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# ***The Future of EU Enlargement Policy in the **Western Balkans** After Merkel***

***Policy Note***

September 2021



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## ***Executive summary***

Following the September parliamentary elections in Germany, Chancellor Angela Merkel will leave office after a decade and a half during which she not only dominated the political stage in Germany and in Europe, but also took the lead role in the European Union's enlargement policy towards the Western Balkans. Merkel was instrumental in keeping the countries' membership prospect alive amidst rising "enlargement fatigue" within the European Union (EU), including in Germany and within her own Christian Democratic Union (CDU) party, and following the 2009 Eurozone crisis. During her time in office, she launched several initiatives, the most prominent among them the Kosovo-Serbia political dialogue (2012-2013) and the 2014 Berlin Process (still ongoing), aimed at fostering regional cooperation. Both ventures deviated from her cautious, reactive comfort zone. Over time, however, those achievements have come under increasing scrutiny, undermined by both major external developments and her own shortcomings.

The former includes three major international events of 2015-2016 – the European refugee crisis, the Brexit referendum and the victory of Donald Trump in the US presidential election – which reflected the growing crisis of the West and of the liberal world order. The latter refers to Merkel's leadership style, best characterized as reactive and managerial and devoid of policy strategies or vision. Merkel's leadership style increasingly set self-imposed limitations on her EU lead role which ultimately hit a wall during the refugee crisis. In the midst of the EU's internal turmoil post-2015, the Union's policy towards the Western Balkans region in effect fostered instability, forcing Merkel and her government to shift into damage control and disaster prevention mode. They fought against then EU foreign policy chief Federica Mogherini's support for a land swap deal in the Kosovo-Serbia dialogue that perverted the initial rationale and achievements of the political dialogue, and pushed back against French President Emmanuel Macron's endangering of the enlargement prospect through his consistent blockage of the EU opening accession negotiations with North Macedonia and Albania. The impact of these developments left its mark on the Merkel era, leaving her almost empty-handed on her engagement on the Western Balkans. Her departure from the political stage demands a thorough evaluation of EU and German policies in the past decade and a half, providing an opportunity for a reset of German policy towards the region and of Germany's lead role on enlargement within the Union. There is broad consensus among analysts and policymakers in Berlin that the Greens, which according to recent polls stand a good chance of having a crucial role in the future German government, are best suited to fill the gap left behind by Merkel and to seize the opportunity in light of the upcoming change in the Chancellor's Office.

## Recommendations

This paper is written with a focus on a Kosovan audience. Thus, while the first set of recommendations is aimed at German policy for the entire Western Balkans region, the second is addressed specifically to Prishtina.

### *To the next German government*

To avoid ultimate collapse of the EU's enlargement policy and get its policy towards the Western Balkans back on track, the next German government coalition needs to take a number of crucial political steps early in its mandate, particularly in 2022:

- Berlin should initiate serious negotiations with EU members, starting with Paris, on future internal EU reform to include its own proposals with a particular focus on so-called illiberal member states in which a crisis of the rule of law and democracy exists.
- Starting in early 2022, particularly following the French presidential election, Berlin will need to engage seriously with Paris on the future of enlargement, on unblocking accession negotiations with North Macedonia and Albania, and on visa liberalization for Kosovo citizens.
- The new German government and its ruling parties should communicate to citizens that it is in Germany's best interest to extend enlargement to Western Balkan countries, and that it is inevitable that the EU will need to undertake both internal reform and enlargement simultaneously.
- Berlin will need to address democratic backsliding in the Western Balkan countries by strengthening the rule of law and the fight against corruption in EU enlargement policy.
- Berlin should start an initiative within the European Council on a long-term EU policy strategy on Bosnia and Herzegovina, with constitutional changes at its heart.
- Berlin should seize the initiative and reach out early in 2022 to the Biden administration on drafting a new transatlantic Western Balkans strategy to include EU and NATO enlargement.



- Berlin needs to reach out early in 2022 to the Biden administration on a joint initiative to reset Kosovo–Serbia negotiations to achieve a final, comprehensive agreement within a negotiating framework based on the original principles of the 2012–2013 political dialogue.
- Berlin needs to rally members to restore the credibility of the EU’s enlargement policy and membership prospect, and then revive the Berlin Process as a means to foster regional cooperation not limited only to infrastructure projects and retain German leadership in the process.

### *To the Kosovan government*

In light of the forthcoming change in German leadership, the Kosovan government needs to prepare to advocate and engage effectively with the new German government to advance the interests of Kosovo and the wider Western Balkans region:

- Prishtina should reach out early to the new ruling coalition in Berlin to advocate for continuity in German EU leadership on enlargement policy towards the Western Balkans.
- Prishtina needs to ensure that its ongoing advocacy towards EU capitals to unblock visa liberalization for Kosovo citizens soon after the French presidential election is tailored to the specifics of the post–Merkel situation in Germany and the Union.
- Prishtina should advocate for the incoming Chancellor and government to take the initiative, together with President Biden and his administration, to reset negotiations on a final, comprehensive agreement with Serbia based on clearly defined principles and aims.
- Assuming a reset of negotiations, Prishtina needs to signal its readiness to compromise with Belgrade in return for Germany and the US guaranteeing that an agreement will lead to full sovereignty and territorial integrity for Kosovo and to substantial progress in achieving full international subjectivity based on the full cooperation and proactive support of Belgrade.

## ***Introduction: German parliamentary elections – the end of the Merkel era***

This month, German citizens will head to the polls to elect new members of the federal parliament, and in so doing will indirectly determine the future ruling coalition. As surveys clearly indicate no majority for the current grand coalition, it is already evident that the shape of the new government will be markedly different. But there is another rationale for that prospect: Among the various Spitzenkandidaten,<sup>1</sup> the party representatives competing to become the next German Chancellor, one name is missing for the first time in a decade and a half – Angela Merkel. After serving four terms (16 years) in office, the conservative Chancellor will retire at the end of the year/beginning of next year, depending on how quickly a new governing coalition can be assembled.

During that long period in power, Merkel not only became the dominant personality in the Christian Democratic Union (CDU) and in German politics, she also became the dominant political figure on the European stage (and for Europe on the global stage), managing the European Union (EU) through various crises, some of which were existential: the Eurozone and global economic crisis, the Ukraine crisis, the European refugee crisis and others. Simultaneously, Merkel took the lead role in the EU's enlargement policy towards the Western Balkans. She was instrumental in keeping the countries' membership prospect alive amidst rising "enlargement fatigue" within the EU. In addition, she both launched and facilitated several important initiatives including the 2012–2013 Kosovo–Serbia political dialogue and the 2014 Berlin Process aimed at fostering regional cooperation.

Chancellor Merkel's departure from the political stage undoubtedly will leave behind a gaping hole in the Western Balkans policies of Germany and the Union, raising serious questions about the future of EU enlargement policy. This is especially so in light of negative developments in the EU's policy towards the region which have unfolded over the last five years: the push towards a dangerous land swap deal in the EU-led negotiations on a final and comprehensive agreement between Kosovo and Serbia; the blockade on opening accession negotiations with North Macedonia and Albania by several EU member states, led by French President Emmanuel Macron; and moves to accept further entrenchment of ethnopolitical dominance in Bosnia and Herzegovina (BiH).

This paper looks at the role Chancellor Merkel played in the EU's enlargement policy towards the Western Balkans and the potential impact of her departure, with a particular focus on Kosovo and the Kosovo–Serbia dialogue. It is based on long-term research carried out by the author on Germany's and the EU's Western Balkans policies, and on interviews with German and European policymakers, government officials

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<sup>1</sup> Spitzenkandidaten is the German term for the lead candidates of competing parties in parliamentary elections. In the German parliamentary elections they are also the candidates for future Chancellor.

and experts conducted over the last twelve months. Section one examines Chancellor Merkel's leadership in EU integration policy – the nature of her lead role, including achievements and limitations. Section two analyzes the post-2016 reversal of the EU's policy towards the Western Balkans, when against the backdrop of various internal crises the Union began to de facto foster instability in the region and the membership prospect came into question. Section three assesses the potential impact of Merkel's political departure on Germany's and the EU's policies towards the Western Balkans. The final section draws some conclusions and provides recommendations for both the future German government and the Kosovan government.

## ***Merkel, the EU and the Western Balkans: reactive leadership and keeping the membership prospect alive***

In the wake of the initial post-war stabilization of the Western Balkan countries and the opening of an EU membership prospect for the countries of the region at the 2003 Thessaloniki Summit, the United States (US), preoccupied with Afghanistan and Iraq, in 2005 handed over Western leadership in the Western Balkans to the EU. The EU, which had simply transferred its existing enlargement policy and toolbox from Central and Eastern Europe to the dissimilar Southeastern Europe region with no serious underlying analysis or strategy, for years had failed to effectively take on that inherited leadership. In BiH, the ill-conceived policy shift towards a more hands-off policy and closure of the Office of the High Representative (OHR) (then unrealistically planned for 2006–2007) quickly encountered problems. International mediation efforts aimed at solving the Kosovo–Serbia dispute faltered, resulting in the Western-backed declaration of independence by Kosovo in 2008 – the last US leadership-driven initiative in the Western Balkans for a decade to come. On the EU's end, in the aftermath of the 2009 Eurozone and world economic crisis, the enlargement policy towards the Western Balkans – the declared framework for continuing the countries' democratic transformation – slipped into crisis. Amidst internal turmoil within the Union, and with the memory of the dire experience of the 2007 round of accession (Romania and Bulgaria) in everyone's minds, "enlargement fatigue" spread among EU member states, and the enlargement policy towards the Western Balkans was put on "bureaucratic autopilot."<sup>2</sup>

This was the backdrop against which German Chancellor Angela Merkel, who took office in 2005, gradually took over EU leadership on enlargement and on the broader matter of the Union's policy towards the Western Balkan countries.

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<sup>2</sup> Kurt Bassuener, Bodo Weber, "Are We There Yet? International Impatience vs. a Long-term Strategy for a Viable Bosnia," DPC Policy Brief, May 2010, p. 3, available at: <http://www.democratizationpolicy.org/pdf/policybrief1.pdf>.

## ***Merkel leads the EU in the Western Balkans***

Merkel and her government defended the Union's enlargement policy towards the Western Balkans and keeping the 2003 membership offer alive. Merkel argued that Europe would not be whole and free without the Balkan countries, and that the countries involved in the 1990s Balkan wars cannot be stabilized in a sustainable manner, and thus cease posing a security threat to the EU, without integration into the Union.<sup>3</sup> She also fought resistance to enlargement within her own party, particularly in the CDU caucus in the European Parliament but also in the Bavarian sister party, the Christian Social Union (CSU), which for some time had advocated for a "Christian Europe," by which it meant limiting enlargement to the country closest to achieving membership, i.e., predominantly Catholic Croatia.<sup>4</sup> Berlin strongly pushed for the strengthening of reform conditionality that led to Croatia being the first candidate country to face implementing two accession negotiation chapters concurrently – Chapters 23 and 24 dealing with the rule of law. This strengthening of conditionality was a lesson learned from the integration of Romania and Bulgaria and the compromises the EU made regarding the rule of law, particularly the fight against corruption, in the accession processes of these two countries. But it also provided a way for Merkel to counter enlargement skepticism among other member states, and within her own party.

Chancellor Merkel also seized the initiative on several outstanding political issues in the Western Balkans, particularly on unresolved status disputes, the most important among them being the Kosovo–Serbia dispute. Confronted during the summer of 2011 with violent unrest in the majority Serb-inhabited north of Kosovo and clashes with the NATO-led Kosovo Force (KFOR), then commanded by a German, including a barrage of shootings at German KFOR soldiers, Merkel asserted leadership.<sup>5</sup>

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<sup>3</sup> "Frieden und Stabilität für den Westbalkan," available at: <https://www.bundesregierung.de/breg-de/suche/westbalkan-gipfel-1939554>.

<sup>4</sup> Interviews with German policymakers, Berlin 2009–2013.

<sup>5</sup> Bodo Weber, "A Date for Belgrade? Conditionality, German Leadership and Serbia's Path to the EU," DPC Policy Paper, Berlin, June 2013, available at: <http://www.democratizationpolicy.org/pdf/serbiapolicy.pdf>.

During a state visit to Belgrade in August 2011, in a joint news conference with then Serbian President Boris Tadić, Merkel announced the start of a new EU political course towards Serbia on Kosovo. It conditioned Serbia's membership aspirations on adopting a reality-based policy on Kosovo: recognizing the loss of Kosovo as the basis for the gradual normalization of relations with its former province-turned independent country. This policy shift put an end to the EU's tolerance of Tadić and his Democratic Party-led government's policy of "EU and Kosovo," a totally unrealistic policy aimed at avoiding dealing with the domestically contentious Kosovo issue. It was based on Tadić blackmailing the Union with the threat that if pressed too hard on Kosovo, his pro-European government risked losing power to the Milošević-era nationalist forces. Merkel thus took a great risk in breaking with what were deemed the West's democratic political allies in Serbia. Her policy shift on Kosovo indeed contributed to Tadić's government's loss of power in 2012 to a coalition of 1990s ruling parties – the Serbian Socialist Party (SPS) and the larger Serbian Progressive Party (SNS), a breakaway party from the Serbian Radical Party. However, supported by the US and the United Kingdom (UK), during 2012–2013 Merkel's Chancellor's Office managed to initiate the EU-led political dialogue between Kosovo and Serbia and negotiate a historic initial breakthrough with the 2013 April Agreement. Based on a negotiating framework with clearly defined (though still partly implicit) principles and red lines, including Merkel announcing "the time of border changes in the Balkans is over,"<sup>6</sup> the German leadership forced a historic change of policy in Belgrade, with then-Prime Minister Ivica Dačić telling the Serbian public that it had to face the reality that Serbia lost Kosovo and wouldn't get it back. This success in the initial Europeanization of the nationalist parties' former policy enabled the rise of Aleksandar Vučić to the leadership of the SNS and of Serbian politics. Among Merkel's notable leadership successes was attaining the support of all EU member states for her policy shift – including the five EU countries that have yet to recognize Kosovo.<sup>7</sup> This followed years of inertia in which the EU remained passive on the Kosovo–Serbia dispute in light of its internal divisions on Kosovo's declaration of independence.

Another major initiative of Merkel's is the so-called Berlin Process. Launched at a Berlin summit in August 2014 and subsequently hosted by other EU member states in their respective capitals, it has brought together the Western Balkan Six (WB6) that aspire to membership and EU member states dedicated to EU enlargement, plus various EU institutions, with the aim to foster regional cooperation. The Process was pursued alongside EU mechanisms and involved several EU member states. It was enabled by the political dialogue which introduced regular meetings between Kosovan and Serbian state officials and led to a general relaxation of interpersonal relations among heads of states and governments in the Western Balkans.<sup>8</sup>

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<sup>6</sup> Agron Bajrami, Bodo Weber, "The Original Framework of the Political Dialogue," KFOS-DPC Policy Note, Prishtina–Berlin, May 2018, available at: [http://www.democratizationpolicy.org/wp-content/uploads/2020/05/1\\_The-Original-Dialogue-Framework\\_English.pdf](http://www.democratizationpolicy.org/wp-content/uploads/2020/05/1_The-Original-Dialogue-Framework_English.pdf).

<sup>7</sup> Interview with German government official, May 2021.

<sup>8</sup> Interview with German government official, August 2014.

Additionally, the Berlin Process was conceived as a mechanism to underscore and revive the membership prospect of the Western Balkans aspirants amidst enduring skepticism on enlargement among some EU members. The format initially enabled substantial progress in regional cooperation among the WB6, unlike dozens of comparable initiatives launched over the previous decade and a half that suffered from a lack of political will and limited implementation. It is generally accepted that Merkel's and Germany's leadership in the Berlin Process, and its linkage to the EU integration prospect, made the difference.<sup>9</sup>

## ***Limitations of Merkel's leadership role***

Largely overlooked during those years of strong leadership on the European stage were the political limitations of Merkel's leadership, resulting less from general political circumstances and more from her own political approach and philosophy. Despite a strong foundation in liberal democratic values based on her East German upbringing, Merkel's policy approach was primarily that of a policy manager and not a political strategist, let alone a visionary. Her scientific, managerial approach made her a skilled crisis manager, but it also limited the scope of her leadership, which primarily was reactive. Merkel reacted decisively in crisis situations, but only when not taking action was no longer feasible. Thus, on BiH, the Merkel government initially played a passive, even negative, role within the EU. From 2009 through 2014, Berlin led the camp of member states within a deeply divided EU which sought to disengage from an active role in BiH – despite an accelerating structural political crisis that threatened destabilization – by getting rid of the executive mandate-empowered Dayton institutions (OHR and EUFOR) that enabled the international community's post-war engagement in the country.<sup>10</sup>

In 2014, Germany agreed to a compromise initiative on BiH with the UK,<sup>11</sup> the lead member state of the opposing camp pressing for more assertive EU re-engagement in BiH based on the troubling political reality on the ground brought about by the violent social unrest that broke out in BiH in February. The low-profile initiative, relegated as it was to mid-level management in the German and UK foreign ministries (unlike the April Agreement negotiated by the Chancellor's Office), yielded limited results and made no difference.<sup>12</sup>

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<sup>9</sup> Interviews with German government officials, former Western Balkans states' officials, March–May 2021.

<sup>10</sup> Kurt Bassuener, Bodo Weber, "House of Cards: the EU's 'Reinforced Presence' in Bosnia and Herzegovina," DPC Policy Paper, Sarajevo–Berlin, May 2013, available at: <http://www.democratizationpolicy.org/pdf/may.pdf>.

<sup>11</sup> Bassuener/Perry/Vogel/Weber, "Retreat for Progress in BiH? – The German–British Initiative," DPC Policy Paper, Sarajevo–Berlin–Brussels, November 2014, available at: [http://www.democratizationpolicy.org/pdf/DPC\\_Policy\\_Paper\\_Retreat\\_for\\_Progress\\_in\\_BiH.pdf](http://www.democratizationpolicy.org/pdf/DPC_Policy_Paper_Retreat_for_Progress_in_BiH.pdf).

<sup>12</sup> Bodo Weber, "The EU's Failing Policy Initiative for Bosnia and Herzegovina: A Reform Agenda & Questionnaire Monitoring Report," DPC Policy Paper, Berlin, April 2018, available at: [http://www.democratizationpolicy.org/pdf/DPC\\_EU\\_BiH\\_Initiative\\_Failure\\_Policy\\_Paper.pdf](http://www.democratizationpolicy.org/pdf/DPC_EU_BiH_Initiative_Failure_Policy_Paper.pdf).

Despite the initial historic breakthrough<sup>13</sup> in the Kosovo–Serbia political dialogue, Berlin failed to develop a long-term strategy or masterplan. As a consequence, when Berlin and the Chancellor’s Office’s attention shifted to global hot topics such as the Ukraine crisis or the European refugee crisis, leadership on the dialogue fell to EU institutions. Lacking guidance from Berlin and other Western capitals on how to proceed, the emerging strategic vacuum was filled by authoritarian leaders in Kosovo and Serbia who instrumentalized their participation in the Western-backed dialogue and related EU integration prospect as a domestic source of legitimacy, while also endlessly delaying progress in the dialogue on implementation of the April Agreement.<sup>14</sup> As the dialogue slipped into crisis, Vučić began his authoritarian, and later also autocratic, transformation of the Serbian state and politics, while democratic reform rollback escalated across the Western Balkans region.

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<sup>13</sup> Includes the first meetings of Serbian state officials with their Kosovan counterparts, the de facto recognition of Kosovo’s state independence in the 2013 April Agreement and in then Serbia Prime Minister Ivica Dačić’s 2013 interview statement that Serbia had lost Kosovo. See: Bodo Weber, “A Date for Belgrade? Conditionality, German Leadership and Serbia’s Path to the EU.”

<sup>14</sup> Agron Bajrami, Bodo Weber, “The Original Framework of the Political Dialogue.”





## ***The crisis of the West and the land swap push: fighting back against enlargement implosion***

The period 2015–2016 witnessed the triple blow of the European refugee crisis, the UK Brexit referendum and the victory of Donald Trump in the US presidential election, as well as growing nationalist populism throughout Europe, indicating a crisis of confidence in liberal democracy in the West and of the liberal world order. It was during this time that the EU and the wider West's policy towards the Western Balkans further veered from poorly functioning for lack of a strategic vision to effectively openly exporting instability to the region through both passive and active means. The refugee crisis signaled to Belgrade and other Western Balkan capitals that the EU needed them more than they needed the EU,<sup>15</sup> while the Trump victory raised hopes among ethnopolitical elites in the region in a revival of their unfulfilled nationalist agendas. The incremental approach of the political dialogue had anticipated swift implementation of the 2013 April Agreement and was expected to engender additional agreements in parallel with progress in Serbia's (and subsequently Kosovo's) EU integration process. The reality was that the political dialogue, already in crisis, had now hit a wall.

### ***Damage control, disaster prevention***

The new reality caused Chancellor Merkel's government to shift the focus of its enlargement and Western Balkans policy from enabling progress to damage control and disaster prevention. During the summer of 2017, as Germany geared up for parliamentary elections in September and Merkel for her last term in office, EU institutions attempted to rescue the political dialogue by dumping the failed incremental approach and jumping to the endpoint, i.e., negotiations on a final, comprehensive agreement for full normalization of relations between Kosovo and Serbia. Those negotiations, already well underway behind closed doors when the new German government began to fully operate in spring 2018, not only became a major challenge to Berlin's leadership role, but also entirely thwarted the original framework, principles and aims of the political dialogue. In pursuit of a deal, the EU's then High Representative for Foreign and Security Policy, Federica Mogherini, and her team seized control of the negotiations with a transactional, any-deal-is-a-good-deal approach. This effectively hijacked the EU agenda, with negotiations closed and shielded from member states capitals.

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<sup>15</sup> Interview with EU official, Belgrade 2017.

Mogherini and her team pushed for a land swap, a seemingly quick-fix deal devoid of any principles and in violation of all those previously articulated by the EU and the wider West in the Western Balkans, in collusion with Serbian President Vučić, who aimed to avoid the original, politically painful 2012–2013 dialogue deal, and with Kosovan President Hashim Thaçi, who was ready to sell out the north of Kosovo in return for avoiding prosecution for war crimes by the Specialist Court in the Hague.<sup>16</sup>

Merkel and the German government took the lead in pushing back against the Mogherini team's dangerous game, with most EU member states opposing a land swap agreement, but very few willing to vocalize their opposition, preferring instead for Berlin to step up. Berlin's pushback and advocacy for a genuinely comprehensive final agreement was complicated during May and June of 2018 when the Trump administration and France (i.e., President Macron) shifted their respective policies towards openness on a land swap deal. It was only in April 2019, at the Merkel-Macron Western Balkans mini-summit in Berlin, when the leaders of BiH, Montenegro, and North Macedonia expressed opposition to a land swap and President Macron for the first time expressed opposition to the idea and to the underlying concept of ethnoterritorial division, that Berlin ultimately managed to halt Mogherini and her team's ill-considered efforts.

A Berlin-driven reset of the EU-led negotiations on a final agreement initiated in autumn 2019 ahead of the new European Commission taking office was then undermined for a year by the Trump administration resuscitating the land swap push. US presidential envoy Richard Grenell picked up where the Mogherini team left off on the initiative, even initiating in March 2020 the toppling of the Albin Kurti government in Kosovo that had resisted the initiative. The Trump administration's push only came to an end when the Specialist Court in April that year announced that an indictment against Thaçi was pending.<sup>17</sup>

While the push for a land swap between Kosovo and Serbia ultimately failed in 2020, in BiH in June that year EU and US negotiators, together with ruling nationalist party leaders, struck a deal on the town of Mostar that followed the same kind of ethnoterritorial political logic that inspired advocates of a land swap, and in fact which fueled the 1990s Balkan wars.<sup>18</sup> On the surface, the deal addressed a decade-old political deadlock that had left the town without the ability to hold local elections, but only in return for allowing the main Croat and Bosniak parties to determine the ethnoterritorial division of Mostar, countering two and a half decades of Western post-war policy aimed at reunification of the divided city.

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<sup>16</sup> Interviews with Kosovan government officials and European diplomats, including some with access to draft agreements provided by the Mogherini team, 2018–19.

<sup>17</sup> "Special Court Accuses President Thaçi of War Crimes," Prishtinainsight.com, June 24, 2020, available at: <https://prishtinainsight.com/special-court-accuses-president-thaci-of-war-crimes/>; On the background of the formation of the Specialist Court, see: Lekë Batalli, "Parallel Justice: A First Test for Kosovo's Specialist Chambers and Specialist Prosecutor's Office," *Verfassungsblog.de*, March 4, 2019, available at: <https://verfassungsblog.de/parallel-justice-a-first-test-for-kosovos-specialist-chambers-and-specialist-prosecutors-office/>.

<sup>18</sup> Kurt Bassuener, Valery Perry, "Is the US Doubling Down on Division in Bosnia and Herzegovina?," *Just Security*, March 16, 2021, available at: <https://www.justsecurity.org/75299/is-the-us-doubling-down-on-division-in-bosnia-and-herzegovina/>.

Struck behind closed doors, the deal largely escaped the attention of Berlin and other European and Western capitals.<sup>19</sup> However, it set a precedent. Since the beginning of 2021, EU and US negotiators have been engaged in state-level negotiations with ruling ethnic parties on so-called election law reform. On the surface, negotiations purport to be about eliminating various existing forms of discrimination in BiH's highly ethnicized electoral system; but in essence, they are driven by the same approach to the Kosovo-Serbia land swap, i.e., Western negotiators aiming to seal any possible deal by accommodating ethnopolitical leaders' unfulfilled nationalist, anti-European and anti-democratic agendas.<sup>20</sup> Berlin battled against various EU-US initiatives to address open, unresolved issues in the Western Balkans that went against the principles and lessons learned that for three decades had guided Western policy towards the region, and that risked seriously destabilizing the region. At the same time, Berlin struggled with inner-EU threats to the Union's enlargement policy. Faced with the EU exit of the UK, its main partner among the "big four" member states (Germany, the UK, France and Italy) in advocating for enlargement, in 2018 the Merkel government tried to replace London with Paris<sup>21</sup> – to no avail.

## ***Failure to communicate: Merkel fails to win Macron over (and vice-versa)***

The first test of Berlin's planned new enlargement partnership with France came during a Merkel-Macron meeting in mid-June 2018, ahead of a European summit that was set to decide on opening accession negotiations with North Macedonia and Albania.<sup>22</sup> After a compromise agreement was reached in Berlin between the ruling parties that managed to overcome inner-CDU resistance against opening talks with Albania, and that included a conditional green light for opening accession negotiations with both Western Balkan countries, Merkel entered the meeting with the French president convinced she could win over Macron for the German compromise proposal. But Berlin had badly miscalculated. Macron insisted that no further steps be taken on EU-integration until after the upcoming elections for the European Parliament scheduled for May 2019. At the subsequent June 26 Brussels summit, France, supported by Denmark and the Netherlands, blocked any decision on the proposal despite huge support among a majority of EU member states for opening talks and European Commission recommendations to open negotiations unconditionally.

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<sup>19</sup> Bodo Weber, "The West's Dirty Mostar Deal: Deliverables in the Absence of a BiH Policy," DPC Policy Paper, Berlin, December 2020, available at: [http://www.democratizationpolicy.org/wp-content/uploads/2020/12/DPC-Policy-Note16\\_The-Wests-Dirty-Mostar-Deal.pdf](http://www.democratizationpolicy.org/wp-content/uploads/2020/12/DPC-Policy-Note16_The-Wests-Dirty-Mostar-Deal.pdf).

<sup>20</sup> Toby Vogel, Bodo Weber, "The EU's Perverse Agenda in Bosnia," EUObserver Op-Ed, March 4, 2021, available at: <https://euobserver.com/opinion/151110>.

<sup>21</sup> Interview with German government officials, spring 2018.

<sup>22</sup> Bodo Weber, "Contested, Yet Indispensable Leadership: Germany's Role in Macedonia's Euro-Atlantic Integration," Foundation Open Society Macedonia (FOSM), Skopje, February 2019, available at: [https://fosm.mk/wp-content/uploads/publications/Germany\\_Role\\_in\\_Macedonia.pdf](https://fosm.mk/wp-content/uploads/publications/Germany_Role_in_Macedonia.pdf).

A compromise was found only at the last moment that “set out the path towards opening accession negotiations in June 2019,”<sup>23</sup> thus merely papering over internal divisions, and basically surrendering to Macron’s position. The postponement undermined the EU’s reform conditionality-based enlargement policy. This major blow to the Union’s credibility and to the membership prospect in the Western Balkans was particularly grave in the case of North Macedonia, where a democratic opposition-led government had come into office in 2017 (with strong US, German and other Western support) following broad civic protests against the authoritarian turn of Prime Minister Nikola Gruevski. The new government of Prime Minister Zoran Zaev made major concessions in the 2018 Prespa Agreement to resolve the 27-year-old name dispute with Greece, with the expectation that this would finally allow the country to move forward towards EU and NATO membership. Macron himself encouraged this perception of linkage.<sup>24</sup> In 2019, Macron managed to kick the decision on Albania and North Macedonia still further down the road.<sup>25</sup> The October 2019 European Summit ultimately concluded with complete blockage of the decision on the two countries.<sup>26</sup> President Macron refused to agree to any progress until the accession methodology was reformed, justifying his unilateral action with false information on the existing enlargement process and methodology. At the same time, Macron announced his resistance to granting visa liberalization for Kosovo, despite the country having long fulfilled all EU conditions. As an expert on French Balkans policy explained, “Macron is genuinely against enlargement, but as openly positioning himself against that decision would come with too high a price, Paris’ approach is to slow down the process as much as possible.”<sup>27</sup> The open confrontation at the October 2019 European Summit was the result of Macron’s frustration with Merkel for having blocked all of his initiatives and proposals for structural internal EU reform during the previous two years. The Merkel government’s later attempt to resolve the subsequent 2020 Bulgarian blockage of North Macedonia’s accession negotiations by pressuring Sofia into a compromise agreement during the German EU-Presidency also failed, again because Macron remained passive, thus indirectly signaling Paris’s support to the Bulgarian government.<sup>28</sup>

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<sup>23</sup> Council of the European Union, “Enlargement and Stabilisation and Association Process – Council Conclusions,” Brussels, June 26, 2018; available at: <https://www.consilium.europa.eu/de/press/press-releases/2018/06/26/council-conclusions-on-enlargement-and-stabilisation-and-association-process/>.

<sup>24</sup> In encouraging North Macedonia’s voters to endorse the Prespa Agreement in September 2018, Macron told them “I am counting on you.” Erwan Fouéré, “Macron’s ‘Non’ to EU enlargement,” CEPS, October 22, 2019. Available at: <https://www.ceps.eu/macrons-non-to-eu-enlargement/>.

<sup>25</sup> President Macron successfully urged the European Commission to postpone publication of the Western Balkans country reports from April to end of May 2019, a move that led to further postponement of the decision on the two countries from June 2019, as agreed in the 2018 compromise, to October 2019. Interviews with German government officials and policymakers and EU officials, Berlin-Brussels, 2018.

<sup>26</sup> „The EU Must Shift Out of Neutral in Its Enlargement Strategy: Championing Liberal Values Means Choosing Sides,” DPC Policy Note, December 2019, available at: [http://www.democratizationpolicy.org/pdf/DPC\\_Policy\\_Note\\_Enlargement\\_Strategy\\_Shift.pdf](http://www.democratizationpolicy.org/pdf/DPC_Policy_Note_Enlargement_Strategy_Shift.pdf).

<sup>27</sup> Interview with French Western Balkan expert, July 2021.

<sup>28</sup> Ibid.

## ***Merkel's waning power and influence***

It wasn't just the accelerating crisis in the West and the shifting balance within the EU that weakened Chancellor Merkel's leading role in EU integration towards the Western Balkans, it was also the growing weakness of Merkel's internal political leadership in Germany after 2017 during her last term in office. In light of that new reality, during a March 2018 visit by Vučić to Berlin in which he presented his ethnoterritorial partition plans, Merkel told the Serbian president behind closed doors to stop coming to her with maps.<sup>29</sup> But at the same time the German Chancellor refrained from going public against the land swap idea and attacking EU foreign policy chief Mogherini in public. And in the conflict with Macron over Albania and North Macedonia, Merkel did not fight back hard, revealing the limitations of her managerial political approach.

Her lack of serious proposals on internal, structural EU reform, instead focusing on preventing other member states from pushing through their proposals, left her without sufficient bargaining leverage vis-à-vis Macron on enlargement, still a secondary political issue for the French president.<sup>30</sup> Merkel's reactive EU leadership style also worked against her during the European refugee crisis, when the lack of critical mass among member states to uphold EU standards on relocation of refugees and asylum seekers forced her to act unilaterally. And in Brussels, Merkel's candidate for the new President of the European Commission, Ursula von der Leyen, after taking office in autumn 2019, took personnel decisions that ran counter to Merkel's enlargement policy – such as nominating Victor Orbán ally Olivér Várhelyi as the new Commissioner on Neighborhood and Enlargement, who since transferred his former Hungarian master's illiberal political philosophy to his new European office.<sup>31</sup>

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<sup>29</sup> Interview with German government official, April 2018.

<sup>30</sup> Interviews with German government officials, Berlin, 2018–19, May 2021.

<sup>31</sup> Interviews with CDU MPs, EU policymakers, Berlin–Brussels, autumn 2019, winter 2019–20.



## ***The future of enlargement post-Merkel***

The departure of Chancellor Merkel after the September elections for the German Bundestag will bring about the end of one era and usher in a new one. The only issue on which government representatives, policymakers and political observers in Berlin currently agree is that today's political environment in Germany is more open to various potential outcomes than has been seen in decades, and that whatever the outcome of the parliamentary elections and subsequent coalition negotiations, Merkel will leave behind a huge leadership gap in the EU, including on German and EU (enlargement) policy towards the Western Balkans. Even if her successor is equally committed to enlargement, that individual will lack the trust and favorable reputation Merkel earned through years of cooperation with regional stakeholders and political leaders in the Western Balkans. Already, the January 2021 decision of the CDU on its new president was entirely unpredictable. But what the three candidates – Armin Laschet, Prime Minister of the state of North-Rhine Westphalia, former Merkel opponent Friedrich Merz, and MP and chair of the Bundestag Foreign Policy Committee, Norbert Röttgen – have in common is that each has either a limited or no record on the Western Balkans, and a lack of interest in the region – and, in turn, a lack of interest in enlargement. Laschet, the prevailing candidate who also triumphed subsequently in the conservative sister party's internal struggle to become the Spitzenkandidat, has no clear European and foreign policy profile. At best, he signals continuity with the Merkel era policy.<sup>32</sup> Any reference to a commitment to the member state prospect of the Western Balkan countries in the various party election programs is even less pronounced than in previous elections, with the notable exception of the Greens.

The Greens, with their Spitzenkandidat, Annalena Baerbock, are traditionally the most pro-European parliamentary party in Germany. Apart from a strong commitment to structural internal reform of the EU, the Greens' election program<sup>33</sup> contains an explicit commitment to EU enlargement. It addresses all the key regional challenges: the Kosovo-Serbia negotiations and the granting of visa liberalization, BiH's dysfunctional constitutional order, and the opening of accession negotiations with North Macedonia and Albania. Polling conducted in 2020 and the first half of 2021 put the Greens coming in second, although some polling in early spring had them coming in first in the September elections.

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<sup>32</sup> "Armin Laschet wants to lead Europe. Not everyone thinks he's up to it." Politico.EU, August 9, 2021, available at: <https://www.politico.eu/article/germany-armin-laschet-cdu-chancellor-europe-leader/>.

<sup>33</sup> Bündnis 90/Die Grünen, „Deutschland. Alles ist drin. Bundestagswahlprogramm 2021.“ June 2021, p. 226.

This scenario would make it highly likely that the Greens will be part of the next government, most probably in a green-black/black-green coalition with the CDU-CSU. However, more recent polling saw a decline of the Greens, coming in third behind the CDU-CSU and the Social Democrats. Such an election outcome would still leave only one potential coalition option that would exclude the Greens. Baerbock, the party co-chair, has some foreign policy expertise, and according to some sources “has the Western Balkans on her radar.”<sup>34</sup> It is an open secret in Berlin that she has her eye on the foreign ministry should her party become the junior partner in the next coalition. Thus, German MPs from different political camps dedicated to the Western Balkans and EU enlargement put their hopes primarily in the Greens to bridge the gap that will be left by Merkel’s departure.<sup>35</sup>

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<sup>34</sup> Interview with Green party representatives, Berlin, autumn 2020 and spring 2021.

<sup>35</sup> Interviews with Green and CDU-CSU MPs, Berlin, autumn 2020 and spring 2021.

## **Conclusions and recommendations**

Over a decade and a half in which Chancellor Angela Merkel dominated the political stage in Germany and Europe, her leadership role was crucial in keeping alive the EU's enlargement policy towards the Western Balkans. Her role was also decisive in the EU and the wider West, addressing unresolved conflicts from the immediate post-war stabilization era, among which the one between Kosovo and Serbia was the most prominent. However, Merkel's reactive leadership and managerial political style, devoid of any long-term political strategy or vision, ultimately limited her influence and leverage. The combination of Merkel's shortcomings and the broader crisis/disunity of the West following the developments of 2015/2016 enabled a reversal of the initial historic success in the EU-led political dialogue between Kosovo and Serbia. This change provided an opening for the general democratic backsliding evident in the Western Balkan countries – welcomed and driven by local elites – and for the shift Vučić has taken from a declarative pro-European policy stance to openly authoritarian and autocratic one-man rule in Serbia. Merkel also failed to persuade and prevent French President Macron from endangering the future of enlargement, thereby threatening the long-term stability and security of the Western Balkans, and of Europe more broadly.

Among the issues requiring attention after Chancellor Merkel leaves office, are the EU-led Kosovo-Serbia negotiations on a final, comprehensive and binding agreement. A reset, driven by Berlin and Washington, is needed in 2022, as government officials and policymakers agree that no real progress is possible in 2021.<sup>36</sup> On the future of enlargement more broadly, a German government official notes that “we need a breakthrough in 2022 with Macron on North Macedonia and Albania – otherwise enlargement ultimately will be dead,” thus indicating a need for the future German government and Chancellor to find a way to sway the French president.<sup>37</sup>

Chancellor Merkel's departure will leave a critical gap in Germany's and the EU's policies towards the Western Balkans. But it also presents an opportunity to revive the EU's internal reform process and to recalibrate the Union's enlargement policy and coordination with the US and other allies. The latter includes employing various initiatives to get unresolved status issues in the region back on track, among the most prominent being Serbia's persistent questioning and undermining of Kosovo's status as an independent state and of its international subjectivity – directly and indirectly as evidenced by the increasingly obstructive meddling of Montenegro. Yet, potential for positive change exists, with the future German government's ability to take advantage of this opportunity residing primarily with the German Greens.

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<sup>36</sup> Interviews with policymakers and government officials, Berlin, spring 2021.

<sup>37</sup> Interview with government official, June 2021.



## Recommendations

This paper is written with a focus on a Kosovan audience. Thus, while the first set of recommendations is aimed at German policy for the entire Western Balkans region, the second is addressed specifically to Prishtina.

### *To the next German government*

To avoid ultimate collapse of the EU's enlargement policy and get its policy towards the Western Balkans back on track, the next German government coalition needs to take a number of crucial political steps early in its mandate, particularly in 2022:

- Berlin should initiate serious negotiations with EU members, starting with Paris, on future internal EU reform to include its own proposals with a particular focus on so-called illiberal member states in which a crisis of the rule of law and democracy exists.
- Starting in early 2022, particularly following the French presidential election, Berlin will need to engage seriously with Paris on the future of enlargement, on unblocking accession negotiations with North Macedonia and Albania, and on visa liberalization for Kosovo citizens.
- The new German government and its ruling parties should communicate to citizens that it is in Germany's best interest to extend enlargement to Western Balkan countries, and that it is inevitable that the EU will need to undertake both internal reform and enlargement simultaneously.
- Berlin will need to address democratic backsliding in the Western Balkan countries by strengthening the rule of law and the fight against corruption in EU enlargement policy.
- Berlin should start an initiative within the European Council on a long-term EU policy strategy on Bosnia and Herzegovina, with constitutional changes at its heart.

- Berlin should seize the initiative and reach out early in 2022 to the Biden administration on drafting a new transatlantic Western Balkans strategy to include EU and NATO enlargement.
- Berlin needs to reach out early in 2022 to the Biden administration on a joint initiative to reset Kosovo–Serbia negotiations to achieve a final, comprehensive agreement within a negotiating framework based on the original principles of the 2012–2013 political dialogue.
- Berlin needs to rally members to restore the credibility of the EU’s enlargement policy and membership prospect, and then revive the Berlin Process as a means to foster regional cooperation not limited only to infrastructure projects and retain German leadership in the process.

### *To the Kosovan government*

In light of the forthcoming change in German leadership, the Kosovan government needs to prepare to advocate and engage effectively with the new German government to advance the interests of Kosovo and the wider Western Balkans region:

- Prishtina should reach out early to the new ruling coalition in Berlin to advocate for continuity in German EU leadership on enlargement policy towards the Western Balkans.
- Prishtina needs to ensure that its ongoing advocacy towards EU capitals to unblock visa liberalization for Kosovo citizens soon after the French presidential election is tailored to the specifics of the post–Merkel situation in Germany and the Union.
- Prishtina should advocate for the incoming Chancellor and government to take the initiative, together with President Biden and his administration, to reset negotiations on a final, comprehensive agreement with Serbia based on clearly defined principles and aims.
- Assuming a reset of negotiations, Prishtina needs to signal its readiness to compromise with Belgrade in return for Germany and the US guaranteeing that an agreement will lead to full sovereignty and territorial integrity for Kosovo and to substantial progress in achieving full international subjectivity based on the full cooperation and proactive support of Belgrade.

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D4D Institute was established in April 2010 by a group of analysts who were increasingly worried that the state-building exercise had neglected democracy.

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