

Enlargement Agenda - Special focus on Macedonia, Serbia and Kosovo

Erwan Fouéré

27 March 2013

April will be an important month in the EU's enlargement agenda, particularly as regards the Balkan countries. In accordance with the December European Council conclusions, the European Commission is expected to present three reports to the member states for consideration, one relating to Kosovo and the other two relating to Serbia and Macedonia.

It is on the basis of the content of these reports that the European Council in June will consider the next steps in moving the enlargement process forward. The reports relating to Serbia and Macedonia will be particularly important in this respect as they will enable the Council to determine whether enough progress has been made for it to decide on setting a date for opening accession negotiations with both countries.

The report on Kosovo will enable the Council to determine whether the time is right to open negotiations for a stabilisation and association agreement (SAA), the first important step on the albeit long road to EU integration. This will be a joint report from both the Commission and the High Representative Catherine Ashton. The latter will focus on the ongoing dialogue between Pristina and Belgrade, a process which, as stated in the December Council conclusions "should gradually result in the normalisation of relations between Kosovo and Serbia with the prospect of both being able to fully exercise their rights and fulfil their responsibilities". The Commission's contribution meanwhile will focus on the reform process. In particular, it will assess the extent to which Kosovo will have met the short-term priorities set out in the Commission's progress report of last October concerning the rule of law, public administration, protection of minorities and trade. Within those priorities, member states will pay special attention to the fight against organised crime and corruption and will need to be convinced that enough is being done in this respect.

A positive assessment overall would enable the Commission to propose negotiating directives for an SAA for adoption by the Council. This would represent a major boost for Kosovo's efforts towards EU integration. And with the accelerating pace of the dialogue between Pristina and Belgrade, the likelihood of a favourable decision by the Council for Serbia would augur well for an equally positive decision for Kosovo.

Erwan Fouéré is Associate Senior Research Fellow at CEPS. This commentary is published simultaneously as an editorial in the European Neighbourhood Watch Newsletter, April 2013.

CEPS Commentaries offer concise, policy-oriented insights into topical issues in European affairs. The views expressed are attributable only to the author in a personal capacity and not to any institution with which he is associated.

Available for free downloading from the CEPS website (www.ceps.eu) • © CEPS 2013

As with Kosovo, the report to be presented to the Council in relation to Serbia, which was granted candidate status in March of last year, will be a joint one from both the Commission and the High Representative Catherine Ashton. The Commission's contribution will focus on the reforms following on the recommendations contained in the Commission's progress report of last October. It will have convincing arguments which will point to the determined efforts by the Serbian government in promoting reforms, not least in the areas of judicial reform, anti-corruption, anti-discrimination and protection of minorities. Serbia is fortunate to have a strong public administration, which will be a valuable asset in the EU accession process.

However the main focus of attention for the EU member states will be the assessment from the High Representative on the improvement of relations with Kosovo. This will be the key priority for the Council to determine whether accession negotiations with Serbia should commence. The personal engagement of High Representative Ashton in the dialogue between Belgrade and Pristina is a welcome development. While it would be wrong to minimise the difficulties, the fact that the dialogue has already brought together the presidents and the prime ministers from both sides respectively on not just one but several occasions is a positive signal of willingness to move forward. All indications suggest that the desire on both sides to find pragmatic solutions to the outstanding issues, such as the devolution of powers to the Serb communities particularly in northern Kosovo, will be confirmed at the next round of talks (of which eight are now foreseen) between both prime ministers on April 2nd, even if neither side for the moment wishes to concede on issues of status. The association of local authorities in Macedonia, which played a major role following the 2001 Ohrid Framework Agreement,¹ could offer a useful precedent in overcoming ethnic tensions by bringing together in one body municipal authorities from different ethnic compositions working for common objectives of economic and social development.

Another positive factor which will help the Council determine its position relates to Serbia's recent efforts to renew its active contribution towards regional cooperation as well as improving relations with its neighbours such as Croatia, whose prime minister visited Serbia recently. These developments are seen as further evidence of Serbia's ambition to move to the next stage of the EU accession process without delay.

Sadly the same cannot be said for Macedonia, which is facing a dramatic political situation. The forcible ejection of not only all the journalists but also of the opposition MPs from the parliamentary assembly chamber on December 24th was a tragic reminder of the continued failure of the Gruevski-led government to engage in any meaningful political dialogue over the past years. It was the opposition's efforts to remove what it perceived as unproductive expenditure (related in large part to the controversial Skopje 2014 project) from the budget that prompted the dramatic events. While the opposition parties are not blameless, the government nevertheless made no attempt to repair the damage or even to stretch out a hand of reconciliation. Instead in early February, it pushed through a change in the parliamentary rules of procedure to limit debate, despite the absence of the opposition parties which continued to boycott parliament following their forced eviction.

These latest developments, and the unwillingness of the government to promote a spirit of compromise, have led to further erosion of basic democratic values and standards in the country, as well as deepening of the mistrust in an already-deeply divided society. The recent violent inter-ethnic clashes in the streets of the capital city (between the ethnic

¹ The Ohrid Framework Agreement, signed by the government of the Republic of Macedonia and ethnic Albanian representatives on 13 August 2001, was the peace agreement ending the armed conflict between the National Liberation Army and the Macedonian security forces and setting the groundwork for improving the rights of ethnic Albanians, as well as other ethnic communities.

Albanian community comprising over 25% of the population and the majority Macedonian community) have added to the heightened degree of malaise, while the government's refusal to entertain any criticism of its handling of the situation has exacerbated the climate of fear and self-censorship.

This is particularly the case with regard to the government's attitude towards the media which has warranted frequent rebukes from the OSCE representative for the freedom of the media as well as from every international media watchdog. According to the latest world media freedom index, published in January by "reporters without borders", Macedonia was ranked in 116th place out of 179 countries, a drop of 22 places from 2012, and over 70 places from 2009, when it was ranked in 34th place. (The comparable rankings for Serbia are 65th in 2009 and 63rd in 2013). The messages from the EU are invariably distorted by the government-controlled media outlets, while the few independent journalists who persevere are subject to continued intimidation and harassment. This in itself is a shocking indictment of the current government in Macedonia.

With the danger of seeing the country's aspiration to join the EU being derailed completely, Commissioner Štefan Füle, accompanied by the European Parliament rapporteur for Macedonia, Mr Howitt, and the former European Parliament President Mr Buzek, undertook an eleventh-hour mediation effort on March 1st. (The presence of Mr. Buzek, a senior and respected member of the European Peoples Party to which Gruevski's party is affiliated, in addition to Mr Howitt, a member of the *group of the Progressive Alliance of Socialists and Democrats*, was no doubt aimed at putting additional pressure on both the governing party and the opposition.)

The agreement reached after many hours of painful discussions has offered a temporary reprieve. It provides for the opposition to end its boycott and participate in the local elections in return for a commitment from the government to launch talks with the opposition after the local elections for the purpose of determining a date for holding early parliamentary election. The latter was one of the main opposition demands (the last elections took place in 2011). The agreement reached also provides for a debate about the state of democracy in the country, as well as the setting up of a commission of enquiry into the December 24th events. Past experience however would tend to suggest that after the local elections have passed, it will take very little for this shaky compromise to come unravelled.

As for the local elections themselves, the first round took place last Sunday (March 24th) in a relatively calm atmosphere, after a campaign which was marred by intimidation and frequent irregularities mainly committed by the VMRO-DPMNE governing party abusing its control over the media and over the public administration. The OSCE/ODIHR electoral observation report issued on March 25th refers to "credible allegations of intimidation and misuse of state resources throughout the campaign". The second round is scheduled for April 7th, although the lack of a level playing field raises serious questions as to the legitimacy of the overall outcome.

Ironically it is the name dispute with Greece that has drawn the most attention in Macedonia's EU accession debate, and has provided a convenient scapegoat for the current government in diverting attention from the serious internal political situation and lack of willingness to engage in any political dialogue.

It is unfortunate that the Commission's 2012 progress report made only passing reference to the need for enhanced political dialogue. Yet in previous years, for example in the 2009 progress report which included a recommendation that a date be set for opening negotiations, or in the report of 2010, the issue of political dialogue was given much greater prominence and always referred to as a key priority. As the events of last Christmas Eve

illustrate, the lack of dialogue within the political and institutional system remains a major issue in the country. In this respect, Commissioner Füle's statement on February 15th calling on the political leaders to "take responsibility and find a solution, demonstrating the maturity of the democratic institutions and putting the best interests of the country and its citizens first" is to be welcomed, although it would have had greater impact had it been made several months ago. The high-level accession dialogue, established a year ago, which helped to focus the minds of the government on the critical reforms, represents, as the recent report from the European Affairs Committee of the UK House of Lords² highlighted, only a short-term incentive, which is clearly not enough in the current political environment in the country.

Probably the only way to keep the EU aspirations of the country on track and to prevent it from sinking into further political instability would be for the accession negotiations to start without delay. The intrusive nature of the accession process would ensure better control over the government's errant behaviour, a more consistent performance in meeting the accession criteria and a more effective way of signalling to the government that its deep-rooted nationalist agenda is incompatible with its EU aspirations, let alone fulfilling the aspirations of its citizens for a more stable future. Greece should be persuaded that political stability in its nearest neighbourhood would better serve its own interests. Allowing negotiations to start would also be an appropriate way of marking the 10th anniversary of the 2003 Thessaloniki summit, which set out a blueprint for EU accession for the Balkan region.

This is a critical time for the EU's enlargement agenda with competing interests at play – between those who suggest that further enlargement is a heavy burden that the EU can ill-afford in the current economic climate, and others who continue to believe that extending the frontiers of peace and security to include the Balkan countries will make the EU a safer place.

To counter the naysayers, it will be important for the EU to show that its current strategy continues to deliver dividends, as it certainly does in the case of Kosovo and Serbia; it should also be ready to adapt its strategy where necessary, as in the case of Macedonia, by using whatever leverage it has in a more direct and consistent way and ensuring that its policy objectives and strategy in this area are based on the progress assessment narrative and not the other way around. It should rather use the glaring weaknesses in the reform processes as an argument to convince the member states that opening negotiations is the most effective way to ensure stability as well as greater control over the country's current political leadership. As Commissioner Füle himself stated before the above-mentioned UK House of Lords Committee, a rigorous application of conditionality in the enlargement negotiations would help to restore public confidence in the enlargement process both within the member states as well as in candidate countries.

² "The Future of EU Enlargement", Report of the UK House of Lord, 6 March 2013 (www.publications.parliament.uk/pa/ld201213/ldselect/ldecom/129/129.pdf).