Regional and European integration of the Western Balkans candidate countries
The dynamics of two-level norm compliance

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Writing this dissertation has been an exciting and rewarding experience in many ways.

At the time of embarking on this project I was a civil servant – diplomat – posted to the Mission of the Republic of Serbia to the EU in Brussels. I have spent the past 15 years in the field of enlargement and have concluded that in my line of expertise something is missing. I have always been an advocate for the members of the executive branch to be, at least, acquainted with the academic findings on issues relating to the integration process of the Western Balkans. Only when theory and practice are conjoined one can have a full picture of the problems at hand. So, I decided to prove my arguments right.

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To

Živorad Đukić †

Who taught me how to become
A Townsman of Europe
and
A Citizen of the World

Abstract

The European integration process in the Western Balkan candidate countries (WBCC) is characterised by a double discrepancy in the field of norm compliance. First, there is a gap between norm compliance at European and regional level. Second, there is a gap between the discourse and the behaviour of the elites of the WBCC. This double discrepancy occurs despite the use of the same socialisation tools at the European and regional level. This presents an interesting puzzle: why do similar socialisation tools produce different outcomes at both levels, European and regional? Conventional rational choice approaches, assuming that political elites are driven by a logic of consequences - cost benefit calculations related to conditionality - cannot fully explain this puzzle. It is essential to understand as well how the logic of appropriateness leads to different socialisation outcomes. For this reason, a constructivist approach imposes itself.

It is against this theoretical background of rational choice and social constructivism that this dissertation seeks to answer the question why the political elites of the WBCC comply differently with European Union (EU) norms at the European and regional levels of integration. The research focuses on the rule of law (RoL) as the key norm in the EU.

The central theoretical focus of this dissertation is on socialisation of elites in the WBCC and socialisation-led compliance. Constructivist perspectives on socialisation are complemented by elements of social psychology, in particular cognition. Socialisation, in the context of the EU accession process, is approached through the central concept of argumentative persuasion. While it is expected that norm compliance is the expected outcome of socialisation of elites through argumentative persuasion, this is found to vary strongly between the European and the regional level, as well as, between the discursive and behavioural sphere. This results in two different dynamics of integration.

The process of argumentative persuasion and the diverging norm compliance are analysed at the regional level through the Regional Cooperation Council (RCC) and at the European level through the Stabilisation and Association Council/Intergovernmental Conference (SAC/IGC), with a specific focus on the sectoral fields of fighting corruption and organised crime.

Driven by its constructivist approach, the dissertation seeks to trace the divergences in socialisation-led compliance at the European and regional level and to detect the reasons for diverging socialisation through the construction of images of integration by the WBCC elites. As language is key to this research, the methodology draws primarily on the analysis of official

documents and discourse. Qualitative discourse analysis (QDA) is used to analyse official EU and RCC documents to find out how RoL norms are promoted, how argumentative persuasion gets form and how this reflects interaction between EU and WBCC elites. Political discourse analysis (PDA) is used to analyse the discourse of WBCC elites to find out how they construct understanding of integration and arguments about RoL compliance. As a third main method, case studies are used of socialisation and norm compliance in the RCC and SAC/IGC, allowing to distinguish between regional and European levels. These methods are further complemented by a range of semi-structured interviews of privileged witnesses to explore understandings of compliance and motivation and to corroborate findings. Finally, the analysis makes use of the methodology of the European Commission as a point of reference for the evaluation of norm compliance of the WBCC, more specifically the five-point tier scale in the regular progress reports on candidate member states.

It is argued that the diverging socialisation outcomes at regional and European level result from the differentiated effectiveness of argumentative persuasion. The political elites are found to engage in shallow compliance as a result of internal (intersubjective) conflicts of material and ideational factors that motivate EU norm compliance differently on the level of regional as opposed to the level of European integration. They pay lip service to RoL norms, instrumentalising this norm in the absence of political will and/or capacity at the European level and politicising meaning making.

This work contributes to the literature on Europeanisation through its focus on the dimension of socialisation-led compliance and the discursive construction of understandings of integration and RoL compliance. In doing so, it adds an innovative theoretical perspective to studies on EU enlargement. The double distinction between the European and regional levels of integration and discursive and behavioural dimensions adds new insights and a more nuanced understanding of the EU norm compliance dynamics in WBCC.

Acronymes

AC – Acquis Communautaire
BTI – Bertelsmann Stiftungs' Transformation Index
CoEU – Council of the European Union
CPI – Transparency Internationals' Corruption Index
CTF – Consultative Task Force
EC – European Commission
EUC – European Council
EEAS – European External Action Service
EEC – European Economic Commission
EP – European Parliament
EU – European Union
EU2020 – Europa 2020 Strategy
EUMS – EU Member States
EUPE – EU political elite
FRY – Federal Republic of Yugoslavia
ICTY – International Criminal Court for former Yugoslavia
IGC - Intergovernmental Conference
INTERPOL - The International Criminal Police Organisation
IDP – Internally displaced people
IPA – Pre-Accession Instrument
JHA – Justice and Home Affairs
MEP – Members of the European Parliament
MS – Member States
NATO – North Atlantic Treaty Organisation
NGO – Non-Governmental Organisation
NPE – National Political Elite
PDA – Political Discourse Analysis
RoL – Rule of law
RCC – Regional Council for Cooperation
QDA – Qualitative Document Analysis
SAA – Stabilisation and Association Agreement
SAC – Stabilisation and Association Council
SAP – Stabilisation and Association process
SEE – South Eastern Europe
SEE2020 – South East Europe 2020 Strategy
SFRY – Socialist Federative Republic of Yugoslavia
SP SEE – Stability Pact for Southeast Europe
TAIEX – Technical Assistance and information exchange
TEU – Treaty of the EU
UDI – Unilaterally Declared Independence
UN – United Nations
UNMIK – United Nations Mission in Kosovo
UNSCR – UN Security Council Resolution
WB – Western Balkans
WB6 – Western Balkan Six Initiative
WBCC – Western Balkan candidate countries
WWI – First World War
WWII - Second World War

Content

Acknowledgments……...2
Abstract……...4
Acronyms……6

1. Introduction……...9

2. Literature review ……18
2.1. Introduction……18
2.2. Compliance with EU norms ……..…18
2.1.1. Conditionality led compliance……..……23
2.2.2. Socialisation led compliance……26
2.3 Regional and European integration of the Western Balkan candidate countries…….30
2.4 Europeanisation of the Western Balkan candidate countries……..……35
2.5. EU enlargement politics and the Western Balkan candidate countries……..……40
2.6. Conclusion……..…43

3. Theoretical framework……...……45
3.1. Introduction……45
3.2. Normative power Europe – the rule of law……46
3.3. Europeanisation: discourse and behaviour ……..….54
3.4. Political elites and integration ……..……..62
3.5. Integrating the Western Balkan candidate countries……...68
3.6. Conceptual model of two-level EU norm compliance dynamics in the Western Balkan candidate countries…….……70
3.7. Conclusion…….……72

4. Methodological framework…….…74
4.1. Introduction…….…74
4.2. Case study and criteria for case study selection……76
4.3. Methods of research…….……80
4.3.1. Qualitative document analysis……...…80
4.3.2. Political discourse analysis……...…….83
4.3.3. Interviews and identification of interviewees……89
4.4. Evaluating understandings and outcomes of norm compliance……93
4.5. Conclusion……...…97

5. About integration……100
5.1. Introduction……...100
5.2. The integration process in the Western Balkan candidate countries……..100
5.2.1. European integration in the Western Balkan candidate countries: Intergovernmental Conference and the Stabilisation and Association Council……...……105
5.2.2. Regional integration in the Western Balkan candidate countries: Regional Cooperation Council……...109
5.3. The pre-accession and accession process of the Western Balkan candidate countries: the conditionality - compliance paradigm ……..……..113
5.4. Conclusion…….……120

6. Political elites in theory and practice……..……..123
6.1. Introduction……..123
6.2. Political elites in the Western Balkan candidate countries…….……..124
6.3. Political elites in the EU …….…….……129
6.4. Relation between political elites in the Western Balkan candidate countries and the EU…….…133
6.5. Political elites and the two-level EU norm compliance dynamics……141
6.6. Conclusion……147

7. The rule of law as an EU norm in the integration process of the Western Balkan candidate countries……150
7.1. Introduction……...…150
7.2. About norms……..……151
7.3. European and regional integration based on EU norms ……..…154
7.4. The rule of law as an EU norm ……..159
7.5. The EU's rule of law promotion in the Western Balkan candidate countries……...166
7.6. Conclusion…….……170

8. Rule of law compliance at the European and regional integration level of the Western Balkan candidate countries……173
8.1. Introduction……...…173
8.2. The rule of law compliance: why and how?.....174
8.3. Evaluating understandings and outcomes of rule of law compliance……..…177
8.4. Rule of law compliance areas – combating corruption and organised crime ……181
8.4.1. Combating corruption at the level of regional and European integration…..…183
8.4.2. Combating organised crime at the level of regional and European integration …….……192
8.5. Two level double discrepancy of rule of law compliance in the Western Balkan candidate countries……...…198
8.6. Conclusion…….…205

9. General conclusion……208
9.1. Executive summary……....208
9.2. The gap between discourse and behaviour of political elites in the Western Balkan candidate countries on the European and regional integration level…….213
9.3. The gap between norm compliance of political elites in the Western Balkan candidate countries on the European and regional integration level……..215
9.4. Areas for further research……...218

Annex I - List of conducted interviews……...220
Annex II – List of regional initiatives in the South Eastern Europe including the Western Balkans……...……...222
Annex III - List of coded documents……224
Annex IV – European integration of the Western Balkan candidate countries: current state of affairs……227
Annex V - List of attended conferences, events and published articles ……228
Bibliography…….…229

Chapter 1: Introduction

The rule of law (RoL) has become the key norm and value of the continuously enlarging European union (EU). Various documents of the EU, as well as, the contemporary academia refer to it not just as a universal value but also as a common norm with strong roots in European culture. Article 1a of the Treaty of the European Union (TEU), as well as, the Preamble of the Charter of fundamental rights of the EU clearly state that the EU is founded, among others, on the value of respecting the RoL.[1] The recognition of importance and respecting the RoL has been maintained and vigorously stressed throughout the years within a variety of EU documents on issues of enlargement especially the Enlargement strategies and annual Progress reports on the state of European integration of the aspiring candidates and potential candidate countries. The challenges that the countries with a European perspective have been facing along the path of associating with or acceding to the EU have notably been revisited through the application of the principle of 'fundamentals first'.[2]

Until 2011 the European Commission (EC) has been focused on (re)building the presence of the RoL as a key pillar of a striving democratic society in the candidate countries of the Western Balkans (WBCC). As of 2011, the EC has increased its focus on strengthening the RoL which was soon to be positioned "at the heart of the enlargement process" (EC, 2013:2). The EU Commissioner for Enlargement and Neighborhood Policy Stefan Füle, while presenting the Enlargement package for 2013, said that "we [EU] confirm that the rule of law remains at the heart of the accession process. The new approach to the rule of law that we launched last year needs also cultural change. It requires that, early in the process, countries ensure that they have the administrative capacity, and this must be backed by political will. It gives countries time to develop solid track records of implementation, delivering reforms that are deeply rooted and irreversible; and it ensures that benefits will be felt by the citizens during the process and not just at the end" (EC, 2013). As, it was later, concluded "while fundamental rights are often largely enshrined in law, shortcomings persist in practice" (EC, 2015:2). These shortcomings refer to the embodiment of the RoL in the normative behaviour, among others, of combating corruption and organised crime.

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[1] *The Treaty of Lisbon*, amending the Treaty of European Union and the Treaty establishing the European Community, Official Journal of the European Union, (2007/C 306/01), 17.12.2007., p.11, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2007:306:FULL&from=EN. *Charter of the fundamental rights of the European Union*, Official Journal of the European Union (2000/6 364/01), 18.12.2000., p. 8, http://www.europarl.europa.eu/charter/pdf/text_en.pdf.

[2] European Commission. 2014. *EU enlargement in 2014 and beyond: progress and challenges*, Press release, IP/14/1100, Brussels, 8.10.2014.

The respect and promotion of the RoL has been observed simultaneously on the level of regional cooperation in the WBCC, as well as, on the level of WBCC accession to the EU, or in general, European integration. Thus, in parallel, and through the same documents, the EC has presented progress of regional cooperation in the WBCC. Regional cooperation has been understood as "an integral part of the process of integration into the EU, which often necessitates regional approaches and measures" (EC/PR/WBCC, 2011: 7; 2012: 6; 2015: 11). The countries in the region have increasingly assumed ownership of the process and substantially progressed towards stability while regional cooperation itself has significantly contributed to reconciliation and good relations among neighbours (EC/PR/WBCC, 2009:6; 2010: 9). However, political elites in the WBCC need to invest additional efforts to seek solutions that will ensure inclusiveness of regional cooperation.[3] The EU policy makers presented regional and European integration as two mutually dependent, inclusive, intertwined and parallel processes.[4] It was assumed that the progress of regional integration would facilitate European integration, while the latter would boost regional cooperation. At the same time a lack of progress in either of the processes would affect the other negatively. The application of the RoL on the level of regional cooperation, as well, as European integration should share the same or similar results. The integration processes *in vivo* have shown significant divergences which begs the question why political elites in the WBCC comply with EU norms differently on the levels of European and regional integration?

The essence of the EU's critique made on behalf of the engagement of political elites in the WBCC in promoting and respecting the RoL lies in their compliance with this fundamental EU norm on both levels of integration. It has been made clear by EU officials that they expect the political elites in the WBCC to "walk the talk"[5] and show sincere commitment to implement undertaken obligations within the association/accession process. On the other hand, the political elites in the WBCC have complained that their efforts have not been appreciated as promised and that they have been misled by the insincerity of the EU. The *'blame-game'* has been played for many years now and it has not positively contributed to improving the integration dynamics. Although many success stories of the integration process

[3] Political elites in the WBCC are not observed as a single and homogenous body. They are researched as a group of individuals of various backgrounds who share more similarities than differences and whose engagement is of significant importance for regional cooperation and European integration of the WBCC and subsequently this research.
[4] Authors' interviews with EUPEs.
[5] Authors' interview with EUPE, 04/03/14.

have been proclaimed by both sides, the actual outcome appears to be even further away, as membership, as the final phase starts to fade away.

The recurring theme of EU norms being not just recognised and adhered to, but also embraced sincerely and with belief, has dictated not only political discourse between the political elites in the EU and the WBCC but also their behaviour. The underlying interpretations and calculations by political elites in the WBCC related to EU norm compliance have furthermore determined the integration dynamics which reflects a two-level double discrepancy. This discrepancy displays itself as a gap between norm compliance of political elites in the WBCC at European and regional level and as a gap between the discourse and the behaviour of the elites of the WBCC. This double discrepancy occurs despite the use of the same tools to socialise political elites in the WBCC at the European and regional level. As a result of this two-level double discrepancy, political elites in the WBCC pay lip service to RoL norms, instrumentalising this norm in the absence of political will and/or capacity at the European level and politicising meaning making. The EU political elites have highlighted on numerous occasions that the success or failure of the integration process rests on the shoulders of the political elites in the WBCC and that they are not exclusive in that process. Their efforts and results will be closely monitored by their counterparts and by the public eye in the EU and the WBCC.

This research encompasses events within a period from 2010 to 2018 which have had an impact on determining the future of the European integration process of the WBCC and enlargement policy in general. At the time of writing this dissertation, the EU has faced a vast amount of challenges that have shaped its output towards the WBCC. The most significant one is the inspection of the founding pillars legitimacy and whether they suffice in providing answers and solutions to the growing challenges within countries with a European perspective. The weight of EU norms as guidelines but also conditions have started to become extensively questioned especially the power of political elites in the EU to transpose and embed them in other European cultures. Furthermore, the debate has been deepened by the ability of promoters and protectors of these founding pillars to advocate their power of transforming mental structures to the benefit of all. A significant change of the outlook on EU norms has introduced new rules to the game of integration and it has shifted the integration narrative. The integration narrative launched a process of political dialogue, whereby political elites, engaged by European socialisation (Europeanisation), situated themselves as meaning makers and interpreters of messages related to the integration process. In that endeavour, political elites became especially attentive to the compliance with EU norms that are underpinning the EU

enlargement process. It is the challenge to present understandings of RoL compliance whose examination offers key answers to the questions raised in this dissertation.

This research project analyses the prospects of the European and regional integration processes guided by compliance of political elites in the WBCC with EU norms, namely, the RoL. While compliance with EU norms has been analysed extensively, a rather limited amount of contemporary work has addressed the question of differing norm compliance as the determining factor of progress in a two-level integration process. Both processes in documents and ordinary lives of people have been recognised and addressed. The aim of this research is to uncover and further analyse understandings of socialisation led norm compliance with the RoL as a factor *vis-a-vis* the progression of these two integration processes.

This dissertation rests on the research question of why political elites in the WBCC comply with EU norms differently on the levels of European and regional integration. It argues that this divergence is a consequence of political elites in the WBCC demonstrating behaviour as neither being purely rational or irrational but as a float in between. This behaviour is guided by the political elites' combined application of the logic of appropriateness and the logic of consequentialism. Furthermore, the application of these logics of behaviour is linked to the actor socialisation effects. Actor socialisation is the integration mechanism which employs argumentative persuasion as the main socialisation tool. Political elites are or are not successfully socialised which results in varying degrees of compliance. So far, research on norm compliance has identified four distinct types of compliance (Noutcheva, 2007 and 2009). This study adds another type presented as 'shallow compliance' based on examination of EU norm compliance in the WBCC.[6] It argues that it is a result of internal (intersubjective) conflicts of material and ideational factors that motivate EU norm compliance differently on the level of regional as opposed to the level of European integration. As the number of varying degrees of EU norm compliance rise so does the successful progression of integration on the regional and the EU level become more difficult.

This research has made use of the vast body of literature on norms and norm compliance. Although the mentioned literature has raised many valuable questions about the relationship between norms and the integration process, rarely has any examined integration as a two-level integration process containing a two-level double discrepancy between norm compliance and discourse and behaviour of political elites engaged in the process. While doing

[6] This term has been coined by borrowing and combining concepts of "shallow enforcement of the rule of law in the Western Balkans" and "surface-thin compliance" as presented and developed by Elbasani and Šabić (2018).

so, this research has encountered a problem reflected in the interchangeable use of the nouns 'values' and 'norms'. This is a common problem for many consulted works of scholars on this topic as it creates certain confusion. From a theoretical aspect, studies on 'values' and 'norms' have been separated decades ago and examined independently whereby distinct definitions have been used to separate the research fields (Rohan, 2000; and Hitlin and Piliavin, 2004). This study is guided by the same notion that value internalisation and norm compliance cannot refer to the same process given their different nature and role in a human life. A value refers to something desirable (good or bad) and answers the question 'what I would like/not like to do?' Norm, on the other hand, refers to something that should or should not be done (right or wrong) and answers the question 'what I should/should not do?' For a human to be true to its value it needs to become a part of its mental structure and to abide by a norm does not require from him/her to agree with its substance. The values are more abstract and general in nature, while norms are more concrete, as they tend to translate values into practice. They are not given *per se* as they are both social constructs. Social science recognises that there is a relationship between a value and a norm which leads some scholars to attempt to capture it by claiming that either 'norms reflect values' (Marini, 2000) or that 'norms embody values' (Finnemore and Sikkink, 1998). Based on this, and if we assume that values need to exist for a norm to take shape, then it is logical to suppose that changes in values affect norms as well and lead to alterations. Changes in norms and values, which act as guides to human behaviour, in result produce changes in behaviour.

This research combines the use of theory of norm compliance through contrasting rational choice institutionalism and social constructivist arguments with social psychology positions. It borrows the concept of Europeanisation, as it is presented by Checkel (1999, 2001), as a type of socialising political elites in the WBCC and analyses its core characteristics. Social constructivism paired with social psychology are used to show that the two logics of behaviour (appropriateness and consequentialism) are not mutually exclusive and can be simultaneously involved in political elites' decision making. Since rational choice institutionalism cannot solely provide satisfactory explanations to this phenomenon, it is necessary to introduce social constructivism with the assistance of social psychology as another theoretical angle to the problem. Social constructivism and social psychology, as "ideational allies" (Shanon and Kowert, 2012), offer explanations to what extent political elites in the WBCC comply with EU norms by paying lip service to EU's conditionality policy; what degrees of norm compliance are observable by making instrumental use of EU norms; and how they justify their choices through politicised meaning making by complying with EU norms

through varying patterns of behaviour and shifting discourses within the region of the WBCC and with the EU. This will be presented as a conceptional model of the two-level EU norm compliance dynamics in the WBCC.

In analysing empirical and other data obtained through the course of my research this dissertation will apply qualitative document analysis, case study and political discourse analysis, as a primary method, while interviews are used as a secondary method. The document and political discourse analysis are focused on analysing policy (i.e. Progress reports, Enlargement Strategy) and programme (i.e. TAIEX instrument) documents produced by EU institutions and by national governmental bodies in the EU with emphasis on the use of language related to integration/EU enlargement/Europeanisation *vis-à-vis* the constructed meaning and transmission of messages about these topics by political elites. They also include empirical material found in audio-visual recordings of statements and speeches (TV and radio shows, conferences, panel debates, round tables, etc.); literary works (memoires, autobiographies); interviews and text columns (daily newspapers, magazines, etc.) and scholarly literature on the understandings of the political elite in the WBCC of EU norm compliance. The understanding of political elites about the interplay between the EU norm compliance and the integration process and their role in it is obtained through semi-structured interviews. Representatives of the EU and the political elite in the WBCC, experts in the field of integration/enlargement, were interviewed to give their own accounts (experiences, beliefs, attitudes) of the involvement of EU norm compliance in the process of European and regional integration of the WBCC. The conclusions drawn from the analysis provided proof for the main argument of this study which inferred that political elites in the WBCC stream the European and regional integration process based on the double discrepancy between their norm compliance on the European and regional integration level and their discourse and behaviour.

This dissertation deals with the RoL as an EU norm whose compliance with by political elites in the WBCC is studied through the cases of: (1) combating corruption and (2) combating organised crime in accordance with the provisions of the *Acquis Communautaire* (AC) of the EU (Stabilisation and Association Council-SAC and Intergovernmental conference-IGC) and regional level of the WB (Regional Cooperation Council-RCC). These bodies serve to assess and deliver checks and balances on the work of political elites in the WBCC compliance with the AC. The understandings of compliance with the EU norm of the RoL in the WBCC is evaluated through a combination of five-tier standards assessment scales developed by the EC in producing Progress reports with empirical data obtained and analysed by qualitative document analysis, political discourse analysis and compared with data collected by interviews.

These findings allowed the conceptional model of a two-level EU norm compliance dynamics to support the main argument of this research. This model is a result of the research conducted on the two previously mentioned case studies. By comparing understandings of norm compliance on both levels, this research concludes, that EU norm compliance by the political elites in the WBCC is not standardised and that it can create differences in the flow of European and regional integration.

With the aim of answering the research question in a systematic way the dissertation has been structured as follows.

Chapter one provides a general introduction to the research problem of this dissertation.

Chapter two gives a literature review of scholarly positions on norm compliance and specifically EU norm compliance as a determining factor of political elite in the WBCC behaviour. It builds on theoretical approaches of rational choice institutionalism, social constructivism and social psychology. It addresses common positions as a departure point for this research and portrays main dividing lines in literature. This dissertation has used a wide range of literature, overarching disciplinary divides and consulted international, European and experts in the WBCC on enlargement issues which were analysed in the chapters that follow.

Chapter three outlines the conceptual and theoretical framework used in this dissertation. The theoretical foundation for this dissertation will lead to the conceptualisation of the research question and deconstruct it into analysable components. It compares the social constructivist theoretical framework with rational choice institutionalism positions on norm compliance. It, also, combines the two theoretical angles with the assistance of social psychology and shows it as a prospective angle for the research project. It presents the research question which assumes that there is a two-level double discrepancy between norm compliance and discourse and behaviour of political elites in the WBCC. This discrepancy is a result of differing results of actor socialisation in the WBCC. It introduces theoretical concepts about integration as a process, political elites as drivers (agents) of change, EU norms and diverging norm compliance on two levels of the integration process, and how it can affect the progress of the two-level integration process. This study builds on the existing research on conditions of integration – norm compliance, combination of logics of behaviour, and behavioural change induced by the degree of norm compliance. Here a conceptual model of the two-level EU norm compliance dynamics is used to demonstrate the plausibility of the main argument.

Chapter four presents the methodology used to conduct research and follows from the discussion of the conceptual framework identified in the previous chapter. It outlines the scope of the research and research techniques used for the case study that follows. The processes of

regional and European integration of the WBCC embodied in the SAC/IGC and the RCC are presented as case studies to illustrate variations of actor socialisation and subsequently the degree of EU norm compliance by the political elites in the WBCC. Qualitative data analysis of a spectrum of primary and secondary material has been complemented with semi-structured interviewing of decision-makers and experts on enlargement in the EU and the WBCC. The data obtained this way was then organised in a way which allowed an in-depth analysis of the research problem. This Chapter provides justification for the selection and application of these research methods, as well as, explanation to the researchers' positionality and limitations of social science research once applied to the research subject in question.

Chapter five gives a detailed overview of the main elements of integration as a process with emphasis on the characteristics of European and regional integration. The presentation of 'integration' as a two-level process introduces the reader to the environment where the researched problem is situated. It provides a detailed account of the current state of affairs in the integration process for WBCC. At the heart of the analysis is the nature and applicability of the EU's conditionality policy since it rests on the ability of an applicant country to respect and commit to the RoL as an EU norm set out in Article 2 of the TEU and as a political condition for EU membership known as the Copenhagen criteria. The EU's political conditionality is observed through the work of the RCC and SAC/IGC, as two case studies by engaging different literature with emphasis on the approaches of rational choice institutionalism and social constructivism. Qualitative document analysis (QDA), political discourse analysis (PDA) and interviews were applied to retrieve accounts about integration as a norm driven process.

Chapter six introduces political elites as the main agents of socialisation and main actors of the integration process. It articulates different views and positions of political elites in the EU and the WBCC given their role in the integration process as norm 'givers' and 'takers'. It discusses also their mutual relationship and importance as drivers of change who may or may not make instrumental use of norms for their selfish needs. Their role and positioning within the integration process are dictated by the success and level of socialisation which results in degreed compliant behaviour. It provides information on political elites' perception of their role in the integration process, their understanding of the meaning and the discursive usage of EU norms, the relationship between their norm compliance and change in behaviour, all of which affect the norm compliance dynamics. QDA, PDA and interviews were applied to retrieve empirical data about political elites as EU norm givers and receivers.

Chapter seven gives a brief overview of norms in general terms and specifically studies the RoL as an essential EU norm. It gives a detailed overview from a social constructivist, rational choice institutionalist and socio-psychological perspective on their role and importance as a social construct in a human beings' life. Special attention is given to actor socialisation as the driving mechanism of Europeanisation and argumentative persuasion as the tool of socialisation administered to achieve EU norm compliance in the WBCC. If the political elites do not demonstrate their sincere commitment to the integration process which stems from their ability to comply with EU norms, then integration as a political process will not reach its full potential and its progression will be lacking. This Chapter draws a connection between norm compliance and logics of behaviour of political elites, as it explains how different types of behaviour lead to different degrees of norm compliance. In examining norms and specifically RoL, this Chapter has relied on QDA, PDA and interviews to retrieve political elite representatives' accounts about the RoL that underpins the European integration process.

Chapter eight provides a brief description of the new EU approach by placing the RoL at the core of the system of EU norms. The centrality of the RoL has been confirmed by the political elites and relevant EU and regional documents. The role and relevance of the RoL for the integration process of the WBCC has been investigated in the area of combating corruption and organized crime as they are covered by Chapters 23 and 24 of the AC. The empirical data in relation to that has been collected and processed by using PDA, QDA and semi-structured interviews. Based on the findings in previous chapters, the main argument here has been tested by the conceptual model of the two-level EU norm compliance dynamics. The results show that there is a conditional relationship between political elites' behaviour and their political will and capacity to comply with the RoL as an EU norm. This is due to the differing socialisation that is taking place on the two levels of the integration process. Argumentative persuasion, as the main socialisation tool is detected in various EU and regional documents. Conversational, textual and substantive socialisation show where RoL compliance outcomes meet or are far away from expectations of political elites in the EU. The analysis concludes that the differing socialisation results in shallow compliance. This Chapter together with the previous one forms the empirical part of the dissertation as they study the perceptions and outcomes of RoL compliance by political elites in the WBCC on a discursive and behavioural level within the two-level integration process.

The final chapter concludes the dissertation by summarising the main research findings and outlining possible avenues for further research.

Chapter 2: Literature review

2.1. Introduction

This study focuses on variations of norm compliance of political elites in the WBCC as a result of a mixed appliance of logics that guide their behaviour when making decisions about European and regional integration. It draws on a vast array of disciplines ranging from political science and sociology to psychology with particular emphasis on international relations, social psychology, European integration, EU enlargement and Europeanisation studies. This Chapter will give an exploratory literature review of the existing empirical research that the present study builds upon. The dissertations' explicit aim is to bridge the disciplinary and theoretical divides, especially the ones put forward by rational choice institutionalism and social constructivism, surmounting them with an introduction of a conceptual model that encapsulates their common denominator and further builds on them with complementing insights of social psychology. The positions examined in the literature and used for the purpose of this research relate to four different categories: EU norms, political elites in the WBCC, regional integration process in the WB and European integration process of the WB. This study for the first time organises these elements to highlight the gaps that contemporary academic research has not tackled before. It considers theoretical positions of scholars originating from both the EUMS and the WBCC. Therefore, the following paragraphs present the main findings on these aspects in relation to why political elites in the WBCC comply with EU norms differently on the levels of European and regional integration.

To answer the research question why political elites in the WBCC comply differently with EU norms on the level of regional and European integration, this Chapter will review scholarly work that examines why and when norm compliance occurs, logics and mechanisms for instigating compliance behaviour, how does compliance induced behaviour manifest itself among political elites in the WBCC, what compliance with EU norms means in the context of regional and European integration of the WBCC and the specificities of the environment where compliance behaviour is expected to appear.

2.2.Compliance with EU norms

Defining norms at this early stage of the dissertation will assist in the discussion that will follow on how and why norm compliance occurs. Norms are evaluative beliefs that

synthesize affective and cognitive elements to orientate people to the world in which they live. They involve cognitive beliefs of approval or disapproval. "Although they tend to persist through time and therefore faster continuity in society and human personality, they are also susceptible to change" (Moss and Susman, 1980; Alwin, 1994). The concept of a norm understands "a norm being a belief about acceptability of behaviour" (Marini 1984). Norms indicate the degree to which behaviour is regarded as right or wrong (correct) and it specifies a rule of behaviour indicating what a behaviour ought or not ought to be (proper). They are concrete in nature and represent specific prescriptions of how an individual ought to behave to be consistent with values of the contemporary society. Since this study is interested in how political elites of the WBCC react to the influence of the political elite in the EU, this subchapter will begin by providing insight into scholarly literature on what compliance with EU norms means in the EU accession framework, why and how it occurs. It will provide an overview of research up to date of compliance responses by political elites in the WBCC to the EU accession condition and how these responses effectuate themselves in political elites' decision-making related to demands of regional and European integration in the WBCC. Doing so, it will give the basis for examining the specificities of political elites' in the WBCC behavioural patterns in complying with the RoL underpinning expected normative behaviour in these integration processes.

Norms are generally classified as either being constitutive by constructivist account or constraints in rationalist view, although there is a strong advocacy for approaching norms as having both a constraining and constitutive effect (Checkel, 1997: 474). Another way of distinguishing norms in literature in opposition to being constitutive, which defines that something counts as something else for a given institution, is that they are regulatory since they represent obligations, prohibitions and permissions (Searle, 1995). In addition, and in accord with the previous two theoretical camps, social psychologists also acknowledge the phenomena of arising conflicts between different types of norms based on their role and importance within an individual and/or social system of norms. Stemming from their dual nature and tendency of becoming competitive, "this way of approaching norms suggests also binary possibilities of their effects ranging from shaming and pressuring political elites as agents of change to their learning and internalising norms" (Sikkink, 1998; Finnemore, 1996). Both paths refer to logics of behaviour underlying the political elites' decision to comply with norms.

Scholars of various backgrounds have theorised about what drives the EU enlargement policy towards the WB and how it will be executed. They have perceived that this policy is ruled by either rational or normative factors and that these factors differ depending on two

logics of behaviour which induce compliance of political elites of WBCC with EU norms. The rational choice factor assigns primary importance to political actors' cost-benefit calculations (Featherstone and Radaelli, 2003), submission to coercion and material incentives (Schimmelfennig and Sedelemier, 2004 and 2005a), while constructivists consider social learning (Checkel, 1997, 1998, 1999), socialisation (Checkel, 2001) and social norms (March and Olsen, 1998; Finnemore and Sikkink, 1998) as a basis for normative considerations that drive behavioural change of political elites. The different nature of these two logics of behaviour has often been observed by scholars from a competitive angle, whereby rationalist would advocate for the supremacy of the logic of consequences over the logic of appropriateness (Noutcheva, 2007, 2009, 2012; Kelley, 2004; Schimmelfennig and Sedelemier, 2005a and b; Vachudova, 2005), while the constructivist camp would claim otherwise (Checkel, 1999 and 2001; Manners, 2002; Sjursen, 2006). The cost-benefit rationale understands that political elites will adopt EU norms in cases when complying with them costs less than the absence of change or when compliance with external demands corresponds to internal preferences or interests. The ideational rationale understands that political elites are rule (norm) followers and that their action is determined by their identity and what they consider to be appropriate for a given situation. However, there is also a moderate strand of scholars who consider that much of the behavioural logic in the most recent constructivist scholarship is consistent with 'thin rationalism' where actors may pursue non-material goals, but consequentialism underlies their choices (Green and Shapiro, 1994: 17-19). Hereby, "compliance is perceived as a game of altering strategies and behaviour only with actors leaving a regime as they entered it" (Checkel, 2001: 556). Namely, political actors may be motivated at the initial stage of deciding to comply with norms until they actually start complying with them, as a moment when they decide how to execute compliance. This ambivalent approach towards compliance incorporates the possibility, which has been demonstrated on so many occasions in practice, that political elites sometimes fully comply, sometimes partially comply or sometimes even imitate compliance. The lack of consistency in the cognitive positioning of political elites towards compliance allows them in different stages of the process to decide to comply in a subsequent or simultaneous fashion streamlined by material and ideational dimensions of norm compliance. It is this alternative approach to explaining and understanding EU norm compliance by political elites in the WBCC that will guide the investigative part of this study as it identifies elements of a social psychological nature that forge linkages between the rational choice and social constructivist interpretations of the specificities of compliance outcomes. Since these outcomes are investigated through the

lenses of European and regional integration, as two-levels of the WBCC integration, this thesis will also observe their effect which infers a two-level EU norms compliance dynamic.

The question of why compliance with EU norms occurs with the political elites in the WBCC in most of the literature is answered by the fact that their ultimate goal is EU membership. However, the narrative of political elites in the WBCC has gradually changed over time in moving the emphasis from doing something they have been asked or rather told to do, and for somebody else, to doing something because they believe it to be the right thing to do and they are doing it for themselves. This reasoning has been quickly embraced by the EU political elite as it desperately sought for a more receptive and non-intrusive ground for their influence performance. In both cases, it was in the interest of the political elite in the WBCC, depending on the circumstances, to do or not to do so. However, the motivation behind such compliance is not only or exclusively interest driven. It also contains particles of norm-driven compliance because in the latter situation the ideational factor prevailed. "Norm compliance is also distinguished through its source as (external) imposition and through (internal) voluntary action" (Noutcheva, 2006). In the first case there is a difference between the direct involvement of the EU and EU incentivised change introduced by political elites in the WBCC. In the second case the difference is between the cost-benefit equation and in general terms moral convictions. The change of political elites' behaviour is considered to be a compliance outcome and there are two variables that explain it, namely, the cost of compliance and the legitimacy of EU demands. The cost of compliance refers to the mechanisms of conditionality led compliance, while legitimacy of EU demands is related to socialisation led compliance. The issue of conditionality has been vastly explored as it is strongly argued that compliance is dictated by the principle of political conditionality which is at the heart of the EU's approach towards the WB. However, slowly but surely, scholars have recognised socialisation as another mechanism of change which is nowadays gaining more ground. On the one hand, conditionality is a hard mechanism, coercive by nature and is pushing for instant reactions of political elites. Unlike conditionality, socialisation is a much softer mechanism which motivates change within political elites making them susceptible to the EU way of governance.

The first mechanism – conditionality - provides explanations to the ways in which the EU utilizes incentives and disincentives to encourage or sanction certain behaviour of political elites in the WBCC. "This approach explains the compliance results observed with the size of the adoption costs of the EU-required domestic changes" (Noutcheva, 2012). The second mechanism – socialisation - "credits the power of international norms for governments'

compliance choices, emphasising the legitimacy of governance solutions promoted externally and the salience of domestic receptivity to standards of appropriate behaviour that have been defined externally" (Checkel, 2001). Scholars such as Noutcheva (2012) argue that neither of the two mechanisms can fully stand alone in providing satisfactory argumentation that political elites in the WBCC comply with EU norms in only one way. This study follows this logic along the path which argues that political elites in the WBCC apply both logics of behaviour and thus interchangeably exercise conditionality and socialisation driven compliance behaviour. The track record in compliant behaviour of political elites in the WBCC demonstrates a combination of logics of behaviour applied across various situations and circumstances which sometimes would justify the norm-driven reactions and sometimes would favour cost-benefit calculations. In that sense, Noutcheva (2007, 2012) has identified variations in compliant behaviour and categorised norm compliance of political elites in the WB which are relevant for understanding degrees of norm compliance. These diverging patterns in norm compliance are framed as "substantial compliance, partial compliance, imposed compliance, fake compliance and reversed compliance" (Noutcheva, 2012: 199). The differences between these patterns lie in the level of recognising or adhering to the legitimacy of EU demands streamlined by political elites' strategic interests rather than normative considerations. According to rational choice institutionalists, it is the politics and policy of conditionality that determines the success of compliance outcomes. On the other hand, social constructivists argue that socialisation is the main factor that leads to fruitful compliance result based on the argument of "normative power Europe" (Manners, 2002 and 2006).

As Anastasakis (2008:1) pointed out, the changing nature of conditionality reveals its limitations, whereby the emphasis is more on the 'journey' than on the *finalité* of the accession process. The amalgamation of the EU claims affects the choice of conditions and disturbs the consistency of the process by arbitrary use of different kinds of assessments. This reduces entirely the clarity of the accession process, questions the sincerity and intentions of the EU and opens space for doubting legitimacy of requests for behavioural change. On the opposing side, certain scholars studying the effects of international norms on state policy emphasise the salience of domestic receptivity to externally defined standards of appropriate behaviour. Checkel (1999), for instance, maintains that the success of norm diffusion in a certain context depends on the "degree of cultural match" between international norms and domestic practices. It may well be that the conditions in the WBCC are not very conducive to the socialisation of their political elites to European ways of governance and state behaviour. Freyburg and Richter (2008) argue that "incentive-based instruments only trigger democratic change if certain

domestic preconditions are met. It will be argued that if national identity runs counter to democratic requirements, this will 'block' compliance by framing it as inappropriate action." In a more radical way, Anastasakis (2005:85) highlights that "political elites are ineffective, corrupt or illegitimate" with a limited will to introduce any kind of change as it would mean transforming political culture, introducing new rules of the game and abandoning old habits. The following section will present in depth the two possible explanations of compliance driven behaviour as mentioned above.

2.2.1. Conditionality led compliance

The first model sees political elites in the WBCC adopting norms not because they believe they are wrong or right but because their adoption can further their goals. In deciding whether to adopt, the political elite in the WBCC weighs up the cost and benefit of this action.

From the rational choice institutionalist angle, Europeanisation is guided by the principle of conditionality. Unlike Ralchev (2004: 3), who describes 'conditionality' as a linkage mechanism between domestic and international politics, Schmitter (2001: 42) views conditionality, in broader terms, "the use of fulfilment of stipulated political obligations as a prerequisite for obtaining economic aid, debt relief, most-favoured nation treatment, access to subsidised credit, or membership in a coveted regional or global organisation". Conditionality can, therefore, be successful only if it has tangible effects (Schimmellfennig 2001, Schimmelfennig and Sedelmeier, 2004 and 2005b; Grabbe 2002; Vachudova, 2005). In addition, some experts argue that everything the WBCC have achieved is a result of the EU's pressure and conditionality policy.[7] Being at the heart of this process, the effectiveness, relevance and consistency of conditionality have been on many occasions contested. The main EU documents are based on the assumption that the most effective way to cause change in WBCC is through conditionality: political (Copenhagen criteria) and technical (AC). The first problem arises in assessing effectiveness of a conditionality policy which is not steadfast but influenced by many internal and external challenges. Secondly, the list of required or at least expected changes are growing rapidly in numbers and depth of anticipated reform. These elements make the target of EU membership in a constant and recently growing distance with the impression that no matter what the effort, there will never be satisfaction from the demand

[7] "The EU needs to change its approach in transforming the Western Balkans", by EWB, 09.04.2019, source: https://europeanwesternbalkans.com/2019/04/09/eu-needs-change-approach-transformorming-western-balkans/.

side. This is illustrated by the statement given by Jean Claude Juncker, President of the EC in 2018 who literally suspended EU's enlargement until 2025 which confirmed his 2017 State of the Union address by stating that it is "clear that there will be no further enlargement during the mandate of this Commission and this Parliament" (ENS/17-18: 1).[8] This position has been even more sharpened by the statement and strategy devised by the French President Makron and supported by French Parliamentarians in the same year who publicly objected to any further EU expansions "until the EU undertakes its own necessary reforms".[9] What is common to these two statements is that the EU must be "solid before it can get bigger" (ENS/17-18: 2). In the everlasting process of transition and reform in the WBCC, the conditionality policy sometimes had to compete with other 'burning issues' such as development and growth. Political conditionality has not yet devised a formula that would accommodate equally political reforms, economic liberalisation and conditionality. Finally, the consistency of conditionality policy has been the greatest problem and EU policymakers are still in search of a model that would achieve this. The EU has spoken and still speaks in many voices coming from national governments and EU institutions. To this day, there is no unified or in many cases commonly accepted notion of a conditionality template to be adopted by the WBCC. As it stands, conditionality policy has reflected different views of EUMS based on their strategic interests, as well as, differences between EU institutions charged with the WBCC portfolio. On the external side, the EU's growing role of a global actor in international relations has managed an observer or an associate member seat in some of the most important international organisations (the UN, Council of Europe, just to name a few). The WBCC have been exposed to different sorts of conditionality coming from these organisations among which the EU has been a late comer. Just recently the EU has engaged in producing joint policy solutions or positions on a foreign policy matter of different domains related to the WBCC. Most of the political conditionality critique has been directed towards the lack of consideration of the countries' specificities and priorities as a consequence of a not so well thought through principle of conditionality. In contrast, other authors such as Anastasakis (2005: 83) has noted that "the EU is trying to account for the specificities of the [acceding] countries by adapting its criteria and conditions" but without registering the actual success of these attempts. This is where the current literature on conditionality driven compliance lacks explanations when discussing different responses by political elites in the WBCC on the European and regional level of the

[8] https://www.euractiv.com/section/enlargement/news/juncker-tells-balkan-states-2025-entry-possible-for-all/.
[9] https://www.telegraf.rs/vesti/politika/2975733-svecani-docek-i-pocasna-garda-ispred-jelisejske-palate-makron-i-vucic-zapoceli-razgovore-u-cetiri-oka.

integration process. The main EU documents such as the annual Enlargement strategies and Progress reports rather vaguely assert what kind of domestic transformation EU's political conditionality calls for since most explanations are given by EU officials on an individual and reactive level. For example, when discussing state sovereignty issues, in the previous admittance of Cyprus, conditionality was not called into question but in the case of Serbia it plays a significant role since one whole Chapter of the AC (35) is dedicated to this issue. On the other side, in the case of the name of the state of the Republic of North Macedonia (previously known as the Former Yugoslav Republic of Macedonia) the EU insisted on this problem being bilaterally solved with Greece who contested the initially proposed name by the Macedonian officials as the Republic of Macedonia. This was not referred to as a specific problem which would have an entire AC Chapter dedicated to its resolution. This and so many other empirical examples show that the EU has been inconsistent in communicating its accession related demands and delivered controversial messages to political elites in the WBCC of its conditionality which instantly caused contestation of the legitimacy of its EU enlargement policy and politics on the receiving end. Here rational choice is thin, in explaining through the cost-benefit equation why political elites in the WBCC act as they do when they observe EU accession demands as partial, unjust, discriminatory and selectively reflecting EU norms. The questions on maintaining effectiveness, relevance and consistency have burdened the EU's policy makers to the point that they have become incentivised to rethink and reconceptualise the conditionality policy. The first major attempt has been put forward in the Enlargement package documents for the period 2014-2015 and then enhanced with the Enlargement package documents for the period 2017-2019. The RoL remains at the heart of the process coupled with economic governance and public administration reform as the three main pillars that underpin the EU's transformative power (ENS/14-15). Here it has been accentuated that WBCC will be able to join the EU but only after all membership conditions are met, they strengthen their democracies, they perform comprehensive and convincing reforms which are still required in crucial areas, notably on the RoL (ENS/17-18; ENS/18-19; ENS/19-20). As it stands "none of them meet these criteria today" (ENS/17-18). The documents reaffirmed that "the EU accession process continues to be built on established criteria, fair and rigorous conditionality, and the principle of own merits" (ENS/19-20). In the 2025 perspective concrete steps have been given for Serbia and Montenegro which include completion of interim benchmarks, definition of EU common positions in key policy areas, closing negotiations, signature of the accession treaty and accession itself. In the case of North Macedonia and Albania the EC will work on determining a date for starting accession

negotiations. Although the policy is being supported extensively by the Instrument for Pre-Accession (IPA) there are certain initiatives advocating for the increase of 'rigorousness' which could be maintained by developing the negative side of conditionality. This would also allow the EU to "remain credible, firm and fair, while upgrading its policies to better support the transformation process in the region" (ENS/18-19). Some Members of the European Parliament (MEP), as well as, European politicians advocate for introducing an EU mechanism which would suspend financial assistance for reform efforts unless political conditionality, in specific, the RoL standard has not been met. As co-rapporteur to the Foreign affairs Committee of the European Parliament, Knut Fleckensten (S&D, DE) explained, while supporting a reinforced performance-based approach, conditionality provisions have been included, meaning that "enlargement countries that backslide in areas of democracy, the rule of law, or human rights would face clear consequences in terms of funding".[10] All these elements suggest that the policy of conditionality is still in flux and as such it can produce various compliance outcomes since compliance expectations remain unclear. The multi-voice framing of messages related to conditionality led compliance by the EU contribute to the ambiguousness of the political discourse creating confusion and lacking sufficient space for argumentative persuasion to take place. Since framing is considered to be the central element of successful persuasion, and in such circumstance, this persuasion device does not provide a singular interpretation of a particular situation indicating appropriate behaviour for that context which leaves it faulty. When compliance by persuasion based on material resources fails, the other option is that compliance could be pursued by socialisation.

2.2.2. Socialisation led compliance

The second model views the political elites in the WBCC as learning and complying with EU norms because they identify themselves with this community, accept the EU norms as legitimate, and regard political elite in the EU as role models. The EU legitimacy, as a political actor, is based on the legitimacy of its norms and by administering this to the political elites' in the WBCC through the encouragement of norm compliance also provides legitimacy for the political elite in the WBCC as an actor in the integration process. Legitimacy is a central concept in the sociological approach to European integration studies and an inextricable link

[10] European Parliament, Press release, 04.02.2019, source: http://www.europarl.europa.eu/news/en/press-room/20190204IPR24925/meps-legislate-on-tougher-requirements-for-pre-accession-funding.

to the integration process as the environment in which political elites' behaviour is observed. A political actor is regarded as legitimate if its institutional form, organisation goal, policy orientation and behaviour correspond with the constitutive beliefs and practices institutionalised and highly valued in its environment. From the rational choice institutionalist perspective, legitimacy as a standard of a system which political elites in the WBCC strive to achieve, needs to be considered if they want to be successful. This standard confronts political actors as an external fact which impacts upon their cost-benefit calculation. Those who seek positions of authority must base their political ambitions on the systems' constitutive political norms in order to be perceived as legitimate. On the other hand, political elites in the EU also calculate cost and benefit of new enlargement cycles. It is in the interest of both the EU and the WBCC to achieve maximum compliance at a minimum cost. But there are problems with it. Practice has shown that the standard of legitimacy is being manipulated. Evidence for this is found in the behaviour of political elites in the WBCC by superficially subscribing to legitimacy, not really acting in accordance with it, and interpreting EU norms that follow the elites' interests. Political elites in the WBCC follow this standard only until it provides them with effective compliance and change it for something else that will give them more benefit. The manipulation of legitimacy comes at a cost and it results with a loss of credibility. Thus, political elites on both sides cautiously approach the idea and exercise their will in manipulating the standard of legitimacy as its manipulation imposes limits. In result, by controlling legitimacy, as well as material resources, the political elite in the EU can apply political conditionality and make the political elite in the WBCC susceptible to it. This in the end leads to 'variations' of the enlargement policies due to constant estimations of costs by admitting new MS. These variations cause uncertainty among candidate countries which allows political elite in the WBCC to engage in rhetorical norm manipulation to reduce costs brought by new variables in the process and to make the political elite in the EU keep their promise of material support and EU membership.

Contemporary literature on WBCC Europeanisation mostly identifies conditionality and socialisation as two exclusive processes not recognising that simultaneous work of both conditionality and socialisation is possible (Noutcheva, 2012). Socialisation is considered to be a softer mechanism which stimulates gradual change of political elites' interests and identities through learning and lesson drawing as a result of personal change and greater exposure to the EU way of life. Socialisation administers persuasion and motivates internalisation of EU norms and values which leads to a desired code of conduct. It is a process based on social interaction and the EU's dense environment is particularly well placed to

socialise political elites within (Checkel, 2001). Socialisation can be successful to different degrees. "Successful socialisation depends on the density of individual or personal contacts, institutional ties and the legitimacy of EU policies promoted through EU norms and values" (Schimmelfennig and Sedelmeier, 2004 and 2005a). Successful socialisation of political elites in the WBCC can strengthen the legitimacy of the EU political elite. However, there are benefits of socialisation that are not directly linked with legitimacy, such as common values and norms, which reduce conflict and facilitate cooperation, improve security and ease economic exchange. These benefits rely on the implementation of argumentative persuasion which can, as March and Olsen (1989, 1998) argue, "signal a transitional phase from the logic of consequential to the logic of appropriate behaviour". This would mean that political elites in the WBCC do not adhere to the EU norms because they only want to maximise their gain because cost-benefit calculation "gradually gives way to principled beliefs, which turn rules into behavioural standards that are both desirable and appropriate to follow" (March and Olsen, 1989). Whatever the benefit, socialisation is preferable by social constructivists to other mechanisms of ensuring compliance with the EU norms, while rational choice institutionalists favor conditionality.

There are two aims of socialisation. The first aim is to permanently change the normative orientations of political elites in WBCC in order to achieve long term transformation of their interests, goals and identities. The crucial element lies in changing the mental structures of political elites. If political elites in the WBCC embrace norms and values embodied in undertaken reforms as a consequence of EU accession demands, they will continually pursue EU policies even after the EU material reward has been delivered. The second aim is to shape political elites in the WBCC in a body of EU reliable partners who abide by unwritten rules governing political relations in the EU. "The EU can only be sure that the WBCC will stay true to their obligations as a EUMS if it teaches them what it means to respect commitments, keep promises and implement negotiated compromises that advance the collective interests in a community such as the EU" (Noutcheva, 2012). Given the most recent developments in the EU, all these tasks appear to be difficult to accomplish as the EUMS and EU institutions appear not to be the best of tutors. Various scholars have investigated the EU's socialisation (Europeanisation) efforts and the most prominent one is advocated by Checkel (1999, 2001) who claims that gradual alignment of political elites' behaviour with norms embedded in international institutions is primarily the result of argumentative persuasion and social learning of political elites. These are achieved through various forms of social interaction between political elites in the WBCC and the EU, which involve direct contacts (meetings) on different

levels of a different nature (political and technical/expert) and with different goals (problem solving, policy creation, etc.). The more social interaction becomes frequent or thicker the better and more positive are the interaction outcomes which affect political elites' attitudes towards EU accession demands and subsequently their reaction to them. The most important element in these various types of verbal and non-verbal communication is language. The EU bureaucracy has developed a rather specific administrative language related to their institutional work. This language, also known as the 'E-large talk' has spilled over in the domain of their communication with political elites in the WBCC and shaped their enlargement and integration dialogues (Risse, 2000). The transfer of enlargement and integration messages within the frames of these dialogues has become the centrepiece of much of the arising research in the domain of social psychology as it recognises the linguistic dimension of behaviour. Language as a tool for creating and conducting narratives and discourses through them also influences behaviour (Diez, 2014). Language is also a vessel to argue and persuade somebody to do or not to do something. Checkel (2001) argues that, since social constructivists offer no theory on social learning and that they mostly rely on individual learning rooted in cognitive psychology, they should explore work in social psychology and communications research on persuasion and argumentation. His personal contribution in this domain is suggesting argumentative persuasion as another category to explain how socialisation works. He offers five conditions under which argumentative persuasion is more likely to be effective: "1) when the persuadee is in a novel and uncertain environment 2) when the persuader has few prior ingrained beliefs 3) when the persuadee is an authoritative member of the in-group 4) when the persuader does not lecture or demand and 5) when the persuader-persuadee interaction occurs in a less politicised and more insulate setting" (Checkel, 2001: 562-563). These conditions stem from a combined application of the message learning approach and language expectancy theory of persuasion. These concepts propose that a persuasive message must gain a receiver's attention and be understood by the receiver. A receiver must yield to the message, which occurs if the message raises questions in the receiver's mind and identifies incentives for behavioural change. Finally, "the receiver must retain information in the message for persuasion to occur" (Burgoon, 1985). The language used to transmit these messages is a vehicle for developing expectations and preferences for what is considered to be appropriate. Language can be used to facilitate or inhibit persuasion when expectations are violated. In the case of positive violations, the message transmitter enacts a behaviour perceived by the receiver as better, or more preferred than expected. In the case of negative violations, "the message transmitter employs language considered to be socially unacceptable, thus there may be no change or the

change proceeds in the opposite direction of that expected" (Burgoon, 1985). It is these five conditions that will be explored in the forthcoming chapters of this dissertation as this study rests on the argument that political elites in the WBCC differently comply with EU norms on the regional and EU level of integration due to the divergent applications of argumentative persuasion by EU political elites. These conditions will be systematically analysed in the theoretical chapter and compared against empirical findings.

The changes resulting from socialisation led compliance are sustainable over time and further reinforced by supplementary reform measures. As mentioned before, joint workings of socialisation and conditionality, although difficult to identify are not impossible. Both normative considerations and rational arguments have been part of the politics of compliance. The EU itself has offered incentives and disincentives and tried to socialise political elites in the WBCC through various high-level political dialogues that have been gaining ground in the last decade. Starting from the Brdo process (Slovenia) through the Berlin/Vienna/Paris/ Trieste/ London (summits) process from 2014 until now, then the Western Balkans 6 formula, followed by the combination of the Brdo-Brijuni process, altogether had one element in common which was to give a much higher political profile to the dialogues among representatives of political elites in the WB candidate and potential candidate countries and with the EU political elite. These high-level political dialogues, in the first instance, breathed in new fresh air in addressing challenges imposed by integration on the regional level but on the European level. However, this was of little significance to match domestic expectations.

2.3. Regional and European integration of the Western Balkan candidate countries

The EU's foreign policy towards the WB has developed in the late 90s with the primary aim to include this region in its sphere of interest. It was firstly oriented towards politically stabilising the region.[11] The circumstances within the WB region have challenged political stabilisation in embracing complexities of the regions' political environment and have reflected themselves respectively against the definition and introduction of the EU enlargement policy. The countries of the WB were given European membership perspective at the European Council meeting in Feira 2000 where it was states that the "the European Council confirms that

[11] Cologne European Council 3 and 4 June 1999, Presidency Conclusions, http://www.europarl.europa.eu/summits/kol1_en.htm#V.

its objective remains the fullest possible integration of the countries of the region into the political and economic mainstream of Europe through the Stabilisation and Association process, political dialogue, liberalisation of trade and cooperation in Justice and Home Affairs. All the countries concerned are potential candidates for EU membership".[12] This was strongly reaffirmed and reiterated especially at the European Councils' meetings in Copenhagen 2002 and Thessaloniki 2003 and forward.[13] The approximation of relations between the countries of the WB and the EU has gradually been upgraded and followed the logic of offering a contractual relationship in the form of 'association' which would later on introduce the phase of 'accession', thus grooming the WB countries to become full-fledged members of the EU. The conditions for membership or the accession criteria include compliance with all the EUs standards and rules, among others, the RoL as one of the essential accession criteria. The candidate countries are monitored, their efforts in fulfilling these accession criteria are regularly assessed and the progress annually evaluated since "the EU reserves the right to decide when a candidate country has met these criteria and when the EU is ready to accept the new member".[14]

Most contemporary scholars agree that the EU integration process oriented towards the WB is neither a linear nor a homogenous process. This understanding that there is a combination of approaches of analysis (structure-agency vs. agency-structure debate, top-down vs. bottom-up, etc.) and that there are many actors involved in the process (states, elites, civil society, etc.). Political elites in the EU and the WBCC appear to be the dominating agent of behavioural change with an observable specific relationship of a hierarchical nature namely being 'norm givers' (EU) and 'norm takers' (WB).[15] European studies, especially Enlargement and Europeanisation studies, focus on the relationship between actors and institutions without giving much attention to the process in which these relations are created, developed and maintained. For example, this body of literature perceives that regional (cooperation) integration in the WB is a constitutive element of the European integration of the WB and that

[12] Santa Maria Da Feira European Council, Presidency Conclusions 19 and 20 June 2000, https://www.consilium.europa.eu/media/21027/santa-maria-da-feira-european-council-presidency-conclusions.pdf.

[13] Copenhagen European Council 12 and 13 December 2002, Presidency Conclusions, https://www.consilium.europa.eu/media/20906/73842.pdf; Thessaloniki European Council 19 and 20 June 2003, Presidency Conclusions, http://europa.eu/rapid/press-release_DOC-03-3_en.htm; EU-Western Balkans Summit, Thessaloniki, 21 June 2003, http://europa.eu/rapid/press-release_PRES-03-163_en.htm.

[14] *Accession criteria*, The European Commission DG for European Neighbourhood Policy and Enlargement negotiations, https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/accession-criteria_en.

[15] This is a modified concept of 'norm makers' and 'norm takers' where norms are the main element of the so called 'soft transfer' (Radaelli, 2002; Grabbe, 2002; Schimmelfennig, 2001; and Sedelmeier, 2001).

it cannot have a life of its own. It has not acknowledged that the growing independence of regional integration has over time outgrown its initially intended purpose of being a practice ground for fulfilling membership obligations of aspiring EU member states. From the early years of its creation, regional cooperation has set the ground for political stabilisation, reconciliation and economic recovery of the war-torn societies in the WB. But its potential for endlessly producing a wide spectrum of issue-related regional initiatives has later fed their results into the European integration of the region giving their view on how things should be done. Doing so, political elites in the WBCC started to play a double role by simultaneously negotiating at the EU and the regional table. The double role of political elites in a dual setting corresponds closely to Putnams' (1988: 427-460) conceptual model of a "two-level game" for studying what he called "the entanglements of domestic and international politics". Instead of what political elites in the WBCC would be negotiating internationally that would be domestically acceptable, they would negotiate internationally what is regionally acceptable. "As the skill of negotiating understands the art of language, norms become not only emotive and cognitive but a language phenomenon, as well" (Wittgenstein, 1953). As Wittgenstein further explains, things "get normative" in part, because of the way language works. The use of language through negotiations can influence others understanding and behaviour, in the form of statements, directives, assertions and expressions. These language forms are a vessel for transferring, among others, rules of behaviour. The transfer and reception of these tends to be easier in environments that share certain common historical and cultural background and are more difficult when linkages are distant or absent. Thus, regional integration in the WBCC, often referred to as regional cooperation, has in a certain way 'bended' the usual scholarly interpretations and explanations to the rule transfer, logic and mechanism of integration which does not necessarily follow the ones on the level of European integration. The following paragraphs will provide an overview of what has already been researched on the logic and mechanisms of regional and European integration of the WBCC from a rational choice and social constructivist lenses with the input of social psychology, as they will set the grounds for understanding the environment in which EU norms compliance is exercised.

In general terms integration as a phenomenon has been vastly explored by many theoretical branches including rational institutionalism and social constructivism. The European integration of the WB has been presented and discussed in academic literature as a very complex process. The early stages of the European integration studies were entirely dedicated to the internal aspect of the European integration process. After the first enlargement rounds took place, integration studies have shifted their focus from internal to the external

dimension of the process, encompassing the relationship between the EU and its EUMS with potential and candidate countries. Apart from the debate on whether integration studies should occupy themselves with integration as a process or integration as an end-result, integration nowadays, understands integration of so many different constitutive parts (norms just being one of them) that are unambiguously linked and contribute to the whole of the European integration process. As Galtung (1968: 375) said, "in studying integration, it is necessary to differ definitions of integration from conditions promoting integration and consequences of integration". When discussing integration as a value/norm driven process, whereby values/norms are identified as conditions for integration, he distinguishes two models of integration: egalitarian and hierarchical. The first model is often found in international relations theory and refers actually to actors having 'coinciding interests and norms'. The actors are coupled together in such a way that a higher state of value/norm for one actor is also a higher state for the other actor. Since no actor needs to prevail over the other, actors can be united, and conflicts solved because relations between actors are based on either of the dichotomy of values/norms 'high-high' or 'low-low', while combinations 'low-high' and 'high-low' are excluded. The valences 'low' and 'high' reflect the level of proximity or compatibility of values/norms and their significance for political actors (Schwartz, 1996; Schwartz, 2000). The second model is often found in psychology and sociology and refers to values/norms being arranged in a hierarchical order so that dilemmas can be solved by choosing the value/norm highest in hierarchy. Hierarchy can be either linear or pyramidal. In the first case, all conflicts are solved while in the second case no priority relation is given for some pairs of values/norms (Schwartz, 1996; Schwartz, 2000). Thus, actors of a higher rank prevail over the actors of a lower rank and according to this principle all conflicts are solved (Galtung, 1968: 375). In addition to convergence of value systems, actors strive to achieve a degree of politico-cultural similarity i.e. harmonisation of laws and regulations. This aspect incorporates the social constructivist argument that integration progression is dictated by compliance with norms (Noutcheva, 2007; Vachudova, 2013). Since actors [WB] desire to become a part of a whole [EU] and sustain this position, they provide input or support to the centre of integration through transferal of loyalties (Galtung, 1968: 376). An amalgamated version of Galtungs' proposed models best serves the purpose of understanding the reality of the European integration model in the WBCC. It reflects, firstly, that integration in the case of EU enlargement is a process of a hierarchical nature (Bechev, 2011). Secondly, political elites in the EU and the WBCC, as the leading actors in the process, have asymmetrical roles (Noutcheva, 2012). Their behaviour is not necessarily strategic but can also be ideational which is displayed in whether they choose

rationally or emotionally defecting from higher values/norms to stream the integration process. This stems from the feeling that political elites in the WBCC are mostly 'told' and not 'advised' what they need to do. However, one can be 'nicely' told what needs to be done by using various linguistic tools at their disposal such as argumentation and persuasion (Checkel, 2001). "These non-instrumental tools serve the purpose of socialising or, in the context of European integration, Europeanising political elites in the WBCC into the expected behaviour so that they agree with the EU political elites on the validity of an EU norm" (Wiener, 2007: 1). Finally, the logics that guide their circumstantially driven behaviour demonstrates that domestic conditions for adhering to EU norms on the regional level can and sometimes have been more favourable then on the European integration level.

For the past eight years, European integration has been on hold mostly due to challenges that the EU has been facing primarily embodied in the economic-financial and migration crisis. Most pro-enlargement scholars argue that keeping the WBCC at bay while the EU settles its own problems does not do any favours to either of the sides. Prolonging the actual date stamping on WBCC accession to the EU has opened space for the region to consider foreign policy alternatives but also for redefining actual relations of the EU with the region. Some WBCC such as Serbia and the Republic of North Macedonia have openly challenged the legitimacy of the EU's conditionality policy as it has been backtracking its promises and introduced delays to the membership award. While some Serbian officials called openly on the EU to make up their mind, "because if the EU does not want them, there are other powerful countries and alliance that do"[16], the Macedonian dignitaries have not withheld their genuine disappointment with the lack of appraisal for resolving the issue of the name of their state.[17] Although the EC statement strongly supported the signing of the Prespa Agreement in January 2019, the EU Commissioner for migration, Dimitris Avramopoulos, stated that the "Prespa Agreement is not balanced and therefore problematic" which caused significant political stir in the EU administration.[18] Further excuses are found in the upcoming European elections in May

[16] Statement made by Aleksandar Vulin, Minister of Defence of the Republic of Serbia, https://www.danas.rs/politika/vulin-eako-nas-eu-ne-zeli-postoje-i-drugi-savezi/.

[17] "Razočarani i u Briselu i u Skoplju, o pregovorima tek iduće godine", article by *Slobodna Evropa*, source: https://www.slobodnaevropa.org/a/reakcije-eu-ministri-severna-makedonija-albanija/30223418.html, 18.10.2019.

[18] "Greek Commissioner breaks with EU line on North Macedonia name deal", by Sarantis Michalopoulos, EURACTIV, January 24th 2019, retrieved from https://www.euractiv.com/section/enlargement/news/greek-commissioner-breaks-from-eu-line-on-north-macedonia-name-deal/. Some analysist such as Angelos Chryssogelos argue that there are significant legitimacy and legality deficiencies to the way of how the agreement was achieved which even further questions the adherence to the constitutional principles and the rule of law in both Greece and Macedonia to which the EU has chosen to turn a blind eye. "Macedonia's name change is a

2019 which devolve the integration process to a pure technicality that has crushed the hopes of political elites in the WBCC and that they will encounter tangible recognition for their efforts. On the other hand, a change of mind among the EU political elite in potentially replacing the membership offer with a scenario of a different membership layers in a multi-speed Europe is not seen as an acceptable second-hand offer in the WBCC. Such an option would imply, as Bechev (2012: 8) explains "minimal redistribution of resources, limited access to decision making, barriers to free movement of labour – in short, second-hand membership – and as a result, no sustained pressure for convergence".

2.4. Europeanisation of the Western Balkan candidate countries

Scholars have constructed the term Europeanisation with the effort to better understand political, economic and social changes that have been generated by the process of European integration especially in the cases of states acceding to the EU after exiting from non-democratic regimes such as the WBCC (Börzel, 2011; Elbasani, 2013; Noutcheva and Aydin-Düzgit, 2011). Europeanisation was originally used to explore transposition of European governance among and between EUMS (Grabbe, 2003 and 2006; Schimmelfennig and Sedelmeier, 2005b; Sedelmeier, 2006). It is equally investigated through the optics of influence from the EU to the acceding states (top-down) and the reactive influence of the Europeanised state on the EU (bottom-up) (Börzel, 2011; Schimmelfenmig, 2009). "Europeanisation remains largely an external process whereby the EU acts as the main generator of change and reform, offering models and guidelines, supplying financial assistance for reconstruction, development, and transition, and imposing the criteria and influence on the content, agenda and conditions of change. Through the provision of legislative and institutional templates, monitoring, and benchmarking; aid and technical assistance; advice and twinning; and ultimately the prospect of membership, the EU can have a major external impact on the domestic discourse and the internal governance of those countries" (Grabbe, 2002). There is a general understanding that, depending on the position in the process itself, Europeanisation can have different meanings among which differentiation between being a process and a policy is dominant (Economides and Ker-Lindsay, 2015: 1028). For the EU, it means developing adaptive capabilities of its MS while for the 'Europeanised states', in this case the WBCC, it is understood as a deep

triumph for the EU, but worrying for democracy", January 22nd 2019, source: http://time.com/5508640/prespes-macedonia-greece-eu-democracy/.

transformation and modernisation of its politics, economy and societies. The most elaborative definition on Europeanisation is given by Radaelli (2004) who says that "Europeanisation consists of processes of (a) construction (b) diffusion and (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and sub national) discourse, identities, political structures and public policies". This definition emphasises the importance of change in the logic of political elites' behaviour in the WBCC as it is essential for advancing towards EU membership.

As mentioned before, Europeanisation can be based either on conditionality or on socialisation as its driving mechanisms. When compared to the case of Europeanising Central and Eastern European countries based on conditionality, Europeanisation of the WB has been significantly developed as political conditionality improved by becoming "strict but fair" (ENS/12-13). The other novelty is that it was applied in the pre-accession phase even before the accession negotiations started. This has expanded the list of demands which have ranged from technical reform (capacity and institution-building measures), restructuring measures but also of a normative nature or driven by moral concerns (Economides and Ker-Lindsay 2015: 1030). Europeanisation driven by conditionality is not so much about adaptation, instead it is based on 'instrumental rationality' where actors are conceived as utility maximisers who select their course of action according to cost-benefit calculations (Börzel and Risse, 2011: 5). The process of Europeanisation is driven by the necessity of aspiring WBCC to prepare for EU accession. It is, thus, based on the credible external incentives underpinning EU conditionality which suggests that candidate countries must Europeanise as a condition and not as a consequence of membership (Sedelmeier, 2006: 6; Börzel and Risse, 2011: 15). However, and in line with the thin rationalism-soft constructivism proximity of argumentation, scholars acknowledge that Europeanisation is still dependent on the decisions of the internal actors (Schimmelfennig and Sedelmeier, 2011). It remains a choice of decision-makers in the WBCC to decide, based on their calculations and interests, whether they will accept the conditions put forward. In the same way, political elites in the WBCC, once guided by the logic of appropriateness will choose whether they will comply with an integration demand based on their normative considerations. When Europeanisation is observed as driven by actor socialisation, the expected behaviour is a result of changed identity and normative systems. Appropriateness of behaviour occurs in the form of institutionally driven normative pressure whereby norm diffusion results in attitudinal and behavioural change described here as

socialisation. In social constructivist frame of reasoning, political actors are the very embodiment of Europeanness, and they display a strong affiliation to the normative pillars of the EU.

Although different theoretical camps accentuate different tools for conducting Europeanisation certain scholars such as Checkel (2001:562) suggests that the rationalist-constructivist divide can be bridged by using normative suasion (argumentative persuasion), a form of social interaction which originates from social psychology. This process makes full use of socialisation as an instrument of change, as it involves attitude change through non-coercive communication of new normative understandings that are internalised by actors so that new courses of action are viewed as entirely reasonable and appropriate. "It is not manipulation but a process of convincing someone through argument and principled debate" where the "communicator attempts to induce a change in the belief, attitude, or behaviour of another person through the transmission of a message in a context in which the persuadee has some degree of free choice" (Checkel, 2001: 562). To do so, both actors engaged in social interaction of persuasion need to employ the same type of language which facilitates such communication. As the case of WBCC has shown it is not always the problem of the lack of knowledge but a genuine inability to understand what being socialised is about. Unlike Checkel, who is very much affirmative towards employing social psychology, the majority of scholarship mostly borrow elements of Habermas's theory of communicative action. Before exercising strategic bargaining, actors must arrive at common knowledge, which is to share basic assumptions about the structure of their interaction. In that sense, "their strategic interaction needs to be founded on focal points that are so deeply accepted as to be stable" (Johnson, 1993: 91). Thus, bargaining is not simply a process of manipulating exogenous incentives to elicit desired behaviour from the other side, as it involves both argument and deliberation, in an effort to change the minds of others (Risse, 1997). Many questions arise from these assumptions and social constructivists tend to provide answers to the one on conditions under which communicative action is more likely to be successful. Here they employ the identity argument by stating that "persuasion is more likely to occur when two actors trust one another such that each accepts the veracity of an enormous range of evidence, concepts and conclusions drawn by others" (Williams, 1997: 291). However, theorists from other branches acknowledge that there are at least two other micro-processes that can lead to socialisation: social learning and mimicking. It is believed that due to their exclusive focus on persuasion, social constructivists have completely neglected the other two processes which

places them in a difficult position of being unable to distinguish a range of micro-processes that can facilitate explaining behaviour.

When discussing the effect of Europeanisation scholars agree that it can cause different degrees of domestic change: 1) absorption 2) accommodation and 3) transformation. These outcomes depend on the employed logic of behaviour. The combination of political elites' logics of behaviour leading to a certain degree of change allows the situation when 'clear' logic dominates an 'unclear' logic of behaviour. As Börzel and Risse (2000) argue, the socialising/learning pathway is more likely to be followed, if actors are more uncertain about their preferences and strategy options but are clear about their identities. Therefore, the two logics might relate in a sequential way. If domestic change in response to Europeanisation involves high re-distributional costs, socialisation might be necessary to overcome stalemate and to develop new rules of fairness based on which actors can then bargain over the distribution costs. The differing manifestation of Europeanisation in the WBCC has produced different patterns of change that vary across states and societies in the region which questions the compatibility of regional and European integration. Anastasakis (2005: 77) claims that there is a certain 'South East European style' of Europeanising the WB. Bechev (2012) and Ralchev (2004) recognise it as an "increasingly demanding, externally driven, and coercive process of domestic and regional change brought by the EU. Europeanisation is internalised differently by the various states or national actors in the Balkans, and its degree of success relies on their ability and willingness to change". Throughout the Europeanisation process, European policies can challenge national policy goals, regulatory standards, the instruments or techniques used to achieve policy goals and for underlying problem-solving approaches (Börzel, 2011). This challenge can uncover existing or newly arising 'misfits' which are the only necessary condition for domestic change. Social constructivists suggest that Europeanisation leads to domestic change through socialisation and a collective learning process resulting in new internalisation and the development of new identities (Börzel and Risse, 2000). The success of change depends on the so called 'goodness of fit' between Europeanisation and the domestic level which determines the degree of pressure for adaptation generated by Europeanisation on WBCC. The lower the compatibility between European and domestic processes, policies and institutions, the higher the adaptation pressure. If EU norms, rules and collective understandings are largely compatible with those at the domestic level, they do not give rise to problems of compliance or effective implementation. Nor do they provide new opportunities and constraints to domestic actors, which could lead to a redistribution of power resources at a domestic level. The weak effects of socialisation on domestic elites have primarily been

attributed to specific institutional and historical contexts, which can restrict the causal power of the social interaction process (Checkel, 2001). Many scholars studying the effects of international norms on state policy emphasise the salience of domestic receptivity to externally defined standards of appropriate behaviour. Such an analysis, however, misses an important aspect of the dynamics of EU conditionality – Balkan compliance, namely the perceptions of the political elites in these countries of the motivation behind the EU's policy and the related impact on compliance decisions. In other words, the softer mechanisms for inducing compliance may be less effective for reasons to do with the agent of socialisation, the EU in this case, rather than with the object of socialisation, the Balkan countries in this case. (Noutcheva, 2007). Noutcheva (2012) has shown an alternative way of explaining the effects of international socialisation on WBCC. She has suggested that the legitimacy of the EU's external actions has to be closely examined before assessing the potential of the EU as an agent of socialisation and proposes studying of the EU's power to influence non-EU countries through the prism of how they perceive the motivation of the EU's actions. As such, it has made the case for widening the debate about the EU's foreign policy to include contributions that focus on the external impact of the EU's actions.

The contemporary critique of the social constructivist approach to socialisation points out that micro-processes of socialisation have been left out of the equation. As Wendt (1999:134) has explained that "in social theory it is thought to be enough to point to the existence of cultural norms and corresponding behaviour without showing how norms get inside actors' heads to motivate actions". Namely, the social constructivist approach tends to assume that agents at the systemic level have relatively unobstructed access to political actors from which they diffuse new normative understandings. Once political actors are interacting inside institutions, the diffusion and homogenisation of norms in the "world polity" seem virtually automatic, and even predictable. "This leaves variations in the degree of socialisation across units - contestation, normative retardation, and so on - unexplained. There is less attention paid to the processes by which political actors understand, process, interpret, resist, and/or act upon norm-based lessons. In conclusion, processes by which different systemic normative structures affect behaviour are mostly assumed, rather than shown" (Finnemore and Sikkink, 1998).

Contemporary scholarship has become even more divided when discussing the successfulness aspect of Europeanising the WB. Most of the critique is directed towards the failure of Europeanisation as a socialisation driven process which undermines previously enthusiastically optimistic observation by practitioners that the EU does have transformative

(and normative) power (Vučković and Đorđević, 2019; Economides and Ker-Lindsay, 2015). Europeanisation has shown its weaknesses and limitations, as some research shows, mostly through the lenses of corruption and regional relations (Vučković and Đorđević, 2019). As mentioned before, limited statehood, semi-sovereignty, democracy in transition and state capture have affected the transformative power of the EU in the WBCC. The reasons are found on both ends, as the EU has been placing less pressure on WBCC political structures adjustments, so the WBCC have reduced their willingness and capacity to comply. Many authors have argued that the EU is 'ill-equipped' to address these problems which allows these conditions of the WBCC to undermine their compliance with EU norms (Börzel, 2011; Elbasani, 2013, Vučković and Đorđević, 2019). Their main conclusion is that political elites in the WBCC maintain a superficial, limited and formal level of domestic change assisted by the EUs approach which nurtures stabilitocracy for the sake of preserving regional peace and (quasi)democracy. This means the EU's direct support to autocratic regimes who are scarcely reforming their states and societies, to actually lead their countries to EU membership. The empirical analyses show that political elites in the WBCC are individually unwilling and unable to truly fight corruption and organised crime. However, "regional cooperation is keeping the region stable and there is a good track record in combating corruption and organised crime on a regional level" (Elbasani, 2019). Bearing this in mind, one can infer that Europeanisation is proclaimed unsuccessful in the WBCC due to the ineffective socialisation mechanism which has not satisfied the threshold of conversational, textual and substantive demonstration of EU norm compliance by political elites in the WBCC.

2.5. EU enlargement politics and the Western Balkan candidate countries

The Enlargement studies were interested in investigating the mechanisms of the ever – enlarging European space guided by the enlargement policy, while the Europeanisation studies focused themselves on the causes and effects of internal (among EUMS) and external (associated, potential and candidate countries for accession) aspects of European integration. European integration, Enlargement and Europeanisation have in common three things: 1) they hold a niche in researching international relations 2) they are understood as a process and 3) they have risen enough interest in academia to be independently studied. When discussing the European perspective of the WB and ultimately, the membership of WBCC in the EU, these studies and theoretical concepts that have been developed along the way to facilitate and

improve our understanding of the semi-external relations that the EU has with the WBCC and how this relationship relates to the future of the EU and the WBCC.

The Enlargement studies research the effects of widening and deepening the existing Union, as both aspects work hand in hand to allow the projected functionality of the EU. According to social constructivists, enlargement politics will generally be shaped by ideational/cultural factors. The most relevant of these factors is 'community' or 'cultural match', that is, the degree to which the actors inside and outside the organisation share a collective identity and fundamental beliefs (Checkel. 1999). Studying enlargement in this perspective primarily consists in the analysis of social identities, values, and norms, not the material, distributional consequences of enlargement for individual actors (Schimmelfennig, 2001; Sedelmeier, 2008). Social constructivists expect a low degree of variation of enlargement preferences and conflicts among the EUMS. However, Schimmelfennig and Sedelmeier (2004, 2005a and b) have allowed a certain degree of variation in enlargement preferences which would then result in tensions among the community of values and norms and reflect itself on the enlargement preferences of acceding states. Therefore, variations in complying with norms is possible on both sides of the integration process. Finally, EU enlargement will proceed to the extent the applicant states share its collective identity, values and norms, and the goal of enlarging the EU is achieving a cultural or normative match (Schimmelfennig and Sedelmeier, 2008: 515). The enlargement preferences are determined by the expected cost and benefit outcomes of enlargement whereas, both actors favour the kind of integration which maximises their net benefit. Both actors wage these benefits against benefits they would attain from an alternative form of integration. The previously mentioned 'constructivist' indicator for the degree of community between the organisations and the applicants – can also be conceived as a 'rationalist' indicator for the domestic incentives and costs of membership (Schimmelfennig, 2005: 520).

The EU has often spoken with many voices either of its various supra-national institutions or of its different member states. Even after almost two decades of Europeanising the WBCC, the EU's foreign policy and enlargement strategy as its fundamental part, show us that different visions for priorities in the region do exist. As mentioned before, there are many examples in practice that show that there is no unified or commonly accepted notion of the principle of conditionality and the EU/EUMS expect the WBCC to "unconditionally" accept it. As the creativity of the Brussels elites sharpened the edges of conditionality by making the process of Europeanisation stricter (but fair), more rigid (but rewarding), the region has been developing its own sense of the limits of the principle of conditionality. There has been at least

one phase in each of the WBCC Europeanisation path that has led to a stalemate due to the unwillingness of the Europeanised country to surrender completely to the EU's transformative power. In the case of Serbia and it has been the problem with cooperating with the ICTY and the issue of Kosovo; in Macedonia and Albania it was the political (parliamentarian) crisis; in Montenegro it was the autocratic regime, etc. Thirdly, the EU assumed that introducing the principle of conditionality would be the most effective way to cause change in these countries. In the previous rounds of enlargement, the changes required always had a reward following them. These rewards were various in types, degrees and functionality. The biggest of them all, of course, was the 'date' of when accession will be taking place. This was a 'certainty' for all enlargement circles that took place until the accession of Croatia in 2013. However, in the case of the WBCC, the list of required changes has grown over time without even a glimpse of a potential date when the membership would take place. "The visualisation of the promised carrot has lost its clarity which in result induced enlargement fatigue" (Forge and Kehoskie, 2007; O'Brennan, 2014).[19] The WBCC grew tired of all promises that have not been kept because of the ever-growing list of demands whose relevance they have started to question. The WBCC have also begun to compare and weigh out the actual relevance of rewards being given against the promises that have not been kept by the EU. On the same note, but from the EU side, a public debate has also been opened on behalf of the EU experiencing the enlargement fatigue due to its overworked absorption capacity. In both cases, it has been argued that the leverage of the principle of conditionality has caused this behavioural phenomenon whereby both sides have retracted and created a space vacuum in the accession process.

Enlargement is considered to be the most successful foreign policy of the EU and the cornerstone of that success lies in the underlying political accession conditionality (Schimmelfennig, 2008: 198). Enlargement can only be achieved if there is readiness from the side of the EU (absorption capacity) and the side of the acceding state (integration capacity). This level of preparedness is determined by the political will of political elites in the EU and satisfying political conditionality by the political elites in the WBCC. The more the EU has integrated the more conditionality became complex and comprehensive which has to a significant extent disturbed the dynamics of catching-up with change. At the beginning the degree of the EUs 'integratedness' was measured by the number of pages contained in the AC. Nowadays, the ability of acceding states to adopt and internalise the ever-growing volume of

[19] Most authors used the term "accession fatigue" when addressing this behavioural phenomenon in the WBCC. However, this research understands that 'enlargement fatigue' is equally credible for the EU as much as for the WBCC and it represents two sides of the same coin.

this codex is expressed in years. The EU, being aware of the almost impossible task laying before the acceding states, has introduced a set of external incentives to motivate them in overcoming the hurdles created by the AC on the path towards the EU. These incentives, material (financial aid) and non-material (socialisation), also served the purpose of providing credibility to political conditionality - sometimes successful, sometimes not. The most present agreement in literature is that for conditionality to be successful, it needs to be cultivated on a fertile domestic ground (Schimmelfennig, 2008: 198). This can be interpreted in two ways. The rational argument would be that the cost of compliance cannot exceed the benefit of satisfying conditionality, thus, political elites need to be in readiness to take the risk. The constructivist argument, besides this, also weighs the cognitive preparedness of political elites to meet the consequences of an action that is contrary to their risk assessment. This is valid when talking about the European level of integration, but practice has shown that it is not sustainable when the regional dimension of integration is brought into equation.

Throughout the years the political conditionality has grown to become more rigorous but still preserving the element of fairness. This observation is rather problematic as it is the position of the EU which in most cases has not been shared with the WB. On the contrary, the interpretations of this statement were floating from the understanding that the EU is not able or not willing to accept new members the belief that the enlargement policy altogether is being re-moulded to meet globalisation trends. Credible conditionality depends on 1) the conditional offer of EU membership to the prospective state 2) normative consistency of EU enlargement decisions and 3) low political compliance cost of the prospective state (Schimmelfennig and Sedelemeier 2005a; Vachudova, 2006: 10). For all these criteria it is essential to note that, compliance with EU norms is at the heart of the accession offer and has to be consistent by the political elites. The enlargement studies mostly ask questions on how enlargement as a process changes identity, norms (values), behaviour of political actors; under which conditions do actors conform with the rules of the integration centre, etc. This question refers to the situation prior and post-enlargement and in that respect the Enlargement and Europeanisation studies intersect on the researched problem.

2.6. Conclusion

This Chapter has reviewed scholarly work in the fields of social constructivism, rational choice institutionalism and social psychology in relation to the questions of why and when norm compliance occurs, what logics and mechanisms for instigating compliance behaviour,

how does compliance induced behaviour manifest itself among political elites in the WBCC, what compliance with EU norms means in the context of regional and European integration of the WBCC and what are the specificities of the environment where compliance behaviour is expected to appear. Doing so, it provided mostly theoretical insight but also reviewed literature on the relationship between the processes of Europeanisation (socialisation) of political elites and norm compliance. It has highlighted the connecting dots between the social constructivist and rational choice understanding of norm compliance within the general process of political elite in the WBCC socialisation, the importance of this process in understanding environmentally conditioned elite behaviour and impact of norm compliance on European and regional integration dynamics. It has also addressed the most prominent question raised by contemporary scholars from both branches on how socialisation of political elites and their norm compliance occurs *vis-à-vis* their role in the two-level integration process. This dissertation is occupied with norms that induce behavioural change which has already been empirically proven. The region of the WB is perceived as a group of countries with contested statehoods, semi-sovereignty, shallow democratisation and weak governance. The principle of (political) conditionality has been competing in research with issues such as state sovereignty (Noutcheva, 2006; Sjursen and Smith, 2004), democratisation (Grabbe, 2006), legitimacy (Sjursen, 2006; Manners, 2002 and 2006) and compliance (Schimmelfennig and Sedelemeier, 2004 and 2005a; Noutcheva, 2007). Among them all, the conditionality-compliance paradigm has been most frequently investigated (Noutcheva, 2006, 2007 and 2012; Noutcheva and Düzgit, 2011; Anastasakis, 2008; Freyburg and Richter, 2008; Börzel, 2011; Zuokui, 2010). In that kind of setting, legitimacy of the EU's requirements (conditions) and EU's success in achieving those (i.e. normative power Europe) are examined by this study.

The political elites' norm compliance is viewed from the aspects of explanations about European integration, EU enlargement and Europeanisation, as three distinct processes of great importance for this study. The understanding of these processes from the political elites' viewpoint provides information about elites' situational awareness, as well as, their decisions to act or not to act and how to act in certain circumstances. For a better understanding of the research composition laid out in this study, the following chapters will provide a detailed account of all the constitutive elements departing with elaborations on the integration process, proceeding then with political elites, EU norms and case study on the RoL, as the key EU norm, examined on both levels of the two-level integration process through two specific institutional arrangements, namely the RCC and the SAC/IGC.

Chapter 3: Theoretical framework

3.1. Introduction

This Chapter presents the theoretical framework to answer the research question why political elites in the WBCC comply with EU norms differently on the levels of European and regional integration. Here it is necessary to emphasise that this research is not interested in compliance *per se* as in analysing perceptions of norm compliance in political elites' discourse and behaviour and as a result how they affect the progress of the integration process. This study builds on the theoretical contributions of rational choice institutionalism, social constructivism and social psychology in examining the three main elements of the research question: political elites (socialisation subjects), the rule of law (RoL) as an EU norm (socialisation object), Europeanisation (socialisation mechanism) and argumentative persuasion (socialisation tool). Political elites are viewed as engineers of the integration process and EU conditionality policy. The political elites in the WBCC and the EU hold an asymmetrical power relationship and they are distinguished as 'norm givers' and 'norm takers' (Radaelli, 2002; Grabbe, 2002; Schimmelfennig, 2001 and Sedelmeier, 2001). By creating and applying the RoL as a norm, political elites in the EU "might exert an influence through persuasion and socialisation with domestic outcomes being mitigated by factors such as the existence of domestic norm entrepreneurs to mobilise domestic support and political culture conducive to consensus-building and cost-sharing" (Börzel and Risse, 2000: 2). Actor socialisation or in this case socialisation of political elites in the WBCC by political elites in the EU is presented as the driving mechanism of Europeanisation (Schimmelfennig and Sedelemier, 2004). The main tool used to Europeanise political elites in the WBCC is argumentative persuasion (Checkel, 2005). The main EU instruments to socialise political elites in the WBCC are the EC PRs and programmes such as TAIEX. This study combines these elements which are also key concepts in constructing a conceptual model defined as a two-level EU norm compliance dynamic in the WBCC.

This study hypothesizes that compliance with the RoL on the European and regional level of integration is different because a different socialisation exists at both levels. It argues that different socialisation exists on the two integration levels due to the successful or unsuccessful use of argumentative persuasion by political elites. The variations in successful/unsuccessful application and effects of argumentative persuasion display themselves as a discrepancy between political elites' discourse and behaviour whereby political

elites in the WBCC pay lip service to EU's political conditionality, they instrumentally use the RoL and they politicise meaning making. This results in varying degrees of compliance, in specific 'shallow compliance', as a newly discovered form of a distorted relationship between political elites' discourse and behaviour. The analysis of this model reveals not only different understandings of political socialisation led compliance underlying the process but also diverging compliance outcomes. The following segments will present the guiding theoretical concepts on political elites, norms, Europeanisation and argumentative persuasion from the aspect of rational choice institutionalism, social constructivism and social psychology. These theoretical traditions are involved in a dialogue where they approach discussion by 'sequencing' their contributions in such a manner where one theory best explains a step in a sequence of actions while another theory best explains subsequent development (Jupille et al, 2003). In conclusion, the theoretical framework, theoretical concepts and the conceptual model presented in this Chapter are summarised.

3.2. Normative power Europe – the rule of law

This section will address theoretical questions raised by scholars of the nature and role that norms carry in the integration process of the WBCC with specific emphasis on the EU norm of the RoL as the essential normative pillar of the integration process in the WBCC. It will specifically address the RoL as a norm or standard of individual and social behaviour promoted and challenged by the political elites in the WBCC (Cialdini, 2001). The presentation of the relationship between political elites in the WBCC and the EU as 'norm givers' and 'norm takers', will draw the attention to the issue of elites' capacity and willingness to comply which results in differing levels and types of norm compliance. These will further show that the two groups of political elites communicate in a specific discursive framework where they exhibit differing skills in framing messages about EU norm compliance related to integration which are based sometimes on the logic of appropriateness and sometimes driven by the logic of consequentialism. Political elites as rational/irrational actors in the integration process demonstrate that their behaviour is not exclusively driven by strategic calculations or normative considerations. Both logics are at play in the case of WBCC which are empirically visible on the regional and on the European integration level as it will be shown in later Chapters. This phenomenon allows the study to infer that political elites in the WBCC comply with the RoL as an EU norm differently on these two levels of the integration process due to the effects of argumentative persuasion (Checkel, 1999). In conclusion, varying degrees of norm compliance

have also reflected themselves in varying progression levels of the integration process of WBCC.

The RoL is observed as a norm. Although it is not exclusively European, nor an invention which originates solely from the EU, this study observes the RoL as a norm that has been visibly defined as a founding stone of many European societies but most importantly the EU itself. In general terms, a norm is a standard of appropriate behaviour (Katzenstein, 1996; Finnemore, 1996) which "directs individuals' cognitions, emotions, and behaviours and it also serves as evaluative standards, against which individuals' reactions are judged" (Reese, Rosenman and Cameron, 2019). Norms are typically portrayed as regulating, constituting or enabling actors' behaviour in their environment. As an enabling process, norms are necessary to reach mutually beneficial cooperative outcomes (Keohane, 1984: 89). However, norms are also viewed as constraints of behaviour (Finnemore and Sikkink, 1998; Krasner, 1983). Instead of only what should or ought to be done they also determine what should not be done. The duality of this construct is present in all strands of social constructivism and rational choice theoretical concepts. The normative embodiment of the RoL can be conceived as an exogenous or endogenous variable depending on the angle from which its working is exerted. Political elites can either be norm givers or norm takers which shows that norms can be perceived as of exogenous or endogenous character nature. In the case of norms being exogenous and being 'given' by a political elite to another political elite, except for scholars of philosophy, norms are mostly seen as constraints of behaviour (Krasner, 1983). Most of the social constructivism scholarship, including thin rational choice institutionalism, view norms as endogenous since they do not appear out of nowhere but are constructed by individuals/groups and they may be specific for that individual or those groups. A political elite may find its norms being similar or completely different to norms of another political elite. These similarities and differences relate to historical, cultural, traditional and other types of backgrounds which can make it easier or harder for these elites to connect, cooperate or even influence each other.

Bicchieri (2006: 2) articulates one of the most prominent accounts of social norms, "one that explains norms in terms of the expectations and preferences of those who follow them". For example, the existence of the RoL depends on a sufficient number of political elite members who believe that it exists and pertain to a given type of situation and expecting that enough members of the other political elite are following it in those kinds of situations. Political actors have preferences which guide them in either following a norm because it is the right or legitimate thing to do (social constructivists), or they follow norms because (and when) it is useful to do so (rational choice institutionalism). Some scholars explain that the function of a

norm is to hold us accountable to each other for adherence to the principles that they cover (Brennan, Eriksson, Goodin, and Southwood, 2013). This places humans in positions where they may praise and blame others for their behaviours and attitudes. This function of accountability, they argue, can help create another role for norms, which is imbuing practices with social meaning. This social meaning arises from the expectations that we can place on each other for compliance, and the fact that those behaviours can come to represent shared values, and even a sense of shared identity. "This functional role of norms separates it from bare social practices or even common sets of desires, as those non-normative behaviours don't carry with them the social accountability that is inherent in norms" (Bicchieri, 2017). On the other hand, some authors claim that the emergence of norms can be explained without any reference to the functions they eventually come to perform. Many studies on the emergence and dynamics of norms have focused on cooperation because "norms often provide a solution to the problem of maintaining social order which requires cooperation" (Sikkink, 1998). This study is close to the hypothesis that "such cooperative norms emerge in tight and closed groups where people have ongoing interactions with each other" (Hardin, 1982). The political elites in the WBCC and the EU are in a tight and closed group that inter and intra-communicate. Through their repeated inter and intra encounters they have an opportunity to learn from each other's behaviour, and to secure a pattern of reciprocity that minimizes the likelihood of misperception. However, these encounters may also provide a fertile ground for not just cooperating but also challenging normative consideration and deductive behaviour. They may lead to discursive conflicts and contestations. Contested norms are a reflection of social roles and actions desirable, legitimate and intelligible (Barnett, 1999). In conclusion, "norms produce social order and stability; they channel and regularize behaviour; and they often limit the range of choice and constrain actions" (Finnemore and Sikkink, 1998: 894). Social psychology provided reasons to doubt constructivist general position that international norms are pre-existing and presume that decision makers accurately perceive domestic values and that these domestic values are relatively static givens. International norms are more readily accepted when they can be constructed (or reconstructed) as congruent with pre-existing national values. However, norms cannot be identified just with observable behaviour, nor can they merely be equated with normative beliefs. The varying degrees of correlation between normative beliefs and actions are an important factor which researchers use to differentiate among various types of norms and to assess competing theories of norms such as the actor socialisation theory and rational choice theory.

Apart from the reasons of it becoming a norm and the role or function that the RoL may have in a life of an individual or a group, another crucial element for examination is its meaning as a norm. The meaning of norms becomes contested through the transfer between socio-cultural contexts as differently socialised political elites seek to interpret them. While political elites in the EU may agree on the validity of an EU norm that agreement may not be recognised among political elites in the WBCC (Wiener, 2007: 1). Norms are cognitive, and they convey meaning. They can also covert meaning into an obligation to act through a mechanism that social psychology and social constructivism share a strong interest in understanding better. Norms are common for individuals/groups if they share an intersubjective meaning which can be transposed and learned. Social constructivists often assert that 'learning' new norms creates changes of the content in the existing normative systems which further introduces changes in patterns of behaviour (Checkel, 1999). Learning serves as the conduit by which shared meanings are internalised and reproduced through behaviour. In this case, the learning of political elites is explained by doing and thus not by virtue of the cognitive processes but by repetition and reinforcement in social practices. It is important to identify group-based associative connotations that allow an understanding of the respective normative "structure of meaning in use" (Weldes and Saco, 1996). Empirical observation holds that contestation is expected once norms are interpreted by political elites that do not share them in continuous social interaction. "Norms and their meanings evolve through social interaction in context" (Wiener, 2007: 6). Some scholars argue that one need not be aware of the existence of a norm until its breach occurs. From a social psychological view potential contestations and violations stem from the motivated biases of political elites who face a moral dilemma between personal desires and social constraints. Namely, this argument places human action at the crossroads of individual and social needs and constraints (Shannon, 2000: 2). These biases compel political elites to "interpret norms in a manner that justifies violations as socially acceptable" (Shannon, 2000: 1). Rational choice institutionalists explain that political elites violate norms whenever norms conflict with national interests while social constructivist use patterns of conformity to explain presence or lack of political elites' compliance behaviour. Thus, introducing norms where they lack and changing norms where they already exist requires an understanding of how political elites in the WBCC perceive norms in the first place. Contested norms and weak institutions characterise the case of WBCC, as elites are actively reproducing or reconstructing normative structures in a continuous social interaction. Political elites in the EU and the WBCC shift back and forth from being communicative to strategic actors based on the sequential success of their communicative efforts.

Adherence to a perceived norm is a more complex psychological phenomenon than simple observational learning (Bandura, 1971) or behavioural mimicry (Chartrand and Bargh, 1999). Social psychologists have identified three sources of information that people use to understand norms: 1) individual behaviour, 2) summary information about a group and 3) institutional signals. They focus on measuring a different kind of norm—not the actual norm, but political elites' subjective perceptions of the norm. Individuals have subjective perceptions of norms based on their unique and local experience. They tend to select sources of normative information, and their resulting perceptions rarely match actual rates of behaviour in their environment. Second, subjective perceptions of norms can guide individuals' opinions and behaviours. Individuals' subjective perceptions of norms become a reality and a guide for their own behaviour, even when the perceptions are inaccurate. Norm perception is a dynamic process as norms are not static rules for behaviour, learned once and internalised for posterity (Miller and Prentice, 1996; Paluck and Shepherd, 2012). Because normative perception is a dynamic process, there are many opportunities to shape its course. Social psychologists have identified five conditions under which norm shifts and behaviours are likely to be more powerful. Not all conditions need to be met for a successful norm change intervention. In general, an individual, group, or institution will only be an effective source of normative information to the extent that a person feels identified with the source (Festinger, 1964). New norms do not have to be accurate (i.e., identical to the political elites' opinions and behaviour) in order to affect political elite opinions and behaviour, but they must be sufficiently believable in order to do so. Another way to present normative information as plausible is to present the norm as beginning to change, or as an experiencing momentum in a particular direction. Just as individuals judge the distance between new information about a norm and their own current perception of the norm, they judge the distance between the new information and their own private opinions. Alignment between a norm and a personal opinion licenses a person to behave in the way it already prefers to behave (Miller and Prentice, 1996). Individuals may comply with a norm that runs against their personal opinions when the norm is perceived to be so strong that they will be socially punished for their deviance (Blanton and Christie, 2003; Miller and Prentice, 1996). When a problematic behaviour or viewpoint is prevalent in a context, one intuition about how to intervene is to increase awareness of that problem. Norm change interventions are not the only way to influence an individual or collective of individuals. There are times when norm change interventions may be particularly appropriate, when other types of interventions may be a better fit for changing behaviour, and when multiple strategies could be combined. Other interventions include attitude persuasion interventions that focus on

individuals' personal opinions or beliefs, educational programs, interventions that target behaviour in an entirely different way such as a "nudge" (making a behaviour easier to engage in) or "shove" (explicitly banning or requiring a behaviour) (Kahan, 2000), and material incentives (Viscusi, Huber, and Bell, 2011; Fehr and Falk, 2002). Norm interventions may be highly appropriate when people need social motivation or licensing to engage in a behaviour, and when acting in line with a particular reference group is important to them. If individuals do not already support behaviour, normative information is useful to encourage them to support and engage in the behaviour. If individuals already support a behaviour, normative information is useful to remind them to engage in the behaviour.

"Before a norm becomes a conduct-guiding device it must be situationally perceived and enacted" (Shannon, 2000: 10). The different contextual factors (such as the framing and characteristics of the strategic problem, the role one is assigned, the social category with which one identifies, as well as historical and chance events) often come to be associated with different notions of appropriate behaviour. Accounting for endogenous expectations is therefore key to a full understanding of norm-driven behaviour. This study addresses one of the problems of a sociological approach which assumes that norms are clearly and commonly understood by political elites. Norms are not objectively understood and applied which is the main default of the imperfect nature of humans. Political elites in the EU, in order to nudge political elites in the WBCC to adopt the right kind of appropriate behaviour through the expected norm compliance can use different verbal tools among which the most promising one has shown to be argumentative persuasion. Persuasion, in general terms, can be used to influence what others think, their values, what they believe in, mental models, how and what is being decided and the extent to which one trusts another. Persuasion is the process by which agents become social structures, ideas become norms and the subjective becomes the intersubjective (Finnemore and Sikkink, 1998: 914; Klotz 1995: 29-33). Persuasive messages change actor preferences and challenge current or create new collective meaning. Successful norm entrepreneurs are those able to frame normative ideas in such a way that they resonate with relevant audiences. "Framing is viewed as a central element of successful persuasion and frames are basic building blocks for the construction of norms and they serve to legitimise normative orders" (Shannon, 2000: 4). Persuasion occurs when actors' preferences change in response to communicative acts and cannot be revealed merely by examining behaviour. Since persuasion occurs as a part of a social process then all participants in a discursive exchange (norm givers and norm takers) must be prepared to challenge the understanding of a situation (Risse, 2000). Norm giver might strategically abandon one frame and decide to use another

one to achieve the same result. “Social constructivists argue that norm entrepreneurs employ very sophisticated means-ends calculations and engage in strategic constructions” (Barnett, 1999:15).

This study deals with argumentative persuasion as a sophisticated form of persuasion. It researches the variety of perceptions on compliance with EU norms by political elites in the WBCC as a result of Europeanising their behaviour through argumentative persuasion. It is in essence a communicative but more importantly a socialisation tool used by political elites in the EU to influence, in simple terms, what political elites in the WBCC do. The specificity of argumentative persuasion, according to Checkel (2001: 562) is that it presents a social process of interaction that involves changing attitudes about cause and effect in the absence of overt coercion. This research has borrowed the conceptual model on argumentative persuasion developed by Checkel (2001: 562-563) and used it to explain the two-level EU norm compliance dynamics in the WBCC. Comparing compliance outcomes with the RoL on these integration levels shows diverging levels of compliance. The discussion about these compliance outcomes rests on establishing whether five hypotheses, developed by Checkel about presence and effectiveness of argumentative persuasion, are in place. The first hypothesis is that “argumentative persuasion is more likely to be effective when the persuadee is in a novel and uncertain environment generated by the newness of the issue, a crisis, or serious policy failure and thus cognitively motivated to analyse new information” (Checkel, 2001: 562). The second hypothesis is that “argumentative persuasion is more likely to be effective when the persuadee has few prior, ingrained beliefs that are inconsistent with the persuader’s message. Novice agents with few cognitive priors will be relatively open to persuasion” (Checkel, 2001: 563). The third hypothesis is that “argumentative persuasion is more likely to be effective when the persuader is an authoritative member of the in/group to which the persuade belongs or wants to belong” (Checkel, 2001: 563). Hypothesis four is that “argumentative persuasion is more likely to be effective when the persuader does not lecture or demand but instead “acts out of principles of serious deliberative argument”” (Checkel, 2001: 563). Finally, hypothesis five is that “argumentative persuasion is more likely to be effective when the interaction between persuader and persuade is conducted in an insulated, private and less politicized setting” (Checkel, 2001: 563). In his explanations, Checkel (2001: 564) maintains that uncertainty (hypothesis 1) or noviceness (hypothesis 2) are by themselves insufficient for Europeanisation of political elites to occur. These two hypotheses make it more likely that political elites will be convinced and learn through processes of communication and persuasion that occur during the interaction between a persuader and persuadee (hypotheses 3 to 5) (Checkel, 2001).

Furthermore, political elites with less historical/cognitive baggage in more insulated institutional settings will be more open to argumentative persuasion, and thus to norm driven compliance.

This study investigates the use of argumentative persuasion by political elites in the EU not to manipulate but to convince political elites in the WBCC through argument and principled debate that compliance is necessary and beneficial. Argumentative persuasion is mostly connected with researches on negotiations as it is claimed to be the main tool for such types of dialogues. In the case of the accession process of the WBCC, most practitioners argue that the format of the accession process itself, disables the possibility of conducting negotiations. First, this claim is unevenly supported by scholars due to various perceptions on the substance and the methodology applied in the political and technical dialogues between political elite representative of the EU and WBCC. Second, bearing in mind the asymmetrical relationship between political elites in the EU and the WBCC, as being norm givers and norm takers, there is very little or no space at all for negotiations to take place. Various EU officials have stated on a number of occasions that the accession process is not 'cherry picking' nor is the status of candidate a "free lunch" as EU Commissioner Hahn would say[20], where aspiring MS would choose what is closer or easier for them to accomplish and disregard or superficially adhere to the least favourable accession criteria. And yet, in some instances, it does seem to be the case, as it has been pointed out by political elites in the WBCC when referring to behaviour of the current EUMS, such as in the case of migration.[21]

"Political elites choose or construct their compliance because of international ideational and institutional forces at times mediated by domestic politics and structures" (Haas, 2000). While some choices may be easy as they are in national interest or there is little opposition, most decisions are potentially much more difficult. Wishing to comply may not meet the actors' capacity. Studies of compliance find variations in compliance along several dimensions. The same elite can exhibit different compliance patterns for different issue areas. The actual evaluation of compliance may be difficult because domestic political systems vary in the actual enforcement of norms and because elites submit false reports or refuse to submit

[20] "Han u BiH: Status kandidata nije besplatan ručak", Tanjug, retrieved from http://www.studiobr.rs/han-politicari-da-postuju-sudsek-presude/ on 4.12.2017.

[21] The most recent formation of the Anti-migration coalition by Poland, Czech Republic, Austria, Slovakia, Hungary and Italy demonstrates overt hypocrisy behind their actions which undermine EU efforts to find a joint solution for treating the migration crisis since 2014. On the other side, countries such as Serbia have shown more compassion, understanding and willingness to assist in helping migrants within the limits of the RoL to temporarily or permanently settle on the European soil. This case was not a shiny example of the EU following its own norm rhetoric in practice which may have also given an example to accession candidates how selective application of EU norms might be used.

data which they anticipate being embarrassing. Therefore, most scholars tend to observe and evaluate understandings of norm compliance as is the case in this study and explained in detail in the following Chapter. Social constructivists assume that political actors are incapable of searching for new information each time a decision is asked for and that they rely on prior cognitive frames to understand how national interests are likely to be affected by any particular decision. Decisions to comply are not based on rational calculations or interests but compliance. It is rather a matter of applying socially generated convictions and understandings about how national interest are likely to be achieved in any particular policy domain. From the social constructivist perspective compliance is more likely to exist if there are relevant widely shared causal beliefs about the operation of the issue to be controlled and the degree to which the actual rules promote valued ends. The questions raised so far by scholars examining compliance are limited to what extent states comply, which states are likely to comply, what patterns of compliance exists within and across areas of regulation. This study contributes in the domain of distinguishing varying forms of compliance and conditions under which it is more likely to appear by answering the question why accession states comply differently on the two levels of the integration process. It includes social psychology positions for possible insights into international decision-making processes and behaviour affecting the reaching of international cooperative arrangements as advised by Bilder (2000).

3.3. Europeanisation: discourse and behaviour

A fundamental premise of the literature on Europeanisation is that it is a process (Börzel, 2002; Featherstone and Radaelli, 2003). In general terms, this research departs from understanding Europeanisation being driven by socialisation whereby socialisation is a process of teaching and learning an individual/group about norms and expectations of a social group or society that they strive to belong to. It is a process where knowledge about the way of life in a social group/society is being transferred. Thus, this study employs the encompassing definition of Radaelli (2003: 30) who defines Europeanisation as a process that "incorporates formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things', and shared beliefs and norms, which are first defined and consolidated in the making of EU public policy and politics … in the logic of domestic discourse, identities, political structures, and public policies." Unlike the majority of literature that focuses on Europeanisation as a political process which is EU-centric, this study understands Europeanisation as a process which not only brings change within the EU borders (internal), but also changes outside of the EU borders

(external) (Schimmelfennig, 2010 and 2017). In specific, Europeanisation is driven by actor socialisation whereby political elites in the EU socialise political elites in the WBCC to discursively act and behave in a European way grounded on EU norms. Its specificity lies in the fact that establishes and develops a framework of actor-actor relations of a hierarchical character where political elites in the EU are superior to political elites in the WBCC. This is defined by their roles in the process of EU norm diffusion as being 'norm givers' and 'norm takers'.

This study acknowledges that Europeanisation is a political, social and economic reality for the WBCC, but it emphasises its political dimension, since the process of European integration is viewed first and foremost as a political process. It combines scholarly views that Europeanisation can be observed either as a trans-nationalisation of a nation-state or as a process leading to the integration of European societies (Delanty and Rumford, 2005: 407). The understanding of Europeanisation applied here is that it is a process of political socialisation "by which people acquire relatively enduring orientations toward politics in general and toward their own political system" (Merelman, 1986: 279). This also involves the transfer of a specific set of ideas from one group of agents to another, usually followed by behavioural change through different forms of, among others, social learning leading to norm change (Flockhart, 2010: 796). Such a process leads to political socialisation of political elites in the WBCC for demonstrating appropriate behaviour conducive with normative considerations of political elites in the EU. This study takes into consideration the two-directional flow of the Europeanisation process as it 'uploads' and 'downloads' impact to and from the EU (Börzel, 2002). Thus, Europeanisation is not stripped to the level of pure fulfilment of membership conditions as laid down by the EU, as it is also about convergence, adaptation and socialisation which leads to the adoption of EU norms that allow making decisions in a 'European way'. The EU by the virtue of its ideational and material power can affect fundamental changes in the behaviour of political elites of states eligible for EU membership (Börzel and Risse, 2003; Grabbe 2006).

Europeanisation as a conceptual framework draws on theoretical and analytical schemes that are couched in rationalist and constructivist perspectives (Featherstone, 2003:12). Some scholars from the institutionalist branch of rational choice argue that Europeanisation is a conscious policy relying purely on the carrot and stick variety of conditionality, while social constructivist shift the leverage onto EU's normative power of transformation. Rational choice institutionalism considers political elites to be rational actors who aim at maximizing their profits and minimizing their losses. In order to do so, political elites either 1) need to possess

complete information about in a given situation which would minimize the risk and assist in rational decision-making or 2) will rely on their cognitive knowledge and experience to guide them in recurring situations (Grünhut, 2017: 163). Social constructivist, although recognising the validity of these claims, argue that political elite decisions are also influenced by accepted social norms, beliefs, codes, customs, rules, routines, understandings and taboos that are transmitted from generation to generation with some changes but preserving stability (Grünhut, 2017: 164). The progress of Europeanisation is related to elites' rational thinking and resulting actions whereby the challenge of adapting to EU requirements depends on elites' rational choices (Börzel, 2002; Radaelli, 2003). In the case of WBCC, the EU strives for organising its direct neighbourhood in a way that mirrors its own environment which makes it more convenient and comfortable to cooperate with. This would reduce adaptation and information costs and give it a potential advantage over other actors. Social constructivists also examine the challenge of adaptation but from both aspects of formal and informal institutions as aspects that may be influenced by Europeanisation and which may influence the process of Europeanisation (Börzel and Risse, 2000). This angle of perception advocates that EU interests lie in shaping WBCC conceptions through Europeanisation of what is appropriate or normal based on its founding principles such as the RoL. Although the institutionalist aspect of rational choice emphasise the role of formal institutions (procedures, regulations, policies, etc.) in shaping elites' actions in general, the fact that elites create and operationalise these institutions, brings this aspect closer to the social constructivist and socio-psychological interest in explaining how elites influence these formal institutions. This study does not favour either of the two proposed theoretical angles but suggests another alternative which will take into account the main elements from both sides which becomes visible and domineering over a situation when induced by particular circumstances. The study argues that a combination of appropriateness and consequentialism as logics that guide political elites' behaviour can be simultaneously at play. According to the logic of consequences, Europeanisation proceeds through the manipulation of incentives and the change of cost-benefit calculations in the WBCC, while, according to the logic of appropriateness, Europeanisation is an effect of the perceived authority and legitimacy of the EU, its model of governance, or its norms and rules (Schimmelfennig and Sedelmeier, 2010). The EU's policy of conditionality applies the logic of consequentialism while the EU's policy of promoting and transferring norms is based on the logic of appropriateness. In the first case positive and negative conditionality are distinguished as forms of conditionality pursued by reward or by sanction. As Schimmelfenning and Sedelmeier (2010, 2017) claim, "the effectiveness of this mechanism depends on the size of

the EU's rewards and the credibility of its conditionality", as well as, on the fact that the "domestic adaptation costs must not be higher than the rewards because otherwise a rational target state of conditionality will not comply." On the other side, the EU through Europeanisation teaches the acceding countries the principles and rules of European governance while they "adopt and comply with EU rules if they are convinced of their legitimacy and appropriateness and if they accept the authority of the EU." According to (Checkel, 2000:19), socialisation is successful if the candidate country is in a novel and uncertain environment, if there are dense contacts with the EU institutions and EUMS and If there is a high resonance of EU governance with domestic traditions, norms, and practices. The successfulness of socialisation is observed through the component of compliance. Conditionality and compliance are two sides of the same coin whereby only recently and in contrast to the domineering conditionality aspect, the contemporary scholarship has diverted more attention to the issue of norm compliance. The domestic political costs of compliance for political elites in the WBCC are the main challenge to effective conditionality. Bearing in mind that preservation of power by these governments depends on undemocratic institutions and practices the costs of complying with EU political conditionality has shown to be on many occasions greater than the reward itself.

Based on the depth of the process, scholars have identified two forms of Europeanisation which are of a paramount importance for this study, namely 'thin' and 'thick' Europeanisation (Schimmelfennig, 2001). Whereas 'thin' Europeanisation is limited to changes in policies and organisational structure (behaviour and rhetoric), 'thick' Europeanisation involves learning, socialisation and identity change (norm compliance). One of the crucial findings of the empirical analysis in this study is that political elites in the WBCC and the EU are aware that both dimensions of Europeanisation are at play in the overall integration process of the WB and that this fact is at the core of the political discourse on European integration of the WB. Due to their willingness and capacity political elites in the WBCC demonstrate in different circumstances elements of both types of Europeanisation. In the first decade or so of implementing the SAP, the political elites in the WBCC and the EU might have been satisfied with just the 'thin' Europeanisation taking place. This type of Europeanisation includes mostly discursive expressions of socialising with EU norms. "The future of the WB lies within Europe" is a sentence repeated so often by various EU and WBCC politicians, whereas 'Europe' usually stands for 'the EU'. This has raised many questions about whether the nowadays EU is what represents Europe, which politicians in the WBCC perceived as a rather 'selfish' and 'unjust' connotation made by EU politicians. On a number of occasions

politicians in the WBCC, irritated by such statements, made it clear that geographically speaking the WB countries are very well placed in the 'European space', but the question when they will also become a member of the largest European organization, is just a matter of time. The eventual absence of EU membership, however, does not deny them their 'European origin'.[22] However, from theses perspectives, it is unclear whether the goal of Europeanisation is EU membership, or it just remains a tendency to have all or at least the majority of European countries as non EUMS synchronized with modern developments in the EU so as to facilitate foreign policy relations. This is where the narrative between political elites in the WBCC and the EU takes a turn in discussing alternatives to Europe [EU]. From the EU perspective, there is no such alternative, which has been largely supported by the political elite in the WBCC.[23] At the same time, strangely enough, certain politicians from the WBCC have voiced concerns that the EU is the only legitimate alternative.24 As the process started to develop deeper over time and as discourses within the SAC/IGC have shown, this form has produced varying degrees of EU norm compliance which required a much 'thicker' approach to the demands of the EU political elite. These demands insisted that the Europeanisation process must be conducted by a 'sincere' approach of the political elites in the WBCC. Its sincerity was to be demonstrated by 'true commitment' and political willingness 'transpiring in practice'. The narrative for domestic purposes was not enough as it demonstrated results of unsatisfactory levels of EU norm compliance (shallow compliance) perpetuated only through discourse (rhetoric). The political elite in the EU made it clear that the narrative needed to be supported by evidence of sincere political will, intentions and capability to deepen the process by adopting the essential EU norms, such as the RoL (behaviour). Once this has been accomplished the WBCC can prove that they are not just worthy to enjoy the rights of a future EU member but also to exercise their duties deriving from EU membership. Thus, scholars and practitioners

[22] It is interesting enough that politicians in the WBCC when participating in a discourse on their countries' membership in the EU tend to use different paradigms such as 'European way' or 'European perspective' which have the underlying meaning of 'EU membership' but do not directly stress it.

[23] This phrase has been very present and frequently used in the past five years by many state officials in the WBCC as well as EUMS and EU officials. It was quickly adopted in the integration narrative with the role to show to the public and elites that European integration is the only right path to follow. Secondly, even if WBCC engage in other strategic relationships such as with Russia, China and the Arab countries, their support could never open up avenues for cooperation to the extent that the European perspective does. In other words, the EU is irreplaceable in the same way as the European integration process should be irreversible.

[24] Another integration narrative used for populist reasons and as a passive-aggressive response by domestic politicians from WBCC when confronted with critique or lack of promises from the EU side is to vocalise saturation with the conditionality/compliance policy by drawing the line of their actual willingness to comply with accession demands. Most recently Aleksandar Vulin, the Serbian Minister for Defense stated that if "not wanted by the EU there are plenty of powerful allies as countries and organisation who we can turn to forge strategic partnerships" (source: https://www.b92.net/info/komentari.php?nav_id=1537139).

have concluded that the WBCC Europeanisation process lacks in demonstrating effective application and enforcement of EU norms. Even more so, Europeanisation has shown to be superficial as political elites in the WBCC do not understand the essence of the process and the region of the WB in general is not able to fully apply SAA through SAP (Vučković and Đorđević, 2019). To be more exact, visible progress is only found in the adoption of EU rules, regulations and norms but without true implementation and proper enforcement (Börzel, 2011: 9). This explanation supports the discovery of 'shallow compliance' as a result of the absence of willingness and presence of capability and vice versa which distinguishes it from 'fake' compliance as explained by Noutcheva (2007 and 2012). In contrast to fake compliance which rests on the assumption that a miss or match of preferences limits conscious engagement of political elites in the WBCC in the socialisation process, political elites in the WBCC by exercising 'shallow compliance' show that they cannot fully submit themselves to change, as they consciously engage in the process lacking will and/or capacity awareness of doing so. In that sense, shallow compliance can also be treated as a sub-category of partial compliance as developed by Noutcheva (2007 and 2012).

The change of EU political elites' expectation *vis-à-vis* the performance of the political elites in the WBCC has significantly influenced the normative content of the process itself. The modification of the content can be observed throughout the ever-developing AC which makes it even harder for the acceding countries to catch up with all these requirements. The discursive usage of 'EU norms', as they are listed in the AC, serves as an indicator for alignment of WBCC domestic and foreign policies with integration expectations. These expectations, as an open-ended chain, do not establish a *finalité* of integrating with EU standards. "What one considers to be a 'norm', far more a 'European norm' has changed over time and from the angle of the WB nowadays it looks like there are 2-3 times more 'norms' that need to be taken into account if a country's progress is to be positively assessed……one way to understand why the EU insists on these norms is because the EU political elite still has the belief that life within its borders can be organised accordingly".[25] It seems that dynamics of change introduced by Europeanisation within the societies of the acceding states cannot measure up with the changes Europeanisation produces on the EU level. For this study it is pertinent that these changes reflect the development of the Europeanisation process itself as it is a result of a change over time in response to different structural conditions and changing agent identities. As Flockhart (2010: 793) concluded, "Europeanisation is a continuously reconstituted phenomenon, which

[25] Authors' interview with EUPE, 08/12/14.

is constructed in the relationship between the European [EU] – 'Self' and the non – European [EU] 'Other'." Although certain scholars, such as Flockhart, argue that Europeanisation can only be rightly observed, analysed and understood, if the historical development of the process is taken into account, this argument still lacks the dimension whereby the historical development of the acceding countries has also been included. For the WBCC, with the exception of Albania, this argument has significant leverage as it provides us with a background to explaining the successes and failure of Europeanisation so far. The former SFRY Republics, now independent states, had developed their own version of Europeanisation in the period from 1945 until 1992. The former SFRY was formed and sustained for almost 50 decades upon the same grounds as the EU nowadays. The SFRY preached the same 'Yugo'- integration policy based on 'European - [Yugo] - isation' of values, norms, beliefs, rules, etc. The so-called integration mechanism of 'brotherhood and unity' was the driving force in the process of reconciling differences brought about the events during WWI and WWII, cultural, economic, social and other cleavages. Here too, ideational change was at stake. The idea of being 'Europeanised' and thus 'integrated' in a larger region based on common grounds was not at all novel to these countries. On the contrary, the experience they had rose a significant amount of resistance and scepticism to the process at a very early stage. Many scholars from the WBCC justify the reluctance of the domestic political elites to embark again upon a more or less similar EU project by emphasising the *finalité* of such an endeavour. That particular project in its last years has manifested 'disintegration' as the other, negative, side of the Europeanisation coin. Fear from repeating past negative experiences and already possessing significant knowledge about possible outcomes of the process can be understood as one of the reasons why Europeanisation of the WBCC still is 'thin' while EU norm compliance remains 'shallow'.[26]

As mentioned before, many scholars argue that for Europeanisation to be successful certain conditions need to be met and among them are "cultural matches". These cultural matches are achieved if EU norms and the collective understandings attached to them are largely compatible with those at the domestic level so there is no problem of compliance (Börzel and Risse, 2000). However, the precondition for Europeanisation to take place is the existence of "misfits" (Börzel and Risse, 2000 and 2003). This "mismatch" (Héritier, Knill,

[26] This resistance was very prominent in the case of Croatia before it entered the EU as its politicians strongly opposed drawing of any parallel between their EU perspective and past experiences as a member state of the SFRY. They have been for a very long time opposed in participating in many regional initiatives which had the underlying tendency to bring the region 'back together' in cooperative terms. This was, of course, sanctioned by the EU which made the Croatian politicians slightly change their narrative about the issue. However, this has not been reflected in their behaviour especially after they entered the EU.

and Mingers, 1996) triggers efforts in achieving the "goodness of fit" (Risse, Cowles, and Caporaso, 2001) between the European and the domestic level which determines the degree of pressure for adaptation generated by Europeanisation on WBCC (Börzel and Risse, 2000). According to this model, the "inconvenience" of Europeanisation is only likely to result in domestic change through collective learning processes which could change actors' interests and identities (Börzel and Risse, 2000). In a similar way, Aybet and Bieber (2011: 1917) argue that the socialisation of a post-conflict country is very difficult when the domestic norms and institutions on which the international norms and institutions should be grafted do not exist or are weak. In the case of WBCC, many academics concur that it is not asking the question whether the notion of the norm of the RoL exists, rather it is the question whether elites have the will and capability to adhere to them. Developing capability to adhere introduces change which can happen in two ways. The first way is if the source of change originates at the structural level triggering an event or a critical juncture which will destabilise the existing norm. This leads to an urgent need for change in agent behaviour to avoid policy failure (Finnemore and Sikkink, 1998). The second way is if the source of change originates at the agent level, where it takes place through changed agent practices and social interaction giving rise to a more gradual form of norm change usually through persuasion, reflection and reason (Crawford, 2002; Risse, 2000). This study is interested in the second *modus operandi* of changes, namely in the change of normative systems of political elites in the WBCC. I intend to explain why political elites in the WBCC behave the way they do when participating in integration related discourses on the European and regional level. "Political elites may engage in different types of discourses depending on whether there are convincing arguments which resonate with societal norms and they include communicative and coordinative discourses" (Schmidt, 2000). Current research on discourse has not dealt in depth with the nature and substance of discourse between a multi-actor (EU) and single-actor (a WBCC) system. This is mostly visible in situations when the EU has been criticized for not speaking with one but with many voices. The cacophony of integration messages being transmitted from one system to another creates significant disturbances in recognising the essence of the expected change of behaviour. In this way efforts for legitimising the required and expected change of behaviour through EU norm compliance has moved even further away from finding a solution. The emphasis is placed on their rational/irrational behaviour which is situation – oriented, while discussing EU norms on a discursive level and as guidelines for a 'European way' of behaviour. Empirical evidence shows, as presented by Elbasani (2013: 14-15), that it is possible to distinguish "three forms of rule adoption that correspond to different degrees of compliance

and institutionalisation of the EU rules: 1) verbal 2) legal and 3) substantive. The EU has been firm and consistent in asking political elites in the WBCC to demonstrate compliance with EU norms in all three forms. The EU insists on this as rule adoption that has remained at a shallow level with rules being changed over and over again or simply adopted but not implemented" (Elbasani, 2013).

3.4. Political elites and integration

The previous two subchapters have laid the ground for presenting the object (norms) and the tools (Europeanisation) for achieving a change in the discourse and behaviour of political elites in the WBCC related to the integration processes on the European and regional level. The forthcoming section will present the subject of this study which are the political elites in the WBCC. It will build on the theories of elites which will facilitate better understanding of their position and their role in the integration process and more specifically their psychological traits which are relevant for comprehending their rational/irrational perceptions of compliance with EU norms. Furthermore, it will engage with the theory of argumentation to explain the outcomes of political elite dialogues which are pursued by the use of argumentative persuasion as the main tool for actor socialisation. Thus, this section departs from the claim that "political elites in the WBCC are not exclusively rent seeking, but they do have some material interests and normative considerations that resonate with the EUs' development and good governance goals and instruments" (Börzel and Grimm, 2018: 117).

This study builds on some of the traditional definitions of what elites are and subsequently who are the members of the political elite in the WBCC. Elites are viewed as "a minority of individuals whose preference regularly prevails in cases of differences in preferences on key political issues" (Dahl, 1958) and they hold the power "to make decisions having major consequences" (Mills, 1956). Furthermore, elites are researched from a "stratificational perspective as a group of people who occupy certain positions on the top levels of social hierarchy which gives them control or influence strategic decisions" (Kaminski and Kurczewska, 1995). These elites are viewed as "political elites" since they are "the top power class" (Lasswell, 1961) in performing political activities in political processes of regional and European integration. Thus, they are considered to be essential players of the integration game as individuals with different backgrounds and expertise in the field of European integration/enlargement originating from the ruling party, opposition, governmental and non-governmental bodies. "Political elites in post-socialist societies are made up of individuals and

groups of various social and historical origins and ideological orientations: former dissidents of diverse provenance, more or less reformist members of the ex-communist nomenklatura, members of professional groups (so-called technocrats), people from the sphere of the Church and even some members of pre-war political elites" (Adam and Tomšič, 2002: 435). These individuals exert their power and influence not just through the position that they hold in a society and state but also through their private and profession networks and accumulated knowledge and experience. In specific, their power and influence lie in control over soft and hard resources. Soft resources include psychological traits of personalities, symbolic, organisational and administrative while hard resources entail material, economic, physical coercion. Combining these resources, they take part in the political integration process by either participating directly in the decision-making process or indirectly by influencing it. These efforts are based, not only on the understanding of what the European integration process represents, but also how it should be directed to achieve its ultimate goal, which is EU membership. In that respect, they are regarded by other types of elites, public and by themselves as being accountable for the results of the integration process. Although political elites in the WBCC, are not collective or solid or even homogenous actor, they still have a great share of similarities which is very vivid in their interaction as a group with the EU political elite. These speak of political elites in the WBCC as coming from a region that has been confronted with secessionist movements, unsettled borders, ethnic tensions, deficient state capacity or victims of state capture, strong clientelistic networks in combination with destroyed infrastructure, massive displacement of people including ascending immigration of youth, rising levels of poverty and unemployment, endemic corruption and organized crime, weak civil society, all of which represent difficult conditions for successful Europeanisation to take place.

This study explores understandings of the effects of the power held by the EU political elite over national political elites in the WBCC in complying with EU norms. This power is understood as the power of utilising words within a specific dialogue structure aimed at achieving change of behaviour through the use of argumentative persuasion. Argumentative persuasion is conducted within a persuasive dialogue which is of an argumentative nature due to the explicit use of argumentative connectors (such as but, even, and at least) and argumentative operators (such as only, no less than, and very) who give specific argumentative power and argumentative direction to the political discourse by activating a certain rhetorical convention (Van Eemeren and Grootendorst, 2013). In a persuasive dialogue, political elites are battling with arguments which may carry different weights. Uttering such arguments of different weight may highlight the quality of information involved in the argument in terms for

instance of its certainty degree. Careful observation of the exchange of different arguments demonstrates situations where political actors are more aggressive in positing arguments and counter-arguments due to their lower level of weight which repeats itself. Sometimes exchange of arguments whose weight significantly differs does not contribute to a cooperative outcome while arguments of a similar or the same weight bring opposing sides closer to a mutually accepted conclusion. In the latter case, such communication strives towards stability which is beneficial for both participating actors. Political elites in the WBCC and the EU engage in persuasive dialogue through the use of argumentation with the aim to change attitudes and/or behaviour of agents. In an attitude change task, the actor's goal is to increase positive attitude and decrease negative attitude towards a given integration topic. In a behavioural change task the actor's goal is to persuade its counterpart to choose a desired action that does not fit with the counterpart's initial choice. A persuasive dialogue guided by argumentation is successful if differences between the participating parties are minimized as much as possible and their position brought closer to a mutually accepted understanding and shared meaning of integration messages.

Although elites on both sides have the same role and importance, their contextual relationship shows the supremacy of the EU political elite over the political elite in the WBCC, as it determines the framework under which the integration process needs to be pursued. This study is interested in observing the interaction between political elites from both sides who are engaged in a social-learning model of Europeanisation. Since the EU political elite plays not only the role of a 'tutor' but also of a 'judge' of the successes and failures demonstrated by the political elites in the WBCC, highlight is placed on their socialisation led by compliance (Schimmelfennig and Sedelmeier, 2017). Unlike previous enlargement cycles where candidate countries' adoption of the EU's political norms depended mainly on the credibility of the EU's membership promise to admit compliant candidates the stretching of timeline for operationalising this reward has watered down the threat to exclude non-compliant candidates. This study shifts the focus from conditionality to compliance as its purposefulness is conditioned by the actual level of compliant behaviour. The same conditions under which conditionality is more or less likely to be effective can also be applied in the case of socialisation (Schimmelfennig and Sedelmeier, 2005a). The size and speed of rewards, the determinacy of the conditions, the credibility of the conditionality, and the size of the adoption costs matter altogether if they are properly framed in a persuasion dialogue led by arguments.

Political elites in the WBCC and the EU engage in a persuasive dialogue guided by disagreements on compliance with the RoL with the attempt to persuade the other to change

their beliefs, attitudes and ultimately behaviour by presenting arguments in support of their thesis (Gabriellini and Torroni, 2013; Prakken, 2006; Van Eemeren and Grootendorst, 2013). Arguments are the key to understand people's thinking and behaviour as they are based on reasoning which enables not just the exchange of arguments but makes the whole communication more reliable and advantageous (Gabriellini and Torroni, 2013). Most importantly, communication within a persuasive dialogue needs to be based on trust, knowledge and coherence to the benefit of the persuader and the persuadee. This study is interested in the behaviour demonstrated by actors during the dialogue as a direct and instant reaction to the other action argumentative moves and after the persuasive dialogue as the final outcome of an either successful or unsuccessful persuasion by argumentation. The functionality of persuasive dialogues is determined by three main components: "1) a communication language specifying the locutions that will be used by agents during a dialog for exchanging information, arguments, offers, etc., 2) a protocol specifying the set of rules governing the well-definition of dialogs, and 3) agents' strategies which are the different tactics used by agents for selecting their moves at each step in a dialog" (Amgoud and Dupin de Saint- Cyr, 2011). A persuasion dialog consists mainly of an exchange of arguments which are reasons of believing something and they may be conflicting, as well as, cooperative. The content of a persuasive dialogue is determined by the context in which it is situated. If successful, socialisation pursued through argumentative persuasion, will allow a smooth transfer of know-how to political elites in the WBCC and development of skills to cope with challenges arising from adhering to EUs political conditionality and, in general, Europeanisation. This research proposes that, for political elites, it is very important to share norms, a common vision for future foreign policy, as well as, to use joint efforts for the benefit of the entire community. These efforts should reflect themselves in elites' capacity and willingness to comply with EU norms in a satisfactory manner which, as practice shows, is not always the case. It is these two elements, capacity and willingness, that argumentative persuasion targets through communication about integration (discourse) and action (behaviour) as the key elements of the compliance process.

Social constructivists and rational choice institutionalists both agree that elites play an important role in the integration process. Social constructivists have engaged in explaining how norms are diffused from democratic (EU) to democratising elites (WBCC). Scholars such as Peshkopia and Imami (2008: 353) claim that this process is based on efforts to change leaders' beliefs and attitudes that would incentivise the appropriation of norms. Political elites in the WBCC, as aspiring MS are required to align their normative considerations with the ones driving the European integration process. Modifying or re-aligning normative considerations

which consequentially leads to accepting new norms reflects itself in the change of elites' behaviour.[27] Translated into the 'integration' language, the political elites in the WBCC must be "dissatisfied with the norm-systems they hold and strive to change them or replace them entirely with a new set of norms" (Finnemore and Sikkink, 1998). Political elites introduce this change with the application of argumentative persuasion, as a socialisation tool for garnering compliance. Sometimes, the efforts invested in sustaining cognitive consistency may lead to irrational and maladaptive behaviour which can further lead, as in our case, to shallow norm compliance. In contrast, authors who study elite socialisation from a rational choice institutionalist perspective have questioned persuasion as a feasible tool of socialisation, especially in countries where domestic political opposition is strong. They mostly agree that, argumentative persuasion works only in the presence of membership conditionality. However, thin rational choice approach from an institutionalist perspective argues that political elites will embrace EU norms, even change their beliefs and interests, with the hope that in the future they will be able to reap political benefits from their behaviour according to those norms. The only way for them to harvest those benefits is that their voters also embrace those norms and that the entire society consciously follows a normative behaviour accordingly (Schimmelfennig, 2001 and 2005). On the other hand, according to Checkel (2001), this does not exclude the possibility of implementing norms in a way that will have a lasting effect on behaviour. This further opens space for continuous contestations of the legitimacy of norm compliance and questions where the silver lining between successful socialisation and display of political elites' instrumental compliance to EU's demands is located. Identifying shallow compliance as another form of EU norm compliance can assist in explaining why political elites in the WBCC comply differently on the regional and European level of the integration process although the accession requirements are in relation to regional cooperation and the accession process itself are the same. This study suggests that this is the case since socialisation is taking different trajectories on two levels of the integration process as a varying outcome of argumentative persuasion. It further argues that inter-changeable use of logics of behaviour, due to varying preferences and outcomes of argumentative persuasion of political elites in the WBCC, gives rise to perceptions if political elites in the EU that they are paying lip service to EU norms by instrumentalising their function and nature through politicised meaning making once engaged in a discourse about the integration process. The observable clashes between their discursive

[27] Behaviour is here understood broadly as it encompasses all cognitive and physical action including perception, understanding, communication, cooperation, etc.

and behavioural manifestations supports the thesis that their logics of behaviour are determined by circumstantially driven situations. This claim is based on the fact that the political elite in the EU, while 'Europeanising' political elites in the WBCC, has not always been convincing about the universal and general applicability of its rules. In this case, actor socialisation "is aimed at creating membership in a society where the intersubjective understandings of the society become 'objective facticity's' that are taken-for-granted" (Berger and Luckman, 1966: 44). Many empirical examples show that the EU has not been very successful in argumentatively persuading aspiring MS to follow the 'European way' of governance and thus, has failed as a role model. The most recent and explicit one is of the migration crisis since 2014 which questioned to which extent the newly admitted MS have actually been Europeanised. Although several EU officials have voiced certain concerns and some EU institutions have undertaken measure to cope with the situation, the behaviour of certain EUMS has sent an obvious message that double standards are at play. The political elites in the WBCC publicly acknowledged this and made it clear this is something they are not willing to comply with. However, on the European and regional integration level, political elites in the WBCC are doing just the same. Due to the cognitive disorder situated in the nexus of discourse and action of political elites in the WBCC caused by the rising critique of EU norms being taken-for-granted, as social psychologists would argue, political elites in the WBCC have placed themselves in a situation where they are publicly forced to do something they privately (in their personal but not official capacity) really don't want to do. Privately they distance themselves from their acts as i.e. government official by criticising what they were forced to do (because the EU made them do it) which they would not normally do. Here dissonance is created between their discourse - I didn't want to do this - and their behaviour - I did it. In other words, their discourse performed through instrumentalisation of EU norms resulted with distortion in behaviour. Publicly they pay lip service to EU norms which again demonstrates dissonance between their discourse and behaviour. To justify the choices that they have made or are going to make, political elites construct acceptable meanings of integration related messages and interpretation of these meanings, which they exchange in a political dialogue. The exchange of these meanings is performed on both levels of the integration process for the purpose of persuading into the rationality of their decision-making, as well as, justifying their acts not just before their counterparts but also the domestic and the EU public.

3.5. Integrating the Western Balkan candidate countries

After having introduced the theoretical observations of the subject and object of the Europeanisation process and Europeanisation itself, the next paragraphs will place all these elements in the environment of 'integration' on the regional and European level. Observing these elements in such a setting will allow discoveries about the integration environment, as well as, how these elements and the integration as a phenomenon play out together. This section will provide an explanation how rational choice institutionalists and social constructivist positions on the integration process as a context fit together. It departs with an assumption that Europeanisation is the main driving force of integration in the WBCC whereby the EU externally transposes its model of governance. This assumption will counter-posit conditionality and socialisation as two either complementary or competing mechanisms for achieving change in political elites' behaviour. Political elites engineer and direct integration as a political process based on an inter-changeable use of logics of behaviour. These logics are circumstantially driven and dependent on the socialisation effects which leads to varying levels of compliance with the RoL as an EU norm. The workings of conditionality, compliance, logics of behaviour and argumentative persuasion are brought together in this Chapter and compared on the issue of conditions of pre-accession compliance from the angles of social constructivism and rational choice institutionalism.

The specificity of the WBCC case is that integration is taking place on two different levels, namely, the European (higher) level and the regional (lower) level. This study claims that Europeanisation is the main mechanism that drives integration on both levels. However, it acknowledges that actors performing and undergoing Europeanisation are guided by both the logic of consequentialism (rational choice institutionalism) and the logic of appropriateness (social constructivism) dependent on the circumstances in which decisions are supposed to be made. "Whereas the logic of consequences assumes that actors choose the behavioural option that maximizes their utility under the circumstances, the logic of appropriateness stipulates that actors choose the behaviour that is appropriate according to their social role and the social norms in a given situation" (Schimmelfennig and Sedelemeier, 2017). In the first case, Europeanisation is conducted by the EU through sanctions and rewards that change the cost-benefit calculations of political elites in the WBCC, while in the second case, normative authority of the EU and the legitimacy of its policies persuade political elites in the WBCC to Europeanise. The crucial aspect of the Europeanisation functionality, as argued here, is that it does not need to be based separately and exclusively on one or the other logic, but that it can

rest on logics of behaviour employed sequentially within a given moment in the integration process. Theory on Europeanisation recognises two distinct models: the external incentives model and social-learning model (Schimmelfennig and Sedelemeier, 2004 and 2005b). At the heart of the first model is political conditionality while at the core of the second one is socialisation. Scholars such as Kelley (2004) and Noutcheva (2012) argue that membership conditionality and socialisation-based effects are not mutually exclusive. This allowed conclusions that membership conditionality motivated most policy decisions but socialisation-based efforts often guided them; resistance was greater towards socialisation then membership conditionality; better results in change of behaviour were made when membership conditionality and socialisation were combined (Kelly, 2004; Noutcheva, 2012). Even though rational choice institutionalists focus on behaviour change while social constructivists are mostly interested in belief change, this study departs from the notion that studying these two mechanisms under the same framework combined with social psychologist views, can significantly contribute to analysing their policy effects.

The institutional framework in which Europeanisation is taking place is in the case of RCC between WBCC, as they are all members of the same, while in the case of SAC/IGC the WBCC participate in the political dialogue with the EU as a non-EUMS. The starting position of the WBCC integration from this aspect is different but there is a binding link between the RCC and SAC/IGC that needs to be recognised. The RCC is an exercise for the WBCC to practice the RoL and other EU norms which are the essence of both political conditionality and socialisation. Their identities, roles and functions in these two institutional settings are different but linked by EU membership as the reward of the conditionality policy and socialisation. The social environment in which we find ourselves defines (constitutes) who we are and our identities. At the same time, the human agency changes, reproduces, and changes culture through our daily practices (Risse, 2004). Political elites from the WBCC as state officials and representatives do not participate directly in the work of EU institutions and thus the influence of these institutions in socialising elites into a specific institutional design of behaviour is rather difficult if not superficial. As Adler (1997: 324-5) and Wendt (1999) have pointed out, it is not only that social structures and agents are mutually codetermined but that they stress that social constructivists insist on the mutual constitutiveness of (social) structures and agents. Thus, political culture, discourse and the 'social construction' of interests and identities matter. In that respect, RCC is a very important framework for developing and further nurturing compliance skills of the WBCC that will enable the fulfilment of EU political conditionality in

the pre-accession and post-accession phase of their integration process with continuous socialisation-based efforts.

3.6. Conceptual model of two-level EU norm compliance dynamics in the Western Balkans candidate countries

This study argues that the integration process in the WBCC is conducted on two levels: the higher, European level within the framework of the SAC/IGC and the lower, regional level within the framework of the RCC, but both with the notion of aligning with the EU norms. This assumption is a novelty to the current studies on European integration of the WBCC in the way that it incorporates the effects of EU norm compliance within the domain of regional initiatives such as the RCC supported by the EU within the EU enlargement policy. Although contemporary research on linkages between regional integration initiatives in the WBCC and the European integration process exist, they are rather superficial as they do not acknowledge the conditional relationship between the two processes. Academics and practitioners teach us that these two processes are mutually inclusive, interdependent, intertwined and parallel processes aimed at achieving EU membership and that results along that path need to be supportive and in correlation with each other. As mentioned before, this study questions whether this is really the case and counter-posits argumentation that, although there may be evident links between these processes, they do not provide evidence for an exclusively conditional relationship between these two integration processes. Bearing this in mind, this research introduces a conceptual model of the two-level EU norm dynamics in the integration process of the WBCC, which is descriptively presented in this section. The model encompasses the scope of the research project in terms of the theories, concepts and constructs that will be studied and evaluated and presents them in a clear and succinct way in order to comprehend the research problem at hand. Since the contemporary studies on EU integration have generally focused on the positive feedback in which an initial integrative act can lead to long-term socialisation of elites while the negative effect has been less investigated this study aims at tackling them through the following conceptual model (Pollack, 2006).

This model conceptualises the problem of differing socialisation results of political elites in the WBCC with EU norms on the regional and European level of the integration process which in effect lead to differing levels of compliance outcomes. The model is based on the assumption that different preferences guide political elites of the WBCC to comply with the RoL, as the targeted EU norm, depending on the circumstances on the European and

regional level of the integration process. These preferences are moulded by many factors such as identity, interests, existing normative systems, historical experience of previous integration frameworks and goals. Political elites in the WBCC are also guided by expectations which may be shaped by the same factors. Theory recognises the possibility that expectations and preferences do not have to match which presents the point of departure for this study. Given that political elites in the WBCC and the EU come from historically varying backgrounds their perceptions' on how the integration process should be conducted also differ. Taking into account also the role that they have in the integration process the model highlights the need to further investigate logics of behaviour that drive the political elites' engagement. It intends to prove that these logics do not exclude each other but may act in a complementary way by conjoining theoretical concepts of social constructivism, rational choice theory and social psychology on norm compliance. Unlike other researchers who place emphasis on the conditionality aspect of the Europeanisation policy, this model accentuates the compliance side driven by socialisation. In specific, actor socialisation is recognised as the main mechanism of Europeanisation as a process where European governance is transposed externally onto acceding countries. This study presumes that there is a relationship between the three main elements embodied by this model: political elites, norm compliance, Europeanisation. It asserts that there can be different degrees of norm compliance which dictate differentiation of the socialisation outcome which can be assessed as presented in detail in the forthcoming Chapter. In short, the model makes use of empirical data collected through discourse and document analysis and interviews with representatives of political elites in the EU and the WBCC. The information gathered through different sources has been compared against each other to draw relevant conclusions in order to answer the guiding research question. The conceptual model has taken into account the specific timeframe within which information has been collected. Therefore, the expectation was that there will be repetition of results within the established timeframe of the research project. The component being assessed by the model is the EU norm of the RoL. The expectation was that the model will confirm that political elites in the WBCC instrumentally use the RoL by paying lip service to conditionality policy through politicised meaning making of complying with the RoL. This further demonstrates differing degrees of norm compliance and the model, as a result, infers that in the case of WBCC 'shallow compliance' takes place. Shallow compliance, as described in the previous Chapter, is an outcome of a varying presence of not just preferences and expectations of political elites in the WBCC, but also willingness and capability to exhibit conversational, textual and substantive forms of compliance with the RoL. Findings based on the application of this model suggest

that compliance of political elites in the WBCC with the RoL is not exhibited on the European and regional level of integration in a correlated way.

3.7. Conclusion

This Chapter has laid out the theoretical framework adopted for the analysis in this dissertation. It has been argued that integration of the WBCC is conducted on two hierarchical levels – European and regional level. Unlike the assumption that these processes are mutually dependent and therefore inter-locked, this study shows that the degree of EU norm compliance by political elites in the WBCC is a result of differing socialisation outcomes on these two integration levels. Actor socialisation is treated as the main instrument of Europeanisation, while Europeanisation is considered to be the main integration mechanism. The main tool of actor socialisation is argumentative persuasion which is used to change attitudes and behaviour of political elites in the WBCC *vis-à-vis* two-level integration efforts. These elements, as the model developed by this study suggests, are connected in such a relationship where political elites are the subjects, EU norms (RoL) are the objects, and actor socialisation is the Europeanisation mechanism. Their political elites are the main driving force of the integration process on both levels and thus hold accountability for the success of the process. Their capacity and willingness to comply with specifically EU norms places norms such as the RoL at the heart of political conditionality policy. Finally, developing and incentivizing willingness of political elites to 'Europeanise' their compliance capacity places argumentative persuasion at the forefront of the actor socialisation efforts.

The centrality of this research is positioned on determining what is considered to be sufficient in terms of an 'EU norm being complied with', which further leads to distinguishing a new level of norm compliance which has been named as 'shallow compliance'. The observed differences in EU norm compliance on both integration levels are a result of different interpretations of what compliance means in the WBCC, as more similarities in understanding are drawn between political elites of the WBCC than between the political elites in the EU and the WBCC. Explanations for the existence of these differences are found in the corps of scholarly work on norm compliance, actor socialisation/social learning and behavioural changes.

This study proceeds from the assumption that both policy and academic discourse are influenced and shaped by divergent understandings of norm compliance by political elites in the WBCC and the EU. Bearing in mind that political elites in the WBCC ability and

willingness to change established understandings of norm compliance is contested it is important to understand politics surrounding the two-level integration process as a clash of narratives on political conditionality and compliance of the integration process. This study has taken into account the question of assessing the effect of political elites' norm compliance on political elites' behaviour. It has offered one avenue to potentially explore the effect of political elites' norm compliance on their behaviour in influencing the progression of integration. As an example, compliance with the EU norm of the RoL within the framework of the RCC and the SAC/IGC, has been discussed.

This Chapter has situated the research projects' theoretical contributions within the conceptual nexus of the membership conditionality method and socialisation-based efforts to change attitudes and behaviour of political elites in the WBCC (Kelley, 2004; Checkel, 2000 and 2001, Finnemore, 1993; Risse, 2000). Drawing on the application of a rational choice institutionalism, social constructivist and social psychologist approaches it analyses the degree of EU norm compliance guided by varying logics of behaviour and effects of Europeanising political elites in the WBCC on two integration levels. Analysing compliance with EU norms as a factor that counts for understanding political elites in the WBCC diverging positioning on a discursive and a behavioural level, this dissertation will answer the research question to why political elites in the WBCC comply differently with the RoL on the European and regional level of the integration process.

Chapter 4: Methodological framework

4.1. Introduction

This Chapter gives an overview of the methodology used to investigate perceptions and results of the two-level EU norm compliance dynamics in the WBCC based on the theoretical framework and conceptual model that have been outlined in the previous Chapter. This research in interested in analysing perceptions of political elites in the EU and WBCC about RoL compliance by political elites in the WBCC. It is also interested in analysing results of RoL compliance by political elites in the WBCC. These analyses are situated in two different social contexts which represent two different levels of the integration process: SAC/IGC on the European level and RCC on the regional integration level. The research design adopts a comparative case study design that combines analyses on perceptions and results of RoL compliance by political elites in the WBCC on a within-case and cross-case comparison. Research methods on the within case analysis are qualitative document analysis (QDA), political discourse analysis (PDA) and qualitative expert interviewing. The first two methods together with the case studies are used as primary methods while the latter is employed as a complementary method. PDA is used to analyse political discourse of political elites in the WBCC to find out how integration related arguments are constructed to transmit relevant messages. The interpretation of these messages is essential as they carry understandings of political elites in the EU and the WBCC on the RoL as an EU norm. QDA is used to analyse official and non-official documents related to enlargement politics and policy produced by both groups of political elites to find out the presence of argumentative persuasion in relation to promotion of the RoL. Interviews are used to extract subjective perceptions of norm compliance exhibited by political elites in the WBCC. The analyses of the respective case studies provide a basis for conclusions about perception and results of the two-level EU norm compliance dynamics on the cross-case level. The analysis of compliance with the EU norm of the RoL on two levels of the integration process in the WBCC has the aim of highlighting the instrumental use of the RoL discourse for the purpose of progressing the integration process of aspiring states. The political elites in the WBCC pay lip service to EU conditionality through politicised meaning making when discussing RoL compliance through discourse and exhibiting their understanding of compliance through behaviour. The study also builds on the methodology developed by the EC in analysing progress of integrating the WBCC with the EU as introduced in the Enlargement strategy 2015 and presented in ECs' annual PRs onwards.

The ECs' PRs' for all WBCC have dedicated a special chapter on the state of play in RoL compliance and as such they are the main point of reference for comparing actual compliance (behaviour) with discursive compliance of political elites in the WBCC. These methods are used to confirm, cross-validate and corroborate findings within this study and to overcome a potential weakness in using one method by compensating it with the strengths of another.

Prior to the elaborate presentation of each of these methods, the following paragraph provides an explanatory linkage between the theoretical and the methodological approach. From a theoretical point of view, this study intends to transcend the traditional division lines between the epistemological and ontological determinations of social constructivism, rational choice institutionalism and social psychology about the conditions for complying with the RoL as an EU norm. [28] This research is focused on a particular group of people with a specific role and different realities that are constructed through their own interaction which results in various interpretations of the world itself and their participation in it. The analysed 'reality' refers to the 'world of integration', political elites as its engineers and RoL as its constructive elements. Engineering the 'world of integration' is a process fully dependent on perceptions and added meanings that political elites construct based on purely subjective experiences. The interpretation of these perceptions/experiences has the aim to deconstruct human behaviour in order to understand 'how' and 'why' certain patterns of behaviour occur and 'what kind' of meanings are ascribed to the relationship between 'integration' and 'EU norms' as particular social constructs. For understanding divergences in compliance outcomes on the side of political elites in the WBCC, this study conjoins the social constructivist position that "social phenomena and their meanings are continually being accomplished by social actors" (Bryman, 2001:7), with the assumption of rational choice institutionalism that "preferences of actors in the integration process change as a result of changes in the institutional rules" (Cialdini, 2004) connected by social psychologist explanations that meaning making is "accommodating ones' beliefs and goals to improve the fit between appraised meaning and global meaning" (Park, 2010). Therefore, this dissertation aims to combine several theoretical interpretations previously outlined with a sophisticated methodology which is presented in the following segments. In conclusion, the methods and methodology presented in this Chapter are summarised.

[28] This acronym will be used throughout the whole text of the dissertation.

4.2. Case study and criteria for case study selection

The case study method is used to highlight the main similarities of the SAC/IGC and the RCC as social contexts in which RoL compliance is promoted and demonstrated by political elites in the EU. It is directed towards answering the question why political elites in the WBCC exhibit diverging compliance patterns on two levels of the integration process. Also, it serves the purpose of identifying similarities and differences of perceptions of political elites in the EU and the WBCC on the RoL as an EU norm. Thus, the focus of the case study is on the RoL as an EU norm. This focus is warranted by the relevance attributed to the RoL for the European and regional level of the integration process by political elites in the EU. As of 2015, the EU has deeply embedded compliance of political elites in the WBCC with the RoL as an EU norm in their integration discourse and behaviour. The legitimacy of this EU demand has been justified with explanations that if WBCC properly address the RoL, they "will be able to meet all membership criteria and it will help them to fully reap the benefits of future EU enlargement" (ENS/15-16: 5). By meeting all membership criteria, the WBCC will be able to reach the final stage of the accession phase of the integration process which is obtaining EUMS status. With that aim in mind, political elites in the WBCC need to demonstrate a credible and convincing commitment to full compliance with RoL. Thus, the use of case study in this dissertation is guided by the attempt to answer the research question why political elites in the WBCC exhibit divergent patterns of norm compliance on the European and regional level of integration. It asserts that although the same tools have been used to socialise political elites in the WBCC, divergences in their compliance are a result of variations of socialisation on these two integration levels. Since political elites have not been socialised in the same way on both levels of the integration process, it implies that argumentative persuasion as a tool of socialisation, was not equally successful. Although socialisation can be successful or unsuccessful, this study intends to display that it can also be partial. While successful socialisation would lead to full compliance, unsuccessful socialisation would result in the absence of norm compliance. Following this logic, partial socialisation would lead to shallow norm compliance.

Choosing case study as one of the primary research methods is guided by the definition that it is "an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used" (Yin, 1984: 23). The main advantage of a case study lies in its ability to 'close-in' on real-life situations and test views directly in

relation to phenomena as they unfold in practice (Flyvbjerg, 2004: 428). The case studies used in this research focus on a particular issue or aspect of discourse and behaviour with the object of refining knowledge in a particular area (Hakim, 1987). They also test the proposed theoretical framework on causal relationship between socialization of political elites in the WBCC and degrees of their compliance with the RoL on the European and regional level of integration. The type of case study applied in this research is regarded as descriptive and explanatory. The analysis conducted is within-case and across two case studies aimed at situating an under-researched causal factor – socialisation led compliance based on argumentative persuasion – in the social context of interest for this research. The selection of case studies is primarily guided by the principle of similarity and several criteria for case study selection presented as follows.

The first criteria are the *similarity of character and role* of the SAC/IGC and RCC. Both are institutions devised for the purpose of advancing the integration process of the WBCC. As integration institutions, they are charged with evaluating the integration progress (ENS/14-15). The modalities of their work manifest dynamics of norm compliance on two levels of the integration process. These dynamic challenges the initial suggestion that the European and regional level of integration are two parallel, intertwined and mutually dependent processes. The second criterion relates to the *similarity of function* of these two institutions. They represent formats where political dialogue on various levels are conducted between the same set of political actors. These political dialogues are guided by the need to establish guidelines and make them operational in adopting EU norms on various policy issues. These dialogues are also a framework for political elites in the EU to socialise political elites in the WBCC into a European way of governance. In effect, they are also a framework within which political elites' compliance with norms is demonstrated and evaluated. The guiding assumption is that varying degrees of socialising political elites in the WBCC will exhibit variations in their compliance with the RoL. Here the crucial advantage of the RCC lies in the fact that it is socializing WBCC from the inside, as it includes its members in the decision-making process, while the EU is socialising WBCC from the outside for that are yet to participate in the decision-making process of the Union.[29] The behaviour of political elites in the WBCC depends on their inner mental state which is determined by their sense of identity, political will, capacity

[29] It is interesting to note, that for the past couple of years, the RCC has also been practicing regular meetings with various EU institutions (EC, EP, CoEU) and related bodies (EESC) to discuss further steps in enhancing regional cooperation and European integration of the WBCC. These included regular meetings with various EC departments such as the General directorate for Enlargement and Neighbourhood Policy and briefings with CoEU working groups such as Committee for Western Balkans (COWEB) and Committee for Enlargement (COELA).

and interests. Successful socialisation of political elites entails adjustments of these elements to the expected outcomes of complying with the RoL. The presence or absence of successful socialisation directly influences the degree of RoL compliance. The degree of norm compliance shows what kind of compliance took place and for what purpose. This brings us to the third criterion which is *similarity of political actors* that is political elites from the WBCC and the EU, which are represented on all levels. Depending on the topics and purposes of the meetings, these representatives include government officials, members of parliaments, independent experts, think-tanks, NGOs' and policy experts intimately related to enlargement issues. During these meetings political elites in the EU and the WBCC exchange integration related message which are carrying specific meaning. This meaning is constructed through dialogue and it reflects different realities in which political elites operate. These realities are determined by factors such as circumstances, interests, identities, legitimacy of demands and political settings. Although these realities touch upon certain points of the integration process, they are predominantly diverging, and they express a continuous struggle with the necessity to change. The fourth criterion is *similarity of policies* which are following the division of policies as laid out in the AC chapters. For example, the RCC's SEE2020 mimics in many ways the EU2020 strategy developed by the EU.[30] What is in common for all of these strategies and represents a cross-cutting issue is the RoL as an EU norm which requires full compliance if there is any integration process to be made. Thus, the RoL has been one of the prevailing items of discussion in both the SAC/IGC and RCC. The comparison of RoL compliance across similar policies on the European and regional level of integration will assist in determining to which extent RoL compliance in discourse and behaviour has actually been achieved. Finally, the fifth criterion is the *similarity of goals* of these institutions which is closely related to the second criteria. Both institutions are directed towards improving the track record of the WBCC in their reform efforts and facilitating compliance with integration demands. Improving the track record of the WBCC on the European and regional level of integration is in function of achieving EU membership. Based on these criteria the case study method is applied as follows.

In determining how case study as a method is going to be applied, I have followed the case study protocol designed by Yin (1984) which consists of six essential steps: 1) background research, 2) designing a case study, 3) preparing for data collection, 4) collecting data, 5) data analysis, 6) reporting case studies. Background research has been conducted in order to identify previous research on the topic of the RoL compliance in the WBCC by authors both from the

[30] See http://www.rcc.int.

EU and WBCC and to identify the main research question as presented in the introductory part of this dissertation. Once relevant information for addressing the topic of the study have been found I have proceeded with designing the case study. I have identified two integration structures - the SAC/IGC and the RCC- as two case studies and the RoL as a focus of these studies. The object of the studies are understandings of political elites in the EU on RoL compliance by political elites in the WBCC. These understandings are an effect of political elites' socialisation through argumentative persuasion. Thus, both case studies ask the question why political elites exhibit diverging compliance patterns although they are socialised by the same tool and instruments. The main propositions deriving from this question are that: 1) the EU is socialising political elites in the WBCC outside of its borders while the RCC is socialising them within, 2) the WBCC have a similar but not the same integration experience as the EUMS which brings them closer among themselves then with the EU, and 3) political elites in the WBCC apply logics of behaviour in sequences. Based on this, a timeline for conducting case studies has been situated during the period from September 2011 until September 2015 while considering events that have influenced the integration dynamics in the period from 2009 until 2018. The following step entails preparations for data collection and they relate to limiting the period for conducting preparations, identifying sources of data, identifying measures for collecting data, identifying tools for analysing collected data and determining how conclusions based on interpretation of analysed data will be presented. The next step is collecting data based on a previously established collection plan, first through documents and second, through interviews. The collection plan has been executed in the period from June 2012 until December 2018. Documents and semi-structured interviews have been used as two main sources for data collection. The contribution of these data sources to the overall research has been presented in 4.3.1. and 4.3.3. Two separate databases have been formed to organise and document collected data. One database comprises of a list of interviewees with representatives of political elites in the WBCC and the EU while the other encompasses documents produced by political elites in the EU and the WBCC (presented in 4.3.1.). Data collected through interviews (interview grids, consent form for participation in interviews, transcripts of interviews) and documents have been stored in electronic form on a mobile hard drive and in printed form as a hard copy. The data as such will be preserved until the end of the entire research conducted for the purpose of this dissertation. The modified versions of collected relevant data through documents and interviews has been attached to the dissertation as Annexes I and III. After data collection I have proceeded with data analysis through examination, categorization and interpretation of analysed data. In continuation,

alternative explanations have been identified to answer the case study and research question. Based on this, I have drawn conclusions that will be presented in the concluding chapter of this dissertation.

4.3. Methods of research

Once the research design has been put in place the following paragraphs aim at identifying the adequate research methods for the practical conduct of the research itself. The research methods are QDA and PDA as a form of qualitative data analysis of policy documents and policy-related documents (official government documents, documents of international organisations, NGOs, think-tanks, policy institutes, press releases, transcript of speeches, video and audio footage, policy briefs) and scholarly literature, case studies of the RCC and the SAC/IGC, as two distinct integration institutions on a regional and European integration level, coupled with semi-structured interviews with representatives of political elites in the EU and the WBCC. The chosen primary documents are sorted, categorized and as such presented in a list of coded documents contained in Annex III. The scholarly literature is listed in the Bibliography section of this dissertation, while throughout the Chapter relevant study material is mentioned in footnotes. Secondary data has been collected through interviews with representatives of the political elite in the EU and the WBCC which have also been coded and the list of interviewees is presented in Annex I. The data collected by PDA and QDA have been compared against the theoretical positions and empirical findings from interviews which allowed the formation of a solid basis for drawing relevant conclusions. The following paragraphs provide more detailed explanations in relation to data collection and methods of analysis.

4.3.1. Qualitative document analysis

Qualitative document analysis (QDA) is applied as one of the two main qualitative methods of this research. It is applied on a carefully chosen number of public documents about EU enlargement strategy, EU socialisation program (TAIEX), enlargement policy and European integration as a foreign policy priority. The main criteria for choosing these documents are: 1) the period of production (2011-2018), 2) the producer (political elites in the WBCC, i. e. national governments, RCC, etc. and the EU i. e. EC, CoEU, EP, etc.), 3) the relevance and relatedness to the pre-accession part of the integration process 4) the type of

documents (general and more specific i. e. relevant for case study), 5) the source of information about the presence and/or absence and types of compliance with the RoL in the WBCC accession process and 6) they contain evaluation of political elites in the EU understandings of compliance with the RoL in the WBCC. Based on these criteria two aspects of the chosen documents are analysed: 1) they give signs of use of argumentative persuasion as a socialisation tool and 2) they are comprised of evidence that political elites in the WBCC are being socialised by argumentative persuasion. Bearing in mind that there are many methods to achieve socialisation, this research has focused on examining the combined application of operant, cognitive and sociocultural methods in practice as they are used by the political elite in the EU to socialise political elites in the WBCC (Hyman, 1959). The operant method understands that effect emerges from acting and it includes: reinforcement, extinction, punishment, feedback and learning by doing (Hyman, 1959). The cognitive method understands that effect emerges from information processing and it includes strategies of instruction, standard setting and reasoning (Hyman, 1959). Finally, the sociocultural method understands that effect emerges from conforming and it includes: group pressure, tradition, rituals and routines and symbols (Hyman, 1959). These methods manifest themselves in a combination through targeted employment of specifically designed socialisation policy documents (EC PRs, ENS) and programs (TAIEX) of the EU on both integration levels, as it will be fully explained in the forthcoming sections. These policy and programme documents reflect upon developments and events in the context of integration situated in the period from 2011 until 2018. In the WBCC, these national documents range from national strategies, action plans, National Assembly (parliament) resolutions, government decisions and regulations, state official statements, interviews and speeches. Documents produced by various institutions within the system of the EU (EC, EP and its Committees, CoEU, EEAS) comprise out of enlargement strategies, annual progress reports, topic related studies, program evaluation reports, EU's officials' statements, interviews, speeches, resolutions, decisions and regulations. Some of these documents, for example, the National Assembly/Parliament resolutions or government decisions and regulations, represent independent and authentic documents in the making where solely members of a National Assembly/Parliament (parliamentarians) or a Government (ministers) actively participated in. This does not exclude the potential influence of opinions generated in the EU institutions if the political elite in the EU has been made aware about the possible contents but not necessarily provided insight. On the other hand, documents such as the EC PRs are drafted based on data compiled by EC desk officers and presented in its raw form to the relevant authority of a WBCC to contribute with specific inputs. These so-called

consultative meetings have the aim to involve the relevant authority of a WBCC in the production process so as to share responsibility and accountability. After that, this material is amended, corrected and reviewed for the second time by the same EC desk officers and then publicly presented by the EU Commissioner for Neighbourhood Policy and Enlargement Negotiations and made publicly available through the ECs' web-page and in a hard-copy form (upon request). This study has also made use of information provided by various national, regional and European, mostly Brussels-based, NGOs, think-tanks, institutes, foundations through various policy briefs, opinions and problem analysis. The information in question was available either in printed (hard copy material), electronic (web-page material) or video format (camera footage). The combination of different media sources of information is relevant for determining the consistency of beliefs and attitudes embodied in exhibited understandings of norm compliance by researched subjects, as well as, to highlight the weight of interpreted written and uttered words in transferring meanings as a result of political elites' interaction.

All these documents have been sorted and categorized in a list of coded documents contained in Annex III. There are two main sets of codes used to differentiate the geographic origin, the source, the character of documents in question and the year of production. They contain the geographic origin of the document (EU or WBCC), the source of the document (EU institutions – EC, EEAS, EP, CoEU; WBCC – ALB (Albania), MN (Montenegro), SRB (Serbia) and NRM (North Macedonia; M – media; CS – civil society), the character of the document (G – government, P-parliament, NG – non-governmental), the sort of document (D-decision, REG-regulation, RES-resolution, I-interview, ST-statement, SP-speech, COM-communication), and the year of production or release (i. e. 2018). For example, if the analysed document is a governmental decision from Albania as a WBCC produced in 2018, then the document is coded in the following way: WBCC/ALB/G/D/2018, or if the document in question is a statement by an EEAS official released in 2015 it is coded as: EU/EEAS/ST/2015.

Unlike the quantitative use of content analysis which centres on statistical conclusions, the qualitative version (QDA) as applied in this study, focuses on the interpretative dimension of data. Document analysis is a form of qualitative research in which documents are interpreted by the researcher to give voice and meaning around an assessment topic (Bowen, 2009). These documents are staple elements of the integration area in the lives of political elites as they shape, among other things, their thoughts, talks and actions (Bowen, 2009). Most importantly they are a tool of Europeanising political elites in the WBCC into a version of the integration world as perceived by political elites in the EU. For this study, the analysis of these documents is relevant for understanding, how their constructs reflect a specific version of an argument and

contribute to the change in behaviour of political elites in the WBCC. This study attempts to understand whether political elites in the EU have sought and in result successfully persuaded their counterparts in the WBCC in the authority of their understanding of the issue of EU norm compliance. If they have been successful, that would confirm successful application of argumentative persuasion through constructing the meaning of content contained in various types of documents. QDA aims at tracking discourse of political elites to uncover the presence of argumentative persuasion used by political elites in the EU to socialise political elites in the WBCC into performing a European way of governance. This study is specifically interested in uncovering evidence of argumentative persuasion used to persuade political elites in the WBCC to comply with the RoL as an EU norm underpinning the accession process. In effect, it is also interested in finding out if argumentative persuasion has affected the willingness and capacity of political elites in the WBCC to comply with norms. To do so, the following steps have been undertaken.

4.3.2. Political discourse analysis

'Discourse' presents the central organising principle of constructivism (Potter, 1996) and the "analysis of discourse becomes the analysis of what people do with language in specific social settings" (Potter, 1998). Furthermore, this study observes discourse as a social activity and interaction which creates intersubjectively shared meaning. Discourse is present in many fields of social life but what distinguishes it from the rest is the type of context, actors and their activities. This study applies Political Discourse Analysis (PDA) as it is interested in the political dimension of a discourse which involves political elites as actors in the context of European and regional integration as political processes with the aim to comply with the RoL as an integration demand.

At the level of politics, this study limits the discourse analysis to the political arena, between representatives of political elites in the EU and the WBCC involved in the process of integration. It is interested in their political activities (i.e. governing, legislating) with emphasis on the exchange of messages on RoL as an EU norm and perceptions about their RoL compliance which influences the progress of the integration process. The context in which discourse of political actors is taking place refers to events, encounters and their settings (time, place, circumstances), occasions, intentions, functions, goals, and legal or political implications. Politicians talk politically if they and their talk are contextualised in such communicative events such as giving an interview to the media in their capacity as a

governmental official. Political talk is a political practice and at the same time a discursive practice. Thus, forms of text and talk have political functions and implications, as text and context mutually define each other (Van Dijk, 1997). In a broader sense, discourse of political actors encompasses integration as a political process, accomplished democratic societies and democracies in transition as political systems, predominant liberalism and post-communist/socialist political ideologies, political norms and relations between two political groups' namely political elites in the EU and the WBCC. "If political discourse in simple terms means 'doing politics' then structures and strategies of talk and text (i.e. meaning, speech acts, style or rhetoric, conversational interactions) need to be relational to the context of political discourse at hand" (Van Dijk, 1997). The following section provides a brief overview of levels and dimensions of discourse structure and discursive strategies of doing politics in the domain of RoL compliance.

The PDA between and among political elites in the WBCC and the EU gives a richer and direct insight into the political process of integration. It involves various forms of political talk and text (statements, reports, meeting minutes, debates, decisions, regulations, laws, interviews, political acts, speeches). Text and talk, as forms of language, are understood as a means of communication between political actors in the integration process. The choice of certain documented forms of political talk and text is based on the general topic of integration dynamics and more substantially in relation to the issue of perceived RoL compliance and specific degrees of compliant behaviour of political elites in the WBCC. Special attention has been given to those samples where belief, opinions and attitudes about the RoL underpinning the enlargement process have been emphasized or de-emphasised; where political elites in the WBCC sought public support for their actions related to advancing the integration process; where political (in) activity was legitimised and so on. The main features of these forms of political discourse are the use of "official language which entertains the formal style of address and dialogue, effectiveness and persuasion" (Van Dijk, 1985). As the previous section has already indicated that QDA is applied to select, sort and categorise sources of political discourse, the following section explains how PDA is conducted.

The topic of integration is very wide, and it relates to many different areas, but the political aspect taken in this study refers to perceptions of why norm compliance produces different results in two similar and connected social contexts. The semantics in that respect are very important as they hold evaluations of choosing possible directions of governing compliance which may go either way. In this case, discourse on integration becomes discourse on EU norm compliance. "The credibility of the process [integration] has remained the same,

enlargement can be achieved if conditions are met. Contrary to that, if an accession country has not fulfilled conditions it cannot become a member of the European family. It is not a question whether the EU wants you or not but the emphasis is on the reforms".[31] By nature, PDA also includes aspects of language analysis which allows this study to analyse conventional and specific categories that define the nature of political discourse on socialisation led compliance.

This study investigates socialisation led compliance as being achieved through argumentative persuasion. PDA is applied as a method to uncover argumentative persuasion and to search for indicators of argumentative persuasion in documents that have been enlisted in Annex VI. "Argumentative indicators represent verbal means that arguers use to indicate the functions of the various moves that are made in an argumentative text" (Van Eemeren, Houtloser and Henkemans, 2008: 479). Bearing in mind that argumentative persuasion in political talk as much as in political text aims at resolving a difference of opinions between the persuader and the persuadee, argumentative indicators are utilized to bring their standpoints closer to a mutually acceptable understanding. Since there is a vast list of indicators that reflect various moves used by participants in argumentative persuasion to reconcile their positions, this study will attempt to identify only those indicators who demonstrate "the move of cause-consequence and one-aspect causal relationship" (Van Eemeren, Houtloser and Henkemans, 2008). Expressions such as 'leads to', 'effect', 'makes that' reflect the cause-consequence move, while words such as 'must and 'necessary' emphasise the inevitability of an event and refer to a one-aspect causal relationship. Finally, expressions such as 'should' and 'ought', imply a future and most desirable result. All these indicators are related to actions, either in words or in deeds, which political elites in the EU are recommending to political elites in the WBCC. These recommendations can be strengthened by additional words which highlight the necessity of producing change through the adoption and implementation of these recommendations such as 'fully', 'completely' and similar. Since change is linked to the reforms as integration demands, then argumentative moves are inextricably connected to the future outcomes of the reform process leading to integration progression. Based on previously detected argumentative indicators, the documents in question are selected, reviewed, sorted and categorized according to the type of indicator in a separate sheet. The data organised in this way has been coded to reflect the use of certain arguments related to specific elements of the

[31] "Fabrici: fokusirati se na reforme, a ne da li vas EU želi", Tanjug, retrieved from http://www.novosti.rs/vesti/naslovna/politika/aktuelno.289.html:793168-Fabrici-Fokusirati-se-na-reforme-a-ne-da-li-vas-EU-zeli, 07.05.2019.

research question namely norms, elites and integration. Political elites in the EU use argumentative persuasion to convince political elites in the WBCC that compliance with EU norms underpinning the integration process is of crucial importance to enable progression of the accession process. This data is then analysed to determine who the subject and the object of this dialogue are, what is their relation, what is the topic of the dialogue, what is the aim of using a particular argumentative persuasion move, and in conclusion, whether results of such a move meet compliance expectations. Political elites in the WBCC when expressing agreement with the arguments made by their counterparts conversationally, textually or in action, demonstrate voluntary acceptance of influence.[32] They adopt induced behaviour which corresponds to their overt behaviour which is defined as full or complete compliance. Contrary to that, political elites can partially express agreement with an argument of their counterparts which is followed by an explanation where they state that something has been said or said because the EU wants to hear and/or to see it but does necessarily mean that they sincerely agree with it. This demonstrates a "discrepancy between reforms and reality".[33] This discrepancy encapsulates not just what has actually been said with what has actually been done but also the interpretation of perceptions of utilized words and performed deeds by political elites in the WBCC.[34] Political elites in the EU attach 'crucial importance' to the meaning of reforms being firstly beneficial for the political elites, state and society in the WBCC so that it improves and enriches their individual and group mentality. This research has identified two standard or basic techniques of argumentative persuasion by reward (if compliance is achieved) and punishment (if compliance is not achieved) that have dominated the course of the EU's narrative (the 'carrot and stick' approach) about the accession process of WBCC. These techniques constitute the operant and cognitive socialisation method and, for example, have produced the description of conditionality led compliance as being 'strict but fair'. However, it has also identified another technique of argumentative persuasion where both reward and

[32] Authors Vladimir Vukčević and Vladimir Đorđević have used a similar distinction when describing ways of exhibiting compliance. Namely, in their recently published book „Balkanising Europeanisation: Fight against corruption and regional relations in the Western Balkans" have discussed three forms of compliance demonstration by political elites in the WBCC: verbal, textual and substantive. This study considers the need to distinguish more precisely political text and talk, as they both represent verbal forms of communicating compliance, so it introduces the term „conversational" compliance with reference to uttered words through political talk.

[33] "Evroposlanica Fajon : U Srbiji raskorak između reformi na putu ka EU i stvarnosti", source: https://www.blic.rs/vesti/politika/evroposlanica-fajon-u-srbiji-raskorak-izmedu-reformi-na-putu-ka-eu-i-stvarnosti/gc48619, 20.12.2018.

[34] "Može li zapadni Balkan na Zapad? ", source : https://www.danas.rs/politika/moze-li-zapadni-balkan-na-zapad/, 2.5.2019.

punishment are absent with this void being filled in with declaratory appraisals by the EU.[35] In such cases, where operant and the sociocultural method of socialisation are at play, the political elite in the EU has more openly relied on the 'transformative effect of the EU' stating that the societies and the states in the WBCC should first and foremost reform for their own sake and not because the EU asks them to do so. This explanation has recently been adopted by political elites in the WBCC in their integration narrative confirming that, although the EU might have asked for certain reform steps to be taken, they will do so because they have recognised the importance of such a change by themselves.[36] Another interesting turning point in the current integration narrative in the WBCC is that political elites are becoming more vocal in making a difference between the 'rational' and 'emotional' aspect of the integration process. They make a clear division in political talk between political elites as the source of rational understanding and behaviour, while citizens of their countries are the source of the understanding and behaviour burdened by emotions.[37] They find that their task now is to reconcile these two standpoints and find a way forward that would allow the integration process to progress. Building on this observation, this research has inspected a vast number of documents, which have shown that induced behaviour by political elites in the WBCC has been the same even though the resulting overt behaviour has appeared to be different. This is where research on perceptions of norm compliance so far has inferred about the existence of various types and forms of norm compliance which range from full, partial, fake to imposed compliance (Noutcheva, 2007). In addition, this study introduces another type of compliance, namely shallow compliance, determined by the lack of political will and capacity of political elites to comply with the RoL. This and other forms of compliance demonstrate the level of success to which political elites in the EU have managed to argumentatively persuade political elites in the WBCC to comply with the RoL. The direct relationship between various degrees of norm compliance and the power of argumentative persuasion are discussed in the following chapters.

As a sub-category to the general semantics applied within the political discourse on integration, local semantics are also relevant in understanding how the topic sits in a local setting, as it is determined by the political system, ideology and norms. For example, local semantics applied by the EU bureaucrats would be the infamous 'EU jargon' or 'E- large talk'

[35]"Marković: EU mora slati građanima zapadnog Balkana jasne poruke", source: https://www.danas.rs/svet/markovic-eu-mora-slati-gradjanima-zapadnog-balkana-jasne-poruke/, 15.2.2019.

[36] "Vučić: Evropi smo dobri samo ako se ponašamo onako kako bi oni želeli", source: https://www.blic.rs/vesti/politika/vucic-evropi-smo-dobri-samo-ako-se-ponasamo-onako-kako-bi-oni-zeleli/0g11mhy, 3.6.2019.

[37] "Velika razlika između racionalnog i emotivnog pristupa", source: http://www.politika.rs/scc/clanak/439870/Velika-razlika-izmedu-racionalnog-i-emotivnog-pristupa/, 15.10.2019.

they use in everyday EU inter-institutional communication. On the other hand, political elites in the WBCC had to develop an 'EU vocabulary' that would facilitate, accelerate and enhance their understanding of the embedded communication within EU institutions and beyond, as well as, to participate equally in this type of communication.[38] Political discourse on integration applies a specific lexicon of 'political words' used to communicate messages about integration such as 'inclusiveness', 'Europeanness', 'sincerity', 'commitment', etc. Most of these words and combination of words have been constructed by political elites in the EU but occasionally also by political elites in the WBCC. Analysing documents through PDA is centred on how words are being used to create a specific issue (theme, frame), how this issue is organised and structured and what meaning it is attributed with. The in-text analysis intends to uncover the grammatical and semantic relation between words which is usually of a binary nature: positive-negative (valence), simple-complex (structure), short-long (size), overt-concealed (meaning), etc. The word choice and formation of relation creates sentences that can be of a various character such as descriptive, explanatory, exploratory, critical, etc. Altogether, analysing how these words are connected helps in learning how political elites construct an argument and how this argument fits into their social practice related to compliance behaviour. At the level of language analysis this study examines which words are used by political actors to define and describe integration as a process and differentiate its types (regional and European); the role that political elites play in the process; what are norms and their types; their relevance and how they relate to the integration process and political elites; definition (if any) and understanding of norm compliance as an action performed (or not) by political elites; norm compliance relevance for and its effect on the integration process, and recognition of norm compliance variations. These words are used in a certain grammatical tense (conditional) whose identification is relevant to determine temporal expectations of realisations in achieving EU membership as the final outcome of EU norm compliance. A lot of attention has also been given to examining rhetorical and literary figures (i. e. metaphors) used to express underlying meanings in sentence structures. These figures can be very useful in providing evidence that political elites in the WBCC pay lip-service to the EU's political conditionality and instrumentally use EU norms. Doing so, political elites in the WBCC create a new tendency of politicising meanings of messages related to EU norm compliance and integration in general.

[38] The EUABC is an Internet dictionary providing concise explanations of terms used in the EU debate and it is accessible through http://www. http://en.euabc.com/. Another type is the EU Vocabularies website which provides access to vocabularies managed by the EU institutions and bodies. This includes controlled vocabularies, schemas, ontologies, data models, etc. As part of the EU open data initiative, the EU Vocabularies site offers free public access to all of its content. It is accessible via https://publications.europa.eu/en/web/eu-vocabularies.

Furthermore, applying PDA also has the intention to uncover signs of successful socialisation of political elites in the WBCC which results in visible and tangible EU norm compliance. Words are used and their meaning created and manipulated with the additional help of the soundness of their articulation.

4.3.3. Interviews and identification of interviewees

"Interviews are conceptualised as an arena for identifying and exploring participant's interpretative practices" (Potter, 1996). The nature of the research topic has determined the use of semi-structured interviews as 'conversations with a purpose'. They represent a complementary method to QDA, PDA and case study.

The interviews were conducted by use of questionaries' which served the purpose of guiding the conversation between the interviewer and respondent. The interview grid contained 15 questions which were slightly adapted depending on the group of political elites the respondent belonged to (EU or WBCC). Once the official approval had been received, contact was established with the potential research subjects. They were approached firstly by telephone or by e-mail, which had the aim of establishing interest for the participation in this study. Once interest had been expressed, a formal invitation letters accompanied with questionnaires were sent to their designated e-mail addresses.[39] All participants were orally informed, prior to the interview, and then also via a consent form, that the research is deemed to be one of minimal risk to participants.[40] Participants were free to withdraw from the interview at any point in time if they changed their mind once the interview had commenced. In those instances, information provided by them would be immediately deleted from the study and destroyed. Besides the consent forms, participants were given the possibility to authorise the interview transcript which made the process even more reliable since the subject was in control of their own words and meanings attached to them.[41] The interviews included a set of open-ended questions which allowed the respondents to answer in a free manner with very little intervention from the side of the researcher. The questions were grouped by order of significance, with each subsequent question group introduced to facilitate more in-depth conversation. The particularities of these groups of questions required the interviewees to reflect on the relationship between the regional

[39] See Annex I.
[40] See Annex II.
[41] Ethical guidelines and the UK Data Protection Act 1998, http://www.kent.ac.uk/infocompliance/do/about.html. The consent form was sent by e-mail to the potential participants in the research together with my short CV and explanatory note about my research.

and European integration process, the role and importance of political elites in the WBCC and the EU in the integration process, to identify EU norms (specifically the RoL), to assess the level of compliance with EU norms, as well as, to identify a link between EU norm compliance with the progression of the two-level integration process. The purpose of conducting the interview was made clear from the very beginning. Interviews were conducted in English without the use of an interpreter and they usually lasted from 45 minutes to one hour. The data was recorded in writing as no tape recorders were used. The content of the interviews was transcribed shortly after they had taken place. Interviews were physically conducted in Brussels and Belgrade, while in other cases, they were conducted via Skype or by e-mail as the in-vivo interview was not possible due to physical or time limitations.

Interviewees have been identified by using strategic sampling which was determined by the topic of this research. The identification of interviewees was dictated by the, at the time, composition of the SAC/IGC and the executive part of the RCC, executive branches of the respective governments in the region, nature of the tasks performed by various EU officials in charge of the enlargement portfolio in different EU institutions and significance of various inputs in developing the enlargement policy. In total, 25 semi-structured interviews have been conducted with experts on enlargement and political elite representatives from WBCC and the EU (diplomats (3), government officials (7), parliamentarians (3), policy makers (8), independent experts (4) originating from 15 countries (Belgium, Greece, France, Croatia, Italy, Slovenia, Slovakia, Denmark, Germany, Netherlands, Serbia, Montenegro, Albania, North Macedonia and Austria) over a two- and half-year period. [42] These individuals are dispersed in three institutional environments on a national, regional and a European level: 1) national government bodies (i.e. National Parliament, the Government, governmental agencies, etc.) and domestic think-tanks/institutes/NGOs; 2) EU institutions (EP, EC, EEAS, CoEU) and European Brussels-based think-tanks/institutes/NGOs; 3) regional integrative body (RCC). They have been identified as experts on the issues of European and regional integration of the WBCC. At the EU level, interviews were conducted with senior officials in the EC and EEAS and MEPs, as well as senior policy analysts of various Brussels-based political foundations, NGOs, think-tanks, institutes, etc. At the WBCC level, interviews were conducted with political party officials, parliamentarians, members of Governments and senior policy analysts of various NGOs, think tanks, etc. The research aimed at interviewing individuals that were active and held a certain position at the time when the interview took place. Interviews with

[42] The numbers represent the quantity of respondents from a particular branch.

political elite representatives carried a specific challenge, as they are considered to be of a 'sensitive nature' and required satisfying certain ethics norms.

Interviews were chosen to explore perceptions of the presence and/or absence of compliance with the RoL by political elites in the WBCC and the EU. They also gave insight into self-perceptions of both groups of political elites, perceptions of one group of political elites over the other and observations of other external actors about perceptions of political elites in the WBCC and the EU. The interview grid organised questions into four groups which addressed the relationship between the European and regional integration processes, the relationship between both groups of political elites and the integration processes, the role that EU norms have in the integration process, and whether institutions in the WBCC are based on these norms in terms of promoting and enforcing them. For example, the interviewees were asked to identify at least five main EU norms underpinning the enlargement process. All of them have identified the RoL as, not just being an EU norm, but also a norm of crucial relevance for the two-level integration process. They have also identified the RoL as a key norm that needs to be adjusted within the integration framework as it needs to be sincerely embraced by political elites in the WBCC. They have also expressed expectation that genuine commitment of political elites in the WBCC to the RoL will transpire through a continuous positive track record of the reform agenda. The interviewees were asked to give subjective accounts on RoL compliance by political elites in the WBCC based on their experience drawn from direct participation in various activities which range from participating in fact-finding missions, conducting surveys, topic related political and technical dialogues, production of various textual materials (speeches, reports, analysis, opinions, etc.). The participants had the chance to collect this data through the observation of processes while, for example participating in fact-finding missions, having insight into various national and regional foreign policy related documents or while conversing with their interlocutors from WBCC in various formats (official meetings, round tables, conferences, etc.). Through direct exchanges of opinions with their counterparts within various dialogue formats, while promoting the idea of a state and society governed by the RoL, political elites in the EU have actively attempted to persuade representatives of political elites in the WBCC about the appropriateness of actions that would lead to it. In reaction, representatives of political elites in the WBCC would either engage or not in exchanging views or promoting and defending their own arguments (Cano-Basave and He, 2016; Magen, 2006). This sort of conversation is performed as a persuasive dialogue where socializing agents use various persuasion techniques to convince the persuadee in the appropriateness of following the given advice and recommendations. While describing such

situations, interviewees have in their own words identified, if and when socialisation was taking place, and if it resulted in compliance-oriented action. As participants in the decision-making process, political elites in the WBCC carry the task of complying with the RoL. Examination of whether elites as participants in the process of socialisation are conscious of taking part, how they understand it and how they react to it, is the task of these interviews as they uncover the dominating "thought styles" and if socialisation has introduced changes to the "thought system" (Johnston, 2008). The actual meanings of what norm compliance is and how it is performed are respondents' interpretations of social interactions and processes that need yet to be 'decoded'. Interviewees function as norm givers and norm takers and their subjective understanding of the role they play in the integration processes provides a setting for socialisation to be born.

The interviews aimed to reveal political elites' understandings of norm compliance that ranged from establishing facts through 'yes' and 'no' questions up to the point of assessing norm compliance on a scale which ranged from 'no compliance', 'limited compliance', 'selective compliance', 'shallow compliance' and 'full compliance'. Each of these answers were attributed discrete numerical values ranging from 1 (lowest) to 5 (highest) according to the leverage they contain as described in the forthcoming sub-chapter. The data collected through interviews was firstly compared and cross-referenced with the findings presented in EC PRs, as findings in these reports follow a similar numerical scale of assessment allowing for comparison and triangulation. After that, data obtained through interviews was matched against information about WBCC RoL compliance as presented in other relevant documents such as Eurobarometers' Standard and Special Editions (2015-2018), Transparency International - Corruption Perception Index (2015-2018), Freedom House – Nations in Transit (2016-2018), Berteslmann Stiftung Transformation Index (2017-2018), Balkan Barometer (2016, 2017). This was done to check the thesis that political elites in the WBCC are more prone to shallow compliance with EU norms due to the lack of will, the absence of capacity and being burdened by specific circumstances. Since circumstances in the integration environment changes on an irregular basis, they also affect logics of behaviour employed by political elites in the WBCC. Thus, integration is a question of adaptability which establishes a conditional link, as "the EU managed to adapt itself in all previous enlargement cycles, so the current aspiring countries from the WB should be able to do the same".[43]

[43] Author's interview with representative of EUPE, 1/3/13.

4.4. Evaluating understandings and outcomes of norm compliance

The RoL can mean different things to different scholars and practitioners and in consequence it can be measured through different methods which contributes to different evaluations of the RoL in a particular country (Mendelski, 2018). When deciding upon the methods and methodology that will be used to evaluate understandings of norm compliance, the author has taken into account that most scholars and practitioners view the RoL as a "contested theoretical concept which is difficult to evaluate empirically and even more difficult to create in the short-term" (Haider, 2018). The author has also acknowledged conclusions by other scholars that "simple observation of behaviour is insufficient to infer about presence or absence or even types of norm compliance" (Bicchieri, 2017: 1). Thus, throughout the course of creating a research design, the author has chosen to combine several methods that would allow an adequate approach to the research problem and overcome the contested nature and difficulties that arrive from the concept of RoL. To do so, this study has narrowed down the aspects of the researched problem by applying the method of case study. Then it employed methods of PDA and QDA complemented by semi-structured interviews and borrowed EC methodology to extract and evaluate political elites' understandings of the existence and types of RoL compliance.

In the first stage of the research process, QDA and PDA have been applied to select, sort and analyse integration related documents produced by relevant authors in a limited period. The selection and sorting were based on prior investigations of whether there are signs of argumentative persuasion by tracking and grouping particular words. These words, known to be argumentative indicators, have shown that these documents represent an instrument of political elites in the EU to socialise political elites in the WBCC. These indicators were then grouped according to the argumentative moves they were performing which demonstrated the function of such moves. These moves have the function of showing that once deeply anchored, the reform process is irreversible; the reform results are sustainable once they become tangible; and that the reform process is in continuous motion which demands constant commitment in words and deeds. Tracing argumentative indicators and the type of argumentative moves they have initiated in documents have enabled the author to: 1) recognise political elites' understandings on where socialisation led compliance needs to be introduced, maintained or strengthened and 2) recognise where and what types of compliance outcomes exist and are expected by political elites. In the first instance, the documents contained recommendations by political elites in the EU on future actions of political elites in the WBCC directed towards

achieving, maintaining or strengthening RoL compliance in combating corruption and organised crime. The examined data ranges from 2011 to 2018, compiled in a data table and classified by a political criteria, time, country and recommendation. The years in the dataset correspond to the year of the recommendations' issuance, so the scores included under each year correspond to the implementation scores released in the country reports of the following year. They were then interpreted in a qualitative manner to allow conclusions about understandings of differing socialisation and graded compliance that took place. In the second instance, and as a result of the former, the documents provided descriptive understanding of graded RoL compliance by political elites in the EU. Based on these two instances, political elites' understandings of a varied RoL compliance in combating corruption and organised crime in the WBCC have been attributed discrete numerical values. To do so, the study has applied a five-tier standard scale which uses specific terms to describe the achieved integration progress in the RoL area. This scale is a part of the methodological approach developed by the EC Enlargement strategy 2015 and, as mentioned before, this study borrows this methodological approach to complete its methodological framework.[44] The scale evaluates compliance outcomes on the level of the overall state of play and on the level of concrete progress per AC chapters. In the case of the state of play these terms are: "Early stage – Some level of preparation - Moderately prepared - Good level of preparation - Well advanced". [45] In the case of presenting progress in annual reports these terms are: "Backsliding – No progress – Some progress – Good progress – Very good progress".[46] The EC's evaluation method is a rather political process and as such it results should not be interpreted as exact or scientific figures representative of political elites in the WBCCs actual performance, but rather as indicators of how they performed according to the understanding of the EC and political elites in the EU. While the compliance scores may not represent an objective reality, observing their evolution across this particular timeframe, countries and policy areas provides a good basis for comparison and allows for the identification of trends and patterns. For the purpose of this study and to facilitate referencing to these terms, these scores were transformed into discrete numerical values, respectively: 1, 2, 3, 4 and 5, whereby 1 is the negative end and 5 is the

[44] This study acknowledges the critique of some scholars that that assessments of the RoL are often conducted narrowly, subjectively and unsystematically and that this is the case with the methodology implemented by the EC (Haider, 2018). Although this might be the case, the aim of this study is not to criticise ECs methodology but to modify it and reuse it to its advantage.

[45] Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, *EU Enlargement Strategy*, COM (2015) 611 final, Brussels, 10.11.2015., p.32.

[46] Ibid.

positive end on the assessment scale and they are viewed as extremes. Values of 2, 3 and 4, which are most commonly deducted from the overall examination, represent that most objective understanding of the two-level RoL compliance reality. The assignment of values for both levels of the scale is as follows: 1 - "early stage" and "backsliding", 2 – "some level of preparation" and "no progress", 3 – "moderately prepared" and "some progress", 4 – "good level of preparedness" and "good progress", and 5 – "well advanced" and "very good progress". These values are assigned separately for the integration progress observed on the European and on the regional level. The five-tier standard scale with its qualitative description has been borrowed while the other elements have been constructed to fit the researched area. These other elements include: 1) attributing discrete numerical values to qualitative scores on RoL compliance; 2) the progress observed refers to a graded socialisation outcome 3) identifying a new type of "shallow" compliance 4) identifying several strengths and weaknesses of the RoL and 5) applying interpreted analysed data on the European and regional level of the integration process to discover sequential use of logics of behaviour and corresponding discourse. The study compares and interprets these scores as being closer or further away from the assessment made by the EC for the past annual reporting period and how much more effort the political elites in the WBCC are required to invest to achieve recommendations set forth in the ES and EC PRs. Once this has been done, only documents that provided proof of socialisation being conducted through argumentative persuasion, were coded and listed as evidence that socialisation has been administered through argumentative persuasion, as provided in Annex III.

The analysis of these documents has shown that the examined documents do not encompass all elements relevant for making final evaluations on socialisation conducted through argumentative persuasion and socialisation led compliance which imposed the need for introducing interviews as a complementary method. The use of interviews with political elite representatives from the EU and the WBCC has opened the second stage of the research process by introducing interviews. For the purpose of conducting interviews, a questionnaire was designed with the aim to fill in previously recognised gaps. The interviews sought to find answers by political elites of the EU and the WBCC about their own perceptions and perceptions of the others of RoL compliance in the WBCC. "Their subjective perceptions of norms are based on their unique and local experience that guide elites' opinions and behaviours" (Tankard and Paluck, 2015: 3). This first step was to identify if political elites recognise the importance of the RoL. The second step was to evaluate whether political elites understand according to European standards what norm compliance entails. Since it has already

been confirmed from more than one source of empirical data that the RoL dominates the whole list of EU norms and that its abidance is crucial for the integration progression on both levels, the third step aimed at evaluating if it is sincerely embraced by political elites in the WBCC. In relation to that, the fourth step of the empirical analysis intended to establish if political elites recognise the difference between the norm of the RoL and the norms of reciprocity and fairness in definition and practice. The representatives of political elites in the WBCC in their discourses, not rarely, refer to their expectations of EU treating each and every country in the region on a fair and reciprocal base whereby they tend to equalize these two norms with the RoL. In a similar manner, they tend to draw an equation mark between the law and justice and direct political demands towards the EU in that sense. The fifth step was to evaluate conditions under which the RoL is obeyed by political elites in the WBCC which allowed the discovery whether some expectations are more important than others and how sensitively different individuals are to the norm of the RoL (Bicchieri 2017: 2). Finally, the analysis will attempt to establish if there are understandings on the extent of deviations in complying with the RoL on both levels of the integration process. From there the study will be able to conclude the differences between the degrees of RoL compliance and define them accordingly. In this way it will answer the research question of why political elites in the WBCC comply differently with the RoL on the European and regional level of the integration process and what kind of compliance outcomes prevail in that respect. Thus, evaluating political elites' understandings of the RoL as a vehicle for social change, also means evaluating their understanding of norm compliance to understand how social change occurred. The same five-tier standard scale has been used to assign discrete numerical values to understanding of socialisation led compliance and RoL compliance obtained through interviews. For example, the creators of the EC PRs will note that, although certain measures were recommended to be taken, political elites in the WBCC have not done so and it will register which (if any) countermeasures are to be taken. These values will then be compared to the ones assigned to perceptions of political elites' norm compliance attained in other analysed primary documents and compared against empirical data collected through interviews. The matching of discrete numerical values will show whether initial assumptions about understood levels of socialisation led compliance and RoL compliance outcomes are valid or not. If there is a match, it will corroborate that political elites have been differently socialised on the European and regional level of integration. This confirms previously proposed differences in levels of political elites' norm compliance due to paying lip-service to EU's conditionality policy through the instrumentalisation of EU norms by specific meaning-making.

"The RoL is treated as a social norm and it is followed by individuals in a population on the condition that: a) it is believed that sufficiently many others follow it (empirical expectations), and b) it is believed that sufficiently many others believe the rule should be followed, and/or may be willing to sanction deviations from it (normative expectations)" (Bicchieri, 2006: 11). Compliance with a norm is conditional on having "the right kind of expectations, namely a norm may exist and not be followed at a given time if empirical and/or normative expectations are not present" (Bicchieri, 2006). Although this study agrees with this observation it nuances it by claiming that a norm is not being followed at a given time because expectations change rapidly, and the initial expectations are replaced with new ones which appear along the way. For political elites in the WBCC to comply with a norm, they must be aware of it, recognise it, believe and demonstrate that this particular situation is one to which a norm, namely, the RoL, applies. The presence of social expectations is not sufficient to conclude if there is a social norm because it also requires conclusions that these expectations motivate individuals to follow the RoL. Thus, given these social expectations, "there must be conditional preference for conforming to the norm" (Bicchieri 2017: 19). These preferences relate to circumstances which can tempt and/or influence political elites in the WBCC to abandon the idea of complying with a norm. These can be dealt with as subjective but equally objective circumstances. As stated earlier, this study is interested in proving that EU norm compliance within the WBCC is shallow due to the absence of political will and/or capacity of political elites in the WBCC to comply with. Political elites in the WBCC may well recognise the situation to which the norm applies but they are incapable or unwilling to comply due to the absence or presence of different levels of socialisation. We may conclude that selective norm adherence is a genuine phenomenon and that behaviour may change when a norm is susceptible to several interpretations. To summarise, "evaluating the degree of consensus on the appropriateness of specific behaviours, checking whether social expectations play a causal role in directing choices, and identifying under which conditions people conform to some behaviours remain central to understanding why certain patterns of behaviour persist" (Bicchieri 2017: 29). This allows the study to identify if a gap between rhetoric and behaviour is present and to which extent it displays itself.

4.5. Conclusion

This Chapter has presented a methodological set of tools to investigate political elites' perceptions on whether and how political elites in the WBCC comply with the RoL as an EU

norm, to explore the mis(match) between actual and discursive compliance and to assess these perceptions on the European and regional integration levels. It has introduced the research methods of case studies, QDA, PDA and qualitative expert interviewing for collecting empirical data. The primary research methods of the study cases comprise of QDA, PDA and case study. The secondary method are semi-structured elite interviews with integration experts and decision-makers in the EU and the WBCC.

The QDA is used to give voice and meaning around the RoL as the topic of this research. This method has been used to collect and compare data on political elites' understandings of norm and norm compliance by political elites in the WBCC. A list of chosen primary documents has been provided in Annex III based on five distinguished criteria. These documents reflect upon developments and events in the context of integration situated in the period from 2011 until 2018. The analysis has evaluated these understandings by borrowing the EC's methodology contained in the annual PRs, other official related documents produced by the EU and the WBCC, as well as, results from public opinion polls conducted in the EU and the WBCC. The EC's methodology employs a five-tier standard assessment scale to assess both the state of play and the level of the integration progress. The terms used to describe the level of preparedness and the level of progress are presented in sub-chapter 4.4. The findings obtained in this way were then complemented with findings from semi-structured interviews and PDA which allowed conclusions about understandings on the presence of shallow compliance amongst political elites in the WBCC due to the lack of willingness and/or capacity to comply with the RoL. This is a consequence of conflicting understandings of what the RoL stands for and why it should be attained, enforced and safeguarded. The PDA is an analysis of political talk and text about RoL compliance by political elites in the WBCC. The application of the PDA intends to provide insight into how political elites in the WBCC and the EU construct an argument and how this argument fits into a wider social practice. Its use helps in demonstrating what kind of statements political elites in the WBCC and the EU try to establish as self-evident and true. It will show what rhetorical methods they choose to communicate those truths the way they thought it would be effective, plausible or even natural. Its main aim is to detect the use of argumentative persuasion by political elites in the EU, as a socialisation tool, to convince political elites in the WBCC that they should follow the European way of doing things. In more specific terms, this relates to complying with the RoL as an EU norm and as a 'fundamental' of the integration process. Argumentative persuasion can be successful or not successful which results in different levels of socialisation on different levels of the integration process. The case study method has been chosen to investigate the phenomenon of

political elites' RoL compliance on the European and regional level of integration. By their nature the case studies are descriptive and explanatory, and they tend to answer the question why political elites in the WBCC exhibit diverging RoL compliance patterns although they are socialised by the same tools and instruments. To answer this question the six-step case study protocol has been applied. Identifying and analysing differences and similarities in understandings of political elites in the WBCC and the EU on RoL compliance on the European and regional level of integration in the respective study cases allowed reflection on the extent to which political elites share a common understanding of what it means 'to comply' in this dissertation. Interviews are used as a secondary and complementary method to PDA, QDA and case study. In total, 25 interviews were conducted with representative of political elites in the WBCC and the EU. Interviewees have been identified based on their capability to inform this study depending on their professional engagement with and expertise on the dissertation topic. This sub-chapter already described the way in which the researcher approached, addressed and benefited from these interviews.

The study showed how this research draws on a range of primary sources, from official and non-official documents to political elite interviews. Although the study has consulted a wide range of data, the qualitative empirical work that steered this research, required intentional selection of documents and sources of information. The number of informed experts and officials working on the integration issue is by default limited so the qualitative data made use of the information that is both relevant and available for this research.

Chapter 5: About integration

5.1. Introduction

This chapter presents integration as the environment in which EU norm compliance is taking place. It introduces the process of integration of the WBCC on a higher - European level, observed through the work of the SAC/IGC and integration on a lower - regional level, observed through the work of the RCC. Both integration processes are considered as processes of harmonisation with and adoption of EU norms. Although the departing assumption is that these processes are intertwined, mutually dependent, parallel and directed towards achieving a common goal of EU membership, this study questions whether this is truly the case.

Integration is discussed as a political process involving political elites in the WBCC and the EU as the driving force of the process and integration policy promoters. The role of this chapter is to present the main features and dynamics of the two-level integration process in the WBCC. It is argued that the integration dynamics are determined by the degree of EU norm compliance by political elites in the WBCC as a result of different actor socialisation on two levels of the integration process. Therefore, this chapter intends to answer the following questions: What does integration represent? Where, when and why integration is being conducted and who participates in it? How are the processes of regional and European integration of the WBCC connected? This is being done by analysing empirical data collected through examining relevant documents of the EU, the RCC and national governments of the WBCC complemented with interviews with privileged witnesses from the EU and the WBCC. Accounts of rational choice institutionalism, social psychology and social constructivist scholars about variations of actor socialisation and its effects on discourse and behaviour of political elites in the WBCC are referred to. The following section initiates these questions with a condensed retrospective of the history of integration of the WBCC.

5.2. The integration process in the Western Balkans candidate countries

Apart from the first trade agreement which was concluded in 1970 and an Agreement in cooperation which was signed in 1980, and before the end of the Cold War era, the EEC/EC/EU did not have a specifically designed relation towards the region of the WB[47],

[47] Throughout the majority part of this Chapter the integration process is observed in its entirety encompassing candidate and potential candidate countries of the WB.

which at the time in geo-strategic terms did not even exist. In such circumstances the EC led a policy individually adapted towards each of the Balkan countries within two broader regional policy approaches: 1) towards the Mediterranean countries, and 2) towards members of the Council for Mutual Economic Assistance (Lopandić, 2010: 215). Only throughout and after the dissolution of the former SFRY did the EU formulate a more coherent and structured policy towards the region of the WB. At the beginning, the EC/EU was prominently oriented towards facilitating a solution that would end the civil conflict on the territory of the former SFRY. As the solution to the problem was gradually surfacing out, the EU established in 1996 a new policy-oriented framework towards the region known as the EU's Regional Approach towards the countries of South East Europe (SEE) (including the WB).[48] The main rationale of this approach has differed from other policy approaches that the EU has taken towards other states and regions with whom it developed mutual relationship. This particular approach was guided by the fact that the European continent experienced state led conflicts for the first time after WWII; the EU developed specific geo-political and geo-strategic interests in accordance with the international environment at the time and; the EU imposed, based on its own experience of the post-war renewal, a specific plan for stabilising and reconciling a European sub-region. This would enable restoration of cooperation and introduce a form of integration with the EU as tools to facilitate the main goal of establishing and maintaining peace and security. The above-mentioned features of the EU's regional approach were tools in function of re-integrating the region of WB with political, economic, cultural, security, etc. mainstream in Europe. Thus, reconciliation, cooperation, securitisation, stabilisation and democratisation were the main elements in the approach of anchoring the region closer to the EU. This regional approach was two-dimensional as it pursued re-integration of the WB region in a bilateral and multilateral framework.

"Integration is often associated with a desirable form of cooperation when it helps heal wounds between formerly warring states" (Ginsberg, 2001). After the violent dissolution of the former SFRY the EU encouraged former Republics to engage in a dialogue that would overcome all hostilities and help rapprochement of war-torn societies and divided national governments. This dialogue, initially, was of a political nature and it set the framework for further communication and cooperation on a political and technical level. It was believed that a successful, continuous and prospective dialogue would be a solid foundation for a successful initiation of political integration. Political integration is a "process of adaptive behaviour, that

[48] Report of the European Commission to the Council and European Parliament, COM 476 (96).

is, the incremental shifting of expectations, the changing of values, and the coalescing at the supranational level of national groups and political parties in response to previous integration" (Mattli, 1999: 26). Besides cooperation, reconciliation was another very important feature of integration. The effort in reconciling former adversaries ran deep into the essence of re-integrating the WB and was soon maintained as the cornerstone of bilateral relations between the EU and the countries of the region. Reconciliation between states and societies is pushed first and foremost through political dialogue. The only way for trust to be regained, whilst tensions remain, is to explicitly show political will to enter such interaction. The existence of political will paves the way for creating and nurturing continuous and direct communication between political actors in the form of a political dialogue. The more political will and efforts are made to conduct a successful dialogue, the more there are political solutions which can spill over to sector-wise interaction. Political solutions are reached through the negotiations and the political actors' decision-making efforts which are conducted in the framework of integration. From the very beginning, regional cooperation was positioned at the heart of the European integration process of the WB as it assumed that positive results on the lower level will spill over to a higher level, thus making it much easier for the countries to adapt and fulfil the requirements made by the EU *vis-à-vis* their European perspective. As a term, regional cooperation was first employed in the Presidency Conclusions (2000) and there it was stated that "the European Council encourages the States of the region to increase their regional cooperation." Regional cooperation has been formulated here as a condition for concluding the SAA, while in the Declaration from the EC meeting in 2000 it was said that "rapprochement with the European Union will go hand in hand with this process of developing regional cooperation." [49] The EU Enlargement strategy in 2015 has highlighted the importance of an increasing regional cooperation for further stabilisation and reconciliation. It is an indication of a country's ability to cope with more advanced relations with the EU (ENS/14-15). The EU has continuously stated in its annual Enlargement strategies that regional cooperation (integration) is an essential element of the Stabilisation and Association process and enlargement processes, as much as they are essential for progress on the countries' respective European paths since they continue to drive transformation and anchor stability in the countries of South East Europe aspiring to EU membership and as such, are closely monitored by the Commission at all stages of the accession process (ENS/11-12: 7, ENS/14-15:11, ENS/18-19:

[49] Conclusions of the Presidency, European Council, Nice, December 2000, http://www.europarl.europa.eu/summits/nice1_en.htm. Conclusions of the Presidency, European Council in Lisbon, March 2000, http://www.europarl.europa.eu/summits/lis1_en.htm.

6). There was no doubt that regional integration in the WB was an essential part of the European process in general and, as it was later presented, a criterion for evaluating the success of integration progression. However, the main EU documents do not state in any way that regional cooperation is a condition for European integration of the WBCC. Indirectly one can conclude that mutual dependence and connectedness exist since regional cooperation has been recognised as an essential element of the EU's regional approach and it has been continuously recognised that it serves the purpose of "strengthening links between the WB countries because it would help the [European] integration process".[50]

After the conflict involving Kosovo*[51], the EU's regional approach towards the WB was redefined. As of 1999 two new regional initiatives have been endorsed under the umbrella of the EU's regional approach towards the WB namely the Stability Pact for SEE (SP SEE), which later became the RCC and the SAP as a modified version of the regional approach itself. The SAP became the crucial component of the EU's regional policy towards the WB and it encompasses Albania, Bosnia and Herzegovina, Croatia, North Macedonia, FRY (later the State Union of Serbia and Montenegro until 2006) and Kosovo* (as of 2008 after the proclaiming UDI). [52] In comparison to the former version of the EU's regional approach, the SAP has been based on a redefined strategic approach of the EUMS which has been clearly stated in the European Council Conclusions in Feira and confirmed at the joint Summit of EUMS and WB countries in Zagreb 2000. "The SAP is the EU's policy towards the WB, established with the aim of eventual EU membership. The WB countries are involved in a progressive partnership with a view of stabilising the region and establishing a free-trade area. The SAP sets out common political and economic goals although progress evaluation is based on the countries' own merits". As a major achievement, the Council introduced the SAA with the WB countries as a new form of contractual relations by which it explicitly stated that WB countries are viewed as potential candidates for EU membership. This statement has openly acknowledged the European perspective of the WB states which will be continuously repeated in the coming years. At the Summit, the countries of the WB produced their own Joint Declaration which had the aim to commit the countries of the region to sign regional cooperation agreements as a way forward to achieving regional cooperation and reconciliation.

[50] Authors' interview with EUPE, 4/3/14.

[51] Under the SC UN Resolution 1244. The accompanying asterixis mark will be present throughout the whole text as a reference to the explication of the status of Kosovo contained in this Resolution.

[52] Although the legal grounds for UDI have been defended by the ICJ Court ruling, Kosovo has not been recognized by all UN member states (less than 100 countries) and its contested status has made it difficult for admittance to the UN. This is also reflected within the WB region where only 2 out of 6 do not recognize UDI, as much as, in the EU only 23 out of 28 recognise the UDI.

These agreements would become a constitutive part of the SAP as it has been noted that the deepening of regional cooperation will go hand in hand with EU association. "The five countries concerned undertake to establish between their countries regional cooperation conventions providing for a political dialogue, a regional free trade area and close cooperation in the field of justice and home affairs, in particular for the reinforcement of justice and the independence thereof, for combating organised crime, corruption, money laundering, illegal immigration, trafficking in human beings and all other forms of trafficking. These conventions will be incorporated in the stabilisation and association agreements as they are concluded with the European Union."[53] Another Summit which was of crucial importance for directing the development of relationships between countries in the region and the EU's relationship with the region was the Summit in Thessaloniki in June 2003. At this Summit, the EU adopted the Thessaloniki Agenda, while the countries of the region adopted their own Joint Declaration. The Thessaloniki agenda was characterised as a "new significant step in privileged relations between the EU and the WB".[54] Although neither of the concluding documents produced by the EU at these Summits have explicitly mentioned what specific EU norms are required to be respected and upheld, the EU-WB Summit Declaration from June 2003 states that "we [WB] all share the values of democracy, the rule of law, respect for human and minority rights, solidarity and a market economy, fully aware that they constitute the very foundations of the European Union. Respect of international law, inviolability of international borders, peaceful resolution of conflicts and regional co-operation are principles of the highest importance, to which we are all committed."[55] Furthermore, the WB states reiterated that "rapprochement with the EU will go hand in hand with the development of regional co-operation."[56] The SAP will be maintained as a framework for integrating the WB countries until they reach fully fledged membership. Although the document contained strategic elements for furthering the EU cooperation with the WB through the enrichment of the SAP, the EU political leaders did not accept the proposal to strengthen the title of the process at that stage by inserting the word 'integration' instead of 'association'. As a curiosity, all the enlisted activities in the Agenda pointed in the direction of the EU undertaking integration manoeuvres towards the WB but refrained from proclaiming them as a fact. "The EU reiterates its unequivocal support to the European perspective of the Western Balkan countries. The future of the Balkans is within the

[53] Final Declaration, EU-WB Summit, Zagreb 24 November 2000.
[54] Final Declaration, EU-WB Summit, Thessaloniki, 21 June 2003.
[55] Ibid.
[56] Ibid.

European Union."57 The ideology behind the SAP included that once the WB countries conclude the SAA and continue to successfully perform in meeting the Copenhagen criteria and additional conditions set up by the SAP (regional cooperation and good neighbourly relations) their potential candidacy could turn into a candidate status. The upgrading of status depends on the political will of both the WB country, as well as, the EU and EUMS. The potential candidate country then submits application for membership to the EC. The application together with the answers delivered to the EC Questionnaire are reviewed by the EC. After a thorough assessment the EC decides whether to recommend the approval of a countries' candidate status to the Foreign Affairs Council, which would be confirmed at the European council meeting. At the same time, the EC recommends the opening of accession negotiations with the gathering of the first Intergovernmental conference. Becoming a candidate country for EU membership introduces a new stage in the European integration which also affects regional integration because it creates impetus for lagging countries to accelerate their efforts in meeting with the EU accession demands. However, in as much as progression of certain countries within the same region presents an incentive for the rest it also brings fragmentation in regional relations and demonstrates the disintegrative side to the integration process. Although the association and accession phase are monitored by two different bodies, namely the SAC and the IGC, both have in common the role of continuously assessing potential or candidate country preparedness for EU membership. The SAC is focused on the fulfilment of the SAA by potential and candidate candidates while the IGC is concentrating on harmonisation with the AC by candidate countries. In essence, both institutions represent formats of political dialogue between political elites from the EU and the WB countries. They are both frameworks for socialising political elites in conducting business the European way and the basis for analysing this is set in the following paragraphs.

5.2.1. European integration in the Western Balkans candidate countries: Intergovernmental conference and the Stabilisation and Association Council

Based on the current state of affairs on their European integration path the candidate countries can be divided in two groups.[58] The first group comprises of Serbia and Montenegro as they hold a candidate status, they have opened accession negotiations and they have so far held a certain number of IGC with the EU where AC chapters have been opened and/or

[57] Ibid.
[58] See Annex IV.

provisionally closed. The second group comprises of Albania and North Macedonia as they hold a candidate status but still have not formally opened accession negotiations since the IGC has not yet taken place, thus their progress is still and until then monitored through the framework of the SAC. This sub-chapter presents the main similarities and differences in the work of these two bodies bearing in mind the distinguishing positions that the above mentioned WBCC hold in the European integration process. Thus, the following paragraphs will briefly introduce the main features of the IGC and the SAC as forms of an inter-active dialogue between political elites in the WBCC and the EU. They represent two elements of a case study on RoL compliance on the European level of the integration process that will be employed by this study. The examination of their work will answer the questions where and how socialisation of political elites is conducted. As mentioned earlier, there are three different mechanisms of political elites' socialisation taking place: conversational, textual and substantial. The following paragraph will lay out the framework for investigating all these forms of political elites' socialisation that will be dealt with in detail in Chapters 6, 7 and 8.

The IGC and the SAC are the two most relevant institutions for conducting political dialogue on European integration between political elites in the WBCC and the EU. Through this political dialogue the political elite in the EU makes assessments about the achieved integration progress and gives recommendations for further advancements. The assessments are supposed to be taken as a constructive critique to the efforts accomplished in the reviewed period per AC Chapters that are at that moment being scrutinized. The recommendations address the same issues in the forthcoming period where expectations for improvements are being placed. Both assessments and recommendations are presented in a conversational and textual form through dialogue and documents that are prepared for particular meetings. They have the aim to highlight the areas where the adoption, enforcement and safeguarding of the RoL needs to be strengthened. The significance of documents presented and discussed points out the power of the 'written word' as most of them, especially the Negotiating positions, Screening reports of AC chapters together with IGC and SAC conclusions, become publicly available. Unlike them, the transcripts from meetings are of a confidential nature although the IGC and SAC conclusion to an extent reflect the substance of the dialogue itself. Although the IGC and SAC meetings are of a closed type, the transparency of the substance discussed remains undeniable even though it still leaves enough space for manipulation in 'making meaning' of the actual conclusions. This relates equally to conclusions about activities that have been done and the activities that are expected in the forthcoming period. These documents are further strengthened by verbal discussion where comments and opinions from both parties

are exchanged. These comments and opinion represent interpretations of the submitted documents.

The SAC is established under Article 119 of the SAA with the aim to regularly review the implementation of the SAA and the adoption and implementation of legal, administrative, institutional and economic reforms by the candidate country. While carried out, as stated in Article 8 of the SAA, this " review shall take duly into account priorities set out in the European Partnership relevant to this Agreement and be in coherence with the mechanisms established under the Stabilisation and Association process, notably the progress report on the Stabilisation and Association process. On the basis of this review, the SAC will issue recommendations and may take decisions" (SAA/SR, SAA/NM, SAA/ALB, SAA/MN). Since Article 1 of the SAA states that one of the main tasks of the Association between the Community and its Member States, of the one part, and the candidate country of the other part, is established to support the efforts of the candidate country to strengthen the RoL, the review, recommendations and decisions thereof place this EU norm at the centre of evaluating the integration progress. In accordance with Article 6 of the SAA, the SAC also has the task to monitor and assess progress in fostering cooperation and good neighbourly relations among potential and candidate countries of the WB "including an appropriate level of mutual concessions concerning the movement of persons, goods, capital and services as well as the development of projects of common interest, notably those related to border management and combating organised crime, corruption, money laundering, illegal migration and trafficking, including in particular in human beings, small arms and light weapons, as well as illicit drugs" (SAA/SR, SAA/NM, SAA/ALB, SAA/MN). It is emphasised that this commitment constitutes a key factor in the development of the relations and cooperation between and among potential and candidate countries as it significantly contributes to regional stability.

The IGC is the framework for conducting accession negotiations between the EU and its MS on the one hand, and the candidate country on the other. The first meeting of the IGC is a significant political milestone as it constitutes the formal commencement of the accession negotiations. At the meeting, negotiating parties have the opportunity to exchange general positions, to present negotiating teams and propose a calendar of meeting within the screening process which precedes the substantial negotiations and every other IGC where specific chapters of the AC are negotiated. Accession negotiations are held based on the so-called Negotiating framework which focuses on the conditions under which the candidate country will adopt and implement the AC divided into 35 thematic chapters. The EU and the candidate country prepare separately their own negotiating frameworks which encompass principles

governing the accession negotiations, substance of the negotiations and the negotiating procedure. Unlike previous accession negotiations, the methodology applied in the case of Serbia and Montenegro differs since it is guided by the new methodology introduced by the EC whereby Chapters 23 and 24 will be the first one to be opened and the last ones to be closed. This is based on the EC principle "fundamentals first" from 2014 where the RoL, among others, has been positioned at the heart of the European integration process and enlargement policy. The aim of this principle is to embed the idea that "political, economic and institutional fundamentals are both indivisible and mutually enforcing" and to secure the sustainability of this synergy through its full enforcement (ENS/14-15: 5). Due to its cross-cutting nature, the rule of law will be observed and evaluated consistently throughout the whole negotiating process chapter by chapter.

Following the opening of the accession negotiations is the phase of analytical screening of the candidate country legislation and assessment of the extent to which it has been aligned with the AC. The first part, so called explanatory screening, aims at presenting the AC to the candidate country. The second part, so called bilateral screening, assesses the actual alignment with the AC and determined necessary steps, if needed, for further alignment. The basic objective of the screening process is to identify differences between the legislation of the candidate country and the AC. After the analysis, the candidate country is expected to demonstrate whether it will be able to fully accept the AC and align the difference identified in the legislation or whether it intends to request for a transitional period in order to fully align and implement the legislation in question. Based on these findings the EC prepares a Screening report containing recommendations for the commencement of negotiations on a specific chapter, as well as, opening benchmarks. Opening benchmarks are actually requests for the adoption of strategies and action plans, meeting contractual obligations towards the EU i. e. implementation of the SAA, adoption of by-laws and laws, etc. As soon as the opening benchmarks have been fulfilled the candidate country is invited to present its negotiating platform for a negotiation on a specific AC chapter. After the presentation of the candidate country negotiating position, the EC submits for adoption the Draft European Union Common Position where it is noted that a candidate country has achieved a sufficient level of alignment with the AC so that further negotiations are not necessary and that current negotiations can be temporarily closed. As this is rarely the case, the EC develops closing benchmarks which the candidate country needs to fulfil in order to close negotiations on a specific AC chapter. In the case of Serbia and Montenegro, chapters 23, 24 and 35, are of specific interest to the EU, therefore, it will determine temporary or interim benchmarks and only after their fulfilment

will closing benchmarks be defined. Until then, the candidate country submits to the EC regular Progress reports in that area. Finally, the negotiations on EU accession are concluded once the EU and the candidate country have reached an agreement on all 35 chapters of the AC and when that is confirmed by the European Council. All these steps within the accession negotiation process are an opportunity for political elites to undergo socialisation. Furthermore, they also represent a chance for evaluation of the so far demonstrated socialisation. In the same manner, the next section will investigate the opportunities for socialising political elites of the WBCC within the RCC framework.

5.2.2. Regional integration in the Western Balkans candidate countries: Regional Cooperation Council

To an extent, "the slow and creeping perception of regional cooperation as one of the main political criteria for joining the EU has created a great deal of confusion among political actors as they would say 'regional cooperation', but actually have 'European integration' in mind" (Delević, 2007: 31). The change of political situation in SEE after 2008, including the progress of all WB countries within the European integration process, has imposed once again the need to re-modify the concept of regional cooperation with the aim to give the countries of the region a more active role and substantial responsibility. It was perceived that the countries of the wider region should take over the initiative and responsibility for their individual and joint future. Also, international donors have expressed a readiness to remain engaged in the region but only under the assumption of a more active role by the countries of the region when taking into consideration programming, financial and other aspects of regional cooperation. Based on these determinants, the RCC was formed in Belgrade in 2008 with the aim to overcome the discrepancy between summit-level political decisions and their implementation. In that sense, "the RCC has become more politically visible, capable of fleshing out the practical aspects of cooperation with existing cooperation at a high political level" (Lopandić, 2010: 80).

The RCC gathered countries of the wider region together with the EU and international community encompassing twelve countries (Albania, Bosnia and Herzegovina, Bulgaria, Greece, Croatia, Macedonia, Moldova, Montenegro, Romania, Serbia, Turkey, Slovenia; United Nations Mission in Kosovo (UNMIK) on behalf of Kosovo*; the EU represented by the Troika (EU Presidency, EC and Secretariat of the Council, the European Parliament (EP)) and a certain number of countries and institutions actively supporting regional cooperation in

SEE.[59] It has also established a very close cooperation with the EU Presidency (EUMS) which in most cases resulted in convening ministerial conferences which were at that point of time tackling strategic issues involving the WB such as developing a research strategy for the WB or the financial crisis effects on the region, EU enlargement and regional cooperation. The RCC is headed by a Secretary General, originating from one of the countries of the region and appointed on a rotation basis every three years. It has been agreed that the work of the RCC would focus on six priority areas which were of a common interest for the entire region: economic and social development; infrastructure and energy; justice and home affairs; security; strengthening human capacity and parliamentary cooperation.

The key role of the RCC was to incentivise and coordinate developmental projects that would accelerate reforms in the countries of the region and their integration into European structures. It is recognised that there is a "tight link between regional cooperation and European integration and some regional initiatives, such as the RCC, show it".[60] At the same time, it would enable a political environment and support in the region and from the international community for these reforms to take place. The RCC has displayed in practice the much-advocated regional ownership, regional inclusiveness and regional integrativeness through the willingness and ability or regional elites to identify initiatives of common and mutual interest and translate them into common projects (Delević, 2007:17). The main goals of the RCC are: to contribute to the strengthening of stability and dialogue in the region; to bind interests of the region and the EU through developmental projects within the IPA; to coordinate international political, technical and financial support; to be the regional forum for dialogue between different countries, international organisations and other partners. The RCC realises these goals in many ways: 1) it coordinates and secures coherence and continuity of participants and activities in regional cooperation, 2) enables an easier approach to political, financial and technical assistance and ensures there is no overlapping of activities, 3) improves joint cooperation, technical assistance, networking with the aim to achieve tangible results, 4) maintains different forms and directions of communication and promotion of the RCC work, 5) develops drafts of various documents, guidelines, cooperation protocols, etc. 6) follows up the situation in the region and identifies the needs of the region, regional initiatives, international organisations and donors.

[59] Statute of the Regional Cooperation Council, 2007, source: http://www.stabilitypact.org/rt/ZAGREBAnnextoConclusionsRCC.pdf, 20.06.2010.
[60] Authors' interview with EUPE, 17/5/2013.

The EU, in specific the EC, has recognised the RCC as its main interlocutor and partner for regional cooperation in SEE/WB. It has already acknowledged the fact that from the time of its constitution, the RCC has motivated an increase of initiatives and working groups in comparison to the ones under the auspices of the SP SEE. This can be understood as an "expression of the regions' maturity to formulate its own needs and specific topics in the European integration process and as an expression of consciousness that problems can be effectively solved through joint work, exchange of knowledge and experience" (Lopandić, 2010: 106). With the aim of mobilising potential and means of the region and improving regional cooperation, the RCC has undertaken many activities to connect members of the RCC from the region, EC and international financial institutions. In that sense, regional cooperation became a "learning curve for the countries of the region as they need to understand how to manage their differences".[61] Regional integrative forms, such as the RCC, are somewhat perceived as "political organisations through which countries of the region need to join efforts in order to enhance the possibility of joining the EU".[62] Apart from that, the RCC has also established solid links and articulated relationships with other regional initiatives and working groups within priority areas of regional cooperation. However, "it remains uncertain whether the countries in the region had sincerely acknowledged the virtues and the importance of regional cooperation per se, or instead, were just cooperating with each other pushed by the final interest in joining the EU" (Mameli, 2010). Although the link between regional cooperation and European integration is strong, "it is not always well understood by the governments nor by the people in the region".[63]

The most important characteristic of the RCC is that it represents the region and it has taken a leading position in promoting and participating in regional cooperation. At its early stage, the work of the RCC has been described as a novelty to the entire idea of bringing back 'cooperation' to the core of bilateral relations between the countries of the region. This novelty has been implemented through a specific method of work which is very much similar to the one successfully used in founding the EU. From an institutional and organisational point of view, the structure of the RCC and how it is intended to operate, very much resembles the structure of the EU. Many policy makers in the EU and the WB agree that full participation and commitment to the work of the RCC is a sort of an exercise to prepare the countries for the moment when they are supposed to assume responsibilities deriving from EU membership.

[61] Authors' interview with EUPE, 2/5/13.
[62] Authors' interview with NPE, 2/3/15.
[63] Authors' interview with NPE, 21/2/15.

Therefore, regional initiatives, especially the RCC, are seen as an "instrument to prepare the countries for the 'real thing' that comes afterwards."[64] On one hand, it is a matter of a functional approach whereby grand and unsolved political issues are left aside, while economic and other types of cooperation that are important for the everyday lives of citizens, are favoured. On the other hand, everything that is being done is part of a much greater idea of European integration of this region. The RCC is also seen as a channel for resolving all outstanding bilateral disputes between WB countries, so that they can enter the EU without burdens from the past that would hamper the EU integration process. This has mostly devolved from the EU's past experiences when integrating Cyprus, bearing in mind the still ongoing dispute between Greece and Turkey, as a EUMS and an accession candidate. The participation of the WB countries in regional cooperation/integration is seen as an "important test, because regional reconciliation is a prerequisite and a guarantee that the countries of the region will become responsible future EUMS on the regional and on an EU level and capable to do whatever they need to do".[65] Currently, there are many bilateral problems between the countries of the region which range from the question of the demarcation of borders, to the issue of refugees and IDP repatriation. Through its regular annual monitoring mechanisms, the EC has constantly stressed the necessity of resolving these issues prior to acceding to the EU and tabled them as one of the most crucial parts of the conditionality policy to be fulfilled. Thus, "borders must be seen as an opportunity for regional cooperation and people-to-people contacts and not as an obstacle between the countries of the region".[66] The crucial advantage of the RCC lies in its professionalism and familiarity with regional circumstances, which enable it to provide a regional dimension beyond the context of joining the EU. In that respect it has invested significant efforts in promoting the principle of 'regional inclusiveness', identifying the needs and capabilities of the region, supporting new and advancing existing activities of the region guided by the overarching idea that regional cooperation is in the heart of the regions' future and it stretches beyond any institutionalised form of integration. "Only such a combination of small, practical steps and wider vision can guarantee success" (Teokarević and Simurdić, 2010).

[64] Authors' interview with EUPE, 25/3/13.
[65] Authors' interview with EUPE, 23/4/13.
[66] Authors' interview with EUPE, 12/4/13.

5.3. The pre-accession and accession process of the Western Balkans candidate countries: the conditionality - compliance paradigm

Taking into account the main tasks of the integrative bodies of the SAC/IGC and the RCC, as they have been previously laid out, this section will address the relation between the European and regional integration process *vis-à-vis* the conditionality – compliance paradigm.

Although regional integration has been proclaimed as one of the essential elements of the European integration process and an additional accession criterion, the actual relationship between the two processes has not always developed in the same direction which has caused clashes within the integration framework. Firstly, the EU's reinvigorated regional approach towards the WB was guided by the so called 'regatta principle'. This principle understood that WB countries will be assessed based on the individual country's performances. The EU's General Affairs Council of May 2002 stated that "[t]he speed with which each country moves through the different stages of the SAP, taking ownership of the process, depends on the increasing ability to take on the obligations flowing from an ever-closer association with the EU, as well as, compliance with the conditionality policy." The progress of each country depended on the ability and political will to introduce the necessary reforms and to implement and respect generally accepted rules and standards. Bearing that in mind, the country would be rewarded individually for its progress. This explanation runs contrary to the initial presentation of the regional approach *per se*. It rested on regional cooperation which was induced to facilitate the improvement of relationships between countries of the region. The fact that one country individually performs well cannot exclude the fact that its bilateral relations with another or more countries of the region is poor. The general assessment incorporates results of internally conducted reforms, as well as, externally transformed bilateral relations. They go hand in hand but have been over-looked for certain reasons. The case of Croatia's accession is an example. Although Croatia had at the time of accession in July 2013 and still has unresolved border disputes and the issue of refugees and IDP, those have not been a determining factor for adopting the decision on concluding the Accession Treaty. Another contradiction to pursuing regional cooperation and European integration through the EU's regional approach is the fact that the WB countries did not have the same starting position within the SAP and thus their engagement was not simultaneous. The individual component of the EU policy stresses the individual country's contribution to achieving regional objectives, but it neglects the importance of the effect of such an approach on the region itself. If it is assumed that individual accomplishments help the determination of the country's readiness to fulfil requirements that

EU membership entails, then it should equally take into account, the dependency link to the other country's ability and political will to follow the same path. Since regional cooperation is posited at the core of European integration as a condition for EU membership, then its two-dimensional nature (integration input-output) must be addressed properly. The critique of the individual approach has been vocalised by many academics and policy makers in the past years. They have advocated for consideration of the region as a whole since the WB's "economic geography and specific historical legacies have important consequences for patterns of development, and that structural causes of underdevelopment can determine the fate of entire regions".[67] As regional cooperation is very often "the outcome of the interplay between external/international factors and internal dynamics," the advocates of the 'true' regional approach explain that regional strategies are not always consistent and applied in a constructive manner, as they are mostly imposed whereby local actors/elites are not properly included. This understands that each and every progress on the regional level should mirror or at least provide guidance for improvements on the European level of integration. As examples from practice have shown, the EC's PRs have acknowledged, and commended progress achieved on the regional level while, at the same time there, was no progress on the European level and *vice versa*. Such reporting runs contrary to the logic of the previously assumed relationship between the two levels of integration process in the WBCC. Regional cooperation ultimately rests on the "willingness of the local elites to identify common and mutual interests and with outside help to translate them into workable initiatives with practical and beneficial results" (Anastasakis and Bojić Dželilović, 2002). There is insufficient evidence to claim that, all countries of the WB in the period from 1999 to now, were demonstrating the same amount of capacity and willingness to undertake activities towards improving regional cooperation and in result European integration. This casts a shadow of doubt, from an empirical point of view, on the validity of claims which describe the parallel, inter-twined and linear relationship between regional cooperation/intra-regional integration and the European integration of the WBCC.

The SAP was posited in the same way as regional integration initiatives in the WB, namely as a framework for dialogue between political actors in the process of integration. Unlike regional initiatives who were oriented towards establishing and pursuing dialogue among the countries of the region, the SAP was directed towards organising a dialogue between the EU and the WBCC. However, it did consider the dialogue between countries in a regional

[67] "The Road to Thessaloniki: Cohesion and the Western Balkans", *European Stability* Initiative, source: http://www.esiweb.org/.

format though the assessment of the work of certain regional initiatives most notably the RCC. The final outcome of the dialogue between the EU and WBCC is captured in the signing of the SAA. The individual modality of the SAP is executed through the SAA that are signed between the EU and each of the WBCC. The signing of the SAA grants the signatory party a potential candidate status with a perspective to accede to the EU. The decision to sign an SAA is of a political nature which can be explained with the fact that the SAP has been evolving in parallel to the integration process within the EU (Petričušić, 2004: 8). Throughout the years, it has been enriched with elements that have reflected the challenges and changes that the EU has been facing and that occasionally have been adopted. These changes and challenges have mirrored not only the state of play of the EU integration process but also the ones that have occurred outside of the EU borders in the international community. Practice has shown that sometimes the decision to sign the SAA truly reflects the individual country's performance and sometimes it is a form of a political incentive to preserve balanced integration dynamics in the WBCC. This balance is forced to mostly downsize the gap between the statuses of countries encompassed by the SAP and to provide further motivation for future reforms and progresses to be made within the accession phase. The SAA's high political value lies in the fact that it represents not just an incentive for the progress of the enlargement process but also an obligation for the aspiring members. The ultimate goal of regional countries is integration in the EU, while the ultimate goal of the EU is to "transform the countries of the WB into democracies and thriving market economies with strong and competent institutions, ensuring the rule of law, respect for human rights and protection of minorities" (Anastasakis, 2005). It is strongly believed that the SAP and the SAA will enable both goals. Among other things, the SAA "encourages the active development of regional co-operation and good neighbourly relations" (Anastasakis, 2005). The fulfilment of obligations arising from the SAA in this domain is evaluated carefully each year to maintain the satisfactory level of compliance with the conditionality policy.

The conditionality policy is the very essence of the regional and European integration process of the WBCC. The content of the current conditionality policy was introduced in 1993 and it is better known as compliance with the Copenhagen criteria.[68] The SAP is a derivate of the enlargement policy and it is tailor made for the WBCC. The main characteristic of the SAP

[68] The Copenhagen criteria were proclaimed by the EC in Copenhagen in December 1993 and they require that a candidate country has: 1) stable institutions that guarantee democracy, the rule of law, human rights and respect for and protection of minorities; 2) a functioning market economy, as well as the ability to cope with the pressure of competition and the market forces at work inside the Union; and 3) the ability to assume the obligations of membership, in particular adherence to the objectives of political, economic and monetary union.

is its dual nature and it reflects the integrative and disintegrative dimension of the process. The EC has explained this phenomenon by highlighting the dual purpose of the SAP which is enhancing bilateral relations of the WBCC with the EU and strengthening the regional approach based on mutual relations of the countries within the region and relations of the WB with the EU. Stabilisation of the region and its integration in the EU, while meant to be parts of the same package, seem also to entail a contradictory logic: "while for stabilisation, the regional dimension is crucial, integration – even within the regional framework – is an essentially bilateral exercise" (Delević, 2007). The integrative/disintegrative dimension of the conditionality policy as much as the European integration process of the WBCC is best understood through the explanation of the so called 'regatta principle'. [69] The regatta principle was first mentioned at the EUC meeting in Luxembourg 1997 where some EUMS advocated that accession negotiations with all applicants should begin at the same time.[70] Later on, the EC in its various documents, used this catchphrase to announce that countries from now on will join when qualified, rather than in groups as before. However, in retrospective, the development of the European integration process in the WB questions whether this is truly the case. Examples are to be found in the dynamics of North Macedonia which at the turn of the century had potential to become the first accession candidate only to be left to wait until 2018 when its candidate status has been approved but without a date to commence accession negotiations.

The conditionality policy is being shaped by various actors at various levels such as the EU institutions, EUMS and/or potential/candidate countries. The conditionality policy is the corner stone of the enlargement process and its shaping is determined by the understanding of its role and purpose. For a proper understanding of the logic and abiding rules of the conditionality policy should be elements of effectiveness and credibility in place. Effectiveness and credibility are compatible and mutually dependant since one cannot take into account effectiveness if there is no credibility and vice versa. They altogether depend on the domestic conditions, as well as, the interaction of international (EU) and domestic (WBCC) actors. Conditionality policy is effective and credible if there is continuity in reassuring the potential/candidate countries that their compliance with the policy will be rewarded and if the reward is of a substantial value. Continuity of reassurance is maintained through a sequencing process of applying the conditionality policy, so that every step forward is being rewarded. On

[69] "The regatta sets sail", The Economist, June 2003, retrieved from http://www.economist.com/node/1879082.
[70] Presidency Council Conclusion, European Council, Luxembourg, 12 and 13 December 1997, source: http://www.europarl.europa.eu/summits/lux1_en.htm.

the other side, the substantial value of the reward understands that the domestic adoption (political) costs of complying do not prevail the costs of the reward itself (Schimmelfening and Sedelmeier, 2004; Schimmelfenning, 2008). Practice has proven the difficulty of striking a balance between the costs and rewards of the conditionality policy. The lack of balance has further exerted another duality referred to as the 'positive or negative' conditionality. "The negative conditionality means suspending or terminating benefits in reaction to non-compliance by a target state while positive conditionality means the delivery of benefits as a reward for the performances of a prescribed behaviour" (Zuokui, 2010). The consequence of a negative conditionality could, for example, lead to a suspension of the enlargement process as was the case with Serbia in 2005 when the EC concluded that no progress in the enlargement process has been achieved due to the lack of cooperation with the ICTY. The result of positive conditionality, for example, could lead to a very tangible reward such as the Council decision on liberalising the EU visa regime in 2009 with all countries of the WB except Kosovo*. Continuity of reassurance at the same time showed that the EU can, at certain stages of the enlargement process, successfully compensate the moments of the less credible and effective conditionality policy by increasing the value of intermediary rewards (Bogićević, 2011). Intermediary rewards can be described as recognition of significant steps which are intermediary since they bridge certain important sequences of the enlargement process. The decision on liberalising the EU visa regime towards the WB was an intermediary step because it bridged the stage of fulfilling the last SAP (association) phase and the beginning of a new (accession) phase in the enlargement process.

The structural nature of conditionality requires an overall change of the existing domestic political system in pursuit of EU membership. This kind of change results with a broader and deeper monitoring of adjustments to the required level of candidate countries' national policies so that they can fit into the already established framework of EU policies. This is being equally done through the integrative bodies on both levels of the integration process. It is necessary to take into account the 'scope' of applying the policy of conditionality. In the case of WB countries, the scope is determined by: 1) transition (liberal-democratic), 2) statehood (weak, limited, internationally controlled), 3) governance (authoritarian rule), 4) cultural, historical and societal properties (re-formulation and re-interpretation), 5) future ideological orientation (lack of vision), and 6) external political support ('limited' friendships within the EU) (Koch, 2015). The substantive content of conditions relates to which extent norm compliance is being achieved. The diversified results in socialising political elites to comply with EU norms has imposed a new approach towards political conditionality which in

turn leads to a more predetermined, rigid, conditional and controlled accession process. In this sense, one talks about the politics of norm compliance and how it is instrumental for either advancing or hampering the progress of the European integration process. The problem here lies in the clash of different understandings of EU norms during the process of their adaptation, modification and compliance to satisfy the integration demands. The WBCC are struggling with at least three types of normative systems that need to be aligned with the overarching EU framework: 1) individual (elite), 2) societal (nation-state level), and 3) regional (WB). It appears that WBCC (individual and societal) norms are under the EUs (external) scrutiny whereby national attributes need to be adjusted so that their rough edges can fit into the sophisticated EU framework. One way of reconciling differences between these normative systems is by interpreting them in a commonly acceptable manner so that their 'translation' into concrete practice through implementation and enforcement leaves little or no place for cognitive manipulation. For such an action to take place, the system in which these changes are supposed to occur must be based on a previously reset mind set of political elites tasked to promote and protect European norms. For example, in the case of Serbia, certain actual and former Serbian officials believed that these changes are taking place under the reign of the current majoritarian Serbian National Party (SNS) government:

> "It is true that Vučić has succeeded in changing the societies consciousness and making a 'salto' in the heads of the population...Reforms are taking place but whether they are happening in the right way and what effect they will bring, we shall see in practice".[71]

This section opened the question of re-conceptualising the policy of conditionality which would recognise that 'old integration' forces (peace, external threats, economic growth, etc.) cannot stand alone anymore but in order to maintain their effectiveness need to be employed for achieving a greater good – integrating with 'common Europe's culture'. Becoming a part of 'European culture' means adopting views on shared EU norms underpinning the European project since it represents a new type of energy that outsources attempted European unity and cohesion. So far, EU norms have only worked both ways but with a growing rate of deepening gaps between two parts of Europe: the EU and the other Europeans. The re-conceptualised political conditionality could also be used to re-tailor the European integration suit worn by political elites in the EU and WBCC.

[71] Interview with Branko Ružić for 'Blic', Belgrade, August 4th, 2014, source: http://www.blic.rs.

Contrary to the first established regional approach of the EU towards the WBCC and previous enlargement practice, the new Enlargement strategy has split conditionality policy in two by differentiating the frontrunners and the laggards. The differentiation between the 'frontrunners' and the 'laggards' as participating countries of the WB in the process of European integration provides information not just about the level of these countries' compliance but also about the success of the policy of conditionality and thus enlargement. During the whole pre-accession and accession phase, the applicant countries are required to continuously fulfil all demands that were laid down by the Copenhagen criteria, as well as, to implement the SAA. In between all these stages, and as a condition for moving ahead with a new phase in the pre-accession/accession process, the satisfactory track record in implementing conditionality policy is on display. The most recent assessment made is that currently none of the WB countries satisfy conditions for membership including Copenhagen criteria as laid down in Article 49 of the TEU (EC, 2018: 3). The most important element in progressing towards the EU is compliance with the conditionality policy while based on understanding the necessity and significance of all steps that have been taken in this process. Also understanding compliance, as such, is of a deciding nature. Once correctly understood compliance can lead to proper actions. The weak states or the laggards have had less success in adapting and implementing the major conditionality requirements while the stronger states as frontrunners are more advanced in doing so. The pre-accession/accession process progressed only when compliance with the conditionality policy was present. The conditionality policy is dependent not only on political will in the EU, but also on the political will of an aspiring member state. Although, all states in the WB still have problems in their reform processes, the success in achieving progress determines not only the level of integrativeness but also the level of domestic resistance to external pressure/demand (Anastasakis, 2005). Credible and effective conditionality policy exists only if there is continuity in compliance. There has been a rise in discussion that the quantity of compliance has taken over the actually achieved quality of the exercise. As of 2004 the enlargement conditionality increasingly became a technocratic tool, a set of technical regulations and hurdles for applicant states to achieve. The EU's shift to technical adherence to the AC was driven by a pragmatic requirement for measurable and clearly defined targets (Rupnik, 2003). If this was really the case, then the WBCC would not be facing difficulties in assessing the required quantity of norms that need to be complied as they would have a rather clear target. Pursuing this thought on a deeper level, it could also mean that there is a measurable amount and quality of EU norm compliance. This study argues that the conditionality policy was in its essence always political however the constant

politicisation of the technical elements of the conditionality policy has illuminated the leverage of the neglected technical aspect of the policy and the process. Politicisation occurred in shifting circumstances when enlargement was not the main item on the European agenda, or it was due to other prevailing issues viewed as a potential problem. The enlargement vocabulary has suffered from these undefined movements and additionally contributed to the overall confusion in the integration discourse which is often faced with the classification of progress achieved as 'good', 'limited', 'substantial' or 'no progress' at all.[72] The differentiation of the integration process has exposed the duality of the enlargement process which has further more raised doubts about the certainty of the integration outcome. This uncertainty was generated by the inconsistency between EU regional and bilateral approaches towards the WBCC and it has imposed the question whether the EU integration is a real option or just a far mirage to compel the WBCC to cooperate among themselves since the EU integration has proven to be a success-story (Mameli, 2010). Argumentation can go the other way around stating that the EU does, through the Copenhagen criteria, apply pressure to remake the political and economic systems of the applicant countries in its own image. The politicisation of technical elements has imposed questions about the selective use of the conditionality policy and the SAP itself and even after more than a decade of rapprochement "accession is still a distant prospect and many people believe that the SAP is being used arbitrarily and on the basis of double standards" (Sotiris, 2008).

5.5. Conclusion

This Chapter has answered the questions about what integration represents in general terms and what are the specificities of regional and European integration involving the WB. It has shown where these integration processes are taking place and who the main actors are. Furthermore, it has distinguished the nature of the linkages between the processes of regional and European integration of the WB. This has been done by analysing empirical data collected from various documents produced by the EU and/or the WBCC and complemented with findings from interviews with representatives of political elites in the EU and the WBCC.

From a historical point of view integration is not a new feature in bilateral and multilateral relations of the WB countries. This experience, however, has not made it any easier for the countries of the region to assume tasks laid down before them with the EUs regional approach. On the contrary, it has kept them at a distance. The rapprochement among the

[72] EC Progress reports for the WB countries individually since 2002 until now.

countries in the region and with the EU entailed a process of adaptive behaviour and modified discourse. This required significant efforts in regaining trust whilst tensions remained. Thus, integration was nominated as the driving force in democratising post-communist states and transforming them into pluralistic societies. The adoption of liberal standards of behaviour of Western European states would, it was hoped, facilitate the process of integration. Although these norms were guiding the integration process of the WB on the European level, the study has questioned whether compliance with EU norms has confirmed assumptions that these processes are intertwined, mutually dependent, parallel and directed towards achieving a common goal of the EU membership. The findings obtained through the empirical analysis at this stage of the research show that this has not been the case.

Regional integration was introduced by the EUs regional approach as a learning curve for restoring normality in WB bilateral relations. On many occasions it was reiterated that regional cooperation/integration is a consistent element of European integration and remains a condition for concluding the SAA, which would open the second – accession – stage of the enlargement process. The main framework for conducting this are the SAC/IGC on the European level and the RCC on the regional level of the integration process. This Chapter presented the main characteristics delving into connecting similarities and differences of these bodies. The WBCC were given a European perspective which recognised the association, pre-accession and accession mode of the relationship between the EU and the WBCC on their performance dictated by the conditionality policy. It was guided by the idea of keeping the WBCC constantly occupied with higher goals and that working towards them would elevate the countries from the atmosphere of nationalistic tendencies, hate speech and destructive actions. It has forced the region to start deliberating on its identity features, developing a sense of belongingness, ownership of the regional process and provide an inclusive framework for cooperation. The main institutional setting to achieve this was the RCC, as it represented the region and had a leading position in promoting regional cooperation. However, the RCC was also not immune to the dual nature of the integration process since it has exhibited signs of fragmented cooperation. This was also the case with the role of the SAC and the IGC as they have demonstrated different levels of progression in the integration process which are results of differing compliance behaviour outcomes. The frontrunners were rewarded while the laggards were neglected. These developments allowed conditionality policy, as the driving mechanism of the integration process, to show its disintegration side which has challenged the regional and European integration of the WBCC. For the conditionality policy to remain effective and credible, it was necessary to ensure continuity in reassuring the candidate

countries that their compliance with political criteria will be rewarded and that the reward is of a substantial value. The changing nature of the EU's conditionality policy dictates expectations with regards to EU norm compliance outcomes which in turn leads to a more predetermined, rigid, conditional and controlled accession process. At the same time, this process became overwhelmed with the instrumental use of EU norms, which resulted in political elites in the WBCC paying lip service to the EU's conditionality policy through politicised meaning making. These issues surfaced out the differences in socialisation of political elites in the WBCC on the level of regional and European integration.

Chapter 6: Political elites in theory and practice

6.1. Introduction

The previous Chapter has introduced integration process as an environment in which socialisation of political elites in the WBCC to comply with EU norms takes place. It has highlighted the main features of the two-level integration process in the WBCC. Since socialisation is presented as the main integration mechanism, this chapter provides information about political elites as the main actors in the process and agents of socialisation. Although this study acknowledges the fact that there are many other relevant political actors in the process of integration (i.e. civil society), the research unfolded here focuses only on political elites of the WBCC and EU as the driving force of the integration process. Political elites in the WBCC and the EU are researched as a "group of people who occupy certain positions at the top levels of social hierarchy which gives them control or influence strategic decisions" (Kaminski and Kurczewska, 1995). As previously mentioned, they are not observed as a single and homogenous body but as a group of individuals of various backgrounds who share more similarities than differences. By holding different positions on the governmental level, civil sector, business community, academia and non-governmental sector, their engagement is of significant importance for European and regional integration of the WBCC and subsequently this research. This study focuses on the interaction between these two groups of political elites which instigates or not socialisation led compliance. It departs from the previously given definitions of political elites to make further conclusions about the main characteristics of national political elites in the WBCC and representatives of the EU political elite as engineers of the integration process; to determine the particularities of the relationship between these two groups of political elites, as well as, their roles within the integration framework; to present their subjective understandings of the RoL as an EU norm that steers the integration process; and to introduce results of socialisation led compliance. It accentuates the implications of the differing historical background, political culture, experience and development of political elites in their interaction motivated by integration efforts and subsequently on their compliant behaviour. This dissertation explores socialisation of political elites achieved through argumentative persuasion as its main tool. It investigates the character of persuasive dialogues and argumentative moves made by political elites to communicate integration messages through previously established frames. Finally, it deconstructs these messages to discover and interpret their underlying meaning which infers that political elites in the WBCC are paying lip

service to political conditionality and that they instrumentalise the use of the RoL. This leads to the conclusion that compliant behaviour of political elites in the WBCC is of a selective nature due to the lack of their willingness and capacity to continuously and actively comply. Thus, discourses among and between representatives of political elites of the WBCC and the EU, as a vehicle through which compliance with EU norms leading to change of existing normative systems and practices is legitimised, are of interest to this study. To uncover it, this study employs PDA, QDA and to an extent interviews to retrieve empirical data which is presented as follows.

6.2. Political elites in the Western Balkan candidate countries

The current political landscape in the WBCC is still plagued with remnants from the communist/socialist past and it should not be a surprise that states, societies and other political actors such as political elites are in a continuous phase of transition. Being exposed to liberal-democratic values, standards and practices it was expected from them to abandon old habits and embrace a new way of life that would bring them closer to the contemporary world. Alas, as practice shows, in the case of the WBCC this is still a far-fetched assumption.

What is now being labelled as 'political elites' in the WBCC is a deep mixture of representatives of the former communist and or socialist parties, with certain radical twists, who have exchanged positions of a ruling party and opposition, who have mostly declarative political programs and frequently changing names to make it more appealing for the electoral body but with the same substance. These individuals and groups have been in power since the beginning of the 21st Century when long expected 'democratic changes' supposedly occurred. Their power has become even more entrenched in traditional sources such as police, military and the executive branch. During the past periods, they have sought new sources of power leverage such as judiciary and media. "The modus operandi of such political elites is nested in the combination of many factors: corruption, clientelism, nepotism, populism/nationalism, parochial linkages and personality cult" (Gallina, 2010). The last twenty years show a solid track record of such governance in all WBCC as regimes formed out of such political parties have held office. Additional legitimacy to their rule was given once they have partnered with the political elites in the EU to move their countries closer to the European political mainstream and lock them with integrative reforms of a political stable, economically prosperous and military secure region. Although they have been recognised and accepted by the EU as their main interlocutor, the political elites in the EU aimed at Europeanising them to behave in an

appropriately European manner since "the leaders of the region must take full ownership and lead by example" (ENS/17-18:7). The question that remains, however, is to lead by what example.

Since current regimes in the WBCC are understood as authoritarian, most scholars and practitioners argue that political elites and especially their leaders govern either by the RoL or by fear (Ordanoski, 2017). This study supports neither of these theses but introduces a new one whereby it claims that political leaders base their power on governing the fear of others. Political leaders draw their power and influence from the lack of knowledge, capability, experience, doubt and willingness to oppose and question decisions and actions by the domestic public. In choosing to govern by fear such leaders have personalised their power instead of empowering institutions. The political system based on these features of their power has unambiguously sent a message that if someone is not a part of that system they will be perceived as being against it. Opposition to such a system, manifested openly or in a clandestine manner, will be severely dealt with. Having decided to firstly support such governments and then continue working with them, the EU has consciously agreed to participate in maintaining stabilitocracy for the sake of preserving regional peace (Vučković and Đorđević, 2017). This further legitimizes the works of authoritarian regimes in the WBCC and runs contrary to all efforts in reforming governance that would be based on transparency, democracy and the RoL. In a way it also provides political elites in the WBCC with an alibi for undertaking measures that might have been initially negatively criticized and portrayed as an obstacle to integration efforts. Finally, political elites in the WBCC have had problems in trying to situate themselves in these new 'integrative' circumstances which included efforts in building a new identity. Political elites in the WBCC still have trouble in defining themselves as the principle for identification as they are usually centred against the 'others'. The dissolution of the former SFRY contributed to severe political instability, the collapse of national economies, the spike in unemployment and poverty, lack of prosperity, the rise of hostility and domestic violence and a deepening international isolation. The interplay of these factors led to the reversal of political culture which entrenched even more the monochrome policy of 'us versus them', whereas 'us' were members and supporters of the ruling regimes and 'them' were all of those who opposed such policy and stood openly against it. "In contrast to collective endeavours that have entirely suppressed individualism in WBCC during communism, before that era, almost all WBCC were a part of the Ottoman Empire where the concepts and ideas of Enlightenment,

Renaissance and French Revolution have been partially and indirectly received".[73] These developments heavily affected the development and functionality of political elites in the region. The early years of WBCC democracies in transition revealed that "political elites in post-socialist societies are made up of individuals and groups of various social and historical origins and ideological orientations: former dissidents of diverse provenance, more or less reformist members of the ex-communist nomenklatura, members of professional groups (so-called technocrats), people from the sphere of the Church and even some members of pre-war political elites" (Adam and Tomšič, 2002: 435). These years were also relevant from the aspect of acknowledging the deficiencies that needed to be overcome in order to 'catch-up' with the rest of the Europeanised neighbourhood. The reverse order of state-building (nation-state vs. economy) in this region in opposition to the one implemented in the other parts of Europe (economy vs. nation-state) suggests that 'in catching-up societies', "statesmen and people alike are quite aware of what an integrated modern state should be. In most cases, this awareness results in conscious attempts by the political elite to reach this goal quickly by taking shortcuts, mainly by utilising the legislative and organisational techniques of much more advanced states" (Mishkova, 1994: 11). In the late 19th century, disintegrated "catching up" societies had to fill in the gaps of the social hierarchy and replace the previously held positions of the representatives of the Ottoman Empire with socially and mentally underdeveloped members of domestic elites. "Driven by the logic of participation in the redistribution of power, little effort was invested in integrating and later modernising the still divided societies" (Mishkova, 1994). This practice has continued throughout the communist and immediate post-socialist phase of elite circulation and reproduction. "Changes in these countries did not have an impact on the social composition of elites, since the nomenklatura was able to stay at the top of the social structure and become the new grand bourgeoisie" (Adam and Tomšič, 2002). The former nomenklatura uses its political power to gain private wealth and the process of privatisation benefits it in retaining its position at the top of the class structure without many constraints. "The political and economic transformations of the countries have brought certain structural changes at the top level of the elite hierarchy but the principles by which they legitimate their authority, power and privilege have not altered" (Lazić, 1998).

It is very difficult to classify post-socialist transformation at the top of the WBCC societies as simply an elite circulation or an elite reproduction. Instead, many scholars originating from the region are prone to debate about political elite reconstruction whereby

[73] Authors' interview with NPE, 20/9/13.

"the arising elites, with the new reproduction basis and new social role, forged by previous 'cadres' and 'refreshed' by new incumbents, produce a social order in which they are becoming the kernel of the new ruling class" (Lazić, 1998: 96; Adam and Tomšič, 2002; Gallina, 2010). This would introduce intra-social mobility by which some members of the old elite would remain in the place they occupied before, some would move downwards, and the others would move upwards in the class structure. After the democratic changes in 2000, 'open elite transformation' was replaced by relatively 'closed elite transformation'. The new type of elite transformation is taking place in circumstances where a gradual separation of political and economic sphere is being introduced. The separation of competences within a sphere influences the division of authority in the elite pyramid whereas new mechanisms for acquiring positions and adaptation to further resource control are being established. In such circumstances, the majority of old elite (communist/socialist) members were prevented from obtaining any high command post in the new (post-socialist/quasi-democratic) elite, whereby top members of the old elite had little chance to enter new elites because of their symbolic connection to the former regime. On the other hand, many of the new elite members have been ascending from the lower social strata, while the bulk of the old elite lower ranks entered the middle and, in some cases, high positions in the new elite. The largest part of the new elite members originating from old elite lower ranks started in small private enterprises to reach top business positions. "All of them used the extraordinary conditions of civil war, international isolation, pauperisation, collapse of the legal system and other accompanying social abnormalities to enrich themselves rapidly. This group of the so called 'nouveau riches' has been merging gradually with a transformed part of the old elite paving way to new elite in the transitional society" (Lazić, 1998). The separation of competences also introduced the awareness of interdependences of the economic and political dimension of an elite member position. Politicians and managers, whose current and future positions and power depend on the existing economic system, may feel that any radical change could threaten their actual status (Lazić, 1998: 79). Therefore, they advocate a continuation of an extremely slow pace of post-socialist transition which is supported by resistance of lower social strata and elite ranks to further structural change in the economy, while resistance supports the ruling groups in their use of slow pace of transformation for their own benefit. This phenomenon is equally present with the old as much as with the new elite. Unlike the first one that had to rather quickly adapt, the other was gradually adjusting to the new circumstances. However, the latter has been rather comfortable with its gradual change, which resulted with a slow process of transition over completion, assuming that this could help the preservation of its current position as long as possible.

The members of the old pre-2000 elite were not typically highly educated but most were strongly dedicated to the Communist/Socialist ideology. The international isolation, lack of prosperity and pauperisation had completely eroded the system of values and beliefs whereby it became difficult for individuals with any kind of knowledge and capabilities to survive and distinguish themselves. This also led to the disappearance of the middle-class which inserted a very wide social, cultural, economic and political gap between the upper and lower social strata. A new rule – parochial linkage - for becoming a member of the counter elite was often employed whereby education and social background had no relevance unlike family ties that were a predisposition for trust and cooperation, as well as, a basis for forging different social connections such as intra-elite alliances and coalitions. "Due to its closed circulation, the old elite remained large, less developed but still able to hold command over key positions in the decision-making process in the absence of alternative cadres" (Lazić 1998). The members of new elite were younger, better educated, and technocratic in skills and orientation. Unlike the old elite, whose members transferred their political into economic properties, the new elite was made of people with low political and high cultural/educational capital. However, the entrance of a certain number of old elite members, especially from the lower ranks made the original variety of social background even more heterogeneous. As a result, there were rather unstable and unpredictable intra-elite relations, as well as, relations towards the old elite. These relations based on streams of different normative orientations have affected in a dissonant way the two-level integration process which is a direct product of lack of inter-social mobility within elites.

This study observes representatives of political elites in the WBCC being intimately linked to the process of EU integration, and specifically the EU policy of enlargement. They come from different spheres of state and social affairs (political, economic, legal, social, cultural, business, etc.) with emphasis on their expertise on the matter that is discussed in this dissertation. They practice their 'power' and 'influence' deriving from the knowledge of European and regional integration *vis-à-vis* their counterparts in the EU, as well as, toward the domestic and foreign public. The practice itself entails not only mere properties of the power of knowledge (intelligence, skills, education, interest, etc.) but also the capability to manage, control and transpose them. This explains power as a socially constructed property of the elites as political actors in the process of integration and highlights the 'soft' and 'hard' dimensions (Nye, 2009). However, this kind of power is also the source of differentiation between political elites in the WBCC and the EU. Once the decision was taken by the WBCC to engage in European integration the political elites have placed themselves knowingly into an inferior

position. This created at first a student-tutor relationship which quickly developed and became sophistically modified into a hierarchically asymmetrical relationship. In this sense, Europeanisation meant adjusting the discourse and behaviour of political elites in the WBCC to expectations borne by the European integration process itself. Almost at the same time, the WBCC were engaged in a process of reconciliation and good neighbourly relations which would stabilize bilateral relations in the region and overcome remaining tensions from war-thorn societies. On the regional level the relationship was different to the extent that former Yugoslav Republics, apart from Albania, were brought into a position of re-integrating themselves. Unlike the European level where the political elites in the WBCC were in a status of a 'norm taker' while the EU was a 'norm giver', on the regional level the WBCC were learning from each other under the EU guidance.

6.3. Political elites in the EU

As in the case of the political elites in the WBCC, the national political elite of EUMS consists of representatives of the ruling and opposing parties in government, civil society, academia, business, culture, media, etc. They are defined as the occupants of the central political power positions as they include the heads and members of the national governments of EUMS, as members of the EC and the Council of Ministers, EP, EC, European Court of Justice and the European bureaucratic elite – Eurocracy (Haller, 2008: 58). They are connected by the general idea about the European project and practices in accomplishing a mutual goal, that is "an ever-closer Union" and they become a part of the European political elite either by election in their constituencies or by positional shifts within an institutional hierarchy.[74] The EU political elites are composed of representatives of EUMS with a different background and a different function. For an individual to work in any EU institution, he/she must comply with the first and foremost criteria, which is citizenship of a EUMS.75 Bearing in mind the different nature and role of EU institutions, their nationals can enter the EU institutional systems in two ways: either as a political activist (EP, Council of Ministers, EC) or as an expert in a certain field (EC, EEAS). Although they are all supposed to act in the best interest of their states, people and the EU, they also tend to develop in time their own particular interests. Individual members of the European political elite, driven by their ambition and motivation, can

[74] The Treaty of Rome, 1957, source: https://ec.europa.eu/romania/sites/romania/files/tratatul_de_la_roma.pdf.
[75] Staff regulations of officials of EU communities, OIB, 2004.

enthusiastically participate in the European integration process. The origin of this behaviour lies in their striving for power and prestige since political success on the European level can result in further promotions either on the national or on the communitarian level, or both. National political elites in the EU are considered to be the "pivotal driving forces who establish, maintain, transform – or even dissipate – the institutions and politics of the European Union" (Vogel and Rodriguez-Teruel, 2016: 8). What is common for all members of political elites working in either of the EU institutions is that they face difficulties in reconciling their national, individual and functional interests since "they ultimately decide on the restriction of national sovereignty and the continuance of European integration" (Vogel and Rodriguez-Teruel, 2016: 8). The capability of controlling and managing the differences of three-dimensional interests is rare and more tested than the possibility of benefiting from similarities of these interests. The same difficulties arise when these individuals need to reconcile the many identities they share from being national politicians to becoming representatives of a European polity. Most members of this Eurocracy were educated either at prestigious institutions such as the European college in Natolin and Bruges or in educational centres like Oxford, ENA, and Sorbonne. Over time these institutions became famous due to their promotion and embodiment of Europeanness in mental structures of future political leaders and practitioners of European governance. In contrast, the WBCC have recently established a Regional School of Public Administration (ReSPA) with the aim to breathe in the 'European spirit' of handling matters in accordance to prevailing European practices, but to this day, with not much success.[76]

In comparison to national political elites in the region who still operate in a transitional political system, European political elites are engaged in a consociational political system of the EU. The main characteristic of this system is its complexity due to the nature and role of institutions involved and the decision-making system where decisions are made only if all major parties agree. In such a system, elite cooperation prevents deep social divisions from destabilising democracy and government by elite cartels and is designed to turn a democracy with a fragmented political culture into a stable democracy (Lijphart, 1969: 216). Furthermore, the threat to democratic stability by social segmentation is neutralised at the elite level using

[76] ReSPA is an international organisation entrusted with the mission of boosting regional cooperation in the field of public administration in the WB. It is established to support the creation of accountable, effective and professional public administration systems for the WB on their way to EU accession. "ReSPA seeks to achieve this mission through the organisation and delivery of training activities, high level conferences, networking events and publications, the overall objectives of which are to transfer new knowledge and skills as well as to facilitate the exchange of experiences both within the region and between the region and the EUMS", source: https://www.respaweb.eu/17/pages/1/our-history.

various non-majoritarian mechanisms for conflict resolution, institutionally anchored by inclusive coalitions and proportionality in appointments (Haller, 2008). In such a system, although members of the European political elite tend not to compete, they share divergent views on the actual approach that is to be taken regarding furthering the integration process. These divergences are a result of the overlapping national, individual and functional interests and identities. Even more, these interests and identities are constantly sharpened by the continuous adaptation of the EU's institutional structure as a response to the external circumstances in which the Union is developed. With the Lisbon Treaty entering into force, the competences of certain national institutions such as the national parliaments of EUMS have changed; the institutional system has been enriched with new institutions such as the EEAS; and certain existing EU institutions such as the EP have exerted their authority. For the area of European policy on enlargement and how integration is being dealt within its framework, which is the main concern of this research, these changes are of utmost importance. One of the results of these changes is a not so rare discordance in attitudes of different political elite groups' representatives on furthering and assessing progress of the two-level integration process in the region. Such examples are usually found in conflicting approaches to this issue by the EC on the one side, and the EP and the CoEU on the other side. More commonly there were situations, with the approval of visa liberalisation for the WB countries, where the EC strongly recommended the decision to be taken while the Foreign Affairs Council of ministers was not in favour.[77] In the end, visa liberalisation was approved in 2009 but not for all WB countries. Unlike the national political elites in the region, the European political elite due to a more or less precise differentiation of competences per EU institution in comparison to other competences of other European elites (economic, intellectual, academic, etc.) is much easier to identify and comprehend. On the other hand, they are also intertwined in a complex manor in accordance with the nature of the EU political system in which they operate.

This study considers political elites in the EU as strategic actors, who perceive supranational integration as a strategy to reduce the uncertainty of risky developments and environments –such as Balkanisation – and to empower themselves, when they perceive the resources and capabilities of their nation state too limited to pursue their interest (Haller, 2008). They have delved into the prospect of the enlargement policy making it more rigid and strict but fair so that WBCC could in a timely and appropriate manner comply with the Copenhagen

[77] See EC Progress reports from 2007 and 2008, EC recommendations and Foreign Affairs Council decisions in the same period.

criteria and the AC. Unlike the regional level of integration where the political elites in the WBCC are learning from each other under EU guidance, on the European level political elites in the EU are 'norm givers' while political elites in the WBCC are 'norm takers'. Thus, political elites have taken it upon themselves the task to transpose their own experience and use it as a base to assist the WBCC to rebuild their state and societies. There are many socialisation tools that the EU uses in this respect, but this study will only consider the features of TAIEX as the main instruments of socialisation through argumentative persuasion which will be fully elaborated in the following section. Although introducing 'the spirit of Europeanness' was the main target of socializing political elites in the WBCC there were also several side-effects that needed to be addressed as they have played an important role in directing the integration narrative and decision-making on the national and supranational level in the EU. For the past decade, surveys such as Eurobarometer and Gallup Balkan Monitor have examined in continuation the changes of moods and attitudes with the political elites in the EU and their public towards the project of enlarging the EU. These results usually showed the decrease of support once surveys were conducted immediately after a certain negative situation occurred in relation to the European integration process of the WBCC.[78] In the same way, respondents from the region would give lower positive feedback on joining the EU once their expectation have not been met or the EU's promises have not been fulfilled. These results showed oscillations in the so called 'enlargement fatigue' in the EU in as much with 'accession fatigue' in the WBCC (Bechev, 2011; Vučković and Đorđević, 2017).[79] However, and more importantly, they have also demonstrated a significant and continuous rise of Euroscepticism among both the EUMS and WBCC public and elites. This Euroscepticism ranged from hard right political orientations (i. e. Austria, Hungary, Czech Republic) through a milder version of EUMS exhibiting the so called 'reserved Europeanness' (i. e. Slovakia, Bulgaria) to attitudes typical for new EUMS who are still guided by the 'beneficiary member mind-set' (i. e. Croatia).[80] Although these side effects of the EU integration process have had an effect on the enlargement policy "the European sense of belonging, trust in the European polity and the positive assessment of how the EU has contributed to each country's development and welfare remain the columns of the legitimacy in the European integration project" (Vogel and Rodriguez-Teruel, 2016: 32).

[78] Authors' interview with NPE, 28/3/15 and Gallup Balkan Monitor editions 2010 and 2011.
[79] Eurobarometer no. 257 in 2009, no. 74 in 2010, and Gallup Balkan Monitor editions 2010 and 2011.
[80] Ibid.

6.4. Relation between political elites in the Western Balkan candidate countries and the EU

The elements of differing and to some extent similar identities, political culture, democratic practices and particular interests compose a unique kind of relationship between political elites in the WBCC and EU. This kind of relationship manifests itself through political dialogues of various kinds that form two-level integration discourses. These dialogues include formats which range from various high-level political forums such as the EU-WB Summit which evolved into a WB6 dialogue (all WB countries including Kosovo*) to political and technical meetings of various joint bodies such as the SAC and the IGC.[81] Representatives of political elites from the WBCC who are attending these meetings would include a wide spectre of individuals from presidents and prime ministers through respective ministers, parliamentarians, civil servants and occasionally individual experts and members of various civil society organisations and NGOs. From the EU side the delegations would consist of the presidents of various EU institutions i.e. president of the EC or the EP, MEPs, the EU High Representatives, EU Commissioners, medium and lower level staff of the EC and EEAS and sometimes independent experts. They all engage in a discourse to exchange messages about integration which display the attitudes that political elites hold about themselves and their interlocutors. These discourses, as previously mentioned, also serve to legitimise the activities and decisions about integration undertaken by both groups of elites. This section aims to reveal the specific character of the relationship between these elites and how it influences the norm compliance outcomes and impacts the two-level integration process. In doing so, it will highlight the use of a specific language and language techniques, such as argumentative persuasion, by EU political elites to socialise political elites in the WBCC to comply with the RoL. Political elites in the EU attempt to socialise, to a certain degree successfully, political elites in the WBCC through conversational (discourse) and textual (EU and WBCC documents) forms of interaction while the political elites in the WBCC exhibit levels of socialisation in these same forms with the addition of substantive adherence (behaviour) to norm compliance (Koh, 2005; Elbasani, 2013).

81 The Western Balkan 6 Initiative (WB6-also known as the Berlin Process) was launched in 2014 to support the six Contracting Parties of the Energy Community in Southeast Europe: Albania, Bosnia and Herzegovina, Kosovo*, North Macedonia, Montenegro and Serbia in strengthening regional cooperation and driving sustainable growth and jobs. In time it outgrew the sector-specific aspect of the initiative and became politicised as it started practising regular high-level political meetings between the WB6 and the EU. Some analysts believe that it is a desperate attempt to reinvigorate the existing EU-WB Summit format by silently including Kosovo* into the political dialogue scheme.

For the past years' political elites in the WBCC and the EU have been engaged in a double layered discourse about the integration process. The first layer of the discourse comprises of a political dialogue between the two groups of political elites based on argumentative persuasion. This dialogue is conducted in a relatively known situation to the persuadee since all WBCC, except for Albania, have had a rather similar integrative experience as former Republics of a federation-state. This experience includes values, norms and standards as the main binding tissue, the organisation structure and model of governance as they were both, in essence, peace projects. One of the distinguishing factors was that the former SFRY was established in the Cold War era to separate the East from the West while the EU was built to bring them together. Another one was that political elites in the WBCC knew very little about compromising. "[EU] Political elites had the task to encourage their counterparts to participate in the enlargement dialogue, to 'push and pull' the process which rests on a non-natural form of behaviour (Vučković and Đorđević, 2019). 'Compromise' is not a natural form of human behaviour which makes it a challenge for political elites in the EU to deliver the message to their counterparts and further work with them on realising this message in practice.[82] Bearing this in mind and especially the WBCC negative experience with the failure of the SFRY project the persuader is challenged to present arguments that will circumvent prior experiences and lessons learned. Second, the WBCC as relative novices to the idea of European integration, have not been so open to persuasion, as their beliefs about the role and effectiveness of integration have been very inconsistent with the EU's messages about integration. If European and EU integration were peace projects, there is no sound justification for EUMS, who are also members of the UN, to impose sanctions and embargos from 1992 – 1995 and from 1998 - 1999 mostly affecting the civilian population. Even more so, most EUMS have participated in a US/NATO led military intervention in 1999 which, in the same manner mostly affected the civilian population as collateral damage. Since memories from this period are still very fresh, the effectiveness of persuaders' argumentations is less likely. Thirdly, the WBCC have reluctantly developed the desire to become a member of the EU which has constantly been questioned, weighted and reconfirmed. This has slightly opened the door for argumentative persuasion but with a still uncertain effect. Although the dialogue on integration might have been a completely new exercise for most representatives of the political elite in the WBCC, their contacts with representatives of the political elite in the EU were of an older

[82] Author's interview with EUPE, 8/12/14.

date.[83] When it comes to party politics one important element that certainly has facilitated their communication, is that "many of the WBCC political parties are associated with some of the EP political groups which gives both sides certain leverage in the enlargement process".[84] This fact speaks in favour of a multi-layered integration dialogue that has been taking place in past years. It was easier for political affiliates to exchange messages about integration in an atmosphere of partisan closeness and shared ideologies and to also informally seek guidance on future steps in the integration process. This is somewhat a paradox in contrast to the previous argument that political elites in the WBCC still exhibit a reflexive rejection of embedding themselves within the 'other' European identity. Given the nature of the asymmetrical relationship between the EU and the WBCC as a tutor and a student, the EU has imposed on itself a role by which it 'lectured' and 'demanded' and still does so. The EU demand side over time has become an endless list of requirements contained accession criteria, observations of Progress reports on integration and Enlargement strategies coupled with individual positions of certain more sceptical EUMS.[85] Finally, the interaction between the EU and the WBCC, as the persuader and persuadee, has never so far been conducted in an "insulated, private and less politicized setting" (Checkel 2001: 563). The nature of the dialogue *per se* is political since all the WBCC have achieved a national political consensus on the matter pursuing European integration and have declared this as their number one foreign policy priority (C/SR, C/ALB, C/MN, C/NM, NA/SR/ACC/EU/04, P/MN/ACC, NS/ACC/NM/04, G/NM/APP/LEG/04, G/ALB/ACC/15). European integration has been and still is politicised by domestic politicians in the WBCC as it serves the purpose of gaining legitimacy for current and future actions and their remaining in power as long as the integration process lasts. The discourse on integration between political elites in the WBCC and the EU has always been charged with emotions and not rarely caused unpleasant situations.[86] In addition, some political dialogues have been conducted behind closed doors while others were more open and transparent, but in the end domestic politicians had to seek approval for all topics that were discussed and agreements that

[83] Prior to the dissolution of the SFRY, the EEC/EU on two occasions, in 1970 and 1973, invited SFRY to join the Union.
[84] Author's interview with EUPE, 17/5/13. For example, the membership of the Democratic Party of Serbia and Democratic Socialist Party of Montenegro in the Party of European Socialists.
[85] These are visible in introductory remarks in every edition of these documents.
[86] These are most visible in press conferences and media statements issued or made by representatives of the political elite in the WBCC. Some of the most recent include statements by Serbian and Macedonian politicians. Source: https://www.blic.rs/vesti/politika/ostre-poruke-dacica-eu-na-bledu-sve-je-to-bajka-tretiraju-nas-kao-decu-neka-prestanu/zhbm79x and https://www.slobodnaevropa.org/a/pogled-iz-brisela-s-ovakvim-prijateljima-u-eu-%C5%A1ta-preostake-zapadnom-balkanu/30008137.html.

have been made by the domestic public.[87] The second layer comprises a political dialogue among political elites in the WBCC *vis-à-vis* the EU and it shows a comparably smaller amount of efforts in implementing argumentative persuasion. This is explained by the fact that all WBCC, apart from Albania, were once members of an integrative state formation for over 50 years. They had the opportunity to learn about each other, to work together and work against each other. They knew all their weaknesses and strengths and have used them to their advantage or disadvantage. They speak with a 'common language' and they have a common goal – joining the EU as soon as possible.[88] In the same way they share more or less the same problems, as a legacy of their past, and the desire to solve them in one way or the other. But their past constrains them when deciding whether to participate in joint efforts to solve common problems and that strangely enough brings them together when having to persuade the EU of their sincere commitment to European integration. Here the roles have been reversed and the WBCC play the role of the persuader while the EU is the one that needs to be persuaded.

The participation of political elites in both layers of the integration discourse reflects the significance of their role in the integration process. There is no doubt that the role of political elites is very important. Their role is of a dual nature, "as they can have a positive (i.e. Croatia and Serbia) and a negative role, where the latter is due to the lack of willingness to sacrifice individual interest for the sake of achieving wide-ranging goals (i.e. Macedonia and Serbia)".[89] Political elites draw the importance of their role from the fact that they can equally contribute to the progress of the integration process by maintaining a positive role or they can hamper the process by maintaining a negative role. Their participation in the political dialogue has been assessed as the first relevant political step made towards integrating with the EU as it has reflected "joining efforts in creating a common interest" (EC/PRs from 2011-2018, ENS from 2011-2018).[90] Also, their regular participation at meetings showed that "there is commitment and political support by political elites in the EU and the WBCC to the enlargement process" (EC/PRs from 2011/2018, ENS from 2011/2018).[91] From the early onset, challenges kept growing to keep the enlargement issue on a steady track which required its permanent presence in the overall European agenda. These challenges were mostly grounded

[87] The EU institution charged with organising a meeting issues a press release for media and public after every meeting. Depending on the substance some of them are rather detailed while others are general in description about the items discussed and the debate dynamic.
[88] During the SFRY era the Serbo-Croatian language was a must learned by everyone and practiced in schools together with the mother tongue of other ethnicities.
[89] Author's interview with NPE, 18/2/14.
[90] Author's interview with NPE, 27/9/13.
[91] Author's interview with EUPE, 12/4/13.

in internal developments of the EU and partly because of international movements. Among both groups of political elites there was a growing fear that the disappearance of enlargement from the EU agenda would set the improvement of regional cooperation in reverse and along with it the integration process in general. Furthermore, it was strongly believed by the EU political elite that "it would allow nationalist and populist parties [in the WB] to gain ground within a major part of the constituency by promoting their interest which is in collision with EU standards (EC/PRs from 2015-2018).[92] The SAP together with the regional dimension of cooperation in the WB once again demonstrated that it is not just an instrument to stabilise and securitise the region but also an anchor for its democratisation and eventual integration with the EU.

At the beginning of the European integration process, there were some stumbling blocks that made the communication somewhat difficult. "In the region, there is a lack of understanding who to address first in the EU since different EUMS have different leverage in the integration process. Also, domestic elites in the region tend to often misunderstand and misinterpret messages delivered by their counterparts in the EU. This is usually a conscious manoeuvre used for gathering political points in the domestic political arena".[93] It was also a process of learning for both sides about their partners sitting at the opposite side of the table. Agreements had to be made about, for instance, the place where meetings will be held, the participants, the topics, the expected outcome, the deadlines, press statements, etc. The very essence of the dialogue was preserved in how it was framed. Every time that dialogue took place, the meeting itself, was a sign of political elites' support to the integration process. "In practice, the support to the integration process has shown to be either declarative or real (practical) due to which political and national consensus is a matter of political trade (bargain). It is possible to identify the actual moment when declarative support becomes real in the sense that it is of vital importance for all political actors.[94] The first obstacle was getting the message about integration across the table in a real-time frame of an undistorted meaning with incorporated realistic expectations. The basic utility for constructing and exchanging messages about integration is language. The EU bureaucracy has developed a specific vocabulary to communicate messages about integration within and outside of the integration structure. The so-called *E-large talk* is a specific form of language, a communication utility, used and performed by both groups of political elites in constructing the two-level integration process.

[92] Author's interview with EUPE, 4/3/14.
[93] Author's interview with NPE, 19/2/15.
[94] Authors' interview with NPE, 23/1/14.

"The EU jargon is very important, and it is a sort of a 'code' for exchanging ideas between members of the political elite in the EU" (Diez, 1999).[95] The understanding and the application of this type of language added another feature of political elites' power. The power of language manifested itself not just in the knowledge of how it is supposed to be used but also through the language motivated action. The starting position of political elites as E-large talk users was unequal which manifested itself through a limited range of use and the unbalanced amount of power that it exerts. The 'E-large talk' or 'Euro speak', as it was labelled by Schmitter (1996:122-127), is a "language of the EU whereas it defines the space for political action within the Union and is often being hardly comprehensible to an outsider". However, the EU language ranges not only within the scope of the AC but goes beyond it and includes externalities of the environment in and for which it is being produced. The particularity of the E-large talk is that it exhibits a language move whereby political implications of the performativity of language are attained through the definition of meaning (Derridean move) (Diez, 1999; Risse, 2000). The terminology used for communicating certain verbal messages about integration is shaped not just by leading interests but by normative considerations, as well. The enlargement vocabulary has changed and became enriched with every new enlargement cycle. The recognition of changes in the integration process and their meaning has altered in accordance with the change of perceptions driven by the flux of political actor interests. There is a noticeable "social component in the attempts to restructure all types of dialogue that the EU/EC has been having with the WBCC".[96] This is a direct consequence of the evolving accession process "as it becomes stricter the language becomes more developed".[97] In that sense, "existing language needs to be adapted and assessments updated in accordance with actual reforms".[98] This would require adjusting the EU vocabulary which is considered to be "uncommon as the mentalities of the political elites in the EU and WBCC are opposite. The rhetoric of enlargement is based on 'inclusiveness' which is not exhibited in the region" (EC/PRs from 2011-2018).[99] However, the EUs persistent stance on the matter on properly communicating messages about integration across the political elite in the WBCC has produced results on a regional level. The countries have learned that the type of approach applied by the EU towards the region requires the same type of response. Given that the 'regatta principle' is still applied, the countries have initiated a very broad level consultation on how to assemble an

[95] Authors' interview with EUPE, 23/4/13.
[96] Ibid.
[97] Authors' interview with EUPE, 17/5/13.
[98] Authors' interview with EUPE, 4/3/14.
[99] Authors' interview with EUPE, 10/4/13.

appropriate response.[100] They have understood that the regatta principle was in nature a 'cluster approach' which begged for a 'cluster response' (Bechev, Ejdus and Taleski 2015; Delević, 2007). This kind of response would mean developing a regional advocacy strategy as a "cost-effective way to achieve those advocacy goals related to the shared, regional impediments to EU enlargement (which are, as will be demonstrated, largely linked to the marginalisation of enlargement on the EU agenda, growing dissemination of the disintegration narrative and the unfavourable image of the region)".[101] This Strategy was also based on a well devised language to match the E-large talk used to transmit message from the EU to the WB region. It was also an attempt to acquire from a linguistic point of view certain leverage in the EU dominating integration arena. "While cost-effectiveness is the practical reason for a joint approach to advocacy, the second reason – the added value of regional cooperation in the grim global circumstances – reflects the essence of the European idea".[102] Through this Strategy and for the first time, the WBCC "have embraced the 'cluster perception' and have rallied national efforts, resources and capabilities to maximise strengths and opportunities in the integration process" (Bechev, 2011). It was also a sign that political cultures in the WBCC have matured to the level that they have overcome their first stages of communication with the political elite in the EU of a mainly manipulative persuasive nature and circumstantial bargaining and turned to the use of techniques of argumentative persuasion (Checkel, 1999 and 2001). "For many years political elites in the WBCC have been rhetorical pro-Europeans since they have been half-receptive only to the set of reforms heavily imposed by Brussels".[103] In support of this observation is the financial aspect to the reform itself. The political elites in the WBCC were adamant when discussing the 'costs' of integration reforms which could not have been shouldered by themselves given their economic situation. The priority was then given to those segments of reforms which mostly depended on financial support and it lowered them down to the level of pure technocratic activity. "When the EU integration process advances, the elite in power understands that it must play by the rules of a democratic system, then we start to notice actions to slow down or react towards the process like in the case of Macedonia and Croatia.[104] This is when discord between discourse and behaviour came into the spotlight. The political

[100] The 'regatta principle' was introduced by EU Commission and adopted by EU leaders at the Thessaloniki Summit in 2003.
[101] "Advocacy Strategy for the EU integration of the Western Balkans - Guidelines", European Movement in Serbia, Belgrade, September 2016: 4, source: http://arhiva.emins.org/uploads/useruploads/dokumentipdf/Advocacy-Strategy-WB6---Guidelines-pdf.pdf.
[102] Ibid.
[103] Author's interview with NPE, 20/9/13.
[104] Author's interview with NPE, 26/9/13.

elite in the EU was insisting on a declarative (rhetorical) support to the integration process that would be supported and sustained by practical activities (EC/PRs from 2011-2018 and ENS from 2011-2018). One needed to translate the policy that they preach into action. On many occasions it was asked "whether political elites are managing the process of European integration in good faith. The common problem throughout the region was of the relation between rhetoric and deeds".[105] The main question was whether political elites in the WBCC had 'embraced' the RoL which would be assessed through their actual behaviour. The political elites in the WBCC needed to learn and adopt EU norms not just by updating their beliefs as an individual move but also by observing how they are being internalised and externalised by the political elite in the EU. Social learning as part of a wider socialisation process had the aim to change the perceptions of norms as a constitutive part of identities and interests through and during political dialogue as a prevalent mode of interaction between elites. At this stage, the use of E-large talk "does not help in communicating important processes which are determining factors both for political and economic stability, as well as, for dissemination of norms on which our joint project is based".[106] However, given the dual nature of the integration process, social learning successes on the European level should be feeding back in to the regional level and the other way around. The political elites in the WBCC among themselves, given the closeness of their history and tradition, still understand each other better than when they communicate with the political elites in the EU. This is partly explained by the fact that 'regional belongingness' determines the characteristics of the WBCC identities and their need to view the EU as the 'other' opposing European identity (Bechev, 2011; Delević, 2007). Unlike the dialogue with the EU where not so many things can be negotiated, the intra-regional dialogue runs in an opposite way. How political elites in the WBCC and the EU communicate about integration amongst themselves does not differ that much in comparison to communication among political elites in the WBCC. On both ends of the integration dialogue, the major critique was on the transparency, clarity, substance, timeliness, and so on of integration messages which "usually get watered down".[107] Views from the region are much more critical about the involvement of the political elite in the EU in communicating integration messages and they assess that "the EU political elite failed because the average voter in the region does not attach its independence to the EU but to the political elite".[108] In

[105] Author's interview with EUPE, 26/2/14.
[106] Authors' interview with EUPE, 12/4/13.
[107] Authors' interview with EUPE, 10/3/14.
[108] Authors' interview with NPE, 2/3/15.

the same way, "the elites' are perceived as modern 'ATM's'….there are no crucial differences in political programs of domestic elites' who shift their seats in office. This is where the whole idea of political plurality failed and showed that the enlargement process, which is a process of change, needs to be deeply grounded within a society and state".[109] In conclusion, "while the end goal of the elite is to present themselves as fully dedicated to the EU cause, the fundamentals of enlargement are regularly side-lined" (Vučković and Đorđević, 2019).[110]

Bearing in mind these accounts, it can be concluded that legitimisation of political elites' activities related to integration through political dialogue between elites and among them has been successful only to a certain degree. This challenges every argument that any change in discourse and behaviour of political elites has been conducive to their interaction. It further reinstates the question, whether social learning through argumentative persuasion did have the same effect on both ends of the integration process on the European level. In contrast, on the regional level it has motivated political elites in the WBCC to tighten their ranks in providing a joint response to enlargement challenges, which they would not be able to address individually in a successful manner. This further raises the question whether social learning through argumentative persuasion did have the same effect on both levels of the integration process. Building on this, the next section will elaborate more about the effects of a shallow socialisation scheme of the political elites' behaviour *vis-à-vis* the two-level EU norm compliance dynamics.

6.5. Political elites and the two-level EU norm compliance dynamics

The socialisation scheme provided by the EU to shape reasoning and interpreting by political elites in the WBCC of the two-level integration process assumes that a mutual understanding is shared about norm compliance. This scheme includes TAIEX as a specific instrument for socialising political elites in the WBCC to develop a mutually shared understanding of compliance with the RoL. "TAIEX represents an instrument of the Enlargement policy used for capacity and institution building in the WBCC that are financially supported by the Instrument for Pre-Accession (IPA) and managed by the EC" (EC/TT/18). TAIEX offers peer-to-peer technical assistance and policy support between public experts in EUMS and WBCC. The instrument targets public administrations, judiciary and law

[109] Ibid.
[110] Authors' interview with NPE, 20/9/13.

enforcement authorities, parliaments and their civil servants, representatives of social partners, trade unions, and employers' associations. It offers short-term assistance in three main ways: study visits, expert missions, and single or multi-beneficiary workshops. Over the years a couple of thousands of activities covered by TAIEX involved the capacity building in the WBCC. "The IPA region accounted for almost 40% of TAIEX events with a growing emphasis on EU-related reform processes involving the RoL and the Justice and Home Affairs sector where around 20% of activities are dedicated to fighting corruption and organised crime" (EC/TT/18). Most of these activities are related to instigating and managing compliance on a European level of the integration process. Some activities on the regional level, mostly only financially supported by the EC, are indirectly involved in the socialisation scheme. The statistics of conducted activities and the description of implemented programs and projects give an impression that much is being done on the European level and to some extent on the regional level of the integration process (RCC/SWP/14-16; RCC/AR from 2012-2017).[111] The question that remains is not to assess the quantity, but rather the quality and extent to which these activities have achieved expected results. Also, how much have political elites' discourse and behaviour been influenced by argumentative persuasion to meet the integration demands. In that sense, views of political elites in the EU and the WBCC significantly diverge and reveal that they are still playing the blame-game in assessing ones' efforts. While the EU blames political elites in the WBCC for their failure to comply sufficiently with accession criteria, domestic politicians are able to maintain and in some cases even strengthen their power by pointing to the EU for refusing or selectively choosing to recognize the progress accomplished by the WBCC (Vučković and Đorđević, 2019).

Although certain efforts have been made and the understanding of the demand side of the integration process is far better than before, there are persisting challenges. "Nowadays synchronicity between both sides is much higher than a decade ago but a significant gap is still there. The latest example from Croatia which has arguably been through the most difficult negotiation process speaks volumes about disparity between words and deeds".[112] The spotlight is still turned but fine-tuned and enhanced towards abiding with requirements laid out in the policy of conditionality. Political elites in the WBCC have a matching resistance towards growing requirements entailed by political conditionality. This does not contribute to a positive perception which is already burdened by 'obligations' and not 'desires' that the political elite

[111] Detailed accounts of how these programs enable socialisation are presented in the following Chapter.
[112] Authors' interview with NPE, 20/9/13.

in the WBCC initially expected to translate into practice. There is also the element of interpreting political elites' 'will' and 'capacity' as crucial factors that determines the stance of certain political decisions even in cases when the basic conditionality requirements are not satisfied. Since this problem persists and gains more ground in practice, certain scholars have recognized that there is a *substantial lack of domestic political will* to meet the EU accession conditions. It is a must in the accession process and without *it, there is no advancement in the integration process. (*Vučkovic and Đorđević, 2019; Elbasani, 2013; Elbasani and Šabić, 2018). "They [elites] partly understand themselves because often national elites play on the hand of EU integration and show political willingness to progress but sometimes, they also use it as a tactical step that suits their interests. The national elites sometimes misunderstand the will of EU political elites".[113] However, even if there is a mutual understanding on a number of issues, which demonstrates elites understanding, "it is conditionality that is not always positively perceived. It has not been always perceived as being just a fair process, especially when it comes to bilateral relations."[114] The challenges arising within the component of properly 'understanding' the integration process further liaise with the component of compatibility between political elites reasoning and interpreting the integration demands. The views on this matter, again, show a significant level of diverging opinions and also harsh assessments on the effectiveness of political elites' discourse on the two-level integration process of the WBCC. Empirical data shows that due to the lack of compatibility, there are superficial efforts of political elites in the WBCC which are not fully and sincerely committed to delivering effective reforms. "They [elites] are not compatible. Basically, local elites would readily accept most of the so-called cosmetic reforms in their society. Their ultimate goal is obvious: to implement reforms and to retain the same political rating to stay in power".[115] This is in practice confirmed by political elites in the WBCC partial implementation of the EC PRs recommendations which reflects their cherry-picking approach to cosmetic reforms, as well as, the lack of political will to step up the implementation pace (EC/PRs from 2011-2018; Vučković and Đorđević, 2019). The political elites' in the WBCC fear and doubt that subduing to the demand side of the integration process would strip them off their privileges on the regional as well as on the European level have significantly relaxed. Although they have very often measured their potential losses if the conditionality policy would prevail, they have instead released their original normative considerations which run contrary to the socialisation

[113] Authors' interview with NPE, 26/9/13.
[114] Authors' interview with NPE, 23/10/13.
[115] Authors' interview with NPE, 20/9/13.

logic. The reasoning and interpreting of the integration demands are often not compatible "because politicians want to make limited changes. Sometimes, also, political elites can be guided by rather narrow pictures of the integration process".[116] The rise of "Euro-scepticism" has equally gained ground in the EUMS in as much in the WBCC. The EU has for the past decade been too busy dealing with internal challenges which affected the enlargement agenda by pushing all not so urgent matters to a closer future. This decision of postponing or possibly permanently excluding the WBCC from the EU has spread the sense of accession fatigue. Political leaders in the region do not hide their growing scepticism regarding the EU's commitments and sincerity towards enlargement. Although their rhetoric continuously repeats that joining the EU is their top priority, which is supported by their sincere determination and commitment, as they claim both in words and deeds, serious doubts are expressed whether they would truly become equal partners in Europe, even after their countries are admitted. The initial blame-game has quickly become a profound 'double-standardisation' game (Vučković and Đorđević, 2019). The roots of this are to be found in the fact that political conditionality is observed by political elites in the WBCC as double-standardisation of the demand side of the integration process. Double standardisation imposes doubt on the continuity of principality underpinning the conditionality policy which further questions its sustainability and resistance against externally driven changes. In result, political elites in the WBCC are only motivated to satisfy the technical elements of the accession process while they lack authentic domestic demand to adopt and achieve the *substance* of the EU's membership standards. "By opening chapters of the accession Acquis, they can point to their good-faith compliance with the technical demands of accession without needing to demonstrate that they have implemented any substantive or sustainable reforms" (Vučković and Đorđević, 2019). "Political elites on both sides understand each other but they simply disagree …. WB countries are ready to fulfil the technical criteria but are questioning and rightly so, if these same criteria are fulfilled at this very moment by every current member. Since the obvious answer is 'no', they are then turning towards the other set of criteria, political ones and start questioning themselves, whether these political criteria will be the same in years from now or whether they will change, and if that is the case, are they ready for this or not, to follow the path and for how long or not".[117] The growing concern related to the aspect of political conditionality further points to the direction of legitimacy that both groups of elites seek throughout many phases of the

[116] Authors' interview with EUPE, 26/2/14.
[117] Author's interview with NPE, 21/2/15.

integration process. This legitimacy is double-layered as it stems from the elite-elite relationship. "Both groups of elites currently cooperate within the mechanism 'pay as you go' which to a certain point justifies the intention of the domestic elite to do whatever it takes just to 'sneak in' to the EU. In the region, bilateral relations will emerge from the dark whenever the elites need to win the elections. Nationalism will remain the 'main course' for all domestic elites in the region".[118]

The diverging opinions on whether there is and to which extent political elites exhibit proper understanding of the integration process and to that end they reason and interpret accordingly, have called upon numerous examples in political practice. The character of political practice is best observed through the work of institutions and most of the remarks in various EU documents related to the integration progress refer to work of national parliaments/assemblies when draft texts of law harmonised with EU regulation are set for adoption. The annual PRs have year after year registered the development of a 'habit' of rushing EU harmonised legislation through the process without political elites effectively taking part in it. The so-called 'rubber stamping' of domestic laws hinders the learning of democratic process and therefore 'rapid socialisation' often has a counter-productive effect (EC/PRs from 2011-2016). National parliaments/assemblies have been awarded a key role in representing the views of their electors in the legislative process and in controlling the executive branch of power on behalf of the people. The functionality of the legislative bodies in the WBCC is very much contested as it demonstrates first, selectivity in complying with EU norms, second, the lack of parliamentary control of the executive branch and thirdly, the civilian control of the legislative body itself. "The adoption of EU norms and legislation depends greatly on the ability of the political elite to internalise and consistently apply the democratic rules of the decision-making game" (Balfour and Stratulat, 2011: 10). The outcome of the legislative process needs to strike a balance between the adopted number of laws which demonstrates the capacity to respect the RoL but also the effectiveness of implementation of those laws, which shows the capacity to promote and safeguard the RoL. Finally, the outcome of the legislative practice will confirm or deny the actual and comprehensive understanding of political elites, their ability to properly communicate messages about integration and compatibility of reasoning and interpreting the dynamics of the process.

The work conducted in the domain of the legislative and executive branch should reflect not just the know-how but also that the performance has been done in the 'European spirit'.

[118] Authors' interview with NPE, 2/3/15.

The capacity to adopt or implement the AC requires not simply transposition through a domestic legislative gallop, but also a cognitive adjustment by elites who must not only learn to 'speak European', but also become acculturated and assimilated into European norms and 'ways of doing things' (Sasse, 2008). Both requirements are facilitated by the socialisation of elites from within the EU's institutional environment. The socialisation of political elites in the WBCC into the 'European' elite discourse understands developing the ability to 'speak European', to promote 'Europeanised thinking' and to disperse the 'European manner' of doing so on other levels of society. The current state of affairs in Europeanising WBCC shows that they are below a satisfactory level of Europeanisation as their behaviour exhibits continuous shallow compliance with EU norms which does not correspond to the level of expectations expressed through the conditionality policy. Europeanised political elites, who are cognitively connected to the EU, demonstrate that they have a good understanding of what the EU stands for, what its main policy functions are, and what policies to expect once their country becomes a MS. If political elites in the WBCC and the EU agree that they share a comprehensive understanding of the integration process, then all predispositions are met for fully engaging in advancing the process. However, as practice shows, this is not the case, as "national elites are undertaking only those measures which are not affecting their power".[119] Depending on their attitude towards the integration process, elite representatives tend to claim for their peers that everything possible has been done to advance the enlargement process. Some believe that "political elites are doing everything in their power to advance the process, but they are driven by short-term calculations to obtain political benefits. These calculations are often interest-driven".[120] The essential part of advancing the process is seen "in the inter-action of political will and technical capacity. For example, some countries during the past enlargement learned 'what to say' to the EU because they were aware of what the EU 'wants to hear' from them. But this did not necessarily do them any favours later in terms of delivery on those promises. On the other hand, others will only do that when they are ready. This means that the "top class of the political elite has understood what kind of a price they need to pay for asserting such behaviour to the rest of society. This price is mostly related to the question of national identity and to which extent the reforms would 'hurt' the elite body and its interests".[121] This observation shows that the 'Europeanised talk' needs to be substantiated otherwise the compliant behaviour of political elites will be categorised as shallow and not sincere which

[119] Authors' interview with NPE, 20/9/13.
[120] Authors' interview with EUPE, 12/4/13.
[121] Authors' interview with EUPE, 8/12/14.

will dramatically re-posit the political dialogue between elites. Others do "not agree that either of the two groups of elites are doing everything in their power to advance the enlargement process. If we take a look at the integration process, from the Summit in Thessaloniki until the present day, one can conclude that it has been developed rather slowly because it stems from the weaknesses of political elites and political and economic systems of the states in the WB region which coincides with the EU crisis".[122] In support to the camp that denies the possibility of elites doing everything in their power to advance the integration process are observations that "the media and social society who should be the watchdogs of the process are controlled, subjected to intimidation and harassment. Therefore, there is no objectivity or democratic responsibility of political elites towards and within the process".[123] In conclusion, one could support the opinion that political elites in the WBCC and the EU are probably not investing all of their efforts in advancing the integration process since they continuously play the game of pretence whereby "the EU is pretending to enlarge and we [WB] are pretending to integrate".[124] Consequently, "there is a presence of enlargement fatigue in the EU while reform fatigue burdens the countries of the region. Most of the time reforms are not popular and occasionally there is a feeling that the political elites are not doing everything in their power to advance the process. In this sense there is a necessity to distinguish between perceptions and what is really being done by political elites".[125] Continuation of the process of integration can only be successful in the long run if political elites in the aspiring states and in the EUMS share the general visions concerning this process and if the expectations match the strategies of all political elites.

6.6. Conclusion

This Chapter has presented political elites in the WBCC and the EU as engineers of the integration process. It has examined their hierarchical relationship within the integration framework and presented their views and opinions about EU norms and the integration process. It has accentuated how and for what purpose political elites construct messages and interpret their underlying meanings related to the integration process. Construction and interpretation of meanings is especially related to the role that compliance with EU norms plays in the

[122] Authors' interview with NPE, 18/2/14.
[123] Authors' interview with EUPE, 4/3/14.
[124] Authors' interview with NPE, 19/2/15.
[125] Authors' interview with EUPE, 17/5/13.

integration process and their examination extracts the instrumental use of norms due to their selective and graduated compliance. This allowed the introduction of 'shallow compliance' as a new form of compliance. Doing so, the study employed QDA, PDA and interviews to retrieve empirical data and uncover the following.

QDA has been used to analyse official documents about European and regional integration produced by political elites in the EU and the WBCC. It has analysed more than 80 documents contained in Annex III to find out if and how argumentative persuasion works as a socialisation tool. Particular emphasis was given to documents which evaluate the reform steps taken by political elites in the WBCC as advised by political elites in the EU (ENS, PRs), and to documents that evaluate the use of specifically designed socialisation methods by the EU (TAIEX) to persuade elites into appropriate discourse and behaviour. These documents entail specific language 'E-large talk' and argumentative persuasion as a language technique to socialise political elites WBCC into RoL compliance. The particularity of the E-large talk lies in the fact that it exhibits a language move whereby political implications of the performativity of language are attained through the definition of meaning (Derridean move). Socialisation of political elites in the WBCC understands developing the ability to 'speak European', to promote 'Europeanised thinking' and to disperse the 'European manner' of doing this on other levels of the society (i.e. compromise) on both integration levels. Although the same socialization tools are used, socialisation does not go in the same direction on both integration levels. PDA has been used to analyse political discourse between political elites in the EU and the WBCC about integration to find out what kind of arguments have been constructed and for what purpose. The construction and exchange of arguments embedded in integration messages is conducted within various forms of political elites' discourse on enlargement. This type of discourse stems from the hierarchical relationship between political elites as 'norms takers' and 'norm givers' in the integration process. Political elites seek to legitimise activities based on presence or absence of norm compliance through political discourse. They use dialogue to justify the relevance of RoL compliance for integration in a very politically sophisticated way accentuating that it is something both needed and appropriate. Political elites were viewed as the ones who have knowledge about integration and who can transpose that knowledge. The transposition of knowledge requires a certain level of understanding and clarity of messages about integration because the opposite would disturb the intention of getting across a mutually shared meaning. In such a case, space was created for manipulation of the integration discourse for narrow domestic purposes and abusing wider international activities. To corroborate this, experts on integration/enlargement issues from the EU and the WBCC were interviewed. Data

obtained through semi-structured interviews allowed the conclusion that there are at least two sets of dialogues taking place which differ in their nature, purpose and result. Political elites in the WBCC share a more common understanding when exchanging integration messages unlike the understanding that arises when they communicate with the political elite in the EU. The main factors which shape these types of dialogues are found in the processes of elite reproduction, circulation and transformation, elite education and knowledge about integration which are the main sources of their power. These elements have also determined elites' openness towards compliant behaviour. The political culture in the WBCC generally deviates from the democratic political culture in the EUMS. This culture, burdened by semantics on commitment, sacrifice, bright and heroic past, necro-politics, unity and self-sufficiency is deprived of the elements of liberal-democratic cultures based on rationalism, scepticism and individualism. This essential differentiation makes it very difficult to enable a continuous, progressive and effective political dialogue on the European level, while dialogue on the regional level merely proceeds with the way things have been handled in the past. The dialogue on the EU level has been and still is heavily burdened by, as one interviewee observed, false pretences under which the EU is enlarging, and the WBCC are integrating.[126] The EU expects to see correlation between words and deeds by political elites in the WBCC and that they approach the integration process in good faith. This, as practice shows, corroborates the studies' original claim that political elites in the WBCC are politicising meaning making it about compliant behaviour through instrumentalisation of EU norms and paying lip-service to EU's political conditionality.

[126] Authors' interview with NPE, 27/9/13.

Chapter 7: The rule of law as an EU norm in the integration process of the Western Balkan candidate countries

7.1. Introduction

The study has so far presented integration and political elites as the two out of three main elements of the two-level integration process and concepts that this research builds upon. This chapter continues in presenting the third main element and concept, namely, the rule of law (RoL) as an EU norm. It gives a brief overview of norms in general terms and especially EU norms and then proceeds with examining the RoL as an essential EU norm. It gives a detailed overview from a social constructivist, rational choice institutionalist and socio-psychological perspective on the RoL role and importance as a social construct in a human beings' life. Bearing in mind that many dimensions of the RoL can be investigated, this research has focused on the aspect of RoL compliance by political elites in the WBCC. As previously determined, compliance is observed through the working of actor socialization as the driving mechanism of the Europeanisation process. It is important to stress that neither compliance nor socialisation *per se* are being assessed rather the subjective understandings of political elites in the EU on socialisation and compliance of political elites in the WBCC. Political elites' understandings of socialisation and compliance are, thus, monitored through the analysis of empirical data collected from a list of coded EU documents contained in Annex IV and semi-structured interviews with representatives of political elites in the EU and the WBCC. The analysis has detected, identified and tracked the workings of argumentative persuasion through political dialogue as a socialisation tool. In addition, it has identified ENS, EC PRs and TAIEX program as the main socialisation vehicles or, as some scholars define them, "EU socialisation instruments" (Kmezić, 2016, Elbasani, 2013, Vučković and Đorđević, 2019). The study places equal emphasis on all three forms of socialisation: conversational, textual and substantive. The analysis offers a conclusion that shallow compliance is at play since political elites in the WBCC lack the will and capacity to comply with the RoL in an expected and satisfactory manner. Due to this, political elites in the EU perceive integration as a political process that has not reached its full potential and lacks progress. This Chapter attempts to provide new insight of the connection between norm compliance and political elites' logics of behaviour, as it explains how different types of behaviour lead to different degrees of norm compliance. The crucial element in the two-level integration process is that political elites in the WBCC demonstrate different types of socialisation which result in

different degrees of complying with the RoL. The current EC methodology of assessing compliance with the RoL used for the elaboration of annual PRs has been borrowed and adjusted for the purpose of this research. In examining the fundamental facets of EU norms and the RoL, this Chapter has relied on QDA, PDA and interviews to retrieve political elite representatives' accounts about the RoL that underpins the WBCC European integration process.

7.2. About norms

A norm is not *per se* given. It is a human construct, a result of human cognitive action. As Bjorkdahl (2010) said, "norms are social structures consisting of shared knowledge and intersubjective understanding". Schaeffer (1983) claims that the "term 'norm' has more than one meaning in scientific usage, as it can refer to: 1) what is commonly done or 2) what is commonly approved or disapproved." In general, theorists agree on the definition of norm as a standard of appropriate behaviour for actors with a given identity (Katzenstein 1996b: 5; Finnemore 1996: 22; Finnemore and Sikkink, 1998). We usually recognise the existence and practice of a norm once a breach of norms occurs (Cialdinni, 2001). However, as Finnemore and Sikkink (1998) argue, there are no 'good' or 'bad' norms from the norm promoter's view since norms do mirror the circumstances in which and purposes for which they have been created. However, what is approved in ones' eyes (society) may not be viewed in the same way by the others (society). This also shows that some norms over time become obsolete, surmounted and can be labelled with an 'expiration date'. Based on them, new norms might emerge, which depends on the direction in which a particular community/society is being developed. Depending on the emergence of a norm(s) one can expect a change in behaviour. Kelman (1958: 52) argues that we can differentiate between different processes of change resulting from social influence and that they occur on different levels. These differences in the nature or level of changes that take place correspond to differences in the process whereby the individual accepts influence. One of these is compliance which occurs when an "individual accepts influence because he hopes to achieve a favourable reaction from another person or a group" (Kelman, 1958: 53). Kelman's interpretation, as a social psychologist close to a rational logic of behaviour, is that behaviour is induced not because there is belief in the content of the norm but because there is expectation of gaining specific rewards or approval with intent to avoid specific punishment or disapproval by conforming. In contrast, Bichierri (2017) as a social psychologist closer to a constructivist logic of behaviour, explains that behaviour is

induced due to the existence of belief, willingness and ability to comply with the norm. In the first case, incentives usually of a material/financial and interest nature are used to instigate compliance, while social learning or socialisation of ideas/norms/identities is used in the latter.

The EU has displayed its own model of socialising the WBCC into its preferred rules and norms with the aim to reconfigure their preferences and identities (Magen, 2007; ENS from 2011-2018; RCC/AR from 2011-2018). Since WBCC political elites have of their own free will engaged in this kind of social interaction, the process of rule adoption is at least partially driven by engagement, argumentative persuasion and complex learning (Checkel, 1999 and 2001; Magen, 2007). Trough the SAP/SAC and RCC (since EC is participating and facilitating its work) as strategic social constructions, the EU articulates rules which it seeks to socialise political elites in the WBCC into and creates "organizational platform" to facilitate norm transfer (Finnemore and Sikkink, 1998). EU transfers norms in three ways which correspond to the three types of socialisation: conversational, written and substantive (Elbasani, 2013:14-15).[127] EU norms are transmitted through conversation which is conducted in an organised setting with a specific topic and relevant participants (i. e. SAC/IGC/RCC meetings). On the receiving end of this transmission, political elites in the EU adhere or adopt these norms which is characterized by their rhetorical endorsement of EU norms. This is also done through TAIEX as an EU program specifically designed to assist the WBCC in capacity and institution building. This occurs when political elites' support for EU norms is confined to the level of rhetorics for reasons related to willingness and/or capacity (Chayes and Chayes, 1993). In written or textual form this is done through presenting a codex of norms underpinning the European integration and enlargement process which is known as the *Acquis Communautaire* – AC. This is also indirectly done through the annual ENS and country PRs. The EU's AC is continuously developing in length and depth with an ever-growing number of pages is its evidence. Current estimation is that it contains over 170.000 pages and all aspiring candidates need to abide by them. On the receiving end, political elites in the WBCC adopt EU norms through legal transposition. This is usually a step to conversational compliance, and it can consist of actions for adopting/amending laws, establishing formal institutions and procedures in accordance with EU rules/norms/standards. Finally, the substantive way of transferring norms is either by demonstrating how EU practices its norms to WBCC as observers (workshop, seminars and training) or actively including the WBCC through real-time simulations (joint projects on

[127] A. Elbasani (2013) differentiates in the same three forms of rule adoption corresponding to different levels of compliance (verbal, legal, substantive).

specific topics i. e. cross-border cooperation programs). On the receiving end, substantive compliance overarches the previous two forms and refers to the implementation phase of the socialisation led compliance process. The implementation phase is understood, as Sverdrup (2008: 197) defined it, as a "process through which external norms are transposed, adhered to and enforced at the domestic level". Implementation is not a 'one-stop-shop' but besides the actual moment of its initiation it also incorporates the dimension of consistency across time and circumstances (Risse and Sikkink, 1999: 1-39). It is important to note that, different stages and degrees of norm adoption do not have to necessarily follow in a consequential order but adoption of certain norms might remain on a shallow level with rules being changed time over time or simply adopted but not implemented (Elbasani, 2013).

Political elites in the WBCC recognise that EU norms exist and partially understand their character as being EU-specific social constructs (ENS from 2011-2018 and EC/PR/WBCC from 2011-2018).128 They very much understand the significance of EU norms as they are the founding pillar and guideline for further evolution of the EU.[129] However, they are very opinionated about their relevance in 'their world' persevering to downplay the importance of EU norms which would assist them in retaining their space of no-EU norm-action.[130] This is especially visible when they are confronted with a clear expectation by the EU of adherence to a certain norm which within their normative system either does not exist as such or is of a much lower rank.[131] This opens the game of competing norms with differing motivation and value orientation. However, the EU's clear expectations do not mean that the norm is concise and precise in its substance or that they reflect the nature of the norm, which might facilitate its adoption. It is also interesting to see political elites struggling to avoid or devalue norm compliance as they are fully aware that compliance means exercising checks and balances on their performance which could alert the EU's and domestic public to question elites' accountability.[132] So, the first task the political elite in the EU has is teaching political elites in the WBCC why norm substance matters. The international norms' literature states that a norms substance is determined by its robustness. The more robust a norm is, the more likely it is to be observed either on the international or the domestic level (Franck, 1990). Observation and then recognition of a norm set the ground for its legitimacy as a precondition for political elites to adopt it willingly. This literature defines robustness through specificity, binding force,

[128] Authors' interviews with EUPE, 13/3/13; 10/4/13; 2/5/13; NPE, 23/10/13 and 28/3/15.
[129] Ibid.
[130] Authors' interview with EUPE, 2/5/13; 27/3/13; 8/12/14 and NPE, 2/3/15.
[131] Authors' interview with NPE, 2/3/15; EUPE, 4/31/4 and 26/9/13.
[132] Authors' interview with NPE, 18/2/14.

coherence and concordance. Since this study deals with norms as a rule, the more robust the norm, the greater the chance of it making its way into the WBCC normative systems which infers account of a satisfying degree of compliance and thus progress of European integration. Norm specificity describes how well norms are defined and understood by elites. It refers to a norms' clarity and, if political elites are arguing about the content of a norm that indicates, that the norm is not being very specific. However, one cannot exclude the possibility that political elites are pretending not to understand just so they can prolong the process of compliance. Legally binding force means that political elites are bound by a rule which is enforced and protected by courts once it is transposed into national legislation. For an EU norm to be considered legitimate it needs to resonate with the WBCC normative context. As norm coherence has a vertical and a horizontal dimension, in the domestic context it must be coherent with legal norms of a higher rank (constitutional norm) and legal norms of the same rank (other laws). Finally, concordance refers to the way political elites agree or disagree with EU norms contained in the AC. If EU norms are widely accepted throughout the whole accession process, it can be concluded that political elites in the WBCC adhere to it domestically, hence this reflects their intersubjective agreement with the norm (Franck, 1990). Bearing this in mind, the socialization effort of political elites in the EU to convince political elites in the WBCC to adopt EU norms depends on the substance of these norms. Furthermore, as the focus of the case studies is on the RoL as an EU norm, finding evidence that RoL substance is robust, will determine the level of understanding and compliance by political elites in the WBCC.

7.3. European and regional integration based on EU norms

The political elite in the EU advocates that European and regional integration are based on the same set of (EU) norms which bind these two processes inextricably and create synchronicity when evaluating achieved results and recommending further measures to be taken for improvement of the integration process (ENS from 2011-2018). The empirical data contained in documents produced by the EU registers that this argumentation creates a sort of political consensus among both groups of political elites where one integration process cannot advance if the other one does not provide enough support and *vice versa* because they depend on each other.[133] The following section intends to present a different set of empirical data also obtained through analysis of political text and talk which leads to opposite conclusions.

[133] See Chapter 4.

Although the EU norms, as the binding integration tissue are not questioned, what does remain questionable is the selective approach of political elites in the WBCC to adhering to the same notion of the EU norms under the impression of the same set of socialising tools in different ways. This is discussed as follows.

Regional integration is seen as a "precondition for EU integration as it facilitates cooperation among WBCC".[134] In specific, "two processes are connected and conditioning one another"[135] there is a "strong, very close, clear, intricate, tight, crucial and inherent link between the two processes"[136] the two processes "cannot exist without the other"[137] and they are very "intertwined and dependent" (Bechev, 2011; Delević, 2007; Lopandić, 2010).[138] All of these descriptions of the nature of relationship between integration processes are very valid if one perceives regional integration guided by the same motives, intentions and goals of political elites in the WBCC as is the European integration process. Here we need to remember that "there is also a functional relation whereby EU integration understands regional cooperation".[139] The functionality aspect lies in understandings such as "regional cooperation/integration being a process that did not come from within but was inserted from abroad"[140] which at first created a lot of tension and resistance among political elites in the WBCC (Delević, 2007; Lopandić, 2010). However, once the financial dimension was added to the equation their stance began to soften and move along the idea that actively supporting and participating in regional cooperation initiatives can also be beneficial for them and not just for their society and state. The list of projects that has over the years grown to become directly connected to the EU financial instruments such as IPA and all-encompassing programs with a regional dimension is non-exhaustive. Among them, projects such as SEE 2020, deserve to be mentioned as they are encapsulated by the EU's project Europa 2020.[141] It is important to distinguish that the WBCC have gradually over years taken over the so called "regional ownership", accountability and responsibility for regional cooperation initiatives such as the RCC with the support of the EU. They have learned that regional cooperation can be "useful for them" and they have used this as a "basis to work together under the guidance of mutual

[134] Authors interview with NPE, 18/2/14, 18/2/14, 23/10/14, 19/2/15.
[135] Authors interview with NPE, 23/10/13.
[136] Authors interview with EUPE, 25/3/13, 2/5/13, 26/2/14, 12/4/13 and NPE, 21/2/15.
[137] Authors interview with EUPE, 27/3/13.
[138] Authors interview with NPE, 9/9/13.
[139] Authors interview with NPE, 18/2/14.
[140] Authors interview with NPE, 19/2/15.
[141] European Commission Proposal for a Regulation of the European Parliament and of the Council establishing the Instrument for Pre-Accession Assistance (IPA III), COM (2018) 465 final, 2018/0427 (COD), Brussels, 14.06.2018, source: https://ec.europa.eu/info/law/better-regulation/initiatives/com-2018-465_en.

and common interests".[142] As real-time events have shown, these interests do not and have not always been in correlation with EUs interests related to the WBCC. This observation shows that political elites in the WBCC have taken over the reins of the regional integration and started directing the process to achieving results that would serve first and foremost their internal purposes. Many practitioners have noticed that regional cooperation, especially under the umbrella of the RCC, has much greater and deeper potential that has not been fully exploited.[143] Namely, political elites in the WBCC are reluctant to support reforms that create competing centres of authority beyond their control, and having placed RCC mostly under their control, they do not intend to stretch reform efforts above their needs (BIEPAG, 2019). However, this observation does not carry exclusively negative traits of instrumentally using reform efforts to match political ambitions of elites in the WBCC. The paradox lies in the fact that the commitment of political elites in the WBCC to reforms required by the European integration process is present, but they also determine to which extent their compliance will be effectuated. This has remained the essential problem in evaluating true dedication of political elites in the WBCC to fully comply with EU norms in a declaratory and substantive way. This is where the EU influence is missing and where the actor/agent socialisation efforts have failed. This is also the place where political elites from actual regimes in the WBCC have imposed themselves as the only EU collaborator in the process of domestic reforms. This would not have been possible if the EU had found political alternatives to support, which currently is not the case. Secondly, the EU has supported in so many ways the ruling regimes that if their engagement in the WBCC becomes dissected, many questions and answers will point into the direction that the EU's declarative support before domestic and foreign public and substantive support have been a mismatch. The EU would criticize on domestic grounds and in official documents the weak compliance of political elites in the WBCC but in practice would continue to provide even greater financial support to integration required reforms (Vukčević and Đorđević, 2019). This in turn posits the assumption that the EU has consciously participated in the process of undermining the compliance efforts and outcomes on both levels of the integration process. In consequence, it also annuls the rational choice argumentation that all choices are made by cost-benefit calculations. Political elites in the WBCC rely on the political support they receive from the EU and this is the basis for earmarking the EU's financial support to integration required reforms. When there is no political support, the reasons are equally found in rational choice

[142] Authors interview with NPE, 28/3/15.
[143] Authors interviews with EUPE, 25/3/13, 2/5/13, 26/2/14, 12/4/13.

and social constructivist explanations. Political elites in the WBCC become aware through high level political dialogue with political elites in the EU of what "politically" can be allowed and what is not. This imposes a conclusion that no matter what the efforts political elites in the WBCC invest in the reform process, the potential of conducting domestic reforms in a wanted direction becomes overshadowed by the "political understanding" they have with their EU interlocutors. This "political understanding" is based on the fact that whatever political elites in the WBCC do or do not do to the satisfaction of the EU, they will remain in power. Everything else is of secondary relevance to them.[144]

The discourse of political elites on the European and regional level of integration has been relentlessly based on the essential importance and value of EU norms that guide the integration process. This assumes that both integration processes are based on the same set of EU norms that guide them. The political elite in the EU have been very clear when stating that EU norms in such circumstances do not fall under negotiations of the accession process (Füle, 2013). The integration process rests on them and if they are not present, namely integrated in the mental structures of individuals and society, there cannot be any discussion about the progress of domestic reforms (ENS/16-17, 17-18). As stated in the previous Chapter, political elites in the WBCC recognise the importance of EU norms, they are aware of its functionality on both levels of the integration process. Political elites in the EU have assigned themselves the role of norm givers while political elites in the WBCC were given the role of norm takers. This differentiation stems from the hierarchical nature of the integration process and asymmetrical roles of political elites in the EU and the WBCC. Political elites in the WBCC recognise this difference and they acknowledge the power and influence that a norm giver can have deriving from the integration process as Aleksandar Vučić, President of the Republic of Serbia once said „we are only good if we [WBCC] behave the way they [EU] want us to".[145] At the same time, political elites in the WBCC *vis-à-vis* their own societies also take on the role of a norm giver. What they have decided to do adopt as an EU standard of discourse and behaviour they will readily inform the public by bringing the issue closer to their level of understanding. "It is important to say in a rational and reasonable way that Europe is our choice because we [Serbia] want to belong to a society of organised countries….we need to change ourselves in the area of the rule of law for a better future of our children and country in general",

[144] Author's interview with EUPE, 2/5/13.
[145] "Vučić: Evropi smo dobri samo ako se ponašamo onako kako bi oni želeli", *Tanjug*, 3.6.2019, source: www.blic.rs/vesti/politika/vucic-evropi-smo-dobri-samo-ako-se-ponasamo-onako-kako-bi-oni-zeleli/0g11mhy.

said President Vučić on a different occasion.[146] However, political elites in the WBCC perceive the working of EU norms in a different way as they observe them through the lenses of what helps political elites to remain in power and if these norms, especially the RoL, underscore their sense of fairness and reciprocity attached to it. (Vukčević and Đorđević, 2019; Kmezić, 2016). [147] The views of political elites in the EU until recently were inherently different but most recent events in some new EUMS such as Hungary, Slovakia, Poland and Croatia show that their own process of EU integration needs to be revisited to allow synergy in adopting and practicing EU norms in the expected way. Namely, the migration experience from 2014 onwards, has shown the selective approach of certain EUMS to the concept of the RoL which some scholars have also documented and explained as a consequence of the arbitrarily used interpretation of the RoL concept (Burlyuk, 2014). Since this has been recognised as a burden to the European integration process within the EU's borders, the EC has initiated discussions and prepared documents for the EP and the CoEU to consider introduction of the so-called EU mechanism for strengthening democracy, the RoL and fundamental rights.[148] A very similar 'performance based' approach has been taken with the initiation of discussion at the level of the EP for introducing tougher measures on distributing EU funding among WBCC on a 'fair share' basis and suspending it in cases of RoL breaches.149 Interestingly enough, as in the case with the WBCC, these EC documents are also introducing the possibility of withdrawing or even cancelling financial support for participating EUMS in various EU programs if the RoL standards have not been met in a satisfactory way or if there are breaches to the RoL governance.[150] These events in the EU's own house show

[146] "Srbija će biti dobar, lojalan i pouzdan partner i deo Evrope", 9.5.2019, source: http://www.politika.rs/scc/clanak/429171/Srbija-ce-biti-dobar-lojalan-i-pouzdan-partner-i-deo-Evrope/,

[147] The understanding among political elites in the WBCC that the RoL carries first and foremost the notion of fairness and reciprocity has become in the past years very vocal. This is also the main argument they use when confronting EU's understanding of what the RoL concept entails.

[148] See European Parliament resolution of 14 November 2018 on the need for a comprehensive EU mechanism for the protection of democracy, the rule of law and fundamental rights, P8_TA-PROV (2018) 0456, source: http://www.europarl.europa.eu/doceo/document/TA-8-2018-0456_EN.pdf, and Committee on Civil Liberties, Justice and Home Affairs Draft Mission report following the ad hoc delegation to Poland on the situation of the Rule of Law, 19-21.9.2018, published on 19.11.2018, source: http://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/LIBE/DV/2018/12-03/mission_report_Poland_EN.pdf, and European Parliament resolution of 12 September 2018 on a proposal calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded, P8_TA(2018)0340, source: http://www.europarl.europa.eu/doceo/document/TA-8-2018-0340_EN.pdf?redirect.

[149] Press release, "EU enlargement: MEPs legislate on tougher requirements for pre-accession funding", 04.02.2019., ref.no. 20190204IPR24935, European Parliament, source: https://www.europarl.europa.eu/news/en/press-room/20190204IPR24925/meps-legislate-on-tougher-requirements-for-pre-accession-funding.

[150] Ibid.

that mutual understanding and political consensus on what the RoL as an EU norm represents have been illusional. The discourse and behaviour of these EUMS have shown and still show to political elites in the WBCC that up to a point in the integration processes they could have gotten away with similar proclamatory positions and behavioural patterns. Some analysts even claim that Croatia was the last MS to be admitted where thorough checks and balances have not been conducted (Subotić, 2011). However, as Gianni Buquicchio, President of the Venice Commission has confessed, "when the reforms started in the 90s, we [EU, Venice Commission] underestimated the importance of the mentality [WBCC] and thought that new generations will automatically incorporate mentality in line with rule of law…..we need a very sophisticated approach. We need to find a balance between independence and accountability and a balance between international standards and the situation".[151] The speed and success to which the EU will be able to manage this newly arising challenge to the RoL will reflect itself on relations that the EU has with the entire WB region and most specifically on the enlargement policy *vis-à-vis* the first row of candidate countries already negotiating accession. As a result of challenging times for the RoL within and outside the EU's borders is the introduction of a rule whereby Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security) of the AC are the first to be opened and the last to be closed is just the first step within the process.[152] Depending on how this EC initiative results, certain changes in the conditionality policy and socialization led compliance can be expected. Until then, this study has only taken into account what is in practice visible and tangible for examining political elites' understanding of compliance with EU norms by political elites in the WBCC. Thus, the following section continues to investigate the RoL as one of the founding pillars of the EU with the aim to excavate the cleavages of misunderstanding its substance by political elites in the WBCC.

7.4. The rule of law as an EU norm

Most scholars agree that a precise definition of the term "rule of law" does not exist as its meaning can vary between different nations and legal traditions (Mendelski, 2014, 2016; Wennerström, 2007; Pech, 2016; Magen and Morlino, 2009; Walker, 2008). In consequence,

151 "AFET and LIBE: Rule of Law remains the key element in the accession process", European Western Balkans, 18.03.2019., source: https://europeanwesternbalkans.com/2019/03/18/meps-rule-law-remains-key-element-eu-accession-process/.
152 Chapters 23 and 24 will be used throughout the text.

the concept of the "rule of law" was attributed with a substantive and a formal meaning which understood that a governments' decision/action is considered to be in accordance with the "rule of law" only if the existing laws themselves fulfil certain minimum requirements. These requirements or principles of the RoL have been developed in detail and presented as a "Rule of law checklist" by the Council of Europe's Venice Commission.[153] The checklist contains 17 priciples grouped into three thematic areas: legality, legal certainty, equality before the law and separation of powers; prohibition of arbitrareness and penalties for corruption; effective judicial independence before the judical courts. The first theme has 5 principles: equality before the law; clarity and stability of the law; ease in following how parliament adopts laws; lawmakers act in the public interest; independent control of laws. The second theme has 6 principles: clarity of public authorities decisions; independent review of public authorities decisions; unbiased decisions of public authorities; acting on corruption; codes of ethics for politicians. The third theme has 6 principles: access to an independent court; length and cost of court proceedings; the independence of judges; the proper investigation of crimes; respect for and application of court rulings; codes of conduct for politicians. When assesed, the presence, promotion, enforcement and protection of these principles of the RoL tell us whether and to which extent both the formal and substantive dimension are active as it will be discussed in the following paragraphs. The most relevant feature of these principles that should govern a society in an openly and fair manner is that no one is above the law, including those in authority, and that justice is accessible to all (Mendelski, 2018). A country operates under RoL when it has, among other institutions and services, a legislature that enacts laws in accordance with the constitution and human rights; an independent judiciary; effective and accessible legal services; and a legal system guaranteeing equality before the law (Haider, 2018).

The RoL is recognised in major EU documents as both a value and a norm which sometimes creates a conceptual confusion not just among scholars but policymakers, as well. The starting in point in contemplating about a possible shared understanding of the RoL is the account given by Walter Hallstein, the first President of the Commission of the EEC, who stated in the 1906s that the EU is a "community of law". "Nobody can be above the law and that is why rule of law is the essence of the integration process".[154] This emphasises that the "Community, and now the EU, is founded on the RoL principle, and underscores the role of

153 "For Democracy through Law - The Rule of Law Checklist", Venice Commission, Council of Europe, 106th Plenary Session, Venice, 11-12 March 2016, https://www.venice.coe.int/images/SITE%20IMAGES/Publications/Rule_of_Law_Check_List.pdf.
154 Author's interview EUPE, 12/4/13.

law in the European project, which has been described by political scientists precisely as 'integration through law'."[155] In a way, this has been elaborated in several articles of the TEU. For example, the RoL, as enshrined in Article 2 of the TEU, is placed along side values and rights which have been defined as the foundation of the EU (TEU, 2008: 5). In Article 3 of the same Treaty it is stated that the goal of the EU is to "promote" its, values, rights and consequently the RoL (TEU, 2008: 5). In Article 6 of the TEU, the text enhances the meaning of the RoL as one of the founding pillars of the EU as it directly relates to the Charter of Fundamental Rights of the EU which in its Preamble stresses that the "Union is based on the principles of democracy and the rule of law" (2012: 5). In Article 20 it further stresses that "everyone is equal before the law" (2012: 9) while Article 49 refers to the principles of legality and proportionality practiced under national (EUMS) or international law (2012: 15). Although these articles of the TEU on the RoL are invoked by the EU for the purpose of cooperation with the WBCC their interpretations by the relevant EU institutions say very little about how they would like to see the RoL developed in these societies (Burlyuk, 2014: 31). In addition, and which is found rather unhelpful, is that the EU intentionally leaves the concept of the RoL vague as there is belief that the EU cannot impose a definition but expects the aspiring MS to have already reached a required state of mind to adopt the RoL concept (Burlyuk, 2014). On the other side, whether it was intentionally or unintentionally done by the EU, the Union has failed to recognise that the RoL is not about the law *per se*, but the will to respect it, which in turn is a social and psychological fact. In failing to take into account this social fact, the EU fails the WBCC. Doing so, it overlooks perhaps the social role of the RoL construct which is the default mechanism to solve social and political conflicts especially in societies still burdened by a legacy of various societal divisions (Vukčević and Đorđević, 2019). Furthermore, there is no clear acquis in the area of RoL which makes it difficult to define how standards can be reached and how these should be measured. As mentioned before, different legal cultures lead to different views on and approaches to RoL reforms which can result in the EU giving varying recommendations on how to proceed with RoL reforms on the European and regional level of the WBCC integration process. Thus, "past years have shown that the creation of new norms and mindsets with regard to the rule of law needs to be cultivated and that incrementally changing the system takes time in all countries of the region" (Vukčević and Đorđević, 2019). That is one of the reasons why EC PRs and EU officials tend to emphasise that there is a persistent lack of implementation and enforcement of the RoL and that mere

[155] Source: http://www.europarl.europa.eu/thinktank/fr/document.html?reference=EPRS_BRI(2017)599364.

entering into force of legislative acts is not enough (EC PRs from 2011-2018). This in turn corroborates previous findings that the RoL, as a norm in general, lacks the minimum requirements to be adopted by 'wants' and not 'musts' of aspiring MS.[156]

Despite the lack of these requirements, the RoL has always been one of the top priorities of the European integration process and enlargement policy. As of recently, it has been placed at the heart of the Enlargement approach towards the WBCC which has significantly affected the EC *modus operandi.* This coincided with the release of the reinvigorated EU approach which made the RoL crucial for Chapters 23 and 24 of the AC, as they were the first to be opened and last to be closed in the negotiation process. Besides that, the new approach insisted on regional cooperation as an important factor which will give fresh impetus to the region's economic performance, reconcile its society and prepare it for eventual EU membership (EP, 2017). The EUs approach has not only re-centred on regional cooperation and good neighbourly relations, but it unveiled the importance it could gain once observed through the RoL (Kmezić, 2016). The year 2018 brought certain unexpected accounts by some major representatives of the EU political elite and political elites in the EUMS such as the State of the Union speech by the EC President Juncker and his first visit to the region, the personal engagement of HRVP Mogherini in the WB, the new EC ENS and PRs, EU-WB Summit in Sofia and London, the CoEU decision on enlargement and the Bulgarian EU Presidency putting the European perspective of the WB as a key priority of the European agenda. However, the main responsibility still remains with the WBCC as they might not succeed in finalizing the reform process. This, again, strikes as a direct result of the vagueness of the RoL concept as it is additionally supported by unclear EU demands on how it should be reformed. The individual PRs continuously report that the WBCC have still not developed effective mechanisms to overcome the lack of accountability, integrity, independence and transparency (PRs from 2011-2018). This leaves the RoL reform only to be of a legislative and technical nature without any substantial improvements. The problem on the EU side is that it mostly remains "silent" when it should vocalise concerns over clear cut issues i. e. violations of the RoL through smear campaigns against civil society, media or independent institutions. In such situations, by its inaction, the EU is providing support to political elites whose autocratic mode of governance they very much contest. In this way, the EU has opted to preserve "stabilitocracy" in contrast to democracy by turning a blind eye to some important RoL reform challenges (Vukčević and Đorđević, 2019). These are presented as follows. The legislative and technical nature of

[156] See previous sections of this Chapter.

improving the RoL are best to be seen in providing quantity over quality (Mendelski, 2016; Elbasani, 2013). The EC has on a couple of occasion noted that "rubber-stamping" national laws by Parliaments without any proper democratic and public debate does not provide its harmonization with the EU legislation (EC/PR/WBCC from 2016-2018). Although, it might appear that the political elites in the WBCC are forcing the principle "the more the merrier" this is not the case with the EU as in the EC PRs there is clearly no systematic or continuous record of "counting" the number of laws adopted, cases processed, etc. If the EU has set quantitative benchmarks for tasks to be achieved on an annual level, then such numerical value to the quantity of political elites' labour would have had some sense. One can argue that the quantitative dimension contributes to the overall impression of the state of play, but it is actually not a crucial determining factor. The progress of the RoL reform in the WBCC has in effect focused more on technical than political issues (Vukčević and Đorđević, 2019). This is supported by the fact that financial assistance, mainly through IPA, has been directed toward building technical capacities, including attention to better infrastructure, improved payment schemes, clear institutional procedures, and training (Elbasani, 2018). Namely, improving the capacity does not automatically imply a better RoL as the capacity of judges for example does mean instant impartiality. Practice has shown that better performance does not lead to further politicization of the reform process. Curbing overarching politicisation in the region, in particular progress regarding independence, is a key precondition for the establishment of RoL (Milošević and Muk, 2016) and for greater success in internationally led campaigns (Elbasani, 2018). In response, scholars advocate for a "fundamentals first" approach, with better attention to impartiality, independence, separation of institutions, and more efficient inclusion of civil society (Elbasani and Šabić, 2018; Milošević and Muk, 2016). Next challenge in line is the failure of political elites in the WBCC to commit to the implementation of RoL standards (Milošević and Muk, 2016). Political will is crucial for the success of planned reforms and for the prosecution of high-level corruption and organised crime as some empirical research shows (EPSC, 2018). It is also political will often lacking which in result limits the integration progress. In Macedonia and Montenegro, for example, special prosecutions, while demonstrating a degree of independence, face intense political pressures and obstructions from other institutions (Milošević and Muk, 2016). In Serbia, political elites have vested interests in maintaining the *status quo* and keeping a hold on the judiciary (Vukčević and Đorđević, 2019). The politicisation and instrumentalisation of laws, reforms and public institutions, such as newly created anti-corruption agencies, judicial councils, specialised courts, and other horizontal accountability institutions, are critical challenges in the WBCC. These institutions

lack transparency and professionalization and are often captured by reformist change agents or reform-resisting veto players (Mendelski, 2016 and 2018). As the EBRD/World Bank Life in Transition Survey (2016) highlights, political connections are important to success in life in the WBCC which represents a futile ground for weakening the RoL since change agents lack the appropriate incentives, norms and skills to carry out reforms in a non-politicised manner. Reforms can both consolidate and undermine the RoL (Mendelski, 2016). Practitioners and scholars suggest that the RoL standards in EU accession countries cannot be met only through "a credible EU accession perspective and an adequate degree of state capacity" (Elbasani, 2008), or that the EU's external democracy promotion via political conditionality might be ineffective in "countries characterized by legacies of ethnic conflict" (Freyburg and Richter, 2010). More voices are heard along the necessity of developing a tailor-made model for RoL reform in each of the WBCC.[157] In the area of RoL, these models would be guided by the most recent so called Priebe reports that have made an evolutionary step forward in tackling RoL reforms.[158] Unfortunately, the EU still insist on transposing its particular "best standards" laws and model, which may not work sufficiently well under domestic conditions (Mendelski, 2016 and 2018). These include "EU instruments for the RoL that are neither effective nor sufficiently developed, since they are not the result of a systemic approach but just the lessons learned from previous waves of enlargement" (Marović and Prelec and Kmezić, 2019). "There is a lot of technical assistance and financial help from the EU to help building RoL institutions on a foundation that is not solid".[159] In conclusion, on the European level, as the EC has reported in its most recent 2018 documents that in the areas of the RoL (combating corruption and organised crime) the WBCC have reached some level of preparation (2)[160,] though there some minor detected issue areas where they have scored on the assesment of the RoL being at an early stage (1)[161] and/or being moderately prepared (3)[162.] Based on the previously outlined factors, the WBCC have obtained a low score in the area of RoL which infers that it has become a major problem as it demonstrates a solid amount of formal transfers and shallow enforcement of the EU (Mendelski, 2015). The EU's approach in the RoL reform matters, but to retain

[157] Authors interviews with NPE, 9/9/13; 23/10/13; 27/9/13; 19/2/15.
[158] Independent Senior Experts 'Group. *The former Yugoslav Republic of Macedonia: Recommendations of the Senior Experts' Group on systemic Rule of Law issues relating to the communications interception revealed in Spring 2015*, 8 June 2015, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.pdf.
[159] Author's interview with NPE/26/9/13.
[160] Discrete numerical value.
[161] Ibid.
[162] Ibid.

leverage it should ensure its consistency in political conditionality, and it should develop well-established methodology to allow a consistent and objective evaluation of the RoL. However, a growing number of scholars adamantly sustain that the "EU has traditionally not shown any serious interest in the issue of defining, measuring and monitoring RoL, which, in turn, has led or rather enabled the EU to implement unconvincing or undemanding policies and à la carte monitoring of candidate countries" (Pech, 2016). Thus, whether the workings of conditionality policy or socialization led compliance are observed, "the criteria defining the concept of RoL need to become more predictable, transparent and clear" as they constitute the very essence of the RoL itself (Pech, 2016).

"Reforms related to Chapters 23 and 24 are the weakest spot of all countries in the WB".[163] Progress in the region, although different across countries, is still slow (Mendelski, 2018). The EC has continuosly emphasised that "the rule of law must be strengthened significantly" (ENS/15-16; ENS/16-17; ENS/17-18). This requires not just strengthening institutions to enforce and protect the RoL but to also empower political actors to respect and promote it which depends on significant transformations of the state and society (ENS, 2018: 4). Also, this does not exclude that the phase of establishing the RoL across horisontal issues has been fully concluded. The EC has in its ENS documents interchangeable refered to either "establishing", "improving or strengthening" or "promoting" the RoL which represent many different levels of its actual presence (ENS from 2011-2018). One of the reasons that can be attributed to this abiguity in terms is that by nature the concept is rather vague. As a consequence, the RoL reform can be a complex, expensive, and a challenging issue, due to the heterogeneity of means, goals, opinions, agendas, and priorities of diverse stakeholders (Mendelski, 2018). Some scholars argue that the RoL reform must be guided by an adequate framework which the SAP is not. Due to the developing dynamic of the WBCC integration processes the SAP and its financial component IPA have become outdated and a far from efficient approach to reviving the EU's transformative power, resuming a faster pace in the WBCCs' accession and countering competitive influences, messages and models of governance (China, Russia, etc.); incapable of responding to the need for the WBCCs to develop economic capabilities and catch up with the EU's economy (Vukčević and Đorđević, 2019). In such an environment the RoL reform is confronted with delays and resistance from political elites in the WBCC which affect in the end the progression of the integration process. The following discouraging factor are historical legacies, such as the legacies of communist

[163] Authors' interview NPE, 23/1/14.

judicial culture and civil war, play a role in a WBCC's degree of compliance with the RoL reform (Mendelski, 2018). From a historical angle many scholars claim that the WBCC did not have much experience with political entities that provided sufficient RoL (Lazić and Cvejić, 2006; Bechev, 2011; Lopandić, 2010; Elbasani, 2008).

7.5. The EU's rule of law promotion in the Western Balkan candidate countries

The previous section has presented the RoL as an EU norm, a legal and political category, with a contested meaning. The main problem is caused by the lack of a uniform conception and definition of RoL in the EU's foreign policy including enlargement (Burlyuk, 2014; Mendelski, 2014, 2015). In addition, there is a discrepancy between the RoL description as a constitutional principle and institutional mechanism in legal textbooks and its practical conceptualisation and operationalisation in the enlargement policy (Kmezić, 2017: 5). This study builds on the EU's strategy to promote RoL in the WBCC through socialisation of political elites. Socialisation as a mechanism by which EU's RoL is projected beyond its territorial borders and transposed into the systems of WBCC. Bearing in mind that socialisation is assisted by establishing, developing and strengthening institutional ties, administrative, technical and economic assistance, this research underlines the specificity of the EU's strategy relying on the dichotomy of rational choice institutionalism and social constructivism (Kmezić, 2017). Since this study is interested in the process and results of EU's RoL promotion through socialisation of political elites in the WBCC, to that effect this sub-chapter will highlight WBCC main challenges in achieving RoL compliance as a result of actor socialisation.

The EU's RoL promotion literature analyses many aspects of the promotion issue which range from the dichotomies of the subject/object, quality/quantity, success/failure, vertical/horizontal and policy/practice relationships (Mendelski, 2014, 2015 and 2016; Elbasani, 2013; Noutcheva, 2015; Magen and Morlino, 2009; Sadurski, 2009). Although this study acknowledges the relevance of these aspects, it will only draw from the part of RoL promotion literature dealing with the relationship between the EU's policy and practice in promoting RoL within the framework of the pre-accession and accession process. When discussing presence of RoL in the WBCC a question that repeatedly fails to be answered is whether the state and society situation is completely void of RoL as understood in liberal-democratic terms. If that is not the case, the question is expanded to ask whether there are traces of RoL in the WBCC which have not yet been measured to determine to which extent RoL is actually present. So far, the EU has failed to answer these questions which is often associated

with an unsystematic and vague methodology (Mendelski, 2014, 2015 and 2016; Kmezić, 2016; Vukčević and Đorđević, 2019). This raises doubts about the grounds on which the EU has based RoL promotion in the WBCC. These doubts stem from the contemporary political discourse and academic debates about RoL in the WBCC which often and interchangeably use terms such as "establishing" and "strengthening" RoL (ENS from 2011-2018; EC/PRs from 2011-2018; Kmezić, 2017). In the case of 'establishing' RoL it is assumed that there is no RoL to begin with and that the complete substance of this matter needs to be transposed. It means building the codex of RoL as if it has never existed. Since this is highly unlikely, the second case of 'strengthening' RoL is more plausible given the history of statehood in the WB region. However, 'strengthening' is found to be insufficient as a term to capture the entirety of the RoL promotion issue in the region. What the concept of RoL promotion needs besides the aspect of strengthening is the aspect of "adjusting". Most scholars will agree that RoL in the WBCC is not absent but that it is specific in comparison to its liberal-democratic notion which makes it questionable (Kmezić, 2016; Mendelski, 2015 and 2016). The legal tradition and historical development of societies in the WBCC have developed differently and thus, entailed a different meaning and understanding of RoL. Although the idea that the concept of RoL understands all men being equal before the law and that nobody can be above the law, there is a certain nuance which specifies informally that "some people are more equal before the law than others".[164] This specificity is what makes current legal systems, jurisprudence and socialisation led compliance outcomes in the WBCC incompatible with the RoL practices in the EU. To remedy this, the EU has assigned itself the role to promote the RoL as an EU norm through political dialogue of various formats with political elites in the WBCC. The EU displays its own design for socializing the WBCC into its preferred rules and norms by creating 'thick platforms' for systematic argumentation with the WBCC. These 'thick platforms' or 'dialogue networks' "may facilitate the development of a shared discursive agenda, common problem perception, and greater agreement on acceptable policy options" (Risse, 2000). Thus, the EU and the WBCC are, as Lessig (1998) puts it, "meaning architects" and "meaning managers". Besides these dialogues the EU promotes RoL among accession countries through various documents designed to steer the progress of the integration process on to the European and regional level. The political elites in the EU use argumentative persuasion in political text and talk to socialise political elites in the WBCC to adopt the understanding of meaning and ways of implementing RoL in practice. The use of argumentative persuasion to socialise political elites is guided by

[164] Authors' interview with NPE, 9/9/13.

the EU's expectations that political elites in the WBCC will meet integration demands in both declarative and practical ways. Doing so, the impact of the EU's efforts in promoting RoL among WBCC is seen as either weak, limited or mixed since the means of the promotion process are considered to be problematic (Magen and Morlino, 2009; Sadurski and Morlino, 2010; Mendelski, 2012). The effect of EUs RoL promotion is contested when comparing outputs of rule adoption and rule implementation (Magen and Morlino, 2009). The conclusions from such analysis show that the EU's impact seems to be differential, context-dependent, and varies across RoL dimensions (Mendelski, 2014). Since it is beyond doubt that, in the WBCC case, the EU uses the same socialisation tools, the question that this fact opens is why there are differing socialisation results on the European and the regional level of the WBCC integration process. This question stands out even more given the nature of the relationship between these two integration processes which are defined as intertwined, mutually dependent and parallel. This also includes the role political elites in the EU and the WBCC have in constructing the relationship between these two integration processes and effectively attributing a meaning to these processes as cooperative efforts aimed at achieving EU membership. In Chapter 6 it has already been dealt with political elites in the WBCC, their main traits and conditions in which they have developed. Among these, conditions that determine the success of elites as RoL promoters, are historical legacies, political stability, institutional and administrative capacity. These conditions have affected the shaping of political elites' attitudes towards the integration process as they are perceived to be cost-benefit calculators and/or norm promoters. Exercising either of the roles, political elites in the WBCC are attributed with the power to reform. Their power to reform is embedded not only in the political and social role they have in the integration process but also in their economical role. Namely, political elites in the EU provide to their partners in the WBCC significant financial means through various pre-accession instruments (IPA) to support their policy orientations. This financial support supports not just projects with concrete outputs in the area of RoL but also in equipping political elites in the WBCC as objects of RoL promotion with knowledge and skills to perform adequately. This is supported by some scholars who argue that true 'Europeanisation' requires a process of socialisation beyond administrative and political processes. It requires that political elites in the WBCC and EU step outside of the formal 'accession box' and engage in societal, policy and political discussions on the European level of the integration process. In this way the political and technical aspect of the accession process would be enriched by a broader and deeper interaction between EU institutions, EUMS on the one hand, and their counterparts in the WBCC on the other (Vukčević and Đorđević, 2019). In this way, the effect of socialisation would remedy the

feeling that RoL is being imposed from the 'outside' and nurture the sensation that it stems from 'within'.

Bearing in mind the contested nature of the RoL as a political and legal concept and in the context of RoL promotion, some scholars have argued that there are three main problems that undermine the consistency and effectiveness of EU action. "The first is the lack of clarity on what exactly the EU is seeking to promote. The second is the lack of a proper framework enabling the EU to take stock and subsequently monitor RoL adherence in any particular country. The third is the lack of a more integrated approach, which has led to a certain degree of disconnection between the external and internal policies and instruments dedicated to the upholding and promotion of EU values" (Vukčević and Đorđević, 2019). The main conclusion drawn from this is that the EC has failed to establish a link between the actual stage of reform in the candidate countries and the acknowledgement that the Copenhagen political criteria had been met (Vukčević and Đorđević, 2019). This becomes then a challenge since the EU's RoL promotion strategy highlights the implementation and irreversibility of reforms. Scholars such as Mendelski (2014, 2015, 2016) have argued and shown that liberal "change agents" often apply similar questionable reform methods as "illiberal" reform opponents. This places the EU on the other side of the RoL plane in situations when they would readily criticize the political elites in the WBCC with unacceptable behaviour. This shows signs of the so called 'pathological effect' that Europeanisation has on RoL reforms (Mendelski, 2015). Mendelski (2015) further claims that EU driven RoL reforms have a negatively reinforcing effect through the overall weakening of the RoL rather than strengthening it. However, the outcome of the pathological effect of Europeanisation depends on a country's domestic conditions, already existing level of its RoL and the way in which reforms are conducted (Mendelski, 2015). In that sense, the policy of RoL promotion and EU institutions engaged in its promotion can not only "empower liberal reform coalitions, to the extent that they exist in the first place, but can also bolster the power of incumbent authoritarian and corrupt elites" (Börzel and Pamuk, 2012: 81). This notion is shared by Šabić and Elbasani, (2018) who explicitly argue that the political elite in the EU "is tolerating authoritarian regimes [in the WBCC] as a stabilising factor".

The situation in the RoL domain on the regional level is slightly different when it comes to RoL promotion. The EU uses regional bodies such as the RCC as its extended hand in the process of socialising political elites in the WBCC. As one interviewee stated, "the RCC has been established with the intention to help the region to develop a habit of cooperating. In this way, the EU's relationship can be understood as a tool of socialisation which aims at

positioning regional cooperation at the heart of the overall European integration process".[165] Although it has been recognised and often repeated by various EU institutions and various political actors that a weak RoL is a common and persistent obstacle towards faster integration, the WBCC have managed a rather good cooperative outcome (ENS and EC/PR/WBCC from 2011-2018). This outcome has manifested itself in the working of the RCC. Empirical studies on the Europeanization of RoL during the process of enlargement tend to highlight frequent legal/institutional compliance that had neither fundamental nor lasting effects in most post-communist candidates (Börzel and Risse, 2012; Mendelski, 2015). The primary obstacles to reform in such captured polities "are not technical or financial, but political and human. RoL reform will succeed only if it gets to the fundamental problem of leaders who refuse to be ruled by law. Those (quasi)reformist constellations –political parties and governing actors – who benefit from the EU redistribution of power, are singled out as the most proximate source of reform" (Schimmelfennig, 2007). Being in the position which they occupy, political elites are not just the protagonists of RoL reform but hold power to reform the RoL. Political elites in the WBCC are very aware of this advantage and they are steadily using it in advancing and recruiting new levers of power which cut deep horizontally and vertically.[166] The political elites in the WBCC share many traits, in specific, they are very well aware of their neighbours strengths and weaknesses. Unlike the European level they are not confronted with diverse domestic conditions as they face and even share problems. Secondly, the costs and benefit rationale are opposed to each other. Political elites in the WBCC are more prone to join their efforts in mutually opposing EU demands then to contradict each other as it significantly weakens their negotiating position. As a firm block, they stand much more chance than when facing alone the EU as they are bound by their cultural and traditional traits rather than their own vested interests.

7.6. Conclusion

This Chapter has presented the RoL as an EU norm guiding the WBCC integration process on the European and the regional level. It is the main political criterium of the EUs conditionality policy and its importance is recognised by all political actors in both of the integration processes. The research so far has identified the political elites' awareness of the

[165] Authors' interview, with EUPE 8/12/14.
[166] Authors' interview with NPE, 28/3/15.

importance and necessity of the presence of the RoL. It has distinguished three forms in which the demonstration of the RoL compliance appears on both levels of the integration process: conversational, textual and substantive. The political elites' narrative on RoL adoption dominates the discourse about RoL compliance whereby adoption is present in some but absent in other narratives. These divergences in RoL compliance are explained by several pre-conditions such as the historical legacy of the WBCC, but also by the inclination of actors to adhere to RoL in a selective and gradual way. At the same time, these divergences exhibit themselves differently on the European and the regional level of the integration process due to political elites' understandings of the utility of the RoL. Here the literature on EU's RoL promotion has given an important contribution to understanding positive and negative effects of Europeanisation. Among them, scholars researching the so called 'pathological effect' of Europeanisation in the area of RoL reform are gaining raising attention (Mendelski, 2015; Elbasani, 2013, 2019; Vukčević and Đorđević, 2019). This effect understands pathological impact of an EU deficient RoL reform approach combined with unfavourable domestic conditions. The interplay of these factors reinforces certain reform pathologies such as legal instability, incoherence, politicization, that undermine the RoL. This is due to the fact that the RoL reform is context-driven and that Europeanisation can have both a beneficial and a detrimental effect on those reforms. A milder version of the negative effect of Europeanisation is argued by those scholars who claim that the EU through Europeanisation actually has not performed as a transformative power and has failed in that endeavour. The study has also invested effort in combining subjective understandings of political elites in the EU and the WBCC on RoL compliance and results of complying with the RoL in the WBCC. It has identified a gap between expected compliance and actual RoL promotion which invites new interpretations of actor socialisation. Thus, it highlights the problem of political elites' resistance and incorporates the role of the lacking political capacity and willingness to explain the selective and limited RoL transfers. Rule compliance depends on socialisation of political elites who are supposed to teach and have learned how to comply with the RoL in an expected manner. To achieve compliance, actor socialisation through argumentative persuasion, is of the utmost relevance. Argumentative persuasion is presented as a socialisation tool and it is found in various EU's and regional documents including specifically designed programs for capacity and institutional building and direct interactions between elites through meetings of various political and technical formats. The RoL compliance outcome achieved through argumentative persuasion employed in such a way exhibits itself through certain patterns of political elites' behaviour. This study proposes that evaluating RoL compliance, as the outcome of a

differentiated socialisation, will allow us to understand why and how similar socialisation efforts are giving differing results even when the same socialisation tools are applied in two similar and supposedly connected environment. In effect and on a general level, it could contribute to a better understanding why some countries are able to establish the RoL and others are not. Thus, this Chapter contributes to contemporary research on RoL promotion through actor socialisation achieved by argumentative persuasion by adding another dimension to the understanding of potential limits of Europeanisation in the WBCC.

Chapter 8: Rule of law compliance at the European and regional integration level of the Western Balkan candidate countries

8.1. Introduction

This Chapter presents the main findings of the case studies on RoL compliance by political elites in the WBCC on the European and the regional level of the integration process. The main reasons for choosing case study as a method to investigate RoL compliance are found in conclusions made by analysts from the EU and other independent policy-oriented organisations that the key problems of the WBCC on their integration path have been deep corruption, weak RoL, doubtful justice systems, fragmentizing parties and authoritarianism, resulting in a pattern of democratic decline, both institutional and personal (BIEPAG; Transparency International; Freedom House; Berteslmann Foundation; EC; EP).[167] The case studies are employed to answer the research question why political elites in the WBCC exhibit diverging patterns of RoL compliance on two levels of the integration process. The RoL has been chosen based on the empirical data collected through PDA, QDA and interviews with representatives of political elites in the EU and WBCC. The empirical data highlighted the relevance of the role and position that the RoL holds within the corps of EU norms. Evidence supporting this were found in major documents related to the integration process, mechanisms developed for pursuing and safeguarding the track record on declaratory and substantive RoL compliance, and tangible practical results of RoL implementation on both levels of the integration process. The RoL compliance has been observed within the framework of the SAC/IGC and the RCC.

As an introduction to the case study findings the first two sections reflect on how and why compliance with EU norms occur in the WBCC integration processes. These findings are related to socialisation efforts of political elites in the EU and RoL compliance outcomes achieved by political elites in the WBCC in the areas of combating corruption and organised crime on the two levels of the integration process. Building on these findings, the dissertation argues that actor socialisation is the driving mechanism of WBCC Europeanisation. The success of socialisation is determined by the effective employment of argumentative persuasion as the main socialisation tool. Argumentative persuasion is detected in and explored through

[167] Conclusions presented in reports of these institutions cover the research period of this study from 2011 until 2018.

political text and talk while the empirical analysis has identified three forms of socialisation efforts of political elites in the EU and RoL compliance outcomes by political elites in the WBCC: conversational (speech acts), written (documents) and substantive (practice). The previous sections posited that although the same socialisation tools have been used under similar circumstances the analysis has extracted differing understandings of compliance outcomes. First, these results show that apart from already recognised forms of compliance offered by some scholars like Noutcheva (2007, 2012), another form, namely "shallow compliance", needs to be acknowledged, as it is a direct result of political elites lacking willingness and/or capacity to comply. Second, the effectiveness of argumentative persuasion being assessed on the hypotheses offered by Checkel (1999, 2001) shows that not all of these hypotheses are satisfied in the case of the WBCC. This gives little or no room for successful socialisation as political elites in the WBCC tend to show through the interchangeable use of the logics of appropriate and consequentialist behaviour. If there was a permanent switch from following a logic of consequences to a logic of appropriateness, the adoption of the RoL would be sustained over time and become independent from material incentives or sanctions (Checkel, 2005; March and Olsen, 2005). Thus, the key factor determining successful socialisation is sustainable RoL compliance based on irreversible political will and the continuously enhanced capacity of political elites in the WBCC. Thus, the remaining sections of this Chapter will present findings of the empirical analysis on understandings of RoL compliance in areas of combating corruption and organised crime by political elites in the WBCC on two levels of the integration process.

8.2. The rule of law compliance: why and how?

As stated earlier, compliance with an EU norm depends on the robustness of a norm, the legitimacy it entails and the clarity of its communicated intent. For many years, scholars and practitioners have agreed that the EU has not been able to successfully transmit messages about integration especially related to RoL compliance. The inability of ENS and PRs as socialisation tools to clearly set most priorities and proposed actions has significantly weakened the RoL legitimacy and undermined its "compliance-pull" (Franck, 1988: 725). The EU demands for comprehensive pre-accession compliance with the RoL are asymmetrical and one-sided but their legitimacy rests on the fact that they intend to provide the prospect of full inclusion and future equality of participation. Bearing in mind the most recent developments in the EU's foreign policy questions to which extent the WBCC once they accede will really

present a political factor in the EU institutional framework and decision-making system. Finally, clarity is relevant as it shows the direction and which measures are to be applied to achieve expected reform results. Although robustness and clarity of a norm must be pre-built, argumentative persuasion can contribute to building up RoL legitimacy. Argumentative persuasion is the core mechanism of strategic social construction as it has to do with "cognition and the active assessment of the content of a particular message" (Risse, 2000). Argumentative persuasion is crucial as a means of convincing and motivating political elites in the WBCC to behave in accordance with rules previously defined by the political elite in the EU. For argumentative persuasion to gain ground and improve cooperation towards rule adoption certain conditions need to be met such as the capacity and institutions building and the transfer of know-how. The production and discussion of PRs for the WBCC, monitoring processes, National Action Plans, and to an extent the ENS, represent a degree of motivating and intensifying cognitive engagement, reflection and argumentation about the content of the desired norms and rules (Magen, 2006). They all represent a form of communicative action and a socialization tool as they tend to engage political elites in the WBCC to participate in articulating agendas for debate, identification areas of necessary change, proposing policy solutions, praising compliance or shaming non-compliance. All of which tend to facilitate a common discursive agenda, shared problem perception and greater accordance on mutually acceptable solutions for policy issues (Magen, 2006). The SAC/IGC and RCC already represent a certain institutional form of cooperation by efforts to integrate the WBCC with the EU while inserting new institutional forms such as various high-level political dialogues (i. e. the Berlin process) contribute to branching the existing network of social interaction. All mentioned institutional forms actively promote and effectuate the intensification of such political cooperation which is supported by the EC, as well. The primary aim of these institutions is to argumentatively persuade political elites in the WBCC in the appropriateness of EU rules and norms guiding the integration process in particular phases which also enriches the existing to-do list. Bearing this in mind, the conditions under which argumentative persuasion-compliance dynamics occur, as developed by Checkel (1999 and 2001), are seemingly absent in the overall context of the European integration agenda for the WBCC.[168]

The matter at stake is the effectiveness of the EU's socialisation tools that trigger compliance and to what extent the compliance outcome is successful. As mentioned before, the EU is conducting socialisation through two organisational platforms, the SAC/IGC and the

[168] See Chapter 3 of this dissertation.

RCC. The strength of the SAC/IGC and RCC, as socialisation tools, besides depending on legitimacy, credibility and argumentative persuasion, also rests on their ability to facilitate social learning. Social learning encompasses communication about self-understandings, perceptions of reality, normative expectations conducted in an environment where institutions and social interactions between political elites promote diffusion of meaning and result in changes in individual and collective identities (Adler and Barnett, 1998). Thus, social learning is strongly linked to argumentative persuasion since it involves social-cognitive processes (Magen, 2006; March and Olsen, 1989). Some scholars such as Koh (2005) claim that interactive social processes do not lead to compliance-based cost-benefit calculation, according to rational choice institutionalists, but to "obedience". Political elites in the WBCC very often experience and interpret EU integration demands as a demonstration of superiority. They tend to publicly display their dissatisfaction with such an attempt of political elites in the EU to change their perceptions. In this sense, social constructivist perspectives are in favour of recalibrating EU socialisation tools so that they show respect and value dignity of political elites in the WBCC (Magen, 2006). Such tools would not only demand obedience but create a sense of an informed political dialogue based on a kind of reciprocity, justice and fairness. Besides the already mentioned documents as sources for detecting signs of socialisation presence, the intensification of official political and technical interaction is performed through TAIEX program (Magen, 2006). TAIEX program serves the purpose of teaching how EU policy works with the aim to involve more closely and in-depth civil servants and other administrative and technical personnel from the WBCC to engage directly in implementing EU policies on a national level through the application of EU rules and norms.

Some scholars and practitioners delve into examining the major traits of the EU's successes and failures in transposing the RoL in the WBCC by stating that it is either "absent" or "present" (Schwartz, 2000; Mendelski, 2012, 2013 and 2015; Magen and Morlino, 2009; Morlino and Sadurski, 2010). The first case requires the establishment of RoL while in the latter its presence is acknowledged but not in the desired form and certain "varieties of the RoL" are identified (Mendelski, 2009, 2014). These observations lead to the question whether the EU is dissatisfied because the RoL is absent or just because its development has taken a different turn in the WB reality. In both cases it is valid to assume that the perception of absence or varieties of the RoL are present because political elites in the WBCC are not always able or willing to implement the RoL reform process. In the first case, it can be claimed that the RoL is not entirely absent, but that national legislation, internal practices and behavioural patterns lack certain dimension of it. Thus, scholars claim that the absence of the RoL in the WBCC is

reflected, for example, in politicised judicial systems, defective constitutional review, weak separation of powers, weak or ineffective horizontal accountability institutions, insufficient judicial capacity, presence of corruption, and a low quality of legislation (Schwartz, 2000; Magen and Morlino, 2009; Morlino and Sadurski, 2010; Mendelski 2012, 2013, 2015). In the second case, the WBCC are experiencing, as transitional states, "varieties of the RoL" which consist in systematic differences in the level of judicial capacity, impartiality, judicial review, separation of powers, quality of laws, as mostly mentioned areas of deviation (Mendelski, 2014). To explain this, several authors support the argumentation provided in previous Chapters of this study that importance of several structural preconditions must be recognised. These entail communist/socialist and post/socialist institutional and societal legacies from the Habsburg and Ottoman periods which have survived in some areas and impacted the modes of actual governance based on some kind of the RoL (Mendelski, 2009 and 2014). These conditions are paired with the relevance of domestic agencies namely political elites, their interests, strategic and short-term calculations, balance of powers between but also knowledge, skills and experience in dealing with RoL issues (Schwartz, 2000). The working of argumentative persuasion shows that political elites "do not so much calculate costs and benefits or seek cues from their environment. Rather, they present arguments and try to persuade and convince each other; their interests and preferences are open for redefinition" (Checkel, 2005: 812). Once political elites start thinking whether something is the right thing to do although they are not used to thinking so is the moment when a possible shift between logics of behaviour is initiated. If this shift leads to a conclusion that something is the right thing to do then the switch from logic of consequence to the logic of appropriateness has been effectuated (Checkel, 2005: 812).

8.3. Evaluating understandings and outcomes of rule of law compliance

The case studies have focused only on the dimension of RoL compliance. In the case of the WBCC, what can be concluded from the literature and the available empirical data, is that the post-communist/socialist vs. liberal-democratic division in terms of the RoL has persisted (Vučković and Đorđević, 2019). The WB region is still in transition, being challenged by the circumstances of "captured states", weak institutions, lack of political will and the capacity of political elites to surrender to its transformative effect and to value the need of complying not only formally but also substantively to achieve credible and tangible progress in the integration process (ENS/17-18). According to the latest Bertelsmann Stiftung's

Transformation Index (BTI) RoL index, on the scale of 1-10, the RoL stands at point 7.0 in Montenegro, in Serbia at 6.8, in Macedonia at 6.0 and in Albania at 5.3.[169] The BTI RoL shows that the WBCC had a very challenging period in reforming policy areas that fall under the RoL in structural and in the institutional sense. They are all confronted with high levels of corruption in all layers of society and various forms of organised crime which are gaining more volume as countries are becoming transiting areas for trafficking humans, illegal goods and arms.[170] All these elements are derivates of the ongoing socialisation process of a graded character.

The most interesting aspect when analysing RoL compliance by political elites in the WBCC is that the role of the RoL is viewed by the EC at the same time as being a "major challenge" (ENS/11-12: 2) and of a "crucial condition" (ENS/11-12: 4). When stating its significance, the EC considers it to be first and foremost the Enlargement and accession "pillar", "priority", being placed at "the centre" of the integration process, the "backbone" of the accession process (ENS/14-15: 3) and one of the "fundamentals" (ENS/13-14: 19; ENS/14-15: 6; ENS/14-15: 13). When assessing its functionality the EC posits that the RoL needs to be "strengthened" (ENS/11-12: 5), it must have a "solid track record of reform implementation" (ENS/12-13: 3), it has to be "irreversible" (ENS/12-13: 3), "consolidated" (ENS/12-13: 22) and "strong" (ENS/16-17: 2). In terms of compliance outcome, the EC assessed that there were over past years "some positive developments" (ENS/14-15: 5). Finally, the EC recognised that the RoL has also been at "threat" which demands greater "attention" of all stakeholders (ENS/14-15: 6) as it remains a "pressing issue" (ENS/17-18: 4). These attributes speak very much about the role, position and function of the RoL but not so much about its substance. The vagueness of its substance stems from the lack of definition. While examining PRs over the year one can observe the growing list of items that fall under the section of the RoL but not much explanatory material to facilitate the understanding of what makes the RoL and what it is in the integration process. The political elites in the EU have demanded on so many occasions for their interlocutors to show unambiguously commitment, in words and deeds, to pursuing the RoL. "There is a significant gap between proclamatory and achieve goals with all political elites".[171] This is still present as the political elites in the WBCC "must embrace RoL more

[169] See various reports on the WBCC for 2018, source: https://www.bti-project.org/en/reports/country-reports/detail/itc/alb/, https://www.bti-project.org/en/reports/country-reports/detail/itc/srb/, https://www.bti-project.org/en/reports/country-reports/detail/itc/mkd/ and https://www.bti-project.org/en/reports/country-reports/detail/itc/mne/.
[170] Ibid.
[171] Author's interview with NPE, 27/9/13.

strongly and credibly" since it is "a key benchmark against which the prospects of these countries will be judged by the EU" (ENS/17-18: 4).

The political elites in the WBCC are in a declarative way committed to the RoL. This is very present in political text and talk.[172] When analysing political texts, especially constitutive documents of states which are the backbone for RoL compliance, it is noticed that provisions on the RoL have been continuously updated and enriched. Such an example are the Constitutions of the WBCC. In the case of Serbia, Article 1 of its Constitution states that the "Republic of Serbia is founded on the rule of law" which is then further elaborated in Article 3 stating that "the rule of law is a fundamental prerequisite for the Constitution which is based on inalienable human rights. The rule of law shall be exercised through free and direct elections, constitutional guarantees of human and minority rights, separation of power, independent judiciary and observance of Constitution and Law by the authorities." (C/SR/06: 1, 2). The Constitution of Montenegro states in Article 1 that the Republic of Montenegro is "based on the rule of law" without any further elaboration on the same (C/MN/07: 1). The National Assembly of North Macedonia has adopted the Constitution, as stated in its Preamble, based on the "establishment and consolidation of the rule of law as a fundamental system of government" (C/NM/19: 1). Finally, the Constitution of Albania states in its Preamble that the Albanian people are determined to "build a social and democratic state based on the rule of law" while is Article 4 it adds that "the rule of law constitutes the basis and the boundaries of the state" (C/ALB/07: 1). In accordance with these provisions the WBCC have produced laws and other legal documents of a binding nature such as National Assembly or Parliament resolutions on the involvement of their countries in the European integration process, National strategies or Conventions for European integration, Programs for approximation of national legislation with the EU legislation, Action plans for negotiations chapters of the AC, and so on. What is in common with all these and other documents related to the European integration process when harmonization with the EU legislation and adoption of EU standards is discussed is that they recognise the importance of the RoL as the basis for these actions to take place. For instance, the Resolution of the National Assembly of the Republic of Serbia on association with the EU states that it confirms "the commitment of the Republic of Serbia to establish a society based on the rule of law" and "expresses full readiness to fulfil all necessary requirements for an accelerated integration with the EU" (NA/SR/ACC/EU/04: 1, 2). As in the case of the Montenegro Parliament Resolution on manner, quality and pace of the integration

[172] See Chapters 4, 5 and 6.

process of Montenegro to the EU where the Parliament supports, among other things, the "establishment of the rules of law" (P/MN/ACC/13: 3). Bearing in mind the volume of all documents related to European integration that the WBCC have so far adopted and the improbability of the EU to examine all of them, the ENS and the PR have mostly focused on the Constitution and the laws that have been targeted by situations and circumstances. According to the past edition of the WBCC PRs, Serbia has largely brought its constitutive documents in line with EU standards (EC/PR/SR/14: 7), the implementation of the Constitution has been upheld in Albania (EC/PR/ALB/14: 5), in Montenegro up to 2014 no amendments were to the Constitution (EC/PR/MN/14: 5) but the following PRs have not continued tracing changes in this domain, and in North Macedonia from 2014 there were ongoing amendments with the latest one taking place with the adoption of the Prespa agreement which changed the name of the state (EC/PR/NM/14: 5).

Political elites in the EU argue that the "rhetoric of enlargement is based on inclusiveness" and they expect political elites in the WBCC to align their political talk with this principle.[173] Unfortunately, due to the incompatible political talk of both groups of political elites "the process of enlargement suffers from an issue seen as 'disconnected realities' which understands the absence of a link in perceiving and understanding the process on an equal level from both sides (EU and WBCC)".[174] This is partly the result of the role that political elites are assigned by the hierarchical nature of the integration process and partly because of the previously laid out structural conditions. Namely, "expectations need to match the actual capabilities of countries to perform in response to set conditions".[175] In addition, "political elites efforts in advancing the integration process depend on how real the prospects look like for the WBCC where the essential part is the interaction of political will and technical capacity".[176] Given the nature of the integration process, the role of political elites, the mismatch of expectations and capabilities, as well as, the reality of achieving EU membership, most interviewees have concluded that on the European level of the integration process "political elites in the WBCC will pay lip service to the demands of the integration process but will not practice what they preach".[177]

In its assessment of regional cooperation, the EC has used the same evaluative expressions stating that the WBCC have "maintained" or continued to be "active/pro-active"

[173] Author's interview with EUPE, 10/4/13.
[174] Authors' interview with EUPE, 2/5/13.
[175] Author's interview with EUPE, 17/5/13.
[176] Author's interview with NPE, 9/9/13; EUPE, 27/3/13; NPE, 26/9/13; EUPE, 12/4/13.
[177] Author's interview with EUPE, 4/3/14.

in regional cooperation initiatives (EC/PR from 2011-2018). The diversification of thematic cooperation area has fostered an increase of cooperation intensity which has been praised on numerous occasions (EC/PR from 2011-2018). Their potential for making regional cooperation even more successful was identified as it "needs to be further exploited in order to continue contributing to political stabilisation and to create economic opportunities" (ENS/17-18: 6). On the regional level, the WBCC have exhibited the same amount of recognition of importance of the RoL but the presentation of it differs significantly in comparison to the individual ones by the WBCC. Since its inception the RCC has had and continues to have an important role in promoting the RoL and the area of Justice and Home Affairs, which encompasses anti-corruption efforts and combating organised crime, are included. While pursuing the establishment, development and preservation of the RoL the RCC has been guided by the following goals: "reliable and predictable judiciary with laws equally applied to all; improved capacity, independency and accountability of judiciaries; better mutual legal assistance; enhanced courts' efficiency and reduced backlogs; transparent decision-making process , and increased integrity of public institutions" (RCC/RoL/17: 2). Whether and how all of these goals have been achieved in combating corruption and organized crime will be shown in the next Chapter.

8.4. Rule of law compliance areas – combating corruption and organised crime

The forthcoming paragraphs present findings of the empirical analysis on RoL compliance by political elites in the WBCC in the areas of combating corruption and organised crime on the European and regional level. These areas are covered by EC PR's, ENS and Chapters 23 and 24 of the EU's AC. The RoL is not only recognised but also emphasised as a cross-cutting norm that spreads horizontally throughout all the AC chapters and in abiding with political, economic, and legislative criteria. The Chapter on the RoL placed at the very beginning of the PRs, holding a high position as the second Chapter in line, which confirms understandings of its importance for the WBCC integration process. The Chapter is divided into several separate fields, among which are combating corruption including anti-corruption efforts and combating organised crime. The findings are organised into smaller sections dealing with track records, legislative and institutional framework. These three aspects of the RoL have been extracted as the main channel to monitor and assess RoL promotion, enforcement and safeguarding by political elites in the WBCC. The new version of the PRs targeted specific issues where progress in areas of interest is being monitored and therefore a uniform checklist

has been created. This checklist includes the following sub-criteria deducted by empirical analysis: 1) concrete undertaken measures/activities, 2) concrete results (quality and quantity) of these measure/activities, 3) concrete change exerted from these results, 4) concrete effect of these change on practitioners and institutions (in some cases response of the public), and 5) recommendations for a concrete direction to furthering positive effect.[178] The fulfilment of these criteria illustrates to which extent RoL compliance has occurred. The performances of the WBCC were assessed on an individual and regional level. There were no specific lists of laws, regulations and/or directives that needed to be adopted and that were acknowledged beforehand. Depending on the problem at hand and what areas of RoL it was relating to, the EC and its fact-finding missions would observe the activities of the WBCC Governments' and other stakeholders in the process. This was to establish how far away or how close they are in adopting and implementing those particular features of the RoL. Bearing in mind that not all WBCC had the same individual starting positions, once the evaluation process of exercising the RoL was put in place, the track record does not embody, for example, the same type of laws, regulations and directives nor does it assess the same level of the ones that are already in place.[179] In general, the annual EC PR's have almost regularly concluded that "further tangible results are necessary in the area of RoL" and that all countries must "continue to implement and consolidate reforms in the RoL area".[180] The WBCC are expected to "enhance credibility and predictability of the rule of law sector".[181]

On the regional level, the PRs are monitoring the development of good-neighbourly relations, regional cooperation and integration also throughout the working of the RCC. On this level, all participating countries had the same starting position as they have taken part in the creation of this institution. The PRs provided rather general conclusions which did not quite follow previously established rationale that regional integration presents an essential part of the European integration process. The findings also did not say much about the WBCC political elites' attitudes towards this institution as its functionality on several occasions has been qualified as critical for achieving successful regional cooperation and integration.[182] The capacity and political willingness of the WBCC to combat corruption and organised crime has been extensively monitored throughout the years. Throughout the timeframe of analysed

[178] See layout of the new reporting structure in ENS/14-15 and as it is implemented in PRs from 2014-2018.
[179] For example, in the year 2014, PR for Albania was focused on the issue of overcoming the political stalemate with the introduction of a political dialogue between the opposition and the ruling party while in the case of North Macedonia it was concentrated on the politicisation of institutions.
[180] Main findings in EC PRs within the period from 2009 until 2015.
[181] Ibid.
[182] EC Progress Reports from 2013 to 2015.

political discourse on the subject, there were no major alterations to the conclusions made by the EC and other relevant European institutions including non-governmental institutions specialized in the area of monitoring corruption and organised crime. The most recent survey done by Balkan Barometer shows that 76% of public in the WBCC supports regional cooperation while 56% is in favour of EU membership in contrast to the 42% from 2015 (RCC/BBINF/2019). The same survey shows that regional cooperation in the past decade has had a steady support not dropping below 70% while European integration has experienced wide oscillation going down as low as 37% in 2013. This fact also speaks volumes in favour of differing socialisation on two-levels of the WBCC integration process. The major conclusion rests on the need of the WBCC to invest serious efforts in order for the reform process to be genuine and sustainable while "fighting organised crime and corruption remains crucial to countering criminal infiltration of the political, legal and economic systems" (ENS/14-15: 4; PR/MN/18: 31; PR/SRB/18: 34).

PRs for WBCC in the period from 2011 to 2018 show clear signs of argumentative persuasion utilisation as a socialisation tool on the European level of integration. The expected argumentative indicators (words) such as 'must, need and should', that show direction in which ones expected action should develop, are present in sections of the Report dealing with corruption and organised crime in their basic, as well as, enhanced form. Argumentative indicators can also be tracked in RCCs annual reports and strategy and work programmes in the same examined period though not so intensively. This will be fully elaborated in the following two sections. Bearing this in mind, the study is oriented towards analysing and comparing empirical data that contains understandings of political elites in the EU and the WBCC which reflect successful and graded RoL compliance in a circumstance driven integration environment. It excavates dominating preferences which were either of a rationalist or constructivist nature. Thus, the following sections present in a systematic way results of the empirical analysis of the WBCC progress in combating corruption and organised crime. These are two key areas of the RoL criterion, and they provide conclusions about the factors that trigger resistance of political elites in the WBCC towards EU reform demands.

8.4.1. Combating corruption at the level of regional and European integration

The declarative and substantive compliance of political elites in the WBCC with the EU's RoL in the area of combating corruption is recognised by the EU as insufficient

(ENS/2018). In that sense Europeanisation of political elites in the region has shown to be very challenging while their RoL compliance track record demonstrates instrumentalisation of the RoL for the purpose of satisfying self-interest, preserving power and conducting cosmetic reforms that will not significantly affect the well established system of autocratic governance. Furthermore, corruption is considered to be a threat to stability and good governance, an obstacle to the establishment and enforcement of the RoL, and a challenge to construct accountable institutions, democratic stability, and economic development in the area (EC/PR/WBCC from 2015-2018). The failure of the EU to change this by Europeanising the WBCC equally on both integration levels to adhere adequately to the RoL is becoming more and more visible (Vukčević and Đorđeić, 2019). This failure is caused, as this study argues, by the circumstance driven integration process where political elites in the EU were able to argumentatively persuade political elites in the WBCC in a limited way to comply with the RoL. This section will present in a condensed way where argumentative persuasion was detected, how it was used by political elites in the EU *vis-à-vis* political elites in the WBCC, and what are the EU's perceptions of RoL compliance in the area of combating corruption.

Unlike PRs from 2011 to 2015, the new reporting methodology applied in PRs from 2015 onwards has shown a clearer assessment of progress achieved in complying with the RoL in combating corruption. The new methodology allowed the reader to track results in fulfilling precise recommendations given by the EC in a 12 months span. Even if these recommendations were not fully adopted and implemented, the EC has started to register the degree to which they have been translated into practice. For example, in the past five years the EC has been continuously recommending that Albania needs to "demonstrate further progress with a view to establishing a solid track record of investigations, prosecutions and convictions in the fight against corruption at all levels" (PR/ALB/15-16: 15, 16-17: 17); North Macedonia should "demonstrate/reaffirm its political will to fight corruption by providing institutions active in the prevention and repression of corruption with the necessary autonomy, resources and specialised staff" (PR/NM/15-16: 15, 18: 23); Montenegro needs to "significantly improve track records in the areas of repression and prevention of corruption, including by imposing effective sanctions" (PR/MN/15-16: 14, 16-17: 15, 18: 18) and Serbia must "establish and further improve its track record on investigations, indictments and final convictions as regards high/-level corruption, including seizure and confiscation of criminal assets" (PR/SRB/15-16: 13, 16-17: 15, 18: 19). From the very beginning of the section where progress in adhering to the RoL in combating corruption has been assessed, the reader can notice clear signs of the argumentative persuasion usage. For example, when discussing anti-corruption efforts it is

clearly stated that "criminal statistics and statistics on conflict of interest cases *need to be* strengthened" (PR/ALB/ 12-13: 15); "a more proactive and coordinated approach by supervisory bodies and enforcement agencies *is needed*" (PR/NM/12-13: 13); "the political authorities *should ensure* that law enforcement bodies are fully empowered to act effectively and impartially when investigating corruption allegations" (PR/MN/ 15-16: 14). In their enhanced form, the significance of action that these indicators tend to emphasise is directly connected to the attributed role of the subject such as "corruption is widespread, and *more efforts are needed to establish a solid track record of investigations*" (PR/ALB/15-16: 15); "existing complaints mechanisms *must be implemented in a consistent m*anner" (PR/NM/15-16: 18); "an initial track record of investigation, prosecution and final convictions in high-level corruption cases has been established but *needs to be further consolidated*" (PR/MN/18: 18); "Serbia *should urgently step up* its capacity to manage frozen or confiscated assets so that they do not lose economic value" (PR/SRB/18: 34). Another set of argumentative indicators is identified whereby these words instead of directly pointing the direction of future action show where the expected change has not occurred and emphasise that particular segment of the compliance problem. These indicators contain combinations of words such as "have yet to show/produce", "remain a challenge/constraint/insufficient/to be adopted", "need to be strengthened/improved/enhanced/more developed/ensured/increased", "continues to be underdeveloped/insufficient", "required better", "is limited" and similar (PR/WBCC from 2011-2018). When argumentative indicators are used in such a way, they demonstrate subjective understandings of political elites in the EU on the specific segments in the areas of corruption where full socialisation has not taken place which results in a degreed compliance. In contrast, PRs also contain understanding that socialisation has not explicitly taken place. For example, "regarding party financing and electoral campaigns there is *no track record* of effective control" (PR/ALB/15-16: 16); "*no progress* has been achieved in the past year on the outstanding issues identified" in both areas of corruption and organised crime (PR/NM/ 15-16: 15, 17); "the system of checks for conflicts of interest and asset declaration *is not effective*" (PR/MN/14-15: 10); "Serbia so far *did not implement* in a satisfactory manner any of the thirteen recommendations provided by the Council of Europe Group of States against Corruption" (PR/SRB/18: 21), Other examples relate to understandings when socialisation has taken place in a satisfactory manner such as "regional and international cooperation *is good*" (PR/NM/13-14: 12); "the legal framework for the fight against corruption *is broadly in place*" (PR/SRB/16-17: 16), or in an unsatisfactory way when "the country's tools for freezing, managing and confiscating criminal assets is not effective enough" (PR/NM/18: 37); "there has

been *little effort* to investigate wider criminal networks" (PR/MN/15-16: 16). All of these examples show that argumentative persuasion is present and is used for the purpose of convincing political elites in the WBCC to change their discourse and/or behaviour for two specific reasons. The first one relates to the progress of the integration process on the European level which eventually will lead to full membership. The second one relates to the fact that RoL compliance in combating corruption will benefit the entire state and society. These two reasons have quite often competed whereby political elites had to choose whether they will satisfy their individual gains including party-politics or they will allow the greater good to prevail over their self-interest. This fact has also pointed out in the direction of whether political elites will behave appropriately, as it is expected of them to do, or they will behave according to the cost-benefit mathematics. This has been well noted by political elites in the EU and perceived as the main stumbling block in socialising political elites in the WBCC. However, it has also been acknowledged that the existence of political will and capacity to adhere to the RoL can and have in practice contributed to the change of behaviour in comparison to the expected behaviour.

Systemic corruption is a persistent problem in all WBCC (Čeperković and Gaub, 2018; Sanfey and Milatović, 2018). According to the annual reports on the state of corruption worldwide, in the case of the WBCC, it has been registered that the highest amount of corruption is present within institutions where the majority of political elite representatives are officially active: judiciary, police and government. For example, *Freedom house*, in its latest annual report "Nations in Transit" has rated the level of corruption in the WBCC as follows: "in Albania corruption pervades the public and private sectors while corruption rating remains unchanged at 5.25; in North Macedonia, although nearly every government in independent Macedonia's history has claimed to prioritise the fight against corruption, the corruption rating remains unchanged at 4.25; in Montenegro corruption is a key issue, remaining pervasive in many areas, so corruption rating remains unchanged at 5.00; in Serbia widespread tax evasion and fraudulent bank loans heightened the need to fight corruption, but the ruling SNS party has yet to build a track record of concrete results, thus corruption rating remains unchanged at 4.25". [183] In a similar way, all WBCC are ranked relatively low on the *Transparency International's Corruption Perceptions Index (CPI)* for 2018, ranging from Montenegro in

[183] Nations in Transit measures progress and setbacks in democratization in 29 countries from Central Europe to Central Asia. Each volume covers events from January 1 through December 31 of the reported year and is an updated edition of surveys published in previous years. Source: https://freedomhouse.org/report/nations-transit/nations-transit.

64th place to Albania in 99th out of 180 countries.[184] The Western Balkan average CPI score is 40 (on a scale of 0 (worst) to 100 (best)), compared with an average of 65 in the EU. This data shows that politicians are seen as corrupt primarily at the national level in the WBCC, and also at the local level (RCC/AR/2016). In a similar manner but on the regional level, public opinion polls have been conducted to determine the attitudes of the WBCC public about topics related to the RoL and anti-corruption efforts. Their results show that 70% of interviewees believe that laws are not applied equally while 59% believe laws are not applied effectively (RCC/BBINF/2019). The greatest lack of trust in institutions practicing the RoL is with the government 38%, then courts 37% and lastly with parliaments 35% (RCC/BBINF/2019). The public considers political parties in the WBCC to be the most corrupt 77% followed by judiciary 75% and parliament 69% (RCC/BBINF/2019). Finally, 61% of the WBCC population is unhappy with their governments efforts to combat corruption (RCC/BBINF/2019).[185] Practitioners and scholars have independently concluded that curbing overarching politicisation in the region is essential to countering corruption effectively (Milošević and Muk, 2016). General conclusions drawn from analysing EC PRs in the period from 2011-2018 is that corruption has become endemic and prevalent in the societies of the WBCC and that there has been only some progress (3)[186], notably with the legal and institutional framework, and in the process of establishing a chain of specialised anti-corruption bodies (EC/PR/WBCC/2018). However, the number of convictions of officials engaged in high-level corruption remains low, with little concrete results in practice (EC/PR/WBCC/2018; BTI, 2018d). Thus, the WBCC are still faced with various challenges mostly seen as insufficient capacities; and a lack of transparency in decision-making processes; and weak institutional cooperation. When discussing the essence of anti-corruption efforts, most analysts and interviewees support the findings of the EC expert missions and conclude that, political commitment and will in the region is continuously lacking (Imeri and Ivanovska, 2016; McDevitt, 2016; Mendelski, 2014; Milošević and Muk, 2016).[187] The prolonged procedures in prosecuting especially high-level corruption are often concluded with acquittals or with light and inconsistent sentences. Such practice, as some of the surveys have shown, give rise to insufficient trust of the WBCC public in institutions charged to combat corruption. Besides the lack of political will there are also objective reasons found in the lack of administrative capacity

[184] See https://www.transparency.org/cpi2018.
[185] This data is more or less the same for the past three years.
[186] Discrete numerical value.
[187] Authors' interviews with NPE, 23/10/13; 23/1/14; 9/9/13; and EUPE, 14/3/13; 10/4/13; 25/3/13; 13/3/13; 8/12/14; 17/5//13.

which are mostly related to the insufficient transfer of know-how and inadequate technical resources to conduct various operative works. Efforts of the WBCC to tackle corruption are restrained by these two elements and reforms that have been pursued so far and have had little impact on the perception of corruption and anti-corruptive practices. For example, codes and rules have not always been enforced in practice and new procedures can be circumvented (Mendelski, 2014). Furthermore, competition between various institutions deepens already fragmented cooperation which further only superficialy deals with corruption. Key problems include institutional overlapping, in fighting and preventing corruption (Serbia), limited cooperation between the prosecution and police (North Macedonia, Montenegro, Serbia) and regular infighting between key judicial and law enforcement actors (Albania) (McDevitt, 2016). Finally, as the EC PRs have continuously registered and warned against is the widespread political interference in the appointments, transfers and removal of judges, prosecutors and police officers and in the decisionmaking processes of anti-corruption and judicial bodies (McDevitt, 2016).

Bearing these facts in mind, the conclusions by the EC in its ENS and PRs in the analysed period are as follows. The EC's new ENS notes that "countries show clear elements of state capture, including links with organised crime and corruption at all levels of government and administration, as well as a strong entanglement of public and private interests" (EC/PR/WBCC/2018). It has also registered that WBCCs have managed some progress in meeting the reform demands (EC/PR/WBCC/2018). All WBCC have continuously shown 'some level' of preparedness (2)[188] in this area not only to combat this challenge but also to take over membership obligations that derive in this field of action. It is concluded that Albania has an average marking according to PR assessment scales of achieving 'some progress' (3)[189]. The scores for Montenegro, Serbia and North Macedonia show that they are bouncing between 'no progress' and 'some progress' (2-3)[190]. In order to achieve better track records in reforms, the progress in the RoL compliance will have to be demonstrated and assessed based on credible track records in the fight against corruption. The legal framework resembles more to a patchwork than a coherent system put in place to allow institutions to perform in accordance to expectations. The institutional setup is not yet functioning as a credible deterrent since it is still fragile and susceptible to political pressure. The strategic frameworks are usually produced as good documents in theory but very weak in practice. There is a need for more proactive,

[188] Discrete numerical value.
[189] Ibid.
[190] Ibid.

well-coordinated and effective law enforcement to allow tangible results in eradicating corruption.

On the regional level and during the same reporting periods, the RCC Annual reports and accompanying strategies and work programs agree on most points raised in the EC PRs. They corroborate that "despite considerable progress, South East Europe faces major challenges in the area of rule of law, which is fundamental for democratic societies and the functioning of market economies" (RCC/SWP/11-13: 11). However, their conclusions about the extent to which these challenges have been dealt with on the regional level differ to the ones presented in the EC PRs about anti-corruption success stories on the European level. Namely, the EC has been underlining that the RCC is the preferred forum for the development and integration of cooperation in the region of the WB and wider in the SEE (ENS/11-12: 8). In the EC PRs section dealing with regional cooperation and good neighbourly relation there has been a constant assessment that relationships within the WBCC have been steadily improving and that the RCC played a significant role in that respect (EC/PR/WBCC from 2011-2018). Furthermore, bilateral relations between the WBCC have been assessed as positively growing which is an important precondition for regional cooperation to be considered. In that respect, the RCC has earned the role of a forum where relations between WBCC as future EUMS are to be practiced through reconciliation. Reconciliation based on the RoL is an important exercise for the WBCC as it tests their ability to, among others, take over membership responsibilities of a democratic state and society.

In addressing main issues in the RoL area, the RCC has set up a comprehensive joint regional platform for cooperation (Regional Strategic Document on the RoL 2011-2013) which was prepared, adopted and implemented in cooperation with other partners from inside and outside the region. The RSD has identified combating corruption and organised crime, among other priority fields of action, as the key priorities in supporting the overall integration process of the WBCC. The RCC has been able to develop tools for corruption proofing of legislation and corruption risk assessment, to raise awareness by developing tools for protection of whistle-blowers, to support the establishment of SEE Coalition for Whistle-blower Protection and to enhance regional cooperation on conflict of interest and asset disclosure. Current regional efforts on anti-corruption are more focused on the prevention side. They intended to contribute to more transparent administrative rules and to move away from discretion to rule-based political and decision-making. This was achieved through the implementation of recommendations contained in the assessment of corruption proofing of legislation and corruption risk assessment in public administrations. These recommendations are a part of a

persuasive dialogue being led among the WBCC within the RCC. As in the case with EC PRs, the RCC reports and strategies also demonstrate signs of argumentative persuasion such as that "there is *a need to* further improve the cooperation between law enforcement agencies and prosecutors, therefore RCC is making preparations to enable regular meetings as a platform for direct communication and exchange of information" (RCC/SWP/17-19). However, these signs are not that exact and instantly visible as the commonly expected argumentative indicators are not that much present. In contrast, the rationale behind this kind of reporting is analysing what has been envisaged, what has been done and where efforts must continue or should be improved. In that sense, the RCC documents list activities and their results in detail where quantitative description are being equalised with the qualitative aspect of the same. For example, with the aim to curb corruption in the region, the RCC has been mostly oriented towards increasing transparency and public awareness of corruption and strengthening protections for whistle-blowers; and setting up a regional platform for assistance in asset disclosure, recovery, identification of conflict of interest (RCC/SWP/14-16). The processes related to anti-corruption assessment of laws and corruption risk assessment in public institutions led to the implementation of a regional program by the Regional Anticorruption Initiative which brought the regional impact to the national level (RCC/SWP/14-16; 17-19). This was assisted by establishing the high-level Steering Group on Regional Strategic Document which developed a Monitoring and Evaluation Mechanism to assess regional cooperation in the RoL area. The RCC supported Regional Anticorruption Initiative through funding of diverse anti-corruption activities and establishment of the regional Integrity Expert Network. This serves as a network of integrity institutions responsible for conflict of interest prevention and assets declaration. Also, anti-corruption efforts facilitated a meeting of the South East Europe Law Schools with Southeast Europe Justice Training Network. It allows harmonisation of anti-corruption curricula of all national judicial training academies with curricula of law faculties in the region, further contributing to the establishment of framework for integrated anticorruption legal education in SEE. Authorities in several WBCC developed or upgraded their relevant mechanisms to assess the laws under an anti-corruption perspective and to carry out corruption risk assessments in public institutions. The RCC Secretariat supported the implementation of the regional program by sharing the in-house expertise to strengthen the national authorities' capacities on anti-corruption assessment of laws. The RCC continues to advance this process by tailoring corruption preventive measures to specific fields which are traditionally exposed to corruption and are perceived as highly corrupted by the population in the region. Such was the example of launching an activity to help governments

in conducting corruption risk assessments in the healthcare sector in 2017. This kind of assistance produced in the first instance a so called "Checklist of corruption risks in the healthcare sector" which helped training public officials in conducting corruption risk assessment and anti-corruption assessment of laws at a sectoral level which should lead to more transparent rules and less opportunity to engage in corruptive behaviour. [191] It has also been acknowledged that political will and capability are of a crucial importance for regional cooperation to proceed on a steady route and that additional efforts need to be invested to maintain the momentum (RCC/AR/13,14,15,18). Unlike the EC PRs, political will in most observed cases of recommendations being followed, is present but needs additional boosting. Thus, the efforts of the RCC and especially activities of WBCC in the RCC have been awarded a solid but fluctuating grade of being 'moderately prepared' (3)[192] bordering with 'good level of preparation' (4)[193] on the state of play level. When specific progress is observed, the RCC and the WBCC are perceived to have scored mostly 'good progress' (4)[194]. Expected results in combating corruption on the regional level in the forthcoming period include: improved and extended functioning of RAI and regional Integrity Experts Network, more regionally coordinated and efficient fighting corruption; enhanced functioning of the cooperation between national authorities responsible for combating corruption; improved regional training framework for anti-corruption in legal education in SEE; balance discrepancy in cooperation between police, prosecutors and the judiciary.

From the EU's perspective, although the EC has not assessed each and every regional initiative in that respect, it has recognised that the RCC has invested significant efforts in the RoL area, as well as, that tangible results have been achieved.[195] The EC has noted that continued enhancement in regional cooperation in this area is a requirement for the whole region to be able to take over not just obligations deriving from future membership but also in respect of soothing the general atmosphere within the region as it still remains fragile. The best way to do this is to orientate all efforts in delivering results on concrete problems (ENS/14-15). The EC has identified all WBCC as active and constructive participants in relevant regional initiatives in this field. However, when comparing results of empirical analysis across the corps of EU and RCC documents, the results have inferred that both RCC and EU documents "recognised the importance of embedding the RoL in the centre of the fight against

[191] See http://www.rcc/int.
[192] Discrete numerical value.
[193] Ibid.
[194] Ibid.
[195] RCC, source: http://rcc.int/priority_areas/17/anti-corruption-public-administration-reform.

corruption. The major obstacle in having this is the lack of understanding that the RoL needs to be generally and evenly adopted so that the efforts in combating corruption can give feasible results" (EC/PR/WBCC, RCC/AR and RCC/SWP from 2011-2018). On the other side, subjective understandings of political elites in the EU and the WBCC beyond the scope of these documents testifies that the EU has not done as much as it can do, while the activities on the regional level have given surprisingly good and sustainable results.[196] In some cases the interviews showed that the activities conducted on the regional level have been more successful than on the European level.[197] First, they have stated that "regional cooperation in many cases facilitates European integration, i.e. combating corruption and organised crime".[198] Some of them have shown that "political elites in the WBCC are more successful in networking within the region then within the EU's circles" which opens up space for "collaboration set on equal role of participating factors and mutually reinforcing goals".[199] Furthermore, the communication between political elites in the WBCC on the regional level is not so much "burdened by aspects of European integration *per se* as much with how to deal with common issues that are more directly affecting everyday life of ordinary citizens".[200] Finally, most of the interviewees agree that "being a part of an organisation through direct involvement in its works does make a great difference in the level of preparedness and willingness to find sustainable solutions to common problems".[201]

8.4.2. Combating organised crime at the level of regional and European integration

In the same way as it was presented in the previous section, this sub-chapter will present where argumentative persuasion was detected, how it was used by political elites in the EU *vis-a-vis* political elites in the WBCC way and what are the EU perceptions of RoL compliance in the area of combating organised crime.

"Embedding the RoL in the centre of the fight against organised crime is of great importance for reaching EU standards in this field. The major obstacle in having this is the lack of understanding that the RoL needs to be generally and evenly adopted so that the efforts in

[196] Authors' interview with NPE, 9/9/13; 20/9/13; 23/10/13; 26/9/13; 29/9/13; 28/3/15; 19/2/15.
[197] Ibid.
198 Author's interview with NPE, 28/3/15.
[199] Author's interview with NPE, 9/9/13; 20/9/13; 19/2/15 and EUPE, 25/3/13 and 14/3/13.
[200] Author's interview with NPE, 26/9/13; 28/3/15; 9/9/13.
[201] Author's interview with EUPE, 27/3/13 and NPE, 9/9/13; 27/9/13.

combating organised crime can give feasible results" (EC/PR/WBCC, RCC/AR and RCC/SWP from 2011-2018). As in the case of combating corruption, the declarative and substantive compliance of political elites in the WBCC with the EUs RoL in the area of combating organised crime is recognised by the EU as insufficient (ENS/2018). Along the same lines of demonstrating true commitment and willingness and investing enhanced efforts with combating corruption are understandings of political elites' compliance with the RoL in combating organised crime. "Fighting organised crime also remains fundamental to countering the criminal infiltration of the political, legal and economic systems. Effective legal and investigative tools are still a necessity to properly fight and sanction organised crime. The capacity to inter-institutionally co-operate on a regional and international level needs to substantially improve, given the cross-border and trans-national nature of many criminal activities." (ENS/14-15: 35). The fight against organised crime is still a work in progress, requiring foremost political will in order to make it a reform priority.

As in the previous section, traces of socialisation efforts are also to be found in the section of the EC PRs on combating organised crime. In the area of organised crime, the PRs have recommended that Albania "should demonstrate further progress with a view to establishing a solid track record of proactive investigations, prosecutions and convictions, including the dismantling of criminal networks involved in all forms of organised crimes" (PR/ALB/15-16: 18, 16-17: 19, 17-18: 32); North Macedonia "should step up efforts to improve cooperation between the various law enforcement agencies by bringing the National Coordination Centre for the Fight against Organised Crime into full operation" (PR/NM/16-17: 18, 18: 34); Montenegro "needs to step up efforts to establish and improve its track record of investigations, prosecutions, final convictions, seizures and confiscations of proceeds of crime in organised crime cases" (PR/MN/15-16: 16, 16-17: 17, 18: 30) and Serbia "must continue to step up intelligence led investigations with a view to develop a sustainable track record of final convictions and dismantling networks involved in organised crime" (PR/SRB/15-16: 15, 16-17: 17, 18: 31). For example, when discussing efforts in combating organised crime it is clearly stated that "the joint investigation units *need to* further develop their human resource capacity" (PR/ALB/15-16: 19); "a strategy of preventing and countering cybercrime *should be* developed" (PR/NM/18: 35); "…involvement of Montenegro in the work of Europol *needs to* continue" (PR/MN/16-17: 17); "clear guidance on the implementation of the new law on police *needs to be* provided" (PR/SRB/16-17: 18). In their enhanced form, socialisation is present when "efforts to facilitate victims' reintegration in society *require particular attention*" (PR/SRB/18: 32) or "capacity to implement legislation, however, *needs*

to be further strengthened…." (PR/NM/13-14: 12). PRs contain perceptions that socialisation has not explicitly taken place when assessing efforts in combating organised crime when stating that "*no progress* has been made on precautionary freezing of assets at an early stage of an investigation" (PR/SRB/18: 33). In contrast, there are statements relating to perceptions when socialisation has taken place in a satisfactory manner such as "*good progress* was made, notably with the adoption of amendments to the Criminal Procedure Code" (PR/ALB/17-18: 21); "Montenegro has reached a *good level of preparation* to implement the acquis on international police cooperation" (PR/MN/18: 31); or when these efforts were not fully applied like "there was *little progress* in effectively dismantling criminal networks" (PR/ALB/16-17: 19) or that "there *has been no serious* effort to investigate wider criminal networks" (PR/SRB/16-17: 17). Since these examples also show the usage of argumentative persuasion, when argumentative indicators are used in their enhanced form they tend to demonstrate, for example, that "the legal framework is *not fully aligned* with the acquis" (PR/ALB/16-17:20); "the National Coordination Centre for the fight against Organised Crime *is not fully operational*" (PR/NM/18: 36); "they key strategic framework *has not translated* into the dismantling of any or organised crime groups" (PR/MN/ 15-16: 18).

General conclusions drawn from analysing EC PRs in the period from 2011-2018 is that organised crime, ranging from trafficking in human beings, drugs and weapons to the risk of criminal infiltration of the political and economic systems, remains a key problem in the WBCC (EPSC, 2018). There have been limited changes in reform strategies to counter organised crime over the past decade and a half (Imeri et al., 2018). Despite the presence of strategies and action plans to fight organised crime, various challenges persist. As in the case of corruption, the number of investigations and convictions is still limited and selective due to an apparent strong link that is noticed between organised crime and politics. In order to combat effectively organised crime, certain think-tank organisations, such as the European Political Strategy Centre (EPSC) have recommended that organised crime needs to be mapped more thoroughly; that credible action plans should be produced and implemented so that the law enforcement framework is further developed, and that the prosecution chain should be more strengthened and that data collection should be improved (EPSC, 2018). Overall, there has been little progress in dismantling organised criminal groups. Greater efforts are needed to tackle money laundering, criminal assets and unjustified wealth (ENS/17-18). It has been detected that the area of organised crime has almost reached its peak when analysing efforts and then suddenly it started to backslide. In that sense, more demands are made by the EC for the WBCC to enhance efforts in establishing and maintaining a credible track record, especially

in the fight against money laundering and trafficking in human beings (ENS/17-18). Although some progress has been made in improving the human capacity and technical capabilities still much remains to be done in creating a sustainable legal and insitutional framework to respond to this challenge (ENS/17-18). A lot of emphasis is being placed on inter-institutional cooperation and networking between national and foreign law enforcement agencies. In that respect, efforts in developing reliable analytical departments, intelligence led operations, compatible systems of data relevant for data exchange are relevant to follow through a file from its inception to its finalisation. For all WBCC it has been concluded that some parts of legislation have been put in place, but in most cases, they are not completely compatible with the adjoined strategic and institutional framework. They are, to an extent, fragmented due to different action plans implemented by various law enforcement agencies. There is also a continuous emphasis on the urgency of developing authorities' specialisation in the different forms of serious crime. One of the practical problems recognised in the area of organised crime is that it requires continuous modernisation of equipment, rules of procedure, rules of engagement and training of personnel. Given that the austerity measures have been and will remain in place for a while, the probability of the WBCC to answer this challenge in a swift and effective way is rather bleak. Although a lot of financial means are retrieved from national budgets and a respective amount of financial support has been received from the EU itself, this remains insufficient. The EC PRs conclusions have again repeated themselves throughout the years by stating that the selective application of the RoL as an EU norm has limited efforts in combating organised crime which is the result of the inadequate level of the RoL compliance not just by the political elites but as much by the WBCC societies. The problem remains in disentangling the individuals and/or groups who currently hold high level official and political positions and are entitled to immunity. Here a very important link has been established between corruption and organised crime as corruption to an extent allows, nurtures and sustains criminal behaviour. In general, and on both assessment levels it has been concluded that the WBCC have achieved “some level of preparation” (2) and “some progress” (3) in combating organised crime (EC/PR/WBCC/2018).

The WBCC have acknowledged that borders do not represent an obstacle to organised criminal groups and that it is important for them to coop cooperate among themselves in tackling this challenge. There is a strong regional dimension in combating organised crime and for the past decade, the efforts of the RCC have been directed towards identifying cooperation deficiencies and devising tools and instruments to overcome them in combating organised crime. If implemented, they would contribute to better and more efficient bilateral, cross-border

and regional cooperation, including the exchange of information, intelligence, judicial support and joint operations between the law enforcement agencies in the WB. Thus, the RCC has been able to: act as a hub for cooperation for SEE Judicial Training Institutions Network and SEE Associations of Mediators Network in combating organised crime, to develop training tools and materials, to create a regional expert database; to support regional activities enhancing cooperation between prosecutors and the police; and to promote mediation as a backlog reduction tool.[202] The key role of the RCC in that respect is to incentivise and coordinate development projects that would speed up reforms in the WBCC and their EU integration, as well as, to create a political surrounding and support in the region and the international community to facilitate its achievement. From the moment of its inception, the RCC has had some major achievements in the fields of action. Among them are the following: 1) the establishment of a Conference for coordination of regional initiatives and international organizations active in the field of JHA, 2) formulation of multiannual Regional strategies in the field of JHA, 3) organising Regional conferences on the issue of fighting organised crime and corruption, 4) providing active support to other smaller regional initiatives in the field of JHA, 5) engaging in enhancing cooperation between police forces, courts and prosecutor's offices in the region, and 6) organising exchange of practices between private and civil legal cases. These activities serve as instruments to assess RoL compliance on a regional level and to assert mechanisms for safeguarding and guaranteeing the place of RoL in the WBCC normative and legal systems. Inclusiveness is a very important feature of the RCC since the whole logic of this institution rests on the principle of integration being achieved by actively including all countries in regional cooperation. The RCC has concluded that combating organised crime is not a sole task for the region and that it would produce better results if the cooperation platform is broadened and coordinated. Based on this conclusion the RCC documents have developed a list of recommendations that will enable the WBCC to be more vigorous in dismantling organised criminal structures and use to the best of their abilities all tools at their disposal to synchronise efforts in pursuing these goals. With the aim to provide and execute a clear link between the RoL and suppressing organised crime, the RCC reports have also demonstrated signs of argumentative persuasion such as that "there is also a *critical need to* address ways to further improve the cooperation between law enforcement agencies and prosecutors, as well as, to enhance the cooperation between police and customs authorities" (RCC/AR/14-15: 29). Again, argumentative indicators are not that visible or present although

[202] RCC, source: http://rcc.int/priority_areas/16/justice-and-home-affairs.

the discourse clearly transmits messages as a part of a persuasive dialogue. This means that some minimum alignment needs to be made between integration results on two levels of the integration process. The absence of explicit signs of argumentative persuasion shows that there is awareness that efforts need to be strengthened in reaching RoL compliance but that the divergence between political elites' discourse and behaviour on a regional level is not that present as much on the European level. The WBCC efforts to prevent and suppress organised criminal activities have had a better response among these countries and initially they have given better results. It has been noted that greater coordination of regional cooperation is needed in fighting organised crime, further improvement of coherence between policy areas and those implemented by regional and international players is necessary, as well as, continuous and systematic monitoring of regional cooperation through already established mechanisms such as the MEM (RCC/SWP/14-16). In addition, establishing proactive regional mechanism of exchange of information in real time would facilitate the planning of operations. The legal basis for this could be derived by a clearer interpretation of the two existing legal instruments–PCC Convention and SELEC Convention (RCC/AR/14-15:29). In that sense, progress could be achieved by developing direct communication with the exchange of information and better coordination amongst the RCC and WBCC. "The main barriers at regional level, which are currently being addressed, consist of varying national institutional capacities and uneven development of areas of cooperation" (RCC/AR/14-15: 30). Cooperation between various institutions in enforcing RoL is still fragmented and compartmentalised into a number of different areas. Although the growing number of regional initiatives and organisations do have their advantages, for a region as small as the WB, it would be more prudent to streamline and not disperse the time, energy and resources into a focused strategy using the maximum from the tools available. As in the case of combating corruption, the activities of the WBCC through the RCC have been awarded a score of being 'moderately prepared' (3)[203] bordering with 'good level of preparation' (4)[204] on the state of play level, while it is seen that the RCC and WBCC have accomplished 'good progress' (4)[205].

From the EU's perspective, when assessing regional cooperation in combating organised crime, PRs still state that "regional cooperation is an important test because regional reconciliation is a prerequisite and a guarantee that the countries of the region will become responsible future EUMS on the regional and also an EU level and capable of doing whatever

[203] Discrete numerical value.
[204] Ibid.
[205] Ibid.

they need to do".[206] As in combating corruption, the EC has noted that continued enhancement in regional cooperation in this area is a requirement for the whole region to be able to take over not just obligations deriving from future membership, but also in respect of soothing the general atmosphere within the region, as it still remains fragile. The best way to do so is to further orientate efforts towards a more sustainable network of joint bodies and activities where interdependence plays a major role (ENS/14-15). However, it has been noted that the EU has not done as much as it can do, while the activities on the regional level have given surprisingly good and sustainable results.[207] The EC has identified all WBCC as active and constructive participants in relevant regional initiatives in this field.

8.5. Two level double discrepancy of rule of law compliance in the Western Balkan candidate countries

The two-level double discrepancy of RoL compliance in the WBCC refers to the discrepancy between norm compliance at European and regional level, and discrepancy between the discourse and the behaviour of political elites in the WBCC on the European and regional level of the integration process. It is a result of a lack of a precise, clear and substantive RoL definition. The empirical analysis of several studies that have investigated the results of Europeanising political elites in the WBCC have concluded that "whilst existing policy is considered internally coherent, the absence of a single, formal and comprehensive EU definition of RoL may impede clarity and consistency, and more practically the development of approaches and indicators to achieve and measure change. It is also arguable however that the absence of such a definition may facilitate flexibility and responsiveness, particularly in the light of the considerable political and institutional diversity in the regions under consideration" (EC/EVR/RoL/MR/19: 15). This research has utilised, as a working definition of the RoL, the explanation whereby "the concept of the RoL corresponds to a set of norms, policies, and practices based on the principle that the law is supreme, and that therefore Government and the people should act according to the law" (EC/EVR/RoL/MR/19: 7). Previous chapters of this study dealing with political elites and norms have concluded that the WBCC have inherited and still practice to a significant degree a RoL concept different than the one in most EUMS. This concept pertains judiciary being heavily influenced by the executive and sometimes the

[206] Authors' interview with EUPE, 23/04/13.
[207] Authors' interview with NPE, 21/02/15.

legislature and in which *de jure* rather than *de facto* justice is more to be found. From the EUs' point of view, the process of transforming the WBCC and their societies into functional democracies that can adopt and support the EUs' system of norms and expected patterns of behaviour understands re-socialising the countries of the region. Re-socialisation of WBCC societies understands expectations of 'unlearning' their previous behaviour that has become customary to them. In this way the EU would re-creating a sub-society that would fit a new and bigger society by re-socialising WBCC identity, which is the identity of a fully-fledged member of the EU.

On the regional level, expectations are also directed towards practicing appropriate behaviour which needs to resemble the one demonstrated on the European level of the integration process. It still is the case that "most problematic is the attitude towards the rule of law in the south of Europe. It is treated instrumentally not as a principle just as a tool to rule the state".[208] Interviews have shown understandings that political elites in the WBCC have not embraced the RoL which they have previously articulated as one of the five most important norms underpinning the integration process in general. One of the reasons, as some respondents explained, is that when "a clash occurs between party ideology and EU norms, it is most likely that party interest will prevail".[209] A declarative way of complying with the RoL, as a sign of conversational socialisation, is very much present in the region because the discrepancies are great between what is on paper and what has functionally and practically become a part of the state and society.[210] What remains to be disentangled is whether this type of compliance is used sincerely or instrumentally. If it is used sincerely, it would confirm that political elites in the WBCC believe that the RoL is a necessity and that they want to embrace it, given the benefits of respecting and safeguarding it. These benefits would relate to the entire society while just a few privileged individuals would use the RoL because of their selfish need to remain in power which allows them to be above the law. The second form of conversational compliance is the opposite of the former as it is based not on a 'want' but a 'must' basis. Political elites demonstrate their understanding of what they believe they are expected to say and act accordingly. They do so without any sincere commitment to actually abide to the principles of the RoL. This is done, as it is considered, to be sometimes in their best interest and sometimes because they find it to be most appropriate. The key ingredient in deciding whether to follow norms or interests is the lack of political will and capacity of political elites. Political elites in

[208] Authors' interview with EUPE, 2/5/13; 04/03/14.
[209] Authors' interview with EUPE, 04/03/14.
[210] Authors' interview with NPE, 09/09/13.

the WBCC need to demonstrate their willingness to expend personal resources before engaging in political behaviour. Besides this, they also need to possess the ability to execute these behaviours in politically astute and effective ways which are political skills or capabilities (Mintzberg, 1983; 1985). Political elites will engage in appropriate behaviour if the outcome is likely to affect a valued aspect of their experience in cooperation which is on the European level very limited in comparison to the one on the regional level. Thus, political elites in the WBCC are exhibiting another type of compliance which, due to the effect of political will and capacity, is identified as 'shallow compliance'. This shallow compliance is a result of differing socialisation taking place on the European and regional level of integration. The differences can be found in conversational, textual and substantive socialisation.

Research subjects have stated that political elites in the WBCC and the EU are not doing everything in their power to advance the integration process. As one respondent clarified, "they understand each other, but they disagree".[211] Another one said that "depending on the audience being addressed, messages are inevitably different".[212] Domestic elites are either afraid of losing ground in their relationship with political elites in the EU as their partners in the process or they are afraid of losing support from the national electorate after the final integration phase has ended. In both cases the outcome is the same, they will not hold another office and in most cases, as already some parliamentary elections in the region have shown, they might risk a loss of political career.[213] Therefore, as one interviewee concluded "political elites in the WBCC are undertaking only those measures that are not going to affect their power".[214] In the past three years the EC PRs have drawn growing attention in commenting, scrutinizing and prohibiting political speech of political elite representatives from the WBCC. Examples of textual socialisation are especially found in PRs for Montenegro and Serbia where political elites in the WBCC are addressed as follows: "the political authorities should ensure that law enforcement bodies are fully empowered to act effectively and impartially when investigating corruption allegations" (PR/MN/15-16: 14) and "political influence on the police, judges and prosecutors is illustrated by frequent comments by politicians on ongoing corruption

[211] Authors' interview with NPE, 21/02/15.
[212] Author's interview with NPE, 28/3/15.
[213] The democratic block in Serbia lost parliamentary elections in 2012 which resulted in their complete marginalisation and incapability of renewing forces to compete and win on next elections that took place in 2016. Domestic analysts were prone to justify this with the loss of confidence in the integration process by the national electorate as decisions made by politicians have not been supported by actions that were taken in the aftermath. Some of them believe that the results of the quasi reforms that took place were so obvious that the ruling elite was punished for misleading the public by claiming that everything was alright when everything was far from being alright.
[214] Authors' interview with NPE, 20/09/13.

investigations and court rulings" (PR/SRB/16-17: 15). These reactions mostly relate to the issue of political influence on law enforcement and judicial officials "as some statements by members of the executive and the legislative branch may be interpreted as interference in the independent functioning of the judicial system" (PR/ MN/5-16: 15). These remarks serve as warnings and reminders that "the law-abiding elite behaviour or 'elite integrity' is an expression of the rule of law" (Balfour and Stratulat, 2011: 5). If they need to set an example for the rest of their societies to follow, then they need to comply with the RoL as determined by established practices of the EU and its EUMS. Although the PRs have registered a "strong political impetus to fight corruption" (PR/SRB/14-15: 12), very often they have questioned political will (political elites) and ability (expert staff) to effectively address certain features of organised crime and corruption (PR/MN/18: 33). Political elites in the WBCC also "recognise EU norms but in many cases they treat them as something not relevant to everyday business like the elections or generating more money for the country".[215] Political elites in the WBCC have demonstrated selectivity in RoL compliance, as "there are situations when political elites from the region would agree to one thing and then implement something different which shows that there is a set of conflicting behaviours triggered by certain situations. These situations motivate defensive attitudes which inhibit an open-minded approach to the enlargement process".[216] It has been noted that "some politicians in the region do understand and others do not understand the significance of European norms".[217] Selectivity as such can be a consequence of normative systems and practices in the EU and WBCC being "developed in different directions", which would force political elites in the WBCC to revisit and "re-Europeanise their normative systems".[218] Furthermore, "political influence should not be exerted on law enforcement and judicial officials by members of the executive and legislative branch with the aim of interfering in their independent functioning" (PR/MN/18: 22). Even though, the EU has continuously noted in the past ten years that the WBCC are struggling with the RoL which manifests itself in a slow and unsystematic track record, it never ceased its support to RoL reforms even when the implementation record was disappointing and political will to reform was evidently lacking. The problem of RoL compliance is equally recognised on the regional level of the integration process but there is a difference in how the region deals with it.

[215] Authors' interview with EUPE, 14/03/13.
[216] Authors' interview with EUPE, 15/05/13.
[217] Authors' interview with EUPE, 27/03/13.
[218] Authors' interview with EUPE, 25/03/13.

The RCC, although in structure resembling the EU very much, has one crucial advantage as all WBCC are its members. They participate directly in decision-making and policy-choice implementation. Their work is partly funded by means coming from the WBCC and by various EU financial instruments. The WBCC have confirmed that the RCC is 'regionally owned' and strives to base its governance on the sole principle of 'regional inclusiveness'. All of which have been very strongly advocated by the EU. The framework of cooperation on both integration levels is very much known to the WBCC which makes it harder for them to be persuaded by argumentation as they are acquainted with most of the cooperation challenges within these platforms for political dialogue. In practice, convincing WBCC to cooperate on the regional level was more needed than on the European as it seemed that regional cooperation was bringing the countries more apart due to unsolved bilateral issues originating from the civil war period. On the other hand, European integration was seen as a way out of the situation where the WBCC were pressed to cooperate. From this distance, twenty years of regional cooperation has brought more than unexpectedly positive results. Even though contemporary integration discourse advocates for both levels of the integration process to be mutually dependent, developing in a parallel and interconnected way, practice gives examples of a contrary nature. These are presented as follows.

Besides attempting to socialise political elites through documents as a form of textual socialisation, political elites in the EU use specific tools such as TAIEX to argumentatively persuade into RoL compliance. These tools are financially supported by the EU and EUMS with the aim to transfer relevant know-how, to build human capacity and strengthen institution capacity (PR/MN/18: 21, PR/SRB/18: 22). To ensure that the political elites in the WBCC are adequately equipped with knowledge and skills to perform set tasks, several PRs make a distinct connection between recommendations issued for the following assessment period with programs such as TAIEX. The success of these programs to provide tailor-made technical assistance has been separately assessed by independent experts under the auspices of the EC. The most recent thematic evaluation of EU support for the RoL in WBCC (except for North Macedonia) for the period until 2017 shows that Pre-Accession Instrument (IPA) was the main financial source for assisting the implementation of EU interventions in the RoL area. In the case of Albania, from 2011-2017, in total 12 EU bilateral projects/programmes and 4 EU regional programmes that have been supported mainly through TAIEX. In Montenegro, in the same period there were 9 bilateral and 3 EU regional programmes implemented. In Serbia, for the same reporting period there were 5 bilateral and 5 EU regional programmes implemented. Among a vast number of questions that the evaluation study tended for answering, for this

research the most important ones related to: what extent has the EU support responded to the bilateral and regional context; what extent have the EU supported RoL reforms brought the WBCC closer to or in line with European norms; to what extent has EU support strengthened institutions that are necessary for RoL. Once again, it was confirmed that the RoL was given the highest priority in ENS and PRs since 2011 up to now. General conclusions about EU responsiveness show that the EU strategic documents took into account the needs and challenges facing national institutions at a fairly shallow level of analysis; the generally optimistic tone of PRs, can be both a disincentive, as much as an incentive, to reform; and that due to the very formal nature of EC led dialogues, implementation issues are not always fully captured in PRs. Most importantly, "while interventions have been generally well designed and many instances of progress have been identified, RoL as a whole has proven to be a difficult area in which the EU has not managed to fully comply with its own expectations" (EC/EVR/RoL/MR/19: 66). This is especially relevant for assessing the EU's impact through training, capacity building and infrastructure/ equipment provision on changing institutional settings and governance cultures. "While the EU has everywhere, and at all levels, engaged in policy dialogue, this has tended to be formalistic in some contexts, and focussed on strategic commitments rather than on solving problems in implementation and resulting barriers to progress" (EC/EVR/RoL/MR/19: 68). In some WBCC, "policy dialogue is reported to be formalistic/formulaic, tending to concentrate on strategic aims rather than challenges in implementation" (EC/EVR/RoL/MR/19: 68). In such cases there cannot be high expectations of a successful socialisation and RoL compliance outcomes as the context appears to be mostly unfavourable. In a similar manner, the issue of domestic political resistance has been analysed to conclude that through EU programming and reporting "risks of resistance and backsliding are not addressed in a clear and consistent manner" which is a direct result of "unsuccessful incorporation of adequate assessments of political will" (EC/EVR/RoL/MR/19: 69). General conclusions about the WBCC responsiveness show that EU supported reforms were slowly implemented either because of delays in adopting legislation, weakness of institutions responsible for implementations or due to weak and not evident political will; the ownership of policy initiatives supported by EU technical assistance is high on paper, but implementation of the relevant legislative provisions lags behind and they are weakest in the area of anti-corruption; multiple constitutional and institutional problems still impair the independence, impartiality, and accountability of institutions (EC/EVR/RoL/19: 11, 12, 16, 18). These findings corroborate earlier stated arguments that lack of political will and capability of political elites in the WBCC to carry our reform required compliance leads to shallow

compliance with RoL demands. Furthermore, the WBCC are not the first case where political will and capacity have been registered as the main challenge to full compliance. As one interviewee highlighted, "in the recent analysis that have been done related to 10 years of EU membership, you can often find the assessment of analysts and political and economic scientists who say that the adoption of the whole EU system in their countries (CEEC) was very shallow – examples beyond the WB showing reversal of reforms".[219]

These disadvantages are the main preferences that generate applicability of either of the logics of behaviour leading to paying lip service to conditionality and thus instrumentalising the use of RoL as an EU norm. This reflects itself on curbing the meaning of actions political elites in the WBCC are drawn to due to their preferences. Thus, one of the tasks of sharing know-how between political elites is establishing a mutually acceptable interpretation of the meaning of integration related actions. With respect of transferring know-how oriented towards modernising and adapting national legislation covered by the RoL, the RCC has also cooperated with TAIEX in achieving different goals (RCC/AR/18). For example, the RCC supported by TAIEX has organised a regional workshop for judges and prosecutors on judicial ethics, based on RCC's proposal and concept note and it has assisted a network of non-governmental organisations operating in the region (SELDI) through the project called 'SEE Platform for Cooperation against Corruption and its Links to Organised Crime' (RCC/AR/18-19). The project aimed at supporting the civil society, policy makers and other related stakeholders in strengthening the advocacy and implementation of reforms to improve governance effectiveness and practices, thus it targeted advancement of the EU accession policy process, and more specifically its provisions on the need to curb corruption, including its links to serious and organised crime (RCC/AR/17-18). Another important contribution of TAIEX to the work of RCC is that it provided significant support in exchanging know-how and best practices with several regional initiatives/organisations and European agencies such as EU Law Enforcement Agency, European Police College, Secretariat of Police Cooperation, Convention for Southeast Europe, Southeast Europe Police Chiefs Association, Southeast European Law Enforcement Centre and Southeast European Prosecutors Advisory Group and the Western Balkans Prosecutor Network together with national administrations should strive to greater synergies in regional cooperation" (RCC/AR/18: 23). Although the EU's approach "fundamentals first" is dealt with in bilateral formats with the WBCC, regional cooperation can also support these efforts. For example, the RCC responded to the EU requirements by

[219] Author's interview with NPE, 28/3/15.

preparing the SEE 2020 Strategy mirroring the EU's strategy Europe 2020, as it recognised the relevance of the WBCC for the EU. The SEE 2020 will support the advancement of the European integration agendas of the WBCC by boosting regional cooperation also as a precondition for progress towards EU accession (RCC/AR/16-17).

Although the TAIEX instrument is difficult to assess die to its short term character, it has made important contributions to influencing the WBCC in reforming their institutional and legal systems through assisting the development transposition of EU legislation, and supporting capacity building for the implementation of legislation and new mechanisms on the regional and European level (TAIEX/15: 37-40). The increased professionalism of staff and public administrations serves as a contribution for a better implementation of the reforms. However, the impact of assistance has been uneven depending on the various levels of political commitment and interest in the WBCC. TAIEX support is instrumental to supporting reform sustainability. Evaluation findings indicate that the main hindering factor for the sustainability of the TAIEX instrument is the high staff turnover in the concerned public administrations and low capacities in terms of language skills (TAIEX/15: 41). These include resistance to change 13,5%, lack of absorption capacity of line beneficiary 15,2% and a lack of political or institutional commitment 19,8% (TAIEX/15: 33-34). The main contributing aspects of TAIEX assistance are found in networking and improved know-how of public servants (TAIEX/15: 42). For example, in the area of legislation, these include a higher percentage (75%) of laws drafted; 23.2% of laws fully implemented; 61.6% partially implemented and 15% not implemented. The TAIEX instrument was also of great value within the processes of development of country strategies for various sectors of importance for EU accession where 62% of those strategies have been adopted, out of which 16% are fully implemented, 66% are partially implemented and 18% are not implemented (TAIEX/15: 41-42). The empirical data has shown, that political will and capability, again are the main preference in differing socialisation on the regional and European level of the WBCC integration process. Overall, the effectiveness of TAIEX 70% assessed as positive (TAIEX/15: 30).

8.6. Conclusion

This case study has shown that shallow RoL compliance by political elites in the WBCC is taking place on the European level of the integration process. This is a result of a varied effectiveness of argumentative persuasion used by political elites in the EU. Although the EU has used the same socialisation tools on both levels of the integration process, the socialisation

effect has manifested itself in different degrees of RoL compliance in the WBCC. The two main sets of factors that influence the alternating use of logics of consequential and appropriate behaviour are first, structural conditions such as cultural traits and historic legacy and second, absence of political will and capacity of political elites in the WBCC to comply. The alternating use of logics of behaviour disables the possibility of having an irreversible and sustainable switch from logic of consequentialism to logic of appropriateness. This allows political elites in the WBCC to instrumentalise the RoL as an EU norm by politicising meaning making. In result, this shows that there is still a significant level of misunderstanding between political elites in the EU and the WBCC about the importance and necessity to comply with the RoL. Since the EU is performing conversational, textual and substantive socialisation, the effects of socialisation manifest themselves in the same three form of RoL compliance. Although the differences between these forms of RoL compliance are also of a differentiated character, the differentiation between these forms of RoL compliance is also present on the European and regional integration level. This has been registered in two fields of the RoL, namely, combating corruption and organised crime on the European and regional integration level. Due to this fact, the conclusion deriving from the applied case studies is that in the case of the WBCC a two-level double discrepancy concerning RoL compliance is present. This double discrepancy reflects itself in the gap between norm compliance at European and regional level, and in the gap between the discourse and the behaviour of political elites in the WBCC.

This case study has applied QDA to over 80 documents as enlisted in Annex III. These documents are produced by the EU institutions and the RCC and they are related to the European and regional integration process of the WBCC. These documents have been selected based on their relevance for investigating the RoL compliance dynamics in the WBCC. These documents are the main sources of information about 1) socialisation that has taken place and thus, led to certain degrees of RoL compliance, 2) socialisation that has not taken place and in effect resulted in lack of RoL compliance and 3) socialisation that is expected to take place, namely, expected RoL compliance. To do so, evidence of conversational, textual and substantive socialisation has been sought through the use of QDA. In parallel, PDA has been applied to identify the arguments constructed and meanings attached to them in relation to RoL compliance as well as, to extrapolate signs of argumentative persuasions through conversation, text and practice. As a complementary method, semi-structured interviews with privileged representatives of political elites in the WBCC and the EU were conducted to corroborate previous findings obtained through QDA and PDA. After findings obtained through these methods have been compared, the final conclusions have been drawn about political elites'

perceptions on RoL compliance in the WBCC. These conclusions are presented as an evaluation of political elites' perceptions on RoL compliance by using the borrowed five-point tier scale developed by the EC. It can be concluded that there is evidence of a discrepancy between the words and deeds of political elites in the WBCC as they have been very often criticised that they need to "walk the talk".[220] What political elites agree about on paper needs to be demonstrated in practice, which at this stage of the integration process on the European level, is not the case. Overall, the partial implementation of the EC PR's recommendations by the WBCC reflects their cherry-picking approach to cosmetic reforms in general, as well as, the lack of political will and capacity to step up the implementation pace. On the regional level, the situation is quite the opposite, as it demonstrates that normative orientations of political elites in the WBCC are much more similar unlike the ones shared by the political elite in the EU.

The case study analysis has shown that integration reforms can both consolidate and undermine the RoL. The general conclusion is that the actual state of play in the WBCC in combating corruption and organised crime is at 'some level of preparedness' on the European level (2)[221]. The WBCC have achieved 'some progress' (3)[222] when evaluating the actual level of integration progression. This means that the capacity of political elites in the WBCC to exhibit political will and capacity to adhere to the RoL to deal with these issues on the European level in average is 2.5.[223] The actual state of play on the regional level shows that the WBCC are 'moderately prepared' (3)[224] in combating corruption and organised crime. The integration progress in dealing with this issue is at the level of 'good progress' (4)[225]. Thus, the capacity of political elites in the WBCC to exhibit political will and capability to adhere to the RoL to deal with these issues on the regional level in average is 3.5.[226] The difference between the levels of successful political elites' socialisation to comply with the RoL may not seem to be overwhelming but it confirms that the supposedly intertwined nature of the two integration processes is not really the case. The absence of political will and capacity and the dominance of historical legacies and cultural traits opens space for shallow RoL compliance as a new form of compliance outcome.

[220] Authors' interview with EUPE, 2/5/13.
[221] Discrete numerical value.
[222] Ibid.
[223] Ibid.
[224] Ibid.
[225] Ibid.
[226] Ibid.

Chapter 9: General conclusion

9.1. Executive summary

Much scholarly attention has been devoted to examining EU norm compliances of political elites in the WBCC's integration process. Yet, no comprehensive analysis has been conducted to flesh out the importance that socialisation of political elites and socialisation led compliance has for the progression of the integration process. This doctoral dissertation is the first step to filling that gap. It has analysed understandings of political elites in the EU on RoL compliance by political elites in the WBCC on the European and regional level of the integration process. Firstly, it has argued that socialisation and compliance are not exclusively driven just by one logic of behaviour but that logics of consequentialist and appropriate behaviour are very present and interchangeably used by political elites in the WBCC. Such use of both logics of behaviour is determined by the presence of political will and the capacity of political elites in the WBCC. Secondly, socialisation in the form of Europeanisation, as the driving mechanism of the integration process, leads to certain degrees of norm compliance by political elites. The focus of the research is on the RoL as the key EU norm underpinning the integration process. In addition to the extensive research on norm compliance that has recognised different types of norm compliance, such as fake, partial and full compliance (Noutcheva, 2007), this research has contributed with the identification of another type named 'shallow compliance'. Based on empirical data, this type of compliance is defined as a direct result of the lack of political will and/or capacity of political elites in the WBCC which are contributing factors to superficial socialisation. Shallow compliance has shown that socialisation through argumentative persuasion of political elites in the WBCC was superficial and, therefore, unsuccessful, as it had failed to accomplish previously determined expectations by political elites in the EU. This confirms that socialisation of political elites in the WBCC is of a graded character and it manifests itself differently on the European and regional level of integration. Furthermore, socialisation as such has not successfully reached the depth of mental structures whose change is necessary for a successful compliance outcome. The study has also argued that the degree of 'shallow compliance' directly undermines the success of the integration process in the WBCC based on variations of patterns of political elite discourse and behaviour in different sets of circumstances generated by the integration environment. The most prominent circumstances that have been shaping the integration environment include the ongoing migration crisis from 2014 and the economic and financial crisis from 2008.

This dissertation has drawn on the contemporary research done by the rational choice institutionalist and social constructivist theoretical schools and those scholars from both camps who have brought closer the main ideas about the conditions, preferences and mechanisms of integration through their respective research (Noutcheva, 2015; Rosamond, 2005; Checkel, 1999, 2001; Risse, 2000 and 2004; Diez, 1999; Börzel, 2011; Börzel and Risse, 2000; Elbasani, 2013; Manners, 2002, 2004 and 2006; Schimmelfennig and Sedelemier, 2002, 2004 and 2005). This approach has been complemented by the concept of socialisation and norm compliance developed by certain social psychologists, who gave a cognitive twist to the investigation of the relationship between discourse and behaviour of political elites in the WBCC (Cialdini, 2001; Bicchieri, 2006 and 2017; Kelman, 1958; Pollack, 1998; Miller and Prentice, 1996; Kuczynski and Knafo, 2014; Schwartz 1996 and 2001; Marini, 1984 and 2000; Valsiner 1988). Norm compliance, as a socially psychological action, has been studied through the examination of political elites' construction and interpretation of meaning of messages about integration and acts related to the two-level integration process. The study has concluded that socialisation through argumentative persuasion has been and still is performed through conversation between political elites in various formats of political dialogue (also referred to as political talk), text (various EU and RCC documents also referred to as political text) and practice (substantive).

This novel theoretical angle has been applied, firstly, to distinguish socialisation led and conditionality led compliance. It has focused on the presence of political will and capacity of political elites as the main determinants of progress in the two-level integration process. Secondly, the special ingredient to this approach lies in the examination of the language (E-large talk) used for the construction and interpretation of meaning of messages related to the integration process as a direct result of actor socialisation. The study has focused on the language used by political elites in the WBCC and the EU whereby they produce utterances which perform actions, which in turn lead to other actions. It has examined the following actions performed by E-large talk: instigating compliance, performing compliance and evaluating compliance with the RoL. These actions allowed conclusions about the presence of socialisation led compliance in political elites' discourse, the relevance of socialisation led compliance for the progression of the integration process and the instrumental use of RoL as the key EU norm in the two-level integration process. It shows that political elites in the WBCC pay 'lip-service' to RoL by instrumentalizing this norm in the absence of their political will and/or capacity. Such a theoretical angle has not been previously used in European integration studies especially in examining enlargement policy and the integration process of the WBCC.

Finally, this research contributes to the existing literature on Europeanisation by introducing significance of the RoL construct to the debate about the hierarchical integration model, as a consequence of the asymmetrical relationship between political elites in the EU and the WBCC.

This research discovered two levels of the integration process which stems from two sets of patterns of behaviour. On the higher (European) level, socialisation led compliance is examined through the practices of the SAC/IGC, while on the lower (regional) level, socialisation led compliance is examined through the work of the RCC. On both levels, socialisation led compliance is detected through the construction and interpretation of the meaning of messages about integration, which are exchanged between political elites in the WBCC and the EU. Socialisation led compliance with RoL is observed and explained by the application of a theoretical (conceptual) model on two-level norm compliance dynamics. The theoretical model facilitated the understanding of a double discrepancy as it explained the differences in political elite decision-making on a discursive and behavioural level in two different institutional settings. It posited that more socialisation led norm compliance will lead to adequate political elite discourse and behaviour which in turn would advance the integration process. The absence or lack of the desired level of norm compliance would mean inadequate political elite discourse and behaviour which would hamper the integration process. This model recognises three stages of socialisation led compliance: 1) instigation and factual performing of socialisation led compliance 2) political elite discourse and behaviour induced by socialisation led compliance and 3) successful socialisation led compliance and the progression of the integration process influenced by appropriate behaviour of political elites in the WBCC. These three stages are researched using PDA, QDA, case studies, as main methods, and semi-structured interviews with privileged political elite representatives, as a complementing method. PDA was used to analyse political discourse among representatives of political elites in the WBCC and the EU to discover how arguments about RoL compliance have been constructed. QDA has been used to analyse official EU and RCC documents (including declassified national government documents, international organisations documents, press releases, transcripts of speeches, memoirs of decision-makers, policy briefs and scholarly literature) about the interaction of representatives of political elites in the WBCC and the EU to find out if and how argumentative persuasion was taking place, as well as, RoL promotion. Case studies have been used to distinguish the RCC and the SAC/IGC, as two similar, by role and structure, integration related institutions to uncover why political elites in the WBCC exhibit diverging patterns of norm compliance discourse and behaviour on the European and

regional level of the integration process. When RoL compliance is studied on these two levels, it shows emerging different and often conflicting outcomes which in result manifest divergence of the integration process. This divergence shows that integration on one of the two levels can run independently from the other level and that they are not exclusively mutually dependent, parallel and intertwined. In total 25 semi-structured interviews with political elites' representatives from the WBCC and the EU (government officials, policy analysts, consultants and senior academics) have been conducted in a limited time span on two locations to excavate their subjective perceptions about RoL compliance within the two-level integration process. All of these methods gave invaluable input in assembling conclusions about subjective perceptions of political elites about socialisation led compliance with RoL, the importance of the RoL compliance for integration progression and the significance of political elites' relationship in promoting and enforcing RoL. Doing so, this research project has drawn on and triangulated a range of material in a way that generated empirically novel insights about the norm compliance dynamics in the WBCC. The study borrowed the methodology developed by the EC used to distinguish differing EU norms, their role and importance in the enlargement/integration process and the contribution of their compliance to the reform process in the WBCC. This technique consists of a two layered five-point tier scale used to evaluate the level of the state of play and the level of preparedness of accession candidates in combating corruption and organised crime through promotion and enforcement of RoL. Numerical value was attributed to each of the levels of preparedness ranging from 1 as the lowest to 5 as the highest in achieving compatibility with RoL on the European level. The study has identified RoL as the most important EU norm, key priority and foci of the enlargement policy and integration process, as interviews have shown. As a result of weak RoL compliance by political elites in the WBCC, organised crime and corruption were identified as the prominent patterns of behaviour that need to be 'cancelled' in the WBCC.[227] Based on QDA and interviews, it is concluded that RoL is the most inconsistently applied EU norm among the 20 identified EU norms. This shows that compliance, in as much the integration process, can equally progress and backslide. Empirical evidence has shown that understanding of discourse and behaviour along the lines of promoting and enforcing RoL in the WBCC have rarely shown resistance to change in positive terms. This infers, that modification of understanding and implementation of RoL needs to be changed so that it adapts to expectations in achieving integration demands. Empirical data also infers that instances of RoL are selectively complied with based on the lack

[227] Authors' interview with EUPE 2/5/13; 10/4/13.

of political will and capacity of political elites at a particular moment. If chosen, not all of them are complied with to the same extent. According to this, shallow compliance currently dominates the social worlds of the WBCC, as they are practiced not only by political elites but also by citizens of their respective societies.

In practice, regional integration has made more progress than European integration which raised interest in investigating the working of socialisation led compliance in two different institutional settings. The study concluded that the presence of political will and capacity are not exhibited equally on both integration levels due to the circumstance in which they are expected to appear. The false understanding of the integration environment on the European level as being a new one which would allow better proliferation of socialisation led compliance has proved the opposite. In contrast, on the regional level, the understanding of integration environment as a framework where regional experiences from the past have played an important role has been more successful in terms of RoL compliance. This supports the claims that WBCC societies are in continuance "transitioning democracies", "reforming societies", "pending statehoods" and "limited sovereignties".[228] As such, it is very unlikely that they will anytime soon become a part of the EU as "community of law" (EPC, 2019: 61). The general conclusion generated from the research findings is that the WBCC integration process is characterised by double discrepancy in the field of norm compliance. First, there is a gap between norm compliance at European and regional level. Second, there is a gap between the discourse and the behaviour of the elites of the WBCC. This double discrepancy occurs despite the use of the same socialisation tools at the European and regional level. In the first case, empirical analysis shows that norm compliance in the WBCC is perceived as being in its initial phase. The results of QDA and PDA show that there are diverging opinions on how compliance it is happening, and they range from 'no compliance' through 'some extent of compliance' to 'effective compliance'. In the second case, the representatives of the political elites in the WBCC are still in the process of learning about the relevance, desirability and appropriateness of EU norm compliance not just for the benefit of the integration process itself, but also for the need of the society that they represent. Depending on their political will and capacity, political elites in the WBCC will interchangeably use different logics to comply. The interchangeable use of these two logics does not allow irreversible and sustainable switch from logic of consequentialist to logic of appropriate behaviour. In result, argumentative persuasion cannot fulfil its role thus instigating superficial socialisation.

[228] Authors' interviews with EUPE 14/3/13; 25/3/13;10/4/13; 17/5/13; 10/3/14.

The following paragraphs will summarise the research findings of the respective case studies related to gaps in RoL compliance and gaps in discourse and behaviour of political elites in the WBCC in the sectoral fields of combating corruption and organised crime. The final section will conclude with recommendations for areas of possible further research that the approach and findings of this dissertation can stimulate. It will be shown how the theoretical and conceptual framework of this dissertation provide much potential for useful policy analyses beyond the focus of this research project.

9.2. The gap between discourse and behaviour of political elites in the Western Balkan candidate countries on the European and regional integration level

The EC PRs throughout the period from 2015-2018 have continuously recognised and underlined the crucial importance of refraining from any kind of political interference by political elites in the WBCC in the work of institutions when complying with the RoL. This political interference, that has exhibited itself in political text, talk and action, is the main impediment to political will. If there is political interference to conduct business as usual it immediately cancels political will as a sign of progressive reform. Political will and capacity are addressed by EC PRs as the main factor for achieving compliance. If political elites in the EU are successful in influencing political elites in the WBCC to demonstrate expected political will and capacity it would confirm EU's social control over political elites in the WBCC. Messages addressed by political elites in the EU to their counterparts in the WBCC, as shown in previous chapters, are becoming more unambiguous and decisive. The political elites in the WBCC need to demonstrate their political will in a way that will convince their interlocutors in the EU that they have "truly embraced the necessary reforms" but "not because the EU is asking for it, but because it is in the best interest of their citizens" (ENS/16-17: 2). Furthermore, the EC has underscored that joining the EU is a choice, leaders cannot demonstrate ambiguity about where the WBCC are and where they are going, and it must be reflected in leaders' communications and outreach to citizens (ENS/17-18: 2). These reforms "must not be purely cosmetic".[229] Given the time span in which these messages have been repeated and the extent to which the EC has been strengthening content through E-large talk, the study concludes that political elites in the WBCC on the European level have not performed in an expected manner.

[229] "Fabrici: fokusirati se na reforme, a ne da li vas EU želi", Tanjug, retrieved from http://www.novosti.rs/vesti/naslovna/politika/aktuelno.289.html:793168-Fabrici-Fokusirati-se-na-reforme-a-ne-da-li-vas-EU-zeli, 07.05.2019.

The expected manner understood that institutions would have the necessary support and understanding when practicing their independence, legitimacy and transparency in practice. Circumventing certain aspects of adhering to RoL is not an option and full compliance is expected. Consequently, the lack of political will and capacity opens the possibility for shallow compliance to gain ground. Hence, the lack of political will is the first obstacle that needs to be tackled through socialisation of political elites with the aim to show in what way and to what extent RoL compliance is beneficial for them and for the citizens of their respective countries. It appears, on the receiving end, that the EU has not been successful at this task as European integration became a more and more a circumstance driven process. The more the EU faced internal problems and external challenges the more the EU and its enlargement policy lost its credibility in the region. The EU has demonstrated inability to balance these two issues which resulted with sacrificing certain phases in the accession process when the WBCC were explicitly told that they still have not met all accession criteria (ENS/17-18 and 18-19). On such occasions, some political leaders of the WBCC have publicly displayed their disappointment commenting on the PRs as being purely "political assessments" of the integration progression lacking "objective acknowledgment of real facts".[230] From this aspect it is justified to claim that the EU has lost the edge as a normative power and that it has failed in teaching the principles and rules of European governance. This, however, raises the question, if the EU, as much as the WBCC, has been honest when exchanging integration related messages or were they, as some analysts have noticed, consciously participating in the game of pretence, whereby the EU is pretending to enlarge while the WBCC are pretending to integrate. If that is the case, the false exchange of arguments has created an unreliable and disadvantaged communication. In that way, argumentation has lost its initial role of resolving differences of opinions through persuasion and has become a simple game of words where EU membership is not part of the equation anymore. From a rational choice perspective, where European integration is a result of the interplay between interests, information and institutions, one might concede to the notion that some sort of integration is taking place. However, social constructivist would disagree with this as they understand integration as a successful transaction of normative considerations essential for Europeanisation. If there is no socialisation or if it is just superficially present, there can be no genuine commitment to RoL compliance. On the other hand, successful socialization of political elites in the WBCC would

[230] "Brnabić: U pojednim delovima izveštaja Evropske komisije iznete političke ocene", *Danas*, 13.10.2019. Press conference with Ana Brnabić, Prime Minister of the Republic of Serbia, source https://www.danas.rs/politika/brnabic-u-pojednim-delovima-izvestaja-evropske-komisije-iznete-politicke-ocene.

mean establishing control over their political will and capacity as they would be moulded to the expected shape fulfilling the EU's expectations.

In contrast, on the regional level of the integration process, political elites in the WBCC have shown different understanding and motivations to RoL compliance. On this level, there is less pressure for WBCC individually to comply with RoL since there is common understanding within the region what can be done about it and with it. They have exhibited more aptitude when avoiding contestations of the EU's conditionality legitimacy. Acting as a group has created a sense of leverage *vis-à-vis* the EU in transmitting their integration messages more determinately which feeds a more inclusive approach towards RoL compliance. The degree to which regional cooperation is becoming more and more branched out and implementing concrete projects where citizens feel the difference brought by regional cooperation, speaks in favour of the interchangeable use of logics of behaviour in both political talk and action. Overall, RoL compliance outcomes of discourse and behaviour in combating corruption and organised crime on the European level, are evaluated rather low ranging scores from 2 to 3, while on the regional level they range higher between 3 and 4. [231]

9.3. The gap between norm compliance of political elites in the Western Balkan candidate countries on the European and regional integration level

As in the case of analysing and interpreting political elites' discourse and behaviour, observed discrepancies between political elites' in the WBCC foreign policy behaviour on the two-level integration process are not only a result of clashing normative systems, diverging interests, contested identities and varying historical backgrounds but foremost the existence of their political will and capacity to meet the accession demands. The EC PRs are continuously saying that "strengthening the rule of law will require strong political will, moving beyond declarations to tangible results" (ENS/14-15: 11). At the same time, they have identified that "political will and the commitment to achieve concrete results are insufficient or lacking, that the accession process has not advanced and risks stalling and that there is a lack of convincing track records" (ENS/11-12: 4-5). Furthermore, it has been recognised that "reforms need to be deeply entrenched, with the aim of irreversibility" so that the much-needed integration progression can take place (ENS/12-13: 3). Thus, all WBCC "will have to act with determination" (ENS/17-18: 2). Since the effects of the Enlargement policy can only be visible

[231] Discrete numerical values.

if "there is genuine, sustainable reform", the WBCC "must root out corruption without compromise" which requires "strong and independent institutions" (ENS/2018:4; ENS/17-18: 4). The same can be said for efforts of political elites in the WBCC when combating organised crime.

However, until just recently, the EU has admitted that social interaction with political elites in the WBCC needs to be intensified to assist them in advancing progression of the integration process (ENS/17-18). This specifically refers to equipping (socialising) political elites with the tools to achieve the desired form and volume of RoL compliance (EC/TT/18; TAIEX/15; EC/EV/RoL/18). In particular, the cases of combating corruption and organised crime, understanding the need of involving more directly the WBCC into the work of the EU institutions, such as the Europol and Eurojust. For the time being, representative of the WBCC are only awarded the roles of national contact points and liaison officers to exchange various sorts of information as prescribed by Article 4 of the Agreement on Operational and Strategic Cooperation with the European Police Office.[232] The situation is the same when observing the depth of cooperation with Eurojust.[233] Although this type of cooperation allows access and exchange of various types of information relevant for combating corruption and organised crime, it still excludes WBCC from directly participating in the decision-making process when, for example, certain policy choices are made. When comparing progress on the European and regional level of integration, this is exactly what makes the difference in achieving successful socialization and expected RoL compliance. To advance a change in that respect, on the political level, this would mean increasing participation of WBCC in informal Council, regular Ministerial level contacts, inclusion into technical committees, EC working groups, renewing gatherings at the summit level (ENS/17-18: 9). Furthermore, "relevant internal policies and funding programmes should be further extended to the Western Balkans and support provided so they make better use of existing participation in these programmes and EU networks" (ENS/17-18: 9). The EC will also enhance its technical assistance to WBCC to assist them in aligning with EU legislation and ensure its effective practical implementation, as well as, boosting exchanges with the administrations in the region and further facilitation of people to people formats within the region and with those in EU countries" (ENS/17-18: 9). In specific, "more detailed RoL assessments should be undertaken and advisory missions extended to the

[232] All WBCC have signed such Agreements which specifically state how and what kind of cooperation is to be conducted with Europol.
[233] Except for Serbia, all other WBCC have signed cooperation agreement with Eurojust which are supposed to reinforce cooperation in combating organised crime.

whole Western Balkans building on the experience of the earlier advisory missions. Monitoring of implementation and enforcement should be enhanced including through more systematic, case-based peer reviews organised by the EC with the participation of EUMS experts. Trial monitoring in the field of serious corruption and organised crime should be introduced. Work developing indicators of reform implementation should be undertaken" (ENS/17-18: 10).

On the regional level, this study has confirmed conclusions made by other authors that the culture of regional cooperation in promoting and enforcing RoL has shown a different logic than integration on the European level (Bechev, Ejdus and Taleski, 2015: 32). On the regional level, RoL has been dealt with as a cross-cutting issue on the horizontal and vertical scale, and more investigated in relation to certain "low" policy sectors such as energy and transport. This has included more technical than political dialogue as it focused on areas where experts had the primary role. However, political dialogue remains important as a framework for establishing guidelines in which regional cooperation is to be furthered. On the European level, RoL has been treated within the "high" policy sectors such as justice and home affairs and security. Unlike the regional level, where there is a growing interest in dispersing RoL concerns across all AC chapters, the European level somewhat remains reserved for high level political dialogues where the mainstream aspects are tackled. This is also very visible in the structure of the EC PRs where Chapters 23 and 24 have been singled out the at very beginning of the document and mostly related to aspects of the judiciary, fundamental rights, justice, freedom and security without observing these aspects within other AC Chapters. It is also noticeable that sub-chapters on regional cooperation and good neighbourly cooperation in the EC PRs are not delving into a detailed presentation of progress achieved in complying with RoL within regional integrative structures such as the RCC. The observations made are very superficial and limited to either the countries "actively participating" or having a "constructive role" in the work of various regional initiatives. The EU perspective does not account for successes or eventual failures that regional initiatives have encountered during the reporting period which leaves the reader with little space to make decisive conclusions about the state of play. It allows a rather broad space for conclusions which can range from regional cooperation being excellent, which does not require any detailed reporting, or regional cooperation being unsatisfactory which does not deserve any reporting. However, perceptions of representatives of political elites in the WBCC, as members of the RCC, are very positive and critically constructive as they acknowledge common problems that they face on both levels of the integration process such as lack of political will and capacity to adhere to RoL. Unlike the European level where such observations are usually fuelled with emotional outbursts, the

regional level experiences impetus for more engagement in the reform process. On the European level, political elites in the WBCC have been repeatedly accused of nurturing disconnected realities whereby they say one thing, mean another and do something completely different. On the regional level this has not been so much the case as WBCC by their direct participation determine in which direction regional cooperation will be driven based on the recognized needs and wants of the region. Overall, the RoL compliance outcomes in combating corruption and organized crime on the European level, are evaluated rather low with scores ranging from 2 to 3, while on the regional level the scores range higher between 3 and 4.[234]

9.4. Areas for further research

This research has offered one of many possible theoretical, conceptual and methodological angles to the problem. It has shown how the combination of rational choice institutionalism and social constructivism with social psychology scholarship conceptual frameworks can offer theoretically novel interpretations of key questions about norm compliance and integration dynamics, enlargement policy and the relationship between political elites in the EU and the WBCC as 'norm givers' and 'norm takers'. This study has examined RoL compliance by political elites in the WBCC on the European and regional integration level from a qualitative aspect as it has applied PDA, QDA and semi-structured interviews. In general terms, and as a first possible avenue to further research on this topic, would be to apply the two-level norm compliance model on other EU norms underpinning the European and regional integration process. The second potential avenue to direct further research on the same topic would be to possibly employ a mixed method research approach whereby qualitative methods are complemented with quantitative methods. This could strengthen the argumentation that argumentative persuasion has been used with the intent to socialize political elites into appropriate behaviour and that its frequency and intensity or lack of has produced or not to a certain extent expected discourse and behaviour. Another feasible way to continue research on the same topic is to deepen the investigation on political will and capacity of political elites in the WBCC as the two most prominent references in determining their logic of behaviour in meeting the accession demands. The deepening of analysis would understand identifying and subsequently including more factors, apart from political will and

[234] Discrete numerical values.

capacity, as determining factors for understanding the norm compliance dynamics. Finally, the two-level norm compliance model to analyse WBCC foreign and domestic policy choices merits further research and can also serve as a model to be applied to other issue areas beyond European integration policy and politics. It allows the analytical synthesis between socialisation led norm compliance and integration process dynamics applications in international relations and gives a conceptual contribution to the theoretical plethora of the political discourse and behaviour literature. This study has conceptualised norm compliance within Europeanisation, as a part of a much broader process of socialisation and a bi-directional process, whereby norm givers are equally affected by it as much as norm takers. Thus, the case of the WBCCs' two-level norm compliance process can serve as a basis for new research projects to investigate the effects of processes of 'two-way socialisations', whereby resistance to change exerted by norm-givers can and does eventually lead to a shift in these agents and their policies. Such research could also shed light on new possible conjunctions of governance learning, internal and external determinants of foreign policy, the influence of civils society and other domestic stakeholders, etc.

The list of possible further research areas presented here is not exclusive or conclusive and should be perceived as a map with possible avenues to explore. This study project has hopefully managed to demonstrate how EU norm compliance, in specific RoL, by political elites in the WBCC is repercussive for future development of the enlargement policy and the European integration process and, by doing so, has unfolded a new chapter in the literature on the European integration studies.

Annex I

LIST OF CONDUCTED INTERVIEWS

Interview no.	Date and Location	Interview method	Description of the interviewee
1.	EUPE, 13/3/13 Brussels	In Vivo	European Commission, former Desk officer for horizontal issue for Serbia
2.	EUPE, 14/3/13 Brussels	In Vivo	European Parliament, Secretary to the LIBE Committee
3.	EUPE, 25/3/13 Brussels	In Vivo	European Parliament, Secretary to the AFET Committee
4.	EUPE, 27/3/13 Brussels	In Vivo	European Parliament, MEP, former Rapporteur on Bosnia and Herzegovina
5.	EUPE, 10/4/13 Brussels	In Vivo	European Parliament, MEP, former Rapporteur on Serbia
6.	EUPE, 12/4/13 Brussels	In Vivo	European Commission, Head of Unit for Albania
7.	EUPE, 23/4/13 Brussels	In Vivo	European Commission, desk officer for JHA for Bosnia and Herzegovina
8.	EUPE, 2/5/13 Brussels	In Vivo	Permanent Representation of the Netherlands to the EU, Member of the Council of the EU Working Group on the WB (COWEB)
9.	EUPE, 17/5/13 Brussels	In Vivo	European Parliament, Desk officer for Serbia and Kosovo
10.	NPE, 9/9/13 Belgrade	In Vivo	Institute for Social Sciences, Expert on Euro-Atlantic relations
11.	NPE, 26/9/13	Via Skype	Ministry for European integration of Albania, Desk officer for Enlargement
12.	NPE, 20/9/13 Belgrade	By e-mail	Former advisor to the President of Macedonia
13.	NPE, 27/9/13	In Vivo	Institute for International Politics and Economics, Deputy Director, Serbia
14.	NPE, 23/10/13 Belgrade	In Vivo	European Movement in Serbia, Secretary General
15.	NPE, 23/1/14 Brussels	In Vivo	Ambassador of the Republic of Montenegro to the EU, Expert on European integration issues
16.	NPE, 18/2/14 Brussels	In Vivo	Ambassador of the Republic of Serbia to the EU, Expert on European integration issues
17.	EUPE, 26/2/14 Brussels	In Vivo	EEAS, Former Head of EU Delegation to Serbia
18.	EUPE, 4/3/14 Brussels	In Vivo	EEAS, Former EUSR in Macedonia
19.	EUPE, 10/3/14 Brussels	In Vivo	Ambassador, Former Head of EU Delegation to Croatia

20.	EUPE, 8/12/14 Brussels	In Vivo	European Commission, Desk officer for Enlargement issues
21.	EUPE, 12/12/14 Brussels	In Vivo	European Commission, former Director of Directorate for Western Balkans
22.	NPE, 19/2/15 Belgrade	In Vivo	Centre for Foreign Policy, Director, Serbia
23.	NPE, 21/2/15	By e-mail	Regional Council for Cooperation, Secretary General
24.	NPE, 2/3/15 Belgrade	In Vivo	National Assembly of the Republic of Serbia, MEP, Democratic Party
25.	NPE, 28/3/15 Belgrade	In Vivo	Regional Council for Cooperation, former Deputy Secretary General

* EUPE – Pseudonym for representatives of the EU political elite
** NPE – Pseudonym for representatives of the national political elite in the WBCC

Annex II

LIST OF REGIONAL INITIATIVES IN THE SOUTH EASTERN EUROPE INCLUDING THE WESTERN BALKANS[235]

No.	Regional initiative	Established
1.	The South East European Cooperation Process - SEECP	1996
2.	Stability Pact for South Eastern Europe - SPSEE	1999
3.	Regional Cooperation Council (former SPSEE)	2008
4.	The Black Sea Economic Cooperation - BSEC	1992
5.	Central European Initiative-CEI	1999
6.	The Danube Cooperation Process – DCP	2002
7.	The Adriatic Ionian Initiative – AII	2000
8.	South East European Cooperation Initiative - SECI	1996
9.	Investment Compact/SEE Investment Committees-SEEIC	2007
10.	Central European Free Trade Agreement – CEFTA	2006
11.	CEFTA Forum of Chambers of Commerce	2011
12.	Business Advisory Council - BAC	2002
13.	SEE Public Private Partnership Network - SEEPPN	2009
14.	Regional Network of National Investment Promotion agencies in SEE-RNPIA	2009
15.	SEE Regional Network of Policy Makers-IFC	2007
16.	e-SEE Plus Initiative	2007
17.	b-SEE Initiative	2005
18.	Centre for e-Governance Development – Cadge	2008
19.	SEE Trade Union Forum - SEETUF	1999
20.	Adriatic Region Employers' Centre – AREC	2008
21.	Centre of Public Employment Services of SEE - CPESSC	2006
22.	SEE Employment and Social Policy Network - SEEESPN	2007
23.	Association of Balkan Chambers	1994
24.	SEE Woman Entrepreneurs Network	2010
25.	SEE Health Network - SEEHN	2001
26.	Regional Rural Development Standing Working Group - RRDSWG	2005
27.	Energy Community	2006
28.	SEE Transport Observatory - SEETO	2004
29.	European Common Area Aviation Agreement - ECAA	2006
30.	ISIS Programme Secretariat	2008
31.	Regional Environmental Centre - REC	1990
32.	Regional Environmental Network for Accession - RENA	2007
33.	International Sava River Basin Commission - ISRBC	2005
34.	Network of associations of Local Authorities of SEE - NALAS	2001
35.	Disaster Preparedness and prevention Initiative for SEE	2007
36.	Centre for Security Cooperation - RACVIAC	2010

[235] The content of the table has been borrowed from Lopandić, Duško. 2011. "Regional initiatives and Multilateral Cooperation in the Balkans", *European Movement in Serbia*, Draslar Partner, Belgrade.

37.	South Eastern and Eastern Europe Clearinghouse for Small Arms and Light Weapons - SEESAC	2002
38.	South East Defence Ministerial - SEDM	1996
39.	SEE Clearinghouse - SEEC	2004
40.	The United States Adriatic Charter	2003
41.	Migration, Asylum and Refugees Regional Initiative - MARRI	2004
42.	Women Police Officer Network - WPON	2014
43.	Regional Anti-Corruption Initiative - RAI	2000
44.	Convention of Southeast European Law Enforcement Centre - SELEC	2009
45.	Secretariat of South East Europe Police Cooperation Convention	2006
46.	SEE Police Chiefs' Association - SEEPCA	2007
47.	South East European Prosecutors Advisory Group - SEEPAG	2003
48.	Western Balkan Prosecutors Network - PROSECO	2005
49.	Police Forum	2000
50.	Task Force Fostering and Building Human Capital	2008
51.	RCC Gender Task Force	1999
52.	Education Reform Initiative of SEE - ERI	2003
53.	South East European Centre for Entrepreneurial Learning	2009
54.	Regional School of Public Administration - ReSPA	2006
55.	Novi Sad Initiative	2010
56.	Ljubljana process	2008
57.	Regional secretariat for Parliamentary Cooperation in SEE	2008
58.	Conference of the European integration Parliamentary Committees of States participating in Sap - COSAP	2003
59.	Cetinje Parliamentary Forum	2004

Annex III

LIST OF CODED DOCUMENTS

No.	Title	Code
1.	European Commission Progress report Serbia 2011	EC/PR/SR/11
2.	European Commission Progress report Serbia 2012	EC/PR/SR/12
3.	European Commission Progress report Serbia 2013	EC/PR/SR/13
4.	European Commission Progress report Serbia 2014	EC/PR/SR/14
5.	European Commission Progress report Serbia 2015	EC/PR/SR/15
6.	European Commission Progress report Serbia 2016	EC/PR/SR/16
7.	European Commission Progress report Serbia 2018	EC/PR/SR/18
8.	European Commission Progress report North Macedonia 2011	EC/PR/NM/11
9.	European Commission Progress report North Macedonia 2012	EC/PR/NM/12
10.	European Commission Progress report North Macedonia 2013	EC/PR/NM/13
11.	European Commission Progress report North Macedonia 2014	EC/PR/NM/14
12.	European Commission Progress report North Macedonia 2015	EC/PR/NM/15
13.	European Commission Progress report North Macedonia 2016	EC/PR/NM/16
14.	European Commission Progress report North Macedonia 2018	EC/PR/NM/18
15.	European Commission Progress report Montenegro 2011	EC/PR/MN/11
16.	European Commission Progress report Montenegro 2012	EC/PR/MN/12
17.	European Commission Progress report Montenegro 2013	EC/PR/MN/13
18.	European Commission Progress report Montenegro 2014	EC/PR/MN/14
19.	European Commission Progress report Montenegro 2015	EC/PR/MN/15
20.	European Commission Progress report Montenegro 2016	EC/PR/MN/16
21.	European Commission Progress report Montenegro 2018	EC/PR/MN/18
22.	European Commission Progress report Albania 2011	EC/PR/ALB/11
23.	European Commission Progress report Albania 2012	EC/PR/ALB/12
24.	European Commission Progress report Albania 2013	EC/PR/ALB/13
25.	European Commission Progress report Albania 2014	EC/PR/ALB/14
26.	European Commission Progress report Albania 2015	EC/PR/ALB/15
37.	European Commission Progress report Albania 2016	EC/PR/ALB/16
28.	European Commission Progress report Albania 2018	EC/PR/ALB/18
29.	Enlargement Strategy and main challenges 2011-2012	ENS/11-12
30.	Enlargement Strategy and main challenges 2012-2013	ENS/12-13
31.	Enlargement Strategy and main challenges 2013-2014	ENS/13-14
32.	Enlargement Strategy and main challenges 2014-2015	ENS/14-15
33.	Enlargement Strategy and main challenges 2015-2016	ENS/15-16
34.	Enlargement Strategy and main challenges 2016-2017	ENS/16-17
35.	Enlargement Strategy and main challenges 2017-2018	ENS/17-18

36.	Regional Cooperation Council Annual Report Secretary General 2012-2013	RCC/AR/12-13
37.	Regional Cooperation Council Annual Report Secretary General 2013-2014	RCC/AR/13-14
38.	Regional Cooperation Council Annual Report Secretary General 2014-2015	RCC/AR/14-15
39.	Regional Cooperation Council Annual Report Secretary General 2015-2016	RCC/AR/15-16
40.	Regional Cooperation Council Annual Report Secretary General 2016-2017	RCC/AR/16-17
41.	Regional Cooperation Council Annual Report Secretary General 2017-2018	RCC/AR/17-18
42.	Regional Cooperation Council Strategy and Work Program 2014-2016	RCC/SWP/14-16
43.	Regional Cooperation Council Strategy and Work Program 2017-2019	RCC/SWP/17-19
44.	Regional Cooperation Council Balkan Infographics Barometer 2019	RCC/BBINF/19
45.	European Commission – TAIEX and Twinning Report 2010-2018	EC/TT/18
46.	The European Union's Instrument for Pre-Accession, FWC COM 2011, Lot 1, Studies and Technical Assistance in all sectors, European Commission evaluation of TAIEX Instrument, Final report	TAIEX/15
47.	Thematic Evaluation of EU support for rule of law in Neighbourhood countries, potential and candidate countries of Enlargement 2010-2017	EC/EV/RoL/18
48.	Revised Indicative Strategy Paper Albania 2014-2020	EC/RVI/ALB/20
49.	Revised Indicative Strategy Paper Montenegro 2014-2020	EC/RVI/MN/20
50.	Revised Indicative Strategy Paper North Macedonia 2014-2020	EC/RVI/NM/20
51.	Revised Indicative Strategy Paper Serbia 2014-2020	EC/RVI/NM/20
51.	European Commission Screening report Serbia – Chapter 23	EC/SCR/SR/23
53.	European Commission Screening report Serbia – Chapter 24	EC/SCR/SR/24
54.	European Commission Screening report Montenegro – Chapter 23	EC/SCR/MN/23
55.	European Commission Screening report Montenegro – Chapter 24	EC/SCR/MN/24
56.	Regional Cooperation in the Western Balkans	RC/WB/18
57.	Regional Cooperation Council – Rule of Law	RCC/RoL/17
58.	Constitution of the Republic of Serbia	C/SR
59.	Constitution of the Republic of Albania	C/ALB
60.	Constitution of the Republic of Montenegro	C/MN
61.	Constitution of the Republic of Macedonia	C/NM
62.	National Assembly of the Republic of Serbia – Resolution on Accession to the EU	NA/SR/ACC/EU/04
63.	Parliament of Montenegro – Resolution on Manner, Quality and Pace of Integration process of Montenegro to the EU	P/MN/ACC/13

64.	National Strategy for European integration of the Republic of Macedonia	NS/ACC/NM/04
65.	Government of the Republic of Macedonia – Program for approximation of national legislation to the legislation of the EU	G/NM/APP/LEG/04
66.	Government of Albania – Convention on the integration of the Republic of Albania with the EU	G/ALB/ACC/15
67.	Government of Serbia – Draft Action plan for negotiating Chapter 23	G/SR/DAP/C23/15
68.	Government of Serbia – Draft Action plan for negotiating Chapter 24	G/SR/DAP/C24/16
69.	Government of Montenegro – Action plan for negotiating Chapter 24	G/MN/AP/C24/13
70.	Government of Montenegro – Action plan for negotiating Chapter 23	G/MN/AP/C23/15
71.	National anti-corruption strategy in the Republic of Serbia 2013-2018	G/SR/CORR/STR/13
72.	Government of Montenegro – Action plan for implementation of the program of fight against corruption and organized crime	G/MN/AP/CORR/ORGC/06
73.	Government of the Republic of Macedonia – Law on prevention of corruption	G/NM/LoCORR/15
74.	National Assembly of the Republic of Serbia – Anti-corruption law	P/SR/LoCORR/19
75.	National Assembly of the Republic of Serbia - Law on the Organisation and Jurisdiction of Government Authorities on the Suppression of Organised Crime, Terrorism and Corruption	P/SR/LoORGC/18
76.	Government of the Republic of Albania – Anti-corruption Strategy 2015-2020	G/ALB/CORR/STR/15
77.	Government of the Republic of Albania - Law on Prevention and Striking of Organized Crime, Trafficking, Corruption and Other Crimes through preventive measures against Property	G/ALB/LoCORR/ORGC/18
78.	Government of the Republic of Montenegro – Law on prevention of Corruption	G/MN/LoCORR/17
79.	European Commission – The former Yugoslav Republic of Macedonia: Recommendations of the Senior Experts' Group on systemic Rule of Law issues relating to the communications interception revealed in 2015 (Priebe report)	EC/PRR/NM/15
80.	European Commission – Urgent Reform Priorities for Macedonia, (Priebe report)	EC/NM/URP/17
81.	Stabilisation and Association Agreement EU - Serbia	SAA/SR
82.	Stabilisation and Association Agreement EU - Montenegro	SAA/MN
83.	Stabilisation and Association Agreement EU - North Macedonia	SAA/NM
84.	Stabilisation and Association Agreement EU - Albania	SAA/ALB

Annex IV

EUROPEAN INTEGRATION OF THE WESTERN BALKAN CANDIDATE COUNTRIES: CURRENT STATE OF AFFAIRS

STAGES	ALBANIA	MONTENEGRO	NORTH MACEDONIA	SERBIA
SAA entered into force	01.04.2009.	01.05.2010.	01.04.2004.	01.09.2013.
Candidate status	27.06.2014.	17.12.2010.	16.12.2005.	14.10.2011.
Opening accession negotiation recommended	01.04.2018.	29.06.2012.	01.10.2009. (6 times in a row)	28.06.2013.
Accession Negotiations opened	/	29.06.2012.	/	21.01.2014.
I SAC meeting	/	04.12.2014.	14.09.2004.	October 2013
I IGC meeting	/	29.06.2012.	/	21.01.2014.

Annex V

LIST OF ATTENDED CONFERENCES AND EVENTS

- University of Ghent Workshop, PhD Research Proposal Presentation, "Regional Integration as a Substitute for European Integration of the Western Balkans", 28th March 2012
- 3rd IPSA-NUS Annual Methods School, Workshop on Visual and Discourse Analysis, June – July 2014, Singapore
- 44th UACES Annual Conference, University College Cork, September 1-3rd 2014, presented paper entitled 'The Politics of European Values in EU' s Enlargement: The Case of Western Balkans', Panel 610 – Challenges for the EU Enlargement in the Western Balkans;
- 8th ECPR General Conference University of Glasgow, September 3-6th 2014, presented paper entitled, 'Re-Conceptualising Conditionality in Enlargement Policy – The Politics of Values in Accession of Serbia, Panel "Rethinking Conditionality: Theoretical Understanding of EU Conditionality in a Post-Enlargement Era";
- CERI Workshop "Good Governance" in the EU and Wider Europe, paper presented "European values as conditions and incentives: The Case of the Western Balkans", 28th November 2014

LIST OF PUBLISHED ARTICLES

- "Twenty Years of the Forum for International relations of the European Movement in Serbia", Challenges of Serbia Foreign Policy, Friedrich Ebert Stiftung in Serbia and European Movement in Serbia, Belgrade, 2015, pp. 9 – 13. Available at: http://www.emins.org/uploads/useruploads/forum-mo/Zbornik_Izazovi-spoljne-politike-Srbije.pdf
- "Applicability of European Principles of Good Governance in the Republic of Serbia", Research Forum, European Movement in Serbia, February 10th, 2016, Belgrade. Available at: http://www.emins.org/english/news/article/applicability-of-european-principles-of-good-governance-in-the-republic-of-serbia
- "Is the current EU the future for the Western Balkans?" in *The future of the EU and the Western Balkans – A view from Serbia* (eds.), European Movement in Serbia and Forum for International Relations, Friedrich Ebert Stiftung in Serbia, no. 03/2016, Belgrade, 2016, Available at: http://library.fes.de/pdf-files/bueros/belgrad/12944.pdf.

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