

# BULLETIN

No. 4 (337) • January 13, 2012 • © PISM

Editors: Marcin Zaborowski (Editor-in-Chief), Katarzyna Staniewska (Executive Editor)

Jarosław Ćwiek-Karpowicz, Beata Górka-Winter, Artur Gradziuk,

Leszek Jesień, Beata Wojna

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## European Integration in the Western Balkans at the Beginning of 2012

Tomasz Żornaczuk

*The signing of the Treaty on Croatia's Accession to the EU points to the continuation of the enlargement process; and after the referendum in Croatia, Poland should take action to smoothly ratify the document. Although the addition of conditions for Serbia and Montenegro provides proof of the Union's more rigorous approach to the European integration of the Western Balkan countries at an early stage of this process, Poland should continue to actively support the aspirations of the states of the region. Decisions to open accession negotiations with Montenegro and to grant Serbia candidate status may still be taken in the first half of 2012.*

**Croatia.** EU leaders signed the Accession Treaty with Croatia at the European Council on 9 December 2011. Although in March the European Commission (EC) was critical about the progress of the country in the areas of justice, freedom and security, it managed to conclude negotiations on the last day of the Hungarian presidency of the EU Council. Neither the greetings by Prime Minister Jadranka Kosor to generals Gotovina and Markač—convicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) for war crimes, among other things—nor the intention to cancel Serbian court sentences given to the citizens of Croatia for war crimes in the former Yugoslavia, have prevented the EU from signing the treaty with Croatia. Yet, both events met criticism from the tribunal's prosecutor, Serge Brammertz, and the EC. New Prime Minister Zoran Milanović, who was appointed after the parliamentary elections in December, distanced himself from such rhetoric and announced a fight against corruption, which had been one of the principal problems for the former government. Other challenges include the repair of the economy and the reduction of double-digit unemployment. The need to persuade Croatian society to express themselves in favour of Croatia's EU membership in a referendum scheduled for 22 January will not be an issue. In fact, about 60% of the country's population already supports accession.

**Montenegro and Serbia.** Towards the end of 2011, the EC pointed to actions to be taken by the government of Montenegro that would enable the country to begin accession negotiations. These included strengthening the fight against corruption and organized crime, modernization of the administration, strengthening the independence of the courts, and improvements in electoral law. A new package of reforms adopted in the last year by the government of new Prime Minister Igor Lukšić meant that the EC in October 2011 recommended opening negotiations with Montenegro. In spite of this—and at the request of France and Germany—the EU pointed to the need to implement the law on civil service and elections as well as to further strengthen the judiciary and fight against corruption. Therefore the opening of negotiations with Montenegro will be re-examined in June 2012. Still, the European Council instructed the EC to conduct a screening, i.e., to compare Montenegrin law to the *acquis*, even though it normally had only taken such steps after the beginning of negotiations.

Despite the recommendation of the EC, Serbia did not receive candidate status for membership in December 2011. However, until last August, EU countries shared the view that the main obstacle to obtaining such status was that the Serbian government had failed to arrest Ratko Mladić and Goran Hadžić, who were indicted for, among other things, war crimes and crimes against humanity. Both were arrested and brought before the ICTY in May and July. But soon after, German Chancellor Angela Merkel pointed to the need to remove Serbian administrative structures from the northern part of Kosovo, which is inhabited by Serbs, as a condition for the further integration of Serbia. Germany's tough stance has led to a resumption of talks between Belgrade and Pristina, and in early December the Serbian government approved an integrated border-crossing management system to be operated

by officers from Serbia, Kosovo and EULEX. Regardless of this change, the member states will refrain from taking a decision on Serbia's candidate status until March 2012, as they will await the implementation of existing agreements with Kosovo.

**Other Countries in the Region.** Despite enjoying candidate status since 2005 and in spite of a positive EC opinion to initiate negotiations, Macedonia has not conducted accession talks with the EU because of a block by Greece, which does not recognize the country's constitutional name, the Republic of Macedonia. The EC has once again concluded that, apart from Croatia, Macedonia was the most advanced among the countries of the region in implementing reforms recommended by the EU. Still, strengthening the freedom of media and expression, improving both judiciary independence and administration capacities, and fighting against corruption remain among the challenges.

Albania has not received candidate status even though it submitted an application for EU membership in April 2009. This is because of the ongoing political deadlock since mid-2009, which is a consequence of the opposition's accusations of electoral fraud by the ruling coalition. The partial boycott of parliament by the opposition has caused an inability to introduce many reforms, including those to strengthen the rule of law. The impasse intensified after the controversial counting of votes during last year's local elections. The OSCE observed numerous abuses in the election campaign, and the EC report showed little progress in meeting the criteria required to obtain candidate status.

Political stalemate also blocked the integration of Bosnia and Herzegovina with the EU. Only in January 2012 was compromise reached over the formation of a central government in line with the parliamentary elections of October 2010. The adjustment of the country's constitution to the European Convention on Human Rights will be one of the main tasks for the new government and a condition for further integration with the Union. The EC report has once again pointed to the weakness of state institutions and to the early stage of the country's alignment to the EU laws.

In the case of Kosovo, the lack of prospects for progress in European integration stems both from its early stage in building state institutions and the weakness of its reforms as well as the lack of a precise Union strategy. However, in October this year the EC proposed to launch a visa dialogue with Kosovo, which remains the last country in the region under a visa regime from the EU. The European Council has announced that talks will take place on a visa waiver after the required reforms are conducted, primarily in the areas of justice, freedom and security.

**Conclusions and Recommendations.** The European Council's decisions from December 2011 are evidence of a careful and firm approach to the enlargement process in the Western Balkans during a time of reform the eurozone and when there is a debate around the a deeper integration. The lack of agreement on the progress of Montenegro and Serbia may mean that in the future—regardless of the Commission's opinion—member states will make use of additional criteria in order to firmly consolidate the democratization at an early stage of a country's European integration.

Germany's tough position against Serbia aims at the final settlement of a long-lasting Albanian-Serbian ethnic conflict over Kosovo. Certainly, the Serbian government will try to meet the new challenges, having in mind also the parliamentary elections scheduled for the coming spring. Therefore, in the coming weeks, Serbia's stance on Kosovo's representation on the international arena by authorities in Pristina may be further softened. The Montenegrin government, in turn, will have to show more determination before the start of each chapter of the negotiations, especially in the fight against corruption. At the same time, conducting the screening by the EC at an earlier stage will accelerate the specification of the most difficult areas in talks with the Union.

Nonetheless, the signing of the Accession Treaty with Croatia indicates the continuation of the enlargement process and demonstrates that the commitment to reforms and the democratization of the country would result in accession. After the referendum in Croatia, Poland should take action to smoothly ratify the treaty in order not to be one of the last EU countries implementing this document, as it was with the ratification of the Stabilisation and Association Agreement with Serbia. Given that the inclusion of the treaty in the legal systems of the member states runs smoothly and that the announced EC monitoring of the implementation of reforms in Croatia until the accession date does not show significant shortcomings, the country will become the 28th EU member in July 2013.

The further integration of the Western Balkan countries with the EU will strengthen their democracies and the rule of law and will consolidate stability and security in the region, thus in Europe. Therefore Poland, which consistently backs such ideas, even after completing the presidency of the EU Council should actively support the Balkan states' aspirations to membership while indicating the need for the fulfilment of the commitments that the EU has made to them. This will perpetuate the image of Poland as a country that promotes democratic values in the neighbourhood of the Union and advocates its further enlargement. This, in turn, would also be advantageous for Polish aspirations to play an increasingly important role in Europe, and in the future may help bring greater EU openness to Eastern Europe, which Poland has long sought.