

**EUROPEAN UNION ENLARGEMENT POLICY TOWARDS WESTERN  
BALKANS: A CHALLENGE FOR ALBANIA, MONTENEGRO AND  
NORTH MACEDONIA**

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**Abstract**

*This study is aimed to explain the challenges or obstacles that encountered by Western Balkans Countries; Albania, Montenegro, and North Macedonia in fulfilling Copenhagen criteria that set by European Union Enlargement Policy. These former ruled-communist countries have found it hard to get the full membership of European Union while the other two neighbors countries Slovenia and Croatia, have made to join EU. In this research, the author used concept of Enlargement Policy and Copenhagen Criteria by Frank Schimmelfennig and Common and Foreign Security Policy (CFSP) to identify the obstacles. The researcher used qualitative analysis methods supported by secondary sources for the data analysis. This study found that Albania, Montenegro, and North Macedonia as former communist-ruled countries in taking transitional tasks on Copenhagen criteria from EU by adopting democratic values have hampered by high of corruption because of weak functions of democratic institutions and judicial system, in which still have to be fixed or reformed as well as to align its legislation with EU standards, especially with all EU common foreign and security policy positions and declarations in order to have EU full membership.*

**Keyword (s): *Enlargement Policy, Albania, Montenegro, North Macedonia, Weak Institutions, Corruption.***

## A. Background

The European Union is an intergovernmental and supranational organization that made up of 28 countries from Eastern Europe, Central Europe and in the Balkans. EU was not integrated as tight as it is today before the Treaty of Maastricht was signed.

By the time it was founded, it was not yet named as European Union. In 1950, it was still European Coal and Steel Community, marked by the signed of treaty of Paris that formed by six founding fathers which are Belgium, Netherlands, Luxembourg, Germany, Italy and France aimed to unite European countries economically and politically to secure lasting peace. In 1957, European Economic Community or “Common Market” and e European Atomic Energy Community (Euratom) was formed and marked by the sign of Treaty of Rome that used to

only focus on economic cooperation in European region (EU, 2019).

The European Union was officially formed after the Treaty of Maastricht came into force in 1993, leading to creation of the euro and the European Union pillars structures which are: the European Community (EC) pillar, the Common Foreign and Security Policy (CFSP) pillar, and the Justice and Home Affairs (JHA) pillar which bring European countries neighbors even closer in terms of greater economic integration, common foreign and security policies, and cooperation between police and judiciary on criminal issues. Due to the fact that Europe continent used to be divided into two political economy ideologies at the end of World War II, even after the end of cold war in 1991, which were coming from the Western Europe that represent capitalism and upholding democratic values, another one is the

Eastern Europe that represent communism and totalitarian regime (Xhambazi, 2017). Therefore, during the establishment of European Union, long before the treaty of Maastricht came into force, the EU has conducted several enlargement process to expand its membership.

EU has conducted five times of enlargement. The first enlargement happened in 1973 where United Kingdom, Ireland and Denmark joined the European Union. Followed by Greece in 1981, Spain and Portugal in 1986, its fourth enlargement in 1995 where Austria, Finland and Sweden joined the EU and increased the number of member states to 15 countries. However, EU did not stop at its fourth enlargement because it was followed by the largest enlargement in history where Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovakia, and Slovenia joined

EU in 2004. Two countries from Eastern Europe, Romania and Bulgaria joined EU in 2007, and followed by Croatia from Western Balkans in 2013 (Emmert & Petrovi, 2014).

Enlargement policy has been considered as EU's most successful and strong policy. It could be viewed by how the supranational organization could attract Eastern Europe and the Balkans countries to apply for becoming the new member states and turned those countries that used to be under communist regimes to well-functioning democracy. (Vachudova, 2014).

The Western Balkans region was known as Yugoslavia, it used to be under communist ruler. After the break of Yugoslavia in 1991 into independent countries which were Bosnia & Herzegovina, Kosovo, Croatia, Slovenia, Macedonia, Montenegro, and Serbia. Geographically, the Western Balkans covered these countries and Albania. Those

new emerge of independent countries by that time tried to develop differently. (Keil, 2012). For instance, Slovenia and Croatia made to join the EU quickly rather than the other Western Balkans countries. In the early of 1990's, After the collapse of socialism small countries in Central and Eastern Europe (CEE) like Slovenia move gradually to economic transformation in which the country made the transition to a market economy and decided to adopt an open economic system. Moreover, Slovenia became one of country among EU accession countries by that time who has relatively good socio-economic condition (Yoji, EU Accession and The Collapse of Casino Capitalism in Small Countries in Central and Eastern Europe: Focus on Latvia and Slovenia, 2015). Not only fulfill the EU's criteria from its economic aspect, Slovenia also had fulfilled its EU's political criteria. In the year of 2000, as

they got pressure and under monitoring and constant evaluation from EU, they have to reform its public administration (Hafner, 2007), before they officially became the member of EU in 2004. Meanwhile in Croatia, the country made to join EU in 2013 because they had successfully transformed its former centrally planned economy into one driven by market forces, improving governance and strengthening its democracy as to fulfill the Copenhagen criteria. Moreover, the EU commission, they saw Croatia's accession by that time as to strengthen stability in a frisky region at the EU's doorstep and also could bring new opportunities for the businesses and customers on both sides (Feher, 2013).

Different stories from Slovenia and Croatia, the other Western Balkans countries found it much harder to establish democracy and recover from the broke-up.

Historically, the Western Balkans has always been an area of geo-strategic interest since the cold war in 1947, the influential major powers like the West and Soviet Union were competing for influence such as an ideological conformity and gaining in the region. According to European Parliament, after Slovenia joined EU in 2004, Croatia followed in 2013. Montenegro, Serbia, the Republic of North Macedonia and Albania are official candidates. Candidate countries are those who still in the negotiations process or waiting to start. Montenegro and Serbia are currently still in the negotiations process while Albania and North Macedonia are waiting to start for the negotiations. Meanwhile, Bosnia and Herzegovina and Kosovo are potential candidate countries. Potential candidate countries are those who promise the prospect of joining the union when they are ready (Munter, 2019).

Enlargement policy has indeed become a successful foreign policy from European Union. It proved by how the policy has taken in Eastern European and Mediterranean countries that finally share strong commitment to European values, especially in the country of Slovenia that quickly move to democratic government and recently the Croatia accession in the Western Balkans region in 2013 (Orenstein, 2015). The researcher found the significance of the Western Balkans region which some countries like Slovenia and Croatia that used to be under communist rule but could move to democratic government through the implementing of enlargement policy and finally could joined the EU, yet candidate countries in Western Balkans region such as Albania, North Macedonia, Montenegro and Serbia still encounter obstacles or challenges to have full membership of EU.

Therefore, based on the background of research, the researcher came up with the research question “Why do some of the Western Balkans candidate countries particularly in Albania, Montenegro and North Macedonia still encounter obstacles to have full membership status of EU?”

## **B. Theoretical Framework**

### *Common Foreign and Security Policy (CFSP)*

European Union is not a state, but they had established foreign policy called ‘*The Common Foreign and Security Policy (CFSP)*’ since the Maastricht Treaty in 1993. Foreign policy is an official conduct of state, it uses to pursue the nation’s national interest and determines the way it interacts with other state and non-state actors (Frazier, 2019). CFSP is implemented and defined as EU’s foreign policy by the member states of European

Union (EU). It is an EU foreign policy that allows member states to arrange joint policy and assert political identity of EU itself (Turunen, 2019). Moreover, CFSP has become an increasingly significant part of the accession conditionality since the countries from South-East Europe were started on the membership course. The obligation to adapt to EU norms in the area of CFSP is stronger for candidate countries who wish to join EU.

The CFSP is guided by the values of democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law (Dijkstra & Vanhoonaeker, 2017). Moreover, on its instruments, it explains that their positions in taking decision are

defined by the council, who hold top authority in CFSP which is The European council and are binding on the Member States and must be defended by them under all circumstances.

The candidate countries that are in pre-accession process are obliged to adopt with the EU norms and values in the area of CFSP. CFSP also pointed out that the member countries in taking decisions are in one voices, it included in put stance on their political identity as a democratic country and embrace the core values of European Union.

#### *Concept of Enlargement Policy and Copenhagen Criteria*

In 1989, According to Roy Ginsberg, he classified enlargement policy as a type of foreign policy action, which resulted specifically from the process of externalisation: a foreign policy option that could be executed in response to

outside pressure from eligible non-members who want to join the EU (Sjursen & Smith E, 2004). Moreover, Frank Schimmelfennig argued, that the Enlargement process could be regarded as widening of adoption of European norms, rules, practices, and model of governance beyond the formal borders of the relevant organization (Schimmelfennig & Sedelmeier, 2011). The enlargement policy was attached on Treaty of European Union which has set out the conditions (Article 49) and principles (Article 6(1)) to which any country wishing to become an EU member must conform. These certain criteria known as the Copenhagen criteria 1993 (EU Commission, 2016) that consists of:

- **Political** – it must have stable institutions guaranteeing democracy, the rule of law and human rights.

- **Economic** – it must have a functioning market economy and be able to cope with competitive pressure and market forces within the EU.
- **Legal** – it must accept established EU law and practice – especially the major goals of political, economic and monetary union.

We can see that EU emphasizes political criteria as the top priority to join the union in which the candidate countries or potential candidates who wish to join have to conform such guaranteeing or enforce democratic values in the region. Next, on the economic aspect, in which candidate or potential candidate countries have to be able run a functioning market economy. That's part of European norms, rules and practices that have to be fulfilled by the candidate or potential candidate countries.

### **C. Methodology**

The researcher used qualitative analysis methods supported by secondary sources. The data sources to complete in this thesis is obtained from journals, books, news, articles, official government reports, particularly from European Union reports and other relevant credible writings

### **D. Analysis and Results**

#### **1. Albania**

Albania is a former of The Socialist Federal Republic of Yugoslavia which used to be under communist-ruled that located in the Western Balkans. The country has submitted its formal application for EU membership in 2009, yet till today the country has not made to join European Union. In 2014, Albania was granted candidate status by



the EU and currently, is waiting to start the negotiation process with European Union. (European Commission, 2019).

As a former communist-ruled, it was not an easy task for Albania to transform into a democratic country by trying to meet the political and legal criteria that required the country to have stable institutions which ensuring democracy, the rule of law, human rights and respect for and protection of minorities; the capacity to meet the duties of membership, including adherence to the principles of the political, economic and monetary union.

As the third branch of government in Albania, the judicial system remains weak and cannot function as an autonomous entity. Moreover, in Albania, there has been a lack of transparency in the selection

and promotion of judges, as well as in supervisory processes to ensure the integrity of the judiciary.

In addition, the corruption in the judicial system in Albania is persistently happened. In 2017, UNDP study found that more than 70 per cent of Albanians did not believe the justice system protected their rights. (Hopkins, 2019). Often the judges are keen to be bribed, while at the same time they have immunity from investigation of their supposed abuse of power.

Corruption persistently happened in Albania. It brought consequences for the country's economy and foreign investors to invest. It has been seen as endemic in Albania. Albania was ranked on the 95<sup>th</sup> with scores 3.5, according to Transparency International Corruption Perception Index (CPI), it shows that the majority of

Albanian respondents (51.4%) have an experience with corruption like facing a bribe situation in 2009 (Sadiku, pp. 46-47). Moreover, The practice of communist regimes to favour a select group of few- the *nomenklatura*<sup>1</sup> and the inappropriate influence that the executive had on the independent branches of government, has left heavy marks on the institutional culture of public institutions.

legal certainty and legal security are still lacking and, as a result, Albanian citizens are not clear as to what rules and standards their conduct will be judged by, in particular, those holding different policy positions under the law. In other words, Albanian citizens feel

that their rights are not safe and that politicians and others in government do not comply with the same standards as they do, which have led to a low level of trust in public officials. (Adamou, p. 1158).

In Albania, The administrative capacity and professional standards of bodies which would be charged with the implementation of the *acquis* need to be strengthened and the independence of regulatory bodies safeguarded. Moreover, Enhancing transparency and accountability, in particular ensuring the effective, efficient and transparent functioning of the public procurement system and public finance management, remains essential. Albania has continued to fully align with all EU common foreign and security policy positions

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<sup>1</sup> *Nomenklatura* were a category of people within the Soviet Union and other Eastern bloc countries who held various activities in bureaucracy and running all spheres of countries' activity whose position were granted only with approval by the communist party.

and declarations. (European Commission, 2018).

Since the beginning of transition, Albania has pursued an extremely open model of economic development that has resulted in limited barriers in factor movements. Prices are fully liberalized, and the Albanian currency is fully convertible. Moreover, the private sector became prominent in the economy and Albania is well advanced in global market reform. However, widespread of corruptions and malfunctioning judicial system has drastically hindered businesses as well as the effectiveness of fiscal and monetary policies (Bertelsmann Stiftung, p. 24).

## **2. Montenegro**

Montenegro is known as an independent post-Yugoslav multi-ethnic state

in the Western Balkan region of South-eastern Europe. The country became independent in 2006 and followed by adopting a new constitution in 2007 then became 'Montenegro – an independent and sovereign state, with the republican form of rule; a civil, democratic, ecological and state of social justice, based on the rule of law'. Montenegro bordering with a coast on the Adriatic Sea and bordering Croatia, Bosnia and Herzegovina, Serbia, Kosovo and Albania. (Cerovic, Gasmi, & Prlja, 2018). Montenegro applied for EU membership in 2008 but currently is still in negotiation process with European Union since 2012.

The political institutions in Montenegro are remained weak. The institutions were politicized and it became an obstacle for the country to

fight against corruption. The law was not effectively implemented by the government.

Montenegro also has poor track record in terms of punishing corruption, especially among high-level officials, which undermines public trust in institutions, their integrity and any commitment to fight corruption. (Vuković, 2015).

In Montenegro, the judicial system suffers from inefficiency among judges, high levels of bureaucracy, pervasive corruption, and interference by politicians or members of organized crime. Their citizens even have low confidence on their judicial system and perceive the judicial branches as the one who has high level of corruption and nepotism. (Haider, 2018).

Even though, the institutions in Montenegro has made some good progress by adopting anti-corruption laws, but in the absence of effective law enforcement, civil servants and politicians feel they can act unpunished.

Corruption also poses a risk for businesses dealing with public administration in Montenegro. In dealing with Montenegrin administrative requirements (permits, licenses, reporting, etc.) are burdensome, and inefficient government bureaucracy and corruption are ranked among the top constraints for doing business in the country. The Companies were expected to occasionally make bribery payments or offer gifts when obtaining public utilities or ‘to get things done’. (IFC, 2013).

Montenegro has worked on coordination and readiness for the application of the *acquis* and has done so in most regions and

the country is currently at some level of preparation in the areas such as environment and climate change, and social policy and employment. An important challenge for Montenegro is laid on strengthening the administrative capacity for ensuring the application of the *acquis*. Moreover, Montenegro has continued to align with all EU common foreign and security policy positions and declarations. (European Commission, 2019).

### **3. North Macedonia**

In 1991, North Macedonia declared its independence following the breakup of Yugoslav Republic. The country has submitted its formal application for EU membership since 2004 and be granted of candidate countries in 2005. However, same as Albania, North Macedonia is still waiting to start for the negotiations

with European Union. (Garding, 2019). It means that North Macedonia has waited for almost fourteen years since the country got the candidate status yet has not made to join European Union.

The country's political structure was defined as a parliamentary democracy and consisted of three branches of power division.; legislative power which is exercised by parliament, executive by President and government and Judicial power by the courts. Nevertheless, the system of checks and balances between these branches of government has often been out of control, as the executive branch, in particular the government led by the Prime Minister, controls the parliament and the judiciary which made parliament did not perform their task effectively as

control for government. (Bertelsmann Stiftung, 2018).

Moreover, according to U.S State Department there is political control of the judiciary system in North Macedonia, which intimidation and political pressure are used to influence the judiciary and these remain a serious problem. (Cekov, 2018).

There is a clear belief among the population of North Macedonia that the judiciary is corrupt. North Macedonia ranked 67 out of 177 countries surveyed in Transparency International's 2013 Corruption Perceptions Index, with a score of 44 out of 100. (Ninua, 2014). It was no surprise that the values of the rule of law were not fully respected in the country, so corruption became a widespread phenomenon. Moreover,

corruption again remains as a problem in implementing administration reform. According to Transparency International's annual 2016 Global Corruption Barometer, 12% of survey respondents reported having to pay bribes to obtain public services to which they were legally entitled. Some citizens have lack of faith in the ability of the public administration to function without the payment of some kind of kickback for facilitating bureaucratic procedures. It is proved as about a third of the bribes charged (32%) are actually offered by citizens themselves, while in about 50% of cases they are paid in response to a direct or indirect request from a public official. (UNODC, pp. 4-5).

North Macedonia has made good level of

preparation regarding its ability to fulfill the obligations of membership in areas such as company law, customs union, trans-European networks and science and research. In addition, the country is also moderately prepared in most areas, including in the areas of competition, public procurement, transport and energy. Nevertheless, further efforts are still needed across the board, specifically in those few areas where the country is at an early stage of preparation, for example, free movement of workers as well as financial and budgetary provisions. There also needs to be a greater focus on administrative capacity and effective implementation. The country has continued to improve its alignment with EU declarations and Common Foreign and Security Policy decisions taken by the

Council. (European Commission, 2019).

## **E. Conclusion**

Certainly, Enlargement policy has become as EU's most successful and strong policy. Yet, when it comes to Western Balkans the road to join European Union for country like Albania, Montenegro and North Macedonia were not as smooth as the other Balkan countries (Slovenia and Croatia). Enlargement countries had to get through pre-accession and accession process which was not an easy task for Albania, Montenegro and North Macedonia to get through.

This research analyzed European Union enlargement policy towards Albania, Montenegro and North Macedonia by using the concept of Enlargement Policy and Copenhagen Criteria and concept of CFSP. Enlargement policy set out Copenhagen

Criteria 1993 in which enlargement countries have to conform. The research sorted out the progress and obstacle of Albania, Montenegro, and North Macedonia in trying to fulfill EU criteria, from its Political, Legal and Economic criteria. The research found out that in their road to join European Union, Albania, Montenegro, and North Macedonia have faced same challenges to have full EU membership which caused by weak democratic institutions and widespread of corruption.

In Albania, the country has struggled in reforming their judicial system, in which 70% of Albanians did not believe of the justice system in protecting their rights (Hopkins, 2019). Many cases of bribery and corruption happened among high-level state officials. Moreover, the transition from communist-ruled to democratic country hampered by the *nomenklatura* practice of communist regimes to favour a

select group of few- the and the inappropriate influence that the executive had on the independent branches of government, which make corruption seen as an endemic in Albania. Furthermore, Albania continued to align its legislation to EU requirements in fewer of fields in order to enhance its ability to take on the obligations of membership, like in education and culture, and financial control field. In addition, Albanian's economic remains vulnerable as widespread of corruptions and malfunctioning judicial system has drastically hindered business environment as well as the effectiveness of fiscal and monetary policies.

In Montenegro, their political institutions were politicized. The legislative power in its oversight function toward government remains weak. Therefore, it became an obstacle for the country to fight against corruption. Moreover, there is no enforcement of



effective law which let public officials and politicians feel they can act with impunity. Furthermore, Montenegro continued to align its legislation to EU requirements in fewer of areas in order to enhance its ability to take on the obligations of membership, like in company law, intellectual property law, energy, and foreign, security and defense policy. In addition, economic and political reforms indeed required good public administration. However, in Montenegro public administration is very vulnerable with corruption. Businesses environment hampered by corruption in which in dealing with construction permits, paying taxes, and registering property, the country still ranks lower, therefore, corrupt practices is inevitable to reduce the burden or to speed up processes.

In North Macedonia, the executive power dominates parliament as legislative power

and judiciary which made an absence of check and balances between government branches. Misused of power often happened, which judiciary seen as the most corrupt since the country still failed to implement the rule of law. Corruption again remains a serious problem in implementing administration reform. According to Transparency International's annual 2016 Global Corruption Barometer. Some citizens in North Macedonia have lack of faith in the ability of the public administration to function without the payment of some kind of kickback for facilitating bureaucratic procedures. It is known that nearly a third of the bribes paid (32%) are actually offered by citizens themselves, whereas in nearly 50% of cases they are paid by a public official in response to a direct or indirect request (UNODC, 2011).

Furthermore, North Macedonia continued to align its legislation to EU requirements

in fewer of areas in order to enhance its ability to take on the obligations of membership, like in areas of company law, customs union, trans-European networks, and science and research. Yet, the country still has to improve its alignment with the EU declarations and Council decisions on Common Foreign and Security Policy. In addition, business environment in Macedonia is hampered by the lack capacity of institutions in enforcing the law in resolving commercial dispute through court which considered time-consuming and costly for the businesses.

In conclusion, Albania, Montenegro, and North Macedonia as former communist-ruled countries in taking transitional tasks on Copenhagen criteria from EU by adopting democratic values have hampered by high of corruption because of weak functions of democratic institutions and judicial system, in which still

have to be fixed or reformed in order to have EU full membership. Moreover, Albania, Montenegro, and North Macedonia also have to align its legislation with EU standards, especially with all EU common foreign and security policy positions and declarations.



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