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REFORMING THE POLITICS AND INSTITUTIONS OF THE EU FOR AN ENLARGED UNION

Dilemmas of EU Enlargement: Geopolitics, Conditionality, and Citizens' Concerns

While bold decisions have brought enlargement back on the EU's agenda, long-standing constraints and challenges remain. In this contribution, Professor **Antoaneta Dimitrova** sheds light on three dilemmas facing EU and candidate state leaders.

oday we speak of a geopolitical turn in European Union's enlargement policy coming as a direct consequence of Russia's invasion of Ukraine in February 2022. Yet already in 2020 the European Commission warned that the EU was losing influence to rival powers in its neighbourhood. Following a French proposal, the European Commission then proposed a substantial revision of the EU's enlargement methodology to address key weaknesses such as lack of credibility in the changing geopolitical context in the Western Balkans.¹

The revised enlargement approach in 2020, however, did not lead to substantially different dynamics in the negotiations or acceleration of reforms in Western Balkan candidate states.² It was only after February 2022 that the EU overcame deadlock in enlargement and took the historic decision to support Ukraine in its struggle to defend itself – as well as European values such as freedom, human rights and democracy – against Russia.

The European Commission responded in record time to Ukraine's application for membership by formulating a positive opinion with some pre-conditions and, subsequently, recommending the start of negotiations. Bold decisions were taken by the European Council to open negotiations with Ukraine and Moldova, to make Bosnia and Herzegovina and Georgia candidates and, recently, to launch the formal accession negotiations with Ukraine and Moldova.

The new dynamics have revitalized enlargement policy and brought it back on the Union's agenda, together with institutional and policy reforms, which the European Council envisaged proceeding on parallel tracks. That the EU would be willing to start accession negotiations with a country in the midst of a war is a development that few would have predicted a decade or even a few years ago. It demonstrates the EU's understanding of the scale of the challenge to its security and values that Russia's

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¹ Mirel, P. (2019). <u>European Union-Western Balkans: For a revised membership</u> <u>negotiation framework</u>, Foundation Robert Schuman Policy paper, European issues, no 529.

Dimitrova, A. L. (2023). 'The Russian War Against Ukraine as a Critical Juncture Defining a New Path for EU Enlargement' In Dzankic, J., Kacarska, S. and S. Keil (eds). <u>A Year Later: War in Ukraine and Western Balkan (Geo) Politics</u>, Florence, European University Institute, pp. 55–64.



continuing aggression represents. The constraints and challenges for enlargement policy, however, have been obscured by these bold steps and by the start of the negotiations in June 2024. These stem from several dilemmas that have played and will continue to play a role and create pressures for EU and candidate state leaders to make difficult decisions and accept important trade-offs between domestic and international stability.

A geopolitical logic vs a merit-based logic

The first dilemma is the choice between the ostensibly **geopolitical logic** in enlargement decisions and the **merit-based assessment** of candidates paired with a logic of **conditionality**. Political decisions in key stages of enlargement and conditionality – offering progress in accession when candidates advance with reforms – are in tension. This is especially problematic, as Börzel has argued,³ for rule of law conditionality has become one of the fundamentals of governance at the centre of accession preparations and negotiations. Furthermore, the geopolitical logic undermines the threat of non-membership for reform laggards.⁴ The different sides of these dilemmas are worth exploring in some more detail.

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Strengthening, one-sidedly, either the geopolitical approach or the conditionality-led approach could have serious and potentially paralyzing consequences. On the one hand, proceeding on a political track driven by the security imperative without sufficient reforms in governance in candidate states may cost the EU instability and paralysis further on. If candidate states take insufficient steps to secure democracy and strengthen the rule of law, this would potentially create decision-making problems further down the road. Such concequences can be expected in the light of the fact that democratic backsliding in some member states has been matched by their increasingly obstructive behaviour at the Council of Ministers and European Council. The disruptive role of authocratizing leaders abusing their veto power is evident especially when the Union needs to take a united position in foreign affairs and enlargement policy. For example, decisions on Ukraine – such as the European Council's decision on starting negotiations in December 2023 – have required painful trade-offs with the Hungarian government weakening the EU's internal rule of law conditionality.

On the other hand, emphasizing far-reaching conditionality focusing on institutions and the rule of law might — as it has done in the past decade — lead to stagnation in the candidate states' reform efforts as well as in membership negotiations. Whenever there are leaders leading their countries on an autocratization path, applying conditionality in a stringent manner means no progress in negotiations. This is not a hypothetical scenario. Various indicators show that democratic backsliding and state capture have worsened rather than improved in the last decade in most of the Western Balkan candidate states. Lack of improvement in governance also leads to weak economic performance and migration on a large scale, as witnessed in the Western Balkans.

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³ Börzel. T. A. (2023). 'Widening without deepening: Why treaty reforms will not make the EU fit for enlargement'. In von Sydow, G. and V. Kreilinger (eds) *Fit for 35: Reforming the Politics and Institutions of the EU for an Enlarged Union*. Stockholm, SIEPS, pp. 54–68.

Schimmelfennig, F. (2023). 'The advent of geopolitical enlargement and its credibility dilemma'. In Dzankic, J., Kacarska, S. and S. Keil (eds) <u>A Year Later:</u> <u>War in Ukraine and Western Balkan (Geo) Politics</u>. Florence, European University Institute, pp. 185–193, here: pp. 190–191.



Closed intergovernmental negotiations vs open debates

The second dilemma represents the tension between **intergovernmental negotiations** and **informing and consulting citizens** on enlargement. This dilemma represents the two sides of communication in enlargement negotiations and confronts politicians with another set of hard choices. Enlargement negotiations and decisions are by their nature intergovernmental, happening behind closed doors and away from public debate. Yet politicisation of key enlargement decisions has increasingly been a feature of domestic politics in the member states, driven by parties on the extreme right or left.⁵ The danger of proceeding with negotiations without domestic political debates or with minimal such debates is clear: by the time broad agreement for ratifying an accession treaty is required – either constitutionally or through consultative referenda – far-right parties may mobilize the public and surprise governments with a no vote, as was the case with the Dutch consultative referendum on Ukraine's Association Agreement in 2016.

Public opinion research following the start of Russia's aggression shows that Europeans have become more supportive of potential Ukrainian EU membership. But their solidarity has limits: support for EU enlargement saw the biggest change compared to pre-war attitudes, a majority of 71% in favour of enlargement, according to a 2022 survey. In the last two years, the support has however fluctuated and mostly focused on Ukraine, with other candidates receiving much less support as potential EU members.

... making negotiating positions public leaves less room for compromise.

Some research indicates that EU citizens would like to be better informed about enlargement before it becomes a fait accompli. Opening political debates and consultation during enlargement negotiations, however, is difficult for governments and mainstream political parties for several reasons. First, making negotiating positions public leaves less room for compromise. **Second**, the effects of enlargement on the economies of candidate and member states and on specific sectors are inherently complex to capture. They may materialize in a year or two, or even a decade after enlargement. For example, the consequences of freedom of movement of CEE workers were feared by policy makers in Western European EU member states, after bilaterally negotiated transitional periods expired. Yet CEE workers had already been hired by companies and recruitment agencies long beforehand. Labour mobility effects are far-reaching and cannot be reduced to effects that benefit all. Some social groups would lose from the influx of Ukrainian and other labourers on the EU market. Others would benefit. Enlargement decisions affect different interests in society differently and certain interests might already mobilize to lobby against enlargement. **Third**, Euroscepticism and scepticism towards enlargement have a variety of underlying causes and sources and only some of these causes can be affected by better communication.

The complex nature of **enlargement effects** makes them hard for mainstream parties to address in a manner that does not alienate some of their electorate. Nevertheless, communication is important. In contrast to the start of the previous enlargement, EU

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⁵ Hooghe, L. & G. Marks (2009). 'A <u>Postfunctionalist Theory of European Integration: From permissive consensus to constraining dissensus</u>' British Journal of Political Science 39(1): pp. 1–23.

⁶ Dimitrova, A. & E. Kortenska (2017). 'What do citizens want? And why does it matter? Discourses among citizens as opportunities and constraints for EU enlargement' Journal of European Public Policy 24(2): pp. 259–277.



leaders cannot afford to avoid public debates on enlargement, for the simple reason that far-right and far-left parties would then grab the opportunity to frame the arguments against EU enlargement. Furthermore, by the time accession is complete, citizens may experience a double backlash – a lack of information as well as actual or perceived effects of adding new countries to the Union. Governments need to acknowledge that citizens would be affected differently by enlargement and target their communications accordingly, as well as discuss compensatory measures. This would be a political process that requires commitment and political capital to succeed, but it can succeed and make the EU's future enlargement more resilient.

Above all, EU politicians and citizens have shown themselves sensitive to arguments linking the preservation of security and democracy in Europe with EU's continued support for Ukraine. Having told Ukrainians that they are part of the European family, it would damage EU's credibility if they are not allowed to join due to domestic political costs in the member states.

Public support vs public discontent

A final dilemma is the one facing governments and elites **in candidate states**. It stems from the fact that costs and benefits of accession distribute differently over time for candidate states versus member states. Candidate states and their governments have to engage in far-reaching reforms before accession, and face the economic and political costs of transforming industries and introducing regulations. The more governments communicate about such costs, the more they are exposed to negative trends in politicization, attacks from anti-European and pro-Russian actors as well as disinformation. At the same time, not communicating about the purpose of accession preparations and the importance of being a member state can backfire in terms of public support.

From the perspective of the citizens of candidate states, especially those who have been engaged in the process since 2003, when the European Council in Thessaloniki agreed on an accession perspective, disillusionment with ever-receding prospects of enlargement is another danger. Paradoxically, so is societal response to rapid changes transforming sectors and society. Both can lead to diminishing support for European integration. To make the dilemma of pro-European elites in candiate states even thornier, autocratizing leaders tend to use the public's disappointment to advocate for foreign policy orientations away from the EU and towards China and Russia – a scenario that we have witnessed in Serbia in the last decade.

Meeting the credibility challenge

The EU has been aware of its credibility and economic challenges in the Western Balkans. The original French proposal for a fundamentally changed approach to enlargement included a blueprint for staged accession that would have, had it been implemented, considerably increased the Western Balkan candidates' access to EU funding, thereby providing incentives to stay on the accession path and an economic boost. This idea continues to be discussed as one of the viable solutions that would improve the credibility of the process and the EU in the Western Balkans.

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Mirel, P. (2022). 'In support of a new approach with the Western Balkans: Staged accession with a consolidation phase'. Foundation Robert Schuman Policy Paper. European issues no 633.



Whether the EU develops the far-reaching adjustments needed to make staged accession work or focuses on reasonable trade-offs and compensations in the existing method of enlargement, the policy should not lose its renewed momentum. Taking further steps with Western Balkan candidates and continuing negotiations with Moldova and Ukraine will succeed only if leaders communicate the momentous significance of this enlargement to the broader public.



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Fit for 35 Forum aims at contributing to the discussion on enlargement and reform of the EU. The Forum is set up by SIEPS, initiated and managed by Göran von Sydow (Director) and Valentin Kreilinger (Senior Researcher in Political Science) and edited by Patricia Wadensjö (Editor).

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