

The EU in the western Balkans: Enlargement as Empire?

A Response to David Chandler

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Introduction

David Chandler has made a major contribution to the literature on state-building, humanitarian intervention and international trusteeship over the past decade. In particular he has sought to depict and deconstruct the different ways in which the Balkans has become a laboratory for sundry forms of international governance in the wake of the conflicts of the 1990s. In his *Global Society* article Chandler elaborates on the European Union's role in the region, and, specifically, on the EU's Stabilisation and Association Process (SAP), an institutional mechanism designed to draw candidate states closer to the Brussels model of European integration. Chandler argues that the EU enlargement process represents little more than a diplomatic cover for a more pernicious project – that of building an empire on the eastern and south eastern fringes of Europe. His argument is a tripartite one. First, he claims that the EU projects its considerable power through the enlargement process but is unwilling to take responsibility for the outcomes its demands produce in candidate and associated countries. Second, the consequence of this power projection in the western Balkans has been a qualitative and measurable deterioration of governance resulting from the relations of power being increasingly and damagingly divorced from relations of accountability. Finally, he asserts that the enlargement process produces weakened

states, which, although they possess international legal sovereignty and all the formal attributes of statehood, in reality lack any substantive ownership over the political process in their countries because they cannot meaningfully exercise power in a way which deviates from EU demands. They are regime takers in a classic construct of asymmetrical power relations.¹

This article takes issue with all of these arguments and contends that they are based on a fundamental misunderstanding of the EU enlargement process, of the normative nature of EU power, and of the reasons for the administrative and governance vacuum we find in the western Balkans region. In exploring the fundamental nature and shape of EU enlargement policy in the western Balkans the article argues, *contra* Chandler, that the policy being pursued by Brussels is consistent with the expectations of the ‘normative power Europe’ approach to enlargement. Far from attempting to re-configure the Western Balkans in a neo-colonial fashion, the EU has sought to use its revolutionary ‘soft power’ to export its norms and values to the region and draw it into the integration process. In this sense the instruments employed under the SAP are familiar from previous enlargement rounds and designed to lead to a decisive transformational outcome in the region. The rationale behind the EU approach is that the enlargement process helps to consolidate and stabilise democratic structures, build institutional and administrative know-how, and over time, draw applicant states closer to EU standards.

But the western Balkans is not Central and Eastern Europe (CEE) and the enlargement process faces specific difficulties not encountered during the course of

¹ David Chandler, ‘EU Statebuilding: Securing the Liberal Peace through EU Enlargement’, *Global Society*, Volume 21, Number 4, (2007), pp.593-607

the five previous successful enlargement rounds. Two in particular stand out. First, there are a series of outstanding issues related to borders, status and territorial integrity which continue to destabilise the region as the constitutional order in Bosnia, Kosovo and Macedonia remains contested and fragile. The reactions across the region to the declaration of independence by the Kosovan government of Hashim Thaci on 17 February 2008 served to underline the continuing sense of crisis. The second set of problems is those that derive from the persistence of corruption and criminality across the region and, in particular the way these have an impact on the rule of law and state building practices. What critics of EU policy fail to recognise is that the sheer scale of organised crime, and its manifestation in patterns of rent seeking and state capture, constitutes the single greatest threat to the stabilisation of state and society in the western Balkans and, simultaneously, the most active impediment to the success of the SAP and enlargement. Alongside this the phenomenon of ‘enlargement fatigue’ has made it more difficult to justify a process of deep engagement with aspiring members who seem less than committed to the internalisation of EU norms and values. The EU has never faced problems of this scale or magnitude in previous accession contexts and has struggled to adapt policy when confronted with evidence of non-compliance or contestation. Despite these difficulties the EU has remained consistent in pursuing an open and transparent process which privileges normative adaptation on the part of the candidate states, and following that logic, insists upon real and substantive implementation of EU norms and values in the domestic political order of candidates as the key determinant of ‘success’ in the accession framework.

Enlargement as Empire?

The idea of the European integration process as an imperial project is not a new one. It infuses much of the economic critique of the EU as a ‘neoliberal’ project with ‘Brussels’ bent on spreading pure market principles both within and beyond its own borders and seemingly indifferent to welfare outcomes. The traditional conceptions of empire mutate, in this view, into a more acceptable and legitimate contemporary (liberal) form, but the essential goals of empire – political domination and economic rapaciousness – remain core pursuits of the so-called ‘Euroelites’. The imperialist imagery has been increasingly applied to the enlargement process as the EU has expanded into southern, northern, eastern, and now (at least prospectively) into south eastern Europe in successive rounds of expansion.²

The ‘enlargement as empire’ thesis rests on two fundamental misconceptions about the nature of accession negotiations. The first relates to the choices made by aspiring member states during the process of economic and political transition from Communism. David Chandler and other critics of the EU argue that for those states escaping Soviet domination in the early 1990s one form of imperial subjugation was to be exchanged for another: Soviet oppression would be replaced with the pervasive regulatory regime of Brussels, or to put it another way, one type of political ‘union’ (Soviet) would give way to another equally repellent one (EU). Europe’s post-Communist states, in this view, pursued EU membership, not because they saw it as vital to their national interests but rather because of the irresistible force projected by Europe’s new dominant geopolitical actor.

² See, for example, Andreas Bieler, ‘The Struggle over EU Enlargement: A Historical Materialist Analysis of European Integration,’ *Journal of European Public Policy*, Volume 9, Number 4 (2002): 575-597; David Chandler, *Bosnia: Faking Democracy after Dayton*, (London: Pluto Press, 1999); Gerald Knaus and F. Martin, ‘Travails of the European Raj’, *Journal of Democracy*, Volume 14, Number 3, (2003), pp.60-74; R. Paris, (2002), ‘International Peacebuilding and the “mission civilisatrice”’, *Review of International Studies*, Volume 28, Number 4, pp.637-56.

What these assertions overlook, however, is that for the European states emerging from the shadow of the Soviet monolith, there was a clear normative aspiration – a ‘Return to Europe’, the Europe from which, it was frequently asserted, these states had been forcibly separated for over four decades.³ The new CEE governments from the beginning framed their endeavours and aspirations with explicit reference to the core values of the European integration project.⁴ They sought freedom, prosperity, and a secure place in the international community of nations, and especially within European organisations. In recent years similar sentiments have been increasingly expressed in the post-conflict western Balkans (even in the more fragile political climate of recent months) as elite and popular opinion has converged around the necessity of becoming part of the European ‘club’. The European Union has been embraced on a voluntary basis as the material and normative structure to which aspiring states wish to attach themselves.

The ‘enlargement as empire’ thesis also mistakenly frames the enlargement process as an entirely asymmetrical negotiation, where the EU continually makes demands and candidate states habitually acquiesce with EU views. The 90,000 odd pages of legal approximation measures contained in the *acquis communautaire* must be transposed into domestic legislation and thereafter implemented accordingly. There is a wealth of evidence from the eastern enlargement round, however, of a negotiating climate which allowed for significant variance in the compliance regime, one where candidate states succeeded in negotiating derogations or implementing legal measures in

³ See Iver B. Neumann, ‘European Identity, EU Expansion, and the Integration/Exclusion Nexus’, *Alternatives*, Volume 23, (1998), pp. 397-416;

⁴ Ulrich Sedelmeier and Helen Wallace, ‘Eastern Enlargement: Strategy or Second Thoughts?’ in Helen Wallace and William Wallace, (eds), *Policy-Making in the European Union*, fourth edition, (Oxford: Oxford University Press, 2000), p.433.

'creative' ways so as to avoid penal domestic adaptation costs. Candidate states frequently expressed displeasure at EU demands and the domestic cost of adapting to EU norms. But equally there were many examples of candidate states either failing outright to comply, or only complying partially with, EU norms and practices. The Slovak government under Vladimir Meciar long resisted EU **demarchés** (Should this read *démarches*?) (yes, change to demarches) about freedom of expression and the media. Polish demands during the latter part of the enlargement negotiations in 2002 were presented quite insistently and in good part were eventually met in the talks which concluded at Copenhagen in December 2002.⁵ Hughes, Gordon and Sasse demonstrate that EU conditionality in the regional policy realm was fiercely contested in some candidate states.⁶ Beate Sissinich's (change to Sissenich) work on the adoption of the social policy *acquis* in Hungary and Poland similarly demonstrates the significant gap between transposition of legislation and actual implementation by candidate states. EU successes in cross national rule transfer were much more contingent on the relative strength of local administrative capacity rather than coercive tactics.⁷ Finally, Frank Schimmelfennig has consistently argued that EU conditionality does not work in a one-dimensional 'regime-maker/regime-taker' fashion.⁸ Rather each accession relationship will be characterised by different degrees of contestation and different pathways towards (or away from) compliance. Likewise, within the wider European integration process there is significant 'wiggle room' for

⁵ See Peter Ludlow, *The Making of the New Europe*, (Brussels: EuroComment, 2004); John O' Brennan, *The Eastern Enlargement of the European Union*, (Abingdon: Routledge, 2006), part one.

⁶ James Hughes, Gwendolyn Sasse, and Claire Gordon, 'Conditionality and Compliance in the EU's Regional Policy and the Reform of Sub-National Government, *Journal of Common Market Studies*, Volume 42, Number 3, 2004, pp.523-51.

⁷ Beate Sissinich (change to Sissenich), *Building States without Society: European Union Enlargement and the Transfer of EU Social Policy to Poland and Hungary*, (Lanham, MD: Lexington Books, 2007).

⁸ Frank Schimmelfennig, Stefan Engert and Heiko Knobel *International Socialization in Europe: European Organizations, Political Conditionality and Democratic Change*, (Basingstoke: Palgrave, 2006).

candidate states to implement EU measures in ways which allow for variance in administrative practice, cultural norms and other variables.

The European Union thus has to tread a delicate balance between the desire to pursue candidate states for non-compliance and the political impulse to maintain momentum within the enlargement process. The scepticism among current member states of the EU about the ability of the western Balkan states to comply with accession demands derives in large part from the perception that Bulgaria and Romania failed to deliver on implementation commitments prior to their accessions in 2007 and were treated far too leniently by the European Union which placed the political ambition to have these two states inside the EU above the Union's collective interest in ensuring that they complied fully with the *acquis communautaire*. The Bulgarian and Romanian cases should be viewed in a wider context, however, and that is the extreme reluctance that the EU demonstrates towards 'hard' sanctioning measures in instances of non-compliance. Coercive intervention is viewed as a political negative and to be avoided if at all possible in favour of socialisation over time into EU behavioural logics. The exception in the case of the western Balkan states may well be EU demands relating to ICTY compliance – on more than one occasion candidate states have found their progress within the negotiations hampered by the failure to convince former ICTY Chief Prosecutor Carla del Ponte of their *bona fides* in finding and arresting indicted war criminals. But this exception also serves to emphasise the strong attachment within the EU to the core normative principles under which the enlargement process operates.

If contestation and partial compliance are as relevant to the enlargement regime as EU demands for reform, it is also important to keep in mind that negotiations with candidate states proceed in good faith on the understanding that they will in time become full and equal members of the 'club', with full voting rights and all the prestige of equals around the negotiating table in Brussels immediately on membership. Whilst candidate state representatives frequently express dissatisfaction with their status in the negotiations they persist because the rewards to be garnered from full membership are deemed to be so substantial. One example of this is the enhanced role of Slovenia on the world stage since it assumed the EU Presidency on 1 January 2008 (the first of the 2004 intake to do so). Do Slovenes see themselves as neo-colonial eunuchs bowing to the will of 'EU officialdom' or to the more powerful member states of the EU as they preside over EU affairs? Do Poles consider themselves second class members after four years of membership? Have they been afraid to press their national interests because of an attachment to a mindset of domination inherited from the long years of negotiating accession? The answer to these questions is obviously 'no' and directly contradicts the Chandlerian view that the process of negotiating accession leads inexorably to a hollowing out of state capacity in prospective member states.

Moreover if one accepts that the eastern enlargement process is now being employed in the most substantive way as a template for the integration of the western Balkan states and other aspiring members, then this begs the question of why eastern enlargement did not produce a governance vacuum in the Czech Republic or Slovenia. If local democratic structures in Estonia and Hungary developed in the

'shadow' of enlargement demands why did they not 'hollow out' and atrophy, as David Chandler asserts has happened in the western Balkans? Rather, across Central and Eastern Europe political systems have bedded down and matured to a point where they closely resemble the consolidated democracies in northern and western Europe. The political landscape has been transformed along recognisable contours with regular free and fair elections for all levels of political office, functioning systems of public administration, substantive oversight of policy-making by elected representatives, a pluralist and free press and a vibrant civil society. If the 'enlargement as empire' thesis is to hold up then we should expect to find the degraded culture of public office which one finds in the western Balkans, continued nationalist dominance of political discourse, overt clientelism, rampant corruption and administrative dysfunctionality as the hallmarks of political life in CEE. That this is not the case constitutes demonstrable evidence of how unique and challenging is the situation in the western Balkans today.

Earlier Entrants

Another strand of the contemporary 'enlargement as empire' thesis is the comparative one in respect of the membership criteria which the EU places before aspiring member states. The main contention here is that previous entrants merely had to meet the very basic criterion of holding free and fair elections for political office and this was held to constitute the main indicator of responsible governance. David Chandler, for example, instead of analysing the criteria applied within the eastern enlargement round chooses to focus on the demands made of Spain and Portugal during the course of their accession negotiations in the 1980s. He then suggests that the western Balkan

states are now being held to a much higher standard than any previous entrants, with a much more robust oversight of basic governance functions by the EU. Western Balkan states are now failing in meeting the ‘new, and more exacting’ standards laid down for membership. The goalposts have been changed to such a degree that current applicants have little chance of achieving their ambition of membership.

Professor Chandler is absolutely correct in arguing that the rules of the enlargement game have changed quite dramatically since the Iberian accessions in 1986. But, like other advocates of the ‘enlargement as empire’ thesis, he does little to examine the qualitative reasons for this change of practice and the much more ‘hands-on’ approach by the EU to accession negotiations which is now the norm. In the 1970s and 1980s the then European Economic Community (EEC) had no clear membership criteria because they simply were not required – there was no prospect of any significant expansion taking place. It was only the end of the Cold War which brought about a radical reconfiguration of geopolitics on the continent of Europe and, for the European Union, the key question emerged of how the Community might respond to the CEE countries’ stated desire for membership of the club. For the first time, Article 237 of the Treaty of Rome, which simply stated that ‘any European State can apply’ for membership of the Community, began to be scrutinised.

In addition, Chandler fails to mention how the EU itself changed dramatically in the 25 to 30 years since Spain, Greece and Portugal negotiated their accessions. The treaty revisions ushered in by the Single European Act, Maastricht, Amsterdam and Nice all acted radically to re-constitute the old Community, with a considerable expansion in the scope of EU activity and associated regulation. The addition of a

huge volume of legislation related, for example, to the Single Market Programme, after 1987, or to Justice and Home Affairs after Maastricht, means that aspiring member states now face a very different *acquis communautaire* than did earlier entrants. The scope of policy now falling exclusively or partially under EU competences has expanded exponentially. Simply to ignore these two influences on enlargement policy, as the ‘enlargement as empire’ critics, do means they misrepresent the nature of the challenge faced by both the EU and candidate states in the contemporary period. In short, one is simply not comparing like with like when contrasting the relatively smooth accession paths of Spain and Portugal with the criteria placed before later candidates for membership.

Finally, it is worth bearing in mind that the rules of the enlargement game have changed again in response to the EU’s experience of managing the eastern enlargement. In particular the very nature of EU political conditionality has changed markedly with new patterns evident in the aims, approach and priorities as well as the methods employed by the Commission to achieve compliance with EU norms.⁹ A core element of this change lies in the development of a set of norms related to state capacity and to the functioning of candidate states’ systems of public administration and the judicial system. These have become important touchstones for the western Balkan states in their quest for membership. Geoffrey Pridham argues that the EU absorbed any number of lessons from the eastern enlargement round and those lessons prompted the deployment of a more ‘muscular’ conditionality in the western Balkans. Various new mechanisms have been introduced to improve implementation of accession-related legislation. Monitoring of commitments is much more intrusive than

⁹ Geoffrey Pridham, ‘Change and Continuity in the European Union’s Political Conditionality: Aims, Approach and Priorities’, *Democratization*, Volume 14, Number 3, (2007), p. 454.

ever before after the introduction and extension of so-called ‘safeguard clauses’ (cf Bulgaria and Romania) and the new procedure of ‘bench-marking’ for provisionally opening and closing of specific negotiating chapters. Thus all SAP and potential candidate states face a qualitatively different and more challenging enlargement environment than previous applicants.¹⁰ There is no evidence, however, of any systematic bias against current candidates, either as a symptom of so-called ‘enlargement fatigue’ amongst the member states or a qualitative change of direction by the European Commission in its oversight of the process. Rather the main problems facing the western Balkan states in their efforts to meet the membership criteria are local and structural ones.

EU Officialdom as ‘overlords’ on Enlargement Policy?

Advocates of the ‘enlargement as empire’ thesis reproduce one of the most popular images of the European Union when asserting that the accession process effectively transfers large areas of policy-making “into the hands of EU officialdom as strict measures are laid down adopting the EU *acquis* covering 29 chapters of the *acquis* amounting to almost 90,000 pages of EU regulations”.¹¹ This is Brussels as an overweening, power-hungry ogre, the famed Brussels bureaucracy pushing the boundaries of its own power ever outwards. Such a view gives the impression that the enlargement process is completely dominated by unelected, unaccountable bureaucrats who push aside the member states and their representatives during the course of accession negotiations and impose their own neo-colonial imprint on the process and on the candidate states as they push for more and more ‘reform’ of

¹⁰ *Ibid.*, p.454.

¹¹ David Chandler, *op. cit.*, p.598

domestic governance in advance of membership. It should be noted that these critics of EU policy rarely expand much on what they actually mean by 'EU officialdom', although quite often the argument revolves around the power and influence of the European Commission. Chandler, for example, alleges that all of the important instruments of the accession process are under the control of the Commission, and thus no meaningful control can be exerted, either by democratic actors within the EU, nor by representatives of the candidate states. In Chandler's perspective 'EU officialdom' is thus reducible to the European Commission.¹² In fact, as in most other areas of EU policy making, enlargement involves a complex division of labour (internally) between the EU institutions. Moreover, although the Commission does indeed play a central bureaucratic role in the enlargement process this is balanced by the (territorial) input of both the Council and the (representative) functions of the European Parliament.

The Commission's influence within enlargement politics stems principally from two sources. The first is its formal power to initiate policy proposals, which helps it to set and shape the enlargement policy agenda. Although, as in the general integration framework, it seeks to anticipate, incorporate and adjust for the specific concerns of member states (and increasingly the EP), it has often found itself to be (almost by default) the sole policy entrepreneur and thus the best placed EU actor within the enlargement process. It is important to understand that much of the Commission's power within the enlargement process evolved out of the early response by the EU to events in CEE in the early 1990s. Facing the challenge of managing relations with the new democracies, the Commission was confronted with an environment it had never

¹² *Ibid.*, p.601

previously encountered. From the outset of the process member states were dependent on the Commission for leadership and policy advice. It was the Commission which took responsibility for managing the initial aid programmes for CEE, produced the Opinions on the ability of the candidate states to meet the criteria for membership and oversaw the screening process, that is, the analysis of the transposition and implementation efforts by candidate states. Even in the latter stage of negotiations where the member states were in the ascendancy and the Presidency played a crucial role, the Commission continued to cajole, deliberate, and persuade both insiders and outsiders of the merits of its enlargement strategy.

But the Commission's role has been and continues to be balanced by those of the Council of Ministers and the European Parliament. Because the Council sits at the apex of the EU decision-making system and all enlargement decisions are subject to the unanimity rule, the member states hold the whip hand, as in all other areas of foreign policy, and can (and frequently do) threaten to veto a policy move if they find it unsatisfactory or distasteful.¹³ Once negotiations with applicant states conclude it is the Council which takes the decision (by unanimity) to accept or reject them. Ultimately, therefore, the important decisions with regard to western Balkan accessions will be made by the member states of the EU collectively with the formal assent of the European Parliament also now being necessary. Thus any substantive examination of the division of labour on enlargement reveals a much more complex institutional structure than the simplistic 'EU Officialdom' would suggest.

States Without Sovereignty?

¹³ Cyprus and Greece have both threatened to put an end to Turkish accession negotiations on various occasions over the past four years. Austria threatened to veto the opening of negotiations with Turkey in October 2005 unless Croatia was also allowed to proceed to a fully fledged negotiation.

One of the central elements of the Chandler critique of EU policy is that the state-building and institution-building activities of the international community (spearheaded by the EU through the SAP) penetrate domestic politics so overwhelmingly and powerfully that the cumulative effect is a ‘hollowed out’ domestic politics where the prerogatives of local actors are relentlessly reduced to a point where there is no meaningful ownership over the political process. David Chandler argues that the democratically elected political representatives in the western Balkans states constitute less than sovereign actors within their own countries. Their political space has been emptied of functional importance, in large part due to the demands made through the SAP by ‘perfidious Brussels’. Specifically:

the atrophied political space hinders attempts to cohere post-conflict societies and overcome social and political divisions. The states created, which have international legal sovereignty, but have ceded policy-making control to external officials in Brussels, lack organic mechanisms of political legitimation as embodiment of a collective expression of the will of their societies. Their relationship of external dependency on the EU means that the domestic political space cannot serve to legitimise the political authorities or cohere their societies¹⁴

Arguably no-one would disagree that there is a significant governance vacuum in much of the western Balkans today.¹⁵ But the extent to which the western Balkans

¹⁴ Chandler, p.604.

¹⁵ See Robert Bideleux, ‘Making Democracy Work’ in the Eastern Half of Europe: Explaining and Conceptualising Divergent Trajectories of Post-Communist Democratisation’, *Perspectives on European Politics and Society*, Volume 8, Number 2, (2007), June, pp.109-130.

deviate so much from Central and Eastern Europe, under a similar regime of EU oversight, should point us in the direction of disaggregating in favour of specific regional explanations of democratic and economic inertia. Whilst it is clear that all former communist states fell victim to high rates of corruption and crime in the years after 1989, there is an important divide between CEE and SEE in the relationship between organised crime and the development of the state. It is clear that, although corruption persists in CEE the problem is much more acute in the western Balkans. If the domestic political arena has hollowed out or is atrophied to the point that there is no meaningful local participation in and ownership over the political process, this is not necessarily due to enlargement or the demands of the EU. Would any serious analyst describe the Czech or Slovene political space as atrophied as a result of sustained engagement in exactly the sort of process in which the western Balkan states now participate? The simple fact is that the behaviour and preferences of local political actors and domestic political agency provides a much more satisfactory account of the governance failures and problems with institution-building across the region.

The problem of corruption runs so deep in the western Balkans that it has given rise to the widespread image of a region ‘captured’ by criminal interests which have managed to suborn political, social, and judicial processes, hampering much-needed reforms and depriving citizens of an impartial rule of law.¹⁶ Bideleux describes these groups as ‘brutal, predatory, vertical and semi-autonomous power structures’ which are largely beyond democratic scrutiny and control,¹⁷ and which have succeeded in

¹⁶ Emil Giatzidis, ‘The Challenge of Organized Crime in the Balkans and the Political and Economic Implications’. *Journal of Communist Studies and Transition Politics*, Volume 23, Number 3, (2007), September, pp.327-51.

¹⁷ Bideleux, *op.cit.*, p.120.

instrumentalising local and national political actors with the result that organised crime has “seeped into every aspect of public life, bearing significant influence over political stability, rule of law, legality, and social and economic development (where does this quote end?). (it ends with economic development”)¹⁸ Weak states in combination with strong oligarchs and organised crime meant that the main prize of political competition in much of the western Balkans over the past two decades has been control over state-owned resources.¹⁹ Giatzidis asserts that ‘criminal organizations have risen to be the largest industry in the region and the single greatest threat to regional stability, in large part because these groups survival depends on crushing any efforts to introduce transparency, accountability and moderation in the political and economic systems of the state’.²⁰

There is a powerful operational dialectic at work in the EU’s relationship with the western Balkan states and in particular in these states’ efforts to tackle organised crime and combat corruption. Criminal networks and gangs can only survive and flourish in a vacuum, where state capacity to regulate is weak, where the state can be captured through bribery, blackmail and intimidation of officials, and where the legal system lacks transparency and adequate enforcement mechanisms. In contrast EU enlargement conditionality requires of other SAA and candidate states, a substantive and rolling commitment to rule-based democratic governance, transparent decision-making and effective judicial enforcement. Thus the further the western Balkans advances towards EU membership the more is required of the state in defeating the power of entrenched criminal networks. The real problem facing the EU in the region

¹⁸ Daniela Irrera, ‘The Balkanisation of Politics: Crime and Corruption in Albania’, EUI Working Papers, RSCAS No. 2006/18, Florence: European University Institute, p.2.

¹⁹ Giatzidis, *op.cit.*, p.334.

²⁰ *Ibid.*, p.328.

is that it is extremely difficult to disentangle the state from criminality. As Irrera argues in respect of Albania, which “illustrates a paradoxical case where the very individuals who seem to contributing to implementing institutional corruption – elected party leaders – are entrusted at the same time by the EU to return the country to the rule of law (where does this quote end?) (the quote ends with rule of law)” .²¹.

The nexus between organised crime and politics is dangerously close and at the least an impediment to the achievement of both candidate state aspirations for membership and EU integration objectives.

This is not to argue that the EU strategy has not itself contributed to the problem in the region. One sustained criticism across the western Balkans has been the unrelenting focus on rule of law and governance issues at the expense of economic development and tackling underdevelopment, unemployment and poverty. This is a very valid criticism. In the case of Bosnia, Domm identifies a ‘clash of agendas’ between an EU/Euro-Atlantic agenda focused on building defence capacity and the rule of law, and the agenda of domestic actors centred on employment and social protections.²² In this sense EU policy seems to stand in opposition to the developmental trajectory of the original post-conflict European Economic Community which did so much to energise the integration process in the 1950s and 1960s and later through the Single Market Programme.²³ Another important criticism is that EU policy often plays into the hands of militant nationalist groupings, or at the least fails to marginalise them. As Rory Domm puts it: “strong-arm tactics required to push through reform risks grid-locking governing institutions and playing into the hands of

²¹ Daniela Irrera, *op.cit.*, p.2.

²² Rory Domm, ‘Europeanisation without Democratisation: A Critique of the International Community Peacebuilding Strategy in Bosnia and Herzegovina’, *Journal of Southeast European and Blacksea Studies*, Volume 7, Number 1, (2007), p.165.

²³ *Ibid.*, p.170.

nationalists, subsequently reducing the political space in which moderate parties may operate”.²⁴ It is worth pointing out that in Bosnia the European Commission has belatedly acknowledged the validity of this criticism and clearly stated that it will not accept SAA-related legislation imposed through the ‘Bonn Powers’ mechanism.²⁵

Conclusions

David Chandler’s has contributed much to our understanding of the dynamics of post-Dayton politics in the Balkans. But his caricature of the EU enlargement process as an imperial venture seems wholly inappropriate. The argument here is that far from attempting to re-configure the Western Balkans in a neo-colonial fashion, the EU has sought to use its revolutionary ‘soft power’ to export its norms and values to the region and draw it into the integration process. Subsequent to the completion of the eastern enlargement process in 2007 the western Balkans now loom as the most serious challenge facing the EU in its external policy. This is not least because of the renewed salience of issues connected to borders, status and territorial integrity triggered by the Kosovan declaration of independence on 17 February 2008 and the renewed violence witnessed in Macedonia during the May 2008 election campaign.

The EU enlargement regime is a tried and tested one and constitutes the most successful instrument in the EU’s external relations toolkit. But it is now facing a challenge in the western Balkans which is manifestly more difficult than anything

²⁴ *Ibid.*, p.167.

²⁵ *Ibid.*, p.162.

encountered in previous accession contexts. In particular, the problem of first order democratisation, extending to the practice of statebuilding, remains cogent and, in the fallout from the Kosovan declaration all the more important in regional terms. Overlaying a post-conflict transformation environment, EU policy has been as much a question of relating to and engaging with democratic transition as democratic consolidation.²⁶ The problem of inadequate state capacity is compounded by the relationship between state power and organised crime. As Gatzidis argues: “We are no longer facing societies penetrated by hosting the parasitical ‘black economy’: we are facing societies dominated by it in every aspect. We are facing entities that, by virtue of this pervasive system, are financially and otherwise more powerful than nation states in the region”.²⁷ Thus for the EU there is also a question of adaptation, of re-configuring the successful formula of capacity building supported by conditionality which worked so well in the case of eastern enlargement. At a practical level one could argue that the focus on democratic regime building needs to be recalibrated in favour of a more direct effort to engage western Balkan societies and citizens (a more open and accessible visa regime, further support for civil society programmes) in tandem with a much greater level of economic subvention. Similarly, an opening up of the SAP towards a much more substantive focus on economic development and welfare outcomes would also help to marginalise the local actors who continually contest and obstruct progress in the enlargement process. That said, it is clear that the Chandlerian critique of enlargement policy is fundamentally misplaced. It is the structural cancer of organised crime and its hold over state officials and structures which constitutes the single greatest threat to a normalisation and europeanisation of the western Balkans in an enlargement context.

²⁶ Pridham, *op.cit.*, p.455.

²⁷ Giatzidis, *op.cit.*, p.340.

