

THE FORMATION OF THE JUNCKER COMMISSION AND ITS IMPACT ON THE WESTERN BALKANS

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Abstract

2014 can be considered a new turning point in international relations and EU studies, as it was overall a very politically engaging year, both for historical memory and for present times. First, there was the centenary of the beginning of the First World War. Second, it brought a brand new institutional reshuffling in Brussels. Following the May parliamentary elections, the EU appointed its new leadership for the next 5 years. And third, there was the spread of violence, insecurity and political turmoil in Ukraine, Gaza and Iraq/Syria. In this intricate context, all eyes are again on the EU and its capacity to face these geopolitical challenges. One of the biggest changes brought by the newly announced Juncker Commission is the way it has restructured the foreign policy component. Before the official announcement, when some of the Commission plans leaked the press, many were speaking about the possibility for the enlargement portfolio to be completely dropped off. In reality it was not, but the message is still not very encouraging for the Western Balkans. The aim of the article is to assess the main pros and cons referring to a possible disengagement of EU in the already delayed Europeanization of the Western Balkans. The main points to be taken in consideration are: the reasons for EU to take such a decision based on the limited progress of the countries, the foreseen impact of this decision in the next 5 years and the risks for a re-emergence of violence and instability in the troubled region.

Key words

Enlargement, EU Foreign Policy, European Commission, Western Balkans

1. INTRODUCTION

The year 2014 has brought numerous new challenges on EU agenda, starting from historic anniversaries to events that have reopened frozen conflicts. But, what is most importantly, 2014 has brought a resurrection of the Cold War type of geopolitics. This year marks 100th anniversary of the beginning of the First World War in Sarajevo, a quarter of a century since the end of the Cold War and a decade since the Big Bang enlargement of the EU. Those are not just festive moments, but they can also provide an opportunity to rethink contemporary European history and ways to deal with the traces of this violent past in present politics. The end of summer 2014 has put EU again in the international spotlight, with its brand new institutional reshuffling in Brussels. Following the May parliamentary elections, the EU appointed its new leadership for the next 5 years. After the latest events of this summer - the spread of violence, insecurity and political turmoil in Ukraine, Gaza and Iraq/Syria - all eyes are now again on the EU and its capacity to face these geopolitical challenges. The present analysis aims at reflecting at several EU issues at stake in 2014, and especially at their impact over the European regional security, the re-enactment of the East *versus* West divide, assessing mainly the ability of the EU to adapt to its troubling neighbourhood in the context of the new presidents of the European Commission and of the European Council. The article shall focus mainly on the Commission and its engagement with the Western Balkans through the new provisions of the enlargement policy. The starting point of the analysis is the fact that one of the biggest changes brought by the newly announced Juncker Commission is the way it has restructured the foreign policy component. Before the official announcement, when some of the Commission plans leaked the press, many were speaking about the possibility for the enlargement portfolio to be completely dropped off. In reality it was not, but the message is still not very encouraging for the Western Balkans. As such, the aim of the article is to assess the main pros and cons referring to a possible disengagement of EU in the already delayed Europeanization of the Western Balkans. The first part will contextualize the evolution of EU's engagement with the region through the Stabilization and Association Process, and the second part will focus on the main arguments for a possible future evolution of this process in the Balkans taking into consideration the new Commission structure and its changed

focus. The concluding part will assess the main points to be taken in consideration for the impact of this change for the Western Balkans: the reasons for EU to take such a decision based on the limited progress of the countries and the risks for a re-emergence of violence and instability in the troubled region.

2. A DECADE OF “MIXED FEELINGS”? THE EU ENLARGEMENT POLICY IN THE WESTERN BALKANS

“The coherence and consistency of EU approaches to the global order will therefore continue to be limited by the very nature of the EU as a political entity *sui generis*.”
(Maull 2005, 778)

The aim of this section is to contextualize and problematize EU’s role in the Western Balkans (WB hereafter)¹ in order to better understand the importance of the foreseen impact of Juncker’s Commission on the WB’s evolution for the next 5 years. As we have suggested in previous research (Bărbulescu and Troncotă, 2012), the enlargement policy is part of the overall process of Europeanization conducted by the EU in candidate and potential candidate countries. As such, enlargement must be regarded from the complex perspective of affecting *policy, politics and polity* altogether in the conceptual understanding of the Europeanization process (more in Radaelli, 2003). Moreover, the case of the WB region is even more challenging as it combines both enlargement negotiations, which is a field regulated along the last 20 years of accession processes in Central and Eastern Europe (CEE) with the EU foreign policy towards stabilizing the post-conflict countries after the dissolution of Yugoslavia, which is coordinated by the Council. The analysis starts with a description of the main features of the Stabilization and Association Process (SAP) and its accompanying incentives-based mechanisms for inducing change. The last section will address the way they were reflected

¹ The concept of “Western Balkans”, launched by the Austrian Presidency of the European Council in 2001, denominates the following countries that aim at EU membership - Albania, Bosnia and Herzegovina, Kosovo under the 1244 UNSC Resolution, the Former Yugoslav Republic of Macedonia, Serbia and Montenegro.

in the scholarly debates on Europeanization in the particular case of the WB, in order to argue that EU had a fluctuant attitude to this region from the beginning, and the present redefined policy as shown by the changes made by Juncker continues this pattern of discontinuity and ambivalence. Altogether, this introductory part of the analysis aims to argue that the last decade has shown paradoxical results (more EU engagement, less results) and it provoked a series of false expectations and “mixed feelings” to all the actors involved in the process.

Besides Croatia, which is already an EU member since July 2013, which is often given as “the success story” of the region, the countries of the WB are at various stages on their individual paths towards EU integration. EU did not yet set specific target dates for their EU membership. The WB is divided into 2 main groups of countries – the more advanced which have gained that candidate status, and the least developed which have only a potential candidate status. In 2014 there are 4 WB candidate countries:

- The Former Yugoslav Republic of Macedonia (FYROM), who became a candidate country in December 2005, but has not yet entered into accession negotiations. The pending name issue with Greece is still of substantial importance in this case. In 2012 EC launched High Level Dialogue on Accession with Skopje. It is in a difficult position as it was the first country to apply for membership and it is still stuck in this process because of political issues raised by Greece as an EU Member state, even though Macedonia has fulfilled all the conditions and the Commission has recommended the Council to start negotiations with this country:
- Montenegro - in 2006 Montenegro's Parliament declared independence from the State Union of Serbia and Montenegro. It applied for accession in 2008. The accession negotiations started on 29 June 2012. It is one of the most advanced countries in the negotiation process:
- Serbia – applied for membership in 2009, later than other countries but with a very fast record of fulfilled conditionalities. In 2010 the SAA was ratified, and in March 2012 Serbia was granted EU candidate status. In 2014, as a result of the Brussels Agreement, Serbia officially started its negotiation process with the EU:
- Albania - submitted its application for membership in 2008. In October 2012, the Commission recommended that Albania be granted EU candidate status, subject to completion of key measures in the areas of judicial and

public administration reform and revision of the parliamentary rules of procedures. Finally in 2014 it became a candidate country.

Additionally, there are 2 more potential candidate countries:

- Bosnia-Herzegovina -initiated the SAA negotiations in 2005, signed the SAA in 2008 but did not fully implement its provisions and has not yet submitted its application for accession. It is at the moment the country confronted with the most severe issues, that has stagnated in the process of norm transfer for the last 5 years.
- Kosovo¹- after the unilateral declaration of independence, Kosovo started to consolidate its international recognition as an independent state and to implement EU conditionality. In the summer of 2008, the EU repeated its willingness to assist the economic and political development of Kosovo through a clear European perspective, even though there are 5 EU member states which refused to recognize the independence. In April 2013 after the Belgrade-Prishtina Agreement was signed, the High Representative of the European Union for Foreign Affairs and Security Policy/Vice President of the Commission, Catherine Ashton made the recommendations for EU to open negotiations for EU membership with Serbia and to open negotiations for an SAA with Kosovo. The process was initiated in June 2014.

In the Balkans, the “dark ‘90s” were followed by the “enthusiast 2000” period, when all actors envisaged a peaceful resolution of conflict in the area, using the EU as a “panacea” for all the unsettled issues that affected these unfinished states. In the aftermath of the violent conflicts that took place in the Balkans between 1991 until late 2001, European leaders acknowledged that the troubled region of the WB required a special approach from the EU. In short, I divided this period in three main time slots, each characterized by a certain tendency from EU to the WB:

- 1992-1999 - “From Ignorance to timid Engagement”;
- 2000-2008 - “From Active Engagement to Enlargement Fatigue”;
- 2009 -2014 - “Reactivated Engagement and Stagnation”.

As such, the first stage of EU involvement in the Balkan affairs occurred right after the start of the violent breakup of Yugoslavia, soon after Bosnia, Croatia

¹ Under the 1244 UN Security Council Resolution. The article will use the short form “Kosovo” without any reference to the issue of status.

and Slovenia declared independence in 1992 and it lasted until the outbreak of violence in Kosovo in 1999. Back then EU was not able to react as a unitary actor to this conflict that took place near its borders because it was dealing with its own institutional redesign (the implementation of the Maastricht Treaty and the 3 pillars, one of them being directly connected to the Common Defence and Security Policy). EU member states had conducted disjointed actions toward stabilizing the conflict, but most of them had a delayed intervention and could not manage to stop the conflict until the intervention of the US and NATO troops in 1995 that brokered the Dayton Peace Agreement, which ended the war in Bosnia. The same situation occurred when the conflict between Kosovo and Serbia escalated in 1999, when NATO decided to intervene by bombing Belgrade. Most of the analyses conclude that EU was unable at that time to get involved with a coherent policy in stabilizing a violent conflict (Mauil 2005). After the NATO intervention in Kosovo (March 1999) new approaches for stabilizing the whole region were required. They were drafted in the Stability Pact for South-Eastern Europe, which was agreed in Cologne on 10 June 1999 between the states of South-Eastern Europe, the EU, the US and Russia. The idea was to link improvement of intraregional cooperation between the countries, with the perspective of membership to the EU - accompanied by political and economic conditionality. As such, EU started to take firm action in this sense in 1999 when it became the leading actor to coordinate the Stability Pact, as the main post-conflict international instrument after the Kosovo war. This decision has ended the period of ignorance and disjointed action and marked the first consistent engagement by the EU as a regional actor in foreign policy.

The period from 2000 to 2008 was marked by an intensified engagement of the EU in the region which ended with a slowdown of the process due to the manifested "enlargement fatigue" related both to EU internal issues (economic crisis) and to structural dysfunctional aspects of the candidate countries themselves. In the following years the most effective instrument became the Stabilization and Association Process (SAP), which should - via a subsequent Stabilization and Association Agreement (SAA) - finally pave the way for all the countries to full membership. The tipping point of this active engagement was the year 2003 when a series of inter-related events showed EU coordination and direct implication in stabilizing the Balkans. The year 2003 marks several important dates in the political calendar of the WB countries.

First, on 1st of January 2003 EU deployed its first civilian mission for peace keeping in the framework of the European Security and Defence Policy (ESDP) - European Police Mission in Bosnia and Herzegovina (EUPM). The EUPM was the first operational step forward in the EU's quest for a common ESDP. Second, starting with this year EU opened to the WB the membership offer, conditional on democratic criteria. The Thessaloniki Agenda, adopted during Greece's 2003 EU Presidency, was a landmark in this process which this year (in 2013) celebrates a decade of common efforts for stabilization. Third, at the end of the same year the EU Security Strategy was launched, with a special emphasis on the need for EU to play an important role in stabilizing regional conflicts. These two inter-related events alone carry great significance for both the EU and the WB region at the same time by defining enlargement as a strong foreign policy for EU.

The last stage of EU's approach to the WB took place starting with 2009 and the formation of the second Barroso Commission. The track record for this period is again mix with ambivalent approaches, containing both the ground breaking Brussels Agreement for the normalization of relations between Kosovo and Serbia signed in April 2013, but also with the stagnation of important reforms in countries like Bosnia or Macedonia.

3. THE MAIN EU INSTRUMENTS IN THE BALKANS AND THE ROLE OF THE COMMISSION

After the short overview of EU's balancing between engagement and disengagement in the last 2 decades in the Balkan region, let us come back to our main topic - the impact of the new Juncker Commission and its program for the next 5 years of the enlargement agenda on the WB. This part tries to give a short institutional overview on EU's policies in the WB in order to better assess the role of the Commission in this entire process. There is a legitimate question that one needs to ask in this context: why is a change in the structure of the Commission based on a different vision of its new President important? How could a simple institutional restructuring affect EU's policy in relation to its neighbourhood? A quick look into the way EU policies have been designed and implemented in the last decade might clarify this aspect.

As a starting point, a first observation to make is that the enlargement policy developed inside a highly institutionalized process, being the result of intense inter-institutional consultations and cooperation not only from the part of candidate countries but also at the EU level. As such, the enlargement policy has both an inter-governmental and community feature and this dimension makes it one of the most debated, complicated and (arguably) most successful EU policy from the last decades. The other element which adds more complexity to this policy as compared to other EU policies is that it also evolved as the main foreign policy instrument, being an integral part of the core aim of EU itself – promotion of democracy, human rights and rule of law through the instruments of membership conditionality in its neighbourhood. The framework of EU conditionality based on Copenhagen criteria is applied from the moment a country is first offered the prospect of membership (when it officially becomes a potential candidate). The implementation of these instruments for the fulfilment of Copenhagen criteria is monitored by the EU (the Commission reporting annually to the Council and the Parliament). The process is framed as such in order to help the countries concerned build their capacity to adopt and implement EU law, as well as European and international standards. The progress is assumed to be gradual; therefore the Commission assesses the progress made by an acceding country in annual progress reports published each autumn. The political guidance and content of enlargement strategy is given by the Council usually in its summit in December each year. Moreover, the role of Commission is prominent also throughout the accession negotiations, when the Commission monitors the candidate's progress in applying EU legislation and meeting its other commitments, including any benchmark requirements. This gives the candidate additional guidance as it assumes the responsibilities of membership, as well as an assurance to current members that the candidate is meeting the conditions for joining. From membership application to accession, EU members have at least 75 veto points at which they have to agree unanimously that a country can advance. Member states have to agree unanimously on: accepting the country's application; granting candidate status; starting negotiations; opening and closing each of the 35-plus chapters; concluding negotiations formally; the accession treaty; and the date for joining (Grabbe, Knaus and Cox 2010, 2).

The Enlargement agenda covers a broad range of areas of common interest including political reforms, foreign policy dialogue, alignment with the EU *acquis*, visas, mobility and migration, trade, energy, the fight against terrorism and participation in EU programs. Comprising the main axis of the enlargement agenda, EU conditionality consists of the conditions and timing of the candidate's adoption, implementation and enforcement of all current EU rules (the *acquis*). These rules are divided into 35 different policy fields (chapters), each of which is negotiated separately. They are not negotiable in content but only in the rhythm of implementation - candidates essentially agree on how and when to adopt and implement them. The EU obtains guarantees on the date and effectiveness of each candidate's measures to do. Several exceptions to the rules may appear (transitional arrangements) which means that sometimes certain rules are phased in gradually, to give the new member or existing members time to adapt.

In addition to the requirements of the Copenhagen political criteria, the enlargement agenda for the WB adds to these criteria also the conditions of the SAP which were set out in the conclusions of the General Affairs Council in April 1997. The SAP was initiated in parallel with the Stability Pact in 1999, but launched in 2000. The main elements of this policy have been proposed in the Communication of the European Commission in May 1999, and the process has been discussed and launched in 2000 at the Feira and Zagreb Summits. The SAP was finally strengthened at the Thessaloniki Summit in June 2003 taking over elements of the accession process. The Thessaloniki Agenda introduced an array of new instruments to support the reform process in the WB countries and to bring them closer to the EU. The most far-reaching of these new instruments are the European Partnerships, inspired by the Accession Partnerships. Within this framework, WB countries are involved in a progressive partnership with a view of stabilizing the region and establishing a free-trade area. The SAP sets out common political and economic goals although progress evaluation is based on countries' own merits. The Process has 3 strategic aims: stabilizing the countries politically and encouraging their swift transition to a market economy; promoting regional cooperation and eventual membership of the EU. In order to fulfil these aims, the SAP combines three main instruments:

- a. Contractual relationships (bilateral Stabilization and Association agreements - SAA);

- b. Trade relations (autonomous trade measures) – Interim agreements;
- c. Financial assistance (the Instrument for Pre-accession Assistance – IPA).

Looking retrospectively, since the previous enlargement waves from 2004 and 2007, the accession process has become ever more demanding for the new candidate countries. There are now tougher requirements for opening and closing any chapter within the accession talks. After the experience with Romania and Bulgaria, the European Commission demanded concrete implementation, rather than just promises, to declare that a country has met its closing benchmarks.

In order to conclude, as the core element of EU Enlargement policy, conditionality was “customized” to meet the needs of the WB region. Therefore, EU conditionality for the WB added several more elements to the well-known Copenhagen criteria which were applied for the Eastern enlargement. In addition, specific issues of relevance to individual countries were added, including respect for international obligations such as peace agreements and cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). Issues to be assessed include democratic principles, human rights and the rule of law, respect for and protection of minorities, and regional cooperation.

In order to sum up, in their road to membership, the WB countries have to fulfil a complex set of conditionality which is formed by 5 types of conditions:

1. the general Copenhagen criteria – political, economic and *acquis*-related – applied to all candidate and potential candidate countries;
2. the 1997 Regional Approach and the 1999 SAP;
3. country-specific conditions to be met before entering the SAA negotiation phase and conditions arising out of the SAAs and the CARDS framework;
4. conditions related to individual projects and the granting of aid, grants or loans;
5. conditions that arise out of peace agreements and political deals (e.g. Resolution 1244 of the UN Security Council, and the Dayton, Ohrid, and Belgrade agreements).

In order to conclude this brief recapitulation, the Commission is highly involved in shaping policies as defined by the treaties, so any change in its structure (and the relocation of topics and directorates general which handle these new portfolios) has a great importance in setting the new EU agenda. We would underline therefore that the vision that the new leadership of the

Commission has on enlargement will directly affect the process of integration in the WB.

4. THE EUROPEANIZATION OF THE WESTERN BALKANS – THE MORE COMPLICATED PUZZLE

*“As a post-modern ‘force’, rather than as a modern power, the EU exercises influence and shapes its environment through *what it is*, rather than through *what it does*”.*
(Maull 2005, 779)

This part will refer to a short literature review of the topic, touching upon the concept of “Europeanization” as the main target of the enlargement agenda in the WB and its specificities. Compared with the previous wave of enlargement (the CEE countries), the WB countries are a “special” category of accession candidates and the Stabilization and Association Process (SAP) is a “special” version of the EU’s enlargement policy. In contrast to previous enlargement rounds, the Western Balkans integration process takes place in a vastly different and crucial historical context than previous enlargement rounds.

The main argument that needs to be underlined in this context is that EU has designed a “special” process of integration for the WB (the SAP), with strengthened conditionality. In this context, the WB countries could be surprised to see that for the next term the EU Commission will not “favour” the WB anymore and concentrate on other issues from its neighbourhood. The Stabilization and Association Process (SAP) is confirmed as the main EU policy for the WB and in our understanding of the subject, as the main “instrument” of Europeanization – set of rules that conditions a future accession. The SAP prepares countries for a future membership, but the prospects are much more distant in time than in the previous wave of enlargement as well as the stricter conditionality. The extension of EU enlargement policy to the region has generated high expectations that enlargement will regulate democratic institution-building and foster reform, much as it did in CEE. Extensive researches have showed how the initial top-down focus on peace-building and regional political stabilisation has increasingly been superseded by the top-down drive to meet the requisites of EU membership conditionality (Gordon, Sasse and Sebastian 2008). However, there is very little research on whether and how unfavourable domestic conditions might mitigate the transformative

power of the EU in the WB. This gap in the predominant rationalist models (especially Schimmelfennig's 'external governance model') applied on the region has been filled by several constructivist contributions to the WB region stressing at the same time the importance of a more contextualized view on the 'peculiarities' of the region in contrast with the CEE cases (Jano 2010; O'Brennan 2011; Bieber 2012; Elbasani 2013). By stressing the fact that EU conditionality instruments of the SAP were mainly modelled on the experience of enlargement to CEE, the challenging question these authors still pose maintains the rationalist framing on the issue- what was EU's impact in the WB? Most of the analyses on the topic confirmed an evident observation - that the negotiations with the WB countries have been qualitatively different from the accession negotiations that took place in the case of CEE countries between 1993 and 2007. Studies show that while the effects of 'European ideas' on the CEE candidate countries have been immediate and fast, conditionality appears to be far less effective with countries that are either not willing or not capable of adopting European ideas because they do not resonate with domestic structures and identities or they lack the necessary capacities to introduce required changes as the WB (Jano 2008; Grabbe 2006; Batt 2009). Surely, even if the same policies lead to failure in the Balkans and success in CEE, we still need to discuss and understand why the policies failed and how they could be adjusted. As previously underlined, rationalist approaches aim to offer explanations based on relations of causality that can account for compliant or non-compliant behaviour, successes or failures. These valuable contributions that include both rationalist and constructivist approaches argue that the standardized EU enlargement formula (imported from the CEE countries) is not functioning in the case of the WB. The rationalist standards taken from public policy apply in this case too, most of these studies pointing to the "failures" or "successes" of EU driven reforms in WB countries.

As such, it is important to point the fact that in the case of the WB, the accession process has increasingly become more demanding along the years. For the time being, negotiations are subjected to much more stringent tests and have become more technical than in the case of previous rounds. Evidently, there are multiple reasons to consider the WB case as "special". The peculiarity and, at the same time, the main difficulty in the analysis of the political developments in the WB is the problem of confronting the wounds of the war during the disintegration of Yugoslavia. The former Yugoslav republics of the

WB that were involved in the secessionist wars of the 1990s not only had a delayed transition but also the initial conditions from which they started presupposed the resolution of outstanding statehood questions which was not the case of CEE countries. "The EU's conditions with respect to these former war adversaries intervened in these highly sensitive political matters by suggesting a vision for the political map of the region and internal state structures against the promise of EU membership" (Noutcheva 2006, 3).

The literature on the subject underlined that during the 1990s in the case of the WB the enlargement policy interacts with the EU foreign policy instruments of "hard power" with security targets (the CFSP/ESDP instruments was practically initiated to be applied on BiH, Macedonia and Kosovo as some of the first cases where EU exercised its role as a security actor). The WB were as much a concern for High Representative Javier Solana, later for the High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton as for the European Commissioner on Enlargement Olli Rehn followed by Stefan Fulle. Literature in the field has developed in a divided way – either focused on EU Enlargement policy and its institutional impact (the SAP and its results) or on EU military and civilian capabilities involved in re-stabilizing regional security (EUPM, EUFOR, EULEX missions, EU Special Representatives etc). Such analyses describe and study the top-down impact of the EU/CFSP as a strictly Pillar II (i.e. intergovernmental) phenomenon in national foreign policy making according to pre-Lisbon Treaty structure of EU competencies. These studies show that in contrast with EU's experience with CEE countries, EU's strategy for the WB occurred as a reaction to conflicts near its own borders. As Vachudova clearly stated 10 years ago, this process was a foreign policy test vital for EU's attempts to become a global actor: "Only by stabilizing the Balkans can the EU hope to make its Common Foreign and Security Policy (CFSP) more credible and boost its clout as a geopolitical actor" (Vachudova 2003, 93). The main idea to be stressed at this point is that the contentious aspect of security threats posed at EU's "back yard" created premises for a multi-layered EU policy in the Balkans, combining various instruments complementary to the enlargement policy toolkit.

Parallel to the advancement of EU enlargement, the Europeanization paradigm has turned into the dominant approach to explain the quicker, coincident and to some degree convergent reforms in the candidate countries in the East (Schimmelfenning and Sedelmeier 2008). Their studies concluded that

conditionality fares badly in national contexts marked by poor or fragmented policy environments. When political institutions have collapsed - or are in the process of collapsing - it should come as no surprise that the incentive 'magic of conditionality' is weakened. WB seemed to confirm the same perspective, providing a rich set of empirical data for rationalist institutionalist approaches. According to these incremental perspective on EU's impact through enlargement, EU conditions for the WB followed the same CEE rationalist strategy of 'reinforcement by reward'(sticks and carrots) which can be summarized as follows: the EU prescriptions come up with a set of highly appreciated rewards for most post-communist candidates - assistance, upgrading of contractual relations and the ultimate reward of membership - which the EU promises to deliver in case of compliance, but can well withhold in case of non-compliance (Elbasani 2008, 5).

Quite from the contrary, EU designed for the WB a new enlargement policy framework which implies various instruments that regulate the relations between EU and the candidate and potential countries - the SAP - based on an ever-closer partnership, with the EU offering a mixture of: trade concessions (duty-free access to EU markets), economic and financial assistance; assistance for reconstruction, development and stabilization; stabilization and association agreements - a far-reaching contractual relationship with the EU, entailing mutual rights and obligations¹. In this context, empirically rich and comparative researches showed that the traditional incentive based conditionality proved to be not adequate for the WB region, not only because of the countries path-dependency specificities, but also because of the EU's own different role and implication in their stabilization.

¹http://ec.europa.eu/enlargement/policy/conditions-membership/index_en.htm



Figure 1. In the queue
 Source: *The Economist*, 27.09.2014

5. BACK TO THE YEAR 2014 AND ITS CHALLENGES. THE JUNCKER VISION ON ENLARGEMENT

“It was a wrong message to the Western Balkans at a wrong time”.
Stefan Fulle,
former Enlargement Commissioner in the Barroso Commission
(The Economist, 2014).

After this short contextualization of the main developments in EU's approach towards the integration process with the WB countries, let us come back to present days. On 15th of July Jean-Claude Juncker was elected to become the next President of the European Commission by a strong majority of 422 votes in the European Parliament. On that occasion, Juncker noted his straight-forward goal: “The EU needs to take a break from enlargement”. He argued further that “during my Presidency of the Commission, ongoing negotiations will continue, and notably the Western Balkans will need to keep a European perspective” (Juncker 2014). Such a stance is both strong and ambiguous. This approach leaves open the question of whether new negotiations will be started and whether the EU will undertake an effort to resolve the issues precluding countries from moving towards accession talks. After that statement, some feared that he might even completely “drop” the Enlargement portfolio in the Commission, which sparked a debate about what the perspectives of the Western Balkans would be in this context. This prophecy was not fulfilled, or at least not entirely. On 10th September we found out that Enlargement will not be given a stand-alone portfolio in the new European Commission. Johannes Hahn from Austria (EPP) will be in charge of the restructured portfolio called “European neighbourhood policy and enlargement negotiations”. So actually there are not so many reasons for disappointment; enlargement has not disappeared, but the second place in the title sends a handful of political messages. For many this may sound as a downgrading, and even as a sign that Europe considers its expansion plans, and the Western Balkan region itself, where, after all, most of the candidate and potential candidates are, to be of lesser importance.

There are still a lot of reasons to reflect upon concerning the political impact of EU's reorientation, especially when we refer to the cases of the persisting fragile states and unconsolidated democracies in the Western Balkans. As Austria's Johannes Hahn got the redefined neighbourhood portfolio, this field has assumed geostrategic importance in the light of the Ukraine crisis and it

has evidently superseded the enlargement package. This leaves out any prospect of high-speed accession that has animated reforms in most of the former Yugoslav republics in the last 10 years. There are some serious reasons for this: first, there is Juncker's own anti-enlargement conviction, which points to economic reasons for 'deepening' the 28-EU, rather than expanding it; second, there has been the harsh rhetoric of political forces within EU member states that have associated enlargement with the negative trends of greater migration and insecurity of labour markets, which struck a populist chord as we have seen during the latest European elections; third, there was also the stagnation of the integration process and the lack of progress in several countries where the reforms seemed to deteriorate. When taking these arguments into consideration, the Juncker formula for leaving enlargement behind is not a surprise.

On 22 October 2014, the European Parliament approved the new EU commission led by Jean-Claude Juncker, with 423 votes in favour, 209 against and 67 abstentions (European Parliament 2014). It is important to keep in mind that the present configuration of the European Parliament is totally different compared to 2010, with a much higher number of anti-European MEPs. Compared to 2010, when the second Barroso commission was voted, the Juncker majority is slightly smaller, even though the overall number of MEPs has increased from 736 to 751. Greens, left-wing, eurosceptic and far-right MEPs had all announced they would vote against Juncker, while the British Conservatives and their Polish and German group allies abstained. The new EU commission chief refused to change the name of the enlargement portfolio, as some MEPs required before the hearings, showing that he is firm on his position. Austrian commissioner Johannes Hahn will still be in charge of "neighbourhood policy and enlargement negotiations" because Juncker does not want to "delude people that they could become members in [the next] five years. There will be no new enlargement during my commission" (Pop 2014)), he said. Nevertheless, in all this time he added that talks with Balkan states will continue despite his five-year freeze. Will this attitude that opposes future enlargement have a detrimental effect in the WB still destabilized region?

6. THE POSSIBLE IMPLICATIONS OF NEGLECTING THE WESTERN BALKANS

Realistically speaking, even without Juncker's policy of 'taking a break', there was no enlargement foreseen in the coming five years, at least if the current approach was kept, as Montenegro and Serbia only recently began talks on accession. So, in fact, this decision on enlargement seems only to state the obvious, which is not very encouraging for the Balkan states that stay for years in EU's "waiting room". As such, the problem is that the new Commission might not only put aside, but also further slowdown enlargement. And this is an aspect that may directly deteriorate engagement in furthering reforms at the local level, worsening the prospects for accession. I also join the analysts who believe that there is no guarantee that further progress will be made without sustained European involvement in the Western Balkans. For that reason, a purposeful "slow down" of the process by the Commission will bring immediate effects.

The present analysis argues that we should avoid the extreme opinion stating that from now on the enlargement is completely frozen or that the EU integration process will stop immediately and all the progress made by the WB suddenly becomes irrelevant. It is true, there is no more single portfolio focused on enlargement *per se*, but enlargement negotiations have remained in focus. This clearly shows that the process must go on. But the question is how. The enlargement process will in all likelihood continue, and the Commission will still monitor the progress annually and the main road maps for each country will remain in place. What will definitely change is the impetus given to the process, which will directly affect the cost-benefit calculations of already weakened EU-oriented Balkan reformists. I believe that there is no need for alarmist tones, which might suggest that the enlargement process is not a priority of the EU's foreign policy agenda and that this might lead to an outburst of tensions and even a new military conflict. These fears are unrealistic about both the EU's and the Western Balkans' reactions. EU's engagement in the Balkans had both a symbolic (to bring the Western Balkans "back to Europe") and a normative nature (to implement the EU conditionality and promote democracy, rule of law and regional cooperation). The stakes were high from the beginning, when the Thessaloniki agenda was launched back in 2003. Neither of those facts will be affected by the composition of the

Juncker Commission, but obviously the EU's approach is less enthusiastic than 11 years ago.

In the midst of this debate provoked by the new Juncker vision on the future of EU enlargement, we should be reminded that the enlargement process is conducted not just by politics, but also by EU conditionality and the adoption of EU norms; it's fundamentally a very complex web of multi-level governance structures representing both EU and candidate and potential candidate countries. Both sides are responsible for the results and for delaying integration. I don't agree with people who blame the EU for its enlargement fatigue and disengagement from the Balkans, but neither do I agree with the "Balkan sceptics" who put the entire blame on the corrupt political class and persistent ethno-nationalist bargaining that did not consider EU accession as a priority. I would plead for a more realistic picture that highlights both the EU Member-states 'enlargement fatigue' and the Balkans' 'accession fatigue'. And such a Gordian knot needed a change. The Stability and Association Agreements took years to be implemented and in most of the cases they were delayed and politicized by both potential and candidate countries. But some Member states contributed to this process as well by vetoing the continuation of the process (the example of Macedonia and the name issue with Greece stands as the most striking example). We must also admit that an internally divided EU has proven to be powerless to make real changes to Balkan political dynamics of polarization, zero-sum games, and toxic nationalism.

But one should not overlook the possible negative effects. There are the main points that one should keep in mind when considering neglecting the Balkans:

- (1) The EU has a symbolic meaning for the Balkans. It should not give up on its Europeanization vocation in the Western Balkans as it may lose a large amount of effort and money it has already invested. Even in the midst of its own internal crisis and the worsening global crises from Ukraine to Iraq, Europe cannot afford to neglect the one region in which the EU has assumed full leadership as a foreign and security policy actor. We should not forget that the conflicts that devastated the Balkans during the 90's provided the catalyst for the idea of an EU with security responsibilities (as comprised in the European Security Strategy in 2003 and which contributed to the new Common Security and Defence Policy). This should not just be a symbolic and demagogic ambition merely for marketing purposes, but rather an assumed long-term project for crisis management based on EU

soft power. Even though EU's transformative power in the region has been limited, the massive EU presence in the Balkans has a geopolitical stabilizing purpose and that should not be forgotten. We should be aware of the fact that negative developments in the Balkans could reverse all the valuable gains in the region, increase instability in other countries on the EU's immediate borders, and further weaken Europe's credibility and cohesion.

- (2) An important lesson that we can draw from the past is not to discuss Balkan problems only when they become absolutely impossible to ignore. The profound problems that keep fragmenting societies in the Western Balkans are not going to solve themselves overnight. Keeping them out of the spotlight might be very dangerous, as unresolved issues may come to the surface in the upcoming period. And as Russia continues to use its levers in the region, the crisis in Ukraine could have spill-over effects that could damage European interests where it hurts most.
- (3) The situation in both Bosnia and Herzegovina (BiH) and the Former Yugoslav Republic of Macedonia (FYRoM) is deteriorating, with both countries facing challenges from dysfunctional power-sharing frameworks that elites use to block the path towards the EU. We already had some signals in February, when violent protests broke out in Bosnia and Herzegovina, and this summer in FYRoM, too. In Serbia and Kosovo, the progress made in recent years is at risk of being reversed. Last year's EU-brokered "First Agreement of Principles Governing the Normalization of Relations between Serbia and Kosovo" was at the time hailed as the biggest success of EU's foreign policy, after the creation of the EEAS. At the moment its implementation is largely frozen, with both Prishtina and Belgrade blaming each other of lack of responsibility and engagement. As the EU is distracted by its own transition, new elections are slated for Kosovo, which is in the midst of its biggest political crisis since independence, while Serbia strengthens its relation with Russia.
- (4) There is also a "Russia-effect" that needs to be taken more seriously into account, connecting various hot spots on EU agenda which need to be tackled in the next period of time—the refresh of the European Neighbourhood Policy, the failure of European Eastern Partnership and the new Russian foreign policy in Eastern Europe. After the security threats posed by the Ukrainian crisis, the WB should be also seen as another front

for geopolitical tensions with Russia, heavily impacted by the spill-over effects of the Ukrainian crisis. In the past, Russia has already fully seized its openings to exert pressure and hinder European interests in the region. Two cases in point are the non-recognition of Kosovo and the case of Bosnia, where Russia is a member of the Peace Implementation Council's Steering Board. Moscow could use such levers to sow instability and jeopardise the countries' already difficult paths to Europe. For example, it may be trying to do so with its support for Republika Sprska's Milorad Dodik, who might follow a Crimea-type of scenario. Russia also has an important economic leverage especially in the field of energy and the South Stream project which directly involves Serbia. Just as a recent ECFR analysis argued, "Moscow can leverage pan-Slavism as an alternative to an EU whose fractious politics damage its soft power. If enlargement stagnates and the region's economies continue to deteriorate, much of the Balkans could eventually opt to pivot to other powers that provide short-term benefits, with fewer normative strings attached" (De Borja Lacheras 2014). This is a major security risk which needs to be taken into consideration. In very recent analysis it is being drawn attention upon the fact that Russia currently is interested to stir animosities in the Balkans as an additional challenge against the EU and its "threatening" Association Agreements with Georgia, Moldova and Ukraine (Dempsey 2014).

7. CONCLUSIONS

To conclude, the main aim of this article was to assess the main pros and cons referring to a possible disengagement of EU in the already delayed Europeanization of the Western Balkans. The main argument I have stressed here is that the present redefined policy towards a future enlargement, as it is shown in the changes made by Juncker, actually continues this pattern of discontinuity and ambivalence that EU has practiced in the last two decades. The first part of the analysis focused on the three main stages of EU's engagement in the WB which were influenced not only by the internal political events that have affected EU's coherence, but also the lack of local ownership in the fragile new states from the Balkans. The analysis has concentrated on the main arguments for a possible future evolution of this ambivalent process of

Europeanization in the Balkans, taking into consideration the new Commission structure and its changed focus. The last part has assessed the main points to be taken in consideration for the impact of this change for the WB: the reasons for EU to take such a decision based on the limited progress of the countries and the risks for a re-emergence of violence and instability in the troubled region.

The EU is placed for the moment at crossroads for either strengthening or weakening its foreign policy component towards the WB. The new geopolitical challenges posed by Eastern Europe (and the new developments in Ukraine and Moldova) require a more direct engagement of the EU along with NATO for preserving regional security. Even so, the EU needs to achieve policy success in a European region that is striving for EU membership. As such, it cannot afford a failure in the Balkans, especially after its delayed and unsuccessful intervention during the dissolution of Yugoslavia. Looking at the massive drawbacks in the last years, it seems that the Balkans will unfortunately require more rather than less European diplomacy and international statecraft. This engagement will need to be taken seriously in order to tackle challenges such as real democratization and ethnic reconciliation. In this context, whether Juncker's solution of redesigning portfolios was the best solution remains to be seen. But the impact of this decision on the Balkan region is not to be underestimated. Moreover, keeping the *status quo* is clearly not enough. A European policy reset in the WB is needed, with intertwined internal and external tracks. A change in this direction was already evident in recent practice from the EU's previous vertical and hierarchical positioning at the helm of international protectorates (Bosnia-Herzegovina, Kosovo) towards a more horizontal and deliberative approach based on new political partnership instruments (High Level Accession Dialogues, HLAD) aimed at fostering ownership and legitimacy in low statehood candidate countries (more in Denti 2014).

Both analysts and policymakers in the Balkan area are faced with tough questions: How can the negative perception of EU enlargement be changed in key EU member states? Does the EU have to develop a new tool kit to facilitate enlargement in the Western Balkans? How can Austria use its EU membership to assist the remaining Western Balkan countries on their European path, taking into consideration that the new Commissioner responsible for neighbourhood and enlargement policies is Austrian? The full cooperation

between all the representatives of the new EU leadership, as well as more dedication from the part of local elites in the countries with statehood problems such as Bosnia and Kosovo will be the key aspects for a positive development and a concrete answer to these vital questions of EU agenda.

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