

THE IMPACT OF EU CONDITIONALITY IN THE WESTERN BALKANS. A COMPARATIVE APPROACH: BOSNIA AND HERZEGOVINA - BULGARIA

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Abstract

The purpose of this article is to analyse the security environment at the beginning of the XXIst century and to assess the impact of EU conditionality in the Western Balkans. The paper will analyse the redistribution of power and the new challenges that send the European Union at a crossroad. To explain such complex phenomena, we will use a comprehensive framework based on realism, liberal institutionalism, and constructivism. The central part of the paper will analyse EU conditionality in the Western Balkans – along with its characteristics, particularities, difficulties – and the impact of the degree of sovereignty. The case-study will provide a comparative analysis between EU conditionality in Bosnia and Herzegovina and Bulgaria proving that sovereignty matters for the conditionality-compliance relationship.

Keywords

Bosnia and Herzegovina; Bulgaria; Compliance; EU Conditionality; Sovereignty; Western Balkans

1. INTRODUCTION

After the collapse of communism, the dissolutions of the Soviet Union and Yugoslavia, and the beginning of reforms to consolidate liberal democracy and market economy, the European Union's reaction has been to offer the possibility of EU membership to ten Eastern European states in 1993 and to five Western Balkans states in 2000. All waves of enlargement "including the historic expansion in 2004" mark "the reunification of Europe after decades of division"¹.

"The security of Europe depends on stability in the Balkans. They are also a test-case for Europe's enhanced Common Foreign and Security Policy. Nowhere more than the Balkans is the EU expected to deliver" (Solana 2001) said Javier Solana, the High Representative for the Common Foreign and Security Policy more than a decade ago, in 2001. Unfortunately, the Balkans are not a priority anymore, as the EU faces new types of both internal and external challenges. In the Western Balkans, there were two external interventions, in Bosnia and Herzegovina and Kosovo, "and outside powers imposed settlements underpinned by internationally-controlled institutions" (Oproiu 2015, 2). Nowadays, the security agenda of the European Union is affected by different types of internal and external crises and the Balkans seem to disappear from the priorities, although their road to the EU is still incomplete. If we consider only the recent past, the EU has been struggling with institutional and political crises like the Centre - Periphery debate, two speed Europe / first class or second class members of the EU, the euro-crisis, the new members - old members debate on enlargement, the GREXIT, the refugee's crisis and the list could continue. Still, the EU has a series of difficulties in sustaining a coherent long-term strategy regarding the region.

The framework gets fuzzier if we think at the international system, that faces a stage of transition, with a non linear path of its consequences like the rise of new emerging powers, unpredictable consequences of globalization, a shift of wealth and economic power from West to East, a diffusion of power between non-state actors, etc. We are in a stage of transition that began more than twenty years ago with the dissolution of the former USSR, and reached the East of the Mediterranean, Middle East and North Africa, indicating a reshaping of the power equilibrium.

¹ http://ec.europa.eu/enlargement/policy/from-6-to-28-members/index_en.htm.

In the view of V. Secares, the first phase of this transition started with the strategic withdrawal of the USSR from Eastern Europe, by changing the configuration of the political and strategic system in the Euro-Atlantic area, leading to the reunification of Germany; it is indeed a surprise that the second phase of this transition started also with economic, political and strategic repositioning in the Euro-Atlantic area (marked by the economic-financial crisis, tensions among EU members because of different projects on the future of the EU) and continued with the Arab Spring, the crisis in the East of the Mediterranean, the Middle East, North Africa and more recently with the annexation of Crimea by Russia, the actions of ISIL and the refugees crisis (Secares 2014).

This transition is reshaping the world order and in this context we have to analyse the future of the Western Balkans, bearing in mind the fact that the present process is reshaping the geopolitical map of the world through new coalitions and new positions. The prospect of EU accession was linked to the ability to set standards of democratic governance and for the Western Balkans to consolidate statehood structures after the Yugoslav wars of secession in the 1990s.

2. METHODOLOGY/RESEARCH GOALS

The purpose of this paper is to analyse the security environment of the EU at the beginning of the XXIst century and to assess the impact of EU conditionality in the Western Balkans¹.

The research question refers to the degree in which sovereignty influences the conditionality-compliance dynamic in Western Balkans. We will explain *how* the statehood of a candidate country influences EU conditionality and domestic compliance.

The hypothesis is that sovereignty matters for the conditionality-compliance relationship. For a better understanding of how sovereignty matters, we will make the difference between states with contested sovereignty and states with uncontested sovereignty. In countries with

¹ Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Kosovo under UN Security Resolution 1244, Montenegro and Serbia, according to http://eas.europa.eu/western_balkans/index_en.htm.

contested sovereignty, EU conditionality may be more invasive, as it can intrude in the sovereignty of a candidate state, calling for a redefinition of internal and/or external statehood structures. In states with undisputed/uncontested sovereignty, the EU conditionality generates democratic and economic reforms, and compliance at national level is consensual and sustainable.

According to these categories we differentiated between two groups of cases: 1) Romania and Bulgaria (undisputed/uncontested sovereignty)¹ and 2) Bosnia and Herzegovina (BiH), Serbia, Montenegro, etc. (contested sovereignty). In the process of casing/case selection we decided that the "population" of the comparison would be Bulgaria and Bosnia and Herzegovina after 1990. The cases were selected according to the criteria indicated before (sovereignty); BiH represents a state with weak internal sovereignty, but strong external sovereignty, whereas Bulgaria represents a state of full sovereignty.

The main variable we will use sovereignty, in the sense that variation of the level of sovereignty is connected to the formation of the state and that sovereignty of a candidate state influences the specific conditions/criteria the EU imposes in exchange of the promise of membership. The sovereignty-linked EU criteria represent an additional layer of conditionality to the Copenhagen criteria requesting high democratic and economic standards (Noutcheva 2006).

3. THEORETICAL FRAMEWORK

To approach such a complex environment, we need a theoretical framework encompassing realism, liberal institutionalism, and constructivism. On the one hand, we will use this framework in accordance with the recent debates in International Relations Theory (Fearon 2008; Jackson 2011) stating that the classical distinction between realism, neo-liberalism and constructivism is not sustainable anymore: "Realism versus liberalism versus constructivism focused too much on what some master explanatory variable in IR is supposed to be: power (according to realists), institutions or domestic

¹ Although there were some incidents, it did not affect the state structure and they do not relate directly with conditionality.

preferences (for liberals), and norms (for constructivists)" (Fearon 2008). The author explains that it does not make sense anymore to find the best all-purpose explanatory variable, but to start from the things we want to explain and from the concrete problems we want to identify. They argue that there is not "an inevitable and necessary logical connection between object of study and methodological way of studying it" and that combining theory and methodology in new ways generated many interesting innovations (Jackson 2011). On the other hand, the analysis is a multi-level one and we will use the realist framework to explain that the recent events should be analysed in the framework of the redistribution of power, liberal institutionalism to underline the role of international organizations like the EU and the constructivist approach to explain how conditionality leads to socialization with norms, rules, procedures.

The realist approach states that power is divided in cycles of systemic power that last for 100 years, with a major power – the hegemonic one – holding "the key of the balance"; the transition to a new cycle of power usually occurs through a hegemonic war (Modelski 1987, 214).

We will refer to the transition of power theory, because it provides a framework to explain the events we are facing and possibly to envisage future directions of action. The international system is in a phase of transition to a new cycle of systemic power. The most relevant authors on the transition of power are A. F. K. Organski (1968, 339) - power transition theory, Robert Gilpin (1981) - hegemonic transition theory, George Modelski (1987, 214) - hegemonic cycle theory, Joshua Goldstein - long cycle theory, Charles Doran (2009) - cycle of relative power theory, Immanuel Wallerstein (2012) - world systems theory.

The phase of transition implies that "the tectonic plates of the global structure are moving" (Secares 2014) and a new geopolitical map will arise from the confrontation for power between the most important poles. According to the hegemonic cycle theory, we are in a stage of transition to a new cycle of power, "translated into a real tough game of power and power politics, shaping the new hegemonic structure of the 21st century" (Secares 2014).

Table no. 1 Hegemonic cycles of power at system level

Hegemonic cycle	Global war	Strategic rival	Strategic rival of the strategic rival	Successor hegemon
Portugal (1517-1580)	1585-1608	Spain	Great Britain Netherlands	Netherlands
Netherlands (1609-1713)	1689-1713	France	Netherlands Great Britain	Great Britain
Great Britain (1714-1815)	1793-1815	France	Great Britain	Great Britain
Great Britain (1816-1945)	1914-1918	Germany	Great Britain USA	USA
USA (1946-1989/1991)	1947-1989/1991	USSR	USA	USA
USA (1989/1991-present time)	?	China	USA	???

Source: George Modelski, "The long cycle of Global Politics and The Nation State", 1978, *apud* Soare (2013)

Regarding the future configuration of power, C. Layne offers a wide range of patterns of systemic polarity based on the American pre-eminence (Layne 2011):

- a) unipolarity - a passing "moment" in IR, a transition to multipolarity;
- b) unipolarity - an unprecedented reality in IR stating the "American unipolar era";
- c) globalization, nuclear weapons and irreversible changes of the system led it to a new structure; this systemic polarity approach has three aspects:
 1. "uni-multipolarity"- the balance of power is diminished through the existence of one superpower, and reactivates (after the absence in the bipolar period) the regional balances of power;
 2. "multi-multipolarity"- the systemic and regional levels are interfering;
 3. "nonpolarity"- it highlights the idea that polarity became an obsolete concept in the new era of nonpolarity/a world dominated by many states having different types of power (Layne 2011).

The neorealist approach provides the means to understand why the Balkan countries' relations with the international system are different in terms of their sovereignty. It also provides the instruments to understand international action in the governance of protectorates and internally non-sovereign countries (Noutcheva 2006). For example, in the case of Bosnia in the

early 2000s, the High Representative appointed by the international community who was also the EU Special Representative had the capacity to impose legislation and constrain officials if they did not cooperate, and to facilitate compliance with EU conditions (Knaus 2003, 60-74).

The liberal school of thought provides the instruments to explain the East European states' foreign policy orientation toward the West and their receptiveness to join the EU (Linden 1997, 164-191). When investigating external state behaviour through the lens of state-society relations, the liberal view offers primary importance "to the domestic social context in which state preferences are shaped" (Moravcsik 1997, 513-530). The liberal approach will explain the popular support for the EU across the Balkans.

The constructivist approach represented by Alexander Wendt, Emmanuel Adler, Friedrich Kratochwill and John Ruggie developed after the '90's from the struggle to explain social and political outcomes through contextualization. The theory argues that social interaction generates and develops identities, preferences, political structures (Wendt 1999). Applied to the subject of our analysis, this approach states that socialization generated by the Western presence in the Western Balkans has "created conditions for the host nation countries to adopt standards, norms and values convergent with those that NATO and EU hold dear" (Levkovska and Shane 2011).

Colin Hay argues that institutions are socially constructed mechanisms and that EU institutionalization is a political outcome that can be best explained through constructivism (Hay 2006). Constructivists believe that in the process of Europeanization, identities and perceptions generate new institutions in the attempt to „adapt“ the Western Balkans to the EU accession criteria (Troncota 2010).

4. THE IMPACT OF EU CONDITIONALITY IN THE WESTERN BALKANS

I. G. Bărbulescu defines Europeanization as follows: „regardless of the orientation of the process (top-down - from the centre downwards to the member states, bottom-up or bidirectional), it refers to both formal and informal establishment and dissemination of certain norms, principles, beliefs or attitudes related to the impact of the Community political system“ (Bărbulescu 2009, 68). The difference between Europeanization and conditionality would reside in the fact that EU conditionality in respect to the

Eastern enlargement is seen more as „Europeanization of candidate countries as a different category than Europeanization of member states” (Bărbulescu and Troncotă 2012).

Conditionality was defined as the EU’s most important tool designed for candidate and potential candidate states in post-communist Europe (Anastasakis and Bechev 2003), that developed gradually along with the evolution of the EU.

EU conditionality in the Balkan region is multidimensional (economic-related criteria, political-related criteria, social-related criteria, security-related criteria) and multi-purpose (reconciliation, reconstruction, reform); the aims of EU conditionality in the Western Balkans were to integrate the Balkan states into the EU, to promote reforms, to prescribe criteria correlated to EU-granted benefits and to differentiate among countries (Noutcheva 2006).

The challenges of conditionality were encountered in creating sustainable reforms, the inability to generate local consensus about the need for reform and the inconsistencies between the priorities of the EU and the priorities of local populations. If we are to explain the causes we would have to think at the lack of regional input in shaping the priorities, which slows the process of creating reform, the underlying heterogeneity that exacerbates antagonism and the mix of bilateral and regional conditionality that leads to suspicion: “the stronger feel that they are delayed by the weaker countries and the weaker do not benefit from the progress of the stronger” (Anastasakis and Bechev 2003, 3).

The Balkan states have responded to EU conditionality in different degrees, with internal institutional and policy reforms in exchange of the prospect of membership. Also, these states are different with respect to their sovereignty, if we refer to domestic governance, independent of external actors – internal sovereignty and internationally recognized status –external sovereignty (Noutcheva 2006). We will explain how the statehood of a candidate country influences EU conditionality and domestic compliance.

In semi-sovereign states, EU conditionality may imply higher costs for compliance (from a rationalist approach) because it might intervene in the attributes of sovereignty of a candidate country inferring a redesign of internal or external statehood. Such action by the EU may lead to the perception of inconsistency in EU’s policy. If the EU asks for compliance with sovereignty-sensitive conditions, local consensus and domestic politics might be divided and fragmented, leading to opposition to EU conditionality (Micu 2013). In states with uncontested sovereignty, EU conditionality implies democratic and

economic reforms (Börzel 2011), the EU speaks with one voice decreasing the risk of inconsistency and increasing local consensus that favours domestic and sustainable compliance (Noutcheva 2006). R. D. Putnam argued that leaders have to play at two tables when bargaining for international outcomes, so the compliance decision is influenced both by the inside and the outside (Putnam 1988, 427-460).

When using sovereignty as a variable for analysing the conditionality/compliance dynamic, we refer to the definition given by S. Krasner (1999, 20-25), stating that a state has the exclusive right to control/govern the territory, people, and that a state has a legitimate use of power and the application of international law. S. Krasner focuses on four conceptions of sovereignty in international relations:

- Legal sovereignty – states recognize one another as being independent;
- Interdependence sovereignty – state sovereignty is eroded by globalisation;
- Domestic sovereignty – state authority structures and their legitimate control within the state;
- Westphalian sovereignty – states determine their own authority.

Authors like R. O. Keohane refer to sovereignty in terms of gradations along both dimensions – sovereign or non-sovereign (Keohane 2002, 743-765). Some states in the Western Balkans can be characterized as being both internally and externally sovereign – Romania, Bulgaria, Croatia, Albania whilst others show a variation of the degree of sovereignty depreciation, by functioning as international protectorates, having their external sovereignty undermined or their internal sovereignty compromised – Kosovo, Serbia, Montenegro, Bosnia and Herzegovina, Macedonia.

A possible explanation of EU-Balkan relation arises from the neorealist approach, which gives importance to the asymmetry of power resources between the EU and the Balkan countries (Waltz 1979).

When explaining why governments that are appreciated at the international level are voted no matter what is their external compliance record, I. Krastev argued: (...) „The biggest danger for democracy today is not sudden but rather slow death, meaning a gradual process of erosion and delegitimation that destroys democratic regimes even as their surface institutions remain in place (...). In this 'democracy without politics' scenario, the truly representative character of democracy is hollowed out from within, behind a shell of democratic institutions. This, and not some Southern authoritarian reversion, is the major risk that the Balkans face today” (Krastev

2002, 41). Because the European agenda overwhelmed the domestic one, the political elites neglected the priorities of the society and this “led to a crisis of internal instability of Balkan political regimes” (Noutcheva 2006) and also generated a lack of popular trust in the democratic state institutions and the political parties.

But the state – society relationship cannot be the only responsible element; the new political class and the public perception also play an important role.

Regarding the motives driving the Balkan states’ compliance, we can exemplify the two options developed by G. J. Ikenberry and C. A. Kupchan (Ikenberry and Kupchan 1990, 283-315) with concrete cases. External inducement/compliance through imposition is generated by direct intervention of an external actor, while internal reconstruction/compliance through voluntary action is the result of incentives offered by the EU. In states with uncontested sovereignty, the outcomes of EU conditionality are decided by internal political actors and internal political processes. In states with contested/constrained sovereignty, compliance is generated both by direct imposition and domestic choices.

Another interesting differentiation between the mechanisms ensuring compliance is made in respect with the relation between conditionality and socialization (Ikenberry and Kupchan 1990, 283-315). The outcomes of socialization-driven compliance are considered to be sustainable in time because changes occur as a result of beliefs change; political actors comply due to the legitimacy of EU demands, even if it is against their interest, so socialization is enough to modify actors’ beliefs. If political actors consider EU demands similar to their interests, but the legitimacy of EU demands is low, their outcome is called conditionality-driven compliance (Noutcheva 2006). Conditionality and socialization reinforce each other when they are complementary and the benefits compensate the high short-term costs, in a situation than can be defined as genuine compliance. The last option is called fake compliance, when the legitimacy of EU demands is low, the short-term costs are high and the long-term outcome is doubtful (in their view) The differences appear in the process of implementation. However, all these options are desirable instead of non-compliance that implies the highest costs.

5. A COMPARATIVE APPROACH: BiH - Bulgaria

Conditionality in Bulgaria

Even if it was intended or not, a consequence of applying EU conditionality in Eastern and Central Europe was the differentiation between the countries there. The EU created one framework to manage relations with all aspiring states, but it also used bilateral ties. This envisaged the actual speed and support for reforms, but also the West's heterogeneous strategic interests in these states. Poland, Hungary and Czechoslovakia were considered better prepared for integration (Woodward 1995, 150) due to their major commitment to democratization and economic reform. Bulgaria and Romania were considered "less promising and with much less political and economic capacity for reform" (Anastasakis and Bechev 2003).

We will continue this section of the paper with a review of the European road of Bulgaria¹. The cases of Bulgaria and Romania are especially interesting due to the fact that these countries were part of the "laggard group before they were exposed to EU conditionality from the late 1990s on" (Ahrens and Zweynert 2012, 291-307) and afterwards they continued the reforms. In 1993 the European Agreements were signed and in 1999 at the Helsinki Council the decision to open accession talks was taken (also due to political considerations in the aftermath of the Kosovo crisis). The requirements were defined by the Copenhagen criteria (1993), which refer to the political (democracy, rule of law, human rights, minorities), economic and legislative alignment. Among the benefits these countries were promised were membership in the EU access to funds: SAPARD (agricultural aid), ISPA (regional aid), PHARE (restructuring the economy). In 22 June 2004 the Association Committee meant good progress for the preparation of accession and the need for further reform on judicial structures, fight against political corruption and organized crime, Roma community, etc.

On December 17, 2004, the Brussels European Council confirmed the conclusion of accession negotiations with Bulgaria and the 1st of January 2007

¹ All data is available on the official website of the EU http://ec.europa.eu/enlargement/archives/bulgaria/eu_bulgaria_relations_en.htm; http://ec.europa.eu/enlargement/archives/pdf/result_of_neg_final_council_version_st05859_04_05_en.pdf.

was set as date of accession at the Thessaloniki Summit in 2003 and confirmed in Brussels on 18 June 2004; on 25 April 2005 Bulgaria and the EU-25 signed the Treaty of accession. On 26 September 2006 the monitoring report of the European Commission confirmed the entry date as 1 January 2007. To underline the importance of this historic event for the EU, José Manuel Barroso, the President of the Commission at that time said: "The 1 January 2007 is a historic day to celebrate. I congratulate the people and leaders of Bulgaria and Romania for the courage, determination and work in preparing for membership. I thank the people and the leaders of the EU for their vision in supporting this project".

Researchers questioned at that time whether these states were prepared to join the EU or their accession was rather a geopolitical decision. François Frison-Roche from the National Centre for Scientific Research (CNRS) in Paris stated that "The decision for Romania's and Bulgaria's accession was more strategic, more geopolitical in a sense." The author considers that given the regional instability, it was more appropriate to offer the opportunity of membership to these countries and help them "in this new capacity", rather than "letting them become festering wounds", having into consideration the instability and the conflicts of the Western Balkans, which could have had a spill-over effect in the entire region¹.

Although accession was postponed from 2004 to 2007, EU provided detailed roadmaps and increased levels of funding (Anastasakis and Bechev 2003). That trend seemed to be more promising in the case of Bulgaria, which "advanced more in the negotiation of individual chapters and has a better functioning market economy" (Anastasakis and Bechev 2003, 3). However, Bulgaria (and Romania also) suffered a number of restrictions in the sense that the citizens of these states did not have the same working rights in some older EU members as other EU citizens for the first years of their membership.

In Bulgaria, EU political conditionality did not determine/influence directly the sovereignty of the state in the pre-accession phase. Although the criteria for EU membership involved "pooling of sovereignty" with other states in different policy areas, with competences being transferred to the EU level, the Copenhagen criteria does not undermine the formal aspects of sovereignty of an aspiring state like the case of Bulgaria' pre-accession (Gateva 2010). There were changes in the national institutional structures, but they

¹ <http://www.euractiv.com/enlargement/analyst-bulgaria-romanias-eu-acc-news-509933>.

were determined by local actors who set the limits to external interference (Spendzharova 2012).

The accession of Bulgaria and Romania completed the EU's historic fifth round of enlargement "peacefully reuniting Western and Eastern Europe after decades of division"¹.

Conditionality in Bosnia and Herzegovina

The road of BiH to the EU² started in 1997 when the EU Regional Approach for the Western Balkans was adopted with the following requirements: preservation of one common state, respect for democratic principles, human rights, rule of law, protection of minorities, market economy reforms and regional cooperation. The benefits were focused on trade concessions, financial assistance, and economic cooperation. Later on, the reconstruction funds PHARE and OBNOVA were introduced.

After the 1999 Kosovo war, the Stabilization and Association Process (upgrading EU relations with the individual countries) and the multilateral Stability Pact for South-eastern Europe (regional cooperation in politics, economics and security) replaced the Regional Approach. The requirements were: regional cooperation activities, free trade in SEE, democratic and market reforms, respect for human rights, to work for the return of refugees and cooperate with The Hague-based International Criminal Tribunal for Yugoslavia (ICTY), and to build up their capacity in the domain of justice and home affairs (Marsh and Rees 2012). The benefits were asymmetric trade liberalisation, economic and financial assistance as well as budgetary and balance of payments support, assistance for democratisation and civil society, humanitarian aid for refugees and returnees, cooperation in justice and home affairs. The following steps were the Stabilisation and Association Agreement (SAA) negotiations.

Between 2000 and 2006, CARDS (Community Assistance for Reconstruction, Development and Stabilisation) programme replaced OBNOVA and PHARE. In 2000 at Santa Maria Da Feira Council the EU stated

¹ http://europa.eu/rapid/press-release_IP-06-1900_en.htm.

² All data is available on the EU official website http://ec.europa.eu/enlargement/countries/detailed-country-information/bosnia-herzegovina/index_en.htm.

that the SAP countries are 'potential candidates'. On 1 June 2015 the SAA was ratified and entered into force (it was signed on 16 June 2008).

The EU intervened in the post-war state-building process and offered incentives in exchange for strengthening the central level of government as "a pre-requisite for integration in the EU" (Noutcheva 2006). The EU reforms demanded as conditions for establishing contractual relations with BiH have, in essence, linked the membership perspective to changes in the internal statehood structure of BiH.

Although the Dayton Agreements¹ ensure "the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina in accordance with international law", there are local actors like Republika Srpska² who deny the common state, the internationally - legally recognized - sovereignty of the state. The EU conditionality - for a united state - represents a deterrent against local claims for altering the status quo.

The power relation between the two components of BiH³ is influenced indirectly by the EU common state conditionality if we bear in mind the fact that the Dayton Agreement developed a decentralized state "with a high degree of ethnic institutionalization at the expense of governance effectiveness" (Noutcheva 2006). Only narrow areas of competences are assigned to the common state level⁴ and a wide amount of governmental attributes⁵ is assigned to the entities.

The EU did not request directly the BiH institutions to strengthen the common state attributes, but it manifested its disappointment with the functioning of the Dayton arrangements ("from a perspective of European integration, it is difficult to argue that the current constitutional order is optimal", European Commission 2003, 6) and insisted on "passing state-level legislation and strengthening the state-level institutions in all spheres of reform" (Noutcheva 2006).

¹ http://peacemaker.un.org/sites/peacemaker.un.org/files/BA_951121_DaytonAgreement.pdf.

² Administrative entity in Bosnia and Herzegovina.

³ Federation of Bosnia and Herzegovina and Republika Srpska.

⁴ Foreign policy, foreign trade policy, customs policy, monetary policy, immigration, refugee and asylum policy, international and inter-entity criminal law enforcement, establishment and operation of common and international communications facilities, regulation of inter-entity transport, and air traffic control.

⁵ All other competences are the exclusive prerogative of the entities.

For example, the principles for police reform for which the Commission recommended strengthening of the state-level competences in the state are: “1) exclusive police competence at the BiH level, but operational control at the local level; 2) police areas drawn up on the grounds of operational efficiency, not political control; and 3) no political interference in policing” (High Representative 2005).

In BiH, the EU political conditionality has been intrusive in the sense that it has requested “a redefinition of the relationship between the entities and the state” (Noutcheva 2006) and as a consequence it influenced directly the internal sovereignty of the state, without denying the fact that it contributed to the stability of the region (European Commission 2012, 2).

The state structure needs local/domestic forces to create it, whereas in BiH the federal solution/the new constitutional order was either imposed or suggested by an external actor (not initiated after consultations with the public or proposals from the public). The fact that the institutions did not assume the solution (that proved their incapacity to identify solutions for the communities) favours a negative attitude of the population in accepting the constitutional order. The fact that institutions are not able to provide solutions for the communities according to their identities and cultural particularities proves that first there must be identified the political communities, the identities assumed by the actors and then create the institutions. As M. Troncota argues, identity triggers forces of institutions. Instead of starting from these identities, the external actors imposed a new statehood (Troncota 2010).

	Bulgaria	BiH
Aim	membership	reconciliation, reconstruction and reform
Conditions	improvement of the state of democracy and rule of law	State-building/ particular constitutional changes
	stimulate reforms	preservation of one common state
		a change in the internal balance of power between the central government and the two constituent entities - the Republika Srpska (RS) and the Bosno-Croat Federation
Conclusion	no direct impact on the sovereignty	affect the state of sovereignty more demanding

6. CONCLUSIONS

The EU has applied distinct levels of pressure on states in the region. The EU conditionality for BiH is more demanding than the Copenhagen criteria and conditionality in the Western Balkans had specific security objectives as the main objective was to preserve the integrity of those states and to prevent their disintegration. In other words, „the EU’s enlargement policy is a political project translated in the technocratic language of conditionality” (Troncotă 2013).

In BiH, the EU submitted to the authorities a very specific list of criteria and did not allow them for much manoeuvring space, a situation that built a sense of direction for compliance measures, but also generated blockages in the political process. The objective of EU conditionality was to generate consensus on reforms in a much divided society that did not have a common understanding of the local reform agenda.

From the EU perspective, the initial semi-protectorate status of BiH made them influence the institutional structure of the country. As many authors underlined and as previously proved, the EU has applied different level of pressure on domestic actors in the cases of Bulgaria and BiH. Because the EU criteria influences and even substitutes for sovereign decisions of Balkan states regarding the structure of the states, the costs of compliance with EU conditionality are higher (Anastasakis and Bechev 2003). The EU politics of conditionality may generate increased compliance costs because it may interfere in the sovereignty of a candidate - “suggesting a redefinition of internal statehood structures” (Noutcheva 2006).

This is also related to the „misfit model” (Cowles, Caporaso and Risse 2001, 1-20) which states that ‘divergence’ or ‘convergence’ depends on the level of adaptation among aspiring states, which can be understood by the level of consonance that exists between the domestic and European criteria.

We also noticed a deficit of commitment on both sides: the EU has a heterogeneous position regarding its offer to the Western Balkans. Support for the EU in the Balkan governments does not generate a consistent trend for sustainable reforms as a route to membership.

There are numerous difficulties in applying conditionality in the Western Balkans: differentiation and regional antagonism, the unsustainability of the reform process, priorities and the lack of regional input,

internally divided states, rough neighbourhoods, ethnic conflicts, the consequences of war crimes (Anastasakis and Bechev 2003).

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