

# HOW TO STOP PRETENDING AND START COOPERATING

THE IMPACT OF THE EUROPEAN UNION ON REGIONAL COOPERATION IN THE WESTERN BALKANS: THE FOCUS ON MIGRATION

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#### INTRODUCTION

The fall of Communism brought about a wave of changes for the countries in Central East Europe (CEE) and in South East Europe (SEE). One of these changes was a new wave of regionalism in Europe characterized by increased inter-state regional activity, or the so-called new regionalism (Anastasakis and Bojčić-Dželilović, 2002, 1).

Unlike bilateral conditionality which was a guiding principle in the relations with the countries from the "ten plus two" enlargement round, when it came to the Western Balkans¹ (WB) Brussels placed a much stronger emphasis on regional cooperation (Bechev 2006, 31). Ever since, the European Union (EU) has been one of the promoters of regional cooperation, also using to this end one of its most powerful tools – the EU conditionality.

This article looks at the regional cooperation among the WB countries in the area of migration, focusing on the involvement of the EU in the initiation of this cooperation as an external actor. With this end in view, the article starts by trying to answer when

<sup>&</sup>lt;sup>1</sup> The following countries are widely considered as WB countries: Albania, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia. The author also considers Kosovo to be part of the WB.

and why regional cooperation became so important for the EU and how important is it perceived to be by the WB countries. Following this, the article will touch very briefly upon conditionality, before moving to an overview of cooperation in the area of migrations, and on regional cooperation in the WB in the area of migrations. The article closes with a conclusion on the role of the EU as an external actor for the creation of the existing cooperation initiatives in the area of migrations.

### SINCE WHEN AND WHY DOES THE EUROPEAN UNION CARE ABOUT **REGIONAL COOPERATION IN THE WESTERN BALKANS?**

Regional cooperation was not new for the WB countries. Led by the drive to insure their continued existence (Mitevski, 2007, 42), as well as recognizing the need to cooperate at various levels, the governments of the WB countries did not hesitate and did cooperate in several initiatives which originated from the region. The first post-cold war years (1996) saw the birth of the only post-cold war "true" regional initiative (initiated by Bulgaria)<sup>2</sup> - the South-East European Cooperation Process (SEECP). Prior to the 1990s, the Kingdom of the Croats, Serbs and Slovenes and the Socialist Federative Republic of Yugoslavia (SFRY) were one of the most significant cooperation attempts (Anastasakis and Bojčić-Dželilović 2002, 5 and 6). Furthermore, SFRY was also fostering relations with the (then) European Economic Community (EEC), to an extent that would not disrupt SFRY's position as a balance holder between the two blocks.<sup>3</sup> SFRY even had a signed Interim Agreement on trade and trade cooperation⁴ with the EEC.

However, SFRY had an atrocious ending, and its dissolution brought about many common problems for and among the WB countries, and the common problems brought many common reasons against regional cooperation. Images of the wars. failed transitional justice, fragile democracies, deteriorated economies, and bilateral disputes became hallmarks of the region. Fostering a spirit of cooperation and facilitation of dialogue became really difficult for these countries.

Searching for a prospect of a brighter future, all WB countries (individually) turned to the EU, making the full membership in the EU their top strategic goal. Although sometimes under the impression of dealing with moving targets (Grabbe 2006, 31) when dealing with the Copenhagen criteria<sup>5</sup>, these countries have Slovenia, a SEE ex-Yugoslav country, to serve as an example that this strategic goal can indeed be achieved if these criteria are met.

<sup>&</sup>lt;sup>2</sup> SEECP Turkish presidency website. http://www.seecp-turkey.org/icerik.php?no=16. 05.09.2010.

<sup>&</sup>lt;sup>3</sup> For more on the relations between SFRY and EEC, see Stojan Andov, "The politics of negotiating with the EU." Crossroads. Volume 1, Number 2, 2007.

<sup>&</sup>lt;sup>4</sup> Interim Agreement Between the European Economic Community and the Socialist Federal Republic of Yugoslavia Concerning Trade and Trade Cooperation. EUROPA. PreLex. http://ec.europa.eu/prelex/detail dossier real.cfm?CL=en&DosId=123212. 10.09.2010.

<sup>&</sup>lt;sup>5</sup> For a full list of the criteria, see: "Copenhagen European Summit - Conclusions of the Presidency – 1993". Site of the European Parliament. European Parliament. 10.09.2010. <a href="http://www.europarl.europa.eu/summits/copenhagen/co\_en.pdf">http://www.europarl.europa.eu/summits/copenhagen/co\_en.pdf</a> >. p.12.

But the region had a pressing need of strengthening the guarantees for its stability and security after the ending of the wars in ex-Yugoslavia (Bechev 2006, 32). Moreover, it is also a region packed with bilateral disputes among the WB countries themselves, and among neighbouring EU Member States and WB countries. Faced with the challenges of enlargement towards WB, and given the fact that the previous enlargement rounds saw a round of bilateral disputes between EU Member States and (then) acceding countries, the EU had to find a mode to prevent these problems to be "imported [...] into the EU" (Smith 2003 in Delević 2007, 23).

This called for a revision of the EU approach towards the WB countries, and a switch from bilateral approach (typical for the relations among EU and acceding countries in the "ten plus two" enlargement round) to regional approach. Thus, "added" to the list of membership criteria were regional cooperation through good neighbourly relations, resolved bilateral disputes and enhanced cooperation in areas of common interest (Delević 2007, 23 and 24). This means that although formally not part of the Copenhagen criteria, regional cooperation (including resolved bilateral disputes) grew into an essential part of the EU enlargement policy.

### WESTERN BALKANS AND REGIONAL COOPERATION - OBSTACLES DOMINATING INCENTIVES FOR REGIONAL COOPERATION

WB countries see more obstacles to regional cooperation than incentives for it. In their research on regional cooperation in the Balkans,<sup>6</sup> Anastasakis and Bojčić-Dželilović identified a number of obstacles to regional cooperation. They divide them in economic and political obstacles, and link them to geographical proximity and contested borders, history, external influences or developmental features (Anastasakis and Bojčić-Dželilović 2002, 7).

Anastasakis and Bojčić-Dželilović note that when calling for regional cooperation the EU is always greeted with scepticism and mistrust on the part of the countries aiming for EU membership. We could find different opinions on the source of such a sentiment. Some see that regional cooperation is imposed and of marginal relevance to the problems of their own countries (Anastasakis and Bojčić-Dželilović 2002, 7, 76). Some see regional cooperation as a mode devised by Brussels for delaying EU membership (Delević 2007, 30; and Bechev 2006, 30) or even as its alternative (Delević 2007, 30).

The resistance which exists among the ex-Yugoslav republics on regional cooperation goes even further. These countries seem to view the calls for regional cooperation as attempts for forcing the restoration of old links existing in their former country (Uvalić 2002, 325) or as in cases of cooperation in the field of culture "too much of YU and too little EU" (Mitić 2006 as in Delević 2007, 39). Thus, these countries are reluctant to enter in regional cooperation endeavours.

<sup>&</sup>lt;sup>6</sup> This research included the following countries: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, (then) Federal Republic of Yugoslavia, Macedonia and Romania.

These two sections outline the context for the regional cooperation in WB, this time shedding more light to it on the part of the WB countries. This clearly shows that although this region has (according to regionalists) the necessary preconditions to develop regional cooperation, the recent post-conflict context, levels of development of democratic institutions and fragile economies, have had their impact on the willingness, openness and readiness of the WB countries to cooperate on a regional level.

## CONDITIONALITY IN ACTION – OR HOW TO MAKE THE WESTERN BALKANS COUNTRIES FORGET ABOUT OBSTACLES TO REGIONAL COOPERATION

"We pretend to be cooperating, and they pretend to be serious about integrating us in the EU." $^7$ 

It is often said that the EU holds in its toolkit a very important tool – that of conditionality. Many academics discuss conditionality, be it political conditionality in general or specifically EU conditionality. Schimmelfennig defines (political) conditionality as a strategy of reinforcement used by international organizations and other international actors to bring about and stabilize political change at the state level. He ties its effectiveness to: the size of international rewards, the size of domestic adoption costs, and the credibility of political conditionality (Schimmelfennig 2007, 127). Grabbe also points out the importance of credibility for the success of the interventions the EU makes (Grabbe 2006, 205) including for the success of conditionality. Others view conditionality as implying consensus on rules and their transmission mechanisms within the EU, with clear-cut benchmarks, and consistency and continuity in the transfer of rules over time. (Hughes, Sasse and Gordon 2005, 164). From all these views we can note the common feature of attributing importance to credibility of the reward for the success of conditionality.

Credibility has shown to be crucial also in the case when speaking about employing conditionality to make WB countries work towards regional cooperation. Notably, the credibility of the EU membership promise (as the reward) is crucial for the effectiveness of the conditionality, which in this case is making WB countries to cooperate (Delević 2007). Ever since the launching of the Stabilisation and Association Process (SAP), the EU has been promoting regional cooperation as its central element.<sup>8</sup> Considering that EU conditionality assumes the existence of a power asymmetry between the actor setting and enforcing the conditions and the actor that must comply (Hughes, Sasse and Gordon 2005, 164), and after having declared regional cooperation a principle of highest value at the 2003 Thessaloniki EU Western Balkans Summit - Declaration<sup>9</sup> reiterating that rapprochement with the EU is inextricably tied with the development of regional cooperation, one can

 $<sup>^{7}\,</sup>$  In Milica Delević, "Regional cooperation in the Western Balkans", Chaillot Paper no. 104. p. 31

<sup>&</sup>lt;sup>3</sup> EU, EC Enlargement website. Regional Cooperation. EUROPA. http://ec.europa.eu/enlargement/projects-in-focus/regional-cooperation/index\_en.htm. 10.09.2010.

<sup>9</sup> EU Western Balkans Summit - Declaration. EUROPA. http://ec.europa.eu/enlargement/enlargement\_process/accession\_process/how\_does\_a\_country\_join\_the\_eu/sap/thessaloniki\_summit\_en.htm. 10.09.2010.

only conclude that the WB countries had no other choice but to engage in regional cooperation.

And indeed they did so, and in numerous areas. We will focus here on the area of migration. First we will see what exactly we mean by 'regional cooperation' in the area of migration and the regional cooperation efforts in the WB on migrations.

#### REGIONAL COOPERATION IN THE AREA OF MIGRATION

Migration has multiple and complex dimensions<sup>10</sup>; thus its managing requires complex efforts on parts of the states, and a comprehensive understanding by policy makers and practitioners in order to make the management of migrations effective.<sup>11</sup> According to the International Organization for Migrations (IOM), migration management<sup>12</sup> includes managing the areas of migration and development<sup>13</sup>; facilitation of migration<sup>14</sup>; regulation of migration<sup>15</sup>, and forced migration<sup>16</sup>.

However, managing migrations is most certainly not of concern solely to the individual countries. It is often the subject of international and inter-state cooperation. IOM sees cooperation between states as essential to the management of international migration, but also as a necessity given the demographic forecasts for the coming century and the increasingly globalized and integrated world economy.<sup>17</sup>

One of the forms of cooperation between states is indeed regional cooperation. IOM works on promoting regional cooperation through the regional consultative processes. It sees them as offering to the participating states space for exchange of experiences, sharing of information on various issues, and development of common approaches. Regional cooperation focusing on migration started to find its place also in the Western Balkans region and will be presented in the text bellow.

<sup>&</sup>lt;sup>10</sup> Some of its dimensions include labour migration, family reunification, migration and security, combating irregular migration, migration and trade, migrant rights, health and migration, integration, and migration and development. Source: About migration. IOM. http://www.iom.int/jahia/Jahia/Jabout-migration/lang/en. 09.09.2010.

<sup>&</sup>lt;sup>11</sup>About migration. IOM. http://www.iom.int/jahia/Jahia/about-migration/lang/en. 09.09.2010.

<sup>&</sup>lt;sup>12</sup> A model for comprehensive migration management. IOM. http://www.iom.int/jahia/Jahia/Jahout-migration/migration-management-foundations/conceptual-model-migration-management/model-comprehensive-migration-management/cache/offonce/. 09.09.2010.

<sup>&</sup>lt;sup>13</sup>Aiming to help harness the development potential of migration for individual migrants and societies.

<sup>&</sup>lt;sup>14</sup> Aiming to safeguard and improve the ability of workers, professionals, students, trainees, families, tourists, and others to move safely and efficiently between countries with minimal delay and with proper authorization.

<sup>&</sup>lt;sup>15</sup> Aiming to help governments and societies to know who is seeking access to their territories and to take measures that prevent access by those who are not authorized to enter.

 $<sup>^{16}</sup>$ Aiming to help people move out of danger during emergencies and to return afterwards.

<sup>&</sup>lt;sup>17</sup> IOM, International Cooperation. http://www.iom.int/jahia/Jahia/about-migration/migration-management-foundations/international-cooperation/cache/offonce/. 09.09.2010.

<sup>&</sup>lt;sup>18</sup> Forms of international cooperation. IOM. http://www.iom.int/jahia/Jahia/about-migration/migration-management-foundations/international-cooperation/forms-international-cooperation/cache/offonce;jsessionid=6D53511DB479117666482 91EE0F4515E.worker01. 09.09.2010.

### REGIONAL COOPERATION IN THE AREA OF MIGRATION IN THE WESTERN BALKANS

Unlike IOM's approach on potential areas of inter-state cooperation on migration, WB countries have thus far concentrated mostly on cooperation in the area of irregular migration and human trafficking (or from a trans-border crime perspective). Regional cooperation efforts in the area of migration are: Stability Pact for Southeast Europe (SPSEE) and its successor the Regional Cooperation Council (RCC), Migration Asylum Refugee Regional Initiative (MARRI), Southeast European Co-operative Initiative (SECI), and initiatives on trans-border crime in general such as the Central European Initiative (CEI), Southeast European Cooperation Process (SEECP), Southeast European Prosecutors Advisory Group (SEEPAG), Southeast Europe Police Chiefs Association (SEPCA). This paper look into more detail at SPSEE and RCC, MARRI and SECI, since these organizations have migration as one of their main areas of action.

The SPSEE<sup>20</sup> was established in 1999 at the very end of the Kosovo crisis. It aimed to strengthen the efforts of the SEE countries in the areas of democratization and human rights, economic reconstruction, cooperation, development, and security issues.<sup>21</sup> SPSEE was welcomed by the countries of the region as a new opportunity for establishing political links with the western countries and for attracting foreign donors to assist it in coping with the conflict (Delević 2007, 19). Starting off with a very broad agenda, the SPSEE managed in time to scale down and streamline its priorities (Delević 2007,20). However, faced with the increasing need to enhance the ownership of the regional cooperation initiatives, and with the challenge to focus and coordinate regional activities, the SPSEE was transformed into the RCC.

The RCC<sup>22</sup> oversees regional cooperation in SEE and supports European and Euro-Atlantic integration of the region. Its work focuses on six priority areas: economic and social development, energy and infrastructure, justice and home affairs, security cooperation, building human capital, and parliamentary cooperation.<sup>23</sup> It has migration and asylum as one of its priority areas within the justice and home affairs area. The RCC further underlines that its aim is to support, promote, coordinate and monitor the work of relevant regional cooperation initiatives throughout SEE.

<sup>&</sup>lt;sup>19</sup> The so-called Budapest Process is also of relevance for cooperation in the area of migration for the SEE countries. It is an intergovernmental dialogue of 50 governments and 10 international organisations, aiming to develop comprehensive and sustainable systems for orderly migration, and providing a framework for exchange of information and experiences in many migration related topics. (Source: What is the Budapest Process? International Centre for Migration Policy Development. ICMPD Website. <a href="http://www.icmpd.org/fileadmin/ICMPD-Website/Budapest\_Process/What\_is\_the\_Budapest\_Process\_January\_2010.pdf">http://www.icmpd.org/fileadmin/ICMPD-Website/Budapest\_Process/What\_is\_the\_Budapest\_Process\_January\_2010.pdf</a>. 05.09.2010. This process is not targeting strictly the SEE countries, so it will not be looked into here in greater detail.

<sup>&</sup>lt;sup>20</sup> Archive of the official website of the SPSEE: http://www.stabilitypact.org/.

<sup>&</sup>lt;sup>21</sup> Archive of the official website of the SPSEE: http://www.stabilitypact.org/.

<sup>&</sup>lt;sup>22</sup>Official website of the RCC: http://www.rcc.int/.

<sup>&</sup>lt;sup>23</sup>Overview of the RCC. RCC. http://rcc.int/index.php?action=page&id=2&link\_id=6. 05.09.2010.

Although the impressions on the success of the SPSEE are divided,<sup>24</sup> the situation in WB does show "mainstreaming" of regional cooperation, regional stabilization as well as several initiatives that have its roots in the SPSEE and that are still active (such as the MARRI). The SPSEE should be given due credit for this. The RCC is a rather recent initiative, so it might be too soon to evaluate its overall impact. The RCC is seen by some as "waiting room for the non-EU SEECs 'until the doors are open again', that is, until the next EU enlargement is possible" (Monastiriotis 2008, 21). Others go to the possibility of the RCC eventually becoming the EU SEE Dimension (as in Delević 2007, 20). In sum, one would say that it is through these two initiatives that the EU has managed to best promote regional cooperation in the area of migration. This claim is fully tenable since MARRI<sup>25</sup>, the region's only specialized initiative on migration, asylum and refugees, actually derives from the SPSEE. It was initially proposed and founded within the frame of the SPSEE in 2003.

MARRI managed to "transfer" itself into regional ownership in 2004. The governments of the region assumed all obligations (including financial ones) for the functioning of this initiative, and since 2008 MARRI is considered to be financially independent. The objective of MARRI is to contribute to the orderly and free movement of people, at the same time safeguarding security and prosperity. With its activities it covers migration, asylum, integrated border management, visa policy and consular cooperation, and return/settlement of refugees/displaced persons."<sup>26</sup>

We will conclude this overview of regional initiatives with SECI.<sup>27</sup> SECI, the only USA initiative in SEE (Anastasakis and Bojčić-Dželilović 2002, 21), was initiated in 1996 with the idea to function as a self-help programme that will bring together various stakeholders and will facilitate cooperation, decision-making, concrete action and commitment to development processes and regional ownership of the integration processes of the region.<sup>28</sup>

Of importance for migration is the SECI Regional Centre for Combating Transborder Crime (SECI Centre) established in 1999 by the SECI participating states.<sup>29</sup> It brings together police and customs authorities of its member countries to deal

<sup>&</sup>lt;sup>24</sup> For various opinions on the SPSEE see: Delević 2007, Bechev 2006, Lopandić 2001.

<sup>&</sup>lt;sup>25</sup>MARRI member countries are Albania, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro and Serbia.

<sup>&</sup>lt;sup>26</sup> Fore more details, see: MARRI Website, MARRI, http://www.mari-rc.org, 05.09,2010.

<sup>&</sup>lt;sup>27</sup>SECI member countries are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Macedonia, Moldova, Montenegro, Romania, Slovenia, Serbia and Turkey. Official website of the SECI. http://secinet.info/. 05.09.2010.

<sup>&</sup>lt;sup>28</sup> The SECI came at the same time as the Royaumont process (Bechev 2006, 27) creating an impression of uncoordinated efforts in the region among the USA on one side and the EU on the other. SECI was more successful than the Royaumont process, thanks to its focus and to the fact it has been producing more practical achievements (Delević 2007, 17).

<sup>&</sup>lt;sup>29</sup> SECI Regional Centre for Combating Transborder Crime. http://secinet.info/index.php?option=com\_content&view=article&id=153&Itemid=57.08.09.2010.

with human trafficking and migrant smuggling.<sup>30</sup> Although the SECI Centre<sup>31</sup> was not directly initiated by the EU, they are in close cooperation. This cooperation on the part of the EU is done through the EU SECI Group. The aim of the EU cooperation with the SECI Centre is to work towards a well-functioning police and customs cooperation centre in SEE, and to foster their close relations with Europol. Judging by the conclusions adopted by the Council of the EU on the future of the SECI Centre, the EU pays due regard not to duplicate the efforts with the Europol, nor to make this regional initiative obsolete once all its members join the EU.

When one looks into the focus areas of these initiatives, one can note that they leave a broad part of potential migration management areas uncovered by regional cooperation. MARRI is the only regional initiative to have a more encompassing view on migration management in SEE. Additionally, its effect was truly felt throughout the region since it was also very active in helping the governments during the process of visa facilitation and, later on, visa liberalisation for the WB countries.

### IMPORTING REGIONALISM AND KEEPING THE PROSPECT OF EUMEMBERSHIP OPEN

In the Western Balkans, regional cooperation remains key and constitutes a central element of the Stabilisation and Association Process,<sup>32</sup> the process guiding the progress of the Western Balkan countries towards EU membership.<sup>33</sup>

None of the above presented initiatives on migration has its roots in the region. At best, we could say that regional ownership is in the making, since some of the presented initiatives are slowly being transferred to the regional level. However, it remains a fact that they have not been developed indigenously and with domestic-regional concerns in mind (Monastiriotis 2008, p.11), but are merely inherited initiatives. With that pretext, the possibility for a successful transfer of ownership to the region could rightfully be questioned.

The imperative of involving the countries in the region in setting the regional cooperation agenda is acknowledged (Anastasakis and Bechev 2003, 18), but there is an existing discrepancy between the expectations or pay-offs from regional cooperation between the EU and the WB countries (Delević 2007, p.46). While, on the part of the EU efforts are made to stress the benefits of regional cooperation per se, the WB countries' motivation to participate in regional cooperation initiatives lies mostly in the need to maintain a clear prospect on EU membership

<sup>&</sup>lt;sup>30</sup>The SECI Center's operation "Danube" is one of its successes. It was an action of five SEE countries which resulted with the dismantling of a network of illegal migration of Albanian, Turkish and Chinese citizens transiting via Serbia and Macedonia directed towards Western Europe.

<sup>&</sup>lt;sup>31</sup>SECI Centre is expected to soon transform into a Southeast European Law Enforcement Centre (SELEC).

<sup>&</sup>lt;sup>32</sup> Enlargement strategy 2009-2010. EUROPA. http://ec.europa.eu/enlargement/pdf/key\_documents/2009/ strategy\_paper\_2009\_en.pdf. 05.09.2010. p. 3

<sup>&</sup>lt;sup>33</sup> European Union, European Commission Enlargement website. Regional Cooperation. http://ec.europa.eu/enlargement/projects-in-focus/regional-cooperation/index\_en.htm. 05.09.2010.

(Delević 2007, p.46), sometimes even to the point that the EU membership is the sole reason for undertaking these efforts (Monastiriotis 2008, p.12).

This article focuses on the cooperation in the area of migration. Its aim is to shed more light on the regional cooperation between the WB states by looking into the case of regional cooperation efforts in the area of migration, and to see why the EU finds regional cooperation in this region to be that important, and how it acts towards achieving it. Thus, a conclusion is drawn that although the importance of regional ownership of the regional cooperation processes is dully acknowledged, the case of the present existing regional initiatives shows that this is still not the situation "in reality". The EU is still the main engine of regional cooperation, managing to pull with the power of conditionality, and the farthest we could go is to claim that regional ownership is in the making.

Key words: Regional cooperation, Western Balkans, European Union, migrations

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#### **РЕЗИМЕ**

Фокусот во трудот е на развојот на регионалната соработка помеѓу земјите од Западен Балкан во полето на миграциите, а во контекст на приближување до Европската Унија. Трудот прави преглед на регионалната соработка во полето на миграции во Југоисточна Европа во кои учествуваат земјите од Западен Балкан. Истиот се фокусира на Пактот за стабилност во Југоисточна Европа, Регионалниот совет за соработка, Регионалната иницијатива за миграции, азил и бегалци и Иницијативата за соработка во Југоисточна Европа. Главниот фокус е насочен кон одговарање на прашањето дали Европската Унија, која е инаку исклучително влијателна во земјите од Западен Балкан, е исто така влијателна кога станува збор за поттикнувањето на регионалната сорботка во областа на миграциите.

Клучни зборови: Регионална соработка, Западен Балкан, Европска Унија, миграции

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