

Jean Monnet Workshop

RE-THINKING EU ENLARGEMENT

BOOK OF ABSTRACTS

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**PANEL 1: RETHINKING EU ENLARGEMENT. A LEGAL
PERSPECTIVE**

Time for a change of paradigm in the EU enlargement policy

Adam Lazowski (University of Westminster)

Russian invasion of Ukraine has changed Europe for good. Within days of Russia starting the war, the Ukrainian authorities made a bold decision to apply for EU membership. Fast forward Ukraine is now a candidate country, awaiting decision on opening of accession negotiations. The Russian aggression has quickly moved the EU enlargement portfolio to the top of the pile in Brussels. The fundamental question that currently emerges is how to marry two mutually exclusive desiderata: the objective need to proceed with the enlargement in faster than normal pace and the prerequisite of keeping EU operational and effective. This paper presents several options how the two can be combined to achieve both objectives at the same time.

Lost in enlargement: is there a hope for Eastern European and Western Balkan countries?

Elena Basheska (Central European University)

In 2022, the EU paved the way for the future accession of Ukraine and Moldova and confirmed the membership perspective of Georgia. Both Ukraine and Moldova applied for EU membership shortly after Russia launched a full-scale invasion of Ukraine and were granted candidate status less than four months later. While the opening of the accession negotiations with the two countries is yet to happen, their quick

progression on their membership path – largely prompted by solidarity and security concerns – is self-evident.

Contrary to that, the EU accession of Western Balkan countries – for which the European perspective has been unequivocally confirmed over two decades ago – has stalled due to various issues, including the backsliding of democracy in the region and unresolved bilateral disputes. Such issues, however, are largely related to the EU's lack of commitment to the region which undermines the transformative effect of the pre-accession process. The reality is that enlargement towards the Western Balkans has never been the EU's top priority – be that because of the EU's internal issues or lack of urgency stemming from insufficient levels of instability in the region.

Political elites and citizens in the Western Balkan countries have not been hiding their lack of confidence in the EU's accession promises or their frustration with the (seemingly) never-ending pre-accession process. The accelerated progression of the Eastern European countries to EU membership prompted by the war in Ukraine rather than by any flourishing democracy or rule of law, strengthened such feelings of political elites and citizens of the Western Balkan countries further.

Relying mainly on analysis of secondary sources, the presentation and the paper will address a number of questions that arise in these circumstances, but most importantly: will the EU find the right balance between established enlargement criteria and security considerations? Will the war in Ukraine strengthen the EU's interest and action in the Western Balkan region? How to overcome current and future (potential)

bilateral disputes that block candidate countries' accession processes?

In summary, a genuine reconsideration of the EU's approach towards the Western Balkan region – including a clear membership perspective rather than empty rhetorical commitment and objective accession conditions – is needed before it is too late. The text makes a number of proposals for overcoming current and future (potential) bilateral disputes in full respect of the law. Furthermore, the EU should learn from its mistakes with the Western Balkan countries and perform better with the Eastern European countries by fully committing to the region while safeguarding, however, its values. While extraordinary times require extraordinary measures, overpoliticisation of the enlargement process renders the EU's enlargement law futile and undermines both the transformative effect of the pre-accession process and the EU's own values.

The Chameleonic Copenhagen Criterion - The EU's Absorption Capacity

Andrea Ott, University of Maastricht

In the recent debate about enlargement, Member States Germany and France relink the widening with the deepening process or in other words, the aim to connect EU Treaty reforms with the perspective for accession. This sounds familiar to what has been the hidden Copenhagen condition. While the accession process is perceived as a legal and political process and relying on predictability and transparency about its steps, Article 49 TEU hides in the sentence “the conditions of eligibility agreed upon by the European Council shall be taken

into account” important accession conditions. The conditions of eligibility refer to the Copenhagen criteria whose fourth criterion is about the ability of the Union to accept new Member States. It remains a hidden criterion as no reference to it is made in the regular Commission progress reports. It is also a chameleonic condition which has changed its meaning over time. Originally it was formulated in the Copenhagen European Council conclusions in 1993 as “the Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries.” With the difficult process since the Amsterdam Treaty in preparing the Union for enlargement through Treaty reforms, the focus shifted more to the EU’s institutional ability to integrate new members (Luxembourg European Council conclusions 1997). With the rising enlargement fatigue in the EU Member States, paying lip-service to the absorption capacity changed into the condition for the Union “to function politically, financially and institutionally” before enlargement takes place (European Council conclusions 2006). In the Commission report 2006 it was renamed the integration capacity, at the same time a more problematic condition appeared that enlargement also required a broad and sustained public support in EU and acceding Member States. This also gave rise to the debate that Member States make their approval of an accession agreement dependent on the public support in the existing Member States. The condition of a referendum entered the political discussion in Austria, found its way into the French constitution and could become a Damocles sword for both accession candidates and receiving Member States after years of negotiations.

This contribution reflects on the function of this criterion as the chameleonic and erratic condition forming an obstacle in the accession debate and addressing the consequences of relinking enlargement with the EU's institutional and political functioning.

**PANEL 2: RETHINKING EU ENLARGEMENT. A (GEO)POLITICAL
PERSPECTIVE**

*From a meritocratic to a Foreign and Security Policy Approach
– A paradigm shift in EU enlargement policy?*

Klemens H. Fischer (University of Cologne)

Since the first enlargement in 1973, which was followed by six more to date, the question of which criteria underlie the enlargement process has never been clearly answerable. There have always been at least two tracks in the process, one political and the other technical. Unquestionably, the triggering process was always a political one, but then the dividing lines between purely political considerations and legal-technical issues begin to blur. The northern enlargement in 1973 included three western established states that could be integrated relatively easily. In contrast, the Mediterranean enlargement of 1981 and 1986 placed an incomparably greater economic burden. Greece, Spain and Portugal sought membership to consolidate their newly established democracies; the Community saw accession as an opportunity to stabilise its southern external border. It is therefore quite permissible to regard the accession process as primarily motivated by foreign and security policy. The ensuing EFTA enlargement in 1995 was massively shaped by technical issues, whereby the primordial political question of the accession of a perpetually neutral state could also be clarified on a technical level. The Eastern enlargement, which was carried out in three waves between 2004 and 2013, was in turn predominantly politically motivated. The states of the Western Balkans have been in a kind of extension forecourt for

some time. While these states were trying to start accession negotiations, the enlargement process was completely reorganised, mainly at the instigation of France, and strictly oriented towards the merit principle. This is not the least of the reasons why some of these states were neither granted candidate status nor did they enter into negotiations. Russia's unlawful and unjustified attack on Ukraine in 2009 triggered a completely unexpected reorientation. Ukraine, Moldova and Georgia applied almost simultaneously for candidate status, membership in the EU, and demanded a fast-track procedure for this. As early as June 2022, Ukraine and Moldova were granted candidate status, the opening of accession negotiations was refused, at least for the time being, but a fast-track procedure was rigorously rejected. At the December European Council at the latest, it will become clear whether Ukraine's political pressure is sufficient to force the opening of accession negotiations.

In any case, a possible paradigm shift is already well underway. Until the Russian attack, an accession process for Ukraine was neither up for discussion nor would it have been considered prospective to seek it from the Ukrainian side. Even after the attack, a majority of member states were hostile to such advances, but political pressure led to a gradual turnaround. Even though neither Ukraine nor Moldova would meet the objective criteria, the process is moving forward. At the same time, the process in the Western Balkans, with the exception of Bosnia-Herzegovina, stalls.

This leads to a two-speed enlargement and, furthermore, there are two different process motifs, with the latter being the cause of the former. This development raises the following

questions: What incentive do applicant states have to fulfil the technical criteria if sufficient political pressure is deemed sufficient? What is the impact on the economic cohesion of the EU of the accession of states that only insufficiently fulfil the economic criteria? Does this not indirectly give a potential aggressor the power to co-decide on future EU members?

In particular, the question arises whether a merit-based approach can ever be reintroduced if the pendulum now swings in the direction of foreign and security policy justification for the enlargement process.

Extending the EU membership prospect to the EaP trio: a strategic imperative or a quest for restorative justice?

Gergana Noutcheva (University of Maastricht)

Why did the EU grant the status of a candidate country to Ukraine, Moldova and Georgia on 23 June 2022, just four months after the start of Russia's full-scale invasion of Ukraine and amid an ongoing war with no clear end prospects? The recent scholarship has tended to see the latest developments in EUFP in (geo-)strategic terms, most notably in the eastern neighbourhood. The political/public voices about a "geopolitical turn" in EU foreign policy have also gone stronger in the context of Russia's full-scale invasion of Ukraine in 2022. The rationale behind the EU's U-turn is mostly attributed to a security logic whereby the EU woke up belatedly to the security threat posed by Russia and revitalized its enlargement policy as a geopolitical reaction.

This paper examines alternative views of the EU's decision to extend a membership prospect to the EaP trio. It zooms in on the framing of the decision in public discourse in order to understand its socio-emotional underpinnings. It draws on the scholarship on the role of emotions in IR and probes the weight of emotional arguments in the decision-making process leading to the policy U-turn. It considers the emotions induced by the atrocities perpetuated in the first months of the war and the conscious-shocking scenes of human suffering portrayed publicly and widely across the EU in the spring of 2022 and examines the EU decision to grant a candidate status to Ukraine (and the others by association) as an attempt to restore a degree of justice on the continent.

Russia's war against the Ukraine: A geopolitical turning point for EU enlargement?

Oliver Schwarz (University of Duisburg-Essen)

The Russian war against the Ukraine has deeply disrupted Europe's security architecture. For Germany, Chancellor Olaf Scholz proclaimed a *Zeitenwende* in the face of the Russian aggression. In his article for *Foreign Affairs*, Scholz even spoke of a "Global *Zeitenwende*". Indeed, the war has created a "Thessaloniki moment" for Georgia, Moldova and the Ukraine, moving these countries from the periphery of the European neighbourhood policy to the centre of the EU's accession process. This transition is an extraordinary milestone for the EU's enlargement policy and could broaden the geographical scope of this policy field.

By applying historical institutionalism and in particular drawing on the concept of critical junctures, this paper examines the transformative dynamics of the Russian-Ukrainian war in the context of EU enlargement. Since its beginning, EU enlargement has gone through different phases, adapting its objectives and instruments, resulting in a complex interplay between supranational and national actors and dynamics of deepening and widening. Even before the Russian-Ukrainian war, the European Commission had adopted a more geopolitical approach to its enlargement policy. However, this geopolitical thinking has so far failed to translate into concrete results – especially for the countries of the Western Balkans.

In conclusion, this paper attempts to unravel the transformative effect of Russia’s war against the Ukraine on the evolution of the EU’s enlargement policy. By employing the lens of historical institutionalism, the paper aims to shed light on whether this war represents a geopolitical turning point in the trajectory of EU enlargement and whether it will significantly reshape the goals and instruments of this policy field.

The Return of Geopolitics in EU Enlargement and the Rise of Turkey’s Exclusion from Accession Scenarios: Solving the Puzzle

Ebru Turban (Turkish-German University)

Since 2018 the EU has been adopting a more geopolitical approach toward its enlargement based on the promotion of security and stability in its immediate neighborhood, which has become increasingly volatile and a hotspot for regional rivalries.

Changing European and global geopolitical landscapes following Russia's invasion of Ukraine in 2022 further propelled the geopolitical and 'stabilitocracy' logics of the EU's enlargement policy, culminating in the confirmation of the candidate status of Ukraine and Moldova. Notwithstanding the growing 'geopoliticization' of EU enlargement politics, also under the guidance of a 'geopolitical commission' (European Commission 2019), Turkey remains generally excluded from the discussions on the prospective enlargement waves and does not feature amply in the official statements and documents on enlargement by EU officials and Member States' representatives. At the same time, the EU recognizes Turkey's geopolitical importance and its function as a 'key partner' for the Union (European Commission 2022), highlighting the 'need [...] to re-engage with Turkey' (Council of the European Union 2023) in the emerging European security order. The return of geopolitics in EU enlargement, on the one hand, and Turkey's discernable exclusion from accession scenarios, on the other, engender an important theoretical and analytical puzzle to be solved. The current situation also juxtaposes the post-Kosovo war period, which marked a watershed moment for European security architecture and triggered the 1999 European Council decision to grant Turkey candidate status despite persevering problems regarding Turkey's adherence to the EU's democratic and economic criteria (Turhan 2012; Müftüler-Bac and McLaren 2003). To decipher this conundrum, this paper will take a relational approach and draw on the concept of 'geopolitical Othering', which concerns the construction of 'Europe' based on the EU's perceptions and representations of various key players' roles in the international system and its discursive boundary-drawing practices

presenting the Other as a threat to the European security and its liberal democratic order (Diez 2004, 2005; Sloomaeckers 2019). Empirically, the analysis will specifically focus on following three cases: the 2016 EU-Turkey Statement on migration (also known as the refugee ‘deal), the ongoing power struggles between Turkey, Greece and Cyprus in the Eastern Mediterranean, and Turkey’s official policies vis-à-vis Russia’s invasion of Ukraine. Utilizing discourse analysis, it will show how the rise of a geopoliticized identity discourse in the EU over the last decade due to key internal and external developments coupled with Turkey’s intensifying geopolitical activism in the EU’s immediate neighborhood played an important role in Turkey’s exclusion from latest accession scenarios amidst a geopolitical turn in EU enlargement politics.

**PANEL 3: RETHINKING EU ENLARGEMENT. A POLICY
PERSPECTIVE**

***Reconceptualizing EU's enlargement policy through the
"stability-democracy-security" trilemma.***

Jelena Džankić (European University Institute)

Russia's second invasion of Ukraine started on 24 February 2022. The unprovoked attack irrevocably linked the security architecture of the European Union (EU) to the question of the Union's enlargement. This was highlighted by decision to grant candidacy status to Ukraine and Moldova and a 'European perspective' to Georgia, the opening of accession negotiations with Albania and North Macedonia, and the grant of candidacy status to Bosnia and Herzegovina. In all of these cases, the EU used the attraction of membership for stabilization and security-building in the Eastern Partnership (EaP) countries exposed to Russian military aggression, as well as in the Western Balkan (WB) states experiencing growing political and economic influence of undemocratic forces within and outside of their borders. Yet, the body of law, institutions and relationships inherent in the enlargement policy have remained unchanged. That is: the politics of enlargement has received a major push, the policy has remained unchanged. This paper explores why this has been the case by developing the innovative lens of the "stability-democracy-security" trilemma.

This analytical framework starts from the premise that the EU's political approach to these countries contains a variety of policy responses to the trilemma over stability, democracy and security. This trilemma then constitutes the *stability-democracy-*

security nexus, comprising a selection of legal and policy instruments providing conflict resolution mechanisms, offering a framework for integration, and reflecting a broader geopolitical strategy. These instruments have evolved over thirty years, to address different needs in different contexts, creating an uneven policy framework for EU accession. Against this backdrop, this study looks into how the mismatch between the static policy instruments governing the relationship between the EU and the current nine accession countries and the geopolitically reactive politics of enlargement poses a challenge for transforming the nine countries in line for accession into Member States.

What future EU enlargement? Reconciling the geopolitical and transformative approaches

Isabelle Ioannides (European Parliament)

Russia's invasion of Ukraine has affected the geopolitics of the European continent like no other event since the end of the Colds war, affecting the continent in all realms – security, economy, energy, and socially. This war has found the European Union (EU) weakened by a series of interconnected and overlapping global crises – termed as ‘polycrisis’ or ‘permacrisis’ – and by internal crises touching the EU at its core, namely Brexit and the backsliding of rule of law in some of its own Member States. In reaction, the EU has adopted a geopolitical approach to foreign policy, focusing on extending its leverage globally and in ‘de-risking’, which has translated into engaging in increasingly transactional relations with third

countries and building alliances with a broader circle of countries (of which not all are democracy friendly).

As part of this geopolitical/transactional approach, the EU institutions and a number of key Member States alike have propelled EU enlargement to the top of the political agenda. Ukraine and Moldova were officially granted candidate status in June 2022. The accession process for the Western Balkan states was revived with the opening of accession talks with North Macedonia and Albania in July 2022, and with Bosnia-Herzegovina becoming a candidate country in December 2022. There are those among the proponents of a merit-based EU enlargement would argue that the Western Balkan and Eastern European contenders are far from being ready to join the EU. These are the defenders of EU enlargement as a transformative process that ensures that requisite reforms are not only adopted but also implemented and that rule of law is respected and safeguarded. Looking at the Western Balkan region, in particular, the EU faces a crisis of democracy in certain countries, polarisation of societies, EU fatigue with a subsequent absence of European consensus and difficulties in building partnerships with governments.

Against this backdrop, how can the EU and its Member States reconcile the geopolitical/transactional approach with the transformative approach to EU enlargement to, on the one hand, ensure a timely accession of new members while, on the other, not compromise on the quality of reforms needed by applicant countries? To answer this question, this article will explore the political considerations in Brussels on where EU enlargement is likely to have the most impact on the EU institutions and how to adapt to these potential challenges. It

will focus on five facets: the need to reform EU decision-making processes; the adaptation of the budget available for EU enlargement; the consequences of enlargement on the single market and free movement; the inevitability and centrality of rule of law reforms; and broader security considerations.

What difference does EU make: the limits of EU conditionality/ external incentives model in overcoming party patronage and building democratic governance in Albania?

Nisida Gjoksi (Leiden University)

Europeanisation 'East' literature, referring here to the EU external incentive model has its relevant contributions in explaining convergence between insiders and outsiders in the CEE and the SEE when it comes to the formal adoption of civil service laws in line with merit principles- as part of political Copenhagen criteria. However, in light of evidence from 20 years of EU accession process in SEE, such model is facing its limits in two ways. First, evidence shows that more credible EU conditionality has co-existed with persisting levels of patronage-driven politicization over time despite formal rule adoption. Secondly, such model cannot explain why variation across different governments in the EU accession is there, despite same governments incentives to join the EU. While this is a bigger puzzle on governance in the region, than the current article can answer, the article claims that the literature undermines the role of political party patronage. This is in line with other literature emphasizing more the relevance of domestic conditions in explaining outcomes,

This article provides an answer in two-ways on why party incentives matter for how EU's rule cam makes a difference at domestic level and why EU is facing its limits in building good governance in the region. The article contributes empirically by showing with original data the persistence in levels of politicisation of civil service in Albania between 2000-2013, showing that every government in power politicizes the state administration irrespective of the EU demands for a de-politicized state. Secondly, the article shows empirically that some parties do politicise more than others – such as the successor of the communist parties politicise less than newly built parties. Such evidence has broader implications: first, that the EU external incentive model needs to account better for the contextual scope conditions of party state relations in a post-communist state and how EU can make or not a difference and under which conditions it does so. Every single party in government has an inherent incentive to politicise the civil service despite improving formally the rules due to fused party state relations in the pre 1990s. Secondly, such model needs to better build on other literature integrating better domestic incentives and those of political parties before claiming success or failure in convergence with EU standards, while accounting for the informal part of governance.