

EU Enlargement in South Eastern Europe: Two Recent Success Stories and Their Implications

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These are tough times for South Eastern Europe. Prospects for further EU enlargement look distant. Against the background of the economic and fiscal crisis, opinion and decision makers in many aspiring countries think that there is also an “enlargement crisis.” Indeed, most of these countries are being hindered on their way to EU membership by factors that have nothing or very little to do with technical accession criteria.

First there is Kosovo. Given that five EU Member States do not recognise it as an independent state, it is unclear if Kosovo has an accession perspective at all. In March 2012 the European Commission launched a so-called feasibility study for a Stabilisation and Association Agreement (SAA), which is a first step on the long way to EU membership. However, even in the case that Kosovo meets the conditions, it is not clear if the non-recognisers will consent to the signing of such an agreement.

Then there is Macedonia, blocked from opening accession negotiations by Greece over a dispute over the country’s name. Turkey’s negotiations are stalling as 18 chapters are blocked by the Council, France and Cyprus over a variety of issues. Bosnia and Herzegovina is still exposed to international oversight by the Office of the High Representative (OHR), which has the power to dismiss elected officials and impose legislation. This inherently anti-democratic structure complicates any further steps towards EU membership. And then there is Serbia which has been subject to increasing pressure to adopt a more pragmatic and cooperative stand towards Kosovo. Besides Croatia, set to join in mid-2013 after having concluded accession negotiations in 2011, only

Montenegro and Albania can move forward without being held back by political obstacles unrelated to formal accession criteria. While Montenegro will most likely open accession negotiations in mid-2012 (though a formal decision still needs to be taken in June), Albania is virtually blocking itself due to its political polarisation and resulting infighting.

But not everything is gloom. Every previous enlargement round had its non-technical interferences and difficult moments. The first expansion was blocked twice by Charles de Gaulle, refusing to let the UK join the Community. Ireland and Denmark were collateral damage. Even the prosperous and stable countries of the 4th enlargement, Austria, Finland and Sweden, had their negotiations put on hold for a year from June 1992 to May 1993 due to the rejection of the Maastricht Treaty by Danish voters. In the run up to the 5th enlargement round, Italy blocked Slovenia from signing an association agreement over a dispute about properties expropriated after the Second World War. Moreover, it is uncertain whether the decision for a big-bang enlargement would have been taken in December 2002 were it not for the skill and courage of the Danish EU presidency at the time.

More importantly, there are recent success stories that show that the accession process can also work under the current circumstances. One is the visa liberalisation process that has made it possible for most Balkan citizens to travel to the Schengen area without a visa; another is the story of Croatia’s transformation.

Visa Liberalisation and the Virtues of a Meritocratic and Transparent Process

Already at the Thessaloniki Summit in June 2003 the EU promised steps towards the abolishment of visas

for people from the Western Balkans. It took five years until the Commission in 2008 finally presented “visa roadmaps” for all Western Balkan countries (except Croatia whose citizens already enjoyed visa-free travel and Kosovo which was excluded from the process). These roadmaps set out some 50 conditions for each country to meet in order to have the visa requirement lifted. Mostly part of the justice and home affairs acquis, they included issues from document security and border management to asylum procedures and fighting trafficking. This was EU conditionality at its best: clear criteria, a tangible reward, continuous and transparent monitoring, and a competitive element between the countries that were part of this process, making it easier for NGOs and media to put pressure on their respective governments to enact the required reforms.

Barely a year later Macedonia, Montenegro and Serbia had met the conditions and their citizens were granted visa-free access to the Schengen area in December 2009. But the process proved even more effective with the initial laggards, Albania and Bosnia and Herzegovina. Once the leaders of these countries realised visa-free travel did not depend on a political decision in Brussels, but on enacting serious reforms, they made an impressive effort to catch up. Albanians and Bosnians were granted visa-free travel a year later.

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Croatia and its Heroes of Retreat

Croatia’s image differs from that of the rest of the Western Balkans. For many this country was always closer to Slovenia than to Serbia or Bosnia and Herzegovina, destined for EU accession without major hurdles. But a look at Croatia’s last two decades defies this image.

Croatia is the first country of the region that has turned full circle, from a place that occupied centre-stage in the violent disintegration of socialist Yugoslavia in the 1990s to a country at the doorstep of EU membership. Croatia witnessed war, with all its social, economic and political consequences. Pictures of the bombardment of Dubrovnik and the fall of the city of Vukovar travelled the world. The country witnessed ethnic cleansing and major war crimes. A third of

Croatia was occupied while it itself supported separatist forces in neighbouring Bosnia and Herzegovina. The economic foundations of Franjo Tudjman’s regime were built on crony capitalism and shady insider privatisation. Tudjman’s democratic credentials were dubious at best, leaving Croatia internationally isolated when he died in late 1999.

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When Serbian Prime Minister Zoran Djindjic extradited Slobodan Milosevic to the International Criminal Tribunal for the Former Yugoslavia (ICTY) in 2001, his Croatian counterpart Ivica Racan avoided delivering Croatian generals Mirko Norac, Ante Gotovina and Janko Bobetko. This led some observers to speculate that Serbia might overtake Croatia. While this thought appears strangely naïve from today’s perspective, it makes clear how much Croatia has changed over the last decade – much more than any other country in the region. The reason for this is not that Croatia had more friends inside the EU. Croatia’s success is built on a series of courageous decisions of Croatian political leaders who seized opportunities at key moments, taking considerable political risks.

A first example is Stipe Mesic, elected Croatian President after Tudjman’s death in early 2000. He made clear at the outset that he supported Croatia’s membership of the EU and NATO, and was willing to do what was required to reach these goals, including cooperation with the ICTY. He started, together with the new Social Democrat Prime Minister Ivica Racan, to demolish Tudjman’s legacy, which had prevented Croatia from being accepted as a Western-style democracy. When, on 28 September 2000, 12 generals signed an open letter demanding an end to the prosecution of wartime heroes, the media speculated about an impending putsch. In probably the boldest move of his two mandates, Mesic – who as President was also supreme commander of the army – forcibly retired the generals in question.

Even more important was the role of Ivo Sanader, the new leader of Tudjman's party, the Croatian Democratic Union (HDZ). Under Sanader's leadership the HDZ returned to power on a nationalist platform in late 2003. Once in power, however, his government turned its back on Tudjman's legacy on all major issues that had kept Croatia isolated in the 1990s. Sanader intensified cooperation with the ICTY. He handed over all indictees still wanted by the tribunal, including senior generals. He included a Croatian Serb party in his coalition government and continued to support Bosnia and Herzegovina's territorial integrity. And he made EU integration the overriding priority for his government. In 2005 Croatia opened accession talks. In 2009 it joined NATO.

Sanader's successor as Prime Minister, Jadranka Kosor (also HDZ), faced a different strategic choice. The EU insisted on serious reform of the judicial system. After she took office in mid-2009, Kosor accepted these demands and laws and rules were changed to empower prosecutors. A spectacular series of arrests and trials began, including of her predecessor Ivo Sanader, a former deputy Prime Minister, ministers, head of government agencies and directors of public companies. This was one reason HDZ lost control. But it was also the crucial factor that enabled Kosor to sign the accession treaty in late 2011: these trials had convinced sceptics in the EU that change in the judiciary was real. Kosor also accepted what was a very difficult compromise politically, regarding a border dispute with neighbouring Slovenia, which – as a EU Member State – had blocked Croatia's accession negotiations for nearly a year.

This leaves a series of questions: Why did a government led by the HDZ cooperate with an international criminal court that concluded that Croatia's founding President and first leader of the HDZ, Franjo Tudjman, had been at the helm of a "criminal enterprise?" Why did HDZ-led governments create conditions in which independent prosecutors indicted a former HDZ Prime Minister, HDZ deputy Prime Minister, HDZ Minister of Defence, HDZ Party Treasurer, and a large number of HDZ-connected managers in public companies?

In 1989 Hans Magnus Enzensberger coined the term "hero of retreat," as opposed to heroes of victory. Such heroes are characterised by renunciation, reduction, dismantling. As examples Enzensberger mentions General Wojciech Jaruzelski, Mikhail Gor-

batchev, and Adolfo Suarez (who as a former Francoist put Spain on the path to democracy).

Some of Croatia's political leaders of the past decade can also be described as heroes of retreat. Mesic had belonged to Tudjman's inner circle until 1994, when he broke with him over Croatia's role in the war in Bosnia and Herzegovina. In 2001, Sanader told a rally attended by over a hundred thousand people that "We will not give up our Croatian generals" (to the ICTY). Kosor broke with her former mentor Sanader and started a process which – she must have been aware – could (and eventually did) leave her party in shambles.

All of them made, at key moments, politically risky decisions, turning away from former convictions or political positions. Whatever their weaknesses, without them Croatia would not be in line to join the EU next year.

The Problem of "Enlargement Fatigue"

There are a few lessons and implications from these two stories.

First, the EU accession process works: the story of Croatia and the successful visa liberalisation process show that the accession process and EU conditionality work (even in countries with complicated and/or weak administrative structures).

Second, the process continues: despite the economic and fiscal crisis, and the European soul-searching it triggered, the Enlargement Process has proven astonishingly robust, with Croatia finishing negotiations in 2011, Serbia receiving candidate status in March 2012 and Montenegro most likely to officially start negotiations in mid-2012. Although formally not related to the accession process, the visa liberalisation process has allowed citizens of all Balkan countries – except Kosovo – to gain visa-free travel to the Schengen area in 2009 and 2010, an achievement few would have thought possible a few years earlier.

Third, looking at the challenges of the process, "Enlargement Fatigue" is not a helpful concept. What the countries of South Eastern Europe are facing is a series of specific problems which need to be overcome individually. This will require some courage and political risk-taking. Turkey could unblock eight negotiation chapters with the stroke of a pen, by implementing the Ankara protocol, allowing Cypriot ships access to Turkish ports. While there are un-

derstandable arguments for Ankara's position of insisting that the EU delivers its promised aid to Northern Cyprus first, the unblocking of these chapters could fill the negotiation process with a new dynamic. While unpopular, the step seems a calculable political risk for the leadership in Ankara to take.

Bosnia's leaders could submit an application for EU membership (defying advice to the contrary – as Croatia and Macedonia have done previously). Only if this happens will the EU be forced to take a clear position of what is required for the next steps and what the country needs to achieve before accession negotiations can start.

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Also the Serbian leadership could remove the remaining key factor that continuously slows down Serbia's steps towards EU membership by normalising its relations with Kosovo. There is an interesting lesson from Croatia here. In 2005 the EU insisted that full cooperation with the ICTY was required before being allowed to start negotiations. This proved to be of great help to Croatia eventually. Once the issue was dealt with, it disappeared from the domestic political arena. A sustainable solution for Kosovo would be beneficial for Serbia, avoiding the issue returning to the political agenda every few months, diverting attention from the important challenges faced by a country trying to catch up. The ambiguous signals sent out from the EU so far have not done Serbia a big service. This reflects the lack

of a unified position on Kosovo among EU Member States. But it is already obvious today that Serbia will not be able to become an EU member without changing its Kosovo policy. The opposition of one single EU Member State will be enough. It is clear that partition is ruled out, that Serbia has to implement a pragmatic solution for the border, and that it has to stop hindering Kosovo's participation in international organisations. At the very end, if Serbia wants to enter the EU, it will have to offer recognition or something very close to it.

What does all this mean for the EU and in particular for those in the EU who want to support further EU Enlargement in South Eastern Europe?

There is no denying that the EU's credibility in the region has suffered, due to the series of blockages that have nothing to do with accession criteria. This in turn has weakened EU soft power and EU influence in the region. So it is imperative now to stick to the meritocratic principle that was a key factor in the success of the 5th Enlargement round and to reward progress. Montenegro needs to be allowed to start accession talks in June. The same should go for Serbia, if it fulfils the criteria. A serious, EU-led initiative to address the Greek-Macedonian name dispute would also be very helpful and send a clear signal that the EU is committed to the region. With regard to Kosovo, the Commission's efforts to allow Kosovo to move towards a real accession process, even without recognition by all EU Member States, should be supported and further options explored.

An additional and easy measure would be to invite all Western Balkan countries, and not only the candidate countries Macedonia and Serbia, as observers to the first part of Montenegro's screening process. Without any major costs, this would be a signal that the EU is serious about further enlargement in the region. It would also be motivating for the tens of thousands of civil servants who will have to work on this process and give them a clear idea of what will be expected of them in the years to come.