

# From Fatigue to Resistance: EU Enlargement and the Western Balkans

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## Abstract

In the recent past, the narrative of prospective European Union enlargement has been dominated by ‘enlargement fatigue’: the idea that Europeans and their leaders were not ready or felt unable to absorb new members to the club for fear of overwhelming its processes and institutions while undermining their own economic prospects. Today, this narrative has changed to one of ‘enlargement resistance’. Opposition to enlargement is now no longer only based on the notion of ‘absorption capacity’: the twin obstacles of internal fragmentation and disintegration, and the inability of the candidate states to meet the demands of the accession process are exerting a powerful influence. Crisis in Europe has seen a turn to populism, nationalism, and disputes about the nature of European integration, all of which militate against the possibility of enlargement. In addition, candidate states, and other prospective members of the EU, are both unable and unwilling to make the necessary political and economic changes needed for accession. This paper argues that the policy of EU enlargement is now contingent on the double resistance offered by internal fragmentation and external inability to comply with accession criteria. As a result, enlargement is likely to stall, even in those Western Balkan countries apparently closest to meeting the criteria for accession.

## Keywords

European Union, Western Balkans, EU Enlargement, Differentiated Integration, Democracy.

## 1. Introduction

The immediate prospects of future European Union (EU) enlargement are slim. The 2018 ‘State of the Union’ speech by the president of the Commission, Jean-Claude Juncker, referred to enlargement only once and then extremely briefly (European Commission, 2018). In November 2019, President Macron of France blocked the opening of accession talks with Albania and North Macedonia. This seemed to pressurise the incoming von der Leyen Commission to engage with the issue. In the 2020 ‘Work Programme’, setting out its policy priorities for the first 100 days of office, the Commission committed itself to **“putting forward ways to enhance the accession process [bold in original]”** (European Commission, 2020a).

The Commission swiftly communicated its vision for this enhanced process in a paper which focusses exclusively on the Western Balkans (WB) and sets out the obligations which need to be undertaken by both sides if accession is going to be a viable proposition (European Commission, 2020b). Despite this seeming re-engagement with enlargement, the EU is far too concerned with internal crises and convulsions which bring into question the very future of the ‘European project’ itself—or at least the existing version—for it to envisage early acceptance of new members to the club. In addition, the Commission’s outline for an ‘enhanced accession process’ highlights the distance between reality and aspirations in the candidate countries’ accession process.

This paper argues that the EU currently suffers not only from enlargement fatigue, a phenomenon which manifested itself most powerfully in the wake of the so-called ‘Big Bang’ enlargement of 2004 (Schimmelfennig, 2008; Szolucha, 2010), but also from a qualitatively different process which could be called *enlargement resistance*. Enlargement fatigue is about the EU’s waning ‘absorption capacity’ in terms of governance and administration. Enlargement resistance relates to questions of political and economic legitimacy (and how they are mediated) in the EU, rather than with practical aspects/problems of accommodating new members.

These questions of legitimacy (perhaps more existential in nature) are real and reflect more than just a perennial, latent Euroscepticism among European publics (Eichenberg and Dalton, 2007; Taggart, 1998). They manifest themselves through processes of fragmentation and disintegration, as witnessed in the fallout of the eurozone and refugee/migration crises as well as the totemic process of Brexit (the ultimate form of disintegration). A second and equally important aspect of enlargement resistance is to be found in prospective EU members and candidate states themselves (especially in the WB). Here, there is evidence of political backsliding and reform reticence which reflects both lack of political will and capacity, and

also a diminishing appetite for the pursuit of EU accession as the EU turns inwards and the accession process itself seems insurmountable and unending (O'Brennan, 2014).<sup>1</sup>

The paper starts by briefly comparing enlargement fatigue and internal enlargement resistance. It then argues that this resistance, the product of *fragmentation and disintegration*, constrains the enlargement agenda by posing a direct challenge to existing forms of politics in the EU. This marginalises the importance and prospects of enlargement. By focussing on the WB, the paper then shows how internal enlargement resistance is accentuated by the inability or unwillingness (or both) of prospective members to pursue the reform agenda needed to proceed on the path of accession. As a result, the EU is politically not ready to enlarge, while the prospective candidates are politically not ready to accede.

## 2. 'Old' enlargement fatigue

Big Bang enlargement achieved, in a short space of time, a number of different goals. It enabled the transition to a market economy and established democracy in the countries of Central and Eastern Europe (CEE), transforming them into fully compliant EU member states, able to operate in the 'regulatory state' EU and fulfil all the conditions of the *acquis* (Pridham, 2005; Schimmelfennig and Sedelmeier, 2005; Vachudova, 2005). This eastward enlargement also brought with it a sense of security

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for CEE, reinforced by NATO membership, in light of the geopolitical uncertainties of the post-Soviet space and sphere of influence in Eastern Europe. It allowed the Western Alliance to achieve an important geostrategic objective of stability in the post-cold war European theatre (Sperling, 1999).

The crowning achievement, it seemed, was the recognition that the EU had not only the *power to attract* but also the *power to transform*, giving birth to the notion of 'transformative power' Europe (Grabbe, 2006). Through heavy conditionality, the EU was able to induce the candidate states into extensive political, economic, administrative, institutional, and regulatory reform which transformed them not just into modern European states, but also into modern EU member states (Gateva, 2016).

This transformation was more far-reaching than a reform-driven political and economic agenda. These countries were 'Europeanised' to the extent that normative change also occurred, affecting how they thought and behaved according to certain accepted rules and standards, as well as how they organised social, political, and economic interactions on a daily basis (Grabbe, 2003 and 2006; Schimmelfennig and Sedelmeier, 2005). It was not considered to be an 'imposed' form of Europeanisation, to the extent that

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<sup>1</sup> This is not to say that the more traditional causes of enlargement fatigue do not still play a role: the prospects of accession of the WB let alone Turkey (or states beyond) are still partly predicated on the problems that would be *imported* into the EU if they were to accede.

for many CEE countries their accession to the EU and acceptance into this ‘Western’ club of nations was very much a cultural, historical, ideational, and identity-driven ‘return to Europe’ (Henderson, 2005).

However, enlargement brought serious ‘internal’ problems for the EU in the form of ‘absorption capacity’ (Emerson et al. 2006), a notion that was quickly translated by the Brussels bureaucracy into ‘integration capacity’, which was “about whether the EU can take in new members at a given moment or in a given period, without jeopardising the political and policy objectives established by the Treaties... a functional concept” (European Commission, 2006). The problems of integrating new members into the EU—for the EU itself—were indeed highly functional, centering on protecting institutional workings, decision-making processes, and integrity in Brussels, maintaining the ability to develop and implement common policies, and controlling the effects of economic redistribution programmes essential to the enlargement process (Börzel et al., 2017). Enlargement was also arguably disrupting and diluting the process of integration itself, where ‘widening’ the Union diminished the possibility of ‘deepening’ it: the European project was seemingly put at risk by those who promoted broad acceptance of new members as a way of slowing down the deepening process (Kelemen et al., 2014).

What all these considerations point to was the emergence of ‘enlargement fatigue’ of a very particular sort, very serious in nature and effect. While encompassing some existential concerns about the future of the European project, it essentially stemmed from doubts about the EU’s ability to operate in a smooth and efficient manner *post-enlargement*. It was about how to *ex post facto* accommodate new members, and the functional and institutional predicaments they created for the institution once they were admitted to the organisation.

### 3. ‘New’ enlargement resistance

The 2020 enlargement debate is qualitatively different from that of the 2000s: the narrative has changed, although the capacity of European institutions and the Union itself to absorb new members will always be at issue. We now face obstacles viewed as *existential* (European Commission, 2016), focussing more on questions of political governance, trust, equality, legitimacy, and identity. There are three fundamental reasons why this is so and why the prospects for enlargement are slim.

The first is that the enlargement fatigue of the 2000s was primarily the result of dealing with past enlargements, especially that of 2004, and to a lesser extent that of 2007. Today, we focus on the *future* of enlargement and the potential consequences of accepting new members rather than ironing out the kinks resulting from past enlargement.<sup>2</sup>

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<sup>2</sup> In the late 2000s, the impact of future Turkish accession did feature in the enlargement fatigue debate in terms of both practice and identity. The debate, nonetheless, was dominated by whether the EU could effectively and efficiently integrate those countries already accepted as EU members.

A second reason is that the accession prospects of the WB countries remain distant not only because the EU is not ready to accept them—a factor that dominates the local, Balkan, regional narrative—but also because of their own unwillingness/inability to complete the pre-accession and accession processes mapped out by the EU. While in the 2000s candidate states were doing their utmost to fully comply with the accession process based on the Copenhagen Criteria and the conditionality laid out by Brussels, today's picture is rather different. Furthermore, the case of Turkey is intriguing in that it figures highly in all enlargement debates in functional terms—how will 80m Turks affect the Union economically?—as well as the more emotive and incendiary ideational debates about culture, religion, and identity. Additionally, and perhaps more importantly, there is an internal debate in Turkey about whether EU accession is actually desirable and whether all the reforms required to meet the demands of the Copenhagen Criteria and the *acquis* are compatible with the profile and position of Turkey in the international hierarchy of states (see for example, Alpan and Diez, 2014; Aydın-Düzgit Tocci, 2015; Canefe and Ugur, 2004).

A third, and perhaps the most important reason for the current reservations on future enlargement, defined here as the primary element in enlargement resistance, is the result of the considerable upheavals in the EU's political order which pose a direct threat to the integration project as a whole. These upheavals, rooted in the domestic contexts of numerous EU member states, question political governance and are part of a broader backlash against the perceived effects of globalisation, and questions of identity and culture (and religion). In the context of EU enlargement, these upheavals mean that the EU and its members are far too concerned with what is happening within the EU to be able to even envisage an enlargement of the Union. The Union—and its members—are concerned about maintaining its integrity and future; while that is at stake, enlargement is of negligible importance on the EU agenda.

These upheavals mainly take the form of fragmentation and disintegration and are evident in a number of different processes at play within the EU today. For example, there has been a phenomenal rise in anti-elite, anti-establishment rhetoric and protest, both formal and informal, which portrays and accuses the EU leadership and domestic pro-European leadership in member states of distant, disconnected, and even unrepresentative rule (*The Economist*, 2018). This trend is reflected over time in academic debates as much as it is within the EU political sphere (Hayward, 1996; Follesdal and Hix, 2006; Norris, 1997; Weiler, 1995).

In combination with EU systemic shocks resulting from the global financial crisis, the eurozone crisis (and especially the austerity measures crafted to cope with it), and the illegal immigration/refugee crisis (see, for example, Baldwin-Edwards and Schain, 2013; Hobolt, 2018), this anti-establishment fervour has

fed into populism pervading the parties of both right and left (D'Alimonte, 2019) and become increasingly 'national' in character (Mudde, 2016).<sup>3</sup>

This fragmentation is also evident in acts of unilateralism by member states—see here decisions made by Merkel in Germany or Orbán in Hungary with respect to immigrant flows into their respective countries in the context of a joint EU immigration and refugee policy (Karnitschnig, 2018; Walker, 2019). This unilateralism feeds into and reinforces the populist tendencies outlined above by preaching the merits of autonomy of action and reclaiming sovereign rights.

Disintegration enhances fragmentation, as reflected in recent academic literature on this theme: in part it reflects 'divergence' (Jones, 2018) relating to inequalities, hardship, and political conflict; others place it more in the context of differentiated integration (Leruth et al., 2019), or indeed "the selective reduction of a member state's level and scope of integration" (Schimmelpfennig, 2018). One noted Europeanist has cast it in the context of 'de-Europeanisation' (Rosamond, 2019). Essentially, disintegration is about heterogeneity and break-up.

Heterogeneity relates to what member states wish to see in terms of the organisation of the Union itself and how they view the future nature of integration. Traditionally, this is portrayed as a federalist/anti-federalist struggle, but this 'binary' formulation has been described as "simplistic and misleading" (European Commission, 2017). Instead, heterogeneity is seen in the prospect of the creation of a multi-

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speed Europe, or a Europe of 'variable geometry', or that of the coalitions of the willing, or of avant-garde groups which forge 'ahead' in the integration project leaving others 'behind' to pursue integration in a more limited sense. This would create a multi-track process where different groups of states pursue different visions of European integration at different speeds and in different areas.

This is reflected in the Commission's 'White Paper on the Future of Europe' which, in one of its five scenarios of future integration, proposes a form of flexible integration among 'coalitions of the willing': "[t]hose who want more do more" (European Commission, 2017). From a critical perspective this is about the creation of a multi-speed, *disintegrated* Europe which serves an agenda of the few. This is consistent with French views as defined by President Macron, who had spoken of an EU of variable geometry, suggesting that there is a 'European vanguard' which needs to take responsibility for the future of Europe (Macron, 2017). Indeed, at the Sorbonne in 2017 he spoke too of a multi-speed Europe,<sup>4</sup> and

<sup>3</sup> It may be a paradox that these movements, directed at the perceived European autarchy, provide fertile ground for the emergence of national 'strong men', pseudo-autarchs in their own right.

<sup>4</sup> 'L'Europe est déjà à plusieurs vitesses alors, n'ayons pas peur de le dire et de le vouloir.' [Europe is already moving at several speeds, so we should not be afraid to say so and want it].



how this may also be a way by which the post-Brexit UK might be accommodated in a flexible, future EU.

In its most brutal form, disintegration is break-up and dismemberment, as illustrated by Brexit. There are multi-causal explanations for the outcome of the referendum leading to Brexit; but ultimately, those in favour depict it as the reclaiming of autonomy and independence of action in political, economic, and territorial terms—in other words, sovereignty (Malcolm, 2019). As the erosion or pooling of sovereignty is the natural outcome of European integration (depending on which theoretical perspective one adopts), reclaiming sovereignty through Brexit is logically about disintegration in its most extreme form.

In sum, internally driven enlargement resistance in the 2020s is the product of multiple processes of fragmentation and disintegration which differ quite substantially in nature from the enlargement fatigue debates following the accession of the CEE countries almost 20 years ago. These processes result from the questioning of the future of integration itself and not merely from the question of administration and decision-making processes. In this context massive constraints are put on the policy agenda and the prospect of enlargement is not a central issue for the EU.

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### 3.1. The prospective members

#### Enlargement resistance:

The second element in enlargement resistance emanates directly from the actions and attitudes of prospective and candidate countries for EU membership (and especially the countries of the WB which are the regional focus of this paper). Enlargement is being hampered by the inability, and often unwillingness, of the candidate and prospective members to comply with accession conditionality: they are not meeting accession criteria and some are turning their backs on the accession project altogether. This also questions the EU's transformative power, that is its ability to condition candidate countries into becoming modernised, Europeanised, member states: in short, the attractiveness of the European project is waning.

The WB remain in the vanguard of countries in line to join the EU, however distant that prospect might seem. Currently, Montenegro and Serbia are already in accession talks with the EU. North Macedonia and Albania hoped to start their talks in 2019, but these hopes were dashed by a French veto and their request remains pending. Bosnia–Herzegovina and Kosovo are not considered to be anywhere near ready for membership talks: indeed, Bosnia received a hard-hitting opinion from the Commission in 2019 (European Commission, 2019). Farther afield, Turkey has turned away from the accession process it embarked upon after the 1999 acceptance of its candidacy and the opening of full accession negotiations in 2005. Moldova, Georgia, and Ukraine form a separate cohort of states wishing to be considered in the

enlargement frame, yet they are firmly part of the EU's Eastern Partnership policy and are not yet deemed to be ready for candidacy for a host of reasons.

To the EU, the countries of the WB have a clear, long-standing 'European perspective' and are specifically mentioned in the context of accession in the Commission's 2020 'Work Programme' and report on 'Enhancing the Accession Process' mentioned at the outset. But the WB's 'European perspective' has been in the offing for almost 20 years and it is now swiftly running out of momentum and credibility. There are at least three contextual and historical factors which help to account for the slow process of accession.

*First*, there are serious hangovers from the wars of Yugoslavia's dissolution which still play a central role in contemporary regional politics and act as a serious constraint to accession. In Bosnia–Herzegovina, for example, the constitutional arrangements put in place after the Dayton Accords (1995) have become a serious hindrance to 'normal' democratic and administrative processes in the context of relations with the EU. Arguably, what the Bosnian constitution has established is an institutionalisation of nationalism through the separation of the country into two (ethnically based) equal entities and the structural ethnic representation in national/federal institutions.

It has been argued that in Bosnia (and elsewhere in the WB) the EU has created, and maintains, a form of 'stabilitocracy' rather than democracy: semi-authoritarian regimes implicitly propped up by the EU for purposes of maintaining regional stability (Bieber and Kmezić, 2017). Consequently, Bosnian politics have stagnated through the persistent inability to reach cross-entity agreement, including in areas deemed central to the enlargement conditionality imposed by the EU. Similarly, Kosovo's chances of moving closer to accession are contingent on normalisation of relations with Serbia—a direct consequence of the conflict in the late 1990s—and on which domestic consensus is fractured. Nor does it help, in the case of Kosovo, that there are still five EU member states which do not recognise its independence.

*Second*, there is the increased involvement of third-party external actors in the region who challenge the influence and authority of the EU in different ways. For nearly 20 years now, the EU has been considered as the "only international game in town" (Anastasakis and Bechev, 2003); it has shouldered political and economic burdens through its various regional policies and bilateral Stabilisation and Association Agreements (SAAs), and has always done so in line with the region's 'European perspective'. But to many in the WB, the long-standing 'story' of EU involvement is a 'tired' one which does not seem to be bearing fruit—certainly not in the material sense.

As a result, there is increasing scope for other external actors to edge onto the regional scene, providing potential alternative sources of economic growth and foreign investment, as well as peddling political support and cultural and religious solidarity. For example, China's incursion into the WB through the 16+1 initiative, as part of the 'Belt and Road' project, is viewed extremely favourably throughout the

region. It promises new infrastructure and investment in specific projects, with concomitant job creation, and no political conditions attached. This fosters a different sense of regional and cross-regional solidarity (Tonchev, 2017), and provides much political leverage for local leaders, both in the domestic context and in dialogue with Brussels.

This is equally true of Russian influence in the region, most specifically in Serbia, Montenegro, and North Macedonia. Economically, this does not offer the same promises as China's grander projects, and where investment has taken place it has favoured Russian rather than local interests, particularly in energy (Serbianmonitor, 2017). But it allows leaders like Vucic in Serbia to play the Russia card as an offset to the EU and US influence in the region—a source of leverage in a highly asymmetrical relationship. Russia is a supporter of Serbia's Kosovo policy, especially in the UN Security Council, was accused of stage-managing a coup in Montenegro, and has been highly influential politically in North Macedonia (Bechev, 2017; BBC, 2019).

A further element of increasing external presence and influence in the WB stems from Turkey and the Gulf states, especially the Emirates and Saudi Arabia. The geopolitical importance of the region as part of its 'near abroad', in conjunction with links to the Ottoman past and the Islamic dimension, allows Turkey influence in, for example, Bosnia, Albania, Kosovo, and North Macedonia. In return, these countries benefit from investment and trade opportunities and again use the 'Turkey' and perhaps 'Islam' card as a form of leverage in dealings with Brussels.

The latter is even more prevalent when one looks at the recent and growing presence of the Gulf states in the region: Saudi Arabia heavily sponsors the building of mosques, and many Gulf Arabs invest in property in Bosnia. This fosters insecurity in 'the West', in terms of possible radicalisation of Muslim populations and the concomitant fears of the emergence of jihadist tendencies in Europe. But other cases, for example the acquisition of Air Serbia by Etihad and the proposed development of Belgrade Airport as a European hub, show a commercial interest with other regional implications for the role of external actors (Vračić, 2016; Bartlett and Ker-Lindsay, 2017; Telci and Peneva, 2019).

*Third*, why should WB states pursue their membership aspirations in the context of an EU which is fragmenting and disintegrating? A Europe of political tension and economic dislocation, where one major member state has exited the Union and others doubt the basic premise of like-mindedness resting on shared ideals of rights, democracy, and governance, makes EU membership less attractive. Moreover, the questionable allure of joining a multi-speed or variable geometry Union, in which new members could be 'parked' in a second or third tier of integration, far distant from core activities and sectors, adds yet another layer of apprehension about, if not resistance to, the enlargement process. The latest Commission strategy paper reasserts the WB's 'European perspective', but insists that there is no automatic progress to accession, that it is still an aspiration and can only be achieved on a "merit-based approach" and could

result in the “phasing in’ to individual EU policies” (European Commission, 2020b). Therefore, not only are candidate states uncertain what kind of institution they might be joining, they increasingly suspect that they might be allowed to join only specific parts of it and be left outside core areas of activity which in effect are the greatest draw in terms of pursuing integration.

These three general, historical, and contemporary political factors shed some contextual light on why the accession process in the WB has slowed down. Nevertheless, the most prevalent characteristics of the ‘slowing down’ of the enlargement process are represented by problems of elite and popular engagement with the change and reform needed to meet accession criteria and conditionality, and reflect not only material interests and concerns, but also normative and identity issues related to a European path.

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### 3.2.

### Backsliding

Democratic backsliding is not a novel phenomenon in the relations between the EU and enlargement countries. The EU has bitter experience of overt backsliding in South-Eastern Europe and specifically in the cases of Romania and Bulgaria (Sedelmeier, 2014; Spendzharova and Vachudova, 2012). These states fulfilled the accession criteria and conditionality of the EU, adopted the *acquis* and were accepted as full members of the Union. However, it was quickly apparent that in the areas of criminality and corruption, backsliding had occurred and retrospective, post-accession conditionality had to be imposed by Brussels.

But democratic backsliding is not a political phenomenon unique to the WB and South-Eastern Europe (Kelemen, 2017; Sitter and Bakke, 2019). More importantly, the EU is currently troubled with democratic backsliding in parts of Central and Eastern Europe, especially in Poland and Hungary, where specific rule-of-law issues and problems of good governance have become prevalent and have given rise to increasing use of the term ‘illiberal democracy’ to describe these countries and their practices. It is argued here that this rise of the ‘illiberal democracy’ model is as equally relevant and applicable to aspiring EU members as it is to existing EU members (Bieber, 2018; Kapidžić, 2020; Sedelmeier 2017).

Let us consider the example of Serbia, which is arguably the most frequently mentioned instance of ‘illiberal democracy’ among the WB candidate states and prospective members. Serbia formally began its accession talks in January 2014 after a tortuous period of toing and froing with the EU on the status and fulfilment of the SAA. This had been preceded by a long stand-off revolving around the fulfilment of a very important conditionality relating to the arrest and delivering up of those indicted by the International Criminal Tribunal for Yugoslavia in the Hague, for war crimes, genocide, and crimes against humanity

during the wars of Yugoslavia's collapse. Despite progress in terms of democratisation, institution-building, and the liberalisation of the economy, the Serbian accession talks have stalled for two primary reasons. The first relates to the stasis encountered in the normalisation process with Kosovo—a process in which the EU has invested heavily and which it sees as a basic condition for the continuation of accession talks (but not entirely relevant to the current discussion).

The second is backsliding in the rule of law, specifically in terms of human rights and good governance, and most specifically in the fields of freedom of expression and freedom of the media (Huszka, 2017). Serbia claims to accept the norms, values, and freedoms of the EU, the bases for a liberal democracy, yet still flouts them all in a defiant form of backsliding. Power is centralised in the hands of President Vucic, parliamentary opposition is in disarray, and much of the popular media are heavily controlled by the ruling party. 2019 was regularly punctuated by mass protests, especially in the capital Belgrade, with demonstrators calling for an end to corruption, fair elections, and freedom for the media (see, for example, Radio Free Europe/Radio Liberty, 2019).

This popular reaction to the Vucic government was described as a stand against 'competitive authoritarianism' and the 'Orbánisation of Serbia' (Stojanović and Bértoa, 2019). The European Commission, while noting that Belgrade had made some limited progress in other areas of conditionality, signalled the need to normalise the political system, to create room for a fully functioning opposition to the ruling government, and for the urgent need for progress in the area of freedom of expression (European Commission, 2019b). Despite opening negotiations with Serbia in 2014—over six years ago—only two of the negotiating chapters have been closed.

The illiberal or anti-liberal tendencies across the WB—as exemplified by the Vucic government in Serbia—have been increasingly addressed by the academic literature (see Kapidžić, 2020). But most important is the existing empirical data relating to the core aspects of illiberal democracy relevant to the Serbian case (and the WB more broadly). In one notable index maintained by the Economist Intelligence Unit, Serbia is categorised as a flawed democracy, sandwiched between Namibia and Ecuador in rank and emphasising government influence and control of “independent institutions such as the media” (Economist Intelligence Unit, 2019). Perhaps the most extensive aggregated international governance study ranks Serbia substantially below Romania, Croatia, and Greece—all EU members and regional comparators in measurements on rule of law and control of corruption (World Bank, 2019). Albania, Bosnia, Kosovo, and North Macedonia all rank below Serbia in this rule of law index (as they do in the control of corruption). And, regionally, only Montenegro ranks above all the other WB states, so it is no surprise that it is perhaps closest to meeting EU accession standards.

Serbia, despite being further up the enlargement ladder than most of its neighbours, exemplifies the general tendency across the WB region towards democratic backsliding. If, after six years of accession talks, the 'pull' of the EU and prospective membership is not strong enough to overcome anti-democratic

tendencies and questionable policies in fields such as the rule of law, human rights, and freedom of expression (as well as corruption) which are key in the early stages of accession negotiations, then what is the hope for the other WB states which rank below Serbia in a variety of indexes? If, after six years of negotiations and political conditionality, neither the EU's carrot nor its stick can hold back the tide of democratic illiberalism in a candidate country, then the prospect of enlargement does seem rather unrealistic in the short and medium term for either Serbia or its regional neighbours.

### 3.3.

### Non-compliance

What has been seen above as backsliding in terms of principle is more narrowly definable as non-compliance with the conditions set out by the EU. Non-compliance can stem from very different sources. It could be that the candidate or prospective members simply do not have the capacity, either political or administrative, to achieve the conditions laid down by the EU. The recent Commission policy paper stresses that the accession process can only really move forward if this type of 'structural weakness' is addressed so that the "effectiveness of the overall accession process and of its implementation [can be] improved further" (European Commission, 2020b). This is such an important aspect of the democratisation/enlargement process that the EU has devoted endless amounts of time and money to an attempt to build capacity and institutions able to deliver reform and create states ready to embark on the accession process. While the prospects of Albania and North Macedonia seemed to have improved after a more positive outlook provided by the European Commission in March 2020 (European Commission, 2020c; European Commission, 2020d), the case of Bosnia, let alone Kosovo, is even more difficult and nowhere nearer to entering its accession phase than it was a decade ago.

At the 'softest' end of the scale, compliance is difficult to achieve as it may be vague and over-generalised (Sasse, 2008). This also makes 'compliance monitoring' an inexact science as well: how do you know a benchmark has been achieved if that benchmark is ill-defined? As the Commission set out in 'Enhancing the Accession Process': "the **effectiveness of the overall accession process and of its implementation must be improved further** [bold in original]" (European Commission, 2020b). While policy design might partly explain the lack of implementation, non-compliance arises more for domestic reasons.

In the case of Bosnia, as mentioned previously, the Commission recently produced a very damning accession progress report (European Commission, 2019). The report emphasised four fundamental areas in which Bosnia was not in compliance with EU conditionality: democracy; the rule of law; fundamental rights; and public administration. In addition, the Commission highlighted under-performance in a variety of other areas including economic governance, education, policing, and the fight against corruption. It emphasised that despite all of the technical and financial assistance provided to Bosnia in the last 20 years, and especially since the SAA was signed in 2016, progress has been depressingly slow. What it indicated

quite clearly was that Bosnia was not readily complying with EU demands as part of the accession process.

On one level, the inability to comply may be the result of the hangover of the political arrangements and accommodations that were reached to end Yugoslavia's wars: de facto institutionalisation of nationalism through the privileged position of the entities in Bosnia has meant that there is a political and administrative roadblock to compliance, as witnessed in the extremely contentious case of police reform (Juncos, 2011). A key EU condition for Bosnia's European perspective, the reform of a police force away from ethnic lines, has been on the agenda yet has remained unfulfilled for almost 20 years. Non-compliance results from the fact that what is nominally a technical, rule-of-law conditionality is locally seen as a highly charged ethno-political issue, one that can be defied by the nature of political arrangements reached in 1995.

Compliance is not only a test of the WB states' ability to meet conditions, but also their willingness to do so. Non-compliance is largely determined both by lack of capacity and lack of will, and especially lack of political will among the ruling political and economic elites. One of the fundamental reasons for this is that, not surprisingly, conditionality is highly political and politicised, especially as it is such an essential part of the accession process and the relationship with the EU. As it becomes a venue for negotiation, bargaining and non-compliance can become a bargaining chip on both sides of the table (Noutcheva, 2009 and 2012).

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Perhaps the most dangerous aspect of non-compliance is the reluctance of local political and economic elites to fulfil conditionalities—and pursue an accession process—which may in reality limit their authority, patronage, and personal interests. Dodik, the president of Republika Srpska, perpetually flouts Bosnia's federal political system, ignores EU conditionality, and threatens secession as a political tool (*Balkan Insight*, 2020). While earlier accusations of corruption against him were dropped, Dodik's political entourage is tainted (*Balkan Insight*, 2019), and media freedom to investigate and report on corruption and criminality is seen to be heavily—and at times violently—constrained (*Foreign Policy*, 2019).

As discussed in relation to 'democratic backsliding', there exist parties and individuals who do not accept the liberal values of EU conditionality per se, or see their imposition as chipping away at their domestic authority and hold on power. Illiberal democracy may result as governing parties become less tolerant of internal opposition (especially in the media) and have marginalised the authority of established, democratic institutions in the decision-making process. Non-compliance becomes a necessity, as effective implementation of political conditionality could both strengthen and embolden practices and institutions which harm their interests.

Similarly, it could be that non-compliance results from a form of state capture in which circles surrounding leadership groups wish to maintain control over government and administration for the pursuit of personal gain, creating circles of crony capitalism rather than liberalised, deregulated economies, and spawning widespread corruption as a lingua franca of political interaction (Richter and Wunsch, 2019; Vachudova, 2019; Elbasani and Šelo Šabić, 2018). Either way, non-compliance is a primary stumbling block in the EU-WB relationship and a key feature of the Commission's future policy where it insists "**the Western Balkan leaders must deliver more credibly on their commitment** [bold in original] to implement the fundamental reforms required, whether on the rule of law, fighting corruption, the economy or ensuring the proper functioning of democratic institutions and public administration, and foreign policy alignment" (European Commission, 2020b).

### 3.4.

### Local ownership

As an adjunct explanation to democratic backsliding and multi-faceted justifications for non-compliance, we need to add that of a distinctly low level of 'local ownership' of the process of accession. The necessary reforms and adjustments demanded by conditionality, as part of an agreed process, can be portrayed as a foreign imposition and the EU as a heavy-handed *demandeur* whose conditions are self-serving and unfit for the needs of political and economic progress in the countries of the region. When the EU Commission suggests in 2020, some 20 years after the end of conflict in the region and the declaration of the WB's 'European perspective', that it is "of major importance to **build more trust among all stakeholders** [bold in original]" in the accession process in the region, it indicates a serious deficit in local engagement with, and confidence/trust in, the enlargement process (European Commission, 2020a). The possible long-term effects of radical reform cannot be envisaged, let alone accepted, and those who do see merit in following the EU 'line' are often seen as out-of-touch elitists promoting a foreign agenda for their own personal gain.

We have already seen why local ownership of the process at elite level may be unforthcoming or deficient. But beyond the elites, what accounts for the lack of local ownership of the process at a broader level, among the general public? Partly, it stems from either a lack of information, disinterest or inability to engage and support what is seen as a highly technical, arcane process. There is also the explanation of power asymmetry and historical legacy which sees the countries and populations of the WB as appendages to a broader European international state system and balance of power; this creates and imposes an imported reality not agreed or accepted regionally. This is a Euroscepticism of a very particular sort.

But for the most part the lack of local ownership of the process could be ascribed to a credibility gap which has been exacerbated by the passage of time. Here, it is not only local leaders who must 'deliver more credibly', but also the policies the EU is pursuing in the region. These lack credibility and do not convince those in the region that they are equitable either in their own right or in comparison to previous



accession processes (see Schimmelfennig and Sedelmeier, 2019). When travelling through the WB region, one often hears anecdotally and in more formal discussions that the credibility gap results from a ring of empty promises: EU promises of defining a path to accession have proved too demanding, if not empty.

Why has the accession process taken so long in comparison to previous rounds of EU enlargement? Why do the countries of the WB have to be subjected to a number of extra reforms and conditionalities compared to those imposed in previous rounds of enlargement, especially on the CEE, which is the most often used comparison? The WB are asked to pursue a ‘pre-accession’ accession process known as the Stabilisation and Association programme, a lengthy and highly conditional process to get them ready to undergo the more normal accession negotiations. It also requires them to sign up to strict regional co-operation, tying in together states which did not always share the same perspective and aspirations either in regional or European terms.

This elongated accession process has dragged on for so long that arguably it has lost momentum: Croatia is the only WB state to have successfully negotiated its way into the EU. In turn, this loss of impetus has

*[Accession] is about political and not merely technical progress: the political choice of wanting to join the EU entails ... widespread acceptance of a set of European standards and values.*

reinforced the credibility gap in which responsibility for the slow pace (or lack of progress) is put down to the possibility that the EU perhaps does not want the WB states to join. The bar is set so high deliberately: the insistence on regional co-operation among states not always on the best of terms is a way of creating a loose politico-economic sub-regional network or organisation with which the EU can deal but not incorporate into its body politic.

Therefore, when the Commission reports on the necessity for the accession process to be more credible and to “get much better traction on the ground”, it refers not only to the improvements necessary in delivering reform and accession criteria (‘effectiveness’), but also to the need for engagement with the accession process to be driven by local ‘stakeholders’ both among officialdom and the public at large. If there is no popular investment in the *process of enlargement*, opinion polls will always suggest that although the public is in favour of accession at the same time they view it as a foreign-dominated project.

Accession has, in the language of the Commission, to be “**an active social choice** [bold in original]” in the WB and cannot proceed on ‘autopilot’ (European Commission, 2020b). It is about political and not merely technical progress: the political choice of wanting to join the EU entails not only heightened material expectations, but also widespread acceptance of a set of European standards and values.

Therefore, the notion of local ownership is not only about the technocratic-led reform process in action, but also about a broad consensus that this is the right way of doing things in ‘European’ terms.

## 4. Conclusion

This paper has argued that the future of EU enlargement, especially towards the WB, is in doubt as it is limited by stiff resistance from two directions.

In the first instance, the EU has to contend with a series of internal issues stemming from political, economic, and social turmoil which makes it difficult to envisage the admission of new members without resolution of these problems in European governance. This form of resistance to enlargement has everything to do with the current nature of integration and not with what might happen in an enlarged Union. It is driven by a new form of scepticism in the European project which has led to processes of fragmentation and disintegration. It is about ‘what is Europe?’ and ‘who is European?’, and ‘who should govern Europe?’ These questions address fundamental political, economic, normative, and cultural assumptions underpinning the Union and stray far beyond the relatively banal considerations of how the Union can accommodate new members in practical and material terms.

Some answers to these questions have been tabled and remain open for discussion. There have been suggestions, particularly by President Macron, in favour of a Union of differentiated integration: perhaps a multi-speed or variable geometry EU, where coalitions of the willing will form the vanguard of deeper integration. Others pursue agendas calling for repatriation or renationalisation of policies and powers, especially in the fields of immigration, the rule of law, and even monetary policy. One state, the UK, has now left the Union. It is difficult to countenance a strong push for enlargement in a Union which is so introverted and consumed with ‘internal’ problematics.

Enlargement resistance also resides within the prospective members of the Union. Their ‘European perspective’ has been defined for the best part of 20 years and yet progress is very slow on the path to accession. The EU seemingly places extra hurdles in this path (such as SAAs and strict regional co-operation), as compared to previous enlargement processes. As the process drags on, the region becomes more and more susceptible to democratic backsliding and non-compliance with EU conditionality, while accentuating the lack of popular engagement and local ownership of the process.

This growing scepticism is multiplied by fragmentary developments within the Union and especially the possibility of the evolution of a Europe of differentiated integration: a multi-tiered Europe in which new entrants will be second-class, unequal partners at the bottom rung of membership. In addition, in this period of political uncertainty within the EU and little movement in the WB accession process, external actors such as Russia, China, Turkey (and others) step in to fill political, economic, and cultural lacunae. They may offer alternative poles of economic and political influence which demand fewer sacrifices and certainly do not challenge the leadership of certain groups and individuals across the region.

Within these contexts of enlargement resistance it becomes easier to understand why such a key member of the EU—France—found it necessary to block the commencement of accession talks with Albania and North Macedonia, despite the objections of the European Commission. As a result, enlargement is seen as a far more distant prospect: a process with a dismal future.

What is the way forward? The EU reaffirms its commitment to the process of enlargement in general and “to deepening its **partnership with the Western Balkans** [bold in original]” (European Commission, 2020a). It has made proposals for ‘merit-based’ enlargement resting on credibility and mutual trust (European Commission, 2020b). It calls for a more transparent and achievable accession process where some EU policies could be adopted, ‘phased-in’ on a selective basis, and where “negotiating chapters will be organised in thematic chapters” for ease of discussion, implementation, and monitoring (European Commission, 2020b). This new engagement, which seems to follow directly from an informal set of proposals made by France to its EU partners in November 2109, calls for deeper dialogue with the region, clearer political guidance, enhanced monitoring mechanisms, and added financial incentives (*Politico*, 2019). While the Commission indicates its willingness to support the region’s prospects of accession, it also clearly signals that the burden of enlargement rests equally on local ownership of the process where willing compliance and implementation is a basic condition.

On one level, recent developments seem to be injecting new momentum to the prospective accession of WB states. It is a clear indication that the EU, while hesitant about committing itself to unrealistic target dates and goals, views enlargement to the WB as a central plank of its external relations. The Berlin Process, which for the last few years had seemingly replaced formal EU-WB relations, will now be superseded by ‘Country-specific IGCs [Intergovernmental Conferences]’ and ‘Stabilisation and Association Councils’ emphasising the need for enhanced political dialogue rather than discussion in extra-EU fora on technical issues of ‘connectivity’ and infrastructure projects (European Commission, 2020b). There are potential pitfalls in the politicisation of an enlargement process already in the doldrums. But this might elevate it from the mundane technocratic dimension of the arguments and spark an urgency both in Brussels and the Balkans for the need to realign the relationship and forge ahead on new terms.

The question remains what these new terms might be. What is interesting to note here is that there is an increasing correspondence between the language of enlargement and the broader language of EU foreign policy which has taken a turn away from the more bombastic aspects of ‘normative’, ‘transformative’ power Europe. Since the ‘European Union Global Strategy’ of 2016 introduced the idea of ‘principled pragmatism’ as a cornerstone of EU foreign policy, stressed the equal importance of interests and values, and made the case for the pursuit of geopolitical goals, the EU seems to have taken a policy turn (at least in rhetorical terms). And this is echoed in the language of the EU with respect to recent offerings on its relations with the WB where “A credible accession perspective for the region is of enormous strategic

importance to the Union and to the region itself’ (European Commission, 2020b), and where WB accession “is in the Union’s own political, security, and economic interest ... **a geostrategic investment** [bold in original]”, and a “driver of transformation in the region [that] enhances our collective security and prosperity” (Commission, 2020b).

This casting of the EU relationship with the WB in a new geopolitical light, one which stresses joint interests and a willingness to prioritise this relationship over others in the Eastern Partnership and prospective members, may be enticing in terms of parity and emphasis on realisable targets pursued in tandem. It certainly may eliminate the need for the EU to present itself as a *normative paragon* at a time when internally it suffers from questions of democratic legitimacy and is hostage to accusations of hypocrisy. And it will recast the idea of *transformative power* Europe into a more practical light which can be more readily accepted by both EU and WB audiences at all levels. Ultimately, a renewed accession push based on mutual trust and enhanced credibility will only be viable when the EU and its member states make progress on internal questions of government currently challenged by fragmentation and disintegration. When this is achieved a fundamental dimension of enlargement resistance will disappear and the more prosaic elements of absorption capacity will be easier to deal with. In turn, the resistance to enlargement emanating from the WB can also be eroded by setting credible and realisable goals, in pragmatic terms, and ensuring that the gains to be had are seen to be mutual and equitable.

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