GLOBAL AND REGIONAL ORDERS

FOREIGN POLICIES IN WESTERN BALKANS

Allignment with the EU Common Foreign and Security Policy

Nedzma Dzananovic
April 2020.

The (foreign) political alignment with EU positions in international affairs is not only an obligation entailed by the EU accession process, but it essentially tests the political and practical commitment of the Western Balkan countries to deal with the wider international context.

When it comes to EU CFSP compliance, the percentage of Western Balkan countries' compliance with the High Representative's declarations and EU Council decisions varies, and comparative analysis shows that the level of compliance does not quite match the status of states in the EU accession process.

FRIEDRICH EBERT STIFTUNG

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In cooperation with:

VANJSKOPOLITIČKA INICIJATIVA BH
FOREIGN POLICY INITIATIVE BH

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THE CONTEXT AND AIM OF THE ANALYSIS

As a foreign policy and security actor, the European Union has been unsuccessful in preventing the outbreak of the war in the former Yugoslavia, failing also to make a significant contribution to end the war in spite of involvement from some of its member states, such as the United Kingdom and France. A second chance presented itself in the late 1990s when the EU institutionalized its approach to the region through a policy and legal tool called the Stabilization and Association Process (SAP). The name of the tool itself clearly indicates that it has a twofold goal – first stabilization (primary) and then association. This approach combines Europeanization and conditionality, which have already been successfully applied in the association process of the countries of Central and Eastern Europe, while upgrading them by recognizing the specific needs of the Western Balkans[1]. The threefold transition process that Central and Eastern Europe had undergone has also been complemented by a fourth component – post-conflict reconstruction and long-term stabilization. At the historic 2000 Zagreb Summit, the EU formalized this twofold principle by announcing the fact that the EU stabilization and association processes in the Western Balkans would take place simultaneously. The text of the Stabilization and Association Agreement (SAA) includes many elements "borrowed" from earlier European agreements[2], with trade relations, as expected, being given the most detailed treatment. Nonetheless, Title II, Political Dialog, defines approximation of policies with EU policies as a general goal, which includes and stresses approximation of the country's foreign policy with the EU Common Foreign and Security Policy (CFSP).

Today, four of the six Western Balkans countries[3] – Albania, Montenegro, Serbia, and North Macedonia – have candidate status. Montenegro and Serbia are already in an advanced phase of negotiations with the EU on different chapters from their SAAs[4]. Albania and North Macedonia have only been given the green light from the EU member-states to begin membership talks to join the EU in late March 2020. The talks, however, would not start soon due to coronavirus pandemic.[5] Bosnia and Herzegovina[6] and Kosovo*[7] are yet to be awarded the status of potential candidates.

Membership criteria include fulfillment of political, economic and legal criteria for membership, the so-called Copenhagen Criteria, an integral part of which is the adoption and implementation of the EU *acquis*. A part of the political criteria concerns the gradual alignment of the foreign policy of candidate countries with EU foreign policy, which is also one of the EU negotiation chapters and an area where progress is assessed in annual progress reports made by the European Commission. Both those countries that are membership candidates but have not yet started negotiations, and those that are potential candidate countries, have an obligation of approximation of their foreign policies with the EU Common Foreign and Security Policy (CFSP) under the Stabilization and Association Agreements signed by each of them with the EU.

All six Western Balkans countries (WB6) have very clearly made EU membership one of their foreign policy priorities, and therefore the alignment and approximation obligation

1 The first EU-Western Balkans framework, the 1997 Regional Approach, already recognized and introduced special conditions for the region: implementation of the Dayton Peace Accords and full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY).

2 This refers to agreements signed with the countries of Central and Eastern Europe that became EU member states in 2004 and 2007.

3 The Republic of Croatia had also been a part of the SAA process, but it became a full member of the EU in mid-2013.

4 At the Intergovernmental Conference held in Brussels on 10 December 2019, Serbia opened its 18th chapter out of a total of 35 negotiation chapters. At the same time, Montenegro opened its penultimate chapter, i.e. the 32nd chapter out of a total of 33 chapters.

5 At the European Council meeting held on 17 and 18 October 2019, French President Emmanuel Macron refused to give the green light to the start of EU negotiations with Albania and North Macedonia. While he did not dispute the progress made, Macron justified his decision by the need to review the enlargement policy, which did not produce satisfactory results in general. The Netherlands and Denmark also had reservations in giving approval to open negotiations with Albania.

6 At its meeting held on 10 December 2019, the Council of the European Union adopted conclusions on the Commission's Opinion on BiH's application for EU membership, in which it welcomed the Opinion, acknowledged that BiH at the time did not sufficiently fulfill the Copenhagen Criteria, and suggested BiH should focus on the 14 key priorities from the Commission's Opinion in the coming period.

7 "This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the International Court of Justice Opinion on the Kosovo* Declaration of Independence." This footnote is part of the Belgrade-Pristina Agreement reached in February 2012 on the regional representation of Kosovo*.

does not seem particularly demanding or incompatible with the established national interests in any of these countries. It also appears quite logical to continue building diplomatic and bureaucratic capacities for EU membership, since this is a major prerequisite for accessing the rights and meeting the obligations that EU membership entails. The European Union uses these conditions to test the political and symbolic commitment of these countries; their cooperativeness in terms of coordination and joint action; as well as their willingness to make continuous investment in the development of specific diplomatic and bureaucratic capacities to deal with the broader international context.

The main objective of this analysis is to determine whether, to what extent, and in what way the WB6 countries have been fulfilling this portion of the political criteria, and to identify the factors and actors that influence the greater or lesser degree of the alignment achieved. Alignment with EU foreign policy in specific international circumstances is also a clear indicator of whether the declared foreign policy priorities of the WB6 countries are genuine, while illustrating at the same time the transformative and structural foreign policy power of the EU in this area, in particular in comparison to other actors present in the region in different capacities.

The comparative review of the status of alignment of WB6 foreign policies with the foreign policy of the EU, which will be outlined below, is based on the data and assessments presented in the reports of the European Commission on the progress achieved by these countries.

In order to better understand the overall foreign policy context and the nature of the structural relationship with the EU, certain things that will not be part of this analysis should also be noted here, as well as the reason why they are not included in spite of the fact that they could be viewed, in a broader sense, as being part of the foreign policy agenda. Among these is, first and foremost, the EU Common Security and Defense Policy (CSDP), in spite of being an integral part of the Common Foreign and Security Policy. A detailed analysis of the alignment of policies, decisions and activities in the security-defense and military domains would mean venturing into a very complex field that additionally involves processes organically tied to NATO, such that in that case the focus would quickly shift from political to military-security issues, and this would in turn overshadow the foreign policy dimension.

Another important aspect that certainly warrants a separate analysis is the relations within the region, or rather the imperative of developing peaceful relations and cooperation. In its focus on the Balkan-specific context, the Stabilization Agenda has officially established this obligation. The latest EU Enlargement Strategy (2018), called the Credible Enlargement Perspective, has defined six flagship initiatives in areas of strong mutual interest and has accorded the issues of reconciliation and good neighborly relations a very significant place. The recent escalation of diplomatic exchanges has not only reaffirmed the importance of a permanent stabilization course, but has also put at the forefront the requirement for the countries of the region to resolve any bilateral issues without delay, as it is unacceptable to have such issues imported into the EU[8]. However, bilateral relations between the countries of the region – considering their history, the wide range of topics and issues, and the diversity of approaches to and options for addressing those relations, as well as the international frameworks and mechanisms for addressing certain issues – are not organically related to the EU accession process. In spite of the generally positive impression of a trend of improvement in cooperation between the countries of the region and the substantial EU support to this process[9], key issues have remained open for decades.

Below is a comparative analysis of the key foreign policy positions of the WB6 countries against those of the European Union, as well as of the main trends in their alignment with the EU Common Foreign and Security Policy.

8 It is not incorrect to conclude that this is a result of a lesson learned from the conflict between Croatia and Slovenia over the Bay of Piran.

9 The so-called Berlin Process is just one example.

2

ALBANIJA

Albania's primary foreign policy priorities consist of membership in the EU, and the strengthening of regional security, political stability and economic development, as well as the NATO membership achieved in 2009. Furthermore, in the interpretation of the Albanian authorities, these priorities are both compatible and deeply intertwined. In addition to being very committed to the region, the European Union and NATO in its foreign policy practice, Albania has also called on its citizens living in other countries of the region and beyond to be promoters of the European Union and Euro-Atlantic integration processes, and of the values that these processes involve. Aside from its Euro-Atlantic perspective, another key feature of Albania's foreign policy is its support for Kosovo*'s independence.

Albania was granted potential candidate status for EU membership at the 2003 EU-Western Balkans Summit held in Thessaloniki. The Stabilization and Association Agreement signed with the EU entered into force in 2009, and Albania submitted a formal application for EU membership in April. Since June 2014, it has had the status of a candidate country. Membership negotiations have not yet begun, even though the Enlargement Package adopted in May 2019 recommended the opening of negotiations with the EU. It was only last month that the EU member-states agreed to give green light for the opening of the EU membership negotiations with Albania. The date has not been set yet.

With the exception of the justice sector, anti-corruption and anti-organized crime measures, and reforms in intelligence and civil services, the alignment of Albania's foreign policy with the EU CFSP (Chapter 31) was not demanding at all. In its annual reports, the European Commission has continuously noted Albania's preparedness to take part in the foreign, security and defense policies of the EU, which garnered praise for the relevant ministries. Moreover, over the years, the degree of alignment has been complete (a fascinating 100%). Albania has had no problems in following common positions taken by the EU whenever it was called upon to do so, and has readily joined any restrictive measures imposed by the European Council. It has also fully endorsed all decisions made by the Council, as well as declarations made by the High Representative for Foreign and Security Policy.

Acting through NATO and in concert with the EU, Albania has exported its surplus weapons to the Kurdish forces fighting ISIL, and has participated in the ALTHEA military mission in BiH and a training mission in Mali (EUTM), which would have been unthinkable without the EU context. In addition, the country has announced its readiness to participate in EU battle groups in 2024.

This strong commitment to the European Union and NATO has also been demonstrated through involvement with other international organizations and initiatives, where Albania has played a constructive role: OSCE[10], SEECP[11], AII[12], CEI[13], Berlin Process, Brdo-Brijuni Process, and WB6. In addition, Tirana has become the seat of RYCO[14] and the Western Balkans Fund. The country has also demonstrated exceptional timeliness and flexibility in responding to current problems such as migration (Migration, Asylum, Refugees Regional Initiative) and the fight against terrorism and radicalism (Western Balkans Counter-Terrorism Initiative).

There is, however, one single request of the EU where Albania has refused to side with the EU by failing to comply with it – and it reveals a particularly important bilateral relationship for Albania, which this country intends to keep out of the EU context or even against this context, as has been the case so far. This concerns the country's relationship with the United States of America. Its commitment to this relationship, in conflict with EU positions, is manifested in the existence of a bilateral immunity agreement signed with the US in 2003, which guarantees the exemption of US citizens from the International Criminal Court (the so-called Article 98 Agreement). The provisions of this bilateral agreement, in the opinion of the European Commission, completely ignore the EU's guiding principles for bilateral immunity agreements. This issue will likely remain a very important item on the agenda of membership negotiations for both sides and, given the special nature of its bilateral relations with the US, this will be one of the most difficult and lasting foreign policy conditions for Albania.

10 Organization for Security and Co-Operation in Europe;

11 South-East European Cooperation Process;

12 Adriatic and Ionian Initiative;

13 Central European Initiative;

14 Regional Youth Cooperation Office;

Albania supports the EU-led dialog between Serbia and Kosovo*, EU visa liberalization for citizens of Kosovo*, as well as Kosovo*'s future in the EU and NATO; however, it has also made significant efforts to deepen its relations with Kosovo* in a "unifying project of the Albanian space". Furthermore, it very actively supports Kosovo*'s membership in international and regional organizations, in direct opposition to Serbia's efforts to prevent this. There are some indications that Albania's foreign policy positions in the future will be increasingly determined by motives of solidarity with Kosovo*, and that they will depend on the attitude certain other actors take toward Kosovo*. One hint of such a possibility was the cancellation of attendance by the Albanian Foreign Minister at the summit of foreign ministers of SEECP countries that was hosted by Bosnia and Herzegovina (July 2019.).[15]

EU Common Foreign and Security Policy and Albania:

Foreign policy goals	EU, NATO; strengthening of regional security, political stability, and economic development
Status	Membership candidate; waiting for negotiations with the EU to be opened
Preparation assessment	Good preparation (since 2014)
Alignment with the CFSP	100%
Exceptions	Bilateral agreement with the US on the immunity of US citizens from the ICC; solidarity with Kosovo*
CDSP	ALTHEA – BiH; NATO membership

15 Albanian Foreign Minister Gent Cakaj said on Twitter that "the summit organizer's treatment of Kosovo* is unacceptable and goes against the aim of creating an atmosphere of trust, good neighborly relations and stability." Albanian President Ilir Meta arrived one day later at the summit of heads of state and government and used his address at a plenary session to call on BiH to recognize Kosovo*. The delegation of Kosovo*, which was due to take over SEECP presidency from BiH, had canceled its arrival previously due to the inadequate invitation and treatment by the then BiH Presidency Chair, Milorad Dodik.

3

BOSNIA AND HERZEGOVINA

Bosnia and Herzegovina is one of the Western Balkans countries with an exceptionally large EU presence, and is the actual subject of a substantial portion of the EU Common Foreign and Security Policy. The scope of the EU's presence has been reduced and significantly transformed over the years. However, in line with its mandate granted by the United Nations Security Council, the EU still has its own military forces in BiH engaged in the ALTHEA mission. There are 600 troops currently deployed here. Furthermore, in addition to the regular Delegation of the EU to BiH, EU High Representative for Foreign and Security Policy Federica Mogherini[16] has also appointed an EU Special Representative, with one person performing both of these functions. Currently, this person is Ambassador Johann Sattler. This concentration of EU activities, however, is completely disproportionate to the pace at which BiH has been nearing its EU membership. Indeed, BiH is one of the six Western Balkans countries that is significantly lagging on this path, and is one of two countries that are yet to be granted candidate status.

EU membership and regional cooperation have remained Bosnia and Herzegovina's foreign policy priorities as stated in its Foreign Policy Strategy 2018-2023[17]. Even though it commenced its journey together with Croatia, North Macedonia and Albania, and was granted the status of potential candidate country at the 2003 EU-WB Summit in Thessaloniki, BiH still has the same status. The Stabilization and Association Agreement with the EU entered into force in 2015. The application for EU membership was submitted in February 2016, and the Opinion on the application (*avis)* was published in May 2019. In spite of all the diplomatic sophistication and moderation of the language used and the membership perspective being kept open, the EU's Opinion on BiH very clearly indicates that at this phase BiH does not yet sufficiently meet the criteria. While its decentralized state structure is not considered an obstacle in itself, the European Commission estimates that if BiH wishes to create real opportunities for acceptance and implementation of the *acquis*, it will have to undertake a number of significant constitutional, political and institutional reforms. In order to achieve the status of candidate country, BiH will have to begin meeting those same, predominantly political conditions that have hampered its progress for more than a decade.

According to the EU's Opinion, foreign policy, defense and security is one of 16 areas in which BiH has achieved some level of preparation to meet the duties and obligations of EU membership. This means that BiH is only partially ready to conduct political dialog in the context of foreign, defense and security policy; to align itself with EU statements; to take part in EU actions; and to apply agreed sanctions and restrictive measures. It is worth noting that, according to the EU's Opinion, BiH has failed to achieve the level of adequate or good preparation in any of the areas, such that "some level of preparation" was actually the highest level of assessment possible in these circumstances.

BiH has expressed its commitment to the CFSP goals as outlined in the EU Global Strategy. Over the last ten years[18], in order to fulfill its obligation of gradual alignment with the CFSP, BiH has aligned, on invitation, with 541 EU declarations out of a total of 809, which was assessed as an average alignment rate of 67%. Between March 2018 and end of February 2019, the EU issued 86 declarations and BiH aligned with 60 of them (70% alignment rate). The decisions and measures taken by the EU that BiH did not align with relate to Russia and the restrictive measures taken by the EU after Russia's annexation of Crimea. BiH and the EU have also signed a Framework Agreement on BiH's participation in crisis management operations.

However, as was the case with Albania, BiH signed a bilateral agreement with the United States in 2003 to exempt US citizens from the jurisdiction of the International Criminal Court (ICC). The content of this agreement is not in line with the common EU positions on the integrity of the Rome Statute or the EU guiding principles on bilateral immunity agreements.

16 Her term of office has just expired, and on 01 December 2019 the office of the EU High Representative for Foreign and Security Policy has been assumed by former Spanish Foreign Minister Josep Borell.

17 The only substantial change from the 2003 BiH Foreign Policy General Directions and Priorities has been in the context of NATO membership as a goal. While the 2003 document explicitly refers to NATO membership as a goal, the time-limited Strategy 2018-2023 only refers to the activation of the Membership Action Plan (MAP). In the context of the EU, the document does not discuss a concrete degree of rapprochement, but rather EU membership as a goal.

18 Period between 2008 and 2018

While institutional assumptions have been assessed positively, or rather as "mostly adequate", the European Commission has specifically identified the need to further strengthen BiH's diplomatic and administrative capacity (this recommendation also concerns the Ministries of Defense and Security). Current procedures and practices for admission and deployment of diplomatic staff do not contribute to a coherent and effective operation of the Ministry of Foreign Affairs, while staff training and professional development have been neglected. For the purposes of dialog and communication with relevant EU institutions, BiH needs to introduce two new functions at the Ministry of Foreign Affairs – a political director and a European correspondent. While not explicitly referred to as an objection, it is clear that these issues can and should be addressed in the context of further necessary standardization of the foreign affairs sector, as well as comprehensive public administration reform and the fight against corruption. Indeed, at this moment, BiH has no Law on Foreign Affairs at all.

The European Union is pleased with the overall foreign policy involvement of BiH, especially its involvement with other international organizations and its willingness to make a concrete contribution to peacekeeping efforts – both together with NATO (Congo, Mali, Afghanistan) and with the EU (taking part in the EU Training Mission - EUTM in the Central African Republic). Even before its obligation of establishing and developing cooperation under the SAA, BiH has joined regional organizations and initiatives such as CEI, AII, SEECP, RCC, etc. It is also equally present in more recent regional initiatives such as the Berlin Process and WB6.

The increased presence of Turkey in the region in economic and political terms is also noticeable in the intensifying relations between BiH and Turkey. Turkey has also been present in trilateral formats together with Serbia and Croatia, with a number of joint infrastructure projects being announced.

The only country in the region with which BiH has no relations is Kosovo*. Not only does BiH not recognize Kosovo*'s independence, but it also does not recognize Kosovo* travel documents, which has effectively resulted in a very rigid visa regime for citizens of Kosovo*, as well as an absurd situation in which these citizens can travel to Serbia but not to Bosnia and Herzegovina. Political, economic and any other cooperation is effectively thwarted, while any contacts made are informal or under the auspices of regional and/or international organizations and initiatives. In line with its position on non-recognition of Kosovo*, Bosnia and Herzegovina also does not support Kosovo*'s membership in international organizations. In several of its reports over the years, the European Union has pointed to the consequences of this problem and called for normalization of relations.

EU Common Foreign and Security Policy and Bosnia and Herzegovina

Foreign policy goals	EU; NATO – MAP; regional cooperation
Status	Potential candidate; 14 measures to be implemented before the start of negotiations
Preparation assessment	Some level of preparation Institutional assumptions are "mostly adequate" Appointments: a political director at the MFA and a European correspondent Law on Foreign Affairs
Alignment with the CFSP	Average: 67%
Exceptions	Bilateral agreement with the US on the immunity of US citizens from the ICC; Russia and measures against Russia
CDSP	EUTM in the Central African Republic, missions with NATO in Congo, Mali and Afghanistan

4

MONTENEGRO

Montenegro began its path toward independence almost a decade and a half after Slovenia, Croatia, BiH and North Macedonia, but its exit from the former union of Serbia and Montenegro in 2006 was also much more peaceful. Its geography as well as its identity is both Balkanic and Mediterranean. EU and NATO membership and good neighborly relations and regional cooperation were identified very early as key foreign policy goals. Its full commitment to these goals has yielded good results relatively quickly – as early as 2010, Montenegro had a Stabilization and Association Agreement with the EU in place, while a positive opinion of the European Commission regarding its membership came a little later in the same year. Membership negotiations began in 2012.

When it comes to foreign policy, defense and security as a negotiation chapter, Montenegro was able to garner a good preparation assessment very early and has maintained it to this day. In addition, the diplomatic-administrative structure in the Ministries of Foreign Affairs and Defense is also considered sufficient to fulfill membership obligations under the CFSP. Montenegro has achieved 100% alignment with decisions of the Council of the EU and High Representative declarations, and has joined all restrictive measures imposed by the EU. It is particularly noteworthy that Montenegro has also joined the measures imposed against Russia after its annexation of Crimea. Montenegro has also showed its commitment by aligning its positions with those of the EU in the UN General Assembly, where it followed EU positions and supported its motion for a resolution on sanctions against Russia. The EU's global foreign policy and security strategy has the full support of Montenegro.

Similar to Albania and Bosnia and Herzegovina, Montenegro also signed a bilateral agreement with the United States of America in 2007 regarding the immunity of US citizens from the International Criminal Court. The European Union considers this to be contrary to the common EU positions on the integrity of the Rome Statute and the EU guiding principles on bilateral immunity agreements.

The rapprochement and final realization of NATO membership has certainly facilitated the integration of the defense dimension; when it comes to security, several relevant agreements have been signed with the EU, including practical arrangements for information security and handling of confidential information. The Government of Montenegro has ensured that all these agreements are implemented without any problems.

Montenegro has also taken part in civilian and military missions under the auspices of the EU CDSP and UN– ATALANTA in Somalia, ISAF in Afghanistan,[19] UNMIL in Liberia, UNIFICYP in Cyprus, EUTM in Mali, EUFORCAR in the Central African Republic, and MINURSO in Western Sahara. Of particularly symbolic importance is Montenegro's participation in the KFOR mission in Kosovo* since July 2018, which has not been welcomed, however, in the neighboring Serbia and among a part of the population in Montenegro.

The country is also part of the EU Hybrid Risk Survey, which aims to identify weaknesses and build resilience to hybrid attacks.

While there have been no changes or indications that Montenegro will backtrack on its bilateral immunity agreement with the US, the foreign, security and defense policy dialog with the EU is deemed intensive and satisfactory by both parties.

On the whole, Montenegro is a positive example of transformed relations with its neighbors in the Western Balkans. Regional cooperation is viewed as a way of achieving security, prosperity and faster development, and has been internalized as a value in itself, while the obligations set by the EU under the SAA have served as an additional motive and have yielded concrete benefits. As expected, this country has taken on an active role in numerous regional organizations and initiatives (RCC, CEI, CEFTA, SEECP, AII, US-Adriatic Charter, Berlin Process, Brdo-Brijuni, and WB6).

EU Common Foreign and Security Policy and Montenegro

Foreign policy goals	EU, NATO; good neighborly relations
Status	Candidate, 32 of 35 chapters open; euro currency in use
Preparation assessment	Good
Alignment with the CFSP	100%
Exceptions	Bilateral agreement with the US on the immunity of US citizens from the ICC
CDSP	ATALANTA, EUTM – Mali; EUFORCAR in the Central African Republic; Hybrid Risk Survey; NATO membership; UN missions: ISAF, UNMIL – Liberia, INIFICYP – Cyprus, MINURSO – Western Sahara

19 Upon completion of the ISAF mission, Montenegrin officers remained part of the mission under the command of NATO Resolute Support.

5

KOSOVO*

The Republic of Kosovo* is the youngest Balkan state, recognized by 114[20] countries and 23 of the 28 EU member states. Greece, Cyprus, Romania, Slovakia and Spain have not recognized Kosovo*'s independence[21]. This fact has not only divided the EU and precluded an *en bloc* recognition of Kosovo*, but it has also led to several significant precedents in its treatment. Beginning with the name itself, Kosovo* is actually Kosovo* for the EU, with an asterisk referring to a footnote which reads that "this designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo* Declaration of Independence." In addition, when referring to the WB6, the EU and its officials have started using the term "partners" rather than "states" or "countries" since the Sofia Summit in order to avoid any implicit declarations regarding Kosovo*'s status. In the region, Kosovo*'s independence remains unrecognized by Serbia and by Bosnia and Herzegovina.

Another distinguishing feature concerns the Stabilization and Association Agreement for Kosovo* (signed in October 2015, entered into force on 01 April 2016): it was signed between Kosovo* and the EU as a single legal person[22], rather than its member states. Furthermore, this is the only SAA that has not been ratified by EU member states. The EU has issued a special directive to clarify that the signing of this agreement does not mean that the EU recognizes Kosovo*. Kosovo*'s status in relation to the EU is that it is an SAA signatory and a potential membership candidate.

The EULEX mission (an EU rule of law mission) in Kosovo* is the largest civilian mission ever launched under the CSDP. Its current mandate runs until 14 June 2020, and the recently named head of mission is Lars Gunnar Wigemark.

The EU also has a Special Representative and the Head of the EU Delegation in Kosovo*, Bulgarian diplomat Natalya Apostolova.

Kosovo* citizens are the only ones in the region that are still subject to the visa regime with Schengen members, in spite of the fact that the EC noted that Kosovo* had fulfilled all the conditions for visa liberalization and recommended lifting of visa requirements as early as July 2018. Kosovo* unilaterally introduced the euro as its currency at the same time as Germany, and the issue of currency will be officially resolved during prospective membership negotiations.

Among Kosovo*'s foreign policy priorities, good neighborly relations and regional cooperation are part of the European Union accession process. The main requirement of the Progress Report, with a special section of the report devoted to it, is the process of normalization of relations with Serbia in the form of a political dialog taking place under EU leadership. The European Commission's priorities in Kosovo* under the Reform Agenda are good governance, rule of law, competitiveness and investment, employment, and education. As with other SAA signatories, particular attention is paid to activities taken within the regional framework that contribute to a climate of positive and constructive relations.

Under an EU-sponsored agreement reached with Belgrade in 2012, Kosovo* takes part in and is a member of many regional organizations and initiatives (SEECP, MAARI, RCC, CEFTA, RACVIAC, Energy Community, RECOM, Brdo-Brijuni). It also takes part in the implementation of the Multilateral Action Plan (MAP) for the development of the REA (Regional Economic Area). Kosovo*'s chairing over regional events and activities has been successful. Moreover, in 2019 Kosovo* took over as the chair of SEECP and MAARI, and it also chairs the RYCO Governing Board. It is also part of the Berlin Process, WB6 and the Connectivity Agenda and is due to join the RESPA (Regional School for Public Administration).

Its relations with Serbia, i.e. its obligation to normalize relations with Serbia, is the most important and complex task for Kosovo*, in which the EU has been actively involved since 2012. Without going into detail about the specific topics that have been the subject of dialog for years now (Community of Serb Municipalities, energy agreement, etc.), as this warrants a separate analysis, it should be noted here that the European Union has assessed the attitude of both parties in positive terms, reproaching them

20 This information is still on the website of the Kosovo* Ministry of Foreign Affairs. Although a certain number of countries, mostly from Africa and the Pacific, withdrew their recognition after Serbia's diplomatic campaign, their exact number is not quite clear. What is certain, however, is that more than 100 countries have recognized Kosovo*, which was the goal of Kosovo*'s diplomacy.

21 Four of the five countries that have not recognized Kosovo* have indicated that its eventual recognition in the future is possible if there is a positive development in relations with Serbia, i.e. if Serbia recognizes Kosovo*. Spain has stressed that its refusal to recognize Kosovo* is unrelated to Serbia's positions, but is merely a reflection of the fact that a unilateral declaration of independence is not in accordance with current international standards, a position dictated by Spain's internal reasons. In addition, Spain has also objected to the treatment of Kosovo* in the context of enlargement and to the phrase WB6 itself, as this is prejudicial regarding its statehood.

22 The Treaty of Lisbon gave the EU full legal personality, and this was the first SAA signed after the Treaty of Lisbon entered into force.

generally for the slow implementation of agreements reached (often due to elections or government formation after elections). The dialog has been conducted at several levels, including very intensive meetings at the highest level (former High Representative for Foreign and Security Policy Mogherini with Presidents Vučić and Tachi), and a number of incidents have been successfully resolved during negotiations (e.g. the train incident in January 2017). While the dialog seemed to be on a positive track at one point, in November 2018 the Kosovo* Government decided to take a risky political and economic move and introduced 100% tariffs on goods imported from Serbia and BiH. This measure was assessed by the EU and the international community as counter-productive, being a direct violation of CEFTA provisions and in complete contravention of SAA obligations. It has been repeatedly noted that this decision is a step backwards in the normalization of relations and that it undermines efforts made to strengthen regional cooperation and to create the Regional Economic Area. This decision has also shaken confidence in the Kosovo* Government's genuine commitment to regional cooperation and to finding solutions of compromise to open issues.

Over the previous period Kosovo* has intensified its economic and political cooperation with Turkey. This relationship took on a specific character, however, when six Turkish nationals who were legally residing in Kosovo* were (illegally) arrested and extradited at the insistence of Turkey[23]. This event generated tensions in the domestic political arena and attracted condemnation by the EU and international organizations.

EU Common Foreign and Security Policy and Kosovo*

Foreign policy goals	International recognition; EU, NATO
Status	Potential candidate; SAA signed with the EU, not with its member states; 5 EU member states do not recognize Kosovo*; special status and presence of the EU; visa regime for Kosovo* citizens; euro used as currency; normalization of relations with Serbia
Preparation assessment	Not assessed
Alignment with the CFSP	Not assessed. Problem – Decision on 100% tariffs on imports from Serbia and BiH
Exceptions	Bilateral agreement with the US on the immunity of US citizens from the ICC
CDSP	

23 Both the Ombudsman and the Kosovo* Assembly investigation committee have identified irregularities in the process, while Kosovo*'s Prime Minister called for the resignations of the Minister of Internal Affairs and the Head of Intelligence. The Principal Court in Prishtina overturned the decision to revoke residence permits of three of the six already extradited Turkish nationals, with the previous decision being based on an alleged national security threat.

6

NORTH MACEDONIA

The Former Yugoslav Republic of Macedonia (FYROM), known as North Macedonia since last year, has had the longest status of an EU membership candidate of all the Western Balkans countries. It was granted this status back in 2005 with the Stabilization and Association Agreement in force since 2004, but its membership negotiations have not yet begun. The European Commission recommended the opening of negotiations in 2009 as well as in 2015 and 2016, subject to progress being made in the implementation of the Pržino Agreement and the Urgent Reform Priorities. Considering the progress made and the historic breakthrough in reaching a compromise in the dispute with Greece regarding its name (North Macedonia), the European Commission has recommended that membership negotiations with North Macedonia start soon.

Although its history is turbulent, its relations with neighbors are burdened with dramatically different interpretations of both near and distant history, and its internal political stability is fragile, North Macedonia has achieved substantial success in the realization of its foreign policy priorities over the past few years – with regard to the EU and NATO as well as its neighbors and regional partners – and is on the whole taken as a positive example of a transformed foreign policy within European Union and NATO integration processes. The EU has been particularly involved in the mediation between domestic political actors and has managed to resolve the greatest political crisis in the country since 2001[24].

When it comes to its ability to assume membership obligations in foreign, security and defense policy, North Macedonia has made significant progress over the years. The institutional structure has been developed and the country is considered moderately prepared. The degree of alignment with the CFSP, as assessed by the European Commission, has ranged between 73 and 86% over the past 5 years. North Macedonia has aligned with the declarations made by the High Representative for Foreign and Security Policy and the Council in all cases, except for restrictive measures regarding Russia and Ukraine. While it did not join the measures against Russia, North Macedonia supported the 2014 UNGA resolution in favor of the territorial integrity of Ukraine, demonstrating thereby a balanced diplomatic approach.

North Macedonia has accepted the EU Global Strategy and supports its goals. The obligations arising from membership in other international organizations have been appropriately fulfilled, with country's activities in regional organizations being noted for constructive involvement. North Macedonia also takes part in some arrangements for arms export control and in non-proliferation instruments. Special security measures adopted domestically are mostly related to enhanced border security measures taken as a result of the escalation of the migrant crisis.

Under the CSDP, North Macedonia takes part in the EUFOR ALTHEA Mission in Bosnia and Herzegovina and in the NATO "Resolute Support" mission in Afghanistan. It has also been contributing to the EU Battle Group 2014-2020 and the KFOR through the Host Nation Coordination Center. Cooperation has been established with the European Defense Agency (EDA), and North Macedonia also takes part in the Hybrid Risk Survey, which is conducted to identify weaknesses and build defense instruments against hybrid attacks.

The bilateral agreement of North Macedonia and the United States of America regarding immunity of US citizens from the International Criminal Court is considered by the EU to be contrary to the common EU positions on the integrity of the Rome Statute and the EU guiding principles on bilateral immunity agreements, and this has been a continuing objection.

It is worth noting that the resolution of the Macedonia-Greece dispute over the name of "Macedonia" is a rare example of overcoming a long-standing and toxic issue that has particularly negatively affected Macedonia's accession to the EU and NATO. Relations with other regional partners are also fraught with challenges, but an active and constructive approach has yielded significant dividends.

24 The Pržino Agreement of July 2015 was reached between the main domestic political actors in order to overcome a deep political and institutional crisis. The Agreement foresaw the participation of the opposition party SDSM in the ministries; the resignation of the then prime minister Nikola Gruevski; the formation of a caretaker government to bring the country to general elections in June 2016; as well as a special prosecutor to lead the investigations regarding the wiretapping scandal. The negotiations involved Commissioner Johannes Hahn (Neighborhood Policy and Enlargement Negotiations) and three EP members.

The agreement between the FYROM and Greece over the name of North Macedonia has already been dubbed a historic success and a rare positive and success story from the Western Balkans. Immediately after the Prespa Agreement was reached, Greece lifted its veto on NATO membership and ratified the accession protocol for North Macedonia.

Relations with Turkey have also intensified in both political and economic terms, with Turkish development agency TIKA having a number of projects in North Macedonia.

EU Common Foreign and Security Policy and North Macedonia

Foreign policy goals	EU; NATO; regional cooperation
Status	The candidate with the longest candidate status among WB6 countries; awaiting decision on the start of negotiations; the EU is part of internal political dialog
Preparation assessment	Moderately prepared
Alignment with the CFSP	73-86%
Exceptions	Bilateral agreement with the US on the immunity of US citizens from the ICC; Russia and measures against Russia; the territorial integrity of Ukraine supported in the UN
CDSP	EUFOR – ALTHEA in BiH; EU Battle Group 2014-2020; cooperation with the European Defense Agency (EDA); Hybrid Risk Survey; with NATO in the Resolute Support mission in Afghanistan; NATO membership

7

SERBIA

The main foreign policy priorities discussed in the National Security Strategy of Serbia include: preserving sovereignty, independence and territorial integrity; preserving peace and stability in the region and the world; European integration and EU membership[25]. Serbia has started its journey toward EU membership after the breakup of the last state union in the territory of the former Yugoslavia – the State Union of Serbia and Montenegro[26]. One particular curiosity is that Serbia gained the status of an EU membership candidate country (2012) before the Stabilization and Association Agreement with the EU entered into force (2013). Serbia has been in membership negotiations with the EU since 2015 and so far, 18 chapters have been opened, i.e. more than half.

In terms of its preparation to assume foreign policy rights and obligations, the EU believes that Serbia is moderately prepared. The CFSP dialog is ongoing, with the respective institutional framework for fulfilling EU membership rights and obligations in place. Serbia has supported the EU Global Strategy, but in 2019 its alignment with the EU CFSP was merely 53%. In addition to having the lowest alignment percentage in the region, the case of Serbia is particularly indicative of the downward trend in alignment. For example, an alignment of 89% was achieved in 2013, compared to 52% in 2018. The main reason for this decline is its disagreement with the EU's decisions and restrictive measures concerning Russia and Venezuela, in spite of the fact that the Law on Restrictive Measures and the Implementation of International Sanctions was enacted back in 2016. For reasons of principle, Serbia has been supporting the territorial integrity of Ukraine, but has nevertheless not joined measures against Russia. It is Russia that is behind this disagreement with EU decisions and measures regarding the situation in Venezuela, or more precisely the desire of the Serbian authorities not to oppose Russia's positions on a broader international level, in a non-European context[27]. In addition, Serbia has also not followed Council (EU) decisions concerning China, Bosnia and Herzegovina, Moldova and Zimbabwe.

Relations with Russia have generally intensified, which is particularly reflected in the exchange of top-level visits and a trend of improving technical and defense cooperation. Cooperation has been established and arrangements made for the purchase of arms with the Collective Security Treaty Organization,[28] while joint military exercises have been held with Russia, as well as with Belarus in 2015. The EU is particularly concerned about the Cooperation and Joint Action Agreement signed between the Ministry of Internal Affairs of Serbia and the Russian Federal Security Service, as this agreement is believed to pose a risk to the implementation of the Agreement on Security Procedures in Exchanging Classified Information signed with the EU.

Defying EU warning, Serbia signed a Free Trade Agreement with Russia-led Eurasian Economic Union in October 2019. Serbia insisted it was in no way contrary to their EU ambitions as the agreement will cease to be valid when Serbia becomes an EU member-state. The EU said it expected Belgrade to align itself with EU policy, while Russia praised the act as an example of Belgrade's balanced policy.

On the other hand, Serbia believes that its military neutrality is not and should not be an obstacle to its cooperation with NATO, such that its membership in the Partnership for Peace is seen as an optimal form of interaction. Within this context, 20 joint military exercises have been held and there is also a Logistic Support Cooperation Agreement in place.

There are no major problems in its relations with the US, apart from the disagreement regarding Kosovo*'s independence. In addition, Serbia is the only country in the region that has not signed an Agreement on the immunity

25 The Government of Serbia adopted Serbia's National Security Strategy in August 2019.

26 The name "Federal Republic of Yugoslavia" had been used until 2003 by the two former Yugoslav republics that remained in the federal union after the breakup of the common country. Between February 2003 and June 2006, the name State Union of Serbia and Montenegro was used. Serbia has assumed the international legal personality of that union.

27 In February 2019, Russia and China vetoed a UN Security Council resolution calling for a new presidential election in Venezuela. In addition, Venezuela has not recognized Kosovo*'s independence.

28 The Collective Security Treaty Organization is an intergovernmental military alliance established in May 1992 and includes six post-Soviet states belonging to the Commonwealth of Independent States – along with Russia, it includes Armenia, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan.

of US citizens from the International Criminal Court. Serbia agrees with the EU's position regarding the integrity of the Rome Statute and the EU guiding principles on immunity agreements.

Serbia supports EU measures and documents in conflict prevention, and cooperates in some arrangements for arms export control and in non-proliferation instruments. In addition, Serbia has also been participating in CSDP operations – the EU training mission in Mali; NAVFOR ATALANTA; and missions in Somalia and Central African Republic. A national framework for participation in the CSDP is also being prepared, which will include training for members of EU civilian missions. Serbia is in the roster for EU Battle Groups and is also present in UN peacekeeping missions.

Cooperation with China and Turkey has also intensified. Serbia has been specifically warned that bilateral agreements signed during a multi-day visit by China's top state delegation in 2016 should be in line with EU standards, particularly in relation to state aid, public procurement, railroad safety and interoperability.

While Serbia's foreign policy alignment with the EU is in a downward trend, the EU's treatment of Serbia has made it clear that the rule of law and the normalization of relations with Kosovo*, which is taking place under the aegis of the EU, are areas that dictate the pace of accession.

EU Common Foreign and Security Policy and Serbia

Foreign policy goals	Territorial integrity; EU; cooperation with NATO
Status	Candidate; negations ongoing for 18 of 35 chapters; normalization of relations with Kosovo*
Preparation assessment	Moderate preparation; institutional structure in place
Alignment with the CFSP	Declining – 53% in 2019; the highest recorded was in 2013 – 89%
Exceptions	Russia, Venezuela, BiH, Moldova; agreements with Russia and China, and accession to the Eurasian Economic Union
CDSP	EUTM in Mali, NAVFOR ATALANTA, Somalia and the Central African Republic; UN missions; military neutrality; military exercises with Russia and NATO (PAP)

8

CONCLUSIONS

WHY IS THE ALIGNMENT OF WB6 FOREIGN POLICIES WITH THE EU CFSP IMPORTANT?

Foreign policy, defense and security constitute one of the areas (chapters) in which countries that are candidates for EU membership demonstrate their ability to assume membership obligations, as well as their willingness to follow EU positions. In a broader sense, foreign policy also includes decisions concerning foreign trade, international legal obligations, environmental protection and climate change, energy, international development, humanitarian issues, etc., that can take on a "foreign" dimension. In the narrow sense, the foreign policy of the EU actually means its Common Foreign and Security Policy as a mechanism for reaching a common, intergovernmental and consensual agreement on foreign policy issues. Since foreign policy is one of the prerogatives of a nation state and one of the symbols of national policy that EU member states have a hard time giving up, the monitoring of the alignment of candidate countries' foreign policies with the EU CFSP is a very clear indicator of their genuine willingness and readiness to integrate into the EU, especially when it comes to issues of the highest national interest. Any misalignment clearly reveals the actual positions and power relations, as well as the order of foreign policy priorities. Naturally, misalignment or disagreement with EU positions happens to both member states and membership candidates, but the nature of the accession process and the imbalance in relations in this process is such that a country that pursues membership is subject to higher demands and expectations in political and symbolic terms as well as in practical terms.

ARE WB6 FOREIGN POLICIES ALIGNED WITH THE EU CFSP?

When it comes to the WB6 countries and their alignment with the CFSP, the first thing to understand is that these are countries that are in different stages of integration – some are negotiating candidates (Montenegro and Serbia); some are candidates that have not yet started negotiations (Albania and North Macedonia); BiH is still a potential membership candidate; and Kosovo* is also a potential candidate for membership, but is not recognized by all EU member states, which necessitates special international legal, diplomatic and practical arrangements with the EU.

All countries of the Western Balkans aim to become members of the EU. They declaratively accept the EU Global Strategy and its goals. In terms of alignment with the CFSP, the percentage of respective alignment with High Representative's declarations and Council decisions varies from 53% (Serbia), through 67% (BiH) and 86% (North Macedonia) to 100% alignment (Albania and Montenegro). The level of preparation for membership obligations also varies from country to country. Albania and Montenegro are well prepared; BiH has some level of preparation; North Macedonia and Serbia are moderately prepared; while Kosovo* has not yet been assessed on this basis. With regard to institutional or diplomatic-bureaucratic assumptions, they too vary from some preparation to good preparation, but it is quite clear that the strengthening of capacities in this dimension in the future will require special domestic political involvement as well support by EU institutions and member states.

Comparative analysis of alignment shows that the degree of alignment is not tied to the degree of accession to EU membership – this is most obvious in the case of Serbia, whose alignment is the lowest both in percentages and in substance, but this country is still considered, together with Montenegro, to be a leader in this process in the region. This further demonstrates that the EU itself evaluates and assigns political priorities in the accession process differently, depending on the country itself and its specific context, and that at this moment the EU views foreign policy alignment as an indicator rather than a top priority when it comes to the WB6 countries.

While commitment to Euro-Atlantic integration, i.e. NATO, was not discussed in this analysis, it is also possible to draw a direct conclusion that military neutrality and willingness to cooperate with other security actors, such as Russia, Belarus and the Collective Security Treaty Organization, which is dominated by Russia, is a factor in foreign policy disagreements and tensions in relations with the EU.

WHAT DOES MISALIGNMENT WITH THE EU CFSP INDICATE?

Misalignment with the CFSP demonstrated by BiH, North Macedonia and Serbia has occurred in the case of restrictive measures against Russia over the annexation of Crimea. In addition, Serbia has also not followed the EU in its restrictive measures against Venezuela. These decisions clearly indicate that these countries view their relations with Russia as a separate domain, i.e. an issue of special national interest. In the case of Venezuela, as well as in the cases of BiH, Moldova and Zimbabwe, Serbia has shown that its position on its own sovereignty and integrity (territorial integrity), in line with its foreign policy goals (first of all protection of its own territorial integrity), takes priority over the EU's expectations; furthermore, its non-alignment with the EU

and the following of positions of other actors also reflects on broader international issues.

Russia, however, is not the only actor that causes non-alignment with the EU. Even Albania and Montenegro, which have achieved and maintained 100% alignment with the CFSP, have not fully respected positions taken by the EU – this concerns the bilateral agreement with the US on the immunity of US citizens from the ICC. Even though the EU has found that in the case of 4 countries (Albania, Bosnia and Herzegovina, Montenegro, North Macedonia) this agreement is contrary to common EU positions on the integrity of the Rome Statute and the EU guiding principles on bilateral immunity agreements, none of these countries has even considered alignment on this issue at this stage. The EU may be the most active and the most important partner in economic terms, and is definitely the most demanding partner in structural terms; however, the reality of foreign policy positions in the region is such that their commitment to the EU over actors such as the US and Russia is, at the very least, uncertain. This is an issue that will clearly be raised repeatedly during the negotiation phase. It is also quite clear that if relations between the EU, US and Russia become more aggravated on the international scene, the WB6 countries will face a very difficult task in alignment. The reach of EU's foreign policy influence on the WB6 countries is limited by the influence wielded by the US and Russia.

A very indicative piece of information noted in European Commission reports is that the presence of China and Turkey has increased throughout the region. Turkey's actions are still quite compatible with EU policies, decisions and measures, but the Kosovo* incident involving the illegal arrest and extradition of Turkish nationals shows that a disruptive potential is indeed present. China's presence and the strengthening of cooperation with China is also concerning from the EU's point of view, but at this moment it is more a matter of maintaining compatibility with EU standards in economic and technical cooperation rather than a matter of politics.

HOW HAS EUROPEAN UNION INTEGRATION INFLUENCED THE TRANSFORMATION OF FOREIGN POLICY IN THE REGION?

EU membership is a top foreign policy priority for all the countries of the region, without exception. In its strategy toward the region, the EU has been very aware of the large political and symbolic capital carried by its transformative power, so in procedural terms it chose to promote stabilization between the countries of the region and itself, i.e. its full membership (association). However, when it comes to the achievement of this particular result, as well as alignment with EU policies toward third-party countries and international issues, the European Union has, using the words of the European Commission, achieved only *some* progress. The conditions and mechanism of action are quite clearly set, but the results have been progressing with great difficulty, except where other actors are involved such as the US, and very slowly at that. Time, however, is an important factor, because the timeline to achieving eventual membership (ten or more years) makes this ultimate goal too distant, and proportionately less relevant to what is happening on the political scene today. An alternative to this integration process, with all of its demanding conditions and requirements, is unrestrained nationalism and empty political bickering, which have already caused many residents to leave the region.

Each of the WB6 countries has placed good neighborly relations and regional cooperation among their top foreign policy priorities. In addition, all of them have been actively involved in a range of regional organizations and initiatives whose concrete results are yet to come. The greatest contribution of these, notwithstanding the strong political and financial backing by the EU, is that they actually open up opportunities for meetings and communication, especially in the presence of other partners such as the US or certain international organizations. Furthermore, their existence and the schedule of events open up opportunities for communication and meetings even when there are no bilateral conditions to do so. Relations in the region, largely due to the influence and involvement of the EU, are certainly much better than during the bloody 1990s and the turbulent turn of the century. Near and distant history, borders, former common property, and the status of minorities remain open issues in a large number of cases and result in occasional tensions.

The examples of Montenegro, which has profoundly transformed its relations with the region, and of North Macedonia, which has made a historic breakthrough in its relations with Greece, stand as definite testimony to the need and possibility of improving the current political context of WB6. Tensions and inflammatory language continue to be part of the political mosaic of the region, as are exclusivity and unilateral actions.

Finally, it is quite clear that the achievement of foreign policy alignment of the WB6 countries with the EU CFSP must become one of the top priorities for the EU itself.

COUNTRY	PREPARATION	ALIGNMENT	EXCEPTIONS
Albania	Good	100%	USA
Bosnia and Herzegovina	Some	67%	USA, Russia
Montenegro	Good	100%	USA
Kosovo*	X	X	USA, tariffs for Serbia and BiH
North Macedonia	Moderate	73-86%	USA, Russia
Serbia	Moderate	Declining 89-53%	Russia, Venezuela, BiH, Moldova, China, EAEU

ABOUT THE AUTOR

Nedžma Džananović is an Associate Professor at the Faculty of Political Science, University of Sarajevo. She is a former diplomat and serving in the BiH Ministry of Foreign Affairs, in the BiH Presidency and as an adviser to the Chair of the Council of Ministers of Bosnia and Herzegovina for foreign policy. She is the author of three books and a number of scientific and professional texts, mainly in the field of foreign policy analysis and Euro-Union integrations, but also in more conventional political fields such as populism.

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Responsible: Dr. Peter Hurrelbrink

Tel.: +387 33 722 010
Fax: +387 33 613 505
E-mail: **fes@fes.ba**
www.fes.ba

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Allignment with the EU Common Foreign and Security Policy

The (foreign) political alignment with EU positions in international affairs is not only an obligation entailed by the EU accession process, but it essentially tests the political and practical commitment of the Western Balkan countries to deal with the wider international context.

When it comes to EU CFSP compliance, the percentage of Western Balkan countries' compliance with the High Representative's declarations and EU Council decisions varies, and comparative analysis shows that the level of compliance does not quite match the status of states in the EU accession process.

The EU CFSP alignment process also points to the EU's transformative and structural foreign policy power in this area, wherefore a higher level of foreign policy alignment of the WB6 with the EU CFSP must become one of the key priorities for the EU itself.

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