

# South East Europe: Facing Western Upheavals and Regional Backslide

with Supplementary Reflections  
on Rule of Law Issues

**Predrag Jureković (Ed.)**

Study Group Information



UNSER HEER



Study Group Information

Predrag Jureković (Ed.)

# **South East Europe: Facing Western Upheavals and Regional Backslide**

**with Supplementary Reflections on Rule of Law Issues**

**Selected Papers of the 34<sup>th</sup> and 35<sup>th</sup> Workshop  
of the PfP Consortium Study Group  
“Regional Stability in South East Europe”**

**Joint Edition**

**7/2018**

Vienna, April 2018

**Imprint:**

Copyright, Production, Publisher:

Republic of Austria / Federal Ministry of Defence  
Rossauer Lände 1  
1090 Vienna, Austria

Edited by:

National Defence Academy  
Command  
Stiftgasse 2a  
1070 Vienna, Austria

In co-operation with:

PfP Consortium of Defense Academies and Security Studies Institutes  
Garmisch-Partenkirchen, Germany

Study Group Information

Copyright

© Republic of Austria / Federal Ministry of Defence  
All rights reserved

April 2018

ISBN 978-3-903121-43-0

Printing:

ReproZ W 18-xxxx  
Stiftgasse 2a  
1070 Wien

## Table of Contents

Table of Contents.....	3
Foreword	
<i>Predrag Jureković</i> .....	5
Abstract.....	7
Keynote Speech	
<i>Wolfgang Petritsch</i> .....	9
<b>PART I</b>	
<b>EU &amp; U.S. – LIBERAL DEMOCRACY UNDER CHALLENGE.....</b>	<b>17</b>
The Western Balkans’ EU-Perspective in an Era of New Challenges and New Uncertainties – External Game Changers of an Agonizing Accession Process	
<i>Michael Schmunk</i> .....	19
The Trump Administration and the Balkans	
<i>Matthew Rhodes</i> .....	37
<b>PART II</b>	
<b>DEMOCRATIC PROCESSES &amp; REGIONAL RELATIONS.....</b>	<b>43</b>
Democratic Processes and Regional Relations: (De)Normalization of Relations between Kosovo and Serbia	
<i>Lulzim Peci</i> .....	45
Democratic Processes and Regional Relations: Montenegro in the Context of its Euro-Atlantic Integration and the Current State of International Relations	
<i>Blagoje Gledović</i> .....	59
Bosnia and Herzegovina – Something Old, Something New, Something Borrowed, Something Blue	
<i>Denisa Sarajlić</i> .....	71

Albania’s Changing Relation with the Internationals: New Directions or a Reactionary Move? <i>Alba Cela</i> .....	87
Democratic Backsliding in Serbia – (In)Stability and Public Perceptions <i>Isidora Stakić</i> .....	99
PART III	
ECONOMIC CHALLENGES .....	115
Western Balkan Economic Trends and Challenges <i>Mario Holžner</i> .....	117
PART IV	
REFLECTIONS ON RULE OF LAW ISSUES OF THE 35 <sup>TH</sup> RSSEE WORKSHOP.....	133
Rule of Law in the Western Balkans: Some Reflections on Higher Legal Education <i>Sebastian von Münchow</i> .....	135
The Role of USKOK in Strengthening the Rule of Law in Croatia <i>Saša Manojlović</i> .....	143
PART V	
POLICY RECOMMENDATIONS .....	155
Policy Recommendations: “South East Europe: Facing Western Upheavals and Regional Backslide” “ <i>Regional Stability in South East Europe</i> ” Study Group .....	157
Policy Recommendations: “Rule of Law in the Western Balkans: Lessons and Way Ahead” “ <i>Regional Stability in South East Europe</i> ” Study Group .....	167
List of Authors and Editor.....	177

## Foreword

*Predrag Jureković*

This volume is composed of selected articles from the 34th and the 35th workshop of the Study Group Regional Stability in South East Europe. The 34<sup>th</sup> workshop that provided most of the articles which are presented here was conducted in Reichenau/Austria, from 4 to 6 May, 2017. Under the overarching title “South East Europe: Facing Western Upheavals and Regional Backslide” 40 experts from the South East European region and other parts of Europe, international organizations and major stake holder nations met under the umbrella of the PfP Consortium of Defence Academies and Security Studies Institutes and the Austrian Ministry of Defence, represented through its National Defence Academy and the Directorate General for Security Policy.

Subsequently, the 35<sup>th</sup> workshop that took place in Tirana/Albania, from 29 September to 1 October, 2017, was entitled “Rule of Law in the Western Balkans: Lessons and Way Ahead”. The Tirana workshop was supported by the regional partner organization, the Albanian Institute for International Studies, and the George C. Marshall European Center for Security Studies.

Viewed from the perspective of 2017, the cornerstones of the western consolidation policies toward the Western Balkans have been seriously shaken by the culmination of long-term crises within the EU due to the Brexit vote in the United Kingdom and the more unpredictable foreign policy of the U.S. as a consequence of Donald Trump’s win in the presidential elections. Nationalistic movements and individuals have seriously challenged liberal democratic values of the “western world”. This unclear international situation has given momentum to other important geopolitical actors in Europe – such as, Russia and Turkey – who are practising a more authoritarian political style – and, in the case of Tayyip Erdoğan’s Turkey, partly a very conservative interpretation of Islam.

In the Western Balkans, the aforementioned international upheavals, in particular in the EU, in 2017, have been reflected in the decline of bilateral, regional and intra-state relations. Nationalistic attitudes and policies in almost all the Western Balkan countries have been re-strengthened again. Compared with this, initiatives for fostering regional cooperation – for example “the Berlin Process” – have received less public attention. In parts I - III of this volume, the concrete political, economic and security implications of international upheavals on a still vulnerable Western Balkan region are analysed in eight articles. They are preceded by a key note speech that was given on this very topic by the former High Representative in Bosnia and Herzegovina, Wolfgang Petritsch, at the Reichenau workshop.

The two articles of part IV which are related to the topic of rule of law draw special attention to the lessons and best practices in international, regional and national efforts to promote more effective rule of law. Both parts of this volume close with a summary of recommendations of the respective workshops.

The editor would like to express his thanks to all authors who contributed papers to this volume of the Study Group Information. He is pleased to present the valued readers the analyses and recommendations and would appreciate if this Study Group Information could contribute to generate positive ideas for supporting the still challenging processes of consolidating peace in South East Europe.

Special thanks go to Veronika Fuchshuber and Benedikt Hensellek, who supported this publication as facilitating editors.

## Abstract

This volume is composed of selected articles from two workshops of the Study Group “Regional Stability in South East Europe” that were held in 2017. The main focus lies on the results of the 34<sup>th</sup> workshop (Reichenau/Austria, 4 – 6 May, 2017) which was entitled “South East Europe: Facing Western Upheavals and Regional Backslide”. Additionally, the second and smaller part of this publication refers to the 35<sup>th</sup> workshop (Tirana/Albania, 29 September – 1 October 2017) which addressed the topic of rule of law.

In the Western Balkans, the international upheavals, in particular in the EU (Brexit vote, etc.), in 2017, have been reflected in the decline of bilateral, regional and intra-state relations. Nationalistic attitudes and policies in almost all the Western Balkan countries have been re-strengthened again. Compared with this, initiatives for fostering regional cooperation – for example “the Berlin Process” – have received less public attention. The unclear situation in the “western world” has given momentum to other important geopolitical actors in Europe – such as, Russia and Turkey – who are practising a more authoritarian political style.

Both, the concrete political, economic and security implications of international upheavals on a still vulnerable Western Balkan region and the lessons and best practices in international, regional and national efforts to promote more effective rule of law are subject of profound analyses presented in this volume.





## Keynote Speech

*Wolfgang Petritsch*

By way of introduction to this topic, let me quote Javier Solana's 2003 European Security Strategy, which outlines a dreamland of sorts:

“Europe has never been so prosperous, so secure nor so free. The violence of the first half of the 20<sup>th</sup> Century has given way to a period of peace and stability unprecedented in European history.”

However, this dream was about to turn into a nightmare; Mogherini's EU Global Strategy of 2016, little more than a dozen years later, paints a bleak picture: “The purpose, even existence, of our Union is being questioned. [...] Our wider region has become more unstable and more insecure.”

This latest EU security doctrine goes on to identify 3 Cs which define the world we now live in: Complex, Connected and Contested. I would like to add to these a fourth C that describes our current situation: Confused/confusing.

What does this imply for the Balkan region – which was too often perceived as a peripheral region by Europe and often not given much weight in foreign policy considerations? (This has actually changed with the refugee crisis 2015!)

In fact, the region has always been at the crossroads of history, a focal point where spheres of influence overlap between

- Europe/the “West”
- the Islamic World (previously the Ottoman Empire) – where we now see an arc of intractable conflicts and weak states, spanning from Afghanistan via Iraq and Syria to Libya and beyond – an implosion of the post-colonial Middle East
- the Slavic World, i.e. the Russian Sphere of Influence or orthodox Christendom

Internal tensions have long divided the Balkans, along religious and ethnic lines. But these divisions have also always been stoked, manipulated, and employed by outside powers for their strategic aims. Right now, the tensions in the region are rising again – cue the recent article by senior US Senator McCain in the Washington Post, – the latest in a growing volume of publications calling the US and Europe to attention.

There are structural similarities to the crises affecting the countries of the region concerning corruption, state capture and parliamentary boycotts among others.

Country-specific current issues in the Western Balkans include:

- the acute political crisis in Macedonia/FYROM the name issue bears witness to the importance of identity questions in the region. Currently, the identity question of Slavs and Albanians in the country is central there.
- a dawning crisis in Albania, with the opposition boycotting parliamentary elections, and the PM toying with greater-Albania sentiments
- increasingly strained relations between Serbia and Kosovo and the unsettled status question of Kosovo
- the alleged coup attempt in Montenegro last October
- an uncertain future for Bosnia Herzegovina (BiH), where the Republika Srpska has secessionist ambitions, while in BiH most ethnic Croats carry a Croatian (=EU) passport

In short, the post-Yugoslav sphere has become a security recipient again. NATO expansion and EU membership are attempts at subduing the regional tensions.

All of these developments have to be viewed against the backdrop of geopolitical sea-changes. The Balkan region is influenced by opposing outside forces to an exceptional degree – 2 systems, or “Weltanschauungen” are on a head-on collision course there. In fact, the current instability mirrors a larger uncertainty about the future of the international order.

In 2008, Fareed Zakaria wrote: “The world is going America’s way, countries are becoming more open, market friendly and democratic.” This view of the post-Cold War world has recently been destroyed: The latest Freedom House Report shows democratic backsliding all over – both in the more “consolidated democracies” of Europe and the “hybrid regimes” of the post-Communist world. At the same time, free trade is on the retreat and countries are becoming more inwards-looking and closed with Trump and Brexit. This trend does not spare the countries of the Western Balkans.

Six countries and regions play an exceptional role in the Western Balkans, and all of them are currently undergoing more or less unpredictable developments. These are: the USA, the EU, Russia, Turkey, China and the wider Middle East.

In the USA, the election of Donald Trump marks a turning point: politically, economically, and in security. The political changes in the US mirror a trend towards populism, ethnic essentialism, and societal polarization visible elsewhere in the world. Economically, the announced re-negotiation of NAFTA, the scrapping of TPP and a general hostility towards trade mark the rejection of the global free-trade regime the US has initiated and pushed for since WWII.

Beyond this, Trump’s election marks a departure from the US’ role of underwriting the liberal international order militarily and financially. This order might have been born in 1945; but it was first fully actualized and enforced in the Yugoslav Dissolution Wars of the 1990s: Nowhere else have “humanitarian intervention” and “liberal state-building” been employed on a comparable scale.

The convictions behind these concepts – the belief in an “End of History” marking the victory of democracy and liberal values – seem damaged or lost since the costly and unsuccessful US interventions in the Middle East and the global financial crisis.

What can be said after 100 days of the new administration? Trump is not a strategic thinker – he sees the world in transactional terms, in costs and benefits. He styles himself as a dealmaker personality.

This approach does not bode well for the future of the Western Balkans, where the US has been a stabilizing factor after the upheavals of the 90s. Trump's willingness to accept spheres of influence for other powers – primarily Russia – could mean further US disengagement from the region. Trump has been outspoken in his admiration for authoritarians – this could give further backwind to such actors in the Western Balkans. He further sees the world in terms of civilizational conflict along ethnic and religious lines – another dangerous trend in the Western Balkans that he could help reinforce.

Another important stabilizing power after the Yugoslav wars is the European Union. The attraction of EU membership and its benefits, and the conditionality the Union applies to membership candidates have been the primary factor for the democratic and economic progress in the region, but the allure of the EU is declining.

Ever since the global financial crisis, the EU has been increasingly preoccupied with internal problems; not paying appropriate attention to the Balkan. At the same time as EU membership appears increasingly remote and unattractive, ethnic populism, autocratic tendencies, and state capture have made a comeback in the region. Populism and xenophobia are on the rise inside the Union as well; the fallout of the 2008 financial crisis and ethnic politics are threatening the European project and have fuelled Brexit. The future existence of the EU itself is put into question at every turn – most recently by the French presidential elections. This leaves little room for the formulation of a thought out common foreign policy towards the issues confronting the Western Balkans. These tendencies do not bode well for a liberal, democratic Balkan region.

Dangers of EU-Western Balkan engagement are:

- Ceremonial adaptation of EU values and discourse;
- elites adapt to the language and frames of “Europe” and “reformists”, while failing to tackle underlying networks of power, patronage, and bad governance.

Can EU-membership solve frozen conflicts? The experience of Cyprus suggests it might not.

Should the EU expedite Western Balkans EU accession for strategic reasons? There are dangers: EU might bring into its midst illiberal systems and latent conflicts – to the detriment of the EU’s aspirations to strategic depth and power. At the same time, the current slow pace of accession talks risks frustrating the liberal democratic forces in the region.

Two countries which were once constructive partners in the Western Balkans are now causing trouble in the region:

- Russia’s revisionist agenda is undermining democratic/liberal gains made in the Balkans.
- Russian strategy is to put stress on the Western-led World Order and undermine the European Union in every possible way.
- Russia has been backing divisive politicians and stoking simmering conflicts in the region, acting as a spoiler to attempts at European integration of the Western Balkans.

This strategy is played out through Russia’s traditional client, the Serbs; whether it is by acting as an economic lifeline for Republika Srpska or by delivering military equipment (airplanes, missile systems) to Serbia and establishing the controversial NIS humanitarian centre in the country.

Turkey has itself taken an increasingly authoritarian and revisionist turn in the past years; open talk of “restoring the Ottoman Empire” should be worrisome to anyone invested in a stable, democratic future for the region. The Ankara-funded Tirana Mosque – the largest in the region – attests to these plans.

Developments in the Middle East and their consequences have put further pressure on the West Balkan. The refugee crisis has tested the limits of state capacity in the region and provided fuel for populism. At the same time, Saudi Arabia and other Gulf States have been trying to expand their influence in this region as part of the *Islamic Umma*.

Saudi Arabia has been pouring money into the Muslim parts of Bosnia and Kosovo since the end of the wars, slowly expanding the reach of fundamentalist interpretations of the faith in the traditionally moderate popula-

tion. A disproportionate amount of “Islamic State” recruits in these countries is but one effect of this.

China is less interested in actively influencing the politics of the region. Its importance lies more in its capital surplus eager to find investment opportunities. With Chinese appetite for further US treasury bonds waning, the country is diversifying its investments, pouring billions into infrastructure and energy projects. The West Balkan region plays a part in China’s New Silk Road strategy as a bridgehead into Central Europe – highway and railway projects top the list of Chinese investments, connecting Serbia and Montenegro and Budapest and Belgrade, for example. The very different rules (rather rules-free) attached to Chinese investment – a lack of the conditionality that comes with EU and IMF funds – allows authoritarian Balkan leaders to diversify, thus shunning the reforms required of them.

What does this mean for the future of the Western Balkans region, politically, economically, and in the security field? Uncertainty has increased dramatically over the last 2 years. It is hard to say if the European Union and liberal democracies will prove resilient, or if the rise of illiberal/authoritarian models is a lasting trend. Will the future be defined by pluralist democratic states or is the ethnically defined nation-state the model of the future?

A lasting return of nationalistic politics in the heart of the “West” would certainly re-legitimize and strengthen respective trends in the Balkans. This would be especially problematic since the Balkan states are all ethnically divided!

A stronger engagement of the EU with the region is absolutely necessary; The EU has to cultivate strategic thought in the formulation of its foreign policy and come to terms with the fact that outside powers play an adversarial role.

The most important new factor will be the EU’s Security Strategy, seeking to establish a working relationship between NATO, the Western Balkan states, and the EU as a strategic triangle.

However, since the EU Strategy was formulated, Trump became the US President. So far, the US' approach to the region under his administration remains unclear – however, it is obvious that the role the US played in the 1990s is definitely over.

It is thus paramount to re-examine and re-assess the policy towards the region and the role of regional security arrangements:

- Of the EU – which needs to cultivate strategic thought as it is increasingly left to its own devices. The EU must accept the fact that outside powers play an adversarial role in the region.
- Of the OSCE and the role it might play to defuse the tensions between the different outside interests in the region.
- And not least, the role NATO's Partnership for Peace can play to stabilize the West Balkans.

These are issues which can and should be assessed in more detail in the upcoming workshops, which I'm sure will be highly interesting and fruitful.





**PART I**  
**EU & U.S. – LIBERAL DEMOCRACY**  
**UNDER CHALLENGE**



# The Western Balkans' EU-Perspective in an Era of New Challenges and New Uncertainties – External Game Changers of an Agonizing Accession Process

*Michael Schmunk*

“For Europeans, the European Union was a natural world. It is not anymore. It may be fair to say that the European Union (as we have known it) no longer exists.”  
*Ivan Krastev: After Europe*<sup>1</sup>

## I.

“In the light of the internal and external challenges that the region is facing, the European Council discussed the fragile situation in the Western Balkans, which it will keep under review. It stresses the importance of continuing on the reform path, good neighborly relations and inclusive regional cooperation initiatives. It re-affirmed its unequivocal support for the European perspective of the Western Balkans. Welcoming the progress made by the countries of the region, the European Council stresses that the EU remains committed and engaged at all levels to support them in concluding EU-oriented reforms and projects.”<sup>2</sup>

This was the most recent policy statement of the EU's Heads of State and Government on the present status and the future of its relationship with the **remaining “Six-Pack”**<sup>3</sup> of Western Balkans countries still outside of the Union, as I addressed them a year ago here at Reichenau. From the point of view of the “Western Balkans Six” or “WB6”, as the EU has started to call them since last year, this was the latest report from the member

---

<sup>1</sup> Krastev, Ivan: *After Europe*. Philadelphia, 2017, pp.107-108.

<sup>2</sup> The European Council: Conclusions by the President of the European Council, Brussels, 09.03.2017 (OR. EN), p.6.

<sup>3</sup> See also Schmunk, Michael: The multiple EU crises and the unfinished business in the Western Balkans: About immortal myths and harsh realities in the enlargement world. In: Predrag Jureković (Ed.): *South East Europe's consolidation in light of the EU crisis, refugee influx and religious extremism*. National Defense Academy, Study Group Information, vol. 4/2017, Vienna February 2017, p.77-85.

states on their enlargement perspective. Fourteen years after the EU's 2003 Thessaloniki commitments,<sup>4</sup> this impassionate, rather routine and bureaucratic statement does not reflect much of the former common vision of the EU and the Western Balkans Eight; it lacks most of the original spirit of optimism regarding the future of the seven post-Yugoslav states and that of Albania. In this context, it has been rather surprising that the EU Commission's very recent "White Paper on the Future of Europe" (March 2017) neither mentions the further future of its enlargement project, nor the region of the Western Balkans.<sup>5</sup> Moreover, Frederica Mogherini's latest foreign and security policy strategy<sup>6</sup> does not say much new about the EU's future enlargement policy and in particular the European destiny of the Western Balkans:

"The strategic challenge for the EU is that of promoting political reform, rule of law, economic convergence and good neighborly relations in the Western Balkans and Turkey, while coherently pursuing cooperation across different sectors. EU policy towards the candidate countries will continue to be based on a clear, strict and fair accession process."

It is remarkable that the occasion of such EU milestone reports and "visions" for the future of the WB6 has been treated technically rather than politically, and decidedly not visionary.

---

<sup>4</sup> EU-Western Balkans Summit Thessaloniki, 21 June 2003: Declaration. EU-Document C/03/163, Thessaloniki, 21 June 2003 (10229/03 – Presse 163); see the most recent reaffirmation of this 2003 EU commitment by Germany's foreign minister: Gabriel, Sigmar: Speech at the eighth Aspen Southeast Europe Foreign Minister's Conference, Berlin 31 May 2017: "European Union membership for the six countries in the Western Balkans – that's the goal!" ([www.auswaertiges-amt.de/english/speeches/.31.05.2017/speechbyforeignministersigmargabriel](http://www.auswaertiges-amt.de/english/speeches/.31.05.2017/speechbyforeignministersigmargabriel), accessed on 1 June 2017).

<sup>5</sup> Jean-Claude Juncker: White Paper on the future of Europe. Reflections and scenarios for the EU27 by 2025. European Commission, Brussels, 01.03.2017 (EU Commission, COM (2017)2025, 1 March 2017).

<sup>6</sup> Frederica Mogherini: Shared vision, common action. A global strategy for the European Union's foreign and security policy. Brussels, June 2016, p.24.

*What message does this contain, and for whom? What has changed, from both the EU and the aspirants' perspectives during the last 14 years?*

On the **positive side**, we witnessed and welcomed the **accession** both of **Slovenia** (1 May 2004) and of **Croatia** (1 July 2013). **Kosovo's move to independence from Serbia** (17 February 2008) made many in the EU and beyond happy with 114 recognitions<sup>7</sup> so far – though not everybody (It still faces resistance from five EU member states,<sup>8</sup> by Serbia and Bosnia and Herzegovina (because of an internal blockade by the Republika Srpska entity), by the two UN Security Council permanent members Russia and China, and by countries mostly from the former Soviet Union, Africa and Latin America. With all of the WB6, in the context of the Stabilization and Association Process (SAP), **Stabilization and Accession Agreements (SAA)** have been concluded.<sup>9</sup> Macedonia, Montenegro, Albania and Serbia have become **official candidate countries**. With Montenegro and Serbia, **accession negotiations** have been started and the **first chapters** opened. Bosnia and Herzegovina as well as Kosovo are **potential candidate countries**.<sup>10</sup>

On the **NATO** side, Slovenia became a full member state in 2004; Albania and Croatia followed in 2009; and Montenegro became NATO's

---

<sup>7</sup> As of 9 March 2017.

<sup>8</sup> Spain, Greece, Cyprus, Romania, Slovakia

<sup>9</sup> Macedonia 2005; Montenegro 2008; Albania 2009; Serbia 2012; Bosnia and Herzegovina 2015; In the case of Kosovo (2016), the SAA is an EU-only agreement which member states do not need to ratify – a policy due to the non-recognition of Kosovo by the five EU member states mentioned above.

<sup>10</sup> In September 2016, the EU Council invited the EU Commission to submit its opinion on the EU membership application of Bosnia and Herzegovina, submitted in February 2016; a key EU Commission questionnaire in this context, due to familiar divisions in BiH between the Serb-led entity Republika Srpska and the rest of the country, has remained unanswered so far. On 1 April 2016, the EU-Kosovo SAA entered into force. Both countries are still hosts to international stability forces on their grounds; also, both countries, in addition to the EU's various engagements, still host international "protectorate" elements such as the OHR and UNMIK. Further, Kosovo, though it has declared itself independent in 2008, continues to remain internationally under a special statute, prescribed by UN Security Council resolution 1244 (1999). As of 1 June 2017, it has been recognized by 114 out of 193 UN member states.

29<sup>th</sup> member on 5 June 2017, with the effect that practically the whole east coast of the Adriatic Sea has been included geo-politically in the Alliance, and thus the West (only the short stretch of the Bosnian coast<sup>11</sup> – Bosnia has been a NATO member to be – is still missing).<sup>12</sup> Bosnia and Herzegovina as well as Macedonia have been officially recognized in 2017 as NATO aspiring members.<sup>13</sup>

One could argue with good reason that this has not been a bad result at all. But this is unfortunately a deceiving picture. If one looks closer, both at the internal (WB6) and the external situation (EU), at the deficiencies of the inner reform processes of the Six, the decline of their expectations and their confidence in the EU, and last but not least, at the state and perspectives of the EU itself, the picture is rather gloomy and bleak.

**On the WB6 side**, their internal reform processes have not yet fulfilled expectations – neither in Brussels nor in the capitals of EU member states. The Six are still far away from coming close to at least fulfilling the fixed technical-legal accession conditions – not to mention some major political ones, for example the Serbian recognition of Kosovo, or the name problem of Macedonia, the request of Croats in BiH for an entity of their own and the Republika Srpska’s separation threat, or Kosovo’s inner Albanian majority vs. Serb minority problem, etc. In the course of this workshop, we had the opportunity to analyze the reasons for this in more detail and unprejudiced, country by country.

## II.

**On the EU side**, the picture has dramatically changed since Thessaloniki: For at least during a decade after the beginning of the SAP in **1999** – the

---

<sup>11</sup> Called the Neum corridor.

<sup>12</sup> Russia had tried with the help of intelligence action, some Serb mercenaries and its allies in domestic Montenegrin politics to prevent the Montenegrin government from joining NATO until the very last moment (some sources say by attempting a coup d’état). Russia wanted to retain access to the port of Tivat, and thus to the Adriatic for its navy in this strategically important country. See, among others: Schwarz, Karl-Peter: Lage, Lage und nochmals Lage. Warum Russland so erbost über den Beitritt Montenegros zur NATO ist. In: Frankfurter Allgemeine Zeitung, 07.06.2017, p.8.

<sup>13</sup> Together with Georgia.

**formal start signal of the Western Balkans' Eight enlargement process** – the EU was deemed, beyond all doubt, attractive for its presumably promising future, its powerful global economic role, its unquestionable inner strength, and the cohesion and solidarity among its members. Thus, the EU was completely free to formulate if not dictate unilaterally the general lines and the detailed conditions to be fulfilled by every accession searching country. This former overwhelming attractiveness of the EU, from the perspective of the accession applicants in the Western Balkans, only began to be put into question some years ago, when the enlargement fatigue of the club and its accession promises became more and more obvious, due to a whole range of reasons, some of which have been officially admitted by the EU, though others have not:

*Internally:*

- in principal, a growing resistance to an ever increasing integration of the member states into the Union (transfer of sovereignty)
- the repercussions of the never really digested (hasty) admission of Bulgaria and Rumania (rule of law; freedom of movement, etc.)
- the crisis surrounding Greece's financial debts and overall administration failure
- the increasing fear of militant Islamism and of terrorism
- the changing perception of the Muslim world within parts of European societies
- the rise of right-wing populism in European societies, in particular in Northern and Eastern Europe (Netherlands; France; Austria; Germany; Denmark; Visegrád Four/V4)
- the transformation of some EU countries' democracies and their rule of law into rather "controlled" or "guided" nationalistic democracies (Hungary; Poland)
- the rise of profound resentment, if not hostility, in some societies to further EU enlargement, in particular with regard to the Balkans (because of countries with Muslim populations and the establishment of radical Islamist groups in some parts of the Western Balkans, i.e. in Bosnia)
- Brexit



- the crumbling of fundamental inner EU principles, such as solidarity
- the attitude of some EU member states regarding specific potential members
- the principle lack of political and administrative energy and credible will of the EU to effectively move on with enlargement: inner consolidation first!

*Externally:*<sup>14</sup>

- the impact and repercussions of the (international) finance and bank crisis
- the impact of the refugee and migration crisis originating from the Middle East and Northern Africa (Balkan route)
- the return of aggressive geopolitics (above all with the Balkans having emerged as a key target of Russian hybrid strategies within Europe<sup>15</sup>; Turkey with still unclear objectives)
- the export of radical Wahhabi Islam from Saudi Arabia and other Middle East countries, and to a smaller degree from Pakistan and from Malaysia
- the outcome of the recent U.S. presidential elections (no return of a “Balkans friendly” Clinton administration)

---

<sup>14</sup> Regarding the *external* roles of Russia, Turkey and the U.S., see the specific contributions included in this and the 2015 publication (Felberbauer/Jureković (Eds.): A region in limbo, as in fn.15.

<sup>15</sup> See most recently Chivvis, Christopher S.: Understanding Russian “Hybrid Warfare” and what can be done about it. Testimony presented before the House Armed Services Committee on March 22, 2017. RAND Corporation, CT468, Santa Monica, CA, 2017 ([www.rand.org/pubs/testimonies/CT468.html](http://www.rand.org/pubs/testimonies/CT468.html)). The PFP Consortium Study Group discussed the Russia factor in depth at its 30<sup>th</sup> Workshop in April 2015: Felberbauer, Ernst M./Jureković, Predrag (Eds.): A region in limbo. South East Europe in the light of strained Western-Russian relations. National Defense Academy, Study Group Information vol.26/2015, Vienna September 2015.

### III.

These developments, occurring more or less over the last decade, but in particular within the last few years have shown: EU enlargement has long lost its obviousness, despite numerous promises in the past, most recently at the March Council 2017. While in 2003 the future EU membership of the Western Balkans' states was still declared "irreversible", now voices can be heard again claiming that the whole process might be very well be "reversible".<sup>16</sup> Thus, it was not surprising that the responsible EU Commissioner for enlargement, Johannes Hahn, dutifully reiterated this EU basic policy line at the recent Sarajevo "Western Balkans Six Leaders' Summit"<sup>17</sup> in the familiar empty shell: "The EU as a whole fully understands the severity of the situation in the region, as well as its hard-headed self-interest to promote your countries' European destiny... Even more importantly, the European Council last week unequivocally confirmed your European futures."<sup>18</sup> What though is the meaning of Commissioner Hahn's "European futures"? Is this still an equivalent for "becoming full members"? A commitment to the clear Thessaloniki promise "you will be members some day"? Or rather a template for "let's continue with the accession processes and see what is politically possible once you have fulfilled the technical preconditions"? And, equally important: Is it true that *all* of the now 27 still have the same ideas when it comes to the EU related futures of the WB6? Is there still an "EU as a whole" Western Balkans' policy, after all that has happened (see above!)? With the EU5 still refusing to recognize Kosovo? Beyond those among the EU27 who indicated that they increasingly have problems selling to large parts of their societies the idea of states with Muslim populations becoming full members – which is something they fiercely oppose even when it comes to admitting individual Muslims with the status of refugees or asylum seekers? With those among the EU27 who see in each and every additional member state a serious threat to the EU's cohe-

---

<sup>16</sup> See, for example, Martens, Michael: Im verschönerten Wartezimmer. Wie Deutschland gegen die „böse weiche Macht“ Russlands auf dem Balkan Einfluss nimmt. In: Frankfurter Allgemeine Zeitung, 13.05.2017, p.8.

<sup>17</sup> Speech by Johannes Hahn at the Western Balkans Six Leaders' Summit, Sarajevo 16 March 2017, [www.ec.europa.eu/commission/commissioners/2014-2019/hahn/announcements/speech-johannes-hahn-wester-balkans-six-leaders-summit\\_en](http://www.ec.europa.eu/commission/commissioners/2014-2019/hahn/announcements/speech-johannes-hahn-wester-balkans-six-leaders-summit_en), accessed on 17.03.2017.

<sup>18</sup> Ibid., p.2.

sion and thus its ultimate survival, in particular when it comes to potentially new members from a group of countries that were predicted to fail, such as Romania and Bulgaria, and maybe even Croatia as negative examples, and therefore became automatically predetermined breaking points of the Community? Bluntly said: “the EU cannot afford any further troublemakers.”<sup>19</sup> But let us have a closer look at some of the insidiously evolving enlargement conditions and policies:

*Enlargement: The Accession Process and Decision Making:*

The procedures so far have been as follows: The accession process is based on Article 49 of the Lisbon Treaty, which establishes the conditions of eligibility for applying for EU membership and the procedure for becoming a member. Once you have been granted candidate status, politically and formally by the European Council, the European Commission takes over and guides you through the negotiations on the 35 negotiation chapters covering the entirety of the EU *Acquis*. This process is above all a technical-legal one. Once the Commission has concluded the negotiations successfully, it submits a technical-legal recommendation to the Council. The Council, based on the political decisions of the governments of the member states, taking into account the political will of their parliaments’ majorities, politically-formally has to approve unanimously. Also, the consent of the European Parliament is required. Eventually, the parliaments of the member states must ratify the accession agreement according to their constitutional requirements. Over the course of 34 years, 22 new member states have joined in seven separate enlargements – more or less smoothly. However, during the final stages of the adoption procedures on Croatia, when out of all member states only its neighbor Slovenia caused trouble frequently, it became obvious that political rivalry and animosity increasingly led to a veto position. This possibility had always been in the Treaty, but never seriously used before now, ironically in the case not only of two geographical neighbors, but also ones closely linked historically and politically within Tito’s Yugoslavia.

---

<sup>19</sup> See: Geinitz, Christian: Störfeuer auf dem Balkan. In: Frankfurter Allgemeine Zeitung, 28.02.2017, p.15.

Future accession decisions, it is safe to assume, will be much less predetermined by the Commission than ever before. Member states' governments will have to listen very precisely to what public opinion, to what national parliaments think and feel about a respective potential new member. In the future, meaning when it may come to enlargement decisions regarding the WB6, the voice of the people, not the recommendation of the Commissions bureaucrats, will have the decisive word. In particular at times of strong right-wing nationalist and identity populist parties and groups, the future of most, if not all, WB6 countries' EU membership looks rather bleak.

On top of this: It has become obvious that states who are already members of the EU have discovered that their veto on enlargement can be a very powerful instrument: they can hinder disliked candidates from joining, be they unwelcome as a direct neighbor (Slovenia vs. Croatia; Croatia vs. Serbia; Serbia and Croatia vs. BiH; Greece vs. Macedonia; eventually Serbia vs. Kosovo, etc.), or be it to blackmail the EU to get something for themselves out of Brussels as a trade-off. In this context, at the above mentioned WB6 Leaders' Summit in Sarajevo, March 2017, EU Commissioner Hahn has warned: "I don't think you can afford to squander this positive climate (*in Brussels*) through domestic confrontations and blaming neighbors."<sup>20</sup>

#### *Right-wing Populists:*

Significant fresh data from European societies with strong right-wing populists<sup>21</sup> regarding their opinion on enlargement in general and on specific candidates in particular are not available.<sup>22</sup> But, extrapolating it from respective party programs and public pronouncements of their parties and movements, there can be no doubt that among those nationalist, identity-an, homophobic and anti-Muslim voters the resistance against most, if not all, of the WB6 is very strong. Even in established so-called "Christian", conservative mainstream parties, the anti-Muslim (anti-Islam) attitudes have

---

<sup>20</sup> Hahn: Speech, as in fn.17, p.2.

<sup>21</sup> For example the Netherlands; France; Austria; Germany; Denmark; V 4.

<sup>22</sup> The most recent data can be found in Balfour, Rosa/Stratulat, Corina (Eds.): EU member states and enlargement towards the Balkans. European Policy Center, Issue Paper No.79, Brussels, July 2015 ([www.epc.eu](http://www.epc.eu)).

grown substantially, which means that even governments consisting of traditional, non-populist parties, simply cannot ignore such an attitude of the electorate, if they want to survive. This development – dating to the beginning of the refugee drama in 2015 – has become a major decision making factor when it comes to future enlargement. There is no question that this will make accession much more complicated if not impossible in some or even most cases. Both European institutions and the capitals prefer not to publicly discuss these changing conditions for future memberships. They stick to their mantra: business must go on as usual. Anything else would fundamentally discourage those politicians and citizens in the candidate countries still believing in *their* European future. And anything else would cause deep disappointment, bitterness, frustration, hopelessness, and eventually alienation regarding Europe, the EU and the West altogether. Destabilization and possibly even state failure could be the consequence – scenarios more realistic than ever.

### *Disintegration of the EU?*

Both the Brexit decision and President Trump's election sent shockwaves around Europe and the world. Also, the referendums in the Netherlands on the Ukraine Association Agreement (April 2016), in Hungary on the EU's migrants and refugees policy (October 2016), and in Italy on Prime Minister Renzi's agenda (December 2016) demonstrated that disintegration, which until then had been considered unthinkable, suddenly seemed to be possible. Could decisions on further EU enlargement – in the way of national referendums – become such dividing factors as well and eventually lead to disintegration?

The United Kingdom's decision (formerly on 29 March, 2017) to quit the EU has dealt a blow to enlargement supporters in the EU and in the Western Balkans countries. For both groups, Brexit will make a weaker Europe. Brexit also robs the EU of a strong advocate for further enlargement.<sup>23</sup>

---

<sup>23</sup> See, among many others, Dempsey, Judy: The ebbing of democracy in the Western Balkans. In: Carnegie Europe, 22 September, 2016 ([www.carnegieeurope.eu/strategieurope](http://www.carnegieeurope.eu/strategieurope)); also: Schwarz, Marco: Augen südostwärts. Der Balkan darf nicht erneut von der europäischen Agenda verschwinden. In: Internationale Politik und Gesellschaft, Berlin, 29.7.2016 ([www.ipg-journal.de/region-en/europa/artikel](http://www.ipg-journal.de/region-en/europa/artikel)).

Britain as well as Germany have been the most creative and supportive promoters of an EU Western Balkans enlargement among the 28.<sup>24</sup> In an interview with the German daily “Die Welt”,<sup>25</sup> Commission President Jean-Claude Juncker, against the background of the launch of the Brexit and the determination of major European populist parties to leave the EU and to abolish the Euro in the case of an election victory, warned anybody, including the new U.S. President Donald Trump<sup>26</sup> against promoting the EU’s disintegration:

“First thing that will happen if Europe falls apart”, said Juncker “will be a war in the Western Balkans”. The rapid rise of right-wing populist, mostly anti-EU populist presidential candidates and political parties and movements, has changed the political landscape in Europe. After the Brexit shock, Europeans started worrying that more member states, in the case of election victories of the populists, might eventually leave the already shattered and weakened Union as well. This topic was discussed during the 2017 election campaigns for the Austrian presidency, the parliamentary elections in the Netherlands, and the French presidential elections. Fears were high that these elections would bring such populists to power, enabling them to implement their xenophobic, anti-Muslim and, to a varying degree, anti-EU and thus anti-enlargement policies. Though the respective populists managed to increase their voters’ share, in none of the three cases did anti-EU parties prevail. The feared “triple jump” of European populists did not take place. That has been good news also for the WB6. But they themselves know better than anyone else: In the end, this could prove to be

---

<sup>24</sup> See e.g. the joint British-German reform initiative on Bosnia (of foreign secretaries Hammond and Steinmeier), Berlin, ASPEN Institute, 5 November 2014.

<sup>25</sup> Jean-Claude Juncker: „Als Erstes wäre ein Krieg im westlichen Balkan die Folge“. Interview by Andrea Bonanni/Alberto D’Argenio, in: Die Welt, 13.04.2017, [www.welt.de/politik/ausland/article163673925/Als-Erstes-waere-ein-Krieg-im-westlichen-Balkan-die-Folge](http://www.welt.de/politik/ausland/article163673925/Als-Erstes-waere-ein-Krieg-im-westlichen-Balkan-die-Folge), accessed on 13.04.2017.

<sup>26</sup> Juncker, in an interview with the British Financial Times (24.03.2017, [www.ft.com](http://www.ft.com)), has warned U.S. president Trump that calling for other EU members to leave the Union could lead to war in the Balkans: “Do not say that, do not invite others to leave, because if the European Union collapses, you will have a new war in the Western Balkans. If we will leave them alone – Bosnia Herzegovina, Republika Srpska, Macedonia, Albania, all those countries – we will have war again.”

a pyrrhic victory as it is unlikely that these populists<sup>27</sup> and “identitarians”<sup>28</sup> will vanish for good. Politicians of those parties and movements will be increasingly represented in EU national parliaments and the European Parliament.

The post-election performance of U.S. President Donald Trump has by now exceeded even the worst expectations of the Europeans in particular. Would Trump manage, as Putin had tried it both openly and covertly, to drive a wedge into the EU splitting an unwelcome primarily economic rival? Trump’s participation at the EU- and NATO summits in May 2017 seemed to unsettle both key pillars of nearly 70 years of successful transatlantic partnership. Since then, the terms of a “Zeitenwende”, a historical turning point, of an “Epochenbruch”,<sup>29</sup> an epochal watershed, have been spreading. To whom in Europe would Trump’s view of the world appeal? Who would benefit? How would EU members states, especially those with populist governments or at least strong populist movements react to such “geo-political loneliness”?<sup>30</sup> What would be the impact on the EU’s attractiveness from the perspective of the WB6? What conclusions, for example, would Kosovo and Bosnia and Herzegovina draw, two countries which have traditionally regarded the U.S. as their particular protector and friend? How to cope with such a gap of credibility? With both leading powers and political reference points, the EU and NATO, crumbling, who would be their new points of orientation? Russia? Turkey?

---

<sup>27</sup> See above all Müller, Jan-Werner: Was ist Populismus? Ein Essay. Berlin, April 2016; English: Müller, Jan-Werner: What is populism? Philadelphia, PA., August 2016.

<sup>28</sup> The right-wing, populist and anti-Muslim “Identitarian” movement was founded 2012 in France.

<sup>29</sup> See Doerry, Martin: Zeitenwende, Epochenbruch. Nach Trumps Ausstieg aus dem Klimaabkommen muss sich die Kanzlerin neue Partner suchen. In: Der Spiegel 23/2017, Hamburg, 03.06.2017, p.8.

<sup>30</sup> See, among others: The Economist: Charlemagne: How Trump, Putin and Erdogan unsettle the EU. Liberal values and the rule of law meet capricious populism. London, 25 May 2017. ([www.economist.com/news/europe/21722651-liberal-values-and-rule-law-meet...](http://www.economist.com/news/europe/21722651-liberal-values-and-rule-law-meet...), accessed on 30.05.2017)

In the course of the 2015 refugee crisis, one of the most central principles, one of the cornerstones of the EU, that of solidarity among member states, has not only been put into question, but rather been rejected and widely trampled on, with the V4s Hungary, Slovakia and Poland leading the way. This process of compromising fundamental EU values at home, leading to a dramatic impact on EU policies in the Western Balkans, and above all to the eroding of the solidarity principle, had started with the handling of the Greek financial crisis, a process dividing both South and North and East and West in the EU. National egos stronger and sharper than ever before in the Union seem to have replaced much of the constituent Community feeling. It is therefore foreseeable that those nationalist and egotistic members of the EU anticipate that if any of the WB6 were to be included in the Union, this would substantially aggravate the solidarity expectations within the EU. Under such conditions, would a Prime Minister Órban or Fico want to see new member states from the Balkans in there? Solidarity has not been the only constituent element in question. The internal political “construction sites” of the Union, labelled “further integration or not?” have proven to be numerous, not to mention the overwhelming question: “What EU do we want in the end?” Probably a very large majority of the EU27 (with Germany more or less holding up the enlargement flag alone) would insist that inner repair and reconstruction merit absolute priority, and that, for instance, the Western Balkans enlargement project has to be put on hold (EU Commission President Juncker accordingly has declared several times since 2014 that he does not see any accession for a long time to come<sup>32</sup>).

#### **IV. So, What Should Be the Answer?**

Postpone enlargement even further – if enlargement at all? Realistically speaking, under the circumstances already mentioned, and quoting both

---

<sup>31</sup> *Liberté, égalité and fraternité* (Robespierre, 1790) became not only the motto of the French revolution, but also somehow one of the founding mottos of the EU, where *fraternité* turned into *solidarity*.

<sup>32</sup> In this context, see, among others: Mappes-Niediek, Norbert: Beitrittskandidaten: Die EU hat auf dem Balkan viel an Reiz verloren. In: Deutschlandfunk, 08.02.2017 ([www.deutschlandfunk.de/beitrittskandidaten](http://www.deutschlandfunk.de/beitrittskandidaten)).



Commission president Juncker and the prime ministers of some member states, there will be no enlargement for all or even some of the WB6 in the foreseeable future, very probably not before 2025, or 2030 – I have discussed this already in my paper from the 2016 Reichenau workshop<sup>33</sup>.

My **two main proposals** remain:

The six remaining accession aspirants should negotiate *as a group* vis-à-vis the EU Commission and the European Council; their aim should be to join the EU together as a group (WB6).

The WB6 should lobby the *political* decision makers (the member states) rather than the EU executive and the Commission – while simultaneously, and here the Commission matters, pushing forward with the *technical-legal* negotiations chapter by chapter.

It has been interesting to see that since about the time of our 2016 workshop, both the EU institutions and the aspirants in the Western Balkans have begun to use the term “WB6” or the “pack of the Balkan Six”. Even more importantly, for the first time in history, the Prime Ministers of the region managed to meet at the Leader’s Summit in the Western Balkans, being welcomed by the responsible enlargement commissioner as “exactly the symbol we need at this moment.”<sup>34</sup> The Commissioner encouraged the Six to organize regular summits of this kind in the region from now on.

Given the fact that member states’ governments have to decide about, and parliaments will have to ratify any future accessions, probably one of the EU’s most sensitive moves, the Six need to organize themselves in a way that they could exercise optimal political pressure on the 27 directly. Single-handed approaches by one of the Six may be doomed to failure because of the principal question marks behind the EU’s overall enlargement approach, though no one in Brussels or in (most) capitals would admit this publicly. In my view, this would also be the most promising strategy to overcome the “macro problems” such as the ones between Athens and Macedonia, Zagreb and Belgrade, Belgrade and Pristina, Skopje and Tirana, etc. All of these “macro problems” will not be solved unless EU capitals,

---

<sup>33</sup> See Schmunk: The multiple EU crises, as in fn.3.

<sup>34</sup> See above, Hahn: Speech, as in fn.17, p.1.

Brussels, and maybe, in the end, even Washington throw their political weight onto the scales.

All of this would mean abandoning the, until now, effective EU policy of a merit-based enlargement process. According to this so-called “regatta-principle”, the pace of the crossing of the finish line, when it comes to the fulfillment of the EU access conditionality, will decide the order of future new memberships. But what would it help when Serbia fulfilled the EU conditions as the first candidate in line, but showed no willingness to recognize Kosovo? And what would be the advantage of Macedonia accelerating its reform process individually, while being aware that Greece might veto its membership eventually because of the state name problem? And BiH with the sword of Damocles, a possible veto from the Republika Srpska, hanging over its potential accession success? And what about Kosovo and its numerous political-international “macro-problems”? Fast and full fulfillment of the EU requirements may not help in the end. It seems obvious that such individual handicaps might destroy at the finish line all rowing gains of the ongoing WB6 regatta for EU membership. Approaching EU membership as a group, as WB6, would put the already more advanced aspirants under pressure to assist the ones behind, so that they could catch up with the top runners. And it would put all six of them individually under pressure to tackle the “macro-problems”, as far as they are concerned as well, already at an early stage. The EU, the member states’ publics and parliaments, on the other hand would be confronted with the sensitive psychological-political dilemma either to accept all or none.

Still, this seems to be a very long, stony path to go – with an uncertain outcome more than ever before, when a kind of automatism seemed to guarantee the accession once you became a candidate and negotiated the chapters technically-legally to the end. Although this comparison limps quite a bit, would it be completely unthinkable to already consider “alternatives” to full memberships now, as in the case of Turkey? If full membership turns out to be politically unacceptable to one or more or all of the 27, what then? An interim solution? Or rather a solution with everything else possible beneath the level of full membership? A “**membership lite**”? As a “**Plan B**”? Meaning something that would match Commissioner Juncker’s

“different circles, different speeds” scenarios?<sup>35</sup> Even a **“Plan C”** if none of the above work out? **Worst-case scenarios** in the end to save what can be saved? Regarding the upcoming Trieste<sup>36</sup> summit, a part of the 2014 launched **“Berlin Process”**,<sup>37</sup> Commissioner Hahn has proposed to the Six at their Leader’s Summit in Sarajevo “a Common Market for the Western Balkans, flanked by a set of sub-projects such as that of “physical connectivity” (roads; rail; power; gas)<sup>38</sup>. Our ambition is to remove barriers and create a single space for economic development. It will also make clear a long-term aim of integrating the Western Balkans Common Market into the EU’s Internal Market.”<sup>39</sup>

Prima facie, this proposal seems to be both very practical and reasonable. But can it be valued as a step on the WB6’s path to full integration into the EU’s single market – which means full membership eventually? Or can this proposal already be interpreted as an element of a future EU-WB6 relationship beneath full membership? A “surrogate” for full membership? Simply a redecoration of the EU’s waiting room?<sup>40</sup> Commissioner Hahn himself seems to have anticipated this question already when he said in the context of his proposal: “Trade integration is a step towards the EU, not an alternative to membership.”<sup>41</sup> The Six in any case seem to believe it, when they, in their Leader’s Summit declaration, welcome this “Connectivity Agenda” proposal of the Commission.<sup>42</sup> But what if, within the Commission, elements of “Plan B” have already been under consideration – would that be completely illegitimate, politically reprehensible? Why not at least establish a reflection group – this does not necessarily render Thessaloniki obsolete?

---

<sup>35</sup> Juncker: White Paper, as in fn.5.

<sup>36</sup> Berlin 2014; Vienna 2015; Paris 2016; Trieste, 12.07.2017;

<sup>37</sup> See the “Final Declaration by the Chair of the Conference on the Western Balkans”, The Federal Government, Berlin, 28 August 2014 ([www.bundesregierung.de/content/EN/Pressemitteilungen/BPA/2014/288](http://www.bundesregierung.de/content/EN/Pressemitteilungen/BPA/2014/288)); also: Gabriel: Speech, as in fn.4.

<sup>38</sup> See above, Hahn: Speech, as in fn.17, p.3.

<sup>39</sup> Hahn: Speech, as in fn.17, p.2.

<sup>40</sup> See Martens: Im verschönerten Wartezimmer, p.8.

<sup>41</sup> Hahn, Speech, as in fn.17, p.2.

<sup>42</sup> Joint Statement – Western Balkans Six Prime Ministers’ Meeting, Sarajevo, 16 March 2017, p.3 ([www.ec.europa.eu/commission/commissioners/2014-2019/hahn/announcements/joint...](http://www.ec.europa.eu/commission/commissioners/2014-2019/hahn/announcements/joint...)).

Such “Plan B” brainstormings should, however, depart from one condition sine qua non: the future of the WB6 as an integral part of Europe politically-economically will still have to lie in Europe, with the strongest bonds to the EU possible. But, of course, the ideas presented before, still belong to the area of constructive speculations. Hopefully, a “Plan B” will not be needed, for none of the Six, which means all of them will eventually be granted full membership. Maybe, as an irony of the EU’s short history, it will be just the drama of Brexit, anti-European values populists such as Órban – and in particular EU enemies like Trump that will compel the Europeans to close ranks and reform the Union from scratch. Trust in God may be helpful. However, thinking about alternative scenarios for the future of the WB6 in a timely manner may not be a bad idea at all.



# The Trump Administration and the Balkans

*Matthew Rhodes*<sup>1</sup>

Donald Trump's election as U.S. President topped the list of recent dramatic political developments across North America and Europe. Its potential significance for the Balkans was highlighted by Senator John McCain's conclusion from a spring 2017 tour that rising tensions in the region require intensified American engagement. In McCain's telling, the mix of ethnic friction, terrorist recruitment, and Russian interference mean "[w]e ignore this region at our peril."<sup>2</sup>

How the Trump administration might choose to respond to such calls has been open to debate. At least three conceptions of its approach – special relationship, new nationalism, and business as usual plus – have emerged. The weight of initial evidence favors the last, but this remains tentative and partial. A fuller version will require coordinated action with Germany, the European ally with greatest concurrent influence and interest in the region.

## Special Relationship

The notion of U.S.-Balkan ties mirroring the closeness traditionally ascribed to U.S.-British ones rests on a personal basis. As President Trump put it in July, "[t]his region has a special significance to me because...my wife is from Slovenia."<sup>3</sup>

---

<sup>1</sup> The views expressed here are solely those of the author. An earlier version of this paper was presented at the conference "Regional Rivalries and Security in the Western Balkans" in Struga, Macedonia, 25-27 September 2017 and a version of this text was previously published as Security Insights paper Nr. 22 of the George C. Marshall European Center for Security Studies (see: <http://www.marshallcenter.org/mcpublicweb/en/nav-publications-security-insights-en.html>).

<sup>2</sup> John McCain, "The Balkans are Heating Up Again - and Washington is Nowhere to be Seen," *Washington Post*, 27 April 2017.

<sup>3</sup> "Remarks by President Trump at the Three Seas Initiative Summit," 6 July 2017; <https://www.whitehouse.gov/the-press-office/2017/07/06/remarks-president-trump-three-seas-initiative-summit-july-6-2017>.

Melanie Trump, formerly Knavs, was indeed born and raised in that country in the Yugoslav era. This has now triggered a mini-boom in American tourism, including organized tours with stops at the First Lady's childhood home and grade school. Nonetheless, spillovers into policy seem limited.

For one thing, Slovenes are famously ambivalent about their connection to the Balkans. Most prefer to view themselves as culturally more rooted in Habsburgian Central Europe. President Trump's quote above actually comes from a speech in Warsaw at a summit of the Three Seas Initiative, a group of twelve EU states that includes Bulgaria, Croatia, and Romania but none of the "Western Balkans."

Moreover, Melanie Trump has kept to a more strictly private role than some of her predecessors. She practices neither the "two for the price of one" involvement in policy that Hilary Clinton offered in the 1990s nor the concerned watch over her husband's schedule that Nancy Reagan maintained the decade before. Similar contrast can be drawn with President Trump's first wife Ivana's open offer of service as ambassador to her native Czech Republic.

## **New Nationalism**

Several conservative to far-right political actors in Southeast Europe have embraced the alternative perspective that a Trump presidency would bring a more nationalist U.S. policy also toward their region. This was perhaps best illustrated by the pro-Trump demonstration organized in Belgrade during a visit by outgoing Vice-President Joe Biden in August 2016 by Vojislav Šešelj, the leader of the Serbian Radical Party accused of war crimes in the 1990s. Šešelj and his counterparts took candidate Trump's combative style, criticisms of NATO, and calls for closer ties with Russia as consistent with their own outlook.

Some of Trump's speeches since his election have further nurtured such perceptions. Examples include the emphases on "America First" at the President's inauguration, defending "Western civilization" in Warsaw during the summer, and national sovereignty at the U.N. General Assembly in the fall.

In practice, however, reality has fallen short of Balkan nationalists' expectations. Several advocates of dramatic change within the administration, such as former chief strategist Steve Bannon, have left their official posts. The most prominent actual reversals, such as withdrawal from the Trans-Pacific Partnership and the Paris Climate Accord, have not directly applied to Southeast Europe. In the meantime, Trump has deemed NATO "no longer obsolete,"<sup>4</sup> and Congress has strengthened sanctions against Russia.

### **Business as Usual Plus**

This has left the administration implementing a course toward the Balkans that looks more like business as usual or even modestly enhanced business as usual plus. Despite contrary speculation (and later viral video of President Trump pushing past the country's Prime Minister), the administration backed Senate ratification of Montenegro's accession to NATO. Vice-President Michael Pence's congratulatory speech at a regional summit in Montenegro in August emphatically embraced continuity as a rhetorical device to underline persistent U.S. support for the Dayton Accords, Serbia-Kosovo dialogue, and further Euroatlantic integration.<sup>5</sup>

Going beyond frequent deference to European diplomacy, over the spring and summer U.S. Deputy Assistant Secretary of State for South Central Europe Hoyt Yee also took the lead in brokering resolution of a series of political crises that had threatened formation of a government in Macedonia, opposition participation in elections in Albania, and "chaos" in Kosovo following disputes over establishment of a military and a border agreement with Montenegro.<sup>6</sup> The Macedonian case in particular had resisted prior mediation by top EU officials and seemed headed toward violent escalation. Yee also offered support for a subsequent, long-delayed friendship treaty between Macedonia and Bulgaria.

---

<sup>4</sup> Press conference with NATO Secretary General Jens Stoltenberg, 12 April 2017.

<sup>5</sup> Remarks by the Vice President at the Adriatic Charter Summit, 2 August 2017; <https://www.whitehouse.gov/the-press-office/2017/08/02/remarks-vice-president-adriatic-charter-summit>.

<sup>6</sup> "The Chaotic Western Balkans Take a Sudden Turn for the Better," *Economist*, 19 May 2017.



Such notable developments notwithstanding, questions remain about the depth and durability of this initial pattern, including in regard to diplomatic personnel. To be sure, new Assistant Secretary of State for Europe and Eurasia Wess Mitchell brings deep experience from his years heading the D.C.-based Center for European Policy Analysis. During his confirmation hearing in September, Mitchell identified “strengthening the Western alliance” as his “central task” and stressed he would “urge Moscow to cease its destabilizing activities in Ukraine, Georgia, Moldova, and the Balkans.”<sup>7</sup> On the other hand, Hoyt Yee is due for a rotation, and it is unclear whether his more region-specific slot will be retained within the State Department’s ongoing reorganization. At the same time, some have interpreted the early replacement of popular U.S. ambassadors in the region as a sign of de-emphasis.

A more fundamental issue is what has driven the gradual drift of American attention since the hot conflicts of the 1990s: the pull of competing challenges at home and abroad. Among the latter, the North Korean and Iranian nuclear programs, terrorism, and challenges from China in trade and other matters have topped the administration’s agenda. Meanwhile, domestic economic and social divisions have softened support for global engagement. This combination leaves even a prominent figure such as John McCain a virtual voice in the wilderness in warning of potential escalation of problems in the Balkans.

## **A Way Ahead**

Given the preceding mix of factors, the Trump administration’s most promising path forward toward Southeast Europe lies in pursuit of joint initiative with Germany. Europe’s serial crises since 2008 have led its strongest economic power to assume broader shared responsibility for the continent’s security. By 2015, Serbia’s Prime Minister (now President) Aleksandar Vučić explained that Chancellor Angela Merkel’s “decisive role” meant that Balkan nations’ “hopes rest on her.”<sup>8</sup>

---

<sup>7</sup> Statement of A. Wess Mitchell, Nominee to be Assistant Secretary of State for European and Eurasian Affairs, Senate Committee on Foreign Relations, 19 September 2017.

<sup>8</sup> „Deutschland sollte finanzielle Anreize für Flüchtlinge senken,“ *Frankfurter Allgemeine Zeitung*, 25 August 2015.

A U.S.-German tandem would recognize both the specialness and limits of America's position in the region. It would follow White House statements that while "America First doesn't mean America Alone,"<sup>9</sup> bilateral interactions are generally preferred to multilateral ones. Finally, it would bring needed reinforcement and innovation to the approach of business as usual plus; per the oft-quoted line from Guiseppe di Lampedusa's novel *The Leopard*, given dynamic developments, "if we want things to stay as they are, things will have to change."

Closer coordination with the United States should also be welcomed by Germany. Fresh U.S.-German initiative could fill the potential gap from the scheduled conclusion of the five-year Berlin Process project in 2018. Any successes would burnish Angela Merkel's legacy as she prepares to enter her likely fourth and final term. Cooperation on matters of common interest in the Balkans could also offset friction over other issues such as climate and trade. It could become a prominent pillar of the "strategic dialogue" announced by U.S. Secretary of Defense James Mattis and German Minister of Defense Ursula von der Leyen at the George C. Marshall Center in June 2017.

A potential lead-off project could be a joint push to advance Macedonia's candidacy at NATO's summit in Brussels next summer. Symbolically, the timing would roughly coincide with the tenth anniversary of the Alliance's conditional offer of membership at its 2008 Bucharest meeting. Various formulas would be possible, including backing proposals to issue a formal accession invitation and use the ensuing ratification period to resolve the country's name dispute with Greece. Regardless of the details, a genuine breakthrough would offer a timely counter to residual tensions in the country and reinforce the credibility of NATO's open door. It could pave the way for further efforts on outstanding issues between Kosovo and Serbia and political stalemate in Bosnia-Herzegovina.

---

<sup>9</sup> H.R. McMaster and Gary Cohn, "America First Doesn't Mean America Alone," *Wall Street Journal*, 30 May 2017.

## **Conclusion**

As the Trump administration heads into its second year, the Balkans presents a mid-spectrum set of challenges: serious enough to deserve greater attention but potentially manageable enough to yield policy “wins” at moderate cost. Working together with Germany would both boost the odds of progress and spread burdens on time and resources. A robust, coordinated version of business as usual plus in Southeast Europe could also generate positive spillover for transatlantic relations writ large.

**PART II**  
**DEMOCRATIC PROCESSES & REGIONAL**  
**RELATIONS**



# **Democratic Processes and Regional Relations: (De)Normalization of Relations between Kosovo and Serbia**

*Lulzim Peci*

## **Introduction**

Recent disturbing developments in the Western Balkans have brought to the surface a phenomenon of re-emergence of nationalism and confrontational politics with the West of numerous state and political leaders in the region. The firm blockage by Greece, of Macedonia's NATO membership and of the opening of negotiations for EU accession, the total blockage of Kosovo's prospects for a tangible approximation with NATO and EU, the double headed policy of Serbia with the West and Russia, the internal blockage of the functionality of the state in Bosnia and Herzegovina, all these coupled with the strengthening of authoritarian rule throughout the region, are moving the Western Balkans towards a dangerous path of populism and democratic deficit.

The fact that is difficult to be understood by the West is that the authoritarian rulers of the region are not genuinely interested in the EU membership, but they are simply manipulating 'the desire' for it in front of domestic and international audiences and counterparts, by projecting themselves as the ones who can guarantee this process as "guardians" of peace and stability. The rationale behind this behaviour is very clear, given the fact that for most of them the EU integration would have the meaning of jail sentences and confiscation of their wealth acquired by corruption and organized crime. On the other side, the view on the region by Brussels through "conflict management lenses", coupled with enlargement fatigue, has slowly but unavoidably replaced the once proclaimed aim of "democratic security" with the fait accompli of "autocratic security".

The beginning of the year 2017 has marked the culmination of the deteriorating trend of the normalization process between Kosovo and Serbia, which occurred exactly at the time of the transition of the Presidency in the

United States. In January 2017, Belgrade's "Russian Train" provocation brought the two countries at the edge of confrontation, which was diffused by the intervention of the European Union and of the United States of America.

On the other hand, as a consequence of insufficient support for the Demarcation Agreement with Montenegro by Kosovo's Assembly, Kosovo's political scene has been almost paralysed and, in addition, this has seriously endangered the prospects for visa liberalisation. In addition to the opposition's objections, the implementation of the Agreement for Serbian Majority Municipalities has remained on hold, as a consequence of Srpska Lista's several months long boycott of the Government and Assembly of Kosovo. Furthermore, ever since 2014, Belgrade has practically blocked through Srpska Lista the transformation of the Kosovo Security Force (KSF) into the Kosovo Armed Forces (KAF).

### **A Short Background of Kosovo-Serbia Negotiations**

Kosovo and Serbia have a more than 20 year long history of talking with one-another, and these talks took place in different formats of mediation and representation. The talks between the two parties did have an interesting trajectory; initially, they were talks on the normalization of the educational system of Kosovo, under the condition of the Serbian rule, then, on the self-governance of Kosovo, at the time of war, after that, on the final settlement of Kosovo's status, in the condition of peace and enmity, and, now, the talks are ongoing on the normalization of their relations, in the condition of a fragile *détente*, which is occasionally accompanied with high tensions between them.

The first talks between the two parties were those on the normalization of the educational system of Kosovo, which took place in 1996, with the mediation of Sant Egidio. As a result of these talks, an agreement was achieved between the leaderships of the two parties on September 1<sup>st</sup>, 1996, which is known as the Rugova–Milošević Agreement, and it was also supported by the General Assembly of the UN, through the Resolution

51/111 of 5 March 1997<sup>1</sup>, which welcomed the agreement and called for its proper implementation. However, the agreement was not enforced by the Serbian side, and, as a consequence, within a year, the situation escalated into an armed conflict.

However, despite the following talks that lasted for almost a decade, and which were mediated by the great powers and the UN, Kosovo and Serbia never reached any agreement. In February 1999, the two parties talked in Rambouillet, with the mediation of the Contact Group (USA, Russia, Great Britain, France, Germany and Italy), and, on this occasion, on March 15<sup>th</sup> 1999, Prishtina signed the “Interim Agreement on Peace and Self-Governance of Kosovo,”<sup>2</sup> while Belgrade refused it, and, as a consequence, NATO military intervention against Serbia ensued, which resulted in the retreat of Serbia from Kosovo, and with the deployment of KFOR and UN in Kosovo. Then, the two parties again hold talks over more than a year (from February 2006 until March 2007) in Vienna, with the mediation of the Special Envoy of the UN, former President Ahtisaari, who also drafted the Comprehensive Proposal on Kosovo Status Settlement.<sup>3</sup> Again, as in Rambouillet, the Kosovar side accepted the Proposal, and the Serbian side refused it. On this occasion, it should be emphasized that the talks in Vienna were the first to take place in the condition of peace, that is, in the condition without repression, because of the strong presence of the peace enforcement mission (KFOR) lead by NATO in Kosovo. Kosovo declared independence on February 17<sup>th</sup>, 2008, by adopting the proposal of the former President Martti Ahtisaari as a foundation for its state regulation, but Serbia did not recognize it, and continued to oppose it with all but military means. The relations between Kosovo and Serbia remained *de facto* in a condition of a “precluded war,” because of the peace that was enforced by NATO, and without mutual measures for confidence building.

---

<sup>1</sup> UNGA Resolution A/RES/51/111, 5 March 1997, <http://www.un.org/documents/ga/res/51/ares51-111.htm>

<sup>2</sup> Interim Agreement on Peace and Self-Governance of Kosovo, 5 March 1999, [https://www.usip.org/sites/default/files/file/resources/collections/peace\\_agreements/kosovo\\_ramb.pdf](https://www.usip.org/sites/default/files/file/resources/collections/peace_agreements/kosovo_ramb.pdf)

<sup>3</sup> Comprehensive Proposal on Kosovo Status Settlement <http://www.kuven.dikoves.org/common/docs/Comprehensive%20Proposal%20.pdf>



After the validation of the Declaration of Independence of Kosovo by the International Court of Justice, through its Advisory Opinion published in July 2010, and the Resolution of September 9<sup>th</sup> 2010 of the General Assembly of the UN, the mediation of the dispute resolution between Kosovo and Serbia was transferred from the umbrella of the UN and the Contact Group, to the European Union, a step that took Russia out from the talks table, at the time when these talks were supported from the background by the USA.

The EU-facilitated dialogue began on March 8<sup>th</sup> 2011, initially with the “technical dialogue,” and latter with the political one, which resulted in the First Agreement for Normalization of Relations between Prishtina and Belgrade of April 2014, and in 15 other technical agreements, most of which were not fully applied and are facing considerable stumbles. Furthermore, this dialogue is conjoined with the process of integration in the EU of both countries, that is, with the conditions that were put to Serbia by the Chapter 35 of the Acquis Communautaire, and to Kosovo by the Stabilisation Association Agreement.

However, the agreements reached in Brussels are the first ones with which both, Kosovo and Serbia have complied. In addition to the fact that this process has achieved a fragile détente between Kosovo and Serbia, it has simultaneously served as a process for building confidence between them, and the agreements reached were enforced based on the good will of the parties. On this occasion we should not forget that the conditions for dialogue related to the process of integration of both parties into the EU have served Brussels, not only to play the role of the supporter, but also to be a catalyst for building confidence measures between the parties, despite the tensions that have accompanied the dialogue process.

### **“Quo Vadis” of Prishtina-Belgrade Dialogue: “Russian Train” Crisis**

The tensions with the Russian Train<sup>4</sup> that occurred exactly at the time of the transition of the US Presidency, brought to the surface the fragility of the

---

<sup>4</sup> This train of Russian production that was given as a present to the Serbian Railroad, resembled much more to a mobile church than to a common train for transporting

normalization process of the Kosovo-Serbia relations, despite the fact that the normalisation is a fundamental criteria for their proximity with the EU.

At the beginning of January 2017, the Director of the Office of Kosovo in the Government of Serbia, Marko Đurić, had declared for the Serbian media that for the Serbian New Year the railroad line Belgrade-Mitrovica will be established.<sup>5</sup> “The Russian train” that was being prepared to travel on this route, was considered as a provocation and the violation of the territorial sovereignty and integrity of Kosovo by the Kosovar institutions,<sup>6</sup> given that it had, neither licence, nor authorization, and its entrance in the territory of Kosovo was illegal, and as a consequence, the decision was taken that it should be banned.<sup>7</sup> Thus, the Kosovo Police units were deployed in the North of Mitrovica to prevent the entrance of this train in Kosovo,<sup>8</sup> and these, together with the Special Unit of Kosovo went to the border unit in Jarinje.<sup>9</sup>

Meanwhile, major heads of Kosovar institutions began to give public statements on the arrival of the Serbian train in Kosovo only in the afternoon of January 14<sup>th</sup>. On this occasion, the President of Kosovo, Mr. Hashim Thaçi, declared that “This train is just the next in line of provocations, and Kosovo’s authorities should undertake all the necessary legal actions to stop it immediately.”<sup>10</sup> There was also a reaction by the Prime Minister of Kosovo, Mr. Isa Mustafa, who declared that “this train

---

passengers, given that on the outside it was full with provoking inscriptions, mainly the slogan “Kosovo is Serbia,” written in more than 20 languages, including Albanian.

<sup>5</sup> Zëri.info: Serbia lëshon linjë treni nga Beogradi për në Kosovë, 8 janar 2017, <http://zëri.info/aktuale/125006/serbia-leshon-linje-treni-nga-beogradi-per-ne-kosove/>

<sup>6</sup> Kallxo.com: Edita Tahiri i Lutet Brukselit ta Ndalë Trenin Ilegal të Serbisë, 13/01/2017, <http://kallxo.com/edita-tahiri-i-lutet-brukselit-ta-ndale-trenin-ilegal-te-serbise/>

<sup>7</sup> Kohavision.tv: Lajmet e mbrëmjes, 14/01/2017, <http://www.kohavision.tv/lajmet/1752/lajmet-e-mbremjes/>

<sup>8</sup> Kallxo.com: Zyrtare: Policia e Kosovës me Autoblinda në Veri, 14/01/2017, <http://kallxo.com/zyrtare-policia-e-kosoves-autoblinda-ne-veri/>

<sup>9</sup> Kallxo.com: Policia Speciale Përforcohet në Veri, 14/01/2017, <http://kallxo.com/policia-speciale-perforcohet-ne-veri/>

<sup>10</sup> Kallxo.com: Thaçi: Autoritetet e Kosovës Duhet Ta Ndalojnë Trenin, 14/01/2017, <http://kallxo.com/thaci-autoritetet-e-kosoves-duhet-ta-ndalojne-trenin/>

should not be allowed to enter Kosovo.”<sup>11</sup> That the entrance of the train coming from Serbia will be halted was also declared by the Minister of Interior Affairs, Mr. Skender Hyseni, who said that “the train will be reversed, and it will not enter Kosovo.”<sup>12</sup> At the end of the day, “The Russian train” did not arrive in the destination planned by Serbia, and it stopped in Raška, in Serbia, a city that is not far away from the border of Kosovo,<sup>13</sup> and after remaining there for several hours, it went back from where it came, to Belgrade.<sup>14</sup>

On the one hand, after the train returned from Raška to Belgrade, the Prime Minister of Serbia, Mr. Aleksandar Vučić accused the Kosovo Police directly for mining the railroad for preventing the entrance of the train, and he said that the train was stopped in Raška for this reason.<sup>15</sup> This declaration of the Serbian Prime Minister Vučić was supported by a video recording which showed two masked persons while putting explosives on the railroad tracks.<sup>16</sup> This was, however, immediately refuted by the Kosovo Police, which declared that “Kosovo Police and its bomb units have controlled the railroad tracks after reports that explosives were put on them ... and we didn’t find anything”<sup>17</sup>. Meanwhile, in a statement for media, Serbia’s Prime Minister, Aleksandar Vučić declared that he personally gave the order for stopping the train in Raška, as well as for its return to Belgrade, from where it departed.<sup>18</sup> After the return of the train,

---

<sup>11</sup> Kallxo.com: Isa Mustafa: Treni Nuk do të Lejohej të Hynte në Kosovë, 14/01/2017, <http://kallxo.com/isa-mustafa-treni-nuk-te-lejohej-te-hynte-ne-kosove/>

<sup>12</sup> Top-channel.tv: Hyseni: Treni serb do kthehet mbrapsht, nuk hyn në Kosovë, 14/01/2016, <http://top-channel.tv/lajme/artikull.php?id=345539>

<sup>13</sup> Kallxo.com: Treni nuk Leviz nga Rashka, 14/01/2017, <http://kallxo.com/treni-nuk-leviz-nga-rashka/>

<sup>14</sup> Rtklive.com: Eskluzive: Policia e Kosovës bllokoi trenin, kthehet për në Serbi, 14/01/2017, <https://www.rtklive.com/sq/news-single.php?ID=128740>

<sup>15</sup> Kallxo.com: Vuçiq: Policia Speciale e Kosovës Tentoi ta Minojë Hekurudhën, 14/01/2014, <http://kallxo.com/vuciq-policia-speciale-e-kosoves-tentoi-ta-minoje-hekurudhen/>

<sup>16</sup> Botasot.info: A po përgatitet bombardimi i trenit serb që është nisur drejt Kosovës?, 14/01/2017, <http://www.botasot.info/aktuale-lajme/639291/a-po-pergatitet-bombardimi-i-trenit-serb-qe-eshte-nisur-drejt-kosoves/>

<sup>17</sup> Kallxo.com: Policia: Hekurudha u Kontrollua për Eksploziv, 14/01/2017, <http://kallxo.com/policia-hekurudha-u-kontrollua-per-eksploziv/>

<sup>18</sup> Klankosova.tv: Vuçiq: Trenin e ndala unë (VIDEO), 14/01/2017, <http://klankosova.tv/vuciq-trenin-e-ndala-une-video/>

the Kosovo Police withdrew from the border point of Jarinje between Kosovo and Serbia.<sup>19</sup>

The decision of Serbia for starting the railroad line from Belgrade to the North of Mitrovica brought about an increase of tensions that could have ended with a conflict between Kosovo and Serbia.<sup>20</sup> The American Ambassador in Kosovo, Mr. Greg Delawie expressed his concern on this, through a communication in which he declared that “he was concerned about the issue of the train”, and on this occasion, he appealed to “all the parties for restraint, and there is a need for normalization, not confrontation.”<sup>21</sup>

On the other hand, the then President of Serbia, Tomislav Nikolić, militarized the political language, by declaring that Serbia can send the army into Kosovo to defend the Serbs.<sup>22</sup> The President and the Prime Minister of Kosovo reacted to this declaration of President Nikolić. President Thaçi accused the Serbian President directly by saying that he is threatening with war and that this is “contrary with the dialogue on the normalization of relations and it threatens directly the peace in the Western Balkans.”<sup>23</sup> Also, the Prime Minister of Kosovo said in his reaction that “the Serbs of Kosovo are equal citizens. There is no need for Belgrade to protect them” given that they are not, and they will not be threatened in any form.<sup>24</sup> However, the tensions between the two countries were softened after two tense meetings between President Thaçi and Prime Minister Mustafa, with

---

<sup>19</sup> Kohavision.tv: Lajmet e mbrëmjes, minuta 9:15, 15/01/2017, <http://www.kohavision.tv/lajmet/1758/lajmet-e-mbremjes/>

<sup>20</sup> BBC.com: Serbian train sparks escalation in tensions with Kosovo, 14 January 2017, <http://www.bbc.com/news/world-europe-38625872>

<sup>21</sup> Kallxo.com: Delawie i Shqetësuar për Trenin, Thërret për Përmbajtje, 14/01/2017/ <http://kallxo.com/delawie-shqetesuar-per-trenin-therret-per-permbajtje/>

<sup>22</sup> Kohavision.tv: Lajmet e mbrëmjes, minuta10, 15/01/2017, <http://www.kohavision.tv/lajmet/1758/lajmet-e-mbremjes/>

<sup>23</sup> Kallxo.com: Hashim Thaçi i përgjigjet Tomislav Nikoliqit, 15/01/2017, <http://kallxo.com/hashim-thaci-pergjigjet-tomislav-nikoliqit/>

<sup>24</sup> Kallxo.com: Mustafa: Serbët e Kosovës s'ka nevojë t'i mbrojnë Beogradin, 15/01/2017, <http://kallxo.com/mustafa-serbet-e-kosoves-ska-nevoje-ti-mbroje-beogradi/>

President Nikolić and Prime Minister Vučić, which, with the mediation of EU, took place in Brussels, on January 24<sup>th</sup><sup>25</sup> and 30<sup>th</sup> 2017.<sup>26</sup>

This bitter episode that was accompanied with militaristic and conflict-engendering vocabulary similar to that of the 90s of the last century proves that re-emergence of confrontations that may lead to high tensions and conflicts may occur instantly. On the other side, during this tensed period, contrary to expectations there were not inter-ethnic tensions and not even a single incident of this nature was registered. However, in the case of direct confrontation between Kosovar and Serbian authorities, it is hard to believe that inter-state confrontation would not lead to inter-ethnic ones.

### **Reassurance of the US Position on Kosovo and its Future Armed Forces**

Some declarations made by President Donald Trump during his electoral campaign created uncertainty in many states regarding the new policies that the new American Administration might follow. Such an uncertainty was created in Kosovo as well, above all regarding the declarations of President Trump which were warning the change of the United States policies towards NATO. However, these uncertainties disappeared, after the answers that the nominee of the then President elect for the post of the US Secretary of Defence, James Mattis (who has in the meantime taken this post) gave in the hearing session before the American Senate, exactly four days after the “Russian Train” overture.

Two of the questions made to the new Secretary Mattis had to do with Kosovo, and in one of the two answers, he spoke about the KSF as well.<sup>27</sup> The question asked was:

---

<sup>25</sup> Kallxo.com: Nis takimi i nivelit të lartë në Bruksel, <http://kallxo.com/nis-takimi-nivelit-te-larte-ne-bruksel/>, 24 janar 2017

<sup>26</sup> Kallxo.com: Në takimin e radhës në Bruksel edhe Thaçi edhe Nikoliqi, <http://kallxo.com/ne-takimin-e-radhes-ne-bruksel-edhe-thaci-e-nikoliqi/>, 30 janar 2017

<sup>27</sup> These two questions related to Kosovo, and the answers provided on them can be found at: <https://xk.usembassy.gov/secretary-of-defense-mattis-responds-to-questions-on-kosovo/> and the entire text of the hearing session at: [https://www.armed-services.senate.gov/imo/media/doc/Mattis%20APQ%20Responses\\_01-12-17.pdf](https://www.armed-services.senate.gov/imo/media/doc/Mattis%20APQ%20Responses_01-12-17.pdf)

“Approximately 650 U.S. troops remain in the Balkans as part of the Kosovo Force (KFOR) that first deployed to Kosovo in 1999 and today is comprised of over 4,600 personnel from 30 countries. What major lines of effort do you think are required to further reduce or eliminate U.S. and NATO presence in Kosovo?”

Meanwhile, the answer of the Secretary Mattis was:

“Kosovo is an example of what happens when the international community, led by America, commits itself to the defence of its interests and values. In general, I would recommend reductions commensurate with the security situation on the ground, but my understanding is that, at present, the Force remains critical to ensuring the stability of the region. Moreover, before it would be prudent to reduce U.S. military presence, *the Kosovo Security Forces must receive a mandate to conduct domestic security and territorial defence, a shift that will require constitutional change with parliamentary support.*” [Italics added.]<sup>28</sup>

Given that, this answer expresses the policy of the new American administration towards Kosovo regarding this issue, it is appropriate to provide a brief interpretation of its implications and significance. In other words, the US does not consider the delay in the creation of the Armed Forces of Kosovo as a priority problem during the creation of the Kosovar army. The priority problem is the preservation of regional stability even after the withdrawal of KFOR and the creation of the Armed Forces of Kosovo. Consequently – and this is the most important thing for the policy-makers of Kosovo – the best way, and, very likely, the only one, for the creation of the Kosovo Army is to focus on the increase of the stability and security as the major goals that will result from the creation of this army.

The USA and NATO are not hurrying with the creation of the KAF, not because they have “surrendered” to the requests of Serbia that KAF should not be created altogether, but because they want to create it within the framework of a policy which will increase the stability of the region. Therefore, only through the focus on the preservation of the stability of the region during the transformation of KSF into the KAF, Kosovo will be congruent with the priority goals of both, the US and NATO, and will create a situation in which it can count on their full support for this transformation. Whatever focus on the creation of the Kosovo’s armed forces for the sake of its creation, can only impede, and, very likely, disable its creation for a long time.

---

<sup>28</sup> *ibid.*

## Prishtina's Adventure with the Issue of the Creation of the Armed Forces

These messages of Defence Secretary Mattis were not carefully read by the part of top government institutions in Kosovo. On March 7<sup>th</sup>, 2017, President Thaçi delivered the Draft Law on Kosovo Security Forces to the Chair of the Kosovo Parliament Veseli, which among other things envisaged the change of the mandate of these Forces to the one equal to military forces.<sup>29</sup> In this way, President Thaçi chose the path for the creation of armed forces by bypassing the necessary constitutional changes, due to the fact that Belgrade, through Serbian Community MP's of Kosovo was blocking the necessary amendments of the Kosovo Constitution. Moreover, the preparation of this draft law by the President's Cabinet has been done without any prior knowledge of the then Prime-Minister Isa Mustafa and Minister of Kosovo Security Force, Haki Demolli, and without any prior consultation with the US and NATO.

The reaction of the international community was immediate. On March 8<sup>th</sup>, the US Embassy in Prishtina issued a statement which made clear that in the case of adoption of the draft law by the Kosovo Assembly, Washington would reconsider the cooperation and long term assistance to Kosovo Security Forces.<sup>30</sup> On the very same day, the Atlantic Alliance's Secretary General Jens Stoltenberg in a statement said that "I made clear that unilateral steps such as these are unhelpful".<sup>31</sup> However, President Thaçi did not immediately step back from this initiative, and was continuing to sell to the public opinion in Kosovo the story that he has undertaken this initiative in "coordination with international community". Thaçi eventually surrendered from his "clandestine" initiative after the meeting with the Deputy Assistant Secretary for European and Eurasian Affairs at the US State Depart-

---

<sup>29</sup> Telegrafi: Projekt-ligji për ushtrinë i dorëzohet Veslit, nesër vendsoset se kur do të procedohet në Kuvend, <http://telegrafi.com/thaci-dorezon-veselit-projektligjin-per-ushtrine/>, 7 March, 2017

<sup>30</sup> Telegrafi: Kërcënojnë SHBA-të: Nëse miratohet ligji për Ushtrinë, do ta rivlerësojmë bashkëpunimin me FSK-në, <http://telegrafi.com/shba-te-kerkojne-formimin-e-ushtrise-vetem-ndryshime-kushtetuese/><http://telegrafi.com/shba-te-kerkojne-formimin-e-ushtrise-vetem-ndryshime-kushtetuese/> 8 March 2017

<sup>31</sup> Reuters: NATO, U.S. slap Kosovo's move to create national army, <http://www.reuters.com/article/us-kosovo-army-idUSKBN16F1GE> 8 March 2017

ment, Hoyt Brian Yee in Prishtina on March 29<sup>th</sup>, 2017,<sup>32</sup> and he officially withdrew the draft law from the Kosovo Assembly on April 7<sup>th</sup>, 2017.<sup>33</sup>

Thus, it is clear that the security of Kosovo will continue to be safeguarded by the presence of KFOR, which has the full mandate to act against Serbia in the case of violation of the Military-Technical Agreement of June 9<sup>th</sup> 1999, which prohibits any presence of security and defence forces of Belgrade in the territory of Kosovo.<sup>34</sup> On the other hand, paradoxically, Serbia itself sees the presence of KFOR in Kosovo as necessary for securing and defending the Serbian community.<sup>35</sup>

However, the presence of NATO in Kosovo alone, does not solve itself the burning issue of the creation of the armed forces of Kosovo, as well as the hostile position of Serbia on this matter, which is in essence in accordance with its policy of non-recognition and projection of Kosovo as a major threat to security in almost all the aspects, including the military one.<sup>36</sup>

Therefore, it is evident that the comprehensive normalization of relations between Kosovo and Serbia is not possible, as long as, on the one hand, Belgrade has in effect aggressive defense and security policies towards Kosovo, and, on the other, the military security of Kosovo in relation to Serbia, depends exclusively on the deterrent presence of NATO.

---

<sup>32</sup> Telegrafi: Thaçi, pas takimit me Hoyt Brian Yee: U pajtuam për realizimin e prioriteteve të Kosovës, <http://telegrafi.com/thaci-pas-takimit-hoyt-brian-yee-u-pajtuam-per-realizimin-e-prioriteteve-te-kosoves/>, 29 March 2017

<sup>33</sup> Radio Free Europe: Thaçi tërheq Projektligjin për FSK-në, pranon kushtet ndërkombëtare, <https://www.evropaelire.org/a/28415971.html>

<sup>34</sup> Military Technical Agreement between the International Security Force (“KFOR”) and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia, 9 June 1999, <http://www.nato.int/kosovo/docu/a990609a.htm> .

<sup>35</sup> Vucic: NATO potreban da cuva nas narod na Kosovu, 16 shkurt 2016, Vesti.rs, <http://www.vesti.rs/NATO/Vucic-NATO-potreban-da-cuva-nas-narod-na-Kosovu.html>

<sup>36</sup> For further exploration see: Lulzim Peci, “Kosovo in the Security and Defense Context of the Western Balkans”, KIPRED, 2015



## **The Missing Link: Security and Defence Dimension of Normalisation of Relations between Kosovo and Serbia**

The europeanization of Serbia's security and defence policies remains one of the key challenges for Brussels in the creation of a secure environment and of a sustainable stability in the region, and for the facilitation of the dialogue for normalisation of relations between Kosovo and Serbia. One of the tools that can be used by Brussels is Chapter 35 of the negotiations for the accession of Serbia to the EU, in order to condition Belgrade by requesting the change of its security and defense policies towards Kosovo, that is, by requesting the respective changes of its National Security Strategy and Defense Strategy, which, after all, are documents designed and adopted before the beginning of the dialogue in Brussels. Furthermore, the undertaking of these steps is necessary, not only because of the normalization of relations between Kosovo and Serbia, but also because of the accession process of Serbia in the EU, which implies its integration in the mechanisms of the EU's Common Security and Defence Policy, which would have been absurd with the recent Belgrade's defense and security policies.

On the other hand, the dialogue in Brussels has treated the security issues that have to do with the management of the border points and of the internal ones of Kosovo, through the Agreement for Integrated Management of the Borders,<sup>37</sup> the Agreement for the dissolution of the so-called "Civil Defense",<sup>38</sup> and the First Agreement for the Normalization of Relations (and, particularly, its section on the police and on the undoing of the parallel security structures).<sup>39</sup>

However, so far, this dialogue has not treated the open bilateral issues in the field of defense and security, and particularly not the non-confidence and non-cooperation of the countries in this field, which, as an issue, continues to remain the "Achilles' heel" in the process of normalization of

---

<sup>37</sup> See: Qeveria e Kosovës, Marrëveshjet e Dialogut Teknik, <http://kryeministri-ks.net/?page=1,191>

<sup>38</sup> Ibid.

<sup>39</sup> See the details on the Plan for the Implementation of the First Agreement on Normalization: [http://kryeministriks.net/repository/docs/Plani\\_i\\_Zbatimit\\_te\\_Marreve\\_shtes\\_se\\_Pare\\_per\\_Normalizimin\\_e\\_Marredhenieve.pdf](http://kryeministriks.net/repository/docs/Plani_i_Zbatimit_te_Marreve_shtes_se_Pare_per_Normalizimin_e_Marredhenieve.pdf)

the relations between the countries, as demonstrated by the events related to “the Russian train.” Nevertheless, confidence that was already built in the enforcement of the above mentioned agreements related to the issues of security, can certainly serve as a basis for making the next step, the one of building confidence in the field of security and defense between the two countries.

The dialogue between Prishtina and Belgrade regarding the measures for confidence building in the field of security between two countries, can be based on the OSCE model for Building the Measures for Confidence and Security,<sup>40</sup> and particularly on those for the Reduction of Risk,<sup>41</sup> on prior Notification of Specific Military Activities, as well as on Observing of Military Activities, given that Serbia is a member of OSCE, and, as such, it has the liability to share the data which are related to these issues with other member countries, as well as the right to request these data from them.

For this reason, the implementation of these confidence measures will not endanger the national security of either Serbia, or of Kosovo; on the contrary, it would build a “firewall” for the dialogue process and for the achievement of a comprehensive normalization agreement between the two countries.

Furthermore, the implementation of these measures will provide both, Kosovo and Serbia, the certainty that the other country will not use military threats as a mean for solving the possible disagreements between them, and, thus, it can contribute to significant diminution of fears among the members of the Serbian community in the North of Kosovo, including those related to the creation of armed forces of Kosovo.

---

<sup>40</sup> Ibid, Risk Reduction Section: Mechanism for Consultation and Cooperation as regards unusual Military Activities, Cooperation as regards Hazardous Incident of a Military Nature, and Voluntary Hosting to Dispel Concerns about Military Activities, pg. 12-14.

<sup>41</sup> Ibid, Risk Reduction Section: Mechanism for Consultation and Cooperation as regards unusual Military Activities, Cooperation as regards Hazardous Incident of a Military Nature, dhe Voluntary Hosting to Dispel Concerns about Military Activities, pg. 12-14.

## **Recommendations:**

- EU, in cooperation with NATO, should initiate the opening of the dialogue between Kosovo and Serbia for confidence building measures in the field of defense and security as soon as possible.
- Brussels should explore the possibility to condition Belgrade through Chapter 35 of the negotiations for the accession of Serbia in the EU, for changing its security and defense policies that are related to Kosovo, and particularly its National Security Strategy and Defense Strategy.
- Creation of the Kosovo's armed forces should take place in a transparent and inclusive process with the communities of Kosovo and the international community, in parallel with strengthening of NATO's cooperation with Kosovo.

# Democratic Processes and Regional Relations: Montenegro in the Context of its Euro-Atlantic Integration and the Current State of International Relations

*Blagoje Gledović*

## Introduction

Analysing the consolidation process in the Western Balkans, it would be right to agree with the view that so far this process has been quite complicated and, among other aspects, predominantly based on factors such as mutual relations between Western Balkan countries, their integration aspirations toward the European Union and NATO, and external support provided by European Union's – United States political alliance. Those who agree on this thesis, at the same time would probably be willing to take it as a starting point argument explaining why the state of Western politics and the relations among big powers matter and influence on South Eastern Europe and the Western Balkans region.

Going back to the period during the end of the year 2016 and discussing this topic, it would be logical to contemplate about the prospect and the future of the European Union and Western alliance, probably with even more uncertainty. This is simply because from that point of time possible trends in the context of the state of play in politics of some EU member states and United States policy towards Europe and Western Balkans, seemed to be developing in a different way than a few months later. Let us not claim that something changed rapidly in the meantime, however, but many would say there is room for some moderate humble optimism at this point, following the Dutch elections, French presidential elections and change in United States president Trump's attitude as regards to NATO by reaffirming the United States' commitment and support to this organization, or at least by changing a narrative by saying "it's no longer obsolete".<sup>1</sup>

---

<sup>1</sup> More at: [https://www.washingtonpost.com/news/post-politics/wp/2017/04/12/trump-on-nato-i-said-it-was-obsolete-its-no-longer-obsolete/?utm\\_term=.3291c9631207](https://www.washingtonpost.com/news/post-politics/wp/2017/04/12/trump-on-nato-i-said-it-was-obsolete-its-no-longer-obsolete/?utm_term=.3291c9631207)

Of course, these aspects have been mentioned with purpose. Firstly because it represented some possible hints of stopping the ultra-right populist trends throughout the European Union, and secondly as regards to the NATO alliance per se, which continuously serves as a cornerstone of European security,<sup>2</sup> defence, peace, stability and prosperity. All these aspects in the introduction should be taken as considerably important and relevant in the analysis of the current state of play of relations in the Western Balkans and the level of progress of mutual bilateral and intra-state relations of the countries in the region.

### **Montenegro in the Context of Current International Relations**

As regards to Montenegro, like other countries in the region, it has also not been immune to the international upheavals and recent developments in Western relations, as well as big powers relations on international scene. Furthermore, looking at the whole context in the region at this point and taking the example of Montenegro and its path toward NATO membership, it could possibly be brave and ambitious to discuss about the return of geopolitics to the Balkans. However, just the sole fact that one Balkan country is becoming a NATO member in combination with the recent developments in the region at least provide a basis argument that the West has been “coming back” to the region, which is becoming again in the sphere of interest of the Western politics. For further elaboration on how the political upheavals in the European Union and the United States in 2016 and 2017 have actually influenced or can influence regional relations in South East Europe/the Western Balkans and its process of democratic and economic transition and security development, let us go back to the thesis from the beginning again by considering two aspects: internal and external implications in each country.

First of all, going back in the second half of 2016 and elaborating the aspects of the process of Montenegro’s accession to NATO, it would be interesting to compare certain points relevant in that period with the state of play at this moment. Taking Montenegro as an example, as to the Euro-Atlantic integration processes and foreign policy, it is useful to be reminded

---

<sup>2</sup> [http://www.nato.int/cps/en/natohq/opinions\\_139368.htm](http://www.nato.int/cps/en/natohq/opinions_139368.htm)

that the country is currently an EU candidate country and at the same time poised to formally become a NATO member.

There is no special wisdom in how much NATO membership and the seat in the Alliance of most developed democracies means for a small country such as Montenegro, for its security, peace and stability, democratic consolidation and the future in Euro-Atlantic community. Furthermore it goes over the borders of Montenegro, representing an impetus for the whole region and beyond in a way that sends a strong message of open door policy and Euro-Atlantic perspective for other countries, despite all the doubts and uncertainties caused by political developments within the United States and the European Union, as well as ongoing tensions between the West and Russia, not to mention the rise of different asymmetrical security threats such as terrorism, cyber and hybrid warfare, migration challenges etc.

Some would argue that Montenegro gained NATO membership amid geopolitical developments and tensions between the West and Russia and Cold War resembling block divisions, pointing out the thesis that there will be no important benefits for NATO alliance in terms of security or defence by accepting Montenegro, a country with a military comprised of something around two thousand soldiers. This would be maybe fully correct if the NATO would be only comprised of big powers rather than small countries as well, but even further – if there are not any existing facts about the process of Montenegrin accession to NATO which lasted nearly eight years, since Montenegro was invited to join the Membership Action Plan (MAP) in December 2009.<sup>3</sup> As a reminder, for that time until now, the country has undergone numerous cycles of comprehensive reforms including defence and military sector, security sector, economy and even, at some point particularly important – rule of law area. Although NATO is not – in the same way – an administration or bureaucracy like the European Union, this organization has been setting different standards and conditions during the

---

<sup>3</sup> Membership Action Plan (MAP) at: [http://www.nato.int/cps/en/natohq/topics\\_37356.htm](http://www.nato.int/cps/en/natohq/topics_37356.htm)

MAP process, and then “intensified and focus talks” that have been introduced at the Wales summit exclusively and individually for Montenegro.<sup>4</sup>

Finally, the country got to the point of carefully fulfilling concrete guidelines of reforms before getting an invitation for membership in 2015. And the process continued until today. In the meantime, after the US presidential elections, a key question was how under the new president Donald Trump and his administration the NATO and its enlargement will be regarded and can there be problems, difficulties or delays in the US ratification of Montenegro’s NATO protocol. Finally, the United States Senate adopted the Protocol to the North Atlantic Treaty of 1949 on the Accession of Montenegro.<sup>5</sup> The whole procedure of ratification and the final decision of the Senate, among support to the country, was followed by the message of stopping the Russian efforts to increase its influence in the Balkans and therefore in Europe.<sup>6</sup>

It is fair to say that in the case of Montenegro one of the factors that speeded up the process in the final stages of accession to NATO was related to political criteria and geopolitics. However, there is no doubt that the country’s institutional efforts, foreign policy and support by Western partners largely contributed, given the fact that even since Montenegro’s independence in 2006, the government defined Euro-Atlantic integration as a primary goal of its foreign policy. The orientation to the West has been determined earlier and exercised through application for the membership to the European Union and lately firmly confirmed by strongly striving to become a new NATO member. On this path, with particular regard to NATO accession, Montenegro was given a strong support by the United States and key European allies. What should be acknowledged is the fact that the decision to go that far in directing to the West was a very brave one and politically courageous, taking into consideration a range of factors related to the region, its history and political developments as well as unpopularity of the idea of engaging with NATO and the United States.

---

<sup>4</sup> Wales summit declaration: [http://www.nato.int/cps/en/natohq/official\\_texts\\_112964.htm](http://www.nato.int/cps/en/natohq/official_texts_112964.htm)

<sup>5</sup> More details available at: <https://www.congress.gov/treaty-document/114th-congress/12/resolution-text>

<sup>6</sup> Take as an example: <http://www.reuters.com/article/us-usa-nato-montenegro-idUSKBN16Z2UG>

## Current Internal Political Relations

In October 2016, Montenegro had its regular parliamentary elections. This process came at a very specific and critical moment regarding some internal political aspects as well as the current state of relations in the international arena, especially with regard to the post-Brexit vote, the state of the European Union politics and the tensed relations between the West and Russia over crucial issues. It was also expected that the elections will clear the situation regarding internal political relations after opposition protests and formation of the so called Government of electoral trust which included representatives of the opposition parties. Moreover, it was expected that the election results will bring a new strong majority of pro-European and pro-NATO parties thus ensuring a continuance of the European integration process and particularly smooth decision making for the final confirmation of NATO membership by the Parliament.

Pro-NATO political subjects remained dominant in the scope of election results which led to the confirmation of NATO membership by the lawmakers in the Parliament, while on the other side, there was a feeling that the elections actually did not bring a resolution of the internal political situation. Why? Namely, just on the day of the elections, the law enforcement authorities arrested a group of more than 20 persons accusing them of attempt of terrorism and overthrowing the government. According to the Prosecution, this group has been suspected of conspiracy and conducting a range of illegal activities such as to occupy violently and take over the Parliament, and moreover to assassinate the Prime Minister. Among the suspects were also two Russian citizens, intelligence officials at large, and who have been marked as organizers of the criminal organization. The law enforcement officials announced that the investigation revealed that the plan behind this criminal action was to prevent Montenegro from joining the NATO. They further backed their findings by the statements of witnesses and defendants who decided to go on plea bargains describing the whole scenario behind.<sup>7</sup>

---

<sup>7</sup> More at: <http://tuzilastvocg.me/index.php/en/odjeljenje-za-suzbijanje-organizovanog-kriminala-korupcije-terorizma-i-ratnih-zlocina/news>



On the other hand, what happened in the course of the elections and this particular event is the situation where the opposition decided to boycott the Parliament by claiming that the elections were not valid. Therefore they have not recognized the results, explaining that the decision came because of the so-called coup attempt on the same day, and accusing the Government and ruling parties of public fraud and making up the scenario for the purpose of remaining in power. Lately, the prosecutors enlisted two MPs, leaders of two opposition parties from the right wing radical coalition Democratic Front (DF). However, in the meantime, major relevant international factors among which are the EU and the observing organizations issued statements and concluded it were held in competitive atmosphere, with respect to fundamental freedoms and the people voted in a calm and orderly manner.<sup>89</sup> The biggest party, the Democratic Party of Socialists (DPS) formed the new Government with minority parties. Until today, the boycott of the Parliament by the opposition is in place, the situation often referred to in public as a kind of political crisis in place due to the absence of the dialogue in the Parliament.

Although the case has yet been in the pre-trial procedure, now the fact that Russia or Russian nationalistic structures with ties to the Russian official structures tried to interfere or interfered in the political life in Montenegro, has also been confirmed by the officials from some EU and NATO member states through public rhetoric but institutionally as well, in the light of international cooperation in the course of investigation of said case. Major international players such as the United States, the European Union and NATO gave support to the new government and called for dialogue among all political factors. Russia rejected the claims and openly opposed the intention for ratification of the NATO protocol in the Parliament and called for a referendum to be organized, supporting anti-government and anti-NATO parties and structures. In the meantime, the Parliament adopted the North Atlantic Treaty by a majority of 46 MPs including the representatives of the former ruling Social Democratic Party (SDP), which has been in boycott as well, but decided to be present during the voting, justify-

---

<sup>8</sup> <http://www.osce.org/odihr/elections/275086>

<sup>9</sup> [https://eeas.europa.eu/delegations/azerbaijan/12241/joint-statement-high-representativevice-president-federica-mogherini-and-commissioner-johannes\\_en](https://eeas.europa.eu/delegations/azerbaijan/12241/joint-statement-high-representativevice-president-federica-mogherini-and-commissioner-johannes_en)

ing this with the historical moment and issue that overcome political disagreements and confrontations.

Taking into account all the details and facts, and considering the aspects of the events related to the pre-election period, the election day and post-election developments, there is a basis for conclusion that there has been a tendency of the opposition political structures to misuse the political system through boycotting the Parliament, and therefore leaving little reason to believe in political declarations explaining that some acts are for the sake of democracy, not solely for political interests. At the same time, those structures are participating in public political life using the media and other means for political expression and show-ups, but outside the genuine institutions, thus even questioning its own legitimacy that derived from the same election process. This and similar situations resemble modes of performing the politics in the Balkans, by pushing all the means for the sake of short-term party politics goals and interests, and neglecting or disregarding the public interest and the interests of the whole society reflected with the need for “dealing with the right things” by for instance contributing in addressing the underdevelopment, finding the ways to fix the economies and level up living standards of the people.

Example given, the Montenegrin opposition parties, among which also some are strongly advocating membership to the European Union and praising its values and standards, actually boycotted the EU High Representative Federica Mogherini when she visited the country and came to the Parliament to reiterate European Union support to Montenegro and call all the parties to engage in the democratic institutional dialogue, for the purpose of overcoming the existing situation in the political scene.<sup>10</sup> One would say it is just enough for posing a question what are the words and what are the deeds.

## **EU Integration Process**

Again, it goes without saying that Montenegro opted for the Euro-Atlantic path a long time ago, as a geopolitical option with no alternatives. In line

---

<sup>10</sup> <https://www.cdm.me/english/mogherini-half-empty-parliament-opposition-refused-invitation/>

with the efforts in the negotiating process with the European Union, the structural reforms, as well as the progress in the rule of law have positively impacted the Montenegrin society and reaffirmed the Montenegrin strong aspiration toward the European system of values and standards.

The integration process has gone to the point that 26 of 33 chapters have been opened. It is foreseen that by mid-2018 all chapters will be opened. The European Union supported Montenegro's NATO membership and condemned attempts of interference from outside, however it still seems that things are moving slowly as regards to concretely speeding up the integration process on a technical level. The voice from Brussels towards Montenegrin progress in the European integration path should be far clearer, given the fact that Montenegro has advanced in this process far ahead of all other candidate countries.

Brussels seems to remain very cautious when it comes to the Western Balkans in general, and in the context of the Connectivity Agenda<sup>11</sup> and Berlin Process<sup>12</sup> it keeps pushing these countries towards stronger mutual cooperation in the field of economy. For Montenegro, these processes have contributed to the negotiating tasks. This tendency may even convey the wrong message – that regional economic integration comes as a substitute for EU membership. Even though this has been officially denied by Brussels officials in various occasions, Montenegro might need, especially in the aftermath of gaining NATO membership, a more concrete approach from the EU. A clearer signal from Brussels to Montenegro is needed after the success it had with NATO integration, and given the fact that the NATO accession process in some important areas was compatible with the European integration process. Brussels should make clear that regatta principle is applied in its enlargement policy and that individual efforts of Montenegro will be adequately rewarded.

---

<sup>11</sup> Connectivity Agenda, Co-financing of Investment Projects in the Western Balkans, European Commission, 2016 [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/western\\_balkans/20160704\\_paris\\_package.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/western_balkans/20160704_paris_package.pdf)

<sup>12</sup> More about "Berlin Process": Lilyanova Velina, The Western Balkans' Berlin Process: A new impulse for regional cooperation, European Parliamentary Research Service EPRS, July 4, 2016. [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)

There are certain opinions and rhetoric coming from some of the member states that the process with Montenegro and the Western Balkan countries should be faster, going to the point that there should be a decision to single out one country like Montenegro, and speed up the process of accession. As an example, it is encouraging that some newer EU member states, such as Slovakia, call for an unambiguous EU enlargement policy, with strong presence in the Western Balkans and urgent accession procedure for Montenegro.<sup>13</sup> However, it is evident that Germany, not only via the Berlin process, but via Berlin plus initiative and its focus on boosting investments in the Western Balkans will have the final say when it comes to Western Balkan's European perspective. That is why all eyes (in the region as well) are on the German general elections to be held on 24 September 2017.

### **Conclusions and Recommendations vis à vis the Western Balkan Region**

It is clear that a more tailored approach by the European Union is necessary for the Western Balkan countries. As mentioned above, there are certain initiatives that could help to drive and speed up integration processes, such as the Connectivity Agenda and the Berlin Process, but these initiatives and related strategies should be meticulously crafted in order to serve to its purpose, rather than become a burden or point of misunderstanding or disagreement at some time. Why? Simply put, because the key of the European integration process is and will be focused on a merit-based approach toward each Western Balkan country, due to their own specific nature and the level of economic and social development. It is a fact that bilateral relations are not the same among all of them, thus constituting a risk that some of those countries at some point may be in a position to depend on one of the others when it comes to the accession and integration process. This, of course, does not rule out insisting on further reforms and the commitment to fulfil the criteria that Brussels has constituted in the range of specific areas which are important in terms of preparation for future membership. Still, we must not forget to take into consideration that democratic development, institution building, reinforcing the rule of law and economy etc. remain to be crucial for the future of these societies. Despite

---

<sup>13</sup> <https://europeanwesternbalkans.com/2017/03/20/montenegro-to-join-eu-through-urgent-procedure/>

the trends of politicians disregarding the public interest for the sake of personal political careers or using means and methods such as populism to achieve short-lasting political party goals or to remain as long in power, the Western Balkans further need a concrete European perspective, not only in general, but the one which is reflected through some forms of dynamism, provided for each country based on their individual achievements.

At the same time, there should not be any alternatives to the European and Euro-Atlantic perspective of the region. There are no surrogates for the European Union and European market, NATO security and collective defence arrangements. Furthermore, different forms of cooperation rather economical or security coming from Turkey as a regional economic power, China, or Russia through the so called B4 union of the neutral Western Balkan states or the “creation of a militarily neutral territory in the Balkans,”<sup>14</sup> are not a replacement for the concepts of the European Union and the West. Those tendencies are potentially very dangerous, with the aim of hindering the integration processes and undermining the liberal democratic system due to the fact that its creators or source-factors, contrary to the Western democracies, itself are experiencing authoritarianism and constant decline of democratic standards.

All in all, there is an impression that everyone is in a mode of awaiting what will happen after the Brexit, what will be in the meantime the outcome of expected French and then German elections, how the refugee or migration crisis will develop further, and what scenarios, so to speak, a prolonged economic crisis will bring to some parts of Europe. All these aspects cannot in any way be good news or a sign of positive development neither for Montenegro nor for any of the South East European or Western Balkan countries. Because any possible procrastination, slow down or even backlash of the integration processes or absence of further strategic approach by the European Union and the West will, at the end, have its consequences on the development of the democratic institutions, building the rule of law and establishing economic growth. Again, at the same time, different security threats such as violent extremism, terrorism, hybrid warfare, migra-

---

<sup>14</sup> More on “creation of a militarily neutral territory in the Balkans” via: <http://www.balkaninsight.com/en/article/putin-s-party-signs-military-neutrality-agreements-with-balkan-parties-06-29-2016>

tion issues etc. remain to pose a challenge and are endangering the countries from the region with still some not enough strong institutions.



## **Bosnia and Herzegovina – Something Old, Something New, Something Borrowed, Something Blue**

*Denisa Sarajlić*

The rise of populist politics within Europe and globally has had more influence in some countries of the Balkans, resulting in more authoritarian features and style of government, than it has had in Bosnia and Herzegovina (BiH). For BiH that influence is not so obvious, partly for the reason that the nationalist politics that have dominated developments in the country for the past 20 years, more or less fall into the framework of populism that is only now plaguing Europe. Although it is exposed to some strong features of nationalism and populism, BiH is not an authoritarian regime, but it is not a functional democracy either. Democracy in BiH never truly consolidated, and the quality of democracy that has developed over time retained many features of illiberal regimes and quasi-democratic regimes. But, the structure of the government and governance that is so decentralised does not create many opportunities for authoritarian rule, except in some parts of the country where majority rule is possible. Provided that adequate opportunities are created, some elements of authoritarian-style of ruling are possible, as has been the case in Republika Srpska (RS) over the past few years.

This is why the EU framework has been crucial for strengthening and consolidating democracy in BiH. Now that EU's democratic framework is being shaken by its internal and external developments, and especially by the rise of populism, the EU can hardly serve as a democratic role model. It is becoming hard to argue that authoritarian or undemocratic practices in BiH or the region are not tolerated because that would be incompatible with the democratic standards that exist within the EU. The weakening of democracy in Hungary, the rise of populist rhetoric and policies in many EU member states, especially the anti-immigrant and racist rhetoric deployed by some populist politicians, and the general levels of intolerance, resonate very strongly among nationalist politicians in the Balkans, and BiH is no exception. In that sense, populism that is on the rise in Europe serves to legitimise the existing nationalist rhetoric in the Balkans and it is used to



justify undemocratic behaviour by some political leaders. At the same time – the EU as a liberal role-model is not serving its purpose, and that creates an ideological vacuum that is easily filled by populism, which in the case of the Balkans – justifies nationalism and nationalist rhetoric. The tolerance of undemocratic practices in EU member states only encourages the mimicking by regional leaders, while it weakens the popular faith in democracy.

It can be said that the European or Western democratic model may be in crisis, but it will have different reflections on individual countries, depending on their current state of democracy and stage of democratic development. Countries with strong democratic tradition may prove more resilient to the current trends and recover their particular style of democracy over time. However, countries in which democracy never truly entrenched may struggle to anchor themselves in the type of democracy which the EU was trying to promote as an external democratiser over the past 30 years. The EU itself will certainly find it difficult to reinstate the image of an external democratiser, which never fully developed anyway. The EU as an external democratiser had previously struggled from a lack of consistency, weak identity, and a mismatch between its normative basis and its bureaucratic approach to democratisation of the countries in the Balkans. The core of that effort should have been the promotion of democratic values that would have brought Western Balkan countries closer to the EU normative framework through the Stabilisation and Association Process (SAP). However, instead of acting as a normative power, the EU positioned itself as a bureaucratic power that was least associated with the democratic values that it should have strived to promote – and more associated with bureaucratic benchmarks and conditionality that it inconsistently applied. Now that its own framework of values is increasingly put in question, the EU will find it harder to defend and promote abroad.

That in itself may not affect directly the SAP and the accession processes which are already under way. Those processes will be more thwarted by internal developments within each aspiring country and the stagnation and stalemate produced by local political leaders. However, some indirect influences are possible. By losing faith into the EU as a democratic framework and an institutional set-up that would bring prosperity and stability to the region, citizens of our countries may again fall victims to the campaigns of fear and intimidation, which political leaders have sustained since the

1990s. That way, the EU is not only seen as a failed concept in the eyes of the political elites, but also in the eyes of the citizens. Losing public support for the EU accession may be more dangerous in the Balkans than in any other region, and that threat could become real.

### **Something Borrowed**

Meanwhile, other actors may try to fill the ideological and political void left by the EU in the Balkans. We have already seen some attempts by Russia to make its presence in the region more visible – in Serbia, Montenegro, and in the RS and BiH generally. Sometimes, this influence is more direct, as in Serbia, sometimes it is covert – as in Montenegro, and in the case of BiH Russia's influence is institutionalised through the Peace Implementation Council and also through the UN Security Council in which it has over the past few years shown open support for the position of political leaders of the RS. In the RS, there are, of course, soft influences by Russia – evidenced primarily by regular meetings of high ranking Russian officials, including President Putin, with the RS president Milorad Dodik. Although all of those can still be considered symbolic, the potential and willingness to exert direct influence on political processes in BiH should be worrying enough for the EU and even more so, for NATO. It can be expected that Russia will maintain the current level of support for the RS – while watching for opportunities to increase that influence if necessary. Russia has already tested those waters with annexation of Crimea, and it should not come as surprise if it uses BiH, or the Balkans, as another playing field, or foreign policy terrain, for challenging the EU and NATO – or, at least, showing that it has capacities to make damage and create new and deeper cleavages.

Turkey has positioned itself in a similar fashion – finding fertile ground for planting the seeds of nationalist rhetoric in BiH. The key channel for dissemination of Turkish influence in BiH has been the current Bosniac member of BiH Presidency, Bakir Izetbegović. He has cherished his personal relationship with Rejep Tayip Erdoğan and this has more or less set the tone to an intensified rhetoric on the fondness and sentiments between the Bosniac and Turkish people. This has resonated very strongly among Bosniac citizens, especially and quite worryingly among young people, which have demonstrated unprecedented support for Erdoğan during the

coup, during referendum campaign, and in its aftermath. The ‘yes’ vote in the Turkish referendum was celebrated on the streets of Sarajevo, while divisions within Turkish citizens that were evident in the case of the attempted coup revealed divisions among Bosniac citizens, who split themselves between those who were for and against Erdoğan. That created new divisions, and even more so, huge confusion among Bosniac citizens, who had previously not been aware of divisions within Turkish society and felt compelled to quickly find a side. One banal – and yet important – example are Turkish schools throughout BiH. There are two educational institutions in BiH – one established by the supporters of Gülen (and formerly financially supported by his foundation), and another established by people who support Erdoğan. Soon after the situation with the coup was resolved in Turkey, Erdoğan exerted huge pressure on Izetbegović and other BiH officials to close down educational institutions established by Gülen. Although they have since changed ownership and been taken over by an American investment fund, Turkish officials continue to demand the closure of those schools and have also expressed bitterness against anyone associated with them.

For Erdoğan BiH serves a dual purpose – domestic and international. Domestically, BiH is a terrain in which he can show his power by demonstrating care and concern for ‘brothermen’ outside Turkey. As in many other cases, he often goes off limits and is ready to use anything for political purposes, including genocide in Srebrenica. On one such occasion, during one of the referendum campaign rallies that took place at the peak of his conflict with the Netherlands over the ban on entry of some Turkish officials, he claimed that the Dutch government was ordered by the EU to allow genocide in Srebrenica to happen, and in doing so he exaggerated the number of victims and used other false claim. However, what was even more worrying was the silence on behalf of Bosniac political leaders, who failed to deny or confront Erdoğan on something that is so sensitive and at the same time important to many Bosniacs. Izetbegović continuously fails to draw a red line with Erdoğan in protecting the interest of the people, and the sovereignty and integrity of the state. Tolerating Turkish meddling in internal affairs, be it the status of Turkish schools, or misusing genocide for political purposes, only shows that Izetbegović treats Erdoğan as an ally more important than any other international or domestic political leader.

That said – both Russia and Turkey have to rely on personalised channels of influence, such as Dodik or Izetbegović, whereas exerting institutional influence is more complex than in other countries. Given the very decentralised political system on BiH, neither Turkey nor Russia have channels to exert any direct influence on the institutions of BiH, and their influence is limited to one part of the country or one segment of population that supports the two domestic leaders. That is why their influences remain more informal, using local political actors as channels for promotion of their policies.

Nonetheless, Russian and Turkish influences should not be undermined or ignored. Both Dodik and Izetbegović have not refrained from using Putin and Erdogan respectively as their role models and tried to emulate some of their practices, to the extent possible and under the circumstances that exist within the local context. The popular support for each country among the Serb and Bosniac population is on the rise, and that in itself is cause for concern given the increasingly negative image of the EU. The image of the EU, perceived among the population in BiH as an ineffective bureaucracy, has been even more damaged by the treatment of refugees over the past two years, as well as the growing anti-immigrant rhetoric.

### **Something Old, Something New**

The weakening of democracy as a system of values in the EU, and its worsening image, are certainly factors contributing to the general feeling of apathy and disillusionment with democracy in BiH. Emerging external role-models which are trying to fill in the gap produced by a lack of a strong external democratiser is certainly an important factor too. However, these are not decisive factors for the predicament of democracy and governance in BiH. Those factors could pose huge challenges for the future of our democracy, which will need a strong role model to emulate, and an external leadership and guidance. At the moment, democracy in BiH is more under threat by its internal process and political actors, who are taking advantage of a situation in which an external watchdog function is missing.

The internal developments which undermine progress in the country fall into two categories: old-style politics, and some new political developments. The old-style politics in BiH have marked more or less political de-

velopments over the past 25 years – nationalism, ethnicity-based cleavages, and divisive rhetoric. Over the past 2-3 years, however, political divisions have re-located and they now exist within individual political parties. Divisions are no longer ethnic, and the major political crises have been created more among the Serb nationalist parties and among Bosniac nationalist parties than between them. Also internal party rifts are becoming more evident.

Nonetheless, a couple of major crises could be attributed to the ‘old-style’ nationalist politics in BiH. The two major events which were a cause for disagreements between the RS and the Federation of Bosnia and Herzegovina (FBiH) have been a decision of one member of presidency, Bakir Izetbegović (leader of SDA) to initiate a revision of the merits in the Judgment of 26 February 2007 by the International Court of Justice in the Bosnian Genocide Convention Case (Bosnia and Herzegovina v. Serbia). This issue united RS politicians in making a case against the revision, and also exposed Bakir Izetbegović to vast public criticisms for the failure to meet procedural requirement for instigating such case, and for doing that so late in the process (weeks before deadline for submission of the revisions, after having a right to do so for ten years).

The second event was the application of a complaint before the BiH Constitutional Court against 9 January being the Day of the RS and an official holiday. Many saw this as unnecessary political move in the climate of high political tensions, ongoing coalition crises, and years of reform stalemate.

So, the strong rhetoric is definitely still present, but the real political cleavages have somewhat shifted from ethnic-politics to rifts within political parties internally. Although politics and governing style in BiH since 2006 have been characterised by nationalistic rhetoric, as well as political crises and reform stalemates, the current stagnation can no longer be attributed solely to those factors. The ethnicity-based or entity-based differences and divisions have been, to some degree, relegated by conflicts within certain political parties. The pattern of post-ideological politics that is emerging within Europe and elsewhere, is noticeable in BiH to some degree as well. The cleavages that have arisen recently, are rooted within political parties themselves, and between former political partners and allies. The culture of antagonistic and conflictual politics has been raised to a whole different

level, completely undermining and even making obsolete any consensual thinking and a need for making compromises. It appears as if political parties are out to extinguish each other, and have put ethnic politics aside for a while – unless needed to make themselves look more patriotic than their political opponents.

What we are witnessing in BiH today are vindictive realignments of political positions between former partners and frequent changes of allies, which have in different ways drawn into the political battles the judiciary, media, and in some cases even police. Over the past year or so, there have been a number of arrests and indictments against political figures, more so than ever before. However, there has been some scepticism raised in regard to those cases being politically motivated and the judiciary being under influence or even controlled by certain political parties, and used for the purpose of political retaliation.

That all of course takes the attention away from reforms and EU integration. The governments in BiH agreed to a very ambitious and painful reform package, drafted by the WB and the IMF, and linked to EU process – which has created more social anxiety than positive change of any kind. The EU declared this package a success too soon and made itself again hostage to the progress that depends solely on local political leaders. Eager to move BiH on the road to gaining the candidate status, the EU agreed to the submission of BiH application for membership as soon as governments committed to the Reform Agenda. Now that they are struggling to deliver on the promises made, the EU finds itself again in ‘no man’s land’. The application has been sitting with the EU for too long already, and given the fact that the campaign for 2018 General Elections in BiH is fast approaching, it is hard to believe that the governments will be able to deliver what is necessary. There are already disputes about filling in the EU questionnaire, and the RS – which apparently has already done quite a large part of their homework – is not sharing that information with relevant institutions at state level. The coordination mechanism that was one of the conditions for submission of application, was not adopted very transparently, and has not begun to function to this date.

Related to all of the above is the question of ‘obstructive individuals’. However, the term is limited in the context of BiH because some of those

individuals have gone beyond being obstructive to being outright destructive. For over a decade now, this has been the case with Milorad Dodik, but also with Dragan Čović, leader of the Croat Democratic Union (HDZ) – although his methods appear more subtle and elusive. The most concrete act of obstruction (or even destruction) has been the referendum organised in Republika Srpska over the issue of the Constitutional Court declaring the the 9<sup>th</sup> of January as an unconstitutional holiday. This has triggered two processes, one international and one domestic.

Domestically, the BiH Office of the Prosecutor has been investigating the responsibility of Milorad Dodik in the failure to implement the decision of the Constitutional Court. Dodik himself has given a statement to prosecutors, and the investigation is ongoing. Meanwhile, the US imposed sanctions on Dodik in January 2017 for actively obstructing efforts to implement the 1995 Dayton Accords. US officials condemned the referendum as breaching the rule of law and an attempt to undermine the peace accords. Although he avoided giving statement to BiH prosecutors for months and has used every opportunity to undermine the state judiciary, it seems that the US sanctions have hurt Dodik more. His rhetoric has admittedly been milder since, although, in his true style, he refused to shake hands with the US Ambassador to BiH, Maureen Cormack at a ceremony commemorating the victims of the Ustaša regime in Donja Gradina.

However, the nature of obstructions has changed. Whereas in the past, Dodik directed his verbal attacks on ‘Sarajevo’ and Bosnia – which could be described and understood as ethnically motivated, in the past couple of years the targets and methods are different. The targets at state level are not as abstract any more, he no longer only denies the statehood of Bosnia, its symbols and competencies, but he has directed efforts at dismantling specific institutions.

The most obvious example are judicial institutions, namely the Constitutional Court, Office of the State Prosecutor, State Court and the High Judicial and Prosecutorial Council. Dodik describes most of them as creations of the international community and denies the legality and legitimacy of their actions and decisions. Dragan Čović, the president of the HDZ and member of the BiH Presidency, has supported Dodik in challenging the competencies of the Constitutional Court of BiH and proposed amend-

ment to the Law on Constitutional Court. But possibly even more important is the crumbling of those institutions from the ‘inside’, particularly through the structured dialogue that was set up by the EU as a mechanism of approximating the standards of the judiciary to EU requirements, but which has to large degree been hijacked by the RS representatives to instead further undermine the judicial institutions at state level. Politicians from the RS have abused the structured dialogue as a channel to exert more political pressure on the judiciary, but covertly and out of the sight of the general public. Meanwhile, the judicial system continues to lack cohesion, suffers from a lack of harmonisation of legislation and inefficiency.

The second major target for Dodik have been opposition parties in the RS, which formed the government at state level in coalition with a number of parties from FBiH. Over the past couple of years, Dodik’s rhetoric has been directed more against them than against Bosniacs and ‘Sarajevo’ – describing them as defectors and traitors of the RS. The rifts between RS parties have been very visible, and they have rarely shown unity on an issue, except for the referendum on the Day of the RS and a couple of other occasions. Dodik has also accused opposition parties to be behind some investigations against him under the suspicion of corruption.

In terms of the methods of obstruction, in the past the obstruction was mainly rhetorical, whereas in recent years it has been more structured, using institutions and representatives inside those institutions to undermine the system as a whole. As mentioned earlier, the Structured Dialogue on justice is one example, but the absence of a number of strategies at State level still hampers key reform process and EU accession. The Energy Community (EC) reintroduced its set of punitive measures against BiH on April 1, 2017 due to insufficient efforts to meet obligations under the terms of the Treaty of the Energy Community. This refers to poor implementation of Action Plan for the Transfer of Legal Property in the Energy Sector, and failure to introduce regulations in the gas sector at the state level. The resumed sanctions will jeopardize investments planned for the BiH energy sector worth tens of millions of Euros. Another example is the obstruction of the adoption of the agricultural strategy at state level, which was a reason for denying BiH access to IPARD funds. As a result, both entities have had to borrow commercially at high costs to subsidise and support agricultural pro



duction, whereas they could have had access to grants for same purposes through IPARD.

The most striking feature of the situation in BiH has been the poor economic situation in both entities, and the fact that they now, especially the RS, heavily depend on funding from the IMF. They thus willingly agreed to a set of economic and financial measures packaged as so called Reform Agenda, which was drafted by the IFIs, primarily the World Bank and International Monetary Fund. However, the package has been criticised mainly for disregarding the social aspect of proposed reforms and shifting the burden of economic difficulties on citizens.

According to the ‘EU Candidate & Potential Candidate Countries’ Economic Quarterly’, survey based labour force data suggests a fall in employment by 2.6 % in 2016 (the working age population dropped by 3.5 % (or 90 thousand persons), while the number of unemployed fell by 13.3 % or 42 thousand persons). They explain this drop in employment and unemployment by having “discouraged citizens”, who are no longer looking for work or leave the country.<sup>1</sup> The general economic situation could be describes as relatively stable – not showing significant sign of progress, but containing public spending and formal unemployment, with a modest rise in public revenue – while foreign direct investments remain low, and the inflation is on the increase.

The adoption of laws necessary for economic reforms has been very slow, and implementation even slower. This has raised tensions among citizens and also among coalition partners, some of which keep changing their position on individual reforms. This has culminated in failure to adopt significant increases to excise on fuel, which has further delayed the next trench of IMF money, possibly cancelling it altogether. The RS government and Dodik in particular have reacted very strongly, especially given the fact that they have done more homework than their counterparts in the Federation.

However, the failure to adopt changes to the Law on Excise Goods has revealed cleavages of a different kind and caused an eruption of discontents

---

<sup>1</sup> EU Candidate & Potential Candidate Countries’ Economic Quarterly (CCEQ) 1<sup>st</sup> Quarter 2017, Technical Paper 016, April 2017.

within the SDA (Party for Democratic Action). SDA has been struggling to maintain party unity for a few years now, and four of its MPs in the BiH House of Representatives continuously challenged party leadership and discipline when voting in parliament. Their refusal to support this particular reform, which endangered the arrangement with the IMF for the whole country, resulted in one MP being expelled from SDA, and issuing of a warning to others. However, they defended their decision with an intention to protect citizens from further increases in prices and gained them wide public support.

But this was not an incident, and is only one of many indications of turmoil inside SDA, which has plagued this party for a few years. In a fashion similar to developments in the RS – it can be said that the rifts in FBiH have been more inside parties and between parties in FBiH, than disagreements with the RS. Within FBiH, the past two years have been characterised by arrests and accusations against high ranking party officials, such as the leader of the Party for Better Future (SBB) Fahrudin Radončić and some of his associates on the grounds of interfering in an ongoing investigation. In 2017, more accusations have followed, this time against SDA officials, some of whom are very close to their party leader. The general secretary of the party, Amir Zukić has been arrested and a few others are under investigation. Coupled with rebellions against the party leadership in several local communities and rifts within the party in parliament, the leadership of SDA has been significantly weakened. Izetbegović does not seem to enjoy wider popular support and his public image has been significantly damaged since his wife has been appointed as the head of the Sarajevo Clinical Center, which has in itself cause a series of crises, accusation, cases of corruption and misuse of public funds. SDA was also visibly weaker following the last local elections in 2016, losing some of its strongholds against independent candidates (most of whom defected from SDA).

The biggest challenge to SDA outside the party comes from Radončić, who has run a personal feud against Izetbegović and his family for years. The open and sometimes brutal public campaign against Izetbegović through Radončić's newspaper *Avaz* had seized for a short time, when the two leaders agreed to form a coalition at FBiH and BiH level. However, this did not last long and Radončić has again engaged heavily in a smear campaign against Izetbegović, while representatives of his party in parliament and

government have often voted against some of the reforms proposed by SDA prime ministers. This pattern has been visible in previous coalitions in which SBB participated, so it is not a huge surprise and Radončić's ambition to become a Bosniac member of BiH Presidency never seizes to dominate his political choices and actions. Having in mind that the next general elections are just over a year away, it should not come as a surprise if parties are again re-positioning themselves against each other and beginning to frame issues which will dominate the election rhetoric.

The HDZ has more or less maintained the discourse constructed several years ago about Croats being endangered as an ethnic group, and they have used this argument in discussions on just about every issue that has come up – public broadcasting, coordination mechanism on EU matters, election law, etc. Engaging in the well-established manner of blackmailing their coalition partners, HDZ has been able to mobilise public support and use friendly media by consistently employing this argument. In many cases, this has meant long delays in adopting reforms, and painful and sometimes unconstructive compromises having to be made by their coalition partners. The support which HDZ has received from international partners, particularly from Croatian MEPs has strengthened their political position, which has made compromises within BiH even more difficult. One such issue is a call for federalisation of BiH, which originated in BiH HDZ's call for a third entity and has been formalised through an EU Parliament resolution. Such abuses of EU membership by Croatian MEPs entrenches the existing ethnic and political cleavages, and only shows to which degree EU membership by countries from the region is not necessarily a solution to the bilateral issues and problems, but can also be abused as a channel for continuing to pursue national interests. The EU institutions themselves have not addressed this issue so far, being obviously distracted by many other burning issues, especially those related to the migration crises and Brexit. However, from the perspective of the region, using the EU as another mechanism for completed some unfinished nationalist projects in the Balkans can have very negative consequences. BiH as an aspiring candidate for membership does not have an equal voice within the EU institutions when its destiny is debated, and allowing Croatia to influence the EU in such a way is unconstructive, to say the least.

The new government in Croatia has clearly been busy with its own problems since elections, especially in preventing possible damage from the dissolution of Agrokor, and it delving into the internal affairs of BiH has somewhat ceased in comparison to previous periods. There are still rhetorical attempts to maintain certain discourses, such as Croatian President's continuous populist portrayal of BiH as a nest of Islamic radicalisation that serves the general campaign of spreading fear not only throughout the region, but throughout Europe too.

Serbian influence in BiH has been rather concentrated around the former prime minister and now president Aleksandar Vučić, who has juggled issues related to BiH to pursue his domestic goals and interests, rather than to actually influence developments within BiH itself. This is rather new, and it could be said that his support for the leadership of the RS, and Milorad Dodik in particular, has been sometimes just symbolic, and in some cases not so evident. Vučić has been very selective in the choice of positions to support, carefully playing his cards at home, his cards in the EU, and least of all his cards in the RS. Although he maintains cordial relationship with Dodik, that has not always resulted in unconditional support, and rather surprisingly, Vučić has not hesitated to play that game openly. His occasional (however mild) disapproval of the RS positions was not veiled and that in itself can be considered a useful approach. However, there should be no illusions that Vučić would play that game consistently or at any costs. BiH remains a bargaining chip which he would not hesitate to put on table, should opportunities demand that. This is may be of particular concern should Russia decide to have more direct influence in BiH and the region as a whole.

### **Conclusion – “Something Blue”**

The EU accession remains still the main framework for democratisation of the region, but its validity and legitimacy are under question. That in itself is not a cause for the stagnation and current political crises in BiH, which are indigenous and a result of new rifts within political parties and main political opponents. The EU's responsibility, however, lies in lacking the strategic outlook for the Balkans as a whole, and for lacking the understanding for BiH as a specific case within that. Now that BiH lags ten years behind other countries which have made progress within the Stabilisation and As-

sociation Process, it is more than clear that the SAP was never sufficient solution to integrate BiH internally or within EU structures.

However, the weakening of the EU is creating a void, which other powers, especially Russia and Turkey are trying to fill. This is not necessarily due to any ambitions they have in BiH specifically, but part of their wider effort to undermine the EU and challenge it outside its own borders. BiH serves to both of them as another 'foreign policy terrain' they each respectively would not refrain from using for their own means and ends. This tactic has proved successful for Russia in Ukraine, and Turkey seems to have the upper hand in the talks with the EU on refugee crisis. Therefore, their current influences in BiH can be described as preparing the field in case they each need to challenge the EU on a different front.

That all puts an emphasis on Bosnia's NATO accession as potentially a higher priority than EU integration. In addition to the importance of security aspects of that, joining the Membership Action Plan (MAP) would give a much-needed boost to the reform processes, which are lacking in the EU accession. It would also serve as a confidence-building measure among citizens. Finally, accessing MAP would create a security framework for managing the influences of external actors in BiH.

However, that much depends on the position of the US on BiH in future. So far, the US maintains consistency of its policies in BiH, and sanctions against Dodik are only a small proof of that. However, should those sanctions be removed by the new US President, that would send a huge signal that some shift in policy direction is possible. Dodik has worked very intensively over the past few months on lifting the sanctions and he would certainly present that as a huge success. Supporting BiH accession to MAP would be another way for the US to restore some leadership and consistency in policy in BiH.

On top of the challenging external context, BiH is now suffering from political crises of a different kind. There are new political divisions and rifts within political parties, which cannot be described as ethnically-motivated. This is causing new reforms stalemates and political stagnation that may freeze BiH aspirations to gain candidate status before 2018.

Although the rising nationalism and populism in the EU are devastating for its own future and may create a crisis of democracy in some EU countries, their influence in BiH is not so direct. Nationalism and populism have been in mainstream politics in BiH for decades now, so some kind of domino effect from the EU countries cannot be expected. However, indirect influences are equally worrying. That relates primarily to legitimisation of undemocratic values upon which Balkan-style nationalism rests. So far, the European framework of democratic values was used as the scaffolding that would hold the construction of democratic systems in Western Balkan countries. Now that the scaffolding is somewhat loosened, it may be difficult to hold together democratic systems in the Balkans – especially given the fact that they never fully developed or consolidated.

The most worrying – however – is the resignation and defeatism among some international actors, who seem to lose the sight of the devastation and destructiveness that was created by the dissolution of Yugoslavia. The growing calls for re-drawing of the country borders along ethnic lines, and even the treatment of some EU officials of the RS as an independent state, create a sense that peace in the Balkans is not of permanent nature. That raises tensions and fears of new conflicts are re-emerging among citizens. While some react by leaving BiH, the number of those who would welcome another conflict needs to be a cause for concern. Coupled with low living standards, high unemployment and a general feeling of apathy, it is a factor that needs to be taken into serious consideration.



# **Albania's Changing Relation with the Internationals: New Directions or a Reactionary Move?**

*Alba Cela*

## **Abstract**

Albania has had a complex relationship with the international community since the collapse of the communist regime in the early 1990s. Dependent on foreign technical and financial assistance as well as on guidance for most of its legislative and systematic changes, Albania has given ample space to the influence of internationals. Moreover, the traditional perception of the society towards Western international community has been very trusting and positive.

Recent crises in the European Union, the weakening perspective of EU integration, a strong political crisis inside the country and the polarizing presidential campaign in the US have left their mark on this situation in Albania as well.

These changes manifest themselves in the decreasing role of the international community to diffuse crises and a general dissatisfaction of one part of the society with it. Moreover, there are some new trends in the foreign policy that depart from the traditional dormant yet constructive role of Albania that had been the dominant mode of operation in the recent past. Finally, Albanian politician are becoming skilful at adopting some international discussions and conspiracy theory empty talk and making them their own in a fight to get or divert international attention for certain causes.

## **A Traditional Relationship of Dependence**

One could argue that we can go as far back in time as desired and still talk about Albania as dependent on internationals, but for the purposes of this paper it suffices to briefly examine the history of the relationship in the post-communist years. The communist dictatorship, a Stalinist, paranoia based regime, left Albania extremely poor, isolated and with virtually no



experience or means to establish a democratic political system, functioning market economy and human rights based society. Therefore the technical, financial and diplomatic assistance that Albania needed was enormous. It received quite some. Furthermore, in key junctures of the transition years, such as the social and economic collapse in 1997 due to the Ponzi schemes or slightly after in 1999 in the refugee crisis that ensued the war in Kosovo, international assistance was decisive in overcoming this difficult situation.

Later on Albania's main problem turned to be, what it still is today, aggressive and extreme polarization due to politics. Several crisis related to primarily elections became political gridlocks in Albania that were mediated and ultimately resolved due to internationals stepping in and facilitating dialogue.

One factor that eased this role for the international community was also the attitude of the public opinion which is persistently pro-western and welcoming interventions of international organisations which have been accepted for a long time as more trustworthy and unbiased.

In numerous polls in Albania, NATO, the European Union and the United States enjoy figures of public trust much larger than domestic institutions do in the country.<sup>1</sup>

Of course this level and mode of interaction, which has taken the shape of dependency and even submissiveness at many points, has not gone without criticism from independent voices and even from literary writers. When Ylljet Alicka exposed the corruption and problematic behavior of some international actors in Albania in a fictional novel his book caused an uproar and many reactions from both Albanian and foreign audiences.<sup>2</sup> His book broke a taboo related to internationals being seen as a source of authority and truth and not prone to mistakes.

However, beyond the literary criticism, Albanians have often been dependent on internationals precisely to facilitate discussion and reach agreements

---

<sup>1</sup> AIIS "Albania twenty years after", [www.aiis-albania.org](http://www.aiis-albania.org)

<sup>2</sup> Ylljet Alicka Interview, <http://www.tiranatimes.com/?p=130456> Accessed May 2, 2017.

in times of political gridlock. Albania is still going to be largely dependent on and respondent to the international community given its stated national goal to become an EU member state, however the relation is changing significantly in the last two to three years due to both external and internal factors.

### **Everything is Changing**

The main actors in Albania for these years have been the European Union and the United States with the frequent involvement of a third partner, the mission of the OSCE since the majority of situations needing mediation has been related to elections. Albania is a member of NATO since 2009 and this development has increased the perception of the country as a modest but stable positive contributor in the international arena.

The power of the European Union in Albania stems from the stated national goal, to which there are no opponents of European integration. EU conditionality has been the main driver of key national reforms as well as major actions of diverse governments. It is important to stress the no opponents fact here, indeed parties in Albania compete on which one is the most pro-European, as there has been little or virtually no space claimed by euro-skeptics.

The multiple crises in which the EU has found itself in the last eras including refugee crisis and the response, Brexit, terrorist threats and the ensuing de facto halt of enlargement policy have made a mark on Albanian politicians just as on those in the region. Furthermore, the ambiguous comportment of the political party families such as the European People's Party (EPP) have also translated into varying perceptions on what can be acceptable political behaviour from national parties.

The influence of the EU has undergone a sort of two step change: first the heft of the power in the perception was changed from focusing on Brussels to focusing on Berlin and then was decreased altogether. The first step was a direct result of key member states taking over the clout in enlargement relevant decisions, which in the case of Albania would concern the candidate status and the still pending setting of a date for negotiations.

The process of European integration is taking a long time and has been primarily focused on the political and civil society elites who undertake and monitor the reforms. Despite many efforts, communication with ordinary citizens to clarify benefits and costs of the process as well as key facets of it has been minimal. With time this has brought on a superficial relationship when citizens still long for membership and are positive about the Union, but fail to demonstrate real ownership or engagement with integration itself.

On the other side of the ocean, it is still unclear what will happen with the attention and guidance for the Western Balkans for the recent administration in the United States and specifically President Trump. The authority of the United States in Albania, exerted mainly through the positions of the Embassy cannot be overstated. Moreover the general public is inclined to side positively with these positions given the long term very favorable relation between the two countries and the overwhelming pro-US sentiment.

Albania had its own share of involvement in the presidential election campaign of the United States. Many people favored the other candidate, given a popular admiration for the Clinton's administration record in the Kosovo issue.<sup>3</sup> PM Rama had voiced his concern with some of the declarations of then candidate Trump in a CNN interview, something that raised many eyebrows and a stormy debate back home before and after the elections. Given Rama's public declarations, his administration had to tread carefully after the elections although the impact so far seems to have been minimal. All main three parties in Albania on the other side have signed last year and this year lucrative contracts with lobbying firms in Washington DC.<sup>4</sup>

### **Decreasing Attractiveness of International Community**

Given these developments, the impact has been felt in the perceptions of the international community in Albania. The likability, trustworthiness and legitimacy of it has been questioned. From some actors even more aggres-

---

<sup>3</sup> 'Trump Triumph Celebrated and Mourned in Balkans', 9.11.2016 (Accessed on April 2017) <http://www.balkaninsight.com/en/article/trump-triumph-celebrated-and-mourned-in-balkans-11-09-2016>

<sup>4</sup> [www.reporter.al](http://www.reporter.al)

sive behaviors have signaled the start of a more vocal anti-West segment in Albanian public debate.

The attractiveness of the EU especially is at peril. The first cracks might have been observed since the onset of the Greek crisis, which also affected many Albanians who live there. However, there was not much public discussion over the EU's role in the following austerity program.

Further on, the hit of the multiple crises revealed many vulnerabilities in the EU's ability to work together, have one voice and most importantly questioned its capacity for solidarity. The refugee crisis is a matter in point. Albanian high level politicians rightly observed that the behaviour in this case of some non EU member states toward managing the refugee flows was much more in line with European values than the conduct of several member states.

Most importantly, in the recent two years for many supporters of the Albanian opposition parties the image of the EU has shifted from a neutral actor to one – in their eyes – clearly aligned with the majority. The protracted political crisis in Albania has seen high level position leaders directly attack the EU ambassador in Tirana for allegedly being assisting the Prime Minister himself. Slowly, this same image has been transferred to other relevant figures within the EU such as the Rapporteur for Albania in the EU Parliament. A relentless media attack in the online media world allegedly financed by opposition sources has targeted the EU ambassador for months. While this might have been a regular feature of selected media in Macedonia or Serbia, for Albania its degree of viciousness is unparalleled.

The different position that European political families such as EPP and PES take on situations favouring their members also do not help. They help create a situation in which every warring side has their own “*Europeans*” or their own “*internationals*” that support their cause, hence selling to the public a semblance of international backing even for very undemocratic practices such as those in Macedonia. This inability to speak with one voice is one of the key vulnerabilities that skilful authoritarians have used in the region to benefit their purposes.

This has eroded the trust in the power of the EU actors to influence political developments in Albania which are connected to EU integration. The power to diffuse political gridlocks has been one key feature of the internationals' clout and it seems that will also be changing.

### **Decreasing Role of International Community in Diffusing Crises**

It goes almost without saying that the decreasing attractiveness, power and legitimacy of the internationals, at least for some segments of Albanian society, produces an equal effect of decreasing leverage in solving political crisis, a role that has been practiced frequently in our country by the international community.

The latest example of the failure of international actors to resolve political crisis in Albania can be seen in the visit of the two representatives of the European Parliament, David McAllister and Knut Fleckenstein in Tirana, which came among high expectations that they were bringing along a much sought-after platform for the solution of the political crisis in Tirana.<sup>5</sup> The announced boycott of the general elections by the opposition which has been camping outside a tent in front of the Prime Minister's office for weeks has put the entire legitimacy of the electoral process at risk.

International actors and various diplomats have consistently tried to serve as mediators and dialogue facilitators during this time, but things have remained stagnant. The same can be said for the high level visit of European ministers and European party representatives which have again not succeeded in turning parties around from their polarized positions. In fact, this reality indicates a significant departure from previous situations when the role of the international community had been decisive in reaching solutions to political crisis. For example, the last time when the Socialist party, then in opposition, was staging a similar protest, a sort of resolving agreement was reached in a famous dinner in the 'Crocodile' restaurant which then became in a funny way famous for all Albanians.

---

<sup>5</sup> 'International mediation fails to break deadlock', <http://www.tiranatimes.com/?p=132145> Accessed on May 2, 2017.

Therefore the arrival of the two negotiators was accompanied by curiosity whether something would be different this time. It was not to be. Indeed they failed just as previous messages and visits of European ministers and other representatives had failed before them. It was recently reported that Dahl and Tusk from the EPP have made a final ditch call to the opposition to change its decision but they are standing their ground.

The apex of the situation came last week with a statement made by Commissioner Hahn strongly condemning the election boycott and the refusal of the opposition to reach an agreement.<sup>6</sup> The statement which would have mattered very differently in the past received a cold shower reception from the stakeholders it addressed.

The stubbornness of Albanian political actors in refusing to let go of their extreme positions in times of crisis has been a constant feature of the Albanian pro-Communist transition. However, the role of the international community was always to temper their behaviour and in critical moments usher through compromised solutions. The last crisis is yet to find an ending but so far it is proving a tough case to crack even for the powerful representatives of the EU and the US in Tirana.

## **New Patterns in Foreign Policy**

Traditionally, Albania has been an exporter of stability and a player by the rules when it comes to its foreign policy in the region. Careful not to step on any wrong stones or toes, in a region rife with ethnic and other kinds of tensions, Albania has often received positive grades from its Euro-Atlantic partners in this regard. However, in recent years we have seen some changes which signal new developments. These changes are per se not big enough to indicate any tidal movements but nevertheless they are interesting to explore in order to understand and if possible predict other expected shifts in Albanian foreign policy. It is, moreover, important to understand whether the current changes are a reaction to a set of circumstances or a

---

<sup>6</sup> Statement of Commissioner Hahn to the citizens of Albania (Accessed on May 2, 2017) [https://ec.europa.eu/commission/commissioners/2014-2019/hahn/announce-ments/statement-commissioner-hahn-citizens-albania\\_en](https://ec.europa.eu/commission/commissioners/2014-2019/hahn/announce-ments/statement-commissioner-hahn-citizens-albania_en)

new playbook for Albanian diplomacy that will also be relevant in the future.

Again there are different currents here alternating between modern nationalisms a leadership role in the region. Albania's initiative to gather the Albanian political leaders that head parties in Macedonia caused commotion and outrage in the eastern neighbour. Gruevski and his party used the so called 'Albanian platform' – an unfortunate name indeed – to cry wolf to their supporters. The platform became a boomerang. Despite many assertions from Albanian policymakers that their role was just in mediating the meeting and not in creating the content, the details were lost in the nationalistic battle of words that ensued in Macedonia.

Albania has tried to play a similar role in Montenegro trying to generate consensus between the political representatives in the Albanian minority there so that they can increase their presence in institutions. Again these efforts have failed. So far they have not generated protest from Montenegro (since the minority there is quite small) but they might if repeated in the future.

Albania's new relationship with Serbia has been very interesting to observe. It has been welcomed in European diplomacy circles and has reinvigorated efforts also on the side of civil society to contribute to more interaction and collaboration. However the inclusion of Kosovo in the agenda of the respective bilateral discussions has generated tensions and rebuttal from Pristina.<sup>7</sup>

Albania's relation with Greece has always been problematic and always hostage to the use for internal politics. These last three years, relations have been particularly stagnant and problems and incidents have appeared frequently. Political parties that stand for the Greek minority and others that like to confront Greece on the Cam issue are set to a face off this electoral campaign as well.

---

<sup>7</sup> Albert Rakipi, "New relations between Albania and Serbia: what are the implications for Kosovo?" Europa magazine, 21.12.2016, <http://europa.com.al/index.php/2016/12/21/marredheniet-e-reja-shqiperi-serbi-cilat-jane-implikimet-per-kosoven/> (accessed on April 2017)

To sum up this section, Albania is torn between reserving its ‘good pupil’ role in the region, following western policy and the appeal of populist politics when it comes to the use of ethnic subjects. The ambition of the current administration to try to play some sort of leadership role in the region is adding up to this complexity and sometimes creating dual perceptions.

### **Using the Boogeyman**

One direct impact of the global instability that is being seen in Albania is the use of the boogeyman. More specifically, for the majority the frightening entity represents Russia while for the position it alternates between George Soros and a “conspiracy of the some corrupted internationals to do their own version of justice reform”. Both these shall be addressed separately.

Prime Minister Rama has been skilful to use the prospect of the Russian threat, the capacities that Russia include has to generate instability in the region, in order to seek and receive attention from the European Union.<sup>8</sup> While certainly these fears are based on truths, the de-facto influence of Russia in Albania is virtually nonexistent (no investments, no popular support, and no appeal of soft culture.) Russian influence seems to be waning even in traditional strongholds such as Serbia and Montenegro.

Recently, the Albanian Prime Minister has also bought up the possibility of changing borders and ensuing instability in the region going as far as not to rule out the possibility of Albania unifying with Kosovo if European integration goes south.<sup>9</sup> Despite the real risk of instability in the region, the declaration was interpreted negatively.<sup>10</sup>

---

<sup>8</sup> See for example interview with Frankfurter Allgemeine Zeitung, November 2016. <http://www.reuters.com/article/us-albania-rama-eu-idUSKBN13P0UJ?il=0> (accessed on April 2017)

<sup>9</sup> Politico interview, April 17, 2017 (Accessed same day) <http://www.politico.eu/article/albania-prime-minister-edi-rama-eu-faces-nightmare-if-balkans-denied/>

<sup>10</sup> Media in Albania, quoting from Beta agency, reported that NATO officials had not welcomed this particular interview of PM Rama, citing stability concerns for their reaction. <http://www.panorama.com.al/shqiperi-e-madhe-shqetesohet-nato-flet-zyrtari-pas-deklarates-se-rames/>



The opposition in Albania, camped for months now inside a tent in the main boulevard and set on boycotting the elections is coming to desperate extremes when it comes to its rhetoric. Not only members of the opposition have swallowed the whole conspiracy theory about the ‘Soros Empire’ that favours the left in Albania, but they use the term Soros to confuse their electorate deliberately in the most unrelated matters. It is disappointing and even discrediting that their leader Basha, young and western educated, much alike his counterpart Orbán has repeatedly engaged in this anti open society discourse, in an attempt to win over some attention from the current US administration.

One illustrative example that can highlight and summarize this point is the justice reform in Albania, a strategically necessary reform for EU integration, drafted and passed with a lot of hard work from the international community and direct intervention, sometimes beyond all diplomatic lines, of the United States. The reform is a key investment and was passed unanimously in the parliament after hard negotiations that seemed to fail until the voting day morning.

The opposition and others have attacked the reform on the grounds that it has been drafted by Soros experts, European experts close to or bought by the government. Its implementation has stalled due to the refusal of the opposition to vote key acts.

### **Assessing the Development**

Long-time advocates of the idea that Albanian politics needs to mature beyond the traditional dependence on the international community might be justified to believe, at first, that this is a positive development. Maybe Albanian politicians are standing up for their principles, for their beliefs and are finally getting out of the often paternalizing shadow of internationals?

But is this really the case? What if these politicians, having intuitively smelled the difficulty of the situation, the retreating or missing presence of real perspectives of EU integration coupled with the changing US involvement ( or unclear at least), are now in a position to afford more tenacity on their extreme standpoints? They are skilfully mastering the risky narratives,

playing up fears and inserting their declarations in larger debates and therefore trying to play the international actors.

And if this is happening in a staunchly pro-western country, generally abiding by western foreign policy, what can be said of others? However, even in Albania, the risk of populism taking over is real. It seems more a matter of luck that the current administration is on the side of the West but tables can turn quickly as other experiences in the region and in Europe repeatedly instruct us. What then? The long-time investment even in bare stability might be at risk let alone the proven decline of democratic standards, rise of populism and assorted negative outcomes.

In the face of this development the international community should not lose its resolve and commitment in assisting Albania and the region. On the contrary, they should up their game as well. They have not lost all leverage and influence and they should fine tune their mechanisms of promoting rule of law, democratic practices, open societies and independent media.



# Democratic Backsliding in Serbia – (In)Stability and Public Perceptions

*Isidora Stakić*

## **Serbia – State Captured by Populism**

Since 2012, the Serbian Progressive Party and its leader, Serbian Prime Minister and President Elect Aleksandar Vučić, have been concentrating power and turning the state institutions, as well as the media, into a powerful party apparatus. The rise of Vučić could be explained by several factors. First, and probably the crucial one, is the popular discontent with the previous rule of the Democratic Party during the first decade of the 21<sup>st</sup> century. The Democratic Party failed to break off with the nationalistic legacies of the 1990s and to lead the country through the process of transition. Corruption, partocracy, shady privatization processes and unsuccessful balancing between the EU and Russia lead to the loss of citizens' support for the Democratic Party and effectively reduced it to an irrelevant political force. Second factor is Vučić's transformation from an ultra-nationalist to centre-right politician. Having learned from his own and his former political allies' experience in the 1990s, Vučić was well aware that rising and remaining in power would not be possible without the support of the West. Consequently, he significantly modified his political positions and become the advocate of liberal values and the EU integration of Serbia. The third factor is the one related to Vučić's populism – namely, his claim to represent “the people”, i.e. to be the voice of common citizens, the voice unmediated by rules and procedures; his harsh critique of the previous political elites; as well as a continuous fabrication of enemies and manipulation with citizens' fears.

The state capture by the ruling party – that implies widespread and systemic corruption, abuses of power and lack of accountability of public officials – is evident in Serbia on numerous levels. Anti-corruption legislation is not

being implemented to a sufficient level, due to a lack of political will.<sup>1</sup> Even more worrying is the trend of influence peddling that is hard to detect and document, and that is mainly reflected through close ties between political and business elites, and especially through dubious agreements with foreign investors that serve private ('political parties') rather than public interest.

Further, media freedom in Serbia has declined during the government of Alaksandar Vučić.<sup>2</sup> In 2017 Serbia ranks as 66<sup>th</sup> country in the World Press Freedom Index, which is a rather sharp decline since 2014 when it was ranked 54<sup>th</sup>.<sup>3</sup> The media in Serbia work under severe pressure, both financial and editorial, and those that are most critical of the government are publicly attacked, together with a number of civil society organizations working in the area of democracy and human rights.<sup>4</sup> A lack of media freedom was demonstrated in the Presidential Election campaign in 2017, where the TV coverage that Aleksandar Vučić received was as long as the coverage of all other candidates together, while the number of newspapers' front pages featuring Vučić was double the number of second most featured candidate.<sup>5</sup> The election campaign was also marked by serious suspicions of threatening and blackmailing of voters, as well as other irregularities, which the responsible institutions failed to prevent or penalize.<sup>6</sup>

Vučić's Government has also been affected by numerous scandals that showed a critical lack of accountability of the Government officials – among others, the death of 37 people during the massive floods in spring 2014, the crash of a military helicopter in March 2015 in which seven people (including a newborn baby) were killed, as well as severe workers' rights violations in the factories "Jura" and "Goša".

---

<sup>1</sup> Coalition prEUgovor: Report on Progress of Serbia in Chapters 23 and 24. Belgrade 2016, p.14. Available at: <http://www.preugovor.org/Reports/1321/Coalition-prEUgovor-Report-on-Progress-of-Serbia.shtml>

<sup>2</sup> Reporters without Borders: World Press Freedom Index. Available at: <https://rsf.org/en/ranking>

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Transparency Serbia: Izbori 2017 - funkcionerska kampanja, mediji, državni organi. Available at: <http://www.transparentnost.org.rs/index.php/sr/59-srpski/naslovna/9072-izbori2017-funkcionerska-kampanja-mediji-drzavni-organi>

<sup>6</sup> Ibid.

Arguably, the rise of populism in Serbia preceded the recent populist upheaval across the EU. Serbian political elites have never entirely cut off the ties with the populist legacy of the 1990s, especially when it comes to the current establishment. As mentioned above, Vučić owes a great deal of the electorate support to the populist narratives that his party apparatus produces, including the promises of better future for “common citizens” and continuous blaming of the previous political elite (namely, the Democratic Party) for all the problems that the country faces – despite the fact that the Serbian Progressive Party has effectively been in power for the past five years. The most striking part of Vučić’s populist politics is playing with the fears of citizens. In the political and media discourse, he himself and his party are presented as the only actors that are capable of maintaining stability – in Serbia and in the region of Western Balkans – and the only ones who can lead Serbia to the EU membership. Narratives of threat are constantly produced, including the threat of new wars, and all the critical voices are targeted as those threatening stability and security. Despite all the above, Vučić’s Government indeed enjoys full support of the EU. The readiness of the EU to trade democracy for the stability in Serbia and the Western Balkans in general has become obvious, and even the term “stabilitocracy” has been coined to describe this predicament.<sup>7</sup>

### **Populist Upheaval in the EU and the U.S., and Its Effect on Serbia**

The rise of right-wing political parties and leaders across Europe, as well as in the U.S., sparked wide interest for the topic of populism, which reached its peak with Trump’s victory in November last year. The populist upheaval has not lost its momentum, as evidenced, *inter alia*, by the results of the French presidential election. Moreover, the populist leaders in Hungary and Turkey, Orbán and Erdoğan respectively, keep concentrating power in their hands, contrary to the basic principles of parliamentary democracy such as checks and balances. Some of their Balkan counterparts do not lag

---

<sup>7</sup> Balkans in Europe Policy Advisory Group: The Crisis of Democracy in the Western Balkans. Authoritarianism and EU Stabilitocracy. Belgrade, Graz 2017. Available at: [http://www.suedosteuropa.unigraz.at/sites/default/files/article\\_attach/BIEPAG%20%20The%20Crisis%20of%20Democracy%20in%20the%20Western%20Balkans.%20Authoritarianism%20and%20EU%20Stabilitocracy%20print.pdf](http://www.suedosteuropa.unigraz.at/sites/default/files/article_attach/BIEPAG%20%20The%20Crisis%20of%20Democracy%20in%20the%20Western%20Balkans.%20Authoritarianism%20and%20EU%20Stabilitocracy%20print.pdf)

behind in autocratic tendencies, while, unfortunately, the EU often seems to be rather tolerant to such developments.

Although populism is by no means a new trend in Serbia, the rise of populist parties in the EU and the U.S. could affect the political situation in Serbia in several ways. First, the normalization of (extreme) nationalism in the EU countries and in the U.S. could give a boost to Serbian nationalism that has never been de-legitimized, since the 1990s. For instance, Serbian nationalist politicians, who still represent the strongest political force in Serbia, endorsed Trump and celebrated his victory. Among them, the most vocal was Vojislav Šešelj, the leader of the far-right Serbian Radical Party, but also the members of the ruling Serbian Progressive Party, such as Marko Đurić, the Director of the Office for Kosovo of the Serbian Government. This support is due to several reasons: first and foremost, Serbian right-wingers identify with Trump's political stands and ideology; second, they believe, or at least hope for the change of the U.S. politics towards Serbia, primarily in regards to Kosovo issue, i.e. that the U.S. will be more benevolent towards Serbia's firm stance on denying Kosovo independence; the third reason is that Trump's opponent at the 2016 US elections was Hillary Clinton, who is perceived among Serbian nationalists as an enemy of Serbia; finally, the fact that Trump promised better relations with Russia, could also be seen as a factor contributing to the support for Trump among Serbian politicians. Hence, the normalization and mainstreaming of nationalism in the Western world strengthens the position and provide a solid ground for the claims of Serbian nationalists.

Second, the populist upheaval in European countries is an indicator of a deep crisis of the EU which will seriously affect the further functioning of the Union. In such situation, the EU will arguably be increasingly preoccupied with its internal dynamics, shifting attention away from the Balkans. It should not be forgotten that even so far, the EU has been benevolent towards the evident autocratic tendencies of the Serbian leader, ignoring the numerous abuses of power that occurred in Serbia during the past several years. For example, the infamous incident in Savamala (a Belgrade neighborhood) was not even mentioned in the EU Country Report 2016. In this incident that occurred in April 2016, the police refused to respond to calls from citizens who saw around 30 masked men armed with baseball bats and equipped with diggers tearing down buildings on the riverbank and

allegedly beating up local residents. This was established by the Serbian Ombudsman, who concluded, after examination of police documents and the recordings of telephone conversations during the incident, that “these omissions in the work of the police are not the result of individual mistakes, but were organised and implemented within the framework of a previously prepared plan.”<sup>8</sup> This was clearly a case of power abuse that indicated a lack of accountability of the Serbian Government, as well as the rule-of-law deficit in Serbia. Nevertheless, the explanation of the EU Delegation in Serbia of why the Country Report omitted this incident was that Country Reports generally did not deal with individual cases. In a number of other cases that showed a lack of accountability of the Serbian Government, the EU chose to turn a blind eye.

The third possible consequence of the political upheavals that have taken place in the EU and the U.S. in 2016 and 2017 is the shift in public opinion in Serbia towards more euroscepticism. The public opinion in Serbia, as surveyed in January 2017, will be discussed in more details in the following section.

## **Public Opinion in Serbia – the EU, Russia, the U.S., and Security Threats**

### *The European Union*

Between 2013 and 2016 the number of Serbian citizens supporting the EU integration dropped from 61 % to 54 %, while the number of opponents grew from one quarter of population (26 %) to one third (34 %). According to an opinion poll conducted in January 2017, this negative trend continued with an even sharper decline of support. Only 43 % of the citizens of Serbia are in favour of the EU membership of their country, which is the lowest number in the last five years, while the percentage of the opponents has grown to 35 %. It is also striking that 22 % of citizens do not know whether the EU membership is something Serbia should aspire to, a percentage of citizens with this attitude which is almost twice as much as in

---

<sup>8</sup> Serbian Police Accused over Masked Nocturnal Demolitions. In: Balkan Insight, 10.05.2016. Available at: <http://www.balkaninsight.com/en/article/serbian-police-involved-in-phantom-masked-nocturnal-demolition-05-10-2016>



the previous year (12 %). After Jean-Claude Juncker’s statement that another EU enlargement would not happen before 2020, the so called “enlargement fatigue” became obvious, and the EU lost its appeal, as well as the transformative power in the candidate countries. The citizens of Serbia see the accession as a moving target, as it is becoming clear that every subsequent accession will be more difficult than the previous one.

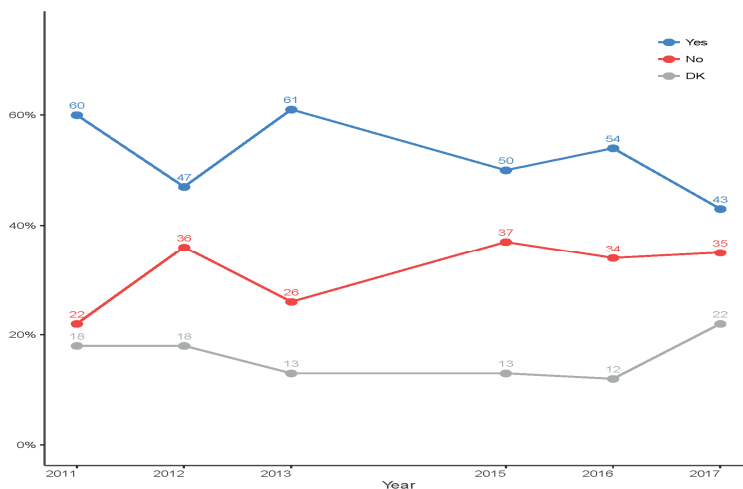


Figure 1: Do you support the EU integration of Serbia?

The latest opinion polls also show that citizens of Serbia consider the EU unsuccessful in most areas. For example, only in the area of democracy, rule of law and human rights more than a half of Serbian citizens (51 %) consider the EU successful (or mostly successful), which might be interpreted as a result of the high frequency of these topics in the public discourse related to the EU integration. It should also be noted that the topics of democracy, rule of law and human rights are primarily linked with the conditions that the EU imposes on Serbia, and not with benefits. On the other hand, in the areas of political, economic, and technological power, around 60 % of Serbian citizens see the EU as unsuccessful (or mostly unsuccessful), whereas in the area of military power as many as 71 % of respondents believe that the EU is not successful. As for the economic power, the perceptions of Serbian citizens are affected by the Eurozone crisis, particularly the Greek crisis, and the inability of the EU to adequately deal with it. In the area of military power, it is clear that the EU is overshadowed

owed by the U.S. and NATO, and that the majority of Serbian citizens is not familiar with the EU military missions, nor with the Common Security and Defence Policy (CSDP) in general. Consequently, the EU is seen by Serbian citizens primarily as the “normative power”, and not as an actor with “hard power”.

Overall, the negative perceptions of the EU among citizens of Serbia could be explained by two major factors. First, the EU accession process has not so far brought any tangible benefits for the majority of Serbian citizens, in terms of better living standard and more human security. Second, the EU is currently facing numerous crises, such as Brexit, Eurozone crisis, migration crisis, terrorist threats, etc., that it is not able to adequately address. That, coupled with the growth in popularity of the Eurosceptic parties within the EU, leads citizens of Serbia to the conclusion that the EU is not a goal that is worth sacrifice. In addition to the mentioned two factors, it should not be forgotten that a great part of the Serbian citizens who are generally pro-EU are, at the same time, opposed to Vučić’s Government (due to numerous reasons, some of which were mentioned above). Consequently, the EU support that Vučić enjoys might push that part of the population to turn against the EU.

### *Russia*

The Russian Federation has always been perceived by citizens of Serbia as the major Serbian ally and the protector of Serbian interests. This is due to the historical and cultural ties with Russia, but also due to the fact that Russia supported the official Serbian policy of denying Kosovo independence within the UN and in the international arena generally. In 2015 Russia vetoed the proposed Security Council Resolution on Srebrenica that described the Srebrenica massacre of 8,000 Muslims by Bosnian Serb forces as genocide. The Serbian political establishment, who officially denies the Srebrenica genocide, praised the Russian veto as an act of great friendship. Vučić’s Government, as well as all the previous Serbian Governments since 2000, pursues the politics of balancing between Russia and the EU. The aim of such foreign policy strategy is twofold – to sustain the support of the nationalist and “Russophilic” part of the electorate, but also to show to the EU that Serbia could turn to Russia at any moment, if the EU becomes too critical of the current establishment.

According to the opinion polls from January 2017, almost a half of Serbian population (48 %) believes that the political cooperation between Serbia and Russia is satisfactory. In addition to that, almost a quarter of the citizens of Serbia (22 %) think that Serbia should form a political alliance with Russia. On the other hand, only 4 % of the respondents believe that Russia’s influence is damaging to Serbia, every tenth citizen of Serbia (10 %) sees their own country as “Russia’s puppet”, while 16 % of population do not have an opinion on Serbia-Russia cooperation. The disproportion between the positive and negative public opinion on this issue is striking – while seven out of ten citizens of Serbia have positive attitudes towards Serbia-Russia political cooperation, only 14 % of the population think the opposite.

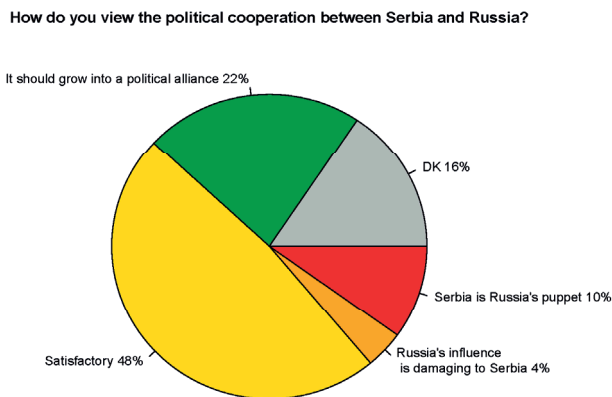


Figure 2: Your Opinion about the political cooperation between Russia and Serbia.

Another finding of the latest public opinion survey confirms the great confidence that Serbian citizens have in Russia. Namely, more than 60 % of the respondents believe that Russian influence on Serbia’s foreign policy is good or mostly good, while five times less respondents (12 %) see the Russian influence as bad or mostly bad. This result is particularly indicative in comparison with the citizens’ opinion about the influence of other countries. In contrast to Russia, more than half of the citizens (51 %) see the influence of the U.S. on Serbia’s foreign policy as negative, while more than one third (36 %) think that the influence of the EU is bad. Only every

tenth citizen of Serbia (11 %) sees the US influence as positive, and 28 % has a positive opinion about the EU influence on Serbia's foreign policy.

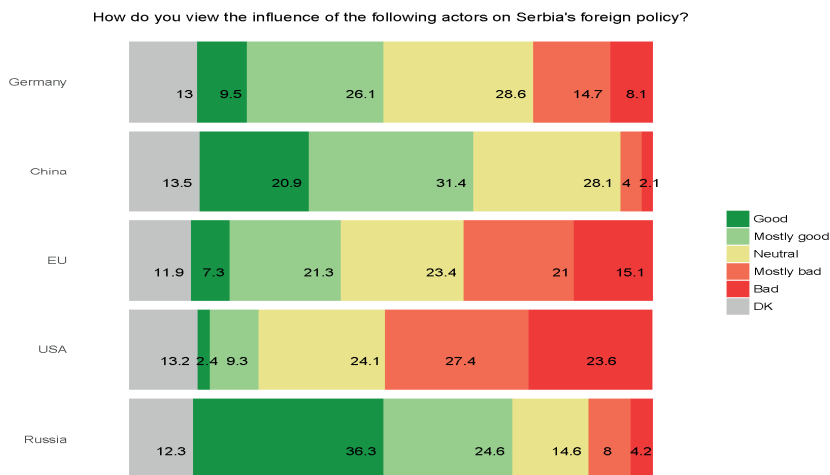


Figure 3: Influence of different actors on Serbia's foreign policy,

### *The U.S.*

Despite the U.S. being one of the largest donors and investors in Serbia, the public perception of this country among Serbian citizens is predominantly negative. What is important in relation to the perceptions of the U.S., is that this country is primarily viewed as the leader of NATO, or possibly even equated with NATO among a part of Serbian citizens. The image of NATO in Serbia is extremely negative, due to the NATO campaign in 1999 and the role that this alliance played in Kosovo secession. In 2013 only 6 % of Serbian citizens believed that Serbia should join NATO in order to protect itself from external threats, and that percentage dropped even more in 2017, to only 4 % which is basically the margin of error. It should not be overlooked that the U.S. is seen as the major supporter of Kosovo independence, as well as the major opponent of Russia, which, all together, contribute to negative public perceptions of this country.

As mentioned above, the influence of the U.S. on the foreign policy interests of Serbia is seen extremely negatively, especially in comparison with

the influence of other countries. Every fifth citizen of Serbia (21 %) believes that after the election of Donald Trump the U.S. foreign policy towards Serbia will be more friendly. Nevertheless, six out of ten Serbian citizens (60 %) do not think that Trump's victory will bring any change to the U.S. foreign policy towards Serbia.

### *Internal and External Security Threats*

There is a high degree of agreement among Serbian citizens in regards to internal threats. More than a third of the population (35 %) sees corruption and crime as the major threat, while almost a third (31 %) believes that the major threat are the politicians themselves and poor governance. Hence, the two thirds of the population perceive the problems related to rule-of-law deficiencies and poor governance as the major threat to their security, while another 6 % feel threatened mostly by poverty and unemployment. This finding indicates that the great majority of the citizens of Serbia are actually not satisfied with the current Government and its policies. Only 3 % of respondents see the Kosovo secession as the major security threat and the same percentage believes that the major threat are migrants coming to Serbia.

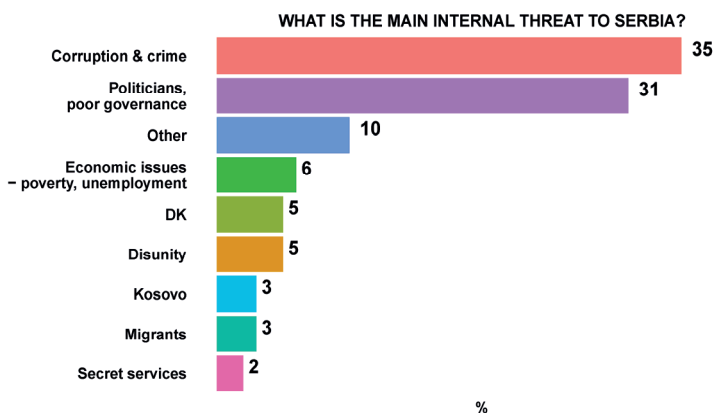


Figure 4: Main internal threat to Serbia

In regards to the external security threats, by far the largest number of citizens (32 %) think that the greatest threat is the politics of major powers towards Serbia. The second largest external threat, in the opinion of Serbi-

an citizens, is terrorism (15 %). It is important to note that significantly smaller number of respondents (8 %) believe that the neighbouring countries are the major threat to Serbia, while only 3 % are primarily threatened with the Greater Albania project, and only 2 % with further dissolution of Serbia. Nevertheless, four out of ten Serbian citizens (40 %) believes that Serbia has more enemies then friends among the neighbours, and almost the same number (38 %) is afraid of the new war in the Balkans. These fears are arguably the consequence of nationalist rhetoric and growing tensions in the region. Especially problematic are the relations between Belgrade and Prishtina, which will be discussed in more details below.

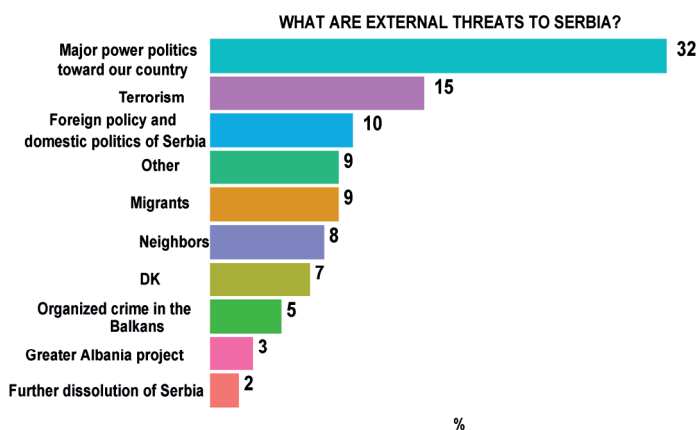


Figure 5: External threats to Serbia

## Belgrade-Prishtina Dialogue

Vučić has been praised by the international community and especially the EU officials for his readiness to engage in the dialogue with the Government of Kosovo. However, during the past year, the normalization process came to a halt. The implementation of the Brussels Agreement – which has been considered a milestone in the normalization process – is lagging behind the envisaged schedule due to numerous obstacles that keep arising, such as the status of the Association of Serbian, the ownership of companies undergoing privatization in Kosovo, etc. The Belgrade-Prishtina dialogue has been widely criticized for that it takes place only at the high polit-

ical level, with no possibilities for citizens, civil society organizations, local institutions etc. to participate. The participation of broader society in the process of normalization is further aggravated by the lack of transparency of the dialogue. Although the texts of the agreements are usually made public, the negotiations process itself, as well as the implementation of the agreed, remain untransparent. In addition to that, the nationalist rhetoric on both sides and a discourse permeated with stereotypes and animosity prevent a genuine normalization of relations.

The recent period has shown an escalation of tensions between Belgrade and Prishtina and an increase of nationalist rhetoric. The Serbian Government contributed to such developments by undertaking dubious actions, such as the one with the infamous painted train. In January 2017, a train was set off from Belgrade to Northern Mitrovica, painted in the colours of the Serbian flag and bearing the words “Kosovo is Serbian” in 21 different languages, including Albanian. In the end, the train did not enter Kosovo, Vučić stopped the train in Raška (the town just before the border), claiming that Kosovo Albanians had tried to mine the railway, and also accusing Kosovo authorities of sending special units with armoured vehicles to the North Kosovo with the aim of starting a conflict. Kosovo police strongly denied the allegations that the railway was mined.

The painted train was clearly a political provocation designed by the Serbian Government, contrary to spirit of the normalization process. The incident was followed by an escalation of harsh nationalist rhetoric and self-victimization by the Serbian politicians, including the statement of President Tomislav Nikolić that Serbia would be ready to send armed forces to Kosovo, if it is necessary in order “to protect [Kosovo] Serbs”.<sup>9</sup> The timing of the incident – some months before the Presidential elections in Serbia – suggests that it might be intended at gaining support of the part of Serbian electorate with nationalist attitudes. Ironically, Federica Mogherini thanked Vučić for stopping the train and, therefore, preventing further escalation.

---

<sup>9</sup> Nikolić: Spremni smo da pošaljemo vojsku na Kosovo, ako budu ubijani Srbi. In: Blic, 15.01.2017. Available at: <http://www.blic.rs/vesti/politika/nikolic-spremni-smo-da-posaljemo-vojsku-na-kosovo-ako-budu-ubijani-srbi/14z1m23>

Despite the harsh rhetoric of Serbian officials, the public opinion in Serbia seems to show different trends in regards to Kosovo. According to the survey from January 2017, only every tenth citizens (10 %) thinks that going to war to prevent the secession of Kosovo would be justifiable. When asked what they would be ready to do if Serbs in neighbouring countries were affected by an armed conflict, only 6 % of the Serbian citizens responded that they would be ready to go to the war. On the other hand, one third of the citizens of Serbia (34 %) believe that the dialog between Belgrade and Prishtina should be continued regardless of the EU pressure, while only every tenth respondent (9 %) thinks that the dialogue should cease. Still, only 8 % of the citizens of Serbia see the recognition of Kosovo independence as acceptable, if it is to contribute to the stability and prosperity of the region. Particularly worrying is the fact that young people in Serbia are more against the dialogue than the whole population, which indicates a potential for the rise of nationalism within Serbian society.

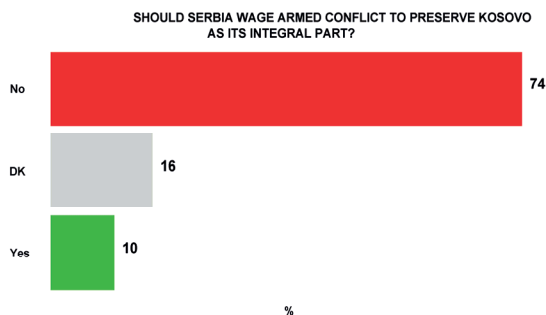


Figure 6: Armed conflict to preserve Kosovo?

### **Instead of Conclusion: The Role of the EU – What Can Be Done?**

As stated above, the EU has so far been tolerant to autocratic tendencies of the Balkans political leaders, thus providing legitimacy for their governments. Stability was put by the EU above democracy, which has been further exploited by the Balkan politicians in power, who securitized regional relations, claiming that they are the only ones who can protect citizens from new wars and instability. Needless to say, in a longer run, stability is hardly sustainable without democracy. It has already become obvious, *inter alia*, during the recent violence in the Macedonian Parliament. So, what is



to be done by the EU in order to stop the democratic backsliding in the Balkans and to prevent the eruption of new violent conflicts?

First of all, the EU should stop turning a blind eye to autocratic tendencies of the Balkan leaders. All the violations of democratic rules and values should be addressed by the EU and its officials, and transparently communicated to the citizens of Balkan countries.

Second, the EU should provide more support and develop closer cooperation with the democratic forces in the Balkan societies, i.e. with the independent bodies, civil society organizations, expert institutions and academia. Such institutions and organization could help significantly with gathering data and producing analysis of the local political context.

Third, the EU should offer a clear European perspective to the citizens living in the Balkans. It should be open and precise about the membership criteria, as well as about the progress that the countries are making in the EU integration process.

Last, but not least, the EU should find solutions for preventing and stopping undemocratic tendencies in the Member States. Liberal democracy has proven not to be a system that can effectively prevent further rise of inequalities and the consequent rise of right-wing populism. Thus, the EU must engage in a wide and inclusive debate about alternative models of governance, primarily economic governance. The last task is certainly the most demanding and difficult one. However, not only the EU future of the Balkans, but also the future of the EU, depends on the ways in which the EU will possibly redefine itself.

## **References:**

Balkans in Europe Policy Advisory Group: The Crisis of Democracy in the Western Balkans. Authoritarianism and EU Stabilitocracy. Belgrade, Graz 2017. Available at:  
[http://www.suedosteuropa.uni-graz.at/sites/default/files/article\\_attach/BIEPAG%20-%20The%20Crisis%20of%20Democracy%20in%20the%20Western%20Balkans.%20Authoritarianism%20and%20EU%20Stabilitocracy%20print.pdf](http://www.suedosteuropa.uni-graz.at/sites/default/files/article_attach/BIEPAG%20-%20The%20Crisis%20of%20Democracy%20in%20the%20Western%20Balkans.%20Authoritarianism%20and%20EU%20Stabilitocracy%20print.pdf)

Coalition prEUgovor: Report on Progress of Serbia in Chapters 23 and 24. Belgrade 2016, p.14. Available at:  
<http://www.preugovor.org/Reports/1321/Coalition-prEUgovor-Report-on-Progress-of-Serbia.shtml>

Nikolić: Spremni smo da pošaljemo vojsku na Kosovo, ako budu ubijani Srbi. In: Blic, 15.01.2017. Available at:  
<http://www.blic.rs/vesti/politika/nikolic-spremni-smo-da-posaljemo-vojsku-na-kosovo-ako-budu-ubijani-srbi/14z1m23>

Reporters without Borders: World Press Freedom Index. Available at:  
<https://rsf.org/en/ranking>

Serbian Police Accused over Masked Nocturnal Demolitions. In: Balkan Insight, 10.05.2016. Available at:  
<http://www.balkaninsight.com/en/article/serbian-police-involved-in-phantom-masked-nocturnal-demolition-05-10-2016>

Transparency Serbia: Izbori 2017 - funkcionerska kampanja, mediji, državni organi. Available at:  
<http://www.transparentnost.org.rs/index.php/sr/59-srpski/naslovna/9072-izbori2017-funkcionerska-kampanja-mediji-drzavni-organi>



**PART III**  
**ECONOMIC CHALLENGES**



# Western Balkan Economic Trends and Challenges

*Mario Holzner*

## **International Economic Environment: Positive amid Major Uncertainties**

Over the biennium 2017-2018, GDP growth in the euro area is expected to hover around 1.7 %, while imports are expected to expand at an even faster rate: some 4 %. Over the past three years, the euro area has been recovering at an average GDP growth rate of 1.6 % from the second blow delivered by the double-dip recession in the biennium 2012-2013. By way of contrast, the US economy did not experience a second recessionary dip and has been growing at a robust rate of 2 % over the past five years. It too expects a somewhat higher rate in the near future. Import dynamics are typically stronger than GDP growth by a factor of around 3. This is of vital importance to the countries from Central, East and Southeast Europe (CESEE), given that the euro area is the most important destination for their exports and their export intensity runs high.

The international financial markets stabilised towards the end of 2016 and the current economic mood is improving. After the major turbulences in the international financial markets provoked by the extreme volatility of the Chinese stock market throughout 2015 and early 2016, by early 2017 both the European and Chinese stock market indices had returned to the levels of early 2015, while US stocks even rose in value by 14 % (they now stand at more than 50 % above the level at which they stood prior to the outbreak of the global financial crisis). Improvements in both the real economy and the financial markets have been accompanied by an improvement in the economic agents' mood. For quite some time now, the Economic Sentiment Indicator for the EU has been significantly higher than its long-term average. This forward-looking indicator for the EU as a whole is closely shadowed by the same indicator for the average EU member state from Central and Eastern Europe (EU-CEE) and, to a certain extent, for most of the EU candidate-countries as well. One exception

is Turkey where the domestic political turmoil in the wake of the failed coup has had a poisoning effect on expectations as to the future.

Nevertheless, heightened uncertainties following the UK referendum on Brexit in June 2016 and the US presidential elections in November have cast a cloud over the improved economic conditions noted above. Whereas from early 2015 onwards the EU economic sentiment indicator had taken a turn for the better and entered the upswing and expansion mode, it contracted in the summer of 2016 once it became clear that the United Kingdom would leave the EU. It took a further turn for the worse when the newly elected US president Donald Trump assumed office in January 2017. Both events are perceived to have increased economic policy uncertainties on a massive scale.

### **Western Balkans: Growth Gains a Bit of Momentum**

Over recent quarters, GDP growth throughout almost the entire CESEE region has stabilised in positive territory. This is also true for the Western Balkans (Figure 7, lower left panel), where since the second quarter of 2015 all the economies maintained positive GDP growth in the range of about 2-4 %.

#### **Box 1: Short Western Balkan Country Summaries**

The Albanian economy will continue to grow at above 3.6 % in the medium term. Investment-driven economic growth will be supported by international capital inflows. A recovery in external demand is expected, in reaction to higher international oil prices and positive signs for the tourism industry. However, the parliamentary elections due in mid-June 2017 have been preceded by political tension, which has jeopardised their fairness, as well as the progress made in the judicial reform initiated last year.

In Bosnia and Herzegovina the growth momentum improved in the second half of 2016, and this should continue in 2017, as a strengthening labour market and rising wages boost private consumption. Industrial output should also post fairly strong growth, helping to underpin an improvement in exports, although this will continue to be held back some-

what by poor infrastructure. The IMF programme will face delays related to political infighting, but should continue to ensure relative fiscal discipline.

The economy of Kosovo will remain one of the fastest growing in Europe during the 2017-2019 forecast period, driven by remittances and investment. Domestic demand-driven growth and limited export capacity will mean that the large external deficit will widen further. The IMF programme will be key to maintaining fiscal discipline. Political risks have risen, but should remain contained and are unlikely to significantly derail the economy's momentum.

The Macedonian economy is expected to return to growth of 3 % in 2017 and the medium term. In 2016, growth slowed temporarily, due to the underperformance of investments. The labour market continued to improve, although the unemployment rate remains exceptionally high. Stability was more of a concern than growth, as the country headed towards an electoral resolution to the political crisis. Looking ahead, political stability could push potential growth closer to 4 %.

Montenegro's economic growth slowed markedly at the turn of 2016, largely because of a surge in imports. It recovered in the course of the year and is now poised to return to 3 % or thereabouts in the medium term. Political risks also contributed to economic volatility, though a degree of stability should have returned following the early elections. The economy will continue to rely even more on services, i.e. on tourism.

In Serbia growth proved better than expected in 2016, at 2.7 %. Looking ahead, it should approach 3 % in the medium term. This is mainly because consumption – both private and public – will increase, now that fiscal consolidation is largely at an end; meanwhile investment and exports should continue to grow.



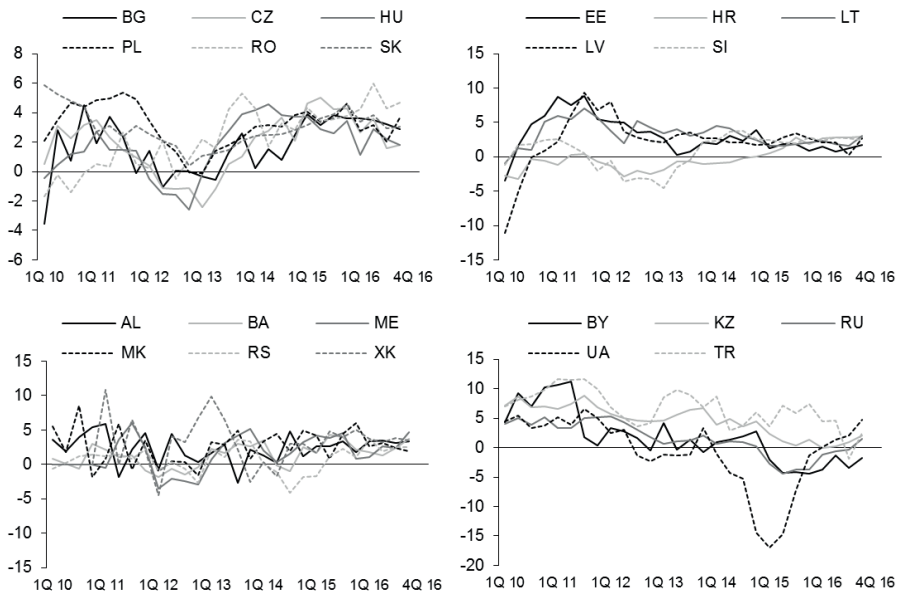


Figure 7: Quarterly real GDP growth of the CESEE countries, change in % against preceding year<sup>1</sup>

Current wiiw CESEE GDP growth forecasts for the triennium 2017-2019 point to growth of around 3 % for most of the region, with a slightly upward trend. Despite the previously mentioned massive rise in global uncertainty, we are fairly optimistic where our projections are concerned (Figure 8). The Western Balkan economies in particular should manage to attain average GDP growth rates of above 3 % and in Albania and Kosovo, the levels may be even closer to 4 %. In the latter two economies, apart from a low base effect, infrastructure investment will also be pushing growth.

<sup>1</sup> Source: wiiw Monthly Database incorporating national and Eurostat statistics.

		Forecast, %				Revisions, pp		
		2016	2017	2018	2019	2016	2017	2018
EU-CEE	BG	3.4	2.9	3.1	3.3	↑ 0.4	↓ -0.1	⇒ 0.0
	HR	2.8	2.8	2.9	3.0	↑ 0.3	↑ 0.1	↑ 0.1
	CZ	2.3	2.4	2.6	2.3	↑ 0.1	⇒ 0.0	⇒ 0.0
	EE	1.3	2.2	2.3	2.4	↓ -0.3	⇒ 0.0	⇒ 0.0
	HU	2.0	3.3	3.4	3.1	⇒ 0.0	↑ 0.7	↑ 0.5
	LV	1.8	2.5	2.7	2.8	↓ -0.6	↓ -0.1	↓ -0.2
	LT	2.2	2.7	2.8	3.1	↓ -0.1	↑ 0.1	↓ -0.2
	PL	2.8	2.9	3.0	3.1	↓ -0.4	↓ -0.6	↓ -0.3
	RO	4.8	4.0	4.0	4.0	↑ 0.1	↑ 0.5	↑ 0.2
	SK	3.3	3.1	3.6	3.9	↑ 0.1	⇒ 0.0	↑ 0.2
SI	2.6	2.9	2.9	3.0	↑ 0.2	↑ 0.3	⇒ 0.0	
WB	AL	3.2	3.5	3.9	4.0	↑ 0.2	↑ 0.2	↑ 0.3
	BA	2.3	2.8	3.0	3.1	↓ -0.8	↓ -0.5	↓ -0.5
	XK	3.6	3.9	3.8	3.7	↑ 1.0	↑ 0.9	↑ 0.6
	MK	2.5	3.1	3.3	3.0	⇒ 0.0	⇒ 0.0	⇒ 0.0
	ME	2.7	3.1	2.9	3.3	⇒ 0.0	⇒ 0.0	⇒ 0.0
	RS	2.7	2.8	3.0	3.3	↑ 0.5	↑ 0.3	↑ 0.5
Turkey	TR	1.9	2.1	2.6	3.1	↓ -1.4	↓ -0.9	↓ -0.1
CIS +UA	BY	-2.6	0.5	1.6	2.2	↑ 0.2	↑ 1.4	⇒ 0.0
	KZ	1.0	2.0	3.0	3.0	↑ 0.6	⇒ 0.0	⇒ 0.0
	RU	-0.2	1.7	1.7	2.0	↑ 0.6	↑ 0.9	↓ -0.1
	UA	2.0	2.5	3.0	3.0	↑ 1.2	↑ 0.6	↑ 0.6

Figure 8: Real GDP growth forecast and revisions.<sup>2</sup>

Private consumption and increasing investment will continue to be the main growth drivers over the forecast horizon. For the typical Western Balkan economy, household final consumption is expected to remain the single most important growth driver, contributing on average some 2 pp to GDP growth. GDP growth rates of more than 2 % together with migration and population aging have helped to improve labour market conditions in the Western Balkans. The Western Balkan countries have managed to have substantially higher employment and a significant reduction in unemployment (Figure 9). Over the past three years for the countries for which data are available, the number of employed persons has increased by 12 % and the level of unemployment has dropped by 22 % (half of that reduction occurring in the past couple of quarters). It has to be mentioned, however, that the recent marked improvement in the labour markets in the Western Balkans is to be seen against a much lower

<sup>2</sup> Note: Current forecast and revisions relative to the wiiw autumn forecast 2016. Colour scale reflects variation from the minimum (dark grey) to the maximum (white) values. Source: wiiw spring 2017 forecast.

basis than in the EU-CEE countries: historically their unemployment rates used to be very high.

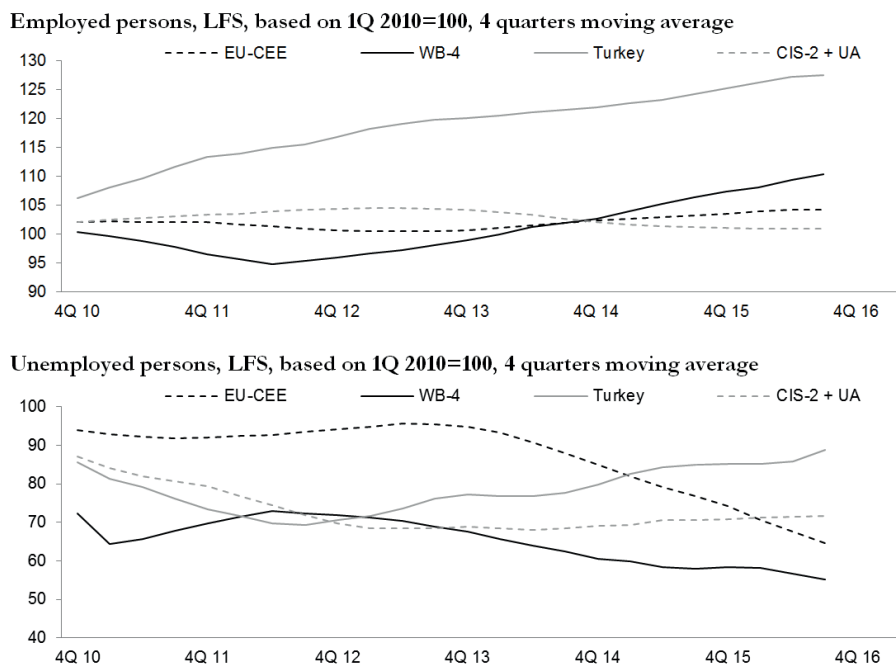


Figure 9: Labour market trends<sup>3</sup>

Tightening labour markets are conducive to wage increases, also in the Western Balkan economies (Figure 10). It is interesting to note that unlike earlier times, wage increases in CESEE industry over the past few quarters have by and large been either similar to or lower than increases overall – in brief, wages in the more domestically oriented services sector outperformed those more exposed to international competition. This is further indication of domestic demand having increased substantially.

<sup>3</sup> Note: WB-4 comprises data for BA (employees registered), MK, ME, RS. CIS-2 includes RU and KZ. Source: wiiw Monthly Database incorporating national and Eurostat statistics.

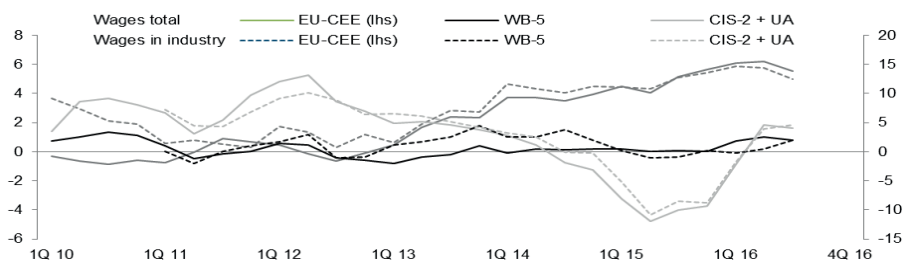


Figure 10: Average monthly gross wages total and in industry<sup>4</sup>

Strong wage dynamics in the EU-CEE countries and the Western Balkans have had a healthy impact on headline inflation leaving negative territory. In the past and over a number of quarters, wage-influenced core inflation (not including energy prices) in those countries exceeded headline inflation. Given rising oil prices, however, both rates have since converged – albeit at persistently low levels of around 1 % or less. Most of the countries in the CESEE region have recently witnessed a rise in unit labour costs (ULCs). Hence, overall wage increases have been outperforming productivity growth. More often than not, ULCs in industry have been rising less than in the overall economy, mostly on account of higher increases in productivity. If the overall development continues, it might sooner or later jeopardise international competitiveness. At the same time, however, the trend might also be a sign of quality upgrades in local industries.

Most of the latest industrial production figures (Figure 11) for the CESEE countries are encouraging; they point to an ongoing improvement in industry structure and, in several cases, to re-industrialisation. A comparison of recent years reveals that (cumulative) industrial production was rather flat in the Western Balkans, output in terms of capital goods and durable consumer goods however is far outstripping other sub-categories of industrial production. Capital goods fared especially well in Macedonia, as did consumer durables in Serbia.

<sup>4</sup> Note: Arithmetic average over country groups. WB-5 comprises data for AL, BA, MK, ME, RS. CIS-2 includes RU and KZ. Source: wiiw Monthly Database incorporating national and Eurostat statistics.

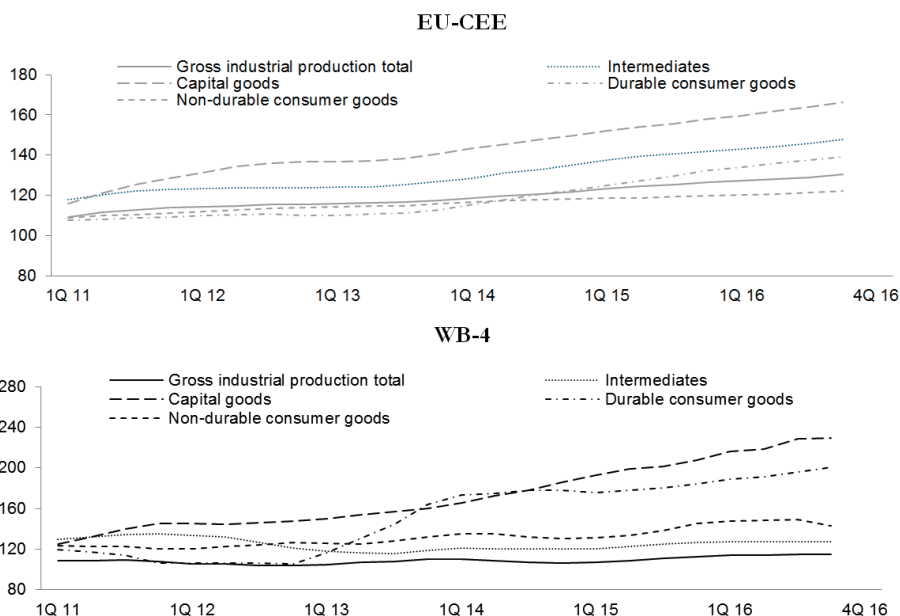


Figure 11: Industrial production Index 1Q 2010=100. Calendar adjusted data, not seasonally adjusted data, 4 quarters moving average<sup>5</sup>

The short-term trends in respect of FDI inflows in the CESEE countries are mostly negative, yet in the longer term the trend holds particular promise for the Western Balkans (Figure 12). There, much of the FDI is related to infrastructure, particularly in the transport and energy sectors, examples being the Norwegian Statkraft’s Devoll hydropower project or the construction of the Trans Adriatic gas Pipeline (TAP), both of which are located in Albania. All this should offer potential enough to attract future additional FDI to an area that hitherto had not been a prime target for international investors.

<sup>5</sup> Note: Arithmetic average over country groups. WB-4 comprises data for BA, MK, ME, RS. CIS-2 includes RU and KZ. Source: wiiw Monthly Database incorporating national and Eurostat statistics.

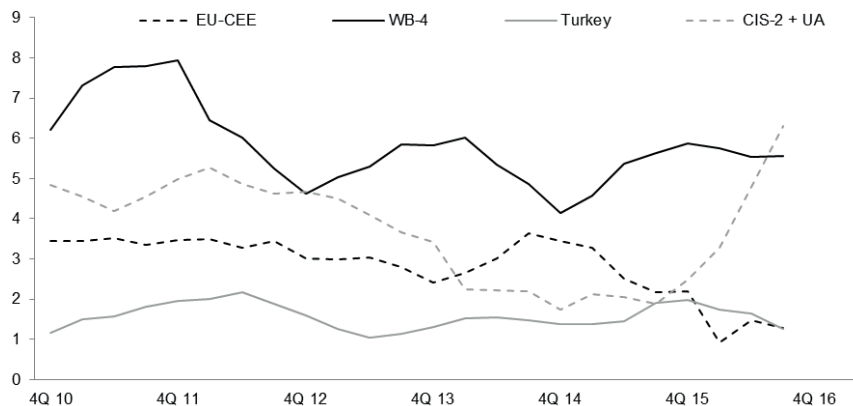


Figure 12: FDI flows (BOP, liabilities) in % of GDP<sup>6</sup>

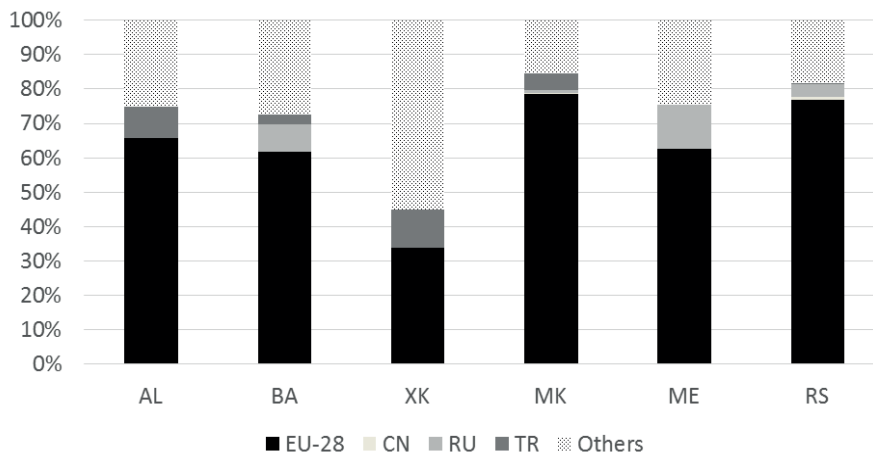


Figure 13: FDI inward stock 2015, in % of total<sup>7</sup>

Overall, FDI in the Western Balkans stems mostly from EU-28 investors (Figure 13). In Kosovo also Swiss investors are important. Russian or

<sup>6</sup> Note: Arithmetic average over country groups. CIS-2 includes RU and KZ. WB-4 comprises data for AL, MK, RS, XK. Source: wiiw Monthly Database incorporating national and Eurostat statistics.

<sup>7</sup> Source: wiiw FDI database.

Turkish shares in total FDI inward stocks are of minor importance. Turkish investors control 3-11 % of FDI stocks in Albania, Bosnia, Kosovo and Macedonia. Russian investors control 4-13 % of FDI stocks in Bosnia, Montenegro and Serbia. Chinese shares are of no importance in the region, yet.

Recently, trade balances of goods and services (Figure 14) have for the most part improved throughout the CESEE region. It is interesting to note that the trade balances relative to GDP did not necessarily improve via export growth (despite a long-term positive trend to be observed in most countries in the region), but rather via fewer imports despite the ongoing expansion of household consumption (although, here too, a longer-term increase can be detected); lower energy prices offer a more substantive explanation. Several countries in the Western Balkans proved to be exceptions. Notably in Serbia, the export share in GDP increased quite appreciably. Overall, the Western Balkans, which continue to suffer huge double-digit trade deficits in GDP terms, have embarked on a long-term path towards (slow) improvement.

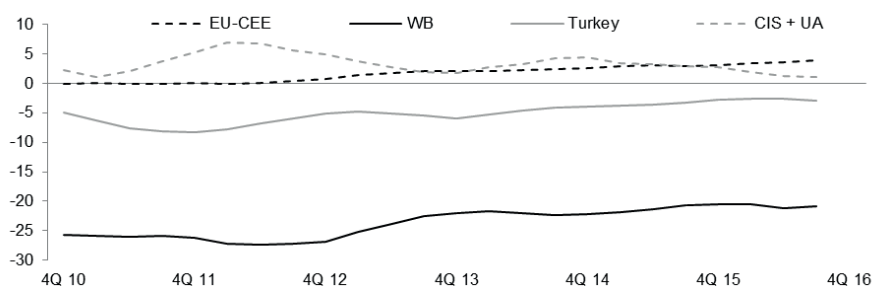


Figure 14: Goods and services, in % of GDP, 4 quarters moving average<sup>8</sup>

Low levels of export capacities in the Western Balkans have sometimes also positive implications. The expected lower growth rates in the United Kingdom in the wake of the Brexit process will have only minor effects for the Western Balkans via the trade channel. Their value-added exports to the UK make only about half a percent of GDP (Figure 15).

<sup>8</sup> Note: Arithmetic average over country groups. Goods and services according to national accounts, AL and BA according to BOP. Source: wiiw Monthly Database incorporating national and Eurostat statistics.

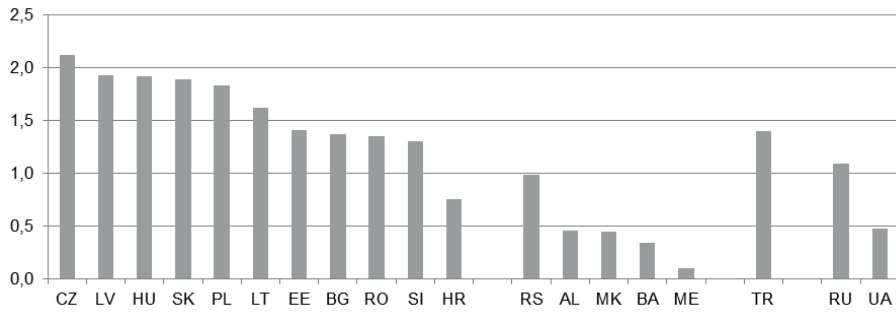


Figure 15: Value-added exports to the United Kingdom in 2014, in % of GDP<sup>9</sup>

To sum up, the Western Balkan economies will experience healthy economic growth in the next three years, above the average rates seen in other regions of Central, East and Southeast Europe. Robust household consumption and investment will be important growth drivers. Labour market conditions are improving in the Western Balkans. Tightening labour markets will push up wages and consumption, thereby contributing to the economic recovery. The external competitiveness of the region is still weak but the industrial structure is improving with the help of FDI inflows.

Current account deficits will range between 4 % (Macedonia and Serbia) and 20 % (Montenegro) of GDP over the forecast period. However, in recent years the production structure in the Western Balkans has improved, as higher value-added industries in capital goods and durable consumer goods production have experienced above-average growth. In addition, FDI inflows in recent years hovered around 6 % of GDP – approximately double the level of other transition economies.

The ongoing economic turnaround in the Western Balkans could fall victim to misgivings about the stability of the ‘EU carrot’ and the ‘US stick’ that have ensured broad-based stability in the past two decades. Uncertainties in the Western Balkans are mostly linked to developments in the EU and the USA, as well as, albeit to a lesser extent, to developments in Russia and Turkey.

<sup>9</sup> Source: Wider Europe WIOD (preliminary version, October 2016); wiiw calculations.



The region is increasingly counting on the EU market and political stability in the EU, with its promise of membership, however distant. In terms of security, the region is not self-governing; NATO plays a vital stabilising role, hence any uncertainty about the US commitment to supporting the region could have major consequences. Moreover, any confrontational interventions by Russia and uncertainties as to developments in Turkey could prove quite disruptive, were the influence of the EU and the US to decline in the light of Brexit and the Trump presidency.

### **Long-Run Growth Challenges for the Western Balkans: Lack of Infrastructure**

The overall weak state of infrastructure is a major bottleneck for economic development in the Western Balkans. One major case in point is the underdeveloped railway network in the region (Figure 16). Since the 19<sup>th</sup> century only very few railway lines have been built on the eastern coast of the Adriatic and Ionian Sea. Today neither a dense railway network nor high speed railway lines are existing in the Western Balkans. Similarly other modern transport and energy infrastructure networks are more often than not missing.

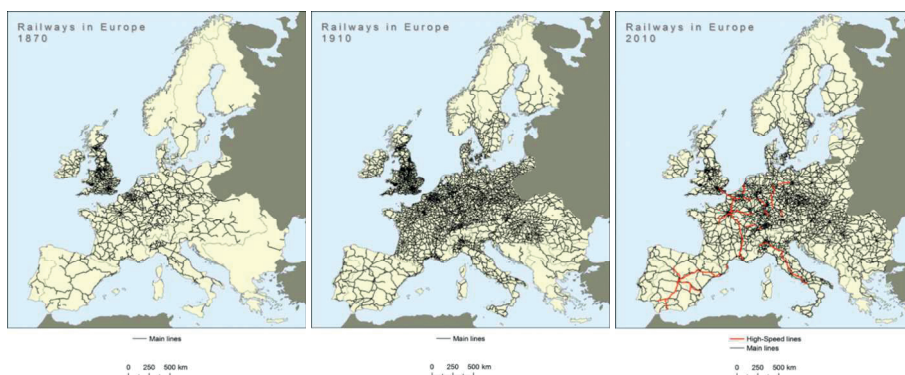


Figure 16: Network of European main railway lines, 1870, 1910 and 2010<sup>10</sup>

<sup>10</sup> Source: HGISE Railways Historical Database.



Figure 17: One Belt, one Road hubs, connections and Chinese loan locations<sup>11</sup>

It is also in this regard that the so called Berlin Process was started with the 2014 Conference of Western Balkan States in Berlin. The aim of the process is to support the Western Balkan countries on their long path to EU membership. A focus lies on infrastructure development, human capital and regional cooperation. Apart from the Western Balkan states and Germany, Austria, France and Italy also Croatia and Slovenia are involved in the process. The EU supports infrastructure development in the region with its Instrument for Pre-accession Assistance (IPA II for the period 2015-2020). The IPA II funds earmarked for the co-financing of infrastructure investment amount to 1 bn euro. Additional funds (mostly loans) are available from a number of international financial institutions.

In preparation for the Berlin Process follow-up conference in Vienna in 2015 a joint declaration by the six Prime Minister of the Western Balkans was adopted in Brussels on 21 April 2015. This contains a list of the priority projects of the infrastructure core network, especially those concerning motorway and railway projects. The list also includes a number of projects in the areas of inland waterways, airports, seaports and river ports. Furthermore, a joint statement was issued by the six energy ministers from the region in Vienna on July 2, 2015, to which a list of priority energy infrastructure projects was attached. According to an assessment of the Eu-

<sup>11</sup> Source: China Investment Research.

European Commission total investment in transport infrastructure in the Western Balkans amounts to EUR 7.7 billion for the years to come.

Interestingly, China has emerged as an important player in the Western Balkans. With its 16+1 Initiative it wants to foster cooperation between China and the countries from Central and Eastern Europe. Especially in the Balkans China invests in transport and energy infrastructure which is also related to China's new Silk Road initiative "One Belt, One Road" (Figure 17). From the Chinese acquired Greek port of Piraeus transport and energy infrastructure is to support the flow of Chinese goods further north into the EU heartland. Along the Balkan route high-speed railway lines, motorways and power stations are being planned, financed and built by Chinese companies. Current Chinese infrastructure projects in the Western Balkans sum up to an estimated 6 billion EUR. The sum which the Chinese government has earmarked for the financing of these projects mostly through loans of Chinese development banks for the wider region is 10 billion USD. The specificity of these projects is that they are typically also executed by Chinese construction companies employing Chinese technology and to significant extent also Chinese workers. This is the reason why Chinese projects have less economic impact in the host countries than other investment. Still, additional infrastructure will help the Western Balkan development process. This is even more so given the fact that most Chinese projects do not overlap with the mature projects of the core network as defined in the Berlin Process. Hence these investments are mostly complementary.

A major problem for Western Balkan infrastructure investments is the highly fragmented character of the region. There is a lack of coordination and efficient implementation of cross-border infrastructure projects, despite existing support by institutions such as the Western Balkan Investment Framework (WBIF). A central authority responsible for infrastructure planning, coordination, implementation and financing in the Western Balkans could be more potent and might also reduce wide-spread corruption related to infrastructure projects. One might think of a "Southeastern European Industrial Trust" similar to the one suggested by Rosentsein-Rodan already back in 1943 in an article that was the origin of the "Big Push" theory. EU "Creditor" and Western Balkan "debtor" countries could acquire e.g. each 50 % shares of a trust formed of all the infrastruc-

ture to be created in the region. Large scale investments in basic infrastructure should then have the potential to make industrialisation of broad sectors more likely. This might also give fresh hope to the people in the region, for whom otherwise (better organised circular) migration is the most efficient way to improve life conditions in a foreseeable time.

## **References**

Rosenstein-Rodan, Paul N.: The Problem of Industrialization of Eastern and South-Eastern Europe. In: *Economic Journal*, 53/1943, pp. 202-211.



**PART IV**  
**REFLECTIONS ON RULE OF LAW ISSUES**  
**OF THE 35<sup>TH</sup> RSSEE WORKSHOP**



# **Rule of Law in the Western Balkans: Some Reflections on Higher Legal Education**

*Sebastian von Münchow*

## **Introduction**

Roughly two decades after armed conflicts and civil unrest ended in the territories of the former Yugoslavia and the Republic of Albania, the region at large has not yet joined the major institutions of the trans-Atlantic community. Economic prosperity is lacking. Citizens widely criticize their elites for only enriching themselves. The threat of a major outbreak of violence between or within states may have disappeared, but “good governance” is widely absent. The Rule of Law, which is a key pillar of “good governance,” made it to the top of the agenda for the international institutions assisting the region on its way to NATO/EU membership. Various progress reports constantly underline the importance of Rule of Law and continuously remind the governments to undergo serious legislative reforms. In parallel, two unique EU-sponsored Rule of Law missions, one in Albania and one in Kosovo, are addressing necessary changes.

This contribution reflects upon institutions that produce the legal talent of a nation. They prepare young people for governmental structures, the judiciary, the private sector or the bar of attorneys or the law faculties. Geographically, this short piece will focus on the following six South East European states: Bosnia & Herzegovina, Croatia, Serbia, Montenegro, Kosovo and the (former Yugoslav) Republic of Macedonia. The article will explain why higher legal education is important in shaping domestic social cohesion/external relations, examine the obstacles to reform faced by the Western Balkans, revisit the Bologna aim to introduce demand-driven education, and finally offer recommendations for further transition discourse.

## **Good Governance and Rule of Law**

The degree of Good Governance and Rule of Law does certainly vary in the aforementioned group of states. Croatia has joined NATO and the EU



while Montenegro recently became a member of the Alliance. Yet most EU Commission progress reports for those countries with an accession ambition regularly express that reforms are slow and difficult. They criticize the lack of independent judges, unskilled public prosecutors, a worrisome case backlog, and uninvestigated scandals. Thus, the lack of Rule of Law is still seen as a serious obstacle for the creation of a sustainable peace in the “Western Balkans”. This is mirrored by the rankings of those countries in the recent World Justice Project’s Rule of Law Index. Some African, Latin-American, Caucasian and Asian countries rank better than the mentioned states in South Eastern Europe; at times, they fare better than those that have become EU members.

In the past decade the insufficient legal transformation process was littered with conflict legacies, ethnic division, or traditional decision-making such as clan structures. Notwithstanding the transformation difficulties, local legal professionals and their international partners often complain about the failure to analyze and apply local laws in an efficient and fair manner. Hence, the current struggle to retrain existing legal staff does not necessarily have anything to do with political obstruction or general unwillingness. The difficulties suggest that lacking capabilities can be traced back to the very cradle of legal education. Deficits in higher legal education hampered young citizens to become acquainted with the Rule of Law. Looking into the history of the early 1990s, the Western Balkans legal academia took a different path than their counterparts in the Baltic states or Slovenia – to cite an example from the Alpine-Adriatic region - which quickly adjusted to western teaching content and methods. Instead, Southeastern European societies continued to struggle with a judicial elite linked to corruption, abuse of power, misconduct in office, and incompetence.

### **Obstructing Factors**

Usually tuition fees are a necessary cost to enjoy access to universities. In addition, future students have to undergo entry tests. Even after two decades of transition in the above-mentioned states, former graduates still complain that the fees are collected in a non-transparent manner and that the entry exams are dubious. In fact, some law faculties failed to explain the whereabouts of countless fees for test inscription, tuition, and thesis re-

views. Mysterious additional charges were often required for attending special courses.

Law faculties, along with the entire higher education set-up, do not necessarily provide the needed student-oriented service. Working hours follow former Yugoslav patterns in terms of an 8 am to 3 pm availability. As of 5 or 6 pm the teachers leave the premises, libraries close, and computer rooms are locked.

As far as content is concerned, it took more than a decade to overcome teaching former Yugoslav law and to dismantle programs from subjects such as History of State, History of Constitution, History of Law, or even national defense or civic education. The EU candidate countries were advised to not only introduce *Acquis communautaire* related legislative changes, but to adjust the curricula and syllabi. The introduction of contemporary subjects such as E-commerce, negotiation techniques, media law, environmental law are still not widely taught in Bosnian, Macedonian or Albanian law schools. This is tied to the general academic research culture in the region. Although publications are impressive in volume, they often lack neutral research quality, do reflect political mainstream and rarely approach emerging legal challenges.

Lawyers from the region report that they were not encouraged by teachers to engage in autonomous learning such as Internet research, foreign languages, etc. Instead, an *ex cathedra* teaching style attracts neither the students' attention nor an interest to get into the subjects. Allegedly, many teachers still read from books or disengage the audience through endless monologues from controversial discussions. The common legal techniques used to approach a case are not taught and scenario-based lectures are widely unknown; hence, the presentations are often perceived as boring.

Addressing the exam system became one of the most sensitive issues in reforming legal education. It was hard to break the tradition of oral exams which forced the student to simply learn a certain book by heart. Notwithstanding the pedagogic outcome of this testing system, the introduction of anonymous and written testing schemes hit a sensitive issue. Tests and exams were often reported as additional income for teachers as candidates

bribed professors to get good grades. Luckily, most higher education administrations managed to overcome this shady legacy.

The general climate between teaching staff and student community additionally lowers the enthusiasm of students to engage in in-depth research and study. Professors still enjoy the appreciation for academic title-holders in a manner that makes them almost untouchable. Disciplinary, or even penal, action is rare for disrespect towards the students, alleged corruption or other forms of abuse of power. A socialist heritage keeps staff fighting to maintain privileges, social reputation, and tolerated low work ethics.

All this should have caused faculties to shoulder the blame for their share in the overall frustration and the brain drain from Western Balkan states. Law students felt helpless, kept a low profile or even hoped that once the educational part was completed forthcoming positions would allow a similar approach to manifest unlimited power

### **New Hopes?**

Reforming higher legal education gained momentum when the International Community tried to introduce the necessary changes to implement the so-called Bologna Declaration for a “Europe of Knowledge” in 1999. A second innovation allowed private universities to offer legal education outside the public scheme.

The Bologna Declaration called for a partnership between the academic world and society on the basis of tolerance and active civic engagement. With a view to Eastern and Southeastern Europe, Bologna sought to overcome academic isolation. It generally called for an increase in the level of quality and effectiveness of higher education. In order to achieve comparable degrees and methods, universities were requested to offer two cycles: a Bachelor’s degree obtained within three years of studies and a Master’s degree obtained within an additional two years. Another innovation was a desired proportion between required and optional courses (40 – 60 per cent). The former Yugoslav scheme did not envisage optional courses and thus contradicted one of Bologna’s goals. In consequence, law schools launched debates about where the programs could be shortened and what lectures should be classified as optional or required. Many teachers argued against optional courses and they insisted on keeping their lectures as ob-

ligatory. Again, this had to be seen in the context of a fear of losing reputation and power. In addition, it also touched the above-described difficult question of keeping as many courses as possible with obligatory exams. In contrast to the Bologna requirements, the former higher legal education scheme of the Socialist Federal Republic of Yugoslavia foresaw regular studies composed of four academic years. Graduates were awarded the title of “Jurist,” that allowed access to all sorts of legal professions. However, too often students needed to study more than seven years to finish their university education. Those who intended to continue specialized research could subscribe for a post-graduate cycle, which rewarded graduates with the title of a “Master of Science.” The “Doctor” title is still the highest achievable academic degree, but candidates often don’t receive it until around 50 years of age. What is lacking to this day is a sound assumption of how many graduates per year would be needed to provide the necessary human resources for the local administrations and judiciary.

Most European countries promote student exchange programs. The European Credit Transfer System (ECTS) was introduced to help young talent acquaint themselves with differing legal systems as easily as possible. In some law faculties of former Yugoslavia these exchange programs were perceived as a threat. Returning students started to question legacies in their law schools and shared with their colleagues the experience of effective and open-minded legal studies.

The International Community hoped that competition would foster reforms and thus saluted emerging private universities offering higher legal education. However, the liberalization of the educational market did not result in better-equipped legal talent. Too often, the protagonists of public law faculties simply applied for teaching positions at the newly established schools, thus enjoying another source of income. Tuition fees were often even higher than those for the public universities. In addition, the new universities were allegedly financed by dubious Middle-Eastern sources. The non-transparent financial and academic operations of these schools and the sheer number caused the Republic of Albania, for instance, to recently withdraw the licenses for some of these schools. A rather successful example can be seen in the Macedonian city of Tetovo. This city hosted a public university and an Albanian-led higher education institution that wasn’t recognized and partly privately financed. Careful supervision by international

donors and the OSCE allowed a relaunch. Today, it is widely accepted by students of both ethnic communities.

## **Recommendations**

A sustainable judiciary and administration based on Rule of Law did not emerge in most Western Balkan states. The international community and collaboration with local reforms might wish to take the following into account when it comes to the continuing aim to promote Rule of Law in the Western Balkans.

It needs to be acknowledged that most law faculties have implemented in the meantime the Bachelor and Master cycles. Hopefully law schools in Croatia, for instance, will soon rival respective institutions in other European university towns. Nevertheless, in many other South European faculties of law it is still not apparent that the needed legal expertise is being delivered. Outdated content, old teaching styles and mysterious exam schemes are still in place. It is too late to discuss that building new law schools from scratch could have been more efficient to deliver legal talent. Instead, international assistance concentrated on countless Rule of Law related projects to re-adjust human resources that never enjoyed a profound legal education. Until today, building proper cases crushing organized criminal groups, bringing corrupted officials to justice or ensuring an investment-friendly climate remains a challenge. Open-minded teaching talent and students deserve outside support. The international community should see that local power-holders rarely speak on behalf of the faculties, but rather try to defend their privileges. Hence, direct political support signals to future generations that they are not left alone while fighting isolation and oppression by law school regimes. Reform initiatives in the region proved that the youth have welcomed institutions that set strict rules and prevented misconduct by self-proclaimed power-holders. Therefore, future Rule of Law projects should include the higher legal education sector into their portfolio.

The question remains how to deal with those universities unwilling to reform. Cutting off financial support may be a tool to foster debates in public universities. It should always take into account that power-holders tend to refuse aid when transparency and participation come along with moderni-

zation projects. In addition, this way is not feasible in relation to private higher education institutions. It seems that one tool is left, and that is the mutual recognition of academic degrees. Europe, eventually through its European University Association, is well advised to signal any untrustworthy law faculties in Southeastern Europe that degrees must meet common standards or they won't be recognized elsewhere.

The region suffers from an overall shaky political climate, the lack of job opportunities, brain drain, and undisputed cliques along political party and power-structures lines. But the region has the potential to escape the causality dilemma in the meaning of: "Who was first: Rule of Law or a capable lawyer?". A well-educated and trained legal staff serves as a capstone guaranteeing accountability under the law, the just and even application of laws, the protection of fundamental rights and the delivery of timely justice by competent and independent representatives.



# **The Role of USKOK in Strengthening the Rule of Law in Croatia**

*Saša Manojlović*

## **I) Basic Information on USKOK**

The Office for the Suppression of Corruption and Organised Crime (Croatian abbreviation: USKOK) is a special, i.e. specialised state attorney's office founded within the state attorney's organisation in the Republic of Croatia.

The state attorney's organisation in the Republic of Croatia consists of the State Attorney's Office of the Republic of Croatia, as the highest state attorney's office, 15 County State Attorney's Offices and 22 Municipal State Attorney's Offices and USKOK as a specialised state attorney's office.

The competence of USKOK, as prescribed by the Act on USKOK, extends throughout the territory of the Republic of Croatia and refers to the suppression of corruption and organised crime.

The seat of the Office is in Zagreb, and along with the head of USKOK there are 33 deputy heads and other employees of different profiles, in accordance with the needs of the Office's legal tasks.

## **II) Establishing USKOK and Its Development Path**

The passing/adaptation of the Act on USKOK and the establishment of the Office followed after the government of the Republic of Croatia assessed that corruption and organised crime in the Republic of Croatia present a serious problem and that a specialised body needed to be established to effectively fight these most serious forms of crime. The Office started operating in December 2001, soon after the Act on USKOK was passed.

The Office is run by the head appointed by the state attorney general of the Republic of Croatia for a period of four years. Upon the proposal of the



head, the state attorney general of the Republic of Croatia assigns the deputy heads to work at the Office.

Due to security challenges that are related to the nature of USKOK's work, the deputy heads, and all other employees, are subject to security checks before coming to the Office. Also, the Act on USKOK prescribes that the deputy heads, along with necessary experience, need to show a special inclination towards working on complex and difficult cases.

USKOK, as a special state attorney's office, has a specific organisation that differs from regular state attorney's offices. Namely, USKOK has several departments, i.e. Prosecutor's Department, Research and Documentation Department, Anti-corruption and Public Relations Department, International Cooperation and Joint Investigations Department and Financial Investigations Department, as well as a Secretariat and Supporting Services.

In order to effectively carry out the tasks within the scope of its competence, the Office, in addition to the deputy heads (prosecutors), other professional profiles such as criminal scientist, political scientist, IT consultants, a translator and a spokesperson are employed in the Office.

From the foundation until today the Office developed, grew and strengthened its capacities so as to adapt to challenges in its work: it passed a development path in line with legislative and institutional changes that took place over the years in the Republic of Croatia.

In the course of this development process, a series of activities were conducted so as to strengthen staff, technical and other capacities of the Office. These processes were conducted in accordance with the efforts of the Republic of Croatia to strengthen the rule of law, especially in the process of Croatia's accession to the European Union, in which USKOK made a significant contribution.

It should also be pointed out that the projects financed by the European Union have also contributed to the improvement of the work of USKOK. The implementation of a number of these projects prior to Croatia's access to the European Union has provided, *inter alia*, additional training of USKOK employees carried out by foreign experts. Such projects made it

possible for USKOK employees to get acquainted with the best European practices.

Strengthening capacities of the Office, along with legislative and institutional changes that occurred, in time has resulted in ever better results. In regard to the suppression of corruption, after initial cases of so-called “street corruption/*petite* corruption” prosecution of medium-level corruption followed such as the corruption among university professors, judges, court experts, medical doctors, etc.

Besides the mentioned cases, USKOK also prosecuted highest level corruption cases with perpetrators such as the ministers in the government of the Republic of Croatia, ambassadors, high-ranking officers of the Croatian Army and a former prime minister.

It should be pointed out that the cases of so-called “high-level corruption” had a significant role in strengthening the rule of law in the Republic of Croatia. By prosecuting corruption cases on highest social level, the clear message was sent that “there are no untouchables”: no person is exempt from the application of law in the Republic of Croatia.

Moreover, it should be noted that apart from the suppression of corruption at the highest level, suppression of corruption at the local level, meaning at the level of local self-government, was also determined as one of the priorities in USKOK’s work. This resulted in prosecution of a larger number of heads of municipalities, mayors, county prefects, etc.

In case of organised crime, besides “classic” organised crime cases involving drugs and smuggling of persons, USKOK also prosecuted complex organised economic crime cases, particularly organised tax evasion cases. Statistical data pertaining to the work of USKOK indicate high percentage of convictions: The average percentage of convictions is approximately 93 percent.

Due to the results achieved, USKOK has become a model of effective combat against corruption, especially for neighbouring countries that have similar legal systems and are facing similar problems in the transition processes.

### **III) Establishment of the So-called “USKOK Vertical”**

The successful performance of the Office’s tasks and the effective fight against corruption and organised crime resulted, among other things, in the comprehensive specialisation of authorities responsible for combating these complex forms of crime, i.e. the establishment of the so-called “USKOK vertical”.

In 2009 the so-called “USKOK vertical” was established in the Republic of Croatia that, along with USKOK, includes a specialised police unit within the police: the Police National Office for the Suppression of Corruption and Organised Crime (PN USKOK), and special court units. USKOK departments were founded in four county courts in Zagreb, Osijek, Split and Rijeka. These courts are competent for trials in cases falling under the jurisdiction of USKOK.

Such comprehensive specialisation has created the preconditions for more quality work of the state authorities responsible for the fight against most serious forms of crime. PN USKOK is therefore compatible in its organisation to the prosecutor’s USKOK which enables better coordination in the detection of criminal offences and collection of evidence. Also, judges who are assigned to the “USKOK department” are better acquainted with the methodology of working on complex cases.

### **IV) Key Legislative Change: “New” Criminal Procedure Act**

A major legislative change that significantly influenced the structure and dynamics of criminal proceedings was of great significance for the work of USKOK and a kind of a milestone.

Namely, on 1 July 2009 the new Criminal Procedure Act (CPA) entered into force for criminal offences under USKOK’s competence. It introduced a prosecutorial investigation instead of a court investigation. This new CPA entered into force on 1 September 2011 for criminal offences under competence of regular state attorney’s offices.

The essence of these changes could be described in a way that the prosecutor became a *dominus litis* of the investigative phase of the proceedings. This change was especially significant for prosecutors because it required previ-

ous training, the fulfilment of technical prerequisites, a different approach to work on cases, greater engagement and greater responsibility. However, despite the above-mentioned challenges, the application of the new CPA in practice has resulted in positive indicators such as faster and more cost-effective proceedings and has ultimately led to more effective criminal prosecution.

Furthermore, it should be pointed out that the “new” CPA has introduced into practice a plea agreement institute that allows judgments to be made based on the parties’ agreement - the state attorney and the defendant who pleads guilty. The number of judgments passed on the basis of the parties’ agreement increased from year to year, and the institute also contributed to speeding up the procedure, i.e. more efficient and cost-effective proceedings, as the shorter duration of the proceedings leads to lower costs and reduces the workload of state attorneys and courts.

In the beginning of the application of the mentioned institute certain negative reactions appeared in the part of the public. Namely, negative connotations have emerged, such as those on “a lenient judiciary”, “trade”, etc. In order to avoid such suspicions, the State Attorney General of the Republic of Croatia issued an Instruction on Negotiations and Agreement with the Defendant on Confessing Guilt and Sanctions in February 2010. The instruction regulates the procedure during negotiations with the other party in the proceedings. As a rule, such instructions are of an internal nature, but this instruction was published on the website of the State Attorney’s Office of the Republic of Croatia, precisely in order to be transparent in the proceedings and to harmonize the practice of state attorneys, as well as to give the other negotiating parties the opportunity to know in advance what they can expect during the negotiations.

## **V) Cooperation with Other Authorities in the Republic of Croatia**

One of the key preconditions for the efficient work of USKOK is a good cooperation and joint work with other state authorities, primarily those responsible for the detection of criminal offences and perpetrators.

The Act on USKOK prescribes that all the state authorities which, within the scope of their activities or during the performance of their activities,

come to know circumstances and information indicating the perpetration of a criminal offence under USKOK's competence are obliged to file a crime report on these circumstances, i.e. inform USKOK thereof.

However, given the role and position of USKOK as a primary authority in criminal prosecution, it was estimated that it would be valuable to enter into Memoranda of Understanding (MoU) with other state authorities. In that view, USKOK signed several MoU with state authorities such as the Tax Administration, the Chief Police Directorate, etc. These MoU precisely designate the scope of cooperation and contact persons who can be contacted at any time and receive all necessary information in a short period of time.

## **VI) International Cooperation**

Undoubtedly, modern forms of crime are increasingly taking on an international dimension which is an additional challenge in the work of all authorities responsible for detection and prosecution of criminal offences.

As more and more cases within the jurisdiction of USKOK have international character, an important component in the work of the Office is the development of international cooperation without which such cases could not be efficiently prosecuted. Therefore, in order to strengthen international cooperation, the State Attorney's Office of the Republic of Croatia concluded a series of agreements (MoU) with state attorney's offices of other states which allow state attorneys to directly exchange information in the pre-trial phase of the proceedings, and if that information prove to be needed, such cooperation is later formalized through regular mutual legal assistance.

When it comes to international cooperation, it is important to emphasize the cooperation with Eurojust which proved to be extremely important. It began in 2009 when the Government of the Republic of Croatia assigned a deputy state attorney general of the Republic of Croatia to Eurojust as a liaison prosecutor. After 1 July 2013, the Republic of Croatia became a full member of the European Union and the liaison prosecutor became a national member for Croatia at Eurojust.

One of the ways in which Eurojust provides significant support is the organisation of coordination meetings with the purpose of exchanging data obtained in pre-trial proceedings which are in parallel conducted in Croatia and other states, harmonising further actions and agreeing on actual and legal requirements for sending formal mutual legal assistance requests (letters rogatory), and requesting urgency in fulfilment of such requests.

## **VII) Basic Methods of Work**

From the very beginning of USKOK's work, "zero tolerance" to corruption approach has been adopted. Namely, the amount of proceeds of crime is irrelevant. Corruptive behaviour creates inequality, legal insecurity and the overall feeling that "anything can be bought" which ultimately disrupts true value system in society. Therefore, the firm commitment and attitude of USKOK is that no form of corruption should be relativized. One could say that the application of such a principle affected court practice as well, that is, perpetrators of corruptive criminal offences are punished regardless of the amount of proceeds of crime a perpetrator acquired. It is always necessary to point out again that a huge harm may arise for society, even in cases where a small amount of pecuniary gain has been acquired or it was not acquired at all.

Furthermore, the Office applies a proactive approach to its work. Of course, adequate legislative and institutional frameworks are certainly important prerequisites for effective combating of corruption and organised crime, but are not solely sufficient to achieve the expected results.

From previous experience, it is obvious that enthusiasm and additional efforts that imply hard work and the creation of a stimulating work environment in which the feeling of performing socially beneficial work that will ultimately lead to the creation of a better society as a whole prevails, are needed for the achievement of good results. Thus, in corruption cases, information that may lead to the initiation of investigations and evidence of corruptive activities are proactively collected.

Proactive approach, however, is not limited only to work in specific cases, but it also involves participation of the Office employees in various preventive and educational activities whether carried out by state bodies or non-governmental organizations dealing with the fight against corruption.

Namely, the problem of corruption cannot be solved only by repressive actions that deal with the consequences of corruption, but at the same time it is necessary to work on prevention and education as well.

Since citizens are important allies in combating corruption, it is important to gain their trust so they report corruption and are willing to cooperate with the Office. Therefore, the employees of the Office participate in activities that relate to informing citizens about what is considered to be corruption in accordance with the criminal law and how and to whom they can report corruption. This way it is possible to influence the perception of citizens about corruption that sometimes does not coincide with the actual situation. For example, citizens often consider the judiciary a highly-ranked area when it comes to corruption. But even though there is corruption in the judiciary, according to the number of prosecuted cases, it is far less represented than the results of surveys on the perception of corruption indicate. Citizens often believe that the judiciary is corrupt due to lengthy proceedings or because they are dissatisfied with the decisions of judges or state attorneys.

Media also have an important role in combating corruption. They primarily inform the public, but also create public opinion which is important for the social condemnation/denunciation of corruption. Corruption cases, particularly high-ranking ones, as a rule are very interesting to the public and the media. Of course, it is important to achieve good results in specific cases, but it is equally important to know how to present these results to the public.

The common manner of informing the public about the work in USKOK cases is to publish press releases on investigations and indictments in major cases on USKOK's website. In addition, USKOK prosecutors often have the opportunity to make statements to journalists after hearings and trials. For this reason, USKOK prosecutors have to undergo media training to be able to adopt their skills of public performances.

Another important method in USKOK's work is a multidisciplinary approach. Teamwork is applied in complex cases. Multidisciplinary teams are set up consisting of several prosecutors and include representatives of other authorities – police, agencies of the Ministry of Finance of the Republic

of Croatia such as the Tax Administration's Independent Financial Investigation Sector, Anti-Money Laundering Office (FIU), the Customs Administration, etc.

As a rule, team work is based on coordination meetings where information is exchanged and directions for future actions of all involved bodies are outlined. In the work on the most complex cases a significant contribution of the Independent Financial Investigation Sector which operates within the Tax Administration is certainly worth mentioning. The Sector was established within the Ministry of Finance of the Republic of Croatia in 2015. Officials of the Sector from the very beginning of the work on cases are part of the team and their expert knowledge and analyses are of great significance for the initiation of criminal proceedings in which perpetrators of criminal offenses are charged with obtaining proceeds of crime/pecuniary gain to the detriment of the state budget in multimillion amounts.

Last but not least an important principle of USKOK's work is that no one can retain proceeds of crime. In most corruption cases it is undeniable that the primary motive of perpetration was to gain such proceeds which criminal groups are then trying to invest into attractive real estate or economic activities so to "wash the dirty money" and earn more. Therefore, the goal of criminal prosecution is achieved not only by sanctions imposed but also by the confiscation of the illegally acquired proceeds.

In its work, USKOK pays special attention to financial investigations, that is, collecting data and evidence with the purpose of detecting and confiscating proceeds of crime. Therefore, a special Financial Investigations Department was set up within the Office in 2014

Financial investigations are being carried out from the very beginning of the case so as to detect what the suspects and related persons own (money on accounts, vehicles, apartments, land, shares, etc.). Then the property is "frozen" (USKOK requests from the court to issue temporary measures prohibiting and disposing of property), and later the property acquired by criminal offense is permanently confiscated by final court decisions. It should be pointed out that year after year multi-million amounts of illegally acquired proceeds are confiscated from defendants in USKOK cases.



## **VIII) Application of Special Evidence Collecting Actions**

One of the ways of gathering evidence in corruption and organised crime cases is the application of special evidence collecting actions such as surveillance and interception of telephone conversation, simulated bribe-giving, use of informants, etc.

Since special evidence collecting actions largely intrude into person's fundamental human rights and freedoms, USKOK uses them restrictively, that is, only if evidence cannot be gathered in any other manner.

These evidence collecting actions are ordered by an investigative judge upon the request of a state attorney, and they are implemented by the police. They may be ordered only if suspicion exists that criminal offences explicitly listed in the Criminal Procedure Act was committed, and their duration is limited.

In cases where legal requirements for the application of special evidence collecting measures have been met, USKOK obtains admissible material evidence that in several significant cases have resulted in successful completion of court proceedings, i.e. convictions.

## **IX) Conclusion**

Corruption and organized crime certainly pose a significant threat to the rule of law as well as to the security and stability of every civilized/regulated/decent society.

There is no universal recipe for effective fight against such forms of crime. Every society must independently develop a strategy so as to establish the rule of law and invest significant efforts to implement it. Experience from other countries often proves to be valuable.

USKOK has, in a way that we have briefly tried to present in this text, succeeded in achieving results that played a significant role in the completion of Croatia's accession process to the European Union, particularly in relation to chapter 23 - Judiciary and Fundamental Human Rights – thus contributing to Croatia becoming an EU member state.

This does not mean, of course, that the fight against corruption and organised crime has been completed. Regardless of the results we have achieved, we are aware that we need to devote ourselves to new challenges that await us in the future with the same enthusiasm.



**PART V**  
**POLICY RECOMMENDATIONS**



# Policy Recommendations<sup>1</sup>: “South East Europe: Facing Western Upheavals and Regional Backslide”

*“Regional Stability in South East Europe” Study Group*

## Executive Summary of Recommendations

- **Western Balkan Six:** act as a group in the EU enlargement process in order to achieve more political weight and bargaining power.
- **Government of Bosnia and Herzegovina:** disapprove of Ankara’s attempts to exert one-sided political influence on the educational system.
- **Institutions of Macedonia:** enable an impartial investigation on the violent acts from April 2017 to ease a democratic re-launch.
- **EU:** determine the “red line” and the consequences for nationalistic and obstructive politicians in the Western Balkans.
- **EU:** open membership negotiations with all Western Balkan countries on the chapters 14, 15, 23 and 24.
- **EU:** include the Western Balkan countries in all strategic considerations on future scenarios of the EU integration process.
- **EU:** include confidence-building measures in the dialogue between Belgrade and Prishtina/Priština.
- **EU and Western Balkan Six:** work on the concept for a “South East European Industrial Trust”.
- **EU and US:** be inclusive towards Russia in regard to regional consolidation issues, while demanding respect for the West’s legitimate interests in South East Europe.

---

<sup>1</sup> These policy recommendations reflect the findings of the 34<sup>th</sup> RSSEE workshop on “South East Europe: Facing Western Upheavals and Regional Backslide”, convened by the PfP Consortium Study Group “Regional Stability in South East Europe” in Reichenau, Austria, 4-7 May 2017. They were prepared by Predrag Jureković; valuable support came from Lorena Mikl and Benedikt Hensellek (all from the Austrian National Defence Academy).

- *EUFOR*: increase your involvement with the problem of Small Arms and Light Weapons.

## **Situation Analysis**

### *EU and US*

Uncertainty and unpredictability are characterizing the current international order. For Western actors like the European Union (EU) member states and the United States (US) this is reflected in the loss of substance of the hitherto prevailing liberal democratic and cooperative model for the benefit of more authoritarian and isolationist ideas. Among other things, this trend is at the expense of strategic thinking. The EU therefore needs a powerful re-launch as a cooperative organization in the light of the Brexit negotiations. Otherwise, previous successes of this organization could be seriously shaken. In case of the US, fears that its foreign policy towards Europe will change drastically after the appointment of the new president have fortunately not come true yet. However, serious doubts about the future political course remain.

### *Clarity for the WB6 on Integration Perspectives*

It is not expected that further enlargement of the EU in the form of the Western Balkans Six (WB6: Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia) will take place in the next five years. While the technical-legal negotiation process with the candidate states among the six, chapter by chapter, will proceed, repair and reform work within the EU will have priority and consume most of its political will and energy. Unlike the last accession case of Croatia, the positive finalization of technical negotiations of candidate countries with the EU Commission – according to current EU trends – in the future will be no guarantor for entering the EU as a new member state. Compared with earlier enlargement rounds, vetoes coming from national parliaments will become more probable.

Despite this rather negative outlook in regard to enlargement, the WB6, given their European heritage, their geopolitical localization, their trust in

EU's Thessaloniki promises from June 2003 and finally, their vulnerability in regard to post war-reconstruction, deserve clarity on their enlargement chances and the EU's eventual alternative considerations. Due to this, a necessary reform of the EU should be accompanied by a clear strategic approach towards the WB6 and the further integration steps. This has to include the development of concrete ideas on an "advanced pre-accession agreement" for the WB6 and on gradual/associated memberships, if the EU will follow a model of different speeds according to one of the "Juncker scenarios" in the future.

### *Critical Regional Trends and Heterogeneous Geopolitical Influences*

Should this not happen then some of the negative trends that are almost visible in the Western Balkans could be further reinforced. These include: enhanced autocratic behavior of political leaders and impeded democratic processes; the widening of political gaps in unconsolidated states; the worsening of bilateral conflicts; the rise of political and religious extremism and finally, the complete transformation of the – still principally EU orientated – Western Balkans into a region of different geopolitical zones of interest. As a consequence of the prevailing "enlargement fatigue" in the West the citizens of some Western Balkan countries may increasingly react with "integration fatigue". Although a future membership in the EU is still supported by a majority of the populations, in particular among the Serbian population the number of supporters of a closer political and economic cooperation with Russia has increased.

At the same time conservative Muslim politicians and believers in Albania, Bosnia and Herzegovina (BaH) and Kosovo give increasing importance to the controversial Turkish President Recep Tayip Erdoğan. Regional critics of Russia's and Turkey's policy towards the Western Balkans blame the Russian leadership for acting as a spoiler in internal conflicts in BaH, Macedonia and Montenegro, while President Erdoğan is accused of promoting a "Neo Ottoman Restoration" in the Muslim dominated areas, in particular through cultural and religious influence.

### *The Situation in Individual Countries*



A re-enforcement of democratic and co-operative standards – encouraged by an enhanced role of the EU and US – would be necessary in any case to diminish gaps that still characterize intra-state and inter-state processes of consolidation: Thus, BaH, a country that faces a demanding screening process for becoming an EU candidate country, is still hampered by the absence of a constructive internal political dialogue and secessionist threats launched by some leading Serbian politicians in this country. For Serbia, which among all the WB6 has most noticeably fallen into integration fatigue, it will be a balancing act to advance in the EU membership negotiations led by the semi-authoritarian reformer Alexander Vučić and impeded by the Gordian Knot of the Belgrade–Pristhtina/Priština dialogue. This “dialogue without confidence” between the “two partners” and mediated by the EU has not delivered effective and sustainable results for quite some time. One main reason for this lies in the absence of a tangible perspective for Kosovo to be integrated into the EU in a foreseeable time. Without strong political and economic incentives that have to come from the EU, Belgrade and Prishtina/Priština will not be ready to end their long-term political conflict.

The EU candidate country Albania, in turn, after having passed through a serious parliamentary crisis in the first half of 2017, has had to demonstrate its democratic maturity at parliamentary elections that were planned for the end of June. Macedonia has narrowly managed to avoid a scenario of political destabilisation as a consequence of the violent developments in the Parliament at the end of April. The formation of the new centre-left government that seems to be more committed to the European path than the previous more nationalistic one could increase the opportunities to improve interethnic relations in this country again, to push democratic processes forward and to find solutions for long-standing conflicts with the neighbours, above all with Greece. For this positive scenario, however, a national political consensus is necessary among all the relevant political parties to fully respect democratic principles. Otherwise, Macedonia could very easily slip into a tremendous crisis again. Overcoming dangerous situations of internal political polarization will also remain one of the key challenges for the new NATO member Montenegro. One part of the political opposition which is under political influence of Moscow still vehemently opposes this new security-political reality.

### *Intra-Regional Relations*

Internal relations influence bilateral and regional relations in this part of South East Europe. These relations are not generally bad, but some bilateral and trilateral relations have faced setbacks as far as normalization or reconciliation processes are concerned. Above all this applies to the before mentioned Belgrade–Prishtina/Priština dialogue, to the relations between Belgrade, Sarajevo and Zagreb that are still burdened by the legacy of the former wars and national(istic) issues, as well as to the relations between Podgorica and Prishtina/Priština. The latter were actually satisfying but have deteriorated since an agreed border arrangement has not been ratified in the Kosovo parliament yet.

### *Security Aspects*

Although the general security situation is stable the still critical political and socio-economic indicators present a potential threat for security. Therefore the time to end the mandate of the European Union Force (EUFOR) in BaH and in particular the presence of the Kosovo Force (KFOR) in Kosovo still has not come yet. Both missions are still needed there as a security net. Apart from this preventive function the presence of the peace support operations is also linked to the management of the de-mining process (BaH), the support for the training of armed and security forces (BaH, Kosovo) as well as the adequate storage and destruction of surplus ammunition (BaH).

The terrorist attacks that happened in cities of Western Europe were in many cases linked with the region as the origin (or transit) for the weapons used. This circumstance was recognized by the EU in December 2014 when the Action Plan against Illicit Trafficking of Firearms between the EU and South East Europe was passed (for the period from 2015 to 2019).

### *Economic Trends*

Economic parameters in the Western Balkans are slightly improving. This is reflected in the average GDP growth rates of 3 % and decreasing rates of unemployment. Compared with the EU, unemployment in the region (13-25 %) remains rather high. In addition, long-term structural problems re-

main. Thus, the overall weak state of infrastructure is a major obstacle for economic development in the Western Balkans. A major problem for Western Balkan infrastructure investments is the highly fragmented character of the region. There is a lack of coordination and efficient implementation of cross-border infrastructure projects, despite existing support by institutions such as the Western Balkan Investment Framework (WBIF).

## **Summary of Recommendations**

### *For the Western Balkan Countries*

Focus on improving regional relations and uphold the declaration signed at the Vienna summit of the “Berlin Process” (August 2015) to refrain from “misusing outstanding issues in the EU accession process”.

Taking this present “expansion freeze” into account and in parallel to ongoing individual “bureaucratic” enlargement negotiations, act as a group in the enlargement process in order to achieve more political weight and bargaining power.

The 27 member states should be convinced to eventually integrate the remaining six as a “Six Pack” all together, by 2025 at the latest. The initiative for this must come from the side of the WB6. “United we are stronger” should be the core message of this group strategy.

The “WB6 Alliance” should meet in turn monthly, in the form of retreats, with “advisors” from the outside and EU representatives as guest participants. There should be at least one meeting between the WB6 and the EU 27 per chairmanship of the EU Council.

The government of BaH should disapprove of Ankara’s attempts to exert one-sided political influence on the educational system in BaH, as it has been the case by pressuring to close educational institutions that allegedly belonged to the Gülen movement.

Political violence has to be severely condemned by all political actors in Macedonia. An impartial investigation has to be conducted to identify all attackers and organizers of the acts of violence in the Macedonian parlia-

ment, in order to deter the usage of violence in the future. All political parties in Macedonia must show their commitment to restore democracy, uphold the rule of law and reinforce political accountability.

*For the European Union & Single Member States*

Given the increasing uncertainty, migration crisis, and extremism, enhancing the political dialogue with the candidate countries and encouraging them to remain in the EU political sphere would be imperative for stability and security.

In the context of arising autocratic behavior, populist parties and weakened systems of checks and balances in the Western Balkan countries, democratic reforms and fight against corruption should be some of the core objectives for the EU assistance programs to the region.

Determine the “red line” for nationalistic and obstructive politicians in the Western Balkans that seriously impede the relaxation of regional relations. Define what kind of behavior will not be tolerated by the EU and what measures will be taken against politicians that “cross the line”.

European political party families such as the European People’s Party and the Party of European Socialists should demonstrate more seriousness and responsibility in their conduct towards member parties from the region: firmly denounce and condemn authoritarian and undemocratic practices and rhetoric of these parties as well as provide positive guidance to them.

Support a process of real confidence-building measures between Belgrade and Prishtina/Priština.

Become more honest and transparent with your WB6 partners. Seriously attempt to untie the Gordian knot right now, which means: go for a politically motivated admission of all of the WB6 at once (jointly and as a group), pushing all legal-bureaucratic requirements aside.

Open accession negotiations with all Western Balkan countries in particular on chapters 23 and 24 and chapters 14 and 15 of the EU acqui. The open-

ing of negotiations on chapters 23 and 24 would support rule of law reforms and the strengthening of independent judiciary which is of utmost importance for all Western Balkan countries. Furthermore, the opening of negotiations on chapters 14 and 15 (Transport and Energy) would be complimentary with efforts within the “Berlin Process” that is focused on a connectivity agenda and on improving the transport and energy infrastructure in the Western Balkans.

Develop a “Plan B” (“membership light”) and even a “Plan C” for a transitional period (anything possible beneath full membership) if necessary, which should offer the strongest partnership between the EU and the WB6 possible, partnerships at least as close as those with Switzerland, Norway and Iceland. Furthermore, the ongoing debate on a multispeed EU (Commission President Juncker’s “White Paper on the Future of Europe”, March 2017) should be taken into account. Some of the initiatives of the so-called “Berlin Process”, though denied by the Commission, seem to proceed in this direction.

Germany, which has always been among the most engaged regarding Western Balkans enlargement – e. g. by initiating the “Berlin Process” in 2014 – will have to, at least for some time, take an even stronger leadership.

The European Union and the more specific proponents of the “Berlin Process” should make the future of the process clear: whether the “Berlin Process” will proceed beyond 2018 and how. The Berlin process might turn into plan B in case enlargement continues to be frozen, hence it should be strengthened and equipped with the right tools to make a substantial difference.

Include the WB6 in consultative discussions on relevant future EU policies.

A central authority responsible for infrastructure planning, coordination, implementation and financing in the Western Balkans could be more potent and may also reduce widespread corruption related to infrastructure projects. A possible concept would be a “Southeast European Industrial Trust”.

EU “creditor” and Western Balkan “debtor” countries could acquire e.g. each 50 % shares of a Trust formed of all the infrastructure to be created in the region. Large scale investments in basic infrastructure should then have the potential to make industrialisation of broad sectors more likely. This might also give fresh hope to the people in the region, for whom otherwise (better organised circular) migration is the most efficient way to improve life conditions in a reasonable time.

*For the US Officials*

With regard to some present uncertainties concerning the US’ foreign policy, clarify the areas of priority, and how they may influence the Balkans.

*For the EU and US*

Cooperate closely in the Western Balkans in order to achieve the common goals in regard to regional consolidation.

Attempts should be made to be as inclusive as possible as far as cooperation with Russia in regard to regional consolidation issues is concerned, while strongly demanding respect from Russia for the West’s legitimate interests in South East Europe.

Continue playing an active role to support the positive momentum in Macedonia, to restore democracy and functioning of all relevant institutions, and use all existing instruments to avoid the prolongation of instability and new escalation of violence.

Include Kosovo in more cooperative networks such as the PfP Consortium.

*For EUFOR*

Increase your public involvement with the problem of Small Arms and Light Weapons in BaH (linked to organized crime, illegal weapon trafficking, terrorism). It is estimated that in BaH alone there are between 750 and 800 thousand illegal weapons held. The 2014 floods that hit BaH brought to light many hidden weapons (e.g. pistols, rifles, hand grenades, mines and even anti-armor weapons).



# Policy Recommendations:<sup>1</sup>

## “Rule of Law in the Western Balkans: Lessons and Way Ahead”

*“Regional Stability in South East Europe” Study Group*

### Executive Summary of Recommendations

- EU: Open with all candidates and aspirants the Chapters 23 and 24<sup>2</sup> of the *acquis* to underline the importance of rule of law.
- EU: Use IPA II<sup>3</sup> funds to support the media and civil society in strengthening the rule of law.
- EU Commission: Guarantee high legal standards in regard to member states and accession aspirants.
- OSCE: Take a pro-active role in supporting rule of law standards beyond simply monitoring.
- Council of Europe: Invest in civic education of young generations.
- International donors: Support independent media which focus on investigative journalism.
- Western Balkan countries: Regional initiatives such as SELEC,<sup>4</sup> RAI,<sup>5</sup> SEEPAC,<sup>6</sup> etc. should be used to identify regional role mod-

---

<sup>1</sup> These policy recommendations reflect the findings of the workshop “Rule of Law in the Western Balkans: Lessons and Way Ahead”, convened by the Pfp Consortium Study Group on “Regional Stability in Southeast Europe”, the Austrian National Defence Academy, the George C. Marshall European Centre for Security Studies and the Albanian Institute for International Studies (AIIS), from 29 September to 2 October 2017 in Tirana/Albania. They were prepared by Alba Cela and Sidonja Manushi, both from AIIS. Valuable support came from Predrag Jureković, Benedikt Hensellek and Veronika Fuchshuber, all from the Austrian National Defence Academy in Vienna.

<sup>2</sup> “Judiciary and fundamental rights” resp. “Justice, freedom and security”

<sup>3</sup> Instrument for Pre-accession Assistance (IPA); means by which the EU supports reforms in the ‘enlargement countries’. IPA II: period from 2014 to 2020.

<sup>4</sup> Southeast European Law Enforcement Center (SELEC).

<sup>5</sup> Regional Anti-corruption Initiative (RAI).

<sup>6</sup> South Eastern European Parliamentarians Against Corruption (SEEPAC).



els (USKOK<sup>7</sup> in Croatia, anti-corruption proofing of legislation in Moldova, Montenegro's civil society programs, etc.) and to learn from negative experiences (e.g. the vetting process in Serbia).

- Western Balkan countries: Increase rule of law related education in all spheres of daily life.
- Western Balkan countries: Ensure transparent financing of political parties.
- Regional politicians: Become role models for anti-corruptive behaviour.

## Situation Analysis

Western Balkan countries wishing to improve their democratic systems need to properly implement the rule of law in every aspect of social life. The region's post-conflict situation complicates this mission, giving way to weak governance and corruption which in turn facilitate transnational organized crime, disruptive influence by Russia, stalled Euro-Atlantic integration and political instability. There have been national and international attempts to strengthen the rule of law, considering the region's willingness to join the Euro-Atlantic family and reform its existing structures, and mixed progress has been achieved. However, the Western Balkan countries still need to address issues such as inherited corruption and economic and political instability at a national level. Regionally, Western Balkan countries need to focus on dealing with past nationalistic and political conflicts and stalled regional cooperation.

Corruption, bribery, kleptocracy and organized crime threaten to become sustainably the ultimate thieves of democracy and prosperity in several Southern and Southeastern European states, be they already EU members or EU aspirants. Over the last decades it has been widely accepted that only a fully rule of law based democracy has a realistic chance to politically function. Consequently, the EU has risen within its set of enlargement conditionality the rule of law (chapters 23 and 24 of the *acquis*) as the crucial condition *sine qua non* for membership aspirants. Though large amounts

---

<sup>7</sup> State Prosecutor's Office for the Suppression of Organized Crime and Corruption (USKOK).

of financial funds have been invested in the establishment of law (in particular from the EU side) and large numbers of respective laws and provisions have been adopted (on paper), progress on the ground has not yet occurred substantially. This demonstrates how complex and difficult – politically and administratively – the establishment of the rule of law is.

### **Foundations and Consequences of the Rule of Law**

The importance of the rule of law, illegitimacy of corruption and need for order and security cannot be ordered *ex cathedra*; rather, it must be learned from scratch and be taught in the first places where an individual is educated: in the family and at school. Thus, education is our most efficient tool of conveying a value system that internalizes and incorporates the rule of law in our worldview. Although state legislation and, in case of international interventions, international state building assistance can provide a legal framework for the rule of law, it is only through the norms and values taught at school and family environment that the rule of law can be fully implemented in an individual's life. Counting on monetary assistance to 'construct' the rule of law will not offer a sustainable solution to the problem, unless a value system exists in advance. For this reason, the teaching of the rule of law requires full democratic, political and societal backing, and, if necessary, international protection and support.

Two of the main deficiencies of a weak rule of law are the lack of an independent judiciary and the selective or systemic corruption. A functioning market economy can only exist through the rule of law; on the other hand, corruption leads to poverty, brain drain and loss in human capital for the majority of the population that does not benefit from it. Regionally, the rule of law could also help to increase cooperation and tackle transnational crime through economic cooperation, such as Foreign Direct Investments and increased competitive potential. Although the Western Balkan Six are already an informal part of the Euro-Atlantic security space, public and private corruption still has negative impact on the countries' security, stability and all social aspects connected to them.

Another major consequence of a weak rule of law is the development of Transnational Organized Crime (TOC). The UN Convention against TOC in Palermo used the word 'transnational' not only for an offence commit-

ted in more than one state, but also for those that take place in one state but are planned or controlled in another. E.g. 40% of terrorist groups are globally involved in drugs trafficking and TOC. In the Western Balkans countries, TOC is often linked with public political figures, which are perceived as corrupted by 70-80% of the population.<sup>8</sup> The establishment of legal frameworks that allow confiscation of criminal groups' and other suspects' assets and money is essential in targeting TOC, as money laundering is part of all forms of TOC. Other tools include prosecuting transnational criminals as a group in order to limit their influence and reach the top of the chain, as well as launching financial investigations for public figures whose wealth is unrealistic compared to their profile. Despite all efforts, organized crime is still a pressing issue for the Western Balkan countries.

### **Lessons and Best Practices by International Rule of Law Promotion**

The prospect of accession to the European Union has been a strong impetus for strengthening the rule of law. Democratic systems based on the rule of law and fostering effective anti-corruption regimes are part of the EU's conditionality (Copenhagen criteria).. As a requirement, judicial reforms have been a priority of Western Balkan countries, but are yet due to be effectively implemented. For this reason, Western Balkan countries should start with fundamental steps and learn from EU's previous enlargement processes. On the other hand, the EU lacks clarity, credibility and consistency in the eyes of many Western Balkan citizens, and its efficiency in monitoring states' progress and ability to implement accession conditions have been undermined, as alternative ways of governing do emerge.

Through its program on Rule of Law and Human Rights, the OSCE presence in Albania is another example of the promotion of rule of law. Its core activity is strengthening the country's administration and the legislative and judicial reform. This includes monitoring, which leads to reform changes and further implementation in the courts. In terms of human rights, the presence closely cooperates with civil society organizations, supports the probation service and assists with reforming the detention system.

---

<sup>8</sup> Balkan Barometer 2017

## **Lessons and Best Practices of National State Efforts to Strengthen Rule of Law**

Although some of the EU accession criteria have been similar for the Western Balkan Six, certain aspects have been given more priority for different countries, also in accordance to their accession status. In Albania's case, the justice reform is one of the main conditions. The country's political climate has challenged the country's political and social development and stability for the last 25 years. For promoting the justice reform, Albania has accepted donations by international experts and brand consultation, due to its difficulty in drafting the law. The justice reform also predicts the creation of new institutions based on new organizational ways and mandates, and detailed regulations drafted on the basis of standard bylaws. An immediate challenge for the new institutional establishments has been a low level of appropriate applications for human resources in these institutions, due to the lack of an effective education for required experts. Concerning the justice reform, a vetting of all existing structures and legislations is the country's key to move forward.

One example for strengthening the rule of law in a country is the State Prosecutor's Office for the Suppression of Organized Crime and Corruption (USKOK) in Zagreb which employs a variety of tools to reach its goal. To begin with, its employees, who undergo regular security checks. This is the result of frequent mid and high-level corruption in the country. USKOK has a vertical structure, with special police force and local offices. Moreover, it shows zero tolerance to any kind of corruption while also employing a pro-active approach of trust, it is multi-disciplinary and its executive powers extend so far as to punish corruption with jail time and loss of money.

Macedonia's special prosecutor's office, on the other hand, was established in 2015 to investigate the allegation of illegal wiretapping, election fraud and abuse of public office in order to investigate the people who are in power. Among the 94 individuals charged by the Special Prosecutor this year was also the Macedonian Prime Minister, Nikola Gruevski, a lack of cooperation has not allowed the office to fully practice its jurisdiction and to succeed in its investigative mission. Although this method needs to be more transparent and has to extend its network before being called suc-

cessful, it must be considered that it has given rise to debates in Macedonia and its public support in polls reaches 60%.

### **Civil Society and the Rule of Law**

The role of civil society in strengthening the rule of law is not to be ignored. A lesson of a necessary system of civic education focussing on enhancing civic responsibility and engagement comes from Podgorica. In order to reach a harmonized society where human rights are respected and the rule of law operates, civil knowledge and skills are key components. For this reasons, civil society organizations (CSO-s) in the Western Balkan countries should act to lower prejudices, protect human rights, monitor anti-corruption policies and raise awareness in order to finance their programs. Montenegro's best practices in this aspect come through the Democracy School of the Centre for Civic Education and the Leadership School of the Civil Alliance. Civil society can also help EU accession and the implementation of states' action plan, as Belgrade's case shows. The CSOs' response to the implementation of reforms and regulations is essential in trial monitoring and facilitating public discussion. Experiences with the vetting process in Serbia, for example, can be shared regionally to teach lessons and shortcomings.

Free media also lacks attention and protection in the Balkans, another factor which stalls the strengthening of the rule of law. The experience from Bosnia and Herzegovina shows how much the lack of support and financing towards independent media can harm the rule of law. Investment in independent media supports the establishment of a kind of watchdog of crime and corruption, which calls on the misuse of public posts and halts pro-Russian controlled media that bring instability into the region.

### **Recommendations Addressing the International Community**

- The international community, including the UN, EU, OSCE, Council of Europe, G20, etc., should closely monitor and report the progress countries make in implementing the commitments they have signed up to while adopting international conventions that are relevant to the rule of law and anti-corruption practices.

- The EU and NATO should acknowledge and counteract the influence of external actors such as Turkey and Russia in civil society and media that work against democracy and the rule of law.
- The EU should be stricter and more efficient in monitoring conditionality when it comes to the rule of law reforms and track record; it should work towards upholding the rule of law for the sake of democratic development.
- The EU should urge all aspiring Western Balkan countries to create Action Plans in order to open Chapter 23 and 24 of negotiating EU accession.
- The EU should strategically plan the use of funds from the Instrument of Pre-Accession Assistance (IPA II) to support the enlargement of the civil society and the media for strengthening rule of law.
- The EU should uphold the same standards for its member states and publicly denounce negative developments in the context of democratic standards for the member states that result as non-inspiring cases.
- According to the EU Commission President Jean-Claude Juncker, all membership aspirants “must give the rule of law, justice and fundamental rights utmost priority”. The European Commission, as the primary custodian of basic EU practices, therefore should monitor and legally enforce the compliance with these fundamental standards both of its member states and the accession aspirants – if necessary with the support of the European Court of Justice.
- The OSCE presence should have a pro-active role in upholding the rule of law and move beyond simply monitoring and following trends. The priorities of the OSCE can be used to such effect.
- The Council of Europe should invest in civic education in order to prepare further generations to uphold the rule of law.

## **Recommendations: Rule of Law through Regional and International Cooperation**

- Investors need a well-functioning, independent and effective judicial system which guarantees rapid and impartial conflict-solving in courts.
- Transnational Organized Crime has no difficulties surpassing borders, ethnic barriers, etc. Regional and international collaboration should be developed to match its counterpart's sophistication and efficiency.
- Western Balkan countries should respect their commitment to provide adequate funds, human resources and equipment to the regional initiatives such as SELEC, RAI, SEEPAC, etc. These regional initiatives are a useful tool to exchange information and best practices with regard to the rule of law, while a regional platform should be established to optimize the coordination of the countries' agendas.
- Countries should consider adopting the best regional practices that have been proved be efficient. Such examples are Croatia's US-KOK, the anti-corruption proofing of legislation since its drafting phase as adopted by Moldova, Montenegro's successful examples in civil society programs and Serbia's practice of making severe breaches of the rule of law public.
- Countries should also draw lessons from the negative experiences of other countries, such as Serbia's problems with its vetting process, which created confusion and resulted, in some cases, in the return of judges with a problematic track record. Albania, which is still on the first stages of its vetting process, should pay attention to that.

## **Recommendations: Rule of Law through Civil Society and the Media**

- CSOs should be engaged in providing opportunities for civic education and participation in order to contribute to the rule of law.
- Donors should promote and financially support independent media and particularly reports which focus on investigative journalism.

- Media should exert maximum responsibility to avoid hate speech especially during political campaigns.
- The OSCE media office should closely monitor the deteriorating media situation in the region.
- IPA funds should also be directed towards supporting civil society and independent media.

### **Recommendations for all Countries in South East Europe**

- Political leaders and legislators in EU countries concerned as well as in the Western Balkans Six countries are urged to live visibly and sustainably the rule of law, and to introduce and enforce teaching and learning related legislation.
- As a bottom-up approach: rule of law related education should be supported at home, in pre-school and at politico-social studies at grammar and high school.
- A political leadership is needed that lives and enforces the rule of law in public: politicians must set examples as role models.
- This should aim at the rule of law and at thinking and acting against corruption, kleptocracy and organized crime becoming part of the “citizens’ genes”.
- The legal framework of political party finance should be revised and have a serious audit system in order to limit influence of corruption on governance and politics.
- Countries should proceed in a timely manner with meeting the necessary benchmarks for the opening of Chapters 23 and 24.





## List of Authors and Editor

Alba CELA, Albanian Institute for International Studies, Tirana

Blagoje GLEDOVIĆ, Ministry of Justice/Directorate for International Co-operation and European Integration, Podgorica

Mario HOLZNER, Vienna Institute for International Economic Studies

Predrag JUREKOVIĆ, Austrian National Defence Academy, Vienna

Saša MANOJLOVIĆ, Croatia's State Prosecutor's Office for the Suppression of Organized Crime and Corruption (USKOK), Zagreb

Lulzim PEÇI, Kosovar Institute for Policy Research and Development, Prishtina/Priština

Wolfgang PETRITSCH, Ambassador (ret.), President of the Austrian Marshall Plan Foundation, Vienna

Matthew RHODES, George C. Marshall Center, Garmisch-Partenkirchen

Denisa SARAJLIĆ, Foreign Policy Initiative BH, Sarajevo

Michael SCHMUNK, Ambassador (ret.), Hamburg

Isidora STAKIĆ, Belgrade Centre for Security Policy, Belgrade

Sebastian VON MÜNCHOW, George C. Marshall Center, Garmisch-Partenkirchen

Recent international upheavals have led to the decline of bilateral, regional and intra-state relations in the Western Balkans, as well as to the re-strengthening of nationalistic attitudes in the region. These developments have posed major challenges to liberal democracy and democratic processes. In addition, the analyses of the 34<sup>th</sup> RSSEE Workshop address the economic transition and show opportunities for and obstacles to the region's security development.

Since the 1990s, national and international initiatives to strengthen the rule of law in the region have achieved mixed progress. Two selected papers of the 35<sup>th</sup> RSSEE Workshop focus on the role of higher legal education in strengthening the rule of law and present, as an example, the successful initiative of The Office for the Suppression of Corruption and Organised Crime in Croatia.

**ISBN: 978-3-903121-43-0**



Selected Papers of the 34<sup>th</sup> and 35<sup>th</sup> Workshop  
of the PfP Consortium Study Group  
“Regional Stability in South East Europe”

Joint Edition