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The Stabilisation and Association Process in the
Balkans: Overloaded Agenda and Weak Incentives?

Arolda Elbasani

EUROPEAN UNIVERSITY INSTITUTE

DEPARTMENT OF POLITICAL AND SOCIAL SCIENCES

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AROLDA ELBASANI

Abstract

Following more than one decade of violent and uncertain transitions in the Balkans, the EU has envisaged a new strategy comprising the perspective of membership for all the countries in the region. The so-called Stabilisation and Association Process (SAP) has become a word of faith loaded with high expectations for change. This paper seeks to analyze the potential of the SAP to foster promised transformation in the region. The paper proceeds in three parts. First, it elaborates on different forms of post-cold war interventions in the region; Second, it outlines the main instruments of the SAP. Third, it delves into the innovative features of the SAP compared to the previous enlargement framework and analyses the implications of these innovations.

The paper suggests that the SAP is an undisputed progress compared to the EU previous strategies in the region to the extent it has for the first time embraced the promise of membership and outlined the procedures of accession for all the countries left out of the previous enlargement. Yet, the analysis puts forward that the SAP suffers from the overloaded and not easily reconcilable double agenda including both stabilisation and association objectives. In addition, the SAP commitment to membership is rather vague compared to the previous framework of enlargement. Overall, those features might emasculate the transformative power of the EU enlargement strategy in the region since extensive conditionalities correspond to merely weaker incentives. Moreover, the ambiguity of membership inherent in the SAP, leaves it to the dynamics within the EU to mould the speed and the tone of the eventual enlargement. It cannot certainly be taken for granted as long as the EU suffers from the enlargement fatique and member countries keep resisting further enlargement.

Keywords

Introduction

At the turn of more than one decade of violent and rather uncertain transitions to democracy, the EU has envisaged a new vision for the Balkan countries.[1] Accordingly, it promises to transform the countries in the region into "stable, self-sufficient democracies, at peace with themselves and each other, with market economies and the rule of law, and which will be either members of the EU or in the road to membership" (Independent Task Force 2002: 28). This ambitious project of breaking long patterns of violence, instability, underdevelopment and overall isolation of the region from the wider European trends builds on a EU new strategy, which for the first time comprises the prospect of European membership and designates the tools of achieving that for all countries in the region.

This comprehensive strategy aiming to alter the path of change in the Balkans is part of a wider international initiative, the Stability Pact (SP), which brings together a range of international organisations, neighbouring countries and previous initiatives advocating long- term stability and transformation in the region. The so- called SAP is the major EU contribution to the aims of the Pact, outlining the instruments as well as the roadmap for integrating those Balkan countries left out of the previous wave of enlargement, into the EU structures up to the end goal of membership. Yet, while the SAP was first thought of as a corollary of the SP, it has progressively turned into the major strategy around which other goals and initiatives are elaborated. Moreover, it has become a word a faith among both political actors and people in the region, who have long opted to integrate into the European trends and join the EU structures.

The SAP has overall created high expectations of change, which are further nourished by the strong assumption on the transformative power of the EU enlargement conditionality in the post-communist countries, mainly referring to Central and East European countries (CEEC) incorporated in the last wave of enlargement in 2005. Yet, the study of the enlargement framework in the Western Balkans (WB) lacks both comparative analysis and depth of research, when compared to the bourgeoning literature on the transformative power of the EU enlargement in CEEC. Few studies, so far, have explored the distinguished features of the enlargement framework tailored to the WB and its potential for realising the promised path-breaking transformation in the region. Moreover, research on the EU impact on the Balkans still needs to be embedded and make better use of the existing literature on EU enlargement, its instruments, mechanisms and factors of impact in the post-communist area.

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[1] The Balkans is a geo-political concept comprising the political units that compound the Balkan Peninsula. Although it refers to a precise geographical area, it often connotes different sub-regions. South East Europe (SEE) does not define precisely a geographical area, but instead refers to a political grouping together with a loose geographical belonging. It usually include seven Balkan countries –Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Romania, and Serbia and Montenegro –although it might occasionally include other countries. The same applies to the Western Balkans, which refers to a sub-region of Balkans, including five of the SEE countries, i.e. all South Eastern European countries except for Bulgaria and Romania. The countries belonging to the Western Balkans Grouping is distinguished as a separate region in terms of EU integration framework and perspective -they share a common perspective to EU integration, which at the same time differs from that adopted in Eastern Enlargement including also Bulgaria and Romania.

This paper questions whether and how the SAP can hold to its promise of transforming the Balkan countries. Assuming that the SAP is a process of borrowing and inventing tailored to cope with the particular challenges of the Balkans, the paper aims to identify the main innovations of the SAP in the context of both the EU previous approaches in the region and the EU enlargement strategies in the post-communist area. It analyses how the SAP differs from other EU approaches in the Balkans and also how it departs from the enlargement conditionality in the rest of the CEEC. In addition, it tries to examine the implications of the main features of the SAP for realising the promised transformation.

The paper proceeds in three parts. The first part elaborates on different forms of interventions in the region. While most of foreign interventions built on the general assumption that Balkans' were to be treated as a region apart of the European mainstream, the SAP was part of a major new initiative to eliminate the very roots of the conflict by offering the carrot of membership and integration in European structures. The second part outlines the main features and tools of the SAP: advanced trade relations and EU unilateral concessions; focused assistance on integration priorities; new contractual relations up to accession; and a system of monitoring and dialogue between the EU and respective countries. The third part compares the SAP with the enlargement policies advocated in other CEECs. The analysis depicts an overloaded agenda and hardly matching objectives between stabilisation and integration. In addition, the SAP seems to lack a clear commitment to membership as well as clearly defined institutional stages that could take the countries to the ultimate goal of accession.

The paper suggests that although the EU policy in the region has advanced to embrace a clearer promise and outline of accession stages, the initial ambiguity and loaded agenda of the SAP can arguably erode the impact of EU enlargement conditionality. The EU enlargement framework in the Balkans is less clear than in the previous case of CEEC in terms of the overloaded and rather conflicting agenda combining stabilisation and association. In addition, it lacks the credibility of a clear commitment to membership and the certainty of institutional ties up to accession. Overall, the distinguished features of the SAP might emasculate rather than reinforce the transformative power of EU enlargement framework in the region.

I International Interventions in the Balkans: Old Wine in New Bottles?
The post-communist transformation in the Balkans confronted the European neighbours with a real challenge compared to the relatively smooth post-communist transitions elsewhere. While the rest of Eastern Europe embarked on a process of deep economic and political transformation, the Balkan countries remained entrenched into a series of ethnic conflicts and succession wars, which put them aside of the general post-communist trends. In the face of the endemic instability that rocked the region following the violent breakdown of communist regimes, most notably in the former Yugoslavia, most European countries founded themselves involved in the crisis. The foreign involvement in the post-communist Balkans was nothing new given that countries in the region had also experienced different adversities in the past, which had also led to different forms of international interventions.

1.   Past Interventions and Assumptions
The fragmentation of the Ottoman Empire, the weakness of the new Balkan states and the threat this situation posed to wider European security legitimised different forms of foreign intervention in the region. As Siani-Davies summarises in a recent study on foreign intervention in the Balkans, " [by the end of 19th century] the great powers were to launch a series of multilateral interventions [] using diplomacy, coercion, economic measures and ultimately the stationing of troops and advisers in a series of stabilisation missions" (2003: 9). Accordingly, most of those interventions aimed to create and maintain a balance of power within the European system and the Balkans countries, but occasionally revoked idealistic motivations such as propagating European values and/or defending threatened parts of the population. In any case, following the collapse of the Ottoman Empire and its control over the Balkans, the great European powers remained strongly involved in the region. The series of European interventions experimented with various notions and forms of intervention such as peacekeeping missions, economic intervention, and indirectly conditionality (ibid). They also created the basis of a historiography that interpreted Balkans in terms of intervention, while strengthening connotations of the region as a savage world laying at the margins and rather apart from the European mainstream (Gallagher 2001).

The Cold War restrained the scope for international interventions in the region. Most of the Balkan countries embraced a policy of non- intervention, which in some extreme cases like Romania and Albania took the form of economic autarky and diplomatic isolation. By contrast, for most of the Balkans, the end of the Cold War unleashed the contrary tendency of reintegration in the European mainstream and wider international scenes although it occasionally clashed with alternative discourses on independent action, especially in the areas of Yugoslavia that resorted to nationalist and independence movements.

2.   Ad hoc Responses to the Post-Cold War Crisis in the Balkans
The explosion of successive conflicts in Slovenia, Croatia, and Bosnia (1991-1995), Kosovo (1999), Macedonia (2001), as well as the violent collapse of the economic system in Bulgaria (1997) and wholesale collapse of state institutions in Albania (1997), brought the Balkans to the fore of international concerns and security issues. The nearby EU countries became especially vulnerable and interested to solve the security risks spilling over their borders.

The on-going crisis, especially the breakdown of Yugoslavia initialled a change of policy in favour of foreign intervention as a means to manage the escalating Balkan crisis. The power asymmetries that existed between the Balkan states and the outside world not only opened up the possibility of intervention, but also left these countries with little choice but to invite outside assistance and if necessary foreign troops. Yet, most international responses–consisted of a series of reactive ad hoc interventions that took different and often overlapping forms -diplomacy, recognition, humanitarian action, coercion as well as stationing of troops and advisers in a series of stabilisation missions –according to the type of the crisis (Siani Davies 2003: 15-20).

Most forms of post-cold-war interventions bared remarkable continuities with the past approaches of the Western powers towards the Balkans: its problems were of direct consequence to the European security, but the region remained rather peripherical to the European mainstream and the crisis should be contained within the region. It meant that both European multilateral organisations and interested countries tried to deal with the emergent crisis, while aiming to avoid a longer-run and deeper engagement in the region. Not surprisingly, the configuration of new interventionist policies proceeded only slowly, in the midst of Western countries conflicting interests, divisive attitudes, cumbersome coordination structures, and doubts on the consequences of intervention (Woodward 1996: 160). Overall, competing national interests and disagreements among Western states reflected ambiguous and mixed messages rather than a coherent strategy towards the region.

3.   Bosnia as a Bleak Chapter of European Foreign Policy
Initially, the EU was seen as a leading international mediator, which promised to smooth the emerging crisis in the region. It managed to negotiate a cease-fire between Slovenia and the Yugoslav federation and soon in July 1991 recognised Slovenia's right of independence. The Luxembourg presidency at the time voiced the great expectations to the Union when declaring that "the hour of Europe is at down". Yet, that proved to be illusionary as the EU could not prevent the subsequent explosion of conflicts in Croatia and Bosnia (Yanis 2002: 265). Moreover, the EU seemingly experienced total humiliation when implementing a UN mandate to safeguard one of the cities of Bosnia in 1994 (Gallagher 2003: 182-185). The war in Bosnia became one of the bleak chapters of the European Common Foreign Policy, showing rather clearly that the Europeans lacked "the cohesiveness, the determination and the instruments to bring the crisis under control" (Lehne 2004: 111). Other European organisations, including Council of Europe (CoE), Organisation for Security and Cooperation in Europe (OSCE) as well as North Atlantic Treaty Organisation (NATO) similarly lacked the mechanism and most importantly their member states cohesiveness to solving dealing the crises (Stan 2000: 158-159).

The US had been quite reluctant to engage in the Balkans as no important security interests were at stake. Yet, the US diplomacy was to send the main impetus to the end of the Bosnian war when it became clear that the EU failed to deal with the crisis despite increasing bloodshed and urgent humanitarian emergency (Gallagher 2003: 165-166). The US government proceeded to take the decisive measures to end the war, employing NATO in support of the other diplomatic efforts to mediate the conflict. Its more active engagement in the second half of 1995 finally produced the Dayton Accords agreed in November 1995. The US special envoy, Holbrook became the key diplomat in charge of negotiating the peace settlement in Bosnia. He would also complain on Europeans passivity to deal with the Balkans when admitting: "You have to wonder why Europe does not seem capable of taking decisive action in its own theatre… Unless the US is willing to put its political and military muscle behind the quest for solutions to European stability nothing really gets done." (Holbrook 1998)

4. Failure of Crisis Management Efforts in the Post-Dayton Period
Also afterwards, the involved international organisations and European countries tried to limit their involvement in the region and focused on containing the crisis and consolidating the fragile peace settlements (Siani -Davies 2003: 20-21). Yet, they founded themselves in an even deeper involvement of troops and resources especially but not only in Bosnia, where they effectively took the functions of a state. The period between 1995 and 1999 saw the mushrooming of NATO, UN and OSCE missions, which added to, replaced and at times widened the previous scope of intervention according to the new tasks of consolidating peace settlements in different parts of the Balkans (NATO in Bosnia; OSCE and several regional UN missions in Croatia; UN in Macedonia).

In 1997 the Balkans generated a series of new crisis that had nothing to do with ethnic conflicts. A banking crisis in Bulgaria precipitated a dangerous economic collapse and the IMF was to take effective control of the economic policy agenda in the country. At the same time Albania toppled into complete anarchy following the violent popular protests against the government's economic and political policies and the UN decided to allow the OSCE member states to send troops and field a permanent mission, which was soon followed by a range of multilateral initiatives aiming to stabilise the country.

The overall division of roles between Europe and US did not change much in the post-Dayton period. Europe still contributed the lion's share of financial assistance, expertise and troops but its political influence was not commensurate to the strong turn of US foreign policy in determinate moments of crisis (Lehne 2004: 111-112). The crisis in Albania once again showed the incapacity of the EU to take collective action against the collapse of central authorities in 1997 and left Italy to lead a "coalition of the willing" (Gallagher 2003: 185-190). The Kosovo crisis between 1998-1999 also put in clear light the lack of EU capability to prevent the escalation of conflict. At every point of the crisis the impetus and the conditions for ending the conflict came from the US. As a recent study of the EU influence in the Balkans puts it "by the end of the decade and in light of Kosovo, the EU's ability to manage conflict in its own backyard had been exposed as a myth and Europe's continued reliance upon a US military presence was clear for all to see" (Graham and Jovic 2006: 1).

5. The Regional Approach as the Beginning of a new Strategy
Yet, the implementation of the Dayton Accords started shaping a conviction among the relevant European actors, most notably EU, that the situation in the Balkan region required a comprehensive and preventive policy tailored to cure the roots of the conflict and thwart further explosions rather than manage those conflicts when and after they occurred. The Dayton agreement became the turning point for EU to envisage a rather comprehensive strategy in addition to the current deployment of foreign policy and crisis management instruments.

First, in December 1996 the EU presidency launched the *Royamount Process for Stability and Good Neighbourliness in South-East Europe*, which included EU member countries, the SEEC, regional neighbouring countries, the USA, Russia as well as OSCE and CoE. The process aimed to support the implementation of the Dayton

agreement by promoting regional cooperation schemes and projects on good neighbourly relations.

Second, in February 1997 the EU presented a new strategy towards all the countries of former Yugoslavia, which had a stake in the realisation of the Dayton agreement (Pippan 2004: 221-224). The Council conclusions introduced the principle of political conditionality as the basis of advancing its relations with the countries of former Yugoslavia. Accordingly, the contractual relations with the former Yugoslavia were to depend on "the willingness of the countries concerned to work towards consolidating [] democratic principles" (quoted in Pippan 2004: 222).

Third, in April 1997 the EU General Affairs Council moved to clarify further the terms of a new *Regional Approach* comprising all SEE countries with which the EU did not have any association agreements. Since Romania and Bulgaria had already signed Association agreements with the EU, the regional approach was from the outset confined only to the states of the former Yugoslavia (apart from Slovenia) and Albania. These states were to form a new political category, "the Western Balkans" (Barlett and Samardzija 2000: 253-254). The Regional Approach confirmed the application of conditionality linking any advancement of bilateral relations to democratic conditions such as respect for democratic principles, human rights, and the rule of law; protection of minorities; market economy reforms; and regional cooperation (Pippan 2004: 224-225). In return, the EU promised (1) financial assistance, (2) unilateral trade preferences and (3) enhanced cooperation agreements. Each of those was related to different degrees of conditionality with the lowest conditions pertaining to unilateral trade preferences and the highest to contractual relations. The new approach also differentiated between regional and bilateral conditions aiming to solve a potential contradiction between an individual country's achievements and a coherent strategy towards the whole region. The EU, thus, outlined the contours of a new strategy in the Balkans, comprising the application of conditionality, the use of various rewards and a common regional policy.

In this occasion, the EU operationalised in great detail what were merely broad conditions - democracy, human rights and market reforms.[2] The combination of regional and country specific conditionality inevitably added to this exceptionally long list of requirement in the Balkans. Overall, the frame of expansive, graduated and detailed conditionality in the EU relations with the Western Balkans was rather

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[2] The EU Council identified the following components of conditionality: 1) *Democratic principles*-representative government and accountable executive; government and public authorities to act in a manner consistent with the constitution and the law; separation of powers between government's administration and judiciary; free and fair elections at reasonable intervals by secret ballot. 2) *Human rights, rule of law* –freedom of expression including independent media; right of assembly and demonstration; right of association; right to privacy, family, home and correspondence; right to property; effective means to redress against administrative decision; access top courts and right to fair trial; equality before the law and equal protection by the law; freedom from degrading treatment and arbitrary arrest. 3) *Respect and protection of minorities* –right to establish and maintain their own educational, cultural and regional institutions; organizations or associations adequate opportunities for minorities to use their own language before courts and public authorities and displaced persons returning to areas where they represent an ethnic minority. 4) *Market economy reforms* – macroeconomic institutions and policies necessary to ensure a stable legal and regulatory framework; de-monopolisation and privatisation of state-owned or socially owned enterprises; establishment of a competitive and prudently managed banking sector (European Council 1997: annex 1).

exceptional compared to conditionality that the EU applied in its relations with other CEEC. This exceptionally detailed conditionality could make it all the more difficult for promised relations to come through. Yet, the most crucial difference between the EU parallel but distinctive strategies in WB and CEEC was that the former did not entail any explicit prospective of membership. Under the regional approach, the EU relations with the Balkans were instead marked by "negative conditionality", be it in the form of limited contractual relations, exclusions from the Association agreements and in the case of Serbia outright sanction (Anastasakis and Bechev 2003: 7). Turkes and Goksoz similarly suggest that the Regional Approach outlined a different mode of relation with the Balkans:

> "The manner in which conditionality applied in the case of the Western Balkans clarified the contours of a distinctly different mode of relations that the EU would maintain with the region: there was no prospect for rapid membership but the countries meeting the conditions were to be rewarded with trade concessions, financial assistance and economic cooperation on the part of the EU." (2006: 676)

II. A Comprehensive Strategy of Conflict Prevention: The SP
The intensification of the Kosovo crisis in the period 1998-1999 created another regional crisis in terms of refugee flows, economic disruption, additional destruction of infrastructure and another feasible risk of humanitarian disaster. It further risked destroying the fragile peace settlements in the neighbouring countries. It all showed in open light the danger that the Balkans' posed to the general EU stability and that the EU policies did not suffice to draw the region to a path of sustainable peace and transformation. As the German Foreign Minister at the time, Fischer, would put it: "If the awful conflict in Kosovo had brought something good with it, it is that we understand our belonging together far better" (quoted in Friis and Murphy 2000: 779). All in all, the Kosovo crisis prompted a re- thinking on the part of the EU of new strategies that could break the cycles of crisis. On the part of the wider international community, it strengthened a common political stance for coordinated and comprehensive action in the region (Chandler 2003: 5)

Initially, the EU German presidency championed the idea of the Stability Pact, which gained approval at the General Affairs Council of May 1999. The project was officially presented at an international meeting in Cologne and was launched at the international Summit of Sarajevo in July 1999. The pact followed and built on a number of international initiatives taken between March and June 1999 to push forwards a more integrated approach to the region (Friis and Murphy 2000; Bartlett and Samardzija 2000; Phinnemore and Siani-Davies 2003). Yet, the pact was announced as a novel and comprehensive "conflict prevention policy" aimed at addressing the roots of the conflict through promoting "peace, democracy, respect for human rights and economic prosperity" in the whole region (Stability Pact). The pact promised to be a breakthrough to both the interventions of the 19th century and the policy failures of the 1990s. Many analogies were made with the post-1945 Marshall Plan, to the extent that the Pact envisaged massive economic recovery and eventual integration in European Structures (Gligorov 2001:15).

Although it was initiated as part of the EU Common Foreign and Security Policy, the Pact as endorsed in the Sarajevo Summit, was a multilateral venture including: the beneficiary countries in SEE; neighbouring countries; members of the EU; non-EU members of G-8; a host of international organisations -EU, UN, OSCE, CoE, UNCHR, NATO, OECD; International Financial Institutions –IMF, WB, EIB, EBRD and a set of regional initiatives created that far (Bartlett and Samardzija 2000: 252). The SP set out a division of responsibilities between the major organisations. The CoE was given responsibility for the promotion of democratisation and human rights. The UNHCR was to become the lead organisation in refugee questions. NATO was to take care of regional security. The OSCE was the main organisation in charge of its implementation. IFIs were to take care of a coherent international assistance strategy. Other intra-regional cooperation incentives were also invited to contribute. The pact was thus perceived as "a platform for international cooperation [including] a political commitment by the participating partners to engage in a process of promoting stability and growth in SEE" (Pippan 2004: 227). Although it was politically significant to show the international actors' long-term commitment to the region, the Pact has hardly evolved into a common project autonomous of donors' self-interested priorities (Gligorov 2001:1 7) or of real cooperation structures between the many involved actors (Welfens 2001: 197-115).

Yet, more important than the SP itself was the EU initiative to lead the international policy shift in the Balkans. European integration was to become the key word of this general international, and especially EU policy shift. The breaking point of the new policy was the inclusion of the promise of future EU membership for all target countries. The Council decision on Stability Pact, for the first time, declared its willingness to draw the countries of the region closer to the perspective of full integration into EU structures through a new kind of contractual relationship offering a perspective of membership. In line with its previous enlargement policies, the council made sure to reaffirm that the membership perspective would depend on the criteria outlined in both the treaty of Amsterdam and the Copenhagen (Pippan 2004:227). Accordingly, the prospect of full membership was to be the most promising way to achieve lasting peace and stability in the region. As underlined by a Macedonian official "the SP would not have had any value in itself if it did not contain a membership perspective" (quoted in Friis and Murphy 2000: 770).

1.   The Road to Integration: The Stabilisation and Association Process
The EU main contribution to the SP was the drafting of an enlargement framework tailored to the WB - the so-called SAP. As inherent in its name, the SAP has the dual objective to promote (1) regional stability and cooperation and (2) EU integration including eventual membership. The idea of fostering cooperation between SEEC themselves and between them and their neighbours was clearly built upon the previous Regional Approach. The other idea of opening up the possibility of EU membership and enforcing conditionality was borrowed from the EU enlargement in CEEC where it had arguably proved to be an important motor of reforms (Friis and Murphy 2000: 778).

The SAP and its goals were subsequently endorsed step by step in several occasions (Pippan 2004: 227-229). The Council meeting of Lisbon held in March 2000 reiterated that the SAP would be " the centrepiece of [EU] policy in the Balkans". The Council

meeting of Santa Maria De Fiera strengthened this commitment conferring on the WB countries, the status of "potential candidates for membership". The SAP was then, formally endorsed at a high-level meeting held in Zagreb in November 2000 and comprising both SEE government and EU member states, which agreed that "conditionality [was to be] the cement of the process" (European Council 2001).

The new strategy consisted of a comprehensive policy framework to ensure European integration through a range of instruments:

- Furthering economic and trade relations with and within the region
- Development and partial redirection of existing economic and financial assistance
- Increased assistance for democratisation, civil society, education and institution-building
- Cooperation in the area of justice and home affairs
- Development of political dialogue also at the regional level
- Negotiation of Stabilisation and Association Agreements (SAA) (European Commission 1999)

The instruments covered by the SAP were open to all countries in the region. Their availability, however, was directly linked to a country's compliance with the general and country specific conditions.

2.   *Autonomous Trade Preferences*

In its Lisbon meeting held in March 2000, the European Council first established that any association agreements with the WB countries should be preceded by asymmetrical trade liberalisation with the respective country countries (Pippan 2004: 230-231). A few months later, in September 2000, the council adopted duty and quota free access to the EU market for nearly all industrial products and most agricultural products coming from the WB. The package of autonomous trade preferences was further improved in November 2000. By October 2000 the regulation on autonomous trade preferences had progressively covered all WB countries. The EU figures suggested that, by this time, 80% of the exports from WB were entering duty –free to the Union, whereas trade concessions mounted to around 100,000 euros (Phinnemore and Siani-Davies 2003: 182).

The conditions attached to the preferential trade agreements consisted of the same requirements set up by the 1997 European Council conclusions with respect to the granting of autonomous trade preferences. If placed in the graduated scale of conditionality they mounted to the lowest degree of conditionality in terms of both requirements and reinforcement measures. That was probably meant to say, that the EU was anyway intent to strengthen the trade relations with and within the Balkan countries.

3.   *New Assistance Program and Priorities*

In the light of its new strategy, the EU also modified its assistance program for the WB. In December 2000, the Council adopted a new legal framework on the Community Assistance for Reconstruction Development and Stabilisation (CARDS) to regulate assistance in WB (European Council 2000b). The drafting of the regulation was followed by separate country's strategies and a common regional strategy 2002-2006,

drawn in collaboration with target countries, EU member states and other donors. The country strategies, in line with the general EU strategic shift, emphasised key SAP priorities -essential reconstruction, institutional capacity building, and implementation of the acquis and entrenchment of the rule of law.

CARDS assistance was similarly attached explicit and exceptionally broad conditions. It included Copenhagen criteria on respect for the principles of democracy, the rule of law, human and minority rights and fundamental freedoms as well as conditions defined by the Council Conclusions of 1997 which asked recipients to carry out democratic, economic and institutional reforms. This combination, seemingly reflected "one of the most comprehensive conditionality clauses ever embodied in a community legal instrument regulating external assistance" (Pippan 2004: 232).

4.   New Contractual Relations –the Stabilisation and Association Agreements
The process of integration for each Balkan country is mostly defined around the stages of negotiating and implementing a new type of contractual relations, SAAs. As such, the new agreements became the most important instrument of the SAP.

Initially, the commission elaborates a feasibility study seeking to assess whether the respective country is ready to enter into negotiations for an SAA agreement. If the Council deems that the respective country has made sufficient progress, it requires the commission to prepare SAA formal negotiating directives. If adopted by the Council, the negotiations are conducted by the Commission in consultation with a special Committee including members of the EU Council, the Commission and the partner government. Following the negotiation of its chapters, the agreement must be signed and ratified by each member state, the European Parliament as well as the respective country structures; When concluded, SAAs include a timetable for realising the established association -this is 10 years for Albania and Macedonia and only 6 years for Croatia.   The implementation of those agreements is expected to lead the country towards full membership.

The SAA structure, content and procedures of negotiations are very similar to the European agreements, which have been concluded with the candidate countries of CEEC (Phinnemore and Siani Davies 2003: 184-185). In addition, both aim to create a formal association over the period, which is necessary for a country to adopt the core standards and rules agreed at the EU level. According to the EU, the SAAs "provide the formal mechanisms and the agreed benchmarks, which allow the EU to work with each country to bring them closer to the standards which apply in the EU" (European Council 2001:5).

Being the most important SAP instrument and a highly regarded relation, the SAAs are also associated with the fulfilment of stringiest political criteria, which increase parallel to the advancement of the SAA up to its implementation. The EU Council made clear that it would initiate SAA negotiations with a country only if it met convincingly the relevant conditions, set out in the council conclusions of April 1997 (European Commission 2000). Further on, all the SAAs concluded so far contain similar provisions confirming that the conclusion and the implementation of the agreement "comes within the framework of the Council conclusions of April 1997" and on the

basis of individual merits of the respective SAP partner (Article 3 of SAA). It suggests that the country concerned remains under the scrutiny of the EU conditionality also during the process of SAA implementation, regardless of formal and alleged adherence to EU conditions at the time of concluding the agreement. Finally, the SAA preambles contain an extensive list of principles, to which both parties are committed, to and whose violation trigger the suspension or termination of the agreement –democracy, free market, free trade, the rule of law, respect for the rights of minorities, and the provisions of the UN charter, the OSCE and the Charter of Paris for a new Europe.

The final recital of the SAAs ascertains that the country concerned is a potential candidate on the basis of the Treaty of the EU, country's fulfilment of the criteria defined by the European Council of June 1993 and the successful implementation of the Agreement. It suggests that the Copenhagen criteria continue to be a decisive benchmark for the EU assessment of an associated country, but the successful implementation of SAAs sets additional prerequisites for membership. Given that the implementation of the agreement is related to extra conditions, the EU conditionality in the Balkans becomes exceptionally broad when compared to the framework of enlargement in the CEEC.

5.   Reviewing and Monitoring Mechanisms
In addition to linking all its instruments to a range of graduated criteria, the EU has elaborated a special review mechanism to monitor the general political and economic situation as much as achievement of SAA obligations in a systematic and coherent fashion (European Council 2001). The review mechanisms consist of (1) Commission's annual reports assessing separately each partner state; (2) Commission's common annual report on all SAP countries; (3) Council's annual review based on Commission reports. The Commission's assessment, much alike in the case of CEEC, is based on information drawn from its own delegations, the embassies of the EU member states, reports of other international organisation and independent agencies.

If the annual assessments serve to guide the countries through the extensive requirements of EU conditionality, the European Partnerships (EP), adopted annually since June 2003, aim to set clearer benchmarks by identifying short and medium term priorities (European Council 2003). The partnerships drafted for each country undertake to clarify which of the SAP requirements are of particular importance for the further rapprochement with the EU, in the light of a country's current state of reforms. The target states are expected to respond by drawing a national plan on the implementation of the priorities, while also identifying the human and financial resources needed and concrete timetables for addressing each of the priorities. They, thus, serve as a checklist against which to measure progress in all the fields covered by the SAP conditionality.

 In case of negative assessment the Council might apply appropriate measures as provided for in the preferential trade regime, CARDS regulation or SAA provisions. The conditionality principle attached to all SAP instruments enable the EU to exert pressure in case of violation of the described democratic criteria or withdraw the availability of the offers altogether. However, EU has seemingly proved to prefer the anticipatory effects of the conditionality in combination with the incentives offered in

case of compliance rather than the negative measures taken after the violation of relevant criteria (Pippan 2004: 240). As such a country is sure to profit from the various SAP instruments and advance to membership if demonstrating compliance with the EU conditions, but it will hardly suffer any punishment beyond the withdrawal of the promised rewards in case of non-compliance.

III. The Features of SAP and its Transformative Power in the Balkans

The SAP altogether reflects the EU fundamental shift of strategy towards the Balkans. It provides the mechanisms for integrating countries in the region in the EU structures in a similar fashion to the enlargement framework adopted in CEEC. The SAP, thus, provides a framework of enlargement under the assumption that it will push the initialled transformation in the right direction, just as it has done in the other post-communist countries. The EU integration perspective has in fact turned into the Archimedean point of the process of change, providing a real perspective of breaking past patterns of instability, conflict and underdevelopment. Yet, the SAP framework differs in several aspects from the previous enlargement framework in the CEEC. In this part, we well outline the main features of SAP, which depart from the previous enlargement framework and analyse whether and how it might impact the transformative power of the SAP and the potential for change in the region.

1. The Stabilisation and Association Agenda

One of the distinguishing features of the EU strategy in the Balkans is the loaded agenda comprising two different objectives –stabilisation and association. This double objective of both stabilisation and association gives life to different agendas. The SP prioritises regional cooperation as a stabilising remedy for the regional conflicts. The SAP, on the other hand, prioritises the power of bilateral conditionality and identifies regional cooperation as an auxiliary mechanism aimed to ensure regional stability (Phinnemore and Siani-Davies 2003: 178-181). The regional component in both agendas, thus, assumes that the Balkan countries share a set of common problems that need regional solutions. Moreover, regional cooperation is advocated as the only means to build long -term stability in the region, which comes first in the hierarchy of EU objectives.

The regional component of SAP was built on the previous regional process, but it put new emphasis on intra-regional cooperation (Bartlett and Samardzija 2000: 246). The official announcing of SAP emphasised that, " the existing approach must be enhanced to avoid the risks of concentrating solely on a policy of selective bilateralism to the detriment of a truly regional strategy" (European Commission 1999). In this spirit, the Commission proposed concrete policies to foster intra-regional cooperation -the creation of free trade area or areas, mutual trade preferences and even custom's unions among the countries. Cooperation as focused on economic sectors, reflected a well-acknowledged principle in EU that economic cooperation should precede political cooperation and long-term stability. Indeed, the commission put forward that the development of cooperation between states was to be " a prerequisite for the establishment of closer links with the EU and for assistance" (ibid). Consequently, regional cooperation among Balkan states was to be an additional requirement to advance their integration on an individual bases, in EU structures.

The emphasis on regional cooperation distinguished SAAs from the previous European Agreements (EAs) since only the first aim to foster regional cooperation in all the fields they cover. David Phinnemore has clearly shown how SAA's explicit conditionality regarding regional cooperation is a novelty in the EU practice (Phinnemore 2003: 85-89). Even before entering contractual relations, Balkan states are expected to show a "proven readiness" to establish good neighbourhood relations in order to open negotiations for an SAA. The conclusion of the SAAs is conditioned by the achievement of "cooperation and good neighbourly relations" with other Balkan countries (article 4). The SAAs also include a specific title on regional cooperation, which prescribes exactly what is expected from the signatories. Accordingly, one year after signing the agreement, the signatory countries must open negotiations for conventions on regional cooperation, which must be concluded within two years after the SAA enters into force. As such, Balkan countries prospect of membership are clearly linked to the pursuit of regional cooperation. In its first report, the Commission noted, in bold, that "integration with the EU is only possible if future members can demonstrate that they are willing and able to interact with their neighbours as EU member states do" (European Commission 2002). The regional cooperation component is also inserted as an element of the EU assistance. Around 10 % of CARDS assistance is directed towards the regional component.

2.   Implications of SAP: Loaded Agenda and Conflicting Objectives?
The EU regional conditions put an additional load on the association process, although it advances at a bilateral basis. In other words, the Balkan countries have to comply with additional conditionalities, which might load and delay the association process. In addition, the link between regional stabilisation and bilateral integration as established in SAP might be rather conflictual (Bartlett and Samardzija 2000). The bilateral approach, whereas each country proceeds according to its own pace of progress, encourages differentiation along each country's capacity to reform and hence, goes against the promotion of regional dimension. In fact the negotiation of SAAs with Macedonia (2001), Croatia (2001) and Albania (2005) have raised the issue of how a country's progress of contractual relations can be reconciled with the record of regional cooperation.   Even if in the Balkans context, they are seen as complementary to each other, those diverse agendas often reflect tension and contradictions. As Kempe and Meurs put it rather sceptically, "the inherent tension between these diverse EU agendas is becoming apparent and critical" (2003: 64).

At the EU level, the double strategy of stabilisation and association has meant a set of priorities and a jungle of conditionality that does not fair well for the clarity and determinacy of EU conditionality. Moreover, the EU sensitivity to security issues can well tip the balance towards stabilisation priorities. To quote Anastasakis and Bechev "the notions of Balkan Europeanization, modernisation, democratisation and institutional development have been completely subordinated to the issues of [ ] security" (2003:9)

Balkan countries, for their part, tend to regard regional schemes with suspicion. They are sceptical to the benefits they bring. WB is generally characterised by weak intra-regional economic and political links. The recent conflicts have further damaged their already weak economic relations – Albania, Bulgaria and Romania each trade less than

10% of their total exports within the region, Croatia and Macedonia less that 20% and Yugoslavia less than 30% (Bartlett and Samardzija 2000: 246-249). Furthermore, given the priority awarded to the regional component, the Balkan countries are afraid it can turn into a substitute for European integration (Anastasakis and Bosisic: 2002). The regional cooperation, therefore, has been widely perceived as an extra load to domestic reforms with no immediate economic or political returns.

The Thessalonica Summit held in 2003 has seemingly strengthened the association dimension of the EU policies in WB. The drafting of European Partnerships, which aim to guide a country towards accomplishing a set of country-specific priorities, to some extent address critiques on the EU extensive focus on regionalism at the expense of bilateral conditionality (Gligorov 2004: 5-6). The Summit strengthened the message that the negotiations would be individual and they would take as long as needed for each country to fulfil and implement the EU obligations separately. As stated in the final declaration between the EU and SAP partners, "each country would proceed towards membership on its own merits and at its own speed" (European Council 2004: 5). Yet, the regional component remains an important basket of the EU conditionality in the Balkans and given its direct relation to regional stability, it can always overload as much as obscure the enlargement agenda.

3.   The Weakness of Association – The Vague Promise of Membership
As regards the promise of EU membership included in SAP, both the process of negotiation among EU member states and its final wording, show the EU hesitation to admit the SAP countries into its structures at least in the near and/or medium term future. Studies of SP negotiations have shown that the promise of membership was a major issue of contention among member countries (Friis and Murphy 2000: 772-773). Accordingly, several member states opposed to offering a firm perspective of membership to the Balkan countries on the basis that (1) it would overload the already difficult enlargement process in CEE and (2) the target countries in the Western Balkans faced a range of issues that set them apart from their CEE counterparts and hence could not be offered the same rewards.

Initially, the European Council avoided an explicit reference to the enlargement article of the Amsterdam treaty (article 49) and instead came up with a confusing promise to "draw the region closer to the perspective of full integration [ ] with a perspective of EU membership on the basis of Amsterdam Treaty and once the Copenhagen criteria have been met" (European Council 1999c). The strength of commitment was arguably watered down in the course of drawing the SAP. The Commission's communication on SAP a few days later made no mention of membership, but a vague commitment to "drawing the region closer to the perspective of full integration into EU structures"(European Commission 1999). Only one year later, the Fiera Summit held in June 2000 rewarded the formal status of "potential candidates" to the Western Balkans, which is in itself a merely vague term (Phinnemore 2003: 98-102)

Moreover, the EU member countries still lacked consensus on the degree of commitment to be included in the SAA with Macedonia, in April 2001. The clause on

future membership was left out of negotiations and was presented to the Macedonian delegation the night before the conclusion of the agreement. The agreement included a cautious wording on future membership - the signatory was to be a "potential candidate" depending on the fulfilment of EU conditions. The promise was in stark contrast to the promise included in the European agreements, which inserted that: "[the associates] ultimate objective is to accede to EU and that this association will help [it] to achieve this objective" (in Phinnemore 2003: 68). The vague wording confirmed the EU reluctance to offer to Balkan countries a firm commitment of membership, similar to the one offered to CEEC. This week commitment to membership makes the relation all the more asymmetrical as the SAP countries have to fulfil an exceptionally broad range of conditions while the EU seems to shy away from strengthening its commitment to membership.

The SAP seems to be equally ambiguous on the necessary steps for realising the end goal of membership (Gligorov 2004). The structural similarity between the SAAs and EAs implied that SAAs are an important means to achieve membership. However, whereas the EAs maintain that they will help achieve the goal of membership, this is not explicit in the case of SAAs. The EU does not clarify whether the last grouping makes a country eligible for or realise the goal of membership. The SAP documents, including SAAs themselves, are silent on how a country advances from "potential candidate" to "candidate" status and the stages that will lead WB to eventual membership. According to David Phinnemore, the ambiguous language reflects "the lack of consensus on what role the SAAs should play in realizing the membership perspective" (Phinnemore 2003: 100).

The Thessalonica Summit few years latter has clarified that the SAAs were to be the first and the last contractual agreements up to membership (European Council 2003c), thus avoiding any previous allusions that they would serve as intermediate steps towards some new EAs. The summit has also enriched the SAP with new instruments such as European Partnerships[3], twining programs, and country's participation in community programs, which were all used during the pre-accession phase of enlargement in CEEC. It could be interpreted to say that the process of accession takes over immediately after the implementation of the SAAs. Still the SAP lacks those pre-accession tools that played an important role in preparing the Eastern European Countries for enlargement, most notably additional pre-accession funds (Gligorov 2004: 5). The adoption of a new Instrument for Pre-accession Assistance for the period 2007 - 2013, establishes that potential candidate countries will continue to receive assistance along the lines set out in CARDS regulation and they will not be eligible for additional assistance, not to speak about cohesion funds (ESI 2005). The EU also fails to specify what is the role of new pre-accession tools in a country's progress towards accession. In short, the SAP seemingly lacks specifying the intermediate rewards be it institutional or financial relations, which are tied to a structured, even if gradual, process of accession.

Not surprisingly, the countries of the region have not relied on the Sap mechanisms to realise the goal of membership. The most advanced countries in the region, Croatia and Macedonia, have applied for membership aiming to access faster the status of full

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[3] In the initial proposal they were referred to as European Integration Partnerships, but reference to integration was dropped in the final proposal.

candidate and gain pre-accession funds. The positive avis on the membership application for both Croatia (June 2004) and Macedonia (April 2005) have contributed to tie up the path to membership for WB. The process of strengthening the membership commitment might be seen as conforming to what Friis and Murphy has predicted: "this promise however vague and conditional can not be withdrawn. It will force the Union to increase its level of engagement within the region and to advance the ongoing enlargement process" (2000:784).

Yet, the level of EU engagement remains an indeterminate process that is clarified along the process and on the basis of the timely dynamics within the Balkans and the EU itself. As Gligorov puts it the EU strategy is one where "integration, association, neighbourhood and accession are used again and again, often with some ambiguity and confusion" (2004:5). More troubling in this context, are recurrent statements of some European heads of governments, which asked to alter or at least slow down any possible enlargement in the Balkans. The German Chancellor, Merkel, has publicly suggested a loose partnership option for the WB (Krasniqi and Beunderman 2006). France and Netherlands, in particular, have strongly pushed for measures against "uncontrolled enlargement" arguing that it was one of the reasons why their citizens voted down the constitutional Treaty. The French minister, Douste-Blazy was reported as having said "we can not act as if the people do not exist. [ ] We must not rush headalong into enlargement" (Beunderman 2006:11). Even, if the EU structures will succeed to keep a future enlargement to the Balkans on path, it can always be stalled and at best delayed by such resistance as long the process of integration is delineated in ambiguous terms.

4.   The Implication of Weak Incentives

The SAP commitment and mechanisms to integrate WB countries in EU structures suggests an undisputed qualitative shift compared to the previous approaches including the regional approach. Yet, the enlargement framework in the WB seem to be much looser than the enlargement process applied in CEEC in terms of a cautious promise of membership and indeterminate stages for its realisation. Although the EU has moved to clarify the Balkan countries road to membership, its engagement cannot be taken for granted to the extent it depends from many dynamics, especially EU general mood to enlargement (Phinnemore and Siani-Davies 2003: 187).

The issue of a possible enlargement in the Balkans is raised in a critical situation when the EU needs internal reforms to face the big bang of the challenging previous enlargement to 12 new countries. In this context, both the ability and the will of the EU to admit new member countries are an open question. The commission has reiterated in numerous occasions that it will honour the promise of membership given each country fulfils the necessary criteria. However, given the indeterminate nature of membership promise and the way to get to membership, even if strengthened along the process, the EU strategy in the Balkans lacks the strong push of a clearly set road to membership as developed during the previous wave of enlargement. Without similar institutional and financial engagement, the prospect of membership risks turning into a rhetorical exercise, where the EU pretends to offer membership while the countries of the region pretend to implement reforms.

Political elites in the Western Balkans –but also the large segments of the population- have almost consensually embraced the goal of membership as the end of a long transition from instable neighbours to members of the club (Batt 2004:12). Nevertheless, compliance to the EU conditions is certainly costly and can be justified if elaborated in terms of an investment to membership. Otherwise the country elites are left with no strong incentives to fulfil the broad range of painful reforms. The ambiguity attached to the promise can only undermine the power of membership incentives. In fact, it could well risks to suspending Balkans in between the inclusive promise of integration and the exclusion that in the past has fostered conditions producing intervention.

Conclusions

This paper seeks to analyze the potential power of the more recent EU strategy in the Balkans –the Stabilization and Association Process- to foster transformation in the region. The paper analyses the instruments and features of SAP in relation to the previous approaches in the region as well as the enlargement framework adopted in CEECs.

The analysis of the range of post-Cold War interventions in the Balkans pointed to the EU failure to stop or even manage recurrent crisis in the region. While the Bosnian War was openly considered a black chapter of EU foreign policy, the use of additional instruments and even the drafting of a more comprehensive regional approach did not suffice to end up the circle of conflict, violence and not least economic disruptions in the region. The underlying assumption that motivated different forms of intervention in the Balkans' –its stability had direct consequences for wider European stability, but it remained a marginal area that had to be considered outside of European mainstream- translated into ad hoc measures, Western countries divisive attitudes and cumbersome coordination structures with little results to preventing the explosion of new fights.

The Kosovo War in 1998-1999 encouraged new thinking among European policy makers on how to alter their strategies in the region so as heel the very roots of the conflict. Consequently, the EU drafted a new comprehensive strategy, comprising the perspective of integrating all Balkan countries as full members, hoping that the process would push ahead transition reforms in the region, just as the previous process of enlargement had fostered post-communist reforms in CEEC. In fact, the SAP has borrowed most of its tools from the enlargement process in CEEC –trade preferences, assistance program, new contractual relations, extensive review and monitoring mechanisms and confirmed the principle of conditionality as the cement of the process. Yet, the SAP reflects the conviction that the Balkan countries faced different challenges and were to be treated under a particular frame of enlargement tailored to their particular situation.

The SAP innovates against the enlargement framework in CEEC in at least two dimensions. First, in the case of SAP, stabilisation comes first and association comes second in the hierarchy of EU objectives. The double agenda of stabilisation and association project has translated into a jungle of regional and bilateral conditionality to be met by each partner country. It has certainly overloaded the EU conditionality in the

Balkans and most problematically has created more than the fair share of inherent tensions between those objectives and related conditions. Second, the SAP integration agenda, especially the promise of membership and the stages of achieving that goal are seemingly more vague and ambiguous than in the previous enlargement framework in CEECs. It seemingly reflects the lack of EU clear commitment to incorporate the region and leaves the whole process apt to the dynamics within the Balkans and the EU itself. The upgrading of two Western Balkan countries to the status of candidate countries for membership has contributed to bring more clarity to the process, yet ongoing calls from different EU governments to slow down another enlargement and even proposals for offering new formulas short of membership to the Balkans reduce the credibility of the EU strategy. These features, might emasculate the power of the EU conditionality in the region.

Hence, the SAP undisputedly represents progress compared to the previous ad-hoc and regional approaches in the region, but it is hardly a breakthrough that went all the way. Any further re-enforcement of the EU strategy in the Balkans should first try to set those incentives right in order to be a credible push for change in the region.

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