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WESTERN BALKAN COUNTRIES ON THE ROAD OF EUROPEAN INTEGRATION: RESULTS AND TENDENCIES

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Abstract: *The article analyses the negotiations between European Union and countries of the Western Balkans and attempts to identify where the major problems are likely to be. The main obstacles in the process of European integration of the countries from Balkan region are analyzed. Also, the paper focuses on the key priorities that Western Balkan countries have to accomplish in order to reach the domestic readiness for their process of European integration. An important goal of the article is to identify some important conclusions for the European roadmap of the Republic of Moldova from experience of the presented states.*

Keywords: European integration, Western Balkan countries, experience, pre-accession domestic tasks, negotiations

JEL Classification: F15

INTRODUCTION

After five successful waves of enlargement, the European Union, despite all debates, is on the way to receive new members. At present, clear prospects for European Union membership have the countries of the Western Balkans – Croatia, Former Yugoslav Republic of Macedonia (FYROM), Serbia and Montenegro followed by potential candidates Albania, Bosnia and Herzegovina, Kosovo. The Western Balkans case presents a particular case of interest, as there are other potential candidates (Turkey and Island), due to the fact that this region represents a complex and diverse reality. These countries have returned on the international arena in the 1990's with a reputation of instability. As a result, the European Union, that was more concerned by this region mostly when a conflict occurred, began to repeatedly state that the Western Balkan countries future is within the European community. The European Union membership seems to be a guarantee of peace and stability in the region. The European Union is viewing each country both as an integral part of the region, recognizing the common denominators of the problems that in some cases require collective solutions, without at the same time losing sight of country specificities. Hence a regional approach coexists with a tailor-made approach for each country. The major problems relate to striking a balance between these objectives and distributing funds accordingly considering the limited resources after the last European Union enlargement (Serbos, 2008).

At the same time, the European integration has become, for Western Balkan countries, the main priority of their foreign policy. Their adjustment to the European requirements should be made according to the same Copenhagen criteria from 1993. Hence, the European Union conditionality makes necessary the initiation and promotion of the domestic transformations that will lead to the fulfilment of assumed commitments, that are state of law, human rights observation, stable institutions, a functioning market economy, incorporation of the *acquis communautaire*. Hence, there is no doubt that the key advantages of the integration and membership in the European Union are included in the national strategies of all Western Balkan countries, although each country is characterized by a different political climate and is facing different challenges on both short and long-term level (Trenchov, 2012, p. 2).

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Western Balkans countries, after obtaining their independence, had to face a lot of problems that became more distinguishable along with the decision to join the European Union. The improvement of the social and economic situation of these states were noticed mainly after the Process of Stabilization and Association was started by signing of the Stabilization and Association Agreements, that were adopted by European Union in the 1999 and represents the European Union's renewed long-term commitment to the region. The agreements have the mission to bring closer the Western Balkan countries to the European Union by introducing European values, principles and standards in region and creating in such a way a favourable context for accession (Serbos, 2008, p. 97).

The First Stabilization and Association Agreements were signed with Former Yugoslav Republic of Macedonia on 9 April 2001 and Croatia on 29 October 2001. Both of states started the implementation of the agreements before they came into force. The situation of the other Western Balkan countries is different, the progress being more modest. So, Albania has signed the Stabilization and Association Agreement only in 2006, Montenegro in 2007, Bosnia and Herzegovina in 2008, as well as Kosovo and Serbia. The last one was conferred the candidate status on 1 March 2012 (European Commission, 2012).

According to Stefan Lehne, there are several explanations for the marked differences in the progress of the West Balkan countries in the Stabilization and Association Process. *One factor* is the historical accident. Serbia and Montenegro, for instance, could only begin the process after the fall of Milosevic in October 2000, at a time when negotiations on a Stabilization and Association

Agreement with Former Yugoslav Republic of Macedonia were well under way. *Another* is the difference in capacity. It is obvious that Croatia, which has more than twice the GDP per capita of any other West Balkan country, finds it easier than other states to prepare its institutions for implementing European standards. A *third factor* is the constitutional complexity and unresolved status questions. Here, both Bosnia and Herzegovina and Serbia and Montenegro have a handicap compared with the other states. In the case of Bosnia and Herzegovina it is evident that the topmost concern of the negotiators of Dayton was to end a war, not to produce state structures optimally suited for participation in European integration. An underdeveloped government at state level and continuing tensions between the state and the entities continue to hinder progress. A *fourth important factor* in determining the pace at which a country moves towards Europe is the extent and strength of political commitment to this policy. During a difficult process of transition, democracies inevitably experience a good deal of political instability (Lehne, 2004, p. 119).

In this context, in many respects, the negotiations with the Western Balkan countries are seen by researchers to be similar to those with the ten new member states from Central and Eastern Europe which joined in 2004 and 2007, due to the fact that they have a similar history. This similarity is applied to the institutional structure of the negotiations and to the position which the Union is likely to take in key areas. However, some elements certainly are different. So, the *acquis communautaire* will be changed considerably by the time the last country in the region joins the Union. On the one hand, new regulations will have been adopted and on the other hand, under the simplification agenda, some regulations may have been rolled back and others may have been simplified. Secondly, changes to the treaties on which the Union is based may have been implemented, leading to significant institutional change. Conditionality may have been increased even further to take account of the experience gained from the last two enlargements. Finally, the specific economic and social conditions in the acceding countries will be taken into account, as was the case in the fifth enlargement, where these differences do not compromise the implementation of the *acquis communautaire* (Mayhew, 2007, p.12).

These differences can be completed with some concrete features. In the case of the *political criteria* the Western Balkan countries are required to cooperate with International Criminal Tribunal for the former Yugoslavia, secondly, to pay a great attention to the protection of minorities and to the resettlement of refugees, and thirdly, to work constructively together with countries in the region. The crucial elements of the *economic criteria* are the overall competence of a state to run a stability-oriented macroeconomic policy and proven capacity to carry out structural reforms and to ensure that economic regulation is supporting the smooth functioning of the Union's internal

market. The main problems that are met by Western Balkan countries in this field are the structural reform that is not progressing perhaps because privatization is either progressing too slowly and the imposition of EU competition policy or state aid control, is not taking place etc. (Mayhew, 2007) The corruption and the justice remain the problematic domains too. As a result, European Union is monitoring strictly the progress made by the candidate states. In comparison with Romania that had from the European Union three progress reports after the Association Agreement, for Western Balkan countries there is also called „Negotiating Framework”. This one states clearly that if the country fails to fulfil the political conditions, the European Union can stop the negotiations (Mayhew, 2007).

In this respect, the most successful example of Western Balkan countries is Croatia. It applied for European Union membership in 2003 and was in negotiations from 2005 until 2011. But the domestic readiness began long before. In 1998 Croatia founded the Office for European Integration (Mayhew, 2007). Then, it started the National Programme for Integration of the Republic of Croatia into the European Union. The Programme was meant to be the main co-ordinating instrument, focusing on all three Copenhagen criteria, with particular emphasis on legal harmonization. The first Programme started in the year 2003 and was accompanied by similar documents for 2004 and 2005. The Implementation Plan for the Stabilization and Association Agreement has been merged in 2004 with the National Plan of Integration that made a single implementation and monitoring instrument (Samardzija, 2005, p. 53). In 2005, when negotiations started, the Croatian Parliament adopted three important documents: Declaration on joint activities of Croatian Government and Parliament in the EU accession process; Declaration on basic principles of negotiations for the full EU membership; Declaration on establishing National Committee for monitoring the negotiations (Samardzija, 2005, p. 53). It is obvious, that important domestic efforts were made in order to gain the capacity to accomplish the European Union requirements. The main difficulties were met in domains of corruption, justice and home affairs, agriculture etc.

However, the Accession Treaty between European Union and Croatia was signed only on 9 December 2011, when two major issues were solved. First was the capture and deportation in 2005 to The Hague of former general Ante Gotovina, the most wanted Croatian war crimes suspect. Secondly, Croatia’s membership negotiation process was stalled for a period of almost a year (from late 2008 to October 2009) after vetoed by its neighbour and European Union member Slovenia. Slovenia blocked the talks until a bilateral dispute between the two countries over a maritime border in the Adriatic Bay of Piran was resolved. Basically, Slovenia was after a corridor of free passage for its ships through the bay and thus to open sea, while Croatia insisted this should happen through

formally Croatian territorial waters. The problem was solved through an agreement under which the issue would be decided by an EU-appointed arbitration board, and Croatia's membership negotiations were formally re-launched (Ralchev, 2010, p. 60). Later the problem was sealed by a referendum in Slovenia with 51.5 per cent of voters (Slovenians Back Border Deal with Croatia, 2010.)

Thus, Croatia is expected to become the 28th European Union member country on 1 July 2013 after the ratification of the Accession Treaty by all European Union countries. The importance of this event is huge. If Croatia will become the member state of European Union, it will be a green light for over candidates, otherwise it will signify a negative answer for the Western Balkan countries.

Coming to Macedonia, although it was the first country of the region to sign a Stabilization and Association Agreement in April 2001, it obtained its candidate status a bit later, in December, 2005. This delay is derived first from a serious political crisis in 2001 about the rights of the ethnic Albanians who constitute about 25-30 percent of Macedonia's population, and then the bilateral dispute with Greece over the country's name. In October 2009, despite the European Union's recommendation to open accession negotiations, Greece opposed Macedonia's accession negotiations saying they could only start after the dispute over the country's name had been solved (Sel Turhan, 2011, p. 9).

However, the progress in relations between Macedonia and European Union is positive. It was February 2008 that the Council adopted the Accession Partnership for the country, thus updating the previous European Partnership of January 2006. A visa facilitation agreement and readmission agreement with the EU has been in force since 1 January 2008 (Kentrotis, 2010, p. 59). In its 2009 progress report on Macedonia the European Commission once again confirmed the continuation of the financial assistance to the country under the Instrument for Pre-accession Assistance (IPA) tool (The Former Yugoslav Republic of Macedonia 2009 progress report, Brussels, 2009).

Macedonia, however, faces the responsibility to implement its own part of the partnership arrangement. The country had committed to halt corruption, to fight public administration partisanship, to improve political dialogue and to reform the judiciary. More concretely, Macedonia is expected to accomplish the following four things: first, the Agency for Public Officials to prepare normative acts that will make the application of existing laws easier; second, the governing coalition to stop the ongoing temporary appointments in the administration and start conducting transparent procedures under the law on the State Servant instead; third, the judiciary reforms to

concentrate on the Prosecution, the Judicial Council and the courts' budget; and fourth, to make amendments in the Rules of Work of Parliament (Stojkovski, 2010, p. 96). So, as resumes Stojkovski, there are four basic components of the platform on which Macedonia's domestic and foreign policy should tread on: 1) An initiative for a pro-active maintenance of a continual political dialogue and balance (at home and abroad); 2) Tolerance and political consensus applied at home and in multilateral relations; 3) Maintaining a strategic balance based on good-neighbourliness and in the spirit of liberal-democratic values; 4) Devotion to an intensified and unyielding reform implementation (Stojkovski, 2010, p. 96).

On the other hand, measured by the weight of the political challenges, Serbia has been one of the most difficult cases in the EU enlargement process. After the referendum in Montenegro, on May 21, 2006, at which the majority of the citizens opted for independence, the State Union fell apart and one issue from the long list of problems was solved (Minic, 2007, p. 76). But the key issue – Kosovo, is still on agenda. Moreover, relations with European community have worsened after the declaration of independence of Kosovo. Serbia has taken the view that its continuing struggle for Kosovo and Belgrade ambitions to join the European Union can be pursued independently of each other. But, the European Union clearly stated that Serbia's candidate status is linked with progress on improving relations with Kosovo (Lehne, 2012). Besides, the European Union has showed its willingness to assist the economic and political development of Kosovo through a clear European perspective. Also, it contributes to stability in Kosovo through the EULEX rule of law mission in Kosovo, Special representative in Kosovo and Kosovo international Civilian Office (European Commission, Kosovo, 2012) in this context, since 2011 the relations between Belgrade and Pristina began to improve. This fact, as well as the capture of Ratko Mladic – the Bosnian Serb wartime military commander wanted since 1995 by the United Nations war-crimes tribunal in The Hague – and Goran Hadzic – a former Croatian Serb leader, the only other outstanding fugitive – in May and July 2011, represented a significant breakthrough in the accession process (Serbia: a step closer to the EU, 2012). Therefore, in 2010, the process to ratify the Stabilization and Association Agreement began, and in March 2012 Serbia was granted EU candidate status (European Commission, Serbia, 2012).

The situation of Montenegro is different from Serbia. In 2008, the new country applied for European Union membership. It was granted the candidate status in 2010. Also, Montenegro has successfully addressed the key priorities set out in 2010 by the European Union covering the following areas: legislative framework for elections and Parliament's legislative and oversight role; public administration reform; judicial reform; fight against corruption; fight against organized

crime; media freedom and cooperation with civil society; implementation of the anti-discrimination framework and the situation of displaced persons (Commission Opinion on Montenegro's application for membership of the European Union, 2010). As result, the European Commission, taking into account the Council conclusions of December 2011, have decided that Montenegro complies with the membership criteria and can start accession negotiations in 2012 (Report from the commission to the European parliament and the council on Montenegro's progress in the implementation of reforms, 2012).

Speaking about Albania, it submitted in 2009 its formal application for EU membership. In its Opinion on Albania's application (in 2010), the Commission assessed that before accession negotiations could be formally opened, Albania still had to achieve a necessary degree of compliance with the membership criteria and in particular to meet the 12 key priorities identified in the Opinion (Commission Opinion on Albania's application for membership of the European Union). These priorities cover the most important areas for a democratic society such as : establishment of political dialog and proper functioning of the parliament, reform of the electoral code in line with OSCE-ODIHR recommendations, independent functioning of the judicial system, tangible results on fighting against organized crime, respect of the property rights, protection of the human rights and vulnerable groups, improvement of treatment of the detainees in police stations, pre-trial detention and prisons (12 key priorities for Albania: *Where do we stand?*, 2011, p. 2).

Finally, the European Union Council welcomes political progress in Bosnia and Herzegovina since the start of 2012, particularly the formation of the Council of Ministers at state-level, adoption of the State Aid and Population Census Laws, the passing of the 2012 State Budget, and the reaching of a political agreement on state and immovable defence property. However, the Council expresses concern over the lack of implementing political agreements, the continued use of divisive ethnic rhetoric, and a difficult economic situation (Council conclusions on Bosnia and Herzegovina, 2012).

CONCLUSIONS

The Western Balkans European integration has surely some specific features. But at the same time, the main problems that are met are the same – corruption, judicial system, human rights, economic situation – all of them are present almost in every European progress report. The fulfilment of Copenhagen criteria has become not only European Union conditionality, but also a mechanism of domestic redressing of these states.

However, the experience of the Western Balkan countries presents a significant interest for the other countries with European integration aspirations, especially taking into consideration that the Western Balkans achieved important results as visa liberalization and financial aid from European Union after a complex process of reforms. In these lights, the Republic of Moldova which started from January 2010 the negotiations with the European Union on the Association Agreement is making significant efforts to obtain the visa liberalization and to sign the Deep and Comprehensive Free Trade Agreement. In order to achieve the purposed goal, the Republic of Moldova uses the experience of the Western Balkans to develop the domestic reforms on four basic directions: documents safety, public order and security, illegal migration and foreign relations and fundamental rights. Since 2011, the Ministry of Technologies and Communications of the Republic of Moldova is offering the biometric passports, which are in accordance with the standards of the International Civil Aviation Organization (Litra, 2010, p. 2).

At the same time, for the Republic of Moldova, it is necessary to develop a National Plan for preparation Moldova's accession to the European Union, which would determine its own path forward European integration vector. Another step would be the creation of a special institution that will deal with all aspects of European integration. The example of the Croatian Office for European Integration is worth to mention here. Finally, it is necessary to elaborate National Policy of European integration and a Strategy for European integration of the country that will include not only the country's modernization, but also preparation of the population for the status of European citizens.

Therefore, analyzing how the Western Balkan countries are moving on towards the European Union, becomes clear that a successful interdependence of European Union conditionality and domestic policies and readiness of the candidate country can lead to the successful accomplishment of the European aspirations of that country.

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