The EU's human rights promotion in the Western Balkans in the post-Lisbon era

The present paper analyses the EU’s rule transfer to Bosnia and Herzegovina and Serbia by scrutinising the effectiveness of the EU’s human rights conditionality; whether rule adoption can go beyond formal transposition and lead to the transformation of practices. It is being argued here that both countries have pursued the strategy of “reluctant compliance”, where some formal legal and institutional measures are being introduced which are just not enough for reaching the originally desired effect of these reforms, thus fall short of implementation. It will be demonstrated that irrespective of their different status in the integration process, both countries could “get away” with such half measures, as these did not result in serious reprisals from the EU’s side, such as the EU refraining from moving on to a further stage of EU integration. These case studies suggest that while the EU can quite effectively push for the adoption of formal measures, crossing the threshold into implementation remains a challenge seriously compromising the credibility of the EU’s conditionality policy. There is the danger that half-measures will be accepted by the EU especially if the countries deliver on the crucial issues; Serbia on the Kosovo question and Bosnia-Herzegovina on state reform.