

Democracy and human rights developments in Southeast Europe during 2018

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Abstract: *This article provides an overview of the developments in democracy and human rights during 2018 in the countries of Southeast Europe, focusing on nine countries. Different reports have revealed that the Southeastern European region is experiencing a regression as far as democracy and human rights are concerned. According to Freedom House, democracy is in retreat in many parts of the world, including in Europe. In this article the author highlights the main developments around democracy in three European Union (EU) member states: Romania, Bulgaria and Croatia. These countries continue to be listed as the worst performers in the EU in respect of adherence to the rule of law and widespread corruption. Six countries from the Western Balkans region – Albania, North Macedonia, Montenegro and Serbia are candidate countries, and Bosnia and Herzegovina and Kosovo – are analysed in respect of the latest developments relating to democracy and human rights. Since the regional dimension is very important for the Western Balkans, a part is dedicated to bilateral relations in the framework of EU integration.*

Key words: *European Union; Southeast Europe; democracy; human rights; enlargement*

1 Introduction

This article provides an overview of the developments in democracy and human rights during 2018 in the countries of Southeast Europe (SEE). Nine countries that have shown *similarities* concerning development pertaining to democracy and human rights are the focus of the article. Nevertheless, these countries are positioned *differently* in respect of their various paths towards European Union (EU) integration, and their status varies considerably, varying between being member states, candidate countries and potential candidate countries.

Romania, Bulgaria and Croatia are EU member states; Albania, North Macedonia, Montenegro and Serbia are candidate countries; and Bosnia and Herzegovina and Kosovo are potential candidate countries. Even among the candidate countries, there are 'frontrunners' such as Serbia and Montenegro which have been promised membership by 2025. As the prospect of EU membership is a key factor for reforms in the region, this article is organised as follows: The first part describes the main developments in democracy and human rights in EU member states, followed by the second part of the article that discusses the main developments in the Western Balkans (WB).

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In contrast to other regions of the world, in SEE¹ democratic and human rights development are influenced by the EU. The EU's monitoring mechanisms and 'stick-and-carrot' approach have been very influential factors in the region. Nevertheless, since the economic crises, followed by the migration crises, and the rise of nationalism within the EU, and the Brexit, the EU has placed the Balkans 'at the end of the agenda', in this way contributing to the rise of illiberalism among the countries of the region. This gap left by the EU has strengthened the influence of other actors such as Russia, China or Turkey (Heath 2018). European Commissioner Johannes Hahn stated in an interview in July 2018 that he was most concerned about China, as the Chinese are attempting to export their way of life, entailing 'a combination of capitalism with dictatorship' (Politico 2018).

2 EU member states: Rumania, Bulgaria and Croatia

Southeast Europe is composed of countries that are members of the EU and countries that aspire to become members of the organisation. In this part the author analyses the development of democracy and human rights in three countries of SEE that are members of the EU. Democratic backsliding in the last years has become the main topic for the EU and scholars who have started researching on the reversibility of the Europeanisation achievements in the member states. Hungary was the first to be criticised for its constant attack on democratic institutions, followed by Poland. In September 2018 the European Commission had to refer Poland to the European Court of Justice (ECJ) for the adoption of a new law on the Supreme Court, which was considered in conflict with the principle of judicial independence (Marović, Prelec & Kmezić 2019: 46).

Even though Romania and Bulgaria have been members since 2007, because of concerns over certain issues, the EU monitoring mechanisms continue to work under the 'Cooperation and Verification Mechanism' (CVM) (Marović, Prelec & Kmezić 2019: 45).

Starting with Romania, the year 2018 registered developments that have further undermined democracy and the progress made by the country, especially in the field of strengthening the rule of law. The outcome of the 2016 parliamentary elections brought to power the Social Democratic Party. In February 2017 protests erupted in Romania against the government's proposed changes in judicial systems and the decriminalisation of corrupt offences. This protest was considered the largest protest since the fall of Communism. Following this massive protest, other protests were repeatedly held during 2017. The events at the beginning of 2017 created a general mistrust in the ruling party (Freedom House 2018). In December 2017 the Romanian Parliament adopted three laws reforming the judiciary system. Critics claimed that this put under attack the system of checks and balances in Romania. The most supported opinion by the

1 The geographical region of South-East Europe has experienced modifications regarding dependence of the states that are considered part of it. Following the enlargement of 2007, the EU refers to the region of South-East Europe as composed of the successor states to the former Yugoslavia (with the exclusion of Slovenia) plus Albania. Following the enlargement of Croatia in 2013, the region of South-East Europe as defined by the EU is composed of six countries of the Western Balkans.

Romanian Constitutional Court, which it adopted in October 2017, is that most of the changes proposed by the government are unconstitutional (European Parliament 2018). The Romanian Minister of Justice in February 2018 initiated the dismissal procedure for the head of the National Anticorruption Directorate (DNA), Laura Codruta Kovesi (The Romanian Journal 2018). The Superior Council of Magistracy and the President did not support this decision (The Romanian Journal 2018). The constitutional conflict between the Justice Minister and the President was 'solved' by the Constitutional Court of Romania, which decided that the President should sign the decree to recall Kovesi from office (The Romanian Journal 2018). In April the Council of Europe's Group of States against Corruption (GRECO) expressed serious concern about the laws adopted by the Romanian Parliament.

Furthermore, the Venice Commission in its opinion in October 2018 came to the conclusion that the draft could undermine the independence of the judiciary. The same conclusions by the Venice Commission and GRECO were emphasised by the Commissioner for Human Rights of the Council of Europe during her visit to Romania in November 2018. She expressed her concerns that the weakening of the judiciary could result in the weaker protection of human rights to the authorities (Commissioner for Human Rights 2018: 24). In 2018 general protests continued to oppose government changes to the judicial system. Meanwhile, the ruling party ousted the second Prime Minister in seven months and designated Viorica Dăncilă as Prime Minister. The protest of 10 August 2018, which was supported by Romanians working abroad, ended in hundreds of protesters being injured (*The Guardian* 2018). According to the human rights reports of the US State Department, more than 770 protesters filed complaints concerning violent incidents during the protest of 10 August (US Department of State 2018).

In the meantime the Social Democrat-led government survived a confidence vote in December 2018 for not reaching the required quorum 50 per cent plus one of the votes (EUROACTIV 2018). Freedom House in its report 'Freedom in the world 2019' continued to rate the country as 'free' (Freedom House 2019). However, in line with the same report in one year, the scores in civil liberties and political rights declined (Freedom House 2019: 16).

In this context of political contestation, the situation of human rights in Romania appeared problematic. Of the 82 rulings against Romania adopted by the European Court of Human Rights in 2018, 37 were for 'inhuman or degrading treatment' and 18 rulings concerned the judiciary branch (the right to a fair trial and the duration of proceedings) (ECHR 2018: 177). In the report of 2018 the Commissioner for Human Rights of the Council of Europe focused on the rights of persons with disabilities, violence against women and the reform of the judicial system. In the first two issues under consideration, the Commissioner urges the authorities to take measures in order to fight discrimination and stigma that both categories face, and for the judiciary reform the Commissioner highlighted the concerns expressed by GRECO, the Venice Commission and other internal actors (Commissioner for Human Rights 2018).

In the meantime, in the European institutions, concerns about the above-mentioned developments were voiced and discussed in different sessions of the European Parliament (EP). According to Frans

Timmermans, first Vice-President of the Commission, in his speech before Parliament in October 2018 stated:

We are following the latest developments in Romania with concern ... We have seen substantial progress in the past, but things are now moving backward in a way that would be damaging for the place that Romania has built as an EU member state in recent years.

The European Parliament in its Motion for a Resolution on the Rule of Law in Romania of November 2018 expressed concerns about the rule of law in Romania, affected by the redrafted legislation on the judiciary and the political restrictions on media freedom. Finally, the language of the European Commission on the progress in Romania under the Cooperation and Verification Mechanism for the period covering November 2017 to November 2018 was very demanding (European Commission 2018). The Commission stated (European Commission 2018: 17):

The entry into force of the amended justice laws, the pressure on judicial independence in general and on the National Anti-Corruption Directorate in particular, and other steps undermining the fight against corruption have reversed or called into question the irreversibility of progress.

To remedy the situation, the Commission recommended to the Romanian authorities not to implement the justice laws that entered into force during 2018. However, the rule of law criterion was regarded by the EP as not linked to the Schengen Agreement. For this reason the European Parliament in November 2019 adopted a report in favour of the entrance of Romania and Bulgaria into the Schengen area and urged the Council to confirm the entrance of both countries into the area (European Parliament 2018).

Bulgaria is the second country to become a member state in the 2007 enlargement. Freedom House in its report 'Freedom in the world 2019' continued to rate the country as free (Freedom House 2019). According to the same report, in one year the scores in civil liberties and political rights did not undergo any change (Freedom House 2019: 16). The European Commission in its latest report concerning the progress of the country in CVM mentioned that 2017 was characterised by 'unfavourable conditions', listing government instability, media freedom and unpredictability in the legislative process as the main factors for undermining the reform process in Bulgaria (European Commission 2018: 1) Instead, the year under review (November 2017 to November 2018) was considered favourable as it 'helped' progress in reforms and especially in the adoption of a framework on the anti-corruption reform. The Commission mentioned media freedom as an issue of concern as it can affect the judicial reform and in a larger dimension the good governance (European Commission 2018: 2). The Commission concluded that the year 2018 was very positive in terms of implementing the recommendations of the previous report. For this reason, three benchmarks were provisionally closed (European Commission 2018: 11). Even though the Commission explained that democracy or media freedom was not the object of the CVM reporting, scholars raised concerns over the optimistic rhetoric of the EU institutions when referring to Bulgaria. The killing of a Bulgarian journalist, Victoria Marinova, also raised concerns, as her last report was about the misuse of EU funds. The Commissioner of Human Rights of CoE and Human Rights

Watch also raised concerns about the need to address violence against women and girls in Bulgaria (Commissioner for Human Rights 2018).

At the same time, concerning human rights developments, according to the European Court of Human Rights (ECHR), in 2018, in 29 rulings against Bulgaria, eight rulings concern the judicial branch (the right to a fair trial and the duration of proceedings) (ECHR 2018: 177). Human rights organisations reported widespread discrimination of Roma communities. A phenomenon mentioned by human rights organisations operating in the country was the segregation of entire schools enrolled by Romani children (US Department of State 2018).

Finally, this part concludes with Croatia, which managed to become the twenty-eighth member state of the EU and was considered a success story for the rest of the Western Balkan (WB) region. As the country had to cope beforehand, in the pre-accession period, with the concerns of the judicial sector, the Cooperation and Verification Mechanism was not availed in the case of Croatia. Freedom House in its report 'Freedom in the world 2019' continued to rate the country as free (Freedom House 2019). Nevertheless, according to the same report, in one year the scores in civil liberties and political rights declined (Freedom House 2019: 16). The World Justice Project (WJP) in its 2019 rule of law-index, lists five countries as the worst performers in the EU from the perspective of ordinary citizens (World Justice Project 2019: 21). Apart from the latest countries that joined the EU (Bulgaria, Croatia, Romania), Greece and Hungary joined the 'club' of the worst performers. In the 2019 report of the European Commission on Croatia's progress on structural reforms, it was stated that '[s]ome steps have been taken to improve the judiciary ... Backlogs in the courts are decreasing, especially in respect of the oldest cases, but remain sizable' (European Commission 2019: 14). In the same Report, the European Commission stated that the fight against corruption remained an issue of concern, with no improving trend even for 2018 (European Commission 2019: 57).

3 Western Balkans: Two steps ahead and three steps backward

Freedom House in its report 'Freedom in the World 2019', which refers to the period under consideration in this article, namely, from 1 January 2018 to 31 December 2018, points out that there is a decline in democracy and human rights in Europe (Freedom House 2019). Democracy is endangered by anti-democratic leaders in Central Europe and the Balkans who continue 'undermining institutions that protect freedoms of expression and association and the rule of law' (Freedom House 2019).

Scholars argue that the EU and the enlargement process shape developments relating to democracy and human rights in the Western Balkans region. For the Western Balkans the last year has been full of significant events in many directions. I will explore the developments in the Western Balkans countries in three main dimensions: internal developments, bilateral relations, and EU-WB relations. I start with the relations between the Western Balkans region, as the changes in these relations have had their relevance in the internal developments in democracy of each country.

3.1 European Union and Western Balkans relations in 2018

As far as the relations between the EU and WB are concerned, in the last year important developments were registered. The current situation of the WB as regards EU membership is as follows: Two of the six WB countries have opened accession negotiations, namely, Montenegro since 2012 and Serbia since 2014. The Republic of North Macedonia² has been a candidate country since 2005 and Albania obtained candidate status in 2014. The last two countries, Bosnia and Herzegovina (BiH) and Kosovo, are potential candidates. Being two contested states, the enlargement process has encountered a further obstacle. In order to progress in this process, according to Hahn, BiH should overcome the 'Dayton logic', which remains in place in the country.

The most important developments of the relations EU-WB in 2018 started with the release in February by the European Commission of a document titled 'A credible enlargement perspective for an enhanced EU engagement with the Western Balkans', in which the EU rounded off what a clear enlargement for the WB region meant. What is to be noted from the document is the wide range of criteria formulated in this round of enlargement. European Commissioner Johannes Hahn stated in an interview in July 2018 that lessons learned from previous accessions (Rumania and Bulgaria) brought to demand sustainable democracy for the countries that wished to become EU members (Politico 2018).

Four areas were identified: the rule of law; economic development; bilateral disputes; and enlargement is a matter of choice, meaning as long as there is a clear and wide internal support of the EU perspective. In the above-mentioned document, the region was divided into the so-called 'front-runners', Serbia and Montenegro, which potentially could be EU members by 2025, leaving the other countries without a prospect date of accession.

In April 2018 the EU Commission released the Enlargement Package and the individual progress of WB countries. Recognising the efforts of Albania, especially as far as justice reform was concerned, and that of Macedonia in resolving bilateral disputes, the Commission recommended to the EU Council the opening of negotiations with both countries. Meanwhile, BiH could become a candidate country and Kosovo could benefit of visa liberalisation and advance on the path towards EU membership, only after the normalisation of the situation with Serbia.

The first half of 2018 was followed by two important events: the EU-Western Balkans Summit in Sofia, which took place in May 2018; and the London Summit of the Berlin Process which was held in July 2018. The Sofia Summit was concluded with the signing of the Sofia Declaration that reaffirmed, 15 years after the Thessaloniki Summit of 2003, the EU perspective of the Western Balkans. Meanwhile, one month before the London Summit two events took place: the Prespa Agreement, and the Council decision to postpone the opening of the negotiations with Albania and North Macedonia in 2019. These events were reflected in the London Summit and in the documents that were signed. Importance was given to

2 Following the agreement with Greece and the referendum of September, the official name of Macedonia is the 'Republic of North Macedonia'. In this article I will continue to use the shorter version of Macedonia.

the peaceful resolution of bilateral disputes in the region and the previous achievements in this direction were welcomed and defined as positive progress.

The second half of 2018 was also marked by important developments in EU-WB relations. Following years of efforts by Kosovo on visa liberalisation, the European Commission confirmed the completion of all the requirements under this process in July 2018, and in September the European Parliament voted in favour of visa liberalisation with Kosovo. Nevertheless, the finalisation of this process halted in the European Council, as it has not as yet taken any decision on this matter.

What is to be noted from the events of 2018, in the framework of EU-WB relations, is the importance given to the resolution of the bilateral disputes through peaceful means. As a matter of fact, 2018 registered important developments concerning bilateral relations in the Western Balkans region. After three decades of disagreements between Greece and the former Yugoslav Republic of Macedonia, regarding the so-called 'name issue', the two countries reached an historic agreement in June 2018. Furthermore, developments were registered between Greece and Albania.

As far as the negotiations between Macedonia and Greece were concerned, following an intense year of negotiations the two countries on 17 June 2018 reached an historic agreement. This agreement was supported by important actors of the international community, the EU and the US, as it has put an end to nearly three decades of the so-called 'name dispute'. After the agreement of June some complex and important steps followed. First it required the ratification in parliament of both countries which, considering the resistance by factors inside the countries, was not an easy process. Nevertheless, on 5 July 2018 the Macedonian Parliament ratified the agreement and a referendum was called for Macedonian citizens for 30 September. The referendum had a low turnout and those who participated voted in favour of the name change. Following the referendum, Parliament voted in favour of initiating the constitutional revisions, which required a two-thirds majority. The government started the process of drafting four constitutional amendments that were discussed in the Macedonian Parliament in December. These amendments must be adopted in Parliament by a two-thirds majority.

Meanwhile, Albania and Greece intensified the negotiations in 2018. The bilateral relations between the two countries are considered complex. Even though both countries are members of the North Atlantic Treaty Organization (NATO), Greece still formally has in force a 'state of war' with Albania. According to the former Albanian Minister for Europe and Foreign Affairs during his reporting on 28 February 2018 in the Commission of Foreign Affairs of the Albanian Parliament, Albania is negotiating with Greece a 'package' made up of different issues. The ending of the 'state of war' with Albania, which has importance for the Cham community, the delineation of the maritime border, the rights of the Greek national minority that lives in Albania, and textbook revision, are some of the topics mentioned as 'open issues' and are on the table of negotiations between the two countries. Nevertheless, in February 2018 the President of the Republic of Albania refused a government request to authorise continued negotiations with Greece on the delineation of the maritime border with the justification to have full information on the content of the negotiations (BIRN 2018). In March the President granted

authorisation for continuing negotiations with Greece. Following this decision, the two foreign ministers met several times during 2018 but it is expected that the negotiations will continue in 2019.

3.2 Internal developments of the countries of Western Balkans

In this part of the article each country is analysed in depth concerning developments around democracy and human rights. The European Parliament is the EU institution that constantly addresses shortcomings in democracy openly and directly. In November 2018 the European Parliament adopted resolutions on every country of the WB region, except for BiH, due to the country disagreements on establishing a Joint Stabilisation and Association Parliamentary Committee. What can be noted from the text of the resolution is the fact that the region still faces serious problems concerning the rule of law, corruption, state capture, organised crime and the lack of economic development.

Montenegro has been considered one of the countries that has advanced more on the European path. Nevertheless, in the EP Resolution of November 2018 on the Montenegro Progress Report, important challenges that need to be addressed immediately are 'the rule of law, media freedom, corruption, money laundering, organised crime and its associated violence' (EP Resolution 2018: 3). Following the parliamentary elections of 2016, the Democratic Party of Socialists (DPS) won 36 seats and form the majority with the other four parties. The outcome of the election was not accepted by the opposition, which initiated a parliamentary boycott that partially ended in December 2017. As the presidential elections were approaching, in February 2018 Johannes Hahn, Commissioner for European Neighbourhood Policy and Enlargement Negotiations, visited Montenegro and addressed the members of parliament of the country. The commissioner reaffirmed decisively that the accession of Montenegro was unquestionable and highlighted the role of Parliament and that of civil society to press the government to continue on the EU path (EWB 2018). After postponements and internal discussions, in March the Assembly of Kosovo ratified the Border Demarcation Agreement with Montenegro. It was considered good news by international actors, and the EU considered it one of the major achievements which could lead to visa liberalisation.

In April 2018 the presidential elections took place in Montenegro. These elections were organised in an atmosphere of parliamentary boycott by the opposition for not recognising the results of the 2016 general elections (ODIHR 2018: 3-4) Mr Đukanović won the election in the first round with a vote of 53,9 per cent. According to the final report of the OSCE/ODIHR Election Observation Mission, the elections were assessed as democratic and fundamental freedoms were respected. However, shortcomings were identified and some recommendations that needed to be addressed as a matter of priority were formulated (for instance, the review of the legal framework for the next elections, addressing all allegations of electoral violations, further reinforcing the transparency of the electoral process, taking measures to protect journalists, and so forth) (OSCE/ODIHR 2018: 21). In the Resolution adopted in November 2018 the European Parliament called on Montenegro to foster a climate of tolerance, to take measures against hate speech and to ensure the inclusiveness of minorities (EP Resolution 2018: 7).

In the case of Serbia, in the Resolution of November 2018 on the Commission Report the EP emphasised freedom of expression and the independence of the media as a serious concern (EP 2018: 3). According to the document the rule of law, the fight against corruption and the fight against organised crime remained issues of concern even during 2018. As far as the quality of democracy in Serbia was concerned, the EP emphasised the need for the Serbian Parliament to effectively conduct an 'oversight of the executive, and that the transparency, inclusiveness, and quality of the legislative process need to be further improved' (EP 2018: 6). In order to further uphold human rights in Serbia, the EP recommended that it is needed a climate of tolerance and all types of hate speech needed to be condemned. Respect for and the protection of minorities were highlighted issues on which Serbia needed to further work for an effective implementation of the strategy that has been adopted in this matter. Meanwhile, in the section of regional cooperation, the European Parliament urged Serbia and Kosovo to continue their engagement in dialogue. The EP expressed concerns about the debates on exchanges of territories as it must not affect the multi-ethnic nature of both states (EP 2018: 10) Good neighbourhood relationships are important for Serbia on its European path, meaning that the opening issues with Croatia had to be overcome. In February 2018 the two Presidents of Serbia and Croatia met in Zagreb, where salient issues such as the Danube River and war compensations that should be paid by Serbia were discussed. Both Presidents declared after the meeting that there was a common will to solve the open issues, despite their different attitudes on these matters (EWB 2018).

As far as Albania was concerned, the EP in its Resolution expressed deep concern over the *de facto* boycott of the opposition since summer 2018, which undermined the constructive political dialogue required for 'the implementation and consolidation of the reforms across all five key priorities are vital to the effort to advance the EU accession process and for the proper functioning of a democratic regime'. According to the European Commission the rule of law remained a key challenge for Albania. The justice reform initiated in 2017 continued to register good progress (European Commission 2018). The International Monitoring Operation (IMO), which conducts the vetting process of judges and prosecutors across the country, had delivered approximately 100 decisions during 2018 (Calavera 2018). In October 2018 two new organs of the judiciary were established: the High Judicial Council and the High Prosecutorial Councils.

The US Department of State in 2019 published its annual report on human rights practices in 2018 in Albania. The report identified as a big concern the 'pervasive corruption in all branches of government' and the phenomena of impunity, minority rights and the problem of property rights. During 2018 Albania updated its legislation on anti-corruption and was advancing in the establishment of the National Bureau of Investigation, the Special Tribunal and the Special Prosecution Office Against Corruption and Organised Crime (European Parliament 2018). As far as the protection of minorities is concerned, Albania was continuously improving its legislation on minority rights protection. Following the approval of the specific law on national minorities in November 2017, the country is continuing the process of approving bylaws on the implementation of the Framework Law on National Minorities. Three

bylaws have so far been approved, namely, the Council of Ministers Decision 561 dated 29 September 2018 relating to primary education; the Council of Ministers Decision 562, dated 29 September 2018 on the promotion of minority languages and culture in tertiary education; and the Decision of Council of Ministers 726 dated 12 December 2018 on the organisation of the Committee on National Minority. Instead of addressing concerns on property rights, in 2018 the Law 111/2018 'On Cadaster' was approved by Parliament. In the Law 'On Cadaster' the establishment in 2019 of the State Agency of Cadaster was foreseen which would merge with different agencies that already existed and would try to address concerns over propriety rights.

In the Republic of North Macedonia, after noticing the decisive commitment of the country on the EU path, the European Parliament remained concerned about media freedom, corruption and organised crime, even though the EP pointed out in the document that corruption and organised crime were widespread in the region and were an issue of concern even in the last two countries, namely, Kosovo and BiH. The European Parliament noticed that the country had advanced more in good neighbourly relations and had achieved a high level of *acquis* alignment (EP 2018). The second half of 2018 was dominated by the implementation of the Prespa Agreement with Greece and the preparation for NATO membership of the country. In December 2018 the leader of the Albanian party DUI, Ali Ahmeti, launched the idea of a consensual candidate for President (Radio Evropa e Lirë 2018). Ahmeti's proposition was supported by the Prime Minister, Zoran Zaev, who initiated talks with coalition parties over a consensual candidate for President. This practice was considered a very important development for democracy in Macedonia, taking into account the recent approach of President Ivanov *vis-à-vis* ethnic Albanians in the country.

The last two countries, Kosovo and Bosnia and Herzegovina, because they are considered contested states,³ this element poses a very important challenge to the Europeanisation process. Specifically in Kosovo, the EP in its Resolution adopted in November was concerned about elements of state capture, the rule of law and inter-ethnic relations. Nevertheless, what has kept the EU and international attention were the developments that had repercussions on the negotiations with Serbia. The first half of 2018 was marked by tensions, following the murder of the Kosovo Serbian politician Oliver Ivanović and the proposals of 'border corrections' between Kosovo and Serbia which could lead to a final agreement. The second half of 2018 exacerbated the relations between the two countries as both countries took initiatives that damaged the achievements of the negotiation process. The efforts by Serbian diplomacy to revoke the recognition of Kosovo's independence was followed by the government of Kosovo's decision to impose in November 2018 a 100 per cent tariff on goods emanating from Serbia and Bosnia and Herzegovina. The latest decision taken by the government in Kosovo was criticised by the EU that demanded its revocation.

3 Contested state for the purposes of this article is defined as a state that is contested internally by a segment of the population and this contestation is supported externally by an external actor (Serbia) which supports this contestation in both cases.

In Bosnia and Herzegovina the EP Resolution was adopted in February 2019. The EP emphasised the fact that ethno-nationalistic rhetoric had dominated the political discourse and had halted 'the constitutional, political and electoral reforms that would transform BiH into a fully effective, inclusive and functional state based on the rule of law'. The year 2018 was a year of elections in Bosnia and Herzegovina. According to the OSCE/ODIHR Election Observation Mission the general elections in BiH of 7 October 2018 took place 'in an atmosphere of political disillusionment with public institutions and characterised by a lack of economic growth' (OSCE/ODIHR 2018: 4-5). In his final report ODIHR listed irregularities prior to and after election day. Furthermore, *Radio Free Europe* reported multiple cases of deceased persons remaining on the voter registry, which could lead to possible electoral manipulations (Radio Free Europe 2018).

Milorad Dodik, the former President of the entity Republika Srpska for two full terms, won the elections and became a Serb member of the country's three-member presidency. His party also had a victory in the Republika Srpska's presidency and took the majority of seats in Republika Srpska's Assembly. In the Federation of Bosnia and Herzegovina, the Party for Democratic Action (SDA), representing the Bosniak ethnic group and the Croat Democratic Union of Bosnia and Herzegovina (HDZ BiH) representing Croats, won the majority. As a priority recommendation the OSCE/ODIHR mission identified the need to address the European Court's judgments regarding discriminatory ethnicity (OSCE/ODIHR 2018: 25).

4 Conclusion

The year 2018 registered important developments that questioned the reversibility of the achievements of the Europeanisation process in the cases of Romania and Bulgaria. The European Commission continued to have in place a mechanism for monitoring the situation in the two countries, because for more than a decade these countries failed to fight widespread corruption and continuing threats to the rule of law. The Western Balkans countries continued to register a decline in democracy towards an overly 'formal' version of democracy and Europeanisation, characterised by adopting norms and rules without fully implementing and enforcing these norms. In the latest report of European Commission, state capture, corruption and organised crime were considered key concerns that contributed to the decline in democracy. At the regional level, positive developments can be noted, which may contribute to the stability of the region. The historic agreement between Macedonia and Greece has opened a new era for the bilateral relations in the conflict-ridden region of the Western Balkans. It is to be expected that, during 2019, other bilateral disputes would similarly find a peaceful resolution.

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