

POLITICAL CRITERIA FOR ACCESSION TO THE EU : HUMAN RIGHTS CONDITIONALITY AND THE CROATIAN CASE

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Abstract

In 1993, the European Union (EU) member states established the Copenhagen Criteria, which define political, economic and legal (adoption of *acquis*) conditions for accession to the Union. The Central and Eastern European (CEE) Countries were the first candidates whose applications were considered with respect to their compliance with these criteria. In this article the political criteria, specifically the human rights conditionality which is scrutinized under the political pillar, is analyzed. Since 2004, the year that the CEE countries joined the EU, an emphasis on a 'stricter' political conditionality has been made by the European officials and institutions. The objective of this article is to discover how the changes in the EU's approach to political conditionality after 2004 have had an impact upon the human rights conditionality. For this purpose, the Croatian case and the way the EU applied conditionality to this country is examined, and it is concluded that despite some indicators of change, the stricter political conditionality does not have strong reflections on the human rights conditionality in the Croatian accession process.

Keywords: Copenhagen Criteria, Stricter Political Conditionality, Human Rights Conditions, Western Balkan Enlargement, Human Rights in Croatia

AB'ye Katılım için Siyasi Kriterler: İnsan Hakları Koşulu ve Hırvatistan Örneği

Özet

1993 yılında Avrupa Birliği (AB) üye ülkeleri Birlik'e katılım için siyasi, ekonomik ve hukuksal (müktesebata uyum) koşulları tanımlayan Kopenhag Kriterleri'ni belirlediler. Merkezi ve Doğu Avrupa (MDA) ülkeleri, başvuruları bu kriterleri sağlamalarına ilişkin olarak değerlendirilen ilk adaylar oldular. Bu makalede, siyasi kriterler ve özellikle de siyasi sütunun altında incelenen insan hakları koşulu analiz edilmiştir. 2004 yılından beri, yani MDA ülkelerinin AB'ye katıldığı yıldan beri, AB yetkilileri ve kurumları daha sıkı bir siyasi şartlılığa vurgu yapmaktadır. Bu makalenin amacı 2004'ten sonra AB'nin siyasi şartlılığa yaklaşımındaki değişikliklerin insan hakları koşulları üzerinde nasıl bir etkisi olduğunu bulmaktır. Bu amaçla, Hırvatistan örneği ve AB'nin bu ülkeye uyguladığı koşulluluk incelenmiş ve bazı değişiklik göstergeleri olmasına rağmen Hırvatistan'ın katılım sürecinde katı siyasi koşulluluğun insan hakları koşulluluğu üzerinde güçlü yansımaları olmadığı sonucuna varılmıştır.

Anahtar Sözcükler: Kopenhag Kriterleri, Katı Siyasi Koşulluluk, İnsan Hakları Koşulları, Batı Balkanlar Genişlemesi, Hırvatistan'da İnsan Hakları

Political Criteria for Accession to the EU: Human Rights Conditionality and the Croatian Case

Introduction

When the European Economic Community (EEC) was first established, the Original Six implied that it was possible to admit new states to the Community, and the European Community/European Union (EC/EU) has, in total, gone through five enlargement rounds¹, starting with the accession of the UK, Denmark and Ireland in 1973. Among these enlargements, it was not until 1993 that the EC/EU began to enforce a new policy for admitting new members. That year, the Copenhagen Criteria which define political, economic and legal (adoption of *acquis*) conditions for accession were designated as the Central and Eastern European (CEE) countries became prospective members following the collapse of communism between 1989-1992 and the Union aimed to minimise the risk of new entrants becoming politically unstable and economically burdensome to the existing EU (Grabbe, 2006: 10). In this paper, the political criteria designed for this purpose, which requires ‘the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities’, and particularly the human rights conditionality as a part of this pillar will be examined.

Upon the completion of the enlargement towards the CEE, the Union’s new enlargement process has been directed towards the Western Balkans. As a

¹The Fifth Enlargement consists of two waves, the first being completed in 2004 with the entrance of eight Central and East European countries (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia) plus Cyprus and Malta to the EU, and the second in 2007 with the accession of Romania and Bulgaria.

result of addressing more difficult and demanding political and post-conflict transformations in that region, the significance of the EU's political conditionality increased more after the 2004 Enlargement (Anastakis, 2008: 365). Subsequently, it has increased its monitoring and scrutiny over the applicant countries' compliance with the political criteria and now demands more from the prospective member states. This new approach to conditionality, which will be explained in detail below, is referred to as 'stricter' or 'rigorous' political conditionality. The aim of this paper is to find out how these changes in the political criteria reflect themselves on the human rights conditionality. Can we, as a consequence, also observe a stricter human rights conditionality after 2004? In search for an answer to that question, the Croatian case will be analysed, because as Croatia will join the Union in July 2013², examining its preaccession process will help us see more concretely if any changes have occurred in the EU's application of human rights conditionality from 2004 onwards.

The new 'stricter political conditionality' approach of the EU and the reasons behind its adoption have been examined in various scholarly works, however attention should also be paid to the issue of how the changes in the political criteria have had an impact upon the human rights conditionality. This is worth examining, because human rights conditionality is a complementary element of an European foreign policy objective: promoting human rights to the third countries. For the EU, this not only is a way of strengthening the international order and of protecting its security (European Council, 2003a: 10), but it also has a normative dimension: 'respect for human rights' is among the values and principles that constitute the European identity, and the Union has a vocation to bring the same values to its external relations (EC, 2010:7). Thus, by testing the strictness of the human rights conditionality in the Croatian case, it will be demonstrated how much importance the EU attaches to the respect for human and minority rights when admitting new members, a condition that it considers important both for its security and for the normative role it plays.

The next part of this paper explains the development of the political criteria in general, and human rights conditionality in particular in the EC/EU legal order. The second section concentrates on the Western Balkan Enlargement, defines rigorous/stricter political conditionality, illustrates the changes adopted in terms of political conditionality after 2004, and clarifies the reasons behind this new approach. The final part is on the Croatian case. There, the general human rights and minority rights issues in Croatia are explained,

²The time of writing of this article is June 2012.

but the focus is particularly on the priorities defined in the most recent Accession Partnership (2008).³ The progress reports on Croatia and the most recent reports released by the Human Rights Watch (HRW), Amnesty International (AI), Minority Rights Group International (MRG) and United States Department of State (USDS) are consulted to comprehend the human rights situation in Croatia both from the EU's and outsiders' perspective. By this way, the demands of the Union, and the achievements/shortcomings of Croatia in that respect are illustrated by also revealing how far Croatia has gone in complying with the human rights conditionality during its preaccession phase. As will be explained in detail, the paper argues that there are some indicators of change, however, it appears that the rigorous political conditionality does not have strong reflections on the human rights conditionality in the Croatian case, therefore the main considerations of the EU regarding the Croatian accession are also addressed in order to explain the reasons behind this.

1. Political Criteria and the Human Rights Conditionality

Political conditionality is a strategy of reinforcement used by international organizations and other international actors to bring about and stabilize political change at the state level (Schimmelfennig, 2007: 127). In the EU case, it became an important instrument of the enlargement policy after the end of the Cold War as aforementioned. However, previous reports and documents point out that the history of conditionality within the EC/EU, although it had not been not as explicit, effective and forceful as its present form, dates back to earlier times. Bruno De Witte and Gabriel N. Toggenburg claim that the original text of the EEC Treaty did not provide for any other substantive condition for membership than that the applicant country had to be European (Toggenburg and Witte, 2004: 60), while Andrew Williams argues that some sort of 'implicit' conditionality for accession was identified in that Treaty (Williams, 2004: 54).⁴ Geoffrey Pridham claims that the period till the

³The Accession Partnerships make the EU's requirements more explicit, focuses aid more closely on accession requirements rather than general development goals, and are intended to make conditionality stricter. (Grabbe, 2006: 14, 15).

⁴He argues that the Preamble of the Treaty, where the member states stated that they resolved 'to preserve and strengthen peace and liberty' and called upon 'the other peoples of Europe who share their ideal to join their efforts', at least reflected some of the key understandings that might identify the conditions for membership. He, therefore, claims that adherence to the values inherent in the project had been imputed

collapse of communism may be regarded as a preliminary phase in political conditionality (Pridham, 2007: 451) during which the EC members put forward conditions for applicants such as being an European and a democratic state.

Some of the reports released by the European Council also made references to political conditions for accession to the Community. The 1970 Davignon Report emphasized that 'a united Europe should be based on a common heritage of respect for the liberty and rights of man and bring together democratic states with freely elected parliaments' (European Council, 1970: 2). In addition, in the 1973 Declaration on European Identity, the Nine defined respect for human rights as one of the fundamental elements of the European Identity, together with the principles of representative democracy, of rule of law and of social justice (European Council, 1973: 2). In 1978, the member states stated in their Declaration on Democracy that 'the respect for and the maintenance of representative democracy and human rights in each member state are essential elements of membership in the European Communities' (European Council, 1978: 3).

These show that 'the respect for human rights' was considered in the reports and documents of 1970s as a prerequisite for accession to the EC, however, the Community did not give a great consideration to this issue when admitting new members states. The instances of full entry achieved by Greece (1981), then Spain and Portugal (1986), saw no visible Community stance taken with regard to past violations and their possible repetition. The return of democracy seemed to be a sufficient guarantee (Williams, 2004: 58).

This situation started to change with the end of the Cold War and the subsequent reunification of Germany in 1990. Although the Community's focus was on creating the single market and the step-by-step establishment of the European Monetary Union (EMU) in the mid-1980s, the question of deeper political integration came to the fore as the need to cope with these dramatic changes was felt among the member states. That concern paved the way for the holding of two intergovernmental conferences where the Maastricht Treaty was drafted. The treaty entered into force in 1993, and created the 'European Union' which consisted of three pillars, namely the European Community, Common Foreign and Security Policy, and Justice and Home Affairs. It brought about institutional changes, created the 'European citizenship' with the aim of consolidating a shared European identity, established new policy areas while extending the pre-existing ones, and launched the EMU. Emphasis was made on the EU's international identity, and promoting its values such as

as prerequisites for full entry and any applicant would have to accord with the Community's aims, or rather, the principles or values.

democracy, human rights and rule of law was indicated as a common objective of the Union.

Finally, again in 1993 the Copenhagen Criteria, which requires ‘the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities’ under its political pillar, were designed as conditions that the applicant countries had to fulfil in order to join the Union. As a consequence, the implicit conditionality-as Williams puts it-turned out to become an ‘explicit’ one (Williams, 2004: 58) and consequently, the human rights conditionality became an ‘explicit’ part of this political conditionality. It was with the 1997 Treaty on European Union (TEU)⁵ that these political criteria was incorporated into the EU treaty system. Article 6(1) stated that ‘the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the member states’ and Article 49 declared that ‘any European State which respects the principles set out in Article 6(1) may apply to become a member of the Union.’

Therefore, the membership-human rights nexus took shape in the course of 1990s, more precisely between two crucial summit meetings of the 1993 Copenhagen European Council which made respect for human rights one of the political conditions for accession to the EU, and the 1997 Amsterdam Council, which inserted the political conditions into the text of Article 49 of the TEU (Toggenburg and Witte, 2004: 59).⁶

With respect to this new approach to accession to the EU, the Commission has started to monitor the applicants’ compliance with the Copenhagen Criteria closely during their preaccession phase. At first, it issues an opinion (avis) on each country’s application for membership, but it depends upon the decision of the European Council, whether or not to start accession negotiations with the applicants. That is, the Council may agree to begin negotiations with a country, even though the Commission’s opinion on that country’s accession is negative. Once the negotiations start, the Commission releases progress reports on each candidate annually in order to review the improvements and shortcomings of the country, and to tell what more needs to be done to overcome the latter. The section on ‘human rights and protection of minorities’ are evaluated under the title of political criteria after the part on the

⁵In this paper, Treaty on European Union (TEU) refers to the Amsterdam Treaty, which is the consolidated version of the Maastricht Treaty/TEU of 1993.

⁶Witte and Toggenburg argues, by drawing upon the 1978 Copenhagen Council’s above-mentioned formula for membership, that the Article 49 TEU is, in fact, the constitutional codification of an existing practice (Toggenburg and Witte, 2004: 60).

democracy and rule of law in the progress reports on the CEE countries where three categories of rights are scrutinized: civil and political rights; economic, social and cultural rights; minority rights. There, the main areas that require the priority of target countries show differences according to the state-specific situations. For instance, the reports on Slovenia dwells mostly upon the denationalisation process, while those of Romania touches upon child protection issue in more detail.

However, there can be some exceptions to conditionality. Pridham claims that other considerations can effect the EU's enlargement decisions, such as other membership criteria, high politics, geopolitical considerations and individual member state pressures (Pridham, 2007: 453). Heather Grabbe also highlights the same point, by referring to the decision of the European Council to start negotiations with Bulgaria and Romania, which were not considered to be making solid progress in the regular reports of the time (Grabbe, 2006: 18). The motivations of the EU behind this were to pressure these two candidates to make specific changes to remedy the most pressing problems that had kept them outside (Bulgaria had to set a date for closing down the Kozloduy nuclear power plant, and Romania to reform its state childcare institutions and improve its macroeconomic situation) and to reward them for their support of the NATO operation in Kosovo in 1999 (Grabbe, 2006: 18,19). The first one shows the effects of 'other membership criteria' upon the decisions concerning enlargement, while the latter is about the EU's 'geopolitical considerations'. Branko Caratan also supports these views by claiming that there is little argument about the fact that some of the new members (CEE states) have found themselves in the fast lane of accession to the EU for international political reasons- particularly those on the eastern side of the continent that seal off the area against Russia (Caratan, 2009: 127). After analyzing the political conditionality from 2004 onwards and human rights conditionality applied to Croatia in the following sections, it will be pointed out if there is such an exception to conditionality in the Croatian accession as well.

2. Political Conditionality after the 2004

Enlargement-What has Changed and Why?

As mentioned above, the focus of the current enlargement policy of the EU is the Western Balkans region. The establishment of the framework for relations with the five countries of the region (Bosnia and Herzegovina (BiH), Croatia, the Former Yugoslav Republic of Macedonia (FYRM), Albania and the Federal Republic of Yugoslavia which became Montenegro and Serbia, including Kosovo) dates back to 1996, when the EU adopted the 'Regional Approach'. The objectives there were to support the implementation of the

Dayton and Erdut agreements and to create an area of political stability and economic prosperity (EU, 2010a). On the other hand, the Union offered these countries the prospect of membership once the relevant political and economic conditions⁷ were met, after the end of the Kosovo conflict in 1999 (Trauner, 2009: 774). The June 2000 Santa Maria de Feira Council stated that all the countries concerned were potential candidates for EU membership; and the November 2000 Zagreb and June 2003 Thessaloniki summits enhanced the already existing commitments (Boris, 2006:2). Followingly, all Western Balkan countries were included into the Stabilisation and Association Process (SAP), indicating a new and strengthened EU approach towards the region. The aims are to stabilize these countries, to encourage their swift transition to a market economy, to promote regional cooperation, and the eventual membership of the EU (EC, 2012a). Stability and Association Agreements (SAA) have been signed with these states.

However, in comparison to the 2004 Enlargement, the countries applying for EU membership are now monitored more closely; the same Copenhagen political criteria do appear to be applied more rigorously than they used to be (Bojinović and Roter, 2005: 453) and also, amplified by some additional requirements, they have been set very high (Caratan, 2009: 172). In addition, conditionality now become broader in its scope, much tighter in its procedures and mechanisms are much strengthened with a view to improving its implementation by candidate countries (Pridham, 2007: 468). In short, following the 2004 enlargement, a much stricter conditionality policy, which has some continuity with that before 2004, but also some marked differences, has been developed due to four factors that Pridham (Pridham, 2007: 454) lists: (1) the EU is now facing rather more difficult cases of countries undergoing pre-accession transformation, compared with the countries that joined the EU in 2004 (2) the lessons drawn from the experience of the 2004 enlargement with respect to political conditionality (3) a new European Commission in office since late 2004 with a different Enlargement Commissioner, Olli Rehn, who has differentiated himself from his predecessor Günter Verheugen in some key aspects of conditionality policy (4) the crisis in the EU over the constitutional reform and its link with a so-called ‘enlargement fatigue’.

⁷Conditions defined by the European Council in 1997 included full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), respect for human and minority rights, the creation of real opportunities for refugees and internally displaced persons to return, and a visible commitment to regional cooperation. (European Council (1997), *Conclusions on the Principle of Conditionality Governing the Development of the European Union's Relations with Certain Countries of South-Eastern Europe*. Cited in Braniff, 2011: 86)

To start with, the Balkan Enlargement comprises more challenges and difficulties compared to the previous enlargements, as the countries of the region are still suffering from the problems posed by the dissolution of Yugoslavia, wars and severe conflicts of 1990s. The EU faces first-order democratization concerns in the region in some respects, and difficulties of political consensus, ethnic harmony, and socio-economic development are far more taxing than in CEE at a similar stage a decade ago (Pridham, 2007: 455). Attempts of territorial expansion at the expense of neighbouring countries have further intensified tensions between nationalities (Caratan, 2009: 174), leading to the rise of minority rights problems, and border questions. Máire Braniff argues that as the issues of conflict transformation, state weakness and state building are still on the political agenda in the Western Balkans, the region has become subject to extensive political conditionality, which had traditionally been outside the scope of any EU policies (Braniff, 2011: 70). Even the title of SAA indicates this fact: the process of accession in the Western Balkans is not purely about ‘association’ but also includes ‘stabilization’ (Braniff, 2011: 81). It is also evident in the EU documents that the Union assigns itself with the role of resolving the problems of the Western Balkan countries, and ensuring the stability of the region. The conditionality applied to these countries during the accession process is therefore considered among the instruments that are used in order to fulfil this role.

Secondly, Florian Trauner, like Pridham, argues that the EU’s preaccession strategy in the Western Balkans draws from the experiences gained in the Eastern Enlargement (Trauner, 2009: 775). As a result of the challenges Romania and Bulgaria faced in reforming their judicial systems and in fighting against corruption, the post-accession monitoring, the Mechanism for Cooperation and Verification (CVM), was applied to these countries (Summa, 2008: 6). The Commission chose to let them into the EU in 2007, but applied safeguards to ensure that the needed reforms were completed under this CVM, instead of postponing the accession one year (Summa, 2008: 23). However, the CVM reports are still being released by the Commission every six months and this indicates that Romania and Bulgaria are still trying to cope with the deficiencies. Thus, the Commission was considered to having been generally too lax over the implementation of the conditions after Romania and Bulgaria’s accession (Pridham, 2007: 460) and the importance of implementation was realized. In December 2004, Olli Rehn went public, saying two lessons should be drawn from the Romanian negotiations: not to adopt schedules that cannot realistically be kept; and to develop aims and methods more precisely (Die Welt, 2004. Cited in Pridham, 2007: 460).

These considerations influenced Rehn’s thinking on future conditionality policy (Pridham, 2007: 460), which brings us to the third factor in Pridham’s

list. Drawing upon these lessons learned and also the enlargement fatigue and absorption capacity, which will be explained next, Rehn emphasized the standards of ‘a carefully managed accession process’ and ‘rigorous’ political standards reflected his cautious, managerial style (Pridham, 2007: 463). His successor, Stefan Füle has also highlighted the strict conditionality and political guidance in his speeches (EU, 2010b, 2011a, 2011b).

Lastly, the rejection of the Constitutional Treaty in 2005 by France and the Netherlands, and the perception that an ill-prepared Romania and Bulgaria joined much too quickly in 2007 resulted in the emergence of an enlargement fatigue in the EU. While Othon Anastakis claims that the EU, against this background, actively interferes in the domestic politics of the Western Balkan states, putting pressure on local elites to comply with certain designated criteria (Anastakis, 2008: 365), Frank Schimmelfennig expresses that the new candidates for membership face more uncertainty and higher hurdles than previous applicants (Schimmelfennig, 2008: 919).

The impacts of these factors upon the enlargement policy reveal the differences of the EU approach towards the previous enlargement and the Western Balkans case: In the CEE enlargement, the carrot/reward of membership was clear. That is, the countries were sure that as long as they complied with the conditionality, they would become members of the Union, because the outcome was, more or less, guaranteed during the accession process. However, in the Western Balkans case, this outcome is more uncertain (Anastakis, 2008: 368). The EU refrained from specifying dates or timeframes for membership to any of the states from the region (Trauner, 2009: 775) and it is not pursuing a ‘package’ enlargement approach this time.

Moreover, in the Western Balkans case, new mechanisms -applying benchmarks for provisionally closing and opening negotiation chapters, the introduction of safeguard clauses to extend monitoring, and a more routine and flexible procedure for suspending negotiations- are introduced to improve implementation (Pridham, 2007: 460). The EU has increased the significance and symbolism of some intermediate rewards in the form of targeted financial assistance, visa facilitation and liberalization, student exchanges, academic programs, and civil society assistance (Anastakis, 2008: 369). All the stages of the SAP are being used to maximize the potential leverage of the EU on applicant states, as progress from one step to the next is linked closely with the fulfilment of criteria and a well-endowed political conditionality (Anastakis, 2008: 368, 369). Likewise, the suspension of progress is possible in case of a serious and persistent breach of the EU’s fundamental principles, or if a country fails to meet essential requirements at any stage. (EC, 2005a).

In addition, apart of the basic precondition of democracy and rule of law, the SAP countries must fulfil some other preconditions that were not envisaged for the former candidates, for the simple reason that the need for overcoming such problems simply did not exist in the case of other candidates. (Samardžija and Staničić, 2004). One of the most remarkable changes brought about by the new stricter political conditionality are these ‘additional requirements’, and it can be said that the ‘cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY)’ is the mostly expressed and concerned precondition of the EU. The requirement to fulfil this criteria has repeatedly been stressed in the enlargement strategies, progress reports, and press releases, while non-compliance has, for instance, resulted in the postponement of the start of accession negotiations with Croatia, and the blocking of the interim agreement on trade and the ratification of the SAA with Serbia. The interim agreement means further integration to the European market, and it was suspended until the EU was convinced that Serbia was positively engaging with the Court- This exemplifies a situation where the accession process is suspended when a candidate country fails to comply with a criteria. Apart from the implementation of the ICTY condition, issues concerning war crimes, the return of refugees and reconciliation with neighbours/regional cooperation can also be found frequently in the EU discourse on conditionality and Western Balkan enlargement as the region-specific conditions for the accession.

The policy of strict conditionality has been supported by the EU institutions strongly as evident in the documents such as the council decisions, enlargement strategies and parliamentary resolutions, and the institutions have increased their pressure in that sense. For instance, the determination of the Commission in applying rigorous conditionality is explicit in the 2005 Enlargement Strategy Paper, and the Parliament approves this approach of the Commission in its resolution the same year (EP, 2005). Moreover, in addition to the emphasis put by these reports on the ‘absorption capacity’ of the Union, the Commission 2006 Enlargement Strategy Paper (EC, 2006) makes mention of the need for institutional reform and the issue of financing before the accession of a new member to Union. All these indicate the EU’s cautious stance towards the Western Balkan enlargement.

3. The Croatian Case

3.1. Croatia’s Path Towards the EU Membership

The Republic of Croatia is the first country in the Western Balkan region that has achieved to close the accession negotiations and guaranteed membership

to the EU.⁸ However, during 1990s, the country distanced itself from the EU under the administration of the President Tudjman, who had developed an isolationist type of nationalism that resulted in a Croatia that was suspicious of all supranational organisations, and hostile to the EU (Jović, 2006: 85). After his death in 1999, the Croatian policy saw an ideological and political about-turn with regard to the idea of Europe (Jović, 2006: 86), through the efforts of the subsequent governments. Both the parliamentary and presidential elections were held in 2000, resulting in the formation of a coalition led by the Social Democrat Ivica Račan in the first (meaning the defeat of Tudjman's party, HDZ-Croatian Democratic Community) and Stjepan Mesić being elected as President in the latter. Followingly, strong identification with the West and the EU in the Croatian parliament and governments became visible, and that was obvious even during Ivo Sanader's –Račan's successor, the leader of the reformed HDZ- government, although the election victory of the HDZ was originally viewed by many as a serious setback for the Croatian pro-European policy (Jović, 2006: 98). All these had positive implications on the EU-Croatian relations, and paved the way for the EU membership.

The SAA between Croatia and the EU was signed in October 2001, and in February 2003, Croatia made its application for membership. The Commission published its Opinion on Croatia's Application on April 2004, where it issued a positive opinion, and followingly the European Council of December 2004 set the start date of accession negotiations (MVEP, 2011).⁹ However, the start of accession negotiations, which were set to begin in March 2005, was postponed due to Croatia's failure in cooperating with the ICTY in the cases of General Gotovina and General Bobetko (Jović, 2006: 97).¹⁰ Cooperation in these cases were problematic, as these generals were considered by some parts of the population as heroes helping to defend their country during the war (Bojinović and Roter, 2005: 451). In 2003, General Bobetko died, so as Dejan Jović mentions, the Gotovina case remained to be one of the main obstacles to Croatia's accession to the EU until his arrest in Spain on December 2005 (Jović, 2006: 97).¹¹ After that, Croatia became able to proceed

⁸The FYRM, Montenegro and Serbia are candidates for accession, while Albania, BiH and Kosovo are potential candidates.

⁹For a chronology of EU-Croatia relations, see MVEP, 2011

¹⁰This case had also caused a long delay in ratification of the SAA that Croatia signed in 2001, and which entered into force only in 2005, after the ongoing refusal of the UK and the Netherlands to ratify it in their respective parliaments (Jović, 2006: 97).

¹¹It was in October 2005 when Carla Del Ponte, the Chief Prosecutor of the ICTY, testified that Croatia was now fully co-operating with the Hague, on the grounds that the Tribunal had received crucial information from the Croatian intelligence services

on its path towards EU membership, on which it is required to fulfil the Copenhagen Criteria and the SAP Conditionality¹², that were defined by the 29 April 1997 European Council.

3.2. Human Rights Conditionality

The progress reports on Croatia includes the parts on ‘Democracy and Rule of Law’ and ‘Human Rights and the Protection of Minorities’ just like the reports on the CEE countries. In addition to these, a section on ‘Regional Issues and International Obligations’ is covered separately under the title of Political Criteria to assess Croatia’s compliance with Dayton and Erdut agreements, bilateral relations with other enlargement countries and neighbouring EU Member States, and cooperation with the ICTY. The categories of rights addressed are civil and political rights; economic and social rights; and minority rights, cultural rights and protection of minorities.

The EU specified some of the rights mentioned in the reports as priorities for Croatia’s accession preparations within the framework of the Accession Partnerships. The most recent Accession Partnership on Croatia (2008) (European Council, 2008) lists the key, in other words the short-term priorities, on human and minority rights as: (i) implementation of the Constitutional Law on the Rights of National Minorities (CLNM), with particular attention to its provisions guaranteeing proportional representation of minorities in employment and tackling discrimination more widely in the public sector (ii) completion of the process of refugee return, settling all cases of housing care for former occupancy/tenancy rights holders and completing reconstruction and repossession of property and reopen the possibility for convalidation claims (iii) pursuing efforts aimed at reconciliation among citizens in the region. And under the Political Criteria Section, the Partnership mentions the need for: (iv) ensuring access to justice and legal aid and make available the corresponding budgetary resources (v) promoting respect for and protection of minorities in accordance with international law and best practice in EU Member States (vi) encouraging a spirit of tolerance vis-à-vis the Serb and Roma minorities and take measures to protect persons belonging to

in locating Gotovonia, and arrested him in December 2005 (Schimmelfennig, 2008: 929).

¹²The Thassaloniki Agenda for the Western Balkans: ‘The EU stresses that the pace of further movement of the Western Balkan countries towards the EU...will depend on each country’s performance in implementing reforms, thus respecting the criteria set by the Copenhagen Council of 1993 and the SAP conditionality.’ (European Council, 2003b: 12).

minorities who may be subject to threats or acts of discrimination, hostility or violence (vii) continuing to implement the strategy and action plan for the protection and integration of Roma and ensure availability of the necessary means, especially as regards employment, education and housing (viii) adopting and implementing a comprehensive anti-discrimination strategy.

As can be seen, most of these priorities are related to the rights of minorities, particularly to the areas concerning discrimination, returnees, and the conditions provided for returnees. The share of Serbs in the Croatian population has decreased considerably after Croatia's independence in 1991 as a result of out-migrants and the effects of 1995 military operations, namely operations Flash and Storm, which liberated Croatian state territory from the command of Serbian rebels and, in the process, saw the departure of hundreds of thousands of Serbs civilians (Blitz, 2007: 125). It is therefore not surprising that the EU and other international institutions have paid considerable attention to the position of these and other ethnic minority communities in Croatia since the early 1990s (Bojinović and Roter, 2005: 448). Račan's government touched upon the issue even before Croatia's application for membership in 2003, and crucial laws on minority protection, including the CLNM were adopted (Bojinović and Roter, 2005: 449). The government of Sanader also committed itself to implementing fully the adopted legislation on minority protection, concluded agreements with the representatives of national minorities, pledged to resolve problems of minorities in Croatia (Bojinović and Roter, 2005: 449), and gave place to the representatives of ethnic minorities, including the Serbs in the coalition. Croatia continued its efforts to achieve better standards of human and minority rights during the pre-accession phase. However, in order to see how far Croatia has gone in meeting the priorities put forth by the Accession Partnerships during that process, the findings of the progress reports on Croatia on each of these above-mentioned categories of rights, and of the reports released by other institutions will be reviewed and compared:

(i) The Progress Reports state that the implementation of CLNM appears to be mixed, as the implementation of some provisions are well, but some others are insufficient. Evidences of improvement includes the adoption of an Action Plan for the implementation of CLNM in 2008; establishment of a department for national minorities in the Central State Administration Office (CSAO); the adoption of an employment plan for 2008 by the CSAO (which foresees recruitment of national minorities in the State Administration) (EC, 2008: 13) and also a plan for minority employment for the period 2011-2014 under the Constitutional act on the rights of national minorities (CARNM); and the improvement of the conditions for the effective implementation of the CARNM (EC, 2011a: 12). On the other hand, the under-representation of minorities in the State administration, the judiciary and the police, the

difficulties in the area of employment and the inadequacy of the plans adopted in that regard have been repeatedly stated in the progress reports. The 2011 Country Report on Croatia published by the USDS mentions that the government for the most part did not observe the law in practice, which provides for proportional minority employment in the public sector in areas where a minority constitutes at least 15 percent of the population. (USDS, 2011). Similarly, the 2011 Progress Report points out to the fact that no tangible improvement in the level of employment of national minorities in public sector has been achieved due largely to the general ban on recruitment in the civil service (EC, 2011a: 12). It states the need for the implementation of the CARNM and minority action plans.

(ii) Croatia has endeavored to achieve improvements in the issues concerning housing and the reconstruction of remaining properties, which are directly related to the completion of the process of return. However the 2011 Progress Report emphasizes that even though good progress has been made on outstanding refugee return issues, efforts to provide housing and ensure the sustainability of returns need to continue (EC, 2011a: 13). The international institutions cite the delays in receiving permanent housing for the former tenants of socially owned apartments in Croatia, together with the poor state of the regional economy, including the lack of employment, as the main obstacles to return (USDS, 2011).¹³ In addition, the Report of the USDS draws attention to a problem that has not been touched upon in the Progress Reports, except for the first one of 2005: It states that some ethnic Serb owners of damaged homes reconstructed by the government awaited years to be connected to electricity or water supplies, even though such services were available in nearby neighborhoods inhabited by Bosnian-Croat settlers who relocated to Croatia during or after the war (USDS, 2011).

(iii) and (vi) The findings of the Commission show that despite the progress achieved at the political level and positive leadership (such as expression of commitment to the minority rights, positive statements of reconciliation etc), problems exist among the citizens in the country. The number of attacks against Serbs have been decreased over the years, however the reports of 2010 and 2011 draws attention to vandalism against war monuments and unreported cases due to lack of confidence in the authorities.

¹³For instance, the HRW 2012 Report notes the delays in legal registration of state entity in charge of selling the apartments and government-sponsored housing programs, while the AI 2012 Report's interpretation on the issue is more general: Discrimination continues against Croatian Serbs, especially in access to adequate housing

The HRW 2012 Report claims that Serbs are still facing obstacles in reintegrating back into Croatia (HRW, 2012: 1). The Report of the USDS on the other hand gives more detailed information on the issue, by pointing to several incidents occurred during 2011, which indicate that discrimination and intolerance within the society continues. It also states that the most important problems in Croatia are societal discrimination and some instances of violence directed against members of ethnic minorities, particularly ethnic Serbs and Roma, which discourages the return of displaced persons to their homes, slows property restitution, and delays recovery from the conflict in the early 1990s (USDS, 2011).¹⁴ This actually reflects the conditionality limitations on human rights promotion and confirms Teresa Maria Cierco's views where she argues that the EU as an external actor can demand to establish the legal framework for the protection of human rights, but its real implementation and respect on a daily basis lies beyond the scope of governmental influence. It is civil society that needs to respect these values (Cierco, 2011: 145).

(iv) The law on Legal Aid was adopted in 2008 in order to meet the priority set by the Accession Partnership and the implementation of the law began in 2009. The simplification of the procedures was defined as a necessity and efforts have been made in that regard. However, shortcomings in access to justice remains, as pointed out in the reports. Ethnic Serb representatives noted that amendments to the law on free legal aid did not make legal assistance readily available to concerned citizens, especially ethnic Serbs living in war-affected rural areas in central Croatia (USDS, 2011).

(v) Croatia has signed and ratified many international human rights covenants and agreements. The government's effort to raise public awareness and improve the protection of human rights continues. However, enforcement of rights requires continued attention, including in terms of judicial efficiency and access to justice (EC, 2011a: 9).

(vii) Croatia approved a national programme for the Roma in October 2003 and signed up to the Decade of Roma Inclusion 2005-2015 (EC, 2005b: 23). The government's action in that regard addresses the difficult living conditions of Roma, the problem of integrating Roma into the society and discrimination against them in access to employment, education, adequate housing and lack of legal status of Roma without citizenship. However, the need for progress in all these areas has been emphasized in all of the progress reports and several problems persists, even though the strategy has being implemented. The 2011 Progress Report points out to the improvements achieved in education and in the infrastructure of some Roma settlements, but

¹⁴The report also mentions several incidents occurred in the country.

it also mentions that the Roma still face discrimination, particularly regarding access to education, social protection, health, employment and adequate housing; segregation in some schools and extremely high unemployment persist; and many Roma face the problem of unresolved status (EC, 2011a: 12). The reports of HRW, the USDS and the AI also highlight these inadequacies substantially.

(viii) As put forth by the Accession Partnership, a comprehensive law on anti-discrimination was adopted in 2008, which aimed at full alignment with the EU acquis. However, the level of protection against discrimination in practice and its judicial prosecution is not in line with the EU standards in the 2008 Report (EC, 2008: 12) and the need for the implementation of this law and hate crime legislation has been emphasized in the following reports. Threats and attacks on minorities and lesbian, gay, bisexual, and transgender (LGBT) persons, and discrimination against them have been stated in the reports, including the Commission reports themselves.

3.3. Stricter Human Rights Conditionality for Croatia?

The analysis of the comparisons and findings of the previous section reveals whether a stricter human rights conditionality has been applied to Croatia during its preaccession phase:

First of all, the findings show that the progress reports on Croatia and the reports released by other organisations routinely repeat the need for more progress, even after Croatia's accession became definite. The progress reports, including the last one of 2011, continue to refer to the *commitments* made by Croatia, the plans it *will* implement, the need for *further* efforts and *more* improvement. More saliently, the same is valid also for the issues related to minority rights, which are the subjects of stricter criteria under the SAP conditionality and have been itemized as priorities in the Accession Partnership. The MRG criticizes the EU's approach to minority rights in Croatia. It says in its 2008 Report (MRG, 2008)¹⁵ that the monitoring of

¹⁵MRG International, *Pushing for Change? South East Europe's Minorities in the EU Progress Reports, 2008*. The report also criticizes the general EU approach on minority rights in all the Western Balkan countries. Some of these criticisms are: the Reports are insufficient in terms of space allocated, choice of issues, coverage of minorities and the drafting process (p.31); the EU has not been consistent in its criticism across the different countries and across the different minority groups (p.4); with the exception of its anti-discrimination framework, the EU lacks a human and minority rights acquis of its own, therefore in order to accomplish this monitoring it

minority representation and participation in public life is limited to the reference to the CLNM; the Progress Reports focus their attention principally on two minorities only: Serbs and Roma, but do not address Croatia's 20 remaining officially recognized minorities and their specific problems; the reports also largely fail to mainstream minority rights into other sections and chapters, such as women's rights, employment and education; nor do they mainstream gender in the minority rights section; the minority rights coverage in the reports on Croatia is limited to general descriptive statements of fact, for the most part an overview of the various legal provisions in the field of minority protection, with little to no analysis or evaluation.

Secondly, it is explicit that the Commission has not changed its way of assessing the human rights considerably compared to the case of CEE accession, as indicated by the same wording and language used by its progress reports on Croatia. The impression of Witte and Toggenburg on the Progress Reports' assessment of the candidate states' compliance with human rights conditionality in the Fifth Enlargement is as follows:

"The relevant heading of the Commission's Regular Reports starts with the phrase that the candidate country continues to fulfil the political criteria, but then goes on considering in detail a long list of matters on which further progress should be made. If one takes, for example, the Regular Reports of 2001, there is not a single one among the candidate countries in which the human rights situation is considered to be entirely satisfactory, and the accompanying Accession Partnerships all continue to list human rights policy goals among their priorities. This is true even for the last round of Reports adopted in 2002, immediately prior to the conclusion of the Accession Treaty. For most candidate countries (as in 2001, the only countries for which the respective conclusions of the 2002 Reports do not criticise the human rights situation are Cyprus, Malta, Poland and Slovenia), there are still calls being made in these reports for further action in the field of human rights." (Toggenburg and Witte, 2004: 65, footnote 18). The same impression can easily be drawn from the Progress Reports on Croatia.

Thirdly, numerous human rights issues in the progress reports on Croatia; such as women's rights, children's rights, labour and trade union rights, prison conditions and degrading treatment, rights of socially vulnerable and disabled people, are not touched upon in the Accession Partnership, yet require significant attention. Croatia has made progress regarding each of these, either through adopting new laws, or amending the existing ones, or putting

must rely on the standards elaborated in the legal instruments within international human rights law (p.15).

actions and programmes into effect, but at the same time the need to address the remaining problems, or to implement the plans and laws effectively has also been emphasized repeatedly in the reports. Thus, it can be said that the EU has not given due importance to these rights when considering Croatia's accession to the Union. This is reflected also in the 2012 Monitoring Report on Croatia¹⁶, which covers a section on Judiciary and Fundamental Rights. This report mentions that Croatia is making progress towards meeting the commitments and requirements arising from the accession negotiations on this chapter, and can be considered broadly on track in its preparations for membership in that field (EC, 2012b: 3). However, the report refers only to the issues regarding the implementation of CARNM and discrimination against Serbs and Roma, refugee returns and housing and implementation of Anti-Discrimination Law, despite several shortcomings were addressed in other categories of human and minority rights in the last progress report.

Forthly, the ongoing monitoring of Chapter 23, namely the chapter on Judiciary and Fundamental Rights,¹⁷ is in itself an evidence that Croatia guaranteed accession before meeting all the prerequisites. The 2011 Enlargement Strategy states that 'experience acquired from the negotiations with Croatia will be put to the benefit of ongoing and future negotiations. To that end, the Commission will propose a new approach with respect to issues related to the judiciary and fundamental rights and to justice, freedom and security. These should be tackled early in the accession process and the corresponding chapters opened accordingly on the basis of action plans, as they require the establishment of convincing track records'(EC, 2011b: 5). This expression, in a way, confirms the statements of the reports of the human rights institutions and indicates that the EU itself has found inadequacies in the way of its handling of conditionality and draws lessons from it.

On the other hand, there are also indicators of stricter political conditionality applied to Croatia in general and the most explicit reflection of this is perhaps the postponement of the accession negotiations due to the lack of cooperation with the ICTY in 2005, as aforementioned. This demonstrated that the EU was serious about its preconditions (Schimmelfennig, 2008: 929). There are also evidences for stricter human rights conditionality: To tighten up the implementation of criteria, some of the conditions were given added

¹⁶After the closing of the negotiations, the Commission continues to closely monitor Croatia's fulfilment of all the commitments undertaken and its continued preparations to assume the responsibilities of membership upon accession (EC, 2011b: 13).

¹⁷The fundamental rights part under this chapter touches upon some of the rights that are mentined under the section on 'human rights and the protection of minorities'.

procedural force by being written into the *acquis*, including human rights which is now covered also in the chapter 23 (Pridham, 2007: 461). Moreover, benchmarks and safeguards were applied to that chapter (in addition to several other negotiating chapters), indicating the close scrutiny of the Commission, and Croatia has managed to close them (EC, 2011b: 13). Trauner mentions that the hardening of the accession conditions for Croatia can be most noticeably observed through the introduction of this benchmarking mechanisms that added a rigorous element to the accession process (Trauner, 2009: 783). A Croatian politician notes that Croatia was under more scrutiny by the EU and the Commission when it came to the implementation of the procedures, due to the lessons learnt from the Bulgarian and Romanian accessions (Interview 31 (2006). Cited in Trauner, 2009: 783).

However, when looking at the overall picture it is clear that the EU's approach to human rights conditionality has not changed considerably since 2004, despite the emphasis on a 'stricter' political conditionality. Croatia has endeavoured to address the problems specified by the Accession Partnership, however it still needs to make further improvements regarding most of these priorities, as has been stated by the Commission itself in its reports. The ongoing monitoring of Chapter 23 shows that the EU closely monitors Croatia's preparation even though the country's accession date is ensured, however this also demonstrates that it still takes 'commitments' into account, rather than full 'implementation'. The most striking interpretation on the EU's approach to human rights conditionality in Croatia has been made by the HRW 2012 Report (HRW, 2012: 1,4), which starts with the sentence 'As Croatia closed membership negotiations and received a tentative date to join the EU, its progress on human rights lagged behind its commitments.' and ends with the general evaluation as follows: 'Despite ongoing concerns about corruption, war crimes accountability, and freedom of expression, amongst other human rights issues, Croatia received a tentative entry date of July 2013.'

3.4. The Main Considerations of the EU Regarding Croatian Accession

The previous section reveals that even though the need for rigorous political criteria was emphasized repeatedly, the EU has not applied a much stricter human rights conditionality to Croatia, and this leads us to ask what the main considerations of the EU in the Croatian accession are.

The crises and wars that the Balkan region suffered from in 1990s affected not only the EU's policies towards the region, but also the integration process itself. For instance, the outbreak of the War in Yugoslavia in 1991 revealed the problems in the EU's foreign, security and defence policy, as the

Union could not produce effective solutions to deal with the problems of the region, which were taking place in its backyard. Subsequent crises in BiH between 1992-1995, and Kosovo in 1999 were among the reasons why the EU felt to establish the European Security and Defence Policy (ESDP) more strongly. Trauner argues that the EU opened up the possibility of membership to the Western Balkan countries at Zagreb Council, because it saw after the Kosovo crisis that the Regional Approach was insufficient to achieve the primary goals of the restoration of peace and stability and the development of good neighbourly relations in the region (Trauner, 2009: 778). Likewise, Braniff claims that the EU, by keeping in mind its experiences during the 1990s in the countries of the former Yugoslavia, revived its mechanisms for dealing with the situation in Balkans, namely 'integration and enlargement'. She argues that the post-2000 period of democratization in Croatia (and Serbia) is seen as the period of the instrumentalization and operationalization of lessons learned from its previous engagement in the Balkans (Braniff, 2011: 68, 72).

This brings to mind the arguments of Pridham, who mentions that the EU's decisions on enlargement may be shaped upon other considerations, such as geostrategy. When the conditions for accession for the Western Balkan countries, such as regional cooperation, are taken into account, this approach makes much more sense. The difficulties in the region in that regard due to the war legacy has been explained and the EU can deal with the problems inbetween the states more effectively within the context of its enlargement policy. Caratan argues that joining the EU, like the accession process itself, facilitates the regional cooperation as it removes obstacles in the normalisation of relations and economic cooperation and an advance on this level can be much more easily achieved among full EU members than among those that have not yet progressed to full membership (Caratan, 2009: 175). Moreover, stabilization of the Western Balkan region is of great interest to the EU, not only in terms of post-conflict stabilization and rehabilitation, but also with regard to soft security issues such as illegal immigration and organized crime. (Trauner, 2009: 774). Especially Croatia has become one of the EU's strategically important border countries since the eastern enlargement took place, as it is located at the northern end of the Balkan route known for the smuggling of arms, illicit drugs and human beings (Trauner, 2009: 782). It would be unrealistic to expect from a small country to be able to deal with a combination of local and global threats, such as terrorism, weapons of mass destruction, drug and people trafficking all alone and without institutional support of a wider circle of countries such as full-fledged EU members (Samardžija and Staničić, 2004).

The expression of the EU itself in its 2011 Enlargement Strategy addresses these considerations: 'Enlargement aims to extend the EU's zone of

peace, stability, democracy and prosperity. Enlargement benefits the EU as a whole and allows it to be better positioned to address global challenges. With the completion of accession negotiations with Croatia in June, the EU's enlargement process has entered a new phase' (EC, 2011b: 22-23).

In addition to the combination of the changes occurred in the political conditionality, the political and institutional capacity of Western Balkan countries to meet them is rather weaker compared with the then candidate countries (Pridham, 2007: 459). Therefore, the EU wants Western Balkan countries to keep their tracks on their path towards the EU. For Anastakis, one of the key aims of political conditionality is to strengthen and sustain a critical mass of supporters of the EU and avoiding the alienating the Western Balkan states (Anastakis, 2008: 373). Admitting Croatia to the EU membership can be a sign for those countries and there is the possibility that they see Croatia as model in that regard.

In short, with these considerations in mind, the EU may not want to postpone Croatia's accession to the Union by applying a stricter human rights conditionality.

Conclusion

Political conditionality has been essential in the transformation phases of the CEE countries in the postcommunist era, and its importance still prevails as the EU now deals with the candidates from the Western Balkans, which are facing serious problems concerning their democratic transformation, state-building and human rights, especially the minority rights, due to the war legacy.

It is important here to note that Croatia has been a successful country in its democratisation phase after its independence in 1991. According to the economic development and the overall achieved level of preparations for the EU integration, it is high above the average of the SAP countries and has made the greatest progress in building of necessary democratic and security institutions (Samardžija and Staničić, 2004). Jović refers to the path of Croatia towards EU membership as a 'long delayed journey', which was the consequence of reasons primarily that were of Croatia's own making (Jović, 2006: 85) including Tudjman's rejection of the idea of Europe and the war legacy. Petra Roter and Ana Bojinović even claim that as opposed to other CEE states, Croatia had been the only one left outside, although some of the other countries arguably still failed to comply with the Copenhagen political criteria, such as minority protection (Bojinović and Roter, 2005: 448). In the 2000s, Croatia made significant improvements in the areas that are related to the EU's political criteria and the EU-Croatian relations has improved considerably.

Strong identification with the EU within the subsequent governments has perhaps been the most crucial factor at that point. As the accession negotiations started, it endeavoured to adjust itself with the EU standards of human rights by adopting action plans, new laws or acts etc. In the most controversial areas, such as the return of Serbs and housing and discrimination, the government has taken actions and achieved progress.

However, Croatia, as a consequence of the EU's new approach towards conditionality for accession from 2004 onwards, has been subject to a stricter political conditionality during its preaccession phase and throughout this article, the impacts of this approach upon the human rights conditionality in Croatia is examined. At the end, it is clear that this stricter political conditionality does not reflect itself strongly on the human rights conditionality. Croatia, as indicated by the reports of HRW, AI, MRG, USDS and also by the Commission, still needs to make further improvements in many areas, including the ones that are listed among the priorities of the 2008 Accession Partnership. One might expect that, after 2004 the EU would have taken the implementation of the commitments more into account, and have not paid attention to only some of the human and minority rights. However, the EU still feels the need to monitor the Chapter 23 and some human rights issues that are problematic have not even been defined among the priorities. It is evident that the Commission's way of assessing the human rights has not changed considerably compared to the case of CEE accession, as indicated by the same wording and language used by it in its progress reports.

The security concerns of the EU comes to the fore at that point. When Greece, Spain and Portugal joined the EC, the collapse of authoritarian regimes in those states were seen as sufficient guarantees for accession, even though respect for human rights was defined as a prerequisite for accession. The entrance of these countries were important in order to ensure the stability of the Southeast Europe. The cases of Bulgaria and Romania, countries whose accession were reviewed with respect to their compliance with the Copenhagen Criteria, support the same view, as was indicated. In a same manner, in the Croatian case, security/geostrategic concerns described above and the wish to keep other regional countries' track on their path towards the EU may be the reasons why the EU have not applied a stricter human rights conditionality on Croatia. This situation confirms Anastakis' argument that 'the EU approach to political conditionality oscillates between the rigorous conditionality and a more flexible approach, which means the practice of a more adaptable conditionality informed by a pragmatic assessment of the local environment and security considerations. More often than not, the EU is faced with the limits of a rigorous conditionality and is willing to downplay its heavy-

handedness in the interest of security, stability, and keeping the pro-European critical mass on course to European integration' (Anastakis, 2008: 373,374).

In conclusion, the stricter political conditionality approach has not meant a much stricter human rights conditionality in the Croatian case and despite the emphasis on rigorous political conditionality, other concerns of the EU, such as security and geostrategy may accelerate a candidate's accession process regardless of the inadequacies in its human rights records.

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