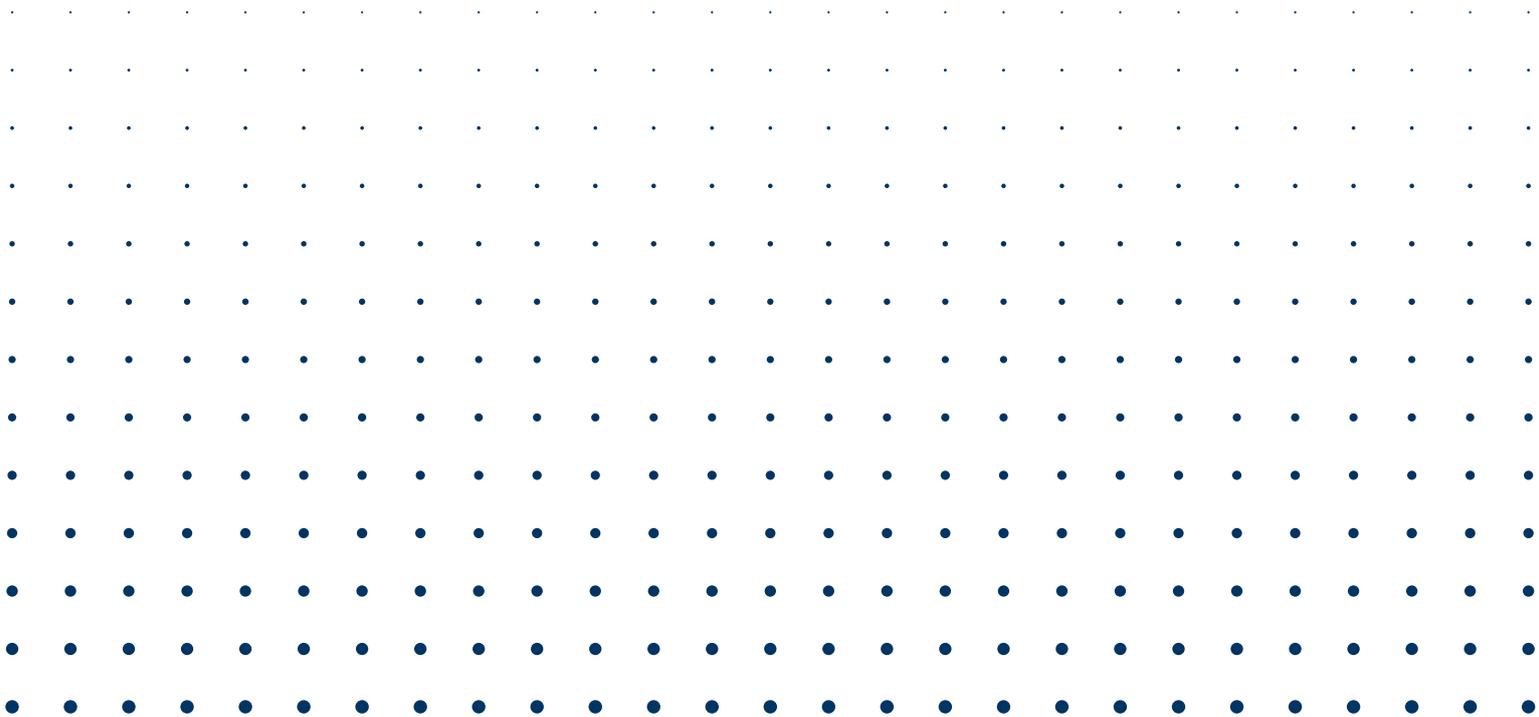


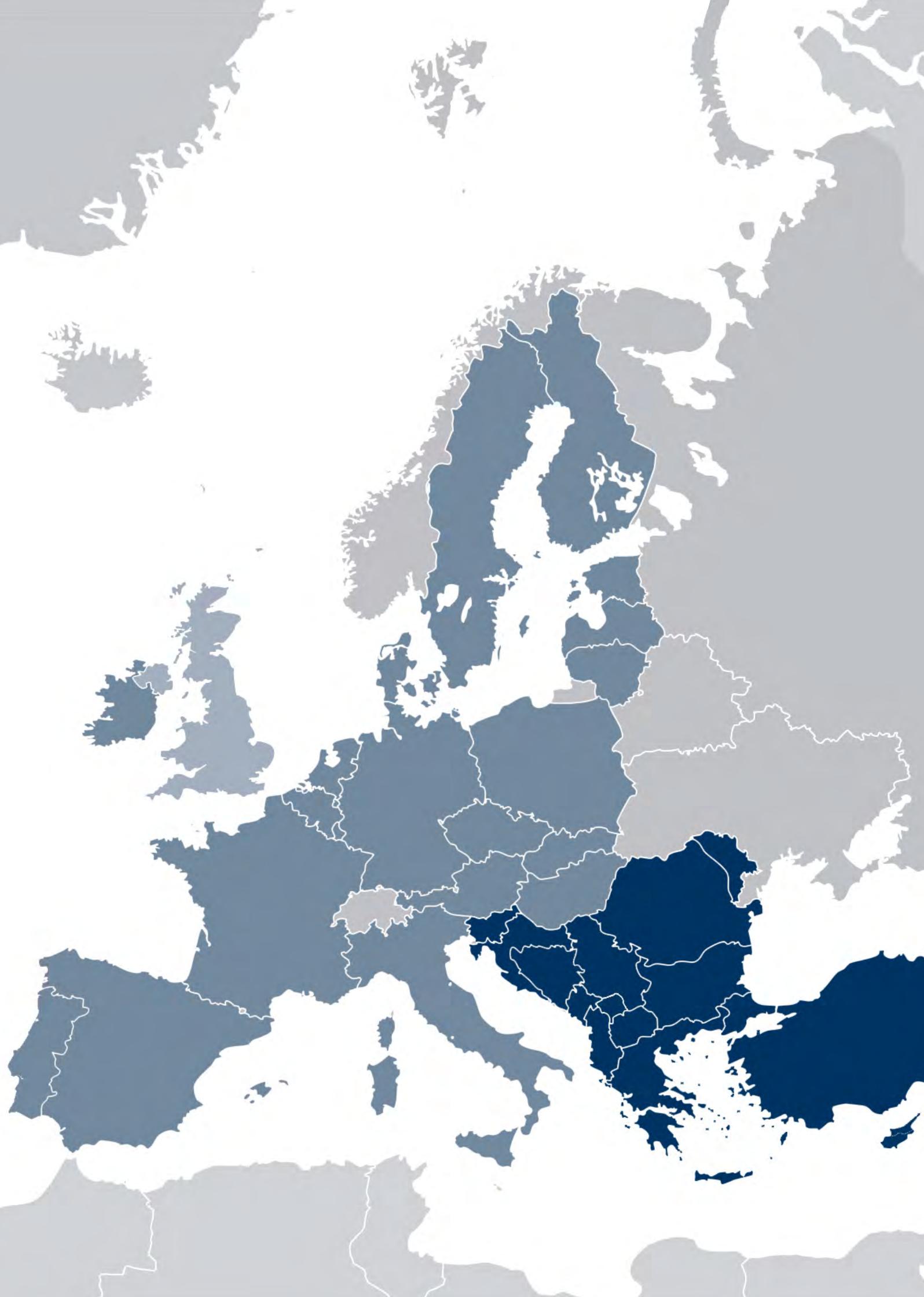


Florent Marciacq

## **Reviving Solidarity**

A New Regional Approach to Integrating the Western Balkans into a Stronger European Union





**Florent Marciacq**

## **Returning to Solidarity**

**A New Regional Approach to Integrating the Western  
Balkans into a Stronger European Union**

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# Preface

After a period of increased regional cooperation in the Western Balkans, which was initiated by the Berlin Process, the EU Commission opted in its 2018 enlargement strategy to emphasize policies aiming at a high accession threshold. This choice may represent current political realities within the Union; just the same, it has disappointed hopes that the momentum generated during the Berlin Process would result in a more tangible integration outlook for the Western Balkan countries.

Critical of the status quo approach to enlargement, Florent Marciacq offers a strategic alternative by proposing “robust solidarity” as a new guiding principle that focuses on the EU’s foundational visions and values. Only with renewed attention to the EU’s founding principle of solidarity, he argues, can the resurfaced debate around “widening vs deepening” of the EU’s reach be overcome.

Building upon premises put forth by the author in a previous FES policy paper,<sup>1</sup> Marciacq recommends shifting the focus away from counterproductive “regatta” competition and towards mutually dependent “grouped accession”. Making regional cooperation a hard condition for membership, he argues, could

1 Marciacq F. 2017. The EU and the Western Balkans After the Berlin Process. <http://library.fes.de/pdf-files/bueros/sarajevo/13948.pdf>.

encourage a new generation of political leaders to recognize their shared interest and work together towards joint integration. Proposing a mix of differentiated integration and more thorough post-accession monitoring, Marciacq suggests making it possible for countries to join the EU within realistic deadlines, and keep growing into their role.

Calling attention to what may well be a cardinal flaw in the EU’s stance towards the Western Balkans, Marciacq crucially connects the future of European integration with the question of enlargement. Marciacq further challenges us to change our perspective and consider how the EU could actually profit from the integration of the Western Balkans, maintaining that a turn towards a politics of solidarity is, in fact, the only way forward for Europe as a whole.

Boldly deviating from enlargement traditionalists, Marciacq’s truly idealistic argument is of course easily attacked by pointing towards the ‘political realities’. In a time of unprecedented uncertainty, however, a strategic shift in the union’s posture on its southeastern flank may be the much-required impulse towards redeeming European policy-making in both its legitimacy and substance. We should therefore entertain this insightful contribution as an opportunity to examine our own perceptions of political possibility.

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## Introduction

In the past ten years, the European Union (EU) has *peu ou prou* faced a long list of serious challenges, both internal and external including the international and European debt crisis, the outbreak of war in its neighbourhoods (Georgia, Syria, Libya, Ukraine), the erosion of its transformative power, the refugee and migration crisis, the rise of Euroscepticism, the British vote to exit the EU, the election of Donald Trump in the USA, the rise of China's economic diplomacy, and the return of Russia on the European stage.

Understandably, the need to react swiftly to a changing environment and to improvise contingency plans and mitigate tensions among the member states has strained the advancement of a more robust strategic vision. While a new reflection on the future of Europe has been initiated with the publication of the EU's White Paper<sup>1</sup> in March 2017, followed by President Macron's speeches in Athens, La Sorbonne, Strasbourg, and Aix-la-Chapelle, much remains to be done to rediscover the reasons underlying the European integration process in the first place, rejuvenate the European project, and again make it a higher source of inspiration for the citizens of Europe.

There could not be better timing for this reflection to be intensified. European elections will take place in May 2019, top positions will be redistributed in EU institutions accordingly, the future budget of the EU (MFF 2021–2027) is being finalised, Germany will phase out Chancellor Merkel's leadership, and seminal post-Brexit challenges within the EU and in its periphery will remain high on the agenda. In the months to come, the EU will need to shape a new course and elaborate a strategic vision providing guidance for its future integration – both vertical and horizontal.

This article, building on discussions held in the framework of the Western Balkans Reflection Forum initiative,<sup>2</sup> critically discusses the resurgence of the

decades-old “widening versus deepening” debate. This debate has regained ground in the past few years together with the unfolding reflection on the future of Europe. In the face of past developments, the article argues that the internal and external consolidation of the EU is rooted in its peculiar ability to combine and cross-fertilise these two logics of integration. Instead of “taking sides” with one of them, as some in the EU advocate, the article identifies the lack of solidarity in the EU and the Western Balkans as an issue transversally undermining both the widening and deepening of the union. It consequently calls for treating the root of the problem and rejuvenating the principle of solidarity underpinning European integration. This rejuvenation, interestingly, could start in the Western Balkans. It would imply nothing less than the countries of the region questioning the *regatta* principle hitherto guiding the EU's enlargement policy. Robust solidarity, the article contends, is key for the Western Balkans to put an end to the “widening versus deepening” debate and make an authentic, inspirational contribution to the European integration project. Combined with a greater emphasis on responsibility and post-accession conditionality, the suggested approach could contribute to speeding up the accession process of the countries of the region, while ensuring more effective (pre-accession) and resilient (post-accession) transformation.

## “Widening vs. Deepening”: The Return of an Outdated Debate

The EU is the product of a unique institutional process driven by two interacting logics of integration. The logic of “deepening,” defined as a process of “gradual and formal vertical institutionalisation,”<sup>3</sup> implies the extension of the scope and level of European integration in terms of institution-building, democratic legitimacy, and European policies. The logic of “widening,” by contrast, refers to the geographical extension of the EU's institutional order, mainly (but not only) through enlargement.<sup>4</sup> The questions of how the two logics interact, whether the widening of the EU hinders its deepening, and how to combine both in mutually supportive ways, have puzzled policy-makers since the Summit of The Hague in 1969 at the very least.<sup>5</sup>

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1 European Commission. 1 March 2017. White Paper on the Future of Europe: Reflections and scenarios for the EU27 by 2025.

2 The Balkan Reflection Forum is a joint initiative of the Centre Franco-Autrichien pour le Rapprochement en Europe (Vienna), the Centre international de formation européenne (CIFE-Berlin and Nice), the Institut français des relations internationales (IFRI-Paris), the Istituto Affari Internazionali (IAI-Rome) and German Institute for International and Security Affairs (SWP-Berlin and Brussels). It is supported by a network of EU and Western Balkans think tanks as well as national and European administrations. It was launched in 2015 in support of the Berlin Process.

3 Schimmelfennig, F. and U. Sedelmeier. 2002. Theorizing EU enlargement: research focus, hypotheses, and the state of research. *Journal of European Public Policy*. Vol. 9(4).

4 Umbach, G. January 2010. EU-CONSENT 2005–2009: Four years of research on EU “Deepening” and “Widening”: Evidence, Explanation, Extrapolation.

5 The Hague Summit built on Georges Pompidou's initiative for the EEC, summarised as “Completion, deepening, enlargement”. It aimed at putting an end to the political and

After a decade of dormancy, the “widening vs. deepening” debate appears to have regained ground in EU politics. Unlike internal reforms, which have continuously stayed high on the agenda in the past decade (the stillborn EU Constitutional Treaty, institutional reforms, EMU reform plans, CSDP, energy policy, migration policy etc.), enlargement gradually disappeared from the EU radar in the 2010s, despite the EU accession of Croatia in 2013. The marginalisation of the EU’s logic of “widening” relative to its internal reform agenda went hand in hand with the so-called “enlargement fatigue” and erosion of the EU’s transformative power in the Western Balkans.<sup>6</sup> It was signalled without ambiguity in October 2014, when President Juncker declared that “no further enlargement will take place over the next five years”<sup>7</sup> and more recently in the EU enlargement strategy of February 2018, positing that “the Union must be stronger and more solid, before it can be bigger.”<sup>8</sup> The alleged tension between the logics of widening and deepening has also been made explicit by President Macron before the European Parliament in April 2018, when he stated that he “will only support an enlargement when there is first a deepening and a reform of our Europe.”<sup>9</sup>

The resurgence of this debate is unsurprising, given the EU’s soul-searching in Brexiting times and the erosion of the Community spirit across Europe’s political arenas. What is more surprising is the lack of attention given to the conclusions that arose from the same debate ten years ago. The academic literature abounds in studies indicating that

- 1) there is, all in all, no evidence that enlargement leads (or has led) to insurmountable institutional gridlocks, malfunctioning institutions and markedly reduced decision-making capacity.<sup>10</sup> Enlargement has not caused Brexit. And it

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institutional stalemate that had existed since 1967 when General de Gaulle had vetoed Great Britain’s entry into the Common Market for the second time and relaunching European integration.

- 6 Kmezic M. and F. Bieber. October 2017. Western Balkans and the EU: Fresh Wind in the Sails of Enlargement. BiEAPG.
- 7 Juncker, J. C. 15 July 2014. Political Guidelines for the next European Commission.
- 8 European Commission. 6 February 2018. A credible perspective for and enhanced EU engagement with the Western Balkans. COM(2018) 65 final.
- 9 B92. 17 April 2018. French president: EU must first reform, Balkans can wait.
- 10 See Toshkov, D. 2017. The impact of the Eastern enlargement on the decision-making capacity of the European Union. *Journal of European Public Policy*. Vol. 24(2). See also Ban, C. 2013. Management and Culture in an Enlarged European Commission. Basingstoke: Palgrave; Bressanelli, E. 2014. Necessary Deepening? How Political Groups in the European Parliament Adapt to Enlargement. *Journal of European Public Policy*. Vol. 21(5); Hagemann, S. and J. De Clerck-Sachsse.

is not the reason why European policies have become increasingly contested in Hungary, Poland, and obviously too, Italy. The passive adaptation to globalisation, dogmatic underestimation of the negative effects of transition in CEE countries (in terms of job security, inequalities and weakening of social protection), and gradual abandonment of the “European model” have been more potent forces of disruption.<sup>11</sup> Enlargement fatigue” has been more a symptom of deeper discontent with the EU’s strategic vision, than a cause of today’s disarray.

- 2) there are, in fact, strong positive interactions between enlargement and internal reforms. When the widening of the EU entails an increase in disparities, these are usually controlled and addressed by renewed efforts at strengthening institutions vertically.<sup>12</sup> Enlargement, in other words, is a positive source of adaptational pressure for the EU’s institutional order. And it is ultimately conducive to its deepening.

Examples of “widening” going hand in hand with “deepening” abound in the history of the EU. The first enlargement wave with Denmark, Ireland, and the United Kingdom (1973), was accompanied by the progressive development of important common policies (reform of the CAP, political cooperation, etc.) and followed by the introduction of the European Monetary System and direct elections to the European Parliament. The Mediterranean enlargements to Greece, Spain, and Portugal (1981, 1986) were carried out hand in hand with the strengthening of the EEC’s foreign policy (European Political Cooperation) and a major constitutional reform (the Single European Act), including, very opportunely, a nascent cohesion policy. Likewise, the fourth enlarge-

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2007. Decision-making in the enlarged council of ministers: evaluating the facts. CEPS Policy Brief n°127. Other scholars have nonetheless argued that enlargement has reduced the speed of enlargement or the intensity of contestation (along pre-existing lines). See for instance Hertz, R. and D. Leuffen. 2011. Too big to run? Analysing the impact of enlargement on the speed of EU decision-making. *European Union Politics*. Vol. 12(2); Plechanovova, B. 2011. The EU council enlarged: north-south-east or core-periphery?. *European Union Politics*. Vol. 12(1).

- 11 Walldén, A. S. 2017. The demise of EU enlargement policy. ELIAMEP Essays.
- 12 Umbach G. and A. Hofmann. 2009. Towards a theoretical link between EU widening and deepening. EU-CONSENT Report. See also Kelemen, R.D., Menon, A. and J. Slapin. 2014. Wider and deeper? Enlargement and integration in the European Union. *Journal of European Public Policy*. Vol. 21(5). Ruiz-Jiménez, A. and J. I. Torreblanca. 2008. Is there a trade-off between deepening and widening? EPIN Working Paper n°17. Schneider C. J. 2014. Domestic politics and the widening-deepening trade-off in the European Union. *Journal of European Public Policy*. Vol. 21(5).

ment wave to three militarily neutral states in 1995 (Austria, Finland, and Sweden) suitably took place shortly after the adoption of the Treaty of Maastricht establishing *inter alia* the Common Foreign and Security Policy (CFSP), and shortly before the adoption of the Treaty of Amsterdam instituting the *Common Security and Defence Policy* (CSDP). Finally, following the 2000s enlargement waves to (mostly) Central and Eastern Europe (2004, 2007), the EU made decisive steps towards the unification of its legal and institutional system and extension of its policy scope, most notably through the Treaty of Lisbon.

It is striking to note that every enlargement wave the EU underwent has gone hand in hand with the deepening of the Union. In fact, the deepening of the EU often intensified precisely in those issue-areas where enlargement created the biggest challenges. That should remain as an important lesson when discussing the future of Europe.

### The EU Discusses its Deepening, the Western Balkans Wait for Godot

Discussing the compatibility of the two logics of EU integration on the eve of the 2020s will therefore lead to no breakthrough: there is no inherently negative trade-off between widening and deepening the EU. And yet, once more the idea gains ground in EU capitals that the Union should not overburden itself with enlargement, since it has “never been in so much danger.”<sup>13</sup>

The most outspoken Member State in this regard is France. In his speech at the conference of French Ambassadors, President Macron put it plainly: “is there no absurdity in a European Union that will today devote considerable energy to discuss Brexit and at the same time would like to discuss the start of accession negotiations with Albania or any other country from the Western Balkans?”<sup>14</sup> A few weeks earlier, France had accordingly blocked the opening of accession negotiations with Albania and North Macedonia. This message was reiterated more recently by French Minister Loiseau (in charge of European Affairs), when she declared that “the current state of the European Union does not allow for new accession in satisfactory conditions – both for the EU itself and for the new states that would join it.”<sup>15</sup>

While accession may not completely disappear from the agenda of the EU, there should be no confusion: in EU capitals, consolidating and deepening the EU is the top priority today. In his call for a “European renaissance” published in multiple European newspapers, President Macron proposes a long list of desired reforms in trade, competition, innovation, climate change, environmental protection, migration, security, etc. His vision, also detailed in previous speeches, includes references to China, the United States, Africa, the United Kingdom, NATO, but cautiously avoids enlargement.

And yet, the vision that emerges here implies that the EU should temporarily reduce its level of engagement in the Western Balkans, cease nourishing the illusion of upcoming accessions, and focus on “rapprochement” rather than “enlargement”, while maintaining or increasing technical assistance. The implications of this approach could be dramatic. First of all, it would weaken the EU’s conditionality approach where it is most needed. More uncertain rewards (in terms of accession perspectives) mean lower incentives for democratic reforms and less emphasis on establishing a community of values. It means, by contrast, a greater focus on common interests, e.g. stability and security in EU-Western Balkans relations.

For the EU, it also means a dramatic loss of credibility in the region and beyond. If twenty years of enlargement policy are deemed to have failed to lead the countries of the region where they were aiming in the first place, what influence can the EU project have in less amenable areas like Eastern Europe? Giving up on the Western Balkans, even temporarily, would convey the image of an EU that has become a dispensable power. How many years or decades would it need, after all, before it is “ready” to re-launch its enlargement policy? And how will the Western Balkans look like by then?

The EU is indisputably the most influential actor in the region. Over the past decades, it has succeeded in integrating the countries of the region in remarkable ways. The Western Balkans today are an integral part of Europe’s human, economic, security, and political landscape<sup>16</sup>. But the EU will nonetheless increasingly have to contend with non-Western powers working at extending their economic, political, and cultural linkages with the countries of the region. These succeed in perceptibly raising their ability to project competing influence.<sup>17</sup> China has

13 Macron, E. 4.3.2019. For European Renewal.

14 Macron, E. 27.8.2019. Discours du Président de la République à la Conférence des Ambassadeurs.

15 European Western Balkans. 25.2.2019. Loiseau: the current state of the European Union does not allow for new accession of new members

16 Marciacq, F. March 2019. L’Union européenne a-t-elle encore une stratégie en matière d’élargissement ? *Notes Europe de la Fondation Jean Jaurès*.

17 Tzifakis, N. & F. Bieber (eds.). 2019. *The Western Balkans in the World: Linkages and Relations with Non-Western Countries*. London: Routledge (in press).

granted billions of dollars of state-to-state loans to the governments of the region (primarily Serbia) for the construction of energy or transport infrastructures (e.g. construction of a high-speed train connection between Belgrade and Budapest).<sup>18</sup> Although Chinese investments certainly contribute to bridging the infrastructure gap which estimated at ten percent of the GDP of the region,<sup>19</sup> they differ from the EU's connectivity approach in many respects. They tend to notably increase the countries' debt and strategic vulnerability, and they rely on (and therefore fuel) informal networks of interests that resist good-governance transformation (open competition, transparency, public accountability, commercial viability, etc...). They also neglect to take into account social and environmental concerns (such as the inclusion of citizens and non-governmental actors). All in all, they undermine the EU's liberal, value-driven agenda in the region.<sup>20</sup> Similar concerns have been raised by the growing presence of the Arab states of the Persian Gulf and, in a different register, Turkey's cultural diplomacy and repression of Gülenist movements in the region.<sup>21</sup>

Russia's public diplomacy, likewise, has been stepped up in the past few years with the launch of misinformation campaigns undermining regional cooperation efforts in the region and promoting nationalist, revisionist reinterpretations of history as well as irredentism in Bosnia and Herzegovina. In Serbia, Russia's re-engagement is best seen in military and security cooperation, foreign policy and multilateral diplomacy. While direct influence remains limited, it allows Serbia to actively pursue its policy against international recognition of Kosovo. But Russia's enabling support is not free and signs of reciprocation can easily be found. In 2017, Serbia aligned itself with only one-third of the EU's declarations in the OSCE (compared to 75% in the 2000s). This proportion is dramatically lower than any other country of the Western Balkans, or even Moldova (59.7%) and Georgia (65.5%). In eighty percent of the cases, Serbia's failure to align non-alignment can be traced back to the EU's targeting of Russia or one of

its allies in its declarations.<sup>22</sup> In this field and others, how much "convergence of position on international issues"<sup>23</sup> can the EU expect, if it further decreases its level of engagement in enlargement matters? Can it really expect the Western Balkans to stand idly by (or even push for reforms) in the absence of credible accession prospects?

## The Need for Solidarity Transcends the "Widening vs. Deepening" Debate

The Western Balkans may have dramatically changed by the time the EU declares itself ready for further enlargements. Sacrificing the widening of the EU on the altar of its deepening therefore bears substantial risks best averted by keeping the two logics working hand in hand. At the technical level, there are time-tested ways to further advance their cross-fertilisation, e.g. through differentiated integration.<sup>24</sup> But at the strategic level, this cross-fertilisation should serve a higher purpose and build on specific cases. What distinctive contribution can the accession of the Western Balkans make to the EU polity? What can they bring into the EU that would potentially lead to its deepening? Or, in other words, what is the gap in the EU's polity which their accession (more than the accession of any other states) could highlight and help bridge? One possible answer, this paper argues, is solidarity, a value that transcends the "widening vs. deepening" debate.

The EU's potential for further "deepening" remains very high, at least if gauged on a federalist scale. European solidarity is one guiding principle which the Western Balkans, more than any other states, could help rejuvenate in support of deepened integration. Solidarity is a foundational value of the European Union. It is identified as such in the Schuman Declaration (1950) and Preamble of the Treaty of Rome (1957) and is included in the Preamble of the Charter of Fundamental Rights. It is furthermore enshrined as basic legal principle of primary European law in the Treaty of Lisbon, as common value (art. 2 TEU), in relation to its overarching aims (art. 3 TEU), and appears in a series of specific provisions (e.g.

18 Bastian, J. July 2017. The Potential for Growth Through Chinese Infrastructure Investments in Central and South-Eastern Europe Along the "Balkan Silk Road". Report prepared for the European Bank for Reconstruction and Development.

19 Holzner, M. and M. Schwarzzhappel. October 2018. Infrastructure Investment in the Western Balkans: A First Analysis. WIIW Research Report 432.

20 Makocki, M. 6 July 2017. China in the Balkans: The Battle of Principles. ECFR commentary

21 Bartlett, W., Ker-Lindsay, J., Alexander, K., and Prelec, T., 2017. The UAE as an Emerging Actor in the Western Balkans: The Case of Strategic Investment in Serbia. *Journal of Arabian Studies*, 7 (1), 94–112; Vracic, A. December 2016. Turkey's Role in the Western Balkans. *SWP Research Paper* n°11.

22 Marciacq, F. 2019. Serbia: looking East, going West?, in Tzifakis, N. & F. Bieber (eds.). 2019. *The Western Balkans in the World: Linkages and Relations with Non-Western Countries*. London: Routledge (in press).

23 "Convergence" is one of the aims of the political dialogue established between Serbia and the EU pursuant Art. 10.2(b) of the Stabilisation and Association Agreement.

24 Leruth, B. and C. Lord. 2015. Differentiated Integration in the European Union: a Concept, a Process, a System or a Theory? *Journal of European Public Policy*. Vol. 22(6).

arts. 24, 67 TEU and 222 TFEU). European elites, furthermore, have repeatedly invoked solidarity when important steps had to be made towards the federalisation of European Union<sup>25</sup> or in the advancement of a vision for Europe.<sup>26</sup> Seventy-nine percent of EU citizens consider solidarity a positive value<sup>27</sup> and 62% of them believe should be emphasised in the making of tomorrow's Europe.<sup>28</sup> Solidarity, all in all, is a cornerstone of the European project, and for good reason.

Considered as a political ideal intrinsically linked to democratic values, solidarity is defined as when a group of actors are "committed to abiding by the outcome of some process of collective decision-making, or to promoting the wellbeing of other members of the group, perhaps at significant cost to themselves."<sup>29</sup> Just like European integration, solidarity is a process; it is not declared by sheer words, but must be created, practiced and "made explicit by the deed."<sup>30</sup> Solidarity can be unilaterally offered to in-group members, or it can be "robust," in which case it implies reciprocal obligations and individual responsibility. Robust solidarity, in principle, building on normative rather than instrumental motives, creates stronger mutual trust and a stronger sense of community.<sup>31</sup> This may precisely be what is critically lacking in the Western Balkans today – as well as within the EU and in EU-Western Balkans relations.

Robust solidarity is part of the EU's genome, but in the past few years, it has failed to be pushed to the forefront. Rather, EU politics today convey a lack of solidarity at various levels. Inequalities among citizens (both perceived and real) are on the rise, fuelled by a socio-economic model promoted by the EU internally as well as externally, which encourages the dismantling of social and redistributive policies and raises intergenerational issues.<sup>32</sup> This rise in inequalities, in turn, exacerbates frustrations, opportunely harnessed by xenophobic, nationalist,

and Eurosceptic movements. Over the past decades, the EU's lack of practiced solidarity has accordingly fuelled greater divisions among the member states and their citizens.

The consequences of this demise have been dramatic. The European sovereign debt crisis, the migration and refugee crisis, the entrenchment of East/West and North/South dividing lines across the European continent and the impending withdrawal of the United Kingdom from the EU are challenges in the history of the EU marked conspicuously by an absence of robust solidarity.

One of its by-products, interestingly, has been enlargement fatigue.<sup>33</sup> When Central and Eastern European countries prepared to join the EU, the idea of a "return to Europe" dominated European discourses.<sup>34</sup> Solidarity was a defining part of the EU's grand political project for the former communist countries in the East. In 2000, likewise, when the EU for the first time declared the Western Balkans "potential candidates for EU membership", it underlined the need for "the countries of the region to be reassured of Europe's solidarity with them."<sup>35</sup> But fears of demotion in the EU soon undermined the ethos of enlargement, with critical implications for both the widening and deepening prospects of the EU. The infamous cliché of the "Polish Plumber", for instance, played a role in lastingly impairing the enlargement policy of the EU among citizens. It was further undermined by France's rejection of the Treaty establishing a Constitution for Europe in July 2005 and, arguably, the decision of the United Kingdom to leave the EU. When solidarity is lacking, in other words, critical flaws surface in the EU's political project, which indiscriminately affect both logics of integration.

## The Regatta Approach, Gravedigger of Solidarity in the Western Balkans

In the Western Balkans, the EU relies on the "regatta principle," arguing that constructive competition is a better driving force for effective transformation than regional solidarity. The approach, introduced at the Zagreb Summit in 2000, contrasts with the *en bloc* expansion of the EU to the states of Central and Eastern Europe in 2004. Together with the

25 See for instance Barre, R. 1970. L'Europe solidaire.

26 E.g. European Commission. 2 July 2008. Renewed Social Agenda: Opportunities, Access and Solidarity in 21st century Europe. COM (2008) 412 final.

27 European Commission. April 2017. Special Eurobarometer 461.

28 Only 13 % wish more individualism in European societies by 2030. See European Commission. November 2017. Special Eurobarometer 467.

29 Routledge Encyclopaedia of Philosophy.

30 Grimm A. and S. My Giang. 2017. Introduction: Solidarity Lost? The European Union and the Crisis of One of its Core Values. In: Grimm A. and S. My Giang. *Solidarity in the European Union: A Fundamental Value in Crisis*. London: Springer.

31 Taylor, A. 2014. Solidarity: Obligations and Expressions. JWI Working Paper 2014/1.

32 Bubbico, R. and Freytag, L. January 2018. Inequality in Europe. Report of the European Investment Bank.

33 Walldén, A. S. 2017. The demise of EU enlargement policy. ELIAMEP Essays.

34 Henderson, K. (ed). 1999. *Back to Europe: Central and Eastern Europe and the European Union*. London: UCL Press.

35 Presidency Conclusion of the Santa Maria da Feira European Council. 19–20 June 2000.

Thessaloniki declaration of 2003 and notwithstanding their shared European perspectives, it provides that “progress of each country towards the EU will depend on its own merits.”<sup>36</sup>

The limitations of this approach in a region still marked by post-conflict divisions are obvious. Competition has not been as constructive as expected and fifteen years of EU engagement on the basis of this approach have only shown mixed results. Ethnonationalism and bilateral disputes, to start with, have not been defused. On the contrary, they have proven very resilient, for good reason. When it accedes to the EU, a country automatically gets a competitive advantage over its non-EU neighbours (in the form of veto power in accession negotiations and ratification of membership treaty). Under such circumstances, it is easy to understand that the regatta approach does not rule out nationalism. Strongmen in the region have in fact proven very skilled in showing how the regatta principle can easily turn into a regional blame game and how regional competition and incurring tensions can be used to gain political leverage vis-à-vis the EU and sustain domestic preferences and discourses undermining effective transformation.<sup>37</sup> In a word, they’ve demonstrated how resilient nationalism is in the context of regional competition.<sup>38</sup> The regatta approach offers instead a trump card to nationalist politicians contemplating the strategic advantage the accession of their country will provide to “their” nation (vis-à-vis the others). Even accession is no guarantee that zero-sum game calculations will end - on the contrary. Croatia illustrates this very well. And the purely declaratory character of the Vienna declaration on bilateral issues as well as its low-key ambition will not do the trick.<sup>39</sup>

Secondly, at the emotional level, the regatta principle has hardly encouraged reconciliation. Instead, it has been a source of frustration and resentment. Only a few Serbs cheered Croatia’s accession to the EU in 2013, and after accession, nationalist rhetoric on both sides, minority rights issues, and border disputes did not fade away. Likewise, many Albanians were disappointed when the European Commission singled out Serbia and Montenegro

as frontrunners in its enlargement strategy in 2018. To some, the regatta principle seemed on that day inconsistent with the efforts promoted elsewhere by the EU to advance regional cooperation, good neighbourly relations, and reconciliation. But no better illustration can be found for the limitations of this approach than in the cases of Kosovo and Bosnia and Herzegovina. What will happen with them after all their neighbours have joined the EU? What implications would such an event have on Kosovo and Bosnian citizens? While emulation (or “social facilitation” as social psychologists call it) can be invoked to justify the regatta approach, the scientific literature nonetheless suggests that competition, in some cases, may also have demotivating effects leading to lower performance.<sup>40</sup>

These limitations, interestingly, are perfectly known. When the EU granted the visa waiver to Serbia, Montenegro, and North Macedonia in December 2009, the non-inclusion of Albania and Bosnia and Herzegovina was met with fierce criticism. The politicisation of the debate in those two countries sparked nationalism and regional tensions. The EU as a result inflected its approach to give regional cohesion precedence over merit-based progress: it swiftly granted the visa waiver to Albania and Bosnia and Herzegovina in December 2010.<sup>41</sup> Almost ten years later, it nonetheless failed to apply the same logic to Kosovo. Unlike all their neighbours (as well Georgians, Ukrainians, and Moldovans), Kosovo citizens still require a Schengen visa to enter the EU. Their isolation in Europe persists despite the fulfilment of additional requirements arbitrarily imposed on Kosovo only (ratification of a border demarcation agreement), and despite the recommendations of the European Commission and European Parliament pleading for visa liberalisation. Being left behind, in this context, has stirred a strong sense of exclusion and growing despair in Kosovo society – sentiments that solidarity would certainly lighten, if it could be put at the forefront.

## The Regatta Approach: Too Far-off Finish Lines, Too Many Referees?

The regatta principle posits accession as strategic goal and as individual progress, measured as “the objective merits and results of each country”, as the

36 EU-Western Balkans Summit Thessaloniki Declaration. 21 June 2003. 10229/03.

37 Dzankic, J., Keil, S. and M. Kmezic. 2019. *The Europeanisation of the Western Balkans: A Failure of EU conditionality?* Berlin: Springer. Elbasani, A. 2013. *European Integration and Transformation in the Western Balkans: Europeanization or Business as Usual?* Abingdon: Routledge.

38 See Lange, S. Nechev, Z and F. Trauner. August 2017. Resilience in the Western Balkans. EU ISS Report 36.

39 Final Declaration by the Chair of the Vienna Western Balkans Summit. 27 August 2015.

40 The Norman Triplett experiment, for instance, found that competition improves performance half of the time, but has a deterring effect in one fourth of the cases.

41 Trauner, F. 2014. When visa-free travel becomes difficult to achieve and easy to lose: the EU Visa Free Dialogues after the EU’s experience with the Western Balkans. *European Journal for Migration and Law*. Vol.16, pp. 123–143.

only route to the finish line.<sup>42</sup> In reality, this principle suffers major flaws which point to the need for strategic change. These flaws have turned enlargement into a chimera of lengthiness and unpredictability.

Merits and results, in this approach, are first and foremost assessed in the light of the Copenhagen accession criteria. These delineate the conditions for joining the EU. Independent studies show, however, that the Western Balkans may need several decades before they can realistically fulfil these conditions. Progress, if any, has not been as quick, broad, or deep as expected, leading experts to question the effectiveness of EU's "business as usual" approach.<sup>43</sup> Albania and Bosnia and Herzegovina, for instance, would still not be able to comply with the *acquis* criteria by 2050, according to extrapolations based on the experience of CEE countries (which had larger administrative capacities and no post-conflict legacy).<sup>44</sup> And the growth in the EU's *acquis*, which is likely to be sped up by the forthcoming deepening of the EU, will not make their task easier. Adopting the rules, standards and policies that make up the body of EU law takes time. And procedural shortcuts devised to accelerate parliamentary procedures only yield short-sighted benefits while harming democratic accountability, ownership and participation. Adoption and implementation are important, but how they are secured is paramount.

Likewise, in terms of democratic standards, human and minority rights and the rule of law, the past ten years do not indicate that the countries of the region have come any closer to fulfilling the political criteria.<sup>45</sup> Their democratic backsliding has become a major source of concern<sup>46</sup> and if convergence happens, it may unfortunately rather stem from the even greater degradation of democratic standards in some EU member states. Experts ex-

pect that even bridging the governance gap between the countries of the region on the one side and Bulgaria and Romania on the other will similarly take years, if not decades in the case of Bosnia and Herzegovina.<sup>47</sup>

But the lengthiest may well be the road to economic convergence (economic criteria), given the steady discrepancy between the countries of the region and the EU in terms of both investment and development needs<sup>48</sup>. The Western Balkans' GDP per capita today is at the same level as twenty years ago when measured in relation to CEE countries. It amounts *nach wie vor* to 40 to 60% of the average GDP per capita of CEE countries. Experts estimate that it would take 60 to 200 years for the countries of the Western Balkans to catch up with the average of the EU, depending on growth rates projections.<sup>49</sup> This lack of economic convergence logically spurs emigration (200,000 citizens left the region between 2010 and 2015) and constitutes an important obstacle to human capital development. How can the Western Balkans' economies hope to be able to cope with EU and international competition, if the stock of technical and managerial skills continues to shrink?

Transformation will not happen tomorrow. Neither will accession, if the yardstick remains the Copenhagen criteria. In fact, the lengthiness of the accession process is likely to be amplified by a series of new, additional criteria that are being piled up, for which there will be no "quick fix": good neighbourly relations, for instance, is a norm introduced by the European Council of Helsinki in 1999 which became determinant and very specific in the Western Balkans context. For instance, it now requires the conclusion of a "comprehensive, legally binding normalisation agreement" between Serbia and Kosovo.<sup>50</sup> More recently, reconciliation has been similarly introduced as "prerequisite for accession."<sup>51</sup> While reconciliation certainly is one of the most im-

42 European Commission. 6 February 2018. A credible perspective for and enhanced EU engagement with the Western Balkans. COM(2018) 65 final.

43 Dzankic, J., Keil, S. and M. Kmezcic. 2019. *The Europeanisation of the Western Balkans: A Failure of EU conditionality?* Berlin: Springer. See also Marciacq, F. 2017. Vachudova, M. A., 2014. EU Leverage and National Interests in the Balkans: The Puzzles of Enlargement Ten Years On. *Journal of Common Market Studies*. Vol. 52(1). Dolenc, D. 2013. *Democratic Institutions and Authoritarian Rule in Southeast Europe*. Colchester: ECPR Press.

44 Böhmelt, T. and T. Freyburg. 2018. Forecasting candidate states' compliance with EU accession rules, 2017–2050. *Journal of European Public Policy*. Vol. 25(11).

45 Vogel, T. April 2018. *Beyond Enlargement: Why the EU's Western Balkans Policy Needs a Reset*. Sarajevo: Friedrich Ebert Stiftung. per.

46 BiEPAG. March 2017. The Crisis of Democracy in the Western Balkans. Authoritarianism and EU Stabilocracy. BiEPAG Policy Paper.

47 Grievson, R. Grüber, J. and M. Holzner. May 2018. Western Balkans EU Accession: Is the 2025 Target Date Realistic? WIIW Policy Notes and Reports. Vol. 22.

48 Holzner, M. and M. Schwarzappel. October 2018. Infrastructure Investment in the Western Balkans: A First Analysis. WIIW Research Report 432.

49 Sanfey, P. and J. Milatovic. February 2018. The Western Balkans in transition: diagnosing the constraints on the path to a sustainable market economy. Background Paper for the 2018 Western Balkans Investment Summit. See also Bonomi, M. and D. Reljic. December 2017. The EU and the Western Balkans: So Near and Yet So Far. SWP Comment. 2017/C53.

50 Bojovic, D and N. Burazer. 2018. *Agreement on Comprehensive normalization of relations between Serbia and Kosovo: Political and Legal Analysis*. Belgrade: Centar savremene politike.

51 European Commission. 6 February 2018. A credible perspective for and enhanced EU engagement with the Western Balkans. COM(2018) 65 final.

portant goals to achieve in the region, positing it as *ex ante* condition to accession (and measuring “reconciliation progress”), adds a layer of lengthiness to a process that already lacks credibility. A quarter of the citizens of the region already believe that accession will never happen.<sup>52</sup>

But lengthiness is not the only factor systematically underestimated. Rising unpredictability, in the shadow of Copenhagen’s inconspicuous “absorption capacity” criterion, similarly looms over the European perspectives of the Western Balkans. This criterion, defined as the Union’s “capacity to absorb new members while maintaining the momentum of European integration”<sup>53</sup> currently regains ground amidst public debates dominated by the need to “deepen” the EU and forget about enlargement. But it is not new. Enlargement has always been intergovernmental in character, and the absorption capacity criterion opportunely allows the member states of the EU to uphold strategic control over the process. Enlargement, for instance, hinges on article 49 TEU’s obligation to satisfy member states’ “constitutional requirements.”

This intergovernmental character has been strengthened in the past few years with the gradual re-nationalisation of enlargement policy, at the expense of community forces.<sup>54</sup> At the institutional level, mechanisms to steer and restrain the enlargement process have been introduced at all stages in several member states.<sup>55</sup> In France, Austria, and the Netherlands, national referendums have been posited as “constitutional requirements” for the ratification of future accession treaties or are now considered as political *sine qua non*. 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. Meanwhile, at the EU level, intergovernmental institutions have (re)gained decisive power on enlargement. The Council, for instance, commonly disregards the Commission’s recommendations and withholds any automaticity. The Commission has seen its authority accordingly contested, and its assessments are deemed biased and too positive by key member states. Individual member states also successfully use their pre-

rogatives to restrain the process (e.g. Greece, and more recently France and the Netherlands, against the opening of accession negotiations with North Macedonia).

Growing differences in member states’ preferred approaches have certainly contributed to strengthening the intergovernmental character of enlargement policy. While Germany, the most influential country in that area, advocates a tough line on conditionality (like the Netherlands, Finland, or Sweden), Italy warns against a surfacing “accession fatigue” in the region, and Hungary supports swift enlargement with the purpose of complicating the deepening prospects of the EU.<sup>56</sup> Meanwhile, five member states still do not recognise Kosovo as an independent state, Croatia interferes in Bosnia-Herzegovina’s constitutional politics, and France expresses its nostalgic vision of a “little Europe.”<sup>57</sup> With the general increase of popular opposition to enlargement in most EU member states (47% of EU citizens on average) and the expression of a perceived trade-off in public opinions between the deepening vs. widening (with a very clear preference for the former over the latter<sup>58</sup>), unpredictability can be found at all levels of the EU governance.

Against this backdrop of rising unpredictability, who can claim today that accession or enlargement is beyond doubt? Or that the region can blindly trust the EU’s strategy, tick the boxes accordingly, and that it will necessarily join the EU at some point? If the imperative of effective transformation is not left to oblivion, it should be acknowledged that accession by 2025, as suggested for Serbia and Montenegro, or any other year in the decades to come for the others, is wishful thinking. What the European Commission offers in its 2018 enlargement strategy is (in the Commission’s own wording) a “best case scenario,”<sup>59</sup> whereas a strategy should be devised precisely to mitigate uncertainty (“hope for the best, prepare for the worst”). Therefore, what the region needs today is a strategic response to cope with this changing policy environment, i.e. a strategic change in its approach to accession, which an emphasis on solidarity can initiate.

52 Regional Cooperation Council. Balkan Barometer 2018.

53 Presidency Conclusions of the Copenhagen European Council. 21–22 June 1993.

54 Ker-Lindsay et al. (eds.). 2017. The national politics of EU enlargement in the Western Balkans. Special Issue. *South-east European and Black Sea Studies*. Vol. 17(4).

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

56 Huszaka, B. 2017. Eurosceptic yet pro-enlargement: the paradox of Hungary’s EU policy. *South European and Black Sea Studies*. Vol. 14(4).

57 Wunsch, N. 2017. Between indifference and hesitation. France and EU enlargement towards the Balkans. *South European and Black Sea Studies*. Vol. 14(4).

58 European Commission. Spring 2018. Standard Eurobarometer 89.

59 European Commission. 6 February 2018. A credible perspective for and enhanced EU engagement with the Western Balkans. COM(2018) 65 final.

## Changing the Rules of the Accession Game: Solidarity Takes Precedence!

In a region that is fragmented by ethnopolitics and populated by less than twenty million people, the appropriateness of the regatta approach as an instrument conducive to positive peace and effective transformation should be questioned. To address this dysfunctionality, the EU enlargement policy was supplemented in 2014 by the Berlin Process, an approach aimed at bringing regional cooperation to the fore. With this emphasis and its achievements at the political level as well as in terms of infrastructure and people connectivity, the Berlin Process has been pivotal in giving EU enlargement a new impetus.<sup>60</sup> Arguably, it has pointed out regional cooperation as the weak spot in the EU enlargement approach and has demonstrated that “real additional progress” can be made by shifting the emphasis onto collective responses to common challenges.<sup>61</sup> History shows that domestic politics in the Western Balkans often have regional implications, for better or for worse.

Unfortunately, the 2018 enlargement strategy, which praised the Berlin Process (cf. the six flagship initiatives), fails to integrate in its policy framework the innovative spirit of the same Berlin Process and its region-building intent. It reiterates the fundamental discrepancy that separates Western Balkan frontrunners from allegedly more “problematic” countries, which conflicts with the Berlin Process’ approach putting “all countries in the same boat.” Overall, the Berlin Process did help revitalise enlargement policy but has not transformed it. The persistence of the idea that the 2004 enlargement wave has disrupted the deepening perspectives of the EU continues to hinder the advancement of a novel approach building on the achievements of the Berlin Process. Such a novel approach would shift the focus from regional cooperation to regional solidarity by effectively addressing the specific challenges common to the whole region.

This post-regatta approach would imply reframing EU accession as a regional, rather than national, strategic priority. It would give robust solidarity precedence over competition and rely on a very straightforward guiding principle: the countries of the region shall join the EU together, *en bloc*, or shall not join at all. This guiding principle would build on a shared, explicit commitment from the states of the region to:

- 1) Establish a community of destiny, rather than just sharing the same goal. Whereas the regatta approach urges the countries of the region to head separately towards the same finish line, solidarity in accession would commit them to advance together, hand in hand, and form a group as strong as its weakest link. This would require the elaboration of a shared vision for the region that is not provided by the EU today (regional ownership) and would considerably enrich the accession process. The primary beneficiary would be the EU’s political project, strengthened from the outside by greater unity.
- 2) Stand for one another in order to keep the region moving towards the EU. The Declaration on bilateral issues, which commits the countries of the region to refrain from blocking one another, lacks ambition here. Cooperation in the region – as in the EU – should be exhaustive and sincere, in the spirit of article 4(3) TEU.<sup>62</sup> Such a commitment would imply thinking beyond national self-interest about challenges of common interests, a quality that would eventually contribute to a stronger European Union.
- 3) Define a regional strategy, coordinate national approaches, and present a united front in accession matters. The regional strategy for EU accession should be elaborated by the countries of the region, not the EU. It should reflect their shared vision, their aspiration to contribute through solidarity to making the EU stronger, and their readiness to “walk the walk”. It should furthermore delineate objectives sought by the region beyond accession and present how the different countries intend to contribute to reaching them. For instance, this would imply agreeing on setting up regional teams of negotiators (instead of, or in addition to, national teams) in order to ensure that regional needs are properly taken into account in the course of accession (in terms of investments, education, emigration, green energy, etc.). Or it would imply beefing up / reprofiling regional institutions working on regional integration (e.g. the Regional Cooperation Council) in order to empower them, taking into account the subsidiarity principle. Such a commitment would spur the Community spirit and Jean Monnet method in the region, which the EU so much needs in present times, and pave the way for deeper integration in the future.

60 Hackaj, A. and K. Hackaj. The Berlin Process 2014–2018. *CDI Berlin Process Series*. Vol. 3/2018.

61 Marciacq, F. 2017. *The EU and the Western Balkans after the Berlin Process. Reflecting on the EU Enlargement in Times of Uncertainty*. Sarajevo: Friedrich Ebert Stiftung.

62 The Member States “to assist each other in carrying out the tasks which flow from the Treaties”.

- 4) Proclaim the indivisibility of the European perspectives of the region as a cornerstone of a renewed narrative premised on reconciliation. Solidarity in accession, in that narrative, would be posited as a pinnacle of reconciliation and good neighbourliness. Again, this new narrative should not be imported from the EU but advocated by the region itself. It would signal a vibrant paradigmatic break with prevailing political approaches. These approaches (at best) tend to pigeonhole reconciliation and good neighbourliness as issues that can be addressed directly through specific policies, or as boxes to be ticked as quickly as possible. But there is no shortcut to reconciliation and good neighbourliness. For instance, how can the proposed land swap between Serbia and Kosovo possibly contribute to advancing reconciliation and good neighbourliness, when, at the same time, it re-asserts the primacy of ethnicity in Western Balkan politics as solution to a problem rather than the problem itself? When it so much deviates from the ethos of the European integration and key principles of international politics? When it neglects to consider the internal, regional, and supra-regional implications that a deal negotiated in haste, against the backdrop of mutual accusations and without popular support, may have? Solidarity in accession, by contrast, would commit the countries of the region to turning the page on ethnonationalism and streamlining reconciliation and good neighbourliness as cross-cutting challenges, for which no quick-fixes exist (“the path to EU accession is the goal”).

Calling on robust solidarity is aiming high, but the need for strategic change, which is as pressing as ever, necessitates ambitious moves. Turning a blind eye to the rising lengthiness and unpredictability of enlargement policy and ineffective transformation of accession policy and simply “hoping for the best”, is no strategy. As the EU’s enlargement strategy only offers “more of the same”, it would be up to the countries of the region to initiate the strategic change needed in their approach to accession by prioritising robust solidarity.

There is, arguably, an appetite for it in the region. Four years of the Berlin Process have helped identify gaps in regional cooperation. Regional energies have been unlocked and the level of ambition in that area has risen. The Vienna Summit in 2015 introduced people connectivity as a new priority for the region. The Trieste Summit in 2017 marked a clear shift from economic cooperation to economic

integration, where much remains to be done. Regional meetings have become more frequent than ever, at all policy levels. And to improve their living conditions, citizens across the Western Balkans believe more in regional cooperation than in EU accession. Seventy-two percent express their support for the former versus 49% for the latter.<sup>63</sup> Few believe that accession alone is a panacea, and for good reason. In Croatia, the GDP per capita has remained at the same level of 60% of the EU 25 average since 2013, and the median income remains below the 2010 level. Unemployment has decreased, but temporary and precarious jobs have risen correspondingly. Emigration, three times higher since accession, has become a serious challenge. At the state level, reconciliation and good neighbourliness have not progressed much, unlike nationalism and Euro-scepticism. Everywhere in the Western Balkans, social movements pound the pavement and fight for a paradigmatic change in governance, which they doubt will automatically come in the course of EU accession.<sup>64</sup>

More than the EU’s flawed approach to accession today, robust solidarity would be a just cause to fight for. Rather than a substitute for accession, it would in fact increase the leverage of the countries of the region in negotiating an approach that takes regional needs into consideration more (in terms of investments, education, emigration and green energy in particular). It would make lobbying more effective, for instance, when it comes to the inclusion of a budget line in the next MFF to reflect the region’s needs. And it would level off the asymmetrical relationship between the member states of the EU and the countries of the region, especially when the former (mis)use their veto power against the latter. Would the EU’s non-recognisers be able to uphold their position against Kosovo so firmly if it meant that they had to oppose six countries instead of one? With solidarity in accession, the whole region becomes more than the sum of its parts. Is it not also what European integration is about?

Robust solidarity would not only be beneficial to the whole region by increasing its negotiating power vis-à-vis the EU and its member states; the potential it carries in terms of effective transformation would be the real game-changer for Western Balkan societies. Robust solidarity would first render bilateral disputes largely irrelevant, since a country blocking its neighbour would be blocking itself. Border disputes would lose their political sensitivity and

<sup>63</sup> Regional Cooperation Council. Balkan Barometer 2018.

<sup>64</sup> Jusic, M. May 2018. Unequal Chances and Unjust Outcomes: Confronting Inequality in Southeast Europe. Sarajevo: Friedrich Ebert Stiftung.

bilateral character; pressures from the region would limit their securitisation; and intra-regional issue-linkages could ease their resolution by expanding the negotiation frameworks. Ethnopolitics, automatically reframed as a negative sum game, would be under high pressure.

Robust solidarity, secondly, would provide fertile ground for the emergence of more constructive cleavages in the region, forcing leaders to clarify their position vis-à-vis contentious (and often concealed) preferences (related to the past, nationalism, democratisation, social justice, etc.). The argument here is that transnational solidarity, as a guiding principle, is harder to reconcile with dubious preferences than support for EU accession, and it is therefore unlikely that nationalist leaders, for instance, would support it (openly or tacitly) if it comes at a cost. Robust solidarity in that sense would contribute to politicising EU accession by exposing the various understandings of European integration and making it clear that nationalism is incompatible with EU accession. It would create room for more cosmopolitan-minded leaders for whom EU accession is a political process to be fought for and encourage transnational mobilisation in favour of a wide spectrum of transnational issues (social justice, rule of law, etc.). Solidarity would not only give reconciliation and good neighbourliness a fresh impetus, it would largely reshuffle the Western Balkans' political scenes, possibly bringing a new generation of leaders to the forefront and offering new political alternatives to Western Balkan citizens.

### Faster Accession, More Resilient Transformation, Deeper EU Integration

This proposal for a new approach to accession will expectedly raise objections. A serious one pertains to the fact that the proposed approach, giving precedence to collective solidarity, may eventually make it easier for the member states to sweep accession under the rug. Since robust solidarity dictates that the countries of the region shall join the EU together, *en bloc*, or shall not join at all, the risk is that the region would only join the EU when the least prepared country passes the increasingly demanding "strict but fair conditionality" test of the EU. That may take decades at best, even in the event of a transformation jump. How to address this issue and make sure that the region's horizon for EU accession does not taper off over time?

Another serious objection, conversely, pertains to the fact that the proposed approach may suggest

giving up on individual responsibility and cornering the EU in accepting new members that are not yet ready (for the sake of regional solidarity). How to address this issue and make sure that free-riders do not take advantage of solidarity and ultimately, in case of premature accession, do not weaken the EU's political order? Both objections are legitimate. Shortening the time horizon of the group's accession perspectives would be essential to gain the support of those countries who believe they may join earlier (the so-called frontrunners). But that would suppose relaxing conditionality, which most member states would not accept. The challenge for this new approach to fly would then be to navigate between Scylla and Charybdis: shortening the time horizon of the region's accession as whole, while making sure to uphold high standards of transformation.

Robust solidarity, first of all, would have a systemic impact on the enlargement and accession policies, arguably giving a fresh impetus to both. It would strengthen the negotiating power of the countries of the region in times of uncertainty, foster a paradigmatic shift in Western Balkans politics away from ethnonational competition, and better contribute to effective transnational transformation. Robust solidarity alone could perhaps allow the region to shorten the time horizon of its accession, while demonstrating high standards of transformation.

But since strategic thinking implies "hoping for the best and preparing for the worst," consideration should be given to the possibility that robust solidarity could have a weaker systemic impact than expected. One way to address this issue would be the advancement of a more robust approach to post-accession conditionality.

The documented experience of previous enlargements shows that the brutal shift from pre-accession adaptation to post-accession policy autonomy is a source of institutional instability, possibly fuelling setbacks in post-accession compliance and loyalty.<sup>65</sup> It also indicates that stricter pre-accession conditionality does not necessarily secure irreversible post-accession compliance. Therefore, instead of focusing on the pre-accession phase only, the transformation strategy followed by would-be member states should anticipate post-accession setbacks and offer ways to address them *before* they unfold.

In order to take steps against violations of democratic standards in individual member states, the EU today can rely on three different approaches, which unfortunately have not proved effective

65 Hillion, C. 2017. Adaptation for autonomy? Candidates for EU membership and the CFSP. *Global Affairs*. Vol. 3(3).

to date. The Community approach has since 2014 provided an early-warning mechanism (the Rule of Law Framework), which has not functioned well in the case of Poland and Hungary. The intergovernmental approach, also launched in 2014, provides room for discussion in the Council on an equal footing (the Rule of Law Dialogue), but with no implications, since the agenda is set by the member states and there is no naming and shaming. Lastly, there is the judicial approach, provided by article 7 TEU and article 258 TFEU. The former includes a hardly applicable sanctioning mechanism, which can go as far as the suspension of voting rights, while the latter provides an infringement procedure only applicable to breaches of specific EU law provisions.<sup>66</sup>

The EU's toolbox to safeguard democracy also includes the Cooperation and Verification Mechanism (CVM) used with Bulgaria and Romania with respect to judicial reforms and the fight against corruption and organised crime. The CVM introduces country-specific benchmarks, which do not apply to incumbent member states, enhance monitoring in those policy fields, and provide the possibility to impose safeguard measures (e.g. exclusion of the internal market) as well as financial sanctions. The CVM has been no panacea, but it proved useful in highlighting shortcomings and empowering civil society organisations and political parties running for elections on an anti-corruption agenda. When linked to the questions of Schengen membership or access to structural funds, it provided leverage for reforms.<sup>67</sup>

In its 2018 enlargement strategy, the EU acknowledged that "when considering the future of the EU, a more effective mechanism needs to be put in place to ensure the effective measures can be taken to tackle a systemic threat to or a systemic breach of these values." This call for "more effective" post-accession conditionality should be given serious consideration. It could be integrated into the region's new approach to accession in the form of an enhanced CVM, which would include:

- 1) a commitment of the countries of the region to undergo greater post-accession tailor-made scrutiny, possibly with the pivotal contribution of external (non-EU) monitors (e.g. from the Council of Europe) to minimise self-serving biases.

66 Expert Group of the Friedrich Ebert Stiftung. March 2018. The Other Democratic Deficit. A Toolbox for the EU to Safeguard Democracy in Member States.

67 See also Gateva, E. October 2010. Post accession conditionality: Support Instrument for Continuous Pressure? KFG Working Paper 18.

- 2) to accept that certain rights (including voting rights) would only be granted in some policy areas upon reaching (and maintaining) pre-defined standards;
- 3) to surrender to enhanced enforcement mechanisms, premised on more automaticity and a wider scope of sanctioning (in particular by linking access to EU funds to respect for EU values);
- 4) to establish an innovative framework empowering civil society organisations in relation to the use and development of the mechanism for the purpose of sustained transformation.

Though politically costly, this enhanced CVM would enable the countries of the region to

- 1) stay united and solidary in supporting the EU accession of their group, despite heterogeneous levels of transformation, since post-accession conditionality would apply to all;
- 2) lobby together for the shortening of the time horizon of their grouped accession, since frontrunners would not be "blocked" by more problematic countries;
- 3) balance solidarity and responsibility, since free-riders would have to face stringent *ex post* consequences after accession;
- 4) strengthen the "fair but strict conditionality" principle guiding the enlargement policy, since conditionality would apply more consistently before *and* after accession.

A proposal in that sense, at first only applicable to the Western Balkans upon their accession to the EU, would opportunely resonate with key suggestions formulated by experts exploring ways to safeguard democracy across the whole EU.<sup>68</sup> These recommend the establishment of a monitoring mechanism to regularly assess compliance with democratic standards and the rule of law in EU member states, the extension of conditionality to access to EU funds and programmes, and an extensive interpretation of art. 258 TFEU's scope of application, and enhanced support for civil society and freedom of the media. The new approach pursued by the Western Balkans

68 Expert Group of the Friedrich Ebert Stiftung. March 2018. The Other Democratic Deficit. A Toolbox for the EU to Safeguard Democracy in Member States.

region should advocate a first step in that direction.<sup>69</sup> It would be a source of positive differentiation and help the EU to increase governance quality and avoid backsliding. Unlike the member states of previous enlargement waves, who have negotiated opt-outs and thereby increased negative differentiation in the EU, the countries of the Western Balkans would readily impose on themselves more stringent conditions of EU membership in exchange for more credible accession perspectives. This contribution to differentiation would be particularly strong if accession, instead of being a one-off event, could be framed in terms of graded membership.<sup>70</sup> Distinctions between affiliate, associate, and enhanced membership could be made in the post-accession phase.

Upon accession of the group (at a shorter time horizon than the one implicitly set in the absence of post-accession conditionality), the countries of the Western Balkan group would receive the status of Affiliate Members. This status would allow them to participate in an extended range of EU sectoral policies and programmes, to partly benefit from EU structural funds, and to actively attend meetings in EU institutions (policy shaping rather than policy making). A good track record would then allow them to become Associate Members, i.e. get increased access to EU funds, gain decision-making power where qualified majority is required, and be consulted when unanimity applies (while being nonetheless bound by the full spectrum of EU law). Finally, a very good track record would allow them to be granted Enhanced Membership, i.e. to vote when unanimity is required too, while remaining bound to post-accession conditionality obligations. This status, exemplifying positive differentiation, would be open to all member states under the same conditions as those applying in the post-accession conditionality framework.

## Conclusion

Almost seventy years ago, French foreign Minister Robert Schuman laid down his vision of a Europe that “will not be made all at once, or according to a single plan” but will rather be “built through concrete achievements which first create a de facto

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<sup>69</sup> NB: This proposal to strengthen the CVM could be advanced regardless of the strategic approach to accession. Arguably, it would nonetheless help facilitate the acceptance by the member states of an approach questioning the regatta principle, since the enhanced CVM would imply stricter conditionality.

<sup>70</sup> See Schimmelfennig, F. June 2016. Graded Membership in the European Union: Good Governance and Differentiated Integration. KFG Working Paper 73.

solidarity.”<sup>71</sup> These concrete achievements were not meant to create solidarity for its own sake. They were to ignite a virtuous circle, whereby concrete achievements would create solidarity, leading to greater achievements and more robust solidarity, etc. This virtuous circle has brought wide-ranging benefits to Europe in the past decades and solidarity, in that sense, has been more than a simple value: it has been the raw material of European integration, without which no progress could be made, and an abundant source of inspiration.

Solidarity has never been a footnote in the cyclical discussions on the future of European integration, but it has progressively lost resonance and its inspirational power. The lack of solidarity, which the EU and its member states exhibit in important issue-areas today, explains much of the crisis the EU faces. Without robust solidarity, there cannot be a strategic vision transcending national self-interests in the EU. Solidarity is needed in Europe, not only to cement European societies, but to sustain the EU’s singular polity. The peculiarity of solidarity is precisely that it transcends the “widening vs. deepening” debate. Its virtuous circle strengthens both logics of European integration.

Solidarity is an important value for the EU for these reasons, but it should be considered even more important for the Western Balkans today. More than twenty years after its Regional Approach, the EU does not seem to have found the right recipe for the Western Balkans. Its regatta approach, which gives competition precedence over solidarity in accession, has not been as constructive and effective as expected, and recent developments point to an accession process fraught with increasing lengthiness and unpredictability. A strategic change is needed. Solidarity in EU accession would radically alter the prevailing paradigms in the region and make ethnopolitics less relevant. It would create constructive cleavages, foster transnational mobilisation, and be conducive to more effective transformation.

More importantly, it would be a source of inspiration in the Western Balkans and the EU. Solidarity in accession would spotlight reconciliation and good neighbourliness – a new narrative for enlargement to which the EU could more readily adhere. It would create room and increase leverage for innovative solutions. Post-accession conditionality is one of them. It would allow both to shorten the time horizon of EU accession and to deepen EU governance. It would be one more “concrete achievement” pushed forward as a result of “de facto solidarity” – an achievement from which the whole EU would benefit.

.....  
<sup>71</sup> The Schuman Declaration, Paris, 9 May 1950.

That all starts with acknowledging a sobering reality: “business as usual” will not do the trick in the Western Balkans. Progress, if any, has not been as quick, as broad, and as deep as expected; the regatta approach divides the Western Balkans more than it unites them; and strategic change is needed to advance effective transformation. Solidarity, as an answer to these challenges, may be a utopia. Just like Schuman’s vision of Europe.

## The Friedrich-Ebert-Stiftung in Southeast Europe

After more than two decades of engagement in southeastern Europe, the FES appreciates that the challenges and problems still facing this region can best be resolved through a shared regional framework. Our commitment to advancing our core interests in democratic consolidation, social and economic justice and peace through regional cooperation, has since 2015 been strengthened by establishing an infrastructure to coordinate the FES' regional work out of Sarajevo, Bosnia and Herzegovina: the Regional Dialogue Southeast Europe (Dialogue SOE).

Dialogue SOE provides analysis of shared challenges in the region and develops suitable regional programs and activities in close cooperation with the twelve FES country offices across Southeast Europe. Furthermore, we integrate our regional work into joint initiatives with our colleagues in Berlin and Brussels. We aim to inform and be informed by the efforts of both local and international organizations in order to further our work in southeastern Europe as effectively as possible.

Our regional initiatives are advanced through three broad working lines:

- Social Democratic Politics and Values
- Social and Economic Justice
- Progressive Peace Policy

Our website provides information about individual projects within each of these working lines, past events, and future initiatives: <http://www.fes-southeasteurope.org>

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