

Stabilizing the European Continent

Reflections on the Future of EU Enlargement

Jean De Ruyt

Since the decision to accept Croatia as a candidate member in 2011, the debate in the European Union about its enlargement has been rather subdued. But in 2022, after the bloody invasion of Ukraine by Russian troops, the new European security architecture that the EU (and NATO) tried to build after the end of the cold war has been profoundly shaken.

We thought we could manage our ambiguous relationship with Russia and the European members of the ex-Soviet Union through dialogue and economic partnerships. We underestimated the urgency of stabilizing the Western Balkans through EU accession. After membership was offered to Croatia, gestures have been made - more bureaucratic than political - to negotiate the accession of other Western Balkan countries. But 'enlargement fatigue' fast developed - ignoring the fact that Russia and China were growing as non-democratic competitors and that Turkey was drifting out of the Western values system.

Time has come now to redraw the map. The EU, NATO and the G7 reacted to the Russian aggression in Ukraine with a spectacular show of unity. In the European Council of June 24, 2022, candidate status has been offered to Ukraine and Moldova as well as a membership perspective to Georgia, and a meeting with the leaders of all Balkan countries has revived their hope for a reinvigoration of their own accession.

Even if the war in Ukraine is still ongoing, it is time to prepare public opinion in the EU to this new approach to enlargement policy - starting with the fulfilment of the

promises we made to the Western Balkans countries as early as in 2003 at the Thessaloniki summit. Looking also where the enlargement of the EU should end, in order to restore as best as possible 'stability' on the continent, the aim of the European project from the start.

The basic premise that has to be kept in mind from the outset, is that the launching of the European community, its transformation into a Union, and its step by step enlargement, contrary to what Vladimir Putin pretends, has nothing to do with imperialism - nor a secret American plot to prolong or revive the cold war. It aims only at reinforcing the stability of the continent. The purpose of this article is to demonstrate this premise through the history of EU enlargement, and to look at how future steps in this direction could make this happen.

1. THE CONDITIONS FOR ACCEDING TO THE EU

The conditions for acceding to the European community were clearly formulated in the last article (art. 237) of the Treaty of Rome: *'Any European State may apply to become a member of the Community. It shall address its application to the Council, which shall act unanimously after obtaining the opinion of the Commission'*.

The Treaty of Maastricht repeats this statement in the article 2 of the Union Treaty - with the addition that only a *'democratic state'* can apply; soon after, under the pressure of central European countries, a European Council in Copenhagen in 1993, enumerated a few additional conditions which were imposed to the 12 countries which became candidates for accession in the 1990s: *'Membership requires that the candidate country has*

achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union'.

The European Council was careful to add that: *'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'.*

In the Constitutional treaty, at the beginning of the new century, the conditions for accession are mentioned in the first article, with an important confirmation: the candidate state needs to *'respect the European values and commit to promote them'.* This same formula can be found in article 49 of the Treaty of Union, in the consolidated version emanating from the Lisbon Treaty. The values are enumerated in article 2 of the Union Treaty: *'The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail'.*

What about the geographic scope?

It relates to the definition of what is 'Europe'. Morocco tried, but was rebuffed. The Northern, Southern and Western limits of Europe are clearly sea borders. The Eastern border, separating Europe from Asia, is generally accepted as formed by *'the Ural Mountains, the Ural River, the Caspian Sea, the Caucasus Mountains, and the Black Sea with its outlets, the Bosphorus and Dardanelles'.* This leaves a few countries that are part in Europe and part in Asia: Russia, Georgia, Armenia, Azerbaijan. But it is clear that their historic links with Europe are such that they can be considered European. The last three were

indeed accepted as members of the 'Eastern Partnership' with the EU. Cyprus and Malta are not really part of the 'continent' of Europe but here also history makes them part of Europe, as was confirmed by their acceptance as members of the 'European' Union in 2004.

2. A BRIEF HISTORY OF EU ENLARGEMENT

Founded by six countries, the EU counts today 27. It even reached 28 members, until the UK left in 2020.

As is well known, the original purpose of the European integration was to reconcile France and Germany after the second world war. The Treaty of Rome was concluded by these two countries and their immediate neighbours, the Benelux countries and Italy. All further enlargements of the European Community - which became the European Union after the Maastricht Treaty in 1992 - aimed essentially at reinforcing stability on the continent.

First, at the beginning of the seventies, after General de Gaulle's departure, the accession of **the UK**, together with **Ireland** and **Denmark**, reinforced the block as a Union of democratic countries. Norway fitted the model but a negative referendum prevented that happening; Switzerland, Sweden, Finland and Austria could also have joined but they considered at the time that their 'neutral' status served them better in the 'cold war' than joining a 'union'.

Then, in the eighties, the doors opened to three countries after they had rejected autocracy and needed support to consolidate democracy: **Greece** joined first, in 1982, even if the Commission had rendered a negative opinion. Then in 1985, with much enthusiasm on both sides, after eight years of difficult negotiations mainly related to agriculture, **Spain** and **Portugal** were admitted on the same day.

When the cold war ended, the twelve members of the European Economic Community concluded the Maastricht Treaty, which added a political dimension to the integration process. This new context encouraged **Sweden**, **Finland** and **Austria** to join. Switzerland tried but could not, because of its rigid 'direct democracy' system -

which prevented it even joining the United Nations before the beginning of this century.

At the same time, the dismantlement of the Soviet Empire clearly risked the destabilization of the Eastern part of the continent. To prevent it, the European Union (and NATO) decided to open their doors to the countries of Central and Eastern Europe having just recently emerged from more than forty years of imposed communism. *'Projecting stability from the west to the East'* was the slogan under which accession negotiations soon opened with ten Central and Eastern European countries, based on the criteria mentioned above, agreed in a European Council in Copenhagen in 1993. After a long negotiation, the three Baltic countries (**Lithuania, Latvia and Estonia**), **Poland**, the **Czech Republic, Slovakia, Hungary and Slovenia** (which had left the Republic of Yugoslavia as soon as 1991) joined the Union in 2004. **Romania and Bulgaria** were admitted two years later.

Apart from the Baltic countries, the door was not opened for the countries who were part of the Soviet Union itself. Maintaining a 'grey zone' between the EU and Russia was considered a better way to stabilize this area.

'Le grand élargissement' - celebrated with euphoria in 2004 after the adoption of the Euro and of a 'Constitutional treaty' - included also two small troubled southern (half) European countries: **Malta**, where democracy had to be consolidated after the sombre years of Don Mintoff, and **Cyprus**. The accession of Cyprus was also intended to have a stabilizing effect: the EU members thought at the time (wrongly) that it would help solve the problem of the division of the Island, after the occupation of the northern part by Turkey in 1974. They even accepted the candidature of Turkey itself in 1999, which had been presented as early as 1987. But a UN plan for the reunification of Cyprus was rejected in a referendum by the Greek side in 2004... and the negotiation with Turkey, which started in 2005, never really took off. With Erdogan, Turkey aligned less and less with the Copenhagen criteria - and in 2018 the decision was taken to suspend the negotiation altogether.

While central Europe started to prepare to join the 'West', war had spread in an area of Europe that had always been one of the most unstable, the Western Balkans. The nascent European Union was not equipped to address a real war and, as is well documented, the United States and NATO had to come to the rescue. After ten years, the Western Balkans, if not totally stabilized, were no longer at war, and the Clinton administration was eager, at the turn of the century, to let the EU take over the peacekeeping efforts. This allowed the Union to use the same tools as for Eastern Europe. In 2003, a Summit in Thessaloniki offered the 'perspective' of accession to the 'six' Western Balkan countries (Serbia, Croatia, Bosnia Herzegovina, (North) Macedonia, Montenegro and Albania (NB: Kosovo only started to exist as a country in 2008)). **Croatia** made huge efforts to assimilate the *'acquis communautaire'* as quickly as possible and, helped by the irresistible attraction of its tourism industry, was admitted as a member of the EU in December 2011 - and joined in 2013.

3. 'ENLARGEMENT FATIGUE'

From then on, the process slowed down dramatically, for various reasons. Some related to historical tensions between neighbours: Greece and Macedonia, later Macedonia and Bulgaria, also Serbia and new states formerly part of Serbia, Montenegro and Kosovo. The scars of the Balkan wars were also still very visible in Bosnia Herzegovina and Kosovo.

But the main reason for the slowing of the enlargement process is the 'fatigue' as a result of the decade-long tensions from within the Union itself. Populist regimes in some of the new member countries, tensions with Poland and Hungary about the respect of the rule of law, divisions about migration policy and other issues fuelled public opinion in western member countries of the Union to fear that further enlargement would aggravate the East-West divide inside the EU and make it dysfunctional.

What is the current situation?

Montenegro became independent from the 'State Union of Serbia and Montenegro' in 2006 and applied for EU



membership in 2008. The Commission issued a favourable opinion and the Council granted it candidate status in 2010. The accession negotiation started in June 2012 and, since then, all 33 relevant chapters have been opened, of which three are provisionally closed. Its status is the most advanced and accession could be possible as from 2025.

Serbia officially applied for European Union membership in December 2009 and received full candidate status in March 2012. After the EU-Serbia Stabilization and Association Agreement had entered into force in 2013, the accession negotiation started in 2014 and is currently ongoing. Twenty-two chapters have been opened, two are closed and twelve still need to be opened. Serbia still needs to make important reforms in the judiciary independence, media freedom, the fight against corruption and organized crime. But the biggest obstacle to accession is the relationship with Kosovo, which declared its independence on 17 February 2008. Negotiations are ongoing but the war in Ukraine has complicated the situation, due to the historic links between (Orthodox) Serbia and Russia.

Macedonia concluded a stabilization and Association Agreement with the EU, the first in the region, as soon as 2004, and received candidate status in December 2005. But all further steps towards accession were, until 2019, blocked by Greece, which refused to recognize the name of the country because 'Macedonia' also applies to the northern part of Greece. This problem was only solved in 2019 when, with the agreement of Greece, the country adopted the name 'North Macedonia'. The EU gave its approval to begin accession talks together to North Macedonia and Albania in March 2020 - overcoming efforts by the Netherlands and France to delay further the decision. But in November of the same year, Bulgaria vetoed the official start of the negotiation, asking that Macedonia first fulfil demands concerning anti-Bulgarian ideology in the country, and 'an ongoing nation-building process' based on historical negationism of the Bulgarian identity, culture and legacy. This problem seems to have found a solution after the summit between the EU and the Balkan countries of June 2022 mentioned above, thanks to a mediation of the French presidency of the EU Council.

The Bulgarian Parliament lifted the objection on 24 June 2022 and the negotiation should now start - a lengthy 17 years after Macedonia was accepted as a candidate.

Albania submitted its formal application for EU membership in 2009, but the Commission assessed that, before accession negotiations could formally be opened, Albania still had to achieve a necessary degree of compliance with the membership criteria. Candidate status was finally awarded in June 2014 and in June 2018, the European Council agreed on a pathway to starting accession talks by the end of 2019, with certain pre-conditions: reforms in the justice system, a new electoral law, opening trials for corrupt judges and the respect of human rights for its Greek minority. In March 2020 the Council agreed to open accession negotiations and in July 2020 the draft negotiating framework was presented to the Member States. The concrete opening of the negotiation, however, remains linked to the decision concerning Macedonia.

Bosnia and Herzegovina is still only a 'potential candidate'. It applied for EU membership in February 2016 but, while adopting its 'avis' in May 2019, the European Commission identified fourteen key priorities for the country to fulfil before the opening of EU accession negotiations. The Opinion constitutes a comprehensive roadmap for deep reforms in the areas of democracy/functionality, the rule of law, fundamental rights and public administration reform. The problem in Bosnia is that since the Dayton agreements, the country is still under supervision of the 'international Community', with the Serbian part, Republika Srpska, still tempted to secede to Serbia.

Kosovo was also accepted at this stage as a 'potential candidate'. It is obviously the most difficult case. Its declaration of independence from Serbia was enacted on 17 February 2008 but independence has not been recognized by Serbia, by almost half of the UN members and even by five member states of the EU (Greece, Spain, Cyprus, Romania and Slovakia). Negotiations facilitated by the European Union resulted in the 2013 'Brussels Agreement' on the normalization of relations between the governments of Kosovo and Serbia, but further

negotiations are still ongoing with highs and lows between the two countries.

4. A GREY ZONE: THE COUNTRIES FORMERLY PART OF THE SOVIET UNION

The eagerness of Central and Eastern Europe, as well as the Balkan countries, to join the EU developed in parallel with the aspiration of most of these countries to join the Atlantic Alliance. Since the conditions for acceding to NATO are more political than technical, the process could go faster, even if the Russian reaction had to be addressed in order to prevent the ‘projection of stability from the West to the East’ of having the opposite effect.

Just after the end of the cold war, NATO made substantial efforts to accommodate Russia and to develop a positive relationship. Russia was invited to the ‘North Atlantic Partnership Council’ established in 1991, accepted the reunification of Germany - with East Germany joining the Alliance - and participated in the ‘Partnership for Peace’ launched in 1994. Russian generals were repeatedly invited to NATO headquarters at the beginning of the Nineties and some even fantasized that Gorbachev’s concept of a ‘Common European Home’ could bring Russia itself to join the Alliance. The Treaty on Conventional Forces in Europe (CFE), which had been concluded in Paris in 1990, when the Warsaw pact still existed, was renegotiated to allow force reductions on both sides.

But in the mid-nineties, when Central and Eastern European countries started to ask about joining the Alliance, Yeltsin’s Russia reacted very negatively. The best that could be achieved was to try changing the NATO-Russia relationship into a positive ‘partnership’. This was codified in the ‘NATO Russia Founding Act’, concluded in Paris in May 1997, with Clinton and Yeltsin present, a few months before the accession to NATO of Poland, the Czech republic and Hungary.

Further enlargements of NATO took place in the first years of this century, bringing the number of NATO members to thirty: Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia in 2004, Albania and Croatia in

2009, Montenegro in 2017 and North Macedonia in 2020 - all also members or ‘accepted candidate members’ of the European Union.

Indeed, apart from the three Baltic states of Lithuania, Estonia and Latvia, who rushed to the West even before the collapse of the Soviet Union, none of the new countries created after the Soviet Union was dismantled were considered as a potential member of NATO - and none of them were accepted as a candidate to the EU.

In a NATO summit in Bucharest in April 2008, at the time when Georgia and Ukraine had ‘pro-western’ governments, the two countries asked to be awarded a ‘Membership Action Plan’, the first step towards NATO accession. Russia lobbied extensively against it and a compromise had to be found through ambiguity: NATO Secretary General Jaap de Hoop Scheffer declared in a press conference, that Ukraine, together with Georgia, would someday join NATO, but neither would begin Membership Action Plans.

Much has been said recently about this policy of appeasement of Russia - which deliberately turned a blind eye to its aggressive behaviour, with the war in Georgia for South Ossetia in 2008, and even more since the Ukraine Maidan crisis of 2013-14, which brought Russia to annex Crimea and create puppet states in the Eastern Ukraine Donbas region.

In the United States, where the concept of ‘nation building’ remained popular, the G. W. Bush administration tried to address the situation in some ex-Soviet Union countries by heavily sponsoring pro-western governments - in Ukraine with the so-called ‘Orange revolution’ of Yushchenko of 2004-5 and in Georgia with Michael Saakashvili, elected president in 2004. But under the Obama administration, and even more under President Trump, Washington rather decided to keep its distance - using the ‘pivot to Asia’ as a pretext for letting Europe deal with its security by itself.

Within the European Union, opinion was divided about what to do with the ‘grey zone’. In the Baltic States as well as in Poland and other Eastern European countries, the bad memories of Russian rule remained strong. But in

the West - notably in France and Germany - the dominant view was the fear that, in 'taking over' not only its former empire but also parts of the ex-Soviet Union itself, the EU would go too far in 'humiliating Russia'. Memories of the consequences of having humiliated Germany after World War One convinced their leaders that an arrangement could and should be found - with Russia having, with Putin, regained its place among the world powers more quickly than anyone would have thought.

After the war in Georgia in 2008, Sarkozy's France negotiated a peace agreement which, in fact, was only a return to the *status quo ante*. And, after the Russian invasion of the Donbas region in 2014, France and Germany engaged bravely in the 'Minsk process' which was supposed at least to keep under control further Russian moves in the region.

Even the Russian domination of the gas market in Europe was considered a way to consolidate its relationship with Western Europe - with the very symbolic conclusion of 'North Stream 2', the agreement between Gazprom and Western gas companies under the aegis of Angela Merkel (and her socialist predecessor Gerhard Schroeder). Very few in Western Europe supported the US lobby against the deal, which was seen merely as a plot to promote the sale of American shale gas in Europe.

5. THE WAR IN UKRAINE AND THE RE-WRITING OF THE MAP

Nobody in Western Europe had seriously anticipated what happened on February 24, 2022. But it took not even a week after the Russian invasion of Ukraine for the Western world to react with an impressive show of unity. This was no longer a chess game for political leaders and diplomats. It had become a real war. The entire civil society mobilized spontaneously and numerous symbolic gestures were made to express the horror of our countries to see the return of what we thought would never happen again on our continent.

I will not return to all that has happened in the last four months, still too raw to contemplate. I will only highlight

the elements relevant to this paper - and notably the important decision made by the European Council of the EU on 23 June to:

- *'recognise the European perspective of Ukraine, the Republic of Moldova and Georgia'*
- note that *'the future of these countries and their citizens lies within the European Union'*
- and grant the status of candidate country to Ukraine and Moldova, while expressing its readiness *'to grant the status of candidate country to Georgia once the priorities specified in the Commission's opinion on Georgia's membership application have been addressed'*.

This decision brings an end to all ambiguity about the future of the 'grey zone' mentioned above.

Clearly, there will be obstacles on the long journey towards EU membership for these three countries. The European Council is careful to remind that *'The progress of each country towards the European Union will depend on its own merit in meeting the Copenhagen criteria, taking into consideration the EU's capacity to absorb new members'* - this last point referring apparently to the 'enlargement fatigue' of the last ten years.

But the most relevant is the message addressed to Russia: because of Russia's aggression against an independent state, in violation of international law, the EU no longer takes into account the fact that these three countries were part of the Soviet Union. The Union (and NATO) now clearly deny Russia the right to reconstitute its old Empire by force.

Does this mean that the EU itself is becoming an empire? It could be interpreted that way. The world today has become multi-polar since the emergence of China, the ambitions of Russia, and also Turkey. But, in my view, if Ukraine, Moldova and Georgia one day become members of the EU, it will essentially be because the citizens of Europe consider that their accession contributes to better stability on the continent, as has been the case during the whole enlargement process.



Much can happen in the meantime, and nobody can really anticipate how Russia will evolve after the departure of President Putin. But the message sent by the European Council on 23 June is clear: the stability of the continent will not be re-established if an arrangement is imposed on the Ukrainian people against their will.

6. CONCLUSION: TOWARDS FURTHER INTEGRATION?

The European Community was conceived for six countries. At the time of the Maastricht Treaty, the European Union had only twelve members. We have now reached more than double that number. Is the Union viable with so many members? Does further enlargement imply further integration - with majority voting for taxation and Foreign Policy issues and a European army?

These are important questions, which indeed, dominate the debate about enlargement since the EU started to prepare *'le grand élargissement'* of 2004. They were also part of the discussions in the 'Conference on the Future of Europe' which discretely dismantled in May 2022. And President Macron did not hesitate, when the possible accession of Ukraine started to be discussed, to suggest the creation of a 'European Political Community', in parallel to the EU.

The lack of enthusiasm with which EU leaders welcomed the proposal made by the European Parliament to change the Treaties as a follow up on the 'Conference on the Future of Europe' and the irony which accompanied the suggestion of a 'two speed Europe', hiding behind the proposal by the president of France, indicate clearly that the Union is not currently in the mood for major institutional changes or 'core-Europe' adventures.

Changes in the Treaties have only been possible in times of prosperity and economic growth. Today, the consequences of the pandemic, the increase of the energy prices, the sacrifices required in order to support Ukraine - we could also add the uncertainties about the future of democracy in the United States - are sufficient reasons to refrain from these kind of moves, which, as recent history has demonstrated, are difficult to accept for the majority of EU citizens.

Except for a few countries in the Western Balkans, accession remains a distant objective for the other 'candidates'. We can but hope that better times will come for the EU to implement the most relevant proposals of the Conference - and to prepare its institutions to adapt to a membership of up to 35 countries.

We should rather at this stage use, as much as we can, the positive mood created by this crisis among democratic countries in the world to consolidate the 'acquis'. The Covid 19 pandemic and the fight against climate change have considerably reinforced the importance - and the authority - of the European Union. The war in Ukraine has enhanced solidarity among Eastern and Western member states as well as with other democratic countries in the world. NATO and the G7 have been more united than ever and even our relationship with the UK post-Brexit benefits from this renewed solidarity.

From that perspective, the opening of the European Union to all European democratic countries is also a demonstration that we are no longer looking at the borders of the past, which have moved so much in the history of the continent. Instead, let's perhaps look to a future in which stability and prosperity, based on the values on which our Union was rooted, could also, one day, extend to the Russian Federation.

Jean De Ruyt was formerly Ambassador of Belgium to Poland and Italy, Director General for Political Affairs in the Belgian Foreign Ministry and the Permanent Representative to WEU, NATO, the United Nations and the European Union. He presided over the Committee of Permanent Representatives (COREPER) during the Belgian Presidency in 2010, and ended his diplomatic career as special envoy for the European External Action Service in 2011-12.

He is currently Senior Advisor to the global law firm Covington & Burling LLP, and advises governments and companies on their dealings with the European Union. He is a member of the Belgian Royal Academy.





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