

The EU's Enlargement Strategy – Is it working?

Erwan Fouéré

1 December 2016

“Enlargement policy continues to deliver results and reforms are moving forward in most countries, albeit at different speeds.”¹

A mixed picture

This year's reports from the European Commission on the seven countries² seeking to join the European Union contain modest, if not decidedly negative assessments of national reform processes. The exception is the report on Albania: this one recognises significant efforts in judicial reform and recommends the opening of accession negotiations, subject to “credible and tangible progress in the implementation of the justice reform”.³ In the other countries, however, reform has been far less consistent and in some cases serious backsliding has occurred.

The most negative assessments concern Macedonia, which is still in the throes of political crisis, with “concerns about state capture affecting the functioning of democratic institutions”,⁴ and Turkey, which continues to suffer an erosion of democratic standards and “further backsliding (...) as regards freedom of expression and in the functioning of the judiciary”.⁵ The recent arrests of opposition Kurdish MPs, adding to the large numbers of people already incarcerated, undermines whatever hope there is of an imminent return to democratic standards in that country.

It would be facile to suggest that these negative developments represent a failure of the EU's enlargement strategy, although some self-criticism would certainly be justified.

¹ Communication on EU Enlargement Policy from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM (2016) 715 final, Brussels, 9.11.2016, p. 1.

² Montenegro, Serbia, Macedonia (FYROM), Albania, Bosnia and Herzegovina, Kosovo and Turkey.

³ Communication on EU Enlargement Policy, op. cit., p. 12.

⁴ Ibid., p. 12.

⁵ Ibid., p. 10.

Erwan Fouéré is Associate Senior Research Fellow at CEPS.

CEPS Commentaries offer concise, policy-oriented insights into topical issues in European affairs. As an institution, CEPS takes no official position on questions of EU policy. The views expressed are attributable only to the author in a personal capacity and not to any institution with which he is associated.

Available for free downloading from the CEPS website (www.ceps.eu) • © CEPS 2016

The Commission's reaction to all these breaches by the enlargement countries has been far too weak. Rather, it has focused on underlining how the EU's enlargement strategy has contributed to stability in the broader region. In the Global Strategy for the EU's Foreign and Security Policy, presented at the European Council last June, the section relating to EU enlargement policy correctly states that:

A credible enlargement policy represents a strategic investment in Europe's security and prosperity, and has already contributed greatly to peace in formerly war-torn areas.

But if fundamental and systemic violations of the rule of law and the erosion of democratic standards are not effectively addressed, any stability achieved is not sustainable.

Increasing authoritarianism

Part of the blame for the slow pace of reforms lies with the countries themselves, and their failure to pursue a consistent reform programme – not, in the words of the Commission's Strategy paper: "because the EU is asking for it, but because it is in the best interest of their citizens".⁶ The increasing trend towards authoritarianism, the undermining of democratic values and the erosion of fundamental freedoms, not least the freedom of expression, and increased levels of corruption have become the accepted norm in a number of countries. The lack of strong parliamentary traditions and a judicial system that is often controlled by the ruling party, such as in Macedonia, renders the system of checks and balances present in a functioning democracy either very weak or non-existent. With media invariably controlled by the ruling elites in these countries, and civil society organisations subject to harassment and intimidation, governments are free to do as they please and are not held to account for their actions. Unacceptably high levels of unemployment, affecting the younger generation in particular, have fuelled discontent and swelled the numbers of citizens seeking to emigrate to the EU or further afield in search of jobs and better human rights protection.

Effectiveness of the EU's enlargement strategy

Some would argue that the whole point of the EU's enlargement strategy is to deal with all these issues and ensure that the enlargement countries remain on the path of reform. That it has not been able to do so raises the question of the real effectiveness of the EU's current strategy, and what more can be done to give it greater relevance at a time when the EU integration process itself has been under severe strain.

There is no doubt that numerous crises that have rocked the very foundations of the EU recently continue to undermine the EU's credibility and its capacity to live up to its commitments, not least vis-à-vis the enlargement countries. Whether it is the migration crisis or the wave of populist and xenophobic rhetoric sweeping Europe, the EU has shown a collective lack of backbone and sense of responsibility. Were it not for the courageous stand taken by Chancellor Merkel and a few other leaders during the migrant crisis, for example, the EU would have lost all credibility, not to mention the sense of openness and spirit of generosity that had been the distinguishing features of the European integration project since its foundation.

Despite being the EU's most successful foreign policy in the decades leading up to the successful incorporation of ten new member states in 2004, its enlargement agenda has become an unwitting

⁶ Ibid., p. 1.

victim of the current malaise. Not only has it been on the receiving end of criticisms from populist Eurosceptic parties, but even mainstream political parties have found it politically expedient to downplay the benefits of the EU's enlargement policy for fear of alienating sceptical voters. Attacks on media freedom and on civil society, such as those in Hungary and Poland, have also greatly weakened the EU's transformative power and leverage vis-à-vis candidate countries. Those same countries, plus Austria, are not averse to issuing statements in support of the same ruling parties that have been singled out in the Commission's reports for undermining the rule of law and democratic reforms.⁷

The annual country reports

The Commission has, to its credit, tried to strengthen the enlargement narrative by streamlining the annual country reports and making them more user friendly. Certainly, this annual reporting exercise, which accompanies the yearly enlargement package, at least has the advantage of focusing the minds of most governments and providing additional pressure on them to deliver on reforms.

In presenting the 2016 Enlargement package earlier this month, the European Commission reaffirmed the continued commitment to the principle of 'fundamentals first', meaning the reforms that remain at the heart of the accession process, namely in the following areas:

- rule of law, including judicial reforms and tackling organised crime and corruption;
- fundamental rights, including freedom of expression, fighting discrimination, and the functioning of democratic institutions;
- public administration reform; and
- economic development and strengthening competitiveness.

The assessment methodology follows the parameters set out in the midterm strategy adopted in November 2015 (and endorsed by the Council the following month) to cover the remainder of the Commission's mandate (2019), aiming to ensure greater transparency in the assessment process and allowing countries to be more directly compared.⁸ The reports prepared for each country thus provide a very useful snapshot of the state of play in each of the reform areas.

Unfortunately, this annual cycle will now change. As stated in its Enlargement Strategy, the Commission intends to move the adoption of the annual Enlargement package from its traditional time slot in the autumn to a new slot in spring. This means that the next package will only appear in spring 2018. The reason given for this change is to "allow the Commission to harmonise its reporting period with the calendar year", as well as "to harmonise its package reporting cycle with the ERP cycle"⁹ (the Economic Reform Programme that each country is supposed to submit). While these reasons may be perfectly legitimate, the result is likely to be a reduction in the pressure facing the enlargement countries. It also gives the impression, true or false, that the EU's enlargement agenda is being further downgraded in its list of priorities.

⁷ Hungarian Foreign Minister Peter Szijjarto, who stated on November 14th that he expected citizens to support the VMRO-DPMNE (Macedonia's ruling party) in forthcoming Parliamentary elections on December 11th, while Austrian Foreign Minister Sebastian Kurz spoke at a VMRO-DPMNE election rally in Macedonia itself on November 27th.

⁸ See E. Fouéré, "The EU's Enlargement Strategy 2015: Will the 'new elements' make a difference?", CEPS Commentary, 26 November 2015.

⁹ Communication on EU Enlargement Policy, op. cit., p. 9.

Need for a more determined and creative approach

Even if the quality of the annual reports has improved, it is far from enough to achieve the desired objectives. There needs to be a much more forceful and determined approach in the follow-up and monitoring process after each report, particularly with those governments that manifestly do not take seriously the criticisms set out in the reports. The European Commission should speak out when those governments clearly violate their commitments to reform, be it in the area of media freedom or the independence of the judiciary. Its message should be loud and clear, and should not be confined to the annual reports. Pressure for reforms needs to be consistent and maintained throughout the year.

The EU should use all the tools at its disposal, such as cutting off EU development and pre-accession assistance, or suspending scheduled meetings, to make it clear to recalcitrant governments that being a candidate to join the EU entails responsibilities and obligations that must be respected.

The EU should use all the tools at its disposal, such as cutting off EU development and pre-accession assistance, or suspending scheduled meetings, to make it clear to recalcitrant governments that being an EU candidate country entails responsibilities and obligations that must be respected.

There should also be more systematic support for civil society organisations to enhance the element of accountability from the governments concerned. This is all the more important when political crises occur that require the EU to facilitate political dialogue between the political parties. Failure to include civil society will only perpetuate the crises and further deepen mistrust between government and society at large. Similarly, governments should be held accountable if they fail to properly consult with civil society in policy and decision making; this should be a specific condition of the accession process.

A more creative and determined approach from the EU would help to make the enlargement process more meaningful and tangible for the countries concerned, and more relevant for citizens.