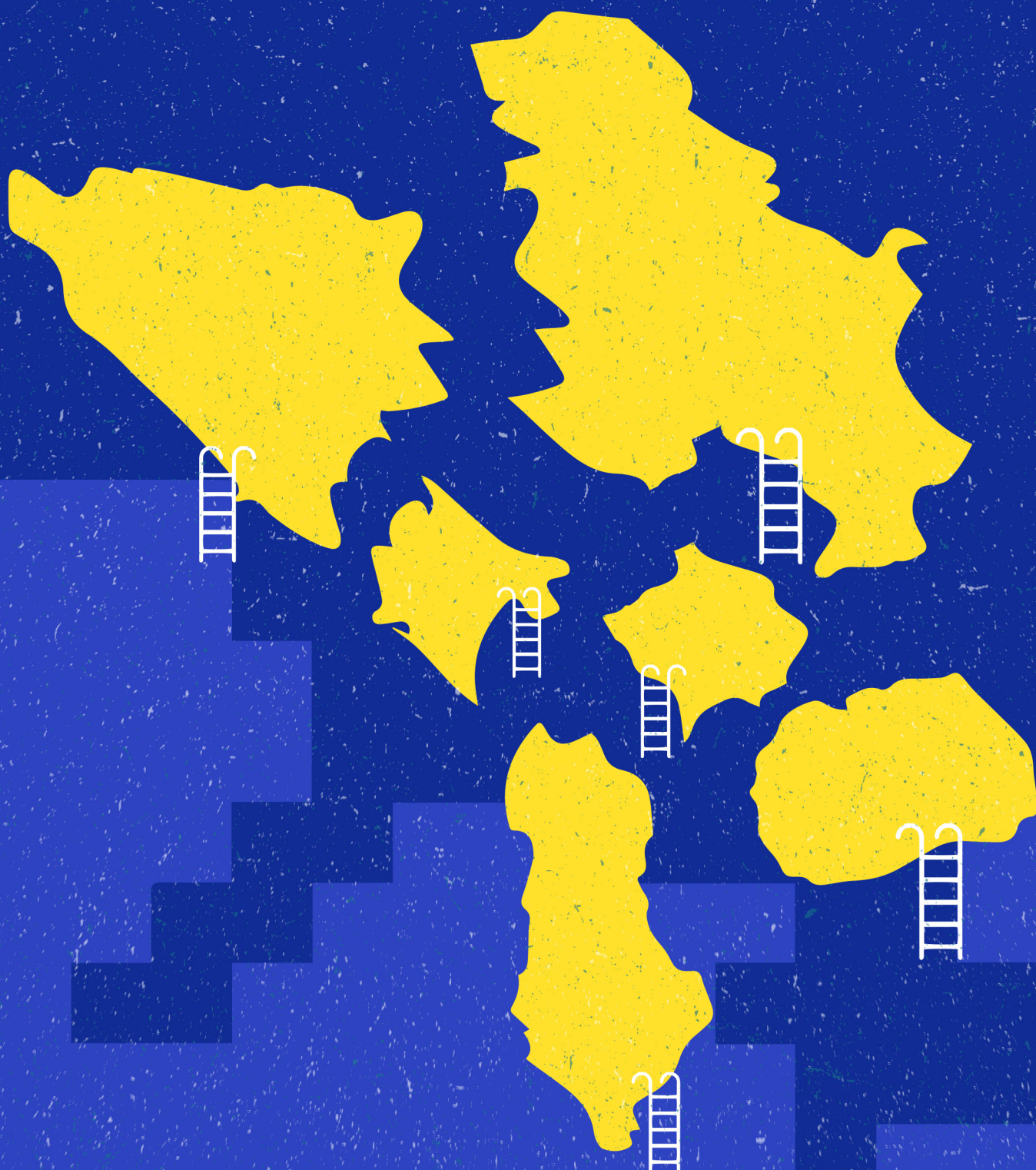


# The Western Balkans EU accession perspective after the war in Ukraine

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## Introduction

This paper argues that Russia's invasion of Ukraine on 24 February has fundamentally changed the context in which the European Union's enlargement policy must be considered and implemented. First, it has shown once again that the EU's enlargement policy is not a purely technical and bureaucratic policy or process, but also a political one. The decisions to grant candidate status to Ukraine and Moldova, and a European perspective to Georgia, were clearly politically motivated rather than a result of thorough technical assessment. Second, it has shown that the EU's enlargement in its immediate neighbourhood is a geostrategic imperative that requires a greater sense of urgency than it has been given in the last decade.

After exploring each of the two statements in greater detail, this paper will look at three options for revamping the enlargement policy and allowing for a speedier accession process for the Western Balkans, as well as for new candidate countries Ukraine and Moldova and potentially Georgia. Namely, this paper considers three scenarios: (1) the broader application of qualified majority voting (moving away from unanimity); (2) staged accession; and (3) block accession. While there is no shortage of ideas for reinvigorating the enlargement process, their timing has not always been the best. Could this be the right time for them to consider these options? As Victor Hugo said, "nothing is more powerful than an idea whose time has come". The timing of this paper was initially provoked by the conclusion of the Conference on the Future of Europe which took place on 9 May this year, as enlargement is a fundamental element of the EU and its future. With Russia's invasion of Ukraine, and Ukraine's and Moldova's recently awarded EU candidate status, the topic of enlargement has become even more relevant.

## EU enlargement is necessarily political

The recent decision to grant candidate status to Ukraine and Moldova and a European perspective to Georgia shows the political nature of decisions related to EU enlargement. The Copenhagen criteria require acceding countries to have a functioning and competitive market economy, administrative capacity, infrastructural development, border control, functioning institutions, lack of territorial disputes, good neighbourly relations, and the list goes on<sup>2</sup> Assessed in these terms, Ukraine was far more prepared in almost every aspect before 24 February than it is today.

Yet, it is only after the breakout of war that Ukraine has been allowed to take these strides toward the EU. By following through with a stronger European perspective of Ukraine, the European Institutions, including the EU member states, have clearly shown that accession is about political momentum rather than a strict implementation of technical criteria.

The enlargement process is officially presented as a technical process where achievement and merit are met with reward. However, EU membership is not and cannot be purely merit-based, as the criteria are made more stringent with each round of enlargement and existing member states are never asked to leave due to poor performance<sup>3</sup>.

When reviewing some of the key global indexes on political and economic development, in each of them, one or more of the Western Balkan countries are performing better than some EU member states. In the World Justice Project's Rule of Law index (2021), Kosovo and North Macedonia rank better than Hungary<sup>4</sup>. In PISA 2018, Serbia performed better than Cyprus, Romania and Bulgaria<sup>5</sup>. In the Doing Business ranking (since discontinued) from the World Bank, North Macedonia outperformed all but three EU member states!<sup>6</sup> Serbia, Montenegro and Kosovo ranked better than several member states<sup>7</sup>. In the 2021 Corruption Perception Index, Montenegro is perceived as less corrupt than Romania, Hungary and Bulgaria<sup>8</sup>. The standard that mainly separates the EU member states from the Western Balkan countries is GDP per capita. All six Western Balkan countries have lower GDP per capita than all EU member states.

The political nature of enlargement is neither right nor wrong. The EU is a political organisation with political ambitions, and membership should be given strategically. Taking this into account, it would be preferred if this political nature of decision-making was more transparent. Only once the EU recognises that decisions are made on a political basis can it adjust the process to account for the outcomes of this politicisation.

This is particularly true when political obstacles rather than technical aspects or slow reforms stand in the way of candidate countries and potential candidates progressing on their respective accession paths. The unresolved status recognition issue between Kosovo and Serbia, made more difficult by the fact that five of the EU's member states do not recognise Kosovo's independence, is one of these obstacles. North Macedonia's membership bid was blocked by Greece for many years before it changed its official name, despite the European Commission deeming it ready to open negotiations. Once Greece was on board, Bulgaria blocked the opening of negotiations with North Macedonia (also affecting Albania) over issues of language, history and identity. It was only in July this year that the negotiations were finally opened. The European Commission has recognised on several occasions that North Macedonia has delivered on reforms<sup>9</sup>.

Some of the more significant achievements included overthrowing a corrupt and populist government and delivering on the rights of the Albanian population. However in the end North Macedonia was pushed to agree on a special set of conditions put by a member state, not normally featured in the standard accession process. Similarly, even though visa liberalisation is not formally part of the accession process, for the countries that enjoy the perspective of membership it serves as an early tool to condition as well as reward reforms. Kosovo was given its visa liberalisation roadmap later than other countries (2012) and fulfilled all the conditions in 2018, but the member states have not yet acted on the European Commission's recommendation. Promises of a one-to-one correlation between reforms and approximation will only cause frustrations to arise.

If the strategic goal of the EU is a cohesive, strong Europe that is also a serious global player, enlarging the Union further makes sense. Enlargement provides further expansion of the single market and mutually beneficial economic integration, in addition to providing further security and control on the EU's external borders. In fact, since the early 2000s, the new EU member states of Central and Eastern Europe have converged much faster with the rest of the EU than the Western Balkans have, arguably due to their membership in the EU. After joining the EU, membership benefits, including the four freedoms and access to the structural funds, accelerate the convergence considerably. This means that the faster the Western Balkans, Ukraine, Moldova and Georgia join, the better for them and the EU.

<sup>1</sup> European Council conclusions on Ukraine, the membership applications of Ukraine, the Republic of Moldova and Georgia, Western Balkans and external relations, 23 June 2022: <https://www.consilium.europa.eu/en/press/press-releases/2022/06/23/european-council-conclusions-on-ukraine-the-membership-applications-of-ukraine-the-republic-of-moldova-and-georgia-western-balkans-and-external-relations-23-june-2022/>

<sup>2</sup> European Commission - Enlargement - Accession criteria: [https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/glossary/accession-criteria\\_en](https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/glossary/accession-criteria_en)

<sup>3</sup> [Gateva, E. (2015). The Evolution of EU Enlargement Conditionality: Overview and Key Findings. In: European Union Enlargement Conditionality. Palgrave Studies in European Union Politics. Palgrave Macmillan, London. [https://doi.org/10.1057/9781137482433\\_6](https://doi.org/10.1057/9781137482433_6)

<sup>4</sup> World Justice Project Rule of Law Index 2021: <https://worldjusticeproject.org/sites/default/files/documents/WJP-INDEX-21.pdf>

<sup>5</sup> PISA 2018 Results: [https://www.oecd.org/pisa/Combined\\_Executive\\_Summaries\\_PISA\\_2018.pdf](https://www.oecd.org/pisa/Combined_Executive_Summaries_PISA_2018.pdf)

<sup>6</sup> DOING BUSINESS ARCHIVE: <https://archive.doingbusiness.org/en/rankings>

<sup>7</sup> Ibid

<sup>8</sup> CORRUPTION PERCEPTIONS INDEX: <https://www.transparency.org/en/cpi/2021>

<sup>9</sup> European Commission, North Macedonia Candidate Country Background: [https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/negotiations-status/north-macedonia\\_en#:~:text=Since%20October%202009%2C%20the%20Commission,the%20'Urgent%20Reform%20Priorities'.](https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/negotiations-status/north-macedonia_en#:~:text=Since%20October%202009%2C%20the%20Commission,the%20'Urgent%20Reform%20Priorities'.)

## **EU accession of the Western Balkans, Ukraine and Moldova is both important and urgent**

Enlargement is one of the most successful EU policies to date. It was the most significant element for uniting the north and south, and east and west sides of the continent and has contributed profoundly to economic cohesion, prosperity, stability and security. Enlargement has happened in waves, bringing in (mainly) northern Europe through the accession of the United Kingdom, Ireland and Denmark in 1973 and Sweden, Finland and Austria in 1995. Even more significantly, Spain, Portugal and Greece joined shortly after the fall of their dictatorships in 1981 and 1986, bringing in southern Europe. Then in 2004 and 2007, ten former Communist states of the east joined the Union less than 20 years after their transition. The EU had the opportunity to consolidate these efforts with the strategic goal of including the Western Balkans after the break-up of Yugoslavia and the fall of communism in Albania, but with the exception of Croatia, it has not achieved its objective yet.

The strong interlinkages and interdependence of the Western Balkans with the EU on security, the economy, environment, health and migration, among others, means an EU-integrated Western Balkans is good for the region itself and will also bring benefits for the citizens of the EU.

Now, Russia's invasion of Ukraine has painted a very vivid picture of the risks of leaving European countries on the outside. It exposes them to external pressures and influences from malign and authoritarian actors. The events in Ukraine underline how crucial the membership of the EU's Central and Eastern European countries is to the overall stability and security of Europe. The same rings true when it comes to the Western Balkans. The new Foreign Minister of Germany issued a statement recently saying, "We have to admit that we have disappointed and neglected many of the [Western Balkan] countries in the past years. This open flank is being exploited by actors like Russia, who have no interest in a European future of the Western Balkans and who are not afraid to fuel unresolved conflicts".<sup>10</sup> The political rationale to include the Western Balkans in the Union has strengthened considerably with the invasion of Ukraine. The question now is whether the EU can afford to keep stalling. Given the strategic importance and urgency of EU membership for the Western Balkans, Ukraine and Moldova, the enlargement process will need to take into account the political nature of the policy. The following section outlines three alternatives to the status quo.

<sup>10</sup> Statement by Foreign Minister Annalena Baerbock prior to her departure for Bosnia and Herzegovina, Kosovo, Serbia and Moldova, Federal Foreign Office of Germany (March 2022): <https://www.auswaertiges-amt.de/en/newsroom/news/travel-bosnia-kosovo-moldovia-serbia/2516398>

# Options for the future and implications:

## 1) Majority decision-making

For the EU, a club of 27 members who run their national policies alongside the common EU policy, decision-making has traditionally been one of the most challenging aspects of its functioning. Foreign policy in general, and enlargement in particular, are prone to difficulties in decision-making precisely due to the widespread application of unanimity voting. Currently, all decisions related to the progress of the candidate countries taken at the General Affairs Council require the unanimous agreement of all EU member states.

One way the enlargement process could receive more dynamism and, at the same time, address stagnation, is by shifting to qualified majority voting. This would not change the requirements of the enlargement process, but rather the way that the EU evaluates candidates.

The many stages of the enlargement process require the member states to agree on each step and not just at the more significant milestones such as granting candidate status, opening the negotiations or voting for membership. Currently, some of the more in-between steps of the process, such as the opening and closing of chapters, require unanimity. This exposes the enlargement policy to various momentary bilateral considerations, such as electoral cycles in the EU member states and the politics of the day. This often leads to an impasse and further frustrations with the processes. As the EU is looking at ways to increase its impact in the world and become a global player, the debate on the need for Qualified Majority Voting (QMV) in foreign policy is making a comeback. It was not only a recommendation of the Conference on the Future of Europe, but Stefan Lehne with Carnegie Europe argues that the war in Ukraine could finally allow for progress on this issue.<sup>11,12</sup> The crisis has shown the need for the EU to be able to act swiftly and decisively in the foreign policy field. Some will argue that the EU acted both swiftly and decisively on Ukraine even without QMV, but the Union struggled for quite some time to get all member states on board for the sixth sanctions package.<sup>13</sup>

<sup>11</sup> QMV: Council votes on proposals of the Commission and the High Representative for Foreign Affairs and Security Policy through the procedure of “double majority”, fulfilling the condition of gaining enough support of 55% of member states (15) and member states representing at least 65% of the population of the EU. According to this procedure a blocking minority needs to reach the support of member states representing 35% of the population of the EU

<sup>12</sup> Stefan Lehne, “Making EU Foreign Policy Fit for a Geopolitical World” (April 2022) [https://carnegieeurope.eu/2022/04/14/making-eu-foreign-policy-fit-for-geopolitical-world-pub-86886?utm\\_source=carnegienewsletter&utm\\_medium=email&utm\\_content=buttonlink&mkt\\_tok=ODEzLVhZVS00M-jIAAAGEDl9-ShHzvXk9uvxnzNspElmh6OYmV5Yz6Am8pZY6WPg3KgKWpDVPNok3muFpntdJLbg6bHvaKINr\\_SH\\_DTJbSTMHrzOzdX2zjlb3tw](https://carnegieeurope.eu/2022/04/14/making-eu-foreign-policy-fit-for-geopolitical-world-pub-86886?utm_source=carnegienewsletter&utm_medium=email&utm_content=buttonlink&mkt_tok=ODEzLVhZVS00M-jIAAAGEDl9-ShHzvXk9uvxnzNspElmh6OYmV5Yz6Am8pZY6WPg3KgKWpDVPNok3muFpntdJLbg6bHvaKINr_SH_DTJbSTMHrzOzdX2zjlb3tw)

<sup>13</sup> “Europe’s unity ‘crumbling’ on Russia sanctions, Germany warns” Financial Times (May 2022), <https://www.ft.com/content/854d129e-7eac-44a6-b097-449ffca9b586>

Moreover, as Lehne points out, the Ukraine example is exceptional in that Putin poses an existential threat to Europe combined with the United States' firm support of Ukraine. Without these, the response by the EU would have been much slower. The idea of QMV is explored by Srdjan Cvijić and Adnan Čerimagić in their 2020 paper "Rebuilding Our House Of Cards: With More Glue".<sup>14</sup> This type of voting would undoubtedly facilitate and speed up the accession negotiation process and offer a clearer perspective of approximation that could lead to increased commitment, ownership and speed of fundamental reforms within the Western Balkan countries.

The EU already uses the QMV procedure for around 80% of its legislation, including matters of greater importance than the opening of accession negotiation chapters with candidate countries. So far, any push to include more areas of the enlargement policy under QMV procedures has been fruitless. The trend over time has been for member states to gain a more significant say on enlargement and at more frequent intervals. However, it is difficult to justify why individual member states should be able to block steps, such as the opening of a chapter or cluster of chapters that the European Commission deems the country to be ready for and a qualified majority of member states agree. In addition, opening a negotiation chapter has no impact on existing EU member states. Leaving such questions to unanimity only exposes the enlargement policy to attempts at blackmail for member states' internal political (including nationalist) wins.

A switch to QMV could only be feasible through treaty changes, and on this topic, there are still significant disagreements among member states.<sup>15</sup> Important political players such as French President Macron and Italian Prime Minister Draghi have supported a convention treaty change that would allow for the reassessment of the unanimity rule, particularly as it applies to foreign policy questions.<sup>16,17</sup> German Chancellor Scholz very recently also voiced his support for a future move from unanimity to majority vote in common foreign policy<sup>18</sup>. The European Parliament is also in favour of such changes. The High Representative of the European Union for Foreign Affairs and Security Policy/Vice President of the European Commission, Josep Borrell, recently published a detailed blog post supporting reforming decision-making through broader use of QMV, especially in foreign policy matters<sup>19</sup>. On the other hand, a group of member states prepared a non-paper opposing any further treaty changes. On the other hand, a group of member states prepared a non-paper opposing any further treaty changes.<sup>20</sup>

<sup>14</sup> Srdjan Cvijić and Adnan Čerimagić, "Rebuilding Our House Of Cards: With More Glue (2020) [https://idscs.org.mk/wp-content/uploads/2020/11/9\\_A5\\_REBUILDING-OUR-HOUSE-OF-CARDS\\_WITH-MORE-GLUEENG.pdf](https://idscs.org.mk/wp-content/uploads/2020/11/9_A5_REBUILDING-OUR-HOUSE-OF-CARDS_WITH-MORE-GLUEENG.pdf)

<sup>15</sup> "Is there any hope for implementing qualified majority voting in EU sanctions decisions?" The Parliament Magazine, 14 June 2022: <https://www.theparliamentmagazine.eu/news/article/is-there-any-hope-for-implementing-qualified-majority-voting-in-eu-sanctions-decisions>

<sup>16</sup> Press conference given by M. Emmanuel Macron, President of the Republic, at the European Parliament in Strasbourg (excerpt), Monday 9 May 2022: <https://uk.ambafrance.org/President-Macron-explains-proposal-for-a-European-political-community>

<sup>17</sup> "This is Europe" debate in the European Parliament: Speech by Mario Draghi, Prime Minister of Italy, 3 May 2022: [https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/730324/EPRS\\_ATA\(2022\)730324\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/730324/EPRS_ATA(2022)730324_EN.pdf)

<sup>18</sup> Chancellor Olaf Scholz speech at the Charles University in Prague, 29 August 2022: <https://www.bundesregierung.de/breg-en/media-center/video-scholz-karls-uni-prag-en-2079432>

<sup>19</sup> HRPV Josep Borrell: "The geo-political imperative for the EU is to both widen and deepen: (June 2022) [https://www.eeas.europa.eu/eeas/geo-political-imperative-eu-both-widen-and-deepen\\_en](https://www.eeas.europa.eu/eeas/geo-political-imperative-eu-both-widen-and-deepen_en)

<sup>20</sup> Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Finland, Latvia, Lithuania, Malta, Poland, Romania, Slovenia and Sweden.



## **2) Membership in stages: the EU's new waiting room?**

The debate around a “multi-speed” or a “two-speed” Europe is decades-long, introduced by French President Francois Mitterand in the 1980s. In 2018, President Macron resurfaced the idea and more recently repackaged it as he proposed the creation of a so-called “European political community”, mainly in the context of a post-Brexit Europe<sup>21</sup>. The idea maintains that splitting and sequencing integration could lower the threshold or requirements for an initial looser integration.

Emerson et al. recently argued in a paper published by the European Policy Centre Belgrade and CEPS that a four-stage accession could potentially help unlock the accession<sup>22</sup> process if the attitudes against enlargement and stringency of accession criteria persist within the EU.<sup>23</sup> The argument in favour of it is based on the logic “better something than nothing”.

However, while a staged accession process could potentially help advance the Western Balkan countries initially, it carries the potential of leaving them outside the Union permanently as EU member states could veto each stage. The EU institutions have often said integration is not a cherry-picking exercise. It is also worthwhile considering the further complexity such an approach would bring to the accession process. Getting the support of Member States' governments, their parliaments, and therefore the public opinion is already a tall order, as seen in previous cases. Acquiring support from Member states several times over at each stage of a staged accession, including at an early stage when many problems persist in the acceding countries, may be next to impossible.

Above all, the main concern expressed by many of the countries currently in the enlargement process is that a staged accession may just replace one method with another for a similar outcome. There is no guarantee that those who block the candidates at much earlier stages would not do so with the first tier of such a system. In the absence of a real political will from the EU to accept new members, trying to lower the threshold for the first stage could heighten the ceiling for the entire membership, which means that new member states could be stuck indefinitely in the earlier stages of accession.

## **3) Revisiting block accession**

With the current group of enlargement countries, there has been a sharp shift away from previous joint accessions of groups of new member states whose accession processes were mutually supportive. Instead, the new narrative is that enlargement should be based on merit and individual progress. There has even been a promotion of “frontrunners”, and the Instrument for Pre-Accession Assistance (IPA) has been reinvented under its third phase (2021-2027) to be awarded through a competition where maturity and relevance of individual actions are...

assessed with only limited regard for which country will benefit more or less<sup>25</sup>. A curious shift given that the EU is not a zero-sum concept, but is built on the principle of solidarity, cooperation, regional integration and good neighbourly relations.

When it comes to the process of accession, there is no official forum where the countries are incentivised as a group to exercise solidarity in order to progress in their respective negotiations or perspectives. Occasionally, there are ad hoc groupings of countries, such as the recent joint coupling applied to the opening of accession negotiations with Albania and North Macedonia. However, these happen primarily due to procedural and political factors on the side of the EU.

In his paper, “The EU and the Western Balkans after the Berlin Process”, Florent Marciacq presents the main arguments supporting a regional approach to integration.<sup>26</sup> He points out that an individual approach creates divisions between front-runners and laggards and neglects collective identity formation. He also argues that cooperation and solidarity are more conducive to reconciliation and regional cooperation than competition.

The Western Balkans need help to overcome stalemates and resolve bilateral disputes, not to fuel old disputes through competition. Moreover, the countries can lobby more effectively together as one region and present a more attractive opportunity for the EU as a single region and market. Having them all join at once solves another problem, too, the risk of one of them blocking the future accession of a historical enemy. Verbal commitments and affirmations that no such blocking will take place mean nothing, as others in the wider Balkan region, like Greece and Bulgaria, have allowed historical and identity disagreements with North Macedonia to affect enlargement.

<sup>14</sup> Weiss, K. (2018). Macron’s concentric circles could be a solution for the EU – and for Brexit <https://capx.co/macrons-concentric-circles-could-be-a-solution-for-the-eu-and-for-brexite/>

(i) “Initial Accession” following moderate results in the implementation of conditionality within clusters and would come with limited funding (50%) and representation in institutions; (ii) “Intermediate Accession” granted to countries that have better ratings that would benefit from an elevated funding level (75%) and more representation and participation; (iii) “New Member State”, which would come with almost full rights and obligations, excluding veto powers, and finally (iv) Conventional membership.

Emerson, M et al (2021). “A Template for Staged Accession to the EU”, European Policy Centre Belgrade and CEPS <https://www.ceps.eu/ceps-publications/a-template-for-staged-accession-to-the-eu/>

Dr. Bernard Nikaj, Interview, April 2022.

## Conclusion

None of the above options imply that there will be any less homework for the candidate countries or potential candidates. Achieving real convergence, structural and political reforms are an absolute requirement; however, convergence should be the end goal, and should not be required *before* joining the EU. Convergence can be achieved quicker inside the Union and so the objective should be for all candidate countries and potential candidates to join immediately. Actual membership with full access to the single market and the structural funds is the fastest way to achieve political and economic convergence.

The EU accession of the Western Balkans is ultimately a political decision. The current process, which is individual and merit-based, carries risks in a system that uses unanimity to make decisions. It is too easy for individual member states to claim that the technical requirements are not fulfilled when in reality, there is a political or even historical dispute that has to be settled. Russia's invasion of Ukraine has clearly illustrated a worst-case scenario of when the EU is disengaged from its neighbourhood. The whole continent is intrinsically linked, and the interdependence on which lasting peace and stability is based must be actively pursued. Stringing the Western Balkans along with vague promises of European paths simply will not cut it in the new reality created by the war in Ukraine. Now it is up to the leaders of Europe to decide on the way forward.

<sup>25</sup> IPA III covers 2021-2027 with a budget of EUR 14.2 billion for the Western Balkans and Turkey, which is an increase from EUR 12.8bn for IPA II (2014-2020) and EUR 11.5bn for IPA I (2007-2013).

<sup>26</sup> Florent Marciacq, "The EU and the Western Balkans after the Berlin Process Reflecting on the EU Enlargement in Times of Uncertainty" (2017): <https://library.fes.de/pdf-files/bueros/sarajevo/13948.pdf>



