnia and Herzegovina is a potential candidate of the EU, which means that the country still has to make further efforts to become official EU candidate, although application for membership has already been submitted.

The first case study analysed the democratic transition of Serbia, presenting the challenges to democratic consolidation process. (Answering H1)

The second case study presented the importance of the European Union’s role in conflict management processes during the longstanding political and institutional crisis that occurred in Macedonia between 2014 and 2017. (Answering H2)

Finally, the third case study presented the stateness related problems in Bosnia and Herzegovina. This case study challenged H3 by pointing on the fact that the post-Dayton Bosnia and Herzegovina due to the complex institutional system is still suffering from inter-ethnic divisions and frozen conflicts might challenge the statehood of the country. This means that the EU’s enlargement strategy should be even more ambitious and the dialogue on the constitutional reform of Bosnia and Herzegovina should be part of the enlargement agenda.
2 Europeanisation and democratisation combined: Research method and theoretical approaches

The analysis of the EU-Western Balkans relation from an enlargement angle suffers from a theoretical gap. In order to fill this gap, we decided to analyse the EU’s transformative impact on candidate and potential candidate. This required the analysis of two major aspects: 1) the Europeanisation and 2) the democratisation related transformation of the Western Balkans, in light of the EU enlargement. As it has been presented in this chapter, the Europeanisation process encourages the candidate countries to adopt the EU rules on their enlargement process.

In this chapter, we approached the concept of Europeanisation from three angles:

Section 2.2 presented 1) the original concept of Europeanisation and its evolution in the EU academic literature. 2) We also explained Europeanisation as a top-down process, which is at the same time the main driver of the conditionality based enlargement strategy. 3) We also presented the possible limits of the Europeanisation in light of the Western Balkans EU enlargement process and discussed the possible areas of future analysis.

When it comes to the democratisation, section 2.3 approached democratic consolidation from a theoretical and methodological approach. Besides 1) giving an overview of democracy definitions, 2) we presented transition, consolidation, and political culture as important aspects of democracy. Finally 3), we gave a methodological overview that aimed to present that democratic consolidation can be considered as an ongoing process in the Western Balkans.

Europeanisation and democratisation are appropriate theoretical frameworks to analyse enlargement as an ongoing process. As we still do not know the final outcome of the enlargement process we had to present the challenges based on our current knowledge.

2.1 The European Union as an international actor

The role of the European Union as an international actor has been analysed by many others. These authors labelled the European integration (European Economic Community, European Community, European Union) with different adjectives.

In 1982 Hedley Bull argued that the European Community is a civilian power. That time Bull wrote that the European Community (or that time simply the Western World) “was giving
place to economic power instead of a traditional military and political power.” (Bull 1982, 149) Analysing the European integration’s power from an economic point of view also seemed to be relevant in after the fall of the Soviet Union. As Nye wrote in 1990, a soft (or co-optive) power is important because if “a state can make its power seem legitimate in the eyes of others, it will encounter less resistance to its wishes. If its culture and ideology are attractive, others will more willingly follow.” (Nye 1990, 167) But besides the economic approach, he added that “Western European countries also derive soft power from their democratic institutions.” (Nye 1990, 170)

Since the 1990s the EU experienced a growing role in the former Eastern Bloc and step by step became one of the main promoters of transition from the Baltics to the Balkans. The EU has not only supported, but also helped this process by managing the democratic and economic transition of these countries that entered into its sphere of interests. With the growth of its attraction zone, the EU undertook a major responsibility in the spreading over of its values and principles based on democracy rule of law, market economy, and on the respect of human rights and minorities. All of this means that the EU should be able to defend and preserve its interests in its neighbouring regions, while it is also engaged in a value transfer process. However, the European Union is neither a military nor a civil power. The EU should promote its principles by a “normative justification”, as Ian Manners said. (Manners 2015, 224-226)

The European Union does not have the capacity, neither the will to enforce its interests on a military way. This is the reason why the transformative power of the EU is based on normative and regulative methods that are the main instruments for promoting the EU’s international interests. The Europeanisation is therefore the main process where the EU is able to transfer its values and norms to third countries. This is why that during the enlargement process, Europeanisation is primarily encouraged by a regulative way in the candidate countries. This normative behaviour allows the possibility to preserve not only the values but also the interests in the attraction zones of the European Union. (Balázs 2016, 289)

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10 However general examples can be found for the use of physical force. This includes the deployment of the EU rule of law, border, police, or even military actions in third countries. The role of the European External Action Service in other regions can be detected all over the decades. Besides that the EU also have trade preferences, trade sanctions or technical and development assistance. These policies are involving the offer (or the denial) of financial benefits. (Manners 2015)
Regarding the EU’s normative basis, Manners claimed that the EU has been developing through series of declarations, treaties, policies, criteria and conditions. Therefore, five core norms can be identified, which comprise the EU acquis: peace, liberty, democracy, rule of law, and human rights. (Manners 2002, 240-243) In the case of the Western Balkans, these norms became core values in order to strengthen regional stability and assist the democratic transformation of the countries. But this process can only be successful if the EU is not only defining the criteria but also assists its candidates through a credible enlargement strategy.

The manifestation of the transformative power of the European Union has already shown that enlargement became a permanent item on the EU’s agenda after the fall of communism in Eastern Europe. (Schimmelfennig and Sedelmeier 2002, 500-501)

Grabbe, in her book analysed the EU’s transformative power in the CEE countries. She pointed on that in the period between 1989 and 1993, the EU intended to focus more on the economic rather than the political transformation of the region. (Grabbe 2006, 7)

The EU as a “transformative power” is also important in the relations with the Western Balkans as in this case, the EU was not only interested in the economic and political transformation, but also in the stabilisation of the region. Therefore we can consider the notion “transformative power” as a gradually evolving concept.

Concerning the impact of the membership conditions on acceding (or candidate) countries, Young and Wallace wrote that the EU expects the new members to adjust to its norms and standards. This suggests an asymmetric relationship between the EU and its candidates. From this approach, we can consider the EU as a “regime-maker”, and the candidates as “regime-takers.” (Young and Wallace 2000, 102)

Soeren Keil and Zeynep Arkan presented the EU as a “member state builder”. On the other hand, these authors also pointed on that due to the necessity of a stronger intervention in the Western Balkans, the EU’s normative role was questioned. (Keil and Arkan 2014)

These different labels can be better understood in the context of Europeanisation and democratisation. (Beshku and Mullisi 2018, 41)

2.2 Europeanisation

In the case of the Western Balkans, the normative characteristic of the Union is accompanied by the necessity of credibility. Regarding latter claim this is obvious that both parties (EU and
the candidates) have to make stronger efforts to turn enlargement into a successful process, as accession affects both the EU and the acceding state(s). Every new acceding country will have a strong influence on the EU institutions in terms of power distribution, interests and even on the efficiency of the institutions. (Schimmelfennig and Sedelmeier 2002, 504-507)

This is why the EU is interested in taking only those countries that are able to comply with the rules and obligations. Although aspects like the pre-accession process, EU policies, or the impact of enlargement(s) on the EU and on the candidate countries are essential elements of the enlargement process, it is hard to find a single comprehensive theory and approach that could analyse comprehensively this very complex process. (Schimmelfennig and Sedelmeier 2002, 501-502)

2.2.1 The original concept and the evolution of the term

When it comes to the internal development of the European Union, the legal, political, economic and social development of the integration can be followed through the different treaties.¹¹ These treaties revised the institutional and political competences of the EU. On the other hand, the development of the internal market and the Monetary Union contributed to the stronger economic integration of the member states. This continuous development – or the deepening – of the European integration has been a result of political debates. But the European integration also experienced a widening since the 1970s and the number of member states grew from 6 to 28. (Lynggaard, Löfgren and Manners 2015, 4-7)

The Maastricht Treaty encouraged the transformation of the European integration to an even stronger political union, which also had a huge impact on the academic research on the EU. This continuous development also triggered new aspects for analysis in the academic literature. The study on the “Europeanisation” in the 1990s aimed to fill the theoretical gap and analysed the impact that the European integration makes on its member states. (Koller 2019, 7-9; Caporaso 2008, 25)

In 2002 Jim Buller and Andrew Gamble analysed Europeanisation as an important concept in the EU studies. In their study, they tried to answer questions concerning the legitimacy of such a new concept. They wanted to answer 1) why 1) there is a need for a new concept, 2) why traditionally established terms (such as European integration or spill over) are not able to

fulfil the function that Europeanisation wanted to address, 3) what is the relation between Europeanisation and the already existing concepts? (Buller and Gamble 2002, 8) Going beyond these questions, the authors pointed out that although a substantial literature developed on studying the European Union since its establishment, these works mainly focused “on the process of institution-building and political integration at the European level. Much less attention has been paid to the reverse relationship: how European integration might be impacting on the domestic politics of the member states.” (Buller and Gamble 2002, 9)

In addition, the changes that occurred since the 1980s related to the deepening as well as the widening of the EU triggered a certain kind of “theoretical innovation” as the traditional EU theories12 “do not give analytical primacy to the domestic (in this sense: member state) level.” (Buller and Gamble 2002, 9)

The first new aspect that Europeanisation as a new concept could offer was therefore that it brought back the member state level in the EU studies. One popular way to describe Europeanisation from this approach was the analysis of the impacts on domestic or member states structures. Another potential area, where Europeanisation could be used was more related to examples where European values and norms (for example form of government) have been exported and promoted outside of the boundaries of the European Union. This latter aspect gave a new direction for the Europeanisation analysis as the EU’s procedures, policies, institutions, and governing styles became attractive to non-member state or even to non-European governments. (Buller and Gamble 2002, 9-10) According to the classic definition of Radaelli, Europeanisation refers to a “processes of (a) construction (b) diffusion and (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’ and shared beliefs and norms, which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies”. (Radaelli 2003, 30)

This definition suggests that 1) the term Europeanisation can be broadly understood and that 2) the potential “target(s)” of Europeanisation are not only the member states, but also the candidate or non-member states that are subject to the Europeanisation. (Wozniakowski, Schimmelfennig and Matlak 2018, 8)

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12 The framework and the topic of this thesis did not allow analysing the integration theories.
Europeanisation – as process- therefore has a strong impact on various aspects and structures such as policy levels, business environment, entrepreneurship, youth policies, economy and also the civil society of the enlargement countries. When it comes to the “direction” of the Europeanisation process, we can distinguish two different types or directions: top-down and bottom-up. (Koller 2019, 11) As the original concept mainly studied the EU’s impact on the member states, Risse presented that the term can be approached from two different angles. The first is the uploading (bottom-up process) of the national policies (Risse mainly refers on the policy level) to the European level. The second aspect is of course the downloading (which is a top-down process) of the EU policies to the national level. (Risse 2001; Cowles, Caporaso and Risse 2001; Cowles and Risse 2001)

Not surprisingly, in the case of enlargement, the term focused more on the top down direction. (Wozniakowski, Schimmelfennig and Matlak 2018, 7-8)

Börzel and Risse analysed the impact of top-down Europeanisation on member states. They distinguished three major dimensions where the impact of Europeanisation can be analysed.

1) The policy dimension: as the EU has a growing impact on policy-making
2) The politics dimension: this might concern many related fields, such as the party system, domestic politics, political discourses, or electoral politics
3) The polity dimension: this aspect focuses on the changes in the political, legal and administrative structures. (Börzel and Risse 2000, 3-4)

In line with this, Börzel and Risse also claimed that the degree of intensity of Europeanisation can be also measured. The impact of Europeanisation puts an adaptation pressure on the states concerned. This is why it is needed to analyse the three different degrees of domestic changes that Europeanisation might trigger.

1) Absorption: member states are absorbing Europeanisation if they are able to incorporate EU policies and by this they are adapting to the institutions, “without substantially modifying existing” structures (political processes, policies, or institutions). In this case, the impact degree of Europeanisation on the member states is low.
2) Accommodation: member states accommodate Europeanisation if they are adapting their existing structures. The impact degree of Europeanisation in this case is modest.
3) Transformation: as an effect of the Europeanisation, member states are replacing their existing structures and transforming them to different ones. In the case of this transformation, the impact of domestic change is high. (Börzel and Risse 2000, 10)

This model can also be used in the case of analysing the Europeanisation of the non-EU countries.

2.2.2 Top-down Europeanisation as a driver of enlargement

Europeanisation can also be understood as interactive process, where we can detect the transformation power, the effectiveness and the durability of the EU led reforms. This interactivity however goes beyond the original concept of the notion. As the European integration started to expand, more focus was put on the EU’s influence on its candidates. The conditionality based enlargement strategy requires a massive political, legal and administrative transformation from the candidates. Sedelmeir observed that during the accession, candidates adopted not only the EU acquis but also principles and rules related to democracy and the rule of law, in which the EU did not have competences in the old member states.” (Sedelmeier 2011; Zhelyazkova, et al. 2018, 15)

As Koller highlighted, although the concept of Europeanisation became well-known in the 1990s, it gained a new meaning in the 2000s, when the CEE countries were in their EU accession process. Europeanisation, in the case of these countries required the fulfilment of the Copenhagen criteria and the adaption to the political economic legal, and administrative systems of the European Union. In this case, Europeanisation became the main driver of the accession based on the EU’s conditionality.

2.2.3 Europeanisation and EU enlargement

After the 1995 enlargement round the European Union decided to build its enlargement policy on the basis of conditionality, as it had to integrate less developed countries in 2004 2007 and 2013. This has also diverted the focus of the Europeanisation research to analyse the impact of the accession on the candidates. In that regard, Maniokas said that enlargement in the pre-CEE accession period has been divided into two (main) stages:

1) it started with the association and 2) ended with the accession negotiations. However, we can notice that since then enlargement expanded into more stages that are taking place between association and accession process. The conditionality also led to the asymmetry in
the relationship between the EU and the candidates. (Maniokas 2004) Since the start of the enlargement process in the CEE region, it was obvious that Europeanisation of these countries was built on the EU’s conditionality mechanism, and the process was effective due to the fact that these states strongly aimed to join the European Union. This conditionality driven Europeanisation therefore contributed to the adoption of the EU rules and by this to the political, economic and administrative transformation of these countries. By this, liberal democracy, market economy and rule of law based state administrations were established in these countries. (Wozniakowski, Schimmelfennig and Matlak 2018, 6)

The conditionality based enlargement strategy become a specific new element during the CEE enlargement and it has been further strengthened in the case of the Western Balkan countries.

2.2.4 Europeanisation of the politics

The Europeanisation of the political actors has been analysed particularly by Ulrich Sedelmeier. He noted that the Europeanisation of the political actors, for instance the citizens, the political parties, or even the political processes are going beyond the formal institutional frameworks. However, enduring reforms cannot be expected without the stabilisation of the Europeanisation triggered reforms. With a special regard to the politics dimension, Sedelmeier argue that successful political Europeanisation depends on many factors. For that reason, political Europeanisation encompasses studies of party systems, domestic political conditions of the democratic transition, conductive impact of the EU conditionality, the EU’s impact on candidates’ politics. (Sedelmeier 2011, 21; Ladrech 2015)

2.2.5 Europeanisation of the Western Balkans: the limits of the conditionality based Europeanisation?

Although since 2004 Europeanisation is the main driver behind the EU’s enlargement process, the last 15 years show that the Western Balkans’ EU accession is challenged by additional obstacles that the CEE countries did not have to face on their accession. (Zhelyazkova, et al. 2018, 15-16)

Unlike the Central and Eastern European states, the Western Balkans faced a much more difficult transition process. The difficult starting point also strengthened the conditionality based enlargement strategy as the EU was not only interested in the integration but also in the stabilisation of a former conflict region. The experiences of the 2004 and the 2007
enlargement rounds encouraged the European stakeholders to make the criteria stricter. In parallel with this, an enlargement fatigue is also present. The experiences of the previous Eastern enlargement rounds showed that once the candidates are becoming members, conditionality loses its centrality after the accession. Wozniakowski and others argue that in countries “where legal enforcement (...) is weak, conditionality is unlikely to be effective (...) because the main incentive – membership – has already been consumed.” (Wozniakowski, Schimmelfennig and Matlak 2018, 6-7)

These obstacles were not only able to delay but also to challenge the Europeanisation of the Western Balkans. This suggests that the EU’s pre-accession influence is declining and the question may be raised, how the Western Balkan newcomers will comply with the political criteria “without continuous external monitoring” in the post-accession period. (Sedelmeier 2011, 25)

As the EU currently has limited resources to monitor the compliance with the political criteria, both the European institutions as well as the candidates are interested in a successful Europeanisation that eventually creates a political environment that can contribute to the consolidation of democracy. Europeanisation in the case of the Western Balkans therefore is strongly linked to the enlargement and has to be considered as an externally driven process. From this approach, Europeanisation in the Balkans can be successful if 1) the EU remains (credible) external normative partner, 2) the candidates are showing willingness to comply with the criteria

Europeanisation of the Western Balkans can be understood as a top-down process, where the degree of change can certainly be expected to be high on the currently existing political structures. Europeanisation therefore is the main driver of the enlargement process, which requires the absorption and accommodation of the values and norms, the compliance with the enlargement criteria and these factors might contribute to the transformation of the Western Balkan candidates in the enlargement period. In this situation we can consider Europeanisation mainly as a development process. As we could see, Europeanisation initially focused more on the relations of the EU and it member states, but as the European integration started to grow, Europeanisation studies also started to focus on the aspects of enlargement. The academic literature is however divided, when it comes to the “end-state” of the Europeanisation. As we discussed above, Europeanisation in the case of the Western Balkans refers to a process of development and contributes to the transformation of the candidates.
A possible end-state of Europeanisation can be therefore the moment when the candidates are acceding to the EU. But Europeanisation also affects its member states and from this approach, the end-state can be a situation in which all member states are united in a single European polity. (Buller and Gamble 2002, 11)

In addition, Europeanisation cannot be only linked to members or member aspirants as the EU also affects countries that are not having EU membership perspectives such as the Eastern Partnership Countries, or European Neighbourhood Policy countries. In the case of the Western Balkans, the Europeanisation process has started in 2003 when the European Council gave membership perspective for the region at the Thessaloniki Summit. But as the integration has moved extremely slowly in the past 15 years, the credibility and the effectiveness of Europeanisation is questionable. (European Union External Action 2017a, Koller 2019) Thus, the EU should appear as a “credible power” in the eyes of the candidates and of the external powers to maintain its attractiveness. (Balázs 2016, 287)

Europeanisation in the Western Balkans is multidimensional as we have to note that the relationship between these actors is asymmetric. (Radaelli and Pasquier 2008, 12)

As Taylor, Geddes and Lees highlighted, there are “three generations of Europeanisation research.” The first is defining the phenomenon as a synonym for integration, the second has a top-down focus, while the third one “asks how politics, policy and polity adapt to top-down pressures generated by engagement with the EU”. (Taylor, Geddes and Lees 2013, 10)

In order to give relevant academic answers to these challenges, the future Europeanisation analyses should therefore focus on the socio-economic background of the new candidates. The stricter enlargement criteria further strengthened the top-down nature of Europeanisation. While the enlargement fatigue draw attention on the importance of complying with the accession criteria in the post-accession period. Taking into account the development of these issues, the author of this thesis shares the opinion of Ulrich Sedelmeier that the Europeanisation analysis should be extended on the post-accession period as well. (Sedelmeier 2011, 25)

From this approach, it might be useful to differentiate the pre- and the post-accession experiences. Wozniakowski, Schimmelfennig and Matlak are saying that in the pre-accession period “the EU was only one of many sources of diffusion and the adoption of its policies was voluntary.” (Wozniakowski, Schimmelfennig and Matlak 2018, 8)
They add that “by contrast, with the start of the accession process, Europeanisation became ‘the only game in town’.” (Wozniakowski, Schimmelfennig and Matlak 2018, 8-9)

With the start of the accession process, the adoption of the EU rules and norms suddenly became mandatory and influenced the national politics of the acceding countries. The authors underlined that Europeanisation is an “exceptional period”. Therefore it is very difficult to follow Europeanisation in the post-accession period. (Wozniakowski, Schimmelfennig and Matlak 2018, 8-9) For that reason, a new possible aspect of the Europeanisation studies should analyse this process in the post-accession times.

2.3 Between democratisation and democratic consolidation

Europeanisation was a good theoretical asset to understand the background of the EU’s norm and value transfer mechanism. At the same time it is also useful to present the democratisation related problems as this allow us to properly understand the 1) Copenhagen political criteria and 2) the importance of democratic consolidation in the accession process.

As it has been already discussed, in the 1990s the EU’s political conditionality became a powerful strategy that assisted the transition of the CEE countries. This trend further increased in the 2000s, as the EU aimed to address post-conflict transformation in the Balkans, which has been a more demanding task. (Anastasakis 2008, 365)

2.3.1 The role of the European Union

Sedelmeier presented that the EU had an ambiguous effect on the democratic consolidation of its candidates. It is interesting to observe that in states where democratic transition was smooth and followed by liberal democratic governments, the EU “did not have to use democratic conditionality heavily.” He add that in case of the CEE countries, the EU had to push for particular norms, for instance minority rights. (Sedelmeier 2011, 18)

The European Union already had an important role in consolidating democracies in the SEE and the CEE countries. In the 1980s, the European Community successfully integrated Spain, Portugal and Greece. That time EEC membership has been considered “as a guarantee of the stability of democracy.” (Huntington 1991, 14)

The EU was also successful and also attractive in countries, where the authoritarian regimes were succeeded by democratic governments in the late 1980s, early 1990s, such as in
Hungary, Poland, or in the Baltics and Czechia\textsuperscript{13}. In other cases, the EU also successfully influenced the delayed democratisation in countries like: Slovakia, Bulgaria and Romania. However, when it comes to transition countries where the democratisation process has been challenged or blocked (for instance in former Yugoslavia because of the Yugoslav War), the EU’s initial impact on supporting democratisation was much weaker. Particularly, because these countries were under authoritarian leadership and they were not interested in integrating the EU values. (Sedelmeier 2011, 18)

After the Yugoslav Wars, democratic transition could have started in the Western Balkans with the strong assist and support of the European Union and since the beginning of the 2000s the institutional background for democratic political systems is provided. However, recent analyses of the region showed that some countries experienced democratic backslide\textsuperscript{14}. In order to better understand the democratisation related challenges, the next sections took a brief theoretical overview of democratisation and democratic consolidation.

2.3.2 Democracy as concept

According to Michael Coppedge, democracy “is a contested concept because nearly everyone values the label, but there are different reasonable and legitimate, yet incompatible, criteria for judging whether the label is deserved.” (Coppedge 2012, 11) As democracy has been defined in many ways by scholars, it would be useful to define the “overlapping models” in which the different concepts of democracy fit into. (Coppedge 2012, 12)

1. Socioeconomic democracy is linked with wealth, income, status which are important prerequisites of political and social equality.
2. Participatory democracy defines the involvement of the citizens in elections, allowing the participation at the elections on the different levels, as well as in the civil society organisations.
3. In the case of deliberative and discursive democracy, deliberation is in the central of the decision-making process. Deliberative democracy use elements of the consensual decision-making and also the rule of the majority.

\textsuperscript{13} Czechoslovakia until 1993.
4. Liberal democracy limits the power of the majority, and guarantees fundamental rights of individuals by creating the system of checks and balances. (Coppedge 2012, 12-13)

According to Schumpeter the key attributes of liberal democracies are the free, fair and competitive elections, or for example full adult suffrage. The protections of liberties guarantee the freedom of speech, media pluralism and the rights of assembly. The absence of non-elected authorities limits the power of the elected decision-makers. Other scholars complemented this concept by additional explicit criteria: civil liberties, the legitimate power to govern, and the necessity of fair and competitive elections. Another crucial attribute is the existence of a “playing field” between the elected holders of the power and their opposition. (Levitsky and Way 2010, 3-7)

2.3.3 Democratisation

Starčević-Srkalović, O’Donnell and Schmitter, Przeworski, Linz and Stepan are referring to democratisation as a “complex historical process that can be defined as the interval between one regime to another.” This process has been divided into four phases: transition, liberalisation, democratisation and finally, consolidation. The process starts with the end of the authoritarian regime (or intervention against the authoritarian regime) and ends with the creation of the democratic institutions. Following the establishment of the institutions, the next phase has to go on with the consolidation process. This might ensure the effective functioning of democracy. (Starčević-Srkalović 2009, 25-27) This list has to be complemented with an additional element, namely with the ‘consolidation of the democratic political culture.’

Keil and Perry defined democratisation as a “process of regime change from authoritarianism towards democratic governance.” Democracy building requires the establishment of free and fair elections, rule of law, democratic accountability, civil society participation in the decision-making process and the protection of the fundamental rights. (Keil and Perry 2015, 7)

Being a complex process, democratisation encompasses multiple phases. First of all, new political leaders must be specified in the new system. This can be labelled as the “transition

phase.” O’Donnel and Schmitter in 1986 summarised that authoritarian rulers in this phase might change the rules by “providing more guarantees of the rights of individuals and groups.” (O’Donell and Schmitter 1986, 9-11)

The “pluralisation phase” had a distorted form in some of the former Yugoslav republics. Pluralisation has happened in the case of the Central European countries during their post-communist transition however such transformation in the case of Serbia occurred only after the fall of Slobodan Milošević. Therefore, the “liberalisation phase” in the transition has only started in 2000, where the new regime defined the rules of the new system. For that reason, democratic transition period was “blocked” for over a decade. The next phase should be “democratisation” itself, when the inclusive elements of democracy must be specified, for instance: citizen participation, institutionalisation and the right to exercise political rights, or the active and passive right to vote. (Starčević-Srkalović 2009, 27)

The last phase of the transition according to O’Donnel and Schmitter is the “socialisation” phase. A successful transition to democracy therefore contains the following elements: the establishment of the democratic institutions and the consolidation of the system. (Starčević-Srkalović 2009, 27; O’Donell and Schmitter 1986, 9-11)

The third wave of democratisation contributed to a massive democratic transition all around the world and allowed the democratisation of the countries of the former Eastern Bloc. Huntington noted that between 1974 and 1990 “30 countries made transition to democracy.” (Huntington 1991) Andreas Schedler however noted that since then “it has also became apparent that sustaining democracy is often a task as difficult as establishing it.” (Schedler 1998) Democratisation is also an important feature that accompanies the enlargement countries on their transition process.

According to Francis Fukuyama, in the period between the 1970s and the 2000s, liberal democracy “became the default form of government for much of the world.” (Fukuyama 2018, 3) Democratic reverse or decline might occur in the case when new democracies are having difficulties in the consolidation process. As Huntington pointed on, democratic regression happened in countries where the new regimes experienced unfavourable

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16 However they added that the phases of „liberalisation and democratisation are closely related, they may not appear simultaneously.” (O’Donell and Schmitter 1986, 9-11)

17 The expression “blocked transformation” or “blocked transition” has been an often used term in the Serbian public discourse. The aim of the term was to indicate that some countries are not progressing well in its political, social and legal transformation.
conditions for sustaining democracy. (Huntington 1991, 17) This is why we have to focus not only on the democratic transition, but also on the consolidation of the new democracies.

2.3.4 Democratic consolidation

This thesis used the “narrow definition” presented by Linz and Stepan to define consolidated democracy. These authors are combining behavioural, attitudinal and constitutional elements in order to define the dimensions of democratic consolidation. Regarding the consolidation, Linz and Stepan distinguished the following necessary elements to describe a consolidated democracy. (Linz and Stepan 1996, 6)

The definition of consolidated democracy therefore can be approached from the following three aspects:

1) Behavioural consolidation: democracy can be taken consolidated, if “no significant national, social, economic, political, or institutional actors” attempt to create non-democratic regime, or 2) turns to violence to secede from the state
2) Attitudinal consolidation: this requires the strong belief of the citizens in the democratic procedures, institutions and where the antisystem alternatives are “isolated from the pro-democratic forces”.
3) Constitutional consolidation: when government and non-governmental forces are subjects of the democratic procedures and the decision-making process.

The authors also argue that state sovereignty is an important pre-condition to be met in order to achieve democratic consolidation. If the state sovereignty is contested, it can cause problems to the consolidation. (Linz and Stepan 1996, 17) When it comes to the Western Balkans, not only the democratic consolidation, but in some cases, even the state sovereignty has been contested by different factors.

As Linz and Stepan presented, in the case of the newly democratising multi-ethnic countries, proportional representation, the symbolic recognition of cultural diversity, legal and political tolerance for parties representing different communities” can challenge the consolidation process. (Linz and Stepan 1996, 33) Especially, as in the case of multi-ethnic states, consolidation would require more consensual form of democracy than majoritarian decision-making. (Linz and Stepan 1996, 37)
2.3.5 The effects of political culture on democratic consolidation

The analysis of the interconnections between democratic institutions and political culture is present in the political science since the 1960s, when Almond and Verba argued that democracies are persistent only if they are supported by the citizens. Almond and Verba understood the political culture as an attitude and behaviour of the citizens. From this approach a (liberal) democratic political system in the region can be only successful, if it is supported by the citizens and where the political leaders are behaving democratically. (Klingemann, et al. 2006, 1-23)

In the case of the Balkans, the patrimonial practices of political culture were present during the Ottoman era. The dominant behaviour of the state highly personalised the power exercise methods. Eventually, corrupted forms of governance and administration were present, while the civil society remained weak. For that reason, important elements of liberal democracy, such as the rule of law or civic participation have to take “root in a less hospitable environment.” (Cohen 2008, 208-209) At the same time, the short democratic rule could not counterbalance the experience of the patrimonial ruling methods, and institutional clientelism is still part of the system. (Cohen 2008, 209) In addition, complementary elements, such as nationalism state capture or stateness are also affecting the consolidation process.

The continuous presence of external empires left an important cultural legacy. During the Ottoman rule, religion served as a primary source to define the different nations and ethnic groups. Later, in the 19th and 20th centuries, this was replaced by strong and exclusive nationalism. The goal of the emerging national resistances was to overturn the Turkish and later the Austro-Hungarian empires and at the same time, ethnicity became the basis of national identity. After the First World War and in the interwar period, ethno-nationalism challenged the Kingdom of Yugoslavia and highly contributed to the inter-ethnic struggles during World War II. Ethno-nationalism appeared once again after the dissolution of the socialist Yugoslavia. The new leaders like, Franjo Tuđman or Slobodan Milošević used their nations and symbols to legitimate their political exclusivity. (Cohen 2008, 210; Stojanova 2013, 49-51)

Concerning the elements of the political culture in the Western Balkan countries, we have to understand the following factors that are having a strong impact on politics and why this countries were less successful in democracy building:
1) Citizens are expressing their scepticism regarding the political elite
2) Distance between the state and the citizens
3) Lack of trust concerning the public institutions
4) Although the institutional conditions of the liberal democracy are provided, informal political bargains are in favour to formal, transparent and accountable processes.
5) Political culture is not a result of an integral part of the development.

The countries are in a “state of prolonged transition”, which hinders the consolidation of democracy. (Stojanova 2013, 49-51) As Petričušić argued, there is a “lack of understanding in the democratisation process on the EU’s side since it keeps neglecting the importance of democratic consolidation of political culture in the Western Balkans candidate countries.” She adds that the consolidation of the democratic political culture in that sense also depends on the combination of institutional trust and stability. (Petričušić 2013, 35-39)

2.4 A methodological approach

Methodological reports are good tools to measure and understand the level of democratic consolidation. These reports are analysing democracies in terms of progression or even setbacks from different aspects that cover important areas such as statness, the behaviour of the political actors, the situation of the rule of law, the stability of the institutions, political parties, elections, etc. In the following sections, we presented four reports that are closely following the development of democracies in transition countries. Besides the Bertelsmann Stiftung, the Economist Intelligence Unit and the Freedom House, we also presented the country reports issued by the European Commission.

2.4.1 Bertelsmann Stiftung Transformation Index (BTI)

The Bertelsmann Stiftung Transformation Index (BTI) analyses and evaluates the quality of democracy, political management and market economy in developing and transition countries. The “state of political transformation” index measures not only the democratic successes but also the setbacks. The BTI’s concept of democracy includes the basic civil rights and the conduct of free elections, and also puts a special focus on stateness, on the evaluation of the rule of law, the separation of powers. The BTI puts a special emphasis on the evaluation of democratic consolidation. It assesses the quality of representation with regard to the party system and interest groups, and also measures social capital and the approval of democratic norms and procedures. (BTI 2019)
The BTI’s Status Index identifies where the countries stand on their path toward democracy under the rule of law and a social market economy. The BTI set up the following democracy categories:

1. Democracies in transition
2. Defective democracies
3. Highly defective democracies
4. Moderate autocracies
5. Hard-line autocracies

The BTI’s 2019 analyses categorised all Western Balkan countries as defective democracies. (BTI 2019)

2.4.2 The Economist Intelligence Unit Democracy Index 2018

The Economist Intelligence Unit’s (EIU) democracy index analyses focuses on factors such as: political freedom, political culture, functioning of the government, system of checks and balances, judiciary, elections, civil society, or freedom of media.

The EIU Democracy Index differentiates four types of regime:

1. Full democracies: “Countries in which not only basic political freedoms and civil liberties are respected, but which also tend to be underpinned by a political culture conducive to the flourishing of democracy. The functioning of government is satisfactory. Media are independent and diverse. There is an effective system of checks and balances. The judiciary is independent and judicial decisions are enforced. There are only limited problems in the functioning of democracies.” (EIU 2018, 49)

2. Flawed democracies: “These countries also have free and fair elections and, even if there are problems (such as infringements on media freedom), basic civil liberties are respected. However, there are significant weaknesses in other aspects of democracy, including problems in governance, an underdeveloped political culture and low levels of political participation.” (EIU 2018, 49)

3. Hybrid regimes: “Elections have substantial irregularities that often prevent them from being both free and fair. Government pressure on opposition parties and candidates may be common. Serious weaknesses are more prevalent than in flawed democracies—in political culture, functioning of government and political participation. Corruption tends to be widespread and the rule of law is weak. Civil
society is weak. Typically, there is harassment of and pressure on journalists and the judiciary is not independent." (EIU 2018, 49)

4. Authoritarian regimes: “In these states, state political pluralism is absent or heavily circumscribed. Many countries in this category are outright dictatorships. Some formal institutions of democracy may exist, but these have little substance. Elections, if they do occur, are not free and fair. There is disregard for abuses and infringements of civil liberties. Media are typically state-owned or controlled by groups connected to the ruling regime. There is repression of criticism of the government and pervasive censorship. There is no independent judiciary.” (EIU 2018, 49)

The Economic Intelligence Unit’s Democracy Index (DI) uses a 0 to 10 scale, based on the ratings for 60 indicators. These are grouped into five categories and the overall Democracy Index is the average of the five category indexes:

The DI values are distinguishing four types of regime:

Albania: 5.98 (Hybrid regime)
Bosnia and Herzegovina 4.98 (Hybrid regime)
Croatia: 6.57 (Flawed democracy)
Macedonia 5.87 (Hybrid regime)
Montenegro 5.74 (Hybrid regime)
Serbia 6.41 (Flawed democracy) (EIU, 2018, p. 17)

2.4.3 Freedom House’s Nations in Transit

Freedom House’s Nations in Transit study measures progress and setbacks in democratisation in 29 transition countries. The country reports provide a broad analysis of the progress of democratic change in the countries. Freedom House provided guidelines for ratings and a checklist of questions covering seven categories: electoral process, civil society, independent media, national democratic governance, local democratic governance, judicial framework independence, and corruption. The ratings for all categories reflect the consensus of Freedom House, the Nations in Transit advisers, and the report authors.

The country reports are organised according to the following structure:
1) National Democratic Governance
2) Electoral Process
3) Civil Society
4) Independent Media
5) Local Democratic Governance
6) Judicial Framework and Independence
7) Corruption

As regards the rating and the democracy “scores”, the ratings are based on a scale of 1 to 7, with 1 representing the highest and 7 the lowest level of democratic progress. The ratings follow a quarter-point scale. Minor to moderate developments typically warrant a positive or negative change of a quarter point (0.25), while significant developments warrant a half point (0.50). It is rare for any category to fluctuate more than a half point in a single year. (Freedom House 2018a)

NIT distinguishes five categories:

1. Consolidated Democracy
2. Semi-Consolidated Democracy
3. Transitional Government or Hybrid Regime
4. Semi-consolidated Authoritarian Regime
5. Consolidated Authoritarian Regime

According to this categorisation, Croatia, Serbia and Montenegro are Semi-Consolidated Democracies, while Bosnia and Herzegovina, Macedonia, Albania and Kosovo are Hybrid Regimes. (Freedom House 2018b)
Table 1 Democracy categories of the Western Balkan countries.

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<tr>
<th>Country</th>
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<td>Serbia</td>
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<td>Flawed democracy</td>
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2.4.4 The country reports of the European Commission

The country reports issued by the European Commission are part of the enlargement package, which is being published on a yearly basis. As it will be presented, the progress along the European accession process is an “objective and merit-based” process, and as EU membership requires concrete results, the Commission analyses each year the progress made on the fields of rule of law, fundamental rights and justice, and the ability to comply with the EU standards and the obligations of membership. (European Commission 2018l)

Currently, the European Commission analyses the enlargement progress of seven countries: the six Western Balkan states, and Turkey. The European Commission assesses the Western Balkan countries since 2005. The European Commission originally used the “progress report” term, which has been changed to “country report” in 2015. (European Commission 2018r)
3 Introducing the Western Balkans: a sub-region of (Southeast) Europe

The term Western Balkans is widely used not only in the academics, but also in the daily press, EU documents and is undoubtedly became part of the public discourse concerning EU enlargement. What are the origins of this notion and how we can position the Western Balkans within the wider region of the Balkans and Southeast Europe? The aim of this chapter was to give a brief explanation on these questions. This is especially needed as in some cases, the term Balkans is rather a contested political or cultural notion, than a clear geographical term. It is mainly because of the fact that in some cases, the “political-geographic and physical-geographic boundaries [of the region] do not coincide.” (Todorova 2009, 30) For that reason this chapter briefly presented the Balkans from a cultural, political and geographical perspective.

The term “Western Balkans” can also be considered as an EU created notion: the European Council referred\(^ {18}\) to the former Yugoslav republics (with the exception of Slovenia) and Albania as Western Balkans in the 1998 Presidency Conclusions document. (European Council 1998, 9)

3.1 “Balkans” as a notion

Since the end of the 19th century, the terms Balkans (or Balkan Peninsula) and Southeast (or South-Eastern) Europe has been used as synonyms. However, after the national revolts in the 19th century, Balkans “began to increasingly filled with a political connotation.” Therefore Southeast Europe received a “neutral, non-political and non-ideological concept” from a historical and political perspective. (Todorova 2009, 28) Later on, “Balkan has been treated as either synonymous to or narrower than Southeast Europe.” (Todorova 2009, 29) As Maria Todorova wrote “the millennium of Byzantium with its profound political, institutional, legal, religious, and cultural impact” left a deep trace in the region. (Todorova 2009, 12)

She argued, that the other important legacy in the Balkans is related to “the half millennium of Ottoman rule that gave the peninsula its name and established the longest period of political unity it had experienced.” Todorova argues that the Ottoman legacy in Southeast Europe had an immense impact from the 14th until the early 20th centuries. A certain kind of split with this legacy happened in the 18th and 19th centuries, as Todorova said “in practically all spheres in which the Ottoman legacy can be traced”: political, cultural, economic and

\(^{18}\) Previously, the Council documents referred to the region as former Yugoslavia.
social. However, other aspects, such as the legacy of perception, or historical self-identification, or even the popular culture, the Ottoman legacy seemed (or seems) to be much more persistent. (Todorova 2009, 12-13)

As some parts of the region entered into the sphere of interest of European powers, the modernisation (~ Westernisation) of the Balkans has started in the 19th centuries, and these countries experienced the “spread of rationalism and secularisation, the intensification of commercial activities and industrialisation, the formation of a bourgeoisie and other new social groups in the economic and social sphere, and above all, the triumph of the bureaucratic nation-state.” (Todorova 2009, 13) These changes also meant that “the Balkans were becoming European” and the Ottoman legacy co-existed within the new nation-state frameworks, which turned the Balkans to an even more heterogeneous region. (Todorova 2009, 13)

Pamela Ballinger noted that Southeast Europe “has typically been conceptualized as either a transitional zone, an area of cultural hybridity and cross-fertilization, or as a site of violent, ‘tectonic’ culture shifts. The area thus appears either as a linking bridge or as a dividing fault line between civilizational complexes.” (Ballinger 2010, 1)

3.2 A geographical perspective

As we wrote above, Southeast Europe and the Balkans are often being used as synonyms, but from a closer perspective, the boundaries of the regions might be different. Southeast Europe can be considered as a wider region, which includes the Balkan Peninsula and others geographical entities. From this approach, the following countries can be considered as part of Southeast Europe: Greece, Bulgaria, Albania, North Macedonia, Kosovo, Serbia, Montenegro, Bosnia and Herzegovina, Romania, Croatia, Slovenia, Cyprus and the European part of Turkey. (Delević 2007, 11-12; Lőrinczné 2013, 86-94)

When it comes to the regional organisations, the term becomes more flexible as some programmes might include more and others fever countries. The South East Europe Programme Area for instance includes 16 countries: Albania, Austria, Bosnia and Herzegovina, Bulgaria, Romania, Croatia, North Macedonia, Greece, Hungary, Serbia,
Montenegro, Slovakia, Slovenia, and Moldova. This programme also includes some regions of Italy\textsuperscript{19} and Ukraine.\textsuperscript{20} (SEE Programme)

The South-East European Cooperation Process includes 13 members that are: Albania, Bosnia and Herzegovina, Bulgaria, Montenegro, Kosovo, Greece, Croatia, North Macedonia, Moldova, Romania, Serbia, Slovenia and Turkey. (RSPCSEE) On the other hand, the OECD’s SEE Regional Programme covers nine countries: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, North Macedonia, Kosovo, Montenegro, Romania and Serbia. (OECD)

In contrast with Southeast Europe, there is a definition challenge when it comes to the Balkan Peninsula. The most appropriate geographical definition of the Balkans could be that the region lies between the Adriatic Sea, the Black Sea, and the Ionian, Aegean and Mediterranean Seas. On the other hand, as it has been already mentioned, the northern border of the region is contested due to the dissonance of the geographical, and cultural-political boundaries. (Todorova 2009, 30) The Kupa-Sava-Danube line is commonly known as the northern border of the Balkans, the following countries can be considered as part of the Balkans or the Balkan Peninsula: Croatia (Slavonia and the Croatian Uplands excluded), Serbia (Vojvodina excluded), Bosnia and Herzegovina, Montenegro, Kosovo, North Macedonia, Bulgaria, Albania, Greece, and the European part of Turkey. This means that among the former Yugoslav republics, Slovenia cannot be considered as part of the Balkans in a geographical sense. (Todorova 2009, 31; Jelavich 1983, 1) The Balkans, as a geographical region can be considered as a sub-region in Southeast Europe.

3.3 A historical approach

As Todorova said (and we have to highlight once more that besides the geographical notion, the term ‘Balkans’ also contains a political connotation) “the definition of Balkan has followed a set of geographic, political, historical, cultural, ethnic, religious and economic criteria, and most often a combination of criteria.” (Todorova 2009, 30) According to Milica Delević, the term Balkans contains a pejorative meaning as the time of the Ottoman occupation, the Balkans has been considered as the European territory of Turkey. (Delević 2007, 11-12)

\textsuperscript{19} Lombardia, Bolzano/Bozen, Trento, Veneto, Friuli-Venezia-Giulia, Emilia Romagna, Umbria, Marche, Abruzzo, Molise, Puglia Basilicata

\textsuperscript{20} Cjermovestka Oblast, Ivano-Frankiviska Oblast, Zakarpatska Oblast and Odessa Oblast.
3.3.1 The Ottoman legacy

Besides the geographical definitions, the historical approach also suggests that the Balkans is a fragmented region. The legacies of the external influences had a strong impact on the state and nation building and on the development of political culture. (Delević 2007, 11-14)

This part of Europe has been influenced by many historical events as it was under the sphere of interests of many external empires. During the different imperial periods, the region (or parts of the region) was part, or under the influence of empires, whose sizes were often beyond the territory of the Balkans. This fragmented development of the Balkans also contributed to the internal divisions. Between the 15th and 19th centuries, the presence of the Turkish (or Ottoman) Empire affected the Balkans and this presence reorganised not only the territorial, but also the religious and the ethnic maps of the region. (Delević 2007, 11-14)

Until the 18th century, the Ottoman Empire has been considered as a political unity in Europe and Asia. (Todorova 2009, 60) The different nationalist uprisings, such as the Serbian revolution, the Greek War of Independence, the Bosnian uprising and the Bulgarian (or April) Uprising were able to challenge the Ottoman rule from the early 19th century and ended-up with the Turkish retreat from the Balkans. (Jelavich and Jelavich 1986)

These events reduced the Turkish influence in the region, but these also opened up a space for the Russian and the Habsburg Empires to increase their presence in the region. This means that the Balkans “as a distinct geographic, social and cultural entity were discovered” only during the Turkish retreat. (Todorova 2009, 60) That time, when Europe undergone of major political, social and economic changes (the industrial revolution the triggered changes in many cultural aspects), the population of the Balkans rise up for their sovereignty. (Todorova 2009, 62) In the second half of that century, the Balkans has been culturally influenced by the complicated East-West symbiosis represented by the Russian, the Italian and the Greek world. The Austro-Hungarian Monarchy on the other hand had other interests in the region, as Vienna aimed to stop the Turkish expansion in Central Europe. (Todorova 2009, 66)

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After the Berlin Congress in 1878, the Austro-Hungarian Monarchy and the Russian Empire increased their presence in the region; Russia developed a strong connection especially with the Orthodox countries in the Balkans and this relation is still important today. In the 1912-13s the two Balkan Wars and the First World War changed again the borders in the Balkans. (Jelavich 1983b, 95-100)

3.3.2 Yugoslavia

These turbulent decades were followed by the creation of a common South Slavic state in the aftermath of World War I. In 1918 Kingdom of Serbs, Croats and Slovenes was created, which became the Kingdom of Yugoslavia on 6 January 1929. (Jelavich 1983b, 124-125) The Kingdom of Yugoslavia collapsed during the World War II occupation. The second Yugoslavia has been reorganised by the partisans and became a socialist federal republic. By this, Serbia (including Kosovo and Vojvodina), Croatia, Slovenia, Bosnia and Herzegovina, Macedonia and Montenegro formed the Socialist Federal Republic of Yugoslavia (SFRY).

During the Cold War meant a new geopolitical division in the Balkans as Greece and Turkey were NATO members, Yugoslavia was the leader of the non-aligned movement, when Bulgaria, Romania and Albania were part of the “orthodox” communist countries and members of the Warsaw Pact. Yugoslavia was a multi-ethnic and multicultural state, but political nationalism appeared only marginally on the agenda. Comparing to other communist countries in Eastern Europe, Yugoslavia was a much more liberal state, however the country was facing with severe economic challenges and after the death of Josip Broz Tito in 1980, a political crisis evolved. The 1974 Yugoslav constitution also contributed to the process as it allowed the decentralisation of the central power and strengthened the republics. The Yugoslav Wars blocked the first phase of the liberalisation and democratisation processes.

The breakup of SFRY started with the independence of Slovenia and continued with the independence of Croatia, Macedonia and Bosnia and Herzegovina. Serbia (including Kosovo) and Montenegro formed the Federal Republic of Yugoslavia, which later became the confederation of Serbia and Montenegro. The confederation ceased to exist in in 2006 after the independence of Montenegro, and Kosovo also declared its independence in 2008.

3.3.3 The constitutional development of the former Yugoslav republics

Slovenia and Croatia were the most developed republics in the former Yugoslavia. The disagreement between the Ljubljana and Belgrade culminated in 1989, when Slovenia
declared its independence on 25 June 1991. The Ten-Day War (or Slovenian Independence War) provided the secession from Yugoslavia. The Slovenian independence was facilitated by the fact that it was one of the most ethnically homogeneous republic of Yugoslavia. Slovenia joined the NATO and the EU in 2004 and the Euro area in 2007. (Radeljić 2013, 3-5, Ördögh 2018, 51-52)

The situation was much more complicated in Croatia. Croatia was a multi-ethnic territory: the as 12.2% of the population was ethnically Serb. The emerging nationalism highly affected the relation of the two nations in addition after the first multi-party elections in April 1990, the Croatian constitution describe Croatia as a unitary nation-state. Croatia’s independence referendum was held on 19 May 1991, where 94.2% of the voters decided to leave Yugoslavia (the Serbs from Croatia boycotted this referendum) and declared independence on 25 June 1991. At the same time, Serbs living in Croatia decided to organise their own separatist entity, the Republic of Serbian Krajina in December 1991. Croatia and the international community refused to recognise Krajina as an independent entity. This also meant that the tensions between Croats and local Serbs increased and led to the outbreak of the war. Finally, Krajina has been recaptured by the Croatian army after the Croatian War for Independence (1991-1995). In Croatia, the consolidation process was much more difficult in Croatia because the war and other domestic political issues delayed the process. It was only in 1999, after the death of Franjo Tuđman, when the democratic transition process accelerated. Croatia gained EU candidate status in 2004 and became member in 2013. (Radeljić 2013, 6-9; Ördögh 2018, 50-51; Lőrinczné 2015, 23-31)

Macedonia decided to leave SFRY after a referendum held on 8 September 1991 and this secession was peaceful. (Tagliabue 1991) The Macedonian independence and transition will be discussed in chapter 9.

After the secession of Slovenia and Croatia, the Serbs were not anymore only the biggest, ethnic group, but also represented a majority. Therefore, Bosnia and Herzegovina also decided to leave the federation. As Bosnia was the most ethnically mixed republic within the tensions intensified quickly and led to the outbreak of the Bosnian War. The international community failed to bring peace among the war parties, as the Carrington-Cutileiro, the Vance-Owen, the Owen-Stoltenberg and the Contact Group plans also failed to end the conflicts. It was only the Dayton Peace Agreement in December 1995 which stopped the Bosnian War. After that Bosnia and Herzegovina was divided into two entities: the
Federation of Bosnia and Herzegovina (inhabited by Bosniaks and Croats) and to the Republika Srpska\textsuperscript{22} (inhabited by Serbs). (Radeljić 2013, 19-23)

Montenegro decided to remain with Serbia and the two states formed the Federal Republic of Yugoslavia in 1992. This federation existed until 2003 when it was redesigned to the confederation of the State Union of Serbia and Montenegro. The common state ceased to exist in May 2006 as the Montenegrins decided to leave the confederation. Montenegro is a NATO member and opened the accession negotiations with the European Union in June 2012. (Radeljić 2013, 13-16)

After the Bosnian War, tensions between Albanians and Serbs remained intense in Kosovo. The 1974 Yugoslav constitution provided Kosovo (or Kosovo and Metohija), as an autonomous province of Serbia, with wide range of rights. These rights were revoked by Milošević, which contributed to the escalation of the ethnic conflicts to a war. In March 1999, NATO decided to intervene into the conflict, which indirectly led to the fall of Milošević in Serbia. The process of the democratic consolidation could have started in 2000. Serbia is now a candidate country and opened the negotiation chapters in January 2014 (Radeljić 2013, 16-19)

The United Nations Security Council Resolution 1244 passed on 10 June 1999, established the UN Interim Administration in Kosovo (UNMIK). The UNMIK exercised full executive, legislative and judicial role in Kosovo, while the EU established the EULEX in February 2008. (United Nations 2008) The EU’s Rule of Law Mission in Kosovo also included political and also judicial elements. (EUR-Lex 2012) On 17 February 2008 Kosovo declared its independence from Serbia, which is still not recognised by Belgrade.

Albania has been an isolated, orthodox communist country under the dictatorship of Enver Hoxha. After the fall of communism, a civil war broke up in 1997, which challenged the political and economic transition. Albania applied for membership in 2009 and was granted EU candidate status in June 2014. (European Council 2018d)

3.4 The Western Balkans

According to Tim Judah, after the dissolution of SFRY, a “Yugosphere” emerged in the place of Yugoslavia. This is can be considered as an economic and even more as a cultural-social

\textsuperscript{22} Also known as Republic of Srpska
sphere. Yugosphere is composed by the Slavic parts of the region (Croatia, Serbia, Bosnia and Herzegovina, Montenegro, and North Macedonia). (Judah 2009, 3-30) Judah also mentions that there is an emerging Albanian sphere, primary between Albania, Kosovo and the ethnic Albanian parts in North Macedonia. (Judah 2009, 30-34) It is also important to mention, that tensions between the Yugosphere and Albanian spheres can undermine the stability in the region. (Anger 2012, 14)

Therefore regional stability in the post SFRY times depends not only on the cooperation between the former Yugoslav republics, but Albania also had to be included in this group. In addition, as besides the CEE countries, two SEE states, Romania and Bulgaria were also part of the accession process, the EU was encouraged to differentiate those countries that were not part of the enlargement agenda that time. This very heterogeneous group had different relationship with the EU: among the SEE countries, Greece was already a member, Turkey signed the Association Agreement in 1963, while Slovenia, Bulgaria and Romania already had perspective for membership. Albania and the former Yugoslav countries formed a different group of countries, which engaged mainly to the European Union after the Stability Pact was created in 1999. (Delević 2007, 11-16) This is how, the term “Western Balkans” was created as a political concept by the European Union.

As we can see, the Western Balkans came into existence as a sub-region of SEE and it was obvious that the stability of the new countries and the whole region depends on the normalisation of the relationship not only between Belgrade, Sarajevo and Zagreb, but Tirana, Pristina and Skopje also had an increasing role. Therefore this concept was able to merge together the Albanian and the Slavic spheres in Southeast Europe. In 1999, the following five countries were part of the Western Balkans: Albania, Croatia, Macedonia, Bosnia and Herzegovina and the Federal Republic of Yugoslavia (or Serbia and Montenegro since 2003). (Delević 2007, 11-16; European Council 1998)

The simplest explanation of the terminology is that the Western Balkans means ex-Yugoslavia, minus Slovenia, plus Albania. (Jordanova 2009, 53-54) The Western Balkans is however rather a politically constructed notion to define the region as group of countries that are having perspective to join the European Union one day. After the independence of Montenegro in 2006 and the declaration of independence of Kosovo in 2008 and as Croatia acceded to the EU in 2013, the following countries are part of the Western Balkans: Serbia, Montenegro, Kosovo, Bosnia and Herzegovina, North Macedonia and Albania.
As we could see, the countries of the Balkan Peninsula experienced a complex historical developments and this is why the Western Balkan region has many homogenous and in the same time heterogeneous characteristics. In general, Southeast European countries were part of the same Ottoman polity, and this distant memory still has important marks on the cultural aspects. In the 19th century, some countries of the Balkan Peninsula regained their sovereignty by becoming independent from the Turkish Empire and the national revolts had a strong impact on the national identities. At the same time, the European powers’ could increase their influence in the region. The political culture of the Western Balkans was shaped by the different historical legacies and as we could see, the European powers had different types of interests to these countries since the 18th century. Besides its geographical position, the Balkan lies on the cultural crossroads of Europe and by this, it has been influenced by many impacts. Due to its geographical proximity, the European Union has a great interest in the stability of the region.

As from the SEE region Greece, Bulgaria and Romania and Slovenia already joined the European Union it seems evident that the enlargement process has to continue in the Western Balkans, “which is an enclave, a region embedded in the present Union.” (Mirel 2018a, 5)
4 The European Union and the Western Balkans

When it comes to the EU’s role in the Western Balkans, we have to see that Brussels had only a marginal role in the region until the escalation of the Kosovo Crisis, however as this chapter presented, the economic relations were already established in the 1970s. In order to understand the elements of the EU’s enlargement strategy, we felt necessary to present the development of the relations between the European Union and the Western Balkans. The next sections discussed the EU’s Balkan policy during the Yugoslav disintegration process and the lessons learned from the Kosovo crisis.

A short outlook was taken to explain the most important elements to be considered were the Regional Approach, the Stability Pact and the Stabilisation and Association process launched in 1999. This outlook allows on one hand understanding the unpleasant situation in which the EU decided to reorganise its relationship with the former Yugoslav region (which ultimately lead to the creation of the Western Balkans region) and on the other, the considerations behind offering European perspective for the region.

4.1 The European Community and Yugoslavia

Economic cooperation has already been established between the European Economic Community (EEC) and Yugoslavia in the 1970s. That time Yugoslavia’s priority was to preserve its leader role within the non-aligned movement therefore accession to the European Community was not a political and economic priority for Tito. (Illés 2010, 101)

The expansion of economic cooperation was reasonable for both parties, as the EEC member states were traditionally the most important trading partners for Yugoslavia. The Cooperation Agreement was signed in 1980 aimed further developing the already existing economic, trade and labour cooperation. (Council of the European Communities 1980) However in the 1980s the emerging political and economic crises directed SFRY to the breakup and not to European integration. (Getter 1989, 799-800)

4.2 The EU’s incapacity to stop the Yugoslav Wars

During the disintegration process of SFRY, the European institutions and the member states had different interests and the lack of coherence prevented a comprehensive strategy to stop the armed conflicts in the Balkans. (Elbasani 2008, 4) When it became clear that the EU failed to manage the crisis, the Clinton administration decided to end the war by using NATO
forces. This more active engagement led to the Erdut Agreement, which ended the Croatian War of Independence, and to the Dayton Peace Accords (DPA), which brought to an end to the Bosnian War in November 1995. (Elbasani 2008, 4) The dissolution of Yugoslavia also meant that new challenges were occurring in the EU neighbourhood and by this, Europe’s role increased in the Balkans. Until 1996 the EU’s regional role remained marginal. (Jordanova 2009, 54-55)

4.3 The EU in post-Dayton period (1996-1999)

In the aftermath of the Yugoslav Wars, the European Union was in a situation in which it had to develop a new regional policy to the Balkans. In order to be capable of achieving this strategic goal, the European Union firstly had to define its own role and also had to specify the available assets. (Kemenszky 2008, 1) In the same time, the post-Yugoslav countries also had to reorganise and restructure their relations not only with each other, but also their position to the European Union (and to other international organisations). This meant that the former Yugoslav republics and Albania had to develop new strategies in line with their political, security and economic policies and goals. (Elbasani 2008, 5) It was then necessary that the EU helps and encourages the re-establishment of the relations in the region. This demanded not only regional reconciliation between the former war countries, but also a region-wide cooperation in Southeast Europe and with the neighbouring regions. The European Union therefore recognised its responsibility and decided to take part in this complex issue in terms of providing assistance for the administrative, political and legal transformation and also helped the implementation of the different peace accords. (Illés 2010, 101)

By transforming its soft values, the EU became the primer promoter of democracy in the region. Between 1995 (the end of the Bosnian War) and 1999 (the end of the Kosovo War), the international organisations like the NATO, OSCE, United Nations (UN) and the European Union were involved in the peace building process, and they had to face with a series of new, or newly re-emerging challenges in the Balkans. The complexity of the situation required a more coherent strategy and a more serious commitment of the European Union in terms of state, democracy, peace and capacity building. As an initial attempt, the European Union successfully prevented the escalation of the Albanian crisis in 1997. During the (economic) collapse of Albania, coalition troops were sent to the country, under Italian leadership. (Lehne 2004, 112) In March 1997 the United Nations adopted Resolution 1101, and
Resolution 1114 in June 1997. The aim of the Operation Alba was to secure the country, and to restore order and rule of law following the break out of the crisis. (Security Council 1997a; Security Council 1997b; Pettifer and Vickers 2007, 66-67)

4.3.1 The Kosovo Crisis

However it turned out that the capabilities of the EU were insufficient to maintain security and stability during the Kosovo Crisis. As at the beginning of the decade the EU was focusing more on the consequences of the fall of the Berlin Wall (German reunification, fall of communism in the Eastern bloc, dissolution of the Soviet Union) and on the Maastricht Treaty, since the second half of the 1990s, Brussels has been more engaged to the Central European candidate’s accession process. Once again, the United States decided to take actions. The NATO bombings in the Federal Republic of Yugoslavia caused several damages in the country, but it also ended the armed conflict between Serbs and (Kosovar) Albanians, and eventually this contributed the fall of Slobodan Milošević at the 2000 presidential election in FR Yugoslavia. For different reasons, the former Yugoslav republics did not have the capacity or in some case neither the will to initiate a stronger relationship with the European Union. (Elbasani 2008, 5; Lehne 2004, 112)

In Bosnia and Herzegovina, the post-war reconstruction demanded more focus on peace and on state-building assistance therefore integration to the different Western organisations could not be an option that time. The situation was even more complicated in Croatia under the Tudman and in Federal Republic of Yugoslavia under the Milošević regimes. These countries were somehow isolated and were looking for their new position in the international relations. It was only following the democratic revolution in FR Yugoslavia and after the death of Tudman in Croatia that these countries started to position themselves closer to the European Union. On the other hand as we already mentioned above, the EU was “busy” with the ongoing enlargement process with the CEEs, the EU was in a delay in terms of developing its comprehensive strategy in the Balkans.

The development of the EU’s Western Balkans strategy can be followed by looking into the different institutional documents. In the pre-Thessaloniki period, the Council Conclusions can serve as a good basis to understand the development of the EU-Western Balkans relations. We have to highlight that until the Stability Pact, the EU focused more on the stability
aspects. The Stability Pact and especially the Stabilisation and Association process\textsuperscript{23} put a higher emphasise on democratisation, regional cooperation and even on the integration of the Western Balkans into the EU structures. The following section will discuss these developments in details.

4.4 The Regional Approach

Soon after the end of the Bosnian War, the European Union in partnership with other international organisations launched several new types of regional initiatives\textsuperscript{24}. The framework of this thesis does not allow investigating and discussing all of these issues therefore we presented only those that are in connection with the development of the EU’s enlargement strategy.\textsuperscript{25}

The European Union expected to draw closer the countries of the region to the rest of Europe and in the context of the Regional Approach\textsuperscript{26} in 1996 established the first political and economic conditions to be fulfilled by Bosnia and Herzegovina, Croatia, FR Yugoslavia and also by Albania and Macedonia. The aim of the EU was to establish the pre-conditions “for a coherent and transparent policy towards the development of bilateral relations with these countries in the field of trade, financial assistance and economic cooperation, as well as of contractual relations.” (Commission of the European Communities 1998, 1)

\textsuperscript{23} Since 2003 the EU documents refer on the document as Stabilisation and Association Process.

\textsuperscript{24} One of the first forefront initiatives was the Royaumont Process, launched by France in December, 1995. In July 1996, Albania, Bosnia and Herzegovina, Bulgaria, Greece, Romania, Turkey, and FR Yugoslavia adopted the “Sofia Declaration on Good-Neighbourly Relations, Stability, Security, and Cooperation in the Balkans”. Other types of cooperation such as the Southeast European Cooperation Process (SEECP), or the Southeast European Cooperative Initiative (SECI) have also been established. (Phinnemore and Siani-Davies 2003, 174) There are initiatives that are also more thematically oriented, for example: The Danube Co-operation Process (DCP), Sava River Initiative The enhancement and enlargement of CEFTA 2006, The Energy Community Treaty (ECT) Parliamentary Co-operation with a Regional Secretariat, the Centre for fighting trans-border Crime in Bucharest, The SEE Police Commissioners Association (SEPCA),The SEE Prosecutors Advisory Group (SEPAG),The MARRI Regional Centre in Skopje, The SEE Transport Observatory in Belgrade. (Kušljugić 2009, 47-50)


\textsuperscript{26} The full name of the document is Regional Approach to the countries of South-Eastern Europe: Compliance with the conditions in the Council Conclusions of 29 April 1997 (Commission of the European Communities 1998)
Besides that, the EU also clarified that for “each country, compliance has been reviewed under the following headings: democratic principles; human rights and the rule of law; respect for and protection of minorities; market economy reforms; regional cooperation; and, in the case of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, compliance with obligations under the Dayton and Erdut Agreements and the Peace Implementation Councils.” (Commission of the European Communities 1998, 1)

The EU also made clear its concerns with the countries compliance in the areas of democratic reforms, respect for minority and human rights, economic reforms and regional cooperation. Moreover, Bosnia and Herzegovina, Croatia and FR Yugoslavia were warned that they had to comply with their obligations to cooperate with the International Criminal Tribunal on former Yugoslavia and the implementation of the peace agreements. Even that time, the EU urged the decision-makers to find a proper solution for the Kosovo conflict. (Commission of the European Communities 1998, 1)

The Regional Approach linked the EU’s financial assistance to conditionality criteria. The document analysed the political situation in the five countries and linked the eligibility for the PHARE programme and the opening of negotiations on a Cooperation Agreement to the fulfilment of the relevant conditions. From a retrospective approach it is interesting to examine how the European Commission evaluated the countries of the region in 1998.

According to the Commission, Macedonia clearly presented “a picture of political maturity and is a positive example of stability in the region, respecting fully basic democratic principles and the principle of regional cooperation.” (Commission of the European Communities 1998, 5) Concerning Albania, the Commission expressed its concerns regarding the slow process of stabilisation, recovery and democratisation. However, the country was provided with the PHARE assistance. (Commission of the European Communities 1998, 6)

Concerning FRY, the Commission was concerned as that time the Kosovo conflict was about to escalate. As a result, FRY was not eligible for the PHARE programme neither for the opening of negotiations on a Cooperation Agreement. (Commission of the European Communities 1998, 4)

When it comes to Croatia and Bosnia and Herzegovina the Commission was concerned regarding the slow democratisation process in Croatia and

27 Besides that the document also demanded Croatia to focus on the refugee returning in East Slavonia. The reintegration of the region happened in 1998.

28 The Commission although added that in Contrast of Serbia and the federal state of FRY, democratic reforms has continued in Montenegro. (Commission of the European Communities 1998, 4)
suspended the country’s eligibility for PHARE. (Commission of the European Communities 1998, 3) Bosnia and Herzegovina was not eligible for full PHARE assistance neither, as conditions have not been met in terms of implementation of the DPA, and political and economic reforms. (Commission of the European Communities 1998, 2)

The presentation of these documents highlighted two important issues: 1) the EU was able to adopt a regional policy based on conditionality 2) more work was needed in order to prevent another conflict in the region.

4.5 The Stability Pact

The escalation of the crisis in Kosovo to a war showed that the Balkans still remained a potential conflict zone after the Bosnian War. This experience therefore encouraged the European leaders to substantially reconsider their policy towards the region. The Kosovo experience awakened the European leaders that in order to preserve peace and stability, Europe has to offer a new perspective for the Balkans. Such new policy had to reflect not only on security related issues, but also on the economic and political dimensions. Just to remind, transition to market economy and democracy was a highly supported idea since the beginning of the decade. Moreover, in the early 1990s the political liberalisation process has started in Yugoslavia, although this has been blocked because of the war and autocratic tendencies. Even though the transformation power of the EU’s soft methods were not proven that time, the positive experiences of the democratic transition in the CEE states encouraged the EU that such a powerful perspective could be a successful tool for providing enduring stability in the region. (Illés 2010, 101; Phinnemore and Siani-Davies 2003, 174)

Then German foreign minister, Joschka Fischer came out with the idea of the Stability Pact in May 1999. The Stability Pact for South Eastern Europe was created in June 1999 in Cologne. Given the fact that the EU was the initiator of the pact it played a major role in the coordination between the different contributors. The aim of the initiators29 of the Stability Pact was initiated by different nations, international organisations and institutions, namely the member states of the European Union (in 1999), the European Commission, the Foreign Ministers of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Romania, the Russian Federation, Slovenia, the Republic of Macedonia, Turkey, the United States of America, the OSCE, Council of Europe and the Foreign Ministers of Canada and Japan, Representatives of the United Nations, UNHCR, NATO, OECD, WEU, International Monetary Fund, the World Bank, the European Investment Bank and the European Bank for Reconstruction and Development, acting within their competences, representing the facilitating States, Organisations and Institutions of today's Conference, as well as the Representatives of the Royaumont process, BSEC, CEI, SECI and SEEC. (Stability Pact for South Eastern Europe 1999)
The Pact was to strengthen the region and by this contribute to foster peace, democracy, respect for human rights and economic prosperity, in the whole region. (Stability Pact for South Eastern Europe 1999) Regarding the mechanism of the Pact, three working tables have been established:

1. Working Table on democratisation and human rights;
2. Working Table on economic reconstruction, development and cooperation;
3. Working Table on security issues. (Stability Pact for South Eastern Europe 1999)

The Pact also stated that those countries which did not concluded association agreements with the EU until that time, it is necessary to create new kind of contractual relationship, with the possible promise of EU membership, on the basis of the Amsterdam Treaty once the Copenhagen criteria have been met. The aim was to bring the region closer to the perspective of full integration to the EU structures. (Stability Pact for South Eastern Europe 1999)

The Stability Pact was built up on different types of responsibility divisions where the major international organisations had important roles. The Council of Europe was responsible for democracy and human rights promotion. The United Nations (more precisely the UNHCR) was responsible for managing refugee returning, the NATO had to provide security and maintain the peace. The OSCE was the main organisation in charge for the implementation of the Stability Pact. The Stability Pact was a new policy instrument towards the region and it also redefined the EU’s role in the region. (Phinnemore and Siani-Davies 2003, 174)

The Stability Pact made possible to the European Union to be the driving force behind the regional reforms and integration. (Schenker 2008, 2) The period that followed the Kosovo War can be considered as a real turning point as the European Union was willing to take actions on a more proactive manner. This also led to a more equal share of responsibility between the United States and the EU in the Balkans. Lehne distinguished the following four factors that triggered such new visions:

1) The democratic transition in Croatia and FR Yugoslavia caused a certain change in the nature of the regional problems.
2) The EU member states were able to make a new consensus concerning the Balkans. By establishing the position of High Representative of the EU for Foreign Affairs and
Security Policy\textsuperscript{30}, the EU could play a much higher role in the crisis management. The EU could deal with the crisis in Macedonia, and assisted during the constitutional dispute between Serbia and Montenegro, and later helped the dissolution process between the two countries.

3) Besides all of that, the EU tried to learn from the enlargement process with CEE and Eastern Europe (that time it was still an ongoing process). (Lehne 2004, 113)

The EU’s aim was to replace the previously unsuccessful reactive intervention policy with a comprehensive and long term conflict prevention policy. (Bendiek 2004, 15-16) The Pact also demonstrated relevant political and practical innovations. The original aims of the Pact (for example the strengthening the countries, peacebuilding, promotion of democracy and human rights, economic reforms, providing stability in the region) (Phinnemore and Siani-Davies 2003, 176) were supplemented by the Cologne European Council Declaration, which put a stronger emphasise on the support of refugee returning and on organising an instrument for regional reconstruction assistance. (European Council 1999, 23)

In addition, the Declaration stressed that “the European Council looks forward to adopting a Common Strategy on the Western Balkans, which means that the EU recognised its responsibility towards the region by initiating a comprehensive strategy. (European Council 1999, 24)

In parallel with the Stability Pact, the EU launched the Stabilisation and Association process\textsuperscript{31} in May 1999. The EU’s goal was to play a more proactive role in the Balkans and the original aim of this new process was (according to the document) to further develop the “Regional Approach into a Stabilisation and Association process, which will at a later stage become part of the future EU Common Strategy, will be central for the EU’s political visibility and will also constitute an important element of the Stability Pact for South-Eastern Europe.” (Commission of the European Communities 1999, 1)

\textsuperscript{30} The position was originally created under the Treaty of Amsterdam as High Representative for Common Foreign and Security Policy.

\textsuperscript{31} The original title of the document was “Stabilisation and Association process for countries of South-Eastern Europe Bosnia and Herzegovina, Croatia, Federal Republic of Yugoslavia, former Yugoslav Republic of Macedonia and Albania.” (Commission of the European Communities 1999) Since 2003 the EU refers to the process as “Stabilisation and Association Process” (with a capital “P”). The author of the thesis followed these distinctions.
Not only the Kosovo crisis and the experience of the Balkan war encouraged the EU to play a larger role in the Balkans, but also the recent geopolitical changes in Central Europe (democratisation of the CEE countries and the fall of the Soviet Union). A potential regional instability in the Balkans would not only cause a geopolitical challenge to the EU, but could easily endanger the stability and the EU accession aspirations of the candidate countries (CEEs, Romania and Bulgaria). By this occasion, the EU considered the possible integration of the Balkans and developed a new strategy based on a progressive approach adapted to the situation of the countries. (Commission of the European Communities 1999, 1-2)

The new strategy aimed to build on the already existing objectives of the Regional Approach, in terms of democracy promotion and economic activity. Even more important, the EU also clarified that any assistance will be subject of political and economic conditionality. In 1999 the EU had contractual relationships with only two out of the five Western Balkan countries: with Macedonia and with Albania. (Commission of the European Communities 1999, 2-3)

Learning from the Kosovo experience and taking into consideration the possible threat of regional instability, the EU’s aim was to properly respond to the changed circumstances in the Balkans and decided to create a tailor-made strategy based on differentiated (!) approach. The Stabilisation and Association process was completed by a new type of bilateral agreement, which was a new category in the relations between the EU and the countries of the region. This was the Stabilisation and Association Agreement and the countries eligible were Bosnia and Herzegovina, Croatia, FR Yugoslavia, Macedonia and Albania. (Commission of the European Communities 1999, 4)

Through the main objectives of the Agreements, the very clear aim of the EU was:

1. Drawing the region of the Western Balkans “closer to the perspective of full integration into EU structures”
2. Supporting the democratic consolidation of the countries (including the rule of law, economic development and other related reforms, and supporting regional cooperation)
3. Establishing a formalised framework “for political dialogue, both at bilateral and regional level
4. Assisting economic reforms
5. Providing a new framework for cooperation in the field of justice and home affairs,
6. Promoting cultural relations (Commission of the European Communities 1999, 4)
It is obvious that following the political crisis in Kosovo was not only interested in promoting stability in the region, but also in transferring its values to the former Yugoslav countries and Albania. What is even more important is that the EU was not only interested in offering a guideline, but it also expressed the possible future integration of the region. The Stabilisation and Association process and the Agreements were a good basis of the EU’s new Balkan strategy. It is also important to mention that the new strategy was based on regional and also on bilateral elements. The duality of this approach seemed to be persistent.

4.6 Perspective for membership

The 2000 Feira Council Summit emphasised that the EU’s objective remained “the fullest possible integration of the countries of the region into the political and economic mainstream of Europe through the Stabilisation and Association process (...) all the countries concerned are potential candidates for EU membership.” (European Council 2000, 8) This also means that all countries were involved in the Stabilisation and Association process and were recognised as potential candidates of the EU, which meant that they did not become automatically candidate countries that time. In December 2002, the Copenhagen European Council declarations reaffirmed “the European perspective of the countries of the Western Balkans in the Stabilisation and Association Process.” Moreover, the Council underlined its determination to support their efforts “to move closer to the EU.” (European Council 2003, 6)

The European Council in March 2003 declared “the future of the Western Balkans is within the European Union.” (Papandreou 2003b, 11) During the 2003 Thessaloniki Summit, the European Council clearly stated that the EU is determined “to fully and effectively support the European perspective of the Western Balkan countries, which will become an integral part of the EU, once they meet the established criteria.” (European Council 2003, 11)

The EU also decided to launch the Thessaloniki Agenda to further strengthen the EU-Western Balkans relations. Besides that the EU reconfirmed the importance of the Stabilisation and Association Process32 and endorsed the annual review of the process. (European Commission 2016d; European Council 2003a, 13)

As it has been presented in the above sections, the experiences of the post-Dayton period, the Kosovo crisis, and the ongoing enlargement process in the CEE countries encouraged the

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32 Since 2003, the EU refers to the process as “Stabilisation and Association Process” (capital P). In the following chapters, we will refer to the process as “SAP”.

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European Union not only to contribute to the stabilisation, but also to the integration of the Western Balkans to its structures. By this serious engagement, the EU expected the real start of the democratisation process of the region and in the same time Brussels was also interested in the spread of the EU values through the Europeanisation of the Western Balkans.

As the EU was interested in the democratic transformation of the single countries and also in regional reconciliation, the SAP has been based on national and regional elements as well, which remain the cornerstone of the accession criteria. Besides the EU criteria, regional cooperation was also expected to enhance the birth of a common political space in the Balkans. By this, Europeanisation could also contribute to the creation of such place, where the “pan-Balkan” issues would be related to, and linked to the European integration.

33 In reference to an interview with Tibor Navracsics, EU commissioner for education, culture and sport. (Navracsics 2018)
5 The development of the EU’s enlargement strategy

The enlargement strategy of the European Union was built up on the experiences of the previous enlargement rounds, but it also includes new elements such as the Stabilisation and Association Process. The European Union built its enlargement policy on the basis of strict conditionality, credibility and commitment. The following chapter presented, the elements of the new approach, and also the gradual development of the strategy and the lessons learned from the previous enlargement rounds.

5.1 The application and the accession process

The Treaty on the European Union (Title V and Article 207) and on the Treaty on the Functioning of the European Union (Article 207) defines the legal criteria\textsuperscript{34} of the application process.

Applicant countries for EU membership can be granted candidate status by the European Council after the recommendation of the European Commission. Only candidate countries can start the accession negotiations with the European Union, but this status does not give the right to join immediately the European Union. In fact, not even the start of accession talks begins automatically. The European Commission examines and draws its opinion after the submission of an application. Based on this opinion, the European Council can decide to open or not the accession negotiations with the candidate country. (European Commission 2016c)

Negotiations can start if the Council unanimously supports the application, and take place in intergovernmental conferences between the member states and the candidate country. The acquis is divided into 35 policy areas (chapters) that are negotiated separately. In the pre-accession phase, the Commission monitors the acquis implementation efforts made by the candidates.

\textsuperscript{34} It is worth to mention that the legal basis has changed since the beginning of the creation of the European integration, but in this thesis the focus was on the enlargement process of the Western Balkans.
## Table 2 The negotiation chapters

<table>
<thead>
<tr>
<th>Chapters</th>
<th>Montenegro</th>
<th>Serbia</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Free movement of goods</td>
<td></td>
<td>Not opened</td>
</tr>
<tr>
<td>2. Freedom of movement for workers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Right of establishment and freedom to provide services</td>
<td>Opened</td>
<td></td>
</tr>
<tr>
<td>4. Free movement of capital</td>
<td></td>
<td></td>
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<tr>
<td>5. Public procurement</td>
<td></td>
<td></td>
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<tr>
<td>6. Company law</td>
<td></td>
<td>Opened</td>
</tr>
<tr>
<td>7. Intellectual property law</td>
<td></td>
<td></td>
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<tr>
<td>8. Competition policy</td>
<td>Not opened</td>
<td></td>
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<tr>
<td>9. Financial services</td>
<td></td>
<td></td>
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<tr>
<td>10. Information society and media</td>
<td></td>
<td>Not opened</td>
</tr>
<tr>
<td>11. Agriculture and rural development</td>
<td></td>
<td></td>
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<tr>
<td>12. Food, safety, veterinary and phytosanitary policy</td>
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<td></td>
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<tr>
<td>13. Fisheries</td>
<td></td>
<td>Opened</td>
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<tr>
<td>14. Transport policy</td>
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<td></td>
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<tr>
<td>15. Energy</td>
<td></td>
<td>Not opened</td>
</tr>
<tr>
<td>16. Taxation</td>
<td>Opened</td>
<td></td>
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<tr>
<td>17. Economic and monetary policy</td>
<td></td>
<td>Opened</td>
</tr>
<tr>
<td>18. Statistics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19. Social policy and employment</td>
<td></td>
<td>Not opened</td>
</tr>
<tr>
<td>20. Enterprise and industrial policy</td>
<td></td>
<td>Opened</td>
</tr>
<tr>
<td>21. Trans-European networks</td>
<td></td>
<td></td>
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<tr>
<td>22. Regional policy and coordination of structural instruments</td>
<td></td>
<td>Not opened</td>
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<tr>
<td>23. Judiciary and fundamental rights</td>
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<td></td>
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<tr>
<td>24. Justice, freedom and security</td>
<td></td>
<td>Opened</td>
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<tr>
<td>25. Science and research</td>
<td>Closed</td>
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<tr>
<td>26. Education and culture</td>
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</table>

Source: (European Commission 2017)

The screening stage is running in parallel with the negotiations. If the candidate country has already implemented an acquis, the chapter can be provisionally closed. The Commission closely follows the development of the candidates, and informs the Council and the Parliament throughout the annual progress reports. The accession requires the preparation of the accession treaty, which has to be approved unanimously by the Council and must receive the consent of the Parliament. The treaty also has to be signed and ratified by the member states and the acceding country. (EUR-Lex 2016)
Table 3 The accession process

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Applicant</th>
<th>European Union</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application</td>
<td>Application submitted to the European Council</td>
<td>The Council informs the Parliament, the Commission and the national parliaments</td>
</tr>
<tr>
<td>Candidate status</td>
<td>If Commission gives favourable opinion</td>
<td>Council grants applicant country with candidate status</td>
</tr>
<tr>
<td>Negotiations</td>
<td>Negotiations can start following the unanimous approval of the Council</td>
<td></td>
</tr>
<tr>
<td>Screening process</td>
<td>In parallel with the negotiations</td>
<td>Annual progress reports of the Commission</td>
</tr>
<tr>
<td>Accession</td>
<td>Accession treaty has to be approved by the Council and consent of the Parliament, ratified by the member states parliaments</td>
<td></td>
</tr>
</tbody>
</table>

Source: (EUR-Lex 2016)

5.2 The previous enlargement rounds

As a major difference to the 2004 and 2007 enlargement rounds, in the case of the Western Balkans, the EU is also engaged in the stabilisation of the region. There is however a contrast how the EU handled the membership aspirations of the Balkan countries comparing to the CEE enlargement process. The ‘en bloc’ enlargement of the Western Balkans is not possible due to different types of administrative deficiencies (for example Kosovo did not applied for membership). (Phinnemore 2013, 26-28) Another clear difference of the enlargement is that negotiations last much longer with the Western Balkans comparing to the CEE and SEE countries and the regional element of the accession criteria is also much stronger comparing to the previous experiences.
Table 4 Comparison between the CEE and the Western Balkans accession process

<table>
<thead>
<tr>
<th>Country</th>
<th>Application</th>
<th>Negotiations started</th>
<th>Accession</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poland</td>
<td>1994</td>
<td>1998</td>
<td>2004</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>1996</td>
<td>1998</td>
<td>2004</td>
</tr>
<tr>
<td>Slovakia</td>
<td>1995</td>
<td>2000</td>
<td>2004</td>
</tr>
<tr>
<td>Hungary</td>
<td>1994</td>
<td>1998</td>
<td>2004</td>
</tr>
<tr>
<td>Macedonia</td>
<td>2004</td>
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<tr>
<td>Montenegro</td>
<td>2008</td>
<td>2012</td>
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<td>Serbia</td>
<td>2009</td>
<td>2014</td>
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<tr>
<td>Albania</td>
<td>2009</td>
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<tr>
<td>Bosnia and Herzegovina</td>
<td>2016</td>
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<td>Kosovo</td>
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</tbody>
</table>

Source: (European Commission 2017a)

Although some important conclusions can be drawn from the 2004, 2007 and 2013 enlargement rounds, these cannot be referred as “standard models” of the ongoing enlargement negotiations with the Western Balkan countries. (Emmert and Petrović 2014, 1403-1404)

5.2.1 The Croatian experience

Even though the accession of Croatia was a long process, the successful outcome of the process confirmed the adequacy of the enlargement strategy developed by the European Union. This showed that Europeanisation is crucial part of the transition and also showed that the EU’s transformative power is still attractive (and effective) after the 2007 enlargement round. The Croatian accession experience proved the fact that the EU enlargement process places the candidates under a massive pressure. During the accession of Croatia, the process
became longer, as the EU developed a stricter monitoring process. The large number of benchmarks demanded the implementation of new form of reforms during the negotiations.

Although enlargement should have been mainly a technical process it also turned out that in reality it is a “deeply political one, and it is influenced not only by the assessment of the reform process of a candidate county.” (Miščević and Mrak 2017)

Therefore, the political characteristic of Europeanisation could be observed in Croatia as well:

1. Fulfilling the accession criteria was a major exercise for Zagreb, in addition, democratic consolidation happened only after the end of the Tuđman era.
2. Complying with the additional elements of the criteria was a difficult task for Croatia in some cases, especially in terms of regional relations, and also in cooperating with The Hague Tribunal.
3. The EU also used a stricter monitoring approach during the negotiations. (Lőrinczné 2012, 137)

These factors contributed to the fact that the negotiations with Croatia lasted for six years. As these elements are also part of the ongoing negotiations with Montenegro and Serbia, it can be stated that newcomers might expect similarly long negotiations as well. (Lőrinczné 2012, 138)

For that reason, Croatia experienced many difficulties in the enlargement process.

The strengthened criteria were just one of the elements among the obstacles. Furthermore, enlargement fatigue could be observed since 2007 among the member states. The Dutch and the French referendums hardly affected the mood surrounding the attitudes towards future enlargements. On the other hand, the Croatian case was also easier in some other aspects. During the whole process the EU had to negotiate only with one country from the region. In addition, because of its size and other objective measures, Zagreb was not able to counterbalance the asymmetric nature of the negotiations. (Lőrinczné 2012, 138)
Miščević and Mrak name different drivers behind the slowdown of the EU accession for the Western Balkans. Most of them are related to the 2004 and 2007 enlargement rounds as it has already been mentioned above. The most important lessons learned are the followings:

1. The necessity of an increased focus on the democracy and on the rule of law criteria

2. The case of Croatia has clearly demonstrated that the institutional approach regarding democratisation is not enough. As it has been highlighted by experts from the European Parliament, the institutional approach does not work beyond the implementation or even the norm adoption phase. (European Parliament 2015a, 16-18)

3. Enlargement for Western Balkan countries became more structured thanks to the benchmarking system introduced during the Croatian accession.

4. The candidates have to resolve their bilateral disputes during the accession process

5. Democratic consolidation was also an important aspect of the enlargement process. (Miščević and Mrak 2017, 191)

Many of the drivers were present during the Croatian accession; therefore these might be useful reminders for the Western Balkan countries.

5.3 The pillars of the enlargement strategy

The EU’s enlargement strategy is encompassed by a set of criteria related to the political, economic and administrative reform and transformation of the Western Balkans. The main elements of the EU’s enlargement strategy are composed by the

1. Stabilisation and Association Process (based on the experiences of the Regional Approach and the Stability Pact),

2. The fulfilment of the Copenhagen Criteria

3. Additional criteria elements, such as the Madrid Criteria, and the “Copenhagen Plus” criteria

4. The EU’s integration capacity

The main idea behind the enlargement strategy is the conditionality approach, which means that the EU offers membership as a reward to the candidates who fulfil the criteria. The enlargement strategy incorporated the relevant experiences of the previous enlargement
rounds, but it also includes new elements. This unfortunately not only meant that the EU recycled the best experiences but also redefine the monitoring mechanism, which turned the process to a mix of demands. But the EU’s political, administrative and financial assistance also developed gradually since 2003. (European Parliament 2015a, 12-14)

5.4 Copenhagen and additional criteria

5.4.1 The Copenhagen criteria

The 1993 Copenhagen Council Summit Conclusions said that “the associated countries in Central and Eastern Europe that so desire shall become members of the European Union. Accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required. 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, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union. The Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries. The European Council will continue to follow closely progress in each associated country towards fulfilling the conditions of accession to the Union and draw the appropriate conclusions.” (European Council 1993, 13)

The Copenhagen criteria aim to transform the candidates to be “compatible” with the political and economic standards of the EU. The political criteria therefore requires establishing democratic political systems, where the institutional stability guarantees the functioning of the rule of law, the protection of human rights and the respect of the minorities are provided. The economic criteria requires a functional market economy and the capacity to cope with EU markets and competition. The EU acquis criteria demands the ability to adapt and implement effectively the obligations of membership. (European Commission 2016f)

The Copenhagen criteria can be considered as an important driver of democratic consolidation, and is therefore the “blueprint” of the enlargement process. The influence of the criteria has been assessed by Tanja Marktler. She noted that the Copenhagen Criteria is a
very important element of the enlargement strategy, as since 2004 every accession negotiations are closely connected to them. In addition, as the European Commission developed its reporting methodology, there is a constant reference to the criteria. (Marktler 2006, 346-347) From that regard, the EU reports and the different methodological surveys, can serve as an important indicator of democratisation.

5.4.2 Additional criteria

The Western Balkan countries also have to fulfil the so-called Madrid criteria, which require developed administrative structures, but this criteria also reconfirmed that the EU needs to be able to integrate (or absorb) new members. As the 1995 European Council in Madrid concluded, the candidates must be able to apply EU law which has to be implemented into the national judicial structures. Moreover, the EU can decide when the candidate country has fulfilled the accession criteria, in addition the EU must be able to integrate new members. (EUR-Lex 2016)

In addition to the political, economic and administrative related criteria, the countries also have to fulfil the Copenhagen Plus criteria as well. This additional criteria includes politically sensitive conditions for the Western Balkan candidates, namely the cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), refugee return, regional cooperation, and they also have to find a solution to the bilateral disputes. Moreover, the candidates must also implement and respect a set of political and peace agreements (the Dayton Agreement, the Ohrid Framework Agreement, the Brussels Agreement, or the UN Security Council 1244 resolution). (European Parliament 2015a, 13; BiEPAG 2014, 7-8)

These additional criteria further strengthened the asymmetry of the relations between the EU and the Western Balkans and in addition it also require to resolve extremely sensitive issues.
5.5 Stabilisation and Association Process

The European Council reaffirmed the importance of the Stabilisation and Association Process (SAP) during the Thessaloniki Summit in June 2003, where the elements of the accession process were defined. By this, the SAP became the cornerstone of the EU’s enlargement strategy. In terms of the SAP, the EU not only established contractual relationship between the potential candidates and the member states, but also facilitated and defined the trade relations, between these parties. Moreover, the EU also identified the main framework of its financial assistance. (European Commission 2016) It is obvious therefore that one of the clear mission of the SAP was to clearly define the conditions for EU membership. Besides ensuring stability, which has been a longstanding priority for Brussels, the main aim of the SAP was to provide assistance in the enlargement process. For that reason, the European Commission evaluates annually the achievements of the candidates through the country reports. (European Commission 2016)

The regional element appears even stronger within the criteria, comparing to the previous accession rounds, although it already had a strong importance during the accession of the CEEs. (Phinnemore 2013, 23-24)

But besides the regional elements, bilateral dimensions are also present in the SAP. The bilateral elements are the followings:

1. trade liberalisation
2. financial assistance
3. cooperation in Justice and Home Affairs

Through this process, the Western Balkan countries were involved in a progressive partnership with a view on establishing a regional free-trade area with the EU. But the SAP also set out common political and economic goals, although it is very important to highlight that the evaluation of any progress in the enlargement negotiations is based on the own merits of the countries. The SAP was a strong sign that the European Union handled the potential candidate countries as a whole block, despite the heterogeneous characteristics of the region. This means that the European Union conceptualised and also strengthened the regional approach in the SAP. (European Parliament 2015a, 12-13)
5.5.1 Stabilisation and Association Agreements

In order to implement successfully the elements of the Stabilisation and Association Process, the Stabilisation and Association Agreement (SAA) was created. These bilateral agreements between the EU and the individual enlargement countries help the implementation of the criteria related reforms defined by the SAP. (European Commission 2016b)

Comparing to the Commission’s Association Agreements with the CEE countries, the SAA included some new and more specific elements within the conditionality policy. These elements are mainly focusing on regional stability and cooperation, democratic and economic transition, human rights, refugee returning, institution building, and on the development of the civil society. (Lőrinczné 2014, 103)

The SAA is a strict obligation, the applicants are expected to implement the EU acquis during the reform measures. The acquis are incorporated into 35 chapters, while they also need to implement more than 100,000 pages of EU legislation. The agreements are establishing a free trade area between the EU and the country concerned, identify common political and economic objectives and encourage regional cooperation. Besides that the SAAs also have to adapt to the specific needs of the countries. (European Commission 2016b)

The aims of the SAAs are to promote political dialogue between the EU and the country concerned. This means that such dialogue encourages a gradual rapprochement between the parties, and should also increase the convergence of international positions including the CFSP.

The EU’s aim was to establish common views on security and stability in Europe. (EURLex 2015, Title II Political Dialogue)

When it comes to the regional cooperation, the agreements have to be converted to the specific needs of each country. The agreements therefore not only establish relations on a bilateral level between the EU and the country concerned, but are also defining the cooperation with other candidates for EU accession. (EURLex 2015, Title III Regional Cooperation)

The first Western Balkan country in which the Agreement entered into force was Macedonia in 2004. Since then, the integration process in Macedonia has slowed down. Furthermore,
SAA entered into force in Albania (2009), Montenegro (2010), Serbia (2013), Bosnia and Herzegovina (2015) and in Kosovo (2016).

Table 5 The accession status of the Western Balkan countries

<table>
<thead>
<tr>
<th>Country</th>
<th>Status</th>
<th>SAA in force</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albania</td>
<td>Candidate</td>
<td>2009</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>Potential Candidate</td>
<td>2015</td>
</tr>
<tr>
<td>Macedonia</td>
<td>Candidate</td>
<td>2004</td>
</tr>
<tr>
<td>Montenegro</td>
<td>Candidate, accession negotiations started</td>
<td>2010</td>
</tr>
<tr>
<td>Kosovo</td>
<td>Potential Candidate</td>
<td>2016</td>
</tr>
<tr>
<td>Serbia</td>
<td>Candidate, accession negotiations started</td>
<td>2013</td>
</tr>
</tbody>
</table>

Source: (European Commission 2019)

5.5.2 Regional cooperation as an explicit element of the criteria

According to the provisions laid down in the SAP, regional cooperation among the Western Balkan countries is an explicit condition of membership. The EU envisaged regional cooperation as an instrument, which could catalyse reconciliation and good relations amongst the countries across the Western Balkans, but it could also contribute to maintaining the stability in the post-conflict areas. (Anger 2012, 52) However, an inconsistency could be observed between the EU’s regional and bilateral approaches towards the Western Balkan countries. On one hand, regional reconciliation is a demanding effort and the EU also realised that it has to assist more this process. In the next chapter, we will discuss more this issue. Another aspect of this approach is, that this process generated some uncertainty, and turned EU enlargement to a multi-speed process. (Mameli 2011, 8)

The EU decision-makers and the documents reveal that the EU treats the six countries as a region. Although the European Union is in favour of talking about “accession or integration of the Western Balkans”, there is little chance that the six countries will enter to the EU as a block as a “second big bang” enlargement. Regional divisions suggested that the accession of the Western Balkans at the same time was not a possible case scenario, which has been
evidenced since then. Regional differences suggested that (for logical reasons) the enlargement process has to be a merit-based process. Recently, this approach has been reconfirmed by the new EU strategy, presented in February 2018, where the European Commission defined Serbia and Montenegro as the “front-runner” countries of the enlargement process. (European Commission 2018a, 7; European Commission 2018a, 1-2)

Experiences of the Eastern enlargement process of the European Union showed that Brussels previously encouraged new member states to create different forms of regional cooperation before the accession. A good example can be the V4 (a non-institutionalised cooperation) and the Central European Free Trade Area (CEFTA, an economic cooperation), in which the Balkan enlargement countries (and Moldova) are already integrated. (Regional Cooperation Council 2017a)

5.5.3 Financial aid

The candidate countries received a considerable amount of funds from the EU to support the reforms. The EU funding and support is regulated through the Instrument for Pre-Accession Assistance (IPA)35. The IPA consists of five important components:

1. Transition Assistance and Institution Building
2. Cross-Border Cooperation
3. Regional Development
4. Human Resources Development
5. Rural Development (European Commission 2016g)

In the 2007-2013 financial period, the first and the second components were available for all the countries, whilst components 3, 4 and 5 were open only to the candidate countries36 (that time Macedonia and Montenegro). (European Commission 2013a)

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35 Since January 2007, the Instrument for Pre-Accession Assistance (IPA) replaced previous series of European Union programmes and financial instruments for candidate countries or potential candidate countries, such as PHARE, PHARE CBC, ISPA, SAPARD, CARDS and the financial instrument for Turkey. (European Commission 2013a)

36 Albania and Serbia remained outside of the scope because they obtained candidate status too late in the 2007-2013 period.
The IPA II provides assistance through four multi-country channels:

1. Horizontal support (policies and reforms, EU best practices)
2. Regional structures and networks (regional cooperation)
3. Regional investment support (regional dimensions)
4. Territorial cooperation (connecting border regions) (European Commission 2018d)

For the 2007-2013 period IPA had a budget of 11.5 billion euros, while IPA II has 11.7 billion. (European Commission 2018c) Regarding IPA III (which concerns the post-2020 multiannual financial framework, or MFF) the European Commission proposed a 13% increase to the current budget for the 2021-2027 period, which would be around 14.5 billion euros in current prices. (European Parliament 2018b)

5.6 The development of the strategy

5.6.1 Lessons learned from the “fifth” enlargement: Acquis screening and benchmarks

In 2006 the European Commission built the enlargement policy on three principles, based on the fact that Romania and Bulgaria were just in the moment of accession, while negotiations already started with Croatia (and with Turkey). The principle of consolidation therefore wanted to consolidate the EU’s enlargement agenda to show that Brussels is committed to the future enlargement. The second principle was conditionality, from which the EU expected the stabilisation of the reforms. The Commission clearly said that “every step forward depends on each country’s own progress in meeting the necessary conditions at each stage of the accession process.” Communication was the third principle, as the EU recognised that enlargement “must ensure the support of its citizens.” (European Commission 2006a, 4-5)

In November 2006 the European Commission draw (early) conclusions on the 2004 enlargement round and also on the accession process of Romania and Bulgaria. While the Commission highlighted that countries of the 2004 round “reached an excellent level of compliance with EU law and have made a significant contribution to the work of the EU institutions.” In the same document, the Commission critically noted that as a lesson learned from the fifth (2007) enlargement, “it is clear that issues such as judicial reform and the fight
against corruption and organised crime need to be tackled at an early stage. The Commission, for example, is promoting greater awareness of how best to ensure the independence, impartiality and effectiveness of the judiciary and to prevent corruption.” (European Commission 2006a, 4-5)

By this, the Commission indirectly acknowledged that the instrument of the Cooperation and Verification Mechanism (CVM\textsuperscript{37}) will not be part of the enlargement strategy of the Western Balkans. As a result, the EU decided to proceed negotiation on a structured manner. This required the “screening” of the acquis chapters as the EU wanted to assess the level of alignment of the candidates. After the screening process, a negotiation chapter can be opened if the European Council give its support. In order to provisionally close a chapter, the benchmarks have to be met. The benchmarks, besides the screening process, aim to improve the quality of the negotiations. Benchmarks can be considered as one of the key elements of the enlargement negotiations since then. (European Commission 2006a, 5-6)

As the Commission highlighted, benchmarks are “result of lessons learned from the fifth enlargement. Their purpose is to improve the quality of the negotiations, by providing incentives for the candidate countries to undertake necessary reforms at an early stage. Benchmarks are measurable and linked to key elements of the acquis chapter. In general, opening benchmarks concern key preparatory steps for future alignment, and the fulfilment of contractual obligations that mirror acquis requirements. Closing benchmarks primarily concern legislative measures, administrative or judicial bodies, and a track record of implementation of the acquis. For chapters in the economic field, they also include the criterion of being functioning market economy.” (European Commission 2006a, 5-6)

If a candidate country opens a negotiation chapter, the candidate country becomes a negotiating country. Negotiating countries are expected to complete the political criteria and achieve the higher standards through the negotiation process. It is also important to mention that if a candidate no longer fulfils the opening benchmarks, the Commission can suspend the

\textsuperscript{37} CVM: “At the accession of Bulgaria and Romania to the European Union on 1 January 2007, certain weaknesses remained in both Member States in the areas of judicial reform and the fight against corruption, and in the case of Bulgaria in the fight against organised crime. These weaknesses could prevent an effective application of EU laws, policies and programmes, and prevent Bulgarians and Romanians from enjoying their full rights as EU citizens. Therefore, the Commission undertook to assist Bulgaria and Romania in remedying these shortcomings and to regularly verify progress against specific benchmarks set for this purpose, through the Cooperation and Verification Mechanism (CVM).” (European Commission 2018n)
negotiation of the chapter. If a candidate no longer fulfils the closing benchmark, the negotiation of the chapter can be re-started. (European Commission 2006a, 6)

5.6.2 Fundamentals first

In 2011 the Commission highlighted that the enlargement process entered in a new phase as Croatia closed the accession negotiations in June 2011. Although the Commission pointed on that the “consolidation of commitments, fair and rigorous conditionality and good communication with the public, combined with the EU’s capacity to integrate new members” remained the framework for the enlargement policy, they also articulated a new set of challenges that delayed the enlargement process of the region. The Commission mainly criticised the slow level of progress in terms of political reforms and regional reconciliation. (European Commission 2011, 3)

Despite the criticism, the Commission emphasised that Croatia’s successful accession experience proved that the conditions of membership can be fulfilled and the accession driven democratic reforms evidenced the transformative power of the European Union. As a result of the lack of reforms in the rest of the Western Balkans, the EU decided to increase its monitoring system in order to follow (and increase) the conditionality related developments. The Commission also articulated a “new approach” related to the judiciary and fundamental rights and justice, freedom and security. By this, the EU stipulated that democracy and rule of law related reforms should be “tackled early in the accession process and the corresponding chapters opened accordingly on the basis of action plans, as they require the establishment of convincing track records.” (European Commission 2011, 23)

This also meant that the EU developed a new reporting methodology, which enabled to follow the progress made by the candidate countries. The “fundamentals first” principle, has been further strengthened in 2011 and since then it is a fundamental element of the enlargement agenda. This principle has been reconfirmed in 2013 and in 2014 as well, when the Commission decided to complete the negotiation structure with additional elements. (European Commission 2013b, 1)

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38 In 2011 the Commission stressed that “strengthening the rule of law has been identified as a continuing major challenge and a crucial condition for countries moving towards EU membership. This issue has been given greater attention in recent years at all stages of the accession process, in line with the renewed consensus on enlargement.” (European Commission 2011, 4)
The innovations within the negotiation structure wanted to ensure the durability of the reforms. Therefore chapters 23 and 24 had to be opened at the beginning of the negotiation process.

1) The EU decided to provide substantial guidance for comprehensive reforms that are serving as opening benchmarks

2) The EU also introduced “interim benchmarks” to guide the process “and keep reforms on track”

3) The closing benchmarks wanted to ensure substantial progress and implementation on the ground (European Commission 2014, 12-13)

Besides that, the Commission also introduced safeguards and corrective measures “to ensure an overall balance in the progress of negotiations across all chapters, a mechanism to stop negotiations on other chapters if progress on chapters 23/24 lags behind.” (European Commission 2014, 12-13)

5.7 Enlargement as a merit-based process

Concerning the experiences gained in the enlargement process, three approaches might be considered.

1) The principle of individual approach means that the EU is in favour to judge the candidates on their own merits. This is why the six enlargement countries are in a different phase within the enlargement process.

2) The differentiated approach ensures the other candidates the possibility to catch up in the accession negotiations. These principles are primary linked to the conditionality. If the candidates are progressing well in terms of the fulfilment of the criteria, they can accede sooner to the European Union.

3) The principle of fairness was more present during the 2004 enlargement round. As the accession process takes already long time, it is very unlikely that the EU will apply this approach again in the case of the Western Balkans.

The Council of the European Union organised the Feira Summit in June, 2000, where the EU reinforced that the candidates will be judged on their own merits in the enlargement process. However, the principle of differentiation ensures (at least in theory) the possibility to other candidates to catch up with those countries that started their accession negotiations earlier.
This meant that the European Council stressed the commitment of the Union to maintain the momentum of the accession process. (European Council 2000)

Besides the differentiation, the EU also proposed an individual approach at the Zagreb Summit in 2000.\(^{39}\) (European Commission 2000) An even more important Summit has been held in Thessaloniki in June 2003, where the European Commission highlighted that the accession process will take place as it has been done in the case of Central and Eastern Europe. For that reason, the progress of each candidate depends on their own merits by meeting the Copenhagen criteria and other conditions, set by the SAP. (European Commission 2003a)

The EU stressed that the accession of the Western Balkan countries to the European Union “lies in their own hands”. From this context, the European decision makers recalled the merit based principles. On the other hand, the EU also opened the possibility for catching up. These principles are applied in parallel with regional cooperation which is an explicit condition of the accession. (Papandreou 2003b, 12)

The conditionality however excluded the possibility to set out a target date for the future accession. The lack of a clear target date means that even the frontrunners are still fare away from closing the negotiation chapters. Therefore development in the accession process can only take place, if real progress has been achieved by the Western Balkan countries. (Illés 2010, 102-103) This approach remained in place in the 2018 strategy\(^{40}\) published by the European Commission in February 2018.

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\(^{39}\) Stabilization and Association Process on an Individual Basis

\(^{40}\) A credible enlargement perspective for and enhanced EU engagement with the Western Balkans.
6 How to preserve the credibility of the enlargement process?

As the previous chapter presented, the EU’s enlargement strategy consists of several new elements, and it also includes the Copenhagen and Madrid criteria. As it has been presented the criteria not only defined the expected political and economic and technical reforms, but also expressed the importance of regional cooperation and reconciliation conceptualised in the framework of the Stabilisation and Association Process. As political confrontations are still present in the region, these tensions were able to delay the enlargement process; this turned the enlargement to a “more complex mosaic.” (European Parliament 2015a, 13)

These obstacles are representing a permanent challenge to the Europeanisation of the region and eventually encouraged the European leaders to revise the enlargement strategy. But before analysing the renewed strategy, this chapter was dedicated to present the current state of play of the Europeanisation and the absorption capacity of the European Union. This was necessary not only to understand the limits of the “new approach”, but also the reason behind the EU’s motivation to renew the strategy.

The EU did not pushed for the acceleration of the enlargement process until very recently. As enlargement still seems to be a very distant possibility and the relationship between the region and Brussels is extremely asymmetric and the credibility of the Europeanisation-based criteria is decreasing. Moreover, scepticism towards future enlargements is still present in some of the member states. (Schimmelfennig and Sedelmeier 2018, 19;27)

6.1 The current state of play of the enlargement process

6.1.1 The potential candidates

The current phase of the negotiations turned the enlargement to a multi-speed process.

Bosnia and Herzegovina at the moment is only a potential candidate country of the EU, although the presidency of already submitted its membership application to the EU. Sarajevo currently waits for the decision of the European Council to become official EU candidate. After submitting the application in February 2016, the European Council invited the European Commission to submit its opinion in September 2016 In December 2016, Commissioner Johannes Hahn handed over the EU Questionnaire to Bosnia. The country's answers were submitted in March 2019. The European Council will decide on giving
candidate status to Bosnia based on the opinion of the European Commission. (European Commission 2018i, 4)

Kosovo is a potential candidate of the EU and five member states (Greece, Romania, Slovakia, Cyprus and Spain) still did not recognise its independence. The SAA has been in force since April 2016. In order to define the appropriate reform priorities, the European Commission launched in November 2016 the European Reform Agenda. Kosovo is the only Western Balkan country that is still waiting for visa liberalisation although Pristina fulfilled many key criteria. (European Commission 2018j, 4)

6.1.2 The candidates

In Macedonia, the Stabilisation and Association Agreement entered into force in April 2004 and by this, the country could be considered as a frontrunner in the region. Since 2009, the Commission has recommended to the Council to open accession negotiations with Macedonia, which has been an official candidate since 2005. After the vetoes of Greece (and of Bulgaria), the recommendation was made conditional. The political crisis prevented the start of the negotiations, but since then positive changes happened in the country. Following the early parliamentary elections in December 2016 and the enter into force of the Prespa Agreement, the acquis screening process has started and North Macedonia expects that the European Council will back the start of the accession negotiations in June 2019. (European Commission 2018b, 4)

In Albania, the SAA came into force in April 2009. Albania submitted its application for membership in April 2009 and the European Council granted Albania candidate status in 2014. In November 2016 in view of the progress in meeting the key priorities the Commission recommended opening accession negotiations with Albania subject to credible and tangible progress in the implementation of the justice reform. Just like North Macedonia, Albania expects to start the accession negotiations in 2019. (European Commission 2018k, 97)
6.1.3 The frontrunners

In the case of Serbia, the European Council gave candidate status to the country in 2012. The SAA entered into force in September 2013 and since the opening of the accession negotiations in January 2014, 16 out of 35 chapters have been opened, and two were provisionally closed. It is very important to highlight that Serbia’s accession also depends on the normalisation of the relations with Kosovo. (European Commission 2018e, 3)

Montenegro is currently the clear frontrunner of the Western Balkans. Accession negotiations with Montenegro were opened in June 2012 and 32 negotiating chapters were opened out of 33, of which 3 have been provisionally closed. (European Commission 2018o)

Table 6 The state of EU enlargement process in the Western Balkans

<table>
<thead>
<tr>
<th>Country</th>
<th>Application</th>
<th>EU candidate status</th>
<th>Start of negotiations</th>
<th>Accession</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montenegro</td>
<td>2008</td>
<td>2010</td>
<td>2012</td>
<td></td>
</tr>
<tr>
<td>Serbia</td>
<td>2009</td>
<td>2012</td>
<td>2014</td>
<td></td>
</tr>
<tr>
<td>Macedonia</td>
<td>2004</td>
<td>2005</td>
<td>2019?</td>
<td></td>
</tr>
<tr>
<td>Albania</td>
<td>2009</td>
<td>2014</td>
<td>2019?</td>
<td></td>
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<tr>
<td>Bosnia and Herzegovina</td>
<td>2016</td>
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<tr>
<td>Kosovo</td>
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</table>

Data Source: (European Council 2018)

6.2 The limits of the new approach

As more than one and a half decade has passed since the Thessaloniki Summit, the candidates are still far away from EU membership and only Croatia could join the EU. The democratic, economic and socio-economic transformation of these countries is delayed by different factors. Reports and analyses made by the EU, relevant think tanks and research centres proved that the Western Balkan candidates are experiencing difficulties concerning their democratisation related reforms, which ultimately contributes to the slow pace of Europeanisation.\(^{41}\) When it comes to the political criteria, the Commission expressed concerns regarding the weakness of the political institutions, which is a result of the absence of democratic political culture, the lack of will of making compromises and the (over)

\(^{41}\) The case studies will discuss the background details of these difficulties, but we felt important to mention the most common problems cited by the European Commission’s country reports in this chapter.
centralisation of the political power. Although the EU demanded to put a higher focus on the fundamental reforms since 2006, it is obvious that more assistance and attention is needed in that regards. (Fouéré 2019, 3) On the other hand, regional and bilateral disputes are still challenging the progress of the candidates although the EU expects not only to fulfil the necessary reforms, but also demanded to overcome the regional problems before the accession. (European Parliament 2015a, 12;14-15)

6.2.1 Fulfilling the political criteria: democracy and rule of law

The fulfilment of the political, administrative or even the economic criteria is a challenging task not only for countries that were unable to open the accession negotiations, but also for the frontrunners. The reason is that all the six countries are going through a major transformation process. As the EU restructured the monitoring mechanism, good governance rule of law, and other democracy related areas were spotlighted in the pre-accession period. (European Parliament 2015a, 13) But slow Europeanisation can risk the credibility of the transformation process. These concerns were evidenced as reports shown that since 2014, the Balkan countries are backsliding in terms of fulfilling the political criteria. (Schimmelfennig and Sedelmeier 2018, 30-31) The complexity of the region does not facilitate the EU’s role, but as a more cohesive and comprehensive attitude is required from the EU decision-makers. A clear sign of the EU’s lack of transformative leverage is that Bosnia and Herzegovina, Macedonia until recently and Kosovo are “the laggards of the accession process.” (European Parliament 2015a, 14)

This is especially visible in countries, where the EU is engaged in state-building. In the light of this, the statehood problem of Kosovo and the problem of stateness in Bosnia and Herzegovina deserve more attention. But the candidate countries also experienced different types of political crisis in the past decade. Even the EU introduced the fundamentals first principle, a problem appears: since the European Union defined the Copenhagen criteria as a pre-condition of enlargement, it never provided an explicit definition of concepts such as “democracy”, or the “capacity to cope with membership obligations.” (Grabbe 2006, 32).

The close observation of the reports published by the Commission is telling us more on the EU’s expectations regarding democracy and rule of law. These reports are good indications and show which areas are considered as crucial parts of the Copenhagen political criteria. (Marktler 2006, 349-350)
In 2011 the Commission stressed that in “some enlargement countries, there is increasing evidence that the distinct roles of the ruling parties and of the state are inadequately respected. Such practices risk undermining the rule of law and the functioning of democracy.” (European Commission 2011, 6) Similar concerns were expressed in 2016 when the Commission stated that “the proper functioning of democratic institutions remains a key challenge in a number of countries. The central role of national parliaments for the democracy needs to be embedded in the political culture (…) In the Western Balkans the functioning of parliaments is often hampered by boycotts. Although some boycotts have been overcome, a divisive political culture remains.” (European Commission 2016e, 5)

The Commission’s country reports presented that the frontrunner candidates (Montenegro and Serbia) faced with a general “low level of trust in the electoral framework and conduct of elections” during the last period of analysis. The Commission draw attention to the importance of a political dialogue, as the political scene is fragmented and polarised. The lack of a constructive approach does not allow to the members of the parliament to fulfil their role to ensure checks and balances. “Political dialogue and constructive engagement by all parties is required to enhance parliamentary accountability and oversight of the executive.” (European Union External Action Service 2017a, 6-7; European Parliament 2015a, 16)

As it has been presented, political dialogue is an important element of the Stabilisation and Association Agreements. When it comes to reform implementation process, the capacity of the governments is limited and the policy-making process is not coordinated. The low level of governance is influenced by the lack of political dialogue between the parties and even the institutions. There is also a dissonance when it comes to the establishment of new institutions and the determination of the competences. (European Commission 2018o, 8)

The term “frontrunner” would suggest that these countries are being the best performers within the enlargement process. However as we could see, the Western Balkan countries are facing with similar types of challenges and difficulties on their EU path. On one hand, this is can be understood as a legacy of a difficult post-conflict transition however the different political problems are also preventing a smoother transformation. According to the EU’s observation, the candidates have to strengthen the independence and professionalism of the judiciary. (European Commission 2018o, 13-14) But transparency, inclusiveness, the quality of law making and effective oversight of the executive also need to be addressed. (European Commission 2018e, 5-7)
Concerning the exercise of power, the BiEPAG analyses presented that leaders in some cases are using different informal methods in order to remain in position. (BiEPAG 2017, 3-4) This not only questions the democratic commitment of these leaders, but prevents the transparency of the process. Although not all countries of the Western Balkans have the same features of democracy backslide. Bosnia and Herzegovina is suffering from a complex and impossible institutional structure, high level of inter-party polarisation can be discovered in Albania, institutional and political crisis is present in Macedonia. (BiEPAG 2017, 4) Although Montenegro and Serbia are the “frontrunners” in the enlargement process, disturbing events have happened in both countries. (Nechev 2016, 9)

Besides the redefinition of its monitoring system, and introducing benchmarks to ensure acquis screening in the early phase of the negotiations, the Commission also initiated a set of high level dialogues\(^\text{42}\) to preserve the continuity of the reforms. At the same time, the implementations of the reform policies were supervised by EU and member states experts. (European Parliament 2015a, 13-14) The rule of law related reform implementation process is delayed by the widespread corruption and the increase of professionalism in the judiciary field is also desirable. On fundamental rights, Montenegro and Serbia have to strengthen their institutional frameworks in order to provide and promote effectively a rule of law based state in practice. (European Commission 2018o, 13-14)

### 6.3 Stabilisation and Association Process: limited success

Apart from the Copenhagen criteria, the cooperation with the ICTY was a challenging task not only for Serbia, but also for Croatia and Bosnia and Herzegovina. (European Parliament 2015a, 13) For that reason, the European Union has to show more engagement when it comes to conflict management and solving bilateral conflicts.

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\(^{42}\) See for example: The High Level Accession Dialogue with Macedonia, the Structured Dialogue in Justice with Bosnia and Herzegovina, the Structured Dialogue on the Rule of Law with Kosovo, or the High Level Dialogue with Albania.
<table>
<thead>
<tr>
<th>Criteria</th>
<th>Requirement</th>
<th>Difficulty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copenhagen</td>
<td>Political and economic transformation</td>
<td>Democratic transformation is still ongoing (problems related to rule of law, democracy)</td>
</tr>
<tr>
<td>Copenhagen Plus</td>
<td>Regional cooperation and resolution of bilateral debates</td>
<td>Problems of statehood and stateness, Bilateral debates</td>
</tr>
<tr>
<td>Madrid</td>
<td>Capacity reforms</td>
<td>EU is not able to integrate new members</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Slow pace of implementation</td>
</tr>
<tr>
<td>Acquis</td>
<td></td>
<td>Only two candidates could start the accession negotiations</td>
</tr>
<tr>
<td>SAP/SAA</td>
<td>Improving trade relations and regional cooperation</td>
<td>Regional cooperation should be stronger</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bilateral problems are still present</td>
</tr>
</tbody>
</table>

6.4 Regional reconciliation: persisting conflicts

The EU also set regional cooperation as an important element of the enlargement strategy, despite the fact that the six countries are in a different level in the accession process. Regional reconciliation however demands greater effort and also compromise from the regional leaders. Although the Stability Pact was transformed to the Regional Cooperation Council, which is a permanent regional platform, there is still space to improve the economic and the political integration of the region. The most persistent regional debate is between Belgrade and Pristina on the status of Kosovo, while the agreement achieved between Skopje and Athens can serve as a good example for the future regional relations. But political tensions are also occurring between the former war countries. The European Commission clearly stated that the Union is not interested in importing bilateral disputes. The case of Cyprus and the Croatian-Slovenian dispute are good examples that triggered the EU’s attention. To overcome the disputes in the Western Balkans, the EU recently showed increasing attention in facilitating the dialogues in the bilateral issues. The EU also plans to link financial aid with good neighbourliness to guarantee the respect of the agreements. (Mirel 2018a, 3-4)
The EU had a more than important role to initiate dialogues in order to solve the different problems, but further assistance and mediation is also needed in order to achieve a proper regional breakthrough. As the slow enlargement process was combined with a democratic decline in all countries, fear of regional destabilisation and the remaining of the frozen conflicts arose. This unpleasant status quo can not only further delay the accession process of the candidates, but in midterm might risk undermining the credibility of the EU’s transformative power.

6.4.1 Belgrade-Pristina normalisation talks

The normalisation talks initiated by the High Representative of the European Union in 2013 achieved important agreements however a final solution has to be found concerning the status of Kosovo. (EEAS 2016) On one hand, Serbia is blocking Kosovo’s membership in the international organisations (Interpol, UNESCO, etc.). As an answer to Serbia’s negative attitude, Kosovo imposed 100% tariffs on imports from Serbia (and from Bosnia and Herzegovina). In the same time, the European Union delayed granting visa liberalisation to Kosovo. (Fouéré 2019, 4-6; n1 2018a)

In the case of Kosovo we also have to mention that five EU member states have not recognised its independence from Serbia (Spain, Greece, Romania, Slovakia, and Cyprus).

6.4.2 The landmark agreement between North Macedonia and Greece

According to the Prespa Agreement, Greece and North Macedonia managed to find an agreement to end the almost three decade long dispute on the constitutional name of Macedonia. Although the Prespa Agreement has been disputed by nationalist parties in both countries, the parliaments ratified the proposal and by this it entered into force. North Macedonia has a real chance now to get back to the Euro-Atlantic integration path. The NATO accession of Skopje can be expected in 2019 and the European Council will decide on the start of the accession negotiations in June 2019. (Fouéré 2019, 4-6)

43 The official name of the dialogue is “EU facilitated dialogue for the normalisation of relations between Belgrade and Pristina” According to the European External Action Service’s definition, “the aim of the EU facilitated dialogue for the normalisation of relations between Belgrade and Pristina is to promote cooperation between the two sides, help them achieve progress on the path to Europe and improve the lives of the people. After she took over her post in November 2014, High Representative for Foreign Affairs and Security Policy/Vice-President of the Commission Federica Mogherini announced that she will personally facilitate the high-level dialogue.” (EEAS 2016)

44 The case study on North Macedonia will explain in details the background of the Agreement.
6.5 The integration capacity of the EU

As it was already mentioned, the EU’s capacity to absorb new members is a key condition of any enlargements in the future. However neither the Copenhagen criteria, nor the Madrid criteria explained in details what does the term absorption capacity means.

The conclusions of the 1993 Copenhagen presidency referred to the term as “the Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries.” (European Council 1993, 13) Besides this general expression, in June 2006 former French President Jacques Chirac initiated a debate in which he defined the absorption capacity of the EU as an institutional, financial and political capacity. In addition, according to the French Constitution, any new accession requires the ratification by a referendum. This amendment of the constitution shows the consensus that France will oppose any new enlargement until the institutional system of the EU is not reformed. Going beyond of President Chirac’s definition, the European Commission linked absorption capacity to the institutional efficiency of the European Union. (Emerson, Aydin, et al. 2006, 2-3)

In 2006, Olli Rehn, Commissioner responsible for enlargement said that “absorption capacity is about whether the EU can take in new members while continuing to function effectively. It is a functional concept, not a geographical one.” (Rehn 2006, 3) Commissioner Rehn also referred to the Agenda 2000 document, which stated that enlargement and the absorption of new member states will have a strong impact on the budgetary framework of the European Union. (European Commission 1997, 3) Complementary to this statement, the European Parliament adopted a resolution in 2006, which stated that absorption capacity “remains one of the conditions for the accession of new countries; believes that defining the nature of the European Union, including its geographical borders, is fundamental to understanding the concept of absorption capacity.” (Emerson, Aydin, et al. 2006, 4; European Parliament 2005, 2)

Every new acceding country has a strong effect on the European labour market, the EU’s institutional system, or can have an impact on security. (Emerson, Aydin, et al. 2006, 9)

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This means that ultimately every new accession has a strong impact on the member states as well. The recent political and economic crisis has shown that the EU was not able to fully support the integration efforts of the Western Balkans. Although the EU is still committed towards the integration of its Western Balkan partners, currently it is not able to absorb new members. In order to improve that capacity, the European Union has to address different sets of challenges. First, there is a need to address enlargement fatigue. Second a compromise has to be found between the member states regarding the institutional reforms. Third, the EU institutions must also consider the “strategic relevance” of the Western Balkans enlargement.

6.5.1 Enlargement fatigue

Serbia, Montenegro, Kosovo, Bosnia and Herzegovina, Macedonia and Albania are well embedded in the wider logic of the EU’s enlargement history. Besides the obstacles presented in the enlargement countries, other reasons are also challenging the accession process of the Balkan countries. Enlargement fatigue gradually increased and spread over since the first Eastern enlargement in 2004. The notion refers at the same time on the attitude of the member states to the future enlargements of the European Union as well as to the outcomes of the Eastern enlargements. For that reason, we cannot consider enlargement fatigue as a time specific concept. (Szolucha, 2;5) Balázs also argued that the phenomenon started spreading over especially after the Eastern enlargement round in 2004. (Balázs 2016, 257) Although the accession process includes series of formal steps, from application to the accession treaty, the negotiations are conducted not only between the European Commission and the candidate countries, but also between the member states and the candidates. Enlargement has been the most successful foreign policy tool in the history of the European Union, but because of internal divisions, member states’ governments can block or oppose the membership of a candidate country. Thus some member states (for example France and the Netherlands were already mentioned) are linking membership to a national referendum. We must notice some differences between the motivations of membership applications during the different periods of enlargement. While some countries are more committed towards the idea of Western Balkan accession, the approach of other member states is much more critical regarding this issue.

46 In the history of the European integration, every enlargement had opponents and supporters among the member states. It was the case in the 1960s, when De Gaulle’s France vetoed two times the accession of the United Kingdom, and in the 1970s, when France again was critical towards the Mediterranean enlargement. In the 1990s serious fears emerged against the accession of the CEE countries affecting the institutional and economic stability of the European Union. (ESI 2006, 2)
According to Ördögh, the position of the member states can be classified as the following:

1) The first group represents member states (for example the Visegrad Group, Romania and Bulgaria) that fully support the EU accession efforts of the Western Balkan countries and are interested in the earliest possible accession of these countries. Not only traditionally, but also because of the geographical proximity. In addition, the presence of the Hungarian, Slovak, or the Romanian minority can further increase this link between the states.

2) The second group is composed by member states that are rather neutral regarding this issue but they are not opposing openly the idea of enlargement (in fact there is no member state that would openly reject the idea of enlargement). The divisions among member states are sourcing from different aspects. Main concerns are related to the state of democracy and to the economic performance of the candidates. The two former Yugoslav EU member states, Croatia and Slovenia are causing some challenges for Serbia and Montenegro during the accession process.

3) The third group are member states who are sceptical or at least critical towards the Western Balkans accession (Viland 2018). In 2018 France and the Netherlands, together with Denmark opposed starting the accession negotiations with Albania and Macedonia. Despite the resolution adopted by the European Parliament these countries demanded further reforms in crucial fields before starting the accession talks. (Emmott 2018; European Parliament 2018)

According to the 2018 Eurobarometer surveys, enlargement was the only policy, which was not supported by the majority of the citizens. (European Commission 2018m, 29) In 2018, only 43% supported the idea of enlargement, while 45 opposed it. This trend seems to be persistent as previous Eurobarometer data also showed that the citizens of the European Union do not support the idea of including new members. In terms of communication, this can be considered as a huge fiasco of the EU. In other terms, this also shows the public perception and the attitude how the citizens perceive consolidation and the progress of fulfilling conditionality.

The Eurobarometer survey introduced this measure in 2000. The highest support for enlargement was in 2003, since then this support declined after each enlargement. (European Commission 2011b, 59; European Commission 2006, 29; European Commission 2003b, 76)
Table 8 The support of future enlargement of the EU

<table>
<thead>
<tr>
<th>Eurobarometer year</th>
<th>For</th>
<th>Against</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>43</td>
<td>45</td>
<td>12</td>
</tr>
<tr>
<td>2010</td>
<td>43</td>
<td>45</td>
<td>12</td>
</tr>
<tr>
<td>2006</td>
<td>46</td>
<td>42</td>
<td>12</td>
</tr>
<tr>
<td>2003</td>
<td>52</td>
<td>30</td>
<td>18</td>
</tr>
</tbody>
</table>

Sources: (European Commission 2018m, 29), (European Commission 2011b, 59) (European Commission 2006, 29) (European Commission 2003b, 76)

6.5.2 Reforming the EU’s institutional system

It cannot be ignored that every accession demands structural efforts both from the acceding country and the EU’s side. Therefore, every accession has internal and external conditions. It means that whilst complying with the special conditions laid down in the integration process, the EU also have to be ready to welcome new members. (European Commission 2016h)

As the number of the member states has grown, a major institutional reform became necessary in the European Union.47 The fears that the enlargement would lead to institutional crisis already appeared in the Amsterdam Treaty in 1995. According to the Treaty, “At least one year before the membership of the European Union exceeds twenty, a conference of representatives of the governments of the Member States shall be convened in order to carry out a comprehensive review of the provisions of the Treaties on the composition and functioning of the institutions.” (European Communities 1997, 111) As for the Eastern enlargement, the Nice Treaty in 2000 aimed to face the institutional challenges. (Szolucha, 5-6)

This meant that the institutional system of the EU had to be changed. The changes concerned the European Parliament (as new member states joined the EU), the European Council, particularly the qualified majority threshold, and the European Commission as the Treaty said that from 2004 the Commission will comprise “one national per Member State.” (European Parliament 2003) The Lisbon Treaty updated the institutional set-up of the EU48. Besides

48 Increased the legislative power of the European Parliament, long-term presidency replaced the six-month rotation system, in order to improve the continuity and the coherence of the Council. Concerning the European
that, the Lisbon Treaty also articulated that candidates have to respect the values of the EU, and it also changed the accession procedure (see section 5.1). (Treaty of Lisbon 2007, Title III Provisions of the Institutions)

After the Treaty of Lisbon, the objectives of the EU’s international role have been determined by the Treaty on the European Union (TEU). The Article 2 defines that “the Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law. The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations.” (Consolidated version of the Treaty on European Union 2012, Title V, Article 21)

One of the main objectives of the Lisbon Treaty (concerning the enlargement policy) was to create a sustainable set of rules, which are not requiring new amendments with every new enlargement. (De Munter 2018) The Treaty has introduced some changes in order to specify the basic procedures for accession of new members. The reason behind this reform was that the EU aimed to base its enlargement policy on the consolidation of existing commitments and to provide better communication to the European citizens, and also stricter conditionality to integrate new members. The EU also had to consider its capacity of integrating new members. The Article 49 specifies the basic procedures for further enlargements. (Piedrafita 2008)

But the Treaty of Lisbon foresaw the institutional set-up of the European Union, which has 28 members. The accession of the six Western Balkan countries would create a Union with 34 members (the number of member states also depends on the Brexit). As French president Macron stated, enlargement of the EU cannot happen prior to the reform of the institutional system. This opinion is shared by some other member states. Still, it is important to understand that currently no common vision and approach exist among the member states

Commission, the Treaty increased the political legitimacy as it introduced a new method of electing the president of the Commission. (European Parliament 2018)
concerning the reform of the EU’s institutional system. If the EU is taking seriously its commitments to the Western Balkan enlargement, the institutional reforms have to be on the top of the agenda in the forthcoming years. In its enlargement strategy, the Commission underlined that the EU has to be prepared before a new enlargement. Not only the financial but the institutional system has to be stronger and more effective, as a bigger EU would require institutions, which are able to work more closely and to aggregate more the opinions in order to form a common position. (European Commission 2018a, 15-16)

6.5.3 The strategic importance of the enlargement:

Since 2008 different types of crises were challenging the European Union. The 2009 Eurozone crisis was a direct consequence of the 2007-2008 financial crisis. The slow recovery initiated a debate between the member states and the measures for dealing with the crisis redesigned the political landscape after many national elections and the EU membership’s economic attractiveness has also been challenged (as for example Iceland considered to join the EU, but later Reykjavik decided to withdraw its application). The financial crisis also had a negative impact on the Western Balkans. Furthermore, the withdrawal of the United Kingdom from the European Union is a top priority on the agenda. Moreover, recent debates on the future of the European Union resulted in harsh political disputes between the member states. Although these debates are not questioning the fact that there is a need for further EU enlargement, but certainly diverting the attention away from the issue.

Another serious issue is the labour migration from the Eastern member states. Furthermore, the war in Ukraine, the refugee and migration crisis and the terror attacks inspired by the ISIS caused additional external challenges to the EU. Moreover, it is clear that the member states are lacking of a comprehensive common vision regarding the foreign policy of the EU. (Nechev 2016, 5)

6.5.4 Improving connectivity

Among the member states, Germany took the initiative to provide a higher level of assistance to the enlargement countries. Following the speech of Jean-Claude Juncker in 2014, when the president of the Commission announced that no enlargement can be expected during the mandate of his Commission⁴⁹, Germany in line with its enlargement support decided to

⁴⁹ Juncker’s speech had negative repercussions in the Western Balkans. (European Parliament 2015a, 12)
launch the “Berlin Process” in 2014. The launch of this process aimed to reconfirm the EU’s continued commitment to the Western Balkans enlargement. The aim of Berlin was to provide a new framework for closer regional cooperation in sustainable economic growth, market democracy, and reconciliation in the region. The participants of the Berlin Process include of course the six Western Balkan countries, Germany, Austria, France, Italy, and also the two former Yugoslav EU Members, Slovenia and Croatia\textsuperscript{50}, and representatives of the European Commission and international financial institutions. (Lilyanova 2016a, 2)

The Berlin Agenda is built on the pillars of diplomatic, economic and soft cooperation. These pillars are aiming to deal with bilateral issues between the countries, and also with social affairs, civil society cooperation, youth, economic issues, and government connectivity. The Berlin Process therefore fits into the already existing regional cooperation initiatives. (Lilyanova 2016a, 3)

Another important field of cooperation between the region and the EU is (soft and hard) connectivity. It is important to highlight that both physical and digital connectivity has to be increased within the region and between the Balkans and the European Union, especially with the neighbouring EU member states.\textsuperscript{51} According to the proposals, the parties will launch new projects that will include new transport projects such as railway construction, energy (gas) interconnection, integration to the Energy Union and the regional electric market also has to be completed. (Connectivity Agenda 2018)

Concerning the digital connectivity, the EU launched a digital strategy for the Western Balkans, which would allow the reduction of roaming fees in the region. In the meanwhile, a more increased financial support is needed in order to complete these projects. As the EU will probably increase the financial support to 14.5 billion in the post-2020 MFF period, a more coherent enlargement strategy will assist the EU enlargement path of the candidates. (Mirel 2018, 4-5; European Commission 2018p)

\section*{6.6 The external challenges of the EU perspective}

Probably the disadvantage of the long Europeanisation process and the fact that enlargement is open-ended is that external powers can challenge the credibility of the transformation. Unlike in the 1990s and early 2000s, a major shift happened on the international scene. By

\textsuperscript{50} Prime ministers and ministers of foreign and economic affairs.

\textsuperscript{51} Croatia, Hungary, Romania, Bulgaria and Greece.
this, the influence of Russia, China, Turkey and other external powers increased in the region. As the geopolitical situation changed in the region, a more united approach is needed from the member states concerning the enlargement project. (Mirel 2018a, 5-6) The current challenges demand a double focus from the European leaders: the EU should deepen and enlarge the integration at the same time. Such common position is however cannot be expected before the 2019 European Parliament elections.

Moreover, the European Union also had to face with external challenges and threats. After the 2013 Euromaidan protests in Kiev, Russia intervened in Ukraine and then annexed the Crimean Peninsula in 2014. The military intervention risked to escalate to a war just in the direct neighbourhood of the European Union. Another huge security challenge for the European Union is the ongoing migration crisis that started in 2015. The Western Balkan migration route demanded a higher level of cooperation between the EU and countries of the region. Macedonia and Serbia were part of the original Western Balkan route. On March 2016 the EU-Turkey deal closed officially the route. (Lilyanova 2016b, 2) However since 2018 a growing number of migrants are using alternative routes to get to their desired destination through Albania, Montenegro and Bosnia and Herzegovina. (Lakic, Tomovic and Erbara 2018)

The migration crisis clearly demonstrated that the EU and Western Balkan leaders have to strengthen cooperation on migration and border management. This was also part of the Sofia Summit organised in May 2018 between the EU and the Western Balkans. (European Commission 2018s) These external challenges clearly demonstrate the strategic relevance of enlargement, and put the whole question on accession into a new context. Besides the failed agreement between Turkey and the European Union, Serbia and Macedonia also contributed to the management of the migration flows.

6.6.1 Turkey and Saudi Arabia

Turkey has a strong soft power strategy, which is more than visible in Bosnia and Herzegovina. This concerns mainly the media and the education system. On the other hand, the Gulf States are also increasing their presence. Saudi investors are more and more present

52 Which started at the Turkish-Greek border and ended at the Serbian-Hungarian or at the Serbian-Croatian border.
in Bosnia and Herzegovina, as real estate investments are spreading over the country. Besides, these countries also have a strong influence on the Islamic community in the region. (von der Brelie 2018) In addition, Turkey is also interested infrastructural projects such as the highway between Serbia and Bosnia and Herzegovina. (Ambrosetti 2018)

6.6.2 China

The 16+1 initiative brings together China and the CEE and SEE countries. Infrastructure has an important role within this cooperation and the region has become an increasingly important area for Chinese investments. China is also interested in financing big infrastructural projects as it has economic interests in the region. It is also important to highlight that China has mainly economic and not political interests in the region. (Ambrosetti 2018) What makes the Chinese investments really attractive is the fact that unlike the European funds, Chinese money is not linked to democratic performance as special criteria. (Lacher 2018)

6.6.3 Russia

Russia’s attitude to the region has changed dramatically following the annexation of Crimea. During the presidency of Medvedev, Russia did not oppose NATO enlargement in Albania or in Croatia and it has not strong objections against EU enlargement. The post-Crimea Russia however changed this attitude and both rhetorically and even practically as in some cases tries to intervene and prevent NATO and EU enlargement in the region. (Bechev 2018, 3) Comparing to Turkey, the Gulf countries and to China, Russia might have real geopolitical interests in the Western Balkans. Moscow has traditionally strong relations with the Orthodox part of the Balkans (Serbia, Republika Srpska, Montenegro and Macedonia). When it comes to geopolitics, Russia is clearly opposing the NATO enlargement in the region. On the other hand, Russia seeks to have attractive offers for the region and for that reason Moscow is unable to compete with the European perspective. (Lacher 2018; Zorić 2017)

As it could be seen, external powers at this stage cannot challenge the EU perspective that has been offered to the region. At the moment Ankara, Riyadh, Moscow or Beijing are unable to offer real alternatives to the region. However if the EU fails to further develop and unify its foreign policy it has to be able to respond to challenges coming from outside of Europe. Hence, the European Union must prepare for a more intensified influence of Turkey and Russia in the Western Balkans.
The changes of the international scene will require a development in terms of the security and foreign policy from the member states. The sooner the Western Balkans are integrated in the new CSDP\textsuperscript{54} and CFSP\textsuperscript{55}, the stronger the European security will be. The EU’s reform and the accession negotiations can however develop in a parallel way: it is not at all an exclusive process. Another important issue is that the public opinion in some member states is critical or even sceptical towards any future enlargement in the Balkans. The most important challenge that the EU has to overcome before having a new enlargement round is to defend the internal functioning of the Union. (Mirel 2018a, 8) The current political debate in the Union is not only about the institutional reforms, as the EU also has to reflect on the changes that are highly affecting the international scene. Therefore, the integration of the Western Balkans is not anymore a matter of values but also a very important strategical aspect.

6.7 The reaffirmed European perspective

The problems presented in the previous sections obliged the EU to seriously reconsider its enlargement strategy. As it could be seen, the integration path of the Western Balkans is much longer than during the previous accession rounds, moreover as a result of the change of the international circumstances, the strategic relevance of the enlargement also grows. The main element of the enlargement was the SAP and in this term, moderate successes were achieved as the SAA entered into force in all of the six countries. However, almost six years after the accession of Croatia, the EU felt desirable to restructure and to “bring fresh wind” into the ongoing enlargement process. From a political scientific point of view we have to highlight that a renewed enlargement strategy was also necessary as the candidate countries were struggling in fulfilling the accession criteria. This means that a stronger accent should be paid on the democratisation and Europeanisation and by this, the EU has to further strengthen its fundamentals first approach. In the meanwhile the post 2013 accession period also proved that nowadays there is a slight lack of coherence between the member states point of views when it comes to the enlargement. Not only an institutional reform has to prevent any new enlargement, but the European Union also has to improve its integration capacity. The new strategy introduced in 2018 not only has to shake up the integration

\textsuperscript{54}“The Common Security and Defence Policy (CSDP) enables the Union to take a leading role in peace-keeping operations, conflict prevention and in the strengthening of the international security. It is an integral part of the EU’s comprehensive approach towards crisis management, drawing on civilian and military assets.” (EEAS 2018a)
process, but also rebuild the credibility of the EU’s transformation power. (De Munter 2018; European Parliament 2018a, 1-4; European Commission 2018a, 1-2)

For that reason, in 2018 the Commission highlighted that the EU has to make actions not only to boost the Europeanisation of the Balkans, but it also recognised that it has to be ready institutionally to welcome new members. More precisely, it means that the Commission was motivated by the following considerations:

1) The use of qualified majority in the European Council in order to enable the necessary decisions that have to be taken in the EU
2) The fundamental values of the EU have to be protected and promoted. The enforcement of the rule of law has to be strengthened and the accession treaties should provide legal basis for such mechanism
3) The accession of the Balkan countries will affect the institutional system of the EU
4) The acceding Western Balkan countries cannot block the accession of other regional countries. It means that special arrangements will be included to the accession process (European Commission 2018a, 15-16)

6.8 A credible enlargement perspective for and enhanced EU engagement with the Western Balkans

“If we want more stability in our neighbourhood, then we must also maintain a credible enlargement perspective for the Western Balkans. It is clear that there will be no further enlargement during the mandate of this Commission and this Parliament. No candidate is ready. But thereafter the European Union will be greater than 27 in number. Accession candidates must give the rule of law, justice and fundamental rights utmost priority in the negotiations.” (Juncker 2017)

Johannes Hahn, Commissioner responsible for European Neighbourhood Policy and Enlargement Negotiations presented “A credible enlargement perspective for and enhanced EU engagement with the Western Balkans” document in February 2018 at the European Parliament in Strasbourg. By publishing the document mentioned, the European Union aimed to reaffirm its support for the EU membership perspective of the region. The document published by the European Commission precise that “the Western Balkans is in the Union's very own political, security and economic interest. It is a geostrategic investment in a stable, strong and united Europe based on common values. It is a powerful tool to promote
democracy, the rule of law and the respect for fundamental rights. A credible accession perspective is the key driver of transformation in the region and thus enhances our collective integration, security, prosperity and social wellbeing. It remains essential for fostering reconciliation and stability.” (European Commission 2018a, 1)

Within the document, the European Commission defined the enlargement process as a merit-based prospect, an “investment in the EU’s security economic growth and influence, and added that enlargement is the EU’s “own political, security and economic interest” (European Commission 2018a, 1) For that reason, the EU recognised the importance to develop an even stricter approach in terms of strengthening democracy, implementing comprehensive reforms in crucial areas and solving bilateral disputes among the countries. This is in line with the already presented new approach adopted in 2011. The new strategy strengthened the merit based approach of the integration. In order to achieve this, the EU decided to restructure the accession strategy and pointed out five key points that should be the corner stones of the integration in the future.

1. The first point is that the EU created a substantial “Connectivity Fund”, which should be integrated into the 2021-2027 multiannual financial framework (MFF).
2. Secondly, the EU decided to introduce a conditionality element in the financing and will link these funds to the progresses achieved on chapters 23 and 24.
3. The third step targets the swift implementation of a regional economic zone. This idea is supported by many stakeholders however for different reasons it might also strengthen bilateral disputes in the region.
4. The European Union also decided to take actions in the solution of bilateral or regional conflicts. It seems that the EU will be (even more) engaged in the active mediation of the disputes. (Mirel 2018, 1; European Commission 2018a)

Besides the Commission, the member states initiated the Sofia Priority Action Programme during the Bulgarian Council Presidency following the 2018 EU-Western Balkans Summit held in Sofia. The Action Programme is part of the Sofia Declaration that has been adopted by the European leaders on 26 June 2018. (Mirel 2018, 3; European Council 2018a)

6.8.1 New roadmap

The Sofia Summit took place on 17 May 2018 in Sophia, Bulgaria during the Bulgarian EU Presidency, and was the first EU-Western Balkans Summit after the 2003 Thessaloniki
Summit. The EU leaders accepted all together 17 declarations on the future relations between the EU and the region. Unfortunately, the Sophia Summit failed to achieve real breakthroughs, although the European Union once again reaffirmed its commitment to the “European perspective” of the region. Besides that, the EU also decided to improve the connectivity between the member states and the Western Balkan countries. This not only means that the EU tries to influence good neighbourly relations in the region, but also the possibility to further enhance connectivity in all dimensions, for instance transport, energy, digitalisation, business and different set of youth policies. (Connectivity Agenda 2018) These dimensions are extremely crucial as the EU has to put concrete projects and initiatives on the table in order to remain credible in the eyes of the citizens of the Balkans. (European Council 2018a; European Commission 2018f)

However the reception of the outcome of the summit was rather mixed. On the positive side it can be mentioned that it has been the first EU-Western Balkans Summit since 2003, which signifies that the EU aims to remain the main partner for the region. Thanks to the Sofia Declaration and to the Connectivity Agenda, important proposals were put on the table. The Summit and the previously presented EU document on the renewed enlargement perspective are roadmap for negotiating candidate countries. This means that the individual approach of the enlargement has been further enhanced.

However no target date was mentioned at the Summit, in addition German chancellor Angela Merkel stated that 2025 cannot be considered as a realistic target date for accession. French president Emmanuel Macron said that before any new enlargement, the EU has to be reformed. This clearly demonstrated that the big member states are divided on the issue of enlargement. (Gray 2018; EWB 2018b)

Table 9 The positive and negative outcomes of the 2018 EU-Western Balkans Sofia Summit

<table>
<thead>
<tr>
<th>POSITIVE</th>
<th>NEGATIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Summit since 2003</td>
<td>Target date was no mentioned</td>
</tr>
<tr>
<td>Tangible proposals were made</td>
<td>2025 no realistic target date</td>
</tr>
<tr>
<td>The EU is still the only reliable global player for the region</td>
<td>Division between member states regarding the enlargement</td>
</tr>
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</table>

Individual approach reinforced

Source: (Gray 2018; EWB 2018b)
6.9 Avoiding enlargement crisis

As this thesis pointed out several times, the EU accession of the Western Balkans is a long process, which is delayed by different factors. As an important lesson learned from the 2007 enlargement experiences, the European Union determined stricter enlargement criteria for the Western Balkans. Due to the long enlargement process and the lack of reforms, the conditionality seems to become gradually stricter. The new strategy introduced in 2018 follows the logic of the previously presented EU reports on the development of the enlargement. The new strategy’s main innovation is that it defines more precisely areas that were rather woolly terms.

6.9.1 Strengthening the rule of law

The new strategy reminded that in terms of the political criteria, rule of law, fundamental rights and good governance are the most important fields. Therefore the candidates of the “region must embrace these fundamental EU values much more strongly and credibly. Their non-respect is also a deterrent to investment and trade. Strengthening the rule of law is not only an institutional issue. It requires societal transformation.” (European Commission 2018a, 4) For that reason, the accession tools developed for Montenegro and Serbia have to be used in the case of the other candidate countries, once they will open the negotiation chapters. This process has to be followed by the establishment of detailed action plans, to closely monitor the democratic progress. (European Commission 2018a, 10)

6.9.2 Supporting reconciliation and regional cooperation

As it has been presented, regional relations still have to be improved in the Western Balkans as in the period since the launch of the Stabilisation and Association Process proved that the European Union also has to be involved in the process of establishing good neighbourly relations. The 2018 Strategy defined that “Fostering good neighbourly relations and reconciliation needs strong ownership in the Western Balkans and should be led first and foremost by the countries of the region.” At the same time it also seems that the Commission also recognised its role to contribute to foster regional cooperation. Therefore the EU introduced new projects (“flagship initiatives”) to further extend the possible ways of regional cooperation. This means that in the future, soft connectivity will not only focus anymore on hard and sensitive political issues, but will open door for soft policy cooperation. (European Commission 2018a, 15)
In terms of regional cooperation, the EU launched several initiatives to support the 1) security policy cooperation, 2) the economic progress 3) and the connectivity of the six countries.

1) Security policy cooperation
   The initiative aims to reinforce cooperation on fighting organised crime, migration management, border security and countering terrorism and political and religious extremism.

2) Economic development
   By creating the Western Balkans Investment Framework, the economies are able to attract investments and the development of the Regional Economic Area will allow the strengthening of the economic sector.

3) Soft connectivity
   A new investment support will contribute to the soft connectivity of the region in the fields of digital economy, transport and even education (as the Erasmus+ funds were doubled). (European Commission 2018c)

6.9.3 Knowledge without ambition

As Commissioner Johannes Hahn said in 2016, “it is important to understand that after all our experiences concerning enlargements, and the situation in Europe among member states and in member states and the situation of our candidate countries, we have to understand that today when we are talking about enlargement, I prefer to not talk about enlargement negotiations, but about a process.” (Hahn 2016) Commissioner Hahn highlighted that the importance of the integration process is not only to take over the EU acquis, but also to implement them. Therefore, the monitoring and assisting capabilities gives a new clarity for the EU’s role in the enlargement process. It has been shown that the relevant EU strategies and reports successfully identified the main challenges that are delaying the accession process in the region. The 2018 Strategy suggests that the EU will introduce a stronger reporting and monitoring methodology in order to achieve fundamental democratic progress. It is out of question that such strict approach is required to help the consolidation of democracy. The EU also decided to further increase its support to overcome regional disputes. What is clearly missing from the new strategy is that there was no reference made on important regional problems such as stateness, or statehood. The critical observation of the author is that the 2018 Strategy could have been more ambitious and the enlargement policy should reflect on special regional difficulties.
The following case studies analysed the ongoing political Europeanisation process and its effects on the democratisation (in Serbia), on the resolving the bilateral disputes (in Macedonia) and the problems of state-building (in Bosnia and Herzegovina).
7 Democratic consolidation in the post-Milošević Serbia

Answering H1

In the case of Serbia, since the beginning of the 2000s the institutional background for democratic political systems is provided in the region. However the stabilisation of the democratic system has been accompanied by the concentration of the political power. As a result of this phenomenon, real consolidation of the democracy could not happen. As a matter of fact, some academics, opposition politicians and EU representatives, as well as civilians raised their voices and demanded a stronger response from the European institutions in order to support democracy instead of the so-called “stabilitocracy”.

This thesis analysed this special case as a culmination of complex political heritage, still dominating in some parts of the politics. The aim of this case study was to analyse and present the state of democracy in Serbia between 2000 (the fall of Slobodan Milošević) and 2017 (the last presidential elections).

7.1 The state of democracy in Serbia

In this case study we are using the “narrow definition” presented by Linz and Stepan to define consolidated democracy. These authors are combining behavioural, attitudinal and constitutional elements in order to define the dimensions of democratic consolidation.

The behavioural consolidation requires the democratic function and the acceptance of the “rules of the game” by the national, social, economic, political and institutional actors. The attitudinal consolidation means that the majority of the citizens have to support the democratic political system, and in the same time, political actors are not aiming for de-democratise the political system. The constitutional consolidation should encompass the cooperation of the political actors in the polity to adapt to the established norms. Elites and the public have to “believe that the democratic procedure and institutions are the most appropriate way to govern collective life.” (Starčević-Srkalović 2009, 29; Linz and Stepan 1996)

There is no need to explain the importance of the institutional conditions of a democratic political system. The separation of the executive, the legislative and the judicial power

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56 According to a BiEpag policy paper released in March 2017, the notion “stabilitocracy” refers to a phenomenon where “weak democracies with autocratically minded leaders, who govern through informal, patronage networks and claim to provide pro-Western stability in the region.” (BiEpag 2017, 7)
branches is as much essential as the system of checks and balances to prevent the concentration of the political power. These institutions are required to ensure the functioning of the democracy. But there is also need for democratic leaders, who are committed to transparent and accountable governance.

Although the first multi-party elections in Serbia were held in December 1990s, Slobodan Milošević was able build an authoritarian rule, excluding the democratic parties from the decision-making. In Serbia, real democratic transition could start in 2000 when Democratic Opposition of Serbia (DOS), an opposition umbrella coalition came to power following the authoritarian rule of Slobodan Milošević. DOS candidates triumphed both at the federal presidential and at the Serbian parliamentary elections, ending the rule of the Serbian Socialist Party (SPS) and its coalition partners. Democratic transition was blocked after the first wave of the reforms, which contained for instance multi-party elections, or the abolishment of partially socialist economic structure. As the reform process was frozen, the former communist elite were able to maintain the control on key economic and political resources during the Milošević-era. (Lazić 2015, 535). The Yugoslav and the Kosovo wars as well as the international intervention in the Federal Republic of Yugoslavia undermined the Milošević-regime. The victory of DOS at the 2000 federal presidential elections unblocked the democratic transition of Serbia. Even after, democratic consolidation in Serbia has been challenged by a number of obstacles that are results of different sets of frozen conflicts and political taboos.

7.2 Legacy of the past

Legacy of different political regimes from the past is a present and common element in the political life of the post-Yugoslav countries. The legacy of the past affects not only the consolidation process, but in wider terms it has a considerable impact on regional stability. Serbia has some serious unresolved problems that are part of the daily political discourse. These issues are present not only in the domestic political discourses, but are also affecting the EU accession process. Furthermore, the new regime missed the opportunity to fully investigate those groups who were linked to the previous regime and organised their criminal activities at a high level.
No.1: the legacy of Yugoslavia

The legacy of Yugoslavia\(^{57}\) (more commonly “Yugo-nostalgia”) is still part of the unprocessed past. Some people in the Balkans are remembering Yugoslavia as a state that offered peace, stability, and predictability to them. Many citizens miss the social allowances, provided by a strong state (free healthcare, education, and other benefits like social security). On the other hand, Yugoslavia suffered from democratic deficit, and all of this had an impact on the rule of law and human rights.\(^{58}\) However the popularity of late Yugoslav president Josip Broz Tito remains high\(^{59}\) even comparing to the current leaders. (Danas 2016)

No.2: relations with Montenegro

Serbia remained in a state union with Montenegro even after the Yugoslav Wars. Following a referendum in 1992, the citizens of Montenegro decided to stay in union with Serbia and the Federal Republic of Yugoslavia was formed. (Venice Commission 2005, 14) The experiment of the “small” Yugoslavia was not a success story as the state formation was closer to be a semi-confederation than a federation. However, Belgrade and Podgorica could not resolve their conflicts, which later led to the split of the common state. It is important to highlight that thanks to the authoritarian ambitions, rule of law was not guaranteed in the Milošević era. (Lukić 2000, 89-90). The Federal Republic of Yugoslavia could not automatically become the successor state of the SFRY. (Lukić 2002, 138).\(^{60}\) After the Kosovo War\(^{61}\), Milo Đukanović pushed for pro-independence politics in Montenegro. (Lukić 2000, 87-88). Since 1996, Đukanović’s aim was to distance Montenegro from the federal institutions (and by this from Serbia). Therefore, Montenegro had its own foreign and economic policy. (Lukić 2000, 92-93). It was clear that the FRY was in a phase of disintegration since 1998. In 2003, the federation changed its name to the State Union of Serbia and Montenegro\(^{62}\), and after a referendum held in 2006, Montenegro became an independent state. (OSCE 2006).

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\(^{57}\) Socialist Federal Republic of Yugoslavia (SFRY)

\(^{58}\) However it is worth to mention that Yugoslavia, comparing to other former communist states, was a much more liberal country.

\(^{59}\) Danas, a daily paper in Serbia organised a public opinion survey in 2016. 32% answered that Tito was the best leader Serbia ever had.

\(^{60}\) In addition the Badinter Commission cleared that any of the former SFRY republics can claim themselves as successor states of the former Yugoslavia.

\(^{61}\) Where Milošević and Serbia de facto lost Kosovo.

\(^{62}\) This was the so-called “Belgrade Agreement”
No.3: Cooperation with the ICTY

Another divisive issue in the country was the lack of will to cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY). The public opinion’s perception in Serbia was quite controversial concerning the work of The Hague Tribunal. In the Milošević era, the legality and the authority of the ICTY was not recognised by the regime. After the DOS came to power, Prime Minister Zoran Đinđić and President Vojislav Koštunica had a different interpretation of the Tribunal. Koštunica considered ICTY as an anti-Serbian, illegitimate organisation and avoided to cooperate with the Tribunal. At the same time, Đinđić was more open to cooperate as he clearly wanted to orient Serbia towards the European Union. For that reason, cooperation with the ICTY seemed to be a necessary step towards the consolidation of the country. After the assassination of Zoran Đinđić in 2003, Belgrade aimed to improve the relations with the Tribunal however relations remained complex. During several years (2001-2007), no progress has been made regarding the arrest of Ratko Mladić and Radovan Karadžić. Between 2004 and 2008, the situation did not change significantly, although after the election of Boris Tadić as president of Serbia (June 2004), pressure was higher on Koštunica. From 2009, the relations improved as Serbia complied with the majority of the Tribunal’s requests. (Plancke 2010, 71-79). Radovan Karadžić has been extradited to Hague in July 2008, and he was followed by Ratko Mladić in June 2011 and finally by Goran Hadžić in July 2011. (Finn 2008; Independent 2011; Borger 2011).

The cooperation with the ICTY was necessary, but it was also a difficult decision for the Serbian governments. The top wanted persons by the ICTY are still being considered as heroes in some parts of the society and in circles of nationalist politicians. In addition, in some cases the Court’s decisions were interpreted as politically influenced controversial decisions, not only in Serbia but also in other former war countries.63

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63 For example the release of Ante Gotovina or Vojislav Šešelj provoked harsh reactions in the former war countries (Bosnia and Herzegovina, Croatia and Serbia).
The last and nowadays the most challenging issue is the unresolved status of Kosovo. As Kosovo has a special importance in the Serbian political history and mythological collective consciousness, Belgrade did not recognise the unilateral secession of its former province. After the 1999 NATO intervention in FRY, Milošević was forced to withdraw the Serbian troops from Kosovo. The United Nations Security Council’s Resolution 1244 was adopted on 10 June 1999 and established the possibility for an international military and civil presence in Kosovo. (United Nations 1999).

On 17 February 2008, the Kosovar parliament unanimously endorsed the declaration of independence in Pristina. 111 out of 193 UN members, 23 EU member states, and 25 NATO members have recognised the independence of Kosovo (BBC 2008), but the frozen conflict made not only difficult the inter-ethnic cohabitation in Kosovo and the Preševo valley, but also endangered the regional stability in the Western Balkans. For that reason, the EU integration process requires the normalisation of relations between Belgrade and Pristina. Indeed, the chapter 35 in the negotiation process, usually entitled “Other issues”, as it was the case of numerous other candidates for EU membership, in the case of Serbia bears the title “Normalisation of relations between Serbia and Kosovo.” (European Council 2015) The EU played an important role and the two parties could start a high level dialogue.

Following the UN General Assembly Resolution 64/298 (2010), the European Union initiated a permanent dialogue between Belgrade and Pristina. Since 2014, Federica Mogherini is personally engaged in the facilitation of the dialogue and the normalisation of the relationship between the two parties. Mogherini has been supported by all EU member states however Spain and the Visegrad Group also would like to be more engaged in the dialogue. (n1 2018b) The process has officially started in March 2011 under the name of Brussels Dialogue. The negotiations reached a breakthrough on 19 April 2013, when the two parties signed the Brussels Agreement. (EEAS 2016) An important achievement for the Serbian

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64 However 5 EU member states, Spain, Slovakia, Romania, Cyprus and Romania did not recognised the independence of Kosovo.
65 The documents adds that “This designation [Kosovo] 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.”
66 This dialogue after the election of Hashim Thaci and Aleksandar Vučić as presidents, has moved to presidential level. See: Tibor Ördögh’s presentation at “Koszovó: mérlegen az első tíz év – konferencia összefoglaló” on 13 March 2018. Source: http://biztonsagpolitika.hu/egyeb/koszovo-merlegen-az-elso-tiz-ev-konferencia-osszefoglaló
67 High Representative for Foreign Affairs and Security Policy/Vice-President of the Commission
government was the possibility of local ownership and management in the form of “Association of Serb majority municipalities”. However, this has not been created nor implemented by the Kosovar side. On 9 November 2015, when Kosovo’s UNESCO membership application was blocked, Pristina decided to freeze the already signed agreement.\footnote{The Serbian List (Srpksa lista) is in coalition with Kosovar Ramush Haradinaj’s (prime minister of Kosovo) bloc. Haradinaj promised to the Serbians to create the association.} The delay of the implementation of the Brussels Agreement shows that there is no clear consensus among the Kosovar parliamentarian forces on the administrational system of the country. On the other hand, if Kosovo fails to fulfil its international obligations, the potential EU candidate will risk its international credibility. One of the main arguments of the opposition in Kosovo is that the creation of the association would violate the country’s sovereignty.\footnote{The Vetevendosje party called the association of the municipalities as a possible danger, “Bosnification” of Kosovo (referring to the entity of Republika Srpska in Bosnia and Herzegovina).} (Popova and Morina 2018; Matia 2018, 4-5) Recent and tragic events also showed the fragility of the dialogue. The arrest of Marko Đurić and the assassination of Oliver Ivanović caused tensions between Serbia and Kosovo. (Matia 2018, 8)

According to recent media rumours, a persistent concept might return on the agenda: this is based on Dobrica Ćosić’s\footnote{Ćosić was the first president of the Federal Republic of Yugoslavia.} idea and says that partition would be a good solution both for Belgrade and Pristina. It is however unclear what should be the “border” between the Serbian and Albanian parts of Kosovo. Such division would require not only a consensus between the big powers but also on the part of the countries in the region (Macedonian president Gjorgje Ivanov already stated that division of Kosovo is not desirable for Macedonia). After the 1999 NATO intervention, the idea has been rejected and officially it has never been backed by the international community. (Euractiv.rs 2018)

In August 2018 president Vučić said that “since he came to power, he felt that one of the key issues was to resolve the issue of Kosovo (and Metohija) and he did not promise anyone that it would be an easy solution.” (Petrović 2018) While president of the SPS and foreign minister of Serbia, Ivica Dačić expressed that his opinion is in line with Ćosić’s idea: “Personally, I think that partition is the solution, I have been talking about this for ten years.” (b92 2018a) At the same time, Kosovo president Hashim Thaci said that he does not support the idea “partition of Kosovo”, but an agreement on correction of the boarder might be reached. (Limani 2018)
Also in August 2018, 37 civil society organisations from Serbia and Kosovo sent an open letter to Federica Mogherini, inviting her to avoid the territorial division of Kosovo on an ethnic basis, as it would send a dangerous message to other countries in the region. (EWB 2018d) The solution between the conflict of Belgrade and Pristina is still far from being solved, but the engagement of the European Union gives hope. It is also important to highlight that the (current) leadership of both countries are interested in a peaceful solution. A common problem in the region is that consensuses are often interpreted as weakness by nature. This is why it is extremely important to peacefully overcome regional (or bilateral) conflicts and disputes through the facilitation of the European Union. The EU definitely has to put a higher focus on regional cooperation and use it as a reward during the accession negotiations. This powerful incentive would allow to the candidates to challenge the problems together. (Mirel 2018a, 6)

7.3 The democratic institutions

The constitution of Serbia was adopted in 2006 and replaced the old constitution of 1990. The constitution regulates the main democratic institutions, and the territorial organisation and division of Serbia. Concerning the autonomous provinces, Article 182 states that “autonomous provinces shall be autonomous territorial communities established by the Constitution, in which citizens exercise the right to the provincial autonomy. The constitution defines Vojvodina and Kosovo as autonomous provinces of Serbia. (Article 182, Constitution of the Republic of Serbia)

7.3.1 The National Assembly of Serbia

The National Assembly (Narodna skupština) “is the supreme representative body and holder of constitutional and legislative power.” (Article 98, Constitution of the Republic of Serbia). The skupština elects the government, supervise its work, and decides on the expiration of the term of the government and the ministers, and also appoints (and dismiss) “the judges of the Constitutional Court, the President of the Supreme Court of Cassation, presidents of courts, Republic Public Prosecutor, public prosecutors, judges and deputy public prosecutors, in accordance with the Constitution, the Governor of the National Bank of Serbia and supervise his/her work, the Civic Defender and supervise his/her work, other officials stipulated by the Law.” (Article 99, Constitution of the Republic of Serbia) The skupština consists of 250 deputies, elected by direct elections. Parliamentary elections are called by the president, 90
days before the end of the term of the skupština. (Articles 100 and 101 Constitution of the Republic of Serbia; Ördögh 2018, 156)

7.3.2 The President of the Republic

The Serbian president (President of the Republic) is directly elected by the citizens for a term of five years, and can be re-elected once. (Articles 114 and 116, Constitution of the Republic of Serbia) The candidates should achieve at least 50% of the votes. If they cannot achieve 50% plus 1 vote in the first round, the candidate who collects the majority of the votes wins the elections in the second round.

According to Article 122, the president has (among others) the following key competences:

1. Representing the country abroad – by this the president has strong competences in foreign affairs
2. Approves the general legislation
3. Proposes the prime minister for the skupština
4. Proposes holders of positions to the skupština

The president commands the army and appoints (or relieves) the officers. (Article 112 Constitution of the Republic of Serbia) The president can return the law voted by the National Assembly for reconsideration and if it decides to vote again the president is obliged to promulgate the newly adopted law. (Article 113 Constitution of the Republic of Serbia)

7.3.3 The Government and the Prime Minister

The president has to propose a candidate for the prime minister to the National Assembly. The candidate presents the government’s program to the Assembly, which votes for the program and the election of the prime minister. The government is elected if the majority of the total number of deputies votes for its election. (Article 127, Constitution of the Republic of Serbia)

According to the constitution, the government is the main executive power in Serbia.

The government establishes and pursues policies, executes laws and other acts, adopts regulations and proposes laws to the National Assembly. The government is responsible for the National Assembly, however this regulation is not always guaranteed in practice. The
government is formed by the prime minister, the vice prime ministers, and the ministers. The prime minister manages and directs the work of the cabinet. The ministers “shall account for their work and situation within the competence of their ministries to the prime minister, and the government as well as to the National Assembly.”(Articles 122, 123, and 125 Constitution of the Republic of Serbia) Vote of no-confidence in the government or a particular member (minister, prime minister) can be requested by 60 deputies at least. (Article 130 Constitution of the Republic of Serbia)

The constitution empowers the prime minister as an outstanding political position. The prime minister of Serbia manages and directs the work of the government, and coordinates the work of the members of the government. (Orlović 2015, 20)

7.4 The general context: Serbia between 1987 and 2017

The introduction of the multi-party system in Serbia was not a result of an open democratic debate, just like in many other countries of the region, as it has been a top-down process. In Western Europe, where liberal democratic values are deeply rooted in the society, rule of law is an important element of the system. Such quality guarantees are missing from the Serbian democracy. The lack of the quality elements had a strong impact on the political institutions and also on the political actors. Besides that there is a clear lack of critical public debate and discourse among the political leaders. (Stojiljković and Darmanović 2016, 125-126)

Slobodan Milošević was the main leader of Serbia between 1987 and 2000. Milošević transformed the League of Communists of Serbia (Savez komunista Srbije – SKS) to the Socialist Party of Serbia (Socijalistička partija Srbije – SPS). In that period, Serbia was a closed entity, thanks to the UN71 sanctions following the Yugoslav Wars. (Matthews 1992; Agence France Presse 2000; The Associated Press 1996; Hodzic 2015; Orlović 2012, 17)

After the armed conflicts, both internal and external pressure was high on Milošević. He decided to call for early presidential elections72 on 24 September 2000. As the main democratic opposition parties gathered behind Vojislav Koštunica, the candidate of the DOS

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71 The UN, the USA and the EU imposed different types of sanctions on Serbia (Federal Republic of Yugoslavia, and Serbia and Montenegro) between the Croatian, Bosnia and Kosovo Wars. (1992-1996 and 1999 until the fall of Milošević however the sanctions were held until 2001). (European Commission 2018q)

72 FR Yugoslavian presidential elections
Democratic Opposition of Serbia (Demokratska opozicija Srbije) was able to win the presidential elections. According to the final results, proclaimed by the Federal Electoral Committee, Koštunica won the elections by 51.71% to 38.24% obtained by Milošević, and became the president of FRY. (Election Guide 2000) As the DOS also won the parliamentary elections, internal and external expectations towards the new government were high. The new coalition had a two-third majority in the parliament. (OSCE 2000, 16) However, the reforms were carried out “without the discontinuity of the former regime, and the whole process has suffered from a liberal deficit”. (Orlović 2015, 13) Disputes among the different DOS members prevented the constitutionalisation of the political reforms achieved after 2000. Following the tragic assassination of prime minister Zoran Đinđić in 2003, the DOS was divided into three (major) groups: the Democratic Party (DS), the Democratic Party of Serbia (DSS, led by Vojislav Koštunica), and G17 Plus. In the meanwhile, parties of the old elite have strengthened again: the Serbian Radical Party (SRS) was the anti-system party and the SPS tried to find a balance between the democratic and the old parties. (Stojiljković and Spasojević 2015, 54)

After the parliamentary elections held on 28 December 2003, the DSS formed a coalition with DS and G17 (the SPS supported the coalition from outside), and Vojislav Koštunica became the prime minister (Stojiljković and Spasojević 2015, 54-55) (Election Guide 2003) Koštunica remained in position until the 2008 elections. During his time as prime minister, he envisaged three priorities for Serbia: 1) to resolve the relations between Belgrade and Podgorica, 2) to re-establish Serbian control in Kosovo and 3) to clarify Serbia’s position towards the European Union. However, Koštunica failed to continue his work following the unilateral declaration of independence of Kosovo. The declaration of independence by Pristina in February 2008 led to the split of the governing coalition in March 2008. Early elections were held in May 2008, and the SPS formed a coalition with the DS. In the same year, a split happened in the SRS between Vojislav Šešelj and Tomislav Nikolić, which resulted in the creation of the Serbian Progressive Party (Srpska napredna stranka – SNS). (Stojiljković and Spasojević 2015, 56)

73 The member parties were: Democratic Party, Democratic Party of Serbia, Social Democracy, Civic Alliance of Serbia, New Serbia, Movement for a Democratic Serbia, League of Social Democrats of Vojvodina, Reformists of Vojvodina, Vojvodina Coalition, Alliance of Vojvodina Hungarian, Democratic Alternative, Democratic Center, New Democracy, Social Democratic Union, Sandžak Democratic Party, League for Šumadija, Serbian Resistance Movement, Association of Free and Independent Trade Unions.
74 Although the official results differed before and after 5 October, 2000.
The presidential elections in 2012 and the victory of Tomislav Nikolić were only the beginning of the changes: the SNS became the strongest party, by winning independently the early parliamentary elections in 2014 and in 2016. (Stojiljković and Spasojević 2015, 56-57) Previous leaders such as Boris Tadić and Vojislav Koštunica were out of political power and replaced by Tomislav Nikolić and Aleksandar Vučić. After the resignation of Nikolić, Vučić became the president of the SNS and this strengthened his position within the party. Aleksandar Vučić became the prime minister in 2014 and decided to hold early elections in 2016, and the SNS coalition remained in power. In 2017 Vučić was the presidential candidate of his party and he was elected as president of republic in April 2017. Consequently, Ana Brnabić replaced him as prime minister.

7.4.1 The stabilisation of the system: towards the concentration of the political power?

As the DOS coalition broke up to different parties, politics were mainly dominated by the DS and the DSS between 2003 and 2012. The Radical Party was an attractive alternative to the democratic parties, until 2008. Besides the very exclusive form of nationalism, considerations towards the European integration seemed to be one of the most important cleavage lines among the democratic and radical nationalist sides. The intensity of the relations between Brussels and Belgrade were not always as dynamic as it should be. In this period, the political power was much more divided among the parties.

After the disintegration of the DOS, the assessment of responsibility of the Milošević elite caused fragmentation within the coalition, especially between DS and the DSS leaders. The issue was more precisely on the extradition of Slobodan Milošević to The Hague Tribunal. Finally, Koštunica decided to withdraw from the coalition. As Koštunica was the incumbent president (of FRY) and Dindić the prime minister of Serbia, this situation intensified even more the debate between the two charismatic leaders. (Ördögh 2017, 435-436) The DOS coalition was very successful in terms of democratic transition, but the new government failed to constitutionalise the reforms and by this to guide the events in a single direction. The lack of compromise and problematic cooperation within the governing coalitions was not a unique case in that period. Transition required the stabilisation of Serbia on the international scene, the establishment of the democratic political institutions, a switch to market economy and the resolution of the bilateral issues in the former Yugoslav region. This set of problems could not be solved without a common vision on the future of Serbia. But Koštunica and Dindić have had different views on these issues. Dindić was trying to bring Serbia closer to
the EU, while Koštunica (also as head of state and later as prime minister) was more careful towards Brussels and Washington. (Ördögh 2017, 435) These divisions finally defined the main cleavages among the parliamentary parties. According to the constitutional declarations, the government had the main executive role. However, as the president has been elected directly and thanks to the personal charisma of Vojislav Koštunica, the head of the (federal) state also represented an important political role. It should be underlined that Koštunica as federal president had a bigger impact on Serbian politics. The reason behind this is that Koštunica was the leader of the DSS, a main party of Serbia, while Serbian then-president Milutinović had a very weak position following the fall of Milošević in Serbia.

The political power has been divided between the two strong parties of the DOS coalition. The competition of the two parties continued after the 2003 and 2007 elections. However, it is important to stress that the assassination of Đinđić caused a change in the DS leadership and this is the time when Boris Tadić became the new president of the party. Following his presidential mandate, Koštunica served as prime minister for two terms. After that, the state union between Serbia and Montenegro has been renamed, the federal institutions played no longer an important role. Tadić’s political manoeuvre was successful by enforcing his political role and position in Serbia. As the two main parties controlled the most important institutions, the political power has been shared and centralisation was not possible. However, the share of the power was more a result of internal divisions, than a consociational democratic cohabitation between the two parties. The pro-EU DS coalition tried to guide the country closer to the European Union. However, the cleavage between the anti and pro-EU parties was strong and visible. Therefore, the 2008 presidential elections were a key momentum, given that citizens of Serbia voted for the European future, instead of the isolation propagated by the SRS. Following the positive outcome of the elections, Western countries expected more democratic stabilisation by the start of the Europeanisation process in the country. The political structure has been balanced by the two main parties and the strength of the SRS had a cohesive impact on the DS and DSS coalitions. (Stojiljković and Spasojević 2015, 53-56)

This balanced structure came to an end after the 2008 parliamentary elections. In February 2008, Boris Tadić was re-elected as president. He triumphed against Tomislav Nikolić, who was the candidate of the Radicals. Only a year after the 2007 elections, extraordinary elections were held in Serbia in 2008 as the declaration of independence of Pristina caused a political crisis within the governing coalition. During the campaign, the DSS pursued a more
distanced politics towards the European Union, the Tadić-led DS aimed to get Serbia closer to the EU integration. At the same time, the Radicals supported the idea of isolation and neutrality. (Ördögh 2017, 435) In an interview, president Tadić clarified that he does not want to “choose between the European Union and Kosovo.” (Tadić 2010) At the same time, Koštunica showed a lack of will to reach compromise in the case of Kosovo. (Marquand 2008) When he was still prime minister, Koštunica declared that Serbia “will enter the EU only with Kosovo as its province.” (Tanjug 2008)

A major confrontation within the coalition could be detected between Koštunica and his deputy, Bodižar Delić, from the Democratic Party. On 29 April 2008, DS deputy prime minister of Serbia, Božidar Delić and President Boris Tadić signed the Stabilisation and Association Agreement (SAA) with the European Union. Koštunica clearly opposed the signature as the agreement required “good neighbourly relations with Kosovo.” Koštunica confronted with his deputy and the president when he declared that he will annul the Tadić-Delić signature of the “Solana’s75” agreement. (b92 2008) As prime minister, Koštunica rejected the fact that the recognition of an independent Kosovo should be a pre-condition for Serbia’s EU membership. After the 2008 elections, Mirko Cvetković became the new prime minister. By this, an independent politician came after DSS leader Koštunica. Cvetković has been supported by the DS and this change ended the “cohabitation” of the DS and the DSS. In 2008, the DS won two important elections, which further consolidated the party’s position. As the president and the prime minister came from the same political organisation, the government form of the country moved closer to a semi-presidential system. (Orlović 2015, 17) Tadić was not only president of the republic, but he was also the president of the Democratic Party. Cvetković was more a technocratic leader than a party politician. However, the DS did not have an absolute majority in the parliament; the government was under the control of the coalitional partners. The DS only possessed 40.80% of the parliamentary seats, meaning that harsh debates characterised the decision-making process in the government and in the National Assembly. Meanwhile, the internal wrangling within the Radical Party led to a split in 2008, when Tomislav Nikolić and Aleksandar Vučić, with other prominent faces from the SRS formed the Serbian Progressive Party (Srpska napredna stranka – SNS). (Stojilković and Spasojević 2015, 53-56)

75 Koštunica referred to, Secretary General of NATO during the Kosovo role.
Among different other aspects, the SNS successfully switched into the centre-right vacuum that has been left over. Moreover, Nikolić and Vučić also recognised that because of the geopolitical and geographical position of Serbia, the rapprochement towards the European Union and its financial funds would be beneficial for the country. The pro-EU mood has been present since 2008 and the neutrality policy propagated by the SRS never could be transformed into political capital. A possible explanation of this transformation could be that the former radical elite has been replaced by a “progressive” one, as the EU integration was an attractive offer and some of the leaders were open to this idea and were ready to make new form of compromises. We would rather propose to analyse this argument from a more pragmatic approach. As prominent members of the SNS were already active during the Milošević era, the party cannot be considered as a brand new political formation in Serbia. Following the resignation of Nikolić, during the 2012 presidential election campaigns, Aleksandar Vučić became the new party leader. (b92 2012) He was able to give a “progressive façade” to the former nationalists. Following the 2012 parliamentary elections, the SNS-SPS coalition came to power and Nikolić surprisingly defeated Boris Tadić at the presidential elections. The SNS was the most popular party in the country, the leadership decided to hold the early elections in 2014 and the same happened in 2016. The SNS was able to attract voters from other centrist parties. As the SNS controlled the main political institutions, the party successfully centralised and concentrated the political power. When Aleksandar Vučić decided to run as candidate at the 2017 presidential elections, he successfully excluded the supporters of Nikolić from the inner circles in the SNS. This allowed Vučić to further consolidate his position within the party. As he was elected as President of the Republic, a nonpartisan Prime Minister, Ana Brnabić was appointed in 2017, while the government form of Serbia, once again got closer to a semi-presidential system. However, this time the SNS has an absolute majority in the National Assembly, which allows a more flexible political space for the government. For that reason, the opposition parties are unable to put the governing coalition under serious pressure. (Stojiljković and Spasojević 2015, 56)
Table 10 The concentration of the political power in Serbia between 2000 and 2017.

<table>
<thead>
<tr>
<th>Election Year 76</th>
<th>Winner of the Elections (seats)</th>
<th>Party/Coalition in Power</th>
<th>Prime Minister</th>
<th>President of Republic</th>
<th>Party Leader of the governing party</th>
<th>Number of Ministries</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>DOS (176)</td>
<td>DOS</td>
<td>Zoran Đinđić (DS) 77</td>
<td>Milan Milutinović (SPS) 78</td>
<td>Zoran Đinđić</td>
<td>11 DS ministers out of 18</td>
</tr>
<tr>
<td>2003</td>
<td>SRS (82)</td>
<td>DSS-G17+-SPO-NS</td>
<td>Vojislav Koštunica (DSS)</td>
<td>Boris Tadić (DS)</td>
<td>Vojislav Koštunica</td>
<td>10 DSS out of 21</td>
</tr>
<tr>
<td>2007</td>
<td>SRS (81)</td>
<td>DS,DSS-NS and G17+</td>
<td>Vojislav Koštunica (DSS)</td>
<td>Boris Tadić (DS)</td>
<td>/</td>
<td>10 DS, 11 DSS-NS-G17+ Out of 23</td>
</tr>
<tr>
<td>2008</td>
<td>DS Coalition (102)</td>
<td>DS Coalition, SPS Coalition, Mirko Cvetković (DS)</td>
<td>Boris Tadić (DS)</td>
<td>Boris Tadić</td>
<td>12 out of 25</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>SNS Coalition (73)</td>
<td>SNS Coalition, SPS Coalition</td>
<td>Ivica Dačić (SPS)</td>
<td>Tomislav Nikolić (SNS)</td>
<td>Aleksandar Vučić</td>
<td>5 SPS and 9 SNS out of 29</td>
</tr>
<tr>
<td>2014</td>
<td>SNS Coalition (158)</td>
<td>SNS Coalition, SPS Coalition</td>
<td>Aleksandar Vučić (SNS)</td>
<td>Tomislav Nikolić (SNS)</td>
<td>Aleksandar Vučić</td>
<td>8 out of 20</td>
</tr>
<tr>
<td>2016</td>
<td>SNS Coalition (131)</td>
<td>SNS Coalition, SPS Coalition</td>
<td>Aleksandar Vučić (SNS)</td>
<td>Tomislav Nikolić (SNS)</td>
<td>Aleksandar Vučić</td>
<td>9 out of 19</td>
</tr>
</tbody>
</table>

76 Parliamentary
77 Đinđić was assassinated in 2003.
78 Milutinović has been elected as president of Serbia in 1997 when Milošević still ruled the politics of the country.
79 Presidential elections. Aleksandar Vučić was the candidate of SNS. Following his election, Ana Brnabić became the prime minister of Serbia.
7.5 Presidentialisation and personalisation of politics

The proportional electoral system contributed to the strengthening of the party leaders. This case is even more visible when it comes to the big parties that are in power. (Jovanović 2015, 30) Concentration of the power is a direct consequence of the logic of the political system. As it has been demonstrated in previous chapters, between 2008 and 2012 and since 2017 Serbia is a de facto semi-presidential system. This means that despite the constitutional provisions, boundary lines between the form of governance depends more on the political parties and on individual decisions than on the main democratic institutions and constitutional regulations.

Presidentialisation is an often discussed phenomenon that can be observed in the parliamentarian democracies in general. However, in the countries where the President (chief of state) is directly elected, the power sharing methods can differ from the clean parliamentarian models, where the president is elected by the Parliament. According to the constitutional regulations of Serbia, the power has to be shared between a weak president and a strong prime minister. As a matter of fact, some factors can trigger misalignment between the head of the state and the head of the government. In the case of Serbia, the relation between prime ministers and presidents changed frequently in the time frame of the analysis. In general, the division of the power depends mainly on the actual position of the parties that are in power. This means that the real (or stronger) political leaders in some cases are defined by practical measures and not by the constitutional regulations. (Spasojević and Stojiljković 2017, 164-165) Thus, according to Spasojević and Stojiljković, five different phases can be distinguished in Serbia between 2000 and 2017. The first phase started in 2000 and lasted until 2004. This phase is characterised by the supremacy of prime ministers Zoran Đinđić (2000-2003) and Zoran Živković (2003-2004). In the second phase, from 2004 to 2007 the political power was shared between Koštunica and Tadić. The fact that the prime minister and the president came from a different party, contributed to the share of the power between these two parties. In the second term of Tadić as president, the DS and DSS cohabitation ended and by this, the president had a higher influence on politics. The fourth phase started in 2012 when Dačić was the prime minister and Nikolić the president. The SNS-SPS coalition remained in power after the election of Vučić (fifth phase) as prime minister in 2014. A next phase has started after the election of Vučić as president in May 2017. (Spasojević and Stojiljković 2017, 166)
According to Spasojević and Stojiljković the following different aspects can determine the power sharing methods between the prime minister and the president.

1. Strong President from the strong party with weak Prime Minister (1),
2. Strong Prime Minister weaker President (2),
3. Shared political power between Prime Minister and President (3).

Besides the constitutional regulations, different outcomes can happen if the President and the Prime Minister belong to the same party or coalition. In 2017, Aleksandar Vučić successfully preserved his power after moving from one institution to another. As President of Serbia, he co-decides on the main directions of the country’s foreign policy\(^\text{81}\), and as president of the SNS, he controls the parliamentary group, a party that has majority in the National Assembly.

Vučić secured and stabilised his position through the following steps:

1. He became president of the Progressive Party after the stepdown of Nikolić (2012)
2. He successfully defeated the internal opposition in the party (so-called Nikolić group) when he was prime minister (2014-2017)
3. Successfully maintained his power as President of Republic (as he remains leader of the SNS) (2017)
4. He tries to prevent the raise of a new political opposition, which could challenge his leadership in the party.
5. He controls the coalition partners of the SNS.
6. He decided to appoint a non-partisan new prime minister who cannot challenge him in the future.

Besides presidentialisation, personalisation of politics can also be observed in Serbia in the framework of the analysis. As it has already been mentioned earlier, the Serbian electoral law and the logic of the electoral system gives space rather for leaders than political parties. Rahat and Shaefer describe\(^\text{82}\) personalisation “as a process in which the political weight of the individual actor in the political process increases over time, while the centrality of the political group declines” (Garzia 2011, 2-3) Between 2012 and 2017 three parliamentary and

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\(^{81}\) Although according to Articles 123-1, 112-1, 112-5 “The Government “determines and leads the policy” including the foreign policy, while the President of the Republic “represents the state” (Art. 112-1) and “appoints and revokes the ambassadors, upon Government’s proposal (Art. 112-5). In other terms, following the constitutional declarations, the president has very weak competences in foreign policy.

two presidential elections were held. In addition, two of the three parliamentarian elections were extraordinary ones. This massive campaign period was a perfect tool to pass the political message of the (potential) leaders to the voters. The last six years showed an extensive period of campaign in Serbia. By calling two times for early elections, the SNS leadership successfully managed to extend the campaign periods allowing Vučić to basically staying permanently in the spotlight. Thanks to the non-balanced media coverage and the influence of the governing parties on the newspapers, the SNS highly profited from these campaigns. Calling for early elections in Serbia is not a unique exercise, however as these were held three times in a raw, these actions drew attention. Many civilian and academic reports criticised these tactics of Vučić. Indeed, the European Union was concerned as the Serbian state institutions decided not to investigate several complaints submitted by the opposition parties. Another huge problem was the situation of the media. The BTI’s report mentions that “around 51.4% of all print and electronic media content is dedicated to the SNS and its leader, Prime Minister Vučić.” (Bertelsmann Stiftung 2018, 8-9) As it has been underlined by the Commission’s paper, the legislative capacity of the parliament has been suspended between March and April 2017 during the presidential campaign. This suspension not only helped the campaign of Vučić, but also contributed to the delay of the reform implementations. (European Commission 2018e)

7.6 Democratic consolidation in Serbia: the evaluation

Since 2003, the flow of voters could be observed among the parties. Besides the high level of political fragmentation, new cleavages have arisen in the political spectrum. Recently, social cleavages are the main divisions instead of ideological ones. Since 2008, there is a consensus on the European integration of Serbia; however the slow democratic and economic progress might undermine this fragile consensus. Parties, such as the DSS, DS or the G17 that were part of the former umbrella coalition, continuously lost their influence just like the anti-systemic Radical Party. The Progressive Party won independently the majority of the seats in the National Assembly and by this Serbia has a predominant party system. Despite the current political stability characterised by the SNS-SPS coalition’s status quo, a possible crisis would potentially cause a political break-up of the current elite. (Stojiljković and Spasojević 2015, 56-57)

Despite these critics, Serbia was able to consolidate the political system established by the DOS coalition in 2000. There is no fear of secession or change of the regime, even though
anti-systemic parties passed the 5% threshold at the 2016 elections. The main institutions and the constitution were able to guarantee the enduring function of the polity. The majority of the citizens support democracy in Serbia as the election turn-out was always above 50%.

Table 11 Election turnout in Serbia between 2000 and 2016 at the parliamentary elections

<table>
<thead>
<tr>
<th>Elections</th>
<th>Turnout</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>58.73%</td>
</tr>
<tr>
<td>2007</td>
<td>60.64%</td>
</tr>
<tr>
<td>2008</td>
<td>61.33%</td>
</tr>
<tr>
<td>2012</td>
<td>57.77%</td>
</tr>
<tr>
<td>2014</td>
<td>53.09%</td>
</tr>
<tr>
<td>2016</td>
<td>56.07%</td>
</tr>
</tbody>
</table>

Source: Election Guide

Moreover, the civil society is also active in the country. Different NGOs, CSOs and think tanks are working on numerous issues related to democracy or democratic rights. According to Linz and Stepan’s definition of democratic consolidation, the Serbian democracy is still underachieving in dimensions related to behavioural, attitudinal and constitutional areas. A major concern is that the non-governmental organisations are not part of the governance. Besides that, the National Assembly’s competences were also restricted in recent years. The majority of the laws were passed in urgent procedure and this practice seriously undermines the role of the Narodna skupština in the law making process. It should be noted that there is a genuine lack of cooperation among the political parties. The political debate is extremely weak and undermines the effectiveness of the Parliament. In Serbia it is a common procedure that the legislative drafts are not discussed between the governing and opposition parties. (European Commission 2018e, 8-10)

Besides that, the judiciary system is also under serious political influence. The European Commission follows and oversees the implementation process of the national judicial reform strategy. As it has been presented by the Commission, the impact of the reforms – especially when it comes to the implementation – is weak and limited. The current legislative and
constitutional framework of the country is still politically influenced. Although the European Commission highlights these missing points in its country reports year by year, some criticised the silence of the EU in numerous cases when it was proven that the local or state authorities have violated the rule of law. Many civil society organisations criticised the content of the government’s draft proposal that envisaged reforming the judicial independency. (European Commission 2018e, 14-15; Bertelsmann Stiftung 2018, 10-11; Ćemalović 2017)

Therefore, the question arises whether the political elite has a lack of commitment in the democratisation process that attributes to the slowness of the transition. As the SNS controls the executive branch, the government is able to influence other branches. By this, the separation of power is not guaranteed. Thereby, the system of checks and balances are being neglected, which has a negative consequence on the rule of law and on the protection and promotion of human rights.

Concerning the organisation of power, Orlović considers that Serbia is rather a parliamentary-presidential system than a parliamentary one. In the case of Serbia, the head of the government de jure should be the prime minister. However it also happened that the president interpreted broadly its competences and shared a greater political weight and de facto was the head of the government. It is worth recalling that the power of the decision makers can be further enforced if they are leaders or presidents of the party. Since Aleksandar Vučić is the main political leader of Serbia, different types of criticism appeared against his ‘ruling’ methods and way of doing politics. For that reason, the EU has been accused that Brussels prefers stability over democracy in the region. (Eror 2018) According to the reports written by the European Commission, Nations in Transit and the BTI, the democratic decline in Serbia is evident. (Bertelsmann Stiftung 2018, 13-14) In addition, thanks to the fragmented party system, the rule of the SNS is even more visible. During the presidential elections in 2017, the playing field “was tilted by several factors.” The campaign was not balanced and the media also experienced problems in the field of media freedom. The National Assembly is still unable to oversight the executive power. The cross-party dialogue is ineffective. Moreover, taking actions to make law-making process more transparent is also desirable. (European Commission 2018e, 3)

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83 See for example the Savamala case.
Obstruction in the Narodna skupština, for example, prevented the presentation of the country report on Serbia written by the European Commission. A genuine problem is that the National Assembly is not able to use its legislative function. The use of urgent legislative procedures is still high; this strongly undermines the effectiveness of the National Assembly, as well as the quality of the legislation. It is also important to highlight that no draft proposals by the opposition were discussed in 2017. Besides that, a lack of discussion on the major implementation of laws and policies could also be observed in the work of the National Assembly. (European Commission 2018e, 6) The role perception of the political leaders has a clear impact on the function of the parliament. As Orlović argues, the skupština is rather a weak institution and the supremacy of the government is dominant. (Orlović 2015, 19) According to the constitution, the parliament should control the government, but instead the main decision-makers “captured” the legislation through guiding parliamentary groups and the deputies (party discipline is a very important political instrument). On the other hand the parliament never voted down the government and usually ignores the request of the opposition parties. This practice turned members of the parliament to represent party and not voters interests. (Orlović 2015, 19).

As a matter of fact, centralisation of the political power supported by presidentialisation and personalisation are fertile ground for a newly organised political nomenclature, based again on hierarchy. The enduring unequal political competition and the use of public administration and public resources, the control over the media to secure electoral victory might result in a liberal deficit and bring back the “blocked” transition by re-freezing reform processes related to democratic consolidation. (Lazić 2015, 535-536) Besides having control in the areas mentioned above, the government might also use its pressure on public employees as their number is over 600 thousand, which is a relatively high number in Serbia. (Statistical Office of the Republic of Serbia 2018) Recent empirical surveys and academic critics might confirm these fears.

7.7 Conclusions

Although Serbia started its democratisation process in 2000, political divisions remained high and the legacy of the past still have a strong impact on the politics. The concentration of the political power is a phenomenon that can be especially observed since the Serbian

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84 See for example: BiEPAG: The Crisis of Democracy in the Western Balkans. Authoritarianism and EU Stabilitocracy (March 2017) or Coalition prEUgovor Report on Progress of Serbia in Chapters 23 and 24 – (September 2018)
Progressive Party is in power. As the opposition is fragmented, the current political “playing field” created favourable conditions for the governing coalition in power. There is a debate on whether the principle of power separation applies in Serbia or not. Opposition parties are not in the position to make a significant impact on the SNS ruled political spectrum. Since it came to power, the SNS announced different types of policy reforms. However, there is a lack of tangible results in the implementation process. (Bertelsmann Stiftung 2018, 30)

As the SNS-SPS coalition controls the whole institutional system, it is important that the European Union pays more attention on the deepness of the reforms and on the accountability and the transparency on the functioning of the state institutions. (Mirel 2018a, 2) Even though the political institutions and multi-party system were created, the logic of the political system generated a distorted form of democracy, where the real power holders are the political parties and not the democratic institutions. (Stojiljković and Darmanović 2016, 125-126).

The European Union should therefore support democratic consolidation in the Western Balkans as democracy and its principles are not “a la carte”. For that reason, more attention has to be paid on the democratic development of the enlargement countries and by this to the fulfilment of the Copenhagen political criteria.
8 The State Capture Challenge in the Republic of Macedonia

Answering H2.

Although the Republic of North Macedonia has been a candidate country of the European Union since 2005 and the European Commission recommended several times the start of the accession negotiations, different sets of challenges prevented the opening of the accession negotiations with Skopje. Indeed, Macedonia has been the second country after Croatia receiving official candidate status from the European Council. The long standing name dispute with Greece and other bilateral tensions blocked the NATO and EU accession aspirations of Skopje. However we have to highlight that this unfavourable international situation was not the only problem throughout the years: Macedonia’s democratic transition was also delayed due to domestic political problems. Macedonia (being a multi-ethnic state) faced a serious ethnic conflict following the Kosovo crisis, while a political and institutional crisis developed between 2014 and 2017 that eventually paralysed the state institutions.

The different sets of political, inter-ethnic and regional disputes demanded a stronger assistance of the European Union. The aim of this case study was to demonstrate that the EU has to be not only an observer but also a “promoter of reconciliation.” (Kmezić and Bieber 2017, 15)

For that reason the EU has to continue its facilitator and a mediator role in order to fully overcome the state capture in Macedonia. The first part of the case study presented the political development of North Macedonia and the challenges to the EU integration process. Meanwhile, the second section studied the EU’s conflict management role during the political crisis in the Gruevski era, in an increasingly polarised situation.

8.1 Macedonia after the independence from Yugoslavia

Comparing to other former Yugoslav countries the independence of Macedonia generated different types of debates not only in the Western Balkans, but in the wider Southeast European region. The territory of the ‘historic (or ancient) Macedonia’\(^{85}\) can be divided into different sub-regions: Vardar Macedonia (mainly the Republic of North Macedonia), Pirin Macedonia (Bulgaria) and Aegean Macedonia (Greece). (Pôka 2017, 25) This territory belonged to Serbia and to Bulgaria following the retreat of the Ottoman Empire from the

\(^{85}\) Macedonia as a geographical region is divided between the following countries: Greece, the Republic of Macedonia, Bulgaria, Albania, Kosovo and Serbia.
Balkans. Following the First World War, Macedonia became part of the Kingdom of Serbs, Croats and Slovenes (Kingdom of Yugoslavia from 1929). After the Second World War, Macedonia became one of the constituent republics of the Socialist Federal Republic of Yugoslavia. The Yugoslav disintegration process encouraged the Macedonian leaders to support the idea of independence, just like in other former republics. Following the independence referendum, held in 1991, Macedonian citizens voted for an independent state. The referendum turnout was 76% and 95% voted in favour of the independence. (History of Macedonia 2013)

The ethnic Albanian community of Macedonia boycotted the referendum: it was not unique case that time, as ethnic minorities were boycotting the independence referendums all over the Balkans in the newly forming multi-ethnic states. Shortly after the independence, a serious conflict emerged between Athens and Skopje. Greece did not recognise the constitutional name, “Republic of Macedonia” as the official name of the country. It is for that reason that Macedonia’s name in the international organisations is the Former Yugoslav Republic of Macedonia (FYROM). (UN 1995) The reason behind Greece’s decision to reject the constitutional name was not to question the territorial integrity of the country, but to question the name itself. Others however claim that the dispute between Greece and Macedonia is a very serious dispute on the historical heritage and on the “Macedonian identity” itself. (Hajdú 2010, 63)

The Prespa Agreement between Athens and Skopje therefore was a major breakthrough in the Greek-Macedonian relations. According to the agreement Macedonia changed its constitutional name to the “Republic of Northern Macedonia” in February 2019. (Agreement 2018)

Regarding the basis of the Macedonian national identity, it is necessary to mention two other neighbouring countries, Serbia and Bulgaria. Serbia does not recognise the autonomy of the Macedonian Orthodox Church, while Bulgaria questioned the existence of the Macedonian language and nation. (Póka 2017, 21) Relations between Bulgaria and Macedonia improved as on 1 August 2017 the “Treaty on friendship, good neighbourliness and cooperation” was signed in Skopje between the Bulgarian and the Macedonian governments. The goal of the treaty was to improve the economic relations between the two neighbouring countries.

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86 People’s Republic of Macedonia.
87 On 17 June 2018 an agreement was signed between Alexis Tsipras Greek and Zoran Zaev, Macedonian prime ministers at Lake Prespa. The agreement replaces the Interim Accord, which has been in place since 1995.
Moreover and that is more important regarding the Euro-Atlantic integration perspective, the two parties agreed on that Sofia will not block Macedonia’s integration efforts. Instead, Bulgaria offered technical assistance to its neighbour. (Martino 2017)

It is visible that the moment of its independence (and since then), Macedonia had to deal with numerous external challenges. In addition, Macedonia just like the other countries in the region had to handle the difficult elements of the transition process. The European Commission confirmed the candidate status for Macedonia in December 2005 however since then the accession negotiations could not start. In addition, Greece vetoed Macedonia’s invitation to the NATO at the Bucharest Summit in 2008. (Tran 2008) The slow integration process and Athens’ veto contributed to the deepening of the divisions among the political parties and political debates slowly contributed to the destabilisation of the country. Macedonia was stuck in the Euro-Atlantic Integration process in result of a very serious and complex political and institutional crisis started after 2014. This is the reason why the European Union decided to put an extra effort to assist Macedonia to overcome the state capture.

8.2 The constitution and the main institutions

The constitution of Macedonia has been adopted on 17 November 1991 by the National Assembly (or “Sobranie” in Macedonian). As Macedonia cannot be considered as a nation state, Amendment IV of the constitution precise that Macedonia is the homeland of the Macedonian, Albanian, Turkish, Vlach, Romani, Bosniak and other people. (Constitution of the Republic of Macedonia, Amendment IV).

The Kosovo crisis had a huge impact on the ethnic cohabitation and this series of events almost provoked another civil war in the Balkans. Fortunately, the international community could prevent such tragedy by initiating the Ohrid Agreement. The Agreement ended the “quasi” civil war in 2001 and restructured the territorial organisation of Macedonia by promoting a high level of decentralisation. Despite the Agreement, many Albanians living in

88 However it is also important to highlight that other international actors are playing an important role regarding the conflict solving process in Macedonia. The United Nations was involved as mediator in the dispute since the very beginning. The United States and the NATO were also engaged in the country. Recently, the United States sent Brian Hoyt Yee from the State Department was sent to Macedonia in 2017. The State Department official then said that “We [US] expect the government, the president, to do what is necessary according to democratic norms.” (Xharra 2017)
Macedonia are in favour of further decentralisation. (Brunnbauer 2002, 17) The role of the amendments mainly was to restructure the rights of the growing Albanian minority in Macedonia. According to Amendment V of the constitution, any language spoken by at least 20% of the population is also an official language. (Constitution of the Republic of Macedonia, Amendment V)

The constitution defines Macedonia as a parliamentary democracy, where the main executive role is in the hand of the government, although the president is directly elected by the people. The parliament has 120 seats and three seats are reserved for the Macedonian diaspora. (OSCE 2017, 7) The president is elected for a term of five years and can be re-elected for a second term. (Constitution of Macedonia, Articles: 79., 80., 83., 84.)

Table 12 Presidential Elections in the Republic of Macedonia between 1994 and 2014

<table>
<thead>
<tr>
<th>Election Year</th>
<th>President elect</th>
<th>Term</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>Boris Trajkovski</td>
<td>1999-2004</td>
<td>VMRO-DPMNE</td>
</tr>
<tr>
<td>2004</td>
<td>Branko Crvenkovski</td>
<td>2004-2009</td>
<td>SDSM</td>
</tr>
<tr>
<td>2009</td>
<td>Gjorge Ivanov</td>
<td>2009-2014</td>
<td>VMRO-DPMNE</td>
</tr>
<tr>
<td>2014</td>
<td>Gjorge Ivanov</td>
<td>2014-2019</td>
<td>VMRO-DPMNE</td>
</tr>
</tbody>
</table>

Data source: Election Guide
8.2.1 Political Parties

Due to the multi-ethnic nature, the party system is not only divided by ideological boundaries, but also organised by ethnic and ideological considerations. Since the independence, two big parties dominated the political landscape of Macedonia.

In the centre-right, conservative political spectrum, the Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity\(^{89}\) (VMRO-DPMNE) is the leading party since its establishment in 1990. Nikola Gruevski was the president of the party between 2002 and 2017. The current president of the party is Hristijan Mickoski. (BIRN 2016; Meta 2017a)

On the left political spectrum, the Social Democratic Union of Macedonia\(^{90}\) (SDSM) is the leading party. The SDSM is the communist successor party and besides social democracy, it supports the idea of market economy. Branko Crvenkovski has been leader of the party and Zoran Zaev is the president since 2013. Besides representing the ethnic Macedonians, the party also aims to represent every ethnic groups of the country. (SDSM Online; BIRN 2016)

The Albanian organisations are playing an important role in Macedonia. Since the independence, ethnic Albanian parties were always part of the governing coalitions. In 2016 the Albanian parties received 210,000 votes and this number shows the importance of the Albanian ethnic group. Main Albanian parties are the Democratic Union for Integration (BDI), Besa Movement, Alliance for Albanians, and Democratic Party of Albanians.

Since the 1998 elections Macedonia shows a two-party system characteristic at least at first sight. At the 2016 elections, the two big parties received around 900,000 votes (the total number of registered voters was 1,191,854). More particularly, as the two big parties are forming wide electoral coalitions, the Macedonian party system can be considered more polarised however the main party competition is between the two big Macedonian parties but it is important to see, where the Albanian parties are standing in the competition. (Siljanovska-Davkova 2005, 28) Although the VMRO-DPMNE dominated at the elections in the period between 2006 and 2016, the SDSM remained the strongest opposition party therefore the party system did not moved closer to a predominant system (unlike in Serbia). Until today, the party system seems to be stable.

\(^{89}\) In Macedonian: Vnatrešna makedonska revolucionerna organizacija – Demokratska partija za makedonsko nacionalno edinstvo.

\(^{90}\) In Macedonian: Socijaldemokratski sojuz na Makedonija
8.2.2 The parliament

The National Assembly (Sobranie) is the unicameral parliament of Macedonia. 120 members are being elected on a proportional basis, while 3 deputies can be elected by the Macedonian diaspora living abroad. The government exercises the main executive power. Due to the domination of the big parties, the VMRO-DPMNE and the SDSM were the main governing parties in the last two and a half decades. The institutional system has not changed significantly since 1991, although the methods of power exercise varied during this period. (Constitution of the Republic of Macedonia, Chapter 3) The legislative function of the parliament was weak during the political crisis. Besides the general lack of the dialogue between the parties, the opposition parties boycotted the sessions. The limited capacities meant that the Macedonian parliament was unable to fulfil its checks and balances role. (European Commission 2018b) During the harsh political debates, event election and parliamentary boycott\(^{91}\) could be observed in the multi-party era that is usually explained by abuse of power.

8.2.3 Relations between the ethnic majority and minority groups

The 1999 Kosovo Crisis and other problems contributed to the fact that a “quasi” civil war broke out in 2001. This conflict was a sincere menace for the regional stability as Albanian paramilitary groups (National Liberation Army, or UCK) clashed with Macedonian defence forces.

The armed conflict was stopped with the assistance and successful intervention of the international community, namely with the help and mediation of the NATO, EU and the USA and resulted in the Ohrid Framework Agreement (OFA), which was signed in Skopje on 13 August, 2001. As a matter of fact, the OFA secured a wide range of rights to the ethnic Albanians in Macedonia, and tried to establish a model of consensual democracy. (Stojkovski 2010, 89) The Ohrid Agreement guarantees greater rights and de facto autonomy on local self-government for the Albanians living in Macedonia. (Póka 2008, 81-83) The Framework Agreement was destined to be a role model in the future however many critics emerged concerning its practical performance. It has to be underlined that the Agreement was able to prevent ethnic conflicts and the international community successfully mediated between the

\(^{91}\) In 1994 the VMRO-DPMNE boycotted the parliamentary elections after the first round. (S. Marusic, Past Election Results in Macedonia 2011) In 2014 the SDSM refused to recognise the election results and boycotted the parliamentary sessions. (Euractiv 2014)
two parties during the crisis. In light of the long-term experiences of the OFA, we can conclude that the consensual model was not as successful as it was originally planned. (Brunnbauer 2002, 16) The OFA intended to be a model but in reality the agreement failed to solve the prevailing interethnic problems. (Reka 2011, 12)

Table 13 The ethnic structure of the Republic of Macedonia

<table>
<thead>
<tr>
<th>Census</th>
<th>Macedonians</th>
<th>Albanians</th>
<th>Turks</th>
<th>Others\textsuperscript{92}</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994</td>
<td>1 288 330 (66.5%)</td>
<td>441 104 (22.86%)</td>
<td>77 252 (4%)</td>
<td>6.6%</td>
</tr>
<tr>
<td>2002</td>
<td>1 297 981 (64.17%)</td>
<td>509 083 (25.17%)</td>
<td>77 959 (3.85%)</td>
<td>6.9%</td>
</tr>
</tbody>
</table>

Data source: Ethnic census of 1994 and 2002

\textsuperscript{92} Romani, Serbs, Bosniaks (Muslims), Aromanians, Croats, Montenegrins, Bulgarians, unspecified.
Table 14 Ethnic and religious composition

Main ethnic groups in Macedonia

- Macedonians
- Albanians
- Turks

Religious groups in Macedonia

- Orthodox
- Others
- Muslim

Data source: Ethnic census of 1994 and 2002
8.3 General context

The communist successor party dominated at the first two multi-party elections. Following the electoral reform, the VMRO-DPMNE won the elections in 1998 and as a result, the handover of power occurred between the two big parties. In 2002 the Together Macedonia led by the SDSM won the elections. (S. Marusic 2011) In 2006, the VMRO-DPMNE won the elections and Nikola Gruevski formed government. (Election Guide 2006) Although NATO invited Macedonia to join the Alliance in 2008, Greece vetoed the membership of its neighbour at the Bucharest Summit. The government should have develop a new political concept, in order to put the country back to the Euro-Atlantic track and to finally find a solution for the name dispute with Athens. Due to the lack of such a concept, Macedonia was blocked in the Euro-Atlantic integration on one hand, while on the other hand the conflict with Greece remained frozen. The 2008 economic crisis has stuck hard the country, and social problems were supplemented with the wave of the foreign policy failures. (Election Guide 2008)


Following the early elections in 2014 the SDSM did not recognise the election results criticising the electoral procedure. Both SDSM president Branko Crvenkovski and his successor, Zoran Zaev claimed that the elections were not fair and free. (Balkaninsight 2011; EURACTIV 2014)

In 2014 a political crisis started after the opposition SDSM decided to boycott the work of the parliament. This situation worsened after the 2014 general elections therefore the crisis did not allowed Macedonia to start the accession talks with Brussels. In January 2015, opposition leader Zoran Zaev leaked audio materials proving that the VMRO-DPMNE government was responsible for different types of crimes related to corruption and abuse of power. (S. Marusic 2015) Gruevski in the same time accused the opposition with a plan of coup d'état. (Meta 2017; Euractiv 2015) This further increased polarisation and in addition in May 2015 the Kumanovo incident has happened, which was the biggest ethnic confrontation since 2001. (Demjaha 2017, 16; BTI 2018a, 29)
8.4 The early elections in 2016

To tackle the crisis, the European Commission, Commissioner Johannes Hahn and other EU representatives, for instance HRVP Federica Mogherini felt that the European Union has to take actions in order to overcome the critical situation. The crisis required a comprehensive strategy to find a proper solution. After several month of mediation on July 2015 the parties signed the Pržno Agreement\(^93\) which caused a reshuffle in the Gruevski government. (Rferl 2015) The agreement also aimed to improve circumstances to hold for free and fair elections. In the same time, the European Union also encouraged the leaders to implement rule of law related reforms and by this, the office of the special prosecutor was established, in order to properly investigate the “wiretapped” materials. (European Commission 2016m) As a result of the Pržno Agreement, Gruevski resigned as prime minister, but remained president of the party until December 2017. (Reuters 2017)

The success of the agreement however was somewhat overshadowed by the fact that the early elections have been postponed several times, which were supposed to be hold in April 2016 but were moved first to 5 June then to 11 December.

Table 15 Results of the 2016 elections

<table>
<thead>
<tr>
<th>Party</th>
<th>Mandates</th>
</tr>
</thead>
<tbody>
<tr>
<td>VMRO-DPMNE and Liberal Party</td>
<td>51</td>
</tr>
<tr>
<td>SDSM</td>
<td>49</td>
</tr>
<tr>
<td>DUI(^94)</td>
<td>10</td>
</tr>
<tr>
<td>Besa</td>
<td>5</td>
</tr>
<tr>
<td>DPA</td>
<td>2</td>
</tr>
<tr>
<td>Alliance of Albanians</td>
<td>3</td>
</tr>
</tbody>
</table>

Data source: Election guide (Election Guide 2016)

\(^93\) According to the EU mediated agreement, SDSM politicians were included to the government and Nikola Gruevski was succeeded by Emil Dimitriev who became interim prime minister. According to the agreement, the office of a special prosecutor also has been established. (Georgievski 2015)

\(^94\) Democratic Union for Integration (Albanian party)
The VMRO-DPMNE won the 2016 extraordinary elections, but the party did not possess a majority in the National Assembly. Then incumbent VMRO gained 51 from the 120 seats in the National Assembly (the opposition SDSM received 49) and failed to find the appropriate potential coalition partners to form a government. Political polarisation was present even after the elections and it turned out very soon that although the elections were to resolve the crisis it ended up in a state capture. In the aftermath of the elections, president Ivanov initially declined to give mandate to the SDSM and Albanian minority parties. (S. Marusic 2017b)

This situation demonstrated the weak nature of the Pržno Agreement. Commissioner Hahn and High Representative Mogherini took visits to Macedonia many times, but the influence of Hoyt Bryan Yee was also needed in order to have major impact on president Ivanov<sup>95</sup>, which steps ultimately ended up in the transfer of power. (S. J. Marusic 2017a) Finally, half year after the elections, the government of Zoran Zaev took office in May 2017. The SDSM formed a governing coalition with the Albanian parties, DUI and the Alliance for Albanians. (S. Marusic 2017c) Both High Representative of the EU, Federica Mogherini and Commissioner Johannes Hahn welcomed the formation of the new government. (EEAS 2017) Resolving the domestic political crisis and achieving progress in the EU and NATO integration process is a priority of the Zaev government.

The political crisis (or the different crises) has been accompanied by protests showing the fact that the citizens of Macedonia were not satisfied with the ruling elite and the method of power exercise. Such actions demonstrated the claim of the citizens to have accountable democratic institutions in their country.

<sup>95</sup> After he refused to give mandate to Zoran Zaev.
Table 16 Major protests in Macedonia between 2014 and 2017

<table>
<thead>
<tr>
<th>Year</th>
<th>Protests</th>
<th>Triggering cause</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>Student Protests</td>
<td>Amendments to the Law on Higher Education(^\text{96})</td>
</tr>
<tr>
<td>2015</td>
<td>Anti-government protests</td>
<td>Wiretapping scandal</td>
</tr>
<tr>
<td>2016</td>
<td>Colourful Revolution</td>
<td>Macedonian president, Gjorgje Ivanov gave political amnesty to top political leaders.</td>
</tr>
<tr>
<td>2017</td>
<td>Storming of the Macedonian Parliament</td>
<td>Election of Talat Xhaferi as speaker of the National Assembly</td>
</tr>
</tbody>
</table>

Source: (Marusic 2017)

8.4.1 Understanding the origins of the state capture

The notion state capture has more definitions. Researches have proven that the notion “has profound implications for the consolidation of democracy, systematically eroding democratic processes by undermining the election of public representatives, the institutionalisation and normalisation of democracy and the socioeconomic transformation processes.” (Meirotti 2018, 3)

Transparency International defines this phenomenon as “one of the most pervasive forms of corruption”, “a situation where powerful individuals, institutions, companies or groups within or outside a country use corruption to shape a nation’s policies, legal environment and economy to benefit their own private interests.” (Transparency International 2014, 2)

The European Commission’s 2016 report on Macedonia highlighted that state capture affected the functioning of the democratic institutions. It means that the function of democracy has been challenged by the very divisive political culture and the lack of compromise between the main political actors. (European Commission 2016i, 4)

According to the main findings of the Commission, the key elements and causes of the Macedonian state capture are the following:

1) Serious challenges to the democratic governance
2) Independent bodies and institutions were not able to carry out their functions
3) The political pressure prevented the proactive, effective and independent function of the above mentioned institutions and bodies
4) The lack of credibility towards the state institutions
5) The democratic institutions were not able to ensure their roles concerning the checks and balances (European Commission 2016i, 8)

Analysing these definitions in the Macedonian context, one can realise that the state capture had both external and internal components. Among the external ones, the first group can be linked to the different disputed approaches towards the Macedonian national identity. The name dispute with Greece, the non-recognised autocephaly of the Macedonian Orthodox Church, and the debate on the independent linguistic (and national) existence with Bulgaria can be mentioned. But the debate on the federal or unilateral arrangement of Macedonia or the stuck in the Euro-Atlantic integration process can be also listed among external causes.

As regards the internal or domestic factors, Macedonia had difficulties in the political transition process. The situation of the rule of law, political corruption and political debates and polarisation challenged the democratic consolidation process. Besides the ideological and economic debates, ethnic tensions also surrounded domestic politics. There has been a debate primary between Macedonians and the Albanian minority on the organisation of the state, politics and public administration.

8.5 Addressing state capture

As a result of the state capture, Skopje was stagnating in the EU and NATO integration process, while democracy also seriously declined. The Zaev government declared itself as a reform oriented government and set up accession to NATO and the European Union as a strategic priority. Besides that the government aimed to find a solution for the political crisis and concentrated on restoring the rule of law and the functioning of the institutions. (Government of the Republic of Macedonia 2017, 1)

The government introduced a set of ambitious proposals, including the plan “3-6-9.”\(^\text{97}\). (Government of the Republic of Macedonia 2017) In August 2017 Zaev and Bulgarian prime

\[^{97}\text{The plan contained reforms necessary related to the Euro-Atlantic integration process that had to be implemented in 3, 6 and in 9 months. Prime Minister Zaev pointed out that “In the first three months, until the}\]
minister, Boyko Borisov signed a treaty on good neighbourly relations. (Kacarska 2017, 2-3) The agreement between Bulgaria and Macedonia gave also a new impulse to the bilateral relations. Both the agreement with Athens and Sofia can be considered as a good example for other countries in the region. These agreements can also allow Macedonia to achieve significant progress in the Euro-Atlantic integration process.

The 2018 Prespa Agreement is a new chapter in the relations between the two states and the parliament voted for amending the constitution. (EWB 2018a) The draft proposal submitted by the government contained four amendments.

1) Changing the name of the country to “Republic of Northern Macedonia”
2) Changing the preamble of the constitution
3) Referring to the respect of territorial integrity, sovereignty and political independence of the neighbours
4) Declarations on the Macedonian diaspora. (S. Marusic 2018)

As the process required a qualified majority in the parliament, the SDSM led government needed the support of VMRO deputies. The agreement also had to be ratified by the Greek parliament. As the Prespa Agreement refers on the “Macedonian” identity and language, many Greeks voiced their opposition to the proposal98. (Petrou 2018)

Concerning the domestic challenges, the coalition agreement between the SDSM and the Albanian parties99 contained an agreement on the language law. The Macedonian Albanian parties (DPA, DUI, Besa and the Alliance of Albanians) demanded for making Albanian as the second language of the country. This issue still divides the nationalist-conservative opposition and the governing parties.100 Following the Ohrid Agreement, Albanian language could be used in municipalities where the Albanian population is over 20%. The aim of the new bill is to allow usage of the language in state institutions. (Rferl 2018)

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98 On the other hand, the agreement caused political divisions in Macedonia as well.
99 Initially DUI and DPA were part of the coalition.
100 In January 2018 the National Assembly accepted the bill, however it has been vetoed by the president. Then, the parliament accepted the law proposal again, but president Ivanov still refuses to sign it. Speaker of the National Assembly, Talat Xhaferi said that this action of the president is violating the constitution of Macedonia as the president may veto a law only once. (Marusic and Morina 2018)
### Table 17 The origins of the state capture

<table>
<thead>
<tr>
<th>Challenges</th>
<th>Internal</th>
<th>External</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identity related issues</td>
<td>Language law</td>
<td>Name dispute with Greece</td>
</tr>
<tr>
<td></td>
<td>Decentralisation</td>
<td>Non-recognised autocephaly of the Macedonian Orthodox Church</td>
</tr>
<tr>
<td>Constitution related issues</td>
<td>Unilateral or federal arrangement of Macedonia</td>
<td>Changing the name to Republic of Northern Macedonia</td>
</tr>
<tr>
<td>Transition related issues</td>
<td>Political crisis, state capture</td>
<td>Slow EU integration</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NATO accession vetoed</td>
</tr>
</tbody>
</table>

8.6 The EU’s role in managing the crisis. Conclusions

The active contribution of the different EU institutions (such as the European Parliament, the European External Action Service and the European Commission) as mediators could be considered as an essential step to overcome crisis. In this particular situation, the EU also had to engage (along with other actors) in conflict management duties. (Braun and Németh 2017, 100) The combination of conflict-management and conditionality already represented a great success, and the Ohrid Framework Agreement can be mentioned as a positive example. However it is also clear that the implementation of the political agreements depends on the willingness of the Macedonian political leaders and also on the permanent assistance of the European Union. (Kacarska 2017, 2-3) This is why the European Union has to remain a credible power and start the accession negotiations with its candidate partner.

From 2015 onwards, the EU took a set of soft measures in order to restore political stability during the crisis. From this point of view, the Pržino Agreement in 2015 was a real achievement allowing a way out for the political actors, which facilitated the turnover of power following the 2016 early elections. (European Commission 2015)

Although the lack of compromise between the parties and the enduring crisis risked destabilising the country, the actions of the European Union’s representatives, with the influence of the United States were sufficient to restore the institutional order and as a result the new parliament and government started to work. During the political crisis the European Union also considered to impose political sanctions and freeze the integration process with
Macedonia when president Ivanov decided to give amnesty for more than 50 politicians who were under investigation.\textsuperscript{101} The EU that time warned VMRO-DPMNE government that unless the investigations are not proceeding, the Commission might withdraw its 2009 recommendation to start the formal accession negotiations with Skopje.\textsuperscript{102} (Byrne 2016)

Besides that in June 2015 the European Commission published a list of urgent reform priorities in the field of rule of law, fundamental rights and public administration. The document also reflected on the electoral reforms as well as on the freedom of expression.

The document envisaged the following sets of measures to restore the proper function of the institutions:

1) Restore rule of law and freedom of judiciary
2) De-politicise the public administration
3) Pursue the electoral reform
4) Ensure media freedom (European Commission 2015)

The EU’s active contribution as a mediator helped overcoming a serious institutional crisis and it also facilitated the reestablishment of trust towards public institutions. However it is also needed that the EU remains committed and supports the Macedonian reform aspirations. In that sense the European institutions remained divided. In 2018 the European Commission and the EEAS recommended the Council to launch the accession talks with Macedonia\textsuperscript{103}. The institutions claimed that Macedonia made significant progress and the Commission argued that negotiations has to start “in light of the progress achieved and in view of the sustained reform momentum, maintaining and deepening the current reform momentum.” (European Commission 2018g) However the General Affairs Council in the European Council adopted a conclusion that despite the positive changes, the negotiations cannot start before June 2019. (European Council 2018b)

The Macedonian crisis was a clear demonstration that the EU membership criteria in itself is not a sufficient tool to support democratic consolidation and political Europeanisation on its own. Since its independence, North Macedonia had to face with numerous internal and

\textsuperscript{101} This action went against the Pržno Agreement, which included the establishment of the office of the special prosecutor for the wiretapping investigations.

\textsuperscript{102} It is important to remind that due to the migration crisis, a strong cooperation was required between the EU and Macedonia (Macedonia had a strategic location on the Balkan route).

\textsuperscript{103} And with Albania as well.
external challenges which culminated in a major political and institutional crisis and were the causes of the state capture. As EU accession is once again the main driving force for reforms, the European Union has to give its full support the current window of opportunity.
9 Stateness challenged: the post-Dayton Bosnia and Herzegovina

Answering H3.

Comparing to Serbia and to Macedonia, Bosnia and Herzegovina experiences similar challenges in the democratic consolidation and Europeanisation process. But the EU integration path of the country is also challenged by other problems making the Bosnian case unique. More than 20 years after the end of the Bosnian War, the country still did not gain full sovereignty and the constituent nations still do not have a common vision on the future of the country. Bosnia and Herzegovina is based on an extremely complex institutional system, which resulted in the (ethnic) pillarisation of the society and politics. Besides the lack of dialogue and will of compromise between the elites, trust is also missing from the inter-ethnic relations. For that reason, Bosnia and Herzegovina is facing with a problem of stateness, which seems to be an additional burden to the fulfilment of the EU accession criteria. Although integration to the European Union is a priority for the political leaders, the membership perspective in itself was not strong enough to bridge the gaps between the main leaders of the federal country. The EU integration pace of Bosnia and Herzegovina is slower compared to the other countries in the region. This manifested in the fact that Bosnia and Herzegovina is still “only” a potential candidate of the European Union.

In the past two decades, the European Union (with other international actors\textsuperscript{104}) seriously committed itself by civilian and even military instruments and missions in maintaining peace and stability. Moreover, it also became evident that the EU has to assist the state-building process of the post-Dayton Bosnia and Herzegovina. EU enlargement therefore is challenged by different factors. As Bosnia and Herzegovina still cannot be considered as a fully sovereign state, the country cannot fulfil the Copenhagen political criteria.

In order to boost the enlargement process, a major constitutional reform process is unavoidable. At this moment it is clear that without such assistance, crucial (for example the constitutional or institutional) reforms cannot be achieved. For that reason, the EU not only has to define the accession related conditionality, but also has to offer its assistance and has to take part in conflict management processes.

\textsuperscript{104} OSCE, NATO, United Nations, the United States, etc.
9.1 The independence from Yugoslavia and the heritage of the Bosnian War

Just like other former Yugoslav republics, 1990 marked the year of the first multi-party elections in the country, which gave a new political structure to the former socialist state. The first multi-party elections brought victory to the nationalist ethnic parties: the Serbian Democratic Party (SDS), the Bosnian branch of the HDZ and to the Party of Democratic Actions (SDA). The SDA and the HDZ supported the idea of independence, while the SDS supported by Radovan Karadžić rejected this proposal. (Pejanović 2016, 45-46)

The internal dispute between the different ethnicities over the independence of Bosnia and Herzegovina (hereafter BiH, or simply Bosnia) from Yugoslavia directly led to the Bosnian War. As Bosnia was the most ethnically mixed republic within Yugoslavia, tensions between nations intensified quickly. In addition, the governments of Serbia and Croatia were also interested in the future of Bosnia and Herzegovina. Recognising the importance of the events, the international community proposed and attempted to bring a resolution to the warring parties. But the Carrington-Cutileiro, the Vance-Owen, the Owen-Stoltenberg and the Contact Group plans also failed to end the conflicts. It was only the Dayton Peace Agreement in December 1995 which ended the Bosnian War. (Radeljić 2013, 19-23)

The Dayton Agreement was signed in December 1995 by the three presidents who have been involved into the Bosnian War: Slobodan Milošević (Serbia), Franjo Tuđman (Croatia) and by Alija Izetbegović (Bosnia and Herzegovina).

The Bosnian War caused serious damages to the country. The critical infrastructure was destroyed and besides that, approximately 100 thousands of people were killed and almost 2 million of people were displaced during the war. Besides the physical damages, the country and the population had to face with sensitive questions in the post-war period. The United Nations established the International Criminal Tribunal for the former Yugoslavia in 1993 with the intention to investigate war crimes. (Dzidic 2014; BBC 2016) The mandate of the Tribunal lasted until 2017. (ICTY 2017)

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105 Republic of Bosnia and Herzegovina was the official name of the country following the independence from Yugoslavia.
106 Bosna I Hercegovina
9.2 The post-Dayton Bosnia and Herzegovina: a general context

Bosnia and Herzegovina in the post-Dayton period became one of the most complicated federal states thanks to the rigid and overregulated political system. Democracy and state-building in Bosnia and Herzegovina has started after the end of the war. Post-conflict divisions had a huge impact on the development of these processes. It is often mentioned in relation to the main problems of BiH that the constitution or more precisely the Dayton Peace Agreement meant to end the war and by this it constitutionalised former front lines and legitimated different visions on statehood. The constitutional framework contributed to the establishment of an extremely complex state creation. The Dayton model was able to stop the war however could not contribute to the reconciliation, whilst the country is divided by ethnic lines, and there is no agreement between the elites how the joint state should work effectively. It is also important to highlight that war parties were able to preserve their dominance in the post-Dayton BiH in both entities. (BTI 2018b, 4)

The main achievement of the Dayton system is that it was able to contribute to the fact that there is peace and stability in Bosnia and Herzegovina until today and it was able to guarantee and preserve the statehood as well. On the other hand it also turned out quite soon that the country under this constitutional framework cannot be a successful state in the Western Balkans, which guides us to the conclusion that Bosnia and Herzegovina is facing with a problem of stateness. The institutional framework of the post-Dayton Bosnian state is based on the principle of ethnic balance, which aims to guarantee proportional representation of the constituent nationalities. In reality this principle is posing several challenges to the effective functioning of the country. (Kemenszky 2017, 41)

There are several factors that are challenging the European accession of Bosnia and Herzegovina. One of the main challenges of the EU accession criteria is that it demands not only the implementation of the EU acquis but it also needs to have sufficient capacity to put the conditions in practice. The Europeanisation process of BiH is a case when the process is challenged by the problem of statehood, which means “limited statehood” in this case. (Börzel 2011, 8-9) For that reason the European Union should engage more in the reconciliation process and just like in the Macedonian case, Brussels has to provide more assistance in finding a common ground between the three elites.
9.3 The constitution of Bosnia and Herzegovina

The current institutional framework of Bosnia and Herzegovina is the fourth annex of the Dayton Peace Agreement.¹⁰⁷ The Agreement is based on the principles of territorial integrity, and on the proportional power exercise of the three main ethnic groups. (Kemenszky 2017, 43) This latter principle wanted to ensure a balance between the Bosniak, Serb and Croat communities.¹⁰⁸ The constitution defines not only the public administration and the basis of the territorial organisation of Bosnia and Herzegovina but it also clarifies the role of the international institutions. Moreover the constitution also declares the legal continuity between the Republic of Bosnia and Herzegovina and BiH. The state and institution building process in the post-Dayton BiH has been accompanied by a general scepticism towards the joint institutions. The territorial organisation is based on ethnic lines, which resulted in a de facto inner border between the entities. The main motivation for the national elites is therefore to preserve the high level autonomy provided by the constitution and this resulted in a status quo.

9.3.1 The entities

The multi ethnic composition required the share of power between the federal and the local (entity) levels. Bosnia and Herzegovina is divided into two autonomous entities. As a matter of fact, two entities are composing the federal state of Bosnia and Herzegovina. One is the Bosniak-Croat Federation, or the Federation of Bosnia and Herzegovina (Federacija Bosne i Hercegovine or simply Federation, or FBiH) covers 51% of the whole country. The other is the Republika Srpska which is a centralised entity. (Constitution of Bosnia and Herzegovina, Article I). Although Sarajevo is the official capital of BiH, the de facto political and economic centre of the Republika Srpska is Banja Luka.

¹⁰⁷ The General Framework Agreement for Peace in Bosnia and Herzegovina for Peace in Bosnia and Herzegovina
¹⁰⁸ The constitution decrees Bosniaks, Serbs and Croats as constituent nations, while referring to the remaining ethnicities by “the Others” or simply as citizens of Bosnia and Herzegovina. (Preamble, Constitution of Bosnia and Herzegovina)
Table 18 The administrative structure of Bosnia and Herzegovina

<table>
<thead>
<tr>
<th>Administrative centre</th>
<th>Republika Srpska</th>
<th>Federation</th>
<th>Brčko District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banja Luka</td>
<td>24,500 km</td>
<td>Sarajevo</td>
<td>Brčko</td>
</tr>
<tr>
<td></td>
<td>2,228,423</td>
<td>2,219,220</td>
<td>83,516</td>
</tr>
</tbody>
</table>

| Area                  | 26,110 km²       | 493 km²    |
|                       | 26,110 km²       | 493 km²    |

| Population            | 1,228,423        | 2,219,220  | 83,516         |
|                       | 1,228,423        | 2,219,220  | 83,516         |

| Ethnic groups         | 81.51% Serbs     | 70.40% Bosniaks | 42.36% Bosniaks |
|                       | 13.99% Bosniaks  | 22.44% Croats   | 20.66% Croats   |
|                       | 2.41% Croats     | 2.55% Serbs     | 34.8% Serbs     |
|                       | 2.09 % others    | 3.6% other      | 2.4% others     |

Data Source: Cenzus of Population, Households and Dwellings in Bosnia and Herzegovina, 2013. Final Results. (Agencija za statistiku Bosne i Hercegovine 2016)

The annexes of the constitution are defining precisely the political system, the “border” lines of the entities, the electoral procedure and also the constitution of Bosnia and Herzegovina. Annex 2 of the constitution defines the role of the entities. The Federation is based on ten cantons\textsuperscript{109}, whilst the Republic of Srpska is based on municipalities. With this complex institutional system, a complex four level power share structure was established by the Dayton system. There is a federal, entity, local and cantonal (only in the Federation) level of decision-making.

The joint competences however were quite weak comparing to other federal countries in Europe. Unfortunately, the lack of compromise and trust between the actors and the society prevents the smooth expansion of the capacities and competences of the joint institutions. The functioning of the federal institutions would require a more cooperative mentality, which is not present between the political leaders.

\textsuperscript{109} The cantons of Bosnia and Herzegovina are: Una-Sana Canton, Posavina Canton, Tuzla Canton, Zenica-Doboj Canton, Bosnian-Podrinje Canton Goražde, Central Bosnia Canton, Herzegovina-Neretva Canton, West Herzegovina Canton, Sarajevo Canton and Canton 10 (also known as Herzeg-Bosnian canton).
Table 19 The four level of decision-making system.

<table>
<thead>
<tr>
<th></th>
<th>Federal (Bosnia and Herzegovina)</th>
<th>Entity (Republika Srpska)</th>
<th>Entity (Federation)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Municipalties</td>
<td>Cantons</td>
<td>Municipalities</td>
</tr>
</tbody>
</table>

9.3.2 The Federal Institutions

The constitution defines the role of the main institutions. The principle of ethnic proportionality is present in each of the institutions. The main federal institutions are the parliament (composed of two chambers), the presidency, the government, the constitutional court and the central bank. The constitution defines (Constitution of Bosnia and Herzegovina, Article III) the role of the state (also known as federal or joint) institutions and the following matters are the responsibility of the institutions of Bosnia and Herzegovina:

1. Foreign policy
2. Foreign trade policy
3. Customs policy
4. Monetary policy
5. Finances of the institutions and for the international obligations
6. Immigration, refugee, and asylum policy and regulation
7. International and inter-Entity criminal law enforcement
8. Air traffic control

The institutional structure is diffuse due characteristics related to multi-level governance territorial divisions and lack of cooperation. (Senada Šelo Šabić 191) As a result, the joint institutions are week and the emotions and the different interpretation of the war still prevent an honest and successful cooperation between the elites.

9.3.3 The Parliamentary Assembly

The Parliamentary Assembly of Bosnia and Herzegovina (Parlamentarna skupština Bosne i Hercegovine) is the bicameral legislation of the country. It consists of the House of Representatives (Prestavnički dom), and from the House of Nations (Dom naroda).

In the lower chamber, at the House of Representatives, the two third of the 42 members are being elected from the Federation and one third from the Republika Srpska. The three
ethnicities are electing their national representatives on a proportional manner. The fifteen members of the House of Peoples are however elected on a different manner. The representatives of the Federation (five Croats and five Bosniaks) are elected by the parliament of the Federation. The National Assembly of the Republika Srpska elects the remaining five Serbian deputies. All legislation require the approval of both chambers.

According to the constitution, the Parliamentary Assembly is responsible for

1. Enacting legislation
2. Deciding upon the sources and amounts of revenues for the operations of the institutions of Bosnia and Herzegovina
3. Approving a budget for the institutions of Bosnia and Herzegovina.
4. Deciding on the ratification of treaties
5. Such other matters as are necessary to carry out its duties or as are assigned to it by mutual agreement of the entities. (Constitution of Bosnia and Herzegovina, Article IV

9.3.4 Presidency

The collective presidency is based on the principle of rotation. The three presidents are being elected directly by the three constitutional nations, and are rotating each other in every eight months. The Bosniak and the Croat presidents are elected from the Federation and the Serb from the Republika Srpska. The three-member presidency of Bosnia and Herzegovina is not a single executive position as it is normally in (almost every) presidential political systems. The aim of this format is to share the power between the three members and by this between the three constituent nations. The presidents are elected by the combination of territorial and ethnic representation.\textsuperscript{110} The current presidency chairmanship rotates every eight months. (Bainter 2010, 637-640)

The constitution defines the powers of the presidency as the following:

1. Conducting the foreign policy of Bosnia and Herzegovina.
2. Appointing ambassadors and other international representatives of Bosnia and Herzegovina, no more than two-thirds of whom may be selected from the territory of the Federation.

\textsuperscript{110} This also raises human rights problems, see for example the Sejdić and Finci case.
3. Representing Bosnia and Herzegovina in international and European organisations and institutions and seeking membership in such organisations and institutions of which Bosnia and Herzegovina is not a member.

5. Negotiating, denouncing, and, with the consent of the Parliamentary Assembly, ratifying treaties of Bosnia and Herzegovina.

6. Executing decisions of the Parliamentary Assembly.

7. Proposing, upon the recommendation of the Council of Ministers, an annual budget to the Parliamentary Assembly.

8. Reporting as requested, but not less than annually, to the Parliamentary Assembly on expenditures by the Presidency.

10. Coordinating as necessary with international and nongovernmental organisations in Bosnia and Herzegovina.

11. Performing such other functions as may be necessary to carry out its duties, as may be assigned to it by the Parliamentary Assembly, or as may be agreed by the entities. (Constitution of Bosnia and Herzegovina, Article V)

Table 20: Presidential Elections in Bosnia and Herzegovina

<table>
<thead>
<tr>
<th>Election year</th>
<th>Bosniak member</th>
<th>Serb member</th>
<th>Croat member</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Šefik Džaferović (SDA)</td>
<td>Milorad Dodik (SNSD)</td>
<td>Željko Komšić (DF)</td>
</tr>
<tr>
<td>2014</td>
<td>Bakir Izetbegović (SDA)</td>
<td>Mladen Ivanić (SDS)</td>
<td>Dragan Čović (HDZ BiH)</td>
</tr>
<tr>
<td>2010</td>
<td>Bakir Izetbegović (SDA)</td>
<td>Nebojša Radmanović (SNSD)</td>
<td>Željko Komšić (SDP)</td>
</tr>
<tr>
<td>2006</td>
<td>Haris Silajdžić (SBiH)</td>
<td>Nebojša Radmanović (SNSD)</td>
<td>Željko Komšić (SDP)</td>
</tr>
<tr>
<td>2002</td>
<td>Sulejman Tihić (SDA)</td>
<td>Mirko Šarović (SDS)</td>
<td>Dragan Čović (HDZ BiH)</td>
</tr>
<tr>
<td>1998</td>
<td>Alija Izetbegović (SDA)</td>
<td>Živko Radišić (SNSD Coalition)</td>
<td>Ante Jelavić (HDZ BiH)</td>
</tr>
</tbody>
</table>

Source: Election Guide
9.3.5  The federal government: the Council of Ministers

Due to the strong decentralisation, the federal government (Council of Ministers) can be considered as the weakest institution within the federal institutions. Although at the beginning there were only 3 joint ministries, the number of the departments have been increased over the years. It is also important to mention that the principle of rotation has not being used recently. (Kemenszky 2017, 46)

9.3.6  Constitutional Court

The constitutional court also applies the same rule as the other federal institutions. Among the nine judges, four members are elected from the Federation and two members from the Republika Srpska. The remaining three judges are nominated by the President of the European Court of Human Rights, following the consultation with the state presidency. (Constitution of Bosnia and Herzegovina, Article VI)

9.3.7  The main political parties

The party system is divided along the ethnic lines. The main parties of the Federation are the Party of Democratic Action (SDA\textsuperscript{111}) and the Social Democratic Party (SDP\textsuperscript{112}), Union for a Better Future (SBB BiH\textsuperscript{113}). These are the main Bosniak parties. Among the Croats, the Croatian Democratic Union (HDZ BiH\textsuperscript{114}) and Croatian Democratic Union 1990 (HDZ 1990) are the strongest parties.

In the Republika Srpska the Alliance of the Independent Social Democrats (SNSD\textsuperscript{115}) and the Serb Democratic Party (SDS\textsuperscript{116}) can be considered as the main parties. (BTI 2018b, 16)

Some parties are identifying themselves as multi-ethnic parties. These are mainly coming from the Federation, for example the Social Democratic Party (SDP), the Democratic Front (DF\textsuperscript{117}).

\textsuperscript{111} In Bosnian: Stranka demokratske akcije.
\textsuperscript{112} In Bosnian: ocijalodemokratska partija Bosne i Hercegovine.
\textsuperscript{113} In Bosnian: Savez za bolju budućnost BiH.
\textsuperscript{114} In Croatian: Hrvatska demokratska zajednica Bosne i Hercegovine
\textsuperscript{115} In Serbian: Savez nezavisnih socijaldemokrata
\textsuperscript{116} In Serbian: Srpska demokratska stranka.
\textsuperscript{117} Democratska Fronta
9.4 The problem of stateness

As the constitution of Bosnia and Herzegovina does not include provisions on state identity, it can be noticed that BiH differs significantly from multi-ethnic states who could find a democratic solution to handle ethno-national problems or prevent ethnic conflicts for example Switzerland, Belgium, or even Spain. Another problem that emerges is that Bosnia’s constitutional framework includes the same fragmenting elements that ultimately contributed to the disintegration of Yugoslavia. The idea of nation-state had a strong influence on countries like the United States, Belgium, Switzerland, or Germany. In these countries, the federal level is representing the nation and shares the sovereignty with different units. (Bogdani and Loughlin 2007, 3)

Linz and Stepan defined stateness as a phenomenon that can “exist when significant proportion of the population does not accept the boundaries of the territorial state as a legitimate political unit to which they owe obedience.” (Linz and Stepan 1992, 123) In addition, when “ethno-national identity and sentiments are embedded in sovereignty of a territory” it can furtherly increase the problem of stateness. (Oberschall 2007, 10) Moreover, as Linz and Stepan added, that state legitimacy is a “fundamental and theoretical and political importance for democracy.” (Linz and Stepan 1992, 123)

In the case of Bosnia Herzegovina the state monopoly is undermined because of the low level of institutional cooperation. State-building in BiH has not been followed by the creation of state identity. Nationalism plays an important role in state-building. The state has been justified as a territorial political community, whose aim is to represent a cultural self-identity, (nation or nationality). (Romaniello 2016, 84)

Instead, ethno-nationalism continues to remain the main source of identity for the constituent ethnic groups. (BTI 2018b, 7) From this perspective, religion has a special importance. Although the separation of state and religion is complete, religions have a more influential role on public and political life. The three dominant religious groups are the Muslim Bosniaks (50.7%), the Orthodox Serbs (30.7%) and the Catholic Croats (15.2%). (BTI 2018b, 8)
Table 21 Religious composition of Bosnia and Herzegovina

Source: (BTI 2018b, 8)

During the first competitive Yugoslav elections held in 1990\textsuperscript{118} nationalism and ethnic issues became a main concern for the federal state. (Linz and Stepan 1992, 131) Concerning the 1990 Bosnian elections, the main competition was between three ethno nationalist parties that were challengers of the incumbent League of Communists. (Bieber 2014, 550) During the 1990 elections the country elected a collective presidency that had seven members.

The three main nations elected two members and one additional member represented the “others” in the presidency. The elections brought success for nationalist parties: the Party of Democratic Action, the Serbian Democratic Party, and to the Croatian Democratic Union. (Kapidžić 2014, 560-562) The post-Dayton constitution of BiH envisaged the currently used three member format for the presidency. This shows that ethnic based nationalism is still a major challenge for the joint institutions and for Bosnian federalism. The democratic transformation of Bosnia and Herzegovina is still ongoing. Elections are free in the country but the system is split between the constitutional ethnic groups. Ethnic parties are still the winners of the elections, and this phenomenon is not contributing to the compromise between the nationalist elites. The cooperation is basically forced by the High Representative. (Eralp 2012, 15) Besides the slowness of the democratic transition, economic recovery and development is also a time taking process in BiH. One of the signs of this is the lack of the

\textsuperscript{118} Multiparty elections were held in all republics of Yugoslavia.
middle class in the country, the economic power of the citizens is not enough to influence the political elite of the country. (Eralp 2012, 26)

The combination of the institutional fragmentation and political divisions resulted in democracy deficit\textsuperscript{119} or constitutional problems many times:

1) On a local level, the situation of the municipality of Mostar can be mentioned as a well-known example.

In 2010, a case has been filed to the House of People, with regard to the election law, and the Constitution of the Federation of Bosnia and Herzegovina. The case explained that the electoral system in Mostar was discriminating, and electoral districts did not ensure the equality of representation among the residents of Mostar. The Constitutional Court of BiH then requested the Parliamentary Assembly of Bosnia and Herzegovina to change the election law\textsuperscript{120}. No solution has been found to the issue since then, which means that local elections could not be held in 2012 and in 2016. (Congress of Local and Regional Authorities 2017) In an interview in 2010, Dragan Čović (then the Croatian member of the presidency) said that “The fact that Bosniak parties have jointly initiated an activity which is contrary to Constitutional Court’s decision sends a very bad message. We will ensure the legitimate representation of all three peoples through respect of the Constitution and the law, and thus avoid a crisis after the October [2016] election.” (N1 Sarajevo 2018) (Latal 2017) (Lakic 2018)

2) On the entity level, the Republika Srpska organised a controversial referendum on the Day of the Republika Srpska (Dan Republike Srpske) on 25 September 2016. 9 January was decided as the date of the day, regarding that it is an Orthodox feast day and the Republika Srpska itself was declared on 9 January in 1992. The Constitutional Court however claimed that because of the date, the Day of Republika Srpska would be discriminatory to the other constituent nations living in the Serbian entity. However, the

\textsuperscript{119} Besides that, the long going Sejdić-Finci case is still unresolved. (Case of Sejdić and Finci V. Bosnia and Herzegovina 2009)

\textsuperscript{120} “In 2010, the Constitutional Court of Bosnia and Herzegovina issued a decision ordering that Bosnia's Election Law and the Mostar City Statute must be amended, because the Statute violates the basic democratic principle of ‘one man – one vote.’” (N1 Sarajevo 2018)
referendum has been held and the statehood day\textsuperscript{121} was also celebrated. (Kovacevic 2018)

3) On the federal level, the 2018 presidential elections made (a part of the) Croatian community unhappy. Although HDZ BiH won most of the Croatian votes in the Federation, party leader Dragan Čović lost to Željko Komšić. Komšić could win as he also received votes from Bosniaks\textsuperscript{122}. He is in favour of a multi-ethnic Bosnia, while Čović would be in favour of a separate Croat entity in the federation. (Reuters 2018b) (Ivković 2018)

9.4.1 International presence

The highly decentralised and fragmented state is still under international patronage as the OHR supervises the elected decision-makers, whilst the EUFOR Althea is needed to guarantee state security in BiH. (BTI 2018b, 6) In order to guarantee the stability between the ethnic groups and provide the necessary support for infrastructural rehabilitation, economic reconstruction and establishing political and constitutional institutions, the assistance of the international community was required. The United Nations decided to establish the position of High Representative for Bosnia and Herzegovina (OHR). The high representative’s mandate is defined within Annex 10 of the constitution.

The OHR therefore is responsible for:

1. Monitor the implementation of the peace settlement;
2. Maintain close contact with the Parties [political leaders] to promote their full compliance with all civilian aspects of the peace settlement
3. Coordinate the activities of the civilian organizations and agencies in Bosnia and Herzegovina
4. Facilitate the resolution of any difficulties arising in connection with civilian implementation.
5. Participate in meetings of donor organizations
6. Report periodically on progress in implementation of the peace agreement concerning the tasks set forth in this Agreement to the United Nations, European Union, United

\textsuperscript{121} However, then Republika Srpska president Milorad Dodik decided not to held referendum on secession in 2018, although he called Bosnia as a "failing state". (Macdowall 2017)

\textsuperscript{122} In the Federation it is possible to vote for either Bosniak or Croat member of the Presidency.
States, Russian Federation, and other interested governments, parties, and organizations.

7. Provide guidance to, and receive reports from, the Commissioner of the International Police Task Force (Constitution of Bosnia and Herzegovina, Annex 10, Article II).

These competences are related to the civil part of the international presence. Moreover, the high representative is in charge for maintaining relationship with the political leaders and has to help to resolve the domestic political conflicts. The first elections after the war however proved that the international civic and military presence is still required to ensure the stability of the country. The prolongation of the time frame of the position also meant that the competences of the high representative were widened, which means that Bosnia and Herzegovina still cannot be considered as a fully sovereign state. The high representative has strong competences in control and even power execution related fields. This also means that de facto the high representative is absolutely on the top of the power executional level. Thus, the OHR has a strong importance to preserve stability within the country and maintaining the constitutional framework defined in the Dayton Agreement. The extended competences however also indicated that the gradually planed power transfer is unlikely to happen in the near future. (Kemenszky 2017, 54-56; Senada Šelo Šabić 188-191)

In 2011 the EU established the position of the “European Union Special Representative” (EUSR) to help BiH in the pre-accession period. The new post took over charges from the OHR’s capacities. (European Council 2011) The EUSR’s mandate is given by the European Council. The role of the Special Representative is to reinforce the political support of the European Union in policy objectives such as achieving progress in the Stabilisation and Association Process, or in political processes and in institutional measures. (EUBiH 2014)
Table 22 The international community in BiH

<table>
<thead>
<tr>
<th></th>
<th>Military (mandate)</th>
<th>Civilian</th>
</tr>
</thead>
</table>

9.4.2 The role of the European Union in the post-Dayton Bosnia

The first phase of the internationally assisted state-building process was creating security. This process has been assisted by military and civilian implementation. The second phase of state-building is the institution building process. The third phase should be the norm building process.\(^{123}\) The Dayton Agreement, within the constitution of Bosnia and Herzegovina, facilitated and envisaged the state-building process for the post-war BiH. As it has been presented, the institution building has been successful however the effective functioning is challenged by different sort of political disputes. (Šelo Šabić 2005, 184-191)

Since the EU gave perspective for membership and the Stabilisation and Association Process has started with Bosnia, the Europeanisation process can be considered as a “norm” building process. This process has been challenged by two problems: 1) the enlargement process is very slow, 2) the offer for membership and the defined accession criteria on their own were not enough to encourage the accession related reform process.

Šelo Šabić argue that state-building in Bosnia and Herzegovina can be understood as a process, which has three different phases. The first phase was the security building between 1994 and 2004. The first phase was successful as stability is guaranteed in the country and the NATO mission has been followed by the EUFOR mission. The second phase concerned mainly the institution building process between 1995 and 2000. As a result of the implementation of the Dayton Agreement, political institutions had to be established. This can be also considered as a successful process however the lack of cooperation between the different institutions is a persistent problem. The norm building process started in 2003 when Bosnia received perspective for membership. As Europeanisation and democratisation are still ongoing, the EU has a special importance in that regard. (Šelo Šabić 2005, 142;150-167)

\(^{123}\) See for example: Senada Šelo Šabić (2005): State Building under Foreign Supervision.
Table 23 State-building process in BiH

<table>
<thead>
<tr>
<th></th>
<th>Time frame</th>
<th>External assistance provided by</th>
<th>Status of the process</th>
<th>Problems related</th>
</tr>
</thead>
<tbody>
<tr>
<td>Security building</td>
<td>1995-2004</td>
<td>NATO OHR</td>
<td>Finished</td>
<td></td>
</tr>
<tr>
<td>Institution building</td>
<td>1995-2000</td>
<td>OHR</td>
<td>Finished</td>
<td>Lack of cooperation</td>
</tr>
<tr>
<td>Norm building</td>
<td>2003-</td>
<td>European Union</td>
<td>Ongoing</td>
<td>Slow pace of Europeanisation</td>
</tr>
</tbody>
</table>

Source: (Šelo Šabić 2005, 184-191)

As the post-Dayton Bosnia and Herzegovina emerged from a post-war situation, the absence of conflict is a successful part of the state-building process. The EU was able to provide overall stability of the country following the Bosnian War, however other parts of state-building have been challenged due to the complex institutional framework of the country. Ethno political interests have been represented by all elites of the constituent nations preventing the adequate working of the federal state level. (BTI 2018b, 4)

The lack of capacity of the domestic actors requires the assistance in the state-building process. The problem appears to be that the EU remained the main international actor to assist this process, therefore the monitoring of the process should be also desirable. (Bieber 2011, 1790) On the other hand, state-building shifted from direct intervention to conditionality as it has to be a process compatible with democratic governance and rule of law. The legitimacy of every kind of intervention (even soft) is extremely challenging in BiH. Furthermore, the lack of common vision on the Bosnian state resulted in an “alternative sub-national state-building project” in the Republika Srpska, whilst the Bosnian Croats are also supporting the idea of the creation of a third entity (Herzeg Bosnia). (Bieber 2011, 1791)

Besides the domestic political situation, the challenges of the state-building process are coming from the fact the EU lacks rules and conditions and is still divided in regard of state-building between the different institutions. There is no clear criteria of state-building, as the acquis and the Copenhagen criteria are focusing more on democracy rule of law economy and on the implementation of other technical policies. In addition there is no clear conditionality related to state-building. However it is also obvious that the EU membership as an eventual reward failed to improve the quality and the speed of state consolidation and state-building of Bosnia and Herzegovina. (Bieber 2011, 1793;1796)
Regarding the EU membership perspective, Bosnia has to find answers for three major challenges. First of all, due to the fact that the OHR still has an important role in the Bosnian politics, the country’s sovereignty is facing challenges. Another difficulty is that due to the lack of political motivation, Bosnia is behind the other Western Balkan countries in the EU enlargement process. This also has a negative impact on the democratic transformation process. Finally, there is a clear need to change the constitutional structure of the country, however there is no consensus regarding this matter. In comparison with the role of other international organisations and actors, the European Union is in a special situation. While organisations like NATO\textsuperscript{124}, OSCE\textsuperscript{125} or the United Nations are or were primary interested in maintaining peace and stability, the EU also took responsibility in the state-building process. In addition, as the EU is gradually taking over responsibilities from other organisations, its role and responsibility is constantly increasing.

Florian Bieber highlighted that the European Union is basically the only international actor in the post-Dayton period which is dealing with and provides assistance in the state-building process in Bosnia and Herzegovina. He added that the European Union’s strategy is based on a duality: besides supporting the state-building process, the EU also tries to involve the country into the European integration process. From this point of view the argument of this case study is that state-building process cannot be a successful process without a better performance in the EU accession process and this requires a more serious engagement by the European Union.

The last 15 years, since the country received perspective for EU membership demonstrated that conditionality on its own will not be a sufficient tool to boost the reconciliation and by this the state-building. Besides Kosovo, Bosnia is the other country of the region which did not receive the candidate country status. Bosnia and Herzegovina has been primarily a ‘result’ of the US led negotiations, defined in the Dayton Agreement and that system has been approved by leaders of Croatia, Bosnia and Herzegovina and Serbia. As Bieber pointed

\textsuperscript{124} NATO engaged in stability and peace-building in Bosnia and Herzegovina to end the war. NATO had an important role in implementing the Dayton Peace Agreement through its peacekeeping mission. In December 2004, NATO handed over its mission to the European Union. (NATO 2018)

\textsuperscript{125} OSCE defines its mission to Bosnia and Herzegovina as the following: “The OSCE Mission’s principal aim is to promote stability and reconciliation while assisting Bosnia and Herzegovina on its path to regional political, economic and social integration. Mission activities seek to foster systems of governance, justice and education that uphold human rights and the rule of law for all citizens. Moreover, the Mission supports the development of an effective, responsive, and inclusive security sector in Bosnia and Herzegovina, in keeping with international standards.” (OSCE Mission to Bosnia and Herzegovina)
out, “state-building in BiH had become largely an EU affair” as the EU took over the police and military missions from the UN and NATO. The High Representative for Bosnia and Herzegovina has also been the EU’s special representative in the period between 2002 and 2011.  

(Bieber 2013, 15-17)

Regarding the state-building process in BiH, it is obvious that the EU puts pressure on the Bosnian lawmakers to pursue an internationally defined agenda, with the aim to motivate the political decision-makers to implement the reforms to be rewarded in the EU accession process. However the last 15 years proved that this policy of the EU was not able to sufficiently boost the process.

Based on the values of the European Union it is more than obvious that the European actors cannot directly intervene in the state-building process as such step would result in the “incompatibility of direct imposition with democratic governance and rule of law and the legitimacy (…).” (Bieber 2013, 15-17)

But intervention with conditionality tools has been extremely challenging in BiH as the Republika Srpska has a different point of view regarding the state-building of Bosnia and Herzegovina.  

The EU’s state-building should focus on the following two elements in Bosnia:

1. Institution-building
2. Functional government that is able to ensure the sovereignty of the country (Bieber 2013, 16-17)

It is obvious that these achievements and improvements cannot be realised without a stronger engagement of the European Union. In 2014 the European Union assisted Bosnia’s enlargement path through two actions. Firstly, the Council invited Bosnia to submit its application to the EU and secondly, there has been a shift to economic reforms. The EU’s

126 This situation was referred as the double hatting.
127 Serbs, or the Republika Srpska aims to keep the current organisation of the country as this provides the wider range of power. For that reason, Serbs are not supporting the centralisation of politics as they would prefer to keep the entity politics on an entity level.
128 Following the request of the European Commission back to 2015, the institutions of Bosnia prepared the 2016-2018 Economic Reform Programme (ERP). ERP contains a medium-term macroeconomic and fiscal policy framework, including the fiscal measures as well, and on the other hand, a comprehensive programme of structural reforms aimed at improving the growth and competitiveness of the country. (Economic reforme programme 2016-2018 2016)
objective was to set the country on a new path and to strengthen the economy of the country. The Economic Reform Programme was an initiative to set the country on a new path towards the EU, which objective contained a strong economic shift. The primary goal was to include political leaders and civil society organisations to this process. Stronger economy would enable to cope easily with the EU’s conditionality. The EU aims to assist this economic boost process with further support.

Following several delays, Bosnia and Herzegovina submitted officially its application for EU membership in February 2016. But just like many other issues, the answering of the EU questionnaire also divides the BiH decision-makers. The government of BiH finally handled over the questionnaire to the European Commission in February 2018. Despite the efforts made by the European Union in order to boost the integration process of Bosnia and Herzegovina, internal political disputes remain one of the major obstacles in the Europeanisation process. (European Council 2018c)

9.5 Constitutional reform

The necessity of a constitutional reform is coming from the consideration that the functioning of the entities are in disharmony and there is a clear lack of cooperation between the entities and the federal level. The Croat and the Serb community insist on maintaining the federal structure of the country although recent democratic statistics have shown the growing number of the Bosniaks. Another problem is that the lack of will of cooperation still requires the intensive international presence in the country. For that reason the position of OHR could not be abolished. (Kemenszky 2017, 49-56) The change of the Dayton system is an important prerequisite for further progression in the EU accession process. Although the three political elites are aware of this fact, no consensus has been reached regarding this matter. This is the most complex reform task of the integration process, as the goal of any constitutional reforms would change the status quo established in 1995.

Mirko Pejanović defined the minimum criteria of any possible constitutional agreements. First of all, as Bosnia and Herzegovina is a multi-ethnic state, the three levels of power should remain untouched. Secondly, the involvement of the international community is essential in this process. (Pejanović 2016, 184) It is also clear that despite every efforts already made, the EU is lacking of such a commitment. On the other hand, the currently ruling parties have shown incapacity in achieving consensus on how to change the
constitutional framework and the decision-making process in the country. (Pejanović 2016, 362)

Jeffrey presented an alternative approach to the understanding of the state as “failure” or “weakness” and suggested to focus “on the forms of practices produced by intensive international intervention since the signing of the Dayton General Framework Agreement for Peace in December 1995.” (Jeffrey 2013, 3) The constitutional reform process cannot turn to a “Dayton 2.0” and hence it would be preferable if the process would build up on a bottom-up initiative. (Kemenszky 2017, 42)

That would require a stronger cooperation of the Bosniak, Serb and Croat political elites. Based on the current situation, such reforms can be achieved only with the strong assistance of the European Union. However the constitutional revision could be an extremely sensitive process for the neighbouring Croatia and Serbia as well. State-building assistance of the European Union has to be accompanied by a stronger assistance in order to generate and facilitate bottom-up initiatives.

In 2005 then EU High Representative Javier Solana stated that “that the time will come when BiH politicians will agree that constitutional change is required – but sustainable reform can only happen through BiH institutions and with the agreement of all three ethnic BiH peoples.” In 2005, the European Parliament reflected on some different views concerning the Dayton System and the position of the OHR in Bosnia and Herzegovina. In order to provide full sovereignty for Bosnia, there is a need for reducing the “unlimited” powers of the OHR. It is important to understand that democratic institutions cannot be developed by decrees. In order to overcome this “external ruling method”, a clear EU path is needed.

The problem is that as it could be seen, membership perspective and conditionality were not sufficient to motivate the political leaders of Bosnia to intensify the reform efforts. This also means that focusing only on the enlargement criteria (fulfilling the Copenhagen criteria or implementing the acquis) would be wrong priorities for Sarajevo at the moment. What is much more important is that Bosnia and Herzegovina has to focus much more on finishing state-building process and to restructure its economy and constitutional framework. The EU enlargement process therefore should include measures in order to effectively assist this process. (European Parliament 2005, 6-10)
9.6 Conclusions: the future perspectives of Bosnia and Herzegovina

The case of Bosnia and Herzegovina evidenced that special problems related to stateness deserve the attention of the European Union. These current political challenges are directly contributing to a situation, 1) in which the political decision-makers are focusing more on the domestic political debates; 2) and therefore BiH is lacking way behind the other enlargement countries.\textsuperscript{129}

The system created by the Dayton Agreement received criticism and the past 22 years have shown that although the Agreement was successful in guaranteeing peace it could not contribute to the effective political functioning of BiH. This ineffectiveness could be observed both in terms of domestic political challenges as well as in the EU accession process. As the agreement failed to be timeless it is out of question that necessary reform measures have to be taken, preferably with the strong assistance of the international community. (Kemenszky 2017, 42)

As there is no consensus amongst the constituent nations of BiH concerning such reforms, the process has to be guided and assisted by the European Union, which became the most influential international actor by overtaking the major military and civilian missions. The reform of the Dayton System would require a strong political motivation from all three nations. For this reason, state-building has to contribute to democratic consolidation in order to boost the EU enlargement process. This however cannot be expected without a deep constitutional reform, rule of law, democratic performance and intra national dialogues have to develop.

State-building has to improve conflict management and show valid alternative to the ethno-nationalism captured Bosnia and Herzegovina, which was present in the pre and post-Dayton Bosnia. Since the European Union gradually took over responsibility in recent times, it would be preferable and convenient that Brussels engages itself more in the constitutional reform process in order to push democratic transition and by this the EU integration process of Bosnia and Herzegovina. The EU’s assistance would allow Bosnia to take more responsibility and reach its full sovereignty.

\textsuperscript{129} As Kemenszky highlighted, Bosnia and Herzegovina needed seven years to ratify the Stabilisation and Association Agreement. (Kemenszky 2017, 41)
10 Conclusions

This PhD project analysed and presented an ongoing, open-ended process. Therefore it is not an easy task to draw conclusions as the outcome of Europeanisation and democratisation is still unknown. The argument of the previous chapters was that a successful outcome of the enlargement process is an important interest not only for the Western Balkans, but also for the European Union. Although this enlargement process is much longer than the previous accession rounds, the EU membership as a perspective had an important added value concerning the stability, and the future perspectives of the region.

10.1 The main findings

The statement of this doctoral thesis was that the Western Balkan states are experiencing difficulties when it comes to the fulfilment of the EU’s accession criteria. As the thesis presented, the EU through the processes of Europeanisation and democratisation, is engaged not only in the integration but also in the transformation of these countries that are part of a post-conflict region.

The thesis set up three hypotheses that have been confirmed by the case study analyses. The presented case studies discussed the current situation of Europeanisation and democratisation in Serbia, Macedonia and in Bosnia and Herzegovina. As it could be seen, democratic consolidation is an essential element of the enlargement process. The case of Serbia proved the importance of hypothesis no.1. Without the consolidation of democracy, candidate countries will not be able to fulfil the Copenhagen political criteria. Institutionalisation itself cannot prevent the centralisation of the political power and political control in the main constitutional institutions. Durable democratic reforms will certainly require more engagement on behalf of the political elites and the European Union. The case of Macedonia was a striking example how sets of political crises can culminate into an institutional crisis and eventually into state capture. Since the end of the armed conflict, the EU had a strong added value to regional stability. The EU however has to provide necessary assistance in order to find solutions for bilateral and internal political conflicts. The political dialogue initiated by different EU representatives in Macedonia was efficient enough to overcome the deep political crisis. Democratic development and a credible accession perspective have to follow these events. Therefore it would be desirable if North Macedonia could start the accession negotiations in June 2019.
The EU has to become mediator in the remaining domestic and regional political disputes\textsuperscript{130} as well and facilitate the problem solving process. It is also important to mention that divisive political culture and the lack of will to have political compromise might affect the functioning of democratic institutions and other key areas of the society not only in Macedonia but in other Western Balkan countries as well. The Macedonian case gave answer to hypothesis no.2 and hopefully Skopje’s experience will serve as a good example for other enlargement countries.

On the other hand, the European Union also had to realise that due to the slow enlargement process, a revision of the enlargement strategy could not be avoided. For that reason the EU presented a strategy document to renew and reconfirm the EU perspective for the Western Balkans. However the case of Bosnia and Herzegovina evidenced hypothesis no.3 that special challenges (related to the problem of stateness) deserve the strong attention of the European Union. Therefore, the European Union should take the initiative and assist Bosnia and Herzegovina’s EU integration path by helping the country in the long waited constitutional reform process.

10.1.1 Challenged democratic consolidation

To find an appropriate answer to the democracy related challenges, the European Union has to tailor its enlargement policy to the needs of the Western Balkans. This means that the monitoring of the EU’s conditionality has to focus more on areas that require not only assistance, but even guidance in some cases. At the same time, the ongoing (political) Europeanisation process had important effects on the politics of Serbia, North Macedonia and Bosnia and Herzegovina. This can have an important relevance to help the enlargement countries overcoming their regional and transitional challenges. In order to fully overcome these problems, the European Union developed a conditionality based enlargement strategy. This principle was strengthened in the 2018 Strategy.

When it comes to the consolidation of the democracies, we could see, that the behavioural, attitudinal and the constitutional consolidation of these countries have still not finished. The stateness problem represents a major challenge in the case of Bosnia and Herzegovina, while democratic procedures and the power exercised methods led to a high level of political concentration in Serbia since 2014 and in Macedonia until 2016. Due to this major

\textsuperscript{130} For example the Belgrade-Pristina dialogue.
centralisation, non-governmental forces are not subjects of the democratic procedures and the majority of the institutions cannot effectuate their oversight function. Therefore democratic consolidation can be challenged in countries where the problem of stateness, state capture, or statehood appears. But another requirement, the consolidation of the political culture is also missing. As a matter of fact, to achieve significant changes in democratic political culture, a new type of communication is required on the part of the political parties. The political groups of the European Parliament must strictly demand the adoption of the EU values to their Western Balkan partners. Meanwhile, the situation of the civil society is also worrying. Democracy cannot exist or function without involving the civils into the decision making process. (Kmezić and Bieber 2017, 13)

As the EU’s democracy support has been seen in some cases as a political pressure coming from outside, the conditionality in some cases also increased or generated polarisation in the case of nationally sensitive matters, or unresolved political issues. (Anastasakis 2008, 365-366) This is why the EU also has to engage in the assistance of 1) resolving bilateral or regional conflicts and 2) why academic literature has to put a higher focus on the Europeanisation of the politics.

According to critical opinions, the European Union attached more importance to regional stability rather than focusing more on democratic consolidation. It is then obvious that “stabilitocracy” as a political course is not compatible with democracy therefore the main role of the political Europeanisation should be to enhance the democratic consolidation. Fortunately, the EU recognised this problem and by offering a new enlargement strategy, it will put a greater emphasis on democratic values in the candidate countries. (Kmezić and Bieber 2017, 12-13) Democratisation has to be supported from the European Union, but real change and improvement will have to come from the region itself. (Bieber 2018)

Table 24 The European Union’s role in the three countries analysed

<table>
<thead>
<tr>
<th>Supporting democratic consolidation</th>
<th>BiH</th>
<th>Macedonia</th>
<th>Serbia</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU as a mediator in (bilateral or political) conflicts</td>
<td>Urgent Reform of Priorities</td>
<td>Pržino Agreement</td>
<td>Belgrade-Pristina dialogue</td>
</tr>
<tr>
<td>Region tailored conditionality</td>
<td>Revised enlargement strategy in 2018</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
10.1.2 Europeanisation of the politics

It is clear that in the case of the Western Balkans, Europeanisation follows a top-down direction as a result of the asymmetrical relations between the European institutions and the enlargement countries. On the other hand, the credibility of the process has also been challenged by the fact that the process is too long. Concerning credibility, the promise of membership as a form of reward for the reform implementation no longer seems to be a viable alternative for some leaders. In an interview in September 2018 Serbian president Vučić clearly stated that Serbia expects EU accession in 2025, if Belgrade reaches a final agreement with Pristina over Kosovo. (Reuters 2018a)

As Europeanisation is a process, it is not easy to precisely define its tangible impacts that it makes on the candidates. Europeanisation certainly had a positive impact on the politics of the three countries analysed. Concerning Serbia, it contributed to initiate the normalisation talks between Belgrade and Pristina. In the case of Macedonia, following a state capture, Skopje and Athens ended their three decades long name dispute. When it comes to Bosnia and Herzegovina, the prospect of EU accession is one of the few common strategic goals the country leaders agree on. Among the main political parties, there is no opposition to EU membership and the leaders as well as the citizens are (generally) in favour of the enlargement. However Europeanisation cannot be successful without democratic consolidation. Therefore we can consider these two processes that are strongly linked to each other.

Table 25 Europeanisation of the politics

<table>
<thead>
<tr>
<th>Political Europeanisation</th>
<th>Serbia</th>
<th>Macedonia</th>
<th>Bosnia and Herzegovina</th>
</tr>
</thead>
<tbody>
<tr>
<td>Political leaders</td>
<td>The political leaders are determined to find a solution for the Kosovo issue</td>
<td>Improving bilateral relations with Greece and Bulgaria</td>
<td>EU integration is one of the few common goal</td>
</tr>
<tr>
<td>Political parties</td>
<td>No opposition to EU membership</td>
<td>EU perspective strongly encourages the reform processes of the Zaev government</td>
<td></td>
</tr>
<tr>
<td>Citizens (voters)</td>
<td>Pro-EU mood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Political culture</td>
<td>Attractiveness of the EU values</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
10.1.3 Regional relations

The European Union has been seriously involved in this reconciliation process not only by promoting soft values, but also by mediating between the different parties. The EU has played an important role in maintaining stability in the Balkans since the end of the 1990s and membership has become an important driver for the reform implementation. It is more than clear that the citizens of these countries are supporting the democratic norms represented by the European Union and this domestic pressure has to be supported by the EU institutions.

Moreover, the European Union made it very clear that candidates have to solve their bilateral or regional issues before any accession. For that reason, regional reconciliation and preserving stability are more than important tasks for each of the candidates. The internal and external challenges of the enlargement must be therefore handled together.

10.2 Worst case scenarios

10.2.1 Europeanisation and democratisation under threat

Slow Europeanisation and the lack of democratic consolidation can also be understood as a weakness of the EU’s transformation power and the lack of reform commitment from the candidates. Different methodological and data surveys have shown that – as it seems to be – democratic decline could be detected in countries that are still in the process of enlargement. Democratic backsliding as a phenomenon is even more interesting as normally, the candidates should perform much better in the accession process. As a growing external menace, the non-democratic paradigm, represented by the re-emerging non-European actors might challenge the EU’s normative role in the region on a longer term. Such downturn would not only lead to an unfinished Europeanisation process, but also can destroy the EU’s transformative capabilities. The influence of external powers like Russia, Turkey, China and the Gulf countries at this moment is not significant, however this can easily increase in the future, especially if the candidates are unable to resist to these influence. (Mounk and Foa 2018, 34) Therefore it is of outmost importance that the EU and the Western Balkan enlargement countries realise that improving resilience is an important duty.

Szymański noted that as the EU’s dynamism of Europeanisation has changed recently and we can even observe reversal process in some countries: “a process of de-Europeanisation is

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131 The EU had an important role during the Macedonian and the Montenegrin political crisis moreover Brussels also initiated the Belgrade-Pristina dialogue.
increasingly noticeable.” (Szymański 2017, 188-189) De-Europeisation is a direct consequence of the weakening of EU norms, as well as of the lack of EU’s capacity to monitor the durability of the reforms. A possible explanation for this negative tendency is coming from Ágh. He highlighted that the processes of Europeanisation and democratisation were unfinished not only in the enlargement countries but also in some new member states. (Ágh 2015, 9) Besides Linz and Stepan’s explanation, this is another dissuasive effect, which can challenge the success of the process. With Linz and Stepan’s explanation, we can observe that although the institutional dimension of the reforms were made, the attitudinal and behavioural dimensions and the consolidation of democratic political culture have left something to be desired. (Linz and Stepan 1996) This is an aspect that the EU should certainly not ignore especially as the case of Turkey has shown what happens if the “enthusiasm” towards democracy declines.

As Huntington presented, Turkey’s application for full ECC was a result of the fact that then Turkish leaders wanted to stabilise the democratic reforms in the country. (Huntington 1991, 14) As the idea of Turkish membership was little supported by the member states, the country did not have a credible perspective for membership. But the case of Turkey is also a great example of democratic de-consolidation as a result of deficit in the democratic political culture. (Szymański 2017, 199) Europeanisation is therefore weak in countries, where democratic consolidation is not finished or is challenged by “political strongmen” rulers. The effects of de-Europeisation and de-democratisation tested the “normative” credibility of the European Union. (Szymański 2017, 189)

10.3 From reaction to action

The EU integration of the Western Balkans has been in the focus of interests and attention of many scholars and researchers since 2003, when the European Union gave the perspective of membership to the former Yugoslav countries and Albania. Since then, the process of Europeanisation could have started in the Western Balkans. However the accession process

132 In their work the authors argued that although the institutional dimension of the reforms were made, the attitudinal and behavioural dimensions and the consolidation of democratic political culture have left something to be desired. (Linz and Stepan 1996)

133 After the political and constitutional changes in Turkey, European Commissioner Johannes Hahn called for a “new Turkey policy” (Saeed 2017), while the European Parliament wanted to suspend the accession talks with Ankara. (Toksabay and Karadeniz 2017)

134 In the case of the Western Balkans, the EU has even been “accused” by favouring stability, or “stabilitocracy” to democracy. (BIEPAG 2017, 7)
seems to be slower comparing to the previous enlargement rounds and it is obvious that (both political and economic) transition has been accompanied by many challenging obstacles. When the EU launched the Stabilisation and Association Process, there was no doubt that serious conflicts are still present in the Western Balkans, slowing down the dynamism of enlargement. Less attention has been payed to the internal conflicts of the EU, which are standing in the way of future enlargements. For that reason, there is strong need to analyse those factors that are preventing the European Union to play a more significant and decisive role in the transformation process of the Western Balkans. To avoid this downturn, the European Union renewed its enlargement strategy in order to overcome the challenges. This is especially important, since the slow integration process could undermine the EU’s credibility and this situation might lead easily to an enlargement crisis. The renewed commitment of the European Union towards the region was able to preserve the credibility of the process, and the European Union can be still considered as a trustable transformative power in the region. However the transformation process requires full democratic consolidation (the consolidation of the democratic political system, institution as well as the consolidation of the democratic political culture) and the Europeanisation of the political sphere including the politics, the political actors (such as leaders, parties and citizens).

Since the end of the Bosnian War, the European Union replaced its previous reactive approach with a more active engagement to the Western Balkans. This more active role could be observed by the continuous development of the enlargement strategy. The EU was also able to identify the delaying factors of the enlargement and showed willingness to provide more assistance to the candidates.

Although the experiences of the previous enlargement rounds led to an enlargement fatigue, the strategic aspect of enlargement motivated the EU leaders to reconsider their approach towards the regions. The new enlargement strategy introduced in February 2018 further strengthened the conditionality based criteria and the fundamentals first principle.

The European Union has to remain the main promoter of liberal democratic values in the region and at the same time, jointly with the NATO, must contribute to the regional stability. In order to preserve this position, the European Commission decided to reform the enlargement strategy to the Western Balkans in 2018. The next European Commission will certainly have a special role to find the appropriate manners to boost the idea of further enlargement until the end of the next Commission’s term. But besides engaging more in the Western Balkans, the EU also has to be ready accepting new members. For that reason it is
crucial to improve the absorption capacity of the European Union. This double exercise will certainly demand a special effort and strong institutional coordination and cooperation from the European institutions.

An even stronger cooperation of the member states is needed in terms of the deepening and the widening of our Union.
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Annex

ELTE Állam- és Jogtudományi Kar
Politikatudományi Doktori Iskola

Európaizáció és demokratizáció a Nyugat-Balkánon
Az európai uniós csatlakozási folyamat vizsgálata
Szerbiában, Macedóniában és Bosznia-Hercegovinában

Doktori értekezés tézisei

Készítette: Braun András

Témavezető: Dr. Navracsics Tibor, egyetemi docens

Budapest, 2019
11 A kutatás témája, hipotézisei és célkitűzései

11.1 A kutatás célja és háttere

A hat nyugat-balkáni állam esetében az Európai Unió egy olyan posztkonfliktusos térség integrálása mellett kötelezte el magát, amelynek politikai, gazdasági, és társadalmi átalakulási folyamata még nem fejeződött be. Kutatáson egyik kezdő motivációját tehát az adta, hogy az Európai Unió „transzformatív” erejét vizsgáljam olyan országok esetében, amelyek még mindig a bővítési folyamat részesei. Kutatáson alapjául az a kérdés szolgált, hogy vajon a délszláv válságot követően az EU tagság, mint potenciális perspektiva, mennyire segítette a balkáni államok közötti megbékélést és fejlődést. Egy másik aspektusból közelítve pedig az is foglalkoztatott, hogy vajon mik az okai annak, hogy a Balkán esetében ilyen mértékű elhúzódó bővítési folyamatnak lehetünk szemtanúi. Jelen kutatás ebből kifolyólag az europszáv uniós csatlakozási folyamat eddigi politikai hatásait és a csatlakozási folyamatot nehezítő tényezőket kívánt felmutatni. Tekintettel arra, hogy vizsgálatomat politikatudományi megközelítésből végeztem, elsősorban az europaiációs folyamattal és a demokratikus konszolidációval kapcsolatos kérdések foglalkoztattak. A Nyugat-Balkán politikai kihívásainak kutatása nem csak azért fontos, mert a régió Közép-Európa, s így Magyarország közvetlen környezetében terül el, hanem azért is, mert ez a térség Európa szerves részét képezi.

11.2 A kutatás szűkebb témája és célkitűzése

Az Európai Unió szerepe a balkáni térségben a daytoni békeszerződés aláírását (1995) követően folyamatosan növekedett. Míg a délszláv háború lezárásában, s az azt követő békefenntartásban fontos szerepe volt a NATO-nak és az Egyesült Nemzetek Szervezetének (ENSZ), addig a kilencvenes évek közepéig (több okból kifolyólag) az Európai Unió csupán marginális szerepet töltött be a térségben. Az Egyesült Államok visszabban vonulását követően azonban Európa vette át a stafétátot és vált meghatározó külső aktorrá a Balkánon, így lett a demokratikus és európai értékek legfőbb közvetítője. Az Unió a kilencvenes évek végére rájött, hogy nem elég „csupán” stabilizálni a Balkánt, hanem azt integrálnia is kell. Az erről

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135 A Nyugat-Balkán államainak az alábbi hat ország tekinthető: Albánia, Bosznia-Hercegovina, Koszovó, Macedónia, Montenegró és Szerbia.
136 Az elemzés nem térjedt ki Albániára és elsősorban a szláv országokkal foglalkozott.
szóló „európai perspektívát” végül a 2003-as szaloniki Európai Tanács ülésen kapták meg a térség államai. A tagsági perspektíva megadását követően világossá vált, hogy az EU elkötelezte magát abban, hogy integrálja a Nyugat-Balkánt. (Illés 2010, 101)

Amiota a térség uniós tagsági perspektívát kapott, a hat nyugat-balkáni ország elsősázmű külüpolitikai prioritása az európai uniós csatlakozás lett. Az uniós tagságért „cserébe” az egyes országoknak teljesíteniük kell a csatlakozási feltételeket. Ez a feltételrendszer egyfelől a koppenhágai kritériumokra épül, amely fontos „maradéka” a közép-európai bővítési körne.

Azonban újdonságként jelentkezik az is, hogy a román és bolgár csatlakozási folyamat tanulságaként már egy sokkal szigorúbb feltételrendszernek kell megfelelniük a csatlakozni kívánó országoknak. Ezt a szigorított feltételrendszer Horvátország 2013-ban sikerrel teljesítette. A nyugat-balkáni bővítési stratégia keretrendszerét a stabilizációs és társulási folyamat (SAP), valamint a stabilizációs és társulási megállapodások (SAA) jelentik.

Tekintettel a háborús múltra, az Unió különös figyelmet szentel a koppenhágai „plusz” kritériumoknak is. Ezek elsősorban a bilaterális és regionális konfliktusok megoldását írják elő, valamint olyan speciális feltételeket, mint például az ICTY-való együttműködés az érintett országok esetében. Mindezek mellett át kell venniük a közösségi vívmányokat (EU acquis), továbbá teljesíteniük kell a madridi kritériumokat is, ami adminisztratív struktúrák fejlődését írja elő. Ezen felsorolások teljesítése mellett további fontos feltétele az uniós tagságnak az, hogy az Európai Uniónak képesnek kell lennie arra, hogy új tagállamot fogadjon be. Ez azt jelenti, hogy minden egyes jövőbeni bővítés függ majd az Európai Unió abszorpciós kapacitásától is (Lőrinczné, 2012, 138, Európai Bizottság 2016, EUR-Lex 2016, BiEPAG 2014, 7-8).

11.3 A disszertáció hipotézisei

A Nyugat-Balkán országai a 2003-as szaloniki európai tanácsi ülésen kaptak perspektívát az uniós tagságra, ám az elmúlt tizenöt évben csak Horvátország tudott csatlakozni az Európai Unióhoz. A horvát csatlakozást követően ma az alábbi hat ország számít a Nyugat-Balkán régió részének: Albánia, Bosznia-Hercegovina, Koszovó, Macedónia, Montenegró és Szerbia. E hat ország közül jelen állás szerint csak Montenegró és Szerbia folytatnak csatlakozási tárgyalásokat, s a legpozitívabb előrejelzések szerint is 2025-ben csatlakozhatnak leghamarabb az Európai Unióhoz.

137 Továbbá Szerbia kivételével a NATO csatlakozás is.
138 International Criminal Tribunal for the former Yugoslavia
Tekintettel arra, hogy az elmúlt időszakban több hazai kutatás is európai uniós csatlakozási szempontból elemezte a balkáni államokat, szükségszerűnek éreztem azt, hogy kutatásomban a csatlakozási folyamat azon elemeivel foglalkozzak, amelyek a csatlakozási feltételek politikai aspektusait vizsgálják. Továbbá, mivel a korábbi kutatások kevésbé érintették ezt a területet, kitért azokra a tényezőkre is, amelyek az Unió számára jelentenek kihívásokat a balkáni bővítés tekintetében. Fontos hangsúlyozni azt, hogy az elmúlt tizenöt év arra is ösztökélt az Uniót, hogy átgondolja bővítési stratégiáját, valamint világossá vált az is, hogy Brüsszelnek fontos szerepe van a máig fennálló regionális és bilaterális konfliktusok kezelésében.

A disszertáció elemzési része mindezekből kifolyólag a csatlakozási feltételek politikai kritériumaira és elemeire, a demokrácia állapotára, valamint az Európai Unió úgynevezett „abszorpciós” kapacitására fókuszált. Az elemzés időkerete a 2003 (amikor az EU tagsági perspektívát kínált) és 2018 (amikor az EU megújította ezt a perspektívát) közötti időszak.

Mindezek alapján a disszertáció az alábbi hipotéziseket fogalmazta meg:

H1: A csatlakozási feltételek teljesítése nem lehetséges a demokratikus konszolidáció végbemenetele nélkül. Ezért az Európai Uniónak nagyobb figyelmet kell szentelnie erre a területre.

H2: Az Európai Uniónak továbbra is fontos közvetítő szerepet kell játszania a térségben jelenlévő (regionális, bilaterális, vagy országos) politikai konfliktusok megoldásának érdekében.

H3: Az uniós bővítési stratégiának jobban kell reflektálnia a régió speciális problémáirá.

A disszertáció három olyan esetet vizsgált, amely a fenti megállapításokat és a hipotéziseket is alátámasztja. Fontosnak tartom hangsúlyozni azt, hogy a disszertáció nem országtanulmányokat végzett, hanem esettanulmányokon keresztül kívánta bemutatni a csatlakozási folyamat nehézségeit. Az esettanulmány, mint elemzési forma lehetővé tette a csatlakozási folyamat nehézségeinek mélységi bemutatását. A disszertáció nem tért ki mind a hat nyugat-balkáni ország vizsgálatára. Ennek elsősorban terjedelmi, valamint kapacitásbeli indokai vannak. Tekintettel arra, hogy kutatásom során három országban volt lehetőségem
helyszíni kutatásokat végezni, a három esettanulmány Szerbiát, Macedóniát és Bosznia-Hercegovinát vizsgálta.

Mindhárom ország más-más helyet foglal ez az európai uniós integrációs szakaszban.

- Szerbia tagjelölt állam, amely már csatlakozási tárgyalásokat is folytat, s legjobb esetben 2025-ben válhat az Európai Unió részévé.

- Macedónia régóta tagjelölt állam, ám különböző bel- és külpolitikai nehézségek miatt nem kezdhette meg a csatlakozási tárgyalásokat.

- A két előbbi országhoz képest Bosznia-Hercegovina csupán potenciális tagjelölt államnak számít, vagyis az ország még nem hivatalos tagjelölt állama az Európai Uniónak.
12 Alkalmazott elmélet és módszertan

Az elméleti és módszertani megközelítésekkel kapcsolatban kihívást jelentett az, hogy a disszertáció témaköre multidiszciplináris vizsgálatot követelt meg. A politikatudomány mellett így fontos szerepe volt a történeti, jogi, valamint az Európa-tanulmányokhoz, vagy éppen a nemzetközi kapcsolatokhoz fűződő tudományágaknak is.

- A nemzetközi kapcsolatok és Európa-tanulmányok, mint diszciplína alkalmazása lehetővé tette az EU és a Balkán közötti kapcsolatok alakulásának bemutatását és a bővítési stratégia fejlődését.
- A történeti módszer szükebb értelemben 2003-tól, tágabb értelemben pedig már 1995-től, a daytoni békétől kezdődően mutatta be az EU és a Balkán kapcsolatát.
- A regionális együttműködések megértéséhez pedig szükséges volt a regionalizmus kérdéseire is kitérni. Mindezek mellett a geopolitikai és biztonságpolitikai aspektus is (ugyan csak marginálisan) szerepet kapott.
- A módszertan szempontjából azonban az összehasonlító politikának volt a legfontosabb szerepe. A komparatív módszertan a disszertáció mindkét felében jelen volt.

Mivel dolgozatomban központi szerepet kapott az integrációs folyamat hatásainak a vizsgálata, nélkülözhetetlen az európaizáció és a demokratizáció folyamatainak az áttekintése.

12.1 Európaizáció

Az EU bővítéseivel és annak hatásaival foglalkozók körében az „európaizáció” a volt keleti blokk csatlakozásának idejétől a fogalom új értelmét is nyert: az európaizáció egyfajta szinonimájává vált a csatlakozási feltételek teljesítésének, s ezáltal az „európai normák” átvételének. A kilencvenes években, amikor elindultak a csatlakozási tárgyalások a közép-európai országokkal, egyes szerzők a csatlakozási folyamatnak a tagjelölt országokra gyakorolt politikai, gazdasági, társadalmi és jogi hatásokat kezdték el vizsgálni. (Lynggaard, Löfgren és Manners 2015, 4-7)
Mivel az európai uniós tagság egy szigorú feltételrendszerhez kötött folyamat teljesítésének végerealxménye, kijelenthető, hogy az európaizáció egy fentről lefelé (top-down) irányuló folyamatnak értelmezhető ebben a kontextusban. (Radaelli 2003, 30, Koller 2019)

A csatlakozási folyamat aszimmetrikusságát a feltételek mellett tovább erősítette az a tény, hogy az Európai Uniónak (leginkább az Európai Bizottságnak) fontos szerepe keletkezett a folyamat előrehaladásának ellenőrzésében (monitoring capacity).

Az európaizációmak alapvetően két iránya ismert: a top-down és a bottom-up. Az első eset a fentről lefelé irányuló folyamatot jelenti, ebben az esetben az EU intézményi és szakpolitikai normáit tölti le a csatlakozni kívánó állam. Az európaizációit így lehet nemcsak fentről lefelé, hanem lentről felfelé irányuló folyamatként is értelmezni. Ez azt jelenti, hogy a társadalmi alrendszerben elhelyezkedő alsóbb szintek is „európaizálódnak.” A „bottom-up” európaizáció klasszikus esetben azt jelenti, hogy tagállami normák válnak az Európai intézményrendszer részeivé. Ebből kifolyólag megállapítható, hogy a balkáni bővítést inkább az első típusú, vagy is a top-down európaizáció írja le. (Koller, Az európaizáció konceptuális és elméleti kérdései 2019)

Schimmelfennig és Sedelmeier definíciója szerint az európaizáció nem más, mint egy olyan folyamat, amelyben az államok az uniós szabály- és értékrendszerhez alkalmazkodnak. A folyamat elemzéséhez azonban nem elegendő az intézményi és szakpolitikai szféra kizárólagos vizsgálata, hanem figyelembe kell venni a politikai szfériára érvényes hatásokat is, amely részének a politikai szereplők (pártok, politikusok, az állampolgárok, vagy akár a politikai kultúrára gyakorolt hatásokat) tekinthetők.

Le kell továbbá szögezni azt is, hogy a bővítési folyamat, s így az európaizáció balkáni hatásainak vizsgálatát nehezíti, hogy egy jelenleg is zajló folyamatról van szó, amelynek nem ismert a végső kimenete.

12.2 Demokratizáció vagy demokratikus konszolidáció

Az európai uniós csatlakozási kritériumok egyik fontos előfeltétele, a demokratikus politikai rendszer megléte. A demokrácia megfelelő működéséhez azonban nemcsak az intézmények kiépülése szükséges, hanem a rendszer konszolidációjára is elengedhetetlen feltétel. Emiatt

fontos megérteni a demokratikus átmenet, demokratizáció és demokratikus konszolidáció fogalmakat.


A demokratikus konszolidációhoz Linz és Stepan szerint szükséges a 1) rendszer stabilitása, 2) hogy az állampolgárok többsége elfogadja a demokráciát, 3) a kormányzati és nem kormányzati szervezetek is részesei legyenek a döntéshozatalnak, demokratikus intézményi keretek között. (Linz és Stepan 1996, Stojanova 2013, 50-51)

A Nyugat-Balkán országaiban a 2000-es évek eleje óta a demokráciához szükséges intézményi feltételek ugyan biztosítottak, a konszolidációs folyamat még nem ment végbe.
13 A disszertáció struktúrája és szerkezete

Annak érdekében, hogy a disszertáció reflektálhasson a fentebb megfogalmazott hipotézisekre, az értekezés az alábbi struktúra szerint épül fel:
A dolgozat első fejezete ismertette a kutatás célkitűzéseit, az alapfogalmakat, valamint a hipotéziseket.
A második fejezet ismertette azokat a fogalmakat, amelyek az Európai Uniót, mint nemzetközi szereplőt jellemzik. Ez a fejezet ismertette a dolgozat elméleti és módszertani alapjait. A 2.2 alfejezet részletesen bemutatta az európaiizációt, mint fogalomban evolúcióját és értelmezhetőségét a nyugat-balkáni bővítéssel kapcsolatban.
A 2.3-as alfejezet pedig a demokratizációs folyamat elméleti hátterét ismertette, kitérve olyan módszertani megközelítésekre is, mint a Nations in Transit, az Economist Intelligence Unit, illetve a Bertelsmann Intézet felmérései.
A dolgozat harmadik fejezete a Balkán földrajzi, történeti és kulturális bemutatásán keresztül megállapította, hogy a Nyugat-Balkán, inkább egy politikai fogalomnak tekinthető, s az idetartozó országok tágabb értelemben a balkáni, vagy a délkelet-európai régió tagjainak tekinthetőek.
A 4-es fejezet az Európai Unió és a Nyugat-Balkán kapcsolatának fejlődését írta le.
Az 5-ös fejezet bemutatta az Unió által alkalmazott bővítési stratégia fejlődését.
A hatodik fejezet részletesen elemezte a bővítési folyamat kihívásait.
A hetedik, nyolcadik és kilencedik fejezetek az esettanulmányokon keresztül igazolták a disszertáció hipotéziseit.
Az utolsó, tízedik fejezet pedig összefoglalta a kutatás legfontosabb eredményeit.
14 Az esettanulmányok

14.1 Demokratikus konszolidáció folyamatának vizsgálata Szerbiában

A Szerbiával foglalkozó esettanulmány a demokratikus konszolidációs folyamatot vizsgálta 2000 (az év amikor Sloboan Milošević megbukott) és 2017 (az év, amikor Aleksandar Vučićot köztársasági elnöknek választották) között. Ez az esettanulmány bizonyította az első számú hipotézist.

14.2 Politikai és intézményi válság Macedóniában

A második esettanulmány a macedón politikai és intézményi válságot mutatta be. Az esettanulmány körüljárta az állam „fösgába esésének” jelenségét (state capture), és tárgyalta az Európai Unió mediátor szerepét a politikai válság idején. Ez az esettanulmány bizonyította a második számú hipotézist.

14.3 Az államiság kérdésének problémája Bosznia-Hercegovinában

Szerbiához és Macedóniahoz viszonyítva Bosznia különleges szerepben van, hiszen minden tekintetben le van maradva az európai integrációs folyamatban. Az esettanulmány feltárta, hogy ennek okai többek között azok a befagyott konfliktusok, amelyeket az ország a daytoni rendszer keretében örökölt. A jelenlegi helyzet nemcsak nem teszi lehetővé az európai uniós csatlakozási tárgyalások megkezdését, de súlyos kihívás elé állítja az állami működést is. Az esettanulmányon keresztül azt mutatta be, hogy az Európai Uniónak a csatlakozási feltételek megszabása mellett milyen folyamatokban kellene kezdeményező szerepet vállalnia. Ez az esettanulmány válaszolta meg a harmadik számú hipotézist.

15 A kutatás következményei és eredményei

A kutatásomban megállapítottam, hogy a nyugat-balkáni országok számára nehézséget jelent a csatlakozási feltételek teljesítése, és ebből a szempontból kihívást jelent az, hogy a demokratikus és európai integrációs folyamatok jelenleg is zajlanak. Mindezek mellett különböző külső és belső tényezők az Unió számára nem teszik lehetővé, hogy a közeljövőben új tagállamokkal bővüljön.
Az Európai Unió és a Nyugat-Balkán közötti kapcsolatok alakulásának áttekintését követően elmondható, hogy a csatlakozási feltételek 2007 óta jelentősen megszigorodtak. Az elhúzódó integráció azonban kérdőjeleket támasztott a folyamat hitelességével és hatékonyágával kapcsolatban. (Balázs 2016, 287) Ennek érdekében az Európai Unió fontosnak érezte, hogy megújítsa, és ismét hangsúlyozza elkötelezését a régió irányába. Ennek alátámasztására, 2018 februárjában Johannes Hahn, bővítésért felelős uniós biztos bemutatta a „A credible enlargement perspective for and enhanced EU engagement with the Western Balkans” c. uniós dokumentumot. Az említett dokumentum kijelenti, hogy a bővítési folyamat továbbra is az egyes tagállamak egyéni érdemei szerint fog tovább haladni, s ezek alapján Montenegró és Szerbia 2025-ben akár csatlakozhatnak is az Európai Unióhoz. Ehhez azonban fontos, hozzátenni, hogy az Uniónak is készen kell állnia arra, hogy új tagállamokkal bővülhessen. (Európai Bizottság, 2018)

Az esettanulmányok igazolták a dolgozatban feltett három hipotézist. Ezek alapján a diisszertáció megállapította, hogy

1) A demokratikus konszolidáció fontos eleme a bővítési folyamatnak. A demokrácia konszolidálódása nélkül ugyanis a tagjelölt államok nem képesek teljesíteni a koppenhágai kritériumok politikai elemeit. Ez az állítás Szerbia demokratikus fejlődésén keresztül került bemutatásra.

2) A macedón politikai válság példája annak, mennyire fontos, hogy az Unió részt vegyen a politikai konfliktusok megoldásában. Az Unió macedóniai szerepvállalása fontos eredményeket hozott, ám figyelnie kell arra, hogy az elért eredmények tartósak (és adott esetben példaértékek) legyenek.

3) Ugyanakkor az integrációs folyamat lassúsága a bővítési stratégia újragondolását irányozta elő. Az új bővítési stratégiának így már nemcsak a csatlakozási kritériumokat kell előírnia, hanem megoldást kell javasolnia az olyan különleges kihívásokra is, amelyek például Bosznia-Hercegovinában jelen vannak.

Mindezek mellett a diisszertáció feltárta azokat a belső és külső kihívásokat is, amelyek jelenleg nem teszik lehetővé, hogy az Európai Unió új tagállamokkal bővüljön.
Felhasznált irodalom és a kutatás háttere

A disszertáció elkészítéséhez fontos támpontot jelentettek a vonatkozó európai uniós dokumentumok, mint például az Európai Bizottság éves szinten kiadott országjelentései, az uniós szerződések, vagy egyéb, a Balkán és bővítés szempontjából kulcsfontosságú dokumentumok. Primer forrásként tudtam felhasználni a vizsgált országok alkotmányait és vonatkozó törvényeit is.


A hazai szakértők közül munkám elkészítésében sokak segített, hogy hivatkozni tudtam (többek között) Kemenszky Ágnes, Koller Boglárka, Hajdú Zoltán, Illés Iván, Lőrinczné Dr. Bencze Edit, Ördögh Tibor, és Dr. Póka Ferenc korábban publikált munkáira.

Tekintettel a nyugat-balkáni és az európai uniós politikai események gyakori változásaira, támaszkodnom kellett az internetes sajtóanyagokra is. Ugyancsak internetes forrásból származnak a dolgozatban használt statisztikai adatok is.

Doktoranduszi éveim alatt szerencsémm volt több kutatóúton is részt vennem, így Bosznia-Hercegovinában, Szerbiában, Macedóniában, Montenegróban és Brüsszelben is sikerült a témában jártas, vagy a bővítési folyamatban résztvevő (vagy részt vett) szakértőkkel, diplomataakkal, politikusokkal, uniós tiszttségviselőkkel találkoznom. Lehetőségem volt látogatást tenni Magyarország podgoricai, szarajevói és belgrádi nagykövetségeinek, a Külgazdasági és Külgüveminszterium Nyugat-Balkán Főosztályán, az Európai Unió bosznia-hercegovinai képviseletén, az Európai Parlamentben, valamint az Európai Bizottságban is.
Ezek mellett több hazai és külföldi konferencián is volt lehetőségem tájékozódni a bővítési folyamat részleteiről. 2017 és 2018 között tagja voltam a Dr. Ördögh Tibor által vezetett Európaizáció a Balkánon Ludovika Kutatócsoportnak is.

Rövid kutatói tanulmányúton vettem részt a Szarajevói Egyetemen és a Belgrádi Egyetemen is. Ezek a kutatóútak lehetővé tették számomra, hogy balkáni oktatókkal és kutatókkal is megoszthassam kutatási elképzeléseimet. Így munkám során fel tudtam használni Uroš Ćemalović és Dušan Spasojević professzorok munkáit is, számos más szerzővel egyetemben (pl Arolda Elbasani, Milica Delević, Senada Šelo Šabić, vagy éppen Mirko Pejanović).

Mindezen tapasztalatok és élmények hozzájárultak ahhoz, hogy megvalósíthassam tudományos elképzeléseimet.
17 A témában megjelent releváns publikációk és konferencia előadások

Magyar nyelven


Angol nyelven


Braun András: *The Absorption Capacity of the European Union: Obstacles to EU enlargement in the Western Balkans.* Central European Political Science Review. Volume 18, Number 70. 2017

Konferenciák

Magyarország

- Budapesti Corvinus Egyetem Nemzetközi Tanulmányok Intézete. 20 éves a daytoni megállapodás. 2015. december 11, Budapest: Regionális megállapodások a Nyugat-Balkánon: lehetőség vagy kritérium?

Macedón Köztársaság

Lengyelország


Románia

18 Introduction: research question

The aim of the PhD thesis was to analyse the political challenges of the EU enlargement process in the Western Balkans. On one hand, the thesis discussed the progress of the relations between the European Union and the Western Balkans since 2003 by presenting the development of the enlargement strategy; on the other hand, the project analysed the accession related challenges through three (case) studies. The case studies of this thesis focused on three enlargement countries that have to fulfil the accession criteria: Serbia, the Republic of North Macedonia and Bosnia and Herzegovina.

The common thread throughout the project was therefore the analysis of the ‘Europeanisation’ and the ‘democratisation’ of these countries. Europeanisation has been considered as the main driver of the EU’s transformative power; while democratisation gains a special importance as the Copenhagen political criteria requires stable democratic institutions and political system. The thesis also aimed to analyse the impact of these processes on the political sphere (mainly on politics and polity) as these are subject to the massive transformation power of the EU.

18.1 The scope of analysis and the hypotheses

In 2003, the European Council offered ‘perspective for membership’ for the six Western Balkan countries\textsuperscript{140}. The European Union built its enlargement strategy on the principle of conditionality, as the ‘Copenhagen criteria’ and the ‘Stabilisation and Association Process’ became the cornerstones of the criteria.

While the Copenhagen criteria defines the main political, economic, and administrative prerequisites of membership, the Stabilisation and Association Process focuses on (among many other aspects) regional stability and reconciliation. One might expect that a successful democratisation and market economic transformation would – as a spill over effect - contribute to the regional reconciliation in a post-conflict region however the efforts of these two flows somehow almost cancelled each other out. Although the European Union paid a special attention to manage the remaining regional and bilateral conflicts, less attention has

\textsuperscript{140} Albania, Serbia, Bosnia and Herzegovina, Montenegro, Macedonia and Kosovo.
been paid on the democratic progress. This temporary mismatch between the EU’s focus and the lack of capacity of the enlargement countries can be linked to a combination of factors, but what has to be understood is that this resulted in a paradoxical situation, where there was a willingness to resolve regional conflicts, but at the same time, no substantial progress happened in terms of democratisation. This has been recognised by the EU and the renewed enlargement strategy put an even stronger focus on the democratic values and principles.

Even though, the EU and the membership perspective certainly had an added value to the regional as well as to the national stability, only partial successes have been achieved in this field. The renewed enlargement concept therefore introduced or reinforced several aspects that are aiming to answer these obstacles on an appropriate manner. The first aspect is the ‘fundamentals first principle’, which means that democratic development became a priority issue. The second reinforced aspect is that countries have to overcome their regional and bilateral disputes before joining the EU. A third important aspect is that the renewed strategy has to offer assistance for countries that are still dealing with specific regional difficulties related to stateness or statehood problems. At the same time, we have to remember that the European Union also has to be able to integrate new members.

The thesis set up the following three hypotheses:

**H1:** The fulfilment of the accession criteria is not possible without the consolidation of the democracy. Therefore the EU should pay more attention to this field.

**H2:** The EU has to continue its facilitator and mediator role in order to overcome regional, bilateral and national political divisions in the Western Balkans.

**H3:** The EU’s enlargement strategy has to be tailored to the particular needs of the countries of the region.
18.2 Limitations

Given the fact that EU enlargement covers a broad topic, the author decided to limit his research respecting the following aspects:

6. The thesis analysed only the political criteria related challenges and obstacles of the ongoing enlargement process. Therefore the public administration and the economic transformation related challenges have not been subject of this thesis.

7. The case studies focused on three countries that are in three different phases in the enlargement process.

8. The three countries were not selected by “random” choice: each of them are in a different phase within the enlargement process and this approach allowed us to put focus on the transition (Europeanisation and democratisation) specific challenges.

9. Some references were made to indicate the EU accession path of the remaining enlargement countries, Albania, Montenegro and Kosovo in order to give the big picture and to better present the regional characteristics of the Western Balkans. The references focused more on the Slavic countries and less on Albania.

10. Europeanisation as well as democratisation is still an ongoing process. This means that the thesis analysed two processes, which’s outcome is still unknown. In other words, the project analysed an open-ended process, based on the current facts and knowledge.\(^{141}\)

18.3 The structure of the thesis

The thesis consists of two main parts.

The first part of the thesis focused on the development of the EU enlargement strategy in the Western Balkans. This part gave a theoretical and methodological overview of Europeanisation and democratisation. The reason behind this was to provide the topic of the thesis with an appropriate theoretical and methodological framework (chapter 2).

The third chapter presented the Western Balkans as a sub-region of Southeast Europe. Chapter 4 presented the development of the EU’s “Balkan policy” in the post-Dayton period.

Chapter 5 presented the development of the EU’s enlargement strategy. Chapter 6 analysed the limits of the enlargement criteria and the EU’s integration (or absorption) capacity.

\(^{141}\) The manuscript of the thesis was submitted on 15 April 2019.
The second part of the thesis focused on the depth or deepness of the challenges mentioned. Moreover, as the time framework of the analysis differs between the countries it allowed a better and more comprehensive way to present the ongoing Europeanisation and democratisation process. For that reason, three different case studies analysed the presented aspects. Each of these states are in a different phases within the enlargement process. Serbia is a candidate country that has already started the accession negotiations. North Macedonia is a candidate country as well, but did not start the negotiations yet. Bosnia and Herzegovina is a potential candidate of the EU, which means that the country still has to make further efforts to become official EU candidate, although application for membership has already been submitted.

The first case study analysed the democratic transition of Serbia, presenting the challenges to democratic consolidation process. (Answering H1)

The second case study presented the importance of the European Union’s role in conflict management processes during the longstanding political and institutional crisis that occurred in Macedonia between 2014 and 2017. (Answering H2)

Finally, the third case study presented the stateness related problems in Bosnia and Herzegovina. This case study challenged H3 by pointing on the fact that the post-Dayton Bosnia and Herzegovina due to the complex institutional system is still suffering from inter-ethnic divisions and frozen conflicts might challenge the statehood of the country. This means that the EU’s enlargement strategy should be even more ambitious and the dialogue on the constitutional reform of Bosnia and Herzegovina should be part of the enlargement agenda.
19 Theory and methodology

The analysis of the EU-Western Balkans relation from an enlargement angle suffers from a theoretical gap. In order to fill this gap, we decided to analyse the EU’s transformative impact on candidate and potential candidate. This required the analysis of two major aspects: 1) the Europeanisation and 2) the democratisation related transformation of the Western Balkans, in light of the EU enlargement. As it has been presented in this chapter, the Europeanisation process encourages the candidate countries to adopt the EU rules on their enlargement process.

In chapter 2, we approached the concept of Europeanisation from three angles:

Section 2.2 presented 1) the original concept of Europeanisation and its evolution in the EU academic literature. 2) We also explained Europeanisation as a top-down process, which is at the same time the main driver of the conditionality based enlargement strategy. 3) We also presented the possible limits of the Europeanisation in light of the Western Balkans EU enlargement process and discussed the possible areas of future analysis.

When it comes to the democratisation, section 2.3 approached democratic consolidation from a theoretical and methodological approach. Besides 1) giving an overview of democracy definitions, 2) we presented transition, consolidation, and political culture as important aspects of democracy. Finally 3), we gave a methodological overview that aimed to present that democratic consolidation can be considered as an ongoing process in the Western Balkans. Europeanisation and democratisation are appropriate theoretical frameworks to analyse enlargement as an ongoing process. As we still do not know the final outcome of the enlargement process we had to present the challenges based on our current knowledge.

Methodological reports are good tools to measure and understand the level of democratic consolidation. These reports are analysing democracies in terms of progression or even setbacks from different aspects that cover important areas such as statness, the behaviour of the political actors, the situation of the rule of law, the stability of the institutions, political parties, elections, etc. In the following sections, we presented four reports that are closely following the development of democracies in transition countries. Besides the Bertelsmann Stiftung, the Economist Intelligence Unit and the Freedom House, we also presented the country reports issued by the European Commission.
20 The case studies

Democratic consolidation in the post-Milošević Serbia

Answering H1

In the case of Serbia, since the beginning of the 2000s the institutional background for democratic political systems is provided in the region. However the stabilisation of the democratic system has been accompanied by the concentration of the political power. As a result of this phenomenon, real consolidation of the democracy could not happen. As a matter of fact, some academics, opposition politicians and EU representatives, as well as civilians raised their voices and demanded a stronger response from the European institutions in order to support democracy instead of the so-called “stabilitocracy.”

The State Capture Challenge in the Republic of Macedonia

Answering H2.

Although the Republic of North Macedonia has been a candidate country of the European Union since 2005 and the European Commission recommended several times the start of the accession negotiations, different sets of challenges prevented the opening of the accession negotiations with Skopje. Indeed, Macedonia has been the second country after Croatia receiving official candidate status from the European Council. The long standing name dispute with Greece and other bilateral tensions blocked the NATO and EU accession aspirations of Skopje. However we have to highlight that this unfavourable international situation was not the only problem throughout the years: Macedonia’s democratic transition was also delayed due to domestic political problems. Macedonia (being a multi-ethnic state) faced a serious ethnic conflict following the Kosovo crisis, while a political and institutional crisis developed between 2014 and 2017 that eventually paralysed the state institutions.

Stateness challenged: the post-Dayton Bosnia and Herzegovina

Answering H3.

Comparing to Serbia and to Macedonia, Bosnia and Herzegovina experiences similar challenges in the democratic consolidation and Europeanisation process. But the EU

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142 According to a BiEPAG policy paper released in March 2017, the notion “stabilitocracy” refers to a phenomenon where “weak democracies with autocratically minded leaders, who govern through informal, patronage networks and claim to provide pro-Western stability in the region.” (BiEPAG 2017, 7)
integration path of the country is also challenged by other problems making the Bosnian case unique. More than 20 years after the end of the Bosnian War, the country still did not gain full sovereignty and the constituent nations still do not have a common vision on the future of the country. Bosnia and Herzegovina is based on an extremely complex institutional system, which resulted in the (ethnic) pillarisation of the society and politics. Besides the lack of dialogue and will of compromise between the elites, trust is also missing from the inter-ethnic relations. For that reason, Bosnia and Herzegovina is facing with a problem of stateness, which seems to be an additional burden to the fulfilment of the EU accession criteria. Although integration to the European Union is a priority for the political leaders, the membership perspective in itself was not strong enough to bridge the gaps between the main leaders of the federal country. The EU integration pace of Bosnia and Herzegovina is slower compared to the other countries in the region. This manifested in the fact that Bosnia and Herzegovina is still “only” a potential candidate of the European Union.

21 Conclusion

The statement of the PhD thesis was that the Western Balkan states are experiencing difficulties in fulfilling the EU’s accession criteria. As the thesis presented, the EU through the processes of Europeanisation and democratisation, is engaged not only in the integration but also in the transformation of these countries that are part of a post-conflict region.

The EU integration of the Western Balkans has been in the focus of interests and attention of many scholars and researchers since 2003, when the European Union gave the perspective of membership to the former Yugoslav countries and Albania. Since then, the process of Europeanisation could have started in the Western Balkans. However the accession process seems to be slower comparing to the previous enlargement rounds and it is obvious that (both political and economic) transition has been accompanied by many challenging obstacles. When the EU launched the Stabilisation and Association Process, there was no doubt that serious conflicts are still present in the Western Balkans, slowing down the dynamism of enlargement. Less attention has been payed to the internal conflicts of the EU, which are standing in the way of future enlargements. For that reason, there is strong need to analyse those factors that are preventing the European Union to play a more significant and decisive role in the transformation process of the Western Balkans. To avoid this downturn, the European Union renewed its enlargement strategy in order to overcome the challenges. This
is especially important, since the slow integration process could undermine the EU’s credibility and this situation might lead easily to an enlargement crisis.

Since the end of the Bosnian War, the European Union replaced its previous reactive approach with a more active engagement to the Western Balkans. This more active role could be observed by the continuous development of the enlargement strategy. The EU was also able to identify the delaying factors of the enlargement and showed willingness to provide more assistance to the candidates.

On the other hand, the European Union also has to overcome its internal problems in order to be capable to absorb new members. Moreover, external powers might cause problems for the EU’s transformative and integrative aspirations in the Western Balkans. These factors should draw attention on the geopolitical aspects of the enlargement and requires an even stronger cooperation of the member states is needed in the field of the common foreign and security policy.

22 Publications

In Hungarian


In English


Braun András: *The Absorption Capacity of the European Union: Obstacles to EU enlargement in the Western Balkans*. Central European Political Science Review. Volume 18, Number 70. 2017