

THE EU'S ENLARGEMENT FIFTEEN YEARS AGO AND NOW: DECLINING CREDIBILITY AND POSITIVE DYNAMICS?

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Introduction

I would like to start by congratulating the Department of European Studies of Sofia University with its twentieth anniversary and its contribution to the development of European studies in Bulgaria and even more so to the development of a European Bulgaria. Professor Shikova, its founder and driving force, has been involved with Bulgaria's bid to join the EU from its very beginning and has helped many of us understand the process better and launch research into European Union policies and institutions. This is a great moment to thank her in person and acknowledge her great contribution.

Remembering the early years of the department of European studies brings me also back to the period when Bulgaria was negotiating its Association agreement with the EU and a couple of years later, applied for full membership. Many scholars and commentators have argued that Bulgaria's accession to the EU, after six years of preparation and eight years of negotiations was still premature, that Bulgaria was accepted because of its geopolitical contribution to NATO actions in Kosovo, but was not 'objectively ready' for being an EU member state. I disagree with this view.

Bulgaria had visionary leaders and hardworking experts that bridged the gap opened by economic crisis and political mismanagement in the mid-1990s. Following Bulgaria's application for EU membership in 1995, the opinion of the Commission regarding its readiness in 1997 was not favourable. Bulgaria was left 'in the waiting room' with Slovakia, Latvia, Lithuania and Romania, all deemed not ready to start negotiations. An important, if forgotten detail was that Bulgaria was seen as fully compliant with the EU's political criterion on democracy, but its economy, for example, was not rec-

ognized as a market economy capable of withstanding competitive pressures in the Union (European Parliament briefing No 6).

Yet, only a year later the Kostov government replaced the failed Videnov cabinet that had left Bulgaria in the grip of hyperinflation in 1997, they managed to re-start the economy, tame domestic inflation and return some of the confidence of the political leaders of the EU. The achievement not only of then prime minister Kostov, but of his team, first chief negotiator Alexander Bozhkov, later negotiator Vladimir Kissiov former foreign minister Nadezhda Mihailova, chief expert Juliana Nikolova and many others was not only to stabilize the economy, but to convince the EU that Bulgaria's new government was capable of making up for lost time. Bulgaria's Accession partnership was adopted in 1998 and updated in 1999. After the Helsinki summit of the European Council, Bulgaria was invited to start negotiations (Helsinki European Council Presidency Conclusions 1999).

It would be easy, but profoundly wrong to underestimate these achievements. Political support for Bulgaria's candidacy after Bulgaria's crucial assistance for NATO actions in Kosovo and Serbia had a lot to do with the start of negotiations, but the policy work, the adaptation work was done by negotiators and political leaders and civil servants and it was huge. Bulgarian experts and officials worked very hard to understand and achieve the best negotiation outcomes possible, to push reforms that would benefit the country and define transitional periods that were unavoidable and limit potential negative consequences.

Why bring back the early years of Bulgaria's negotiations when we have recently experienced many interesting developments in the European Union in general and in enlargement policy in particular? The answer is that understanding the processes that unfolded during the enlargement of the EU to the East and the responses to these processes by elites and citizens in Europe is crucial if we are to understand enlargement today and form some expectations about its policy dynamics.

This paper will argue that the success and failure of the EU's Eastern enlargement has, in parallel with increasing politicization of European integration in general in the EU, created constraints for enlargement today. The reforms and political mobilisation that have been a crucial component of enlargement processes in the late 1990s and early 2000s, might therefore be compromised. To explain why this is the case, the paper will define enlargement and the features that will be discussed here, then discuss our theo-

retical understanding of the dynamics underlying reform. Subsequently, the findings of recent research on enlargement will be summarized to illustrate the effects of the Eastern enlargement. Last but not least, the key argument will be presented building on these findings.

Defining enlargement

The starting point for developing the arguments in this paper is the assumption that enlargement, accession to the EU, is most valuable as a vehicle for reform and modernization. Signing a treaty of accession, the formal act, is not the crucial step for society, even if it changes profoundly a country's position in the international stage. It is the reforms and modernization efforts that a country's government and its citizens engage in when preparing accession that bring them forward.

There are other views of accession to the EU and its contribution to a country's well-being: economic growth based on foreign direct investment and structural funds, or free movement of people, or security and international recognition. Some even see joining the EU as a healing for past conflicts, from Ireland and Northern Ireland to Bosnia and Herzegovina. The difficulties which the Irish border presents for Brexit show that the effect of the EU for peace is significant. These aspects of accession are all important, but in this paper, the emphasis will be on the so-called transformational effects of accession: the rapid steps in policy development in terms of co-ordination, reporting and new tools, regulation, public administration and institutional reform.

Taking a broader view, it should not be forgotten that the EU has had many enlargements and they have all exerted a profound effect. What I refer to here is the current process of enlargement and the effects of the last – sometimes called 'Eastern' or 'big bang' enlargement which took place in 2004-2007. For simplicity we can count Croatia, joining in 2013, as part of it.

Enlargement is nowadays about the candidates and potential candidates, the Western Balkans and of course, the notoriously problematic candidate, Turkey, which will be disregarded here as its government's actions have placed it outside the realistic scope of the process. Therefore, when this paper discusses enlargement, it means the most recent enlargement but also future enlargements, which are negotiated with the same, if upgraded, EU strategy and approach. Most importantly, as the following sections to show, not only are the Eastern and current enlargement following the same meth-

odology. In terms of European Union dynamics, the fate of enlargement now is inextricably linked to the effects of the previous enlargement. These effects will be briefly discussed in the following section.

EU integration capacity and enlargement

Many questions arise when thinking of enlargement, some of which have been answered by research in recent years: How did enlargement achieve reforms across multiple policy areas? What were the effects of the EU's 'big bang' 2004-2007 enlargement? Will the EU be ready for enlargement ever again? If not, what follows?

Scholars researching the process and its effect have tried to address these questions by using the broad concept of integration capacity.⁷

Integration capacity is the capacity of the EU to enlarge while preserving the gains of integration in the past. The concept was introduced by the European Commission in the wake of the EU's 2004-2007 enlargement. Integration capacity can be, somewhat arbitrarily, divided between two aspects viewed from the EU perspective: external and internal integration capacity.⁸

Internal integration capacity encompasses the EU's own decision-making and institutions, policy measures and their transposition and implementation, political consensus inside the EU between member state governments and more recently, public opinion.

External EU integration capacity is about the candidates, it is in a way, the ability of the EU to 'make member states. It reflects on the capacity of a candidate country to integrate in the EU and of the EU to absorb it. It includes aspects such as economic and political integration before accession, effects of conditionality on reform, candidate states governments and citizens.

Next to these two aspects of integration capacity, security and geopolitics play an important role in influencing the dynamics of enlargement, one which will not be discussed in this paper but is important to acknowledge.

⁷ Recently, this was done in the Maxcap project (<http://userpage.fu-berlin.de/kfgeu/maxcap/publications/working-papers.html>). Next to the working papers, key findings have been published in the special issue of European Public Policy edited by Börzel, Dimitrova and Schimmelfennig (2017), among others.

⁸ The following parts draw on the concepts, approach and findings of Börzel et al (2017).

The effects of the EU's Eastern enlargement and future integration capacity

What can we say about internal and external integration capacity about the past enlargement, after more than a decade of scholarship and assessment of its effects?

Internally, accession was absorbed by the EU institutions successfully. Decision-making has not slowed down the EU's legislative output is the same or bigger after enlargement, as analyses has shown (Toshkov 2017). Implementation of EU measures in CEE states has also been much better than expected in terms of both transposition and implementation proper, as shown in the analysis by Zhelyazkova et al.(2017). Last but not least, differentiation has not occurred as a result of enlargement (Winzen and Schimmelfennig 2016).

In terms of external integration capacity, the ability of the EU to induce reforms in candidate states, the EU has applied conditionality extensively (Dimitrova 2011) supported progress in economic development (Bruszt and Langbein 2017), promoted better governance (Börzel and Schimmelfennig 2017) and ensured adoption of the *acquis* (Börzel and Sedelmeier 2017, Toshkov 2008).

The effects of economic integration have been positive and considerable for the 2004-2007 group. This was partly due to huge gains in Foreign Direct Investment in anticipation of enlargement and also due to direct assistance programmes that totaled about 28 billion euro for 1990-2005 (comparable to the 100 billion 2004 USD Marshall plan for Western Europe, as discussed in Bruszt and Langbein 2017).

It must be noted, however, that the EU never aimed at designing a positive developmental programme for CEE states. The measures and assistance programmes came piecemeal, as part of the negotiations and aimed to avoid large scale economic collapse and participate in the common market. The promise of membership in itself appeared to lead to a dramatic increase of economic ties and foreign direct investment.

Similarly, in terms of political reforms and governance, the EU has been successful in promoting political reforms only when membership has been on the cards (Börzel and Schimmelfennig 2017). Serious improvements in democratic institutions and administrative capacity were registered in the late 1990s and early 2000, before accession (Levitz and Pop-Eleches 2010).

The most important feature of the previous enlargement, therefore, was a particular dynamic, a virtuous circle for reform which involved pressure

from below, from citizens and voters looking for improvement in economic, political and administrative terms, and pressure from the EU via the Commission, to reform: public administration laws, speed of court cases, nuclear safety, clean air, these were all mentioned and dealt with during negotiations. They are now on the agenda in Serbia and Montenegro, maybe soon in North Macedonia and potentially the task of all candidates.

The public opinion perception gap

By and large, the EU and the candidate states and their governments achieved a tremendous feat with Eastern enlargement. However, the knowledge of what has been achieved in concrete terms for society or policy is limited, often to circles of policy makers and Europeanists. Communication from elites to citizens on the last enlargement has been weak (Dimitrova and Kortenska 2017). Citizens have not been taken on board in communicating the effects of promises of negotiations, the changes and contributions by the EU.

Even more problematically, more recently citizens have been exposed to false arguments and misleading information about policies and their effects and societal changes coming from the EU as opposed to own government, other international actors or globalization trends. For example, the EU has acquis on gender equality but also on non-discrimination of workers, yet the EU institutions do not organize or promote gay parades. Other, non-governmental organizations do, that sometimes they are based in Europe, but they express global trends which some other actors in Bulgaria and abroad also oppose. All these processes of global diffusion of norms and their contestation are accelerated by the information revolution we have undergone, by the rise of social media. They are not direct products of the accession of Bulgaria to the EU, nor are they all empowered by EU institutions where different opinion and discourses exist as well.

Problems with public opinion and politicization of European integration debates lead to problems with both internal and external integration capacity at present.

Enlargement is, unfortunately, one of the least supported public policies of the EU. Public opinion support for future accession in the EU15 has been below 50%, the support for future accession becoming even lower if one mentions Turkey. When looking at citizen perceptions and discourses in the older member states, they contain an element of surprise, with some respondents stating that they are not informed and not consulted on enlargement.

Citizen perceptions in newer member states such as Poland and Bulgaria, are more positive, but there are also in these member states expectations which have not been fulfilled, especially in the villages, hopes that enlargement would bring better governance. Citizens of current member states feel the current candidates are far from ready which why the EU and the member states, the Netherlands in the lead, push for even stricter conditionality (Dimitrova and Kortenska 2017).

The problem with this combination of ignorance and absence of political arguments in favour of enlargement is that that external integration capacity – the ability of the EU to promote reforms in candidate states – cannot be increased without increasing internal integration capacity – the ability of the EU to absorb new members. This is mostly because of credibility. The credibility of conditionality is a crucial variable affecting its effectiveness (Steunenberg and Dimitrova 2007).

To elaborate, as the EU negotiates, it uses conditionality which in enlargement is a principle that trades reforms in the candidates for progress. Nowadays the reforms required are not only about the *acquis*, but about the EU calls the fundamentals: economic reform and economic governance, judicial reforms, democratic principles. Conditionality as a tool is getting an ever-larger role in enlargement negotiations in terms of volume, depth and complexity (Dimitrova 2011), yet credibility is decreasing.

The success of EU enlargement as a driver for reform in the Eastern enlargement has been due to the fact that domestic elites have responded to conditionality in the past. They have taken reform steps because they have found the benefits of joining the EU have outweighed the (political or reputational) costs they incurred (Schimmelfennig and Sedelmeier 2005).

Elite perceptions or cost benefit calculations may have changed and evolved with time and with a different international, European and global geopolitical and ideational environment. At the time when they emerged from communism, elites in post-communist states were not particularly pro-European, despite some notable and worthy exceptions. Many of the politicians that contributed to the reforms and adaptations needed for enlargement negotiations to progress were not even very democratic. Former Romanian president Ion Iliescu, Czech President Vaclav Klaus come to mind as examples, the one a former communist authoritarian, the other a market libertarian. There were more corrupt leaders than those dedicated to the welfare of their people, again with some very important exceptions. And then there were the oligarchs, groups arising from links to political elites

involved in the semi criminal networks that emerged from privatization (Ganev 2007). And a generation later, there are still leaders like the Czech republic's current prime minister Andrei Babis, currently the object of mass protests for appropriating EU funds and manipulating the judicial system to avoid sanction.

Such elites, today, may not have much interest in complying with the upgraded and increased EU conditionality that would limit their room for manoeuvre.⁹

In the recent years we have seen reversals in the commitment to rule of law, transparency and representation and parliamentary scrutiny: core principles the erosion of which resonates with the rise of authoritarianism, oligarchic government and populism across the EU.¹⁰ For Bulgaria, signs of problems with rule of law persisted after joining the EU with Romania in 2007. A few years later, to everyone's bemusement, first Hungary and then Poland succumbed to what is nowadays termed democratic backsliding (Cianetti et al 2018). Governments in power in both countries have been adopting one authoritarian measure after another. The state and its government have been shrinking the space in which citizens can express opinions, enjoy protection from state action and develop identities different than the government prescribed patriotic or conservative image (Dimitrova 2018). The Czech Republic, in turn, is led by a government at the head of which is possibly the richest man in the country, embedded in numerous political and business networks and blatantly expressing disdain for the Czech parliamentary system, democratic institutions or judiciary (Hanley and Vachudova 2018). Slovakia, while recently advertised as the new hope of Central Europe because of the election of an anti-corruption president, has been embroiled in grand corruption schemes apparently so lucrative as to attract the attention of the Sicilian mafia, the knowledge of whose involvement was paid for with the life of journalist Kuciak and his girlfriend. The dubious honour of having the lowest turnout in two consecutive European parliament elections is also a sign of what Bela Greskovits (2015) calls hollowing of democracy.

⁹ See the example of Ukraine, in Dimitrova and Dragneva (2009) or for the Balkans Wunsch (2018).

¹⁰ It is a question of further debate whether Bulgarian citizens can or should blame these problems on the EU or on enlargement.

Thus, while societies are still not sufficiently mobilised to defend democracy,¹¹ Central and Eastern European governing elites exhibit preferences for combining rent seeking with stifling political pluralism that go way beyond post accession hooliganism (Ganev 2013). They also represent a negative example for leaders of candidate state countries.

Not surprisingly, the chorus of politicians and pundits in EU circles that have been claiming that the EU admitted Bulgaria and Romania too early has been joined by those who condemn current Polish and Hungarian leadership as the destroyers of the EU and suggest splitting the EU into a core and periphery to avoid the spread of ‘sovereignism’ (Fabbrini 2019) promoted – falsely – by some central European governments as the true voice of the CEE member states.

Low credibility and negative reform dynamics in the current enlargement

When we look at this state of debate and mistrust in the EU across East and West (and during the Eurocrisis it was across North and South), we have to conclude that while similar or even more far reaching reforms are being sought by the EU in the Western Balkans, trust in the process is much lower than before. This is due to both elites and citizens: in the older member states elites appear to be disappointed or mistrustful in politics in Central and Eastern European member states and by extension in candidate countries, while citizens in the EU have been uninformed and therefore, not persuaded that enlargement was necessary or positive for them. In addition, some negative effects of freedom of movement for displacement of low-skilled jobs in the EU’s richer member states are becoming evident with time and presenting real difficulties for the public and politics in the older member states (Van Vliet at al 2012).

Therefore, we have to ask whether the promise by the EU of EU membership is still credible for the current enlargement states. Its decreasing credibility destroys the virtuous circle of reforms- for enlargement and may be turning enlargement into a policy with limited usefulness in the Balkans. At the same time, the EU has not changed its approach but increased the specificity of conditions and benchmarks to be attained. Nowadays, candidates from the Western Balkans, for example Montenegro and Serbia as the

¹¹ Despite some hopeful signs, as I argue in Dimitrova (2018).

most advanced ones, have an even longer list of reforms and benchmarks for their implementation than CEE states did.

The lack of credibility of enlargement today is not due to the institutional or policy features of the process (and not due to insufficient conditionality) but due to the *scepticism* of the Western elites and even more their citizens, who have been hardly informed or persuaded about the value of enlargement. The EU member states publics are alert to the effects of freedom of movement and the issue of enlargement is highly politicized. Politicians in the West of Europe find themselves unable to address this gap as they are afraid to be swept away by populists and nationalists for whom migration from the East has been the cause of many problems at home.

Politicians from the East of the EU have not come to grips with the mistrust and underestimation that greeted them as new members. Slovaks still complain they are treated as second rate Europeans (Dimitrova 2018), while Poland and Hungary's current governments have united with Italian populists to present a threat for the EU's liberal values and rule of law. Bulgaria and Romania are seen as the external laggards, even when certain things go well, little credit is given for flexibility or support because of the countries reputation as corrupt and unwilling to address rule of law problems (Judicial reform assessment 2018; Spendzharova and Vachudova 2012).

Politicians from candidate states and especially rent seeking elites – know now what rent seeking elites did not know back in the mid-1990s, that they cannot appropriate EU funds without problems and without investigation. Those interested in fraud know the EU does audit its projects, even if the results and the realisation what needs to be done often come late. The proposed Commission regulation linking structural funds with rule of law is another sign that basic principles of rule of law will be defended or else the EU will split and abandon its eastern members to a world of their own.

Taken together, the gap between public opinion East and West and citizen perceptions of what enlargement is about create a negative dynamic, that prevents a virtuous circle of reform candidate states and promotes a different dynamic, one that favours decoupling of formal statements and informal actions and institutions.

Elites in candidate states have learned how to pay lip service to democracy and peace while at the same time buying off newspapers and making sure pluralism of opinion or independent judges do not threaten their political dominance (Richter and Wunsch 2019).

These elites are not constrained in their erosion of democratic practices, as they do not see a credible accession promise. Instead they are confronted with the increasingly clear stance of EU member state governments such as France and the Netherlands who are not prepared to go further with enlargement (Wunsch 2017). This is something which political leaders in the Balkans begin to realize and which makes them not care very much about reforms.

In the words of former Commission director for the Balkans Pierre Mirrel (2018):

‘...a share of the political class is more concerned by power and its short-term gains, which is not precipitating reform and leaves some regions in dire circumstances, in slow transition, which limits investments and benefits corruption as well as organized crime; very high unemployment, which is forcing young people to leave, whilst a drastic decline in the population is possible...’

When we look at key reform dynamics in the region, on both sides they are reminiscent of the old joke about how one works under communism: they pretend to pay me and I pretend to work.¹² Elites in candidate states pretend to be committed to reform for rule of law, democracy and transparency, pluralism and human rights. The EU pretends to believe them and to move towards their enlargement after reforms are complete.

What can be done in the face of such negative dynamics?

The answer is not only more extensive conditionality and monitoring, definitely not on their own. Promising enlargement when the EU cannot deliver is a bad gamble. Substituting with funding, connectivity and development support is already happening, but it is not yet clear whether funding or policy measures are sufficient to break the stagnation in the region (Dimitrova and Kortenska 2016, Mirrel 2018).

As *Euronews* reported, young students in North Macedonia asked the EU to remember that the prospect of European integration can bring reforms in their country:

The only engine, the only transformative power, the only glue of societies is the European idea in the Balkans. You take that off, and you create a turmoil and, I would say, a very unpredictable situation for the region, which would be a loss for Europe itself, but also for the region.

¹² We should not take this literally: enough money goes to the new set of projects in WB. But without good governance, development never quite works, as we know from other parts of the world.

This is a responsibility the EU leaders and governments may not be able or willing to shoulder at present. The opening of enlargement negotiations with more countries is currently seen in many circles in the member state capitals as a politically suicide, especially in France and the Netherlands. Therefore, waiting for the next steps in the negotiations to provide recognition for reform steps in the Balkans or the next impulse for reform may be the wrong thing to do, despite good reasons to expect such recognition for the bold actions of some regional leaders.¹³

We already know that what made enlargement work for reform is the combination of EU pressure and assistance with pressure from below. Active citizens and experts can push successive governments in a reform direction, both by voting (Vachudova 2005) and by making active use of *acquis* already adopted to promote good governance practices (Dimitrova and Buzogany 2014). This can only happen, however, if elites and citizens do not adopt a clientelist attitude, expecting that the EU should do something for them in a way that does not involve their own efforts. In this respect there is no difference between countries involved in the EU's previous enlargements and the candidate states in the Western Balkans: where there are active citizens, there is progress.

In conclusion

In the beginning of this paper, I suggested that joining the EU is valuable above all as a vehicle for reform and modernization. The arguments above aim to make it clear that as reform and modernization enlargement can only be completed with the efforts of large parts of society and with an energy that comes from societies in the Balkans themselves and not from outside.

This is true now more than ever, in the candidate states, but it also applies to Bulgaria and Romania, to the Czech Republic and Hungary. Democracy theorists have argued democracies need to be maintained by the people, in constant negotiation, to be viable generation after generation. The same is true of rule of law or equal rights, achievements that are linked to the unfulfilled promise of a number of member and candidate states of the EU at the moment. Only with broad societal efforts can the EU's member states

¹³ The bold steps taken by the leaders of Greece and North Macedonia in recognizing the latter under this name have met much political resistance and cost both leaders some political capital, yet have been indispensable for further progress of North Macedonia in regional integration.

from Central and Eastern Europe – and the current candidate states – become member states like the ones they aspired to be: prosperous but not oligarchic, democratic, but not populist, developing, but mindful of the huge challenge to preserve nature and environment, a place where young people would like to stay and start new things. None of these things can be provided by European institutions, but being in the European Union makes it easier to achieve them.

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