

# Europeanization of the Western Balkans: What Drives Montenegro on This Path?

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## Abstract

Despite the great expectations among the policy-makers and scholars created more than a decade ago that the Western Balkans (WBs) would repeat the successful story of Europeanization of the CEECs via EU enlargement and accession conditionality, nowadays most of the literature of Europeanization of the WBs suggests that there is only a shallow Europeanization as a result of the historical, geographical, political and economic background of the region against the backdrop of the EU approaches and strategies that more often than not are ambiguous. The country that seems to be refuting these pessimistic views and makes progress towards prosperous Europeanization hand in hand with the accession talks is Montenegro. This thesis deals with the question: What accounts for Montenegro's Europeanization? The research question has been explored by putting Montenegro in a broader context within the Western Balkans. This research aims to give an explanation by looking into the domestic factors, or more precisely investigates the motivations, understandings and the limitations of the civil servants dealing with the accession talks and the process of European integration. Montenegro is currently involved in the process of accession talks which facilitates the process of Europeanization. Moreover, the presence of the European idea in terms of wide political and social consensus on the European Integration accounts for the Montenegrin Europeanization. By the same token, important observations are the absence of opened questions with the neighbouring countries and the absence of veto players that also raise the credibility of the membership perspective for the country. Drawing on these findings there is a need of deep contextualization of each country of the Western Balkans regarding the process and prospects of Europeanization.

**Key words:** EU enlargement, Europeanization, Western Balkans, Montenegro.

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*To Bojan and Eva  
And all the children from the Western Balkans for  
happy childhood and peaceful future*

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*“Leaving somebody behind – awaiting another ‘wave’ in an uncertain future - could take away the pressure for reform and modernisation in the countries left on the shore.”*

*- Poul Skytte Christoffersen*

## Introduction

The topic area addressed in the research, in its broadest sense, is the enlargement of the European Union, especially with regard to the Western Balkan countries. According to Anthony Pagden “the initial and prime objective of "Europe" as a political and (economic) conception is to ensure peace - an objective it shares with Kant's cosmopolitan order.”<sup>1</sup> The basic idea for establishing European family to promote peace and avoid conflict in Europe presents the main incentive in democratic transition of the Western Balkan countries as well. In the same train of thought, Sezai Özçelik argues that “there is no question that the internal violence and ethno-national conflict present an increasing threat to the stability in East Central Europe (ECE), South East Europe (SEE), and the former Soviet Union (FSU).”<sup>2</sup>

Nevertheless, as the vantage point for establishing the European cooperation was towards peace and stability, today we face uncertainties where Europe is headed.<sup>3</sup> For that reason, the topic is closely related to the central concern of many EU scholars and of public debate about the EU enlargement, on one hand, and the future of the European countries that have foreign strategic goals

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<sup>1</sup> Anthony Pagden, *The idea of Europe: from antiquity to the European Union*, (Cambridge: Cambridge University Press, 2002).

<sup>2</sup> Sezai Özçelik, “The Theory and Practice of Preventive Diplomacy: The Case of Preventive Deployment in Macedonia,” *Uluslararası İlişkiler* 3, no. 11 (Fall 2006): 103-28.

<sup>3</sup> Hubert Zimmermann and Andreas Dur, Ed., “*Key Controversies in European Integration*,” (Basingstoke: Palgrave, 2012).

to become members of the European Union, on the other hand. This refers especially to the Western Balkans.

Furthermore, this thesis is closely related to the profound belief that this part of Southeast Europe, more often referred to as the Western Balkan naturally belongs to the European Union in geographic and political sense. There is a need for extending the definition of “Europe.” For the reason that there is a prevalent belief among the European policy-makers<sup>4</sup> and scholars that the more distant the EU membership seems for the Western Balkan countries, the more likely stagnation and process of “backsliding” in the democratization will occur in these countries. In the same way a significant declination in the domestic impact of the EU in these countries is expected i.e. Europeanization since according to Soeren Keil, the “democratization is a further feature of Europeanization in the region.”<sup>5</sup>

By the same token, it is often expected that the democratic transformation of the countries of the Western Balkan that emerged in the European political discourse as a negative representation of a part of South-East Europe well associated with “political violence, ethnic conflicts and fragmentation of states”<sup>6</sup> is less possible without the EU enlargement process. Milada Vachudova in her book “Europe Undivided” argues that “the EU’s active leverage reinforces domestic political change: it elicits compliance as the candidates seek to qualify for membership, and the process of complying transforms the polity, the economy and groups in society. As candidates move through the pre-accession process toward membership, it becomes less likely that the polity will slide back by

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<sup>4</sup> Jordan Gheorghe Bărbulescu and Miruna Troncotă, “The Ambivalent Role of the EU in the Western Balkans - “Limited Europeanisation” between Formal Promises and Practical Constraints. The Case of Bosnia-Herzegovina,” *Romanian Journal of European Affairs* 12, no. 1 (2012).

<sup>5</sup> Soeren Keil, “Europeanization, State-Building and Democratization in the Western Balkans,” *Nationalities Papers: The Journal of Nationalism and Ethnicity*, 41, no. 3 (2013): 343-354, accessed May 10, 2015, <http://www.tandfonline.com/action/showCitFormats?doi=10.1080/00905992.2013.768977>.

<sup>6</sup> Milica Delevic, *Regional Cooperation in the Western Balkans: Chaillot Paper No. 104* (Paris: EU Institute for Security Studies, 2007).

becoming less competitive or rolling back reform.”<sup>7</sup> Accordingly, it can be concluded that the democratization and Europeanization go hand in hand with the EU enlargement.

For the countries of the Western Balkan the promise of the membership perspective is still the main incentive for the ongoing process of transforming and reforming the society towards democracy, free market economy, rule of law, human rights and further compliance and acceptance of the EU norms and values.<sup>8</sup> In the same train of thought, the European Commission in its Report “Enlargement Strategy and Main Challenges 2013-2014” published October 2013 with reference to the EU accession of Croatia, a country from the Western Balkans that become EU member as of 1<sup>st</sup> of July 2013, points out that it presents an “example of the transformative power and stabilising effect of the enlargement process and the EU’s soft power.”<sup>9</sup>

Furthermore, this research mainly focuses on the prospects of Europeanization on candidate countries (without a credible membership perspective) that can be applied on the countries from the Western Balkan. More than a decade the European officials have been placing the Western Balkans between European perspective and membership perspective, separating these two perspectives with long and distant road that the Western Balkans have to pass in order to reach the final destination i.e. EU membership. Moreover, as a result of the altered enlargement context on one hand, and the capacities of Western Balkans to cope with the EU demands in line with the conditions for EU membership on the other hand, the credibility of EU membership perspective is more often than not being questioned.

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<sup>7</sup> Milada Anna Vachudová, *Europe Undivided: Democracy, Leverage, and Integration After Communism* (Oxford: Oxford University Press, 2005), 106.

<sup>8</sup> Karen E. Smith, “Regional Cooperation,” in *European Union Foreign Policy in a Changing World* (Cambridge: Polity Press, 2008), 98.

<sup>9</sup>European Commission, accessed May 15, 2015, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2013/package/strategy\\_paper\\_2013\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/strategy_paper_2013_en.pdf).



The literature of Europeanization of candidate countries emphasizes the importance of credible membership perspective by suggesting that the Europeanization of the non-member states is limited in case of lack of credible membership perspective. This was certainly not the case with the Central and Eastern European countries. Their Europeanization was seen as a successful story in line with the EU enlargement. It is very important to emphasize that in the case of these countries the final reward i.e. membership in the European Union, as Tanja Borzel has put it the “golden carrot”<sup>10</sup> was “constantly high,” whereas for the countries of the Western Balkan the promise of membership is ambiguous, even though it is officially declared by the EU.<sup>11</sup> Besides that, according to Florian Trauner “the climate for further EU enlargement has turned out to be less favorable.”<sup>12</sup>

In addition, especially for the Western Balkans countries most of the scholars dealing with the Europeanization of the candidate countries describe the limited impact that the EU has on these states. However, this is not a surprise, having in mind the strong linkages that exist between the credibility of the EU enlargement process and the Europeanization.

Besides that many have raised question about the capacity of the region for Europeanization. On the other hand, the ability of the European Union to influence the European states that are legible for the EU membership and have their aspiration to become future members of the EU in order to make the necessary reforms and fulfill the needed membership criteria is very important condition for a successful enlargement of the European Union with new member countries.

In order a country to become a member of the European Union and participate in the EU integrated single market the transfer of EU rules present the key principal for EU membership, on

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<sup>10</sup> Tanja A. Börzel, “When Europeanization Hits Limited Statehood. The Western Balkans as a Test Case for the Transformative Power of Europe,” *KFG Working Paper Series*, No. 30, September 2011, 14.

<sup>11</sup> Frank Schimmelfenning and Ulrich Sedelmeier, “Introduction: Conceptualizing the Europeanization of Central and Easter Europe,” in *The Europeanization of Central and Eastern Europe*, (Ithica, NJ: Cornell University Press, c2005).

<sup>12</sup> Florian Trauner, “From Membership Conditionality to Policy Conditionality: EU External Governance in South Eastern Europe,” *Journal of European Public Policy* 16, no. 5 (2009): 774-790, accessed May 3, 2015, <http://dx.doi.org/10.1080/13501760902983564>.

one hand and the EU enlargement, on the other hand. Since EU enlargement is “based on the principal that new members must transpose the entire *acquis*”<sup>13</sup> i.e. the EU rules, norms and practices on their domestic legislations, the same presents the core of the Europeanization of the non-members states.<sup>14</sup>

A country from Western Balkans that has apparent success in the Europeanization is Montenegro. The process of Europeanization of Montenegro goes hand in hand with its process of European integration and accession negotiations. Montenegro is a candidate country for EU membership since 2010 while its accession talks has started in June 2012. Until now the country has opened 18 Chapters with two of them provisionally closed. Montenegro is regarded to be a front-runner in the European integration among the Western Balkans.

Besides that, Montenegro is the only country that is implementing the new approach of the accession negotiations which was officially introduced by the EU in 2013 based on the “lessons-learned” from the previous EU enlargements rounds. Montenegro seems to make good progress in the accession process, and in case of falling behind, it quickly makes policy corrections in issue-areas that seemingly get to the heart of the national sovereignty such as fundamental rights, rule of law, judiciary, freedom and justice. Also, these areas are the ones that attract much of the Brussels’ criticism e.g. corruption and organized crime as a serious problems in the country.

Even though Montenegro has a lot ahead in the EU integration that presents a complex process of transformation in almost every part of the society before reaching the required conditions for EU membership, the overall assessment is that the country is doing significant progress in the accession negotiations. It appears that Montenegro refutes the pessimistic view of the literature of the Europeanization of the Western Balkans. This at the same time presents the empirical puzzle that is set before investigating the research question of this thesis.

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<sup>13</sup> Frank Schimmelfennig, “Europeanization Beyond Europe,” *Living Reviews in European Governance*, 7, no. 1 (2012), accessed May 5, 2015, <http://www.livingreviews.org/lreg-2012-1>.

<sup>14</sup> Schimmelfennig, “Europeanization beyond Europe,” 5.

Likewise, this thesis deals with the question: What accounts for the Montenegro's Europeanization? In order for this question to be investigated the empirical analyses are based on data collected by using qualitative methods such as surveys and interviews,<sup>15</sup> policy documents as well as press coverage. The surveys and interviews are limited to civil servants that are closely related to the accession talks of Montenegro and high officials that are dealing with the European Integration, in order to explore what are their motivations, understandings and limitations regarding the ongoing process of Europeanization in hope that the data and main findings can contribute to the understanding of the apparently successful Europeanization of the country itself.<sup>16</sup>

In doing so, this thesis aims to give a contribution to the literature of Europeanization of the candidate countries with regard to the Western Balkans by analysing the domestic factors that contribute or hinder the process of Europeanization. Most of the research in the field of Europeanization is focused on the strategies and various mechanisms that are used by the EU to impose domestic and institutional change on the candidate countries and by that neglecting in a systematic and conceptual ways the domestic scene.

In the existing body of the EU literature there is less research conducted on the impact of the EU on the Western Balkans and the accession process with regard to these countries. On the other hand, in order assessment of the impact of EU rules to candidate countries to be possible undefined period of time should pass.<sup>17</sup> Besides that, Montenegro is at a very initial stage of Europeanization. Therefore, this thesis focus only on the formal adoption of the EU rules, not their implementation.

The term Europeanization was applied in historical and cultural contexts that are beyond the scope of this thesis. According to Kevin Featherstone the most common use of the term is related to

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<sup>15</sup> Empirical data were collected in May, 2015.

<sup>16</sup> The answers of the surveys and interviews in Montenegrin language were translated in English language by the author.

<sup>17</sup> Frank Schimmelfennig and Ulrich Sedelmeier, *The Europeanization of Central and Eastern Europe* (Ithaca, NY: Cornell University Press, c2005), 4.

“domestic adaptation to the pressures emanating directly or indirectly from EU membership.”<sup>18</sup> In fact, the existence of adaptational pressures derives from the mismatch between the European and the domestic scene. As Tanja Borzel and Thomas Risse argue that “Europeanization must be inconvenient.”<sup>19</sup>

Robert Ladrech had offered one of the first definitions for the Europeanization during the 1990s. According to him, Europeanization is defined as “an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making.”<sup>20</sup> Moreover, Claudio M. Radaelli defines Europeanization as “processes of a) construction, b) diffusion and c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘way of doing things’ and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and supranational) discourse, political structures, and public policies.”<sup>21</sup> This definition is at the same time the most used definition of describing the process of Europeanization.

Frank Schimmelfennig and Ulrich Sedelmeier offer modest definition of the Europeanization “as a process in which states adopt EU rules” that puts the focus on analysing “institutionalization of EU rules at the domestic level - for instance, the transposition of EU law into domestic law, the restructuring of domestic institutions according to EU rules, or the change of domestic political practices according to EU standards.”<sup>22</sup> Throughout this thesis, the term

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<sup>18</sup> Kevin Featherstone, “Introduction: In the Name of ‘Europe,’” in *The Politics of Europeanization*, ed. Kevin Featherstone and Claudio M. Radaelli, 1-26, (Oxford: Oxford University Press, 2003).

<sup>19</sup> Tanja A. Borzel and Thomas Risse, “Conceptualizing the Domestic Impact of Europe,” in *The Politics of Europeanization*, ed. Kevin Featherstone and Claudio M. Radaelli, 57-80, (Oxford: Oxford University Press, 2003).

<sup>20</sup> Robert Ladrech, “Europeanization of Domestic Politics and Institutions: The Case of France,” *Journal of Common Market Studies* 32, no. 1 (1994): 69-88, accessed May 8, 2015, <http://dx.doi.org/10.1111/j.1468-5965.1994.tb00485.x>, 69

<sup>21</sup> Claudio M. Radaelli, “Whither Europeanization? Concept stretching and substantive change,” *European Integration online Papers* (EIoP)4, no. 8 (2000), accessed May 8, 2015, <http://eiop.or.at/eiop/texte/2000-008a.htm>

<sup>22</sup> Frank Schimmelfennig and Ulrich Sedelmeier, *The Europeanization of Central and Eastern Europe* (Ithaca, NY: Cornell University Press, c2005), 7.

Europeanization is used in the above-mentioned understanding. The term refers to the rule adoption in the candidate countries in connection to their foreign strategic goal for EU membership. In doing so, it emphasize that external dimension of Europeanization.

In order this thesis to provide an answer to the research question in its limited and narrowed scope conditions it is important to put Montenegro in a context of a broader framework within the Western Balkans as a whole (without going into details about the other countries that are part of the same region). Understanding the prospects of Europeanization of the Western Balkans according to the current state of art in the literature is important for juxtaposing what accounts for the process of Europeanization of Montenegro.

Therefore, the first Chapter deals with the Western Balkans from the end of the 1990s and their road to the European integration. Moreover, the second Chapter deals with the concept of Europeanization of the candidate countries and in this sense the prospects of Europeanization of the Western Balkans. While the third and last Chapter of this thesis deals with the explanation of the Europeanization of Montenegro.

# Chapter I: The European Integration of the Western Balkans and the Altered Enlargement Context

The first Chapter deals with the Western Balkan countries and their road towards the European Union starting from the end of the 1990s. This is the time when these countries were offered an EU membership perspective. Even though it was denoted that Western Balkans belong within the European Union, after more than a decade the membership perspective seems like a distant aim for most of them. It describes the complexities that are overshadowing the EU integration regarding these countries, their pre-accession process and the new approach in the negotiations as well as the altered enlargement context which is not in favor of further EU enlargement.

## 1.1 The Western Balkans on the road to the European Union

The first Section refers to the complexities that are overshadowing the EU integration of these countries and deals with the pre-accession process of the Western Balkans. The continuation of the pre-accession process that was specially designed for the Central and Eastern European countries is presented in this section accordingly. The accent here is set on the new approach in the negotiations that was formally introduced by the EU in 2013. The last instance takes the rule of law area as a key area for the EU integration and makes the negotiation process more challenging and more demanding for the new comers.

### 1.1.1 The complexities of the Western Balkans

The Western Balkan countries<sup>23</sup> have as their foreign strategic goal to become members of the European Union. European integration is officially declared by the domestic governments as the highest political priority of each country of the Western Balkan. There is no alternative perspective that is more credible than the European integration and future EU membership.

On the other hand, the European Union has acknowledged its strategic interest to stabilize and democratize this region with the use of deliberate policies, having in mind the inheritances of ethnic conflicts and wars, minority issues, violation of human rights and lack of rule of law as well as the high level of organized crime and corruption which are seen as the main obstacles for the democratic stability and economic development of the region.<sup>24</sup>

Overall, the ongoing process of democratization is beneficial for both, the EU and the Western Balkan countries.<sup>25</sup> This process allows the Western Balkans to reform and transform into societies that are based on rule of law, liberal democracy, free market economy and human rights, on one hand, and helps them to get closer in accomplishing their foreign strategic goal for becoming EU members on the other hand. While for the EU itself it contributes to the security near the EU external borders i.e. it is EU's strategic interest to extend the zone of prosperity, peace and stability. As Michael Merlingen notes that EU assessments of the Western Balkans as a threat in terms of organized crime, refugee inflows, illegal migration and “safe oasis” for terrorists has shaped the EU approach towards

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<sup>23</sup> The term is used to denote the countries from South-East Europe that are potential candidates or candidate countries for the EU membership: Albania, Bosnia and Hercegovina, Macedonia, Montenegro, Serbia and Kosovo. Its narrow understanding reflects the country's status in terms of the EU integration. Croatia has become a member of the European Union from 1st of July 2013, therefore is excluded from the Western Balkans.

<sup>24</sup> European Commission, *Regional Cooperation in the Western Balkans: A Policy Priority for the European Union* (Luxembourg: Office for Official Publications of the European Communities, 2006), accessed May 10, 2015 [http://ec.europa.eu/enlargement/pdf/nf5703249enc\\_web\\_en.pdf](http://ec.europa.eu/enlargement/pdf/nf5703249enc_web_en.pdf), 8.

<sup>25</sup> Gergana Noutcheva, “Fake, Partial and Imposed Compliance: The Limits of the EU's Normative Power in the Western Balkans,” *Journal of European Public Policy* 16, no. 7 (2009): 1065-1084, accessed May 14, 2015, <http://dx.doi.org/10.1080/13501760903226872>.

these countries.<sup>26</sup> By the same token, the Western Balkans present challenge for EU in terms of security and enlargement policy.

It is important to emphasize that the consistent and fast development of the Western Balkans is overshadowed by many complexities and multi-layered circumstances. The above elaborated complexities are related to the historical, geographical, political and economic background of the region against the backdrop of the EU approaches and strategies that are more often than not ambiguous, hesitant and inconsistent. Florian Bieber in relation to the EU approach towards the Western Balkans argues that “enlargement and conflict prevention policies converge and often produce conflicting results.”<sup>27</sup>

Furthermore, Soeren Keil notes that all the Western Balkan countries are young democracies with weak state institutions that aspire to become members of the European Union.<sup>28</sup> Therefore, there are many domestic constraints. Economic underdevelopment, the reluctance of the Western Balkans political and domestic elites for “game-changing” decisions, corruption and organized crime, weak institutions as well as the evident lack of administrative capacities to carry on reforms are seen as the main obstacles on the road to the EU integration.<sup>29</sup> The track for regional reconciliation and establishment of democratic stability and economic prosperity is slower and uneven than in the Central and Eastern European countries.<sup>30</sup> Moreover, sovereignty issues, ethnic heterogeneity and border

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<sup>26</sup> Michael Merlingen, “The CSDP in the Western Balkans: From Experimental Pilot to Security Governance,” in *The Routledge handbook of European security*, edited by Sven Biscop and Richard G. Whitman, (London; New York: Routledge, 2013), 146.

<sup>27</sup> Florian Bieber, “Building Impossible States? State-Building Strategies and EU Membership in the Western Balkans,” *Europe-Asia Studies* 63, no. 10 (2011): 1783-1802, accessed May 14, 2015, <http://dx.doi.org/10.1080/09668136.2011.618679>.

<sup>28</sup> Soeren Keil, “Europeanization, State-Building and Democratization in the Western Balkans”, *Nationalities Papers: The Journal of Nationalism and Ethnicity*, 41, no. 3 (2013): 343-354, accessed May 10, 2015, <http://www.tandfonline.com/action/showCitFormats?doi=10.1080/00905992.2013.768977>

<sup>29</sup> Soeren Keil, “Europeanization, state-building and democratization in the Western Balkans.”

<sup>30</sup> Othon Anastasakis, “The Europeanization of the Balkans,” *Brown Journal of World Affairs* 12 (2005): 77-88.



issues challenge the Western Balkans' security and stability, on one hand, and the EU integration, on the other hand.<sup>31</sup>

### 1.1.2 The promise to the Western Balkans for the EU membership

Based on the positive experiences of democratic consolidation and transformation of the post-communist countries from the Central and Eastern Europe, “after the end of the Kosovo conflict in 1999, the EU offered the prospect of becoming members once the relevant political and economic conditions were met.”<sup>32</sup> The Copenhagen political and economic criteria were set primarily and specially designed for the countries of the Central and Eastern Europe in 1993 since the enlargement was perceived by the all EU members as a “long-term geopolitical and economic interest of the EU.”<sup>33</sup> The EU has put forward the decision to open the door for the eastern enlargement that later resulted in 2004 enlargement round with 10 new members, thus increasing the number to 25 EU member states. Today, after the accession of Bulgaria, Romania and Croatia the EU has 28 member states.

The core of the EU norms and values was integrated in the Copenhagen political and economic criteria for further promotion of peace, liberty, democracy, rule of law, human rights as well as social solidarity, anti-discrimination, sustainable development and good governance.<sup>34</sup> Consequently, the Copenhagen political criteria have been consisted of: “stability of institutions

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<sup>31</sup> ICDT, *Sharing the Experiences of Visegrad Cooperation in the Western Balkans and the Eastern Neighbourhood Countries: Project Preparatory Study* (International Centre for Democratic Transition, 2010), accessed May 25, 2015, <http://www.icdt.hu/documents/publications/GUAM-Project-Preparatory-Study.pdf>.

<sup>32</sup> Florian Trauner, “From Membership Conditionality to Policy Conditionality: EU External Governance in South Eastern Europe,” *Journal of European Public Policy* 16, no. 5 (2009): 774, accessed May 3, 2015, <http://dx.doi.org/10.1080/13501760902983564>.

<sup>33</sup> Vachudova, *Europe Undivided*, 96.

<sup>34</sup> Thomas Diez and Ian Manners, “Reflecting on Normative Power Europe”, in *Power in World Politics*, Ed. Felix Berenskoetter and M. J. Williams, (New York: Routledge, 2007).

guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities,”<sup>35</sup> while the economic criteria are based on “the existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union.”<sup>36</sup> By introducing the Copenhagen political and economic criteria EU wanted to contribute to the transformation of the post-communist countries of Central and Eastern Europe to sustainable democracies and free market economies.

Moreover, regarding the Western Balkans the European Union aimed to address the regional-specific context. As a result, a new framework was established according to the specific conditions and historical background of the region. The new framework which was launched for the Western Balkan countries the so-called Stabilization and Association Process (SAP) presented the “prospect of EU accession, financial assistance and preferential market access, to facilitate institutional and governance change in the Western Balkan countries.”<sup>37</sup> In the case of the Western Balkans EU had more difficult task than the one with the countries of the Central and Eastern Europe in the transformation and democratization which also should have included stabilization of the region.

As a result, the road for the still ongoing process of European integration was opened for the countries of the Western Balkans. According to their “ground work” and the abilities to cope with the EU conditions and demands with regard to the (1993) Copenhagen political and economic criteria. As well as the ones which were set for the Western Balkans according to the Stabilization and Association Process in line with the compulsory adoption of the EU rules, norms and standards (the EU *Acquis*).

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<sup>35</sup> “Europa,” Summaries of EU legislation, accessed May 17, 2015, [http://europa.eu/legislation\\_summaries/glossary/accession\\_criteria\\_copenhagen\\_en.htm](http://europa.eu/legislation_summaries/glossary/accession_criteria_copenhagen_en.htm).

<sup>36</sup> Ibid.

<sup>37</sup> Martina Dupáková, “Prospects of EU Enlargement: The Case of Stabilization Conditionality in Serbia,” *EU Frontier Student Paper Series* 1 (June 2013): 5.

The European Union intended to set out stronger political criteria for the countries of the Western Balkans as the “states must have made visible progress in fulfilling the Copenhagen criteria and also requirements specific to the SAP including full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), the creation of real opportunities for refugees and internally displaced persons to return and a visible commitment for regional cooperation.”<sup>38</sup>

The regional cooperation as a basic strategy for the establishment of the EU itself was expected approach for the countries of the Central and Eastern Europe. Yet, the regional cooperation as a main tool for establishing democratic stability, economic prosperity and social development was seen as a compulsory pre-condition for the EU membership only for the countries of the Western Balkan.<sup>39</sup> Stabilization and integration of the post-conflict region of the Western Balkans was perceived to be possible via reinforce regional cooperation both on bilateral and multilateral regional frameworks that included participation in regional initiatives “within the Western Balkans or the wider South-East European framework.”<sup>40</sup>

The regional cooperation has been oriented towards addressing the political, economic and security challenges among the Western Balkans in terms of establishing good political relations and promoting political dialogue for mutual trust including strengthening the economic cooperation in the areas of energy, trade and transport infrastructure and environment. Moreover, a significant aspect of the regional cooperation refers to the security challenges in terms of “fight corruption and trans-national organised crime, which prevents legitimate economic growth and undermines democratic rule of law and democratic stability in the region.”<sup>41</sup>

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<sup>38</sup> Vachudova, *Europe Undivided*, 252.

<sup>39</sup> European Commission, *Regional Cooperation in the Western Balkans: A Policy Priority for the European Union*, (Luxembourg: Office for Official Publications of the European Communities, 2006), accessed May 10, 2015 [http://ec.europa.eu/enlargement/pdf/nf5703249enc\\_web\\_en.pdf](http://ec.europa.eu/enlargement/pdf/nf5703249enc_web_en.pdf).

<sup>40</sup> Michael Weichert et al, *Dialogues: Ownership for Regional Cooperation in the Western Balkan Countries* (Friedrich Ebert Stiftung, June 2009), accessed May 25, 2015, <http://library.fes.de/pdf-files/bueros/sarajevo/06609.pdf>.

<sup>41</sup> European Commission, *Regional Cooperation in the Western Balkans*.

The countries were encouraged by the EU to embrace the regional cooperation approach or face “self-isolation.”<sup>42</sup> Many externally-driven broader regional forums were established to promote regional cooperation in various fields such as the Stability Pact for South Eastern Europe (later officially terminated with the establishment of the Regional Cooperation Council (RCC)), the South East European Cooperation Initiative (SECI), the South East European Cooperation Process (SEECp), Central European Initiative (CEI) as well as the Adriatic Ionian Initiative (AII).<sup>43</sup>

Yet, the capacities of the Western Balkans to establish real regional cooperation usually are contested because of the fragile milieu of the bilateral and multilateral relations. The existence of many regional initiatives that are concerning the Western Balkans with related objectives can be seen problematic for the regional cooperation as well.<sup>44</sup>

Furthermore, according to Thessaloniki Agenda at the 2003 European Union – Western Balkans Summit held in Thessaloniki, it was confirmed that “the future of the Balkans is within the European Union.”<sup>45</sup> That gave the credibility of membership perspective for the Western Balkans and encouragement for the painful process of democratic transformation and reconciliation. According to a policy paper published in May 2014 the “political commitment taken by EU heads of state and government—together with those of the Western Balkans—was a clear promise. It provided for a strong incentive for the societies of the Balkans by the EU and seemed to entail the promise that the future of the region will be stable, prosperous, and within the EU. More than a decade later, the promise is still unfulfilled. Of the seven countries of the Western Balkans, only one, Croatia, succeeded

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<sup>42</sup> Weichert et al, *Dialogues*, 58

<sup>43</sup> Simona Mameli, “Regional Cooperation in Western Balkans in Times of Political and Economical Uncertainty,” *PECOB's Papers series*, (February 2011), accessed May 9, 2015, <http://www.pecob.eu/flex/cm/pages/ServeBLOB.php/L/EN/IDPagina/2961>

<sup>44</sup> ICDT, *Sharing the Experiences of Visegrad Cooperation in the Western Balkans and the Eastern Neighbourhood Countries: Project Preparatory Study* (International Centre for Democratic Transition, 2010), accessed May 25, 2015, <http://www.icdt.hu/documents/publications/GUAM-Project-Preparatory-Study.pdf>.

<sup>45</sup> Thessaloniki Declaration, 21 June 2003, accessed May 11, 2015, [http://eeas.europa.eu/western\\_balkans/index\\_en.htm](http://eeas.europa.eu/western_balkans/index_en.htm).

in joining.”<sup>46</sup> Moreover, Michael Merlingen argues that the EU promise for membership was a “moral obligation” that aimed to address the disappointment of EU to prevent the war conflicts after the dissolution of Yugoslavia.<sup>47</sup>

On their road to the European integration the Western Balkans, despite of the technical and financial assistance, had received free access to the EU market for export goods and visa-free travel to the EU for their citizens as an intermediary rewards that aimed to maintain the membership perspective for the Western Balkan countries since its credibility is being questioned.

From this point on as Soeren Keil notes that “the challenge for the region is no longer about peace-building but about a process of preparation for membership in European structures.”<sup>48</sup> The Western Balkans in the political sense has been seen as a whole, yet, today there is a difference among the countries in the Western Balkan with regard to preparatory stages of the accession process, as the EU officials argue according to the merit-based evaluation. Macedonia (2005), Montenegro (2010), Serbia (2012) and Albania (2014) are candidate countries for the EU membership, two of which, Serbia (January 2014) and Montenegro (June 2012) have already started the accession negotiations whereas Bosnia and Herzegovina and Kosovo are potential candidates for the EU membership.

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<sup>46</sup> Policy Paper, *Balkans in Europe Policy Advisory Group: The Unfulfilled Promise: Completing the Balkan Enlargement* (Center for Southeast Studies, May 2014), accessed May 25, 2015, [http://www.suedosteuropa.uni-graz.at/sites/default/files/article\\_attach/Policy%20Paper%20Completing%20Enlargement.pdf](http://www.suedosteuropa.uni-graz.at/sites/default/files/article_attach/Policy%20Paper%20Completing%20Enlargement.pdf).

<sup>47</sup> Michael Merlingen, “The CSDP in the Western Balkans: From Experimental Pilot to Security Governance,” in *The Routledge handbook of European security*, edited by Sven Biscop and Richard G. Whitman, (London; New York: Routledge, 2013), 147.

<sup>48</sup> Soeren Keil, “Europeanization, State-Building and Democratization in the Western Balkans,” *Nationalities Papers: The Journal of Nationalism and Ethnicity*, 41, no. 3 (2013): 343-354, accessed May 11, 2015, <http://www.tandfonline.com/action/showCitFormats?doi=10.1080/00905992.2013.768977>

### 1.1.3 The pre-accession process of the Western Balkans

The pre-accession process of the Western Balkan countries is continuation of the pre-accession process which was established during the 1990s for the countries of the Central and Eastern Europe since the EU decided to open the door to the eastern enlargement. At the same time, in this period the EU in its external relations has established the instrument of conditionality as one of the mechanism of Europeanization on the non-member state.<sup>49</sup> Milada Vachudova explains that EU “has adopted a roughly merit-based approach to enlargement: an applicant’s place in the membership queue has corresponded to the progress it has made toward fulfilling the EU’s requirements. All of the candidates are subject to the same requirements and are evaluated in a manner that has proved to be more or less based on merit.”<sup>50</sup>

According to Antoaneta Dimitrova “enlargement is explicitly defined by the EU and accepted by the candidates as an ‘asymmetrical process’ of taking over the rules of a club.”<sup>51</sup> According to the EU officials the assessment of the potential and candidate countries in the pre-accession process is based on merit as well as on the threat of exclusion of the defined stages of the accession process if the country does not comply with the EU requirements. The European Commission monitors the progress made by the countries each year and publishes Annual Progress Reports in autumn. This event attracts the attention of the domestic political elites and the media in the candidate countries.

Formal recognition of the efforts done by the potential candidate for the EU membership on the road to the European integration is given by granting a candidate status which at the same time means that the country is preparing for opening the negotiations. The decision for opening

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<sup>49</sup> Frank Schimmelfennig, “Europeanization Beyond Europe,” *Living Reviews in European Governance*, 7, no. 1 (2012), accessed May 5, 2015, <http://www.livingreviews.org/lreg-2012-1>.

<sup>50</sup> Vachudova, *Europe Undivided*, 112.

<sup>51</sup> Antoaneta L. Dimitrova, *Driven to Change: The European Union's Enlargement Viewed from the East*, ed. Antoaneta L. Dimitrova (New York: Manchester University Press, 2004), 8.

membership negotiations is unanimous by the EU Council, which means that all EU governments have agreed upon it. Nevertheless, it is important to emphasize that the EU enlargement is a complex process most usually overshadowed by many tensions, political power struggles, bargaining, imbalances and imperfections.

The negotiations for EU membership take place between the European Union and the candidate country in relation to the EU acquis which is divided in different policy fields or 35 Chapters and take place at the platform which is called intergovernmental conference. These Chapters are focusing on the various areas that need to be negotiated such as free movement of goods, workers and capital, right of establishment and freedom to provide services, public procurement, company and intellectual property law, competition policy, financial services, information society and media, agriculture and rural development, food safety, veterinary and phytosanitary policy, fisheries, transport policy, energy, taxation, economic and monetary policy, statistics, social policy and employment, enterprise and industrial policy, trans-European networks, regional policy and coordination of structural instruments, judiciary, fundamental rights as well as justice, freedom and security, science and research, education and culture, environment, consumer and health protection, customs union, external relations, foreign, security and defence policy, financial control, financial and budgetary provisions, institutions and other issues.<sup>52</sup>

The extensive and widespread issues that need to be addressed in the negotiation process imply that the country should negotiate over its national sovereignty on domestic issues and depart from previously established practices in various areas and implement new practices. The complexity of the whole process of negotiation is overwhelming and huge, especially for countries with low administrative capacities and weak institutions. The whole process refers to a project of state

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<sup>52</sup> European Commission, “European Neighbourhood Policy and Enlargement Negotiations,” June 27, 2013, accessed May 10, 2015, [http://ec.europa.eu/enlargement/policy/conditions-membership/chapters-of-the-acquis/index\\_en.htm](http://ec.europa.eu/enlargement/policy/conditions-membership/chapters-of-the-acquis/index_en.htm)

reformation that is usually externally driven and therefore even more demanding and time-consuming for the domestic actors. There is no specific time framework that should be met in advance as the pace of the membership negotiations according to the EU official claims depends on the country's speed of reform and alignment with the EU law.

A process of "screening" precedes the opening of the negotiations, which means that the European Commission is examining how well the country is prepared so far i.e. "Commission scrutinizes to what extent the legislative norms and standards of the EU's *acquis* have already been adopted by the candidate states. The negotiations then pertain to whether the *acquis* has been implemented, or how and in what time frame it will be implemented in the future."<sup>53</sup> Moreover, the implementation of the EU's *acquis* starts with the adoption of the *acquis* by the national parliaments of the candidate country, but more important is the actual implementation by the state administration which requires strong institutions and the existence "for regulatory and legal oversight to ensure compliance, including redress to the legal system."<sup>54</sup>

It is important to underline that the European Union sets the fulfilment of the Copenhagen political criteria as a key condition for opening the membership negotiations with the candidate country and the process of enlargement can take place only when the EU governments make political decision to conclude the negotiations and sign the treaties that afterward shall be ratified by all EU member states.

The political decision for enlargement can take place after the assessments of implementation of the *acquis* as this allows the country to assume the membership responsibilities and function as member of the EU and more important after the positive assessment of the fulfilment of the Copenhagen criteria. Additionally, in the case of the countries of the Western Balkans a positive

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<sup>53</sup> Vachudova, *Europe Undivided*, 124.

<sup>54</sup> Ibid.



assessment of fulfilling the special conditions determined by the Stabilization and Association Process (SAP) is required.

The pre-accession process for the Western Balkan countries described above was more or less in line with the pre-accession process for the countries of the Central and Eastern Europe. However, after the accession of Croatia in 2013 the EU has formally introduced a new approach of negotiation in relation to the areas of rule of law and economic governance.

#### 1.1.4 The new approach in the negotiations

The European Union has introduced a new approach in the negotiations with the candidate countries for membership after the accession of Croatia in 2013. “Combination of anxieties related to institutional, political and economic pressures inside the Union, as well as to daunting regional and country specific issues in the Balkans, led to a more complex mosaic of EU demands on the Balkan countries, and to a more exacting method of applying the enhanced membership conditionality.”<sup>55</sup>

Moreover, this new approach is based on the experiences gathered from the previous enlargements of the EU and especially with the latest negotiation process with Croatia, Bulgaria and Romania. According to Elbasani “the EU’s ‘new approach’ has transformed the standard policy of enlargement which has been applied to the candidates in Central and Eastern Europe. The tools of enlargement [...] reflect the growing concerns with the difficult, multi-layered, post-communist, post-conflict and post-nationalist transformation across the Balkans.”<sup>56</sup>

<sup>55</sup> Policy Paper, *Balkans in Europe Policy Advisory Group: The Unfulfilled Promise: Completing the Balkan Enlargement* (Center for Southeast Studies, May 2014), accessed May 25, 2015, [http://www.suedosteuropa.uni-graz.at/sites/default/files/article\\_attach/Policy%20Paper%20Completing%20Enlargement.pdf](http://www.suedosteuropa.uni-graz.at/sites/default/files/article_attach/Policy%20Paper%20Completing%20Enlargement.pdf).

<sup>56</sup> Arolda Elbasani, “EU’s ‘new Approach’, Democratization and the Problem of Stateness in the WB,” *Balkans in Europe Policy Blog*, June 17, 2014, accessed May 25, 2015, <http://www.suedosteuropa.uni-graz.at/biepag/node/80>.

The new approach in the negotiations is more demanding and more challenging for the countries. Besides the focus on the economic governance, the candidate country is required to open negotiations in Chapter 23: Judiciary and fundamental rights and Chapter 24: Justice, freedom and security at the beginning of the negotiating process and close them at the end of the accession process. Furthermore, every delay in fulfilment of obligations in these two chapters, can affect the pace of negotiations in other chapters. The progress of negotiations in other negotiating chapters depends on implementation of European standards in this area, whereas this was not the case in the previous accession talks and enlargements rounds.

The rule of law is recognized as the key area in the process of negotiation with the European Union since this was one of the major lessons from the previous enlargement rounds. It was recognized by the EU that it should deal with the candidate countries in a way that contributes to the real permanent reforms in the society. As a result, it can be argued that the main goal of the European Union is to make Europeanization in the candidate countries irreversible process that encourage structural changes in their societies.

The EU has recognized the need of addressing the most important reforms early in the negotiation process i.e. the judiciary reforms, fight against corruption and public administration reform. These two Chapters “should be tackled early within the negotiation process in order to allow sufficient time to establish the necessary legislation, institutions and solid track records of implementation before the closure of negotiations.”<sup>57</sup> The important part from the new approach in the negotiations is the introduction of the ‘overall balance’ clause according to which the European Commission can give a proposal to stop opening or closing other Chapters in case there is significant

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<sup>57</sup> “Canton Sarajevo,” accessed May 11, 2015, <http://www.kanton-sarajevo.eu/en/c2-kanton-sarajevo-representation-to-eu-news/montenegro-and-the-perspectives-of-the-western-balkan-in-the-eu/>.

lagging behind in the progress under the Chapter 23 and Chapter 24 in the overall process of negotiations.

Moreover, “the Union has tightened its oversight and refined its ‘enforcement toolkit’, becoming more rigorous in the way it applies its improved conditionality. New mechanisms were introduced, for instance: opening, intermediary, equilibrium, and closing benchmarks; safeguard clauses to extend monitoring; more routing procedures to suspend negotiations; early screening processes and the strict requirement for the Balkan countries to demonstrate that they are able to implement the policies adopted.”<sup>58</sup>

The new approach is intended to tackle any stalemates in the rule adoption and reforms in the delicate and complex areas such as the rule of law, fight against corruption, judiciary, and fundamental rights. Moreover, the new approach is expected to minimize the reluctance of the candidate countries of the Western Balkan to address the organized crime and corruption which are seen as the main obstacle for the democratic stability and economic development.

## 1.2 The altered enlargement context

The assessment of the EU enlargement is various and depending by large on the time context. One decade ago it was seen as a story of triumph that induced transformation and reforms for consolidating democracies and market economies towards East. In the same way, the President of the European Commission Jean-Claude Juncker recognizes the enlargement as a great accomplishment which promotes prosperity and peace in the European continent.<sup>59</sup> However, as John O’ Brennan in

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<sup>58</sup> Policy Paper, *Balkans in Europe Policy Advisory Group: The Unfulfilled Promise: Completing the Balkan Enlargement* (Center for Southeast Studies, May 2014), accessed May 25, 2015, [http://www.suedosteuropa.uni-graz.at/sites/default/files/article\\_attach/Policy%20Paper%20Completing%20Enlargement.pdf](http://www.suedosteuropa.uni-graz.at/sites/default/files/article_attach/Policy%20Paper%20Completing%20Enlargement.pdf).

<sup>59</sup> Opening Statement, Jean-Claude Juncker, 15 July 2014, European Parliament, Strasbourg.

his article from 2014 notes that “despite the fact that more than three quarters of the EU Member States are now former ‘enlargement’ countries and that expansion is frequently depicted as the key tool in the Union’s foreign policy armoury, enlargement is no longer narrated as a success story for the European Union.”<sup>60</sup>

After 2004 (Cyprus, Malta, Czech Republic, Hungary, Poland, Slovakia, Slovenia, Lithuania, Latvia, Estonia), 2007 (Bulgaria and Romania) and 2013 (Croatia) enlargements rounds of the EU, it seems that there is a need for revisiting the concept of enlargement of the European Union. According to Peter Balázs the enlargement rounds in 2004 and 2007 had brought new challenges for the EU in terms of sustainable economic development, complexity in the decision-making process and diversity in the political and economic backdrop of the EU.<sup>61</sup> It was at that point when the first warning signs of the ‘enlargement fatigue’ have appeared in the EU political scene and become even more common in the official statements of the EU bureaucrats as well as among the political leaders of the ‘old’ member states.<sup>62</sup> On the other hand, the 2008 economic and financial crisis enforced the European Union to focus on the economic growth and sustainable economic development within its borders.

According to Peter Balázs, in the future enlargements it is expected that the “progress will depend on two main conditions: the unanimous willingness of the EU member states to carry out the enlargement process with individual candidates (or with groups of countries), on the one hand, and the ability and the political will of the applicant countries to maintain their applications and to comply with the demanding norms of the EU, on the other hand.”<sup>63</sup> Having in mind that today the European Union has 28 member states, “unanimity could be even more difficult to achieve and national options

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<sup>60</sup> John O’Brennan, “On the Slow Train to Nowhere?’ the European Union, ‘enlargement Fatigue’ and the Western Balkans,” *European Foreign Affairs Review* 19 (special 2014): 221-41, accessed May 20, 2015, <http://www.kluwerlawonline.com/EERR2014011>.

<sup>61</sup> Peter Balázs, “Enlargement conditionality of the European Union and future prospects,” in *The European Union in the world: Essays in honour of Marc Marescau*, ed. Inge Govaere et al. (Martinus Nijhoff Publishers, 2013), 537.

<sup>62</sup> Ibid.

<sup>63</sup> Peter Balázs, “EU 36: The Impact of Enlargements on Institutions,” in *A European Union with 36 Members? Perspectives and Risks*, ed. Peter Balázs, (Centre for EU enlargement studies, 2014), 227-255.

more divergent than in the past.”<sup>64</sup> Equally important, according to Vachudova the “the process of entering the EU entails a greater transformation of domestic policy-making and greater pooling of sovereignty than entering any other international organization in the world.”<sup>65</sup>

The current EU enlargement policy is based on the lessons learned from the previous enlargements as well as the strengthened will and the interest of the European Union that the countries which are to become members of the EU to be adequately prepared for assuming the membership responsibilities in terms of rule harmonization, strong institutions and administrative capacities. In order to avoid any faults made with regard to the previous enlargements and any inconsistencies with the EU requirements, the interest of the European Union is to ensure that the future new member states will be fully reformed and transformed in a European and democratic sense before they become full members of the European Union. Moreover, the “enlargement involves costly, long-term negotiations and preparations and a restructuring of EU institutions and policies.”<sup>66</sup>

Namely, various concerns within the EU resulted in a major shift from the future enlargement of the European Union to consolidating the institutional and domestic problems and issues, on one hand, and making the conditions for the future EU members more strict by introducing new approach for negotiations, which is more demanding and difficult for the prospect members, on the other hand.

As a result, statements of the EU officials as the one of the current President of the European Commission Jean-Claude Juncker found their ground in the political discourse with regard to the future prospects of EU enlargement:

“When it comes to enlargement, I fully recognise that this has been an **historic success that brought peace and stability to our continent**. However, the Union and our citizens now need to digest the addition of 13 Member States in the past ten years. **The EU needs to take a break from enlargement so that we can**

<sup>64</sup> Balázs, “Enlargement conditionality of the European Union and future prospects.”

<sup>65</sup> Milada Anna Vachudová, *Europe Undivided: Democracy, Leverage, and Integration After Communism* (Oxford: Oxford University Press, 2005), 7.

<sup>66</sup> Frank Shimmelfennig and Ulrich Sedelmeier, “Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe,” *Journal of European Public Policy* 11, no. 4 (August 2004): 661, accessed May 5, 2015, <http://dx.doi.org/10.1080/1350176042000248089>.

**consolidate what has been achieved among the 28.** This is why, under my Presidency of the Commission, ongoing negotiations will continue, and notably the Western Balkans will need to keep a European perspective, but no further enlargement will take place over the next five years...[...]...However, the negotiations will be continued and other European nations and **European countries need a credible and honest European perspective. This applies especially to the Western Balkans. This tragic European region needs a European perspective. Otherwise the old demons of the past will reawaken.**

<sup>67</sup>[Emphasis added]

With reference to the abovementioned quotation from the Opening Statement of the at that time incoming president of the European Commission Jean-Claude Juncker in the European Parliament on 15 July 2014, which reflects and shapes the European discourse of the future enlargement of the European Union after the last enlargement that took place in 2013 with the accession of Croatia in the European Union, it is noticeable that in the European political discourse the vague term of *‘European perspective’* for Western Balkan countries still remains an essential one and that there is still not clear membership commitment from the European Union for the countries of the Western Balkan.

Similarly, Mustafa Türkes and Goksu Gokqor in their article “The European Union’s strategies towards the Western Balkans: Exclusion or Integration” argue that the strategies of the EU towards the Western Balkan region is “not exclusion, nor rapid integration”<sup>68</sup>, which it can be concluded that is in the scope of European perspective and membership perspective without clear commitment for enlargement. Croatia was the only country from the Western Balkans that was perceived to be ready for EU membership. Moreover, “after the Croatian accession to the EU, the

<sup>67</sup> Opening Statement, Jean-Claude Juncker, 15 July 2014, European Parliament, Strasbourg, accessed May 15, 2015, <http://www.eesc.europa.eu/resources/docs/jean-claude-juncker---political-guidelines.pdf>.

<sup>68</sup> Mustafa Türkes and Göksu Gökgöz, “The European Union’s Strategies Towards the Western Balkans: Exclusion or Integration,” *East European Politics and Societies* 20, no. 4 (November 2006): 659-690, 10.1177/0888325406293289.

enlargement perspectives for the rest of the Western Balkans are remote and there is a real risk that EU enlargement may be stalled.”<sup>69</sup>

This situation within the EU in relation to the EU enlargement is foregrounded in the growing skepticism among the citizens of the European Union with regard to the further enlargements of the Union. According to the opinion polls conducted in the spring of 2013, the “European citizens continue to be largely opposed to further enlargement of the EU: 53% (+1 percentage point) of Europeans are “against” this policy, while 37% (-1) are in favour of it and 10% (=) expressed no opinion.”<sup>70</sup> The same trend continues in 2014 as well since “despite a slight dip in the intensity of their opposition, Europeans remain predominantly against further enlargement of the EU to include other countries in future years (49%, -3 percentage points, versus 37%, unchanged). 14% (+3) of Europeans did not express an opinion.”<sup>71</sup>

The growing skepticism is resulting from the fear among the citizens that the further enlargement will introduce social instability and import immigration that can endanger national labor markets. Without the support of the EU citizens the prospects for future enlargements are more under threat. According to the present moment it is obvious that the “new candidates for membership face more uncertainty and higher hurdles than previous applicants. These developments are likely to reduce the credibility of the membership perspective on which the effectiveness of EU political conditionality has been based in the past.”<sup>72</sup> These reasons underpin the present reluctance of the European Union for enlargement.

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<sup>69</sup> Policy Paper, *Balkans in Europe Policy Advisory Group: The Unfulfilled Promise: Completing the Balkan Enlargement* (Center for Southeast Studies, May 2014), accessed May 25, 2015, [http://www.suedosteuropa.uni-graz.at/sites/default/files/article\\_attach/Policy%20Paper%20Completing%20Enlargement.pdf](http://www.suedosteuropa.uni-graz.at/sites/default/files/article_attach/Policy%20Paper%20Completing%20Enlargement.pdf).

<sup>70</sup> *Public Opinion in the European Union: Standard Eurobarometer 79* (European Commission, Spring 2013), accessed May 20, 2015, [http://ec.europa.eu/public\\_opinion/archives/eb/eb79/eb79\\_publ\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb79/eb79_publ_en.pdf)

<sup>71</sup> *Public Opinion in the European Union: Standard Eurobarometer 81* (European Commission, Autumn 2013), accessed May 20, 2015, [http://ec.europa.eu/public\\_opinion/archives/eb/eb81/eb81\\_publ\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb81/eb81_publ_en.pdf)

<sup>72</sup> Frank Schimmelfennig, “EU Political Accession Conditionality After the 2004 Enlargement: Consistency and Effectiveness,” *Journal of European Public Policy* 15, no. 6 (2008): 918-937, 10.1080/13501760802196861.

## Chapter II: The concept of Europeanization

The purpose of this chapter is to introduce the concept of Europeanization of the candidate countries. Moreover, the aim is to review the literature on the Europeanization of the Western Balkan countries. Several studies have revealed that the process of Europeanization in these countries is limited on one hand because of the domestic constraints within the Western Balkans, and the EU approach towards these countries, on the other hand.

### 2.1 The Europeanization of the candidate countries

This Section describes the emergence of the study of Europeanization of the candidate countries in line with the pre-accession process of the Central and Eastern European countries and explains the main findings of the literature of the Europeanization of the candidate countries.

#### 2.1.1 The emergence of the study of Europeanization of the candidate countries

The study of Europeanization of the candidate countries for EU membership that emerged intensely after early 2000s was developed mainly in the context of the EU's eastern enlargement with regard to the countries from Central and Eastern Europe. The research emerged as a result of the need to explain the changes that EU introduced in line with the decision for opening the door for eastern enlargement that made the process of enlargement more complex and difficult for the candidate countries. After the political change of 1989-1991 these countries expressed their interest to join the European Union. As a result during the 1990s EU has used deliberate policies in the external relations with the non-member states to encourage an alignment with the EU norms and rules



mainly towards the post-communist countries of the Central and Eastern Europe.<sup>73</sup> Moreover, one of efforts put forward by the EU scholarship was in finding out what motivated and enabled countries that were eager to become members of the EU to adopt EU rules and comply with the EU conditions on one hand, or what held them back in their attempts to restructure their institutions, administrations, economies according to the EU standards and norms, on the other hand.

Additionally, because of the various studies that were focusing only on the Europeanization of the Central and Eastern countries this research has emerged as a sub-field of the study of Europeanization focusing on the Europeanization of the candidate countries that is distinctive and coherent with its own characteristics used for explaining the EU's impact of these post-communist countries. This at the same time presents one of the limitations in the literature on the Europeanization of candidate country since “one of the more obvious gaps is the almost exclusive focus on applicants from the eastern enlargement in which the research agenda on candidate country Europeanization has developed.”<sup>74</sup>

### 2.1.2 The main findings of the Europeanization of the candidate countries

The countries of Central and Eastern Europe were at different phases in their transformation towards liberal democracies and free market economies as well as they were not in a position to easily “download” the EU's acquis. According to the Ulrich Sedermeier “the adaptational pressures for the CEECs were far higher: the legacy of post-communism created high adjustment costs, and the main rationale for adopting the acquis was the benefits of full EU membership rather than the intrinsic benefits of EU models in the various policy areas. Moreover, only in the context of the CEECs did

<sup>73</sup> EU used deliberated policies towards the countries that were members of the European Free Trade Association (EFTA).

<sup>74</sup> Ulrich Sedelmeier, “Europeanisation in New Member and Candidate States,” *Living Reviews in European Governance* 6, no. 1 (2011): 30, accessed May 12, 2015, <http://www.livingreviews.org/lreg-2011-1>.

the EU spell out, and regularly monitor, an explicit pre-accession conditionality that subsequently became a regular feature of EU enlargement policy for all candidates, including Malta, Cyprus, Turkey, and the countries of South Eastern Europe.”<sup>75</sup>

The mechanisms that EU uses in order to increase its influence on domestic change in the candidate countries varies from the use of conditionality, persuasion and socialisation. In the same train of thought, Sedelmeier concludes that “the most prominent strategy of the EU to influence candidate countries is the use of conditionality: the offer of positive incentives (such as EU membership) as a reward for states who meet the EU’s demands to adopt certain rules.”<sup>76</sup> Moreover, Milada Vachudova identifies “three mechanism that encourage compliance – conditionality, credible commitment and influence on domestic groups.”<sup>77</sup> According to the EU literature with regard to the EU enlargement with the countries of the Central and Eastern Europe the “key condition to the success of EU rule transfer is whether the EU sets its rules as conditions for countries with the credible membership perspective.”<sup>78</sup>

However, it should be pointed out that the existence of the EU conditionality as a strategy used by the EU does not necessary mean that there will be effective transfer of rule in various issue areas or different countries since “there is not necessarily a causal link between the presence of EU conditionality and successful rule transfer in particular issue-areas.”<sup>79</sup> According to the main logic of the political strategy of EU conditionality rules are presented as conditions that the countries which are aspiring for EU membership must fulfill in order to receive the promised rewards that “consist of assistance and institutional ties ranging from trade and co-operation agreements via association

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<sup>75</sup> Sedelmeier, “Europeanisation in new member and candidate states,” 6.

<sup>76</sup> Ibid.

<sup>77</sup> Vachudova, *Europe undivided*, 258

<sup>78</sup> Frank Shimmelfennig and Ulrich Sedelmeier, “Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe,” *Journal of European Public Policy* 11, no. 4 (August 2004): 661, accessed May 5, 2015, <http://dx.doi.org/10.1080/1350176042000248089>.

<sup>79</sup> Shimmelfennig and Sedelmeier, “Governance by conditionality,” 662.

agreements to full membership.”<sup>80</sup> In a case of compliance with the conditions set by the European Union the target country receives the promised reward, whereas in a case of not compliance with the EU conditions the reward is not delivered. Additionally, the successful rule adoption depends from the domestic costs-benefits calculations.

One of the most advanced theoretical approach for explaining Europeanization was introduced by Frank Schimmelfennig and Ulrich Sedelmeier. They interpret the rule adoption according to three models: external incentives model that belongs in the scope of rational explanation and the domestic cost-benefits calculation; social learning model that presents an alternative explanation in the spirit of constructivist interpretation where the actors are driven by their identification with the EU norms, rules and values as well as the recognition of their legitimacy; and lesson-drawing model according to which a non-member state is committed to adoption of EU rules in order to avoid status quo in the accession process.<sup>81</sup> Unlike the internal dimension of governance, “the external dimension is exclusively about the transfer of given EU rules and their adoption by non-member states.”<sup>82</sup>

According to Shimmelfennig and Sedelmeier in their article “Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe”, the external incentives model of governance has the biggest explanatory power for the rule adoption and “its effectiveness varies with the credibility of EU conditionality and the domestic costs of rule adoption.”<sup>83</sup> Additionally, the existence of veto players is recognized as an important variable that can influence the rule adoption.

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<sup>80</sup> Ibid.

<sup>81</sup> Frank Schimmelfennig and Ulrich Sedelmeier, Ulrich, “Introduction: Conceptualizing the Europeanization of Central and Eastern Europe,” in *The Europeanization of Central and Eastern Europe*, (Ithica NJ: Cornell University Press, 2005)

<sup>82</sup> Frank Shimmelfennig and Ulrich Sedelmeier, “Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe,” *Journal of European Public Policy* 11, no. 4 (August 2004): 661, accessed May 5, 2015, <http://dx.doi.org/10.1080/1350176042000248089>.

<sup>83</sup> Ibid.

In simple words, from the current body of the Europeanization literature it is obvious that when the prospects for membership for the EU are ambiguous than the outcome is threefold. The candidate countries are not willing to continue with the compliance in line with EU demands, on one hand and the leverage of the EU's impact on the candidate states is lower, on the other hand. And third, the effectiveness of the mechanism of conditionality that is used for empowering compliance with the EU rules and standards is questioned. This is something that John O' Brennan observes as an 'accession fatigue' that appears on the side of the candidate countries that goes hand in hand with the lack of credible membership perspective and EU enlargement fatigue.<sup>84</sup> As elaborated previously, this is expected to be the case with the Western Balkan countries, whereas was not the case with the countries of the Central and Eastern Europe where the prospect of EU membership was on a high level most probably because of the perception that there is a necessity these countries to "return in Europe."<sup>85</sup>

## 2.2 The prospects of Europeanization of the Western Balkans

Despite of the existence of significant hopes among policy-makers and scholars for repeating the confident success with the Eastern enlargement by promoting Europeanization thought accession conditionality the Western Balkans appeared to be unsuitable for doing so. The accounts for this are various.

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<sup>84</sup> John O' Brennan, "On the Slow Train to Nowhere?' the European Union, 'enlargement Fatigue' and the Western Balkans," *European Foreign Affairs Review* 19 (special 2014): 221-41, accessed May 20, 2015, <http://www.kluwerlawonline.com/EERR2014011>.

<sup>85</sup> Vachudova, *Europe Undivided*, 4.

The literature suggests that the complexities of the Western Balkans by large account for the limited Europeanization,<sup>86</sup> previously elaborated in the first Chapter. For example, Tanja Börzel describes it as “the selected, differential and predominantly shallow Europeanization.”<sup>87</sup> According to the same author, most of the reasons for this are rooted in the limited statehood and weak governance that vary across countries accompanied by lower level of democracy. These factors increase the level of adaptational pressures because of the evident misfit between the European and domestic standards. This also influences the willingness of the domestic governments to comply with the EU demands because of the high compliance costs. Correspondingly, Börzel holds the view that “veto players, norm entrepreneurs or formal and informal institutions affect the willingness of domestic actors to adopt EU norms and rules.”<sup>88</sup>

By the same token, in the latest book published in 2013 “The European Integration and Transformation in the Western Balkans: Europeanization or Business as Usual?” edited by Alorda Elbasani the authors hold the view that limited stateness, on one hand, mitigate the power of transformation imposed by the EU and influence the capacities to adopt EU rules, on the other hand. The understanding of the limited stateness is narrowed to “contestation of state sovereign authority” and “lack of state’s bureaucratic capacities to logistically implement its decisions.”<sup>89</sup> These authors also identified the role of the domestic elites and their strength to reform as well as the historical legacies that hinder Europeanization.

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<sup>86</sup> Iordan Gheorghe Bărbulescu and Miruna Troncotă, “The Ambivalent Role of the EU in the Western Balkans - “Limited Europeanisation” between Formal Promises and Practical Constraints. The Case of Bosnia-Herzegovina,” *Romanian Journal of European Affairs* 12, no. 1 (2012): 5.

<sup>87</sup> Tanja A. Börzel, “When Europeanization Hits Limited Statehood. The Western Balkans as a Test Case for the Transformative Power of Europe,” *KFG Working Paper Series*, No. 30, September 2011, 14.

<sup>88</sup> Börzel, “When Europeanization Hits Limited Statehood,” 8.

<sup>89</sup> Alorda Elbasani, “Europeanization Travels to the Western Balkans: Enlargement Strategy, Domestic Obstacles and Diverging Reforms, in “*The European Integration and Transformation in the Western Balkans: Europeanization or Business as Usual?*”, ed. Alorda Elbasani (Abingdon: Routledge, 2013), 3-22.

Insofar, it can be concluded that what limits the Europeanization is related to the domestic and regional-related contexts against the backdrop of the Central and Eastern European countries.

On the other side of the coin are the factors related with the EU approaches toward these countries. As Milada Vachudova in her book “Europe undivided: democracy, leverage, and integration after communism” argues that “ruling out the possibility that a state can join the EU of course sacrifices the potential benefits of using the EU’s active leverage to influence the domestic politics.”<sup>90</sup> Moreover, Gergana Noutcheva in her article “Fake, partial and imposed compliance: limits of the EU’s normative power in the Western Balkan countries” argues that “EU’s policy in the Western Balkans lacks a strong normative justification, which affects the degree of compliance with the EU’s demands in areas related to state sovereignty [...] when the EU’s policy lacks strong normative foundations, political leaders in non-EU countries tend to reject EU-sponsored ideas about what is right and appropriate for the governance and external relations of their states and tend to revert to domestic sources of legitimacy, no matter whether these are based on rationality or identity.”<sup>91</sup>

Furthermore, Heather Grabbe, in her article “Six Lessons of Enlargement Ten Years on: The EU’s transformative power in Retrospect and Prospect” argues that “political uncertainty has affected the consistency and credibility of the accession process for would-be joiners of the future. As a result, the prospect for transformative power in the Balkans are much dimmer than they were for the post-communist Europe.”<sup>92</sup> The same author, when talking about the European Union policy towards the Balkans emphasized the fact that for significant transformative effects in the Balkans, EU should be

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<sup>90</sup> Vachudova, *Europe undivided*.

<sup>91</sup> Gergana Noutcheva, “Fake, Partial and Imposed Compliance: The Limits of the Eu's Normative Power in the Western Balkans,” *Journal of European Public Policy* 16, no. 7 (2009): 1065-1084, accessed May 26, 2015, <http://dx.doi.org/10.1080/13501760903226872>.

<sup>92</sup> Heather Grabbe, “Six Lessons of Enlargement Ten Years On: The EU's Transformative Power in Retrospect and Prospect,” *Journal of Common Market Studies* 52 (2014): 40-56, accessed May 11, 2015, <http://dx.doi.org/10.1111/jcms.12174>.

“more consistent in its demands and creditable in the promise of membership.”<sup>93</sup> This can be regarded as an important factor that hinders the Europeanization in the Western Balkans.

As observed, most of the literature of the Europeanization of the candidate countries suggests that there are various reasons that hinder the Europeanization or produce limited Europeanization in the Western Balkans, in relation to the domestic factors, on one hand and the EU approaches and strategies towards the Western Balkans, on the other hand. The interplay between these two sides of the same coin makes the Europeanization even more uncomfortable and painful. Yet, not only because of the evident misfit and different legacies, but because of the various uncertainties with the whole process of EU enlargement with the Western Balkans. Thus far, it is no surprise that it takes more time to replicate the process of the successful East enlargement previously achieved.

On the other hand, Othon Anastasakis avoids to draw strict line between the Central and Eastern European countries and the Western Balkans that account for differences in the Europeanization. He argues that “by and large, the defining characteristics of the Europeanization process in South East Europe are similar to those in Central and Eastern Europe. What differentiates the South East European experience is the weaker position of the region *vis-a-vis* the international community — the more blatant nature of EU intervention and the complexity and diversity of the Europeanization agenda.”<sup>94</sup>

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<sup>93</sup> Ibid.

<sup>94</sup> Othon Anastasakis, “The Europeanization of the Balkans,” *Brown Journal of World Affairs* 12 (2005): 77-88.

## Chapter III: Montenegro

This Chapter discusses Montenegro. It explains the road of the country towards the European Union and the Europeanization. This chapter is introduced after explaining the road of the Western Balkans as a whole towards EU membership and the introduction of the literature of the Europeanization of the Western Balkans since the country has to be contextualized within the Western Balkans for understanding what drives Montenegro on this path.

### 3.1 Montenegro on the road to the European Integration

Montenegro has its place within the Western Balkans. By the size of its territory and in terms of population Montenegro is one of the smallest countries in Europe.<sup>95</sup> After successful referendum for independence that was held in May 2006 in which 55.5 percent voted in favor of independence, Montenegro has declared its independence from the State Union of Serbia and Montenegro in June the same year. By that the country avoid the pattern of violent dissolution that appeared to be inherent feature of the Western Balkans. Already in October 2007 the country made the first significant step towards European Union by signing the Agreement for Stability and Association that opened its road to the EU membership.

The Government coalition<sup>96</sup> led by the Montenegrin Prime Minister Milo Djukonović, has set the EU membership as a top priority in the Montenegro's Foreign Policy. As observed in the empirical data there is overall consensus among the political elites and full support for the European

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<sup>95</sup> The territory of the country is 13,452 sq km and the total number of its population is 650,036 (July 2014 est.) among Montenegrin 45%, Serbian 28.7%, Bosniak 8.7%, Albanian 4.9%, Muslim 3.3%, Roma 1%, Croat 1%, other 2.6%, unspecified 4.9% (2011 est.). <https://www.cia.gov/library/publications/the-world-factbook/geos/mj.html>.

<sup>96</sup> The current Government was formed in December 2012.



Integration from the entire political scene in Montenegro. In the words of the Deputy Prime Minister and Minister for Foreign Affairs and European Integration of Montenegro Igor Lukšić there is an absolute consensus among the political elites when it comes to the European integration. All the political parties in the Parliament of Montenegro, no matter whether they belong to the ruling coalition or they are part of the opposition, support the idea of Montenegro as a member of the European Union.<sup>97</sup> Another observation indicates that Montenegro does not have open political issues and bilateral disputes with the neighbouring countries from the Western Balkans.<sup>98</sup>

A formal recognition of the efforts put forward on the path to the European Integration was made in December 2010 by the decision of the European Council to grant Montenegro a candidate status for the EU membership. It was the same year when according to the Freedom House Index Montenegro has moved from previously ranked as “partly free” to “free” country. As stated by the Freedom House “Montenegro’s civil liberties rating improved from 3 to 2 and its status from Partly Free to Free due to the successful organization of parliamentary elections in March, progress in adopting anticorruption legislation, and an overall stabilization of country conditions.”<sup>99</sup>

After two years at the EU – Montenegro Intergovernmental Conference in Brussels in June 2012 the country officially started the accession negotiation talks with the EU. Montenegro is the only country that currently is negotiating under the new approach in the negotiations focusing on economic governance and rule of law. As a result, the Rule of Law Council was established in order to monitor the implementation of the Action Plans with regard to the Chapters 23 and 24 as well as other rule of law related issues.<sup>100</sup>

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<sup>97</sup> Interview#1, e-mail message to author, May 19, 2015, (translated by the author).

<sup>98</sup> Recognition of Montenegro that good neighbourly relations/regional cooperation remain the backbone of the accession efforts and overall EU position toward Montenegro and Western Balkans in general – opinion from survey.

<sup>99</sup> “Freedom House,” accessed May 23, 2015, <https://freedomhouse.org/report/freedom-world/2008/montenegro#.VWMqrbntmko>.

<sup>100</sup> “European Commission,” accessed May 19, 2015, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-montenegro-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-montenegro-progress-report_en.pdf).

The country currently is negotiating 33 Chapters since the last two -- the Chapter 33: Institutions and the Chapter 35: Other issues are negotiated just at the end of the process. In December 2013 the country officially launched five Chapters, including Chapter 5: Public procurement, Chapter 6: Company law, Chapter 20: Enterprise and industrial policy, Chapter 23: Judiciary and fundamental rights, Chapter 24: Justice, freedom and security. During 2014 Montenegro managed to open Chapter 7: Intellectual property law, and Chapter 10: Information society and media, Chapter 4: Free movements of capital, Chapter 31: Foreign, security and defense policy, Chapter 32: Financial control as well as Chapter 18: Statistics, Chapter 28: Consumer and health protection, Chapter 29: Customs union and Chapter 33: Financial and budgetary provisions. In 2015 Montenegro has opened two more: Chapter 8: Taxation and Chapter 30: External relations. Until now Montenegro has opened 18 Chapters, among which Chapter 25: Science and research and Chapter 26: Education and culture are provisionally closed.<sup>101</sup> In sum, the number of the opened Chapters, ‘pays lip service’ to the dedication of the country to fulfil the conditions for EU membership.

According to the Chief Negotiator and State Secretary for European Integration at the Foreign Ministry Ambassador Aleksandar A. Pejović Montenegro expects to get a positive signal to open some other Chapters by the end of 2015.<sup>102</sup> He also emphasized that the country had completed the legislative framework in significant number of areas through adoption of great number of laws, secondary legislation, strategies and action plans and that the focus was put on the implementation with strengthening the administrative capacities.<sup>103</sup>

Moreover, as emphasized by the Director General for European Integration at the Ministry for Foreign Affairs and European Integration of Montenegro Snezana Radović in March 2014 the

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<sup>101</sup> Opening of 18 negotiation chapters in two and a half years since the beginning of the negotiations speaks of inclusiveness of the process, reflecting the participation of numerous stakeholders – adding additional quality to its stratification and efficiency as well as the maturing understanding at the level of legislative and executive power that the integration is a joint effort for the benefit of the whole society – opinion from the survey.

<sup>102</sup> Interview#2, e-mail message to author, May 25, 2015.

<sup>103</sup> Ibid.

Government adopted Strategy for informing the public on the accession process of Montenegro to the European Union with a view to increase transparency and further familiarize the citizens of Montenegro with the integration process in which preparation the relevant representatives of the civil sector were also involved.<sup>104</sup> The negotiation working groups have around 1300 members, among which less than 1/3 come from the civil society.”<sup>105</sup> According to the European Commission Montenegro presents a positive example of “broad-based participation in the accession process [...] maximum transparency in handling the relevant documents.”<sup>106</sup> Similarly, the empirical data show that there is a wide social consensus regarding the process of EU integration.<sup>107</sup>

The Montenegro’s efforts on the road towards the EU integration are recognized by the EU officials as well. As stated by Jean-Eric Paquet<sup>108</sup> Montenegro is making continuous progress in the accession negotiations and presents a frontrunner in the European integration among the countries from the Western Balkan.<sup>109</sup> Likewise, during the visit of the Montenegrin Prime Minister Djukanović to Brussels in April 2015 the president of the European Commission Jean-Claude Juncker stated that the European Commission was impressed by the progress of Montenegro in the process of European integration in regard to the economic governance and stability of the public finances as well as the rule of law and freedom of media.<sup>110</sup>

The opening of negotiating Chapters speaks for the progress of the accession countries, even though it is not the only indicator. One of the most important indicators is converting the

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<sup>104</sup> Interview#3, e-mail message to author, May 20, 2015.

<sup>105</sup> Survey, May 20, 2015.

<sup>106</sup> European Commission, accessed May 15, 2015, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2013/package/strategy\\_paper\\_2013\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/strategy_paper_2013_en.pdf)

<sup>107</sup> Public support to the integration process and involvement of all relevant stakeholders to the extent possible as well as intensive awareness raising activity performed in the framework of the integration process – opinion from the survey.

<sup>108</sup> Director for Western Balkans at the Directorate-General for European Neighbourhood Policy and Enlargement Negotiations (DG NEAR).

<sup>109</sup> “Crna Gora,” February 11, 2015, accessed May 22, 2015, <http://crna.gora.me/vijesti/politika/crna-gora-predvodnik-u-pregovorima/>.

<sup>110</sup> <http://www.gov.me/vijesti/147954/Predsjednik-Vlade-razgovarao-u-Briselu-sa-predsjednikom-Evropske-komisije-EK-impresionirana-napretkom-Crne-Gore-u-evropskim-inte.html>.

reforms into practices. However, as elaborated previously the implementation of the already adopted EU law into the national law at this early stage is difficult to be assessed. The rule adoption is a process that takes time as well as human and administrative capacities to cope with it.<sup>111</sup> In order to cope with the accession process the existence of administrative capacities of the country is essential. The biggest challenge in this area refers to the necessity of having well-trained personnel with knowledge and expertise in every area connected to the negotiations. The intensive communication within the country and with the European Union is a complex process. For the process of rule adoption technical and financial preparedness of the country is important as well.<sup>112</sup> The country has post-socialist legacy that influence the administrative capacities as well.

Nevertheless, the overall assessment is that Montenegro is doing significant progress towards the European Integration and has apparent success in the Europeanization in line with the accession talks. The next Section reveals the observations that accounts for the Montenegro's Europeanization.

### 3.2 What accounts for the Europeanization of Montenegro?

Presently, there is insufficient academic literature that explains the process of Europeanization in Montenegro. Soeren Keil holds the view that Montenegro has many achievements on the road to the EU integration due to according to him two “lucky combinations: firstly the status of the country as such is not contested either internally or externally. Secondly, while opposition and

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<sup>111</sup> Rule adoption is not a “difficult task”, this is just a mystification of the process of European integration, but it is rather a challenging task – opinion from survey.

<sup>112</sup> Insufficient understanding of the harmonization demands and modalities by institutions in charge of sector policies, inadequate capacities at the institutional level to meet substantial demands of the harmonization process, lack of adequate well informed expertise that would drive the harmonization process according to the specific accession needs of Montenegro – opinion from survey.

government are polarized and disagree on fundamental issues such as NATO membership, they nevertheless agree on the goal of EU integration.”<sup>113</sup>

In view of this research, the first observation important for the Europeanization of Montenegro is that the country is *already in the process of accession talks with the European Union*. According to the words of the Director General for European Integration at the Ministry for Foreign Affairs and European Integration of Montenegro Snezana Radović with the opening of the EU negotiations talks the intensity and the dynamics of the rule adoption is greater than before.<sup>114</sup>

This could be explained by the fact that rule adoption is one of the key aspects of the EU enlargement. The EU law must transpose to the domestic law within certain time-frameworks and deadlines. One of the reasons and key impetus for acceleration in the intensity of rule adoption lies in the necessity of fulfilling the opening benchmarks that accounts for opening negotiations in certain chapter as well as the requirement for meeting the closing benchmarks for provisionally one chapter to be closed. Those measures (opening and closing benchmarks) are bearers of the requirements for harmonization with the EU rules. Before negotiations can start, the candidate country must submit its negotiation position and the EU must adopt a common position. In the negotiation positions the country has to state in which way and when the rule adoption will be made. Having in mind that the dynamics of the negotiations does not follow the same pace in each Chapter, the negotiations positions are established in different intervals.

For this purpose in December 2013 Montenegro has adopted a strategic document called Programme of Accession to the European Union for the period 2014-2018 and it was for the first time revised in February 2015 since the EU acquis is constantly changing and developing. This document follows the negotiations closely for each of the 33 Chapters and presents the “basic strategic

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<sup>113</sup> S. Keil: Europeanization, state-building and democratization in the Western Balkans, *Nationalities Papers: The Journal of Nationalism and Ethnicity*, 2013. 41:3, pp. 343-344

<sup>114</sup> Interview#3, e-mail message to author, May 20, 2015.

document in the area of European Integration which thoroughly and comprehensively provides for measures required for the following: complete alignment with the *acquis*, building administrative capacities for its efficient implementation, development of the appropriate strategic framework for all Chapters of the *acquis*, as well as calculation of costs for fulfillment of these activities.”<sup>115</sup> For monitoring the implementation of the Programme a new institutional body was established called Commission for European integration. In the whole process of accession talks there is a necessity for regular daily communication with the European Commission that with the established partnership and expertise facilitate and support the whole process of negotiation talks. Montenegro has established practice, before adopting a new law, the same one to be send to the European Commission for an opinion.<sup>116</sup>

Moreover, the *new approach of the negotiations* contributes to the process of Europeanization. The European Commission in October 2014 published the EU Progress Report 2014 that assesses the progress made on the road of the European integration by Montenegro from October 2013 until September 2014. In the Report it is stated that “progress is measured on the basis of decisions taken, legislation adopted and measures implemented.”<sup>117</sup>

The European Commission in line with the new approach of the negotiations with regard to Chapter 23: Judiciary and fundamental rights has assessed that “overall, in the area of judiciary and fundamental rights progress has been uneven.”<sup>118</sup> As a result, the European Commission recalled “the existence of the ‘overall balance’ clause of the negotiating framework”<sup>119</sup> which refers to the possibility to stop and postpone the negotiations until fulfilling the needed conditions. The European Union

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<sup>115</sup> Interview#3, e-mail message to author, May 20, 2015.

<sup>117</sup> European Commission,” accessed May 19, 2015, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-montenegro-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-montenegro-progress-report_en.pdf).

<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

emphasized the fact that “strong political commitment is essential for the deep and lasting political reforms necessary to strengthen the rule of law.”<sup>120</sup> After the Progress Report the country managed to address most of the recommendations given by the European Commission. The Parliament of Montenegro has adopted 64 Laws in line with the EU’s *acquis* while the Government of Montenegro has adopted Actions Plans for gradually harmonization with the EU rules as well as Action plans with updated versions for the most significant Chapters.

As Chief Negotiator Pejović explains: “Montenegro is the first country that started negotiations under the new approach and reforms in the field of rule of law were given special sensitivity and treated with due responsibility. In the field of justice reform, the country has completed the legislative framework by adopting the amendments to the laws relating to the organization of the judiciary. These laws provide guarantees for full independence of the judiciary and public prosecution, manner of functioning in the justice system has been changed, transparent procedures for appointment of judges and prosecutors have been introduced. In the area of anti-corruption, a quality legislation framework by adoption of five very important acts: Law on financing of political parties, Law on lobbying, Law on the prevention of corruption, Law on Special Prosecutor, Code of Ethics of the MPs has been created. The country is planning to establish three key institutions that should strengthen the fight in this field, namely the Anti-corruption Agency, Special Prosecutor's Office for Fight against Organized Crime and the Agency that will deal with confiscated assets.”<sup>121</sup>

Another important observation is that there are *no veto players* that can stall the EU integration e.g. an EU member state for reasons concern with domestic national interest. The Deputy Prime Minister and Foreign Minister Luksić explains that it is very important that the enlargement policy remains one of the EU most significant and successful policy that unambiguously points out that

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<sup>120</sup> Ibid.

<sup>121</sup> Interview#2, e-mail message to author, May 25, 2015.

Montenegro and rest of the countries of the Western Balkans are welcome in the European Union. According to him the process will be not slowed down just for the purpose of doing that. On the other hand, he emphasized that: “Yet, I am expecting that we are going to slow down when we notice that it is necessary to make deeper and enhanced reforms as well as harmonization with the EU legislation. We have shown so far that it is very important to control the tempo in a way that our state administration will be able to follow without any overload.”<sup>122</sup> Respectively, the absence of veto players accounts for *perceiving the membership perspective as credible one*.

Additionally, there are other domestic factors that facilitate the whole process of Europeanization. In the words of Jelena Subotic “the presence of the European idea”<sup>123</sup> that is attached to the society and domestic political elites makes the Europeanization easier. Subotic uses this theoretical concept to explain that the absence of European idea makes the Europeanization of the candidate countries even more problematic. In the case of Montenegro, insofar the empirical data reveal the “presence of the European Idea” in terms of *wide political and social consensus on the process of European integration* that has positive influence of the Montenegro’s commitment to the implementation of reform activities and harmonization of legislation with the EU acquis underpinned by the *political stability in the country and the absence of opened questions with the neighbouring countries*. As explained previously, all political parties in the Parliament of Montenegro are in favour of the European integration.<sup>124</sup>

Montenegro has stable level of support to the EU membership.<sup>125</sup> According to the words of the Chief Negotiator Pejović there is a consensus of the entire society on the EU integration and

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<sup>122</sup> Interview#1, e-mail message to author, May 19, 2015, (translated by the author).

<sup>123</sup> Jelena Subotic, “Explaining Difficult States the Problems of Europeanization in Serbia, Fall 2010, P. 598,” *East European Politics and Societies* 24, no. 4 (Fall 2010): 598.

<sup>124</sup> The domestic’s politics in the EU integration in the first place plays important role to shed light on the process of negotiation with the European Union, and to point at the significance of harmonization with the European standards in all spheres of social life – opinion from survey.

<sup>125</sup> Main counterforce to the European integration could be the mentality of citizens of Montenegro and their adjustment to the European standards and norms – opinion from survey. Other opinion from survey says that “as applicable to almost all issues that engage public interest and attention - based on either their long- term consequences, financial implications or political context – there may exist partial and fragmentary opposition to the idea of EU integration. However, it is



all public polls show that the percent in favour of membership is stable and almost two thirds of citizens support the EU course. According to him on the occasion of establishing the negotiating structure the Government has consulted and included in the negotiation bodies of all structures that has additionally contributed to the promotion of the entire society ownership concept.<sup>126</sup> In the words of the Chief Negotiator Pejović: “At the beginning of the process, the citizens had great expectations from the EU membership. In time, they became more realistic. The citizens perceive that the membership in the EU, apart from providing the rights and benefits, also brings the commitments and certain expenditures. The accession negotiations especially point to the concrete commitments that Montenegrin society should fulfil before joining the EU. European integration is project of the entire society and as such it requires a high level of understanding and acquirement, as well as active participation of all actors.”<sup>127</sup>

Furthermore, important observation presents *the legitimacy of the whole process of EU integration and the legitimacy of the EU norms and standards*. The empirical data indicate that there is consensus among the civil servants who are working on the accession negotiations about the legitimacy of the EU standards and rules as suitable ones for the country that helps on one hand moving forward towards EU membership and in transforming the society in better and more developed one according to EU tailor-made standards, on the other hand. For example, even though the new approach is stricter, it was regarded as: “as a monitoring instrument that will bring increased awareness of the continuous and consistent results in negotiation Chapters 23 and 24 as well as a call for increased responsibility in regard to sustainability of results achieved in above mentioned chapters.”<sup>128</sup>

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stemming either from the lack of understanding of the long term perspective and benefits from the process or simply from some general politically inspired divergence resulting in opposing official Montenegrin political agenda.”

<sup>126</sup> Interview#2, e-mail message to author, May 25, 2015.

<sup>127</sup> Ibid.

<sup>128</sup> Survey, e-mail message to author, May 21, 2015.

By the same token, there is a *consent for the positive impact that EU negotiations* has on the society and the domestic institutions.<sup>129</sup> The empirical data show that negotiations for the EU membership in addition increase the professionalization of the civil servants who work on the negotiations. Also, this contributes to achieving the EU membership as the Deputy Prime Minister and Foreign Minister Lukšić notes: “We know that the so-called new approach in the negotiations, besides the rule of law which is the core of the negotiations, has economic progress and development of the administrative capacities. As much as we adapt the state institutions on the European system, as much as we train our people to implement the adopted legislation, that much it will be easier for us to get closer to the European Union. It is very important that we are aware that after adopting the legislation follows even more demanding phase that refers to the institution building and implementation towards first results.”<sup>130</sup>

The findings that can be drawn on the basis of the empirical data and this research regarding the process of Europeanization of Montenegro reveal set of domestic factors that encourage and facilitate the whole process as the fact that the country is already in the process of negotiation talks in line with the new approach of negotiations. Moreover, the presence of the European idea in terms of wide political and social consensus on the European Integration accounts for the Montenegrin Europeanization. By the same token, important observations are the absence of opened questions with the neighbouring countries and the absence of veto players that also raise the credibility of the membership perspective for the country that according to the academic literature of the Europeanization of the candidate countries is key condition to the success of EU rule transfer.

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<sup>129</sup> The negotiations reform the society in terms of increasing capacity for understanding the EU legislation, requiring from institutions to transpose legislation that once implemented will introduce so-called European standards – meaning improved standards of public performance, better economic indicators, improved infrastructural conditions and in general social growth as well as increasing capacities to transfer and implement legislation - opinion from survey.

<sup>130</sup> Interview#1, e-mail message to author, May 19, 2015, (translated by the author).

## Conclusion

In sum, this research intended to give an explanation for the ongoing process of Europeanization in Montenegro since this very small country within the Western Balkans refutes the pessimistic views of the academic literature for the Europeanization of the Western Balkans. In doing so, the research looks into the domestic factors, or more precisely investigates the motivations, understandings and the limitations of the people that are closely working on accession talks and the process of European integration. This at the same time present one of the limitations of the present research design, having in mind that other aspects are not included. The second limitation, is that the research is not looking in depth onto the effectiveness of the strategies used by the EU to facilitate the spread of EU norms and the rule adoption.

However, against the backdrop of the literature about the prospects and limitations of the Europeanization of the Western Balkans, the findings of the research demonstrate that in order the process of Europeanization to get in track there are certain factors that should be put in place. The first observation is that the accession talks facilitate the whole process of Europeanization. On one hand, the rule adoption is going on a fast track, yet in line with the pace that the country is capable to follow, and on the other hand, this influences the administrative and human capacities in a way that prepare them to encourage domestic structural and institutional change. The latter is connected with the third limitation of this research as far as the assessment of the real implementation of the reforms and already adopted rule. Moreover, it can be concluded that there is a positive impact of the new approach in the negotiations as well that influences the reforms in sensitive areas since the country is willing to avoid any stalemate in the accession talks.

Additionally, the research findings show that the presence of the European idea both within domestic political elites and broader society helps the process in question. The accent is put on the

following domestic factors that encourage the process of Europeanization including: the presence of the European idea in terms of wide political consensus and social consensus on the process of European Integration, the legitimacy of the whole process of EU integration and the legitimacy of the EU rules, norms and standards.

By the same token, important observations are the political stability in the country, the absence of opened questions with the neighbouring countries and the absence of veto players that also raise the credibility of the membership perspective for the country. With regard to the former, Heather Grabbe argues that there is always a level of uncertainty in the candidate countries with relation to the question who should they satisfy next in order to avoid any stalemates on the path towards the EU membership. Most often this depends from the issue-area where various veto players can emerge as the EU member states, the European Commission or the European Council that means that “there is also longer-term uncertainty about who might emerge as a veto-player over another, possibly unexpected issue, later in the accession process.”<sup>131</sup>

This research shows that there is a need of going beyond the “one-size fits all” approach for the Western Balkans. There is a need of deep contextualization of each country of the Western Balkans both for the candidates and potential candidates by looking into the current domestic factors that account for encouraging or hindering the whole process of EU integration and Europeanization. In this regard, also the credibility of membership perspective and the number of veto players should be a subject of assessment which can contribute to the explaining on one hand, the impact of the EU and the prospect for Europeanization of that particular country, on the other hand. This research does not focus on the other candidate countries of the Western Balkans, and because of that reason does not draw comparative conclusions between Montenegro and the rest of the Western Balkans. For

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<sup>131</sup> Heather Grabbe, “Europeanization goes East: Power and uncertainty in the EU accession process”, in *The Politics of Europeanization*, ed. Kevin Featherstone and Claudio M. Radaell, (Oxford: Oxford University Press, 2003), 322.

example, other research can be focus on Europeanization of the Republic of Macedonia<sup>132</sup> since the country has bilateral dispute with Greece that stall the EU integration, despite the presence of European idea among the political elites and society within the country that can facilitate the process of Europeanization.

On the accounts of the current research it can be concluded that for replicating the successful EU enlargement with the countries of the Central and Eastern Europe and increasing the prospects of successful Europeanization of the Western Balkans more visible solution lies in the maintaining of the whole process of EU enlargement credible which at the same time presents stabilizing factor within the Western Balkans. Second, opening accession talks can facilitate the process of Europeanization especially since the EU is “protected” for importing members which are not ready for membership with the introduction of the new approach of negotiations that puts accent of rule of law, economic governance and reform of the public administration in the early stage of the negotiations. Moreover, opening accession talks and solving any obstacles on the road to the European Integration e.g. bilateral disputes should go on dual track approach that, on one hand will strengthen the regional cooperation while on the other hand will facilitate the overall process of Europeanization and EU enlargement which is beneficial for both, the EU and the Western Balkans, for prosperity, peace and stability.

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<sup>132</sup> Republic of Macedonia is a candidate country for the EU since 2005, and despite the several recommendations of the European Commission to open accession talks, the European Council still haven't decided to open accession talks because of the bilateral name dispute with Greece.

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