

A Ship without a Rudder? The EU Strategy in the Western Balkans

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Back in February 2018, the European Commission published its Strategy for the Western Balkans.¹ The Strategy offered a clear path towards reform and EU membership for candidate countries. The Member States refused to endorse it, thus making the Strategy nothing more than a wish list of both aspiring countries and the Commission.

This article will describe a rift between the EU Member States when it comes to the EU accession process and demonstrate how the lack of unity works directly against the interests of the Union.

EU Accession Process Hostage to the Political Whim of the Member States

After years of deprioritizing, neglect and “stabilitocracy” (a term coined to describe the EU cozying up to corrupt oligarchies in power in the region),² doubts that the EU still wants Western Balkan countries as members have started to grow. The support for the EU in most of the region has plummeted. In Serbia, the largest country and key for regional stability, the polling of the Ministry of European Integration shows that the percentage of citizens that supports EU membership dropped from 73 per cent in November 2009 (when the EU decided to liberalize

the visa regime for Montenegro, North Macedonia and Serbia) to 41 per cent in 2016.³ The weakening support for the EU amongst the population allowed third powers to play a greater role in the region.

Long neglected by the EU and US, the Western Balkans became an easy prey for other geopolitical powers, such as Russia, which see instability in the region as an opportunity to postpone or stop its Euro-Atlantic integration. The aim of the Commission’s strategy was to prevent this trend by sending several messages to the population and ruling elites of the candidate and potential candidate countries in the Western Balkans; the key message being that the promise of EU membership made at the European Council in Thessaloniki in 2003 is still very much on the table. After the publication of its Strategy, according to the polling quoted above, the number of Serbian citizens supporting the EU integration of their country grew to 55 per cent.

In the Strategy, the Commission has proposed several measures aimed at facilitating the progressive integration of the six candidate and potential candidate countries in the EU. Particularly important was a suggestion for a progressive opening of EU funds reserved for Member States to candidate countries, inclusion of the Balkan governments in EU policy-making processes even before membership, lifting of visible and invisible barriers for trade and travel, as well as the mention of 2025 as a possible “horizon” date for the accession of two frontrunner countries, Montenegro and Serbia. All these proposed measures were especially valuable as an incentive

¹ https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf For the analysis see CVJIC, Srdjan. “Western Balkans: A new start for Europe,” *EU Observer*, 2018. <https://euobserver.com/opinion/140865>

² F. BIEBER (et al.). *The Crisis of Democracy in the Western Balkans. An Anatomy of Stabilitocracy and the Limits of EU Democracy Promotion*, Graz: BiEPAG. www.biepag.eu/wp-content/uploads/2017/05/final.pdf

³ www.mei.gov.rs/upload/documents/nacionalna_dokumenta/istrazivanje_javnog_mnjenja/ijm_dec_19.pdf

for the region's politicians to work to meet the criteria for membership.

Yet, already at the European Council meeting in Sofia (Bulgaria) in May 2018, the Commission's Strategy came up against the brick wall of the Member States. Germany did not appreciate the mention of 2025 as a possible date for the EU membership of Serbia and Montenegro. Particularly felt was the lack of endorsement for the strategy by Berlin, the motor of the enlargement process to the Western Balkans. In Germany, they believed that artificially setting dates creates an accession dynamic of its own (like in the case of Bulgaria and Romania) that does not reflect the level of preparedness of the candidate country and essentially undermines the credibility of the enlargement process.

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The mortal blow however, came from the French President Emmanuel Macron, who poured cold water on the Western Balkans' EU membership hopes by arguing that enlargement of the Union can only happen after a "real reform" that allows a deepening and better functioning of the EU. The fact that such a process could last for years meant another postponement of membership for the Western Balkan countries after more than 20 years of waiting.

Macron's Sofia statement announced the political earthquake that was to come a year later at the October 2019 European Council, when the Commission's recommendation to open accession talks with North Macedonia and Albania fell on deaf ears among the Member States. The French vetoed the well-deserved opening of accession talks with North Macedonia, and, joined by several other Member States (the Netherlands and reportedly Denmark and Greece), said no to the opening of enlargement negotiations with Albania. Because of

the French veto, the EU failed to keep its promise to North Macedonia, despite impressive reforms. The French veto came regardless of the fact that the government in Skopje even agreed to change the name of the country (from Republic of Macedonia to its present name) to assure a successful continuation of its EU accession process (Greece had been vetoing the beginning of the negotiations for years because of the name issue).

Aware that its opposition to enlargement provoked widespread consternation in the EU and wanting to avoid adopting the image of an obstructionist, in November 2019 Paris issued a non-paper suggesting a new methodology for the EU accession talks. In December 2019, the French proposal was met by a counter proposal of nine enlargement-enthusiastic Member States (Austria, the Czech Republic, Estonia, Italy, Latvia, Lithuania, Malta, Poland and Slovenia). What arose from the tug of war between France and the EU's enlargement supporters on 5 February 2020 was the revised methodology for the EU accession talks.

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The new methodology introduces several elements from the French non-paper. Some of them, such as the grouping of the existing 35 chapters into six thematic clusters, rewarding the good performance of candidate countries with accelerated integration and a "phasing-in" of individual EU policies and funding are good but rather vague. Other measures, such as introducing the idea of the "reversibility" of the negotiations process, already exist within the current methodology (suspension of talks and re-opening of chapters) but were rarely applied because a single EU Member State can block them through a veto. Like the Strategy from February

2018, the new methodology remains a proposal of the European Commission until the Member States give it the green light.

In return for the agreement of the enlargement-enthusiastic Member States to agree with the adoption of the new accession methodology, Paris and The Hague agreed to end their opposition to the opening of accession talks with Albania and North Macedonia at the European Council meeting held on 26 March 2020 via video conference, due to the Coronavirus pandemic. Like the 2015 migration crisis,⁴ the Covid-19 crisis shook the EU leaders into realizing that an efficient response to global challenges has to include the aspiring members in the Balkans.

The opening of talks with North Macedonia and Albania confirmed the relegation of the European Commission to a secondary role

The new enlargement negotiations methodology should be endorsed by the EU Member States at the European Union-Western Balkans Summit due to take place in Zagreb (Croatia is holding the rotating Presidency of the Council) by the end of June 2020. The original summit, due to take place on 6-7 May 2020, was postponed due to the Covid-19 pandemic.

The saga of the opening of talks with North Macedonia and Albania confirmed the relegation of the European Commission to a secondary role in a process steered and managed by Member States lacking a common purpose. The fact that the President of the Commission Ursula von der Leyen appointed Oliver Varhelyi, Viktor Orban's loyal collaborator to the post of European Commissioner for European Neighbourhood Policy and Enlargement Negotiations, further exacerbates Brussels' significant loss of legitimacy vis-à-vis the EU Member States.

Qualified Majority Voting: A Way forward

President Macron is right in saying that Europe should reform itself. In order to make a functional Union, one which is not constantly blocked by vetoes of its members, the EU must introduce qualified majority voting (QMV) in a wide range of policy areas: rule of law (in order to reign in illiberal regimes in the Member States, e.g. Orban's Hungary), fiscal policy and the Union's foreign policy, including enlargement.

In September 2018, to make the EU a stronger global actor, and in line with Article 31(3) of the Lisbon Treaty, the Commission proposed extending QMV to three specific foreign policy areas: (1) collectively responding to attacks on human rights (2) effectively applying sanctions and (3) launching and managing civilian security and defence missions. To jump-start the enlargement of the WB, both in terms of the process and values, the EU must change its procedure and allow QMV in all intermediary stages of EU accession negotiations.⁵

Adding QMV in the Council — 55 percent of Member States representing at least 65 percent of the EU population — to approve the progress of a candidate country in all intermediary stages of accession would make the process more fair and effective. If this happens, it would matter little whether the EU accession negotiations were conducted according to the present methodology or the new one proposed in February 2020.

Qualified majority voting is a two-way street. If adopted it would place the Council in a better position to reward, but also to sanction

At present, consensual voting in the accession process gives an easy excuse to Member States to halt enlargement because of bilateral disputes.

⁴ CVIJC, Srdjan, DIMITROV, Nikola, WUNSCH, Natasha, *The Migrant Crisis: A Catalyst for EU Enlargement?*, Graz: BIEPAG. www.balkanfund.org/publib/biepag/The-migrant-crisis-a-catalyst-for-EU-enlargement-web.pdf

⁵ CVIJC, Srdjan (et al.), *From Enlargement to the Unification of Europe*. Brussels: Open Society European Policy Institute, 2019. www.opensocietyfoundations.org/publications/from-enlargement-to-the-unification-of-europe

As a result, the Commission is unable to demonstrate its commitment to enlargement, no matter how ambitious its strategy is. The re-nationalization of the enlargement process by the EU Member States undermines the Commission's role as well as the EU's credibility as an effective and powerful global player.

If individual members and national parliaments are allowed to impede or even halt the accession of candidate states at any given time and for reasons completely unrelated to a candidate country's preparedness, as happened with North Macedonia because of the French veto, the political cost of negotiations could be too high for would-be members to fully commit to.

Under the QMV system, individual Member States would retain the right to make a final decision on future membership, and national parliaments would still have the option not to ratify any Treaty of Accession of an aspiring candidate. However, there would be a higher political cost for members turning a country down at the very end of the process when that country has fulfilled all the membership criteria, which would persuade Member States to act more responsibly. If nothing else, it would diminish the number of hurdles standing in the way of a candidate country's EU membership.

QMV is a two-way street. If adopted it would place the Council in a better position to reward, but also to sanction. A vote by a qualified majority of Member States would make it easier to block accession

talks with a candidate country, completely derailing them from the EU membership path. QMV would bring in the idea of the "reversibility" of the accession process, as suggested in the Commission's new methodology.

Without the Western Balkans in the EU, the project of a united Europe would not be complete and the EU would remain weak internationally

President Macron is right when he says that the EU needs true reforms. Where he is wrong, however, is in saying that reforming the EU should come before the Western Balkans' EU membership. The deepening and widening of the Union have always developed in parallel. Without the Western Balkans in the EU, the project of a united Europe that began in 1989 would not be complete and the EU would remain weak internationally.

If we'd taken this approach with previous enlargements we would have had a new cold war and Russian President Putin knocking at our front door. Keeping the Western Balkans in the eternal waiting room has brought Russia through our back door. Now Putin is playing in our inner courtyard and threatening the EU's vital interests.