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*Specific report on the EU policies in the
Stabilisation and Association process*

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Key Findings:

On The Stabilisation and Association Process (SAP)

- The emergence of SAP marked a shift from an ad hoc 'fire fighting' style of crisis management to a more long-term broadly integrationist approach to the WB region.
- Under this new incremental transformational strategy the states of the region were to be embraced in a multi-stage framework fostering political and economic development together with enhanced regional cooperation all of which was to be underpinned by prospect of EU membership at some point in the future.
- Though influenced by the accession process in CEE, SAP aimed to establish a more comprehensive development framework for the Western Balkans attempting to take into account the after-effects of conflict and the reverse modernization experienced by the region, and to promote political stabilisation, marketisation, regional cooperation and eventual EU accession.
- The EU's definitions of stabilization and associations are not entirely clear - let alone the exact relationship of stabilisation to accession.
- As the operationalisation of SAP evolved and the accent gradually shifted from stabilisation to association, the initial top-down focus on peace-building and regional political stabilisation has increasingly been superseded by the top-down drive to meet the requisites of EU membership conditionality.
- The experience of SAP to date raises critical questions about the appropriateness of a template largely developed for a set of countries in rather different circumstances and then modified -- more considerably in rhetoric than in practice -- to fit the current situation in the countries of the Western Balkans which on the whole continue to be characterised by weak state institutions, economic backwardness and ethnic tensions.

On SAP and the Evolution of Conditionality

- The EU's approach to engagement in the WB region is based on enmeshing formerly conflicting parties in a set of contractual relations built on conditionality based operating principles.
- Though SAP has been significantly influenced by the CEECs enlargement process, through the introduction of additional stages and interim measures of conditionality the EU has sought to prolong the potential effectiveness of the operation of conditionality as an instrument to induce compliance with political and economic stabilisation and reform programmes.
- Despite the firmer upfront guarantee of ultimate enlargement, through SAP the EU has also developed a means of drawing out the path to accession. The commitment to membership holds firm, but the time frame remains indeterminate and the credibility of the conditionality is arguably lessened.
- The application of EU conditionality in the area of minority rights has suffered from many of the shortcomings identified by Hughes, Sasse and Gordon in the CEEC accession process - the inherent fluidity, inconsistency and politicisation of the conditionality and a resulting moving target problem.

On SAP and the Regional Approach

- Despite the professed primacy of ‘good neighbourliness’ and the importance of regional integration, the instruments of the SAP have basically been structured around the top-down bilateral country-by-country CEE accession-oriented model and have displayed similar and in some cases even more pronounced shortcomings given the post-conflict situation in the region.
- The overwhelmingly bilateral basis of the SAP - in terms of the SAA agreement negotiations and the annual reporting process, the centralised vertical organisation of the funding instruments, and the drive for EU integration which superseded and in the eyes of the national governments worked against regional cooperation -- have all militated against the furthering of the Regional Approach.
- The EU has had mixed efficacy in facilitating political and economic regional integration in spite of certain modifications aimed at tackling the needs of stabilisation in the Western Balkans.

On Sap and Minority Issues

- The EU remains ill-equipped to stabilise post-conflict minority-majority relations inside particular countries as well as across the broader Western Balkan region.
- A considerable disparity exists between the understanding of ‘respect for and protection of minorities’ as per the 1993 Copenhagen political criterion and the actual challenges of operationalising this element of EU conditionality in post-conflict settings (in particular the implementation of minority-friendly policies and the building of capacities at the sub-national level).
- Though the EU’s approach to minority rights as one crucial aspect of post-conflict reconciliation has evolved since the inception of SAP in 2000, it still remains rather narrow; policy departures in this area have been markedly focused on refugee return and institutional reconstruction and there has been limited engagement in other important dimensions of minority rights.
- In practice both in terms of policy delivery and implementation mechanisms, the EU has ended up relying on a trickle-down approach to conflict resolution and majority-minority reconciliation based on anticipated peace dividends from economic and social stabilisation with some fragments of more targeted conflict management policies in the area of minority rights protection.
- A sizeable mismatch persists in the EU between rhetoric, policy instruments and the funding of actual projects facilitating minority protection. Though there is variation among countries, overall it can be concluded that less funding has been allocated to the EU’s political requirements as compared with that for meeting the Union’s socioeconomic criteria, and in the case of reconciliation and minority rights the main focus has been refugee return and economic reconstruction.
- Contrary to its objectives, the SAA process has ultimately proved inadequate in encouraging regional ownership and facilitating post-conflict reconciliation at the sub-national and local levels. In the long term given the considerable socio-economic and political disparities among different communities in different regions, there is the possibility of future instability and disintegration in certain areas.

- The top-down imposition of policies from outside and the primary concentration on preparing for meeting EU-acquis related requirements may not be the most appropriate approach to post-war societies where a different set of priorities may deliver more effective outcomes over the long term - including more carefully targeted policies at all levels to develop domestic governance structures, to cultivate conflict management and reconciliation capacities and to foster domestic and regional ownership.
- The current approach to post-conflict management potentially poses serious dilemmas for future progress in the Western Balkans region, an area where the satisfactory resolution of inter-state relations and intra-state majority-minority relations must lie at the heart of any long-term political stabilisation of the region.

1. Introduction

Almost from the first signs of instability in the former Yugoslavia in the late 1980s/early 1990s, the EC/EU sought to become engaged in the process of conflict management in the Western Balkan region though its early interventions were marred by weak conflict management capacities and inadequate political will. In the wake of the violent conflicts in Croatia, Bosnia-Herzegovina, Kosovo and the largely averted violent conflict in Macedonia, the EU has remained actively involved in keeping the peace and encouraging reconstruction and reconciliation all of which have been embedded in a process of broader rapprochement with the promise of eventual integration in EU. This paper explores the evolution of the EU's Stabilisation and Association Process (SAP) as its primary approach to post (-violent) conflict management in the Western Balkans drawing on the apparently tried and tested instrument of conditionality for inducing political and economic stabilisation, transformation and integration into the EU. As part of its investigation of the SAP process, this paper concentrates on the political aspects of stabilisation in post-conflict societies and minority rights in particular. Firstly, the EU's emphasis on a regional approach to conflict resolution is scrutinized in conjunction with the bilateral dynamics which have underpinned relations between the EU and states in the region. Secondly, the EU's approach to minority rights is considered in the context of fostering stabilisation and democratisation in the countries of Former Yugoslavia. In this way the paper raises the fundamental question of how effective an instrument the SAP is for addressing the particular set of post-conflict transformation problems confronting the Western Balkan region¹

The EU has clearly been on a steep learning curve as it sought to carve out appropriate policy responses to the rapidly changing developments in the Western Balkan region in the course of the 1990s. It has developed new instruments in its attempt to accommodate the dual challenges of conflict and post-conflict management coupled with post-communist transition. In this it has been influenced by (i) its early failures in conflict management and in handling the complex shifts in majority-minority relations in the Former Yugoslavia in the early 1990s; (ii) the accession process of the ten Central and East European countries (CEECs) that entered the Union in May 2004 and January 2007, a process which in the view of the Commission was fruitfully shaped by the pull effect of conditionality; (iii) intra-EU developments which post-Maastricht have been influenced by the attempt to develop an effective second pillar in the form of the Common Foreign and Security Policy; and (iv) the lack of EU legal base and accompanying institutional capacity which would facilitate the meeting of the norm of 'respect for and protection of minority rights' in external countries.²

It is argued here that:

(1) On SAP and the evolution of conditionality

The EU's approach to engagement in the Western Balkans region would appear to be based on enmeshing formerly conflicting parties in a set of contractual relations built on conditionality-based operating principles.³ Though SAP has been significantly influenced by the CEECs enlargement process, through the introduction of additional stages and interim measures of conditionality, the EU has

¹ Calic, 2005.

² For further discussion, see Casarini Nicola and Costanza Musu, 2007, Gwendolyn Sasse, 2005 and Gabriel Toggenburg, 2006.

³ For an in-depth consideration of the EU's contractual relations in conflict situations see Tocci, 2007.

sought to prolong the potential effectiveness of the operation of conditionality as an instrument to induce compliance with political and economic stabilisation and reform programmes. Despite the firmer upfront guarantee of ultimate enlargement, through SAP the EU has also developed a means of drawing out the path to accession. The commitment to membership holds firm, but the time-frame remains indeterminate and the credibility of the conditionality is arguably lessened.

(2) On SAP and the regional approach

Notwithstanding the professed primacy of 'good neighbourliness' and the importance of regional integration, the instruments of the SAP have basically been structured around the top-down bilateral country-by-country CEE accession-oriented model and have displayed similar and in some cases even more pronounced shortcomings given the post-conflict situation in the region. In spite of certain modifications aimed at tackling the needs of stabilisation in the Western Balkans, the EU has had mixed efficacy in facilitating political and economic regional integration let alone in developing a considered regional strategy on minority issues.

(3) On SAP and Minority Issues

Despite the ostensible commitment to stabilisation encapsulated in the very name of the SAP instrument, the EU remains ill-equipped to stabilise post-conflict minority-majority relations inside particular countries as well as across the broader Western Balkan region. A considerable mismatch persists in the EU between rhetoric, policy instruments and the funding of actual projects facilitating minority protection. This gap is underlined by the disparity between the understanding of 'respect for and protection of minorities' as per the 1993 Copenhagen political criterion and the actual challenges of operationalising this element of EU conditionality in post-conflict settings (in particular the implementation of minority-friendly policies and the building of capacities at the sub-national level). Moreover the approach of EU institutions to minority rights as one crucial aspect of post-conflict reconciliation has remained rather narrow; policy departures in this area have been markedly focused on refugee return and institutional reconstruction and there has been limited engagement in other important dimensions of minority rights.

All of this begs the question of whether the SAP constitutes a considered policy approach to post-conflict resolution or whether it approximates (1) an indirect trickle-down approach based on presumed peace dividends from delivering economic and social stabilisation and closer EU integration (2) coupled with fragments of more targeted policies including in the area of minority rights - even if these have been less clearly and specifically formulated. The 2007 round of progress reports which, with the possible exception of Croatia, appear to have deferred even further the prospect of full membership would suggest this might well be the case. Thus this paper contends that the current approach to post-conflict management potentially poses serious dilemmas for future progress in the Western Balkans region, an area where the satisfactory resolution of inter-state relations and intra-state majority-minority relations must surely lie at the heart of any long-term political stabilisation of the region.

The current paper first provides an overview of the evolution of EU policy towards the countries of the Former Yugoslavia from 1990 to 1999, from the lead-up to the outbreak of violent conflict to the NATO bombing in Serbia. This period was characterised by short-term reactive crisis management policies and is largely

a record of an EU which was ill-equipped and unprepared to deal with the complex challenge of collapse, conflict and contagion in the Former Yugoslavia. Secondly the paper considers the emergence and development of the Stabilisation and Association Process under the auspices of the EU as well as its relationship to the intergovernmental Stability Pact. The emergence of these two institutions marked a shift from an ad hoc 'fire-fighting style' of crisis management to a more long-term broadly integrationist approach to the Western Balkans region. Under this new incremental transformational strategy, which sought to expand the instrument of conditionality as applied to the CEECs, the states of the region were to be embraced in a comprehensive multi-stage framework fostering political and economic development together with enhanced regional cooperation all of which was to be underpinned by the prospect of EU membership at some point in the future. The evolving nature of SAP conditionality is explored as well as the underlying tension between regional integration versus the bilateral dynamic of interaction which has structured the organisation and delivery mechanisms of the SAP. In the third and final part of the paper, the SAP and its instruments are assessed as tools for facilitating post-conflict reconciliation in the area of minority rights. The paper evaluates the actual commitment of the EU to these different elements as well as the complementarity of different policy approaches in terms of facilitating the long-term domestic political stabilisation of the individual countries of the region as well as increased intra-Balkan regional integration.

2. Short-term reactive crisis management: EU Balkan Policy 1990-1999

'If one problem can be solved by the Europeans it is the Yugoslav problem...This is the hour of Europe, not the hour of the Americans.'
President of Council of Ministers, Jacques Poos, early 1990s

This statement of the then President of the Council of Minister Jacques Poos encapsulates the ambition which existed in certain quarters of the EC in the early 1990s to develop an independent foreign policy-making capacity and to carve out a role for itself as a key foreign policy player, a zeal which ran ahead of both available political will and available institutional resources in the case of the conflicts in the former Yugoslavia. The Maastricht Treaty which formalised the Common Foreign and Security Policy (CFSP) as the EU's second pillar was only approved in 1992 and fully ratified the following year when violent conflict was already under way in a number of the republics of the former Yugoslavia (FY).⁴ Furthermore the conflicts in the FY escalated and descended into violence at a time when the international community was only edging towards increased international (largely humanitarian) involvement in the affairs of 'sovereign' states coupled with a shift to greater reliance on regional organisations for managing conflict processes. The disintegration of Yugoslavia was evidently related to the broader processes of post-communist collapse in Eastern Europe. But the international community and the EC/EU, which were preoccupied by the break-up of the Soviet Union with its massive nuclear weapons arsenal and unprepared for the end of the traditional bipolar broadly predictable two-block balance of power

⁴ Up until the establishment of the CFSP pillar in Article 17 of the Treaty of European Union at Maastricht, the foreign policy instruments of the EU were very limited. Wallace and Wallace, other references?

politics, were ill-equipped to deliver an effective strategic and institutional response to the unfolding events in South Eastern Europe.

Though there was early recognition that instability in the Balkan region would have negative consequences for broader European security and there was a resulting commitment to containing the conflict, the paucity of tools in the foreign policy arena, the limited prior focus on minority issues, and divisions of opinion among member states hampered the EC/EU's ability to respond effectively to the complex and evolving situation.⁵ These shortcomings in political and institutional capacities meant that the EC/EU's early attempts at more active engagement in the conflict management arena were to end in failure, with the U.S. and NATO having to step in Bosnia, Kosovo and Macedonia.

The initial response to the deteriorating situation in Yugoslavia was managed by the EC's troika which organised a series of shuttle diplomacy peacekeeping missions to the region, and established the Peace Conference in The Hague to develop solutions to the evolving crisis with its attendant Arbitration Commission (the Badinter Commission) which was to provide legal advice and rulings on the complex issues of sovereignty and self-determination that were initially implicitly and then immediately at stake.⁶ Much has by now been written on the failures of EC/EU peace-making through the instrument of the Conference in The Hague and the subsequent London Conference whose succession of peace plans failed to ward off and then silence the guns.⁷ Likewise the evolving sanctions regime and the sequencing, timing and legal foundations of the EC/EU's recognition policy vis-à-vis the seceding states of the Former Yugoslavia has also been subjected to considerable scrutiny.⁸ Time and again in the first half of the 1990s events on the ground ran ahead of decision-making processes and the attempt to follow due process in Brussels leading the EC/EU to be accused of contributing to the process of Yugoslav disintegration.⁹ Not only were there major difficulties in reaching consensus among member states but also in putting into effect credible incentives which would induce the warring parties to participate actively and with good will in peace negotiating processes. Despite the optimism of Pöös, the EU's nascent conflict management skills were put to the test and found to be severely lacking. At best the EU's crisis management policy could be summed up as a case of reactive ad hoc crisis management.

The EU's attempts to strengthen its foreign policy dimension both in terms of capacities and common actions have in part been a response to the early failures in Yugoslavia. The inadequacy of EU responses to the shifting majority-minority relations in the process of collapse of the former Yugoslavia was also reflected in the inclusion of the minority reference in the first political Copenhagen criterion.¹⁰ As the series of conflicts evolved and EU foreign policy instruments improved with the development of the CFSP in the wake of the 1999 Treaty of Amsterdam and the appointment of the High Representative, the EU was able to play a more positive

⁵ Phinnemore and Sianni-Davies, 2003, 172.

⁶ Caplan, 2007; Wolff and Rodt, 2007.

⁷ See, for example, Gow, 1997, Malcolm, 1996, Weller and Wolff, 2005, Woodward, 1995.

⁸ Caplan, 2007.

⁹ According to Caplan, 2007, three sets of documents provided the framework for the EC's recognition policy: (i) the EC Conference on Yugoslavia's draft Convention of 4 November 1991 (the 'Carrington Plan'); (ii) the opinions of Badinter Commission; and (iii) the actual policy of conditional recognition adopted at 16 December Council of Ministers meeting and articulated in the EC's twin 'Guidelines on the Recognition of New States in EE and the SU' and the 'Declaration on Yugoslavia'.

¹⁰ European Council (1993) Presidency Conclusions para. 7 (iii) Copenhagen European Council, 21-22 June. [Available at: http://europa.eu/european_council/conclusions/index_en.htm]

role in allaying the excesses of violent conflict in FYROM (Macedonia) in 2001 and two years later in Montenegro where the process of peaceful separation became virtually synonymous with Javier Solana, the EU High Representative.¹¹ It also became increasingly clear that though it was important for the EU to develop its own independent defence capability, the Union could make a more positive contribution to conflict management in the post-violent conflict stages, building on its ongoing experience of using the tools of 'soft power' to induce third parties to stabilise politically and economically with the ultimate promise of EU integration.

With all the potential ambiguities of its operation, the instrument of conditionality with the ultimate reward of EU membership was at the very least strengthening the domestic commitment to continued democratisation and marketization in the CEECs. This was in stark contrast to the EU's ineffective record of conflict management in the Western Balkans in the early 1990s.¹² In the latter part of the 1990s the EU shifted to a different approach to conflict management in the Western Balkans in the form of the Stabilisation and Association Process. Drawing on its strengths the EU sought to promote enhanced association -- economic and technical assistance, promotion of trade and integration into EU markets -- as well as regional stabilisation through more proactive peace-building policies taking into account the specifics of the post-conflict setting in the countries of the Former Yugoslavia.

3. The Emergence of the Regional Approach to Post-Conflict Stabilisation

The origins of a more comprehensive regional approach to political stabilisation and economic recovery in the Western Balkans date back to the Royaumont Process (RP) which was launched with the aim of supporting the implementation of the Dayton Peace Agreement in December 1995. The RP involved EU members, South Eastern European Countries (SEECs), regional neighbouring countries, the United States, Russia, the OSCE and the Council of the Europe. The process was framed under the need "to strengthen stability and good-neighbourliness in South-East Europe." More specifically, it aimed "to contribute to reducing the tensions arising from the conflict and ... to restoring confidence and dialogue, and overcome ethnic divisions and hatreds".¹³ The main objectives of the RP as defined by a Council's common position in 1998 included: (1) to encourage the normalization of relations and foster political dialogue between Western Balkan countries; (2) to encourage people-to-people links and promote regional cooperation in the field of civil society and culture; and (3) to support the implementation of projects conducive to peace and stability, good neighbourliness and civil society.¹⁴

¹¹ Ulrich Schneckener, 2002 and Rory Keane, 2004.

¹² See Hughes, Sasse and Gordon, 2004; Grabbe, 2006 and Smith, 2003.

¹³ Conclusions of the General Affairs Council of 26 February 1996, Available at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/028a0001.htm

¹⁴ Council of the European Union, 1998, Common Position of 9 November 1998, defined by the Council on the basis of Article J.2 of the Treaty on European Union, concerning the process on stability and good-neighbourliness in Southeast Europe. (98/633/CFSP). Available at

http://eurlex.europa.eu/LexUriServ/site/en/oj/1998/L_302/L_30219981112en00010007.pdf
]

The General Affairs Council of 26 February 1996 further defined the EU's regional approach towards the region - under which the RP would be incorporated - building on a report from the Commission to the Council¹⁵ and bringing together marketisation, democratisation and regional cooperation. The end-goal of such approach included the setting up of first generation cooperation agreements between the EU and the countries in South Eastern Europe, all within the overriding objective of "successful implementation of the Dayton/Paris agreement and the creation of an area of political stabilisation and economic prosperity, also by fostering the process of political and economic reforms and the respect of human and minority rights and democratic principles."¹⁶ Furthermore, the Council conclusions confirmed the emphasis on promoting regional cooperation as an essential part of the overall approach.¹⁷

The regional approach was to provide itself with aid measures and a conditionality framework later on. In July 1996 the Obnova financial regulation was introduced to implement aid measures in the Western Balkans. In the area of political stabilisation and democratisation, Obnova incorporated a democratic conditionality clause under which Balkan countries were requested to respect specific rather generally stated conditions defined by the Council.¹⁸ The Council's conclusions on the principle of conditionality stated that 'assistance in support of democracy through Phare could be considered subject to evidence of a country's credible commitment to democratic reforms and progress in compliance with the generally recognised standards of human and minority rights.'¹⁹ The regional approach appeared to be undermined by the fact that it was structured around bilateral delivery and assessment mechanisms, the tried and tested format for operationalising conditionality.²⁰ Moreover in the event most of the financial assistance provided by Obnova under the 'support of democracy' classification was directed towards operations aimed at reconstruction and refugee return, reflecting a rather limited commitment to supporting broader processes of democratisation.²¹

By 1997 the EU was also moving towards the formal application of conditionality in the Western Balkans within the regional approach; after all given its policy failures in conflict prevention and management in the first half of 1990s, conditionality was one of the few foreign policy tools among its limited panoply of external instruments which was delivering positive results albeit elsewhere -- in

¹⁵ Ibid; Report from the Commission to the Council, "Prospects for the development of regional cooperation for the countries of the former Yugoslavia and what the Community could do to foster such cooperation," SEC (96) 252 final, Brussels, 14 February 1996.

¹⁶ Report from the Commission to the Council and the European Parliament, "Common principles for future contractual relations with certain countries in South-Eastern Europe," COM (96) 476 final, Brussels, 2 October 1996.

¹⁷ The Council conclusions put forth, "Application of the agreements will be subject, particularly where economic cooperation is concerned, to the readiness of each of the countries concerned to cooperate with its neighbours." Additionally, the conclusion of the cooperation agreements are dependant on "the willingness of the countries concerned to work towards consolidating peace and to respect human rights, the rights of minorities and democratic principles [see General Affairs Council of 26 February 1996, op.cit.]."

¹⁸ Human and minority rights were specified as non-discrimination between citizens, and including the resettlement of refugees and displaced persons. [[Complete reference]]

¹⁹ Phare was originally created in 1989 to assist Poland and Hungary in the wake of communist collapse. In 1997, it was reoriented for candidate countries and tied exclusively to the goals of accession, primarily the preparation of the CEECs for the obligations of membership and in particular the transposition of the acquis. See Mayhew for further details on Phare, 1998.

²⁰ Panebianco and Rossi, 2004, 4.

²¹ See Article 2 of the Obnova regulation, Council of the European Union, July 1996.

the Central and Eastern European Countries.²² In April 1997 the Council thus formally adopted the application of the principle of conditionality in its relations with the countries of South East Europe.²³ However, from the outset a potential tension emerged between the priority attached to the regional dimension and the actual organisation and operationalisation of the conditionality; financial assistance and trade preferences were conditioned upon compliance with a set of conditions laid out contractually in the form of bilateral cooperation agreements. Some of these conditions included: cooperation with the International Criminal Tribunal for former Yugoslavia, willingness to re-establish economic cooperation with one another, the respect for democratic principles, human rights and minority rights, the creation of the rule of law, the privatisation of state-owned property and the introduction of a market economy. The conditions set out for establishing contractual relations with the EU consisted of additional pre-requisites, including *inter alia* a credible commitment to engage in democratic reforms, the respect of broadly accepted standards on human rights and minority rights and the absence of discrimination against minorities.²⁴

In addition to the general requirements for all the countries of the Western Balkans concerning 'respect for democratic principles and the rule of law, and for human rights and fundamental freedoms', the regional approach also incorporated certain country-specific demands.²⁵ No direct references were made to minority rights per se within the country-specific conditions though the need to address majority-minority relations was clearly implied. In relation to Croatia, compliance with the obligations of Erdut and cooperation with UNTAES and OSCE which would necessarily have a minorities component were stipulated; as regards Bosnia and Herzegovina, the establishment of functioning institutions as provided for in the constitution was broadly specified; and in terms of FRY 'credible pressure on the Bosnian Serbs to cooperate in the institution building and the implementation of provisions of the constitution' as well as evidence that FRY is cooperating with ICTY and the granting of a 'large degree of autonomy' to Kosovo were itemised.²⁶ Moreover in the annex of elements for examination of compliance, there was a specific section on 'respect for and protection of minorities' which stipulated (i) the right to establish and maintain their own educational, cultural and religious institutions, organisations or associations; (ii) adequate opportunities for these minorities to use their own languages before the courts and public authorities; and (iii) adequate protection of refugees and displaced persons returning to area where they represent an ethnic minority.²⁷

²² Prior EU's policy instruments under the regional approach had already included some generic principles of conditionality, including those incorporated in the Obnova regulation and in the Council of 26 February 1996. In particular, the 1996 Council compelled compliance with the peace agreements for the development of cooperation with the EU and based the conclusion of cooperation agreements on the willingness of the countries concerned to work towards consolidating peace and to respect human rights, the rights of minorities and democratic principles. The 1996 Council also based further cooperation on the application of the Council conclusions of 30 October 1995.

²³ Council conclusions on the principle of conditionality governing the development of the European Union's relations with certain countries of south-east Europe', 29 April 1997, <http://europa.eu/bulletin/en/9704/p202001.htm> [accessed November 12, 2007]

²⁴ Ibid.

²⁵ See Calic, 2005, 4.

²⁶ Only limited funding was released to Bosnia and directed towards projects in support of the peace agreement rather than to democratic reforms.

²⁷ See Council conclusions on the principle of conditionality governing the development of the EU's relations with certain countries of south east Europe, <http://europa.eu/bulletin/en/9704/p202001.htm>.

However as the regional approach was incorporated into the broader and multifaceted Stability and Association process, the actual place of minority rights was to become diluted. As a case in point, it is striking that though the original Communication from the Commission on the Stabilisation and Association process for the countries of South-Eastern Europe acknowledged the importance of human and minority rights as among the primary objectives of the Regional Approach, there was no further mention of this dimension in its early exposition of the six main elements of the SAP let alone in the country specific conclusions.²⁸ This despite the evident relevance of minority rights to a number of the components listed above as part of the Regional Approach, and the fact that respect for and protection of minority rights is an integral element of the Copenhagen political conditionality. Moreover in the context of the stabilisation and association of the Western Balkan countries, it is clear that policy approaches to minority rights would critically shape future peace-building and democratic consolidation efforts.

IV. The Stabilisation and Association Process

4.1. The Incremental Transformational Approach to Post-Conflict Stabilisation and EU Integration

With the approval of UN Security Council Resolution 1244 bringing an end to the violence in Kosovo and the aerial bombardment of Serbia by NATO, the broader international community appeared committed to pursuing a comprehensive regional approach to the stabilisation of the Western Balkan region. The Stability Pact which was signed into being in June 1999 was an integral part of the shift from reactive crisis membership to the emergence of a long-term incremental transformational approach to the entire Western Balkan region. With the EU taking the lead, the SP brought together more than 40 countries as well as a range of international organizations in an intergovernmental body to coordinate technical and financial assistance and support regional initiatives with the objective of facilitating the political stabilisation of the region by fostering ‘peace, democracy, respect for human rights and economic prosperity’.²⁹ The Balkan region was to be stabilised by means of a dual-pronged approach to fostering broader integration with Western economic and security structures as well as renewing and developing regional integration through economic cooperation and a major programme of reconstruction.³⁰ Further down the road EU accession would be attainable through the newly established Stabilisation and Association Process.³¹

²⁸ Communication from the Commission to the Council and European Parliament on the Stabilisation and Association process for countries of South Eastern Europe, COM (1999) 235 final, Brussels May 26 1999. Available at: <http://aei.pitt.edu/3571/> [accessed January 12, 2008]. The six key elements of SAP are listed in footnote 53.

²⁹ See the SCSP Constituent Document, <http://www.stabilitypact.org/constituent/990610-cologne.asp> [Accessed January 12, 2008].

³⁰ The beneficiary states were Albania, Bosnia-Herzegovina, Bulgaria, Croatia, FYROM, Romania and after 2000, Yugoslavia, and June 2001, Moldova; the neighbouring countries of Hungary, Slovenia and Turkey; members of the EU; non-EU members of the G8, the U.S., Russia, Canada and Japan as well as broad range of international organizations including the EU and European Commission, the UN, OSCE, Council of Europe, UNHCR, NATO and OECD; international financial institutions (IFIs) such as the IMF, World Bank, EIB, EBRD and Council of Europe Development Bank; and regional organisations such as the Black Sea Economic Cooperation, the Central European Initiative, Southeast European Cooperation

In a 2002 policy document the Special Coordinator Edward Busek specified the three principles underlying the approach of the Stability Pact: (i) Western integration in particular with EU accession instruments; (ii) regional cooperation and (iii) regional ownership of the stabilisation process.³² However, though a sizeable commitment in funds was made at the inauguration of the Stability Pact and a range of regional initiatives with varying degrees of success have been undertaken in the course of its existence, the overall performance of the Pact has been hindered by delays in the disbursement of funds, continued political instability in the region, fears or regionalism superseding European integration and also a lack of regional ownership of the stabilisation process.³³ (See discussion on p. on regional initiatives). Moreover the EU's primary focus soon became its own Stabilisation and Association Process and tensions emerged between the emphasis on the regional approach and the emerging relationships between Brussels and the countries of the region conditioned as they were around bilateral contractual ties. The transformation of the SP into the regionally owned Regional Cooperation Council (RCC) in 2008³⁴ will indicate the degree to which the Stability Pact has succeeded in establishing a firm basis for a regional cooperation framework in the region. The new institution will bring together representatives of South-Eastern Europe with representatives of the international community to maintain the composition of the SP's Regional Table³⁵ and will focus on five key areas, including economic and social development, infrastructure, justice and home affairs, security co-operation, building human capital as well as parliamentary cooperation.³⁶

Initiative (SECI) and the Southeast European Cooperation Process (SEECF). See Phinnemore and Siani-Davies, 2003, 175.

³¹ The Pact was built around a South Eastern Europe Regional Table chaired by a Special Coordinator with three working tables on democratisation and human rights, on economic reconstruction, development and cooperation, and security issues. A number of task forces were also attached to the Working Tables exploring human rights and minorities, good governance, media, education and youth, parliamentary cooperation, gender and trafficking in human beings.

³² See discussion in Phinnemore and Siani-Davies, 2003.

³³ Spyros Economides, 2001.

³⁴ Stability Pact, "New milestone set in the Establishment of the Stability Pact Successor - Race Now Open for the Secretary General," Press release, 2 March 2007, available at <http://www.stabilitypact.org/pages/Press/detail.asp?y=2007&p=534>. [accessed on January 22, 2008].

³⁵ See Seera.net, "SEE countries agree to establish Regional Cooperation Council," 30 May 2006, available at <http://www.see-era.net/pub/news/view?id=4361> [accessed on January 22, 2008].

³⁶ Ibid.

4.2. The Initiation of the Stabilisation and Association Process

<u>Stabilisation and Association Agreements</u>	
<u>Albania</u>	Negotiations started in 2003 and the SAA was signed in 2006
<u>Croatia</u>	SAA signed in 2001, fully implemented by April 2004 Formal accession negotiations commenced in October 2005 Croatia has made good progress in meeting accession requirements but continues to be berated for its efforts in the field of minority rights, refugee returns, judicial reform and regional cooperation.
<u>Macedonia:</u>	SAA signed in 2001 and fully implemented by February 2005. Macedonia was accepted as an official candidate in November 2005 but has yet to open accession negotiations.
<u>Kosovo:</u>	Final status of Kosovo is as yet undecided and thus the 'quasi-state' remains in limbo. It stands outside international law as a state nominally still part of Serbia but de facto functioning as an autonomous unit. Independence likely to be declared in early 2008
<u>Bosnia-Herzegovina</u>	Talks on a SAA opened in November 2005 and finally concluded in December 2007 thanks to last minute agreement on the integration of police forces. SAA not yet signed; this is tied to further progress on the action plan for political reform as well as a number of other conditions. ³⁷
<u>Serbia</u>	Though the Commission concluded in its Feasibility report of 2005 that Serbia and Montenegro was ready to negotiate a SAA, it was not until November 2007 that the agreement was finally initialled though the agreement has yet to be signed. Delay was due less to technical issues than to lack of necessary cooperation on part of Serbia with ICTY.
<u>Montenegro</u>	SAA signed in October 2007, due to come into force at beginning of 2008 following ratification. [[http://ec.europa.eu/enlargement/countries/index_en.htm]]

Following the election of more democratic-oriented governments and the departures of Franjo Tudjman and Slobodan Milosevic in Croatia and the Federal Republic of Yugoslavia respectively, the European Commission building on its Regional Approach formally introduced the 'new' Stabilisation and Association Process (SAP) in 2000 though the organisation and components of the SAP were to be clarified over the following three years. The SAP and the resulting Stabilisation and Association agreements which were to embrace Albania, Bosnia-Herzegovina, Croatia, the FYROM, and Serbia and Montenegro were considered the institutional contribution of the EU to the Stability Pact. They were the culmination of the shift from reactive crisis management to a long-term incremental stabilisation and transformation approach to the Western Balkan region. In addition to the conclusion of association agreements, SAP offered the prospect of European membership, which was made explicit for the first time at the Feira Council of June 2000 together with an attendant strategy of support and EU approximation. The Council Conclusions stated, 'the European Council confirms that its objective remains the fullest possible integration of the countries of the region into the political and economic mainstream of Europe...All the countries concerned are

³⁷ These include establishing a viable and European-standard public broadcasting system.

potential candidates for EU membership.’³⁸ The prospect of European membership was reiterated at the 2000 Zagreb summit.³⁹

Influenced by the experience of the accession process in CEE, the SAP was at the same time a more comprehensive development framework for the Western Balkans, attempting to take into account the after-effects of conflict and the reverse modernization experienced by the region, and aiming to promote political stabilisation, marketisation, regional cooperation as well as potential EU accession. As its name suggests the dual but related processes of stabilisation and association supposedly lie at the heart of the SAP. While the process of association has been markedly shaped by the previous CEEC enlargement rounds, the EU has also sought to tailor this instrument to the conditions of the post-violent conflict states of the Balkans. Yet it is not entirely clear what the EU’s definition and objectives are in terms of stabilisation, let alone the exact relationship of stabilisation to association. A careful reading of EU documentation would suggest that stabilisation under SAP refers to a rather broad conceptualisation of regional political stabilisation embracing a range of elements including compliance with peace agreements, reconstruction and reconciliation, refugee return, cooperation with ICTY and regional cooperation.⁴⁰ Cards and later SAP reports also introduced the notion of ‘democratic stabilisation’ to refer to activities subsumed under refugee return, civil society development and media reform. The lack of clearly formulated benchmarks for stabilisation, however, suggest that it may suffer from the same problems of measurement, moving targets and the risk of politicised judgments that have beset other aspects of EU conditionality in this and other association processes (for example, what is a sufficient level of stabilisation as called for in 2005 Enlargement Strategy as a prerequisite for beginning the SAA process?).⁴¹ Moreover, as the operationalisation of its policy approach to the Western Balkans evolved and the accent gradually shifted from stabilisation to association, the initial (albeit limited) top-down focus on peace-building and regional political stabilisation in the Western Balkans has increasingly been superseded by the top-down drive to meet the requisites of EU membership conditionality. Moreover the EU’s regional focus has been displaced in practice in favour of the traditional Brussels-individual country bilateral mode of interaction. I will return to the problematic of the application of conditionality later in the paper.⁴²

The institutionalisation of the SAP marked the beginning of the downgrading of the regional approach in favour of the bilateral mode of interaction, though even the regional approach favoured bilateral frameworks for cooperation over regional ones.⁴³ In ‘the Western Balkan countries on the road to the European

³⁸ See European Council Santa Maria Da Feira, Presidency Conclusions, 19 and 20 June, 2000, available at: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/ec/00200-r1.en0.htm [accessed on January 12, 2008]

³⁹ See Zagreb Summit, final declaration, 24 November 2000 available at: http://ec.europa.eu/enlargement/enlargement_process/accesion_process/how_does_a_country_join_the_eu/SAP/zagreb_summit_en.htm [accessed on November 5, 2007]

⁴⁰ See Thessaloniki Agenda 2003 and other SAP Progress Reports.

⁴¹ European Commission, 2005 Enlargement Strategy, 10. These will be discussed in greater depth later in the paper.

⁴² See Thessaloniki Agenda 2003.

⁴³ The Council of 26 February 1996, for example, puts forth, “Implementation of the broad approach, which must be carefully prepared through direct contacts between the European Union and the countries of the region, will be part of a gradual consolidation of peace” [see Council of 26 February 1996]. Similarly, the 1997 Council confirms EU’s intention to contribute to peace and stability in the region by developing bilateral relations within a framework which promotes democracy, the rule of law, higher standards of human and

Union' (2006) which summarizes the rationale behind the SAP, the Commission (i) acknowledged that the prospect of EU membership based on conditionality could serve as a strong driver of reform in the region; (ii) it stressed the need for establishing bilateral relationships among the countries of the region and (iii) outlined the development of a flexible country-by-country approach based on assistance programmes and contractual relations which would embrace the whole gamut of issues ranging from conflict reconstruction and stabilisation to technical assistance with approximation of legislation.⁴⁴

With respect to the process of monitoring, as was the case with the CEECs, SAP's key mechanism is the Commission's annual progress reports which were instituted in 2001 with the aim of assessing the compliance of the countries of the Western Balkans with the 1997 Council criteria as well as measuring progress towards achieving the objectives set up in the SAP.⁴⁵ The Commission's annual reports all follow the same structure divided into three parts based on the Copenhagen criteria (political, economic and European standards) allowing for comparison across countries and across time.⁴⁶ The reports are compiled by the Commission in Brussels based on information gathered from various sources including national governments and member states, Council deliberations, European parliament reports and resolutions, and assessments made by various international organizations, in particular the Council of Europe, the OSCE, international financial institutions and NGOs.

In the wake of the 2003 Thessaloniki European Council, the instrument of European partnership was also introduced to tie the priorities identified in the annual progress reports more closely to plans of action in the short- and medium-term for the individual countries of the region.⁴⁷ The EPs are a similar legal instrument to the Accession Partnerships identifying the priorities which individual countries need to focus on in their preparation for accession and serving as the basis against which progress is assessed.⁴⁸ (See further discussion of EPs in section under minorities). In addition to the annual reporting procedures and the instrument of European Partnership, a number of institutional fora were envisaged under SAP to assist the individual countries of the Western Balkan region to set priority reforms areas and monitor implementation including specialist sub-

minority rights, transformation towards market economies and greater cooperation between those countries [see the 1997 Council conclusions].

⁴⁴ The Western Balkan countries on the road to the European Union,' Europe online, available at:

http://ec.europa.eu/enlargement/enlargement_process/accesion_process/how_does_a_country_join_the_eu/SAP/history_en.htm [accessed on October 12, 2007]

⁴⁵ See Zagreb Summit, final declaration,

http://ec.europa.eu/enlargement/enlargement_process/accesion_process/how_does_a_country_join_the_eu/sap/zagreb_summit_en.htm [accessed on November 12, 2007].

⁴⁶ Up until 2004, the area of human rights and minority protection was divided into two main components: (1) civil, political, economic, social and cultural rights' and (2) 'minority rights and refugees' Subsequently this section was broken down into the following four areas: (1) observance of international human rights law; (2) civil and political rights; (3) economic and social rights; and (4) minority rights, cultural rights and protection of minorities which would reinforce the view that Commission's conceptualisation of minority rights has evolved over time.

⁴⁷ The Thessaloniki Agenda for the Western Balkans [Available at: http://ec.europa.eu/enlargement/enlargement_process/accesion_process/how_does_a_country_join_the_eu/sap/thessaloniki_agenda_en.htm]

⁴⁸ 'European Partnerships and Accession Partnerships follow similar lines of logic and structure; the former, developed after the 2003 Thessaloniki European Council, are modelled on the latter. See <http://europa.eu/scadplus/leg/en/lvb/e50024.htm> [Accessed on February 9, 2008]

committees as well as political level meetings such as the EU-national government Stabilisation and Association Councils, EU-national government Consultative Task Forces and the EU-Western-Balkans forum - though it is not clear how active these fora have been.⁴⁹ There are additional monitoring mechanisms directed specifically to Cards-funded programmes and projects in place. Operations are subject to supervision by the relevant Commission Services and the Court of Auditors which are usually carried out on the spot if necessary.⁵⁰ Even so there seems to be considerable institutional disconnects in the conduct of monitoring processes. Firstly while the progress reports and the European partnerships follow the same structure, divided into three sections (political criteria, economic criteria and EU standards), Cards on the other hand follows a different structure. The Court of Auditors special report for the period 2002-6 acknowledges this problem. 'The European partnerships introduced in 2004 were not used to provide guidance for the selection of actions'.⁵¹ Likewise, though the report acknowledges progress in some areas, in particular a streamlining of the legal bases of EU assistance, it stressed the fact that monitoring practices have not been consistent between the European Commission and the European Agency for Reconstruction as indicated by the Court of Auditors' Special Report. As the report states, in contrast to the Commission's delegations, 'the EAR systematically carried out evaluations at sector and project level. Both mid-term evaluations and ex-post evaluations were made.'

4.3. Multi-Stage Conditionality and the Perennial 'Moving Target' Problem

The instrument of the SAP has been refined over time - arguably refined and drawn out -- for a number of reasons relating both to developments in the different countries of the WB region as well as intra-EU factors as well. Not only has the Commission undergone a learning curve itself about the political and economic situation in the countries of the Western Balkans as well as deriving lessons from the CEECs enlargement process in particular with regard to Bulgaria and Romania, this has also been coupled with the apparent slow progress in terms of both stabilisation and adjustment in the SAP countries themselves, reflected in the Commission's annual progress reports. In addition, it is likely that progress has been slowed by growing divisions in the European Council about how far the EU should enlarge, the perceived tensions between widening versus deepening both of which have contributed to so-called 'enlargement fatigue' inside certain quarters of the EU itself as well as in certain member states. Moreover along with the perennial concern about candidates' administrative capacities, increasing weight has been attached to the rather vague notion of 'absorption capacity', the fourth condition of Copenhagen 1993 with a proposal tabled (though rejected) at the European Council in June 2006 by France, Austria and the Netherlands for it to be

⁴⁹ EU-Western Balkans Forum is a ministerial level political forum which seeks to address regional and international issues as well as secure support for furthering the objectives of SAP. See comments of Reinhard, Priebe Director Western Balkans, 2003. <http://www.seerecon.org/kss/ks20031205.htm>

⁵⁰ See for example, the Court of Auditors Special Report on the Commission's Management of CARDS in the 2002-2006 period. The Commission in Brussels and the Delegations usually rely on outsourced monitoring services following a Standard methodology called Result Oriented Monitoring. See *Official Journal of the European Union*, C285, 27 November 2007.

⁵¹ *Ibid.* 6.

made a formal part of the accession conditionality criteria.⁵² Clearly the credibility of conditionality as an instrument will be further watered down if decisions about the progress of candidates and potential candidates are to be shaped by judgements about intra-EU capacities over which potential members have no influence.

In addition to the problems associated with EU's institutional capacity - which has added another layer of uncertainty to the prospect of European membership in the region - the SAP is in itself a multi-stage, protracted process of setting and meeting conditions. Even if the SAP is made up of six key elements,⁵³ the arrangement of a Stabilisation and Accession Agreement by each of the countries of South Eastern Europe is the focal point of the SAP, which over the long term leads to formal integration into the EU via the route of candidate status and the subsequent commencement of formal accession negotiations. But the countries of the Western Balkans cannot automatically sign SAA agreements.⁵⁴ The first stage of the conditionality for the participating SAP countries comprised the common principles outlined in the 1996 Regional Approach and the conditionality criteria laid out at the 1997 Council which also included individualized country conditions (discussed above). Respecting these criteria was considered the foundation for the development of bilateral relations with the EC in the field of trade, assistance and contractual relations. As the European Conclusions stated: 'The new process will be based on the existing Regional Approach and reaffirms the European Union's resolve to take up the challenge and responsibility to contribute to stability of the region.'⁵⁵ Stabilisation and Association Agreements could only be negotiated after the conditions set out by the European Council in April 1997 on establishing contractual relations as well as the stipulations in the individualised country approaches had been met. In addition the Commission conducts a feasibility study to assess whether the country in question has 'progressed sufficiently to negotiate and meaningfully implement an SAA'. Negotiations over Stabilisation and Association Agreement usually last a year; once signed the agreement needs to be ratified by all EU members and the associated country.

Between 2000 and 2003 additional conditions and instruments were incorporated into the SAP framework; in certain cases this included an extension of the conditionality, in others a more precise specification of already stated conditions. The final declaration of the Zagreb Summit of November 2000 emphasised the stage between the signing of the agreements and the opening of formal accession negotiations. It stated that before commencing membership negotiations, SAP countries had to respect the criteria defined the Copenhagen

⁵² Michael Emerson, Senem Aydin, Julia De Clerck-Sachsse and Gergana Noutcheva, 'Just what is this 'absorption capacity' of the European Union?', CEPS Policy Brief, October 2006, available at: http://shop.ceps.eu/BookDetail.php?item_id=1381

⁵³ (1) The conclusion of new Stabilisation and Association Agreements (SAAs); (2) the development of existing economic and trade relations with and within the region; (3) the development and a partial redirection of existing economic and financial assistance; (4) assistance for democratisation, civil society, education and institution-building; (5) Cooperation in the areas of justice and home affairs; (6) and development of political dialogue, including at a multilateral and regional level [see Communication from the Commission to the Council and European Parliament on the Stabilisation and Association process for countries of South Eastern Europe, COM (1999) 235 final, Brussels May 26 1999. Available at: <http://aei.pitt.edu/3571/> [accessed January 12, 2008].

⁵⁴ For details see EC, Enlargement Strategy, 2005, 9-10.

⁵⁵ Council Conclusions on 'The Development of a Comprehensive Policy Based on the Commission Communication On 'The Stabilisation and Association Process For Countries of South-Eastern Europe,' Brussels, 21 June 1999 [available at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/09008.EN9.htm]

Council in June 1993 as well as implement the stabilisation and association agreements. The Copenhagen criteria involved (i) the democratic political criteria, an integral element of which was the minority rights component; (ii) a functioning market economy and ability to withstand competitive pressures and market forces; and (iii) the ability to take on the obligations of the extensive *acquis communautaire*.⁵⁶ In addition to these three primary criteria, Copenhagen 1993 also included a fourth condition for 'entry, which has been described as the EU's so-called 'let-out clause': 'The Union's capacity to absorb new members while maintaining the momentum of European Integration'. This latter condition was to take on an increasing importance due in part to the slow progress of transformation in the Western Balkans as well as a number of internal EU constraints.

The case of Bosnia-Herzegovina reflects the efforts undertaken by the Commission to inject greater degrees of precision into already established conditions. Thus in the 2000 roadmap for BiH 18 specific steps were enumerated which had to be implemented before a feasibility study could be carried out. In the area of human rights these included inter alia the implementation of property law, stronger engagement at all levels to create conditions for sustainable returns as well as the implementation of decisions of human rights institutions.⁵⁷ Likewise the 2003 Commission Feasibility Report on BiH identified 16 priority areas which the country needed to focus on during 2004 prior to the opening of negotiations on a SAA. Priority number 5 which concerned 'effective human rights provisions' enumerated a number of provisions including adoption and implementation of outstanding legislation supporting refugee return and completing transfer of human rights bodies to BiH control .⁵⁸

While SAP originally relied mainly on the Phare and Obnova funding mechanisms, a new financial instrument, the Community Assistance for Reconstruction, Development and Stabilisation or Cards was also introduced at Zagreb in November 2000.⁵⁹ Cards combined financial assistance directed towards the implementation of the obligations contained in the SAAs with a particular emphasis on institution-building along with asymmetric trade preferences in a bid to facilitate the establishment of a free trade area between the EU and the SAP countries. Cards committed itself to proffering 4.65 billion of assistance for the 2000-2006 period. Conditionality was written into the granting and disbursement of funds at three levels: (i) at the level of the objectives of SAP (ii) at the programme and (iii) project levels.⁶⁰ Moreover, the organisation and management of Cards remained overwhelmingly a centralised Brussels affair with most of the funding directed towards projects drawn up jointly by the Commission and national governments and only a fifth paid directly to national governments for domestic implementation. The Council left itself the ultimate decision-making power to freeze assistance in the case of failure to meet the principles of the

⁵⁶ See European Council (1993) Presidency Conclusions para. 7 (iii) Copenhagen European Council, 21-22 June. [Available at: http://europa.eu/european_council/conclusions/index_en.htm. Also Grabbe, 2006.

⁵⁷ European Commission, EU Roadmap: steps to be taken by Bosnia and Herzegovina to Prepare for a Launch of a Feasibility Study, available at <http://www.esiweb.org/pdf/bridges/bosnia/EURoadMap.pdf>. [accessed February 10, 2008]

⁵⁸ See European Commission, 2003 Feasibility Study on Bosnia Herzegovina, http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&lg=en&numdoc=503DC0692 [Accessed February 9, 2008]

⁵⁹ This instrument has been recently replaced by the Instrument of Pre-Accession (IPA) set up to streamline the resources devoted to the accession process.

⁶⁰ See Zagreb Summit, final declaration, http://ec.europa.eu/enlargement/enlargement_process/accesion_process/how_does_a_country_join_the_eu/sap/zagreb_summit_en.htm [accessed on November 12, 2007].

conditionality.⁶¹ As the Council Conclusions at Zagreb stated ‘Where SAP conditionality is not respected, assistance may be frozen’⁶²

At the Thessaloniki summit in June 2003 the Council further reinforced the prospect of association and potential membership of the Union by introducing the new instrument of the European Partnership. The strategy was to draw on the instruments used in the CEE accession process to facilitate adjustment to European standards by identifying reform priorities and guiding each country on the steps that need to be taken.⁶³ European Partnerships lay out the short-term and medium-term priorities for each country as well as commitments against which progress was to be measured. In line with the priorities which have been identified SAP countries are expected to draw up National Plans outlining their fulfilment strategies. According to Pippan the contractual agreements drew heavily on the Europe or Association Agreements with the CEECs though there is also the added emphasis on regional cooperation.⁶⁴ Progress was to be monitored in regular annual reports produced for all countries that are part of the SAP whether they have concluded SAAs or not. The additional instrument of political dialogue smacked of earlier experiences of acculturating the Central and Eastern Europeans to EU norms through the Structured Dialogue Process. Likewise the instruments of twinning and TAIEX technical assistance were also made available to SAP countries.

Once the SAA has been implemented (the challenges of which process vary from country to country), the country is in a position to apply for candidacy status, opening the way for accession negotiations though in contrast to the CEEC accession process, significant time lags can emerge between signing an SAA and being designated a candidate as well as between being designated a candidate and commencing the negotiations process with additional monitoring stages, though not always clear benchmarks, along the way.⁶⁵ Macedonia is a good case in point, having signed its SAA in 2001, being designated a candidate in November 2005 but yet to start formal accession negotiations. According to the European Commission 2005 Enlargement Strategy document, the country needs to reach ‘a sufficient degree of general compliance with the Copenhagen criteria’. Ultimately the power asymmetry between the countries of the region and Brussels has remained firmly in place. The fact that Brussels retains the political upper-hand was also acknowledged in the 2005 EC Enlargement Strategy, which states ‘The European Council decides whether and when negotiations can be opened, based on a recommendation from the Commission’.⁶⁶

Croatia signed its SAA in 2001, proceeding to candidate status in June 2004 and opening negotiations a year later in October 2005. Macedonia as indicated

⁶¹ Vachudova, 2003, 152.

⁶² See Zagreb Summit, final declaration, 24 November 2000, http://ec.europa.eu/enlargement/enlargement_process/accesion_process/how_does_a_country_join_the_eu/sap/zagreb_summit_en.htm [accessed on October 13, 2007].

⁶³ European Council, Thessaloniki, Presidency Conclusions, 2003, http://ec.europa.eu/enlargement/key_documents/sap_en.htm [accessed January 11, 2008]

⁶⁴ See Pippan, 2004.

⁶⁵ SAA implementation may be affected by a range of factors, mainly though not solely domestic, including decision-making procedures, elite consensus over European integration, domestic administrative capacities etc. Croatia and Macedonia had fully implemented their SAAs by April 2004 and February 2005 respectively. In the case of BiH whose SAA has been agreed but is pending signature, implementation may be held up *inter alia* by the complex set of decision-making procedures which have slowed down the enactment of legislation and introduction of reforms in the past.

⁶⁶ European Commission, 2005 Enlargement Strategy Paper, 10. See http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&lg=en&numdoc=505DC0561 [accessed on January 13, 2008]

above also signed in 2001 and proceeded to candidate status in November 2005. However, it was not until at least five years later that the other countries in the region reached agreement on their SAAs -- Montenegro signed in October 2007 and in the case of both Bosnia-Herzegovina and Serbia, SAAs were initialled but not signed late in 2007. Thus in effect through the instrument of the SAP additional formal layers of conditionality were introduced into the accession process, building on the path followed by CEEC (shaped as it was by adjustment to the Copenhagen criteria and to European Standards) but at the same time creating a prolonged, multi-phase process during which conditionality could be leveraged upon the countries of the region. While prolonging the period during which the countries of the region were in throes to EU conditionality demands was arguably an appropriate approach for the under-developed post-conflict countries of the Western Balkans, this threatened to further exacerbate the moving target problem identified by Hughes, Sasse and Gordon in the accession process in CEE.⁶⁷

4.4. SAP as a modified template of CEE Accession Process

The SAP as suggested above was strongly influenced by the evolution of the instruments of the accession process in nearby post-communist CEE. Of course the fundamental difference between these two regions was that the CEECs in contrast to the Western Balkans experienced a different degree of ethnicisation of politics and varying state- and nation-building challenges in the wake of communist collapse. Moreover the CEECs did not have to find ways of accommodating complex majority-minority relations within states as well as across former federal structures in the wake of the massive disruption, dislocation and devastation wrought by war. This inevitably raises the question of the appropriateness of a template largely developed for a set of countries in rather different circumstances and then modified -- more considerably in rhetoric than in practice -- to fit the current situation in the countries of the Western Balkans which on the whole continue to be characterised by weak state institutions, economic backwardness and ethnic tensions.

The EU did undertake efforts to galvanise attention on regional stabilisation in response to the post-conflict situation. In line with this a set of policies, areas of cooperation and putative regional agreements were outlined as part of the Final Declaration at Zagreb as well in areas ranging from political dialogue, the establishment of a free trade area, cooperation in justice and home affairs reinforcing the EU's 1997 Regional Approach. The final declaration even stated: 'Rapprochement with the European Union will go hand in hand with this process of developing regional cooperation.'⁶⁸ But in reality this latter component of the SAP has not lived up to the lofty but perhaps unrealistic expectation that regionalism and European integration would complement each other. The overwhelmingly bilateral basis of the SAP - in terms of the SAA agreement negotiations and the annual reporting process, the centralised vertical organisation of the funding instruments, and the drive for EU integration which superseded and in the eyes of the national governments worked against regional cooperation -- have all militated against the furthering of the regional approach. In fact where regional integration has taken place beyond improvement of trade relations among former states of

⁶⁷ See Hughes, Sasse and Gordon, 2004.

⁶⁸ Ibid.

Yugoslavia, this has been the result of European-level projects rather than a regional affair.⁶⁹

Compared to the accession roadmap for the CEECs, the SAAs constituted a new multi-layered protracted interim step with additional conditioning options along the road to membership. Though the full commitment to membership was laid on the table upfront (and earlier on in comparison with the CEECs' enlargement process), the EU appeared at the same time to be prolonging the overall process leaving additional leeway in the hands of the Commission. In SAP a new category of 'potential membership' was introduced which still holds out the promise of eventual membership but lengthens even further the ill-defined timeframes involved - leaving additional leeway in the hands of the Commission. As the 2005 Enlargement Strategy Paper acknowledged: 'The accession negotiations can last for widely varying numbers of years, depending on the country. By their very nature, negotiations are an open-ended process.'⁷⁰

As the framework and organisation of SAP has evolved since its inception in 2000, it has become increasingly apparent with the gradual broadening of the stages of conditionality, that in practice many of the problems and shortcomings identified by Hughes, Sasse and Gordon in their analysis of conditionality in the CEECs accession process -- in particular the inherent fluidity, inconsistency and politicisation of the conditionality and the consequent 'moving target problem' as a result of unclear benchmarking procedures, imprecise measurements of progress and the predominance of politically-influenced decision procedures and accompanying loss of credibility -- have been magnified in the Western Balkans given the complex range of domestic post-conflict settlement political issues the countries of the region face. Internal divisions among member states about future enlargements and the future borders of the EU and increasingly voiced concerns about the vaguely formulated 'absorption capacity' run the risk of further diluting the instrument of conditionality.

The overwhelming focus on a top-down approach to the organisation of SAP, the concentration on national elites and the centralised fund management approach may have appeared in the short-term to have been the most appropriate approach given the limited technical, infrastructural and human capacities even at the central level in the Western Balkans. But this approach is likely to store up greater problems and potentially contribute to further societal breakdown in the future in post-conflict societies where ethnic divides remain strong and sub-national elites need to be co-opted into the political and socio-economic process of domestic reconstruction and transition, and EU integration. The top-down imposition of policies from outside and the primary concentration on preparing for meeting EU-acquis related requirements may not be the most appropriate approach to post-war societies where a different set of priorities (including funding priorities) may deliver more effective outcomes over the long term - including more carefully targeted policies at all levels to develop domestic governance structures, to cultivate conflict management and reconciliation capacities and to foster domestic and regional ownership.⁷¹

⁶⁹ M. Uvalic, 2001. Uvalic has shown that there has been only limited economic integration with other countries in broader Balkan region. See also Phinnemore and Siani-Davies, 2003, 181.

⁷⁰ European Commission, 2005 Enlargement Strategy Paper, 10. ee http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&lg=en&numdoc=505DC0561 [accessed on January 13, 2008]

⁷¹ See discussion in Roberto Belloni, 2007, 20.

5. Minority Rights and Post-Conflict Stabilisation

This section examines more closely the relationship in SAP between the EU accession process, minority issues and post-conflict stabilisation. Through its focus on minority rights it questions how far the SAP constitutes an effective approach tailored to the conditions of the post-(violent) conflict Western Balkans taking into account the particular political and socio-economic needs generated by the complex majority-minority relations in the countries of the region or rather whether it is more proximate to an amended CEEC enlargement approach which insufficiently addresses the specific conditions of the region. It explores the evolution of the EU's approach to minority rights both in rhetoric and in practice in EU policy documents and funding instruments as well as seeking to understand the operation of conditionality in this area.

It is argued here that:

(1) Evolution in EU approach but still overly narrow conceptualization of minority rights

Though the EU's approach to minority rights has evolved since the inception of SAP in 2000, it still does not a comprehensive approach to minority rights at the domestic or regional level. Initially considerable concentration was placed rather on narrow conceptions of refugee return and property rights. Attention was also given to delivering justice through the instrument of ICTY. Over time the need to establish appropriate legal frameworks has also been increasingly prioritised; while the need to address socio-economic and cultural issues has also emerged in recent years as a matter of concern. However in terms of funding and actual projects SAP's focus has remained limited.

(2) Trickle-down approach to conflict resolution and majority-minority reconciliation

It is suggested that in practice both in terms of policy delivery and implementation mechanisms, the EU has ended up relying on a trickle-down approach to conflict resolution and majority-minority reconciliation based on anticipated peace dividends from economic and social stabilisation with some fragments of more targeted conflict management policies in the area of minority rights protection. Contrary to its objectives, the SAA process has ultimately proved inadequate in encouraging regional ownership and facilitating post-conflict reconciliation at the sub-national and local levels. In the long term given the considerable socio-economic and political disparities among different communities in different regions, there is the possibility of future instability and disintegration in certain areas.

5.1. *The EU's policy on Ethnic and Minority issues*

From the commencement of the Stabilisation and Association Process, the EU presented rapprochement with the EU and democratic consolidation and regional reconciliation and cooperation as two sides of the same coin. In the Zagreb summit final declaration in June 2000 the EU had affirmed that 'democracy and regional reconciliation and cooperation on the one hand, and the rapprochement of each of these countries with the European Union on the other, form a whole'.⁷² However,

⁷² See Zagreb Summit, final declaration, 24 November 2000,

despite the central place ascribed to minority rights protection as part of the conditionality framework, SAP has largely failed to deliver a comprehensive approach to reconciliation in the area of minority rights. Rather it has constituted a replication of the pre-CEE accession process with certain additional elements appended on in an attempt to address the particular specificities of the Western Balkans region (refugee return, cooperation with ICTY, national legal frameworks) but resulting in a disproportionate focus in practice on a narrow range of issues in the field of minority rights.

In addition to the Copenhagen criteria, which framed the Enlargement Strategy in CEE, the SAP added a set of conditions specific to the situation in the Western Balkans, many of which directly concerned minority rights protection. These conditions, as indicated above, were laid out for the first time in the Council Conclusions of 29 April 1997 and became the conditionality basis for SAP at the Zagreb summit in November 2000. In addition to the implementation of market-oriented and democratising reforms which also applied to Central and Eastern Europe during the enlargement process, the 1997 Council conclusions included four sets of conditions specific to the Western Balkans: (1) human rights and minority protection; (2) progress on refugee return, (3) cooperation with ICTY and (4) good neighbourliness and compliance with international/regional obligations (including peace agreements).⁷³ Regarding the protection of minority rights, the 1997 Council Conclusion included: (1) the right of minorities to create and maintain educational, cultural and religious institutions, organizations or associations; (2) the provision of reasonable possibilities for minorities to use their language before tribunals and public authorities; (3) the adequate protection of refugees and displaced persons returning to the region whether they constitute an ethnic minority.⁷⁴

The Thessaloniki Agenda fleshed out SAP's approach to minority issues further but the dominant focus on refugee return remained. The Thessaloniki Summit Declaration outlined the following policy approaches for refugee return in reasonable detail: (i) the enactment and enforcement of anti-discrimination legislation ensuring fair and proportionate representation of minorities in employment, particularly in public institutions; (ii) provision of adequate security conditions, non-discriminatory education and all other basic services; (iii) resolution of outstanding property issues; (iv) provision for monitoring of initiatives concerning return and reintegration.⁷⁵ The overriding priority of refugee return as the main line of approach to post-conflict minority issues is also in the Cards 2002-6 Regional Strategy Paper which states 'Of all the problems facing minorities in the region, the situation on the war-displaced is the most significant.'⁷⁶ The approach is further justified in the context of the experience of ethnic cleansing: 'This national focus in helping refugees return is not only a practical necessity, it is also correct that a country which created conditions for ethnic cleansing in the past must face its responsibilities by correcting and reversing such conditions.'⁷⁷

http://ec.europa.eu/enlargement/enlargement_process/accesion_process/how_does_a_country_join_the_eu/sap/zagreb_summit_en.htm [accessed on November 12, 2007].

⁷³ Council conclusions on the principle of conditionality governing the development of the European Union's relations with certain countries of south-east Europe', 29 April 1997, <http://europa.eu/bulletin/en/9704/p202001.htm> [accessed November 12, 2007]

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ CARDS assistance to the Western Balkans: Regional Strategy Paper, 2002-2006, European Commission, 2002, http://www.reliefweb.int/library/documents/2001/ec_balkans_22oct.pdf [accessed December 27, 2007], 10.

⁷⁷ Ibid.

Some emphasis was also placed on the enactment and implementation of legal frameworks for refugee return and anti-discrimination legislation for minorities. The Council also went on to reiterate its support for the full implementation of UN Security Council Resolution 1244, Dayton, Ohrid and Belgrade; to stress the imperative of full cooperation with ICTY for further movement towards ICTY and also to promote further return of refugees and IDPs. As the Summit declaration stated 'The EU will continue to work closely with the Western Balkan countries to further consolidate peace and promote stability, democracy, the rule of law, and respect for human and minority rights. Inviolability of international borders, peaceful resolution of conflicts and regional cooperation are principles of highest importance.'⁷⁸

Though the EU has in other statements made reference to ethnic reconciliation and minority rights under different terms, these statements have not been backed up with specific benchmarking and enforcement tools. Thessaloniki in rhetoric at least laid stress on cultural and socioeconomic issues including actions in the areas of education, media, civil society and employment as well as respect for religious, cultural and linguistic diversity.⁷⁹ As the Thessaloniki summit asserted, 'the EU places high priority on initiatives and activities aiming at reconciling for the future, through overcoming legacies of the past, which are obstacles to normalisation and democratic development. In this respect, the role of education, social development and culture is essential in changing mentalities, promoting tolerance, ensuring ethnic and religious coexistence and shaping modern democratic societies.' But it has relied on the work of other organizations to address these issues including UNESCO, Council of Europe, the Stability Pact and SEECF as well as a number of NGOs. The EU has claimed that this is to avoid overlap and maximise resource usage but an alternative explanation would highlight the lack of EU capacity in these areas and the secondary importance that EU attaches to such issues compared to the hard-nosed realities of refugee and migration flows. Finally while it is true that in the European Partnerships a greater degree of breadth and specificity has been injected into the action plans on minority rights for SAP countries, even here the underlying somewhat skewed priority list outlined above remains in place if less pronounced (firstly refugee return, secondly the establishment of legal frameworks including those facilitating refugee return and thirdly socioeconomic and cultural concerns) and the whole process has remained beset by the problem of unclear benchmarking and a lack of clear criteria for the priorities identified which we now turn to.

5.2. The Challenge of Operationalisation

In its rhetoric and a number of its legal and policy instruments, the EU subscribes to the norm of minority rights protection. It also attaches significance to the role of minority rights in its relations with external countries, in particular those attempting to accede to the Union. Moreover as indicated above 'respect for and protection of minority rights' is clearly laid out as part of the political Copenhagen

⁷⁸ Thessaloniki Summit Declaration, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/76201.pdf [accessed December 27, 2007]

⁷⁹ The Thessaloniki Agenda for the Western Balkans, 16 June 2003, http://ec.europa.eu/enlargement/enlargement_process/accesion_process/how_does_a_country_join_the_eu/sap/thessaloniki_agenda_en.htm [accessed January 13, 2008]

criterion for opening membership negotiations with EU.⁸⁰ Furthermore as part of the process of monitoring compliance for candidate, potential candidate SAP countries, the EU in its annual reporting process seeks to evaluate the position of and progress on minority rights. The problem, as Sasse has pointed out in her writings on the place of the EU in minority protection, is that the (i) 'minority condition' lacks a firm foundation in EU law (ii) there is a lack of appropriate instruments which directly translate into the *acquis communautaire* to enable minority rights monitoring and protection, let alone concise benchmarks for assessing compliance at both the national and sub-national levels. This has been further compounded by (iii) the lack of political consensus inside the EU as well as (iv) the diversity of practice across EU member states with regard to minority rights.⁸¹ More broadly speaking the question of what constitutes a minority and the nature of minority rights remains a matter of dispute in international law.⁸² This situation which Sasse characterised as having contributed to a case of 'normative overstretch' in relation to the CEEC accessions is equally if not more problematic when it comes to the operationalisation of EU conditionality, the credibility of conditions and the ability of EU to induce compliance in the post-warring countries of the Western Balkans.⁸³

Despite the very different history of majority-minority relations in post-communist Central and Eastern Europe and problems in the operationalisation of minority conditionality during their accession process, the EU's approach towards the protection of minorities in the Western Balkans has been similarly devised and implemented.⁸⁴ Though SAP introduced a new area of action within the criterion of human rights and minority protection, namely that of refugee return, few changes have been made from the previous enlargement round in the area of benchmarks, standards and operationalisation. Unlike in the CEECs accession round whereby the first Copenhagen criterion had supposedly to be fulfilled by the time accession negotiations got underway, the new instrument of the SAAs under the SAP should in principle mean that the EU has greater political leverage to facilitate the strengthening of minority rights protection than in the previous enlargement rounds.

However two clear areas of weakness can be highlighted in the SAP's approach towards minority protection in the Western Balkans. Firstly, the SAP fails to adequately tackle the distinctive nature of the problems of minorities in the Western Balkans. Even if the EU has acknowledged some of the challenges facing the countries of the Western Balkans in relation to national minorities and inter-ethnic reconciliation (in both Council statements and also in progress reports) the enlargement machinery has tended to reproduce itself in this area. Secondly, inherent problems remain as suggested above with the definition and implementation of a policy towards national minorities.⁸⁵ A closer examination of

⁸⁰ European Council (1993) Presidency Conclusions para. 7 (iii) Copenhagen European Council, 21-22 June. [Available at: http://europa.eu/european_council/conclusions/index_en.htm]

⁸¹ The EU relies on other regional and international norms rather than its own standards. The Framework Convention for the Protection of National Minorities continues to be the reference framework for the Western Balkans.

⁸² Sasse, 2005, 5 and Hughes and Sasse, 2003, 12-13.

⁸³ Sasse, 2005. See also discussion in Tocci, 2007, 25 and 177.

⁸⁴ See Hughes, 2005 and Sasse, 2006 for further discussion of the patchy record with regard to implementation of minority rights conditionality.

⁸⁵ Sebastian has suggested an additional layer of complexity or fuzziness in that though there is no clear definition of what constitutes a minority in EU law, there appears to be a discrepancy in the case of BiH at least between the concept of a minority and standard for minority protection from the EU's perspective versus the position of the B-H as stated in its

the progress reports, European partnerships and evolving EU enlargement strategy papers reveal that despite attention to the establishment of appropriate legal frameworks for the protection and respect of minorities, the EU approach in this area remains beset by a lack of clear benchmarks and standards, difficulties in measuring progress, inherent inconsistencies, ill-targeted activities and a general disregard for differences among the countries of the region as well as at the sub-national level within particular countries.

5.3. *Minority Rights under the European Partnerships*

In the wake of the Thessaloniki summit, the first round of European partnerships were signed in 2004 - as with the CEEC accession partnerships, the European partnership were designed to tie the SAP countries more closely to the recommendations outlined in progress reports more closely to short-term, and medium-term priorities. A careful reading of the European partnerships between 2004 and 2007 would suggest that there was a noticeable shift in the EPs between 2004 and 2006. The list of priorities outlined in the area of minority issues in the 2004 EPs is shorter than in subsequent EPs and while recognising to a degree the post-war conflict situation in the WBs, the early EPs also appear to have been influenced by the CEE Accession Partnership template. Despite the specificities of the post-violent conflict situation in the Western Balkans and the imperative for confidence-building measures targeted at all levels of society with a particular focus on minority related issues, the EU's approach as has already been suggested was largely subsumed under the focus on refugee return and reconstruction with attention also to establishing national legal frameworks. Thus the 2004 EPs highlight the following priorities: (1) refugee return and reintegration of returnees, (2) the implementation of domestic laws on national minorities (e.g. in the case of BiH and Croatia) and (3) interestingly enough Roma related issues. Only in the FYROM EP are other issues such as compliance with the Ohrid agreement and education-related issues included and in the case of Kosovo improved protection of minorities is accentuated in the 2004 EP.

It appears rather paradoxical given the complex patchwork of majority-minority relations in the post-war countries of FY and the institutional shift from constituent nation to minority status in the late 1980s that was a critical driver of conflict across the Western Balkan region that particular stress is paid to the Roma.⁸⁶ In the 2004 EPs, for example, the Roma was the only minority group which is specifically named. The 2004 BiH EP states: 'Ensure a level of human rights protection comparable to or better than that achieved under international supervision and demonstrate effective protection of minority rights, including those of Roma'.⁸⁷ The 2005 Progress Report states 'the excessive emphasis put by Bosnia and Herzegovina "constituent peoples" has an adverse effect on the protection of Bosnia and Herzegovina's minorities that do not belong to these "constituent peoples."⁸⁸ Without detracting from the particular problems facing the Roma community, nonetheless this specific focus highlights the omission of due attention to other key minority- and majority-minority interrelation issues --

law on the protection of rights of national minorities adopted in June 2002 according to which the three constituent peoples are not considered national minorities.

⁸⁶ See discussion in Claire Gordon (2007) MIRICO Synthetic Report Work Package 3.

⁸⁷ Council Decision of 14 June 2004 on the principles, priorities and conditions contained in the European Partnership with Bosnia and Herzegovina, *Official Journal L 221, 22/06/2004*, p. 10-16.

⁸⁸ European Commission, Bosnia and Herzegovina 2005 Progress Report, COM (2005) 561 final, SEC (2005) 1422, Brussels, 9 November 2005.

suggesting an initial and arguably continued lack of understanding of how to operationalise the post-violent conflict challenges facing this region in the area of minority relations.

In line with the expansion of areas of reporting in the annual progress reports on minority rights, the list of short-term and medium priorities in the post-2006 EPs is longer and more specific (the 2007 lists of priorities follow closely on from 2006). Moreover, several distinctive patterns can be identified. The partnerships continue to emphasise refugee return. Some of the benchmarked priorities are relatively specific but others given their generality read more like broad prescriptions and it is not obvious how these are to be translated into tangible policy measures. For the first time compliance with international and European standards on minority rights (in particular the Council of Europe's Framework Convention on National Minorities) becomes a priority. Likewise continued stress is placed on the establishment and implementation of domestic legal and institutional frameworks for minority rights protection. Serbia and Montenegro is an exception here; the FCNM is not mentioned though of course Serbia is bound to comply with obligations ensuing from membership in Council of Europe. Moreover there is increased emphasis on issues that are not formally based, such as the promotion of good inter-ethnic relations, the promotion of a spirit of tolerance towards the Serb and Roma communities (Croatia 2006) and efforts at reconciliation (Croatia 2006) though again the policy plans that would derive from these recommendations are not immediately apparent. In certain EPs additional stress is placed on educational and cultural issues. The 2006 Serbian EP mentions law-based language and heritage issues while the 2006 FYROM EP (as in 2004) reiterates the priority place of education. Finally there is a new focus on promoting an anti-discrimination strategy though this was already included in 2004 EP with Serbia and Montenegro and Kosovo.

On the whole though the EPs reflect a more detailed coverage of minority issues over time the stress on refugee return and reconstruction in the early years has been at the neglect of other minority-related issues which could have facilitated greater reconciliation. It would appear that the Commission in Brussels still does not have a clear conceptualisation of the critical importance and concomitant need for a comprehensive strategy on minority rights. As well as its evident prioritising of other issues, this may in part be due to the Commission's reliance on other international organisations to monitor progress in this area.⁸⁹

5.4. The Problem of Monitoring, Measuring Progress and Unclear Benchmarking

In terms of the lack of precise standards and benchmarks in certain minority-related issues, the 2007 Enlargement Strategy paper stresses that 'all countries need to encourage a spirit of tolerance towards minorities and take appropriate measures to protect persons who may be subject to discrimination, hostility or violence. This is essential to achieve reconciliation and stability'. Later it states that 'in the area of the protection of minorities further efforts are necessary to combat intolerance and ethnic discrimination, as well as to improve the

⁸⁹ For example, the Council of Europe has a monitoring mechanism to check how countries do in implementing the FCNM. The CoE also releases opinions on legal issues, including minority issues, which may serve as an additional monitoring mechanism. But the relationship between these instruments and the SAP's framework of monitoring and benchmarking is rather unclear.

implementation of legislation concerning minorities'.⁹⁰ The individual country progress reports also lay out similarly worthy objectives, but neither the Strategy document nor the country-specific progress reports contain operational tools, specific confidence-building measures or measurable benchmarks with which to address these issues, nor are concomitant financial allocations provided as discussed below. Thus the 2007 Croatia Progress Report states that 'Croatia needs to encourage a spirit of tolerance towards the Serb minority and take appropriate measures to protect those who may still be subject to threats or acts of discrimination, hostility or violence.' Likewise the 2006 and 2005 Croatia Reports both highlight the need for greater tolerance and reconciliation; in the case of the 2005 report, the Commission endorses 'peaceful coexistence', whereas in the 2006 report initiatives promoting 'integration' are encouraged but in neither case is there any specification of benchmarks in this area.⁹¹ The FYROM 2007 Progress report stresses in a similar broad vein 'Further efforts are needed to fully implement the [Ohrid Framework A]greement and to consolidate confidence between the political parties representing the different ethnic communities. A consensual approach and readiness to compromise are necessary and the spirit of the agreement should be more consistently applied.'⁹² On the whole the pitch of the writing remains declaratory rather than precise, focused and reflecting targeted responses to the situation on the ground particularly at sub-national levels.

Not surprisingly refugee return has been more easily quantifiable and thus lends more easily to measures of progress but even in this area the passage of laws on refugee return and the enumeration of the numbers of returnees tells us little about the actual economic and social reintegration of returnees, the record of which has proved rather problematic. Thus for example, the BiH 2003 Progress Report pointed out that by the end of 2002 'almost one million refugees and displaced persons, among them around 390,000 minority returnees have been able to return home. Estimates put the number of remaining displaced person registered in BiH at around 367,000.'⁹³ The report does acknowledge that minority returnees have faced considerable local socio-economic difficulties and harassment. Similarly the 2003 Croatia Progress Report points to a lack of economic opportunities for returnees as well as continuing tensions in local communities.⁹⁴ The 2005 Progress Report reiterates and expands on these problems. 'There are still real obstacles to the sustainable return of Serb refugees, such as enduring hostility in certain localities and remaining housing concerns'. The report also mentions problems in access to employment for Serbs, even those who remained in Croatia during the war. The fact of the continuing lack of progress in terms of socio-economic reintegration of returnees was highlighted again in the 2007 enlargement strategy which acknowledges that no satisfactory progress has been achieved in this area.

⁹⁰ 2007 Enlargement Strategy Paper, 6 [Available at: http://ec.europa.eu/enlargement/key_documents/reports_nov_2007_en.htm]

⁹¹ Reconciliation between ethnic groups is included as an objective for the first time in the 2005 Croatia report. Footnote Croatian reports on EU website

⁹² 2007 Progress Report for FYROM [Available at: http://ec.europa.eu/enlargement/key_documents/reports_nov_2007_en.htm]

⁹³ 2003 BiH Progress Report. [Available at: http://ec.europa.eu/enlargement/bosnia_and_herzegovina/key_documents_en.htm]

⁹⁴ 2003 Croatia Progress Report, 20. [Available at: http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&lg=en&numdoc=503DC0139]

Given the overall absence of clear benchmarks and standards, the Commission is faced with the problem of precisely measuring the progress (or lack thereof) that has been achieved in the SAP countries. This has given rise to inconsistencies in the reporting process and more importantly a resulting loss of credibility in the Commission's work. On the whole the Commission reports developments in rather general, arguably vague terms. Thus the 2007 Progress Report for Croatia acknowledges 'Some progress has been made in the area of human rights and the protection of minorities. Legal provisions on human rights protection are in general adequate but a number of important challenges remain in terms of implementation.'⁹⁵

A closer look at the case of Bosnia-Herzegovina highlights many of the problems of lack of measurable benchmarks, inconsistencies and flip-flopping as well as the gap between the adoption of legal provisions and implementation discussed above. The 2003 Feasibility report encouraged BiH to 'complete outstanding Road Map steps' in the 16 priorities/benchmarks that the EC had identified for action in the course of 2004.⁹⁶ The fifth priority identified by the Feasibility study 2003 for BiH concerned 'effective human rights provisions.' The areas of action included: 'Adopt and bring into force outstanding legislation supporting refugee returns. In particular, introduce, adopt and implement legislation on the BiH Refugee Return Fund. Complete the transfer of the human rights bodies to BiH control. Ensure that unresolved cases of the Human Rights Chamber are dealt with and that the Chamber's responsibilities are transferred to the Constitutional Court. Provide adequate funding for the Court. Assume full national responsibility for the State Ombudsman and make progress on the merger of the State and Entity Ombudsmen.' It is surprising that no mention was made of minority issues nor inter-ethnic reconciliation in the BiH 2003 Feasibility Report despite the fact that the continuing problem of ethnic divisions and the basic issue of state dysfunctionality as a result of the ethnic veto mechanisms are acknowledged.⁹⁷ For example, the report stresses the 'persistent thinking in ethnic categories.'⁹⁸ With respect to the functioning of the Parliamentary assembly in BiH the report points out, 'the still often vote along ethnic lines ... occasionally leading to blockage.' Even more importantly, the Feasibility report stresses, 'the divisions that were so clearly and tragically demonstrated during the 1992-1993 war have not yet been entirely overcome.'⁹⁹ Moreover, progress in these areas was linked to the prospect of concluding a Stabilisation and Association Agreement.¹⁰⁰

In October 2005 the European Commission concluded that BiH had made significant progress in addressing the 16 priority areas identified by the 2003 Commission Feasibility Study, including issuing a reasonably positive report on progress relating to priority no. 5 on effective human rights provisions, and

⁹⁵ 2007 Progress Report for Croatia, 31.

[Available

at:

http://ec.europa.eu/enlargement/key_documents/reports_nov_2007_en.htm]

⁹⁶ http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&lg=en&numdoc=503DC0692 [accessed November 23, 2007]

⁹⁷ See Bose, 2002, for discussion of post-Dayton political framework in Bosnia-Herzegovina.

⁹⁸ 2003 Feasibility Study on Bosnia, 7. http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&lg=en&numdoc=503DC0692 [accessed January 13, 2008]

⁹⁹ Ibid, 14. The study acknowledged that some slow progress had been made in overcoming ethnic divisions at the institutional level but that little progress had been made in relation to the continuing ethnic divisions at both the political and societal level.

¹⁰⁰ Ibid. 'Dealing with these divisions and securing a functioning state is important in the context of a SAA'.

therefore recommended the opening of negotiations for SAA. Once again the European Council listed a number of areas on which the authorities should concentrate, but no mention was made of minority issues, or minority issues as critical part of reconciliation processes. However though the Commission concludes in the 2005 BiH Progress Report that progress has been made in the area of human rights, the chapter on human rights and protection of minorities appears to tell a different story, reiterating a familiar set of problematic areas and unresolved issues. In the case of Bosnia, the 2007 Progress Report states 'Little progress has been made in relation to human rights and protection of minorities. Overall implementation of international human rights conventions needs to improve...In the area of protection of minorities further efforts are necessary to combat intolerance and ethnic discrimination as well as to improve the implementation of legislation concerning minorities.'¹⁰¹ The risk of the loss of credibility among the countries of the region in the EU's monitoring and assessment activities is underlined by the somewhat cynical comments of Miroslav Zivanovic of the Human Rights Centre of the University of Sarajevo in his assessment of BiH in the Balkan Yearbook of Human Rights in 2006 where he states 'Just by examining the EU documents in the period 2003 and 2006, it is possible to conclude that the list of human rights issues to be resolved is almost the same. Domestic human rights reports are even more pessimistic. Human rights do not belong to mainstream EU activities related to Bosnia-Herzegovina.'¹⁰²

5.5. The Gap between Rhetorical Commitments and Funds

Moreover there appears to be a marked gap between the priorities identified in the European Partnerships and progress reports and the actual funding allocations devoted to minority protection under Cards. A close examination of the Cards funding allocations between 2000 and 2006 sheds light on this point. Though there is variation among countries, overall it can be concluded that though a considerable level of funding has indeed been allocated to political and administrative requirements, in particular good governance, institution-building and capacity building, and this has particularly been the case since 2004, over time as the EU's focus has become increasingly oriented towards preparation for closer integration and ultimate membership, more funds have been devoted towards meeting EU standards at the expense of issues relating to democratic stabilisation. In the case of reconciliation and minority rights the main focus has been refugee return and to a degree economic reconstruction.

If levels of funding are indicative of the priority attached to a particular issue for the EU, then it can be deduced that minority protection is not a priority area. Under Cards there is not even a separate budget line devoted to minority protection. Minority protection figures as a separate line only for Croatia under Phare 2005-2006. Even so this line only accounted for one percent of total allocations under Phare. In 2005 for example human rights and protection of minorities received only 1.3 million of allocations out of a total of 71.5 million euros (i.e. 0.9 percent). On the whole the protection of minorities is subsumed under the rubric of democratic stabilisation which entails activities in the areas of

¹⁰¹ 2007 Progress Report for Bosnia-Herzegovina, 26.

[Available at:
http://ec.europa.eu/enlargement/key_documents/reports_nov_2007_en.htm]

¹⁰² Miroslav Zivanovic, 2006, 68.

at:

refugee return and civil society development.¹⁰³ In the case of FYROM, ‘inter-ethnic relations and civil society’ are included under the rubric of ‘democracy and rule of law’, receiving only 3 million out of more than 40 million each year for the period 2001-2004. In 2005-2006 ‘democracy and rule of law’ was aimed at minority rights but received only 2 million out of the 85 million allocated for this country during the period. (see table 8). Moreover, following the introduction of the Instrument for Pre-Accession Assistance (IPA) for 2007-2013,¹⁰⁴ allocations to minority protection are even more difficult to gauge given that funding distribution falls into two main components for potential candidates, i.e. ‘transition assistance and institution building’ and ‘cross border cooperation’. Minority protection and refugee return are subsumed under the first component but the multi-annual indicative planning fails to disaggregate allocations within each component. The priority areas within the first component include activities such as support for civil society, media, public administration, rule of law, judicial system, refugee return and support to minorities and vulnerable groups, etc.

The only minority protection area that has received significant funding under Cards is that of refugee return. Refugee return was the most important allocation under Cards for BiH for the period 2001-2003 though this allocation has decreased significantly since 2003. In Croatia refugee return was never the most important item under Cards but figured prominently together with Economic and Social Development, though there has been a reduction in allocations for refugee return in Croatia since 2005.¹⁰⁵ In the case of FYROM there have been no allocations for refugee return at all. It may be that in the case of BiH and Croatia the reduction in funds for refugee return reflects a shift in approach to the issue of refugees and IDPs - despite shortfalls in progress over refugee return, it may be that the problem of refugees had by then changed into that of ensuring the appropriate socioeconomic and political conditions for newly return displaced person, i.e. ‘minority-related issue’ of a different kind.¹⁰⁶ In the case of FRY and Kosovo it is also somewhat surprising that there were no financial provisions for refugee return until 2005. In fact most allocations under Cards for FRY and Kosovo were devoted to economic reconstruction. The issue of democratic stabilisation

¹⁰³ Serbia and Kosovo are exceptions as democratic stabilisation does not figure as a separate line until 2005. Most allocations were directed towards reconstruction and managed by the European Agency for Reconstruction.

¹⁰⁴ Serious concerns about the IPA were raised in a European Stability Initiative report which argued that the two-tier funding proposals threatened to sow further discord among the countries of the Western Balkans - between the candidates and pre-in or potential candidates. Though ESI’s criticism was not entirely grounded - especially the claim that the Balkan countries would receive less funds than previously under CARDS - and the EU’s assessment was in part based on the question of the capacities of SAP countries to absorb the funds, the ESI report highlighted the potential ambiguities of a vertical integration process with the EU vis-à-vis promoting stabilisation and integration at the regional level. See ‘Breaking out of the Balkan Ghetto: Why IPA should be changed’, ESI Report, 2005. See http://www.esiweb.org/pdf/esi_document_id_66.pdf [accessed November 22, 2007]

¹⁰⁵ Funding for administrative capacity-building also featured prominently in the case of Croatia, coming third after Economic and Social Development and Refugee Return, highlighting the EU’s underlying interest in preparing Croatia’s administratively to take on the obligations of the *acquis*.

¹⁰⁶ On refugee return to Croatia, see OSCE Report ‘Background Report on Refugee Return in Croatia and the Status of Implementation of January 2005 Sarajevo Ministerial Declaration on Refugee Return’, <http://www.osce.org/croatia/documents.html?lsi=true&limit=10&grp=270> [accessed November 22, 2007]. See also section nin <http://www.oscebih.org/documents/OSCE10Years.pdf> on the Return Programme [accessed November 22, 2007].

was overlooked until 2005 which seems rather late in the day. Even civil society development has received very little EU funding, including through EIDHR.¹⁰⁷ The activities that are included under the rubric of civil society do not address the issue of inter-ethnic cooperation, reconciliation or protection. In fact under Cards no single project is devoted to this area.

SAP conditionality has led to the adoption or strengthening of some minorities legislation in the countries of the Western Balkans and varying levels of funding for some minority rights programmes but there have clearly been gaps and weaknesses in the implementation of minority rights policies at the sub-national level which is reflective of disconnect between national and sub-national level in terms of the involvement of actors in EU processes and management of instruments. This disconnect is arguably even more serious in post-conflict situation given continuing antagonisms at various levels and the potential negatives consequences of the lack of local ownership as well as continuing divisions between the local, regional and federal levels. Overall despite the priorities listed in the European Partnerships and the often critical assessment of the progress reports on refugee return, an analysis of Cards allocations reveals: (i) a gap between stated priorities and commitments and actual efforts to address the problem of post-conflict ethnic divisions and protection of minorities and (ii) reliance on an implicit trickle down approach to minority protection and reconciliation (with the possible exception of support for refugee return).

In addition to the gap between rhetorical commitments and funding, there are other more generic problems associated with the operation of CARDS, as pointed out by the Special Auditors Report in 2007, from formulation to implementation and monitoring. Not surprisingly these shortcomings have comprised effectiveness of the EU assistance programme to the region. Among the problems identified are the following: too broadly formulated strategies, country strategy papers not reformulated to reflect changes in European Partnerships, absence of clear methodology for optimising project selection, differences between planned and implemented projects, no apparent monitoring of projects after they have been approved, lack of consistent approach to achieving recipient country ownership, the dearth of adequate project indicators comprising the effectiveness of monitoring as well as inconsistencies between the Delegations and the EAR. Moreover while noting a shift in recent years towards institution-building compared with earlier years where the focus was on reconstruction, the Court of Auditors Special Report also interestingly observes that institution-building was always more of a higher priority for those countries (Albania, BiH and Croatia) where assistance managed by the delegations rather than by EAR - which may suggest that delegations on the ground have a clearer sense of post-conflict priorities and point to a deeper underlying problematic with the delivery of assistance.

5.6. Minorities and Regional Cooperation

Notwithstanding the undermining of the focus on regional cooperation (formalised at the Zagreb Summit of November 2000) by the overwhelmingly bilateral state-to-Commission interactions and delivery and implementation mechanisms that underpin the SAP, there have been certain initiatives aimed at facilitating regional cooperation under the auspices both of SAP and the Stability Pact. However rather than building a broader regional approach to political stabilisation and conflict

¹⁰⁷ See http://ec.europa.eu/europeaid/projects/eidhr/eidhr_en.htm [accessed November 23, 2007].

resolution, these endeavours have primarily been in the area of (i) the related issues of refugee return, immigration and asylum as well (ii) measures aimed to facilitate free trade - arguably both of which dimensions tap directly into the EU members states' immediate interests of facilitating refugee return and thus stemming potential tide of immigrants westwards and also paving the way for integration of the Western Balkan area into the European economic space. Thus for example a joint declaration was adopted in Sarajevo on March 28, 2001 outlining a set of measures to be taken at the regional level to address asylum and immigration related issues.¹⁰⁸ This was followed up by the Regional Return Initiative and the Migration and Asylum Initiative. In the area of refugee return regional cooperation started in 2001 with the so-called Agenda for Regional Action, a trilateral agreement between BiH, Croatia and FRY. Subsequently a new framework for cooperation on refugee return was introduced with the signing of the Sarajevo Declaration in January 2005.¹⁰⁹ In terms of the area of free trade a Memorandum of Understanding on Trade Liberalisation and Facilitation by Southeast European countries was signed on June 27 2001 in Brussels. In addition the countries of the Western Balkans acceded to CEFTA in 2007.

There has been a striking lack of regional initiatives undertaken at the regional level to facilitate regional political stabilisation, in particular to address post-conflict majority-minority relations and this is reflected in both the Cards Regional Strategy Paper 2002-2006, the Cards Regional Annual Programmes from 2001 to 2005 as well as the actual Cards sectoral financial allocations for democratic stabilisation during this period. Overall during this entire period there were only a limited number of projects, including several on refugee related issues, one directed at the Roma and only one project funded under the rubric 'learning to live together', a university cooperation project for the sum of 200,000 euros between two universities in FYROM and one in the Netherlands.¹¹⁰ See Appendix 1 for breakdown of Cards regional allocations for the period 2001-2006 including where possible allocations to democratic stabilisation.

An examination of the Cards Regional Annual Programmes from 2001 to 2005 suggests a similar lack of attention to minority issues and the absence of an overall regional strategy on minority issues. In the 2001 Report, €0.8 million out of a total of €14 million were directed towards democratic stabilisation projects -- one project focused on access to information on the ICTY and the other on establishing a regional university network. The main priority areas in the 2001 regional annual programme were justice and home affairs, regional infrastructure development and integrated border management and strengthening public administration. In 2002 a higher portion of the budget was directed towards democratic stabilisation - approx 20% of overall budget - though the main focus was on cross-border refugee return as well as cooperation in justice and home affairs to counter trafficking and human rights. 2002 regional annual programme also outlines the fostering of a free and independent media as a programme priority. Though minority rights is mentioned as an objective there is no evidence of specific targeted projects in this

¹⁰⁸ Joint Declaration by the European Union, Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia on the follow-up to the Zagreb Summit regarding regional co-operation in the area of asylum and immigration, Sarajevo 28 March 2001 (Accessed January 18, 2008: http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/er/07366.en1.html)

¹⁰⁹ See the Declaration of the Regional Ministerial Conference on Refugee Returns, Sarajevo, January 2005.

¹¹⁰ For a full list of Cards projects including on democratic stabilisation, see http://ec.europa.eu/enlargement/financial_assistance/cards/case_studies_en.htm#demo

area. Moreover unlike in other priority areas no breakdown is given for democratic stabilisation budget.

The 2003 Regional Annual Programmes gives more detail: laying out four main components of funding: a regional media support programme, a network to network programme, support for refugee return and also a local civil society development programme directing at strengthening grass roots organisations and promoting access to municipal and regional services by minorities.¹¹¹ Meanwhile the 2004 Regional Annual Programme was a departure from proceeding years, support was directed at a broader neighbourhood programme addressing common cross-border issues not just affecting the Western Balkans but the entire post-communist space and Mediterranean countries. Finally in the case of 2005 the programme outlines following five priority areas: institution-building, justice and home affairs, cross-border cooperation, private sector development and infrastructure development. Democratic stabilisation, let alone minority issues would appear to have fallen off the radar completely.

6. Conclusion

Despite the introduction of new elements in an attempt to address the specific conditions of the post-conflict states of the Western Balkans, the SAP process has in large part resembled a repackaged pre-accession CEEC instrument. Notwithstanding the rhetoric of regionalism and reconciliation, in practice the Commission has chosen to rely on the tried and tested models of bilateralism and conditionality with the promise of accession as the prime incentive structure around which the compliance of the countries in the region was to be secured. The EU's approach to minority rights in the context of reconciliation has remained rather narrow, mainly concentrated on refugee return with a certain attention to building legislative frameworks and to cooperation with ICTY and limited attention at best to other socioeconomic and cultural issues and to the issue of good neighbourliness. The range of policies aimed at facilitating inter-ethnic cooperation nationally and regionally has been rather narrow and has largely been delivered through a Commission-to-national government level interaction based on centralised administrative management structures which arguably has hampered progress in a number of policy areas throughout the Western Balkan region. Indeed the most recent SAP reports suggest, progress in implementation is at best extremely slow in the countries of the region.¹¹² As Borzel and Risse acknowledged: 'EU membership has not motivated Balkan leaders very strongly to undertake the necessary reforms as was the case in Central and Eastern Europe where regime transformation had been peaceful.'¹¹³ The importance of ensuring domestic and regional ownership and the building of capacities at sub-national and local levels have been largely overlooked in this process, an issue which marred the CEEC accession process and is likely to have even more significant repercussions for regional stability and majority-minority relations in a post-violent conflict region.

¹¹¹ Cards 2003 Regional Annual Programme 11-12.

¹¹² For example, the Croatia 2004 Progress Report acknowledges that the provisions concerning housing solutions to returning refugees and IDPs have not been implemented. Likewise the 2005 Bosnian Progress Report points to problems in the Application of the Framework Convention for National Minorities with regard to the Roma population.

¹¹³ Borzel and Risse, 2004.

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Appendix: CARDS Regional Programme Allocation, 2001-2006 (million €)

SECTOR PRIORITY	2001	2002 ₃	2003	2004	2005	2006	TOTAL
Integrated border management	*	1.0	1.0	?	17.2 ⁴		
Institution Building ¹	10.2	19.9	21.8	?	12.2 ⁵		
Democratic stabilisation ²	0.8	7.6	5.0	?	/	/	
Regional Infrastructure	3	14.0	3.7	?	3		
Private Sector Development	/	/	/	/	8		8
Reserve	/	1.0	/	/	/		1.0
Total	14	43.5	31.5	23	40.4	42	

Source: elaboration by authors from different annual Regional Cards Programmes available at

http://ec.europa.eu/enlargement/financial_assistance/cards/statistics2000-2006_en.htm and www.ear.eu.int/macedonia/main/documents/MIP2005-2006_RegionalProgramme.pdf

* Projects on *Integrated Border Management* for the year 2001 are financed nationally (Cards Regional Draft Programme, 2001)

¹ Institution building in 2001 is split into justice and home affairs (4.2 million) and the strengthening of public administration (6 million).¹¹⁴ CARDS 2001.

² Democratic stabilization Programmes in 2001 included 'Media Sense,' aimed to promote independent information on the impact of the international community and ICTY in the region and the regional university network. In 2005, DS programmes included regional media support programme, network to network programme, support to return of refugees, and local civil society development programme.

³ An additional amount of €105.15 million was allocated for integrated border management for the period 2002-2004. See financial statistics 2000-2006, available at http://ec.europa.eu/enlargement/financial_assistance/cards/statistics2000-2006_en.htm

⁴ This reflects the launch of a neighbourhood program, with an allocation of 15 million per year for the 2004-2006 period.

⁵ This includes activities on Justice and Home Affairs.

¹¹⁴ Projects within JHA include: JHA situation reports, regional police cooperation, Regional Judicial and Police Training. Strengthening of Public administration includes: public administration reform, regional Eurostat program, cooperation with the European environment Agency.