

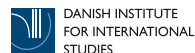


Think Global – Act European

The Contribution of 14 European Think Tanks to the Spanish, Belgian and Hungarian Trio Presidency of the European Union

Directed by:

Elvire Fabry and **Gaëtane Ricard-Nihoul**, Notre Europe



ENLARGEMENT AND THE NEIGHBOURHOOD

Enlargement: Stalemate or Breakthrough?

Adam Balcer Senior Fellow and “EU Enlargement and Neighbourhood Policy” project leader, demosEUROPA

Vladimír Bartovic Research Fellow, Europeum

David Král Director, Europeum

The year of 2009 has not been very promising for the enlargement process. Despite hopes associated with the respective Presidencies of the Czech Republic and Sweden – both countries with clear political support for enlargement and which put them high on the Presidency’s agenda – little has been achieved in practice. Some problems relating to the enlargement were carried over from the previous period: ‘enlargement fatigue’ on part of the EU member states, reiterated by the nervousness surrounding the Lisbon Treaty ratification and due partially also to the somewhat poorly perceived accession of Bulgaria and Romania, as well as to sceptical public opinion especially in the older EU member states. Some additional points, however, played into the stalemate in the enlargement process. Firstly, the bilateral disputes of some EU members and the candidate countries blocked the process to a degree unseen before: this relates to the Slovenia-Croatia border dispute, the Turkey-Cyprus issue over extending the Ankara protocol to Cyprus, and the Greece-Macedonia name dispute. Although the unblocking of the Slovenian-Croatian dispute in September 2009 could pave the way for the negotiations to proceed fast, it might still create a backlash – as the disagreement has not been settled and a solution will have to be found before Croatia’s accession, expected in early 2012.

Despite enlargement featuring high on the Czech Presidency’s agenda, the Presidency’s activities eventually focused more on crisis response and the Eastern Partnership, thus derailing the Western Balkans accession agenda in particular. The planned high-level summit between the EU and Western Balkans, intended to boost the countries’ accession drive, turned into a mere ministerial meeting ahead of the spring 2009 Gymnich that dealt mainly with Bosnia. Also the Swedish EU Presidency, with large parts of its diplomatic efforts concentrated on finalising the ratification of the Lisbon Treaty and ensuring a strong outcome of the Copenhagen Summit on Climate Change, limited the importance of the enlargement agenda, despite areas where Sweden could potentially play a strong role, such as brokering the Cyprus negotiations and making progress with Turkey.

Also the European Commission, the traditional driver of the enlargement process, took a lower profile with its approaching end of term: it was unwilling to push for a politically more sensitive and divisive agenda.

On the contrary, the determination of the potential candidate countries to pursue the enlargement path was demonstrated by the lodging of the membership applications by Montenegro in December 2008, Albania in April 2009 and Iceland in July 2009. These illustrate certain enduring dynamics. During the Czech EU Presidency, the Council referred the Montenegrin application to the Commission for evaluation while no such step was made in relation to the Albanian application. The length of the process (several months) sharply contrasts with the application of Iceland, where such a decision was taken by the Council only in one month, thus raising questions about the possible fast-track accession of Iceland and the likely negative response from the other candidate countries – despite Iceland's undoubtedly superior alignment with the EU through its participation in the European Economic Area (EEA). In case of Montenegro the Commission's evaluation is expected to be given only in the autumn of 2010, which seems to be appallingly late given that the Commission is regularly and deeply monitoring the developments in all the candidate countries.

Western Balkans: new perspectives ahead?

Despite the lack of movement in the enlargement process in the Western Balkans, some positive trends in the region could be observed.

The most visible and tangible progress was undoubtedly achieved in the visa liberalisation process, where three countries of the region – Macedonia, Montenegro and Serbia – will be granted a visa-free regime as of January 2010, while the others have such a perspective during 2010, supposing they further comply with the criteria set out in the roadmaps. This example clearly demonstrates that the EU conditionality still brings results, if concisely defined benchmarks are set and applied. This begs a question of whether such an approach could be used for the enlargement process as whole.

One of the major problems of the EU *vis-à-vis* the region is the absence of a clearly defined roadmap, describing when each country will be able to receive candidate status and open accession negotiations. This lack of vision is undoubtedly a result of politicisation of the enlargement process, where the Commission strives to meet various concerns of the EU member states rather than act as an independent policy driver. One could argue that based on the example of the 2004 accession, the greatest reform progress in candidate countries is achieved once the negotiations are open. This allows a clear set of criteria defined for each negotiation chapter through the EU common positions. Furthermore, opening the negotiations with more candidates from the Western Balkans will create the desired competitive race which worked so well in the case of the previous enlargement. This momentum is badly

missing now, as the Turkish accession is still very much decoupled from others and blocked, thus leaving Croatia being the only negotiating candidate.

Also, the progress reports of the European Commission issued in October 2009 are positive about the developments in the Western Balkan countries, except for Bosnia and Kosovo. The key elections in Serbia in 2008 brought to power a pro-European government as well as President, which can be illustrated by the decision of the Serbian government to unilaterally apply the Interim Agreement between the EU and Serbia. The Commission reports also praise the uncontested elections in Macedonia and Albania, which was an important litmus test in terms of their compliance with the political part of the Copenhagen criteria. In relation to Montenegro, strengthening of the administrative and institutional capacity, formerly the most criticised point, progressed significantly. This positive assessment indicates that obstacles to labelling other countries as candidates should not be invented and that a swift opening of negotiations can take place. The newly appointed European Commission with a fresh mandate should, along with the next Trio Presidency, try to give a new boost to the enlargement process.

However, at the same time, the European Union must be aware of the worrying developments in the region and should adopt a more courageous strategy of tackling them. More attention and resources have to be given to the two most vulnerable states in the region: Bosnia and Kosovo. With the gradual departure of the international community from both states, the EU is assuming more responsibility. Neither of the countries is self-sustainable at the moment, but the EU is doing very little to remedy this. In Kosovo, the biggest problem is that the EU has failed so far in ensuring Kosovo's full participation in all the regional initiatives, stabilisation and association process and visa liberalisation due to the lack of consensus among the member states over its recognition. The EU is even now unwilling to put the issue on the table when dealing with Serbia, hoping for some kind of gradual settlement and the preservation of the *status quo*, which might be tackled only once Serbia is close to actual accession. Apart from the fact that this policy creates false expectations in Serbian society that are fed by even some pro-European politicians, it has many other negative consequences. It preserves a *de facto* frozen conflict on the doorstep of the EU, hampers economic development in the country, stalls its integration prospects, and makes Kosovo a hostage to the EU's own incapacity to enforce a solution proposed and endorsed in the Ahtisaari plan. If Kosovo is further derailed from the enlargement process, the ensuing instability seriously risks spilling over to the neighbouring countries in the region.

In case of Bosnia, the main problem in relation to the EU is the weakness of its institutions, which are not able to manage the integration process of the country. The representatives of Bosnian entities are not able to agree upon an institutional settlement which would allow the country to implement necessary reforms and undertake steps bringing Bosnia closer to the EU. At the same time the EU is afraid of using its different tools in order to push for solutions on which the Bosnian entities cannot agree – but which would benefit the country and

especially its citizens, regardless of their nationality. If the Bosnian politicians are not able to agree upon new state arrangements within a certain time, the EU should – through the Office of High Representative – make extensive use for the last time of its powers to create, implement and enforce new institutional arrangements. These would enable Bosnia to emerge from the stalemate situation that is a negative externality of the Dayton agreement arrangements.

Turkey and Ukraine: a permanent stalemate?

Turkey and Ukraine's European aspirations are in serious crisis. The pace of Turkey's accession negotiations is very slow. Since October 2005 Turkey has opened 13 negotiation chapters out of 35 and closed only one. Five negotiation chapters are blocked informally by France on the pretext of their link to full membership. Since December 2006 eight negotiation chapters have been frozen because Turkey has not fulfilled its obligation to extend the Custom Union to all new members of the EU, including Cyprus, whose Greek Cypriot government Ankara refuses to recognise until a negotiation settlement between both communities living on the island is reached. The new phase of peace talks started in September 2008 but until now has not brought a breakthrough.

After the Orange Revolution in 2004, Ukraine did not receive incentives similar to those of Turkey in 1999, when it obtained candidate status despite all its shortcomings. In case of Kiev the EU was willing only to declare that "the future of Ukraine is in Europe". Until now Brussels has not been treating Ukraine as a potential candidate like the Western Balkan states. On the other hand, the post-Soviet Ukrainian political elite – in contrast to Turkey's political elite in the 90s – quickly lost its commitment to the European project. In consequence, European-Ukrainian relations focused on the 'low profile' issue of negotiations for the Association Agreement (AA), which started in March 2007. Nevertheless, the pace of these is slow. A new impetus to the process could bring Ukraine's application for candidate status. According to declarations by Ukrainian officials, this will take place in spring 2010.

The stalemate in Turkey's accession process arises from the exceptional character of the Turkish candidacy in comparison to previous ones. Turkey's uniqueness originates from its 'super heavyweight' demographic, the religious-cultural 'otherness' factor which influences both sides, and serious internal and external problems. In particular, the Muslim character of Turkish society, which is more conservative than societies in Europe, and has the potential to increase in population to 100 million, causes stronger opposition from EU societies and political elites than with past European accession candidates. According to the Eurobarometer 69 (2008), 45% of Europeans approve Turkey's accession after fulfilling all the conditions and 45% are against.

Turkey's candidacy is also the most controversial because it has to cope with serious internal challenges (e.g. Kurdish armed separatism) and external ones (e.g. non-recognition of

Cyprus). In consequence of these challenges Turkey remains a partially democratic country, and fears concerning its accession are strongly rooted in Turkish society (loss of territorial integrity, sovereignty and national identity). The golden age of Turkish-European relations was between 1999 and 2005, when Turkey obtained candidate status and then launched democratic reforms that were unprecedented in its history. These developments showed explicitly that Turkey's democratisation strongly depends on the Europeanisation process and that this could not start without a favourable political balance of power in the EU. The increase in opposition towards Turkey's accession in Europe after 2005, the changes of governments in France or Germany unfavourable to Turkey's European aspirations and deadlock in the Cyprus peace process (the rejection of the Annan Plan by the Greek Cypriots in 2004) caused a significant slow down, even regression, in Turkey's democratisation process, as well as a spectacular fall in public support for accession. Nevertheless, 55% of Turks still support accession and 35% oppose it. The Turkish government can reverse at least partially the negative trends concerning democratisation, by implementing "the Kurdish opening" the package of reforms aiming at significantly extending the Kurds' rights.

In the case of Ukraine, European public opposition to its membership is weaker than to the accession of Turkey and even to some potential Balkan candidates. The European political elite is not explicitly opposed but rather very reluctant to take a stance on the issue of Ukraine's bid. This cautious approach can be explained by Ukraine being a demographic 'heavyweight,' its poverty, extremely high level of corruption, and the Russian factor. Support in Ukrainian society for accession to the EU has never been massive and has in fact decreased in the last few years. At the moment, around 40% of Ukrainians support EU membership and almost 30% oppose it. Close cooperation with Russia is a strategic priority for around half of Ukrainians, and with the EU for less than 30%. Significant regional discrepancies in attitudes towards the EU exist between the decidedly pro-Russian Southern and Eastern Ukraine, and anti-Russian Western Ukraine. Last but not least, Moscow is still the most important player in the Black Sea region. Russia perceives Ukraine as being in its own sphere of interest, and possesses military bases on Ukraine's territory (Black Sea Fleet).

The deadlock in Turkey and Ukraine's relations with the EU has a negative impact on the Common Foreign and Security Policy (CFSP) and the EU's geopolitical position – its soft power potential in the neighbourhood and credibility in the international arena. The disagreement among EU members on Turkey's and Ukraine's accession is one of the most serious challenges to the cohesion of the CFSP. Tensions between Turkey and the EU are one of the factors increasing Ankara's tactical cooperation with Russia and Iran, which could significantly diminish the EU's influence in the Black Sea Region, the Caucasus, Central Asia and the Middle East. On the other hand, the reluctance of Brussels to officially recognise Ukraine as a potential candidate strengthens Russia's aspirations to be the main centre of gravity for the post-Soviet countries. Since the Turkish negotiations are intensely followed in Muslim countries and treated there as a test of European intentions towards Muslims, the impasse in Turkey's negotiation process limits the EU's soft power capacity in the Middle East.

The informal blocking of some of Turkey's negotiation chapters by France is plainly going against the principle of *pacta sunt servanda*. According to the EU-agreed negotiating framework, "the shared objective of the negotiations is accession". Another challenge to the credibility of the EU is that it did not keep its promise to lift the embargo from the Turkish Cypriots as a reward for their support of the Annan Plan. Since the Orange Revolution, Ukraine has been a democratic country, and according to Article 49 of the Maastricht Treaty, any democratic European state may apply to join the Union.

Top 10 recommendations to the EU:

1. Use the unique opportunity of the EU institutional settlement to give a new boost to enlargement policy and put it higher on the EU agenda. This should be done in cooperation between the Trio Presidency, the new Commission and the new EU High Representative and President.
2. Pave the way for opening the negotiations with all the Western Balkan countries – which will create a regatta, encourage the reforms most effectively in these countries and lead to a healthy competitive group dynamic, as was the case of the 2004 enlargement.
3. Adopt a more assertive role in Bosnia and Kosovo, since the membership perspective alone cannot deliver a solution to the issue of Kosovo status and the necessary constitutional and institutional arrangements in Bosnia.
4. Work consistently on EU public opinion through awareness raising campaigns, using the positive example of the 2004 enlargement.
5. Increase funding to and open a dialogue with civil society organisations in Western Balkan countries and Turkey, to legitimise their effort for democratisation and implementation of necessary EU related reforms, as with the Civil Society Forum launched as the part of the Eastern Partnership.
6. Accelerate negotiations on the AA with Ukraine. In the AA, Brussels should officially state that "Ukraine's future is in the EU". The next steps should be clear roadmaps for candidacy status and liberalisation of the visa regime.
7. Engage much more assertively in the peace processes concerning Cyprus. A settlement on the island would accelerate Turkey's European bid and have a positive impact on Turkish-EU cooperation within the Common Security and Defense Policy (CSDP).
8. Invite Turkey to all European missions in Eurasia (using the Western Balkans as a paradigm). Establish a strategic partnership with Turkey in the CFSP.
9. Increase energy sector cooperation with Ukraine (modernisation of its infrastructure) and Turkey (Nabucco project).
10. Increase pressure on France to respect the principles of the negotiating framework and unblock Turkey's accession process.