

## NORMATIVE ASPECTS OF EU POLICY TOWARDS THE WESTERN BALKANS: LESSONS FROM THE CENTRAL AND EASTERN EUROPEAN INTEGRATION<sup>1</sup>

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The enlargement of the EU and NATO towards Central and Eastern Europe has been a much debated subject in international relations. Lately, two novel European integration approaches have been developed. First of all, liberal intergovernmentalism (Moravcsik, 1998) shows that the expansion to the East can be best understood in terms of liberal values and norms. In this sense the practice of the Western community in shaping the attitudes of the opponents of enlargement is very important. Furthermore, geopolitical or ideological interests seem to have been decisive in some cases, particularly, as liberal intergovernmentalism predicts, where governments lack intense economic interest. Secondly, a neo-Gramscian analysis (Bieler, 2002) of the enlargements towards Central and Eastern Europe against the background of globalization clearly identifies the neo-liberal restructuring of the new members' and applicant countries' economic-political system as the underlying social purpose of enlargement. Thus, the decision-making processes in the EU, influenced by its internal distribution of power and the social forces of the states from Southeast Europe have to be taken into account when discussing their integration bids. But none of those perspectives has analyzed if the EU expansion was influenced by the way the Union acts as an international actor. Moreover, what challenges to normative power did the last enlargement entail, what are the new normative challenges in the Western Balkans, and what normative lessons can be drawn up from the integration of Central and Eastern Europe? These are some question I will try to answer in this paper.

The problems associated with the integration of the post-communist states from this Central and Eastern Europe have been explained by political scientist with a myriad of compelling arguments, but most of them haven't assessed the normative character of EU expansion. My goal is to identify the most effective explanations and solutions related to the normative issues of the last EU and NATO enlargement, and apply them to the process of European and Euro Atlantic integration in Southeast Europe. First, I will develop the background of the debate around the role of the European Union as an international actor, putting emphasis on the *Normative Power Europe* concept. Then I will turn to analyze the normative aspects of European enlargement and the challenges that it had in Central and Eastern Europe. My paper will argue that the normative setting in the Western Balkans is different than the one in Central and Eastern Europe, making domestic compliance costs to differ. Unlike in Central and Eastern Europe, the EU lacks legitimacy in the Balkans, which ulti-

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mately creates a normative political vacuum that is filled by domestic elites through non-compliance.

Over the last years there has been considerable debate over the role of the European Union as a global actor. Since 2002, when Ian Manners developed the term of normative power to describe the EU's foreign relations, the Union has come to be perceived as a normative actor that seeks ethic gains. Until now he has refurbished his theory several times, concluding that even though the EU is developing a more and more militarized appetite, this does not alleviate its status of *normative power*.

On the other hand, realists have criticized the liberal-idealist notions of the EU as a *normative* or *civilian* power. They consider that the realist perspective can shed light on the Union's foreign and security policy. In contrast with the *normative power* conceptualization, the realist view puts emphasis on the structural determinants behind the shaping of the EU's foreign and security policy.

The history of the debate around the role of the European Union as an international actor is not at all new. Duchene (1972, 1973) first introduced the idea of the European Union as a *civilian power* which is bent not on using military means, but by only promoting its norms through civilian means. In contrast, ten years later, in the context of the return to power politics, Hedley Bull, a representative of the English school, underscored that the EU cannot be perceived as being a regular international actor, and if it were, it behaves like a realist power. More recently the debate has shifted focus from the material side to a more ontological view of the EU. Thus, the EU became a to be perceived as a *transformative power* that had only weak influence in certain areas, but as a hole had the power of shaping norms in the same way a cosmopolitan power behaves (Leonard, 2005). The counterargument to this perspective was that the EU is actually imposing its own norms, though not in the same way that ancient empires, but by the power of its *example* (Zielonka, 2008). The main debate about EU normative power spawned from Manners (2002) seminal article. According to Manners normative power can be at times reinforced by military means, but the main idea of his argument is that power politics has no normative ends. European power becomes now the direct result of EU normative leadership and persuasion, excluding even power politics based on economic mechanisms (Manners, 2006a; 2006b). Additionally, in its relations with the world, the European Union projects itself as a *force for good* (Diez, 2007: 5). This kind of self-description is based on the fact that the EU chooses to accept the internationalization of its norms through the logic of appropriateness (Sjursen and Smith, 2004). Thus, derives "one of Manners' short hand definitions for normative power, that it is the ability to shape discourses" (Forsberg: 2009: 17). Adrian Hyde-Price offered a structural realist critique to the *Normative Power Europe* concept, arguing that in its international relations the EU must be viewed as a rational actor bent on interest maximizing (Hyde-Price, 2006, 2008).

Recent developments in the EU's neighborhood - the *Five Day War*, EU's divided stand towards energy security - have confirmed the prediction of the realist approach to international relations that the European Union is meant to perform as a normal interest maximizing power. Second track issues (promotion of democracy and human rights, etc.) are followed only when they produce both relative and absolute gains or are not costly for the interest of the European Union or for the broad national interests of the most important member states. Although the realist model entails a couple of difficulties it has proved to be quite accurate, showing that when first-rate interests are at stake -

maintaining good economic and political relations with Russia – Europe returns to the nineteenth century political philosophy of national interest.

Nonetheless, there are a few theoretical and practical shortcomings to such an approach. First, the European Union has implemented, post-war, human rights policies in Georgia, and managed to conciliate Russia's interest in the region. It is hard to calculate the exact costs of the EU involvement in conflict mediation and its post-war presence in Georgia. It could be argued that, actually the *Five Day war* established the European Union as an important actor in the international system. Russia proved more willing to recognize this status than the United States was since the first talks of European autonomous capabilities. Second, at methodological level, limiting the behavior of the European Union to security and interest maximization would not account for all the facets of its attitude. Member states and their leaderships might have assumed a central role in directing the EU foreign policy.

The predominant academic perspective of the last years about the EU's role as a global actor has regarded it as if it were a *normative power*. This idea resides not from what the European Union says or does, but from what it is. If this statement were to be valid, choosing economic interest instead of second rate issues, could not transform the *normativeness* of the EU, because it is strictly an exogenous result of the Union's structure and history. In this sense, Manners (2006a) identified six primary symbolic means in which the European Union promotes its norms: contagion (EU as a source of attraction for third parties), informational (declarations, demarches), procedural (institutionalized relationships), transference (trade norms, political conditionality), overt diffusion (EC delegations) and cultural filter (political learning).

Through the enlargement process the European Union can promote its norms giving them at the same time both efficiency and credibility. Actually, granting membership to the most developed countries in its neighborhood might be the best tool for the EU to act as normative power. However, this issue is not as clear as most literature might suggest. There have been many failures regarding normative power when the prospect of full membership was not put on the table – the southern neighbors (Tovias and Ugur, 2004; Bicchi, 2006), Russia (Haukkala, 2008) and Ukraine (Wolczuk, 2004). The normative aspect of political compliance was achieved only in the cases where the golden carrot of full membership was brought into the discussion. Moreover drawing on the recent development in the Caucasus, Johansson-Nogués (2007: 187) believes that, although the community's normative expectations are very high, the European Union is at least in its Eastern Neighborhood nothing more than “*normal*<sup>2</sup> political force”.

Not all scholars believe that imposing and overtly promoting the normative coordinate of EU expansion is the best thing. Supporting imaginative objectives, like the prospect of membership, might be dangerous because it shifts the focus on to an altruistic European Union, which is thus forced to act as a “force for goodness in international society” (Sjursen 2006a, 2006b; Tocci, Natalie et al, 2008 185 31 2). Moreover, the European Union's not that normative and rather ambiguous response to the *Five Day war* of last year has shown, as Youngs (2004) underlined, that normative

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<sup>2</sup> Emphasis added.

power projection can suffer many setbacks when public goods are stressed by tension dividing them into common and private goods.

In the last decade scholars have been studying the effects of the European Union's normative power. The hard case of the *normative Europe* concept was considered to be the accession of the former communist countries from the Central and Eastern Europe. Significant domestic changes were introduced by the consequences of EU's *transformative power* (Grabbe, 2006) in the period coming up to the accession. Most of the European integration and Europeanization literature has focused on the domestic changes either economic (Bardi et al., 2002), social, or institutional (De Witte, 2002), and the reasons behind compliance with the European Union's demands (Schimmelfennig & Sedelmeier, 2004; Grabbe, 2006; Sjursen 2002).

Schimmelfennig (2003) has identified the factors that influenced the last European expansion, such as: precision, legitimacy, credibility, influence and identification. Three of them are of a profound normative character: legitimacy, influence and identification. The biggest problems arose in the other two areas: precision and credibility. In the Central and East European case, the lack of precision in criteria setting was balanced by the concrete demands concerning the legal behavior of the states, of all those made official reports of the Commission (Bardi et al., 2002). Although credibility is an intrinsic aspect of EU conditionality it can not fully explain the compliance of the newly acceding states. Moreover, compliance cannot function without credibility, thus making the latter a main coordinate of EU political conditionality (Sjursen, 2002). In some cases states did not comprehend correctly the conditions set up by the European Union, but ultimately this did not damage the credibility of the demands and their outcomes. On the other hand, Schimmelfennig (2003) underscored that in some situations that resonate with the national interest of the candidate states, the EU cannot credibly threaten them with withdrawing political aid or the prospect of membership. Normative aspects of the last enlargement resided in the high degree of identification with European norms, especially present in political elites. Being a part of Europe was the main goal of foreign policy of these post communist states. When Western Balkan leaders oppose EU conditionality for reasons that transcend state security and sovereignty, they put in doubt the normative setting of EU foreign policy and reject its external authority (Noutcheva, 2007:2).

Noutcheva (2007) argues that the Western Balkan preference for domestic sources of legitimacy has been the main consequence of lack of normative justification when it comes to EU policies. Most of the EU conditionality (Grabbe, 2001) has implied relinquishing parts of state sovereignty which a very sensitive subject in the Balkans. This has led to the insertion of domestic actors in this political hole created by those EU policies that are viewed by the population as lacking legitimacy. Under these circumstances it is very hard to uphold European norms in the way that decision-makers from Central and Eastern Europe used the EU's transformative power. Here, non-compliance with EU conditionality had its root more in economic and interest driven action of the various actors in the state, without any emphasis on normative ends or their legitimacy.

In both cases - the Western Balkan one, and the Central and Eastern European one, the adoption costs imposed by the EU conditionality were often associated with strong domestic opposition towards the effects of new rules on economic restructuring. Generally, the adoption costs are higher when the EU conditionality acts in fields related to state security and integrity (Schimefelning, 2003). In this sense, the most sensitive normative issues that had to be dealt during the last en-

largement where those in the field of human rights and minority protection. Such policies often were opposing the securitization rhetoric and actions of the state, turning the tide against the popular mindset of most post communist states men. While old EU member states have managed to desecuritize migration policies (Jutilla, 2006), desecurization of minority rights have raised the most important normative setbacks in multiethnic Central and East European countries (Roe, 2006). Fortunately, economic cost-benefit calculations have determined these states to accept EU normative power in the fields of human right and minority protection, and its conditionality.

What normative lessons can be exported from the last EU enlargement to the Western Balkans case? As I have underscored the normative setting is relatively different in the two cases. As the main drive for compliance in Central and Eastern Europe were the political elites, EU policies were imposed on the populations with few difficulties. EU compliance eventually came to be a tool of the domestic elites who used it to legitimate even the policies that had no relation with the EU. Thus the *Brussels told us* (Rachman, 2006) paradigm served two purposes: legitimating all policies that seemed to be European oriented and facilitating the support of local elites for EU conditionality. At the same time, domestic political elites in the Western Balkans filled up the normative void left by the European Union and eventually short circuited its legitimacy. To first answer the discrepancy between the two normative backgrounds would have to look at the factors that influenced EU policies in the two regions. Academic debate has spawned a couple of explanation concerning these issues. According to Sjørnsen (2002), “ethical-political reasons which testify to a sense of kinship-based duty” were the driving forces behind the move eastwards and have a significant impact on the Western Balkans accession. At the same time, primary interests like security (Stoian, 2007) and economic ones might be the main factors shaping the EU policies in the region Vachudova (2005). Schimmelfening (2004 and others) holds that a more complex web of factors must be conceived in order to account for the EU’s enlargement policy. Aspects of EU conditionality like precision, credibility, or influence might overwhelm rational explanations.

For Sjørnsen and Smith (2004), EU expansion policy can gain legitimacy through three paths, or *logics*: of appropriateness, of consequences, and of moral justification. Applied to the case of Central and Eastern Europe and to the one of the Western Balkans these logics confer different perceptions of EU expansion policy. The moral justification perspective refers to the universality of some norms of fairness, justice and equality that could ultimately yield external credibility. The logic of consequence refers to a rational choice based cost-benefit calculation that can provide the most efficient outcomes. This first two have had sensibly the same degree of influence *vis-à-vis* the two expansion processes, with an emphasis on the former for the economic and security interests that translated into the Commission’s demands regarding minority rights. The appropriateness approach rests on normative arguments that seek to identify the basic values to legitimize external actions. The insertion of the Western Balkans domestic elites in the legitimacy void left by weak EU normative policy and stand explains why this last approach comports significantly different results in this case. On the other hand, contesting EU legitimacy might in the long run prove useful for the Commission as these elites cannot use the *Brussels told us* paradigm like their Central and Eastern European counterparts did. Moreover,

it offers politicians in the candidate countries the political cover under which they can make the at times difficult and even painful domestic reforms while claiming that the

steps are necessary, as indeed they often are, in order to be able to enjoy the fruits of European integration in full (Haukkala, 2008:6).

If we were to take national interest and preferences and collective identifications as the most important element in distinguishing the degree to which Europeanization and European normative ends are efficient, we would have to agree that:

Federal states with respective constitutional traditions change their collective understandings more easily to include Europe and orientations toward supranationalism than unitary and centralized states (Grabbe, 2001: 1020).

Considering their federal heritage, though it ended in bloodshed, the Western Balkan states are more prone to accept supranationality and EU normative power than the Central and Eastern European states. But, the normative lack of compliance of the political élites from countries like Serbia or Bosnia and Herzegovina seems to nullify the assertion that relates a federalist history with accepting EU normative compliance. What remains is to distinguish the degree to which the population of Western Balkans identified with the European values and norms and how does the federal memory influence it.

## **CONCLUSIONS**

The European Union's policy towards the Balkans is different than the one applied towards their Central and Eastern counterparts. I have argued that while the countries that were the last to gain EU membership always had the golden carrot of enlargement, Western Balkan states are receiving a confusing rhetoric from Brussels. The EU policy towards this region has balanced between imposing strict conditionality and the ambition of those states to be a part of the European Union. Moreover, at times the Balkans were considered no more than a neighborhood in which the EU must prove its normative power. This kind of behavior from Brussels in the end created a vacuum of normative power and legitimacy, giving way to non-compliance to the local elites who most of the times are not representative for the ethnic mosaic in the region.

The new political elites of the 1990s in the Western Balkans were deprived of the crucial resources needed to ensure a stable path to democracy. The main cause for this was the ethnical clashes of the last decade, which created a power vacuum in the region. Moreover in many instances the states failed to function normally and provide for their citizens all the public goods they demanded. That was why, in these kind of circumstances normative action from the European Union was needed. Over the years a lack of legitimacy and efficiency has spawned in the region, leaving the governance to political elites that usually serve particular interest and not the common good (Bechev & Andreev, 2007).

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