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In support of a new approach with the Western Balkans: Staged accession with a consolidation phase

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In his "Strasbourg Speech" to the European Parliament on 9 May 2022, French President Emmanuel Macron put forward the idea of a *European* Political Community, to organise Europe from a broader political perspective than the European Union. He was targeting the membership applications of Ukraine, Moldova and Georgia. He nonetheless created a stir in the Western Balkans, even though he made it clear in his press conference that "for the Balkans, the path is already mapped out", by which he meant membership.

This concern is understandable given the European perspective they were offered twenty years ago at the European Council of Thessaloniki on 21 June 2003, and that many voices are now being raised in favour of granting the new candidates to the East this formal membership status, or even of opening negotiations already. The European Council of 23-24 June will be important for two reasons: what is the European future of the three new candidates? Will Bulgaria lift its veto on the opening of accession negotiations with Albania and Northern Macedonia? Maintaining it would further weaken the credibility of the European Union at a time when China and Russia are making their ambitions clear.

BELGRADE'S COMPLEX INTERACTION WITH **BRUSSELS, MOSCOW AND BEIJING**

The <u>reports adopted by the European Commission</u> on 19 October 2021 did not note much progress overall in the Western Balkans, with the exception of Albania and Northern Macedonia. But a more were published in the Revue lenient tone was evident regarding Serbia. And yet, May 2022. it has regressed, notably because of the control

exercised over the mainstream media, which play on the country's victimisation by the West and on a populist and extremist narrative, glorifying President Vucic and his government, while denigrating the opposition, which is otherwise very much divided. This strategy proved successful with the re-election of Aleksandar Vucic on 3 April 2022 with more than 58% of the vote.

The President of the Commission did however congratulate the Serbian government on 30 September 2021 for its "hard work on fundamental reform" and the EU opened four new chapters for negotiations in December. How can Serbs not be concerned by the gulf that exists gap between the thundering declarations and their daily lives? Why this "cacophony in the European Union which hinders its ability to articulate an honest and credible common position" to quote Srdjan Majstorovic, former member of the EU Negotiating Group[1]? Serbia is certainly essential to the stability of the Balkans, but many NGOs denounce, in Belgrade as elsewhere in the region, a "stabilocracy" that the Union accepts. This is also a reflection of Belgrade's skilful but often-uncomfortable game with the major nowers.

President Boris Tadic outlined the four pillars of Serbian foreign policy in 2009: the European Union, the United States, Russia and China. President Vucic has strengthened the last two and played with ambiguity with the first two. The relationship with Russia has historical and cultural reasons, in addition to a strong energy dependence for supplies and refining. But it is also due to the quest for a counterweight to Western pressure to recognise the

[1] BIEPAG, October 2021 * Elements of this publication, including the new approach. de Défense nationale, No. 850,

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independence of Kosovo. Serbia has moved much closer to Russia: arms purchases, joint military exercises, a free trade agreement as well as with the Eurasian Economic Union. At the same time, it participates in many more military exercises with NATO and its members, but declares itself neutral. Moscow's obsession is that neither Serbia nor Bosnia-Herzegovina should join the Atlantic Alliance.

CHINA'S SPECTACULAR RISE

China's rise has changed the game since the strategic partnership concluded by Serbia in 2009. Its loans are primarily directed at financing a secure connection between the Greek port of Piraeus, which China owns, and Duisburg, a major axis on the Belt and Road Initiative. Its investments in the Bor copper mine and the Smederovo steel mill, among others, ensure supplies while avoiding Belgrade's legacy of failing companies. Its mask and vaccine health diplomacy, a model of *soft power*, will remain a black mark on its relations with Brussels: giant posters on friendship with its 'brother Xi Jinping', Vucic's speech on the *fairy tale* of European solidarity and its 'abandonment by the Union'.

Yet the EU has done much more to help Serbia, after an initial mistake on Balkan access to health supplies was quickly corrected. The €93 million in the first aid package is proof of this. It took a strong reaction from the EU Delegation in Belgrade to dampen these outbursts. However, ties with Beijing have become even closer with the signing of a free trade agreement announced on 4 February 2022 and the purchase of arms, the first European country to do so. On this occasion, Aleksandar Vucic declared: "I have never been subjected to any pressure from China". This means no conditionality, unlike the European Union. Belgrade often places itself at odds between Moscow and Brussels, while bringing Beijing into the game to contain Russia and the EU when necessary.

CONFLICTED IDENTITIES: THE WEIGHT OF HISTORY HINDERS TRANSITION

Like Serbia, Montenegro is still struggling to establish the rule of law. President Milo Djukanovic was counting on his pro-European attitude and the country's membership of NATO to move forward faster with the European Union. In power since 1991, as president or prime minister, his party (DPS) lost the legislative elections in 2020. Since then, the resulting coalition government has sought a deal between pro-Serbian parties, supported by the Orthodox Church - which never accepted the separation of the two countries in 2006 - and parties mainly linked by their opposition to Djukanovic. Montenegro is still seeking its own identity. On 28 April 2022, a minority government led by Dritan Abazovic, leader of the Civic Party (URA), was endorsed by parliament, with the support of the DPS. This changeover should strengthen the rule of law, a priority of the new government, and thus allow progress with the European Union.

Identity is contested in North Macedonia by Bulgaria, which vetoed the opening of accession negotiations. Sofia demands that North Macedonia recognise its Bulgarian roots and that its language is derived from them and denies the existence of a Macedonian minority in Bulgaria, while demanding that its Bulgarian equivalent in Macedonia be recognised! This situation seems burlesque, given the intertwined histories of the Balkans. It reflects a strong Balkan syndrome: the weight of history, the assertion of one's own identity against the other, and the difficult balance to be found for minority rights, often abused by states[2]. This is in addition to the other most common Balkan syndrome: victimisation. While physical borders do not prevent active regional cooperation, strong mental borders persist.

A solution could be reached in June 2022. This would be justice for a country whose door to the European Union had been closed by Athens for more than a decade until its name change in the Prespa agreement in 2018, which resulted in it becoming the 30th member of NATO in 2020. A door that was also closed by France and the Netherlands in 2019. North Macedonia remains fragile due to its short history as a state, low development and sometimes turbulent ethnic composition - 58.44% Macedonian Slavs and 24.3% Albanians, according to the March 2022 census results.

[2] See Pierre Mirel: The Western Balkans: between stabilisation and integration into the European. European Issues n° 459, Roobert Schuman Foundation, 22 January In Albania in 2017 in a bid to clean up its corrupt judiciary Prime Minister Edi Rama launched an assessment of the skills and acquired wealth of all magistrates, in close cooperation with the European Commission. This unprecedented vetting exercise has already led to the dismissal of 190 magistrates out of a total of 810, while 70 preferred to resign. With 74 seats out of 120, the Socialist Party won the legislative elections again in April 2021, strengthening Edi Rama's position. However, Albania continues to be held hostage by the Bulgarian-Northern Macedonian dispute, as the European Union does not want to dissociate it from the latter for the opening of accession negotiations, in particular to maintain pressure on Sofia.

BOSNIA-HERZEGOVINA AND KOSOVO: UNFINISHED STATES IN AN UNSTABLE AND UNCERTAIN SITUATION

In Bosnia and Herzegovina, Serbs, Croats and Bosniaks are more opposed than ever to ensuring a functional state with a single voice to the outside world. The Bosniaks, who have become the majority, do not accept that the **Dayton Peace Agreements** (1995) have recognised the Republika Srpska (RS) on the front line. And the nationalist overreach of RS leader Milorad Dodik keeps the country in a state of crisis. Yet he was a liberal politician when Washington backed him in the 2000s[3]. Now supported by Moscow, he refused to acknowledge in May 2021 the appointment of the new High Representative, Christian Schmidt, whose position was created by the UN to oversee the implementation of the civilian aspects of Dayton and who was given executive powers. It is true that his predecessor, Valentin Inzko, did more to inflame tensions than to resolve disputes. However, the HR has just annulled a RS property law, arguing that an entity cannot decide alone on the allocation of a State property, a logical decision which opens another dispute.

This touches on one of the key problems of the Dayton constitution, which defines the state's competences at a minimum and leaves all other responsibilities to the entities. Another major problem is the 'vital interest'

that the three ethnic groups take turns invoking to oppose reforms. Although some 140 competences have been conferred on the central state over the years, the opposition between the RS, which demands strict compliance with Dayton, and the Bosniaks, who are pushing for a unitary, centralised state, as called for in the programme of their majority party (SDA), resurfaces regularly. Yet in Sarajevo, the warning of Richard Holbrooke, the Dayton negotiator, "never to try to establish a unitary state, as it would open the door to instability" was forgotten. Since compromise is rarely possible, it is up to the Constitutional Court to decide, but Milorad Dodik contests it, notably because it still includes three foreign judges out of nine members.

Moreover, there is an objective complicity between the latter and the leader of the Croats, Dragan Covic, which is paralysing the country. It is also the balance of power between the SDA and the HDZ that is at issue in this Bosniak-Croat Federation of ten multiethnic cantons that has become ungovernable. While the European Court of Human Rights for discrimination against minorities has condemned the current electoral law, the HDZ is blocking its reform. The pre-eminence of ethnicity is another obstacle to achieving candidate status. Since Russia is increasing its ties with the RS, Dodik is being presented as the sole troublemaker, without mentioning the SDA's game and minimising that of the HDZ. It is time for the European Union and the United States to push the Bosnian authorities to address, in full transparency, the key issue of competences for a consensus on a functional federal state sui generis, with a view to leaving behind 'Absurdistan' as journalist Srecko Latal has called it.

Kosovo is still a long way from this stage with five EU Member States still not recognising its independence[4]. This makes dialogue with Serbia under the aegis of Brussels all the more difficult, especially as the EU's visa liberalisation is still pending. It has made little progress since 2015. The dialogue, supported by Donald Trump, which led to the Washington economic agreement on 4 September 2020, was largely empty. A farce for many, designed

[3] Srecko Latal: What does Bosnian Serb strongman Milorad Dodik really want?. BIRN, 8 November 2021.

[4] Cyprus, Spain, Greece, Romania, Slovakia. to present Trump as a great negotiator on the eve of the elections and to bring Israel closer to the two countries. It did, however, serve to destigmatise Serbia in Washington, and Israel recognised Kosovo.

The Kosovars were not mistaken, when in February 2021 they offered almost 50% of their votes to the Vetëvendosje party, which was overthrown in June 2020 with the support of the United States to facilitate the Washington agreement. Its Prime Minister, Albin Kurti, determined to fight corruption, is up against the powerful political class resulting from the Kosovo Liberation Army (KLA). While NATO estimates that there are 5,000 ex-combatants, 64,000 are registered and their pensions absorb 9% of the state budget. However, the ex-KLA has lost key figures, indicted by a special court in The Hague, for war crimes, including Hacim Thaci, former president, and Kadri Veseli, former president of the Assembly. The EULEX mission has been extended without executive powers until June 2023 but the judicial system remains weak.

THE EUROPEAN PERSPECTIVE: AN IMPOSSIBLE DREAM FOR THE WESTERN BALKANS?

Montenegro has been in accession negotiations for ten years but only three of the thirty chapters opened have been provisionally closed. Serbia, which has been in negotiations for eight years, is no better off with a two-to-eighteen record. Enlargement is "clinically dead, kept artificially alive by summits with the EU. The region is becoming an enclave of economic distress, social tensions and unresolved conflicts in the middle of Europe[5]". The political will to reduce it and create the rule of law is largely lacking, which undermines European aid, as does the European Court of Auditors pointed this out, with the exception of Albania, which has made the most progress towards judicial independence.

In addition to the falling birth rate, there is a worrying trend of emigration. The reasons are economic but it is also due to nepotism, which one migrant translates as 'no connections, no job'. According to <u>Eurostat</u>, 228,000 people left the Balkans in 2018: 62,000 from Albania, 53,500 from Bosnia and Herzegovina,

51,000 from Serbia, 34,500 from Kosovo and 24,300 from Northern Macedonia. According to the Belgrade Statistical Office, 385,000 Serbs have left since 2011. And this movement is only accelerating. In Serbia a Gallup poll in 2020 showed that 46% of young people aged 15 to 29 wanted to leave. Emigration, the greatest scourge of the Balkans, which is enriching the host countries - primarily Germany - is impoverishing the countries of origin. It is also strengthening the powers by reducing dissent. Moreover, the absence of major demonstrations also reflects discouragement, even if there was a powerful civil movement in Serbia at the end of 2021 that forced the government to back down on a lithium-mining project.

However, a vast majority of the population remains in favour of accession with the following approval rates: Albania 94%, Bosnia-Herzegovina 83%, Kosovo 90%, Northern Macedonia 79% and Montenegro 83%. An initiative that is highly applauded by the authorities, businesses and citizens: the establishment of a regional common market with free movement of goods, services and people, as well as mutual recognition of diplomas. Its Action Plan, agreed in Sofia in November 2020, is being implemented under the aegis of the Regional Cooperation Centre (RCC) in Sarajevo, under the able leadership of its Secretary General, Majlinda Bregu. But with Bosnia and Herzegovina, Montenegro and Kosovo on the side-lines, Albania, Northern Macedonia and Serbia are rightly moving forward with the Open Balkans initiative.

The European Union renewed its commitment, at the Sofia Summit in 2018, by adopting concrete guidelines, notably for transport and other areas of connectivity, projects that the annual Berlin Process, launched in 2014, has taken forward. Neither the Zagreb Summit in 2020 nor that in Brdo on 6 October 2021, could not mask the European Union's reluctance to accept future members any time soon. It is true that the unpreparedness of the Balkans, their poor governance and their political culture do not encourage the idea of welcoming new members. Especially since some of them might swell the illiberal camp of Viktor Orban, who has established close relations with President Vucic and Milorad Dodik, and whose party (Fidesz)

[5] Matteo Bonomi, BIEPAG, October 2021. recently won the elections on 3 April 2022 for the fourth time.

For its part, would the European Union be willing to open its doors without first strengthening its own way of working? "It is a necessity," say the central European countries. No, argues President Macron, who rightly sees this as a weakening of European governance. The accession of the Western Balkans is a cacophony between Central Europe, which wants rapid accessions, and the founding states, which are above all concerned about cohesion and consensus on sensitive unresolved issues and governance. Added to this is the camp comprising the Member States regarding the rule of law who are worried about the lack of solid progress. The declarations of the summits do not mask the divisions, and unity is only a façade.

THE FIRST LESSONS OF RUSSIA'S AGGRESSION IN UKRAINE

This unity could be shattered in the wake of this aggression. The foreign ministers of Austria, Hungary, Slovakia, Slovenia and the Czech Republic have asked Josep Borrell for a debate in the Council because "there is an urgent need to give impetus to the integration of the Balkans". Some fear that Moscow might use its networks to destabilise the region. The responses of the Western Balkans are not homogeneous. While they all voted in favour of the UN General Assembly resolution of 3 March 2022 to stop the war, the same cannot be said for the sanctions against Russia. According to the framework of accession negotiations signed with the European Union, Montenegro and Serbia are supposed to gradually align themselves with Brussels' positions towards third countries. Podgorica has done so, despite pro-Putin demonstrations. Although on the threshold of negotiations, Albania and Northern Macedonia have adopted these sanctions, as has Kosovo.

Bosnia and Herzegovina, on the other hand, is not implementing them due to opposition from the RS. The same applies to Serbia, where Vucic preferred to 'take into account the interests' of the country, with the support of the Orthodox Church. Belgrade's hope

to renew its preferential gas supply agreement with Moscow in June has played a role in this. This obviously strengthened his score in the presidential elections of 3 April. But his 'neutral' attitude contributed to his party losing its majority in parliament, with 12.6% of voters preferring to give their votes to three clearly pro-Putin parties. And 44% of citizens are now against EU membership (only 35% in favour) because of pressure on Belgrade to align itself with EU sanctions[6]. NATO's bombing raids during the Kosovo war and the links with Russia play a role. There have been pro-Putin demonstrations, as well as marches of the 'immortal regiment' on 9 May, parallel to the one in Moscow. This situation is also the result of propaganda and above all of Serbia's unacknowledged history, including its application to the European Union.

Nevertheless, it remains hostage to Russia over Kosovo. President Vucic knows that the doors of the European Union will only be open to him if he signs a 'legally binding agreement' with Pristina, in addition to the classic conditions of membership. Sergei Lavrov has certainly said that Moscow will follow Belgrade's position at the UN. But it is feared that the war has changed the game. How can we not think that Russia will use Kosovo as a bargaining chip in the overall negotiation that could take place with Russia after the war in Ukraine? When Putin has just drawn a parallel between the independence of Kosovo and that of the self-proclaimed republics of Donetsk and Luhansk, which he has recognised, Belgrade's position becomes even more uncomfortable. This is why external pressure has been reduced, as it is essential to keep Belgrade in the European camp despite the fact that Moscow will want to increase its influence there. The newspaper Izvestia has warned that "the settlement of the Kosovo issue will accelerate Serbia's Euro-Atlantic integration and weaken Russia's influence in the region[7]".

The war in Ukraine has reopened the unhealed wounds of the Balkan wars, between Serbia and the parties close to it - in Bosnia and Herzegovina and Montenegro - and the others, and has raised new concerns. International forces have just been reinforced there,

[6] IPSOS Survey, 2022.

[7] Grigorij Meseznikov, <u>Visegrad Insight</u>, 26 November 2020 6

EUFOR-Althea in Bosnia-Herzegovina and KFOR in Kosovo. The Western Balkans find themselves without a concrete perspective, which does not help to resolve the frozen conflicts in Kosovo and Bosnia-Herzegovina. There are risks of dislocation, such as the idea of a greater Albania, which is regularly revived. A change of borders in Kosovo would indeed risk opening the door to violence. This situation plays into the hands of the il-liberal powers that are increasing their presence. There is therefore a real strategic interest in tying the Western Balkans firmly to the European Union. Its own security is at stake, as their stability is fragile and the appetites of thirdparty powers are commensurate with the vacuum that has developed. The question is therefore how to reconcile the interests of the European Union and the candidates' expectations.

THE NEW NEGOTIATION METHOD ALONE WILL NOT BE ADEQUATE TO MEET THE CHALLENGES

Adopted by the Commission on 5 February 2020, at the request of France, it is intended to respond to these challenges. It contains positive innovations. Firstly, coherence by grouping the negotiation chapters by sector. Secondly, more political leadership by the Member States. Finally, a mechanism of benefits and sanctions which is very welcome. But this method did not retain the French proposal to commit the structural funds/cohesion funds to pre-accession. In other words, to make a sustained financial effort to do what should have been done after the Balkan wars.

The new method has therefore been deprived of a powerful financial incentive for reform. Because it will not be the 14.2 billion euro in budgetary aid to the Balkans from the IPA programme between 2021 and 2027 that will lend credibility to the approach. Bulgaria, which is similar in size to Serbia, received almost six times more than the IPA allocated to the latter in the period 2014-2020. Admittedly, one is a member of the Union and the other is not. But the needs are the same. Such a difference will also increase the gap between members and candidates. And the rule that billions should be allocated to the new member at once is an economic and budgetary

aberration. Therefore, even if revised, this negotiation process alone will not be sufficient to restore the credibility of the European Union, to stem emigration and external influences, or to help resolve disputes.

IN SUPPORT OF STAGED ACCESSIONS WITH A CONSOLIDATION PHASE

A new approach based on three principles is therefore being suggested[8]: ending the binary system of limited pre-accession assistance and then massive post-accession funds once a member; progressing towards accession in stages according to reforms achieved, with each stage giving access to increased funds; establishing a consolidation phase at the end of the negotiations before full membership.

The first stage would be the implementation of the association agreements and some symbolic reforms, for example the electoral law in Bosnia and Herzegovina. The candidate country would then receive a fraction of the structural funds, but more than it would have received from the IPA.

The second step would be the integration of the country into the Internal Market, a key and concrete step to firmly anchor the Western Balkan economies, where 66% of their trade is already with the EU. This, combined with the parallel completion of the regional common market, should accelerate investment and thus curb emigration. Reforms in the various sectors/ chapters would lead to the next steps. And progress on fundamental elements of the rule of law should be made throughout the process, for example in the fight against corruption in relation to the internal market (public procurement and conflicts of interest in particular).

Each step change would give access to more funds. As well as the country's participation in the various Commission and Union bodies in the policies concerned, first as an observer and then in its own right. Priority should be given to new EU flagship policies, such as the Green Pact, as well as association with security and defence policy. Once the Commission confirms that the criteria for membership are met, a final stage

[8] Initial idea from Milena
Lazarevic, Away with the
enlargement bogeyman, EPC,
3 July 2018 and Pierre Mirel,
European Union -Western
Balkans: in support of a revised
negotiation framework. Robert
Schuman Foundation, European
Issue no 529, 30 September
2019. See the detailed proposal,
although slightly different A
template for staged accession
CEPS, 1st October 2020.

would be opened where the candidate would have the rights of membership, except for the right of veto and without a Commissioner.

This final stage of consolidation would be so for two reasons. On the one hand, to verify that the *acquis* adopted is effectively implemented, that the country does not start to renege on the values to which it has subscribed and the principles it has accepted, and that it is not already opposed to new common policies; on the other hand, to allow the European Union to finalise a new governance, including the number of Commissioners. At the end of this stage, of variable duration, the country would be a full member of the European Union.

A staged accession like this would offer candidate countries a pragmatic roadmap, with progressive financing based on reforms. Conversely, any backsliding would be financially sanctioned, which should create emulation between countries. It would commit the candidates to a concrete and credible path, with benefits at each stage, rather than to theoretical negotiations with benefits only appearing in the distant future. It would certainly reduce the attractiveness of funding from China and other powers. It would facilitate socialisation in the various EU bodies, while reducing the risk of accession being perceived as sudden by the citizens of the Member States. It would also facilitate acceptance, given that support for such accessions is below 36% in Germany, Italy, France and Spain, according to an opinion poll[9].

A POWERFUL INCENTIVE TO RESOLVE DISPUTES TOO

It could also help resolve complex bilateral situations such as the Kosovo-Serbia dialogue. The normalisation of their relations is included in Chapter 35 (other issues) of the accession negotiations. If these were to end with only a 'legally binding' agreement with Pristina, Chapter 35 would remain open. Serbia would then enter the consolidation phase, to which its recognition of Kosovo would put an end. In the meantime, it would have the benefits of a member

state, except for the right of veto and the absence of a Commissioner. Similarly for Kosovo with its recognition by all Member States during this period. In the event of persistent difficulties, it would at least have joined the Internal Market and many European policies. As for Bosnia-Herzegovina, the powerful incentive of substantial pre-accession funds, which it so badly needs, should help rally a consensus for a federal state *sui generis* around the necessities of membership so as to stem the turbulence of this country, whose collapse would threaten the entire region.

This approach could quickly boost relations with the European Union and restore its credibility. As the multi-annual financial framework is set until 2027, IPA funds should be increased at the mid-term budget review, which the European Parliament would welcome. This is certainly an unorthodox approach. But it is time to move away from the binary system that has prevailed until now and has shown its inefficiency here. And if a candidate's accession proves difficult whether through its own doing or that of the Union - the second stage will at least have firmly anchored its economy to that of the European Union, thereby reducing vulnerabilities and third-party appetites. Despite the fear of some candidates that the process may stop at economic integration, this approach is welcomed[10]. Especially since the current process provides even fewer guarantees without providing additional financial means. On the contrary, it should be stressed that economic integration would only be a step towards accession, which would remain the only objective. The stability of the region would be strengthened as would the security of the European Union.

The developments in the Balkan neighbourhood attest to the lost illusions since the golden age of 2003-2005 when the soft power of the European Union was supposed to transform it, confident that democracy and the market economy would naturally impose themselves after the fall of the Berlin Wall and the dissolution of the Soviet Union. But the European

[9] Montenegro 36%, North Macedonia 35%, Albania 33%, Serbia 31%, Kosovo 29%. YouGov survey March 2022, taken up by the European Western Balkans, 6 April 2022.

[10] <u>Senate</u> Conference, 9 May 2022.

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and global context was to be turned upside down, giving the lie to the idea that history was coming to an end. The European model has been weakened by competing powers that want to impose a new world order, with different values promoted by illiberal governments from Budapest to Warsaw, and from Moscow to Beijing.

This affects the credibility of the European Union. And its financial resources are not up to the challenge. The war in Ukraine has raised awareness of the vulnerability of the Western Balkans and the need to revise the accession process. This is what Charles Michel spoke of in a Speech at the European Economic and Social Committee on 18 May. He proposed "gradual and

progressive integration with socio-economic benefits during pre-accession", which is very similar to our approach. It is time for the European Union to mobilise all the tools of its economic, commercial, normative and financial power for this new policy. There is every reason to believe that the Balkans Summit on 23 June could confirm this. Europe would finally assert its effectiveness, credibility and sovereignty in this neighbourhood that is so important for its security.

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