



EU INTEGRATION AND MINORITY PROTECTION IN THE WESTERN BALKANS: MAPPING THE WAY AHEAD

Conference Report

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No. 2 | May 2015

MAXCAP REPORTS

MAXCAP Reports

Edited by the MAXCAP Project *“Maximizing the integration capacity of the European Union: Lessons of and prospects for enlargement and beyond”* (MAXCAP)

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Fagan, Adam and Sircar, Indraneel 2015: EU Integration and Minority Protection in the Western Balkans: Mapping the Way Ahead - Conference Report, MAXCAP Report No. 2, May 2015, “Maximizing the integration capacity of the European Union: Lessons of and prospects for enlargement and beyond” (MAXCAP).

ISSN 2365-1113

This publication has been funded by the European Union under the 7th Framework Programme.

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This project has received funding from the European Union's Seventh Framework Programme for research, technological development and demonstration under grant agreement no 320115.

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1. Introduction

The two-day workshop “EU Integration and Minority Protection in the Western Balkans: mapping the way ahead” was held in Sarajevo on 20-21 November 2014. The event was co-organized by MAXCAP partners Balkan Civil Society Development Network (BCSDN) and the London School of Economics and Political Science (LSE) in co-operation with Queen Mary, University of London (QMUL). The workshop, part of Work Package 1 of MAXCAP, sought to bring together EU officials, representatives from domestic governments and civil society organizations, and international experts to discuss EU strategies for minority protection in the Western Balkans. In particular, the proceedings sought to take stock of EU policies used during previous Eastern enlargements to examine whether there were any lessons learnt, identify what the shortcomings of current approaches are, and make recommendations for improvement. The contributions to the workshop not only focused on ethnic and national minorities, but also examined LGBTI (lesbian, gay, bisexual, transgender and intersex) rights in the Western Balkans. The report below provides detailed summaries from each presentation at the event, as well as the discussions afterwards.

The second section of the report will focus on the opening keynote session on the first day of the workshop. Jakob Finci, Head of the Jewish Community in Bosnia-Herzegovina, outlined how minorities were marginalized, particularly the Roma. He was followed by Jan Snaiduf, Head of the Political and Economic Section at the EU Delegation in Sarajevo, who highlighted the priorities of the EU in the country related to minority protection: full implementation of anti-discrimination policies; improving the capacities of the Human Rights Ombudsman; and focusing on Roma issues.

In the third section, the report will summarize the presentations and plenary discussion from the panel which examined some of the challenges facing the effectiveness of EU conditionality in the area of minority protection. Dr. Marko Kmezić (University of Graz) outlined the historical development of EU conditionality in minority protection. He also highlighted the shortcomings of the overly technocratic approach and the lack of a common standard of minority protection amongst member states. Dr. Neven Anđelić (Regent’s University London) then shared his observations of Roma communities in Slovakia, which brought into question the impact of EU conditionality on minority protection after accession. Ms. Lejla Somun-Krupalija (Association Crvena, Sarajevo) explained how mechanisms for protecting minorities did not appreciate “intersectionality”, i.e. that different forms of vulnerability might coincide (or “intersect”) in individuals. In the session’s final presentation, Ms. Elitsa Kortenska (Leiden University) shared the preliminary findings from the comparative study of citizens’ discourses regarding European integration, which was conducted in six countries (Germany, the Netherlands, Poland, Bulgaria, FYR Macedonia, and Serbia).

In the fourth section, the report summarizes the panel that examined the experience of EU conditionality beyond the Western Balkans and for non-ethnic forms of marginalization. Professor Meltem Müftüler-Baç (Sabancı University) explained how the EU integration process had lost its credibility in Turkey, and how this had allowed back-sliding on key reforms, particularly related to the rule of law. Dr. Bojan Bilić (University of Amsterdam) illustrated how the EU’s insistence on the Belgrade Pride parades in Serbia as an important barometer for progress had had negative consequences for grassroots LGBTI activism and

for the situation of LGBTI people in the country. Speaking from personal experience, Dr. Simonida Kacarska (European Policy Institute, Skopje) suggested that academia, government and civil society viewed minority protection through the lens of European security but not human rights.

The fifth section of the report focuses on the last substantive panel of the workshop, which allowed representatives from civil society to share their experiences. Mr. Nadir Redzepi (Roma Programme, Open Society Foundation) opened the session by illustrating how EU policies had had unforeseen negative consequences for the Roma population in the Western Balkans. Ms. Danica Ilić (Media Diversity Institute) then explained how the media were involved in perpetuating negative stereotypes of marginalized groups. Mr. Adriatic Hasantari (Roma Active), whose organization won an EU award for their project on improving inclusion of Roma women and youth in Albania, closed the session by saying that discrimination was not only a problem at the state level, but must also be challenged locally.

The sixth and final section of the report summarizes the discussion in the concluding workshop session and identifies three key themes of the event. First, EU conditionality must appreciate the complex intersection of minority issues to more effectively protect minority groups. Second, it is crucial to rethink prevailing notions that earlier Eastern enlargement provides a role model for the effectiveness of EU conditionality in minority protection. Finally, drawing on the Turkish example and recent European Commission pronouncements, it is vital for the EU to find ways to continue to provide an impetus for reform, given that the prospect of membership is remote during the next five to ten years.

Of these issues highlighted in the workshop, the latter two are perhaps most pressing. There was a consensus that the previous EU Eastern enlargement should not be misinterpreted by the EU and the candidate countries as providing a demonstration effect, but as cautionary tales. In other words, there was a strong feeling amongst participants that “the EU should not do for the Western Balkans what it did for countries in Central and Eastern Europe”. Most importantly, two key points were reported to adversely affect the EU’s credibility in promoting minority protection outside the EU: the lack of a “European standard” of minority protection, and the need for more action within the EU (e.g. ratification of the Council of Europe’s Framework Convention for the Protection of National Minorities (FCNM) by all EU member states). Additionally, the issues associated with the deadlock in Turkey resonate strongly in the Western Balkans, particularly in FYR Macedonia. In both places, impasse in the EU accession process has led to back-sliding regarding key reforms. The EU must strike a delicate balance of sanctioning intransigence vis-à-vis candidate countries without losing the momentum of reform processes. This is particularly challenging for domestic elites in the Western Balkans given the incoming European Commission President’s declaration that “no further enlargement will take place over the next five years” (Juncker 2014).

2. Opening Keynote Speakers: Framing the Issue and Identifying Key Problems

The opening presentation was delivered by Jakob Finci, head of the Jewish community in Bosnia-Herzegovina. Along with Dervo Sejdić, a Bosnian Roma, Mr. Finci brought a case against Bosnia-Herzegovina to the European Court of Human Rights (ECHR), arguing that the Constitution of Bosnia and Herzegovina was discriminatory, since election to the state-level House of Peoples and the Presidency was reserved for the three constituent peoples of the country, i.e. Croats, Serbs, and Bosniaks. The 2009 verdict was returned in favor of the plaintiffs, and compliance with the Sejdić-Finci ruling formed a cornerstone of EU conditionality with respect to Bosnia-Herzegovina. Mr. Finci started by saying that Bosnia-Herzegovina was “one country with two entities, three constituent peoples, four religious traditions and hundreds of problems”. He added that the Sejdić-Finci case reflected only one aspect of the major problems directly related to minority protection, and that the “other 99 problems” detrimentally and disproportionately affected minorities, since “minorities are always the victims”. The Roma in particular were most vulnerable, not only in Bosnia-Herzegovina, or the Western Balkans, but rather across the whole of Europe.

Mr. Finci concluded by turning to the issue of the constitution of Bosnia-Herzegovina and the origins of the ECHR case. He reminded the audience that although the three constituent groups had differed on many issues, the first thing on which they had agreed had been to divide power evenly between them, irrespective of the amount of territory they controlled or demographic composition. Thus, anyone who did not define themselves Serb, Croat, or Bosniak was ineligible for election as a member of the country’s Presidency or the House of Peoples. This had been the basis of the ECHR case. Bosnia-Herzegovina had ratified Protocol 12 of the European Convention on Human Rights in 2005, which dictated that any elected position should be open to citizens regardless of language, religion, and ethnicity. The case brought to the ECHR was not just about non-constituent “minorities”. There were two ethno-territorial sub-state entities in Bosnia-Herzegovina: the Federation of Bosnia-Herzegovina (FBiH), which was predominantly Bosniak and Croat; and Republika Srpska (RS), which was mainly Serb. Even members of constituent peoples who lived in the “wrong” entity (i.e. Serbs in FBiH, and Croats and Bosniaks in RS) were not eligible to run for the Presidency or election in the House of Peoples. This meant that there were a few hundred thousand people who were denied the right to run for office.

The favorable decision on the Sejdić-Finci case, accompanied by international pressure, had resulted in the ratification of a Bosnian Law on Minorities, which defined 17 national minorities in the country. Even though these developments showed some progress, there were some problems regarding the question which individuals or organizations should represent the recognized minorities. As an example, Mr. Finci spoke about the Bosnian Council of Minorities, which required minority groups to nominate a representative and send the name to the Human Rights Committee. For certain groups like the Jewish community, this was not problematic, since there were only six organizations that would need to co-ordinate the appointment of a nominee. By contrast, there were 90 Roma organizations in the country, which had sent 22 different nominees out of their own ranks. This circumstance allowed the majority holding political parties to politicize the question of who would represent the Roma community in the country. Another problem was that institutional exclusion of minorities in the country meant that any solution or proposal must be at

the behest of the constituent peoples. Mr. Finci had sought to suggest possible solutions to comply with the ECHR ruling, but he had been advised that constitutional changes could only be proposed by the Presidency and the Council of Ministers, so it was impossible for an individual from a non-constituent people to do this.

Jan Snaiduf, Head of the Political and Economic Section at the Delegation to the EU in Bosnia-Herzegovina, followed the opening presentation. The main goal of his talk was to represent the EU Delegation at the workshop and to outline the policies and positions of the Delegation office in Sarajevo. Mr. Snaiduf opened by responding to a comment made by Mr. Finci who had said that releasing the census results had been delayed due to the October 2014 elections. The EU Delegation official stated that this was not the case and that processing the census data had posed some difficulties, causing the delay. The guest reminded the workshop participants that the protection of minorities remained one of the most important values and priorities of EU policies, both internally and externally. This was not to say that the situation was perfect within the EU, which was why the EU and member states continually strived for improvement. Mr. Snaiduf added that protecting minorities in Bosnia-Herzegovina was of particular substantive and symbolic importance, given the recent history of the region.

The EU delegation representative pointed out that the areas of particular concern highlighted in the EU Progress Reports for Bosnia-Herzegovina were protections for vulnerable groups, including Roma, persons with disabilities, returning refugees and internally displaced persons. He made two general observations about the situation in Bosnia-Herzegovina. First, discrimination against minorities remained widespread, and the 2009 anti-discrimination law had not been implemented and was not compliant with European standards. More needed to be done so that citizens would become aware of the existence of the anti-discrimination law. Second, bringing the constitution into line with the Sejdić-Finci ruling had not been achieved, and it was crucial to do so. In Mr. Snaiduf's view, this would require local ownership by politicians and ordinary citizens of Bosnia-Herzegovina.

To engage with these issues, the EU pursued a multi-track approach in Bosnia-Herzegovina. First, the EU actively supported the full implementation of the anti-discrimination law. Adopting the law had been part of the conditionality to liberalize visa requirements for Bosnian citizens wishing to travel to the EU. Implementation of anti-discrimination policies had been monitored at regular meetings. For example, a recent meeting had flagged the urgent need for Bosnia-Herzegovina to set up a way to collect data on instances of discrimination in the country. Second, the EU maintained a regular dialogue with the Human Rights Ombudsman in order to improve the capacity of the latter institution to deal with cases of discrimination. Third, the EU was engaged on Roma issues. For example, in 2013, the EU Delegation had hosted a seminar on inclusion of the Roma, which had identified key priorities: raising the participation of Roma in pre-school education; fighting discrimination by raising awareness amongst teachers, principals, and parents at schools; reducing Roma dropout rates at primary and secondary school levels; and institutionalizing mediation and assistance in schools for Roma pupils. In addition to events like the seminar, the EU also supported Roma issues within the framework of the Sarajevo Process (2005) and the Zagreb Declaration (2011) regarding the provision of civil documentation for refugees and internally displaced persons in the region. Finally, the EU Delegation had recently published a call for proposals under the 2013 Instrument

for Pre-accession Assistance (IPA) programme to further support the National Roma Action Plan, with a particular focus on housing. Mr. Snaiduf concluded by saying that the situation was not improving quickly enough and that only proactive engagement would facilitate future progress. The latter, according to him, should be “daily business” for the EU, as well as those within academia.

3. Political Effects of EU Integration on Minority Protection: Top-Down and Bottom-Up

The second day of the workshop opened with a panel on the political effects of the EU integration process on democratization in the Western Balkans. The presentations and the discussions afterwards addressed four key questions:

- Is the EU making use of its leverage in the accession process, and if so, to what extent? What are the effects and results of the EU integration process on the issue of minority protection?
- What are the main challenges for the EU in demanding a strengthening of the protection of minority rights in the Western Balkans?
- How can minority protection be applied consistently, given: the lack of unified international and EU standards, which includes dissent around the definition of a minority group; the different post-conflict legacies in the region; and the varied political sensitivities around the issue?
- How should the EU mainstream the protection of minority rights? How can EU progress monitoring and benchmarking improve and adapt?

Dr. Marko Kmezić, University of Graz, started the session by introducing the topic of minority protection in the Western Balkans as an intersection between law, politics, and Europeanization. He saw the evolution of EU minority rights protections as a “play in three parts”: the minority rights policies of the EU during the enlargement processes of the 1990s; “enlargement reloaded” for the Western Balkans; and the new approach of the EU in the prioritization of chapters 23 and 24 of the *acquis communautaire* (related to the rule of law) which had implications for minority protection. Dr. Kmezić said that focusing on minority issues had not originated during the enlargement processes, but had started in the 1980s with the initiative of the European Parliament, which had mainly addressed cultural aspects of minority rights. The minority rights policies during the early Eastern enlargement processes in the 1990s had been characterized by three factors: the need for minority protection as part of external policies; the pivotal role of the Council; and the shift from cultural to political rights for minorities.

When minority protection policies had been “reloaded” for the Western Balkans, this had happened within the Stabilisation and Association processes (SAP) for each country, which had been designed to address the challenges of reconstructing post-conflict societies. Within the provisions of the SAP, there had been an

explicit stipulation for the protection of human and minority rights of displaced persons, going beyond the Copenhagen criteria. Complying with certain standards in this area was not just a condition for opening and closing chapters, but for progressing in different phases of the accession process. The actual benchmarks within the SAp included: the right to maintain education in one's own cultural and religious institutions; use of minority languages in courts and other public authorities; and adequate minority refugee return. However, Dr. Kmezić added that these three benchmarks were quite vague, and it was unclear how they could easily be operationalized into tangible policy measures. Even the benchmark of refugee return could be quantified, but not whether returnees were being reintegrated socially and economically. Now that the priorities in the Progress Reports had been divided by chapter, he added that it might be easier to translate recommendations into concrete policies with minority rights mainly appearing within chapters 19 and 23. However, Dr. Kmezić emphasized that minority rights were only a peripheral part of chapter 23, which focuses on the judiciary and fundamental rights, and that anti-corruption and judicial reform policies tended to take precedence. Applying Risse, Ropp, and Sikkink's (1999) "spiral" model – from negotiations, to persuasion, implementation, and finally socialization – Dr. Kmezić commented that these features resembled the EU's new approach to accession negotiations which called for candidates to build up a solid track record in chapters 23 and 24 before these chapters would be closed.

He concluded by making five recommendations for the improvement of minority protection in the region:

- better co-ordination between the Council of Europe, the High Commissioner for National Minorities, and the EU to provide more policy coherence;
- clear guidance to aspiring EU members about benchmarks;
- the focus of the EU should be more oriented towards implementation and not only adoption of compliant legislation;
- minority protection should be included as a cross-cutting issue across all fields, not just the political criteria;
- developing clear quantitative and qualitative indicators for minority protection.

Dr. Neven Anđelić, Regent's University London, then provided a comparative perspective on minority protection within recently joined EU member states, and shared his observations of Slovakia during his work for the Advisory Committee on the FCNM. He shared his findings from Slovakia to provide lessons learnt for current candidates and potential candidates of the EU, specifically Bosnia-Herzegovina. Dr. Anđelić had visited a Roma "ghetto" in the Luník IX borough within Košice, the second largest city in Slovakia. Although the tower blocks in which the residents lived were not dissimilar to those across Eastern Europe, there were almost no public services. Running water was only provided for half an hour every morning. There was no internal plumbing, so the water was only provided from a communal tap in front of the buildings. Most of the dwellings also did not have any electricity or gas supply. Dr. Anđelić had also visited a village to observe

the condition of the Roma population in rural settings. He had visited a municipality headed by a Roma mayor that had been successful in attracting financial assistance from the EU. However, even here, access to running water had been a problem, and the only supply was from two public wells. Dr. Anđelić had also visited Ostrovany, a predominantly Roma municipality in northeast Slovakia. The mayor had erected a wall between the Roma and non-Roma parts of the town. There was also widespread physical segregation in other communities across Slovakia, and there were 12-14 walls in the country designed to separate the Roma from the rest of the population. The aforementioned “ghetto” in Košice was also separated from the rest of the community by one of these walls.

Dr. Anđelić remembered being “shocked” to see this type of physical segregation of Roma communities in an EU member state, which seemed worse than many parts of the Western Balkans. The EU had previously criticized Slovakia for the country’s track record on minority rights, yet the current government in the country had abolished the Deputy Prime Minister for Human Rights, which had become part of the Foreign Ministry, and the Plenipotentiary for Roma Issues was now within the Interior Ministry. As a further example of the marginalization of Roma issues as a human rights issue, the Slovak Ombudsman had submitted a critical report to the Parliament that had remained ignored for nearly one year. Segregation in education was yet another example, where parents of the majority population withdrew their children from the schools Roma pupils visit, and vice versa. Dr. Anđelić felt that the Council of Europe did not have the instruments to ensure the protection of vulnerable minorities, but that the EU was ignoring or side-lining these issues. Thus, Dr. Anđelić’s observations brought into question the long-term benefits of EU conditionality and membership on protecting the most vulnerable minorities during previous rounds of Eastern enlargement.

Ms. Lejla Somun-Krupalija, Association Crvena, Sarajevo, then focused on how minority issues could occur alongside other equality issues by looking at the concept of “intersectionality”. The term and concept of “minority”, drawing on similar distinctions in the Soviet context, had been a part of the political lexicon in the Western Balkans for a long time, so it had been easy to incorporate or adapt these notions in the context of European integration. Ms. Somun-Krupalija outlined the “plethora” of international, regional, and national policy instruments in Bosnia-Herzegovina which were designed to ensure the protection of fundamental rights for various vulnerable groups. In terms of identifying standards, she said that the Universal Periodic Report for Bosnia-Herzegovina, published by the UN Office of the High Commissioner for Human Rights, provided clear recommendations, but it was being ignored by the EU. Moreover, having such an “abundance” of policy instruments designed to address equality issues, including minority rights, resulted in at least three problems: ensuring that minority rights intersected with other equality issues in their implementation; preserving the dynamics between minority rights and other equality issues; and determining in which policy sector or sectors minority protection should be located to work most effectively.

Ms. Somun-Krupalija introduced the notion of “intersectionality”, coined by Kimberlé Crenshaw (1989). Ms. Somun-Krupalija stated that marginalization could occur by class, race, gender, sexuality, poverty, and other characteristics, but that crucially, one or more of these traits might be found in a single individual. In other words, policy-makers needed to examine the complexities when different marginalized identities “intersected” in individuals. She further explained that support for various movements related to equality

issues, such as LGBTI, disability, women, Roma, etc. were channeled to separate organizations. Thus, different organizations and mechanisms designed to address different forms of minority status saw each other as competitors for scarce governmental and international donor resources. Such organizations thus neglected multiple co-existent forms of discrimination and vulnerability, which was compounded by the fact that donors saw them as homogenous groups.

When one looked at how funds were disbursed and policies were promoted, Ms. Somun-Krupalija expressed concern that the demands of various “minority” groups seemed to be conflated. Thus, there was no way to appreciate minorities such as the Roma as a heterogeneous group and differentiate between the challenges for Roma women, Roma with disabilities, LGBTI Roma, etc. By merging different forms of “minority”, the different historical and social complexities were lost. It was thus not possible to locate the different forms of inequality together. For example, sexual orientation was an issue of intimacy, gender was connected to division of labor, citizenship, and intimacy, whilst ethnic minority rights and anti-racism strategies were not connected to notions of intimacy. She quoted a former Bosnian party leader, who reportedly quipped regarding EU policies: “are you telling me it is not possible to be both Serb and gay?”

Ms. Somun-Krupalija then argued for the need to locate minority rights at more local levels of government. There was a state-level Ministry of Human Rights and Refugees which was supposed to guarantee protections for minorities. However, all of the aforementioned international, regional, and domestic human rights instruments needed to be located at the local level. One major problem was that policy-makers found it difficult to address a problem unless it could be assigned to a particular policy sector. For example, Ms. Somun-Krupalija said that when she had been involved in a campaign to eliminate violence against females, she had found that politicians had needed the problem to be defined as a health, social, or economic issue before being able to proceed. In conclusion, she expressed concern that although organizations such as the United Nations Development Programme (UNDP) had tried to implement human rights programs at the municipal level, human rights-based action plans were still not operational in Bosnian municipalities.

Ms. Elitsa Kortenska, Leiden University, reoriented the focus of the discussion, and presented preliminary results of the analysis of discourses amongst ordinary citizens related to EU enlargement in two Western Balkan states, FYR Macedonia and Serbia. The reason to explore citizens’ discourses was that EU integration, both for existing member states and candidate countries, remained an elite-led process which excluded the general public. Scholars had paid great attention to the media and elite discourses on EU integration, but discourses among citizens had so far been largely overlooked. However, ordinary citizens might have significantly different understandings of EU enlargement from political elites.

The existing political discourses, as defined by John Dryzek (2000), were shared “stories” which helped make sense of the world. The research presented by Ms. Kortenska formed part of a major MAXCAP deliverable within Work Package 3 that also included research on the shared discourses among citizens in Poland, Bulgaria, the Netherlands and Germany. The first step of the explorative studies, which employed Q-method developed by Stephenson (1982), had been to gather statements about EU integration through focus groups of citizens at various locations in each of the countries. The second stage of the process was

to conduct individual interviews, where respondents were asked to position 64 different statements about EU integration according to their personal agreement or disagreement with each of them. A factor analysis was then conducted on the data using Centroid Factor extraction and Varimax rotation in PQMethod software.

The preliminary analysis in Serbia pointed to the existence of at least three narratives amongst respondents regarding EU enlargement labelled: “Enthusiastic Opportunism”; “European Antagonism”; and “Conditional Realism”. In comparison, the researchers had found a different set of narratives amongst respondents in FYR Macedonia: enthusiasm tempered by continued EU and domestic inertia (labelled “Blocked Enthusiasm”); a belief that FYR Macedonia did not have the capacity to be an equal partner in the EU (labelled “Façade of Readiness”); and the necessity to strive towards EU accession as the only credible future (labelled “European Future”). However, additional interviews were to be conducted in both Serbia and FYR Macedonia, so that the dominant discourses identified might be confirmed, or another discourse might become evident. Once the data would be collected, the researchers would examine whether the discourses were connected across countries, how the context shaped the discourses, and also speculate whether dominant discourses would change if domestic conditions changed. The main policy implication was that some discourses could be used as communicative frames to either facilitate the process of EU enlargement, or on the contrary, to prevent it.

The questions after the presentations started with a discussion about whether the new approach had addressed some of the problems identified with benchmarking. The new approach relied on a verifiable track record, evidenced by action plans prepared before opening chapters of the *acquis*, instead of a mere commitment for change. Dr. Kmezić replied that it was perhaps too soon to measure the impact of the new approach in Montenegro and in Serbia, the two candidates which had been subject to the new approach. However, if one looked at the action plans, they still relied heavily on a normative approach, meaning that progress was measured by verifying legislative and institutional changes. The innovation in the new approach was that there would be interim benchmarks, meaning two steps instead of one in closing chapters, but otherwise the procedure would remain unchanged.

There was also a discussion about the relationship between discourses and public opinion, and whether the latter mattered when EU accession was elite-led. Ms. Kortenska said that public opinion had played a pivotal role in the accession negotiations between Poland and the EU, where the candidate country had used it in a strategic way to gain leverage with the EU. For example, the issue of land ownership by foreigners had been a “turning point” for Polish citizens in their support for EU membership. In this way, negotiators could use dominant discourses or citizen understandings of EU integration to influence the process itself, or mobilize certain aspects of the discourse. Ms. Kortenska also added that there was evidence that elites could use cues, via media, to condition public opinion. Moreover, there was a conceptual difference between public opinion and discourses, with the latter being more stable than public opinion. In addition, the relationship between media and political cues in shaping public opinion could be observed in the way the Progress Reports were occasionally used strategically and selectively by governments to further their own aims.

The participants explored whether the EU had been trying to do what it had done from Central and Eastern Europe, or rather, to learn lessons and improve on what it had done in previous Eastern enlargement rounds. Dr. Anđelić, linking with the presentation of Ms. Kortenska, said that the citizen understanding of EU integration had changed. In the 1990s, during the first round of Eastern enlargement, integration had been seen as the road to prosperity. More recently, both in the Western Balkans and within the EU itself, integration had been tied to the experiences of financial austerity and bankruptcy in Greece and Spain. This was creating doubt amongst candidate states. Dr. Anđelić quoted Dejan Jović, saying that unlike the case of previous Eastern EU enlargement, the motives now were not only to join the “liberal democratic” EU. For example, in Croatia, there was also a nationalist rationale for accession: to build a permanent boundary between itself and its ancient foe, Serbia. Professor Adam Fagan, QMUL / LSE, who chaired the session, added that it was crucial to assess whether the EU would do what it did not do in previous Eastern enlargements. For those studying EU conditionality, it was a difficult issue. On the one hand, the idealized narrative about previous Eastern enlargements had fuelled progress in the Western Balkans, justifying the “transformative power of Europe”. On the other hand, Professor Fagan argued, the rosy prognosis of the impact of EU conditionality in previous Eastern enlargements was not sensitive to the specific challenges of the Western Balkans – but this was at least being challenged.

There was a related discussion about the need for older member states to be more reflexive about the shortcomings of their own minority protections. In other words that EU conditionality should do what member states had not done themselves. Dr. Anđelić commented that there was no particularly positive role model for the Western Balkans from the old member states, particularly with regards to Roma, ethnic minorities, and decisions by the ECHR. For example, the ECHR had asked the United Kingdom (UK) to extend voting rights to prisoners in 2005, but they had ignored the court’s decision. So, argued Dr. Anđelić, when the Bosnian government saw this, they could say, “well, we can ignore Sejdić-Finci as long as we want to”. Drawing on this comment about the Sejdić-Finci case, Dr. Kmezić added that there was the issue of voting rights in Cyprus and Belgium, both of which excluded non-constituent peoples in certain circumstances, but “no one in the EU cares”. Minority rights were not a part of EU primary law but were rather included in the Directives; however, there was still no genuine Anti-Discrimination Directive. Dr. Kmezić also noted that the EU was unable to sanction its own Members, since not all of them had signed and ratified the FCNM. He suggested that perhaps it should be a requirement for Members to ratify the FCNM, allowing for internal EU sanctions, and to give EU conditionality credibility in this area.

4. EU Conditionality and Minority Protection: beyond Ethnicity and beyond the Western Balkans

In the following panel, the workshop explored experiences beyond those of ethnic minorities, and examined the impact of EU conditionality outside the Western Balkans. The presentations and the discussions afterwards addressed four key questions:

- What are the factors determining the effects of EU conditionality in promoting minority rights protection?
- If the legal framework for minority rights protection is in place, what are the main reasons for the slow pace of implementation? What can the EU do to increase implementation and ownership of reforms by Western Balkan governments?
- How are EU strategies and their impacts different for different types of minorities, e.g. between constitutionally defined national minorities, Roma, and LGBTI individuals?
- How can domestic stakeholders make the most of EU assistance for enhancing minority rights in Western Balkan countries?

Professor Meltem Müftüleri-Baç, Sabancı University, explained the effect of EU conditionality in Turkey, as a way of drawing parallels with the cases in the Western Balkans. When the MAXCAP project had been first designed, the initial assumption had been that it had been quite a straightforward process: candidates would join the EU once they met the political Copenhagen criteria and the political reforms would be quite straightforward as well. For example, the first Progress Report for Turkey written in 1998 had itemized the reforms that needed to be achieved. There had been little on either minority protection or gender equality. She said that one of the key areas of investigation in the MAXCAP project had been the linkage between the credibility of the accession process and EU political conditionality, which was where problems had appeared in the Turkish case. Professor Müftüleri-Baç said that since 2001, Turkey had undergone significant reforms in anticipation of the commencement of accession negotiations. Turkey had changed its main structures with regard to civil-military relations and had adopted a new civil code that had changed gender equality and a new penal code that had changed criminal law. In 2004, the Progress Report had concluded that Turkey had met the political criteria and could start accession negotiations, which had been approved with an additional proviso that the Turkish customs union would be extended to the new EU Members that joined in 2004, including Cyprus. The negotiations had officially started in October 2005, under the UK Presidency of the EU. At this time, the public sentiment had been that this had been a technical process, and Turkey would be able to open and close the chapters of the *acquis* quite smoothly. However, the process had gradually lost credibility in Turkey due to bargaining in the Council and vetoes by individual member states. In 2006, the EU had suspended the negotiations of eight chapters for which Turkey had already adopted EU criteria, since Ankara had not extended the customs union to Cyprus. Turkey's position was that it would extend the customs union in exchange for the April 2004 European Commission package

to lift trade restrictions on the northern part of Cyprus, which had been vetoed in the Council by Cyprus.

Because of this impasse that had lasted over a decade, Professor Müftüler-Baç added that the feeling in Turkey was that no matter how much the country complied with the political and economic criteria, the EU could be held to ransom by a few members. This feeling had been compounded in 2007, when Nicolas Sarkozy, President of France, had blocked the opening of the chapters related to economic matters (where Turkey met the *acquis*), because he had said that it would prejudice the outcome of the accession talks. The problem was that nine years after negotiations had been opened, only 13 chapters were open, while those chapters where Turkey met the *acquis* had remain closed. When the Commission had launched its new approach, it could not be applied to Turkey, since Cyprus had vetoed the opening of chapters 23 and 24. Because of these impediments, domestic commitment to reforms and the effectiveness of EU conditionality had declined in Turkey, accelerated by economic growth and a feeling that security issues could be handled alone, thus eliminating the incentives for political change. Hence, there had been authoritarian back-sliding in Turkey. In other words, Turkey had become more authoritarian, because it had lost the EU's moderating influence. For example, the 2013 judicial reforms were the opposite of what the EU wanted, and this was partly the result of the loss of faith in and need for the EU among both the elite and citizens of the candidate country.

Dr. Bojan Bilić, University of Amsterdam, then focused on the link between European integration and LGBTI activism in the Western Balkans. He started by saying that he would not be using the term “minority”, but accepted that there was a strong conceptual link between “minorities” and “discrimination”. He added: “as long as we have “minorities”, we will have discrimination. As long as we have race, we will have racism. As long as we have homosexuals, we will have homophobia”. To express the political and historical complexities for a region that had always been geographically in Europe to be “Europeanized” or “re-Europeanized”, Dr. Bilić cited the work of the Croatian cultural critic Boris Buden:

“For Europe is not only a place where we have always been, but also an aim towards which we are moving. Its presence in us is experienced just as powerfully as its absence. It is the territory of the most sublime values of justice, liberty and equality, but at the same time the place where these values are perverted. It is as much the object of our adoration and desire as the object of disillusion and abomination. As its chosen people who save it now from its fiercest enemies, now from itself, we are more European than Europe itself, but also more anti-European...” (Buden 1996: 139).

Given this ambiguity of the relationship between the post-Yugoslav sphere and Europe, and thus Europeanization, Dr. Bilić explored whether coupling Europe with LGBTI activism undermined grassroots movements in the Western Balkans, professionalized civil society, separated LGBTI groups from its constituents and created a “new transnational public sphere of privileged voices” – particularly the Dutch and American embassies in the region. Instead of looking at Europeanization as a transformative diffusion process, Dr. Bilić preferred to look at it as a “troubled translation process”. Moreover, this “translation” meant that inclusion of LGBTI had been made a measure of “European-ness”, whilst intolerance towards non-heterosexual individuals was deemed “non-European”. Dr. Bilić used the history of the Belgrade Pride

parade to illustrate these dynamics between Europeanization and LGBTI rights. Because LGBTI issues had not been high on the agenda compared with other topics during dissident movements in the 1990s, LGBTI rights had not crossed the threshold for public legitimation that would have meant protest as a means to voice local grievances. Moreover, de-criminalization of homosexuality had not come about due to local activism, unlike in Western contexts. Against this backdrop, a leading LGBTI organization had misread the level of social liberalization after the fall of Milošević, and had organized the first Belgrade Pride in 2001. However, a number of LGBTI individuals had been attacked and injured during the event, and the police had not intervened. Dr. Bilić then played a video showing violence from the 2001 Belgrade Pride, where one of the “hooligans” involved in the violence commented: “This is not Paris or Berlin. This is Serbia. Such things do not happen here”. Dr. Bilić said that this comment had great significance and indicated that LGBTI activism was perceived as being from the outside.

Unlike in the United States (US) and other Western contexts, he argued, the issue was stripped of its political potency in Serbia. By linking Pride to events in the West, this undermined the fact that Pride in Serbia and in other parts of the region stemmed from local grievances. Belgrade Pride had gone ahead in 2010, with 600 participants protected by 6,000 police officers. Many of the participants had been officials from the EU, Council of Europe, OSCE, and professional NGOs, with quite few local LGBTI involved. There had been riots by those opposing the march, resulting in €1 million damage to Belgrade. Dr. Bilić said that these events suggested that there was something wrong, not only with the Serbian political response, but also with Pride as a political instrument. The event in its Western form “belies the infertility of the Serbian LGBTI activist community” to articulate their grievances in a useful way. The EU had continued to insist on Belgrade Pride in its annual Progress Reports, and other EU pronouncements referred to Pride as a one of the “key tests” for Serbia’s integration process. However, the Gay and Lesbian Info Centre (GLIC) in Belgrade had responded to this by saying that the EU’s actions had been damaging, since it had made LGBTI people the culprit for lack of progress in the accession process. Dr. Bilić cited a survey of Serbian LGBTI individuals conducted in 2013, which had found that 36% had felt that Pride had done more harm than good, and 42% had said that Pride had contributed to the increase of fear and hatred towards LGBTI people. Thus, he recommended that the EU severed the link between homosexuality and “Europe” in Serbia and the rest of the region and built a stronger activist representation via contact with LGBTI people themselves.

Dr. Simonida Kacarska, European Policy Institute – Skopje, then fused the perspectives from domestic government, academia and civil society in the area of minority protection and EU conditionality in the Western Balkans. She echoed the comments from previous presentations that there were no “European standards” regarding minority protection, so benchmarks had been inconsistently applied and contextually defined during enlargement processes. Dr. Kacarska added that there had been the 2004 EU Directive for Anti-Discrimination, but that this had dealt mainly with employment, and as Dr. Kmezić had pointed out in the previous panel, there was not a common standard since the FCNM had not been ratified by all EU member states.

However, Dr. Kacarska said that there had been changes since the Western Balkans countries had entered the enlargement process. The EU did acknowledge the importance of minority protection in the Western

Balkans because of the legacy of the violent ethno-national conflicts in the region. Moreover, most of the Western Balkans cases had larger groups of national minorities and more cross-border issues than previous candidates of EU accession. On the one hand, there was far less enthusiasm for further enlargement by the EU itself or within existing member states. This contrasted with the situation in 2004 and 2005, when the European Commission would be able to intervene at the “peak of EU enthusiasm”. The 2005 summit in which the decision to start negotiations with Turkey had also been the meeting in which FYR Macedonia had been given candidate status, both of which had been pushed by the UK representation. There were additional instruments that had been developed particularly for Western Balkan candidates, particularly benchmarking for opening chapters and negotiations, visa liberalization (which were conditional on minority rights), and further conditionality related to chapters 23 and 24. On a more positive note, Dr. Kacarska admitted that in contrast to earlier enlargements, the EU had been more involved on the ground in the Western Balkans in relation to national minority policies. For example, the head of the EU Delegation in FYR Macedonia had intervened many times on this issue, had co-operated with the local government and had managed minority policies in a variety of ways.

Dr. Kacarska repeated that the main problem faced by practitioners was the lack of a common standard in minority protection. This had also been the case during the Croatian negotiations. Croatian officials involved in the accession talks for chapter 23 had said that because there had been no clear standards for minority protection, they had often operated by “trial and error”. For example, one of the key issues towards the end of the negotiations had been the representation of minority Serbs in the public administration, and there had been no clear benchmarks whether this had applied to the civil service or other posts. Part of the problem with the term “European standards”, as mentioned in previous presentations, was that there were no agreed “European standards”, which meant that often there were “double standards” amongst EU member states. She added that if the FCNM was not used during the accession process, it was difficult to set clear benchmarks in this area. Furthermore, Dr. Kacarska expressed concern that the bureaucratization of the European enlargement process meant that quantifying progress through legal compliance rendered itself difficult in building a holistic view of the situation.

However, the main concern across practitioner, academician, and civil society perspectives was that the EU had tied minority rights to issues of security, rather than human rights. Dr. Kacarska said that the overall priority of security was evident in the visa liberalization process, which side-lined issues of human rights for minorities. As an example, she pointed out that in the aftermath of the visa liberalization process, Roma and Albanians had been identified as travelling to the EU and claiming asylum. The EU had responded by pressuring the national governments in the Western Balkans to prevent Albanian minorities and Roma from travelling. In the post-liberalization monitoring, the number of individuals prevented from exiting the country had not been widely reported, and the unfair impact on Roma and Albanians had not received enough attention.

These four presentations triggered a lively discussion afterwards. Dr. Bilić opened the floor by responding to a question about the political affiliation of the “hooligans” opposing Pride. He replied that it could be assumed that there were links with right-wing political parties, but more importantly, there were strong

links with the Serbian Orthodox Church. Replying to another question, he said that the division amongst donors over the issue of LGBTI support was reflected in the activist community. Dr. Bilić added that “it is impossible to talk about an LGBT “community”. Economic inequality is always superior to identitarian divisions”. He further clarified that differentials of wealth meant that there was little solidarity across the socio-economic divide, since wealthier individuals “have the means to live their sexuality”. Dr. Bilić had recently interviewed a former LGBTI activist from Novi Sad who had found that the internal divisions were stark, and that this had to do with “who has the right to speak, who has the right to access resources” and other forms of inequality that were reflected within the LGBTI activist community. In response to a question about grassroots LGBTI activism, Dr. Bilić said that he had been researching on a group called the Belgrade Queer Collective which had used the notion of “queer” for the first time in a post-Yugoslav context to break with the predominant forms of institutionalized LGBTI activism in the region.

The discussion then focused on the three chapters of the acquis that were unblocked in Turkey. Professor Müftüler-Baç replied that there were serious reservations within Turkey to do so, particularly the public procurement chapter. As long as Turkey did not have a full membership perspective, there was reluctance to open up Turkish markets to unrestricted competition from EU companies. This was the same rationale for the chapter on competition. Professor Müftüler-Baç said that complying with the chapter on social policy would have significant implications for Turkish employment policies. She argued that as long as the accession process was not credible, it made no sense for the Turkish government to proceed with reforms. The “positive agenda” developed in 2012 had been designed to overcome the Cypriot and French vetoes and to revitalize the harmonization process without accession negotiations. However, the plan had repeated what had already been rejected, namely the notion of a strategic partnership. Professor Müftüler-Baç said that in the near future EU membership was neither possible for Turkey nor for the Western Balkan states. According to her, this did not matter for Turkey, as the process had lost credibility. However, no political party in the country wanted to be seen as severing its ties with Brussels. Dr. Kacarska added that the conclusion of negotiations was so far away for the Western Balkan candidate states that the declaration by the Commission about future enlargement had little effect. In the case of FYR Macedonia, the naming dispute had also little prospect of being solved, so there was no immediacy in starting the accession negotiations process. However, she added that as in Turkey, disengagement by the EU had contributed to the country becoming more closed and authoritarian.

Another factor was the size of Turkey (with a population of 80 million people), so its membership would change the institutional balance in the EU. Professor Müftüler-Baç considered it vital to keep Turkey tied to a European integration process, since it was a large market with extensive trade relations. In her words: “You cannot lose Turkey; you cannot have it either. It is a dilemma in which the EU is caught.” In response to a separate question, she added that for the French government, the deadlock on Turkish accession had nothing to do with the Armenian genocide, but rather how Turkey fitted into “Europe”. However, she said that the deadlock had little to do with “Islam” either. If Turkey had met its political conditionality commitments, it would still have been able to progress. Professor Müftüler-Baç said that religion was not blocking further accession negotiations, but specific political rights with which Turkey was yet to comply. The role of Islam, she said, was significant as soon as certain Christian Democrats or a government such as Viktor

Orbán's in Hungary took power and their anti-Islamic bias became a part of the policy-making processes.

With respect to Turkey's geopolitical position, Professor Müftüler-Baç said that the conflict in Syria and elsewhere in the region would become a problem for European security, especially as there were diverging security interests between Turkey and the EU. For example, as an elected member of the Security Council in 2010, Turkey had opposed sanctions against Iran and had not voted to press war crime charges against Omar al-Bashir, President of Sudan. Hence, there were many ways in which Turkey had become more independent of the EU in security matters. It had a better relationship in this sector with the US and the UK, but the latter was also changing its position. Since the Libyan intervention in 2011, according to Professor Müftüler-Baç, Britain was working more bilaterally with Norway, Turkey, the US, and certain EU members. Moreover, there was no desire in Turkey to become the "protector of Europe" with respect to threats in the region. According to her, the EU would need to foster a different relationship for such purposes. She also argued that there were "many Turkeys": some supported the Kurds, some supported ISIS, whilst others looked to the West. Depending on who was in power, there were different levels of engagement between Ankara and Brussels.

5. The EU and Minority Protection: the Role of Civil Society

The final panel of the workshop featured representatives from civil society organizations. The panel focused on the following questions:

- Is it important to mainstream minority issues in the media? If so, how can this be achieved?
- How should capacities for sufficient monitoring of implementation at the local level be strengthened?
- How can possibilities for regional exchange, cooperation, and learning be enhanced to address remaining post-conflict issues/grievances or neglected sections of traditional minorities (e.g. in Eastern Serbia)?
- What are examples of best practice from activists' perspectives working on Roma and LGBTI issues?

Mr. Nadir Redzeqi, Roma Programme, Open Society Foundation, argued that EU conditionality and other assistance had had the unintended consequence of disqualifying Roma and other marginalized groups from being supported. He said that when the Open Society Foundation had spoken with EU officials, he had been told that the EU did not have any competencies in the area of minority protection, so the only way to tackle marginalization of Roma was via anti-discrimination provisions. In 2011, all EU Member States with the exception of Malta had developed Roma Inclusion strategies valid until 2020. Civil society organizations had drafted reports to examine the implementation of these strategies, since no official country reports had been envisaged.

The Open Society had worked specifically on making EU funding more accessible to Roma communities. In 2011, the Open Society had lobbied MEPs supporting Roma and had had regular communication with Directorates at the European Commission in order to amend the rules for the European Regional Development Fund and to allow for support for building housing for Roma. However, the EU funding had not reached Roma settlements, since the EU did not want to consolidate segregation by financially supporting improved housing in Roma-only areas, which thus excluded Roma communities from infrastructure development. Moreover, in 2004, Mr. Redzeqi had been part of a group of minority organizations lobbying the European Commission to include conditionality related to minority inclusion in the first round of IPA. The result had been that 10% of IPA funding had to be spent on minorities. Although the lobbying had been successful, Mr. Redzeqi said that the Open Society had been “naïve”, since, as a result, the funds had been spread quite thinly across all marginalized groups. Although there had been the aforementioned stipulation for minority inclusion in the first round of IPA, this had not been the case for IPA II. In addition, Mr. Redzeqi noted that EU initiatives such as visa liberalization and labor reforms had had an unintended, negative impact on the lives of the Roma. He pointed to the example of recycling businesses which were now more strictly regulated, resulting in the exclusion of Roma who had been doing this as a job.

Ms. Danica Ilić, Media Diversity Institute, continued the panel with a discussion on the pivotal role of the media in the negative representation of ethnic and other minorities. In her view, negative portrayals of ethnic minorities by mainstream media rationalized xenophobia and violence and must be a focal point of analysis and reform. As a comparative case, Ms. Ilić cited the negative representation of Bulgarian and Romanian migrants in the British media to show how this could shape public attitudes. Moreover, Roma from Eastern Europe were represented in British newspapers as a threat to the labor market. She focused on the coverage of the Daily Mail which was the most read news website in the UK. To improve the situation, she recommended that members of marginalized groups should be mainstreamed to talk not only about minority issues, and there should be more journalists in the newsroom from minority groups.

The final presentation was given by Mr. Adriatic Hasantari, Roma Active, whose organization won the 2014 EU’s “Award for Roma Integration in the Western Balkans and Turkey” for Albania. He agreed that the award would open doors for the organization, but that the reality was still dominated by chasing the next call for proposals to ensure Roma Active’s survival. Linked with the presentation by Dr. Anđelić about the physical segregation of Roma, Roma Active was part of a European network of organizations campaigning for a “Wall-free Europe”. Roma Active was also promoting historical awareness and was part of a lobby for governments to commemorate the Roma genocide during the Second World War. In another campaign, the organization had approached media for help, but had found that Albanian journalists themselves needed to be trained in being sensitive to stereotyping. The project for which the organization had received the EU award focused on empowering Roma women and youth to participate actively in their own affairs by creating networks, and to integrate capacity building at every phase of the project. Roma Active found that the biggest cross-cutting issue was discrimination in education, labor, and housing, so their biggest focus had been to support anti-discrimination implementation in Albania. Mr. Hasantari concluded by saying that discrimination was not only a problem of national political leaders, but could be found with regard to decision-makers at schools, hospitals, and at every level of society. For this reason, grassroots mobilization

with local ownership was a key component of minority rights protection.

The first set of questions interrogated the role of the media. It was stated that the problem was not about the media representations themselves, but rather the failure of more “liberal” perspectives in member states (like the UK) to communicate the benefits of Eastern European migration. Moreover, there was a lack of communication with citizens (including civil society) about the EU accession process. Ms. Ilić suggested that there needed to be better co-ordination between the EU and major media outlets in member states. Mr. Hasantari added that there were mechanisms for member states, namely the Open Method for Co-ordination, where one could discuss how media could be monitored. By contrast, in Albania, the ownership of the monitoring process was not located domestically. Monitoring was done in the European Commission Progress Reports. Each year, Roma Active submitted a 20-page document to the Commission and attended all relevant meetings, yet this commitment had been reduced to one sentence in the final Progress Report. Mr. Hasantari felt that minority protection was of a lower priority. What is needed, he said, was to further strengthen civil society organizations to act politically without relying on financial support from the government. However, donors expected successful projects to be sustained by the government, although the government often perceived the work of civil society organizations as a threat to their authority. In other words, the European Commission expected civil society organizations to obtain governmental support, but it was not possible to do so and remain politically independent. Consultation meetings with the government were aimed at “ticking boxes” and did not affect policies. However, Mr. Hasantari also said that the newly launched operational grants by the EU were a step in the right direction.

Another question drew on conclusions by researchers in Albania who had found that new policies in health, education, and labor had disadvantaged the Roma disproportionately. Moreover, they concluded that this had been caused by donors’ neo-liberal policies consisting of changing legislation and inclusion, instead of dealing with the living conditions of the Roma population. Mr. Redzepi replied that after the post-socialist transition, it had taken some time for the domestic institutions to become functional. In the meantime, it had been necessary to have donor intervention. During this period, many Roma organizations and those supporting Roma issues had acted as quasi-institutions where the state had not acted. The small donor funds had allowed civil society to perform this role properly. He added that the agenda had now changed after the global financial crisis. Mr. Redzepi also said that the Decade of Roma Inclusion has helped to gradually focus the attention of the EU on long-term inclusion issues. There were mechanisms for member states but not for accession countries to co-ordinate Roma policies, which was why the Open Society was negotiating with the Regional Cooperation Council (RCC) for the latter to fulfil a co-ordination role on Roma issues in the Western Balkans. Unlike previous enlargement countries, he added, there were benchmarks for Roma inclusion for current candidate countries – but not for EU member states.

Mr. Hasantari said that an awareness-raising approach was still needed. This, he said, was the focus for Roma Active whereas replacing the government in addressing Roma inclusion was not its role, since the government was equally responsible for all citizens. He conceded that donors over the past 20 years had only given “soft support”. However, judging by his own experience during donor strategic meetings, Mr. Hasantari noted that international organizations had taken the role of civil society by implementing

initiatives at a local level. In his view, this proactive approach from international donors “downplayed” local civil society activism. Regarding the Decade of Roma Inclusion, Mr. Hasantari commented that it had been the only major initiative to bring attention to Roma issues to the fore. The Decade Action Plans had been the ones that civil society organizations had used for advocacy, since there had been no official government action plans. However, the Decade had not achieved closing the gap between Roma and non-Roma living standards, a goal which needed to be the focus of the second Decade of Roma Inclusion if it was to be launched.

6. Conclusions

The concluding session was chaired by Professor Adam Fagan, in conversation with Ms. Tanja Hafner-Ademi, BCSDN, Professor Müftüler-Baç and Dr. Anđelić, to identify overarching themes during the two-day event. Professor Fagan first emphasized that wherever we looked at with regard to previous Eastern enlargements, there was not a “rosy picture” of minority protection from which the EU and the Western Balkan candidates could draw inspiration. By contrast, the problematic case of Turkey and back-sliding in the face of EU conditionality might be the norm. Professor Müftüler-Baç again underlined that EU conditionality had lost its credibility not only in Turkey, but also in FYR Macedonia, especially regarding protection of marginalized groups. Ms. Hafner-Ademi concluded that the approach by civil society advocacy in the Western Balkans rested on the effectiveness of EU conditionality, and if it did lose credibility, there were fundamental questions about what civil society should do next. Dr. Anđelić then commented that democratization in the Western Balkans had been understood by domestic governments as an opportunity for a “tyranny of the majority”, so that the plight of minorities had actually worsened due to Europeanization. Professor Fagan posed the question whether the lack of a prospect accession in the near future had impeded progress on minority protection in the Western Balkans and Turkey. Professor Müftüler-Baç replied that what mattered was not the length of time, but rather some assurance that the process would happen at all, given the high adaptation costs. Ms. Hafner-Ademi remarked that, like visa liberalization, there needed to be concrete benefits for common people. Dr. Anđelić closed the session with the observation that by not having a separate Enlargement portfolio in the new European Commission, the EU’s message to the Western Balkans is that no matter what was achieved in the region, it would not make a difference for the prospects of EU enlargement. Thus, the policy of EU conditionality would be largely ineffective in the Western Balkans for at least the next five years.

Three key themes overarched the discussions during the two-day workshop:

Intersecting identities: Minority protections developed through EU conditionality in the Western Balkans have tended to deploy a one-size-fits-all approach to address the marginalization of certain groups, whether it refers to ethnic or sexual minorities. Moreover, different types of marginalization are the responsibility of different ministries in different policy sectors. The current approach does not engage with issues when differing forms of marginalization intersect with ethnicity, particularly gender, class, and rural / urban divides.

Lessons learnt?: A vital question throughout the proceedings was whether the EU and current (potential) candidates for accession still wanted the EU to do “what it had done for Central and Eastern Europe”, particularly in light of the Eurozone crisis and pronouncements of “illiberal democracy” by Viktor Orbán’s government in Hungary. On a more positive note, participants felt that there was evidence that the EU was pursuing a strategy of “not doing what it had done for Central and Eastern Europe”. In other words, the “new approach” for Montenegro, Serbia and future candidates to start negotiations places an emphasis on establishing a strong track record of implementation in issues of rule of law, which includes some aspects of minority protection, before closing the relevant chapters of the acquis. There are also more explicit forms of conditionality related to the protection of marginalized groups in the acquis, unlike in previous Eastern enlargement.

Credibility: There is an over-arching credibility problem with regards to EU conditionality and minority protection, since there is not a universal standard across member states. Not all member states are signatories of the Council of Europe’s FCNM, which means that there is no method of sanctioning insufficient minority protection within the EU. More generally, there is a sense in Turkey that no matter what Ankara does, the accession process will not proceed, and it can be derailed by a small number of veto players (i.e. Greece and Cyprus). This has resulted in back-sliding, whereby previous reforms driven by EU conditionality have been reversed, particularly related to judicial reform, and there has been a return to more authoritarian rule. This lack of credibility leading to stasis in the reform process is also relevant to the Western Balkans. The current European Commission has said that it would not set an accession date for any of the candidates within the next five years. Thus, learning from the dangers of back-sliding in Turkey, it is crucial for the EU to be able to still encourage reform in the Western Balkans without setting a short- or medium-term horizon of EU accession.

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“Maximizing the integration capacity of the European Union: Lessons of and prospects for enlargement and beyond”

The ‘big bang enlargement’ of the European Union (EU) has nurtured vivid debates among both academics and practitioners about the consequences of ‘an ever larger Union’ for the EU’s integration capacity. The research project MAXCAP will start with a critical analysis of the effects of the 2004-2007 enlargement on stability, democracy and prosperity of candidate countries, on the one hand, and the EU’s institutions, on the other. We will then investigate how the EU can maximize its integration capacity for current and future enlargements. Featuring a nine-partner consortium of academic, policy, dissemination and management excellence, MAXCAP will create new and strengthen existing links within and between the academic and the policy world on matters relating to the current and future enlargement of the EU.