

# Expanding European Integration towards the Western Balkans in Times of Crises

## A Neo-Functionalist Examination

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This article examines the political practices of the European Union (EU) in the Western Balkans and, in particular, the EU-Kosovo relations by adopting the revisited neo-functionalism approach to the study of EU enlargement. This research draws on the descriptive and explanatory assumptions of the approach; it not only explains the development of the EU enlargement perspective towards the region but also explores the main dynamics behind the EU's strategy towards the region, beginning from the outbreak of the Yugoslavia War and the reflections associated with the development of the EU foreign policy realm. More specifically, the research focuses on the dynamics underlying the process of the development of Stabilization and Association Agreement with Kosovo. In the conclusion, future research directions and limitations of the revisited neo-functionalism are discussed.

*Keywords: neo-functionalism, EU enlargement, EU foreign policy, EU – the Western Balkans relations, EU – Kosovo relations*

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After the internal and external crises faced by the European Union (EU), such as the Eurocrisis, Brexit, Schengen (abolishment of internal borders), migration, the unforeseen behaviour of other powerful regional actors (e.g. Russia and Turkey), post-crises management of the EU and its future direction have become increasingly attractive topics among politicians, policymakers and the students of European Integration. However, much of the research to date has been focused on the steps taken in the Eurozone and Schengen crises.<sup>1</sup> Therefore, the future direction of the EU external policy realm, especially the EU enlargement towards the Western Balkans six (WB6)<sup>2</sup> as another fascinating issue, requires a theoretically informed investigation.<sup>3</sup> This article examines the political practices of the EU in the WB6, in particular, the EU-Kosovo relations by adopting the revisited neo-functionalism to the study of EU enlargement. The research agrees with the recent counterintuitive argument that revisited neo-functionalism may provide a pivotal research agenda to connect the study of the EU politics with its political practices, especially in times of crises.<sup>4</sup> While the original neo-functionalism became obsolete by one of its creators Haas in 1975,<sup>5</sup> in the new life of theoretical research on EU politics, the 'soft rational choice assumptions'<sup>6</sup> of the early approach have been expanded through the ontology of 'soft constructivism'<sup>7</sup> in international politics along with the analytical tools of new institutionalism.<sup>8</sup> This revision has allowed the new generation researchers to focus on some of EU policy domains in the post-Maastricht era in which the original neo-functionalism was silent. Moving from this viewpoint, this research seeks to use revisited neo-functionalism as a framework not only to explain the development of the EU enlargement perspective towards the WB6 but also explore the main dynamics behind the EU's collective strategy towards the region, beginning from the outbreak of the Yugoslavia War and the reflections associated with the development of the EU foreign policy realm. In particular, the research focuses on the dynamics underlying the development process of the Stabilization and Association Agreement (SAA) with Kosovo.

The following section discusses the research efforts aimed at updating neo-functionalism since the 1990s. In the third part, followed by Schimmelfennig and Sedelmeier's contribution to the study of EU enlargement,<sup>9</sup> two research questions are asked to provide a neo-functionalist understanding of the enlargement phenomenon in terms of the descriptive and explanatory assumptions of the approach. The research questions are as follows:

1. How do the descriptive assumptions of revisited neo-functionalism explain the understanding of the enlargement phenomenon and its changing nature after the Cold War?
2. How do spillover concepts explain the relations between the EU and the Western Balkans, specifically in terms of the EU's macro policy towards the region and its substantive policy towards Kosovo?

This analysis is an attempt to set the grounds for further investigation into the neo-functionalist understanding of the EU external policy realm. The data were collected using previous studies, official documents of supranational/international institutions and international media news.

### Updating neo-functionalism

In the post-Maastricht era, four new perspectives on neo-functionalism have been identified: 'legal integration theories', 'institutionalist approaches', the 'constructivist sociohistorical approach' and 'neo-neo-functionalism'.<sup>10</sup> However, a few of them call themselves neo-functionalists to reformulate the original approach to explain the decision-making process and the expansion of supranational governance in European integration.<sup>11</sup>

Starting from the 1990s, neo-functionalist research efforts first focused on deepening of the internal market and the task expansion of EU competences in other related policy domains, such as Monetary and Exchange Policy, Social Policy and telecommunications.<sup>12</sup> During the mid-2000s, the communitarisation of Justice and Home Affairs (JHA)<sup>13</sup>, Neighbourhood Policy<sup>14</sup> and different dimensions of the EU enlargement, such as the pre-accession process and accession negotiations, have been examined through neo-functionalist lenses<sup>15</sup>. Finally, neo-functionalism has been applied to the context of conflict resolution and peace-making practices of the EU.<sup>16</sup> However, these research efforts have not been presented consistently and coherently. Hence, the new generation research efforts on neo-functionalism have hardly been well understood.

The current neo-functionalist writers use endogenous feedback loops, such as internal rule-making capacity, the role of transnational activity, supranational actors and socialization and the learning process of (non)governmental actors, as various 'path dependency' mechanisms to explain the outcome of decision-making processes in

European integration.<sup>17</sup> The neo-functional path dependency perceives the consequences of the actors' dissatisfaction with previous integration and the unanticipated consequences of earlier integration as the 'leitmotif'.<sup>18</sup> In its most basic form, spillover occurs when actors realize that the objectives of initial supranational policies cannot be achieved without extending supranational policy-making to additional, functionally related domains'.<sup>19</sup> This modification allows this reply: 'to what extent, and why, has the development of supranational authority proceeded more rapidly in some policy domains than in others?'<sup>20</sup> Accordingly, the role of transnational exchange and previous rule-making capacity are central to generate demands for regulation and governance capacity at the EU level<sup>21</sup> 'by manipulation of elite social forces on the part of small groups of pragmatic administrators and politicians'.<sup>22</sup>

In terms of new generation neo-functionalism, a further distinction can be made between Schmitter's neo-neo-functionalism and Niemann's revised neo-functionalism. Whereas Schmitter focuses on the general development and direction of European integration along with how integration enters new decision-making cycles, Niemann attempts to analyse specific policy outcomes. Niemann claims that the theoretical repertoire of the early approach can be developed by adding micro-level concepts into his revised framework, especially from a constructivist research agenda. Niemann has incorporated some concepts, such as 'epistemic communities'<sup>23</sup>, 'social learning'<sup>24</sup> and 'communicative action'<sup>25</sup>, which are under the roof of soft constructivism into his revised neo-functionalism.<sup>26</sup> In this sense, a distinction between Schmitter's and Niemann's approaches can be considering the macro and microdomains. While a macro-level approach aims 'to demonstrate the broad relationship between transnational exchange and supranational governance, [micro] sector/policy-specific case studies trace the causal mechanisms'.<sup>27</sup> In a nutshell, Niemann and Schmitter argue that neo-functionalism cannot explain all the dimensions of the European integration, however, it provides a precise framework for analysis, especially to explain dynamics of it.<sup>28</sup>

Considering the above-mentioned perspectives, neo-functionalism argues that various types of crises in the regional integration process force actors into decision-making cycles to cope with contradictions, tensions and dysfunctionalities which arise as a result of the failure of earlier integrative attempts.<sup>29</sup> In the long term, the process inevitably

reduces the control power of member states over the course of integration<sup>30</sup> and causes the institutionalization process at supranational level whereby 'new organs, subunits, and administrative practices [...] are designed to improve the performance of the organization in the wake of some major disappointment with earlier output'.<sup>31</sup> The two main arguments are as follows: '1)Spillover effects resulting in powerful regional entities [supranational institutionalization] are possible but not very likely, 2)the integration process is highly dependent on [a] large number of idiosyncratic and random exogenous conditions'.<sup>32</sup>

Andersson argues that to provide an adequate understanding of European integration from a neo-functionalist perspective, an analytical distinction of the concept of spillover is necessary between descriptive and explanatory assumptions. Whereas descriptive spillover concept is about the description of the political practices within European integration in terms of the direction of practices and institutions; as an explanatory concept, different spillover forces allow identifying the process of interaction between the actors of regional integration and, domestic, supranational and international structures.<sup>33</sup>

### *Descriptive assumptions*

As a descriptive concept, spillover refers to the widening and deepening of integration. Whereas widening occurs when integration expands from one policy domain to another, deepening takes place when national governments agree to delegate or pool power to new regional institutions.<sup>34</sup> In the revisited neo-functionalist logic, 'a crisis in integration is far more likely to result in encapsulation or intergovernmental solution, although the chances of spillover increase according to the previous level of integration'.<sup>35</sup>

In the descriptive manner, spillover indicates a possible strategy by actors for directing integration. Other responses are conceptualised by Schmitter as follows: 'spill-around' (the expansion of integration to new functionally specialised areas without changing the competence of supranational authority), 'build-up' (an increase in the competencies of regional integration in specific areas without upgrading decisional authority), 'muddle-about' (intergovernmental debate about the scope of integration without changing current institutional settings), 'retrench' (increasing the level of joint deliberation but outside of institutional settings) and 'spill-back' (withdrawal from previous commitments by member states).<sup>36</sup>

Hence, the descriptive side of the spillover concept opens a way to reconsider the dependent variable of early neo-functionalism. While the original approach includes a federal unity assumption,<sup>37</sup> the new generation research efforts see it as more open-ended and as such a practice of creating a security community that is not only hierarchically structured but also functionally expanding the regulatory regimes in the conglomerate nature of European integration.<sup>38</sup>

### *Explanatory assumptions*

As an explanatory concept, a well-known categorization of the concept of spillover has been proposed between functional, political and cultivated spillover concepts.<sup>39</sup> In revisited logic, *functional spillover* refers to additional integrative pressures of earlier integrative attempts as the result of dysfunctionalities, contradictions and tensions from within. However, these dysfunctionalities do not work in any mechanical way to determine actor behaviours. When the attempt to attain certain common objectives is silent, actors are likely to perceive the pressures as compelling. The pressure arising from dissatisfaction with collective attainment induces the actors of regional integration to take further decisions regarding the redefinition of earlier arrangements.<sup>40</sup>

*Political spillover* emphasises incentive-based preferences change capacity of (non)governmental elites and interest groups who redefine their political activities and expectations towards the newly created centre.<sup>41</sup> This situation arises as to the consequence of *emulation and competition* mechanisms in the network and market structures of European integration.<sup>42</sup>

*Cultivated spillover* allows the investigation into 'how once created supranational institutions act as strategic advocates on behalf of functional linkage(s) and deeper/wider integration'<sup>43</sup> in the way that was unforeseen by member states. 'With their capacity and resources augmented by previous re-definitions of scope and level, they are more likely to step up their efforts at directly influencing regional processes'.<sup>44</sup> This concept can be extended to examine the role of the Council presidency, EU agencies and epistemic communities.<sup>45</sup>

Besides the above-mentioned well-known explanatory spillover concepts, new generation neo-functionalist research uses two additional spillover concepts and one spill-back: social spillover, exogenous spillover and countervailing forces.<sup>46</sup>

*Social spillover* provides a useful path to discuss the role of governmental elite behaviours in the decision-making process of the EU within the context of the role of *communicative action* and *social learning*.<sup>47</sup> Social spillover is expected to occur through two mechanisms: *learning and socialization*. Whereas *learning* indicates ‘when actors change their [...] policy preferences in the light of new evidence, it is a process of rational, observational deduction’,<sup>48</sup> *socialization* ‘follows the logic of appropriateness and is less choice driven; it is defined as a process of inducting actors into the norms and rules of given community’.<sup>49</sup> Risse argues that social constructivism contains not only the logic of appropriateness but also the *logic of truth seeking and arguing*. Accordingly, if everyone is in the communicative action situation, actors argue strategically and need to be convinced by more compelling argument. Therefore, the success of communicative action depends on the logic of rationality, oriented towards a common understanding.<sup>50</sup> As indicated by Andersson, ‘the issue at stake here is that [...] while “simple learning”—adapting the means to attain the same goal—is perfectly in line with [new] liberal intergovernmentalist school, recognition of conflict between means and goals that result in new preferences is not’.<sup>51</sup>

*Exogenous spillover* allows us to examine the relationship between integration and external environment. It introduces a shock or a significant change in a regional or international system as a ‘given variable’.<sup>52</sup> The argument is that exogenous factors encourage and provoke further integrative steps.<sup>53</sup> Niemann argues that exogenous factors include some *voluntary* and *involuntary* motives. *Voluntary motives* encompass the formation of common policies by member states to increase collective bargaining power vis-à-vis third countries. They also bear with pressures from functional spillover. These motives can seem like a combination of cultivated spillover and social spillover forms when an external crisis is taken as a prime argument. *Involuntary motives* encompass the perceptions of other powerful international/regional actors as threats and unintentional integrative consequences of external events.<sup>54</sup> Therefore, the concept of exogenous spillover subsumes what Schmitter calls as ‘externalization’<sup>55</sup> argument.

*Countervailing forces* provide a focus on antithetical factors that generate disintegrative effects either be stagnating or opposing integrative forces.<sup>56</sup> Niemann identifies three different kinds of countervailing forces:

1. *Sovereignty consciousness*, which can be described as an extreme form of nationalism.
2. *Domestic constraints and diversities*, such as 'opposing parties, the media/public pressures or more directly domestic structural limitations or cultural diversity'.
3. *Negative integrative climate*, which can be seen as the unfavourable integrationist movements, such as an economic recession or refugee crisis.<sup>57</sup>

At this point, it is necessary to emphasise that each of these explanatory spillover concepts has different visibility and level of explanatory power in terms of the agent-structure relation. Functional and exogenous spillovers can be considered structure-based pressures, whereas political and social spillovers are agent-level mechanisms. Cultivated spillover and countervailing forces mechanisms provide account to focus on meso-level interactions between supranational, national and international actors, and domestic, supranational and international structures.<sup>58</sup>

### **Application of neo-functionalism to EU enlargement**

The original neo-functionalism emphasises further attractiveness of initial integration for other countries on the continent on the basis of economic growth.<sup>59</sup> However, it did not focus on the horizontal expansion of functional integration as a research subject given the fact that the first enlargement took place in 1973. Besides, in the literature, neo-functionalism has been understood as an approach, which was developed during the 1960s to focus on the internal dynamics of European integration. Therefore, the horizontal expansion of integration, which can be seen as an external dimension of it, is quite a problematic phenomenon to portrayed from the neo-functionalist perspective.<sup>60</sup> This common belief has not changed in the new life of theoretical research on European integration, where the theoretical landscape of the early approach is extended. Meanwhile, starting from the mid-2000s, a group of scholars have examined different aspects of EU enlargement through neo-functionalist lenses.

#### *Descriptive assumptions*

In the theoretical literature, EU enlargement has been understood as both a process and a policy: 'as a process, it involves the gradual and

incremental adaptation undertaken by those countries wishing to join the European Union to meet its membership criteria. As a policy, it includes member(s)/applicant state(s) and the EU's policy'.<sup>61</sup> On this grounds, EU Enlargement can be defined as 'all kind[s] of purposive alignment with EU rules by members [and] a process of gradual and formal [vertical and horizontal] institutionalization of organizational rules and norms'.<sup>62</sup> This conceptualization provides a crucial way to study EU enlargement with theoretical approaches about *the establishment and effects of institutions*, such as revisited neo-functionalism.

However, according to Schmitter, the original neo-functional logic cannot explain why some countries such as Switzerland or Norway are not included in the integration (while Greece is), given the fact that the *background conditions* are similar with the former but not the latter.<sup>63</sup> Zabyelina argues that two additional concepts can be incorporated into Schmitter's externalization argument to overcome this problem. Accordingly, European integration would create two kinds of externality towards third states in the continent to comply with its conditionalities and regulations. The former, reactive externality is related to non-member states which already have strong domestic economic, political and social structures and high-level socio-economic standards even before their accession. The elites of these countries are reluctant to participate in further integrative steps and maintain their scepticism about supranational principles and goals. The latter, proactive externality concerns influencing the power of initial integration on third countries which are not able to meet the EU standards before their accession in terms of domestic political, social and economic structures and standards. The elites of the second group of countries actively seek to gain membership and, therefore, are willing to accept the EU's long-term demands and goals.<sup>64</sup> The 1973 and 1995 enlargements can be construed as examples of the reactive externality of European integration in which countervailing forces are dominant in forming the preferences of third countries. Conversely, the proactive externality of European integration can be observed in the accessions of the Mediterranean, Central and Eastern European Countries (CEEC), Croatia and ongoing accession process of the WB6. For these countries, the EU leverage and conditionality mechanisms serve to provide *transformative power* and *democratizing effect* based on utilitarian logic.<sup>65</sup>

Macmillan further highlights that neo-functional background conditions, which are the essential requirements for the geographic expansion of the regional integration experience, such as 'economic development, pluralistic social structures and functioning parliamentary democracy'<sup>66</sup> are in harmony with Copenhagen criteria and conditionality mechanisms, which became permanent in the agenda of the EU during the accession of CEEC. Since then, the cultivation of neo-functional background conditions in applicant countries has been proposed as the main strategy of the EU's Enlargement Policy.

In revisited neo-functional logic, EU enlargement can be described as an incremental process between spillover pressures versus countervailing forces, which 'begins before and continues after the formal accession of new members'<sup>67</sup>. The process includes gradual, incremental and horizontal expansion of regional institutionalization, its functional agencies and regulatory capacity towards third countries in multi-level and polycentric nature.<sup>68</sup> Official milestones include 'Negotiating the stabilization and association agreement (SAA); having the SAA come into force; negotiating a visa liberalization agreement; being recognised as a candidate country; being given an official date for the start of accession negotiations; and then moving forward through the negotiations with the opening and closing of individual chapters [...]'.<sup>69</sup>

Moreover, even though the official accession procedure of a country is decided by member states, the role of the European Commission in the advancement of the process has increased dramatically with treaty revisions starting from the 1990s. Some roles of the Commission include initiating a pre-enlargement strategy with candidates, helping to meet them with the background conditions, conditionalities and monitoring the implementation of economic/political reforms.<sup>70</sup> At this point, the pluralistic perception of neo-functionalism provides a convenient focal point to examine the role of supranational, (non) governmental and international/transnational actors alongside domestic, supranational and international structures in the process.

#### *Explanatory assumptions: The case of the WB6*

The revisited neo-functionalism assumes that when an external shock or crisis is considered a given variable, member states might be forced to adopt common policies vis-à-vis the third countries in the region for both voluntary and involuntary motives (exogenous spillover). In such a situation, it is likely that there will be further integrative pressures

because of the deficiencies and discrepancies of earlier integrative attempts (functional spillover), which alters actors of regional integration to redefine (in)formal institutional ties towards third countries in terms of 'the level and scope'<sup>71</sup> of European integration. The scope can be understood as 'the success or failure of achieving Community involvement and [the] extent to which the content of the policy [is] governed on the European level'.<sup>72</sup> The level can be defined as 'the ability of community institutions to assert themselves and influence policy-making and to the extent to which decisions are contrary to [non] member state governments' initial preferences'.<sup>73</sup> In order to operationalise the above-mentioned assumptions, four 'critical junctures'<sup>74</sup> are identified in which a crisis or crises at the regional level during the short period of time induced the actors of European integration to change EU's macro policy towards the Western Balkans or its substantive policy on Kosovo.

### *The EU's political practices from the outbreak of the Yugoslavia War to the Dayton Agreement*

The first critical juncture can be placed at the beginning of the 1990s, which started with the breakup of Yugoslavia and followed by conflicts in the post-Yugoslavia era. The end of the Cold War caused the emergence of grey areas and countries in the continent which were not under the umbrella of any defence or security organization. At the same time, the scope of European integration *spilt around* high policy issues with the introduction of the Maastricht Treaty, such as communitarisation of the JHA and the development of Common Foreign and Security Policy (CFSP).

In responses to the changing dynamics of international and regional politics, the EU's collective policy advanced in two different directions: (1) The participation of the CEEC in the European integration had become one of the most important foreign policy priorities (2) the post-Yugoslavia era was dealt with by the development of CFSP.<sup>75</sup> When the Yugoslavia War broke out in 1991, the European leaders anticipated that the EU would solve the situation without help from the United States (US). These leaders included Jacques Delors, President of the European Commission, and Jacques Poos, Luxembourg Foreign Minister and Head of the Presidency of the European Community. These leaders also tried to persuade the EU member governments to attain collective policy.<sup>76</sup> Nevertheless, during the Yugoslavia War and

after the conflicts in Croatia and Bosnia, the rule-making capacity at the EU level was extremely low. Time constraints, divergent opinions on what should be done in Yugoslavia (domestic constraints and negative integrative climate) and ideological differences between member states, such as the premature recognition of Slovenia and Croatia by Germany; these were the main countervailing forces, which did not allow the development of successful collective policy by the EU and its members to stop conflicts in their backyard in the context of newly created CFSP.<sup>77</sup> In fact, the conflict in Bosnia continued until the intervention of the US and the reaching of the Dayton Peace Agreement in 1995 led by the United Nations (UN).

Despite the failure of the EU's collective policy during the Yugoslavia War, the Western Balkans remained one of the focal points for policymakers in Brussels. At the Madrid European Council in December 1995, the EU developed a broad range of policy perspectives for the Western Balkan countries. These policies aimed to provide economic improvement, ensuring good neighbourly relations, and the accession of them to the European market. However, the approach excluded a further membership route for these countries, which ultimately led to an inconsequential policy strategy in terms of the proactive externalization of initial integration.

### *Kosovo War and its aftermath*

The Kosovo War led to significant changes in the EU's macro policy towards the Western Balkans and the development of the EU foreign policy realm. During the Kosovo War, the European Council tried to enforce article J/4 of the Maastricht Treaty to intervene in the crisis. However, they failed to develop a common policy. This was because (1) Denmark rejected the mission, (2) the EU members had divergent opinions on a unified course of action and (3) because of the encapsulated nature of the CFSP by the Maastricht Treaty.<sup>78</sup>

The failure to attain a collective common foreign policy during the Yugoslavia and Kosovo crises had catalysing effects in terms of the development of the EU's foreign policy realm. There were two parallel advancements after the Kosovo War. First, followed by the St. Malo Council in 1998, the EU members agreed on the requirement of developing civilian-military capacities and advancing cooperation in CFSP. The 'learned lesson from [the] failure of Yugoslavia and Kosovo [was] to provide [a] comprehensive approach to conflict management: includ-

ing political tools like conflict mediation. Economic ones like humanitarian aid and long-term economic assistance, and military ones like police and peace-keeping missions.<sup>79</sup> Following the Amsterdam Treaty, the use of constructive abstention in the CFSP was introduced, and a High Representative to the CFSP was appointed to coordinate actions in the EU external policy realm. In other words, while there was no spillover in the development of CFSP, the external policy realm of the European integration was built up after the Kosovo War. Second, the EU's macro policy towards the Western Balkans changed from preventing further wars to the transformation of these countries' domestic institutions to Europeanized ones. As Vachudova indicates, 'what had been separate—enlargement and foreign policy—was brought together as leaders realised that EU's most effective foreign policy tool was indeed enlargement'.<sup>80</sup>

In neo-functional logic, the exogenously induced deficiency of the CFSP created functional spillover to change the scope of European integration towards the Western Balkans, allowing for the development of a membership path for these countries. The other involuntary exogenous motive for this change was the declining interest of the US in the region, which led to the EU taking a lead role.<sup>81</sup>

At the 2003 Thessaloniki Summit, the Western Balkan countries gained membership perspective where the SAA was accepted as the official accession process. While the key parts of the process were similar to the accession process of CEEC's in terms of 'regatta principle', the EU decided to use two additional conditions for this region as this part of the continent was the most problematic one in terms of political, economic, social instability and permanent socio-cultural causes of conflicts. Thereafter, (1) 'a conditionality mechanism [was] applied to the pre-accession period'<sup>82</sup> and (2) the 'SAP [was] added some specific criteria: full cooperation with ICTY, respect for human and minority rights, the creation of real opportunities for refugees and internally displaced persons to return, and a visible commitment to regional co-operation'.<sup>83</sup>

While Stabilization and Association Process (SAP) was the official communication means between the EU and the Western Balkan countries, Kosovo was not involved in the process due to its status issue. Nonetheless, the EU started to take a lead role under the leadership of the European Commission and other EU agencies in Kosovo after the Kosovo War. In 2002, the Commission launched a *Tracking Mechanism*

*of Stabilization Association*, which allowed the EU to advance the Stabilization and Association process with Kosovo without touching its legal status.

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4/2020 *normalization dialogue*

The third critical juncture appeared through three consecutive events: the rejection of the Ahtisaari Plan by Serbia in 2007, the unilateral independence declaration of Kosovo in 2008 and the Advisory Opinion of International Court of Justice (ICJ) in 2010 on Kosovo's independence declaration. Turning back to 2005, Martti Ahtisaari was tasked as the UN Special Envoy to propose an acceptable solution between Kosovo's and Serbia's authorities regarding the status issue of Kosovo.<sup>84</sup> In the same year, a joint report to the European Council by the European Commissioner for Enlargement and the High Representative of the CFSP indicated that the differences between the members regarding the status of Kosovo should not preclude the existence of the EU in Kosovo.<sup>85</sup> Starting from the preparation of Ahtisaari plan, the Commission and other supranational actors highlighted the importance of maintaining the continuity of relations with Kosovo independently from EU members' different opinions about its legal status. In March 2007, Ahtisaari's plan was in the UNSC but without a real agreement between either side, especially from Serbia, as it foresaw a form of independence for Kosovo under the umbrella of international community. As a result, it was rejected by Russia in the UNSC.<sup>86</sup> After this, The UNSC supported a Troika talking which took place between the EU, the US and Russia. Even under the Troika's supervision, Serbia and Kosovo failed to reach an agreement.<sup>87</sup> On 17 February 2008, the Kosovo authorities declared unilateral independence without awaiting the final decision of the UN General Assembly. In response to the Kosovo's unilateral independence declaration, the European Commission announced that EU members' different opinions on the status issue would not prevent the EU's presence in Kosovo.<sup>88</sup>

In July 2010, after Serbia's request and the UN General Assembly regarding Kosovo's unilateral declaration of independence, the Advisory Opinion of ICJ was that 'general international law contains no applicable prohibition of [the] declarations of independence'.<sup>89</sup> After this opinion, the UN General Assembly adopted the Resolution 64/298, which

welcomed 'the readiness of the EU to facilitate a process of dialogue between the parties [...] to achieve progress on the path of the EU'.<sup>90</sup>

In this period, the European Commission, the European Union External Action Service (EEAS) and the EU High Representative tried to persuade the Serbian government to accept the initiative of dialogue between Belgrade's and Pristina's authorities while using it as a precondition for the advancement of the accession process of Serbia. When the Serbia side perceived 'there was no realistic alternative to the dialogue'<sup>91</sup>, the first round of EU-facilitated dialogue took place in 2011, mediated by Robert Cooper, who was an advisor to the EU High Representative Catherine Ashton and on behalf of EEAS. The dialogue focused 'to remove obstacles that have a negative impact on people's daily lives, to improve cooperation, and to achieve progress on the path to Europe'.<sup>92</sup> Nonetheless, no real progress was made in the dialogue, and negotiations stopped at the beginning of 2012. The dialogue process was triggered by the declaration of Serbia as an EU candidate and the launch of visa liberalization dialogue with Kosovo. The conditions for the visa liberalization process of Kosovo were defined as progress in the fields of 'readmission', 'reintegration' and 'continuity of the dialogue'.<sup>93</sup> In October 2012, Belgrade's and Pristina's authorities admitted to proceeding with 'the mediation process as a high-level dialogue between prime ministers, chaired by Catherine Ashton'.<sup>94</sup>

In terms of the EU's substantive policy towards Kosovo, the other important development was *the Feasibility Study* in October 2012, which was conducted by the European Commission to identify 'priority areas that Kosovo would need to address to be able to meet its obligations under an SAA [...] without prejudice to the legal status and member states' positions'.<sup>95</sup> Followed by the Feasibility study, the dialogue was connected to the conditionality mechanism and the EU's membership path for Kosovo and Serbia.<sup>96</sup>

On 19 April 2013, the Serbian and Kosovar authorities agreed to turn the dialogue into a negotiation settlement under the mediation of Catherine Ashton. In 2013 Enlargement Strategy, the European Commission hailed the agreement as a historical milestone.<sup>97</sup> On 22 April 2013, a joint report issued by the Commission and the EU High Representative indicated that with the agreement 'Kosovo has fulfilled the conditions for the start of the opening of negotiations on the SAA'.<sup>98</sup> In the same report, the participation of Kosovo in EU programmes

without touching its status issue and opening membership talks with Serbia were recommended.

The European Council approved the start of SAA negotiations with Kosovo in June 2013, which was completed in May 2014. The new EU High Representative Federica Mogherini defined the progress as 'a landmark in the history of Kosovo'.<sup>99</sup> The SAA was submitted to the European Council and European Parliament on 25 July 2014. However, there was no real progress until the end of 2015. During this period, Kosovo and Serbia blamed each other for the slow progress of the dialogue. The dialogue was moved forward with four new agreements between two sides under the leadership of Mogherini in August 2015. The agreements included the establishment of Serbian municipalities in the Serb-dominated area within Kosovo, free movement in the Ibar Bridge, telecommunications and energy.<sup>100</sup>

In October 2015, following the approval of the European Council and the European Parliament, the High Representative Mogherini, the EU Commissioner Johannes Hahn and the Pristina authorities signed the SAA, which came into force on 1 April 2016.<sup>101</sup> In the following days, the European Commission proposed the final report on visa liberalization for people from Kosovo, which was in parallel development with a proposal for regulation to set up an EU Entry/Exit System to improve the management of external borders of Schengen and to prevent immigration from visa-free countries.<sup>102</sup>

### *Post-migration crisis: A new perspective towards the WB6?*

During 2014, the perception among the leaders of the EU was that the EU should keep a European perspective to the WB6, but there will be no further enlargement in the near future.<sup>103</sup> However, this situation has changed since 2015, especially during the management of the mass migration crisis from the Middle East. In addition, the aspirations of Russia and Turkey to permeate and influence this region are other important exogenous involuntary game-changers with their rising authoritarian regimes.

In 2016, the 'Western Balkans annual risks' report of European Border and Coast Agency (Frontex) emphasised the importance of the WB6 to find a collective solution to the migration crisis.<sup>104</sup> In the same year, the European Commission proposed a regulation to extend the scope of Frontex to new areas, such as 'field of migration management', 'the fight against cross-border crimes' and 'research and

rescue operations', which was adopted on 6 October 2016.<sup>105</sup> In March 2017, the president of the EU Council Donald Tusk, the president of the European Commission Juncker and High Representative Mogherini spoke on the European perspective for the WB6.<sup>106</sup> On 6 February 2018, the Commission adopted a new enlargement strategy towards the WB6 which was introduced by Mogherini. This strategy, in accordance with the EU Global Strategy 2016, aims to grasp the interests and concerns of the EU members and the WB6. It also pinpoints their EU path and 'calls for enhanced strategic and operational cooperation on migration and border management'<sup>107</sup> and closer cooperation between EU agencies and domestic institutions of the WB6. Thereafter, the EU Council added to the agenda a possible accession of the WB6, in particular, Montenegro and Serbia by the end of 2025, which seemed almost impossible to discuss at the EU level only a few years earlier.<sup>108</sup>

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## **Conclusion and further research**

This study shows that revisited neo-functionalism provides an appropriate lens for analysing the enlargement phenomenon of European integration. In this regard, the political practices of the EU in the Western Balkans, especially the EU-Kosovo relations are examined through various kinds of spill-over mechanisms in the context of the development of the EU external policy realm and, in particular, the EU Enlargement Policy.

The neo-functionalist understanding of the horizontal expansion of functional integration assumes that endogenous mechanisms of initial integration create two kinds of externalities and influence on third countries on the continent. The first case, when the background conditions were met within a country's domestic political, economic and social structures before the accession, the elites of this country tend to accept EU demands on the basis of pragmatic reasons, and strong political, economic and social countervailing forces form state-society relations (i.e. the reactive externalization of initial integration). Thus, it can be argued that one of the consequences of the accession of these countries to European integration was the involvement of anti-federalist and pro-European sceptic elites to the internal decision-making structures. Hence, while European integration has continued to deepen and widen through its history, simultaneously, it has initially become more differentiated. The second case, when initial integration creates proactive externality, EU leverage works to create a potential

transformative power on the domestic structures of a subjected country. Hence, based on utilitarian logic, the conditionality mechanism and carrot of membership limit the possibilities of the choice of action of third-countries' elites.

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Although during the Yugoslavia and Kosovo crises the mediation contacts of the European Commission between EU members seemed to be unimportant, they were in line with a cultivated spillover assumption. The Commission managed to align the member states' thinking at the European level, which prevented the implementation of different military strategies by the EU members and the emergence of another possible crisis between them, despite the existence of strong countervailing forces and a lack of social learning.

The failures to intervene in the Yugoslavia and Kosovo crises revealed the deficiencies and inadequacies of the initial settings of the CFSP and the EU's substantive policy towards the Western Balkans, which respectively caused the rearrangement of the scope of CFSP with the Amsterdam Treaty and the development of membership perspective for the Western Balkan countries.

After 1999, the activism of the EU in the economic and social reconstruction of Kosovo and the gradual continuity of Enlargement perspective towards Kosovo cannot be explained by purely rational choice assumptions.<sup>109</sup> Starting from this period, the European Commission acted not only as a mediator between the EU members through its reports, declarations and joint reports with other EU-level actors, but it also became an actor by using its agenda-setting power to advance the EU's Enlargement Policy towards the region and, in particular, in the case of Kosovo. Similarly, after Kosovo's unilateral declaration of independence, EU policies concerning Kosovo continued to unfold under the institutional structure of the EU through mechanisms and frameworks developed under the leadership of the Commission and other supranational agencies, independent from the issue of status. The EU members agreed on common policies initiated by supranational agencies relying on their knowledge and experience. In this period, the EU High Representative and EEAS have become the most important partners of the Commission in terms of the development of substantive policies towards the WB6. In this regard, the normalization dialogue between the Belgrade and Pristine authorities has progressed under the leadership of the High Representative and enhanced the membership path of both sides.

Hence the findings of this research challenge the argument put forward by the new intergovernmentalist school that in the post-Maastricht era, *de novo* bodies such as EEAS and the High Representative are created by national governments to regain control over integration from supranational institutions. These *de novo* bodies do not seek to move beyond their functionally specified tasks, and ‘they are not hard-wired to seek ever-closer union’.<sup>110</sup>

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Meanwhile, the research has only examined a limited part of the relations. Further investigation could concentrate on fragmented issue-linkages in the EU’s substantive policy towards the WB6 and explore its changing nature in the context currently facing crises and the EU’s new enlargement strategy towards the WB6. Furthermore, the findings of this study encourage us to think about the underlying mechanisms and the extent to which the European Commission and other supranational agencies can utilise their agenda to move the EU’s substantive policies beyond the lowest common denominator and consequently expand the scope of initial integration to third countries.



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## Endnotes

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