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VIRAL VULNERABILITY: HOW THE PANDEMIC IS MAKING DEMOCRACY SICK IN THE WESTERN BALKANS

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SUMMARY

- The covid-19 crisis has accentuated Western Balkans countries' pre-existing vulnerabilities related to the rule of law and democratic governance – but has not brought about a new political era in the region.

- Western Balkans governments have often taken selective and arbitrary approaches to applying restrictions in response to the pandemic, sometimes using these measures to silence their critics and opponents.

- The measures could have the most severe long-term effects of any aspect of the crisis response.

- They exacerbate the greatest threat to the accession process in the Western Balkans: backsliding on the EU's political criteria.

- Yet the EU seems less inclined than it once was to allow Western Balkans governments to get away with democratic backsliding just because they align themselves with the bloc geopolitically.

INTRODUCTION

Throughout the pandemic, countries in the Western Balkans have had some of Europe's <u>highest levels</u> of covid-19 cases per capita. <u>Serbia</u>, <u>Montenegro</u>, and <u>North Macedonia</u> are now among the 15 most-affected states on the continent. <u>Kosovo</u> and <u>Bosnia and Herzegovina</u> have also struggled to contain the virus. All Western Balkans countries imposed strict limits on public life that included curfews, lockdowns of neighbourhoods and entire cities, closures of businesses and schools, and bans on public gatherings. Western Balkans governments implemented these restrictions in mid-March, lifted most of them in June, and reintroduced some in July as the number of cases began to climb again. However, despite these similarities, there were significant differences between these governments in their willingness to grab power by curtailing liberties, undermining checks and balances, and weakening independent institutions. If the European Union is to succeed in its efforts to promote democracy in the Western Balkans and strengthen its relationship with states in the region, its enlargement policy will need to address these changes.

The variation in Western Balkans governments' responses partly reflected differences in citizens' reactions to the crisis. Serbia, Montenegro, Bosnia and Herzegovina, Albania and Kosovo all experienced protests against the authorities over the restrictions or their handling the health crisis. Whether the public trusts the government to take balanced but effective measures – and whether the government trusts the public to follow simple rules, such as those on wearing masks – will determine the success of efforts to contain the next wave and protect Western Balkans states from further economic damage. In turn, these factors will determine the support that the EU will need to provide to these countries.

Western Balkans countries that experienced protests against covid-19 measures in 2020

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Despite all the challenges it poses, the covid-19 crisis does not seem to have brought about a new political era in the Western Balkans. Rather, it has accentuated countries' existing vulnerabilities related to the rule of law and democratic governance. The crisis has strengthened governments, weakened parliaments' legislative and oversight functions, limited media freedom, and led to an increase in breaches of personal data protection.

Yet, while the management of the health crisis has tended to increase the visibility and popularity of incumbent rulers, not every ruling party has capitalised on the pandemic at the ballot box. For instance, whereas general elections in Serbia on 21 June and North Macedonia on 12 April reinforced the position of officeholders, a vote in Montenegro on 30 August saw the Democratic Party of Socialists lose power for the first time in three decades. Meanwhile, Bosnia and Herzegovina's fragmented state structure made crisis management more of a challenge, as the country failed to establish a central organisation to coordinate the crisis response.[1]

Further political and societal upheaval could follow due to the economic pressure created by the crisis: the World Bank expects economic activity in the Western Balkans to contract by 4.8 per cent in 2020. The social costs of this decline have been amplified by the relative importance of informal work, self-employment, remittances, and tourism in some economies in the region. Accordingly, if there is a need to sustain costly economic support into 2021 – as seems increasingly likely – this would pose serious budgetary, political, and societal challenges to Western Balkans governments. The EU's pledge to mobilise €3.3 billion in financial assistance to address the Western Balkans' immediate humanitarian needs during the pandemic, as well as to help with the social and economic recovery, will be crucial to counterbalancing these negative economic and social effects.

This paper explores the implications of the covid-19 crisis for the EU accession process in the Western Balkans. It initially focuses on two fundamental aspects of enlargement: countries' compliance with EU political criteria and alignment of their foreign policy with the process. The paper analyses the impact of the crisis on democratic governance and respect for human rights, particularly in relation to the use of arbitrary or unlawful restrictions on citizens. The second half of the paper explores how these shifts have affected the EU's relationship with Western Balkans countries, especially the membership prospects of the two newest accession candidates, Albania and North Macedonia. The annexe to the paper sets out some of the key issues that influence Western Balkans states' foreign policy orientation and, therefore, their commitment to EU integration. It includes case studies of the fall of governments in Kosovo and Montenegro, developments in the Belgrade-Pristina dialogue, and Serbia's efforts to balance its relationships with both Russia and the West.

THE LONG-TERM IMPLICATIONS OF ARBITRARY MEASURES

While some western EU member states initially trusted citizens to abide by covid-19 restrictions, governments in the Western Balkans implemented especially harsh lockdown measures comparable to those in Italy, one of the countries that was worst hit by the pandemic in spring. Enforced through fines and even detentions, these measures limited citizens' mobility and freedom of assembly. Yet most voters initially accepted them, recognising that health systems in the region were poorly prepared for the crisis.[2]

Albania was the first country in the Western Balkans to <u>implement</u> a tough lockdown, which involved the deployment of the military and the introduction of curfews. The Albanian government even <u>modified</u> the penal code to provide a legal basis for punishing violations of quarantine orders with prison sentences of up to 15 years. Similarly, Montenegro imposed a police-controlled lockdown using the threat of economic penalties and incarceration. By early May, the Montenegrin police had <u>brought charges</u> against 1,531 people and arrested 753 of them. The Serbian government imposed curfews and quarantine orders of 14-28 days on citizens returning from abroad. The authorities in Bosnia and Herzegovina introduced lockdown measures in March and began to gradually lift them in April – albeit while leaving in place mobility restrictions on the over-65s and children under the age of 18, which the Constitutional Court <u>struck down</u> for violating the right to freedom of movement. North Macedonia enforced similar measures, including a curfew on Muslim and Christian holidays, border closures, and the suspension of the education system (an issue that has become prominent in the public debate with the start of the new academic year).

Most of these limitations on freedom of movement and assembly were temporary, confined to times at which the infection rate was rising quickly. But, as the Constitutional Court ruling in Bosnia and Herzegovina showed, governments sometimes applied these measures in authoritarian and unconstitutional ways, eroding democratic governance and the rule of law.

This trend has been especially concerning in countries where independent institutions are too weak to withstand overreach by the authorities. For example, Serbia's <u>application</u> of harsh measures often seemed arbitrary: the authorities arrested some people for alleged breaches of self-isolation measures without having warned them to self-isolate. This primarily concerned people returning from abroad, who were not told to go into quarantine by the border police. As the Balkan Investigative Reporting Network <u>put it</u>, "arrests and fines of citizens have become one of the main tactics to counter fake news and violations of the restriction measures imposed by all governments".

According to <u>research</u> by the Belgrade Centre for Human Rights, the restrictions on movement and social contact that Serbia imposed on the elderly, as well as migrants and refugees in asylum and reception centres, during the state of emergency resembled house arrest or home imprisonment. For example, in the first weeks of the crisis, people over the age of 65 could only leave their homes once a week for a maximum of 30 minutes. And, between 16 March and 14 May, refugees and migrants were only allowed to leave asylum and reception centres under exceptional circumstances. As Ivan Cavdarevic has <u>argued</u>, while it is debatable whether these measures were proportionate and necessary, the authorities did not introduce them by following the correct legal procedure. They

implemented the restrictions through a ministerial order even though, under the constitution, steps to limit human rights require a government decree co-signed by the president.
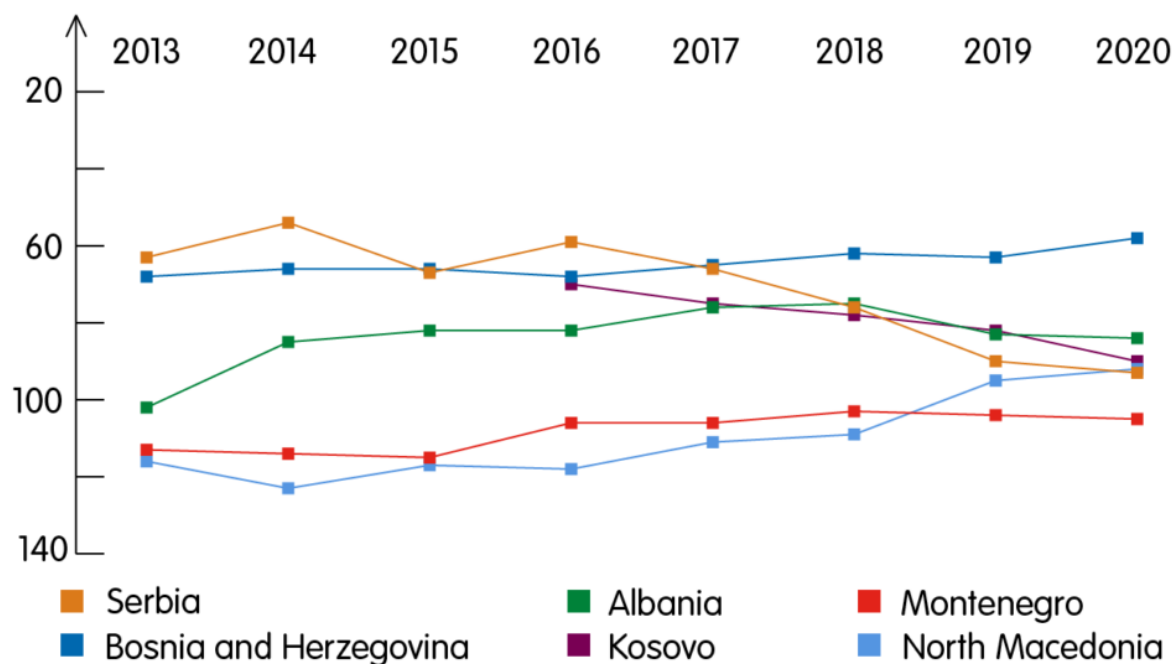
More broadly, governments in the Western Balkans at times applied such measures without any clear criteria. For instance, in Montenegro, the police tolerated some pre- and post-election gatherings – including a pro-government demonstration that had 50,000 participants on 7 September – but blocked others, including an opposition event organised by the Serbian Orthodox Church in Podgorica on 23 August.

These selective and arbitrary approaches to applying restrictions could have the most severe long-term effects of any aspect of the crisis response. Such decision-making sets important precedents. Furthermore, it exacerbates the greatest threat to the accession process in the Western Balkans: backsliding on the EU's political criteria. The arbitrariness with which some governments used these measures to silence their critics and opponents is the most troubling feature of the trend.

Media freedom

Media freedom, which has been suffering setbacks in the Western Balkans for a decade, is experiencing an especially sharp decline during the pandemic. This is due to the emergency measures governments have introduced to prevent panic caused by the spread of false information. Although such restrictions seem justified given the need to sustain law and order, some governments have used them to silence critical voices and further limit freedom of expression and freedom of information. As Milena Lazarevic and Marko Sosic recently argued, "the crisis is increasingly being used as an excuse to backslide on previously achieved progress".

Media freedom rankings in Western Balkan countries

| | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |

Legend:
- Serbia
- Albania
- Montenegro
- Bosnia and Herzegovina
- Kosovo
- North Macedonia

Source: Reporters Without Borders (lower numbers indicate greater media freedom)
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Serbia is becoming a regional model for how the ruling authorities can apply such tactics as part of a creeping process to take control of society and the state.[3] There, the ruling party has used its dominance of the media – especially the broadcast and tabloid media – to centralise the dissemination of news on covid-19. This has created an even more hostile environment for independent journalists. From mid-April, the government held press conferences that journalists were not permitted to attend – and to which they could only submit questions in writing. The government lifted these restrictions after ending the state of emergency but, in July, the Ministry of Finance adopted a decree that is likely to intimidate independent media outlets and critics of the government. Under the pretext of fighting money laundering and terrorism (rather than the covid-19 crisis), the decree called for banks to provide the government with transaction data on a list of NGOs and individuals, including media organisations such as the Balkan Investigative Reporting Network, the Centre for Investigative Journalism of Serbia, the Organised Crime and Corruption Reporting Project, and the Novi Sad School of Journalism. The spokesperson for the European Commission's Directorate-General for Neighbourhood and Enlargement asked the Serbian government for an explanation about the criteria it had used to create the list. Yet, so far, the Serbian authorities have been "unable to provide a conclusive, consistent explanation" for the decision, according to the

European Association of Lawyers for Democracy & World Human Rights. This is very concerning given that "such information may only be requested if there are reasonable grounds to suspect that the client is involved in certain crimes".

Serbia's government was one of several in the Western Balkans to suspend freedom of information requests or make them more difficult in practice. During the state of emergency, the Serbian authorities postponed their responses to such requests, effectively making them dependant on the goodwill of state institutions – as Rodoljub Sabic, a former commissioner for information of public importance and personal data protection, explained. In Serbia, Montenegro, and Kosovo, governments increasingly controlled news on the pandemic but failed to effectively communicate with the public on the medical information they used to implement restrictions. In Bosnia and Herzegovina, official communications on the pandemic were fragmented between different levels of government.

At the same time, Western Balkans governments have fared relatively poorly in countering the spread of disinformation, which has escalated across the region during the crisis. While many international observers have long scrutinised traditional problems in the region's media landscape – such as media ownership and plurality, and the general quality of journalism –media outlets in the region are less well-equipped to counteract to fake news, which is snowballing and could seriously hamper efforts to address these issues. One credible piece of research from 2019 ties low media literacy to distrust in scientists and journalists. Popular conspiracy theories cover everything from the origins of the disease to the seriousness of its effects. Citizens who are unconvinced by scientific research on covid-19 are unlikely to comply with government measures, regardless of their severity. As such, governments need to look for ways to restore public trust in them if they are to, in turn, trust citizens to follow restrictions.

The Serbian and Montenegrin authorities fined and arrested people for social media posts that could allegedly cause panic and compromise public safety. Although governments have the right to take measures to prevent the spread of panic, requiring citizens to check the veracity of news stories they share on social media seems to be a draconian measure that encroaches on freedom of speech. The Montenegrin government also increased pressure on the media, adopting in July legislation that compelled journalists – under the threat of arrest – to reveal sources it saw as having endangered public safety and health.

Media freedom and freedom of expression have come under similar pressure in Bosnia and Herzegovina during the state of emergency. The authorities in Republika Srpska and the Federation

used fines and criminal proceedings respectively against those who allegedly spread false information through the media and social networks. Such measures threaten journalists and risk limiting freedom of expression by encouraging self-censorship.

Meanwhile, many media outlets in the region are under increasing financial strain. This especially true of opposition outlets, which generally do not receive public advertising funds or project co-funding from local governments.

Violations of personal data protection

Personal data protection rights seem to be another casualty of emergency measures in the region. Covid-19 patients' health records have been illegally published online in Serbia and Montenegro. The authorities in Serbia, North Macedonia, Montenegro, and Bosnia's Republika Srpska have published the names of people who have violated self-isolation or quarantine measures. While these breaches of personal data protections took place during lockdowns, the ease with which some authorities flouted citizens' rights suggests that this could be the beginning of a trend.

The threat to privacy rights is also reflected in the way the Serbian authorities worked with Huawei to install a 5G network and 1,000 facial recognition cameras in Belgrade – as part of a 'safe city' project designed to make it easier to track down criminals.[4] The system does not comply with Serbia's data protection legislation,[5] potentially poses risks to national security, and raises important questions about who in the police will gather, process, and use this data. The government classified documentation on the installation of this system on the grounds of national security. (Conveniently, it was able to install the cameras during the lockdown, when people had to stay in their homes.)[6] Serbia also engaged in surveillance by tapping geolocation data in mobile phones to trace the movement of people who could be infected or should be quarantined – which is illegal without a court order, even during a state of emergency.

In June, Macedonian Minister of Health Venko Filipce stated that the only way to raise awareness about how the virus was spreading would be to publish a list of people who did not comply with quarantine orders. Following the announcement, the names of 138 of people who should be under quarantine but either refused to self-isolate or gave a false address appeared in the newspapers.[7] This happened despite the fact that, at the time, the government emphasised that it would do its best to protect the identities of those under quarantine, especially once the coronavirus tracking app became publicly available. Yet there was no strong public reaction to the episode of the kind one

might expect in other parts of Europe.

Meanwhile, the Albanian government did not discuss privacy issues related to health data whatsoever. And, even if there were breaches of confidentiality, they likely happened through non-official channels such as social media.

Marginalisation of parliaments

While the executive has strengthened its powers in every Western Balkans country while handling the health crisis, the deterioration of democratic oversight by parliaments and independent institutions has been more apparent in some states than others. Such oversight has been largely ineffective in most countries in the region, aside from Montenegro and Kosovo. North Macedonia's parliament did not convene between its dissolution on 12 February and the snap election on 15 July. By the time of the election, the country's president had declared a state of emergency five times, allowing- the transitional government to rule by decree. Parliament effectively marginalised itself by dissolving after it set a date (in April) for the election.

The executive's marginalisation of parliament has been most apparent in Serbia. President Aleksandar Vucic declared the state of emergency despite the fact that, under the constitution, this responsibility falls to the 250 members of parliament. With parliament only convening 44 days after the announcement, the move created significant legal uncertainty. However, after a group of lawyers asked called for an examination of the constitutionality of the declaration of the state of emergency by the parliamentary speaker, the prime minister, and the president, the Constitutional Court rejected the request in May. As a significant part of the opposition – including its largest coalition, the Alliance for Serbia (comprising liberal and right-wing parties) – boycotted the general election in June, the governing parties now control more than 90 percent of parliamentary seats. And the remaining seats are controlled by national minority parties, most of which support the government. Therefore, parliament effectively lacks an opposition. This will reinforce the recent trend in which opposition politics has moved to the streets, as reflected in the increasingly frequent mass demonstrations in Belgrade and other big cities.

In Bosnia and Herzegovina, as well as Albania, parliamentary activity has continued but – due to the dominance of the ruling coalition – mostly consists of rubber-stamping government decisions. In Albania, an opposition boycott of parliament and the dysfunction of the Constitutional Court have given the government excessive power. In essence, the Albanian government's parliamentary majority

means that it faces few to no setbacks in passing bills of any kind.

The glaring exceptions in the Western Balkans are Montenegro and Kosovo, whose parliaments have been active and whose opposition parties have played a major role on a broad range of policy areas. These are the two countries where governments fell during the crisis – through a democratic election and a vote of no confidence respectively.

RELATIONS WITH THE EU AND THE ACCESSION PROCESS

The EU has expressed its unease with these various forms of democratic backsliding. The situation has revealed the tension between the goals of democratisation and those of stability and health security (even though the relationship between them is more complex than clear opposition). The pandemic did not cause but accelerated processes that contributed to the fall of Montenegro's Democratic Party of Socialists government, which effectively controlled all spheres of society during its three decades in power. The advent of a new leadership provides an opportunity for long-awaited reforms in democratic governance and the rule of law. This comes after at least a decade of backsliding – which has been the greatest impediment to the country's EU accession process – and at a time when there is good reason to believe that the country's foreign policy orientation may shift away from its traditional alignment with the West.

In Kosovo, the short-lived government led by Vetëvendosje had strong democratic legitimacy but faced criticism from one Western power for its geopolitical leanings. The Trump administration condemned the Vetëvendosje government's approach to the Belgrade-Pristina dialogue, tacitly backing a vote of no confidence that ended the government's rule – a vote triggered by a crisis within the coalition over the handling of covid-19.

Geopolitical competition through aid

The covid-19 crisis appears to have accelerated the decline in the EU's relationship with Vucic's Serbia. This is reflected in the fact that the bloc has not allowed Serbia to open a new chapter in the accession process this year.

Serbia's political leaders and pro-government media outlets drew much criticism from foreign analysts for hyping up Russian and Chinese medical aid while condemning the EU's initially slow reaction to the crisis. China was the first foreign power to help Serbia, sending covid-19 test kits to

Belgrade in mid-March, just two days after the European Commission made one of its first moves to restrict the sale of medical equipment outside the EU. This somewhat explained Vucic's harsh statement on 15 March: "European solidarity does not exist. That was a fairy tale on paper. I have sent a special letter to the only ones who can help, and that is China."[8] Serbia's foreign minister joined his counterparts in the other Western Balkans countries to ask the EU to lift these restrictions – which it did in late April. Like Serbians, citizens of Bosnia and Herzegovina were shocked by the decision to block medical exports to the Western Balkans – as Adnan Huskic has argued.

The six Western Balkans countries expressed their shared concern about the EU's restrictions in a public letter co-signed by their foreign ministers. The episode dealt a heavy blow to the EU's image in the region, by appearing to signal that accession states did not really belong in the club. And it helped ensure that Serbia was not the only Western Balkans country to give more media coverage to aid from Russia, China, and Turkey than that from the EU.[9]

European Commission Spokesperson Ana Pisonero attempted to reassure Vucic that the EU was searching for a way to include Western Balkans countries in EU initiatives designed to fight the virus. Indeed, on 20 March, the EU granted €7.5m in emergency assistance to Serbia and supplied the country with medical equipment worth an estimated at €50m under the Civil Protection Mechanism. In early April, through the Instrument for Pre-Accession Assistance 2014-2020, Serbia received €93.4m from the EU for urgent health needs and economic and social recovery, and an additional €4.9m to purchase respirators, test kits, and laboratory equipment. In late April, the European Commission announced that it would work with the European Investment Bank to provide more than €3.3 billion of financial support the six Western Balkans countries.

By comparison, China provided Serbia with a donation to build two coronavirus laboratories that, together, could conduct 3,000 tests a day. And Russia provided the country with 3,000 sets of protective equipment. Yet, in the first two months of the pandemic, the Serbian media's reporting on the EU remained mixed even though the tone improved somewhat and that on Russia and China was broadly positive – often carrying emotional overtones of friendship and brotherhood. Nevertheless, the crisis did not lead Montenegro, Albania, or North Macedonia to follow suit: all three countries maintained their alignment with an EU perspective and did not exaggerate the aid they received from third actors.

This suggests that, as the biggest donor to the region, the EU should look for new ways to use the leverage it already has. Most importantly, the EU should enhance its communication strategy to make its significant contributions more visible to citizens in the region. This would help ease the sense of

fatigue with EU reforms that are apparent in all candidate countries.

Migration and EU credibility

The EU has also experienced a serious loss of credibility in Bosnia and Herzegovina due to its migration policies. The situation of migrants and refugees stranded in Bosnia on their way to the EU already seemed unsustainable before the covid-19 crisis, and has considerably deteriorated during pandemic. Since January 2018, almost 60,000 migrants and refugees have arrived in Bosnia and Herzegovina from Greece. Between 6,500 and 7,000 of them are stuck in the country, most of them in the border area between Una-Sana canton in the Federation and Republika Srpska. Only around half of them reside in reception centres, while the rest are sleeping rough. This has led to rising tension within the local population. The minister of security of Bosnia and Herzegovina resigned over the government's handling of the crisis – which has been exacerbated by covid-19 restrictions on the free movement of migrants and refugees, as well as cases of the disease in some of the camps they reside in. The authorities have largely failed to provide migrants and refugees with the right to asylum. This is due to serious institutional obstacles related to underfunding – and the fact that reception centres are not recognised as valid residential addresses for asylum applications, which puts asylum seekers in legal limbo. At the same time, Croatia has been accused of violently pushing back migrants into Bosnia and Herzegovina, in what appears to be a clear breach of international norms on non-refoulement. Croatia's heavy-handed approach seems to have met with tacit approval from other EU member states – despite reports from Amnesty International and Human Rights Watch detailing the alleged violence. In November, following a complaint from Amnesty International, the EU ombudsman started to examine whether the European Commission had fulfilled its responsibilities to ensure that Croatia respected the rights of migrants and refugees at its border.

The EU has provided migration assistance to Bosnia and Herzegovina of around €36m since early 2018. However, public anger and frustration with the EU have grown, fuelled by the perception that the bloc is effectively using the country as a buffer zone. This is exacerbated by the fact that Greece, as an EU country, should have processed the requests for asylum of many migrants and refugees before they travelled to Bosnia and Herzegovina.

Limited progress towards accession

Such setbacks have been less apparent in Montenegro, North Macedonia, and Albania – all of which have made some progress towards accession. Montenegro opened its last negotiating chapter, on

competition, in late June (although the speed of the remaining talks will largely depend on the new government's approach). In March, EU member states finally moved to open accession talks with North Macedonia and Albania – following the French government's shock decision to veto the process in October 2019. At the General Affairs Council meeting held on 17 November, neither country received a confirmation on the negotiation framework – with Bulgaria blocking North Macedonia due to bilateral disagreements, and the Netherlands blocking Albania due to the latter's lack of progress on rule of law.

Throughout summer, both Albania and North Macedonia welcomed regional integration initiatives, aiming to add momentum to moves to open the accession process. For instance, Albanian Prime Minister Edi Rama's plan to establish a mini-Schengen Area in the Western Balkans is developing faster than he seemed to expect: Kosovo has agreed to participate in the effort under the agreement on a dialogue with Serbia that it recently signed in Washington. Rama's plan would create a unified market for Serbia, Albania, North Macedonia and Kosovo, while easing the flow of goods and people between the countries through the use of identity cards rather than passports.

However, the mini-Schengen Area can complement but not replace accession and the Berlin Process, as the creation of the required structures and institutions would achieve little without the prospect of EU membership. At the Berlin Process Summit jointly chaired by Sofia and Skopje in early November, the leaders of the Balkans countries signed two declarations – one on the Common Regional Market, which will prepare them to join the EU's single market, and one that confirms the region's commitment to the European Green Deal. These declarations provide good opportunities for regional leaders to prove that they have the capacity to build structures that will serve them in the enlargement process and beyond, and to show that they have the foresight to restructure their industries and thereby attract investment.

It is unclear whether the mini-Schengen Area will play a role in the campaign for the 2021 parliamentary elections in Albania. Prime Minister Edi Rama may try to use the issue to project the image of a forward-looking leader in international cooperation – one similar to that of Macedonian Prime Minister Zoran Zaev.

Meanwhile, the ruling Social Democratic Union of Macedonia (SDSM) has made the establishment of the Prespa Forum a part of its new political programme. Funded by the EU's Instrument for Pre-Accession Assistance, this would be what the government calls "a kind of international forum for dialogue, cooperation and resolving international issues that through the prism of the historic success of the Prespa Agreement would serve as inspiration to future generations in overcoming differences

and open issues".

Despite having engaged in these regional cooperation initiatives, the governments of accession candidate states need to stay focused on the arduous process of complying with the EU negotiation framework. This holds truer than ever against the backdrop of the pandemic, as there is a risk that the process they are engaged in could slip into oblivion and suffer further delay. Their efforts to establish good neighbourly relations signal a commitment to deeper integration, but they will only retain the benefits of such integration by building and fortifying institutions that comply with EU standards in ways that go beyond regional initiatives.

Bulgaria's key role

Since signing the Treaty on Friendship, Good Neighbourliness and Cooperation with North Macedonia in 2017 and taking on the presidency of the Council of the EU in 2018, Bulgaria has consistently built up its image as a regional champion of EU accession. The country positioned itself within the EU as a member state that can take ownership of the process and assure at least some of the countries in the region that someone is looking out for them and will keep things in motion. Moreover, Bulgaria and North Macedonia have jointly led the Berlin Process throughout 2020 – the first time that a member state and a candidate country have done so. This is why Bulgaria's recent decision to block EU negotiations with North Macedonia seemed out of character.

Since September, one of the parties in Bulgaria's ruling coalition – the Internal Macedonian Revolutionary Organisation-Bulgarian National Movement (VMRO-BND) – has been vocal on what it perceives as North Macedonia's non-compliance with the 2017 treaty. After the countries' leaderships exchanged some not-so-friendly rhetorical fire, Bulgaria prevented North Macedonia from setting a date this year for the intergovernmental conference that will launch the accession process. Sofia wants Skopje to acknowledge the Bulgarian roots of the Macedonian language; to declare that the use of the term 'North Macedonia' refers to the territory of the Republic of North Macedonia; to give up any claims on the Macedonian minority in Bulgaria; and to end its anti-Bulgarian rhetoric.

Both sides bear responsibility for the dispute, but much of the behaviour that offends Sofia comes from the Macedonian opposition – which is still picking up the pieces after losing three consecutive elections. Nevertheless, the most prominent far-right parties in Bulgaria and North Macedonia enjoy rattling the cage on national identity issues and feeding off each other when an election is close – even though, ironically, they draw their names from the same historical organisation, the Internal

Macedonian Revolutionary Organisation (VMRO). On the margins of the anti-government protests in Bulgaria, the VMRO-BND was polling at just above the threshold for representation in parliament. In North Macedonia, since narrowly losing the July election to the SDSM, the VMRO-DPMNE has attempted to delegitimise the government in various ways. For these reasons, the VMRO-BND and the VMRO-DPMNE are trying to gain popular support through boisterous statements on national identity, with the latter going to the lengths of holding a protest on disputed issues.

A recent public opinion poll found that more than 80 per cent of Bulgarians would not support EU membership for North Macedonia if the country could not meet the conditions on historical disputes Sofia has set out. In 2019 only 15 per cent of Bulgarians had a negative attitude towards recognising the modern history of North Macedonia. And several public figures in Bulgaria attempted to prevent the veto. In the weeks leading up to the General Affairs Council meeting, Bulgarian and Macedonian academics sent an open letter to the countries' prime ministers, urging them to resolve the issues, while policy analysts in Bulgaria tried to underline the benefits of cooperation. Yet the fierce rhetoric escalated on both sides, leading to the veto. In the days that followed, the two sides seemed to commit to continuing their negotiations on the dispute, with the aim of resolving some of their disagreements. However, the tension between them did not seem to ease. Depending on whether he wants to win another mandate in the March election, Borisov may need to take a softer line to please Brussels – or fully commit to a populist-nationalist approach.

Bulgaria is risking its hard-earned image as champion of regional integration – not only in the Western Balkans, but in the EU as well. Other EU member states are opposed to importing bilateral issues into the accession negotiation framework. There is no place at the negotiating table for EU member states to exploit an asymmetry of power with candidate countries. Meanwhile, member states that are reluctant to complete the accession process in the Western Balkans – such as the Netherlands and Denmark – should not gloat over the Bulgarian veto, as it was motivated by nationalist concerns rather than on issues related to the conditions of EU accession, such as progress on the rule of law. All this means that the success of the German presidency of the EU is hanging by a thread – first sabotaged by Hungary and Poland in the adoption of covid-19 recovery fund and the new EU budget, and then by Bulgaria with its veto.

With the next General Affairs Council meeting set for early December, Bulgaria and North Macedonia should try to reach an agreement and salvage what is left of the progress that has been made in the last three years. Germany can play a decisive role in this, by reminding the two countries of the benefits of a common future in the EU. A stable and integrated North Macedonia would give Bulgaria many opportunities for economic and political cooperation.

Bulgaria does not want to take on the kind of role that Greece had in its long-running dispute over North Macedonia's name. And, in showing leadership at this moment, Bulgarian Prime Minister Boyko Borissov has more to gain than his party's coalition partner.

North Macedonia should be patient in the dispute, as the March 2021 parliamentary election in Bulgaria could help bring about a solution (perhaps through an annex or other addition to the 2017 treaty). In the meantime, politicians should not place Bulgaria's and North Macedonia's joint historical committee at the centre of the dispute, as the organisation has restarted its work and the process is sensitive and time-consuming.

The current impasse shows the need to decouple bilateral disputes from the accession process. Such disagreements, which are not confined to those between Sofia and Skopje, exhaust the political will to focus on the essence of the negotiation process everywhere from local leaderships and administrations to member states, to the European Commission. Due to recent developments, enlargement is unlikely to be a linear process; it will require a sustained commitment from both the EU and candidate countries, as well as substantive initiatives such as intergovernmental sessions and efforts to implement the reform agenda.

The silver lining is that there is no risk that North Macedonia will hold a snap election as it did following the veto of negotiations in 2019. Some of the Bulgarian government's demands would be unacceptable to any government, and do not divide Macedonians as negotiations over their country's name once did. Once the sides have resolved these issues and set a date for the intergovernmental conference, Macedonian Deputy Prime Minister for European Affairs Nikola Dimitrov will guide his country through the negotiations. To do so, he will need to ensure that his ministry builds up its expertise on accession issues and establishes strong links with other ministries, thereby ensuring the smooth adoption of the *acquis communautaire*. The government in Skopje should commit to its proposal to draw on civil society organisations based on their expertise on individual accession chapters.[10]

Albania's judicial and electoral reforms

Although the EU is ready to begin negotiations with Albania, the country is yet to meet several accession requirements related to electoral procedures and the judiciary. And the judicial vetting process has made it difficult for Albania's constitutional, high, and appellate courts to hand down decisions on matters of all kinds. The EU and Albania should look for a mutually acceptable solution to increase the capacity of the courts, allowing them to resume their domestic work in parallel with the accession process.

Meanwhile, for several months, the country's main political forces – the ruling Socialist Party and the opposition Democratic Party and Socialist Movement for Integration – have worked towards an agreement on the reform of electoral procedures under the auspices of the EU, the United Kingdom, and the United States. Their efforts culminated in a joint agreement in early June between the parties but, just weeks later, parliament (in which the Socialist Party has a majority) adopted changes to the constitution that went far beyond the electoral requirements put forward by the Organisation for Security and Co-operation in Europe. On 5 October, parliament voted to accept the changes. However, in the months leading up to that moment, the opposition claimed that the ruling party had made changes that went against the joint agreement. The implementation of the electoral reform remains one of the top two priorities for setting a date for the intergovernmental conference (the other is the vetting process). And German Minister of State for Europe Michael Roth has encouraged Albania to work on achieving these goals by the end of the year (a task that lacked a deadline before the most recent General Affairs Council meeting). Should these changes take place, they would take up a great deal of institutional capacity in the lead-up to the next parliamentary election, scheduled for April 2021. Furthermore, any efforts related to fulfilling the pre-conditions are closely monitored by sceptical member states such as the Netherlands. The Dutch are unlikely to settle for any reforms that look like a box-ticking exercise.

Domestic discontent has had ebbed and flowed throughout Rama's tenure. Despite their initial approval of the government's covid-19 measures, Albanians have heavily criticised its handling of the pandemic as a whole. But the opposition chose to leave parliament in 2019 and has little to show for its work since then, helping create a perception that Albania's institutions are dysfunctional. It remains to be seen whether, after the election, the two parties will find common ground on the pressing issues posed by the preconditions of EU accession.

THE BALANCE BETWEEN DEMOCRATISATION AND STABILITY

The veto France imposed on Albania's and North Macedonia's accession talks last year drew attention to the persistent tension within enlargement policy between the pursuit of democratic reforms and efforts to promote stability. The episode showed how it is unsustainable to compromise on democratisation goals for the sake of peace and security. It also refocused the EU's attention on the importance of candidate states' internal reforms as a way of sustaining progress towards accession. Today, the EU seems less inclined than it once was to allow Western Balkans governments to get away with democratic backsliding just because they align themselves with the bloc geopolitically. This is reflected in the EU's refusal to open a new chapter of accession negotiations with Serbia this year, and the close attention it has paid to electoral and judicial reform in Albania.

The EU has proven capable of using the prospect of Euro-Atlantic integration to pressure Western Balkans governments into making foreign policy concessions that are unpopular domestically, such Montenegro's accession to NATO and Serbia's compromises with Kosovo. But the EU is unlikely to have similar success with domestic reforms in countries ruled by authoritarian governments. This is suggested by events in North Macedonia, whose democratisation process only resumed when the coalition led by the SDSM came to power, in 2017. Montenegro is another case in which a change in government might lend momentum to internal reforms. And, in Kosovo, the Vetëvendosje government provided an initial opportunity to fight corruption and strengthen the rule of law, even if it was not in power long enough to make a difference.

The EU should welcome such political changes that promise greater democracy and adherence to the rule of law, while continuing to pressure governments across the region to make progress on these issues. This is the only way to counterbalance the democratic backsliding that has accelerated during the covid-19 crisis. The examples of North Macedonia and, potentially, Montenegro should signal to other Western Balkans states that accession is only possible if they engage in a democratic transformation.

In principle, all Western Balkans countries are committed to EU integration. However, genuine engagement with the accession process seems to be lacking everywhere but North Macedonia, the only one of them that has improved its democratic record in the last two or three years. The

protracted EU enlargement process, reform fatigue, and the EU's partial loss of credibility account for this lack of enthusiasm. The blunders that the EU made in its aid policy – especially those in the first few months of the covid-19 crisis – showed that the bloc needs to focus more on issues of sequencing and communication, while revealing the painful disillusionment with the EU in some Western Balkans countries. In Kosovo, the EU's protracted suspension of its visa liberalisation programme for no good reason has been a public relations disaster. Unless it restores the programme – which has been approved by the European Commission – the EU will be unable to repair its reputation in the country (as EU Special Representative Miroslav Lajcák has argued).

In this context, Serbia's recent moves to seek a better relationship with the US and NATO could be encouraging signs that the country is willing to distance itself from Russia, strengthen its Western partnerships, and perhaps even resolve the Kosovo question. However, regardless of Vucic's intentions, a final deal between Serbia and Kosovo does not seem to be in sight, not least due to the current political situation in Kosovo. At the same time, the countries are likely to continue their negotiations on practical issues such as public and private property disputes, as well as Serbian territorial autonomy. By resolving such problems – which are crucial to a lasting settlement – the countries could eventually move closer to a final agreement.

Recommendations

The EU should neither allow authoritarian governments to make progress with accession simply due to their geopolitical orientation nor shun them for this reason. For instance, the European Commission and the European Council should support the new Montenegrin government in its reforms so long as it remains genuinely committed to democratic transformation. But continuing to back autocrats would undermine the EU's credibility and reinforce arguments against integration. The bloc and its partners in the Western Balkans can find the right balance in this through the following approaches:

- The European Commission should continue to help Albania and North Macedonia complete the pre-accession vetting process, partly by learning from the setbacks it has faced in dealing with Tirana on issues such as judicial reform.

- The European Commission should provide targeted assistance to independent media and civil society organisations in Western Balkans countries, especially those that are ruled by autocratic regimes and in which most media outlets are dominated by the government.

- National leaders in the Western Balkans should make use of the renegotiated accession framework to lay the foundations of sustainable change on rule of law issues. This would improve public trust in their rule while enabling further reforms and progress towards accession.

- Individual EU member states should refrain from vetoing the enlargement process – as they often have in recent times. Usually driven by member states' domestic politics, these vetoes make the process unpredictable, inconsistent, and less than credible. Western Balkans candidates' EU neighbours have a special responsibility to avoid using such blunt instruments, as they have the most to gain from the accession process in the region.

- The European Commission, together with the EU's foreign policy chief, should continue to promote cooperation within the Western Balkans and between the region and neighbouring member states. For instance, Vucic's vocal support for a mini-Schengen Area could provide an opportunity to dismantle existing barriers to trade and travel – which would have benefits for Kosovo citizens in particular. The EU should frame efforts of this kind as part integration with the bloc, given that the institutions and mechanisms that facilitate them are embedded in initiatives such as the Berlin Process.

- The European Council should grant visa liberalisation to Kosovo – which is the single most important precondition for restoring the country's trust in the EU. Without this, the country would be unlikely to accept the EU as an honest broker in the Belgrade-Pristina dialogue, and would continue to seek US involvement in the process. By providing visa liberalisation to Kosovo, the EU would improve its image as a partner that keeps its promises.

- The EU, led by the European Commission and influential member states such as Germany, should urge the five member states that do not recognise Kosovo's statehood to reverse their positions on the issue. This would help Kosovo strengthen its international status and thereby engage in greater international cooperation, including that through multilateral institutions.

- The European Commission should consider including Western Balkans in its policies on free movement and crisis management during the pandemic. While some might argue that this is a benefit reserved for member states, this type of solidarity would help create a positive image of the EU in the region.

- The European Commission should improve its public communications on the financial

assistance and other benefits it provides to citizens the Western Balkans, aiming counterbalance some of the negative press it has received from some media outlets in the region. The Commission needs to better publicise the many instances in which it has distributed aid packages to families in need in the region, partly by enhancing its press releases with photos, interviews, and other promotional tools.

- The EU, including its individual member states and the European Commission, should deal with the precarious situation of migrants and refugees in Bosnia and Herzegovina by providing more than just financial aid. The bloc could offer these people the opportunity to apply for asylum in the EU, a legitimate move given that they passed through a member state before reaching the country.

ANNEX: CASE STUDIES

MONTENEGRO'S UNEXPECTED CHANGE OF GOVERNMENT

Between December 2019 and August 2020, the Montenegrin government was engaged in a confrontation with the Serbian Orthodox Church (SOC) over a new law on church property. The political turmoil created by the law – which would have effectively transferred ownership of most SOC property in Montenegro to the state – significantly contributed to the defeat of the ruling Democratic Party of Socialists (DPS) in the August general election.[11] Street protests organised by the church and its supporters attracted tens of thousands of people and lasted until mid-March, when the government placed restrictions on freedom of movement in response to the covid-19 crisis. In this sense, the pandemic seemed to benefit the government.

However, large-scale church processions resumed in mid-May – this time, in violation of the restrictions. The authorities responded with harsh measures that included the arrest of a bishop and several other priests. The opposition backed the church in the dispute, recognising that the government's efforts to challenge the powerful SOC were widely regarded as an attack on the Serbian community in Montenegro. Yet, even in this fraught environment, the result of the August election came as a surprise victory for democratic politics, given the ruling party's "undue advantage through misuse of office and state resources and dominant media coverage", as the international election observation mission of the Organisation for Security and Co-operation in Europe put it.

At the same time, the power shift raised questions about the future direction of Montenegrin foreign policy, as DPS and its leader, President Milo Dukanovic, were widely seen as guarantors of Montenegro's Euro-Atlantic orientation. By contrast, the three opposition blocs that formed the new governing coalition comprise parties with quite different profiles and agendas. The pro-Serbian Democratic Front – which leads the For the Future of Montenegro alliance – has strong ties with Russia and opposed Montenegro's NATO accession. This alliance won 27 parliamentary seats, more than either of its coalition partners: the liberal, pro-EU Black and White movement, led by a charismatic ethnic-Albanian politician Dritan Abazovic, and the Peace is our Nation alliance, a softer pro-Serbian grouping that has a civic orientation and is made up of the Democratic Party, Demos, and several smaller parties.[12] Collectively, they control 41 parliamentary seats, with the remaining 40 held by the DPS and its smaller coalition partners.

To address concerns about Montenegro's geopolitical position, the three leaders of the winning coalition have stated on several occasions that they will maintain the country's Euro-Atlantic orientation and fulfil its international commitments, including those to NATO and to EU integration. Indeed, these commitments are referenced in the coalition agreement. Nonetheless, there is a danger that the new government could effectively undermine NATO membership obligations from within the organisation. Some leaders of the Democratic Front complained that they were not consulted about the content of the coalition agreement before they signed it. And previous statements by Democratic Front politicians on NATO membership stand in sharp contrast with the agreement.

Several political leaders in neighbouring countries fear that the new coalition will revive irredentist 'Greater Serbia' nationalism. As a result, before the election, the DPS received pledges of support from Albanian Prime Minister Edi Rama, former Kosovo president Hashim Thaci, and Macedonian Prime Minister Zoran Zaev. Similar backing came from Zeljko Komsic, the Croat member of the Bosnian presidency, and Grand Mufti Husein Kavazovic, head of the Islamic community in Bosnia and

Herzegovina.

While it is difficult to predict how the new government will behave in office as it still has not formed, Montenegro's relationship with Serbia is likely to improve. Several Serbian politicians, including President Aleksandar Vucic, spoke out against the arrest of Orthodox priests during the protests in May. This prompted a broader dispute involving the Montenegrin foreign ministry. In June, Montenegro reopened its borders with all neighbouring countries aside from Serbia – a move that Belgrade perceived as an unfriendly gesture. The winning coalition has promised to repeal the law on church property. Yet prime minister-designate Zdravko Krivokapic has recently criticised Vucic in a manner that suggests that bilateral relations between Montenegro and Serbia will be more complex than a close alliance.

Montenegro is likely to forge stronger ties with Serbia under the new government, particularly if it changes the law to allow Serbian citizens to have dual Montenegrin citizenship – thereby increasing the influence of the Serbian vote in future elections. Yet, given that Serbia is also a candidate for EU membership, a closer relationship between the two countries need not derail Montenegro's accession process. And Abazovic has warned that the coalition will collapse if the parties to it abandon Montenegro's Euro-Atlantic orientation. Currently, the greatest risk to the survival of the coalition is the many ideological differences between its members.[13]

Montenegro's economic crisis, exacerbated by covid-19, gives the new government another reason to stay close to the European Union. After the election, the Central Bank of Montenegro called on the government to restructure the country's growing public debt, which is projected to reach $3.7 billion, or around 90 per cent of GDP, this year. It will be a challenge to finance public expenditure, including salaries, pensions, social security contributions, and the health system, as budget revenues are down by around 25 per cent year on year, according to central bank data. This will require the government to engage in further negotiations on a bailout with the International Monetary Fund and the EU.

THE FALL OF KOSOVO'S GOVERNMENT

In contrast to the democratic transition in Montenegro, Kosovo's government led by Vetëvendosje collapsed when the ruling coalition's smaller member party, the Democratic League of Kosovo (LDK), backed a vote of no confidence in its partner, Vetëvendosje, on 25 March. The vote – which the outgoing prime minister, Albin Kurti, described as a "coup d'etat" – had the support of both former president Hashim Thaci and the Trump administration. It took place even though the Vetëvendosje government had significant democratic legitimacy, polling at close to 50 per cent of the vote.

The covid-19 crisis did not cause the government's fall but provided an opportunity for the vote of no confidence, which the LDK initiated after Kurti removed Agim Veliu, a member of the party, from his post as interior minister. Kurti sacked Veliu because the latter wanted parliament to declare a state of emergency due to the health crisis, which would have shifted power to Kosovo's Security Council, headed by Thaci.

In another point of disagreement between the two coalition partners, the LDK insisted on the immediate elimination of a 100 per cent import tariff on goods from Serbia, as well as those from Bosnia and Herzegovina – in line with the demands of Richard Grenell, US special envoy for the Belgrade-Pristina dialogue. The tariffs were imposed in November 2018 by Kosovo's prime minister at the time, Ramush Haradinaj – thereby bringing the Belgrade-Pristina dialogue to a halt for almost two years. Unlike Veliu and the LDK, Kurti favoured the gradual elimination of tariffs on a reciprocal basis until Serbia showed some willingness not to block Kosovo internationally.[14] As Serbia does not recognise documents and certificates issued by Kosovo or products of the country, Kosovar exporters had to obtain Serbian certificates for goods they wanted to sell in Serbia. Most importantly, however, Grenell wanted to remove reciprocity as a condition for restarting the dialogue. Instead of developing a strategic partnership with the US, Kurti resisted Grenell's demands.[15] The dispute between the two was an important cause of the government's fall. At the same time, Kurti managed to cultivate positive relations with many EU politicians and gain a positive image in the EU.

In June 2020, Kurti – who was still acting prime minister after the vote of no confidence –

counterbalanced these non-tariff barriers on Kosovo's exports to Serbia by implementing reciprocity measures. The measures required Serbian businesses exporting to Kosovo to use the emblem of the country and the name "Republic of Kosovo" on all sanitary and veterinary certificates. The measures drew criticism from not only the White House but also Miroslav Lajcak, EU special representative to the Belgrade-Pristina dialogue, who described them as "unilateral actions" that "undermine the dialogue-resumption". Washington pressured Pristina to change course by threatening to withdraw US troops from Kosovo and to withhold economic aid to the country unless it suspended the tariffs. The European Union's foreign policy chief, Josep Borrell, warned Kurti that the dialogue with Serbia would not resume so long as the tariffs were in place.

The fall of the government seemed to be a victory for Kosovo's old political elite, who have held power since 1999 in a political environment characterised by clientelism and widespread corruption. By contrast, Vetëvendosje provided an opportunity to establish a different culture of political governance in Kosovo.[16] The party relied on grassroots support, having grown out of non-violent demonstrations in 1997 and 1998 organised by students at the University of Pristina. In this way, the party represented a break with the corruption-tainted legacy of the old elite. As analyst Andrea Capussela argues, Vetëvendosje's victory in the October 2019 election stemmed from a reaction to "two decades of stagnation, theft, and inequality". The party built its electoral platform on the rule of law, social justice, and anti-corruption, while also advocating an uncompromising version of Kosovar nationalism that rejected any concession to Serbia in exchange for diplomatic recognition.[17] The government, which lasted only a few months, tried to initiate a number of reforms designed to address corruption and clientelism, partly by bringing in people from civil society and academia. Yet its existence was too brief to make a difference.[18]

The coalition was fraught with tension from the start of its members' talks on cooperating with one another, which began in October 2019. Lacking enough seats to govern alone, Kurti reluctantly teamed up with the LDK. It took the two parties four months to form a government, partly due to the significant mistrust between them. By firing the interior minister without consulting his coalition partner, Kurti breached the coalition agreement between his party and the LDK, thereby precipitating the crisis that brought down his government. Although he was, therefore, complicit in the government's fall, it is unclear whether he intended to prompt a new election and capitalise on Vetëvendosje's growing popularity. By provoking a confrontation with the LDK, he might have sought to strengthen the position of the party's younger members who were politically close to him – such as Vjosa Osmani, the speaker of parliament – relative to its old guard.[19] Over the years, Kurti has become more cooperative with other parties and more communicative with the West, has stopped

talking about unification with Albania, and has significantly moderated his radicalism. This radicalism was reflected in his rejection of the Ahtisaari Plan in 2008, as well as his use of tear gas in parliament in 2015 in reaction to an agreement between Kosovo and Serbia on the normalisation of relations, and as part of a 2018 campaign against a border agreement with Montenegro.[20]

In June, following the vote of no confidence, the LDK formed a new government with the Alliance for the Future of Kosovo, led by Haradinaj; the New Kosovo Alliance, headed by former foreign minister Behgjet Pacolli; the Social Democratic Initiative; and several parties representing ethnic minority communities. This was a political solution to the stalemate created by Vetëvendosje's refusal to receive the mandate from the president to try to form a new government. Vetëvendosje insisted that only the biggest party had the right to form a government and, if it did not succeed, to hold a new election instead of making way for the second-placed party to try to form a government. Ultimately, the stalemate was solved by a ruling of the Constitutional Court that paved the way for the LDK to form a new government.[21] After becoming prime minister, LDK leader Avdullah Hoti quickly abolished the import tax on Serbian and Bosnian goods, before announcing his readiness to continue the dialogue with Belgrade.

The political situation in Kosovo remains unstable. The government holds just 61 parliamentary seats out of 120, with persistent tension within the coalition. Meanwhile, Kosovo is experiencing a dramatic spike in coronavirus cases. And Thaci recently resigned to face war crimes charges in The Hague, meaning that parliament must now elect a new president. In the meantime, the speaker has taken over as acting president for six months. If parliament fails to choose a new president beyond that, there will need to be a new election – which, according to recent opinion polls, Vetëvendosje would win, even if it probably could not form a government on its own. However, other parties in the governing coalition are against holding a snap election, which might force them to compromise on the appointment of a new president.[22]

THE BELGRADE-PRISTINA DIALOGUE

In June 2020, shortly after the formation of a new government in Kosovo, US Special Envoy Richard Grenell announced that the Belgrade-Pristina negotiations – which had stalled since November 2018 – would resume in Washington. The push for greater American involvement in the process started in January 2020, when Grenell brokered negotiations between Serbia and Kosovo on the resumption of flights between the country's capitals. The White House claimed to have taken over the mediation of talks on economic normalisation between the sides, while leaving the European Union in charge of the

political dialogue. Yet Washington started to organise negotiations without coordinating with Brussels.

The US-brokered talks ran in parallel with the EU-led negotiations, which resumed in Brussels in July. It seemed that the United States was trying to sideline the EU by organising a meeting between Serbian President Aleksandar Vucic and Kosovo Prime Minister Avdullah Hoti in Washington that month. But the bloc quickly invited the two leaders to Brussels for a discussion before they met at the White House. The discussions in Brussels addressed practical issues such as cooperation on missing persons and economic cooperation.

The sides postponed the talks in Washington scheduled to take place between July and September due to the prospect that the prosecutor in The Hague would indict former Kosovo president Hashim Thaci for war crimes. Given that Hoti and Vucic signed separate documents during the Washington meeting, it remains unclear whether they have agreed to anything with each other or with the US government. The deal may have focused on economic normalisation, but it covered several political issues as well. They had already agreed on some of these issues – such as the mutual acceptance of diplomas and the construction of a highway connecting the two capitals – in the context of the Brussels dialogue. And the EU had already provided technical assistance in these areas. Ana Pisonero, EU spokesperson for the enlargement portfolio, pointed out these commonalities – thereby underlining the lack of transatlantic coordination on the discussions.

Despite these problems, the Washington Agreement had some political results. For instance, Serbia promised to end its efforts to convince states to withdraw their recognition of Kosovo, and Kosovo pledged to refrain from applying for membership of international organisations.

However, the talks focused on removing existing barriers to economic activity in the Western Balkans, and implementing a mini-Schengen Area in the region. The area would create a regional free trade zone and an integrated labour market, while facilitating the free movement of people across borders. This would require legal harmonisation among participating states on social security, and on mutual acceptance of work permits, diplomas, and residence permits. The sides would liberalise trade within the framework of the Central European Free Trade Agreement. They expressed an ambition to establish the free movement of investment capital and the creation of a digital common market. Unlike Kosovo's previous leaders, Hoti accepted the mini-Schengen Area. Meanwhile, the US promised loans for the development of strategic infrastructure, such as a railway line between Pristina and Nis, and the highway connecting the two capitals.

The agreement had some unusual elements that were unrelated to the normalisation process, such as

the requirements that both parties move their diplomatic missions in Israel to Jerusalem and that they protect their 5G systems from "untrusted vendors" (commonly understood to refer to Chinese firm Huawei, even if the company was not mentioned by name). These conditions only added to doubts about whether the deal would move the normalisation process forward, in light of its vague content and overlap with deals brokered by the EU. While the deal signed in Washington lacked substance, it might have some strategic benefits for the parties.

Most assume that the agreement was important to President Donald Trump solely for campaign purposes, as indicated by the deal's lack of substance and its references to Israel. Nonetheless, shortly after the Washington meeting, the US International Development Financial Corporation opened its office in Belgrade, while Grenell paid a visit to Belgrade and Pristina, promising to bring American investment to the region.

From Kosovo's perspective, the agreement has the advantage of bringing the US back into the dialogue.[23] Kosovo's citizens and politicians trust Washington more than Brussels, partly because the latter is still withholding visa liberalisation from Kosovo even though the country met the criteria for this two years ago (as set out by the European Commission).

The Serbian leadership, which has long wanted access to the Trump administration, may also be pleased with the agreement. The administration leaned towards the Serbian side by pressuring Kosovo to lift the import tariffs unconditionally. From a strategic point of view, the agreement gives Serbia an excuse to weaken its ties with Russia. Serbia agreed to the provision targeting China under US pressure, as improving relations with the Americans took priority.

The Washington Agreement might force the EU to intensify its engagement with Kosovo and Serbia by addressing some of the more difficult questions in the talks. Indeed, the dialogue continued in Brussels in September. There, for the first time, the sides discussed the settlement of mutual financial and property claims – and "arrangements for the non-majority community", suggesting some modified version of implementing the Association of Serbian Municipalities (ASM) – as part of a comprehensive, legally binding agreement. The formation of the ASM, a grouping of territories in Kosovo that have an ethnic-Serb majority and some autonomy, was secured in 2013 by the Brussels Agreement but subsequently found to be unconstitutional by Kosovo's Constitutional Court on many counts.

For the EU, what is at stake is not just the substantive issues themselves but also its reputation for achieving its foreign policy goals and for fulfilling its international commitments.

The EU aims to create a comprehensive, legally binding agreement under which Serbia would recognise Kosovo. This might be acceptable for Serbia only as the final element of a deal that granted major concessions to it in other areas, such as those related to the status of the Serbian Orthodox Church in Kosovo, Serbian property issues, or the ASM. Yet it is unclear whether even this would be enough. Vucic has highlighted on several occasions that he expects something more than EU accession in exchange for recognising Kosovo. Although he did not specify what that could be, territorial concessions are the only idea he has openly endorsed in recent years as a potentially acceptable solution – something that, for now, is off the table.

In the last few months, Hoti has made clear that Kosovo's territorial integrity is non-negotiable – thereby rejecting the idea of territorial exchanges and, accordingly, discussions on the ASM. Nonetheless, talks on the "arrangements for the non-majority community" continued in September.

The general mood in Kosovo – among the political establishment and the public – is one of opposition to any form of compromise with Serbia on territorial exchanges. Thus, there appears to be no solution in sight. Although Miroslav Lajcak, EU special representative to the Belgrade-Pristina dialogue, wants to complete the dialogue by the end of next year, this seems unlikely to happen.

SERBIA'S GEOPOLITICAL BALANCING ACT

For several years, Serbia has actively sought greater cooperation with the United States, even hiring lobbyists to target the Trump administration.[24] This made sense for Serbian President Aleksandar Vucic, given that the Trump administration backed the land swap with Kosovo advocated by him and former Kosovo president Hashim Thaci.[25] Serbia's participation in the US-led dialogue seemed to displease Russia: a spokesperson for the Russian Ministry of Foreign Affairs compared Vucic's meeting in Washington to a scene from the film *Basic Instinct*.

The Serbia-Russia partnership seems to have come under strain in recent times due to Vucic's attempts to reduce Serbian dependence on Moscow. However, Belgrade still maintains very close links with Moscow. Vucic's foreign policy is effectively a balancing exercise between Russia and the West in which he occasionally draws closer to one than the other for brief periods.

In recent years, China has also been part of the equation, as its influence has surpassed that of Russia in areas such as infrastructure investment. Further signs of this – such as Serbia's preference for Chinese aid over Russian assistance during the pandemic, and the growing share of Chinese capital in sectors such as energy and mining – indicate that China might become an increasingly important reference point for Serbian foreign policy. At the same time, China is an important political partner due to its staunch rejection of Kosovo's independence as a permanent member of the UN Security Council. So far, China has not made political demands of Serbia in exchange for investment.

Nonetheless, Serbia has recently made several concessions to its Western partners. The country endorsed the EU declaration condemning the Belarusian authorities for conducting a violent crackdown on the protests that followed the August presidential election. Under pressure from the European Union, Serbia also reluctantly withdrew from a military exercise with Belarus and Russia planned for September. When violent demonstrations erupted in Belgrade in response to the reintroduction of lockdown measures after the election in June, pro-government tabloids blamed Russia for organising them. These allegations were unsubstantiated, but it is unusual for pro-government outlets to portray Moscow in a negative light. Moreover, Vucic pushed his party's coalition ally, the Socialist Party of Serbia, to discard its pro-Russian cadres, hoping to minimise the influence of those with direct links to the Russian leadership.[26]

If Vucic genuinely intends to resolve the dispute with Kosovo, rapprochement with the US would make sense. Serbia has long relied on Russia for support on the issue at the UN Security Council and in international institutions. Accordingly, such a resolution would significantly reduce Russian leverage over Serbia.[27] Vucic's control of an overwhelming majority in parliament – and the weakness and fragmentation of the opposition – would allow him to achieve this.

It is more plausible, however, that the president does not see the resolution of the Kosovo question as being in his best interest, as this would destroy his greatest bargaining chip in negotiations with the EU. As political scientist Florian Bieber argues, if Vucic was seeking to resolve the issue, he would be preparing the public for this, and not presenting the dialogue as a battle as he currently does.[28] Thus, he seems likely to drag out the normalisation process as much as possible.

Arguably, even if the sides quickly completed the process, he could gain further leverage by focusing on another issue that was important to the West, such as by presenting himself as the guarantor of Bosnia's integrity in maintaining control over the secessionist agenda of Republika Srpska. Alternatively, he could pursue NATO accession.[29] Although, for now, this option is officially off the table and public opinion is strongly against it, some in the Serbian military favour closer ties with the alliance.[30]

Since coming to power in 2012, Vucic has struck a balance between the West and Russia by building stronger links with the country and, at the same time, engaging in dialogue with Kosovo, pursuing EU accession, and increasing cooperation with NATO.[31] Belgrade now engages in far more military cooperation with NATO than with Moscow but tries to avoid highlighting this in the media, as the alliance is very unpopular with the public due to its 1999 bombing campaign against Serbia.[32] The country has observer status in the Collective Security Treaty Organisation. Yet, in 2017, Serbia engaged in only two joint exercises with Russia and Belarus, in comparison to 13 with NATO members and seven with US forces. Similarly, in 2019, Serbia conducted 13 military exercises with NATO members and four with Russia. Moreover, as a participant in NATO's Partnership for Peace Programme, Serbia adopted in November 2019 its second Individual Partnership Action Plan, covering 2019-2021. Serbia relies on NATO for military modernisation, cooperating with the alliance on military reform, education, and the disposal and repurposing of obsolete ammunition. Serbia also participates in NATO's Science for Peace and Security Programme.

Despite the recent gestures it has made to the EU, the US, and NATO, Serbia's desire to work with Russia is reflected in the fact that, in the first half of 2020, it aligned itself with less than 50 per cent of the EU's foreign policy declarations and measures. Serbia is especially prone to withholding its support for such actions when they concern Russia, China, or an issue of direct interest to the two countries. And the Serbian leadership frequently conducts high-level meetings with Moscow, a trend that is especially apparent in the run-up to Serbian elections.[33]

Meanwhile, Russia controls the Serbian gas industry through Gazprom's majority share in Naftna

Industrija Srbije, and by supplying all Serbia's natural gas – which is another source of friction with the US. Given that US lawmakers have recently discussed whether to impose sanctions on the TurkStream 2 project – which would transport Russian gas through Turkey and under the Black Sea to Bulgaria, Serbia, Hungary, and Austria under the name "Balkan Stream" – Serbia and other participants in the project might come under increasing American pressure to diversify their gas sources in the pipeline. Russia also maintains a humanitarian facility in the Serbian city of Nis that is particularly concerning for NATO and the EU. Western powers fear that the facility is used for military and intelligence operations – not least due to its proximity to NATO peacekeepers in Kosovo. Serbia is more closely affiliated with the intelligence services in Russia than any state in the Western Balkans. However, under pressure from NATO, Serbia has refused to give diplomatic status to the Russian staff at the Nis centre. As analyst Predrag Petrovic argues, the Serbian intelligence services are split between those who support closer cooperation with Russia and with the EU.

All this matters to Serbia's EU accession process, which requires the country to align its foreign policy with the EU's Common Foreign and Security Policy. Indeed, in a progress report published in October 2020, the European Commission stressed that Serbia must intensify its efforts "to progressively align its foreign and security policy with that of the European Union in the period up to accession".

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[1] Interview with Adnan Huskic via Skype, 21 September 2020.

[2] Interview with Adnan Huskic via Skype, 21 September 2020.

[3] Interview with Srdjan Majstorovic, via Skype, 23 September 2020.

[4] Interview with Bojan Elek via Skype, 1 September 2020.

[5] Interview with Nevena Ruzic via Skype, 8 August 2020.

[6] Interview with Nevena Ruzic via Skype, 8 August 2020.

[7] As reported by makfax.com.mk

[8] Interview with Jelena Milic via Skype, 13 August 2020.

[9] Interview with Adnan Huskic via Skype, 21 September 2020.

[10] Interview with Zoran Nechev, 11 September 2020.

[11] Interview with Milena Muk via Skype, 15 September 2020.

[12] Interview with Milena Muk via Skype, 15 September 2020.

[13] Interview with Milena Muk via Skype, 15 September 2020.

[14] Comment from Engjellushe Morina, 12 October 2020.

[15] Interview with Agon Maliqi via Skype, 23 September 2020.

[16] Interview with Gezim Krasniqi via Skype, 3 November 2020.

[17] Online discussion with Albin Kurti, 'Kosovo's Political Coherence during Pandemics and Negotiations with Serbia', Virtual event via Zoom, ECFR, 7 September 2020.

[18] Interview with Gezim Krasniqi via Skype, 3 November 2020.

[19] Interview with Gezim Krasniqi via Skype, 3 November 2020.

[20] Interview with Gezim Krasniqi via Skype, 3 November 2020.

[21] Interview with Gezim Krasniqi via Skype, 3 November 2020.

[22] Interview with Agon Maliqi via Skype, 23 September 2020.

[23] Interview with Ardian Arifaj via Skype, 15 September 2020.

[24] Interview with Igor Bandovic via Skype, 24 September 2020.

[25] Interview with Maja Bjelos via Skype, 3 September 2020.

[26] Interview with Bojan Elek via Skype, 1 September 2020.

[27] Interview with Bojan Elek via Skype, 1 September 2020.

[28] This was the opinion of Florian Bieber from the University of Graz, in an online discussion organised by NGO Aktiv, 23 September 2020.

[29] Interview with Marko Drajic via Skype, 3 September 2020.

[30] Interview with Bojan Elek via Skype, 1 September 2020.

[31] Interview with Marko Drajic and Maja Bjelos, 3 September 2020.

[32] Interview with Bojan Elek via Skype, 1 September 2020.

[33] Interview with Marko Drajic via Skype, 3 September 2020.

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