Introduction

For the past 15 years, the European Union has been holding out the prospect of membership to the countries of the Western Balkans. The process of preparing to join the EU would empower progressive forces in these countries and create space for domestically driven reform movements to transform the way politics, economies and societies work. Membership, once attained, would preserve these changes and safeguard the institutions of liberal democracy.

Given what had preceded the Thessaloniki Summit of 2003 - the wars that tore Yugoslavia apart in the 1990s, the breakdown of state authority in Albania in 1997, a barely averted civil war in Macedonia in 2001, and the experience of nationalism, autocracy and impoverishment in Serbia and Croatia - this basic social contract between the Balkan states and the EU appeared well suited to the consolidation of democracy in the post-Yugoslav space plus Albania. A new democratic chapter seemed to be opening across the region following the death of Croatian strongman Franjo Tudjman in 1999 and the ouster of the Milošević regime in Serbia the following year. The EU subsequently deployed civilian and military missions in Bosnia and Herzegovina, Kosovo and Macedonia under a new instrument, the Common Security and Defence Policy, that had been put in place in reaction to events in the Balkans.

Ever since, the EU has viewed the countries of the region primarily through the lens of EU enlargement, and the accession process is at the core of its overall approach to the Balkans, with a hard-security backstop provided by the United States in an implicit division of labour.

In some major ways, the policy has delivered. Despite some incidents, notably in Kosovo, no major violence has occurred in the region since the early 2000’s. Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia all have democratic institutions and regular elections; power has passed peacefully and repeatedly between government and opposition in every country except Montenegro. All of them have made progress toward their professed goal of joining the EU: Serbia and Montenegro have started membership talks, and Albania and Macedonia are expected to open negotiations in the near future as well. On the surface it would appear that Europeanisation - the adaptation of a country’s politics and institutions to the demands of EU membership, and their broader orientation towards fundamental values - has worked.

The status quo

But today, the sense of optimism that attended the developments of the 2000’s has almost entirely evaporated. There is a sense of policy drift on the EU side and of regression in the WB6 (Western Balkan 6 think tanks). Various Member States have turned against enlargement, from the Netherlands to Austria, joining those such as France that had always been lukewarm at best. One of the main supporters of enlargement, the UK, is about to depart the EU. Indifferent or hostile public opinion at home is shaping the attitude of leading member states toward enlargement and, by implication, the Balkans.

The weakening of the EU’s strategic commitment to enlargement has reinforced dogmatic interpretations of EU integration based on ‘local ownership’, further empowering local elites in the accession countries. Irrespective of the ups and downs of popular or elite support for enlargement
in the Member States, the EU has not been able to reassess and adapt its transformation agenda, nor has it ensured for at least the past decade that enlargement remains a priority policy, with the EU’s policy debate turning ever more inward following the eurozone crisis.

As a result, the EU has lost a great deal of its standing and influence in the region, which undermines the very notion of ‘soft power’ that is so central to its self-identification (as well as the design of its policies abroad). Domestic political elites in the Balkans, meanwhile, have learned to play the EU by adopting its language - the language of reform, of rule of law, of civil society involvement - while consolidating their power through ever-tightening control over civic space, the media, political parties and other institutions. Other leaders are openly defying the EU without consequences, and ordinary citizens have learned not to expect any effective support from abroad should they ever challenge the status quo. In the decade leading up to 2016, the three top recipients of EU governance and civil society support in the world were Turkey, Kosovo and Serbia – three countries that saw a marked decline in democratic practices along many parameters during that period.¹

Serbia, praised by the European Commission as a ‘frontrunner’ in the accession process, has seen a marked decline in political freedom as President Vučić - routinely addressed in public as ‘my friend’ by enlargement commissioner Johannes Hahn - is tightening his hold over the media, the institutions of the state and political life more generally. Montenegro, the other Commission-certified frontrunner, has been governed by the same party since Yugoslavia disintegrated; its leader, Milo Djukanović, has been in power since 1991, with barely an interruption.

Macedonia and Albania appeared set to open membership negotiations with the EU this year, following determined efforts by the former to shake off the legacy of a decade of misrule and by the latter to reform its judiciary through an ambitious vetting procedure. Instead of recognising these efforts, the European Council of June 2018 pushed the opening into next year after France, supported by Denmark and the Netherlands, voiced concern about the rule of law in both countries. At a time when the EU was heaping praise on Serbia and Montenegro, despite their autocratic tendencies, the signal could not have been clearer. Domestic politics in EU Member States trumped concerns for the integrity and credibility of the accession process. Instead of leading Europe, as some observers had predicted he would, President Macron of France gave in to purely domestic political imperatives – something that had been foreshadowed in his comments during an EU-WB summit in Sofia in May 2018.²

Bosnia and Herzegovina has had the greatest difficulties even getting the minimum done to advance its membership bid, hampered by a dysfunctional constitutional set-up and increasing centrifugal momentum among the country’s Serb and Croat communities.³ These efforts to divide the country further, by Bosnian Croat leader Dragan Čović and Republika Srpska President Milorad Dodik, remained without effective response from the EU, even though the US had imposed sanctions against Dodik in 2017. EU officials dismissed the divisive rhetoric as mere campaigning ahead of a general election on 7 October 2017.

Kosovo, meanwhile, is plagued by infighting between the camps of President Hashim Thaçi and Prime Minister Ramush Haradinaj, a dispute that reinforces bad governance, corruption, economic misery as well as other dysfunctions that stem from the status of its Serb minority and Belgrade’s stranglehold over politics in the north. Meanwhile, the country, not recognised by five EU Member States, does not even have an unambiguous membership prospect. Its strategy for ongoing normalisation talks with Serbia remains unfocused.4

The EU is evidently aware of this state of affairs. The problem is policy drift and inertia as bureaucracies are vested in the continuation of the current approach. This is visible in the EU’s own reporting. The European Commission’s annual reports on the candidate and potential candidate countries focus narrowly on deliverables across the 35 policy chapters into which accession negotiations are divided and hence fail to provide a clear account, let alone analysis, of broader trend lines, creating an overly positive image of the situation in a given country. The highly diplomatic language of the reports makes them unsuitable as a tool for civil society or the media to monitor the reform record of their governments, or as an advocacy instrument for the EU. (The specific shortfalls of the Commission’s reports have been discussed extensively elsewhere.5)

The reports of the European External Actions Service provide little corrective to the Commission’s views, even though the EEAS is supposed to be the more political of the two institutions with its career diplomats trained in political reporting. For example, the EU Annual Report on Human Rights and Democracy in the World in 2016, drafted by the EEAS, contains the following description of the state of play of democracy in the WB6 and Turkey:

‘The proper functioning of democratic institutions remains a key challenge in a number of countries. The central role played by national parliaments in terms of safeguarding democracy needs to be embedded in the political culture. Parliamentary scrutiny is often undermined by insufficient government reporting, weak parliamentary committee structures and the excessive use of urgent parliamentary procedures. While the conduct of elections as such is broadly without major incidents, important deficiencies, including with respect to election management and political interference in media reporting, have an impact on the integrity of the overall pre-electoral and electoral process. Elections often continue to be seen as an opportunity to gain political control of the broader administration, including independent institutions.’6

The analysis is general but accurate; the country summaries that follow, however, focus exclusively on funding lines and particular projects and lack any wider political analysis. This attitude is quite symptomatic for the EU’s technocratic approach overall, which takes note of the troubled state of democracy in the region but offers little beyond established technocratic activities. The question why millions of euros in governance and civil society assistance have failed to support robust democracies is never asked.

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As a region, the Western Balkans has witnessed a pronounced deterioration in democratic life over the last several years, with some exceptions such as the largely peaceful handover of power in Macedonia in 2017. But even in Macedonia, it was only after the most egregious government abuses came to light and following sustained, massive demonstrations against the incumbent leadership that the EU dropped its passivity by issuing a call for a meaningful investigation of the charges and a dialogue between government and opposition that eventually led to a change in power. In its policies toward the Balkans, the EU’s justified fears of instability have hardened into a doctrinaire attachment to stability at almost any cost, which has emboldened autocratic tendencies among incumbents across the region. The EU enlargement process has failed to deliver on its promise of a democratic transformation.

Observers have described developments in the WB6 over the past several years as a ‘deconsolidation’ of democracy, ‘democratic backsliding’, a ‘crisis of democracy’, or ‘regression’, and it is particularly visible in the decline of media freedom. While each country has its specificities, the decline has affected not just Bosnia and Herzegovina and Kosovo, which are the furthest from accession, but also Serbia and Montenegro, the EU accession frontrunners. Even Croatia, which joined the Union in 2013, has experienced similar setbacks. This casts doubt on the widely accepted assumption that the EU’s influence is higher the closer a candidate country gets to accession, and that ‘a credible accession perspective is the key driver of transformation in the region,’ as the European Commission’s Enlargement Strategy adopted in February 2018, put it. What we are witnessing across the Balkans is not simply a failure of the accession process but of the normative power of the democratic model as embodied by the EU.

These issues are of more than just academic interest; they have direct policy relevance. In response to a perceived lack of credibility of the membership offer, European Commission President Jean-Claude Juncker decided to drop the EU’s decade-old policy of not setting accession dates, however tentative. By putting forth the 2025 date during his State of the Union speech in September 2017, Juncker was overcompensating for the damage caused by his first statement on enlargement after taking up as Commission President in 2014, when he noted that no new member would be admitted to the EU during his term in office. Now, towards the end of his term in office, Juncker appears to have felt compelled to correct the mistake.

However, it is a profound misunderstanding that the credibility of the accession prospect hinges on target dates – especially if, as is the case here, they are overly ambitious and very likely to be missed. The experience with previous enlargement rounds, especially those of 2004 and 2007, suggests that this will create incentives for recalcitrant governments to sit out the process and undertake the bare minimum of required reforms. This is why the Commission, up until this point, had refused to give in to demands by WB6 elites to set a date. The Commission promptly found itself on the defensive for dropping its longstanding policy of not giving accession dates, and


Juncker himself found it necessary to obfuscate what the 2025 date was all about during his first WB6 trip in late February 2018.  

This is not to discount time as a factor shaping popular perceptions of accession and as an indicator of how tangible and politically meaningful the process of Europeanisation is in a given candidate country. In this respect, too, the fundamentals are troubling. In the very best case, 25 years will have passed between the fall of Slobodan Milošević and the accession of Serbia and Montenegro to the EU. In the case of Bosnia and Herzegovina – the WB country in which the EU has had more leverage than in any other except Kosovo – the time lapse will be 28 years from the end of the war in 1995, to the opening of membership negotiations, assuming this takes indeed place in 2023, as indicated in the Commission Strategy’s first draft. If Bosnia and Herzegovina’s negotiations take as long as Serbia’s (a projected 11 years), which is a generous assumption, it will have taken 39 years from the end of the war until the country’s accession. Bosnian citizens who reached adulthood during the war will be approaching pension age by the time the country joins. By comparison, it took Poland 15 years from the demise of Communism to accession in 2004.

The EU itself, meanwhile, is confronting its own, internal crisis of democracy. Incumbents in Poland and Hungary have launched concerted efforts to curb the judiciary, the media and civil society more generally, and others including Romania, the Czech Republic and Croatia have also proven susceptible to the authoritarian temptation or simply to corrupt government. If even the Central European success stories of democratic transformation turn out to be hollow, how can the narrative of the accession process as a democratisation tool be sustained in the Balkans, with its fossilised politics, state capture and post-conflict difficulties?

In fact, the democratic decline in certain EU Member States is not only a problem for the EU’s foreign policy credibility or its receding ability to serve as a model for accession countries. It points to the fragility of democratic institutions more generally, even in the established liberal democracies. The cases of Hungary and Poland are instructive in this regard: they were both frontrunners in the democratic transformation that swept the ex-Communist world after 1989, and in both countries this change was driven by broad and strong domestic constituencies rather than primarily stimulated from the outside, as is the case in the Balkans today. Democratization appeared to be far more deep-rooted in the two Central European countries - yet the assault on liberal democracy is perhaps more sustained, and more ideologically driven, there than it is in the Balkans.

But if the EU’s normative power, encapsulated in the notion of ‘Europeanisation’, has failed to produce meaningful democratic transformation, there is also a counter-narrative of cautious hope. In Macedonia, citizen protesters, incensed by the pervasive wire-tapping of journalists, opposition politicians and other public figures, refused to yield the streets to the police and managed to oust a corrupt, nationalist government with autocratic tendencies, paving the way for a peaceful change of power and, indirectly, to a deal with Greece on the name issue - a dispute that had blocked Macedonia’s path towards the EU and NATO for many years. In Serbia and in Montenegro, environmental activists have taken action to block the construction of small hydro-power plants. In Bosnia and Herzegovina, ordinary citizens in Republika Srpska have been turning out daily for months to protest the alleged cover-up by police of the murder of David Dragičević, shaking the image of RS President Milorad Dodik as invincible ahead of a general

election in October 2018. Across the region, it is evident that large constituencies are dissatisfied by the performance of their elected representatives, by the increasingly restricted space for civic action, and by declining, or stagnating, living standards, even though their dissatisfaction has many sources and takes many forms and is, hence, perhaps not easy to galvanise in a coherent, broad-based movement. It is equally evident that democratic accountability mechanisms are insufficiently robust to offer citizens the prospect of meaningful change as incumbents have put the institutions of the state at the service of their personal power and that of the patronage networks linking political and business elites to organized crime. Opposing a government means, in these countries, fighting an entire system. This is one dimension of the term ‘state capture’.

**Looking ahead**

The pathologies of the accession process are being more openly acknowledged today than was the case before, although key policymakers remain in denial, especially in the EU institutions. The evidence is accumulating and policy-makers in the EU and in the Member States are slowly realising what has been obvious to observers in the Balkans for a long time: incumbent elites, whose power relies on the instrumentalisation of ethnic division and on the extensive patronage networks into which they have transformed the institutions of state, are using the EU accession process as a tool to legitimise and future-proof their business model. While paying lip service to EU values and to the reforms required by Euro-Atlantic integration, they are in fact playing the EU. As a result, the accession process has not delivered on its transformative potential, especially with regards to democratisation.11

There now appears to be more of an understanding that the EU, in addition to its enlargement toolbox, needs a strategy of political engagement with the region in order to support lasting reform locally. There is an increasing sense that the EU is losing the soft-power competition with Russia but also China and Turkey in the Balkans, prompting Commission President Jean-Claude Juncker to comment on it in his State of the European Union on 12 September 2018 and plea for EU unity on enlargement. This momentum should be used for a truly transformational agenda for the WB6. A reshaping of the EU’s entire approach is called for.

Now, toward the end of 2018, several developments are coming together that could make this a pivotal moment in the EU’s relations with the Balkans.

A new European Commission, including a new High Representative for Foreign Affairs and Security Policy, is scheduled to take office next fall following elections to the European Parliament in May 2019. While the EU’s enlargement policy goes beyond individuals, a new foreign-policy leadership in Brussels nevertheless presents a potential opportunity for a reassessment of the EU’s posture toward the region and the questioning of the assumptions that inform the current approach. A new leadership might feel less vested in a policy that has been on bureaucratic autopilot for years and that has lost its main internal advocates as the Netherlands has turned anti-enlargement and the United Kingdom is leaving the EU.

Another potentially momentous development that might materialise in the coming months is a normalisation deal between Serbia and Kosovo. The specifics of an agreement are tricky and it

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is by no means assured that one will indeed be struck; but it is evident that Serbian President Aleksandar Vučić and his Kosovar counterpart, Hashim Thaçi, are preparing their domestic constituencies for some kind of deal, while EU foreign policy chief Federica Mogherini is seeking to build a legacy. These factors suggest that an agreement might be forthcoming in the months to follow. Kosovo’s recognition by Serbia would remove one of the main obstacles to regional cooperation. It is also expected that it will prompt the five EU Member States that have not recognised Kosovo’s independence to do so, thereby allowing Kosovo to join the other five Balkan states on their path toward eventual membership. This would draw a line under the most vexing diplomatic and political issue in the Balkans over the past two decades and allow the region to move on from the multiple legacies of Yugoslavia’s demise.

The same is true for a settlement of Greece’s name dispute with Macedonia, which now also appears within reach, despite the complications arising from the failed referendum in Macedonia on September 30. Prime Minister Zoran Zaev might well be able to assemble the two-thirds majority he needs to have the name deal passed by parliament, although this is by no means assured. Assuming that Greece, too, ratifies the agreement, Macedonia could swiftly join NATO and be given the green light for membership talks with the EU to begin.

Increasing Russian assertiveness in the Balkans and elsewhere and an emerging common assessment by EU Member States of the threat to EU interests this poses has generated a certain sense of urgency in Brussels, Berlin and other capitals, which now appear more willing to reassess the EU’s stance toward the region. There is a growing recognition on the part of some Member States that current policies, centred around the accession process, will neither deliver on the promise of democratic transformation nor indeed safeguard regional stability. Together with the prospect of a complete renewal of the EU’s leadership following elections to the European Parliament, this provides a narrow window of opportunity for a fundamental policy rethink. Any such rethink would have to contend not only with endemic corruption and state capture in the WB6, as identified in the European Commission’s Western Balkans Strategy of February 2018, but more broadly with the basic paradox of the West’s approach to the region. Euro-Atlantic integration was supposed to drive the democratic transformation of the Balkans - yet democratic politics has been in retreat for several years now, amid successful resistance to reform from incumbent elites. Out of fear of instability and an inability to articulate policy alternatives to the accession process, the EU and the United States have largely acted as supporters of the status quo. In the words of Florian Bieber: ‘The EU and its member states have been insufficiently critical of the decline of democracy in the region and offer few solutions to the structural weaknesses and sources of fragility… This would require a new approach that reasserts the role of the EU as a normative and transformative actor.’

Some modest building blocks for a comprehensive policy review are already in place. The Commission’s Western Balkans Strategy contained elements of self-criticism of the Commission’s track record in supporting transformational change in the accession countries; this is significant despite the fact that much of the language was toned down in the inter-agency procedure that produced the final text. The Strategy states that the EU ‘must remain credible, firm and fair,'

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15 Many of the more interesting observations were toned down or cut entirely during inter-service consultation, as is evident from a draft containing tracked changes made during a meeting of chefs de cabinet on February 2 (on file with author).
while upgrading its policies to better support the transformation process in the region,’ implicitly acknowledging that the current approach is insufficient in helping the WB6 along the way to full democratisation. As a result, state capture is pervasive across the region and its politics is deeply corrupt - two notions that are also referenced in the Enlargement Strategy. The Strategy’s repeated use of the term ‘transformation’, rather than the weaker and more common ‘reform’, is also significant, and the Strategy is correct to point out that ‘strengthening the rule of law is not only institutional’ but ‘requires societal transformation.’

The Strategy’s various recommendations could, if followed, strengthen the accession process and help the WB6. It calls on the WB6 to ‘unequivocally commit, in both word and deed, to overcoming the legacy of the past, by achieving reconciliation and solving open issues well before their accession to the EU.’ A Commission initiative to strengthen the rule of law is especially significant: ‘Existing negotiation tools, such as detailed action plans, will be expanded to all Western Balkan countries. Assessment of reform implementation will be enhanced, including through new advisory missions in all countries. Greater use will be made of leverage provided in the negotiating frameworks with Serbia and Montenegro.’ If employed properly, these measures could help strengthen the EU’s credibility on core issues of democratisation and the rule of law - precisely the issues where the EU has been weakest in recent years.

However, the significance of the Strategy should not be overstated. It is simply a statement of the Commission’s analysis and the policies it sees flowing from that - but enlargement, as well as foreign policy, is driven by the Member States. Moreover, even after presenting a solid analysis of what ails the region and the EU’s approach to it, it failed to respond to the diagnosis with a coherent remedy. Useful policy guidance was mixed in with affirmations of the main tenets of the accession strategy. This was a missed opportunity for a reconsideration of what had gone wrong in years of declining democratic standards across the region. It is evident now that a serious policy review will only emerge from the next college of European Commissioners.

Any policy review should seek to reframe the enlargement narrative as a transformation narrative by loosening the EU’s fixation on dates and deliverables, evident at present both in the EU and in the WB6. The point of accession is not the end-point of democratisation and political and institutional reform, nor should it be the end-point of EU support and conditionality to such processes. This new focus on the process of political transformation and democratic consolidation would underscore that democratisation is a process that has to take its course before, as well as after, accession. It would shift attention away from a candidate country joining the EU on a particular date and from the notion of enlargement and the EU’s capacity to ‘absorb’ new members. This could help regain the support of EU Member States and their domestic constituencies and to provide meaningful support to constituencies in the WB6 demanding genuine reform. The specific ways in which this could be shaped should be a focus of the review.

The momentum for a policy review will have to come from the Member States. External stakeholders in a democratic Balkans, from within and outside the EU, should assemble a coalition of like-minded governments that recognise the EU’s collective interest and their own national interest as liberal democracies, in the WB6 and are prepared to act on it. Operating outside the institutional constraints of the EU, this group could provide swift, political responses to both enduring and emerging issues in the region.

Perhaps acting through the European party families, this ‘Friends of the WB6’ group should ensure that a strong candidate is nominated to the Commission’s enlargement portfolio and as the Union’s foreign policy chief, and subsequently takes with a serious policy review. The newly
The elected European Parliament should use the hearings of Commissioners-designate to highlight the shortcomings of the current approach and to stress the importance of addressing them.

A new strategy for EU relations with the Balkans should put democratic transformation and the rule of law at the very centre and cast aside the current fixation with stability. It should take account of the quality of politics in the WB6, not just its procedural aspects. In consequence, it should seek to systematically undergird organic demand for transformation by empowering various segments of society such as opposition parties, independent media and civic groups, and ensure that policy-making is truly inclusive. Providing unvarnished reporting would enable civic groups to hold their governments to account through monitoring and advocacy.

As an interim step, the Commission should implement select recommendations from its WB Strategy that can be implemented in the short run, for example the idea of rule of law review missions. (These should be headed by independent figures rather than Commission officials.) But at the end of the day, a reset of the EU’s relations with the Balkans requires a recommitment by the EU and its Member States to the Union’s fundamental values - respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are currently under threat in several Member States, and they are also being undermined by the EU’s transactional relationships with foreign leaders.

The migration crisis of 2015-16 prompted a breakdown in EU solidarity over the question of who should admit refugees; the EU in effect ceased to function as a community of values and rules in the field of asylum and migration. This underscored the urgent need to clarify what the EU’s various constituencies expect of it, and what values they think it ought to embody. This would require a transnational, inclusive debate about the future of European integration, which should also include citizens from candidate and potential candidate countries as well as friendly neighbours such as Norway, Switzerland, the UK and Ukraine.