

A Liberal Perspective on the
Accession Process

The Western Balkans A Chance for the EU

October 2019

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Introduction

Taking a look at the map it is clear that the countries of the Western Balkans (in this paper Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia) are a geopolitically crucial part of Europe that is still missing from the European Union. For political, economic and infrastructural reasons, as well as for the European identity that the Union shares with the Western Balkans, it is vital to reanimate the spirit of the accession process in the region and in the European member states.

The EU accession process needs adaptations and improvements to provide more clarity, support and realistic perspectives for the aspiring members. The perspective of the Western Balkans states on the further development of the accession process is comparatively underrepresented in the day-to-day debate on EU enlargement. Therefore, representatives of five liberal parties who are active in the above-mentioned states have compiled this short paper on their opinion on possible adjustments in the accession process speaking from their own experience as policy makers.

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The accession process in general

In the current debate about Western Balkans enlargement within the European Union it is often stated that the Western Balkans must be provided with a "credible enlargement perspective". This phrase has in many respects replaced the question of whether the accession process as a tool in its current form is working and leading to measurable results.

When discussing the workings of the accession process in general the authors of this paper identified challenges and opportunities for the European institutions, the member states and the aspiring members.

One challenge that is important for all three of them is to present the duties of those who want to become members as logical steps in the process of transforming their states and societies in a way that increases the quality of life of their citizens. It is crucial to the success of the accession process that it is not seen as an end in itself by the Union nor by the aspiring members. The authors therefore recommend that all stakeholders put more effort into promoting this narrative and also spend resources on communication measures to this effect.

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Rising influence of other foreign powers in the Western Balkans

Another aspect that needs the attention of both the Union and the Western Balkans states is the fact that the popularity of the European Union or at least the confidence that the Western Balkans will join the Union at some point in the future is declining.

The direct result of this is an increase of influence of other global powers in the region. While this effect has not gone unnoticed by the European Union, it cannot be stressed enough how real and big this danger is. The Serbian parties contributing to this paper pointed out that "everyday exposure to fake news diminishes the EU's importance in Serbia, favouring the Russian Federation and the Republic of China" and that "Serbian authorities are behind part of the dissemination of such fake news". They warn that this leaves a large number of citizens unaware of the facts about trade and donations "where the EU represents the biggest and most reliable partner of Serbia." They emphasise the economic leverage Russia and China have to increase their political influence in Serbia and warn of the consequences.

The Liberal Party of Montenegro uses even stronger words to describe this problem: "Montenegro is currently targeted by Russian political influence and its regional cells in the Western Balkans, especially through religious organisations." The Montenegrin liberals assess that the "support against this kind of influence has to be much stronger and more concrete. We need tangible assistance, financial help and expert support that has to give more faith and hope to citizens about the EU being the better choice compared to the currently present Russian and Turkish concepts which are being strongly promoted within the region." The party also pointed out that it will be a challenge for Montenegro to organise elections in 2020 in a way that makes them resilient against manipulation from outside the country. They closely work with NATO on this but the European Union cannot turn a blind eye on the issue of hybrid warfare, particularly in election times.

Naša Stranka from Bosnia and Herzegovina could relate to this analysis. In Bosnia, China started building a thermal plant, backed by a high loan from a Chinese bank after three Chinese companies threatened to pull out of Bosnia if the project wasn't green-lighted by the Bosnian officials. Chinese economic leverage on Bosnia is already being used on the country's political establishment.

Additionally, the Munich Security Conference pointed out in its annual security report in 2019 that the economic outreach of other superpowers in the Western Balkans poses security risks for the European Union, especially in terms of increased indebtedness to these powers. In short, this means that the European Union and the Western Balkans face a shared threat to their security because of the rising influence of China, Russia, Turkey and other powers. The liberal parties of the Western Balkans will do what is in their power to fight off these attempts by foreign powers to take control of their countries but as small and comparatively economically weak countries they will need all the help they can get.

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Clarity, bureaucracy, identity

One rather general criticism that many of the Western Balkans policy makers seem to share towards the accession process is that many things about the process are too bureaucratic and unclear and they would need additional support to identify intermediate goals and the best methods to reach them in the accession process. This aspect was particularly stressed by the Liberal Democratic Party of North Macedonia.

As far as the progress reports by the European Commission are concerned the parties point out that the wording of these reports sometimes tends to paint the situation in a brighter light by using diplomatic and overly encoded language. This opens the door for misinterpretation of the Commission's assessment of the status quo. It also produces opportunities for politicians in the Western Balkans to use those reports for their political benefit and to present the positive words as a large achievement of theirs, even if the situation has not measurably changed for the better. The parties understand that the Western Balkans states are not the only audience of these reports but that they are also a tool to keep up a positive spirit towards enlargement among the member states. However, if they are not using the reports to provide an honest reflection of the status quo, the European Union institutions and the member states should find another format to make their criticism clear and understandable, particularly to the citizens of the Western Balkans states. The Civic Platform of Serbia adds that due to strong state media control messages to the citizens are often "lacking or distorted even when clear messages are conveyed to the decision makers."

Another criticism put forward by the Liberal Party of Montenegro is that within the accession process it is sometimes hard for smaller countries to preserve their national identities while simultaneously meeting the goals set for them by the European Union. In their experience it is difficult to present the accession process as something favourable to their citizens, especially because the rather complicated and technical nature of the accession process makes it particularly tough to explain it to the people in simple terms.

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Hard stuff first

One point of criticism that the contributing Western Balkans parties direct to themselves is that there are some fundamental questions that the Western Balkans need to answer before anything else can happen in the accession process. Following the shining example of the settlement of the name dispute between now North Macedonia and Greece, the Balkans' liberals generally agree that they need to adopt a "hard stuff first" approach when it comes to the accession process. This "hard stuff" often means the settlement of bilateral issues which is an essential if not the most important demand by the European Union before accepting any more members. All contributing parties understand that the peaceful cooperation among the Western Balkans states and the settlement of long-standing disputes between neighbours is a major barrier for the region when it comes to EU accession and they will do their utmost to contribute to sustainable and peaceful solutions in this area and to support neighbouring countries in doing so.

On the issue of the Belgrade-Pristina Dialogue the two participants from Serbia (Nova Stranka and the Civic Platform) have therefore agreed that "it is very important for the whole region to continue and speed up the negotiations between Belgrade and Pristina. Until now these negotiations were followed by fake instabilities, generated by both sides. As liberals we have to bear in mind that the solution for the relations of Belgrade and Pristina has to cover a question of safety of each individual and not just at the national level (as it has been done so far). The basic standards which have to be implemented before status include security of each individual, regardless of their nationality. This is the foundation for individual freedom, freedom of speech, freedom of association, freedom of movement, human rights, liberal democracy and rule of law, respect for property and free markets. An agreement must be sustainable. It should neither generate further tensions and instability, both internally and regionally nor propel radical nationalism and endanger democratic capacity of societies."

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Political support for actual transformation

The European Union is often accused of supporting "stabilocracy" in the Western Balkans, meaning it is said to support any system that is stable and free of violent conflict over systematic transformation and reform towards European values and functional democracies. While this is certainly not true for all the activity of the European Union in the Western Balkans there is a sense among the parties providing their point of view in this paper that the EU is not very outspoken about the shortcomings of the Western Balkans governments, particularly when it comes to violations of democratic principles, rule of law and human rights:

"For a long time, Serbia has been failing in its advances towards EU integration. This has been confirmed by the progress report of the European Commission. One year ago, the Nova Stranka reacted to a European Commission Report stating everything which was proven correct by this year's report later. This means that Serbia is late with implementing what it was obliged to implement. At the same time an adequate reaction from the EU is still missing. The democratic capacity of Serbia has rapidly been decreasing, day after day, instead of growing as it should. The opposition does not seem to be an important and necessary participant in the process of democratisation. This way, the democracy and the improvement of the rule of law is sacrificed in order to maintain 'stability'. As a result, an increasing number of young educated people are leaving the country in pursuit of a better life, mostly in EU countries. A lot of doctors, experts and workers are planning to do the same." (Nova Stranka, Serbia)

"The widespread impression that the EU tolerates undemocratic behaviour in Serbia for the sake of stability must be changed. The EU and particularly some EU countries' support to the current Serbian government and political establishment should be changed into support for citizens. If the EU continues to portray an embellished picture of the situation in Serbia and uses a vague language, it will only contribute to further decline of pro-EU sentiments and further discourage genuinely pro-democratic and reformist forces. (Civic Platform, Serbia)

The opposition in Serbia cannot participate in the democratic process as it is supposed to as it has been systematically suppressed by the government often applying repressive and non-democratic measures." (Civic Platform, Serbia)

"The EU political and financial support for Bosnia and Herzegovina after the war was crucial for revitalisation of society and EU role was something that made possible to live in relatively healthy society. Currently the role of EU in BiH is destabilised. One of the reasons for it is lack of political support from the EU firstly due to internal political issues of the Union (Brexit, migration crises...), and secondly due to the influence of large states from East on BiH and Western Balkans. The EU needs to rethink its role in the Western Balkans and to reshape foreign policy for the Western Balkans as much as possible. Citizens of the Western Balkans states needs to get the feeling that they are

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a missing part of the European body and that EU wants them to be part of EU. This is not only important for Western Balkans states but also for the EU to remain a relevant geopolitical player in Eastern Europe." (Naša Stranka, BiH)

"Clear support and action are lacking, particularly when the national and civic interests of Montenegro are threatened by nationalism from abroad and when Montenegro is targeted by Russian political influence. The EU keeps silent when Montenegro needs protection, or simply verbal defence. These are situations in which we as a state need to act more vigorously, but also the stance of EU politicians has to be much clearer and more unambiguous." (Liberal Party of Montenegro)

The only ones who feel very positive about the political support of the European Union right now are our contributors from North Macedonia, who are at a crucial point in their relationship with the European Union right now:

"We feel that there is a lot of support from European Union in our country, financial, technical also political. There was a lot of political support for North Macedonia from the neighbouring countries Greece and Bulgaria and also from Germany, Austria, France lately. This support was expressed for example by a visit from Germany's chancellor Angela Merkel and we feel continuous support from the European Commission, especially by Johannes Hahn and Federica Mogherini." (Liberal Democratic Party of North Macedonia)

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Where to go from here?

The very fact that 20 years after the EU launched the Stabilisation and Association Process (SAP) for the WB, with the aim of working toward eventual EU membership, only one country, Croatia, joined the EU, testifies that change is needed in order to maintain credibility of the accession process. Therefore, the European Commission should boldly reform its enlargement strategy with the aim of boosting pro-European and pro-reform forces in the Western Balkans.

The 2018 EU Enlargement Strategy has brought Enlargement back into the EU policy mainstream as part of its agenda for a new Europe in the year 2025. However, this strategy lacks efficient instruments (genuine economic and financial leverage), since it primarily relies on so-called soft measures (new policies, building institutions, etc.). In such a way, even though the European Commission correctly puts emphasis on economic and social development in the Western Balkans, the EU Enlargement Strategy has hardly changed the financial support instrument. The most important examples of such a policy are not including the Western Balkans in the Investment Plan for Europe or the European Investment Bank's European Fund for Strategic Investment (EFSI). Such an approach is opening the space for other economically potent regional and global players, like Russia and China, to use their economic leverage to increase their political influence.

In short, a strategic policy shift has not occurred in the EU's approach to enlargement as there has been no fundamental change to the way the accession process was conceived and conducted in the last ten to fifteen years.

The European Commission is right to insist on three crucial conditions that are linked to Western Balkans progress towards accession, and they should remain a priority: respect of the rule of law, further economic and social development and the advancement of regional cooperation. The biggest beneficiaries of fulfilling these conditions are not the European member states but the Western Balkans. They will profit from strong and independent democratic institutions, proper law enforcement, security and increasing prosperity as a result of the necessary reforms.

The European Commission also correctly reaffirmed the merit-based approach to enlargement because the differences in the achieved levels in the accession process among the Western Balkans countries have become too great. The alternative approach (collective inclusion of all the Western Balkans states) would mean further delays and would certainly have a demoralising effect on the frontrunner countries.

However, to be truly credible, the EU Enlargement Strategy should have considered improving the overall methodology and opting for a bold political approach. The EU should demonstrate the political readiness to make enlargement functional, putting it at the centre of its policy by devoting resources and funds, as was the case in the 1990s.

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In order to increase efficiency and credibility of the accession process, improvements and innovations should be applied in five important areas:

1. Rule of Law – The ultimate test for EU accession

If the Western Balkan countries are to be transformed, truly stabilised, and properly integrated into the EU, the impression that the EU tolerates undemocratic behavior in the region for the sake of stability must be changed. By honouring its own fundamental principles and values in the process of enlargement in the Western Balkans, the EU would be seen by the region's population as a promoter of the rule of law and thus an agent of change for the better, which would lead to a rise in pro-EU sentiment – a sentiment that is gradually diminishing. The main reason why enlargement is a successful EU policy is its ability to transform societies and bring them closer to the fundamental EU values, as well as EU living standards. This capacity for transformation is particularly important in the area of rule of law.

The EU Enlargement Strategy mentioned the rule of law 24 times and stated that this would be the ultimate test of accession readiness. The ultimate political problem is that the Western Balkans countries show clear elements of state capture, including links with organised crime and corruption at all levels of government and administration, as well as a strong entanglement of public and private interests. The EU Enlargement Strategy put the strongest emphasis on this problem so far. However, in order to change the situation in the Western Balkans, this assessment has to be clearly stated in the progress reports by the European Commission (name and shame). Every state capture must be named – leaders, political elites and other actors behind them. If the agents of state capture are not identified, the assessment that state capture exists will remain little more than a declaration. There are widespread impressions that the EU is ready to accept delinquent behaviour by parts of the political elites in order to avoid security disruptions and maintain stability.

2. Negotiations methodology

Current accession negotiations, apart from being too slow, are overly bureaucratic and segmented. Since the Eastern enlargement in 2004 and 2007, new steps and conditions were introduced, such as opening, interim and closing benchmarks. In addition, granting of candidate status has been decoupled from the setting of a date for opening accession negotiations. This allows for negotiations to run for an indefinite period, draining the energy and capacity of a candidate country and thereby actually reducing its reform capacity and undermining pro-EU forces. The improved methodology of accession negotiations should lead to quick opening of chapters. In such a way, the bulk of reforms should be shifted to the period after a chapter is opened, which would give more support to pro-EU-oriented forces in the Western Balkans. It could create a push for an internal reform agenda, showing that accession negotiations are moving forward, and that the EU offer of membership is valid and standing.

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There are at least 76 instances when any EU member state can stop the accession of any candidate country. The motives behind an EU member halting the process might not be related to a particular chapter or even connected to the acquis or EU membership. Therefore, these numerous opportunities for EU members to veto a next step should be eliminated by introducing qualified majority voting in the European Union when it comes to the accession process, while keeping unanimity only for opening and closing of the negotiations.

In addition, roadmaps with clear deadlines identifying key milestones for reaching the next phase in the accession process should be introduced. The roadmaps should precisely prescribe the steps to:

- obtaining candidate status;
- opening negotiations;
- ending the negotiation process successfully.

Such a precise and predictable procedure would help countries maintain the reform momentum and retain the necessary administrative capacities and experts over such a protracted period.

In order to make the enlargement process a joint endeavour of the EU and the acceding countries, they should jointly define the timeline and milestones at every stage. This method would strongly improve the credibility of the process, since, by including the public as a controlling factor, it would increase transparency (by regularly publishing negotiation progress reports on each chapter), and accountability of governments.

A roadmap should be provided after the opening of the negotiation. It should indicate the end of accession negotiations (indicative dates of the closing of chapters, of the final Intergovernmental Conference, and finally, entry into the EU). This road map would provide guidelines and an estimated timeline for submitting particular negotiation positions, on the fulfilment of the key priorities in chapters 23 and 24, on interim benchmarks for addressing specific requirements within these chapters, and finally on the expected date of conclusion of the negotiations.

Such a procedure should be coupled with strict conditionality. The time perspective would not guarantee that the country is ready for any individual step in the process if the conditions are not met in reality. However, some delays can be avoided by improving the screening process which might require capacity building on the EU side. For example, the screening process (namely, issuing and adopting screening reports by the EU) for all chapters ought to be finalised six months after its end. In the case of Serbia, it has usually taken more than a year, and for some chapters, a year and a half, or even much longer (Chapter 31).

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- Incentives should also be given to candidate countries for the achievement of every major step in the negotiation process. Bonuses would be linked to specific financial and institutional incentives envisaged in the EU Enlargement Strategy, such as:
- Official status of candidate country leading to participation in some technical/working groups in the EU Council/EC where EU policies are discussed;
- Closing of an individual chapter leading to participation at specific meetings of the EU Council of Ministers and its working groups;

Closing of all chapters, but before formal accession, leading to informal participation at the European Council.

Furthermore, leaders of the acceding countries should be invited to important EU meetings where future of Europe is discussed. Such an approach would enhance the much-needed feeling of ownership of the process, of acceptance and equality, the lack of which is the strongest argument of anti-EU forces in the WB. This approach was used to positive effect with the countries of the Eastern enlargement, when the Constitution of Europe was discussed in the Convention on the Future of Europe in 2001.

3. Financial support

A gradual increase in pre-accession funds coupled with strict conditionality and building absorption capacity should be the fundamentals of the financial support to acceding countries. The current low level of economic development of Western Balkans countries and the slow pace of economic convergence with the EU are the major arguments for this position. Therefore, the next Multi-annual Financial Framework 2021-2027 (MFF) should envisage increased funding and link it to progress in implementing fundamental reforms and improving regional cooperation. The goal should be to reach 2% of individual Western Balkans countries' GDP in the year of their accession to the EU – currently it is between approximately 0,3% (BiH) and 1,5% (Kosovo).

The potential increase of EU funds must be followed with proper capacities to absorb the available funds in order to avoid the situation from previous enlargements when some countries lost money due to a lack of qualified staff. Such a situation would only create frustrations. Therefore, candidate countries should be required to define and implement an efficient and sustainable staff recruitment and retention policy aimed at reducing the turnover of staff dealing with EU funds management. Besides assisting the building of administrative capacities in the Western Balkans, the EU can support this process by the linearisation of funds and better sequencing to maximise absorption and impact. A gradual increase of EU funding in the pre-accession phase would enable the Western Balkans countries to transform their economies more efficiently and prepare better for accession.

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4. Economic integration

Besides having a positive impact on transformation of WB countries' economies through pre-accession funds, the EU should also extend the benefits of its internal market to the region prior to accession as much as possible and eliminate technical barriers to trade. Extending the effects of the internal market could be achieved by concluding bilateral Agreements on Conformity Assessment and Acceptance of Industrial Products (ACAA) as envisaged by SAAs, or otherwise through the simultaneous adoption of unilateral measures with mutual recognition effect, prior to accession. Signing bilateral ACAAs would be the optimal solution.

5. Civil sector support

The EU should reconsider its current support to the civil sector in the Western Balkans. Genuine, grassroots civil society organisations advocating for European fundamental values should be supported. Along with the new negotiation methodology, which would increase transparency of the process, civil society organisations should be enabled to better play their watchdog role. The EU should broaden, not shrink the civil sector market, and give better opportunities to new players in the field. The current EU policy directed at supporting civil sector protracts long-existing monopolies of "big" NGOs whose activities obviously have not brought the expected positive results in the last three decades.

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Mutual appreciation and recognition of each other's value

All obstacles aside, the Western Balkans accession poses countless opportunities for both the member states and the acceding states. The region is a geopolitically crucial area for the European Union in respect of trade, tourism transportation of goods and people, energy market, security and more. As soon as the whole region has transformed in a way that allows accession to all the Western Balkan states, a missing piece of the European Union will fill the gap between Greece and the rest of the Union. The Western Balkans are home to hard-working people of all ages, a rich history, culture, to exceptional food and drinks, courage, humour and to social capital e.g. in the form of a European Islam that could contribute to finding answers to current controversies in the European Union.

Some of the Western Balkans states have overcome more horrors than anyone born and raised in peacetime will ever be able to imagine. These experiences have left scars but also the ability to recognise nationalism, division and early indications of war. Uniting the region with the European Union would be an accomplishment of large scale for both sides.

It is clear to the parties in this report that joining the European Union is not economic utopia, but that it is a process requiring hard work by everyone to transform societies in a way that consider the Western Balkans a part of Europe because of who they are, how well their democracies work, how prosperous and how peaceful in great diversity they are and not simply because of the name "European Union" in their passports. To achieve that, the countries of the Western Balkans also need the support of the European Union and the courage of European leaders to be the allies of citizens in the region and the agents of progressive and positive change rather than the guards of an unsatisfying status quo for both sides of the European Union border.

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This paper was written by Naša Stranka (Bosnia and Herzegovina), Liberal Democratic Party of North Macedonia, Liberal Party of Montenegro, Civic Platform (Serbia) and Nova Stranka (Serbia) as a final product of the EU Mentorship Programme for the liberal parties of the Western Balkans created by Boris Divkovic Foundation and D66 Internationaal, supported by NEOS Lab and the European Liberal Forum.



This paper is not meant to speak for all the Western Balkans states, nor is it meant to represent all the liberals. It is meant to spark constructive debate. If you want to contribute to that and want to respond to the authors of this paper, **please contact anela@bdf.ba**.

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