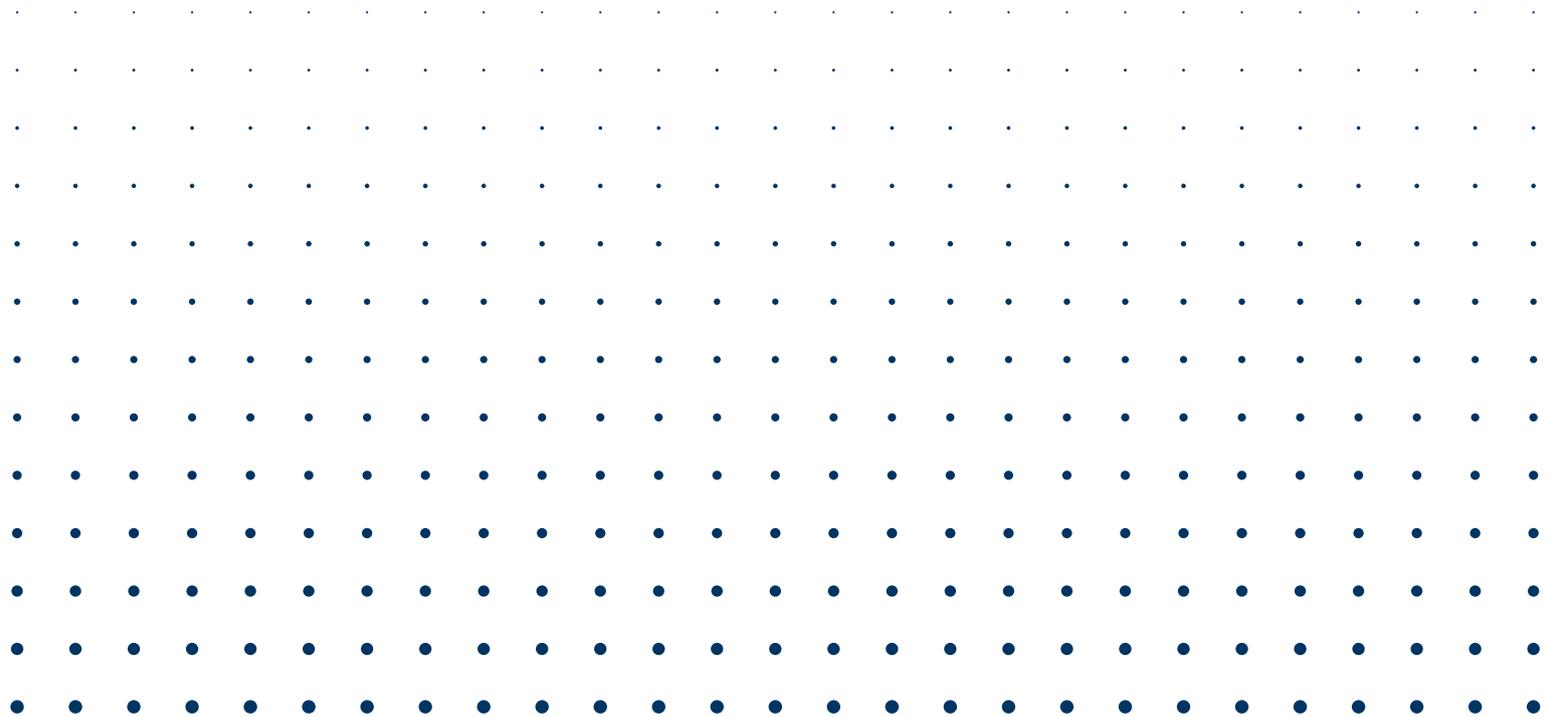


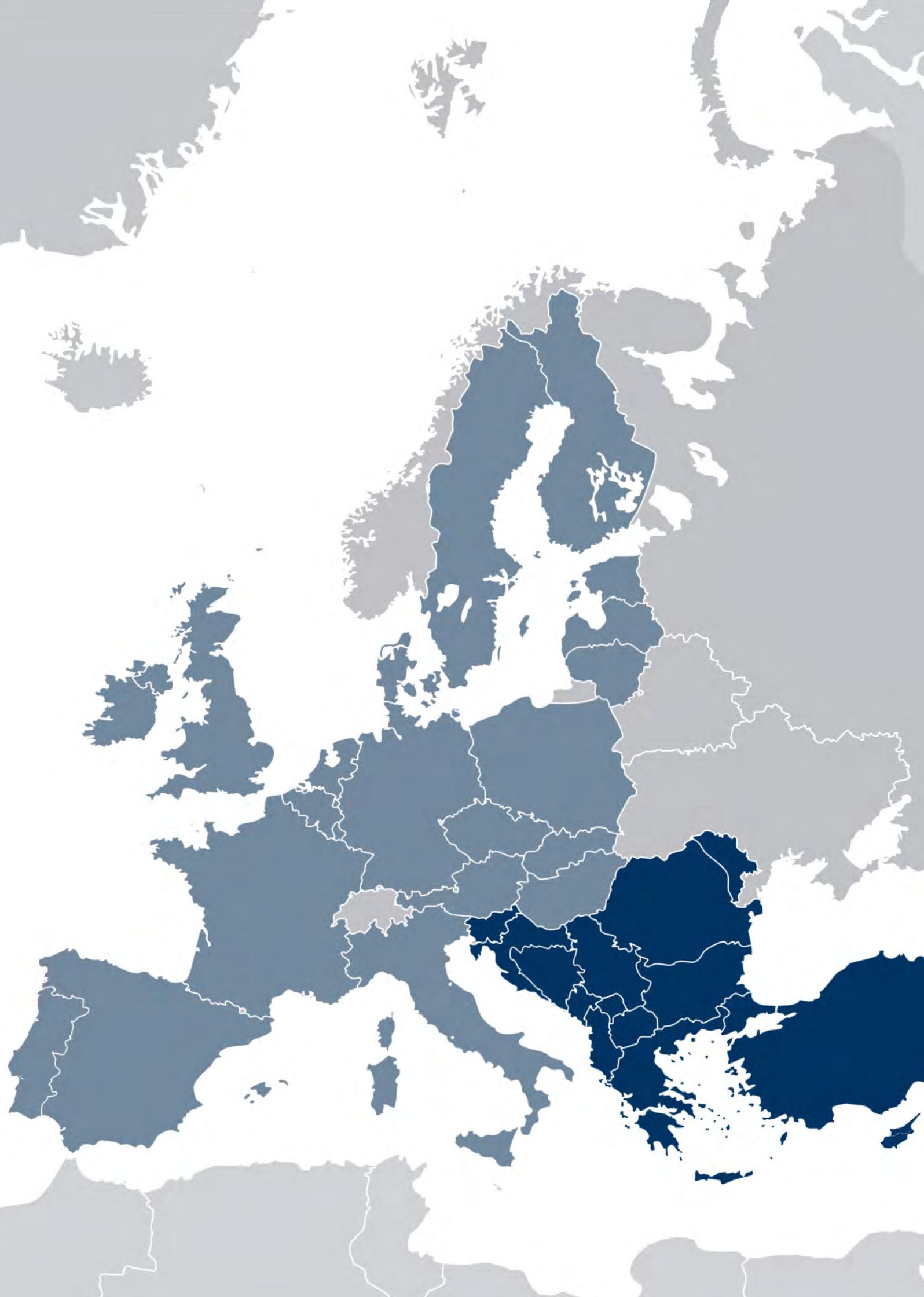


Florent Marciacq

The EU and the Western Balkans after the Berlin Process

Reflecting on the EU Enlargement in Times of Uncertainty





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Sarajevo 2017

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Preface

Florent Marciacq's text is a comprehensive review of the evolution of the Berlin Process, the policy framework that has increasingly come to define the EU's engagement in the Western Balkans. Marciacq's analysis is inescapably colored by events outside of the region – from Brexit to the broader phenomenon of enlargement fatigue – and in this way mirrors the anxiety that permeates the Balkan polities themselves and their relations with the Union. And yet the significance of the Berlin Process in shoring up Brussels' presence in the region during just this period of European and international turbulence is clear. What remains unclear – and wherein the analytical strength of the piece truly lies – is to what extent the Berlin Process can contribute to re-thinking enlargement policy itself. Marciacq suggests three strands for continued reflection: allow for more, even contentious, political debate on enlargement in the WB-6; find ways to regionalize conditionality beyond the 'Regatta'-principle; offer the WB-6 countries participation in more EU processes before actual accession. Above all, Marciacq reminds us that the Western Balkans' European future continues to depend on the development of formalized relationships between the EU and local governments as well as civil society.

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1 Introduction

Launched in 2014 following the Juncker Declaration on enlargement and against the backdrop of key geopolitical challenges at the EU's doorstep, the Berlin process is an initiative aimed at maintaining the momentum of European integration in the Western Balkans. Initially limited in time (2014-2018) and in scope, it has spread and become a multifaceted process with no foreseeable ending. Until now, it has only involved a few Member States (Germany, Austria, France, Italy, Croatia, Slovenia and more recently the UK), the 6 Western Balkan states aspiring to join the EU (i.e. the so-called WB6 group consisting of Albania, Bosnia-Herzegovina, Macedonia, Montenegro, Kosovo, and Serbia), as well as the European Union (mainly through DG NEAR and the Member State holding the Presidency of the Council).

The goal of the Berlin Process is to advance the EU's agenda in three dimensions: economic growth and connectivity, good neighborly relations and regional cooperation, and civil society development and people-to-people connectivity. Rather than ambitioning to replace the EU's ill-functioning approach towards Western Balkans would-be Member States, the Berlin Process seeks to supplement it and revitalize its dynamic. It was developed outside the enlargement framework in an *ad hoc*, more flexible mini-lateral format, but was nonetheless closely linked to the EU's overall enlargement

strategy, in terms of both substance and objectives, and was recognized very quickly as contributing to its advancement.¹

The Berlin Process introduces a novel practice in the EU's enlargement toolbox. Yearly Berlin Process Summits (held in Berlin in 2014, Vienna in 2015, Paris in 2016, Trieste in 2017, and the UK in 2018) at the highest level, complemented by a long series of meetings at lower levels and a number of regional side-events seem to have warded off the oblivion to which enlargement policy was otherwise consigned. In that sense, the Berlin Process was instrumental in keeping on the radar key issues marring progress made by Western Balkan states on their way towards the European Union: their infrastructure gap and economic vulnerability; the lack of perspective perceived by WB6 youth; their democratic backsliding into stabilocratic regimes;² the persistence of ethno-nationalism under the surface of reconciliation; the destabilizing potential of bilateral disputes; and the growing engagement of Russia, China and Turkey throughout the region.

This achievement is anything but insignificant, as the "business-as-usual" modus through which the EU previously pursued its enlargement policy had led it to turn a blind eye on issues looming over the region. But beyond this achievement, what sub-

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1 The Commission stated in 2014 that "the Berlin Process can be instrumental for encouraging reforms and agreeing realistic priorities for core connectivity investments. It can also act as a spur to help resolve outstanding bilateral issues". European Commission, 8.10.2014. Enlargement Strategy and Main Challenges 2014–2015. COM(2014) 700 final, p. 17.

2 Balkans in Europe Policy Advisory Group. March 2017. *The Crisis of Democracy in the Western Balkans. Authoritarianism and EU Stabilocracy*.

stantive contribution has the Berlin Process made to the EU's approach towards enlargement? How much has it helped to address these issues? Based on an assessment of its track record, what is its perspective in 2018 and beyond, in times of greater uncertainty? How does it relate to the challenges the EU faces both internally (with Brexit and prospects of differentiated integration) and externally, with an increasingly complex environment and undermined credibility as normative power?

This paper explores some of these questions, focusing less on WB6 politics at the micro-level than on the EU-WB6 interface created by the Berlin Process and the changes in the enlargement policy the process induces. While not overlooking the responsibility of WB6 leaders in (willingly or not) failing to advance reforms in a European spirit, the paper is premised on the EU's claim that its enlargement process (including Berlin Process) can influence Western Balkans policies, politics, and polities in a decisive manner. Its inability to do so, e.g. because of WB6 leaders' reluctance to support genuine reforms, although not necessarily falling under the main responsibility of the EU, indicates nonetheless that the opportunity structure offered by the EU in its current approach is not effectively nudging WB6 leaders to make optimal choices genuinely supportive of their country's EU agenda. In other words, if the EU's claim to be an influential actor in the Western Balkans is to be taken seriously, its inability to deliver cannot be explained simply on the grounds that WB6 domestic political contexts are unfavorable or unreceptive, because demonstrating influence is precisely about changing preferences, or at least behavior. In that sense, the democratic backsliding in the Western Balkans, while being orchestrated by local governments, is a sign that the EU has lost influence in guiding political transformations – a key pillar in its foreign policy strategy.

This paper first examines the achievements of the Berlin Process, discusses its novelty and shortcomings, and assesses its impact on the EU's practice of European integration in the Western Balkans. Based on this assessment and on current developments in EU politics, it then discusses the future of the Berlin Process and its possible contribution to transforming the EU's enlargement policy. This paper draws from expert discussions held in the framework of the Western Balkans Reflection Forum Initiative,³ organized in the framework of the Berlin Process, as well as a dozen of

semi-structured interviews conducted in 2016-2017 with national and EU officials as well as experts and civil society representatives throughout the region.

³ Especially the Reflection Forum of Paris (2016) and Trieste (2017), but also the Outreach Events Series (2016-2017). See section 2.3.3.

2 Assessing the Berlin Process

2.1 What's New in the Berlin Process?

The objectives of the Berlin Process, set out in the Final Declaration of the Conference on the Western Balkans of 2014, consist in furthering “endeavors to make *additional real* progress in the reform process, in resolving outstanding bilateral and internal issues, and in achieving reconciliation within and between the societies in the region [as well as in] enhancing regional economic cooperation and laying the foundations for sustainable growth” (emphasis added)⁴. The emphasis on “*real*” progress can be understood as underlining the difference between output and outcome in external Europeanisation (e.g. in reform-driven compliance with EU rules).⁵ This difference is essential to understand the mixed results yielded in 20 years of post-conflict transformation in Western Balkan states and the limited consolidation of economic and democratic governance in the region.⁶ For that matter, following the accession of Bulgaria and Romania, the EU itself has paid a greater at-

tention to ensuring that rule adoption is followed by rule implementation. For instance, in the latest Western Balkans Summit Declaration of Trieste, the EU underlines that progress in European integration matters should be “irreversible.”⁷ The emphasis on “*real*” progress, which guides the Berlin Process objectives, in that sense, bears little novelty.

Its call for “*additional*” progress, by contrast, does. The EU’s enlargement policy, once considered the most successful external policy of the EU, has traditionally been considered a community-policy. Although the Member States (through the Council) retained the prerogative of sanctioning key progress in accession matters (from the signature of SAA to the opening of accession negotiations), the European Commission was in fact given the driver’s seat: it monitored progress, provided assistance and final recommendations, etc. The guiding role of the European Commission on more sensitive issues (such as Belgrade-Pristina dialogue or the situation in Macedonia) was supplemented by the mediation of EU diplomats from the Secretary General of the Council and later, by the double-hatted High-Representative of the Union / Vice-President of the European Commission. EU institutions, in other words, were primarily responsible for managing the various aspects of the enlargement policy towards the WB6.

With the Berlin Process, their action has been supplemented by the engagement of a self-designated small group of Member States (Germany, Austria, France, Italy, Croatia, Slovenia, and the UK). It was a core group of Member States within this group that initiated the Berlin Process without pri-

4 Final Declaration by the Chair of the Conference on the Western Balkan. 28.8.2014. <https://www.bundesregierung.de/Content/EN/Pressemitteilungen/BPA/2014/2014-08-28-balkan.html>.

5 See Ademmer, Esther & Börzel, Tanja. 2013. Migration, Energy and Good Governance in the EU’s Eastern Neighbourhood. *Europe-Asia Studies*. 65(4). 581–582.

6 E.g. Dzihic, Vedran / Segert, Dieter. 2012. Lessons from “Post-Yugoslav”. *Democratization*. 26(2). Noutcheva, Gergana. 2012. *European Foreign Policy and the Challenge of Balkan Accession*. London, New York: Routledge. Dolenc, Danijela. 2013. *Democratic Institutions and Authoritarian Rule in Southeast Europe*. Colchester: ECPR Press. Elbasani, Arolda. 2013. *European Integration and Transformation in the Western Balkans*. London, New York: Routledge. Bieber, Florian (ed.). 2013. *EU Conditionality in the Western Balkans*. London, New York: Routledge. Dzihic, Vedran & Hamilton Dan. 2012. *Unfinished Business. The Western Balkans and the International Community*. Washington D.C.: Brookings Institution Press.

7 Declaration by the Italian Chair of the Trieste Western Balkans Summit 2017. 13.7.2017.

or-consultations with the European Commission⁸ and determined its original agenda. Other Member States (Romania, Hungary, Greece), initially interested in joining the initiative, were not allowed to join.⁹ This mini-lateral format was to keep the Berlin Process more flexible in advancing ways to keep the political momentum of EU enlargement/integration both within the EU and in the WB6. It was, in other words, this difference in approach that justified the process' ambition of achieving "additional" progress (which presumably could not have been achieved by the EU community approach).

This mini-lateral format and the patronage of Germany around which it was built, introduced a "change as addition" in the EU's approach towards enlargement.¹⁰ The Berlin Process did not create a new *acquis* that would replace the EU's. It did not rest on new institutions, nor did it provide new funding capacities. It was launched as an additive and complementary process, essentially anchored in the EU's normative approach to membership (EU Enlargement Strategy 2013) and regional competitive and growth strategy (SEE 2020).¹¹ The Berlin Process, in substance, is a repackaging of existing approaches, advertised by different means. It was not designed, as such, to induce "dialectical changes," i. e. to generate novelty by cross-fertilizing old practices with new practices,¹² but merely to give a new impetus to the business-as-usual approach that was hitherto pursued. That does not mean, as theories of change in international relations suggest, that change as addition cannot pave the way to deeper and broader dialectical changes.

2.2 Who's Steering and Monitoring the Berlin Process?

The Berlin Process is not equipped with a built-in steering and monitoring mechanism. This is certainly one of its weaknesses. The Member States organizing the yearly Berlin Process Summits are

8 Interview with an official from the European Commission. November 2016.

9 Interview with a Serbian official. March 2016. France, for instance, was particularly reluctant to open the Berlin Process to the Visegrad countries, despite their open-door policy towards enlargement. Interview with an official from Macedonia. November 2016.

10 Holsti K. 1998. The problem of change in international relations theory. Working Paper n°26. Institute of International Relations, the University of British Columbia

11 Hackaj, Ardian, et al. 2015. Albania in Berlin Process: Current achievements and Upcoming Challenges for the Paris Summit. Tirana: Botimet. p.14.

12 Holsti K. 1998. The problem of change in international relations theory. Working Paper n°26. Institute of International Relations, the University of British Columbia

responsible for following up on the initiatives launched by their predecessors. No specific institution is tasked with having oversight over the strategic development of the overall process or monitoring its achievements. Individual Member States hosting the summits and drafting the agenda, in that sense, are free to focus on one dimension or another, and add or retrieve components from the agenda, depending on their national interest or priorities. Germany, for instance, set the basis of the process ("fundamentals first"), later upgraded by Austria (with an emphasis on bilateral disputes, migration, and civil society participation), while France focused more on vocational training and youth exchanges (at the expense of civil society, bilateral disputes, and migration) and Italy seemed more interested in SME development and innovation. The priorities of the United Kingdom (hosting the Berlin Process Summit of 2018) will be interconnectivity, advancing the digital agenda and entrepreneurship, tackling shared challenges (cybercrime, trafficking, security) and youth. In that sense, the development of the Berlin Process has both the properties of a continuum (e.g. with respect to the connectivity agenda) and a sequence (with respect to "newer" items such as bilateral disputes). Its ability to ensure continuity across its expanding portfolios is therefore limited.

Beyond 2018, no prediction can be made except that the process, initially planned to end, shall continue.¹³ Whether new participating states will be invited to join the initiative and how the process will unfold, however, is not settled yet, for lack of steering mechanism. Very recently, an informal invitation has been extended by to Poland to organize the Summit in 2019, but no decision has been made so far.

The Berlin Process, likewise, does not feature an built-in monitoring mechanism. The Member States hosting the yearly summits are expected to follow-up on the progress made by WB6 countries in respecting their commitments, but, in practice, no systematic approach is foreseen. Therefore, in seeking to achieve "additional real progress," the Berlin Process largely relies on the voluntarily engagement of WB6 leaders (while capitalizing on the EU's conditionality approach).

The absence of internal monitoring mechanism is barely compensated by external assessments. These have been sparse and elusive: the European Commission repeatedly praised the achievements of the Berlin Process in its 2015 and 2016 Enlargement strategy documents as well as in its WB6 individual

13 Declaration by the Italian Chair of the Trieste Western Balkans Summit 2017. 13.7.2017.

progress reports. More specifically, it acknowledged that the Berlin Process has been instrumental in furthering regional cooperation in general,¹⁴ “furthering advances on the EU’s connectivity agenda,”¹⁵ and “opening cooperation in new areas, notably through the establishment of the Regional Youth Cooperation Office.”¹⁶ But country-specific monitoring of the progress made in the framework of the Berlin Process is missing.¹⁷ The European Parliament, likewise, remains rather silent on the matter.¹⁸

More information on the Berlin Process’ outputs can be found at the sectoral level in monitoring reports produced by the Energy Community Secretariat (EnCT Secretariat) and South-East European Transport Observatory (SEETO), on the implementation of energy and transport soft measures respectively. But these monitoring reports, by definition, only focus on particular policy areas and treat the Berlin Process as an intervening, rather than independent variable.

In the end, the most consolidated source of information about the achievement of the Berlin Process is independent experts and think tanks. In Albania, Serbia (the greatest beneficiaries of the process), and Kosovo, publications have been issued that take stock of the progress made under the Berlin Process by WB6 countries.¹⁹ In the absence

of more structured reporting mechanisms, these publications shed light on a process that is insufficiently scrutinized.

2.3 What are the Achievements of the Berlin Process?

2.3.1 Perceptions of Success and Failure

Interviews with officials from WB6 countries, EU institutions, and EU Member States’ administrations shed light on how elites involved in the Berlin Process perceive and assess its achievements. The main points of their argument can be summarized as follows: first, the Berlin Process has been instrumental in keeping the question of enlargement towards the Western Balkans on the EU agenda. It has, in that sense, mitigated the negative impact of recent developments at the EU level (Juncker Declaration, establishment of a unique DG in charge of both the enlargement and neighborhood policy, shift from enlargement to integration fatigue, Brexit, etc.) and thereby kept WB6 leaders “busy”. This achievement is anything but irrelevant, if one considers that the shrinking interest of the EU for enlargement towards the Western Balkans occurs while other players increase their engagement (mainly China, Russia, and Turkey). The Berlin Process, in other words, signaled that the EU remains a strategic player in the region. That signal was all the stronger since the initiative was brought to the fore by Germany and welcomed as such in the Western Balkans. In sum, it looked “as if Germany had understood what was at stake in the region,”²⁰ as if it was ready to serve as a role model²¹ vis-à-vis other Member States less inclined towards enlargement. This perception created great expectations: The Berlin Process, although owned by the region, was to be driven by the German “Wirtschaftswunder”²² and Berlin, i.e. Europe’s political locomotive.

More substantively, a major achievement of the Berlin Process, according to most interviewees, is that it has boosted the interest of WB6 and EU stakeholders for regional cooperation. That is a distinctive contribution of the Berlin Process, which can easily be designated as advancing “real additional progress.” Regional cooperation has always been a component of the EU’s enlargement strat-

14 European Commission. 9.11.2016. *2016 Communication on EU Enlargement Policy*. COM(2016)715 final. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_strategy_paper_en.pdf

15 European Commission. 9.11.2016. *Serbia 2016 Report*. SWD(2016)361 final. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_serbia.pdf; European Commission. 10.11.2016. *EU enlargement Strategy*. COM(2015)611 final. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2015/20151110_strategy_paper_en.pdf

16 European Commission. 9.11.2016. *Serbia 2016 Report*. SWD(2016)361 final. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_serbia.pdf; European Commission. 10.11.2016. *EU enlargement Strategy*. COM(2015)611 final.

17 Country-specific monitoring (e.g. regarding the implementation of connectivity reform measures or the establishment of the prioritised list of investment projects) is very unusual in the Commission’s progress reports.

18 Exception made of a briefing paper and a few expressions of support in various documents. E.g. European Parliament. 4.7.2016. *The Western Balkans’ Berlin Process: A new Impulse for Regional Cooperation*. *Briefing*. PE586.602. [http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/586602/EPRS_BRI\(2016\)586602_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/586602/EPRS_BRI(2016)586602_EN.pdf)

19 Cooperation and Development Institute / ShtetiWeb. *Berlin Process Series*. Minic, Jelica (ed). 2017. Stocktaking of the Berlin Process. *Foreign Policy Paper*. 1/17 <http://www.emins.org/uploads/useruploads/forum-mo/Foreign-Policy-Papers-1-2017.pdf>. Nicic, Jovan et al. December 2016. *The Berlin Process and Regional Cooperation in the Western Balkans: How to Make Agreements More Effective and Efficient?* Policy Brief. https://issuu.com/europeanfundforthebalkans/docs/the_berlin_process_and_regional_coo; Emini, Donika. 2016. *Berlin Process: Path to Europe or to Nowhere?* Pristina: Kosovar Centre for Security Studies.

20 Interview with an official from the European Commission. November 2016.

21 Interview with Serbian official. March 2017.

22 Interview with an official from the EEAS. November 2015.

egy. The European Commission, for instance, has repeatedly demonstrated its support for inclusive, regionally-owned and driven structures and initiatives (SEECIP, SEE 2020 strategy, CETFA, ReSPA, ECAA.) and welcomed the constitution of the Western Balkans Six grouping in 2013-2014, which drew on the positive experience of the Visegrad Four and became pivotal in the Berlin Process framework. But the EU, before the Berlin Process, promoted regional integration, mainly through political dialogue, as a somehow distinct, if not separate issue area (next to rule of law or economic and social challenges), which WB6 countries had to work on, jointly (i. e. quasi in parallel), rather than collectively (i. e. quasi in unity).

The Berlin Process de-encapsulates this understanding of regional cooperation by replacing it at the core of the dynamic of European integration so that it permeates most sectoral policy fields, with a major emphasis on economic matters. This re-framing of regional cooperation (or streamlining) has had positive effects: it has led to the multiplication of regional meetings at all levels, which in turn constitute an effective way of building trust and interpersonal relations (between Serbia and Albania's leader, most notably). It has also increased the level of interactions between EU and key Member States' officials on the one hand and WB6 leaders and officials on the other, including from those non-negotiating prospective Member states (e.g. Bosnia-Herzegovina, Kosovo) that had less operational relations with the EU hitherto. It has been conducive in improving the planning and preparation of genuinely "regional" projects as well as their monitoring (EU reports used to focus very much on national projects) and has reinforced the focus on enabling measures participating to "real progress" (through monitoring of soft measures implementation). More generally, it is deemed to provide better foundations for "real" reconciliation in the region.

In more specific terms, the greatest successes of the Berlin Process initiative are considered the regionally coordinated and agreed-upon Connectivity Agenda, supported by the EU and international financial institutions, and the establishment of the Regional Youth Cooperation Office (RYCO). The launch of the Western Balkan Chambers Investment Forum can be added to the list of perceived Berlin Process achievements as well.²³ The significance of these achievements (as well as others) will be discussed in the sub-sections below.

23 Minic, Jelica (ed). 2017. Stocktaking of the Berlin Process. Foreign Policy Paper. 01/17 <http://www.emins.org/uploads/useruploads/forum-mo/Foreign-Policy-Papers-1-2017.pdf>. p. 10.

2.3.2 Transport and Energy Connectivity

The Berlin Process was launched with the idea of putting "fundamentals" first, hence its emphasis on transport and energy connectivity. Indeed, the region is characterized by major infrastructure gaps and fragmentation.²⁴ The density of its railway and motorway networks, for instance, is at least three times lower than in neighboring EU countries. Moreover, the region faces extreme difficulties in financing new infrastructures due to narrow fiscal space. These challenges, and their negative impact on growth, hinder progress towards European integration in an important way. That is why the Berlin Process builds on the EU's Connectivity Agenda in transport and energy.²⁵ Using existing frameworks (the SEETO and EnCT), it serves as a "prioritization mechanism to focus new infrastructure investments onto selected projects."²⁶ The Berlin Process, in that sense, facilitates the preparation and financing of concrete regional infrastructure investment projects reflecting the priorities of the WB6 countries. In Vienna, for instance, the WB6 governments presented an ambitious connectivity agenda with 50 projects seeking co-financing. Out of these 50 projects, 10 were deemed mature, but only 3 have been eventually endorsed for co-funding to date (with estimated value of 97 million euros). In another policy area, the Berlin Process has been prioritizing the realization of an integrated Western Balkan electricity market.

Although the Berlin Process does not come with additional funds, it relies on the fact that the European Commission set aside up to 11 billion euros for connectivity investment projects and technical assistance for the 2014-2020 period. Access to EU funding, however, is conditional upon domestic reforms and openness to market forces, as well as to the implementation of technical standards and soft measures such as aligning/simplifying border crossing procedures, railway reforms, information systems, road safety and maintenance schemes, unbundling and third-party access, etc. The promotion of these measures and reforms lies at the core of the Berlin Process.

24 Holzner, Mario. June 2016. Policy Options for Competitiveness and Economic Development in the Western Balkans: the Case for Infrastructure Investment. *Wiiw Policy Notes and Reports*. 16. <https://wiiw.ac.at/policy-options-for-competitiveness-and-economic-development-in-the-western-balkans-the-case-for-infrastructure-investment-dlp-3916.pdf>.

25 European Commission. 2016. Connectivity Agenda: Co-financing of Investment Projects in the Western Balkans. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/western_balkans/20160704_paris_package.pdf.

26 Kovacevic, Aleksandar. 2017. Energy and Transport in Minic, Jelica (ed). 2017. Stocktaking of the Berlin Process. *Foreign Policy Paper*. 1/17. p. 14.

However, the Process's ambition to putting fundamentals first is ambiguous. Unlike China, for instance, the EU is interested in how investment projects are realized – not only in terms of output, but also in terms of outcome. The Connectivity Agenda is not only about connecting and developing energy and transport networks, but also (and perhaps above all) about modernizing public administrations and domestic processes. That ambiguity (whether the “fundamentals” are the connectivity infrastructure themselves or the transformation of domestic processes through the implementation of these connectivity projects) complicates any achievement on the EU's side, since the expected reforms may take years to be implemented and EU grants must be complemented by other sources (they usually account for 40–50 percent of mature projects). In light of this very demanding process, experts so far have noted that “countries in the region have promised more than they can (or intend to) deliver,”²⁷ and that the overall implementation of soft measures remains weak. It is “not primarily a lack of financing that slows down projects, but rather a lack of capacities to prepare projects that would attract adequate amounts of public funding and private finance”, i.e. a lack of capacity to bring projects from feasibility to a bankability stage²⁸. Since the beginning of the Berlin Process, very few projects have therefore been able to spring up concretely, and it is noteworthy that this will probably remain the case for several years. That means that the connectivity agenda, to date, has fallen short of both producing highly visible outputs (in terms of materializing concrete projects) and achieving major progress in broader outcomes (in terms of transforming domestic processes).

Moreover, the EU is not the only actor in the region to promote connectivity and investments in infrastructures. China has been increasingly active in the framework of its “One Belt, One Road” millennial project (OBOR) through its so-called “16+1 initiative.” It set up a 10 billion euros investment fund that could raise up 50 billion euros to finance infrastructure and production capacity projects in Central, Eastern, and Southern Europe.²⁹ This gave new impetus to Chinese relations with some WB6 countries, especially Serbia - the relationship between the two countries was updated from a strate-

gic partnership in 2009 to a comprehensive strategic partnership in 2016. To date, China has invested one billion US dollars, mostly in the form of loans, to finance the building of transport infrastructure and energy projects in the country.³⁰ For instance, it financed the construction of the Sino-Serbian Friendship Bridge across the Danube in Belgrade (completed in 2014), acquired key metallurgic assets in Smederevo, and is about to contribute to the construction of a high-speed railway between Belgrade and Budapest. In Montenegro, China is upgrading a 10km segment of railway leading to the port of Bar and has signed a contract to construct a highway connecting the country to Albania. In Macedonia, it is involved in the construction of two motorways. In Albania, it agreed to finance a segment of highway towards Macedonia, thus linking the Ionian Sea and the Bulgarian part of the Black Sea coast; it also acquired Tirana's international airport. Further projects include the modernization of the motorway from Bar to Serbia, the construction of a highway in Bosnia-Herzegovina, investments in coal-thermal power plants in Stanari and Tuzla, and the preparation of a feasibility study regarding the modernization of Macedonia's railways so as to connect the China-owned city port of Piraeus to Belgrade (through Serbia and Macedonia). These investments, not being premised on political conditionality, are particularly attractive to leaders interested in speeding up the modernization of the infrastructures of their country. Their impact, in contrast to EU-funded projects, is observable in a relatively short time, even though Chinese investment, unlike EU assistance, is extended in the form of soft loans, and not grants.

Although the European Commission and the Chinese governments agreed on enhancing synergies between the OBOR and the EU's Connectivity Agenda platforms,³¹ the two connectivity schemes are not by default mutually reinforcing. All in all, five years of OBOR investments (with greater investments to come) have called into question, if not dwarfed, the EU's upper hand in financing WB6 connectivity. China's progress in advancing OBOR projects in the region should not be underestimated (although several projects remain stalled). Un-

27 Hackaj, Ardian, et al. January 2017. *Monitoring the Berlin Process: From Paris to Trieste*. Tirana: Botimet., p. 25–26.

28 Ammermann, Heiko, et al. January 2017. *Accelerating Infrastructure Preparation in Southeast Europe*. Roland Berger Concept Paper.

29 Reuters. 6.11.2016. China launches \$11 billion fund for CEE. <http://www.reuters.com/article/us-china-eastern-europe-fund-idUSKBN13105N>.

30 Tonchev, Plamen. February 2017. China's Road: into the Western Balkans. *EUISS Brief Issues*. 2017(3). http://www.iss.europa.eu/uploads/media/Brief_3_China_s_Silk_Road.pdf.

31 Wang, Xieshu et al. March 2017. One Belt One Road and the Reconfiguration of China-EU Relations. *Document de Travail du CEPN*. 2017/4. <https://cepn.univ-paris13.fr/wp-content/uploads/2017/03/DT-CEPN-2017-04.pdf>; EBRD. July 2016. China and South-Eastern Europe: Infrastructure, trade and investment links. www.ebrd.com/documents/comms.../see-china-investments.pdf;

like Russia, the involvement of which in financing projects lacks commitment and consistency, China institutionalized its “16+1 initiative”. It set up a secretariat and a research fund which relies on national coordinators from Western Balkans administrations, and organizes regular summits at the highest level.

2.3.3 People-to-People Connectivity

Summit after summit, the Berlin Process has gradually extended its focus to people-to-people connectivity, with concrete results. First, the creation of the Western Balkans Civil Society Forum (CSF), organized every year as a side-event to official Berlin Process Summits, provides new opportunities for civil society representatives from the region to exchange ideas, voice their concerns, and formulate concrete recommendations for decision-makers. The initiative’s goal, also supported by the European Parliament, is to strengthen the regional mobilization of civil society and facilitate its reaching out to policy processes. To that end, the CSF seeks to foster responsible partnerships between civil society representatives and WB6 governments in advancing the process of transformation. Despite its loose structure and functioning (reflecting the difficulty of synthesizing the energies of a multifaceted civil society), the initiative has been successful in enhancing the profile of civil society among decision-makers and further opening up policy processes to inputs from civil society.

The potential of this approach is far-reaching, as demonstrated by the creation of RYCO, one of the flagship projects of the Berlin Process, though it was initiated outside of the framework of the CSF. The prioritization of youth issues in civil society discussions and the partnership established between national youth organizations and governments have been key in enabling this regional office to see the light of the day. Still, many challenges await the newly established RYCO. Its success (and “real additional” contribution to reconciliation) will ultimately depend on its capacity to foster intra-regional mobility across ethnic lines (e.g. young Albanians going to Serbia rather than to Kosovo) and on the number of youth ready to participate in its programs.

Another aspect of the people-to-people connectivity brought to the fore by the Berlin Process has been the strengthening of the role of experts. In Vienna, for instance, a “Declaration on Bilateral Issues” was signed by the Foreign Ministers of WB6 countries and attached to the 2015 Summit Final Declaration. The document features a com-

mitment to resolve all open questions in a spirit of good neighborliness and to refrain from blocking or encouraging others to block the progress of neighbors on their respective EU paths. Drafted by the Balkans in Europe Policy Advisory Group (BiEPAG), a network of experts, this was an integral part of policy brief “Removing Obstacles to EU Accession: Bilateral Disputes in the Western Balkans.”³² The declaration constitutes one of the new few elements informing the EU’s *acquis* in enlargement matters. Though it draws on unfortunate experiences in the region (Slovenia blocking Croatia or Greece blocking Macedonia), it fails to commit WB6 neighbors (i.e. EU Member States) to apply the same principle to their respective relations with WB6 countries. Since their asymmetric power remains untouched, the effect of such a declaration – as well as its prescriptive power – cannot be as exhaustive as needed.

Another initiative launched in the framework of the Berlin Process has been the Reflection Forum on the Western Balkans, a pan-European gathering of experts, analysts, and researchers focusing on EU enlargement and European questions in the region. The Reflection Forum, organized every year in the run-up to Berlin Process Summits, builds on a wide network of EU and WB6 think-tanks uniting to pursue an on-going reflection on European politics, EU enlargement, and the Western Balkans. It offers an interactive and forward-looking platform for the exchange of ideas on constructing Europe in the Western Balkans, open to national EU and WB6 voices. This initiative, although very welcome in the context of integration and enlargement fatigue and growing heterogeneity, has yet to gain more extensive recognition and participation from EU and WB6 operational experts.

In the past few years, business connectivity has gained particular momentum under the auspices of the Berlin Process. The topic has climbed the agenda of Berlin Summits step by step, becoming one of the top priorities of the Italian hosts in 2017. The idea here is to “anchor the WB6 economic structure – industrial production and services – to the EU one, not only through unhinged market exchanges [i.e. establishment of a more integrated regional market], but by regular networking and establishment of sustainable business relationship.”³³ To achieve this goal, business fora have been organ-

32 Balkans in Europe Policy Advisory Group. 2015. Removing Obstacles to EU Accession: Bilateral Disputes in the Western Balkans. *BiEPAG Policy Brief*. http://www.punetejashme.gov.al/files/userfiles/Policy_brief_-_Bilateral_Disputes_study.pdf

33 Hackaj, Ardian, et al. January 2017. *Monitoring the Berlin Process: From Paris to Trieste*. Tirana: Botimet, p. 29.

ized as side-events to annual Berlin Process Summits, and cooperation between WB6 chambers of commerce has been furthered. In 2015, most notably, the Western Balkans Chamber Investment Forum, a permanent regional platform assembling WB8 chambers of commerce (WB6+Slovenia and Croatia), was established in the framework of the Berlin Process, making significant contributions to efforts to normalize relations in the region and stimulate regional economic cooperation. Practically, its objective is increase the involvement of business communities in implementing regional infrastructure projects, especially in relation to the realization of the EU's connectivity agenda. The initiative, applauded by EU and WB6 stakeholders, is working on building up a common e-platform for the exchange of information and data, creating a joint register of members to facilitate the assessment of the solvency of all companies in the region, as well as encouraging SME cooperation, establishing a regional school for human resources development and, based on the initiative of Croatian colleagues, setting up a regional innovation centre to connect companies, science, and research institutions in one place.³⁴

A similar initiative at the bilateral level was established recently in November 2016 by the Tirana-based Serbia-Albania Chamber of Commerce. Its aim is to bring Serbian and Albanian business communities closer, to provide for efficient communication and cooperation among companies, and to assist them in exploiting the largely unused potential of growth in Serbo-Albanian trade, investment, and economic relations.

34 B92. 9.9.2016. "Region is in a Crisis – but Business always finds ways." http://www.b92.net/eng/insight/tvshows.php?yyyy=2016&mm=09&nav_id=99157

3 What now? Reflecting on the EU's Post-Berlin Enlargement Policy Challenges

The Berlin Process was launched as a mini-lateral initiative supplementing the EU's more technical approach towards enlargement. It epitomizes "change as addition,"³⁵ to use Holsti's terminology. The Berlin Process, however, wasn't planned to last beyond 2018. Its particular format and weak institutionalization enable greater flexibility, but leaves the question of continuity and consistency open.

Also, in the absence of structured steering and reporting mechanisms, the Berlin Process operates very much on the basis of the voluntary engagement of participating governments, whereas the EU's enlargement strategy fosters technocratic processes and the use of conditionality. The Berlin Process, in that respect, notably differs from the EU's methodology. And yet, an external assessment of its achievements, whether actual or perceived, suggests that the Process, despite significant shortcomings, has had an added value.

This assessment leads to the following questions: What next? What lessons can the EU's enlargement strategy/methodology draw from the experience of the Berlin Process? What avenues for "dialectical change," if any, has it opened beyond the "change as addition" already affecting the EU's approach towards the Western Balkans? More specifically, which elements introduced by the Berlin Process could the EU build on in its attempt to improve its enlargement policy approach?

35 Holsti K. 1998. The problem of change in international relations theory. Working Paper n°26. Institute of International Relations, the University of British Columbia

3.1 Resisting the Siren Call to Return to the "Business as Usual" Approach

3.1.1 A Return to "Business as Usual" Would Hardly Be Justifiable

The Berlin Process was initially planned to end in 2018. The temptation could arise to end the process accordingly, or a few years after, with a ceremony celebrating the "mission accomplished." Political leaders would praise the "real additional progress" made, the "new momentum" given to enlargement, and claim that "it's now time for the European Union to take over." The EU would thereby resume its two decades-long "business as usual" approach in enlargement matters, which has to date had mixed results.

Alternatively, the Berlin Process could continue to be seen as a supplementing initiative adding value to the EU's approach. Instead of ending it, political leaders could accordingly decide to extend it, merge it with another (probably larger) regional initiative (e.g. the Brdo-Brijuni process), or leave it as it is. The Berlin Process would retain its distinctive features and operate in support of the EU's approach. It would have no further dialectical or transformative changes in the EU's overall approach towards the Western Balkans, instead simply backing the current EU approach. At best, the Berlin Process would operate in parallel to the EU's "business as usual" approach; at worst, in joining the plethora of regional initiatives already in place in the region, the Berlin Process would lose its specificity and be diluted in the EU's "business as usual" mainstream. According to leading experts, the Western Balkans already host more

than 70 regional initiatives – but their number is no sign of effectiveness.

In both cases, the temptation for the EU and WB6 to resume their “business as usual” relationship (which they have maintained in the past two decades) is real: path dependencies are commonly seen as a factor constraining change and a number of veto players would not necessarily welcome a review of the approach they are accustomed to. This approach remains indeed widely accepted among institutional stakeholders at the policy level. Political strongmen in the Western Balkans have been eager to develop language elements that conceal their autocratic tendencies, lure the EU in supporting their domination, and thereby consolidate their external legitimacy, while hindering reforms that would constrain their power. They have adapted their rule ingeniously to the EU's approach and benefit from slow progress, most notably in sustaining political transformation. EU leaders, meanwhile, refrain from questioning the “business as usual” approach either because they have lost interest in enlargement, or for fear of acknowledging shortcomings that would question the very idea of enlargement in their electorate. Resuming “business as usual” in enlargement matters, against this backdrop, may well be the preferred option of key stakeholders at the policy level.

The twenty-year legacy of enlargement policy does not bode particularly well for its future. Twenty years after the 1997 Regional Approach, which contained in essence most of the elements developed by the Summits in Zagreb and Thessaloniki, the region faces enduring, if not growing, challenges. Despite the two-decade long intensive and systematic engagement of the EU in the region, the situation remains “fragile” according to the European Council as of March 2017. Economically, the region is failing to catch up with the EU.³⁶ Twenty years ago, the average GDP per capita of Western Balkan states was about 40 to 60 percent of the average GDP per capita of Central and Eastern European states. Today, it remains at the same level, despite massive financial assistance. In Kosovo, for instance, the poverty rate is about 30 percent, while the unemployment rate is at 33 percent and youth unemployment reaching almost 60 percent. Throughout the region, crumbling industrial production, soaring (youth) unemployment, large trade deficits, sizeable external debts, low birth rates and high emigration weigh rather heavily on

36 Stanisic, Nenad. 2016. Income Convergence in the Process of the Western Balkan States' Accession to the European Union. *Economic Horizons*. 18(1).

the still malfunctioning market economies in the Balkans, putting a damper on the (recently upgraded) EU economic model for the region.³⁷

Likewise, the EU's approach in the past twenty years has been unable to stop the democratic backsliding in the region. The EU's approach in this area, with stability concerns prevailing over democratic governance, has been instrumental in building seemingly democratic institutions, but much less effective in altering effectively authoritarian rules and practices.³⁸ In the absence of pre-existing preferential fit, conditionality, for instance, has remained relatively ineffective in inducing compliance and behavioral change (rule-implementation). Overall, indexes of democratic governance (Freedom House, Reporters without Borders, Bertelsmann Transformation) concur in evidencing at best stagnation and at worst dramatic deterioration in civil and political liberties in the Western Balkans. This clearly challenges the self-conception of the EU as a normative power. The new concept of “resilience” which advanced in the EU's Global Strategy is simply stability repackaged, and it falls short of re-balancing the basis upon which the EU's distinctive claim for normative power rests. Fifteen to twenty years after the end of the wars of the 1990s, stability remains the overarching concern of the EU in the region – a concern that resonates well with local politicians more interested in securing their power than democratizing their country.

More generally, the recipe used by the EU in the Western Balkans, built around the notion of conditionality, is based on its positive experience in Central and Eastern Europe. But the conditions that apply in the region are very different – above all in terms of post-conflict transformation. In other words, what worked in Central and Eastern Europe for various reasons is not necessarily due to work in the Western Balkans.³⁹ In that respect, the logic of ‘strict but fair’ that has come to dominate the EU's approach to enlargement might be well-intended in view of past lessons and ongoing Balkan realities. However, it has also often allowed the process to fall hostage to specific bilateral dis-

37 Stratulat, Corina. 13.7.2016. To be or not to be an EU member state – A question for the Balkan aspirants as well? *EPC Commentary*. http://www.epc.eu/documents/uploads/pub_6835_to_be_or_not_to_be_an_eu_member_state.pdf.

38 Dolenc, Danijela. 2013. *Democratic Institutions and Authoritarian Rule in Southeast Europe*. Colchester: ECPR Press. Elbasani, Arolda. 2013. *European Integration and Transformation in the Western Balkans*. London, New York: Routledge. Kmezić, Marko et al. 2013. *Stagnation and Drift in the Western Balkans*. Brussels: Peter Lang.

39 Dolenc, Danijela. 2013. *Democratic Institutions and Authoritarian Rule in Southeast Europe*. Colchester: ECPR Press.

putes and the vagaries of domestic politics in some member states, without lending a vigorously helping hand next to the firm hand consistently shown to the Balkans.⁴⁰

Taking stock of fifteen or twenty years of European integration in the region is a sobering exercise. Progress, if any, has not been as quick, as broad, or as deep as expected, and popular support for EU membership dropped accordingly in the region. In Serbia, for instance, it fell from 70 percent in 2006 to 47 percent in 2016. Given its track record in the region, the EU can hardly justify applying the same approach it has used for 20 years after the end of the Berlin process.

3.1.2 A Return to “Business as Usual” Would at Best Be Illusory

The business as usual approach, despite major flaws, has not been ineffective. Croatia joined the EU in 2013 and its economic and political transformation, as fragile and incomplete as it is, is an important achievement. One could argue that the situation in the Western Balkans would be much worse without the engagement of the EU in the region. However, the EU’s current approach is no panacea, and the idea that returning to it would yield results is simply illusory – indeed, there is no way back after the Berlin Process. Systemic changes in the EU’s political and institutional environment, which have accelerated in the past few years, render the idea of a “return” to a previous approach barely possible.⁴¹

First of all, rising unpredictability of the enlargement process conveyed by the gradual renationalization of policy process has weakened the central authority of the Commission, which used to operate most of the “business as usual” approach. At the institutional level, mechanisms to steer and restrain the enlargement process have been introduced at all stages in several member states.⁴² In France and Austria, national referendums are now posited as constitutional requirements for the ratification of future accession treaties.⁴³ In Germany, the Bundestag, pursuant the 2009 Federal Act on

EU Cooperation, decisively influences the Council’s decisions when it comes to reaching enlargement milestones, e.g. granting candidate status or opening negotiations. The Bundestag already used its prerogatives in several instances; it did not follow the recommendations of the Commission in 2011 and 2012 to grant Serbia and Albania the status of EU candidate. Meanwhile, at the EU level, intergovernmental institutions have (re)gained decisive power on enlargement matters, at the expenses of Community actors. The Council, for instance, commonly disregards the Commission’s recommendations and withholds any automaticity (not only on the opening of accession negotiations with Macedonia). The Commission, the assessments of which key member states (e.g. Germany, France) deem biased and too positive, has seen its authority accordingly contested.⁴⁴ Side-lined, it no longer occupies a position of leadership in enlargement matters (as confirmed by the inception of the Berlin Process).

Secondly, with the renationalization of the EU’s enlargement policy, the domestic politics of key Member States of the EU has become an important factor in the pursuit of the process. Yet, the heterogeneity of national interests and preferred approaches further amplifies the unpredictability of the collective endeavor of enlargement. Whereas Germany, the most influential capital in that area, has been pushing for a tough line on conditionality (like the Netherlands, Finland, and Sweden), also in an attempt to defuse Eurosceptic sentiments at home, Poland supports a softening of the conditionality process (together with Hungary and Italy).⁴⁵ Also important is the general increase of popular opposition to enlargement in most EU Member States (51 percent on average) and the expression of a perceived trade-off between deepening and widening European integration in public opinions (with a very preference for the former over the latter). How could the “business as usual” approach still have a chance to work in a context characterized by high volatility in public opinions and heterogeneous preferences regarding enlargement, i.e. with less credible accession incentives?

Finally, it should be kept in mind that the EU the WB6 countries may eventually join will not look like the EU that promised them European perspectives in 2003. Key changes in the EU’s integration dynamic are at work, which will necessarily impact

40 Stratulat, Corina. 13.7.2016. To be or not to be an EU member state – A question for the Balkan aspirants as well? *EPC Commentary*.

41 Marciacq, Florent. 2015. EU Enlargement in troubled times? Adapting to new realities and drawing lessons from democratisation failures. *ÖGfE policy Brief* (39).

42 Balfour R & Stratulat C. 2015. EU Member States and Enlargement Towards the Balkans. *EPC Issue Paper* (79).

43 Art. 49 TEU states provide that accession treaties “shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements”.

44 EU member states usually use their diplomatic representations to get a better grasp of WB politics, while some parliaments carry out their own assessment missions (e.g. Germany, Denmark, Sweden and the UK).

45 Balfour R. & Stratulat C. 2015. Op. cit.

on the EU's external governance and enlargement policy. Brexit and the challenge of differentiated integration are among the most obvious examples, even though their implications for the enlargement policy have not been seriously appreciated so far. With Brexit, first of all, the WB6 lose one of the Member States of the EU that was, until recently, most actively promoting enlargement. For the years to come, they shall now instead expect a European Union spending more energy on disintegration matters (negotiating Brexit) and differentiated integration, than on furthering enlargement. These new challenges will require new responses, rather than "business as usual."

The fact that the 2018 Berlin Process Summit will be hosted by Great Britain illustrates the risk of overlooking the seriousness of these challenges. Promised by Chancellor Merkel to the UK before Brexit, the idea of having a Member State leaving the EU hosting a Summit precisely meant to reenergize EU enlargement has raised eyebrows throughout the EU and the WB6. Bewilderment is legitimate, as it seems that in entrusting the UK to host the Summit in 2018, the Berlin Process responds to outdated commitments, rather than adapting to new realities in a reflected, consistent, and forward-looking manner. More dramatically, it seems to many observers that having the UK praising European integration at the 2018 Summit despite Brexit sends a confusing signal to would-be member states. By de-stigmatizing non-membership without offering a coherent vision of what differentiated integration could imply for countries with European perspectives, this decision to disregard the implication of Brexit carries the risk of at best weakening the EU's attempt at reaffirming its commitment to enlargement, or at worst to reinforce the illusory position of the proponents of the status quo and "business as usual" approach in the EU and WB6.

3.2 Building on the Berlin Process to Initiate a Dialectical Shift in the EU's Approach to Enlargement

Twenty years of enlargement policy have not produced results that would augur well for the future and the EU is currently undergoing major systemic changes that will necessarily impact its external governance, not always in expected ways. But the EU's enlargement policy is in no dead-end. On the contrary, it could greatly benefit from the new avenues opened by the Berlin Process, provided it becomes amenable to "dialectical changes," in Holsti's terminology, and not only to "change as addition".

3.2.1 Solidarity Rather than Competition: Regionalizing the EU's Enlargement Approach

The EU's approach towards the Western Balkans was shaped at the 2000 Zagreb Summit mainly based on the views of Germany, France, Sweden, and Spain. It prescribes an individualized approach differing from the one pursued in Central and Eastern European states, which culminated in 2004 with the grouped accession of ten new Member States. The Zagreb "regatta" approach relies on the assumption that by individually assessing and rewarding the progress of would-be Member States, the EU would stimulate constructive competition among them and help identify best practices.

However, in a region marred by post-conflict traumas and ethnopolitics, competition has not proved very constructive so far. It seems instead to have consolidated dividing lines and widened the gap between frontrunners (e.g. Croatia) and laggards (Kosovo, Bosnia-Herzegovina). Very few nationals in the region feel united by the prospect of all becoming EU citizens and many actually see their neighbours' accession as potentially detrimental to their country. This is particularly the case in Kosovo with regards to Serbia, though more generally as well throughout the region, where the EU's call to "do the reforms for oneself, not for anyone else" has been well internalized.

Considering the accession process as an individual endeavor may have been well-intended for further reforms, local ownership, and even constructive competition. But while emphasizing the individual gains that prospective Member States expect to yield as they join the EU (in terms of political stability and economic development, but also in terms of status and recognition), the "regatta" approach falls short of emphasizing the collective utility of the integration project. While focusing on competition, i.e. the maximization of individual interests, it neglects collective identity formation, cooperation, solidarity, and trust – values that the EU holds dear. In economically vulnerable, post-conflict contexts, cooperation and solidarity would arguably be better conducive to reconciliation and positive peace than regatta-based competition.

This argument appeals to common sense: in improving their situation, citizens in the Western Balkans have more faith in regional cooperation than in the EU: 80 percent of SEE citizens believe that regional cooperation makes a contribution to their societies, whereas only 39 percent think that

EU membership is a “good thing”.⁴⁶ The potential which such a popular support for regional cooperation conveys throughout the region, unfortunately, has remained largely unused in the present enlargement framework.

Instead of taking the initiative to organize themselves so as to lobby more effectively (i. e. collectively) for faster accession, WB6 leaders have consequently spent considerable energy on advancing individual (rather than collective) positions and maximizing relative (instead of absolute) gains. Within this opportunity structure, bilateral disputes hold a prominent place. The accession of Slovenia in 2004 and Croatia in 2013 has demonstrated to other Western Balkan states that the accession process can also be used to increase one’s asymmetric power over the neighbors. Therefore, despite all the regional initiatives launched in the past decade, there is still little regional (as opposed to national) ownership of the European integration project throughout the Western Balkans.

Through its systematic emphasis on regional cooperation, however, the Berlin Process opens up avenues for reframing the EU’s approach towards the Western Balkans in a more collective way. Recognizing that many of the key challenges that the WB6 face have a regional dimension is a first step (from economic development and connectivity to security and minority questions). But to be truly effective (and consistent), the EU’s approach should respond to this need for more regional approaches by offering less country-specific enlargement frameworks. In simple terms, it should work at further regionalizing its enlargement policy, grouping accession prospects, and regionalizing parts of its conditionality approach.

Regionalizing the EU’s enlargement policy would aim at increasing the regional ownership of the European integration project in the Western Balkans. It would imply supporting the empowerment of regional institutions in the enlargement relationship that the EU maintains with WB6 countries by considering these regional institutions (already existing or to be established) as key partners in a series of policy areas, the governance of which is eventually due to be transferred to the EU level. Regionalizing the enlargement policy would increase regional social learning and impact WB6 cost-benefit calculations by transforming their pursuit of individual, relatively-assessed gains into an emphasis on collective gains assessed in absolute terms. It would furthermore lead the WB6 to coordinate their lobbying capacities so as to support

the European perspectives of the region more effectively and thereby keep WB6 leaders from engaging in utility manipulations (e. g. through the use of bilateral disputes).

Grouping accession prospects means that all WB6 should expect to join the EU on the same date – an historical event that could be publicized to EU and WB6 citizens as a milestone in the region’s and Europe’s reconciliation process. Grouped accession would imply giving solidarity precedence over individualized merit-based progress and induce frontrunners to help and support laggards, instead of blocking them. It would be most conducive to focus WB6 leaders on maximizing absolute rather than relative gains and experience the collective value of the European project. Frontrunners, of course, would be reluctant to see their accession prospects depend on their neighbours’ progress, but shortening the horizon of accession could be an effective incentive for them too, especially in times of growing uncertainty (see below). Grouping of accession could furthermore possibly help overcoming the stalemate of Kosovo’s non-recognition by 5 EU Member States. Blocking the signature or ratification of Kosovo’s Accession Treaty would halt the finalization of the accession process of the five neighboring states and therefore put the five EU non-recognizers under tremendous pressure. Likewise, the consequent unanimous recognition, whether implicit or explicit, of Kosovo by all EU Member States would in turn further induce Serbia to recognize Kosovo, especially if accession were at hand. The same logic would apply to the naming issue between Greece and Macedonia.

Finally, regionalizing parts of the EU’s conditionality approach means that certain conditions would only be considered as “fulfilled” if met by all WB6 countries. These conditions should relate to policy areas (or chapters of the *acquis communautaire*) at least partly covered by, but not limited to, those newly empowered regional governance institutions (e.g. four freedoms, transport policy, energy, economic, and monetary policy, Trans-European networks, regional policy, justice, freedom and security, judiciary and fundamental rights, environment, etc.). Foreign security and defense policy as well as “other issues”, such as normalization of relations between Belgrade and Pristina, could be approached with more regionalized conditionality tools. Domestic issues (in Bosnia-Herzegovina or Macedonia), bilateral disputes (e.g. Serbia / Kosovo, Macedonia / Greece) and bilateral relations with non-EU countries (e.g. Russia), after all, often have regional implications – they remain “domestic” or

46 Regional Cooperation Council. *Balkan Barometer* 2016. p. 51.

“bilateral” only in name. A more inclusive approach towards them, using regional conditionality tools, would merely acknowledge the specificity of post-Yugoslav contexts.

3.2.2 Membership is No Prerequisite for Participation: Bringing Accession Closer in Time

Accession has been conceived of as a one-off event celebrating decades of ex-ante conditionality-driven progress. It is, in other words, granted as an award for successful transformation based on a series of positive evaluations validating the fulfilment of a large set of predefined criteria. The scope of these criteria, however, has significantly changed over time, and conditions for membership, as a result, are like a moving target. The growth of the EU's *acquis*, in particular, imposes transformational costs on WB6 applicants that are much heavier than twenty years ago, when Central and Eastern European countries joined the EU. This trend is not likely to be reversed in the future, which means that (unless accession is grouped) transformation will be even costlier for countries currently facing the most difficult challenges.

Moreover, in the past few years, the mechanism enabling the validation of the fulfilment of EU preconditions has become even more technical and profoundly complex, resulting in rising uncertainty in terms of outcome. In 2006, the “renewed consensus” introduced strict conditionality assessments throughout the negotiation process. The opening and closing of negotiation chapters are now subject to the preliminary fulfilment of opening and closing benchmarks. This compartmentalization of conditionality has enabled the EU to multiply its opportunities to sanction (more than to reward) WB6 countries. Furthermore, in 2011–2012, the EU adopted a “new approach”, prioritizing chapters 23 and 24 in the accession negotiations (Judiciary and fundamental rights & Justice, freedom and security)⁴⁷. Frontloading these chapters and setting interim rather than closing benchmarks is intended to help WB6 countries developing a solid track record and avoid the post-accession activation of accession treaty safeguard measures or cooperation and verification mechanisms (CVM).⁴⁸

Though certainly a well-intended measure and a necessary one, in practice, these “renewed consensus” and “new approach” amendments to the EU's conditionality mechanism, advanced by Germany in the first place, have contributed to strengthening the role of veto-players at the intergovernmental level and rendered the whole access process stricter and more technical. Instead of bringing accession closer to WB6 citizens, these technicalities have segmented the accession process, offering an illusion of movement while keeping accession prospects as distant as possible. For WB6 countries unlikely to join the EU in the next 15 or 20 years, this is certainly an issue, since the EU's transformational power decreases with the weakening of its credibility in offering comprehensible accession perspectives.

The Berlin Process opens, in this respect, interesting avenues. First, it involves all WB6 countries equally, regardless of the status of their relationship with the EU. That includes those that have not opened accession negotiations yet. The result, as explained in the previous sections, is an intensification of EU-WB6 as well as regional interactions conducive to more socialization. The Berlin Process, in that sense, not only keeps WB6 administrations busy, but advances the time-demanding development of mutual understandings in the region. Building on this practice, the EU's enlargement approach should allow wider participation of WB6 countries in EU processes – and not only after validation of accession preconditions. The EU could work on opening accession talks with all WB6 countries, starting with chapters 23 and 24, which WB6 citizens commonly view as having priority. This measure would convey a strong political signal and increase the involvement of WB6 administrations in EU affairs. Member States, by contrast, would not have much to lose, since they would retain their power to block the conclusion of accession negotiations. Early pre-accession participation in EU deliberation processes, whether active or passive, would likewise help alter the image of the EU as a private club reserved for existing (not future) members. In foreign and security policy matters, for instance, the EU expects systematic alignment with its positions from WB6 states, but falls short of involving them in its coordination processes. More generally, the EU is keener at conducting political monologues with its future member states than promoting inclusive political dialogue.

Of course, blurring the divide between membership and non-membership by increasing pre-accession participation in EU processes and de-

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⁴⁷ Chaps 23 and 24 deal with judiciary and fundamental rights, and justice, freedom and security.

⁴⁸ Safeguard measures have been invoked against Croatia in 2013; CVMs are in place since 2006 to review the progress of Bulgaria and Romania in the fields of judicial reform, corruption and organised crime.

liberations would imply that EU Member States increasingly rely on ex-post (and not only ex-ante) conditionality. Ex-post conditionality would allow WB6 countries that are not ready to join the EU to yet be involved in the functioning of the EU. It would keep their administrations busy, foster socialization, and actually bring the EU closer to the region.

Negative effects could be compensated for by building on, rather than merely enduring, key challenges in the EU's integration dynamics. Brexit and differentiated integration prospects could be seen as an opportunity to rethink the concept of EU membership by detaching it from the notion of participation and thus opening avenues for pre-accession participation in EU processes. Brexit, for instance, certainly means the end of EU membership for the UK. But not the end of the UK's participation in a series of EU sectoral policies of the EU, programs and funds, the scope of which remains to be negotiated. That is what is really at stake with Brexit. The organization of 2018 Berlin Process Summit in London, if framed in this way, could exemplify the celebration of active participation in EU affairs (regardless of forthcoming non-membership) over passive membership as a driver of EU enlargement policy.

Viewing membership as an ex-post participatory process, already initiated in pre-accession phases, rather than a one-off event granting a blank check to ex-ante deserving members would enable prospective EU and acceding Member States to be better prepared for post-accession challenges. Existing instruments should be developed with this purpose. In the absence of further control mechanisms, the rising differentiation in EU integration, which substantive pre-accession participation in EU process would entail, could weaken the cohesion of the integration project. To mitigate this risk, post-accession conditionality tools (beyond cooperation and verification mechanisms) should be developed. However, they should ideally be complemented by more functional post-membership conditionality tools, applicable to all Member States (since art. 7 TEU lacks credibility owing to its quasi-unanimity requirement). After all, the EU's inability to effectively address rule of law challenges in existing Member States (e.g. Poland or Hungary) impacts its ability to promote reforms strengthening the rule of law in the Western Balkans. Likewise, although equal in rights, incumbent Member States should not be allowed to abuse their prerogatives to secure asymmetric power and block neighboring countries for individual (as opposed to collectively shared) motives. These post-

membership conditionality tools should be able to refer to a more codified *acquis politique* (democratic standards and good governance), to rely on effective measures for non-compliance (financial sanctions, mostly), and on the expertise and credible monitoring capacities of impartial third actors (e.g. Venice Commission).

3.2.3 A Political Battle Rather than a Technical Process: Fighting for Enlargement

Enlargement has long been considered as driven by a technical process of legal approximation and behavioral alignment, guided by elites relying on the permissive consensus of their constituencies, and accordingly sanctioned by relatively predictable political decisions. This has changed as enlargement has become more unpredictable, less accepted by EU (and even WB6) citizens, less eagerly promoted by elites and more driven by national interests or intergovernmental institutions. Essentially, key aspects of the EU's enlargement policy have become a more politicized, although the enlargement policy framework remains operated on a day-to-day basis as a technical process.

The implications of this gradual disjuncture between an increasingly politicized policy process and a more technical "business as usual" policy framework are important: first of all, countries successfully undergoing the technical process prescribed by the Commission cannot be guaranteed accession solely on the basis of their track record. To avoid being blocked, they should also invest in building up political support for their accession to the EU and would certainly benefit from organizing themselves and lobbying for collective accession as a group.

Secondly, this disjuncture exposes the very question of enlargement to the severe criticism of Eurosceptical political parties, while hindering the development of a political counter-narrative presenting enlargement as a political fight. In the EU, enlargement debates have been shaped and dominated by Eurosceptics since the advent of so-called enlargement fatigue. Critical inputs offering alternative views about enlargement, if any, are scarce and have not reached Western Balkans' public spheres. In the Western Balkans, enlargement questions are addressed by political elites committed to both ethnopolitics and European integration - a contradiction in terms does not stand out, given the presumably "technical nature" of the accession process. Whether in the EU or the Western Balkans, there is, all in all, not much room left for

debating enlargement in a critical, non-Euroscptic way. Given its wide-ranging implications for the citizens in the region, this absence of public debate lends no contribution to democracy. Against all odds, enlargement would win to start being projected as a political, potentially divisive question: how to enlarge (individually or as a group)? Which model of (economic and organisational) transformation to adopt? What vision for the EU in 10 or 20 years?

The Berlin Process opens avenues for embracing politicization as a new reality and introduces fighting for enlargement as political battle. The very inception of the Berlin Process carries the seeds of this idea: the process was launched by Germany, also in an attempt to counter other Member States' growing reluctance towards enlargement. The design of the Process, more than that of the EU's approach, reflects the growing role of national, political interests (e.g. in the organization of Berlin Process summits) in enlargement matters. Moreover, the Process has emphasized the role of civil society actors as partners in the conduct of political and economic transformation. Its Civil Society Forum, pan-European expert Reflection Forum, and Western Balkan Chambers Investment Forum have stimulated the non-partisan mobilization of citizens on a large spectrum of issues and encouraged their (criticism-laden) interactions with policy processes.

Embracing politicization as a new reality in enlargement matters would first mean ceasing to consider and present the EU and its policy as a quasi-sacral object and accept that European integration is a polarizing topic in WB6 politics. Constructive cleavages could easily emerge on European core principles (e.g. on reforms pertaining to the rule of law, judiciary independence, etc.) if the EU were not as reluctant to interfere in domestic politics through "blame and shame," or if it were more assertive in its critical assessments. They would create room on the political chessboard for political parties holding more pro-European views, while putting under pressure those only rhetorically committed to European integration. Constructive cleavages would help rebalance the relationship between the executive and the legislative powers in would-be Member States by empowering pro-European opposition parties. It is indeed well known that European integration mechanically tends to strengthen executive over legislative power, opposition parties, or civil society, which puts democratic, parliamentary, and participative processes under strain. This is in particular due to the fact that laws emanating from the EU

are commonly passed under accelerated parliamentary procedures with little or no deliberation and consultation.⁴⁹ Empowering parliamentarians, opposition parties, and civil society actors then boils down to reducing the domestic imbalances created by the EU's dominantly intergovernmental approach.

Treating European integration as a potentially divisive process and the EU as a political object would not only give new impetus to the European project, but would also bring EU and WB6 citizens closer. Constructive cleavages about the future of European integration and EU politics, which concerns both EU and WB6 citizens, could help overcome national cleavages by uniting different national communities in a transnational reflection on the construction of Europe. Interestingly, this transnationalization of national and European politics, which is key to the formation of collective identities, can benefit from the rise of Euroscptical parties, provided the response advanced by political communities goes beyond the defense of the status quo. What is needed is an alternative idea of European integration, which mobilizes citizens along political lines relatively immune to ethnopolitics.

A good example is provided by "bilateral issues" in the Western Balkans, which in fact, are barely "bilateral" in that they often have regional and European dimensions. Most of them challenge the allegedly post-modern, cosmopolitan or universal, value-based foundation, upon which the EU seeks to establish itself (after centuries of wars fueled by European nationalism). Bilateral issues in the Western Balkans, by contrast, tend to reproduce modern (nation-based) or pre-modern (territorial) patterns of thinking (inherited from pre-EU times), the persistence of which should be a matter of transnational concern to European (both EU and WB6) citizens. Political mobilization around Kosovo-Serbia, Greece-Macedonia, Kosovo-Montenegro disputes as well as other bilateral issues should accordingly extend well beyond the national communities directly affected. It should be seen as a part of the political battle of constructing a Europe overcoming its modern and pre-modern traditions; a political struggle to establish a political order questioning the relevance of claims based on hard territoriality and essentialist nationalism, wherever they are raised on the continent.

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49 See Börzel T.A. / Sprungk C. 2007. 'Undermining Democratic Governance in the MS? The Europeanization of National Decision-making', in Holzhaecker R. & Albaeck E. (eds.). *Democratic Governance and European Integration, Linking Societal and State Processes of Democracy*, Cheltenham: Edward Elgar Publishing.

Another example of constructive cleavage is provided by the proposal to regionalize EU enlargement and group accession prospects. The second Juncker Declaration of September 2017, announcing that Serbia and Montenegro could join the EU by 2025, could actually serve here as fulcrum. It has for that matter been received with a certain amount of disbelief. In Podgorica, the pooling of Montenegro and Serbia's possible accession date has sparked criticisms, considering the former's more advanced status in accession negotiations. In Albania, likewise, it has been perceived by some officials as undermining the Tirana-Belgrade axis of cooperation established through the Berlin Process, since it appears that Serbia and Albania, after all, are not in the same boat. In EU institutions and EU capitals, finally, the Juncker announcement was met with circumspection. Against this backdrop arises the following question, which would be worth being framed as a constructive cleavage: is enlargement a regional project, tying together all WB6 with a shared purpose, or is it nothing more than a national project, considered as national priority?

Embracing politicization as a new reality in enlargement matters implies rebalancing the logic of European integration by giving more weight to civil society in EU-WB6 relations. WB6 governments cannot be the only partners upon which the EU relies for the legitimization of its political influence (e.g. when it recommends reforms or influences policy outcomes). Since trust in WB6 politicians is dramatically low in the region and is not increasing,⁵⁰ the EU should make sure to engage more directly with citizens. It should, in particular, respond to citizens' expectations that may be addressed to the EU against their governments, e.g. regarding the weakening of democratic institutions and check and balances, in a more supple, assertive, and risk-acceptant way. The silence the EU demonstrates as social unrest rumbles throughout the region, in contrast to its friendliness towards WB6 strongmen, signals that European integration remains an elite-driven project which falls short of addressing citizens' concerns over social policies, the rule of law, or democracy. The EU must go beyond improving its communication strategy, e.g. through public diplomacy; what it needs is a more visible engagement at the grassroots level, e.g. through techniques drawing from guerrilla

diplomacy⁵¹ (i.e. ears to the ground, eyes on the horizon), the systematic inclusion of civil society representatives in all "structured dialogues," the institutionalization of civil society participation in negotiation processes, as well as more support to NGOs, think tanks, and business associations operating transnationally in the region or promoting regional integration.

The need to rely more exhaustively on civil society actors does not only stem from concerns over the legitimacy of EU political interference. It is also a simple matter of long-term effectiveness (i.e. in ensuring the sustainability of change). The literature shows that conditionality is less fruitful in political contexts where civil society is weak, since infringements or dubious behavior will more easily go undetected and unpunished. Post-accession studies, in particular, indicate that CVM reports have been most effective when civil society actors, including independent media, use them to pressure their governments from below.⁵² Therefore, to have a lock-in effect, EU conditionality needs to empower civil society actors as early as possible in the accession process and to facilitate broad societal mobilization.⁵³ That implies, for instance, adapting the formulations of the Commission's annual reports (which are too diplomatic to have any wider impact on public opinion), so that they can be used to increase the domestic leverage of civil society actors.

Fighting a political battle, finally, requires more enthusiasm than operating a technical process, and enthusiasm comes with inspiration. Unfortunately, the power of attraction the EU exerts towards WB6 citizens (and the brain drain it fuels) derives less from its capacity to inspire young people than from the absence of perspectives they perceive in their country of origin, despite two decades of EU engagement. By launching RYCO, the Berlin Process made a first step towards re-inspiring people towards in the region. But more will be needed to revive the inspirational power of the European project: for example, establishing heavily EU-funded European University with several campuses in the region, subsidizing an InterRail Pass allowing WB6 youth to travel throughout the EU, etc.

50 See the results of the 2016 PASOS project poll (www.pasos.org). For instance, in Macedonia, more than 75 percent of the respondents declared that they do not trust political parties. See also Golubović N. et al. 2015. Trust in Political Institutions in Western Balkan Countries. *Law and Politics*. 13(1).

51 Copeland, Daryl. 2009. *Guerrilla Diplomacy*. Boulder: Lynne Rienner.

52 Dimitrova A. & Buzogany A. 2014. Post-Accession Policy-Making in Bulgaria and Romania: Can Non-state Actors Use EU Rules to Promote Better Governance? *Journal of Common Market Studies* 52 (1).

53 Dimitrova A. 2015. The Effectiveness and Limitations of Political Integration in Central and Eastern European States: Lessons from Bulgaria and Romania. *MAXCAP Working Paper* (10).

4 Conclusion

The Berlin Process epitomizes a “change as addition” in the EU’s approach towards WB6 countries. Its purpose, defined in 2014, is to maintain the momentum of reforms in the region and deliver “additional real progress” in terms of enlargement. Three years after its inception, the initiative has seen its scope extend from investing in infrastructure projects to encouraging mobility and civil society mobilization. Although its scope clearly (and intentionally) overlaps with the EU’s enlargement policy, the Berlin Process relies on key differences in its format, logic, and functioning, which are a distinctive asset.

Although it is too early to draw conclusions on its eventual success, preliminary observations, one year before its planned culmination, are rather positive. Against the backdrop of the Juncker Declaration, Brexit, and growing geopolitical challenges, the Berlin Process signals that the EU remains a strategic player in the region, and that interest in enlargement has not completely faded away. More substantively, a major achievement of the Process has been its contribution to boosting the interest of WB6 and EU stakeholders for regional cooperation, whether through its contribution to the Connectivity Agenda, RYCO, the establishment of the Western Balkan Chambers Investment Forum, or its support for the Civil Society Forum or pan-European Expert Reflection Forum.

But are these achievements commensurate with the challenges the EU faces in the region? In infrastructure connectivity, the ambition of the Berlin Process of “putting fundamentals first” seems somehow ambiguous. Unlike China, which advances its own Connectivity Agenda through its billion-funded “One Belt, One Road” millennial project,

the EU chases two rabbits at once. On one hand, it seeks to remedy the infrastructure gap in the region by enhancing transport and energy connectivity through the co-funding of infrastructure projects. On the other, it uses investment projects as means to develop administrative capacities and advance rule-based processes – a task that necessarily complicates the implementation of projects in countries lacking capacities. Likewise, the various initiatives seeking to empower civil society actors, while building bridges with governmental actors, have fallen short of receiving the consideration they deserve. The final “Declaration on Bilateral Issues” advocated by BiEPAG experts, for instance, fails to commit EU Member States in the Balkan Peninsula to not block their WB6 neighbors from accession for national reasons.

The achievements of the Berlin Process, promising as they are, have not been a game-changer to date, though plans have been made to extend its activities. On May 31 2017, the German Minister of Foreign Affairs Sigmar Gabriel announced a “Berlin Plus” agenda featuring the creation of special funds for start-up businesses, vocational training, IT infrastructure development, and the formation of a fund for infrastructure and technology to which EU member states, EFTA, and the European Economic Area members could contribute as donors. Given the scope of the challenges the region and the EU faces in enlargement matters, it is unlikely that this Berlin Plus process will change the degrading political and socio-economic landscape of the Western Balkans in the near future.

But the Berlin Process may not end up as an initiative that proved disappointing in relation to the expectations it aroused. If the “change as ad-

dition" it initiated grows and transforms the EU's enlargement policy, i.e. if the Berlin Process is a first step towards a renewed enlargement policy, its contribution will be historical and actually lead to "additional real progress" in advancing the EU's policy towards WB6 candidate countries.

To navigate in this direction and make the Berlin Process a milestone in the EU's enlargement policy, the siren call of resuming "business as usual" needs to be resisted. Not only would returning to this approach be barely justifiable, it would also be nearly impossible to turn back. Twenty years of enlargement policy have not produced results that would bode well for the future, and the major systemic changes the EU is currently undergoing will necessarily impact its external governance, not always in expected ways.

Rather than being a temporary brace for the EU's enlargement policy, the Berlin Process can be seen as opening new avenues and its achievements as worth building on. First, its emphasis on regional cooperation could pave the way for developing a regionalized approach more amenable to collective identify formation, cooperation, solidarity, and trust than the EU's "regatta" approach. In fragile, economically-vulnerable, post-conflict contexts, constructive competition cannot be the leitmotiv guiding the EU in the development of its differentiated relations with WB6 countries. Instead, regional cooperation should be made the cornerstone of EU-WB6 relations, including in enlargement. That means, more specifically, offering less country-specific enlargement frameworks and further regionalizing the EU's enlargement policy, grouping accession prospects, and regionalizing parts of the EU's conditionality approach.

Secondly, instead of bringing accession actually closer to WB6 citizens, technical improvements in the EU's conditionality approach have segmented the accession process. They give the illusion of movement, while keeping accession prospects as distant as possible. At the same time, the development of the EU's *acquis* imposes transformational costs on WB6 applicants that grow commensurably. Unless the EU makes accession prospects more tangible sooner, its credibility will continue to erode, as will its influence. Building on the Berlin Process, the EU's approach should allow wider participation of WB6 countries in EU processes – not only after validation of accession preconditions. Keeping WB6 leaders busy is important, but even more important is blurring the divide between membership and non-membership through pre-accession participation. To mitigate the risks that may arise from a more differentiated

pattern of vertical integration, post-accession conditionality tools as well as post-membership conditionality tools should be further developed and applied with consistency on a set of core values identified as defining European identity.

Finally, reluctance to consider enlargement as a politicized issue-area has led to a detrimental disjuncture in the EU's approach towards WB6 countries. Whereas its policy framework still reflects the traditional design of a process guided by elites relying on the permissive consensus of their constituencies, and accordingly sanctioned by relatively predictable political decisions, in practice, enlargement has become (more) unpredictable, less accepted by EU (and even WB6) citizens, less eagerly promoted by elites, and more driven by national interests or intergovernmental institutions. The challenge, which the Berlin Process, in its design and achievements, can help overcome, is to embrace the politicization of enlargement as a new reality and fight for enlargement as political battle rather than ticking the boxes of a technical process. European integration could and should be a source of constructive cleavages in WB6 politics – beyond the simplistic Europhile vs. Eurosceptic debate. Transnational mobilization which considers the EU as political object rather than an omniscient deity are necessary to divert WB6 (and EU) citizens from ethnopolitics and bolster further togetherness. The role of civil society networks is essential here, as is the capacity of the EU to recover its power to inspire.

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