

**The EU Must Shift Out of Neutral in Its
Enlargement Strategy:
Championing Liberal Values Means
Choosing Sides**

DPC Policy Note

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EXECUTIVE SUMMARY

On October 17, 2019, French President Emmanuel Macron once again pre-empted the launch of European Union accession negotiations with North Macedonia and Albania, forestalling them until further notice. His move was only tenuously linked to the individual merits of either country.¹ Its real rationale was evident at the time and came into fuller relief with his subsequent interview with *The Economist*: Macron halted enlargement to force other member states – Germany in particular – to engage him on his ambitious – but still only lightly sketched – agenda to reconfigure the EU.²

Immediately prior to the November meeting of the EU’s General Affairs Council, France released a non-paper that underscored that the enlargement halt was not really about enlargement at all. The non-paper was rife with contradictions and redundancies. Its main proposed innovation is a rejiggering of the enlargement policy into seven sequential phases. But the document also demonstrated a worrisome elite orientation, and was void of reference to or grounding in the EU’s foundational source code: the primacy of liberal democratic values and standards. This portends ill for Macron’s vision of the EU more broadly.

The non-paper’s focus is on delivering “tangible benefits” in economic matters. Despite the EU’s recent embrace of the term “state capture” and a new focus on corruption, these terms are absent from the French text. In essence, the non-paper proposes throwing more resources at entrenched elites in the countries of the Western Balkans, to rent social peace for them – and a predictable status quo for the EU.

Far from being a sideshow, the struggle for EU foundational values is and must be central to the problems in the Western Balkans today. The illiberal challengers Macron cites – China, Russia, Turkey – are all heavily and increasingly engaged in the region.

While solidarity among the other EU members in response to Macron’s move is laudable, the default inclination seems to be to finesse differences, and to concede an enlargement approach based on minor, largely cosmetic adjustments. This would mean to let a good crisis go to waste, both in terms of a long-overdue recalibration of the EU’s enlargement strategy, as well as orientation toward an equally necessary, but still uncharted, recalibration of the EU to face the internal challenges of nativist illiberal populism, yawning inequality, and the climate emergency.

Recommendations

DPC recommends a different course to EU member states committed to enlargement and the EU-wide reinforcement of liberal democratic values, at a time when they are challenged both within the Union and from east and west. This does not require any major changes to mechanics, mandates, or

¹ North Macedonia changed its name after a nearly three-decade dispute with neighbor Greece on the explicit promise that this would pave the way to long-impeded EU and NATO membership; Albania had embarked – albeit under considerable EU and US pressure – on an overhaul of its judiciary.

² “Emmanuel Macron on Europe’s fragile place in a hostile world,” *The Economist*, November 7, 2019. Available at: <https://www.economist.com/briefing/2019/11/07/emmanuel-macron-on-europes-fragile-place-in-a-hostile-world>

procedures, but rather a *philosophical* shift in approaching the countries of the Western Balkans.

The 2015-17 breakthrough in North Macedonia demonstrated two things: a) that the EU's institutional default setting has for too long been on the side of illiberal elites; and b) the reality that in the expansion of a values-focused EU in the Western Balkans, *citizens* – not elites – are the Union's real allies.

- 1) Instead of taking the low road and simply restarting the enlargement policy with cosmetic changes, EU member states ought to take the opportunity to assess the process seriously and self-critically – with criticism of not just the WB6, but of the EU and its member states. The Council should commission an external diagnostic analysis of enlargement in the Western Balkans to date, to understand why genuine reform has been so shallow and lackluster, and with particular attention to the adherence to foundational liberal democratic values (i.e., the Copenhagen criteria).
- 2) The EU does not play a neutral role when it leaves exponents of its declared values to confront illiberal governments alone. It is complicit, abandoning its natural allies. Lending the EU's top-down support would help redress this structural imbalance. Placing civic engagement and political accountability at the center of a new enlargement policy would generate the popular traction and credibility that the current EU enlargement approach has long lacked.
- 3) Annual “Priebe reports” – independent assessments of Western Balkan countries' adherence to EU foundational values and Copenhagen criteria – should become an integral element of the EU's engagement, followed by active support to local independent constituencies to address structural weaknesses identified. These would provide connective tissue between civic advocacy to end state capture by corrupt elites to institutional rule of law and democracy and the Union.

These are initial recommendations for what needs to be an ongoing exercise in honest analysis and diagnostics. Yet these are key first principles that, if internalized, could help to strengthen both the EU and future member states.

1. Introduction

On October 17, 2019, at a summit of the EU's national leaders in Brussels, French President Emmanuel Macron blocked the launch of EU membership talks with North Macedonia and Albania. While a minority of member states were against opening of accession negotiations with Albania, Paris was alone in blocking both countries. Macron justified this move by stating, more starkly than previously, that the EU could not enlarge until it made internal reforms; what these might entail was left vague. Unlike previous occasions when France had blocked accession talks with the two countries (in the case of Albania, supported by the Netherlands and Denmark), it now looked like France's opposition was on principle, and firm.

Macron's move divided the Balkan political and analytical world between those who cheered it or otherwise tried to spin it,³ versus those who saw it as both dishonorable and dangerous.⁴ Given the opacity of the rationale and justification of the French position, those seeking greater clarity – including the authors of this policy note – were forced to attempt to read the tea leaves for clues to President Macron's will and plans, most notably a pre-decision policy paper by former European Commission enlargement official Pierre Mirel.⁵ Just days prior to a November meeting of the EU's Europe ministers, a long-rumored but elusive French non-paper emerged. The November meeting accepted Paris' insistence on a revision of the enlargement policy, while the vast majority of member states continued to reject the notion that the opening of accession talks with Tirana and Skopje should be held up until this happens. The Commission offered to return with its first reform proposals in January 2020.

This policy note assesses the French non-paper and the agenda that appears to lie behind it, followed by recommendations on how EU member states *should* approach reconfiguring enlargement policy in a meaningful way, rather than through the instrumental generalities outlined by France, or the cosmetic and tactical amendments likely to emerge in early 2020 in the absence of more considered reflection and analysis. This policy note specifically warns against undertaking an overhaul of the current approach without prior analysis of *why* it has failed to deliver on the promise of political and economic transformation of the countries of the Western Balkans.

2. France's Position

The French "proposal," as it was euphemistically called by some, was completely devoid of diagnostics or analysis of the EU enlargement policy that it breezily proposed to overhaul. The paper opened with the assertion that the "effective accession" of the Western Balkans could take place once the EU "has been reformed and made more effective and responsive to its member states and candidate countries." The nature of the reform sought, let alone why the EU ought to be "responsive" to non-members

³ See European Stability Initiative, "Coup de grâce – Delors and squaring the circle – Norway in the Balkans," *ESI Newsletter* 6/2019, October 25, 2019. Available at: https://www.esiweb.org/index.php?lang=en&id=67&newsletter_ID=137

⁴ See Jasmin Mujanovic, "France is Undermining Balkan – and EU – Stability," *Balkan Insight*, October 21, 2019. Available at: <https://balkaninsight.com/2019/10/21/france-is-undermining-balkan-and-eu-stability/>

⁵ See Pierre Mirel, "European Union-Western Balkans: for a revised membership negotiation framework," *Robert Schuman Foundation*, September 30, 2019. Available at: <https://www.recom.link/european-union-western-balkans-for-a-revised-membership-negotiation-framework/>

(including candidates), remains opaque. The closest language to an assessment on the enlargement policy to date is in the five-page document's second paragraph:

Twenty years after recognizing the European perspective of the Western Balkan countries, despite the reforms undertaken and the courageous acts of reconciliation undertaken (such as the Prespa Agreement), the profound political, economic, and social transformations required for a future accession to the European Union continue to be too slow, and the concrete benefits for citizens in candidate countries remain insufficient.

In its references to accession (as opposed to the far vaguer “European perspective”), the non-paper only refers to “candidate countries,” implying that both Bosnia and Herzegovina and Kosovo might remain forever outside the wire.⁶ One could also question how much the EU has prioritized “profound transformations” with its enlargement policy to date. The non-paper implies that the only failures are on the part of Western Balkan societies; it spares the EC and member states from any accountability – a word, by the way, which does not appear in the non-paper's text.

The main innovation proposed is to reorder the *acquis communautaire's* 35 chapters into seven sequential phases. The “four principles” that the non-paper lists are “gradual association, stringent conditions, tangible benefits, and reversibility.” The non-paper's priorities, aside from kicking enlargement into the long grass, are apparent early on, in its exposition on “tangible benefits:”

Concrete benefits during the process (which are currently lacking and prevent migratory movements from being stemmed, posing problems for both parties), particularly through increased financial support.

Stemming migration – both originating in the Western Balkans, and transiting it – seems to be priority number one for Paris – and perhaps the connective tissue with other member states that were otherwise vexed with French obstruction to date.⁷ The framing is telling: the main downside of insufficient benefits of the enlargement process is the inadequate vigor or capability of WB6 governments to halt migration – not the EU's credibility to citizens of these countries. The proposed solution? More money for governments. This is an explicit *quid pro quo*, deepening the protection racket Western Balkan governments use to extract from the EU and wider West, and showing the willingness of the EU to offshore its border and migration policy.⁸

The brief paper is full of inconsistencies and contradictions. For example, the matrix of the proposed reshuffled chapters puts the rule of law chapters – 23 and 24 – in the first phase. This suggests that they

⁶ Macron's assertion in his October *Economist* interview that jihadists in Bosnia constitute “a time bomb that's ticking right next to Croatia” and that they are the main security threat from the Balkans also runs contrary to a host of analysis on the subject – but fits comfortably with narratives from Zagreb, Belgrade, Banja Luka, and Moscow. “Transcript: Macron in his own words (English),” *The Economist*, November 7, 2019. Available at: <https://www.economist.com/europe/2019/11/07/emmanuel-macron-in-his-own-words-english>

⁷ Jacopo Barigazzi, “Germany sets out plan for automatic relocation of asylum seekers,” *Politico Europe*, November 26, 2019. Available at: <https://www.politico.eu/article/germany-sets-out-plan-for-automatic-relocation-of-asylum-seekers/>

⁸ See Kurt Bassuener, “The EU is Paying a Protection Racket in Bosnia,” *Balkan Insight*, March 26, 2015. Available at: http://www.democratizationpolicy.org/pdf/BDaily_The%20Eu%20is%20paying%20a%20protection%20racket%20in%20Bosnia_p.12-13.12-13.pdf

should be closed before the next phase. But at the same time, Paris commits to upholding the current practice that these two chapters are to remain open until accession – and that the chapters, along with all other opened ones, can be frozen for lack of progress or rollback.

This also speaks to the redundancy of the “new” principle of “reversibility;” something that is already possible under the existing rules, if not sufficiently exercised. Furthermore, foreign policy (Chapter 31) is kept for the sixth phase, implying that harmonization with EU positions can wait until far down the road (and signaling to external illiberal actors such as China, Russia, and Turkey that they can further burrow into the political economy of Western Balkan countries). This deviates from the current EU “gradual alignment” policy toward Serbia. Finally, the placement of Chapter 35 – which in Serbia’s case includes normalization of relations with Kosovo – in the final, seventh phase appears to be void of any rationale – first, because if taken seriously, it would mean the immediate suspension of Kosovo-Serbia negotiations for years to come (i.e., until the first six phases have been completed), and second, because it would mean a complete revision of Chapter 35, which was designed in the same way as the rule of law chapters, with lack of progress leading to a freeze of the entire accession negotiations.

The paper also fails to spell out whether the new accession approach would apply to candidate countries that have already begun accession negotiations and how such a reshuffling of the process would function, given the fact that it would require agreement on a new negotiation framework. All these problems also sit with Macron’s assertions about the need for the EU to make amends with Russia, pointing to more insidious policy recalibrations under consideration.

Riddled with contradictions though this hastily assembled proposal may be, to provide *post hoc* justification and substance to Macron’s October veto, the non-paper is entirely consistent in one regard: it is unremittingly economic and transactional. It seems no coincidence that in the proposed reshuffling or “clustering” of accession chapters, the Copenhagen political criteria – the genuine prerogative of the Council – are completely missing. The word “democracy” does not appear once in the non-paper. Furthermore, Macron’s charge that visa liberalization has led to false asylum claims by Albanians in France – as a justification for not allowing membership talks to begin with Albania – neglects the fact that already today, the lifting of visa requirements can be reversed if it is systemically abused.

Among the incentives allegedly on offer to countries of the region are access to the Erasmus educational exchange program and Horizon 2020 projects. But as Western Balkan academics mordantly point out, they have had access to these for years. Another proposed incentive – quicker access to EU structural funds, proposed earlier by Matteo Bonomi and Dušan Reljić⁹ and Pierre Mirel – is not budgeted for the upcoming period, and therefore could not be instituted for some years to come, even if “sold” to member states as a good idea (which is dubious in the absence of reform before the receipt of funds). The paper also fails to acknowledge the already demonstrated harm of an EU policy which has effectively stabilized Western Balkan regimes through international credits (including via international financial institutions) and other forms of financial support and the postponement of structural economic

⁹ See Matteo Bonomi and Dušan Reljić, “The EU and the Western Balkans: So Near and Yet So Far – Why the Region Needs Fast-Track Socio-Economic Convergence with the EU,” *SWP Comments*, *Stiftung Wissenschaft und Politik*, Berlin, December 2017. Available at: https://www.swp-berlin.org/fileadmin/contents/products/comments/2017C53_rlc_Bonomi.pdf

reforms, as well as the role of the EU in facilitating authoritarian rollback of democracy and rule of law. Support to Serbian President Vučić and the “Reform Agenda” in Bosnia and Herzegovina are but two examples; indulgence of the Gruevski regime in North Macedonia until street protests forced an overdue policy shift is the most clear-cut. Injection of more money into non-transparent systems with a poor track record of effectively absorbing such funds, as well as their record of using them to prop up patronage systems, is a clear case of moral hazard. So the only real incentives outlined in the non-paper are *greater* support to the kleptocratic political elites of the region.¹⁰ Tellingly, the terms “corruption” and “state capture” do not appear in the non-paper; nor do “democracy” or “liberal values.” In the seven phases outlined, “political criteria” are omitted entirely. This is the area in which the Council and the member states have the greatest leverage, which has been used to good ends in the past – such as accountability for war crimes.

The proposed policy posture, sketchy though it may be, is clear in one sense: it constitutes a *containment policy*, with benefits for the incumbent regional elites and even more explicit indulgence of their illiberal and minimally accountable governance. A second-class tier of membership is the implied endpoint. In fact, a cynic might argue that by not even attempting credibly to assist in societal transformation toward accountable democratic governance, the French policy implies a symbiosis of ecosystem management for political elites in exchange for gatekeeping and maintaining the region on the EU’s permanent periphery. An even more cynical observer might state that Macron, like his ego-sparring partner, US President Donald Trump, is demonstrating a preference for personalized leadership and “one-stop shopping.” And in prescribing a reshuffle of the enlargement approach, it constitutes a power grab – both abandoning the member states’ true prerogatives as well as their most important value-added: ensuring adherence to foundational values.

3. Shadow-Boxing About the Future of the EU

The essential truth is that Macron’s applying the brakes on beginning membership talks with North Macedonia and Albania had little to do with enlargement, but represents the theatrical establishment of leverage over Germany after years of frustration of French efforts to reform the EU. To quote President Macron, “If we want a powerful Europe, it has to move faster and be more integrated. That’s not compatible with the opening of an enlargement process right now.”¹¹

Chancellor Merkel had managed to sidestep these issues, leaving this frustrated agenda to fester. Macron’s shift towards a more disruptive, aggressive approach – as demonstrated both on October 17 in Brussels and in his *Economist* interview – risks having a destructive rather than constructive effect. Being

¹⁰ See Solveig Richter and Natascha Wunsch, “Money, Power, Glory: the linkages between EU conditionality and state capture in the Western Balkans,” *Journal of European Public Policy*, February 2019. Available at:

https://www.researchgate.net/publication/331161429_Money_power_glory_the_linkages_between_EU_conditionality_and_state_capture_in_the_Western_Balkans. The article captures an effective symbiosis between EU policy and Western Balkan elites. DPC would argue that the problem is not so much EU conditionality *per se*, but the lack of firm application thereof, in addition to a void of constituency-building by the EU in Western Balkan societies.

¹¹ “Transcript: Macron in his own words (English),” *The Economist*, November 7, 2019. Available at: <https://www.economist.com/europe/2019/11/07/emmanuel-macron-in-his-own-words-english>

blocked by Berlin on internal EU reform, the French president is now hitting Merkel where she indeed has shown certain leadership in the past – on enlargement, and on Russia-Ukraine. What’s more, his rhetoric increasingly mirrors that of his US counterpart – most notably in his post-Summit press conference in Brussels, when Macron defended the unilateral blockage of North Macedonia and Albania against a vast majority of member states as having resisted “the tyranny of the majority or the pressure of the Brussels bubble.”¹²

Despite Germany experiencing domestic political instability within the ruling CDU-SPD grand coalition, continued avoidance is no longer tenable. Berlin must now engage Paris, as well as the other member states, on how the EU’s own systems and orientation should be recalibrated.

The EU faces a complex set of challenges, some of which Macron identified in his *Economist* interview. This includes geopolitical uncertainty driven by a combination of Trump’s destructive isolationist nationalism; China’s rising assertiveness and internal repression, which offer a new model to would-be state capitalist autocrats everywhere; and Russia’s aggressive disruption – including in Europe’s democratic systems. Inequality and insecurity driven by economic change also feed the wave of illiberal national populism seen in the EU and other democracies. And the climate emergency’s impact, already palpable, will only grow and cast its shadow over the full range of EU competences in terms of both emergency response and rising social unease and discontent.

Given the difficulty of confronting all these challenges, particularly from a position of political weakness, there is a strong inclination in many capitals toward trying to find some tactical, face-saving way to enable Macron to allow membership talks to begin next year, at least with North Macedonia, before the country holds early general elections in April. This appears to be the expectation attached to the EC’s proposal to reformulate the enlargement policy, scheduled for January 2020. Yet this would be a perfect example of letting a good crisis go to waste if the result is a warmed-over remix of the current approach.

Macron did not expose anything unknown with his veto; DPC and others have been arguing for years that the EU’s posture in the enlargement process was brain-dead. The EU’s potential transformative power was hobbled by a lack of strategic vision and consistent political will to see it through. This was further eroded by growing illiberalism and internal crisis of democracy within the EU’s ranks, exacerbated by the 2015 migration crisis. But with his move, Macron has done two things: he raised the issue to the political level from the bureaucratic morass in which it had been stuck, and it is at the political level that it has to be resolved. He has also forced the supporters of enlargement, first and foremost Berlin, to confront the need to reform both the enlargement process and the EU’s internal governance – processes that should ideally occur simultaneously and in parallel.

The latter question is a topic beyond the scope of this paper to which we will return in subsequent policy notes. However, the crucial link between rebooting the EU more broadly and the enlargement process as such is both philosophically and practically essential to the European project: an explicit and binding recommitment to liberal democratic values and standards. These are precisely the elements

¹² Charles Bremner, “Macron masters the Brussels power game,” *The Times*, October 29, 2019. Available at: <https://www.thetimes.co.uk/article/macron-masters-brussels-power-game-sf6cf5n89> (paywall)

that Macron’s non-paper and his proposals regarding the future of the EU leave underdeveloped, or absent altogether. Macron in his non-paper – and indeed in his engagement regarding the recalibration of the EU more broadly – has yet to offer solutions, particularly on how to confront the issue of illiberalism and breach of rules within the EU’s ranks. On the contrary, despite posing as the antipode to Orbanism last year, he seems intent on finding a *modus vivendi* with Hungary’s illiberal leader, as well as the premier external illiberal disruptor, Russia.¹³

4. What Should Enlargement 2.0 Look Like?

Instead of taking the low road and simply restarting the enlargement policy with cosmetic changes, EU member states ought to take the opportunity to assess the process seriously and self-critically – with criticism of not just the WB6, but of the EU and its member states as well. The French non-paper cunningly offers a way out for the EC and member states, laying the entirety of the current unsatisfactory reality on the Western Balkan states themselves. While there is no shortage of blame on that side of the ledger, the real question ought to be why so little institutional learning is evident on the part of the EU institutions. EU and member state officials generally have no problem identifying malfeasance or lack of good faith on the part of Western Balkan leaders; yet the song remains the same despite years of experience with failure. The French non-paper offers *no recalibration* in terms of approach to the EU’s interlocutors.

In line with this diagnosis, Enlargement 2.0 would need to be integral with an EU recommitment to foundational liberal values – and established rules – within its own ranks. A member state response to Macron’s call to reform the EU ought to center on these baselines, to push him beyond his economic governance comfort zone. If the EU is to face geopolitical challenges, it must be a political bloc, not merely one of economic power. Absent institutional and popular commitment to liberal democratic values, political accountability, and legal protections, the EU’s capacity to confront the known challenges will not be durable. Macron’s musings about an alliance with Russia and China against terrorism would be incongruent with such a refoundation.¹⁴

This EU reform process – thorough enough to properly term it a refoundation – would need to explicitly recognize and address the challenges posed by national populist and exclusivist illiberalism, growing economic inequality and its drivers, and the civilizational threat posed by global climate change and its social impact.¹⁵ Such a reorientation would *ipso facto* demand this orientation be mirrored in enlargement and neighborhood policies.

¹³ “I had a very long discussion on this subject with Viktor Orban. He’s quite close to our views and has a key intellectual and political role within the Visegrad group, which is important,” Macron stated in his *Economist* interview.

¹⁴ “Macron: NATO’s Enemy is Terrorism, Not Russia or China,” *Reuters*, November 28, 2019. Available at: <https://www.rferl.org/a/macron-nato-terrorism-russia-china/30297274.html>

¹⁵ “EP Fragmentation – A Moment of Reckoning for Europe’s Leaders – Why Europe’s Leaders Must Assemble a Civic-Liberal Values Bloc,” DPC Senior Associates Collective Blog, May 29, 2019. Available at: <http://www.democratizationpolicy.org/blog/ep-fragmentation-2019/>

5. Doubt and Verify

The foundational strength of the EU has been the fact that it is made up of liberal democracies. Democratic practice is presumed to be an immutable given in each member state, which has allowed the EU to function as an elite, technocratic construction without much need to appeal to popular legitimacy, which is supposed to come from the member states. In past years, however, this characteristic has shown its weakness, both within the EU's own ranks and in its enlargement processes, a weakness that has been exploited by Western Balkan leaders (and more recently by geopolitical adversaries). The centrality of governing elites in the EU development processes – leading to opacity and lack of public engagement (“functionalism”) – has fed internal populism and bred a real elitism that generates popular resentment. But it also creates a widespread perception – and in many cases, demonstrable reality – of a commonality of interests among Balkan leaders and the EU at the expense of the wider population. An EU reform process that fails to confront this weakness – often termed a “democratic deficit,” but perhaps more precisely a *civic disconnect* – will inevitably fail. The same is true of enlargement.

The breakthrough in what is now known as North Macedonia began at the popular level, with a constituency that spanned the ethnic divide and short-circuited the latent ethnic conflict shakedown model of the Gruevski-Ahmeti regime. Throughout the Western Balkans, constituencies calling for liberal democratic staples such as political accountability, rule of law (and equality under it), and dignity in public life have confronted entrenched elites. To date, the EU and wider West have been disposed to sit on the sidelines – or support the dysfunctional status quo while calling it “neutrality” – rather than weigh in on the side of those who actively advocate for their declared values. This must change. An EU internal reform process that places civic engagement and political accountability at its center could gain a popular traction and credibility that the current EU enlargement approach has long lacked.

In response to the Macron non-paper, rather than simply tasking the EC with an ill-defined errand to reformulate the enlargement procedure, the Council should have commissioned an external diagnostic analysis of enlargement in the Western Balkans to date, with particular attention to the adherence to foundational liberal democratic values – and thus the Copenhagen criteria, i.e., the political criteria. By so doing, the EU institutions would demonstrate transparency both to the societies they were to be helping improve through enlargement-minded reform, and to their own constituents within the EU, who have long lost sight of the Union's conceptual foundation.¹⁶

Finally, a proposal made by Balkan civil society ought to be adopted as a structural, weight-bearing pillar of the enlargement process going forward: “Priebe Reports” for each of the WB6,¹⁷ followed by active support to local constituencies to address structural weaknesses identified. The allusion is to the first report commissioned by the EC, led by former EC official Reinhard Priebe, to investigate various abuses

¹⁶ A parallel – but far wider – independent assessment of the EU's own adherence to and promotion of its foundational values in its internal and foreign policies from a date certain ought to be conducted. Such an honest retrospective would be instructive for the reform process going forward – and help maintain commitment to it.

¹⁷ See Jelena Pejić, “All Western Balkan countries need ‘Priebe Reports’ to measure state capture,” *European Western Balkans*, February 8, 2019. Available at: <https://europeanwesternbalkans.com/2019/02/08/priebe-report-state-capture-western-balkans/>

of power evident from recordings released during North Macedonia's political crisis in 2015. The report was integral in the political process convened by the EU and US (Pržino process) which provided an exit to the ongoing political crisis, enabling the political conflict to be channeled into electoral and legal avenues. Such independent expert reports can therefore provide the connective tissue between civic advocacy to end state capture by corrupt elites to institutional rule of law and democracy. This experience demonstrated the reality that in the expansion of a values-focused EU in the Western Balkans, citizens – not elites – are the Union's real allies.¹⁸

6. Conclusions

Looking from the ground truth in the Western Balkans, there is an undeniable need for the EU's enlargement policy to change. At the same time, there is no evident need to reinvent the wheel. The problem to date has not been one of capacity, tools, mandates, or methodologies; rather, it is *philosophical*. That is, the ingrained EU presumption, born of its own development and the 2004 "big bang" enlargement, that its official interlocutors are indeed accountable democratic politicians, truly committed to societal transformation, liberal values and the EU's articulated standards. The truth of the past decade and a half demonstrates that this disposition has been misplaced.

This is not to say that aims underlying these presumptions were wrong. A broad constituency in each of the WB6 has demonstrated (often literally) its desire to attain the political accountability, rule of law, and societal standards embodied in – and presumed given – with the *acquis*. This – not the political elites who have profited from the EU's engagement with the region to date – is the constituency the EU ought to aim to serve, for the sake of its own interests as well as its values. So the EU needs to confront head-on the disconnect between its values and the effect of its policies to develop the popular credibility and political leverage it has hitherto lacked (or squandered).

President Macron has an advantage in having proposed *something*, however threadbare morally and practically. Those member states who still proclaim their belief in enlargement – to a Europe whole, free, and at peace – need to recognize that this – like the Trump presidency – is no mere tactical problem that can be bypassed or waited out. These member states – including Germany – need to develop their own philosophically coherent and actionable alternative for rebooting enlargement – and for the wider European project. This policy brief has provided the basic signposts for such alternatives.

¹⁸ While the Priebe report on Bosnia and Herzegovina, published on December 5, implies the need to develop this alliance, it failed to live up to hopes of many observers. It identified many known problems with the judiciary (and – helpfully – noted their intrinsic linkage with the constitutional/political system) but contained numerous flaws, blind spots and omissions. The fact that EU policies have abetted the gutting of rule of law in BiH is among them. Woven through it is the inherent contradiction that political actors in BiH can be encouraged to adopt reforms that would dismantle their ecosystem – that there is good faith on the part of the EU's political interlocutors. This remains an EU delusion regionwide. See "Expert Report on Rule of Law Issues in Bosnia and Herzegovina," December 5, 2019. Available at: <http://europa.ba/wp-content/uploads/2019/12/ExpertReportonRuleofLawissuesinBosniaandHerzegovina.pdf>