

THE EU APPROACH TO THE WESTERN BALKANS: A SECURITY OR POLITICAL ISSUE?

Ruth FERERRO-TURRIÓN
Universidad Complutense de Madrid
Madrid/Spain
rferrero@ucm.es

Abstract

This paper will focus on the policies developed by the European Union towards the Western Balkans, especially those related to human mobility and visa liberalization. The main target of the paper will be to show how the conditionality policies towards these countries have been developed related to security, geopolitical needs and interests, instead of the objective/technical criteria stated in the communitarian official documents. We will see how the last enlargements of the Union have affected considerably the different positions adopted by member states in their approach toward the Balkan countries, especially in relation to chapters 23 and 24 of the negotiation agreements, dealing with issues of Justice and Home Affairs. Since then, the pragmatic approach of the Union has been reinforced, so that the accession of candidates has been delayed in time.

However, some things might change, if we take into consideration the current refugee and Ukraine crises, the new relationships that have been developed with Russia (especially by Serbia), and Greece's approach towards Moscow on the verge of the economic crisis. If the European Union has, until now, followed a stick-and-carrot approach towards the Balkans in order to maintain a security belt on its southeast border, this approach might change within a new geopolitical context. In this paper we will analyse the visa liberalization process and its developments since Thessaloniki 2003, to show how the decisions taken by the Union have been more linked to political matters related to security than to technical reasons related to passport design.

Keywords

European Union; Geopolitics; Security; Visa Policy; Western Balkans

1. INTRODUCTION

In 2015 a strong earthquake shook the values and institutional architecture of the European Union. When everyone was thinking about Greece and the Euro crisis as the main cleavages in Brussels, the refugee crisis appeared. In the words of Chancellor Merkel, this refugee crisis is the most difficult challenge for Europe for the time being. Over the last months we have seen how Member States were not reaching an agreement about which kind of actions should be taken in order to manage the increasing numbers of people arriving on the Old Continent from countries in conflict. This dramatic situation shot dead the Dublin System on Refugee and Asylum and put on the table the need of a proper European Asylum Policy. Also, this crisis provoked a deep questioning of the Schengen Space and the free movement of people, one of the main pillars of the European integration process. It had a domino effect on different states of the Union, like Hungary, Germany, Austria, Croatia, and Slovenia.

In addition to this, the refugee crisis challenges the current decision-making process of the EU. Some already raised their voices asking for more integration of immigration and asylum policies over the intergovernmental system as it is now. Besides, it is compulsory to link the above mentioned issues with the Euro crisis and the Greek situation and the debates around who must be part of the Union.

The third set of problems that arose in the last months, also linked to refugees, is the absence of a Common European Foreign Policy and the failure of the European Neighbourhood Policy. The crises in Libya, in Syria and in Ukraine are the consequences of a mistaken or even absent strategy of the EU that has also put on the table a hesitant relationship with Russia.

In addition, in the middle of this complex situation we find the countries of Western Balkans, the next candidates to join the European Union. These countries have been waiting for their candidature for years and finally, when apparently everything was ready, the messages that they are receiving from Brussels are that there will be more delays. One of the first bad pieces of news for these countries was Juncker's declaration in September 2014 that there will be no further EU enlargement during his mandate as President of the European Commission. After this declaration, when the crisis in Ukraine was freezing Russia's relationship with the EU, some Western Balkan countries started a rapprochement towards Moscow, as it was the case with Serbia. Uncertainties over their membership, Euro-scepticism, and corruption were

putting their European perspective on stand-by. Moreover, it was like that until the refugee crisis exploded on their territories. First, Former Yugoslav Republic of Macedonia (FYROM), and later Serbia, Croatia and Slovenia, were the countries in which the refugee flows had a strong impact, whilst Bosnia is still worrying about it. In addition, it was then that the European Union started to realize that the door towards Europe was in the Balkans and that more dialogue and negotiations with these countries were needed in order to find a complete and complex answer to this crisis. Without taking into account the role that the Balkans may play on the borders of Europe, the EU will not be able to find a reasonable solution for the refugee crisis.

In this context, it is essential to frame the lines under which the relations between the EU and the Western Balkans have been based in their search for a European perspective. Moreover, that frame was given under the so-called *conditionality policies*. These policies were based on three main pillars: reconciliation, reconstruction and reform following the Copenhagen criteria. Basically, the external incentives model (Schimmelfenning and Sedelmeier 2004, 663) has been used, which states that the EU establishes the conditions that aspiring candidates should meet in order to become members of the Union as their reward.

One of the main features of this model is the necessity of material incentives from the EU in order to be effective, and especially significant are the advances achieved in the early phases of the accession process. In our case, as time goes by that effectiveness is losing track of the improvements by candidates. In addition to this, it is necessary to analyse the consequences of the reforms implemented by the governments in order not to lose the European track, sometimes with unexpected results (Glüpker 2013, 238).

The question that arises at this point is whether the EU is using its conditionality policies towards the Western Balkans following security and geopolitical needs, or on the contrary, that the criteria are objective and technical. Or in other words, was the enlargement towards Central and Eastern Europe technical or political? And after these two last enlargements, is the EU ready to welcome the Western Balkans? If we consider the different positions of Member States (EPC 2015) we will realize that a vast majority of them are not particularly interested in a new enlargement, especially after seeing the situation in Greece, which is also a Balkan country.

Under these circumstances, the EU has been trying to build and maintain a security belt on its Southeastern border according to a stick-and-

carrot strategy, which in practical terms has meant the implementation of contradictory policies in the region.

We will approach this issue from an institutionalist perspective, which will take into account the evolution of European policies towards the region in general since 2003. We will also try to explain why the delays and different approaches to several problems have been sorted out in a different, and sometimes contradictory, way. In order to do that, we will focus on a particular policy implemented between 2003 and 2011, that is, the visa liberalization process. By going through this policy we will be able to see how the decisions taken by the Union have been more linked to political matters related to security (internal and external, in different dimensions) than to technical reasons related to passport design, such as the inclusion of biometrical parameters. Practically, all the decisions taken on the Western Balkans in this particular policy had more to do with the institutional, political and economic crisis around and inside the EU than with the real situation in these countries.

2. THE ROAD TO EUROPE: FROM THE STABILITY PACT TO VISA LIBERALIZATION

The EU has stated several times that one of its main commitments towards the Balkan region was the creation of a peace and stability area, the integration of those countries into its economic and political structures being one of its main goals.

The Stabilization and Association Process is the main EU instrument that affects Albania, Bosnia and Herzegovina, Croatia, Serbia and FYROM. This process is individually adapted to the needs of each country and includes economic and financial assistance, cooperation, political dialogue, the construction of a free trade area, the integration of the *acquis* into national legislation, and practices and cooperation in Home and Justice Affairs policies. Thus, this process gives a long term perspective for integration into the EU, but under one condition: the candidate countries must show that they have the required economic and political conditions and must prove that they can develop regional trade and cooperation among each other.

The Union has given those five countries important financial and technical assistance, framed first as the CARDS program, and later with the so-

called Instrument of Pre-accession assistance (IPA). In the period 1991-1999 more than 4.5€ billion were distributed. Between 2000 and 2006 those funds increased substantively. The European Union considered that its own regional integration example would be a good model for the Western Balkans as it was stated in the Köln Declaration in June 1999, where European leaders adopted the Stability Pact for Southeastern Europe. Following this philosophy, the IPA funds did not stop increasing over each of the seven years periods. Between 2007-2013 those funds increased up to 11.5 € billion and they were expected to reach 11.7€ billion for the period 2014-2020.

Thus, the EU seeks to promote neighbourhood cooperation, both bilateral and multilateral, as it was the case for Eastern and Central European countries before signing treaties of good neighbourly relations with each other. This way it would be possible to recover the links that once existed in the region, to give an impetus for good neighbourly relations and boost economic and social relations with the EU. All these actions were intended to have only one target, as it was mentioned by some officials from the European Commission¹, the prompt incorporation into the European institutions, at least apparently. As a matter of fact, it seems that some of these countries have accomplished the requirement demanded by the EU, whilst the EU is still delaying the enlargement process.

2.1. The Stability Pact and the Stabilization and Association Process

Since 1999 the EU has approached the Balkan region through the Stability Pact and the Stabilization and Association Process. The first one offers the general framework for the whole region, while the second one entails the bilateral instruments with each country.

The Stability Pact (SP) started in 1999 as part of European Common Foreign and Security Policy under the aegis of the Organization for Security and Cooperation in Europe (OSCE). It was a declaration of intentions signed by more than forty states in which they committed to help these countries in “their efforts to fulfil democracy, peace, respect for Human Rights and economic prosperity in order to reach stability in the region” (Köln, June 10,

¹ Interview with Maurice Guyader and Clive Humboldt. Brussels, December 2005. Seminar “War and Peace in the 21st Century, Rethinking Europe: Crisis as Opportunity”, Fundació CIDOB, Barcelona, January 2006.

1999). However, besides the strategy of “regional rapprochement”, in every case the integration process was guaranteed. Therefore, the pact complements the Stabilization and Association Process due to the fact that it links all affected actors and helps develop new regional ways of cooperation, as well as stimulates international financial support. Thus, the SP is focused on regional cooperation initiatives in areas such as business and environment, the fight against corruption and organized crime, suppression of any ethnic discrimination, reform of the security field and media independence. However, behind this goal of looking for peace and democracy, what we are able to find is a security perspective in the approach to the region due to the fact that the stabilization of the Balkans will ultimately mean be the stabilization of Europe (Vucetic 2001, 116).

The SP classifies the areas to develop in the region under three chapters: Democracy, Economy and Security. Migration is located under “Security” with the title of the Regional Initiative in Migration, Asylum and Refugees (MARRI). The starting point of this initiative is the instability that irregular migration flows and displaced people from the wars provoke in the region. It establishes six priorities in this area:

1. Asylum: The Pact supports the development and harmonization of legislation, as well as other procedures and reception of applications in order to reach European standards. For this matter, regional cooperation is essential, especially the information and formation exchange.
2. Migration Flows: Migration flows to and from the Western Balkans are increasingly complex and multi-directional, so there are different migratory dimensions: humanitarian, economic, social and labour. In this case the SP supports the development of regional partnerships to help better manage these flows.
3. Readmission: Signing of agreements with countries of origin and transit of migrants.
4. Integrated Border Management: An integrated border management is the key to combating irregular migration, human trafficking, drug trafficking and weapons and goods smuggling (Ohrid Process on Border Security Management).
5. Movement of persons: According to the Thessaloniki Agenda, the SP seeks the liberalization of visas for citizens from the Western Balkans. Its main goals are to set up a European standards visa policy and consular cooperation.

6. Return/settlement of refugees/displaced persons: the SP promotes permanent solutions for people who choose to return to their place of origin, and for those who decide to settle in another Balkan country in order to support anti-discriminatory measures in relation to access to services and the fulfilment of basic human rights.

As mentioned above, the SP is implemented bilaterally between the EU and each country. Unlike other negotiation processes, in this case it is the EU who unilaterally decides when each country is ready to begin the accession process. To reach this point there is a path in stages. The first is the study of the feasibility of a Stabilization and Association Agreement (SAA), and later the signing of that agreement. The SAAs are adapted individually to the needs of each of the affected countries (Albania, Bosnia-Herzegovina, Serbia, Montenegro and FYROM) and include economic and financial assistance, cooperation, political dialogue, achieving a free trade area, approximation to EU legislation and practices and cooperation in areas such as justice and home affairs.

Although the SP was launched in 1999, it was not until the Council of Feira (2000) that the first EU statement was made in order to incorporate in their institutions the Western Balkans. However, the principle of conditionality is maintained at all times, and the "potential" of enlargement, since it is understood that these countries will join the Union at some point.

However, the Thessaloniki European Council was where the guarantee was more explicitly shown by the EU. A document entitled "The Thessaloniki Agenda for the Western Balkans: towards European integration" (2003) emerged from this European Council. Since then, the European Commission carried on working in that direction and the result was the document entitled "Enlargement strategy and main challenges 2006-2007" published on November 8, 2006. This report continued giving these countries evasive unmarked concrete accession dates. Thus, it is in this document that made the announcement of the beginning of negotiations on visa liberalization with Albania, Bosnia-Herzegovina, FYROM, Montenegro and Serbia (Ferrero-Turrión 2009) was made.

The discussions on this new step forward opened up an intense debate within the EU in 2006. The Vice President of the Commission, Franco Frattini, and Enlargement Commissioner, Olli Rehn, declared that "this step reflects the commitment of the EU to promote contacts between people of the Balkans and the EU", adding that this was the tangible proof of what a "European perspective can offer". However, the Commission report showed very clearly

that the EU had made a clear line on future enlargements. So the way forward was marked at the Summit of Salzburg of 11 March 2006, in which the Commission document "The Western Balkans on the road to the EU" (COM (2006) 27 final), which already hinted that there would be a delay in the pre-accession process of Western Balkans, was discussed. Then, the European policies for the region were more focused on equitable and sustainable economic development (Ferrero-Turrión 2009). The proposal of the European institutions, therefore, was to apply more stringent criteria than in the past enlargements to improve the "quality of the accession process", so that the effects would be more effective, as we mentioned above. These strong criteria were included in the early stages of the negotiations in issues such as judicial reform and the fight against corruption.

However, it seems that what really lies behind these documents, which are full of ambiguities, is the lack of political commitment to enlargement. A "lack of commitment" existed because of the absence of consensus among the EU Member States in relation to the objectives and priorities for the Balkans (Ferrero-Turrión 2009). "Enlargement fatigue" (O'Brennan 2013, 37-38) provoked by the identity crisis of the Union and the controversy over the candidacy of Turkey, also ensured that the Western Balkans received less attention and priority than before. Both factors could lead to a "political paralysis" of the region if the Union were to decide to postpone indefinitely the enlargement process.

2.2. The Wall of Schengen: visas for the Balkans

Once we know the strategies followed by the EU over the time towards the Western Balkans, we must know where we stand at this time. One of the first steps for any potential candidate to enter the EU was to achieve the visa liberalization. It is the tool used by the EU as a threat and as an incentive to push for reforms in these countries to approximate the standards of justice and home affairs marked by the Union.

One of the issues we have to consider is that the entire Balkan region is perceived by the EU as a threat to its soft security. The perception is headed by irregular immigration (an estimated 100,000 people fall unevenly across the region, with 15% of these in the area itself followed by drug trafficking, with two thirds of the heroin entering the EU doing so through the Balkans). In addition, we have to remember here how the refugee crisis is drawing attention of European leaders towards the Balkan region, since the first route

of access of refugees and asylum seekers are these countries, which are still candidates to the EU.

Thus, when in 1995 the Western Balkans were included on the "black list" of visas established by the Council (a list with 101 countries), under the Treaty of Maastricht, one of the main issues incorporated in the political agenda of the candidates was visa liberalization. For its part, the EU has always put forward as a condition for such liberalization a direct link with the cooperation of these countries in terms of security, specifically in Justice and Home Affairs issues, in areas such as immigration and organized crime (International Crisis Group 2005). As we have seen, the EU is the one who evaluates the progress made by each country, so that the primary responsibility for progress on these issues has fallen on the countries themselves.

The first steps taken by the EU to reach out to these countries were in 2006, in order to sign readmission agreements for irregular immigrants crossing through their territory to enter the Schengen area. The desire expressed by Frattini and Rehn on the promotion of contacts between the people of the Balkans and the EU was relegated to the background.

The group of five Balkan countries (Albania, Serbia, Montenegro, FYROM, Bosnia) not only has encountered difficulties in implementing the technical issues required by Brussels through roadmaps, but has also had to face a hostile political climate towards its request of flexible requirements for visa liberalization by some Member States. Some of them were dissatisfied with how the same process had worked with Romania and Bulgaria, as many citizens of these countries breached the period of stay on Schengen territory and fell into irregularity with all the consequent complications. Among the most reluctant countries for the relaxation of the conditions were, and still are: Germany, Belgium, Austria, Italy, Holland and Spain (EPC 2015). However, the EU still needs to increase cooperation and the implementation of rule of law and strong institutions in the Western Balkans (surrounded by Member States) due to an evident security issue, specifically linked with accession chapters 23-24.

2.2.1. Reports of visas for Western Balkans

Having decided on the opening of a dialogue on visas with Albania, Bosnia, FYROM, Montenegro and Serbia in 2008, the European Commission established a list of fifty requirements that should be met by these countries.

These requirements were exposed as the so-called "reports visas" (visa roadmaps). The first country that received its roadmap was Serbia (May 2008), coinciding with the process of Kosovo's independence. The last one was Bosnia (July 2008).

These documents are virtually identical but take into account the specific situation of each country in terms of legislation and practice. They exposed conditions ranging from purely technical matters to implementing readable passports through infrared machines with a gradual incorporation of biometric information (including fingerprints) to the adoption and implementation of international laws and agreements, and more generic issues like the fight against organized crime, corruption and irregular immigration.

Almost all of the requirements set forth in these documents are part of the *acquis* in the area of Justice and Home Affairs of the EU, although other conditions including respect for human rights, visa facilitation and readmission agreements were also there.

Visa reports were divided into two distinct parts: the requirements related to facilitation and readmission agreements, and those related to document security, irregular immigration, public order and security and external relations (Council Regulation 539/2001, paragraph 5, also the annexes containing the white and black lists of Schengen).

2.2.2. *The visa facilitation agreements*

The visa facilitation agreements with Albania, Bosnia and Herzegovina, FYROM, Montenegro and Serbia, after months of tough negotiations between November 2006 and May 2007, began operating in January 2008. The main objective of these agreements was to facilitate issuing visas for certain categories of very specific people (students, scientists, members of NGOs, businessmen and journalists), but of course, the free movement was still far away. In some cases, the visa was issued within a period of ten days, the number of documents to be presented was reduced, the option of accessing a multiple entry visa was given and the rates were reduced to 35€ (previously they were 60€). However, there are many types of Schengen visa, the most common is short-term and only grants one entry. This visa is valid up to three months and does not allow any access to the labour market.

Although the EU outlined a series of conditions that must be met to qualify for a visa, other requirements are at the discretion of the country of entry and the personal circumstances of the applicant who must justify the

reasons for the trip. Before the visa was issued several documents were requested, presenting an invitation letter and showing that you were financially solvent and had medical insurance of no less than 30,000€.

In short, it was obvious that visa facilitation agreements did not give a positive and fast solution for candidate countries. This conclusion is the same as the one reached by an empirical study on the subject conducted by the European Citizens Action Service in cooperation with some NGOs in the area. The study concluded that "there is a huge gap between the declaration of the European Council of 20 June 2008 on promoting people-to-people contacts between the Western Balkans and the EU, and what is happening on the ground. They could not find any positive response to visa facilitation in the region; people did not perceive the difference to the situation" (European Citizens Action Service 2008). Some Member States were familiar with this situation in 2008 trying to change the visa facilitation regime with one of liberalization. Slovenia, during its presidency of the EU, put the Balkans as a priority on the political agenda of the EU. Paradoxically, it entered in conflict over the secession of Kosovo in February 2008, which was used as a negotiation weapon. In late January 2008 Commissioner Frattini announced the opening of dialogue with Serbia on visas and with the other Balkan states. In June the same year, visa liberalization for Serbia was negotiated. In addition, in September 2008 Commissioner Barrot assured that free movement would be achieved with FYROM in 2009. Thus, in November 2008 the Commission sent its reports on the progress made by these countries. Some of the requirements were defined very clearly and technically, as those related to document security or the need to use machines to read the biometric travel documents, but others were more ambiguous and difficult to prove, such as those relating to public order and security issues, including the criteria for the fight against organized crime. According to these reports developed by the Commission, the two countries that were closest to reaching the EU criteria were FYROM and Serbia.

The ambiguity of these criteria together with the need of an evaluation by Member States allowed the EU to extend the whole liberalization process until a unanimous political decision was taken.

2.2.3. Visa liberalization

The political decision on visa liberalization was taken on July 2009 based on the European Commission's proposal to grant visa free travel for

citizens of the Western Balkans. The formal presentation of it was made by Jacques Barrot and Olli Rehn. According to this report, it would enable the citizens of Montenegro, Serbia and FYROM to travel freely to the Schengen countries with the new biometric passports. This Commission proposal needed to be approved by the Council after consultation with the European Parliament. The Council of Ministers of Justice and Home Affairs met and adopted this decision November 30-December 1, 2009. The liberalization was launched January 1, 2010.

At that time, FYROM passed to the "white list" of Schengen immediately, while in the case of Serbia and Montenegro they had to fulfil some conditions requested by the Commission. These included issues such as the drafting of new laws on immigration, organized crime and corruption that work effectively, but also the necessary vigilance on the border with Kosovo in cooperation with EULEX and the Kosovo police structure.

The Commission further considered in July 2009 that both the Serbian and Montenegrin authorities would be able to meet these conditions without major difficulties in October 2009, when a delegation of experts from the European Commission went to Belgrade and Podgorica to identify the progress achieved.

The situation in Serbia depended primarily on issues related to Kosovo. Serbia needed to improve surveillance at the borders, including in particular the exchange of police information with EULEX / Kosovo, something complicated if one considers the lack of recognition of the country, despite the judgment of the International Court of Justice in July 2010. However, a main condition to pursue the European perspective is the integrity and security of the procedures for issuing biometric passports to Kosovo residents in coordination among authorities in both Pristina and Belgrade.

The Commission also promised visa liberalization for citizens of Albania and Bosnia-Herzegovina as long as they met the conditions set out in the proposal. Finally, they both got visa-liberalization in mid-2010. The European Commission recommended that the citizens of these two countries should be able to travel with biometric passports (including fingerprinting and picture) to a total of 28 states already in the Schengen area, or aspiring to join it.

During the autumn of 2009 a controversy with Bosnia and Albania emerged, as some felt that their exclusion from liberalization was based on religious grounds. Therefore, the Commission acted fast and with this new movement intended to silence these voices. In addition, we must remember at

this point that 2010 was an election year in Bosnia. At that time some still believed that the constitutional reform would be done soon. However, this Commission proposal brought to the surface some misgivings of some partners who believed that immigration was a very serious problem and those countries should face some integration issues related with ethnic minorities, as there had been demanded in recent times as a result of settlements of Roma in some countries in the EU. The arguments in favour of this process of visa liberalization were, on the other hand, quite obvious. On the one hand, it had shown that the visa system was inefficient when it came to controlling trans-boundary movements in the region, even if the introduction of biometric passports would ensure greater control of travellers from these countries with the immediate reduction of asylum applications.

Other indisputable benefits of the liberalization process, in the Bosnian case, were the obligation of all political forces to work together to achieve the objectives set by the EU, which can facilitate the process of institutional reconstruction in Bosnia-Herzegovina.

The case of Kosovo remained very particular. First, it has been acting as a *de facto* independent state for eight years, with an administrative situation like that of an EU protectorate (Sammary 2006). Second, and very important, it is the fact that Kosovo is not recognized by all EU Member States. Thus, Kosovo has been excluded from the liberalization of visas at two levels. On one side, they are outside of liberalization because the Commission for "security reasons related particularly to potential irregular migration coming from Kosovo, will only accept passports that had been issued under the supervision of the Serbian Interior Ministry and fulfil the conditions stated such as biometric passports". So, Kosovo (under UN resolution 1244/1999) was added to the European blacklist of visas in the special category of "entities and territorial authorities that are not recognized as states by at least one Member State" (Council Resolution 539/2001), at the same level as Taiwan or Palestine. Kosovo will have to walk the same path as its Balkan neighbours did with negotiation, facilitation and liberalization. However, it is paradoxical that even though most of the EU Members have recognized Kosovo as a new state, the international standard that still has priority is UN Resolution 1244.

3. CONCLUSIONS

It seems that the EU is committed to visa liberalization in the Western Balkans, which would open new business opportunities for the people of the region. But the EU always makes it clear that the option of freedom of movement within the Schengen area is only possible when safety conditions stipulated by European institutions are met. Furthermore, it is essential to consider so-called "enlargement fatigue", a term coined years ago, but which is now proving to be more relevant than ever due to the severe economic and political crisis being experienced by the EU. This enlargement fatigue risks becoming "political paralysis" in this region if it postpones *sine die* the enlargement process. Although "enlargement fatigue" is growing in many Member States and the debate on the absorption capacity of the Union is increasing, we must bear in mind that when the governments of EU new members are admitted they are convinced that the prospect of joining "the club" is central to the Western Balkans for the total stabilization of the region and to give incentives to the democratization and transformation throughout the region.

To accomplish their objectives, so far these small states had to get visa facilitation and liberalization, as the first step towards joining the EU. Paradoxically, a weak political will and European public opinion against new enlargement may improve regional cooperation in order to get in a better position when negotiating with Brussels, a situation unthinkable 20 years ago. For the first time since the fall of the Berlin Wall, the Balkan cooperation policy is attaining its goals, although not without its difficulties.

It is necessary, therefore, that the EU speeds up the integration of these countries; if not, it may lead to the consolidation of what might be called the "Balkan ghetto" in which the continuing delays lead to withdrawal, national or religious hatred that breeds extremist intolerance at the heart of Europe, or even losing soft power in the region in favour of some other global actors, such as Russia.

The visa road maps have been a clear example of how the conditionality principle has not been used correctly in these countries. Conditionality requires not only a clear and adequate reward, i.e. meeting objectives, but also the reward should be granted once the conditions have been met. In this case, the last part has not been accomplished.

In this respect, the EU needs to strengthen its credibility, which has been damaged in the region. It is needed to create fertile ground for wider

reforms and to promote more cross-border cooperation between competent institutions to combat common threats. A strong signal is important for countries like FYROM or Serbia where support for Europe can decrease in the current situation in which Euro-scepticism is increasing. If the EU wants to maintain its leadership in the region, it should act faster, as soon as the goals, one by one, are met.

The EU has raised the conditionality in the Western Balkans, but must work on actions and attitudes that give credibility and that will allow it to continue exercising its "soft power" in the region in a win-win situation; it will only occur through cooperative-type policies and not through the imposition of a new liberal imperialism in the region. So, while it allowed the free (short-term) movement of people for the Western Balkans, there is still a long, hard road to fully join the European institutions. Arguably that will be delayed due to the global economic crisis and search for identity by the EU. Finally, the EU is now at a very crucial point of in its history. The refugee crisis has combined all crises in one: institutional, political, and economic. Now it is time to take decisions, ones that are also relevant to the Western Balkans.

REFERENCES

- Barbé, E. and E. Johansson-Nogués (Eds.). 2003. *Beyond enlargement*. Bellaterra: Institut Universitari d'Estudis Europeus.
- Bogdani, M. and J. Loughlin. 2004. *Albania and the European Union*. Tirana: Daijti 2000.
- Bumci, A. 2004. *Debating National Security. The Case of Albania*. Albanian Institute for International Studies. Tirana.
- Burns, N. 2005. Hearing on Kosovo: A Way Forward? Comments submitted in the Foreign Relations Committee of the Senate, November 5.
- Carollo, V. 2008. Las perspectivas de la Unión Europea en materia de inmigración, seguridad y desarrollo según un enfoque integrado: la política europea de vecindad y la asociación euromediterránea. *ReDCE* nº10, July-December, 333-343.
- Crawley, V. 2005. *Montenegro Referendum Will Set Tone for Relations with US, Europe*. International Information Programs. [<http://www.Usinfo.State.Gov>] February 2006.
- Crawley, V. 2005. *Ethnic Albanians, Serbs Must Decide Kosovo's Future, US Says*. International Information Programs. [<http://www.Usinfo.State.Gov>] November 2005.
- European Citizens Action Service. 2008. *Does it Really Matter? Visa Facilitation in the Western Balkans*, <http://www.ecas-citizens.eu/content/view/138/146/>.
- European Stability Initiative. 2006. *Newsletter*, February-March.
- Ferrero-Turrión, R. 2009. La política europea de visados para los Balcanes occidentales. *ARI* 51/2009 - 31/03/2009. Real Instituto Elcano. http://www.realinstitutoelcano.org/wps/portal/web/rielcano_es/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/zonas_es/demografia+y+poblacion/ari51-2009

- Glüpker, G. 2013. Effectiveness of EU Conditionality in the Western Balkans: Minority Rights and the Fight against Corruption in Croatia and Macedonia, *Journal of Contemporary European Research*. 9 (2): 223-241.
- Guild, E. and S. Carrera. 2009. Towards the Next Phase of the EU's Area of Freedom, Security and Justice: The European Commission's Proposals for the Stockholm Programme. *CEPS Policy Brief* n° 196. 20 August. http://shop.ceps.eu/BookDetail.php?item_id=1899.
- Houtum, H. and R. Pijpers. 2007. The European Union as a Gated Community: The Two-faced Border and Immigration Regime of the EU, *Antipode* 39 (2): 291-309.
- International Crisis Group. 2005. *EU Visas and the Western Balkans*, <http://www.crisisgroup.org/home/index.cfm?l=4>.
- O'Brennan, J. 2013. Enlargement Fatigue and its Impact on the Enlargement process towards the Balkans, in *The Crisis of EU Enlargement*, IDEAS Reports-London School of Economics, November, pp. 36-44.
- O'Brennan, J. 2014. 'On the Slow Train to Nowhere?' The European Union, 'Enlargement Fatigue' and the Western Balkans, *European Foreign Affairs Review*, 19 (2): 221-241.
- Samary, C. 2006. De la Federación Yugoslava a los protectorados europeos. *Le Monde Diplomatique* Spanish Edition. January, n° 123.
- Schimmelfenning, F. and U. Sedelmeier. 2004. Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe, *Journal of European Public Policy* 11 (4): 661-679.
- United Nations Office on Drugs and Crime. 2008. *Crime and its Impact on the Balkans and Affected Countries*, March, https://www.unodc.org/documents/Balkan_study.pdf.
- Vucetic, S. 2001. The Stability Pact for South Eastern Europe as a Security Community-Building Institution, *Southeast European Politics* II (2):109-134.
- VVAA. 2005. A joint European Vision: free Movement for Goods and People in Kosovo and Serbia, *Slovak Foreign Policy Affairs* II: 43-51.

Primary Sources

- Communication from the Commission. Study on the links among illegal and legal migration. COM (2004) 412 final.
- Communication from the Commission. The Hague Program: ten priorities for the next five years. COM (2005) 184 final.
- Communication from the Commission. The Western Balkans on the Road to the EU. Brussels' 27-01-2006. COM (2006) 27 final.
- Communication from the Commission to the European Parliament and the Council. Thematic programme for the cooperation with third countries in the areas of migration and asylum. Brussels, 25.1.2006, COM (2006) 26 final.
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - A common immigration policy for Europe: Principles, actions and tools COM (2008) 359/4.
- Comunicación de la Comisión sobre. Prioridades de actuación frente a los retos de la inmigración. COM (2005) 621 final.
- Conclusions from the Presidency. European Council. Brussels, December 17th 2005 (15914/05).
- Conclusions from the Presidency. European Council. Brussels, November 4 and 5 2004 (1492/1/04 REV1).
- European Pact on Immigration and Asylum, European Council, September 24th 2008.

- Legal Aspects of Referendum in Montenegro in the Context of International Law and Practice. Key note speeches from the international expert roundtable, held in Podgorica, September 22-25, 2005.
- Presidency Conclusions European Union, 19-20/VI/2008, Annex: *Declaration on the Western Balkans*.
- Proposal for a Council Decision from the Commission on the establishment of a mutual information procedure concerning Member States' measures in the areas of asylum and immigration COM (2005) 480 final.
- Proposal for a Council Directive COM (2000) 303 final, 2000/0127 (CNS) of 24.05.2000 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.
- Report from the Commission to the European Parliament and the Council. Fifth report on the Post-Visa Liberalisation Monitoring for the Western Balkans Countries in accordance with the Commission Statement of 8 November 2010. Brussels, 25.2.2015 COM (2015) final.