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“THE EASTERN ENLARGEMENT AND THE EUROPEAN PERSPECTIVE FOR THE WESTERN BALKANS - IS IT NOT TIME FOR THE COPENHAGEN CRITERIA TO BE UPDATED?”

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From the very beginning of its existence, the European integration project is open for accession of other European countries. Reviewing the previous enlargements of the European Communities/ European Union leads to the general conclusion that each one of them has left a mark on the development of the integration and has added new characteristics to the model of the European union. In this sense, the enlargement can be viewed as a transformation not only for the acceding countries, but for the European Union as well. According to the prevailing opinion, the enlargement of the European union with 12 countries in 2004-2007 is one of the most important European projects for the achievement of peace, stability

prosperity, and its realisation is a huge success for the unification of Europe. At the same time, the accession of 12 new states, 10 of which former socialist states, is a unique process, accompanied by numerous obstacles for the European Union as a whole, and for the individual countries. Obstacles and twists accompany also the full-fledged membership of these states. Some of the problems are serious. The immune system of the European Union, however, reacts slowly to these “viruses” that are difficult to recognise at first, but affect fundamental democratic principles and European values.

How deep are the transformations and are all of them leading in the positive direction? This is a



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question that we keep asking more often, especially after the big-bang Eastern enlargement of the European Union. And another question, equally important - how do the results of the Eastern enlargement affect the possible accession of the countries from the Western Balkans? Should the Copenhagen membership criteria keep functioning as they are, or should they be updated, considering the series of failures of the Eastern enlargement? Will the European Union be able to produce "antibodies" as a result of the Eastern enlargement and how would they react to the European perspective for the Western Balkans?

The existence of the rule of law, and of functioning institutions capable of guaranteeing democracy and fighting against corruption and organised crime, should be criterion number one in a future enlargement. These requirements existed to a large extent during the Eastern enlargement but their postponement in time with the hope that they will appear during the EU membership did not lead to the desired results. As a negative example we can take "the usual suspects" - Bulgaria and Romania, which joined with a special mechanism, monitoring the fight against corruption and organised crime, and the functioning of the judicial system - the so-called Cooperation and Verification Mechanism. The insufficient effectiveness of this monitoring was proved by its 11-year existence without the achievement of the expected result. The European Commission is being constantly blamed for not being strict enough and for misleading the Member states about the preparedness of these two countries for membership. These convictions, although not so explicitly formulated, continue until today, materialised in the denial of some Member states to welcome Bulgaria and Romania in the Schengen Area. The result from the "Bulgarian-Romanian experiment" is more than positive for the Western

Balkans - it forced the European Commission to point as a major and permanent priority the dialogue with the candidate countries for **the consolidation of the rule of law and the achievement of concrete results in the fight against corruption and organised crime.** "To open and close the easy chapters first, and deal with the difficult ones at the end" did not turn out to be a winning approach. Therefore, with the Western Balkans, it was necessary to open the "difficult chapters" related namely to the judicial system and the rule of law first, with the hope that they will be conclusively closed at the end of the negotiations.

This way, with the presence of the necessary political will in the candidate states and with the persistence of the European Commission, the countries from the Western Balkans would be able to take advantage of the "gift" that Bulgaria and Romania received - to be accepted in the EU, after they have **fully** completed the required transformation, which would benefit themselves and their citizens.

But this result, even when reached, is not lastingly guaranteed. The problems which appeared during the Eastern enlargement did not receive a real resolution over time. The last developments in some of the countries in Central and Eastern Europe refute the conviction that the European Union creates a framework, which guarantees the quality of democracy and prevents the retreat from democratic values and the rule of law. Here we can take a look at some of the countries from the Eastern enlargement, whose performance was referred to as "excellent" during the negotiations. Today the politics of countries such as Poland and Hungary causes harm to the European integration. The reaction of the European Union proves that the transformative power is not strong enough to put an end to to the

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disease of the anti-democratic changes in these countries. The full-fledged membership discontinued the effective conditionality of the European Union towards the countries that was present during the negotiations. It practically turned out that the conditions and rules, which needed to be followed by the candidate countries, can relatively easily be broken when the countries have already become full-fledged EU members.

The analysis of the Polish case demonstrates the existence of a severe problem in regard to the quality of democracy in the post-communist states, which finds a specific manifestation in these countries. The decision of the European Commission to suggest activation of Article 7 of the Treaty on European Union can be described as "historic" as this is the first time that this measure is being considered. At the same time, the probability that deprivation of voting rights will be imposed as a sanction is mostly theoretical. A logical conclusion can be made, namely, that the Member countries which demonstrated "complete" democratic transformation before joining the EU, but later succumbed to the undermining of democratic principles, exert unfavourable influence and create negative attitudes towards the future EU enlargement process.

This is why a future enlargement cannot take place if the European Union does not develop protection against such a "contamination". Solving the problems with Poland and Hungary is directly related to the European perspective for the Western Balkans and the rise of European values and the rule of law to a true norm of the quality of democracy in the European Union. This requires the production of "antibodies" to protect the EU transformative power in the future.

The development of a stable civil society is another major factor necessary for the protection of the democratic changes and the sustainment of the transformative power of the European integration. The Eastern enlargement of the EU is a source of lessons in regard to the role of the civil society. With narrow focus on the technical aspect of the negotiations, on the opening and closing of chapters, on the assistance and education of the state administration, the civil society remained in the background. The Polish case demonstrated that the lack of a strong and stable civil society is one of the major weaknesses of the democracy in the country. The expectations that the Polish civil society would make the necessary steps to prevent the activation of Article 7 did not prove true. The conclusion is that the pre-accession period should be used optimally for the creation of a civil society that is able to exert pressure for the preservation and refinement of the democratic processes. Its lack returns like a boomerang during the membership. The endeavour to create a democratic political culture and an active civil society in the countries from the Western Balkans should be high on the agenda of the European Union, and should receive sufficient attention and financing.

If there is a lesson learnt from the peaceful post-conflict processes around the world, it is that the civil society plays a major role in the peace-making. The civil organisations are in the best position to build bridges under conditions of political and ethnic division, and to create an atmosphere of trust on the local level. It depends on them to a large extent to demand accountability, transparency and adherence to the democratic principles and values. The problems related to the reinforcement of the civil society in some EU Member states, part of the Fifth enlargement, as well as the attack against the uncomfortable for the authorities organisations, lead

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to the conclusion that the development of the civil society should necessarily be part of the strategy for enlargement to the Western Balkans. The message for the need for an active civil society which participates in the processes of transformation, reform and preparation for accession, together with the governments in the countries from the region, should be clear and definitive.

The resolution of disputes is an important criterion for EU membership. The European Union allowed (for one reason or another) countries with unresolved border disputes to be accepted. This is how the republic of Cyprus became EU member without resolving the problem with Northern Cyprus first. The tension between Croatia and Slovenia regarding the sea borders also showed that until the resolutions to all disputes get clarified and confirmed, EU membership is not favourable for the common EU integration climate. There is one lesson - **only countries with fully settled neighbourly relations should be accepted in the EU.**

Besides these basic requirements - the rise of European values and the rule of law to a true norm of the quality of democracy, the achievement of specific results in the fight against organised crime and corruption, the fully settled disputes and the neighbourly relations, another two factors, significant for the success of a future EU enlargement, can be pointed: **the the public opinion on the enlargement of the European Union and the behaviour of the institutions during the pre-accession period.**

The public opinion on the enlargement of the European Union turned out to be quite important for the European project. The huge EU enlargement has always led to mixed feelings. The European Union did not have a precise strategy to explain the need for the Eastern enlargement to the

European citizens. If we include the fact, that the citizens usually worry about the specific every-day manifestations of the consequences of the integration, which are not and cannot be positive for everybody, then the enlargement, being in itself a success for the European project, turned into a source of concern and dissatisfaction for some European citizens. As a result, many Western Europeans do not evaluate positively the enlargement. On the contrary, they perceive it as a disturbance to the "calmness" of their ordered home, invasion of the "Polish plumber" taking away job vacancies, disturbance to the balance established in the European institutions ¹. The benefits of the enlargement to the stability, the security and the economic prosperity of the European Union are not perceived definitively. The accession of the former communist states is rather seen as a charitable act from the rich West to the poor East.

The perception of the Eastern Europeans as "poor relatives", on the other hand, led to disappointment in the citizens from the countries of the Eastern enlargement and the feeling that they are "second class" in comparison to the Western Europeans. All of this created conditions for development of populist political formations in both Western and Central and Eastern Europe. In this context, the European perspective for the Western Balkans is strongly dependant on the public attitudes in the Member states.

The retreat from democratic standards and European values in the former "excellent performers" of the post-communist transition, Hungary and Poland, provokes a serious public opposition to a new enlargement to countries which do not have traditions in the application of democracy. Establishing support for the EU enlargement process will take a serious effort. A better engagement from

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the Member states in clarifying the necessity of a future enlargement is needed.

The behaviour of the institutions of the European Union during the pre-accession period is of significant importance for the preparation of the countries for membership. During the period of negotiations for the Eastern enlargement, the European Commission was giving exact directions for the adoption of the legislation, for the creation or refinement of the institutions, for the realisation of reforms. This behavior was in some occasions too patronising and the candidate states got used to expect instructions from Brussels. This approach did not prepare the countries to actively participate in the integration process as full-fledged members. With a full-fledged membership, the newly-accepted country must not only independently conduct a number of important tasks, but be an active creator of policies as well. Of course, the directions received from the European institutions were valuable for the achievement of the final goal – a full-fledged membership, but on the other hand, they were a premise for the performance of superficial work, which can be accounted as fulfilment of the European instructions, without the actual realisation of the needed deep transformation. The avoidance of this “effect of a student” who only seeks to receive a positive grade from the teacher, without being interested in the need to acquire lasting knowledge is extremely important in the negotiations with the countries from the Western Balkans.

There are many more lessons that we received from the big-bang Eastern enlargement. It is important to learn them well, and make sure that they are applied in practice in the region of the Western Balkans. If we carefully review the Strategy for the European Perspective for the Western

Balkans published in February 2018, we will be able to find some of the above-mentioned “antibodies”. However, is this enough? Currently the enlargement process is still being conducted according to the Copenhagen membership criteria established in 1993 under different conditions and circumstances. After the acquired experience, it will be useful to have them reviewed and updated, so that they fit the contemporary conditions and the specifications of the countries willing to become EU members. Is it not more sensible to have the Copenhagen criteria rewritten, enriched and made more specific in accord with these lessons, so that they can indeed serve as protective antibodies in the immune system of the European integration? On the other hand, the candidate countries will have clear requirements to guide them in their preparation for membership without experiencing the feeling that new additional requirements outside the Copenhagen criteria keep appearing.

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