



ლევან მიქელაძის სახელობის ფონდი
THE LEVAN MIKELADZE FOUNDATION

TOWARDS UNLOCKING GEORGIA'S EUROPEAN PERSPECTIVE



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• Visegrad Fund
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TOWARDS
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PERSPECTIVE

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Official relations between Georgia and the European Union began as early as the 1990s with the signing of the Partnership and Cooperation Agreement. Ever since, the relationship has developed steadily: the process of integrating Georgia into the internal institutions of the European Union has intensified and, as a result of the signing of the Association Agreement and the Agreement on the Deep and Comprehensive Free Trade Area in 2014, the prospects of Euro-integration are becoming ever more realistic. The inclusion of Georgia in the Visa-liberalisation programme allowing its citizens to freely access the Schengen Zone since March 2017 is a tangible case of progress in this regard. However, unlike NATO, the European Union has yet to promise Georgia full membership.

The Russian factor remains the most significant obstacle for Georgia in terms of European integration. Among other tools, Russia employs strong anti-western propaganda, attempting to discredit the path of European integration chosen by the Georgian people. Despite this, the historically rooted feeling among Georgian people of belonging to European civilization naturally reinforces the European choice and integration into the European Union, as in the main institutional construct of Europe, remains the uncontested political priority. Recently, there has been an increase in the population of expectations corresponding to this priority. That is why the issue of institutional integration into the European Union is firmly established in public discourse, which, in turn, has an impact on public policy: European integration is outlined as a clear goal both in the resolution of the Parliament of Georgia¹ and the manifesto of the current government.² The process has, in fact, become mandatory, as European integration is warranted by the Constitution of Georgia. The new edition of the Constitution³ obliges each body of the government to ensure it ‘by all means necessary’.

It is rather obvious that European integration can only take place once there is internal readiness on behalf of Georgia both in terms of economy and institutions. However, the willingness of the European Union to include Georgia in the ‘club’ is undoubtedly more significant. It may seem like a simple formula to solve, yet it will be difficult to make this process happen in the foreseeable future. In order for a state of mutual readiness to mature, a whole range of political and economic conditions must be created. Although, the question immediately arises: when the parties are not ready for Georgia’s membership in the European Union, is it possible to at least consider the prospects for membership, albeit in a distant future? This does not require such a high level of readiness on both sides, does it?

In order to answer that question, it is important to consider the experiences of the countries that have undergone the process of Euro-integration in recent years. Despite the fact that the context in each individual case differs from that of Georgia, it is extremely interesting to study their journey. On the example of different countries, this traversed path contains many common features. At the same time, there are also unique circumstances that ultimately led to the desired result. As a result of familiarization with this experience, one can learn a lot of useful information for Georgia on the development of an effective strategy and tactics in order to effectively influence the “opening of a European perspective”.

1. [http://www.parliament.ge/ge/ajax/downloadFile/53453/;](http://www.parliament.ge/ge/ajax/downloadFile/53453/)

2. [http://gov.ge/files/68_67099_111823_2018-2020.pdf;](http://gov.ge/files/68_67099_111823_2018-2020.pdf)

3. <https://matsne.gov.ge/en/document/view/30346?publication=35;>

To this end, the Levan Mikeladze Foundation, with the financial support of the International Visegrad Fund and Open Society Foundation, and in partnership with The Friedrich Ebert Foundation, conducted the project – ‘Towards Unlocking Georgia’s EU perspective’. Within, the experiences of the Visegrad nations, along with Serbia and Montenegro representing the western Balkan region, were examined. Moreover, experts from the aforementioned countries were invited to Georgia to participate in research for the project. The findings of the study were deliberated during three discussion meetings which included representatives of civil society, the Parliament and Government of Georgia, as well as diplomats and NGOs. The results of the discussions were used in the policy document published in this collection of papers. The collection also contains the analysis of the Euro-integration trajectories of the Visegrad Four - Slovakia, the Czech Republic, Poland and Hungary, as well as Serbia and Montenegro, made by experts invited from these countries.

Archil Gegeshidze

THE EUROPEAN PERSPECTIVES OF GEORGIA: HOW TO BRING CLOSER THE FUTURE

POLICY DOCUMENT



Archil Gegeshidze
The Levan Mikeladze Foundation

Ambassador Archil Gegeshidze currently serves as an Executive Director of the Levan Mikeladze Foundation. His primary responsibilities are related to the oversight of projects for the study of the rapprochement of Georgia with the European Union and raising the level of awareness of vulnerable social groups.

In 2013-2016 A. Gegeshidze served in the United States as ambassador extraordinary and plenipotentiary of Georgia. Prior to his appointment as ambassador, he worked for many years in an academic environment. He was a senior fellow at the Georgian Foundation for Strategic and International Studies. For more than 10 years of work in this organization, Dr. Gegeshidze conducted research to deepen Georgia's cooperation with the European Union, promote the Georgian-Abkhaz and Georgian-Ossetian dialogue, strengthen regional security and improve the competitiveness of the transit corridor running through Georgia. Dr. Gegeshidze also lectured on globalization and development and provided training in policy analysis for young professionals and future leaders.

Before joining GFSIS, Dr. Gegeshidze spent an academic year at Stanford University as a Fulbright Visiting Scholar. Dr. Gegeshidze worked for the Georgian government from 1992-2000 where he served as an Assistant to the Head of State on National Security and a Chief Foreign Policy Advisor to the President.

GEORGIA

Archil Gegeshidze

This document focuses on assessing the feasibility of granting Georgia European Union (EU) membership perspective and discusses both contributing and impeding factors that influence this matter now or have the potential to do so in the future. Some arguments proposed in the analysis are supported by analogies and facts from the experience of the Visegrad Four countries, as well as Serbia and Montenegro, presented in papers specially written for this collection. The papers were authored by experts from the aforementioned countries.

The ambition for EU membership: from wish to objective

The beginning of relations between independent Georgia and European institutions was marked by the adoption of the so called TRACECA Declaration by ministers of trade and transport of the South Caucasus and Central Asia, together with officials from the European Communities, in May 1993, in Brussels. The declaration entailed the development of a trans-regional transport corridor. It should be noted that Georgia itself acted as the initiator of the development of the transit potential of the post-Soviet states, also signing the declaration. It required substantial diplomatic energy to convince the European partners, along with some reluctant regional actors, to begin close cooperation in the field. At the time, the EU did not officially exist, until the Maastricht Treaty was put into effect several months later, in November.

In 1996, the Partnership and Cooperation Agreement (PCA) was signed between Georgia and the newly established EU. Entering into force in 1999, the PCA established a framework of legal and institutional cooperation. Within it, mutual objectives were defined, along with the initiation of a political dialogue on sectoral cooperation. This came at a time when the country was ready to make a strategic choice and to take its first humble steps towards the West. However, the PCA mainly focused on supporting Georgia during the transitional period of post-Soviet transformation and therefore did not aim at something more ambitious. In general, prior to 2004, the relationship between Georgia and the EU resembled that of a donor and a recipient. In fact, the EU had already provided 450 million Euro-worth of assistance to Georgia by this year, making it the largest donor alongside the United States of America.¹

However, even in 2002, when Georgia had only recently made the strategic choice of Western orientation (officially voicing the intention of joining the Alliance during the NATO summit in Prague), public opinion regarding full membership of the EU had already been formulated. Nevertheless, everyone understood that it was a long-term process and thus Georgian diplomacy did not focus too much on accelerating developments.

In 2004, Georgia received an invitation to participate in the European Neighbourhood Policy (ENP), which was largely a result of the 'Rose Revolution'. Furthermore, despite the fact that the main

1. A. Gegeshidze, "The role of the EU in the process of normalising Georgian-Russian relations", Expert opinion, Georgian Foundation for Strategic and International Studies, March 2007, p.14;

priority of the new government in terms of foreign policy was to acquire NATO membership, institutional integration into the EU was also a clear objective on the agenda. An Office of the State Minister for European and Euro-Atlantic Integration was set up, responsible for inter-agency coordination on developing cooperation with the EU (and NATO). Simultaneously, bold statements were made by high-ranking Georgian officials. For example, then-president Mikheil Saakashvili directly proclaimed that Georgia would gain full membership of the EU during the next presidential term (2009-2013).² Additionally, all government institutions began flying the European Flag. It should be noted that during the process of developing the ENP Action Plan, Georgia insisted that the perspective of full membership be included in the preamble of the document. Even though this attempt was futile, full EU membership, unlike in previous times, was no longer a wish but rather a clearly outlined ambition. Such an ambition was supported by the increased pro-European sentiments among the Georgian public. The ENP intended to transform Georgia in terms of political, legal, and administrative frameworks to reach European standards. However, there was no provision of potential membership, a fact which was not met positively in Tbilisi. The EU officials in Brussels were also unhappy with the choice of Georgia to adopt the so-called Singapore model for development based mostly on the new government's libertarian vision. Therefore, there were often clashes between Georgian policies and the reform agenda within the ENP Action Plan.³ This ultimately resulted in Georgia lagging behind Ukraine and Moldova in terms of depth and pace of reforms. As a result, Georgia appeared faint on the EU's radar.

The 2008 war with Russia substantially changed the dynamics between Georgia and the EU. The EU realised that its passive geopolitical stance in the post-Soviet area, coupled with its ineffective normative policies, placed smaller Eastern European nations under threat of being left alone with Russia, jeopardising the very interests of the Union itself. It became apparent that the ENP was no longer enough and that it was necessary to establish a deeper format of cooperation with these states. In addition, in order to stimulate partners, it became necessary to actually use the principle of "differentiation", which was almost non-existent within the framework of ENP at the time. So, the Eastern Partnership initiative (EaP) was born. The EaP began in May 2009 to encompass the six post-Soviet states of Eastern Europe, including Georgia. The 2008 war also helped Georgia to reassess its policies. In fact, Georgia curbed its ambitions to integrate into NATO (as promised during the Bucharest Summit) and started to focus more on deepening relations with the EU. Therefore, the 'NATO first' policy had to be abandoned in favour of a more balanced policy of developing deeper cooperation with the EU. A more favourable context was created to further develop ties with the EU in terms of the free trade area, visa-liberalisation and political association.

Despite the successful reforms undertaken in Georgia, certain countries have become outsiders within the EaP framework. These states have not been able to develop deeper ties with the EU due to geopolitical circumstances, divergent priorities in terms of foreign policy formulation or lack of political will. As a result, only three EaP states (Georgia, Ukraine and Moldova) managed to successfully negotiate and sign the Association Agreement (AA), which entails the creation of a Deep and Comprehensive Free Trade Area (DCFTA). These states were chosen according to the principle of 'differentiation', better known within the EaP framework as the 'more for more' format. Both the

2. A. Gegeshidze, 'Georgia in the Wider Europe Context: Bridging Divergent Interpretations', CPC International Fellowship Program, Open Society Institute, 2006, p.10;

3. K. Gogolashvili, "The Georgian-EU relationship and future perspectives (policy document)", Georgian Foundation for Strategic and International Studies, 2017, p.11;

EaP and the AA belong to the ENP toolkit and, as such, are not meant to pave the way for partner countries towards EU membership. The greatest objective that can be achieved within this framework is the creation of a free trade area, along with political association. This is exactly why the full membership prospects for Georgia were again not included in the preamble of the AA. The only achievement in this regard is that Georgia was described in the document as an Eastern European country (not a state). As such a formulation is not in full accordance with the wording of Article 49⁴ of the Lisbon Treaty, two interpretations emerge. Some believe that there are more similarities between the formulations than differences and, therefore, this can be interpreted as a recognition of Georgia's membership prospects. Further, a recent assessment report by the European Parliament⁵ is referred to, wherein Article 49 of the Lisbon Treaty is mentioned alongside a positive evaluation of Georgia's performance. This is interpreted as a clear sign of approval of Georgia's membership aspirations from this institution. On the other hand, there are those who argue that the above-mentioned interpretation is a fallacy and therefore, Georgia has yet to receive such recognition. In both cases, we are dealing with an atmosphere of mass emotional excitement, fanning ambitions for EU membership among the political class and within Georgian society. An additional spark was the decision to grant visa-free travel to the Schengen Zone for citizens of Georgia from March 2017. The Prime Minister of Georgia,⁶ as well as the Minister of Foreign Affairs⁷ and other high-ranking officials, almost immediately made statements referring to Georgia's ambition for full membership in the EU. Moreover, as a result of a rare case of cooperation between rival political forces of the Parliament of Georgia, it was possible to introduce in the new edition of the Constitution the commitment of the authorities to make every effort to achieve this goal.

The Georgian establishment is not alone in its ambition for full-fledged membership, however. Society as a whole has been steadily supporting this process and current support for European integration stands at 80 percent of the population.⁸ This is a historically high number, not only for candidate states, but also for the entire Union. This has not gone unnoticed and therefore, here and there, the European politicians are also voicing their support.⁹

Such an outcry is of course a positive development, illustrating the importance of the issue for Georgia. This is especially important since during the last several years, Georgia has managed to outpace Ukraine and Moldova in terms of Europeanisation, becoming a clear frontrunner in the EaP region.

An illusion or reasonable expectation?

The opportunity for complex transformations within the framework of the Association Agreement is a great blessing for our generation as well as for those to come. In terms of the historical per-

4. Citation from Article 49 of the Lisbon Treaty: "Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union." ;

5. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2018-0457+0+DOC+PDF+V0//EN>;

6. Giorgi Kvirikashvili – "The ultimate goal of Georgia is to become a full member of the EU. So we start our day with a new agenda." Interpress news (IPN), 27th December 2017;

7. Mikheil Janelidze – "Georgia is a European state, we are a part of Europe", IPN, 5th May 2018;

8. <https://www.ndi.org/publications/result-june-2018-public-opinion-polls-georgia>;

9. Dimitris Avramopoulos – "Georgia is one of the most European nations and therefore deserves to be a part of our European family." IPN, 9th February 2018; Anders Fog Rasmussen – "It is our duty to make the Dreams of Tbilisi, Kiev and Chişinău come true", IPN, 26th March 2017;

spective, if implemented successfully, the agenda for reforms outlined by the AA provides us with a unique opportunity to bring Georgia closer to European standards.¹⁰ Georgia well understands this and is grateful. However, it remains unclear to Georgians as to why, in case of the successful implementation of reforms, even if it takes decades of hard work, Georgia, with all European standards met, cannot be offered EU membership. Moreover, according to all assessments,¹¹ the country is successfully going through a transitional phase of development, which is already reflected in well-known international rankings. As illustrated by the table below, even today Georgia has better scores than many of the candidate countries, and even some EU members, across several indicators and parameters. This circumstance inflates the aforementioned ambition and creates the feeling that Georgia rightly deserves the promise of EU membership, as it did the promise of NATO membership in 2008. This sentiment is then followed by disenchantment and bitterness, as the absence of such a promise is deemed unjust.

Georgian reforms according to international indices (2018)

Openness of society		
Index	Place (World)	European countries surpassed by Georgia
Rule of Law Index 2017-2018	38	Greece, Hungary, Bulgaria + all IPA* beneficiaries
Open Government Index 2018	29	Slovenia, Croatia, Greece, Bulgaria, Romania, Hungary + all IPA beneficiaries
World Press Freedom Index 2018	61	Hungary, Croatia, Greece + all IPA beneficiaries
Attractiveness of business environment		
Index	Place (World)	European countries surpassed by Georgia
Ease of Doing Business Index 2018	6	All EU member states (except for Denmark) + all IPA beneficiaries
Economic Freedom Index 2018	16	Netherlands, Lithuania, the Czech Republic, Germany, Finland, Latvia, Austria, Romania, Poland, + 12 other EU members and all IPA beneficiaries
Corruption Perception Index 2018	49	Malta, Italy, Slovakia, Croatia, Greece, Romania, Hungary, Bulgaria + all IPA beneficiaries
Crime Index 2018	5	All EU members + all IPA beneficiaries

* Instrument for Pre-Accession Assistance (IPA). The IPA beneficiaries currently consist of Albania, Bosnia and Herzegovina, Macedonia, Serbia, Montenegro, Kosovo and Turkey.

Recently, such feeling has been seen a number of times. The first instance came after the 2017 EaP summit when Georgia (along with Ukraine and Moldova) did not receive the much-anticipated reward in terms of its European perspective. The second instance concerned the statement of the Chancellor of Germany A. Merkel, made on the 24th of August 2018, in Tbilisi. Namely, the Chancellor reiterated some of the reasons why Georgia should not expect to receive “prompt and hasty promises from Europe”. Although, in the same statement, she did not rule out that in future the EU

10. It is expected, that if Georgia fully implements the Association Agreement, the legal code of Georgia will be harmonised with that of the EU to the degree of 70 percent (Statement of V. Makharoblishvili, Deputy Minister of Foreign Affairs, made at a discussion within the framework of the project “Towards Unlocking Georgia’s EU Perspective”. 26th March 2018);

11. For example, in the Global Strategy of the EU, adopted in 2016, Georgia is considered a successful case of a reforming state among participants of the Eastern Partnership. Shared Vision, Common Action: A Stronger Europe, A Global Strategy for the European Union’s Foreign and Security Policy, 2016, p.25;

might be ready to discuss the issue of Georgia’s (and Ukraine’s) membership, to which “we must come slowly and gradually”.¹² The optimistic interpretation of this message suggests that Georgia received a “promise of a promise” in terms of the process of EU membership. To determine the validity of such optimism, a comprehensive study much be made, whose scale and methodology go beyond the format of this paper. Nevertheless, the next sub-chapter will focus on the main factors that influence (or can potentially influence) the European elites to include the issue of Georgia’s (as well as Ukraine’s and Moldova’s) EU membership on their agenda.

In the meantime, it is necessary to give a correct interpretation of the above table in order to avoid creating a misconception regarding Georgia’s readiness for EU membership. On the one hand, the information provided in the table allows us to make important observations regarding the state of affairs in Georgia in terms of the rule of law, doing business, levels of corruption, etc. The information also indirectly illustrates that the Government of Georgia continues to adhere to commitments and declared goals, and, with public support, conducts the appropriate reforms. However, the presented information is incomplete, as it is unable to show us the overall situation in the country and the region. This is mainly due to the fact that there are other indices that measure sustainable development in such significant aspects as economic prosperity, competitiveness, healthcare and education, etc. In these terms, Georgia lags substantially behind EU member and candidate states. Sometimes the gap is significant, sometimes less so. In any case, the existence of this gap suggests that Georgia still has a long way to go in terms of Europeanisation, even when compared to those countries that score lower in specific indices.

What keeps us from the goal?

The readiness of the economy and institutions of the country are prerequisites for Georgia’s accession to the EU. Likewise, it is no less important that the EU to be willing to consider expansion into the post-Soviet area, namely Georgia, as a necessary step. Clearly, neither party is currently ready for such a development. However, despite the long journey that Georgia has ahead, and the disorderly state of the EU itself, the Georgian establishment believes that mutual readiness on the subject is attainable, albeit as a long-term goal. Therefore, both Georgian diplomacy and the think tank community are making every effort to initiate discussions regarding Georgia’s accession, while being well-aware of the fact that this may be a matter of the distant future, at a point when Georgia has managed to develop its economy and institutions in accordance with the ‘Copenhagen Criteria’ and the EU itself will have overcome all internal hurdles that inhibit progress on expansion. In such a case, the road to membership would be open.

Acceptance of such a scenario entails the giving of promises of membership. Yet, this is a step that the EU is still reluctant to take. The essence of the issue is that high-ranking EU officials, like Chancellor Merkel, are of the opinion that the promise of membership should be made only after the decision on EU enlargement towards a specific country or group of countries is in principle adopted. The abovementioned statement made by the Chancellor in Tbilisi suggested exactly this approach when she pointed out that the current enlargement agenda is focused on the Western Balkan region and that it is too early to start thinking about incorporating Georgia (or Ukraine) into

12. Angela Merkel: “We cannot offer you hastily constructed promises from Europe.” IPN, 24th August 2018;

the Union.¹³ So the topic remains open, as no one knows when the aforementioned process will begin, or whether it will begin at all. The fact that the wording “any European state” according to Article 49 of the Lisbon Agreement does not apply to Georgia (or Ukraine or Moldova) is due to the fact that the eastern borders of “Europe”, more precisely Europeanised Europe,¹⁴ are not clearly drawn on the mental maps of Western European politicians.¹⁵ They believe that it is too early to include Georgia (and Ukraine) in Europeanised Europe, and this has to be a “slow and gradual” process. Thus, after the Western Balkans, further eastern expansion is not currently being considered and, therefore, no promises are being made. Georgia is in a somewhat similar position in terms of NATO membership: the provision of the Membership Action Plan and an invitation to the Alliance are considered in one package and it has become impossible to separate the two policy concepts. The main obstacle in this case, however, is not the uncertainty of NATO’s potential borders, but Russia’s possible retaliation.

There are several reasons why eastward expansion is not on the EU’s current agenda. The following reasons can be considered the most significant:

Unfavorable geopolitical circumstances. With the coming to power of Vladimir Putin, Russia’s threat perception has changed: NATO is no longer the sole threat for retaining and enhancing Russia’s influence in the post-Soviet area. The integration model of the EU is becoming increasingly attractive for states in the region. In this regard, the models proposed by Russia (CIS, Eurasian Economic Union, etc.) do not act as the intended counterweights to the growth of the EU’s influence. Russia cannot come to terms with its waning influence as the centre of gravity in the region and applies hybrid warfare means to inhibit the undesirable tendency. And Moscow, whenever incapable of doing so, tends to resort to brute force. This was well-demonstrated in 2008 in Georgia, as well as in 2014 in the Donbas region of Ukraine, where violence continues to this day. Apart from the fact that this circumstance scares the EU, it also puts the Union before other challenges and, as a result, holds European politicians back from thinking about eastern enlargement. The Russian stance on the issue remains one of the main factors of the EU’s hesitance in terms of eastern expansion. However, unlike in the case of NATO, this is not the sole reason for that reluctance.

Enlargement fatigue. After the end of the Cold War and the collapse of the Soviet Union, the collective West, including European politicians, were engulfed in euphoric sentiments. The expectation of expanding the democratic space immediately arose, though the process itself began with some difficulty. First, European Agreements were signed with the central and eastern European states, which did not envisage their accession to what was then the European Communities. Later the partial membership (partielle Mitgliedschaft) concept was introduced, allowing limited access to the common market for the new members.¹⁶ However, against the background of a weakened and disoriented post-Soviet Russia, Europe soon became ready to fully integrate the former socialist countries of Eastern Europe. Moreover, the people of these countries, who had been living under the communist regime for decades, strove for this. Association Agreements were soon

13. Angela Merkel, Op.cit;

14. The term refers to that part of geographical Europe, which is based on social, political, institutional and volitional factors, that can be subject to the process of Europeanisation;

15. T. Zurabishvili, “Georgia’s Journey towards EU membership (Policy document)”, Georgian Reforms Association, 2017, p.4;

16. V. Bilcik, Presentation. Discussion session within the project “Towards Unlocking Georgia’s European Perspective”, 31st May 2018;

signed, giving way to political developments that continued throughout the 1990s and culminated in 2004 with the ‘big bang’ accession round of several eastern European states.¹⁷ Sweden, Finland and Austria had joined in 1995. Even Switzerland considered the option of accession in 1992 until a domestic referendum put paid to the plan. In the period following the conclusion of the Cold War, and before 2004, a strong pro-enlargement sentiment was prevalent in the EU and the aforementioned processes were shaped by this enthusiasm. The main source of this enthusiasm was Germany, and Chancellor Helmut Kohl in particular, as even with the considerable costs associated with the ‘digestion’ of the German Democratic Republic after unification, Germany actively supported the peoples of Eastern Europe in their aspirations to ‘return to the European core’. Germany was grateful for the support that it had received from these nations, especially Hungary, which helped numerous refugees from East Germany to cross the ‘Iron Curtain’ - it is widely accepted that this humanitarian act resulted in the demise of German communism, ultimately leading to the country’s re-unification.¹⁸

Talks about enlargement ‘fatigue’ began as far back as 2004, as many assumed that the European Union and its institutions would be unable to transform, within themselves, the former communist countries. The EU managed to retain some rigour in terms of enlargement, incorporating Bulgaria and Romania (2007) and later Croatia (2013), however, despite this, the enthusiasm with which Brussels viewed expansion policies throughout the 1990s has been all but lost. Even the announcement that came in 2018, which outlines the year 2025 as the possible date for Serbia and Montenegro’s accession,¹⁹ was met with some ambiguity among experts, as there are doubts regarding the ability of Serbia to ‘close certain chapters’²⁰ by addressing the issues of Kosovo and the rule of law. There is also the possibility that Montenegro will become hostage to this circumstance and have to wait for full membership a while longer.²¹ Recalling the statement of Chancellor Merkel in Tbilisi this summer, the main focus of enlargement policies is currently devoted to the Western Balkans and, other than the two aforementioned states, no other nation in the region is currently holding accession talks with the EU, despite having been promised full membership as far back as 2003. Therefore, we can assume that in even the most optimistic scenario, the process of integration of the entire region into the EU will take longer than a decade. Thus, we can deduce that the EU will not turn to Georgia (nor Ukraine or Moldova) for a fair time yet.

The decline of democracy in Central and Eastern Europe. Recent years have seen a degradation of democratic institutions in Hungary and Poland. And though these developments have yet to have any tangible impact upon the process of policy decision-making within the EU, the problem persists and politicians continue to express their concerns. The situation has evolved to a point where even sanctioning the aforementioned states is being considered. However, there is no consensus on this matter, as Bulgaria has openly expressed dissatisfaction with such an approach, vowing to veto any sanctions.²² Such a decline in democracy in Central and Eastern Europe prompts European

17. These included: the Czech Republic, Slovakia, Poland, Hungary, Slovenia, Lithuania, Latvia, Estonia, Malta and Cyprus;

18. G. Romsics, ‘Normativity, Persuasion and “Mending” History: Hungarian pre-accession perspectives on EU membership in the 1990s’, in: Towards Unlocking Georgia’s European Perspective, LMF, 2018, p. 40;

19. ‘A credible enlargement perspective and enhanced European engagement with the Western Balkans’, EU Commission Communication (2018) 65, 06.02.2018;

20. M. Bobic Presentation, ‘Serbia’s EU Integration Process’, in: Towards Unlocking Georgia’s European Perspective, 15 October, 2018;

21. M. Radulovic, ‘Montenegro in the Process of EU Integration’, in: Towards Unlocking Georgia’s European Perspective, LMF, 2018, p. 65;

22. ‘EU Ministers Struggle to Deal with Poland and Hungary’, EUobserver, 16 October, 2018;

politicians, especially the Euro-sceptics, to extrapolate and assume that becoming a member of the EU is not a guarantee of democratic consolidation. From the perspective of a country aspiring to become an EU member (including Georgia) this is a rather dangerous opinion, as such a reading of the current situation upsets the preapproved process which, with all of its tools, has been deemed successful so far. Serbia and Montenegro's case is also inviting doubts that the two countries will be able to complete the democratisation process and fulfil the Copenhagen Criteria to become part of "Europeanised Europe".²³ In Georgia's case, however, the general situation is worsened by yet another factor: among Georgia's neighbours, no country is a developed democracy with a European perspective. Accordingly, Georgia will have to rely on incredible efforts to gain the favour of the Europeans.

The vague future of the EU: The past decade has been characterised by unprecedented crises and political 'noise' for the EU. The 2009-2010 Euro-zone crisis still has a negative impact on trust among EU member states. The creditor states no longer trust the debtor states and vice versa. Furthermore, some member states are dissatisfied with the rise of power of Germany within the Union.²⁴

The 2015 'migrant crisis' was also met with ambiguity in the EU – this time the dissension focused on the topic of immigration and border policies. Some even suggested disbanding the 'Schengen Zone'. The real bone of contention was the numerical distribution of the refugees among the 'old' and the 'new' member states. This was mainly due to the fact that, along with the financial and humanitarian aspects, the security of said states also came under threat.

Brexit requires a separate discussion because, for the first time in the history of the European Union, it is about to shrink. In addition, with the departure of the UK, the Union will lose an active member which has always supported the idea of enlargement. It is also feared that without the UK as a strong and rich country, it will be more difficult for the Union to accept relatively poor countries in the future. Brexit also upsets the balance between the larger and smaller states within the EU, which may have unpredictable consequences.

Right wing populist political movements are also gaining ground in some EU member states²⁵ as they attempt to further polarise the public over the enlargement issue. This, in turn, alongside Brexit, continues to discourage the general public from supporting the European project.

The aforementioned challenges have resulted in the rise of distrust towards the governing elites and Euro-integration. Where there is no single European nation and claims of a lack of political accountability to voters increase against the European Union as a supranational ruling structure, a certain crisis of legitimacy occurs. This makes it even more difficult to reach a consensus at the EU level on high-priority issues.²⁶ It has come to the point that the Europeans are wondering whether they will be able to preserve the unity of the Union.²⁷

23. G. Romsics, Presentation. Discussion session within Project "Towards Unlocking Georgia's European Perspective", 24th July, 2018;

24. T. Raines, M. Goodwin, D. Cutts, 'The Future of Europe: Comparing Public and Elite Attitudes', Chatham House, 2017, p.6;

25. *ibid.* p.7;

26. *ibid.* p.8;

27. V. Bilcik, Presentation, *op.cit.*;

These circumstances demand an appropriate response in order to ensure that the 'decade of crises' does not damage the fundamental principles and institutions of the EU. Obviously, in such a situation, a far-sighted leadership is needed, which, given Brexit, should be assumed by Germany and France. Indeed, in the Meseberg Declaration²⁸ adopted on the 19th of June 2018, Angela Merkel and Emmanuel Macron proposed a new vision for reforming the Union. Logically, the declaration focuses mainly on deeper integration of the member states. This process would include: a) designing an effective migration policy, including the establishment of a Common European Asylum System, and strengthening of the border police; b) linking Structural Funds and economic policy coordination and strengthening economic, social and fiscal convergence; c) transforming the European Stability Mechanism into a support tool for the Currency Union, in order to strengthen the Euro-zone and create a separate budget scheme for the Union.

The declaration also underlines the need to strengthen cooperation in terms of military strategy. The European Intervention Initiative was announced as an important area of cooperation.

The aforementioned steps, taken within the framework of 'differentiated integration', will likely be contended by member states located in Central and Eastern Europe. This will show up especially in countries that still use their own currencies rather than the Euro, and this may further weaken European unity. Unfortunately, the declaration does not mention enlargement at all, which, once again, suggests that the high-ranking politicians prioritise internal order as opposed to dealing with external challenges. And it seems this line will remain, although the elections to the European structures scheduled for next year may make result in certain amendments being made to the present vision.

Bureaucratic inertia: The bureaucracy of the EU is one of the largest in the world, with numerous actors, interest groups and complex institutional and political environments combined. As such, it is no simple task to analyse the nature of EU decision-making. However, one thing is clear – the EU institutions as well as the policies they produce (whether sectoral or global) are characterised by inertia. Experts believe that the main reason for this lies in the principle of consensus. This, in turn, requires the accommodation of the interests of numerous stakeholders. For these and other reasons, changes in the European Union are slow and incremental. Something extraordinary needs to happen (geopolitical shift, crisis, etc.) for the changes to accelerate.²⁹ Back when the ENP was being formulated, it was intended for the neighbours of the EU only and, therefore, preparing for EU membership was precluded from the outset as an aim of participation in this framework. Today, the ENP is still in use. In fact, the EaP initiative and the Georgia-EU Association Agreement are tools within this greater framework. Due to a certain inertia, the only thing that has changed over the past 14 years is that Georgia, instead of the "neighbour," has become an "associate partner" whose "European aspirations are recognized" but not appreciated. This disagreement, as a result of inertia, stems from the inability to break from the existing concept of the ENP. Many people think that, unlike in the final phase of the Cold War, today's Europe lacks a generation of political leaders like Helmut Kohl, François Mitterrand and Margaret Thatcher.

28. Meseberg Declaration – 'Renewing Europe's Promises of Security and Prosperity', 19 June, 2018;

29. N. Tideklev, 'Why Inertia in the European Union Policies? History, Strategy and Policy Characteristics', Lund University, 2015;

Low awareness of Georgia, and its unfavourable location: Despite its 'European choice' and its old Christian culture, Georgia is rather a vague concept in the mind of the average European. If anything, the first ideas that come to mind when talking about Georgia tend to revolve around the issues of the 2008 war with Russia or poverty. Eurostat has yet to conduct a survey that measures the level of awareness of Europeans regarding Georgia. However, considering the ever-increasing flow of tourists into Georgia, it is clear that the main bulk of foreigners that are interested in this country are not from Europe.³⁰ A similar argument can be made when judging the structure of foreign property-owners. In this regard, EU citizens are far outnumbered by those of the Russian Federation, Turkey, Iran and other non-EU states.³¹ Furthermore, it is important to note that Georgia is becoming increasingly popular around the world due to its successful reforms, culture (folk music/dances, cuisine), and sporting achievements. However, this is less true from a European perspective and is certainly insufficient in terms of having the EU establishment, as well as the peoples of the Union, accept Georgia as 'one of their own'. Moreover, despite the fact that after 2007, when Romania and Bulgaria joined the EU, Georgia gained direct maritime access to the EU, the country's inconvenient geography remains a problem in terms of connectivity. The logistical issue that stems from underdeveloped transport infrastructure also acts as an obstacle.

Fragmented region: The history of EU enlargement suggests that the regional approach is the favoured pattern of expansion. In other words, the European Union chooses the direction of the next expansion towards a particular region and not a specific country. Greece, joining the union in 1981, was perhaps the only exception to the rule. Groups of countries include those countries that are adjacent to each other and belong to a common territorial space. In this regard, in the case of Georgia, the circumstances are rather specific, with none of Georgia's direct neighbours (Russia, Azerbaijan, and Armenia³²) able or willing to be described as states with aspirations for Euro-integration. Therefore, it is inconceivable to assume that Georgia will become a candidate country together with these neighbours. This is especially problematic in the Russian case due to the territorial disputes that Georgia has with the Kremlin. Additionally, the delimitation of borders has not been finalised with any of the aforementioned states. Therefore, in this regard, the only states that can be viewed as appropriate for means of a regional push towards integration are Ukraine and Moldova which have a clear ambition of becoming full EU members and, like Georgia, are currently implementing the Association Agreement. However, Georgia does not have a direct border with these states, being separated from them by the Russia-controlled Black Sea. On the one hand, these circumstances exclude the possibility of any complications in terms of border delimitation with Ukraine and Moldova, however, on the other hand, they act as an obstacle in terms of creating strong logistical and transport connections. The latter is extremely important for the creation of a common free trade market. Another set of circumstances that needs to be taken into consideration is the low level of political connectedness, as well as coordination between the three countries in terms of the formulation of a united position towards the EU.³³

30. Statistical data on foreign visitors, The National Service of Statistics of Georgia: http://geostat.ge/?action=page&p_id=2770&lang=geo

31. The author is unaware about such studies, therefore, the argument is based on author's expert assessment;

32. Turkey is not considered a neighbour, being instead grouped with Western Balkan states of the South-Eastern European region;

33. In this regard, it is a positive development that on the 5-6th of October, the First Plenary Session of the Inter-Parliamentary Assembly of Georgia, Ukraine and Moldova was held in Tbilisi. The assembly focused on cooperation and dialogue between the three states, as well as on further coordination of the inter-parliamentary relations. Additionally, meetings for discussing issues of interest for all three states were planned;

Economic underdevelopment in Georgia: In recent years, Georgia has conducted a number of important economic reforms. Additionally, the EU became the country's main trading partner, with the agreement on the Deep and Comprehensive Free Trade Area entering into force in 2016. However, in order to fully exploit the benefits offered by this agreement, Georgia needs to conduct new reforms. Along with the 'Georgia 2020' strategy developed by the Georgian government, there are sectoral strategies that have been formulated in consultation with international organisations. In 2018, the GDP of Georgia increased to 4.5%, which is the highest in the region. Despite this, the GDP per capita remains low at USD 4,086 which is half that of the poorest EU members. According to the 2018 report of the International Monetary fund,³⁴ the level of economic development in Georgia remains so low that it will not be possible to raise the living standards of Georgians to the European level in the medium term. If the current economic processes and demographic trends remain unchanged, it will take Georgia another 18 years to reach the levels the Central and Eastern European states are at today (USD 10,965 GDP per capita). This is one of the most difficult demands to address on the 'Copenhagen Criteria' because the commitment of the government alone, or the involvement of the civil sector, is not enough. If we consider that Ukraine and Moldova are nowhere near the levels of economic development of Georgia, the overall picture becomes even more disadvantageous.

Frozen territorial disputes: One of the results of the 2008 Russo-Georgian war was that the structure of the Georgian-Abkhazian and Georgian-Ossetian conflicts became even more complex. Now another layer of confrontation was added, represented by the Georgian-Russian dimension. Having occupied the regions, Russia is exerting increasingly more influence on Sokhumi and Tskhinvali/South Ossetia. This makes it practically impossible to implement the programs aimed at restoring trust between the parties. Moreover, peace talks are ineffective. As a result, we face a two-dimensional conflict from the political perspective. On the one hand, there is the territorial dispute with the Russian Federation over Abkhazia and the Tskhinvali regions; on the other, there is ethnic conflict (with deep historical roots) between Georgians and Abkhazians, along with that of the Ossetians, and both remain frozen in time.

We have seen the EU turn a blind eye to such circumstances in the past- with Cyprus. This was mainly due to the following assumptions that dominated the political thinking at the time: 1) The Government of Northern Cyprus didn't have the right to hold the Greek side of the island, which wanted to integrate into the EU, as a hostage (at the time, peace talks were not progressing well). Therefore, everyone assumed that the Greek side would have to make serious concessions; 2) The benefits received by the Greek part of Cyprus upon joining the EU, with a 'soft power' effect, would motivate the Turkish side to speed up the process of reconciliation. Quite unexpectedly, the opposite occurred. Once the EU removed the conditionality of settling territorial disputes before joining the 'club', allowing the entire island to be incorporated into the Union, the Greeks voted against the presupposed peace-plan in a referendum. Ultimately, this resulted in the freezing of the conflict and, as Cyprus was now a member of the Union, the EU was left with a frozen conflict within its borders. This Cyprus situation is considered a negative experience for Brussels. This is why the settlement of any disputes with Kosovo remains the main prerequisite for Serbia's integration into the Union.³⁵ If Serbia accepts this responsibility, it is likely that in the future, when Georgia becomes a

34. 'Caucasus and Central Asia: A Need to Capitalise on Current Growth Momentum', IMF, May 2018;

35. G. Romsics, Presentation, op.cit.;

candidate country, the ‘Serbia-Kosovo’ precedent will act as an important factor in terms of settling disputes with Abkhazia and Tskhinvali Region/South Ossetia.³⁶ It is also likely that it will be difficult for Georgia to deliver such a precondition, which will eventually slow the process of Euro-integration.

Lack of a strategic message for the EU: One of the main challenges that Georgia (with Ukraine and Moldova) faces today in terms of opening up the EU perspective is presenting an answer to the question: How would the EU benefit from these countries joining the Union? Theoretically speaking, these benefits may have a strategic nature, or an economic or humanitarian significance. So far, in none of these areas are there any reliable arguments separately for Georgia, Ukraine and Moldova. When considered together, these countries also lack such arguments, although the chances of their becoming interesting for the EU are greater when considered within one prospective region. This is a matter for a long-term policy, which can only be realised after the successful implementation of the Association Agreements in the three states, as well as the settlement of territorial conflicts and, more importantly, ensuring the compatibility of institutions and values with those of the EU. This is because Europeanisation, in addition to the technical implementation of the Association Agreement, also implies a deep value-based social transformation.³⁷

What can be done?

The main conclusion that can be drawn following analysis of the above reasons is that not only membership, but also the very prospect of membership in the European Union is not in sight for Georgia. If we once again revisit the statement made by the German Chancellor in Tbilisi, such prospects are not going to be realised at least for the next five years. Europe is currently facing fundamental challenges and until they are adequately addressed, the EU will be unable to formulate long-term policies.³⁸ The Europeans themselves have no answers about their own future and, accordingly, no one can say when they will start thinking about the next expansion. On the other hand, Georgia (alongside Ukraine and Moldova) has a long journey to make in order to be considered a part of Europeanised Europe. Based on the above, it is wrong to put the question: *Why does the EU not give us the prospect of membership?* It is even less just when asked in the form of a claim imbued with a sense of injustice and resentment. The only rational question that can be asked today is: *What can we do within our capabilities in order to promote the emergence of a membership perspective on the horizon and thereby bring the future, albeit very distant, closer to us?*

The following are recommendations for the government and civil society of Georgia aimed at addressing the above-mentioned issue:

1. Timely and high-quality execution of the obligations taken by Georgia within the framework of the AA/DCFTA:

Despite the fact that Georgia is an acclaimed regional leader in terms of the reforms conducted within the EaP framework, it is necessary to retain this role and further strengthen it. Today, for European structures, the main criterion for evaluating this role is the effective implementation of the Association Agenda, as well as the DCFTA Action Plan. Even without said role, the success of Georgia (as well as Ukraine and Moldova) on the path to reaching European standards is primarily measured by this yardstick. Special attention should thus be paid to recording progress precisely

36. The situation will be similar for Ukraine and Moldova;

37. Oliver Reisner, Presentation at the public discussion within the frames of the project “Towards Unlocking Georgia’s European Perspective”, 26 March, 2018;

38. Angela Merkel, op.cit;

according to this measure. The following is yet another case that supports the relevance of this: seeing the problems still existent in Poland and Hungary in terms of the rule of law and the judicial system, European politicians have started to doubt the reliability and validity of the methodology and instruments used during the process of accession of the previous waves of enlargement. Said instruments were supposed to prepare and assess the readiness of central and eastern European states to join the EU. Therefore, it is paramount to deliver on all the responsibilities outlined in the AA/DCFTA process of reforms in order to avoid doubts regarding the effectiveness, sustainability and irreversibility of the progress in Georgia.

2. Against the background of EU bureaucratic inertia, reasonable proactiveness is needed:

The Government of Georgia has a declared objective to identify and use all possible opportunities that go beyond the responsibilities taken within the framework of the AA/DCFTA. For this purpose, a roadmap “More Integration for new Opportunities” has been developed. On the one hand, this is an over-commitment, and on the other, it shows the government’s pro-activity and demonstrates its motivation. At this time, an action plan or monitoring and evaluation mechanism for the roadmap has yet to be developed, although international partners have already been notified of this. It is gratifying to see the willingness of the partners to support the roadmap, and now the focus should be to reasonably plan and successfully implement measures to increase the chances of acquiring EU membership.

Working within such logical frameworks is the best-known remedy for overcoming the EU’s inertia. In fact, there are many cases where proactive steps were used by central and eastern European states to speed up the process of Euro-integration during the 1990s. For example, even after Poland submitted its application for membership in 1994, the EU hesitated to start accession negotiations. However, the ‘National Integration Strategy’ adopted by the Polish government accelerated the process and in 1997, the accession talks began.³⁹ The second example is associated with timing. The Czech Republic delayed submitting the necessary documentation to start accession talks until the opportune moment, in January of 1996, which was a later step compared to others.⁴⁰ The topic of submitting the application became relevant in Georgian politics after 2017, when Georgia failed to receive a promise of membership at the EaP summit. Those in support of submitting the application now believe that even in the case of a rejection from the EU, the potential prospects for accession will not be harmed. Therefore, there is good reason to apply today. On the other hand, there are those who argue that a more careful attitude is needed. To tackle the dilemma in a logical manner, it is useful to analyse the experiences of Eastern European and Western Balkan states. It is true that the EU has not always been consistent, reacting differently to the “unscheduled” filing of applications,⁴¹ however, it must be kept in mind that such spontaneous moves were only taken by proactive states at a higher level of Euro-integration than Georgia is at today. When such states submitted their applications, they had already been promised membership and by doing so they only tried to accelerate the launching of the accession talks. Thus, submitting the application was a proactive step aimed at a mid-term goal of approximately 2-3 years. In the case of Georgia, the application should be aimed at opening a membership perspective, which, given the factors discussed above, is impossible in the foreseeable future.

39. A. Reichardt, ‘Poland’s Transformation and EU membership; Lessons for Georgia, in: Towards Unlocking Georgia’s European Perspective, LMF, 2018, p.50;

40. P. Janebova, ‘Case Study: Czech Republic’, in: Towards Unlocking Georgia’s EU Perspective, LMF, 2018, p.32;

41. M. Bobic, op.cit. p.77;

3. Strategic patience and retaining the pro-European spirit:

The road to the European Union was a long one for the countries of Central and Eastern Europe. In the case of the Visegrad Four, this path took 14 years,⁴² although it should be recognised that the 1990s was a period of triumph for “Euro-optimism.” For Georgia, this path is likely to be longer. The main challenge that modern and future generations of Georgian politicians as well as society as a whole will face concerns the appropriate management of expectations and ambitions, whilst retaining the spirit of advancing reforms. This is not an easy task, as, on the one hand, the population of Georgia wants to feel the benefits of Euro-integration as soon as possible and, on the other, Russia continues to infiltrate the minds of the Georgian people through disinformation campaigns and anti-European propaganda.

And yet, support for Euro-integration has remained stable in Georgia over the past decades. There is also a consensus on the issue within the political class. Nevertheless, these sentiments need to be constantly nourished. First of all, the promotion of the Euro-integration process must not be allowed to decline. Special attention needs to be paid to the regions with ethnic and religious minorities. Secondly, during the long process of strategic patience, Georgia will from time to time require some tangible reciprocal steps from the EU. Such steps will, in turn, act as ‘fuel’ for future reforms in Georgia. This is especially important as many of the aforementioned reforms are rather difficult and at times politically risky or expensive. In this regard, the 2017 decision on visa-free access to the Schengen Zone for the citizens of Georgia was an important step. However, in the long term, other intermediate ‘carrots’ will be needed. The above-mentioned roadmap concerns the identification and realisation of exactly such auxiliary mechanisms. For example, the EaP+ format,⁴³ which was supported by the European Parliament, is very important. The format entails further cooperation between Georgia and the EU in various fields, including in issues of acceding to the Schengen Zone, the Energy Union, the Digital Single Market, and more. Additionally, efforts to allow access to the EU labour market for Georgian citizens look promising.⁴⁴ And finally, it is constantly necessary to fight the hybrid threats emanating from Russia, including anti-Western propaganda. The struggle must be fought in two directions: first, the resistance of the most vulnerable groups to the flows of false information must be raised, and second, it is no less important to properly convey to them the already obtained or future benefits of European integration. Therefore, strategic communication is extremely important, as demonstrated by the attempted coup in 2016 in Montenegro. Conspired by Russia, the coup aimed at preventing the country’s accession to NATO.⁴⁵

4. Formulating a strategic message intended for the EU:

In 2019, the EaP Initiative will celebrate its 10th year. During this decade, Georgia has achieved im-

42. V. Bilcik, ‘Georgia and Slovakia’s Lessons from EU Accession’, in: *Towards Unlocking Georgia’s European Perspective*, LMF, 2018, p.53;
 43. Report on the implementation of the EU Association Agreement with Georgia, European Parliament, 14.11.2018;
 44. B. Lebanidze, E. Panchulidze, ‘Avoiding Gridlock: A Strategy for Georgia to Engage with Eurosceptic Europe’, Policy paper #3, Georgian Institute of Politics, March 2018, p.13-15;
 45. M. Radulovic, Comment made during a public discussion held within the framework of the project “Towards Unlocking Georgia’s European Perspective”, 15th October 2018;

pressive successes, primarily by signing the Association and DCFTA agreements. The next summit will be held in 2020 and will summarize the past period. The jubilee summit may be a convenient opportunity to start a qualitatively new stage of rapprochement with the EU. While it is premature to talk specifics, preparations should begin now. First of all, Georgia needs a strong message for the summit. It should be kept in mind that by this time, the European Parliament will have a new composition and the European Commission will also be staffed by new individuals. It is therefore possible that the replenished European institutions will be more receptive and attentive to Georgia’s European aspirations and thus be more prepared for bolder reciprocal steps. In the updated message, Georgia should focus on its historical belonging to the European civilization and instead of “joining, or acceding to the European family,” the message should speak about “returning to Europe”. In this regard, it would be useful to take into consideration the experiences of central and eastern European states. As soon the Berlin Wall collapsed, the aforementioned states began advocating for their ‘return to Europe’. The question, posed in this way, contributed to the easier acceptance of the desires of the aspirant countries by Western Europe. The second innovation concerns a modified interpretation of the Russian factor. The European Union, in parallel with the traditional approach to the approximation of legislation, is increasingly considering Eastern partners in the prism of Russia.⁴⁶ The paradigm of enlargement, or the neighbourhood policy formulated in the 1990s, does not work in the current situation, where the Russian factor has changed. Within the outdated conceptual framework, Russia still has no formal right to impose a veto on EU enlargement, but it does have the actual ability to do so. Geopolitics has changed, but the enlargement paradigm has remained the same.⁴⁷ Therefore, the overall narrative needs to be amended accordingly. This means that the causality of events has to be reversed: instead of continuing to have EU enlargement dependent on approval from Russia, it should be argued that with the expansion of the EU, the space of stability and well-being expands, which, in turn, favourably affects Russia, reducing its aggression. This is not an easy task and requires the joint work of the government, academia and civil society.

5. Active participation of civil society:

Civil society is rather strong in Georgia, actively participating in the process of Euro-integration, and there are several formats that the Georgian government and civil society employ in order to cooperate. Despite this, however, for the process of Euro-integration to progress, further expansion of the aforementioned cooperation will be required. In order to expand the success-rate of relevant activity and increase professional competence in terms of the above-mentioned process, apart from the Association Agreement and DCFTA Action Plan, the Government of Georgia will have to assume more responsibilities as outlined in the new roadmap. In this case, the support of civil society, as well as its constructive input and cooperation, will be of paramount importance. The case of Montenegro offers a good example in this regard. The NGOs operating in the country played a key role in strengthening the civil service when hundreds of personnel working in the central and local branches of government were retrained. Additionally, this cooperation was helpful during the process of filling out the questionnaire designed by the EU, the successful nature of which led Montenegro to be granted the status of a candidate state. However, the most interesting aspect in the aforementioned process of cooperation was that around 300 representatives of various NGOs were invited to take part in the accession talks.⁴⁸

46. V. Bilcik, op.cit.p.59;
 47. V. Bilcik, Presentation, op.cit.;
 48. M. Radulovic, op.cit.p.67;

6. Deepening regional cooperation with Ukraine and Moldova:

In the previous subchapter of this policy paper, we outlined the obstacles that Georgia, Ukraine and Moldova face in terms of intensifying regional cooperation. Georgia has become a leader among the three when it comes to political and economic integration with the EU. Therefore, apart from the physical connectivity issues that limit regional cooperation, there is also disparity between the levels of readiness in terms of further deepening cooperation with the EU. Some may think it better for Georgia to continue down the line of Euro-integration alone, as active cooperation with Ukraine and Moldova could harm the effectiveness of reforms implemented by Tbilisi. Also, if tied up with these countries, it could reduce the effectiveness of the 'More for More' principle. Nevertheless, despite there being tangible evidence supporting this argument, not everyone is convinced that this is the correct policy for Georgia. The experience of the Visegrad group suggests that uniting efforts within regional cooperation was especially successful during the early stages of Euro-integration when they were lobbying for full membership of the EU.⁴⁹ However, once the four nations decided to switch to a mode of individual accession negotiations, the regional format of the Visegrad Four lost relevance.⁵⁰

Thus, in the case of Georgia, Ukraine and Moldova, it would be beneficial for all sides to act as a united front. Even today, there is some positive development in this regard, as an interparliamentary assembly has already been set up, though it would be more effective if this format were complemented by an intergovernmental body. This would, in turn, help the three states to formulate a common narrative and ensure they hold similar positions, including over the issue of the occupied regions.⁵¹ This format would also be useful during the preparatory stages for the upcoming EaP summit. Further, it would make the process of setting up meetings with leaders of the most influential EU members considerably easier.⁵² It would be praiseworthy if the Georgian government were to initiate the establishment of such a format, hosting the first meeting (possibly in Batumi). In this case, the new format of cooperation could be called the Georgian toponym.

7. Increasing the role of the EU in the process of conflict settlement:

Unresolved conflicts over the Abkhazia and Tskhinvali regions will be a major obstacle to future EU membership.⁵³ There is no corresponding peace process and the current status quo, in addition to being a serious barrier to full-fledged socio-economic development, in the views of European politicians makes the full Europeanisation of Georgia impossible. In such a situation, it becomes necessary to increase the involvement of the EU in neutralising the external and internal factors preventing conflict resolution, including Russia's aggression. The main focus has to be centred around the issue of Georgian-Abkhazian and Georgian-Ossetian reconciliation, whilst retaining a proactive stance towards the Kremlin. Currently, in the dialogue between Russia and the EU, this issue is not a priority. Therefore, it would be useful to pin this topic on the agenda of the newly established high-level format of dialogue between Georgia and the EU. By being more involved in

49. P. Janebova, op.cit. p.31;

50. A. Reichardt, op.cit.p.49;

51. The removal of Soviet troops was also one of the issues that needed to be discussed within the Visegrad format (V. Bilcik, Presentation, op.cit.);

52. V. Bilcik, Presentation, op.cit.;

53. The confrontation between Serbia and Kosovo is a clear example, as one of the prerequisites for Serbia's accession is the settling of the dispute. For further information see: M. Bobic, op.cit. p.76;

the conflict resolution process and thus taking on greater responsibility for these processes, the European Union may not consider the Georgian-Abkhaz and Georgian-Ossetian confrontation a major hurdle on Georgia's path to membership.

8. Increasing economic welfare:

Georgia, along with Ukraine and Moldova, is economically less developed than the standard assumed by ordinary Europeans to be the necessary minimal level of welfare required for accession. A state with a weak economy within the EU will not only be unable to act as a partner for mutual benefit but will also be a source of economic migrants. Rather than an opportunity, this is conceived as a threat by ordinary Europeans. But more importantly, the citizens of Georgia themselves will not be able to fully benefit from the opportunities created by closer cooperation with the EU, including within the DCFTA framework. Accordingly, a real acceleration of socio-economic development and growth of the well-being of the population is necessary. At one time, the integration of the countries of Central and Eastern Europe into the EU contributed to the revival of the relatively depressed regions of the neighbouring member countries of the Union. However, this became possible due to the fact that the countries of Central and Eastern Europe were themselves quite developed and did not lag much behind the "old-timers" of the EU. In the case of Georgia (as well as Ukraine and Moldova), similar benefits for EU member states are not expected.

9. Increasing awareness about Georgia:

In order to unlock the EU perspective, Georgia needs to improve its image and general awareness of the country among European politicians and bureaucrats, as well as among think tanks and the general public. The importance of this aspect of Euro-integration is especially felt in EU member-states with Euro-sceptic tendencies.

Despite the fact that this is, in itself, a difficult task, any country needs to have a particular external communication strategy addressed towards the EU. Therefore, in this respect, a complex vision and methodology needs to be formulated. Slovakia can provide a good example, as Bratislava managed to develop such a strategy back in the 1990s. Within the framework of the strategy, Slovak leaders and think tankers held meetings with high-ranking EU officials and other target audiences.⁵⁴

10. Active lobbying:

Despite the fact that the EU is characterised by slow bureaucracy, overall, politics in Europe have started to change and Georgia needs to keep up with the times. In 2019, the EU will renew the membership of its Parliament and Commission and there are already major power shifts in Europe in terms of political landscape. Older, well-established parties are slowly but steadily losing ground to newer parties. It is therefore necessary to engage with the emergent forces of the EU which are able to gather enough votes to take seats in the parliament. However, it is also important not to sever any pre-existing links with the parties currently in charge of EU institutions and governments of member states, as the ultimate goal for Tbilisi is to create a cordial opinion regarding the further Euro-integration of Georgia among the European elites.⁵⁵

54. V. Bilcik, Presentation, op.cit.;

55. Ibid.;

CZECH REPUBLIC'S PATH TO THE EUROPEAN UNION

EU MEMBER STATE'S CASE STUDY



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CZECH REPUBLIC

Pavlína Janebová

Introduction

Until 1985, when Mikhail Gorbachev became the leader of the USSR, the relations between the (then) European Communities and the Comecon countries were rather weak. The socialist Czechoslovakia's foreign trade focused on the fellow member states of Comecon, while there were only sectoral agreements with the European Communities.¹ After the events of 1989 and the fall of the communist regime, both Czechoslovakia/ Czech Republic and the Western European states recognized that there would have to be a way to integrate the post-communist countries in Central Europe into the main European international structures, i.e. European Communities/ European Union and NATO. Given both the situation in the European integration project in the early 1990s and the developments in the newly democratic Czechoslovakia/ Czech Republic, there were different opinions about how deep the integration should be and what the preferred trajectory of achieving it was.

The Iron Curtain fell. What came next?

Following the change of regimes in Central and Eastern Europe at the end of the 1980s and beginning of the 1990s, there was a mutual understanding between both sides (the post-communist states and the European Communities) that relations could (and should) be strengthened. When it came to foreign policy orientation of the newly forming democratic Czechoslovakia, it was almost unequivocally based on the notion of a "return to Europe", proposed particularly by the Federal Minister of Foreign Affairs, Jiří Dienstbier, together with the President, Václav Havel. This notion stemmed from the perspective of Central European countries representing an inherent part of the geopolitical West while being throughout history forced by various international developments to exist as part of the East.² It is necessary to point out that this decision was not based on a deep analysis or knowledge of the integration project, nor was it subject to discussion.³ For Czechoslovak political representation, the European Communities to a certain extent represented an antidote to the pre-1989 foreign political reality and a symbol of what the country should aim to achieve as a democratic European state.

It is important to bear in mind that the fall of communist regimes in Central and Eastern Europe caught the European Communities unprepared and struggling with the simultaneous task of deepening the integration. The European Communities were thus initially willing to deepen their relations with the forming of democracies based on association, and until much later there was no real promise of full-fledged membership in the club, although it was of course apparent that it was membership that the Central European countries were striving for, at least in the long run. On

1. Details at the website of the Ministry of Industry and Trade of the Czech Republic (in Czech only): <https://www.mpo.cz/dokument108172.html> (accessed on 2018/05/23);

2. Kundera, M. 1984. Tragedy of Central Europe. The New York Review of Books, April 26, 1984;

3. Barták K., Telička, P. 2003. Kterak jsme vstupovali. Praha: Paseka;

the other hand, the Commission clearly perceived that the demand on the side of the new Central European democracies to strengthen relations with the European Communities needed to be reflected. Furthermore, help in speeding up the economic and political changes in the transforming region was in the pragmatic interest of the 12 European Community member states at the time.⁴ There was mutual understanding that the nature of future relations must be defined, including the perspective of membership, but answers to the key questions of when and how that should happen remained unclear.

First steps

The European Communities created multiple financial assistance instruments. In 1989, the European Bank for Reconstruction and Development (EBRD) was established, followed by the pre-accession financial instrument, “PHARE” (Poland and Hungary: Assistance for Restructuring the Economies). Although originally aimed at supporting the economic reforms of Poland and Hungary, in 1990 its scope was broadened to other countries, including Czechoslovakia. While the contribution of the programme in terms of projects focused on restructuring the industry sector, environment, energy sector, education programmes and student exchanges, investments and scientific and technological cooperation was significant. Another important benefit was that it provided a platform for development of contacts between the European Communities/ European Commission officials and their Central and Eastern European partners, thus giving the latter an opportunity to build contacts and learn about the EC procedures and methods.⁵

The European Agreement

A key development in the mutual relations between Czechoslovakia and the European Communities was the signing of the Association Agreement (so called Europe Agreement)⁶ in 1991 which had been under negotiation since 1990.⁷ A crucial question at that time was if the agreements should contain a direct reference recognizing full European Union membership as the final goal of the newly associated countries. Although a certain promise in this regard would have been welcomed by the Czechoslovak political representation, at that time none of the 12 European Communities member states, except for Great Britain, was in favour of a quick enlargement.⁸ As a result, the European Commission emphasized that *“the agreements have a special value in themselves and should be distinguished from the possibility of accession to the Community”*, while *“this possibility would not be affected by the conclusion of association agreements”*,⁹ i.e. if the accession was to be part of the agenda in the future, then it should be dealt with on the basis of different procedures. In the preamble of the Association Agreement, the full membership of Czechoslovakia in the

4. Marek, D., Baun, M. 2010. Česká republika a Evropská unie. Brno: Barrister & Principal;

5. Sedelmeyer, U, Wallace, H. 1996. New Policies towards Central and Eastern Europe. In: Wallace, H, Wallace, W. (eds.). 1996. Policy-Making in the European Union. Oxford University Press;

6. The title should emphasize a qualitative difference of these agreements compared to the agreements previously concluded with other states;

7. Parallely, the so called Interim Agreement, regulating issues related to trade, was negotiated, which entered into force in March 1992. EU-Czech Republic relations, on-line: http://europa.eu/rapid/press-release_MEMO-96-34_en.htm (accessed on 2018/05/20);

8. Marek, D., Baun, M. 2010. Česká republika a Evropská unie. Brno: Barrister & Principal;

9. European Commission. 1990. Association Agreements with the countries of Central and Eastern Europe: a general outline. On-line: http://aei.pitt.edu/1683/1/east_europe_assoc_agree_COM_90_398.pdf (accessed on 2018/06/29);

European Communities was recognized as “the final objective” which the Association would help to achieve. The nature of these statements can be considered vague, maybe even contradictory. This was, of course, disappointing for the Czech Republic as well as for the other Central European countries.

The actual content of the Agreement was not exactly what the Czechoslovak government had been hoping for. While the Agreement contained provisions about political dialogue, free trade and movement, economic cooperation and new institutions for consultations, there was a clear tendency of the member states towards “pragmatic protectionism”, trying to safeguard their economic interests, which was not entirely consistent with the value-based rhetoric of the European Community members about the importance of the integration of new democracies, and certainly did not make Czechoslovakia happy. The biggest problems in negotiations revolved around the accession of Czechoslovak goods in the sensitive areas (iron, steel, textile, agricultural goods) to the single market.

The ratification process of the Association Agreement was interrupted due to the split of the Czechoslovak Federation at the end of 1992. Immediately after the “velvet divorce”, the Czech government hoped that without the less developed Slovakia, the EC/EU accession would be easier and quicker, which was not exactly a reasonable assumption.¹⁰ The Civic Democrats won the first elections in the Czech Republic. The main goal of their foreign policy was successful integration to the European Communities/ European Union. The main actors in this respect on the Czech side were Prime Minister Václav Klaus and the Minister of Foreign Affairs Josef Zieleniec. The new Association Agreement between the European Communities and the Czech Republic was signed in October 1993 and entered into force in February 1995. Apart from other provisions (e.g. liberalisation of mutual trade), the new Association Agreement again mentioned membership of the Community as an ultimate objective of the Czech Republic but did not set a specific date for the accession. As the new Agreement was signed after the key summit in Copenhagen, where the membership perspective of the Central and Eastern European states was acknowledged (see below), the lack of specificity was not considered to be an issue.

All in all, the European agreement did not fulfil all that the Czech Republic had wished for. While it mentioned the gradual establishment of a free trade area over a period of ten years, with the EC reducing the barriers in five to six years, in sensitive trade areas where the post-communist countries had a significant comparative advantage, special measures were adopted to ensure limited access of Czech goods to the EC market. Provisions about the free movement of people was managed based on bilateral agreements between the Czech Republic and individual EC member states. The European agreements ensured liberalisation of the service sector and free movement of capital. Associated countries promised to adapt their legislations to the legislation of the European Communities, including the rules of competition, industrial, intellectual and commercial property. However, the fact that the European agreement was asymmetrical to the benefit of the European Communities was criticised by Prime Minister Klaus in 1997. The future Czech President later proved to be one of the leading figures influencing both public and party Euroscepticism.

10. Although compared to the troubles in Slovakia’s accession process resulting from the development of the political situation in the 1990s after the federation split, the Czech Republic could be considered more successful in its attempts to become a member of the EU;

The accession process

Accession talks between the Czech Republic and the EU began at the end of March 1998 and were complicated by a number of issues.¹¹ Altogether, there were 31 negotiating chapters in the *acquis communautaire*, the first 12 of which closed until July 1998. In the regular evaluation by the European Commission, the Czech Republic was repeatedly criticised regarding the state of its judiciary, the situation of the Roma minority, and insufficient reform of public administration. In reaction to that, the Ministry of Foreign Affairs prepared a document called “Measures resulting from the regular report of the EC”, setting a timetable and specific tasks for the ministers to overcome the mentioned deficiencies as quickly as possible. The document was regularly evaluated by the Parliamentary Committee for European Integration.¹²

Another problematic area was competition. Some of the companies in the steel and metallurgic industry were considered uncompetitive. The Czech government was subjected to criticism from the side of the EU for lack of activity in this matter. The Czech government then used the restructuring plans to acquire a transition period for state subsidies and a retroactive permission for the state subsidies that had since 1997 been provided contrary to the European Agreement.

Other controversies were triggered by two rather specific issues – the so called Beneš decrees and the nuclear powerplant in Temelín. Construction of a nuclear powerplant in the South Bohemia caused protests on the Austrian side of the border, with Austrians raising questions about its safety. The issue was resolved by a bilateral meeting between the Czech Prime Minister, Miloš Zeman, and the Austrian Chancellor Wolfgang Schüssel, in Melk in 2000.¹³ The Beneš decrees represent a controversial legislation issued by the post-WW2 Czechoslovak President Edvard Beneš, among others, posing a legal base for ethnic Germans and Hungarians to lose Czechoslovak citizenship and property after WW2 and be expelled from the Czechoslovak territory. A group of German MEPs (mainly members of the Christian-Social Union, CSU) initiated a legal analysis aiming to examine if the decrees posed an obstacle for Czech membership in the EU. The analysis, however, concluded that this was not the case.

11. Controversies concerning freedom of movement of workers and a common agricultural policy were common for all the Central European candidate countries, although to a varying degree. In both Germany and Austria, there were concerns about the potentially large influx of people, especially in the bordering regions and by unqualified workers. In 2001, a final decision was made to apply a transition period, favoured mainly by Germany and Austria. Each member country had a chance to apply the transition period to any extent. After two years, national governments should decide if they wanted to prolong the period. After another three years, the decision was to be made by the European Commission. There was a possibility for the new member states to reciprocate in this area. In the Common Agricultural Policy, the European Union applied transitional periods of several kinds;

12. Zpráva o zahraniční politice České republiky: za období od července 1998 do prosince 1999. On-line: https://www.mzv.cz/jnp/cz/zahranicni_vztahy/vyrocní_zpravy_a_dokumenty/zprava1998_1999.html (accessed on 2018/06/29). The measures were aimed at tackling the problematic issues defined by the EC on the national level. The EC evaluated the level of improvement in problematic areas in its annual reports;

13. The protocol of negotiations between the Czech Republic and the Austrian government, were led by Prime Minister Zeman and Federal Chancellor Schüssel with the participation of Commissioner Verheugen. On-line: http://www.umwelt-bundesamt.at/fileadmin/site/umweltthemen/kernenergie/temelin/Melk/melk_prot_en.pdf (accessed on 2018/05/20);

Dilemma 1: Regional cooperation

Given the similarity of their historical political experience and foreign political ambitions in the early 1990s, immediately following their turn from authoritarian regimes to democracy, Czechoslovakia, Hungary and Poland attempted to create close regional cooperation in order to achieve success in negotiations vis a vis the European Communities/ NATO.¹⁴ Successful and quick integration into the West European structures was the main purpose of founding the Visegrád Group in February 1991. Although the negotiations naturally proceeded on a bilateral basis in each Central European state and within the European Communities, from the initial phase of negotiations, the countries in the Visegrád Group managed to communicate their common positions where their perspectives on an issue were similar and thus gaining them a stronger position.¹⁵

Dilemma 2: A proactive approach

Czechoslovakia, and later the Czech Republic's, ambition to integrate into the European Communities as quickly as possible was, as in the case of other Visegrád countries, apparent from the very beginning of its democratic development, and the Czech political representation was not shy to speak about it. It can be said that the Czech Republic's approach to the matter of EU accession was proactive. It is nevertheless important to consider the overall context, also on the side of the European Union. While in the early 1990s the European Communities were still a relatively compact group of states, in 2018 the number of member states is 28 (or 27 after May 2019). That obviously has consequences for the EU's ability to act, as well for its inner consistency. Given the challenges that the EU is currently struggling with (re-appearing east-west/ north-south divide, rising Euroscepticism and populism, consolidating itself during and after Brexit), the decision not to make any promises concerning full-fledged membership is understandable and, in those terms, a proactive approach cannot change much about it, as it is more internally than externally motivated. At the same time, a proactive approach in fulfilling the conditions set by the EU in the framework of the AA/ DCFTA can work in Georgia's favour in the longer term.

Dilemma 3: The European perspective

Although there was clear political will in the EC to build strong relations with the transforming countries from the beginning of the 1990s, there were different preferences among the member states concerning how quickly the integration should proceed, how deep it should be and whether the negotiations should be limited to particular countries or rather inclusive.¹⁶ Great Britain, Germany and Denmark were particularly in favour of strengthening the ties of the EC/EU and the Central European countries, given the nature of the European agreements which these countries considered rather unsatisfactory. A crucial role in the process of moving towards a specific promise of membership was played by the European Commission. At the Lisbon Summit in 1992, the

14. Visegrád Declaration 1991. On-line: www.visegradgroup.eu/documents/visegrad-declarations (accessed on 2018/05/20);

15. There was a certain weakening of the Visegrád cooperation resulting from a reserved position of Václav Klaus, who did not want the Czech Republic which was in a good economic shape to be hindered by less developed economies. Another factor impacting the cooperation negatively was Slovakia's drifting back from democratic principles between 1993-1998. Marek, D., Baun, M. 2010. Česká republika a Evropská unie. Brno: Barrister & Principal;

16. Schimmelfennig, F. 2001. The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union. *International Organization* 55, Winter 2001, pp. 47-80;

European Commission presented a report called “Europe and the Challenge of Enlargement”, proposing several measures for deepening relations between the EC and associated states on both the economic and political level.¹⁷ The Commission also invited the Council to create a schedule for the accession process.¹⁸ The key milestone for the Czech Republic and other Central European states in their attempts to become members of the European Communities was the Copenhagen Summit in June 1993 where it was declared for the first time that *“the associated countries in Central and Eastern Europe that so desire shall become members of the European Union. Accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required”*.¹⁹

It was assumed that the official application for membership would be submitted by the Czech government as soon as possible, given that the political and economic reforms were advanced and the Czech Republic was ready to take part in the accession negotiations. While the then-President of the European Commission Jacques Santer was in favour of initiating the accession talks with the Czech Republic quickly, pointing out the “historic urgency” of developing relations with the countries of Central and Eastern Europe,²⁰ the application was submitted in January 1996.²¹ The new Czech government, formed in July 1996 and led by the increasingly Eurosceptic Václav Klaus, declared that it considered the accession of the Czech Republic to the European Union and NATO to be its greatest priority. In fact, the importance of European integration was emphasized in the manifestos of almost all political parties. On the other hand, Czech representatives believed that submitting an application prematurely, i.e. before the overall setting in the EU was in favour of actually proceeding towards accession talks with the associated Central European countries, could be counterproductive.²² If the application had been submitted at the wrong moment, with the Union not ready to proceed with accession talks in the shortest timeframe possible, the momentum could get lost, and it would become much more difficult to restart negotiations later.

Given the current situation, it can be assumed that the Union is not ready to make any formal commitments regarding enlargement. At this stage, it is thus rather premature for Georgia to plan to submit an application for membership. Instead, it seems reasonable to opt for a rather minimalist approach. At the same time, however, it is crucial for Georgia to remain vocal about its European ambitions and active in delivering the outputs requested by the European Union in trying to secure a membership promise.

Dilemma 4: Patience?

The promise of full membership in the European Union, conditioned by fulfilling a set of specific criteria (the Copenhagen criteria; see above) in 1993 came relatively soon after the fall of the communist regime in the Czech Republic and the first expression of interest by the Czech Republic

17. Marek, D., Baun, M. 2010. Česká republika a Evropská unie. Brno: Barrister & Principal

18. Fiala, P., Pitrová, M. 2009. Evropská unie. Brno: Centrum pro studium demokracie a kultury;

19. European Council. 1993. European Council in Copenhagen 21-22 June 1993. Conclusions of the Presidency. On-line: <https://www.consilium.europa.eu/media/21225/72921.pdf> (accessed on 2018/05/20);

20. Statement made by Jacques Santer to the European Parliament on EU enlargement (2 March 1995). On-line: https://www.cvce.eu/content/publication/1999/1/1/d68461e5-5155-4f55-bced-535d078ff5dd/publishable_en.pdf (accessed on 2018/06/29);

21. I.e. almost two years after the application was submitted by Poland (March 1994) and Hungary (April 1994);

22. Marek, D., Baun, M. 2010. Česká republika a Evropská unie. Brno: Barrister & Principal;

to join the integration project. Apart from the lower number of member states at the time, the ability of the European Communities/ European Union to proceed at such speed was to a great extent caused by the international situation after the end of the Cold War, i.e. the feeling that the former communist states bordering the European Communities should be included in the Western structures as soon as possible, considering that the acceding states had formerly belonged to the Russian sphere of influence and their quick integration could underline the victory of liberal democracy in the Cold War. While in the contemporary geopolitical context there is still a perceived threat posed by Russia, the European Union today is a vastly different subject, facing multiple challenges both internally and externally, and it will apparently not be ready to welcome new members any time soon.

Given that Georgia has been perceived as a strong country among its Eastern Partnership fellow states in continuously trying to attain the European Union membership perspective, postponing all proactive measures until 2025 when there is a possible (yet by no means definitive) promise of proceeding with the EU enlargement does not seem reasonable. Although submitting an application for EU membership would most likely be premature at the moment, it is crucial to keep being active in maintaining and developing its relations with the European Union and to make its ambition for membership as visible as possible. Furthermore, it is vital for Georgia to develop strategic partnerships and relations to be able to ensure a stable position in the international arena and thus represent a stable and trustworthy partner for the European Union.

Conclusion

The ability and willingness of the European Union to invite a new member state to the club depends heavily on many of the particular state’s characteristics, among them capabilities in areas of economy, democracy and the rule of law, and stable and efficient institutions. On the other hand, it is also crucial to consider the overall context and the situation both inside and outside the European Union itself. While the international geopolitical situation has evolved considerably since the process of the Eastern enlargement, we can still find some parallels between the position of the Czech Republic in the 1990s and Georgia in 2018. As a country with a profound interest in becoming an EU member state, Georgia should remain vocal in expressing this interest and active in seeking communication and intensive relationships with the EU, as well as its potential partners (Ukraine and Moldova) in the negotiations and in implementing the provision of the AA/DCFTA.

NORMATIVITY, PERSUASION AND “MENDING” HISTORY: HUNGARIAN PRE-ACCESSION PERSPECTIVES ON EU MEMBERSHIP IN THE 1990S

EU MEMBER STATE’S CASE STUDY



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HUNGARY

Gergely Romsics

Introduction

In spring 1990, Hungary became the second country in the Eastern Bloc to hold free multi-party elections. While Hungary was rapidly and explicitly acknowledged as a democracy in transition to a market economy, accession happened nearly a decade and a half later, in the well-known big bang format. As this gap suggests, the accession process was not without bottlenecks and obstacles. The existence of “push” factors (unlike the more obvious “pull” factors) is often overlooked in retrospect, yet the history of the fourteen years after the change of regime and before accession bears out the suspicion that the Eastern enlargement of the European Union did not occur in an entirely linear and balanced manner, along a pre-existing roadmap.

Contingencies influenced the pace and focus of the multidimensional process of integration, as both prospective member countries, Hungary included, and member states sought to navigate a process in permanent flux. Early on, it was easy to conceive of NATO representing a more important vista for integration, given apparent security threats¹ – both present and future – and because the European Communities seemed to many to function largely as an economic and trade arrangement.² Only over the course of the first years of the 1990s did a gradual (and still incomplete) understanding of the intensity of adaptation and cooperation in the emergent European Union take shape in segments of the political class and among experts. Similarly, lackluster economic performance and other domestic challenges were deemed to impose prohibitive electoral costs on politicians’ support for enlargement in at least some member states throughout the early 1990s. It required a relatively prosperous decade and the fading of the period of stagnation in public memory to tilt the balance in favor of enlargement in the old member states.³

This paper attempts to reconstruct the predicaments in which the Hungarian political class found itself before and around the time of the accession process with an eye to generating insights that

1. On the effect of especially the post-Yugoslav wars cf. Ralf Thomas Göllner, *Die Europapolitik Ungarns von 1990-1994: Westintegration, mitteleuropäische regionale Kooperation und Minderheitenfrage*. München, Ungarisches Institut, 2001. (Studia Hungarica No. 47) 17., 76-80., 247. Regarding fears of a resurgent Russia, cf. Wolfgang Zellner and Pál Dunay, *Ungarns Außenpolitik 1990-1997: Zwischen Westintegration Nachbarschafts- und Minderheitenpolitik*. Baden Baden, Nomos, 1998. (Series Demokratie Sicherheit Frieden) 349;

2. On this, cf. former minister of state Iván Bába’s retrospective on the first government cycle. (Iván Bába, *Irányváltás a magyar külpolitikában 1990-1994*. Budapest, Windsor Klub, 1994, esp. 4 and 28. Also, in more general terms: Lajos Keresztes, *Ungarns Vorbereitungen auf den NATO-Beitritt*. Berichte des Bundesinstituts für ostwissenschaftliche und internationale Studien, Cologne, 1998., László J Kiss, „Ungarns Außenpolitik“ in: Georg Brunner (ed.), *Ungarn auf dem Weg der Demokratie: Von der Wende bis zur Gegenwart*. Bonn, Bouvier, 1993. 87-120., Lajos Pietsch, Hungary and NATO. Budapest, Hungarian Atlantic Council, 1998. esp. 9-18;

3. Attila Ágh: “Europeanization of policy-making in East Central Europe: the Hungarian approach to EU accession”, *Journal of European Public Policy*, Vol. 6. No. 12. (1999) 847-850. Ágh quotes Mayhew, an observer-participant to the early European positions towards eastern enlargement, who provides insight into the reasons of resistance to the idea. Alan Mayhew, *Recreating Europe: The European Union’s Policy towards Central and Eastern Europe*, Cambridge and New York, Cambridge University Press, 1998. 22;

can be productively applied to thinking about the European perspective of Georgia. Still, when engaging in comparisons, the fundamental difference between mindsets in the European Union around 1991-1994 and today cannot be overlooked. The continent-spanning process of reunification under the aegis of liberal democracy created cognitive frameworks in the wake of 1989 that have not survived into the post-recession EU of today. The arguments presented below can be translated into more specific policy suggestions in the future in light of how the European Union will evolve and what initiatives and which drivers will influence the manner in which it continues to mark out for itself a distinct political identity and zones of engagement in international politics.

A timeline of the accession process

Hungarian accession to the European Union may be conceived as the composite and the outcome of subsequent phases of increasing engagement with the EC/EU. The preliminary phase commenced sometime in the 1980s as communist technocrats and opposition members alike recognized the inability of the COMECON to fuel growth and innovation in the Eastern Bloc economies, as well as the failure of planned economies to generate long term and sustainable growth based on gains in productivity across sectors. A symbolic moment may have been the signing of the first trade agreement between then-socialist Hungary and the European Economic Community in 1988, easing market access for “non-sensitive” goods from both economies – while the realization of the economic clout of the EC, by Hungarian leaders and society, predates the agreement.⁴

This first, preliminary phase ran to about 1990, the emergence of a broad platform of pro-accession political groups, ranging from the former communists to the conservatives. 1990 in this respect is a far more meaningful boundary than 16 December, 1991 – the signing of the association agreement (officially: Europe Agreement) and the launch of EU programming in the country, since the agreement itself was a function of the political will formation that unfolded in 1990.⁵ Much as in the case of Georgia, by the time the association agreement was signed, there was a clear majority consensus and an élite consensus around the preference for full membership, and the association treaty was seen exclusively as a stepping stone.

The invitation to apply for membership, the outcome of the 1993 Copenhagen meeting of the European Council, translated into the acknowledgement of Hungary as a candidate country in 1994. This period was symbolically closed by the Agenda 2000 evaluation of Hungary in 1997,⁶ giving the green light for starting accession talks (March 1998). These were concluded at the Copenhagen summit in late 2002 – again a more important date for a chronology of developments than accession itself (1 May 2004).⁷

4. Andreas Stephan Schmidt-Schweizer: *Politische Geschichte Ungarns von 1985 bis 2002. Von der liberalisierten Einparteienherrschaft zur Demokratie in der Konsolidierungsphase*. München, Oldenbourg, 2007. 88-89. Also László J. Kiss, “A kádárizmustól az EU-tagságig: a magyar külpolitika metamorfózisa”, in: Idem and Ferenc Gazdags (eds.), *Magyar külpolitika a 20.században*, Budapest, Zrínyi, 2004 49. A perspective on the increasing prominence of thinking about the importance of European relations amidst the final crisis of state socialism is offered by the 1987 essay from the then-famous “reformist” expert politician, Mátyás Szűrös in his *Hazánk és Európa*. Budapest, Kossuth, 1987;

5. Schmidt-Schweizer: op. cit. 234. The Association agreement followed on the heels of the associated membership to the parliamentary assembly of NATO (October 1991);

6. Commission opinion on Hungary’s application for Membership of the European Union. DOC/97/13. Brussels, 15 July, 1997. europa.eu/rapid/press-release_DOC-97-13_en.pdf;

7. A detailed review of the Agenda 2000 findings is offered by Ágh, op. cit. 841-845;

Of the phases of the actual accession process, the 1998-2002 period has received particular scholarly attention. It was in the course of these years that negotiations were the most intensive, domestic change the most rapid (as a consequence of adopting the bulk of the *acquis communautaire*) and the political class the most involved.⁸ For the purposes of the present paper, however, the uncertain and seemingly less eventful period between 1990 and 1998 is more relevant. While accession negotiations can come to a halt, moving forward with the chapters is primarily a question of political will on behalf of the candidate country. In this late phase, the Commission, as the agent acting on behalf of the EU, proceeds in a less politicized and more bureaucratic mode that characterizes its regular intra-community operation. On the other hand, the pre-accession phases lack a formal structure and a timeline, making them inherently less predictable. These preparatory periods (pre-application and application) are therefore more contingent on a score of divergent dynamics, including economic prospects, societal preferences and electoral processes, domestic veto players and expectations on the part of EU élites and decision-makers. These yield complex opportunity structures where windows open and close as preferences change – often incrementally, but at times quite rapidly.

Support for accession did not remain constant in Hungary. Especially in the aforementioned years, between 1990-1998, when a membership track was not clearly visible to Hungarian society, public opinion shifted from enthusiasm (for a rapid enlargement that would never happen) to neutrality and apathy. A clear pro-accession majority was only restored in 1997, as the public realized that actual negotiations were about to begin, and perhaps not independently of the end of post-transition recession.⁹ At the same time, the political class and the expert community, as well as the most educated segments of society, remained overwhelmingly committed to the project of integration. In the end, the referendum on accession confirmed this commitment, as 84% of the votes were cast in support of joining. The 45% participation rate was low (compared to parliamentary elections achieving between 60 and 70% turnout in the period), but this figure was at least in part due to the result being considered a foregone conclusion by many voters.¹⁰

European integration capacity and the case of Hungary

In the 1990s, enlargement commitments emerged amongst key players in the European Union in a piecemeal manner without a clear “tipping point” becoming identifiable. Post-communist countries, Hungary included, sought fast accession, but were held back and advised against submitting applications in the first third of the decade.¹¹ Margaret Thatcher and Chancellor Helmut Kohl’s apparent preference for fast-track enlargement did not sway the conditionality-focused Commission and exacerbated fears on at least three intra-EU levels: 1) segments of the German and other electorates fearing labor competition, 2) parts of the French élites fearing a Germany+ scenario where Germany and its new member “allies” reduce the veto and policy-shaping power of other member states, and 3) The main beneficiaries of redistributive policies seeking to preserve the net transfers from the community budget.¹²

8. Batory, Agnes: “The Political Context of EU Accession in Hungary.” The Royal Institute of International Affairs European Programme Briefing Paper, November 2002. 2-5. <https://www.chathamhouse.org/sites/default/files/public/Research/Europe/hungarian.pdf>;

9. Ágh, op. cit. 847;

10. Batory, op. cit. 5-7;

11. Batory, op. cit. 3-4;

12. Paul Taylor, *The End of European Integration: Anti-Europeanism Examined*. London and New York, Routledge, 2008. 8-23.

Despite the various fears and the multi-source resistance to enlargement, by the end of the decade a strong consensus for some enlargement format (case by case or big bang scenario) had emerged amongst member states. Explanations for this permissive consensus have included arguments that threatened sectors and labour represented little electoral clout (Grabbe)¹³ and the argument that old member states stood to become net beneficiaries, as well (Moravcsik).¹⁴ These explanations, however, are less able to explain the shift (why support enlargement in 1999, but not in 1993?) in member state preferences over the course of the decade. That is why the constructivist explanation focusing on rhetorical entrapment has a clear analytic niche in interpreting the enlargement process (Schimmelfennig, Sjursen and Smith).¹⁵ According to the latter approach, norm-based communities and norm-guided actors in particular will be prone to making policy choices that follow on from their broader principles (their identities). They follow a logic of appropriateness rather than a logic of consequences, especially if they are “pulled” into rhetorical situations in which support for a specific policy choice is tied to a foundational principle of the self. A central lesson of Eastern enlargement has therefore concerned the power of words. In as much as key EU actors – both national and supranational – can be tempted to make norm-based utterances regarding moral imperatives, such as accepting a candidate country because “it belongs to Europe”, “shares European values”, “has made efforts”, etc., deviating from the norm-based policy line and denying the accession perspective becomes increasingly difficult. While national governments have been less consistent in this regard, the argument holds for both levels of EU policy formation.

Candidate strategies and resources: the Hungarian case

The last and largest analytic section of this paper attempts to look at pre-accession country strategies. Hungary’s candidacy was supported by first and foremost the commitment of its political class to the project of joining the European Union. The necessity of closer ties with the EC had become a staple in the discourse of reform communists by 1988. This practical policy of trade opening was complemented by normative references to the “common European home”, a term coined towards the end of the Cold War and expressing a desired qualitative change compared to “peaceful co-existence”. It explicitly confirmed a shared European identity as opposed to reinforcing the division of the continent as suggested by the noun “co-existence”. It did, however, also express a distinction between the Western and the Eastern parts of the continent – hence the emphasis on “common.” The new democratic parties, by 1990, had come to abandon this Gorbachev-era term, and lined up behind EC membership as a return to Europe.¹⁶ This choice was seen as “mending history”,

and 50-69., also Frank Schimmelfennig and Ulrich Sedelmeier, “Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe”, *Journal of European Public Policy* Vol. 11. No. 4 (2004) 661-679;

13. Heather Grabbe, “The governance of the EU: Facing the challenge of enlargement,” *New Economy* Vol. 9 No. 2 (2002);

14. Andrew Moravcsik, “Europe’s Integration at Century’s End,” in Idem (ed.), *Centralization or Fragmentation? Europe Facing the Challenges of Deepening, Diversity, and Democracy*. New York: Council on Foreign Relations, 1998, Andrew Moravcsik and Milada Vachudova, “National Interest, State Power, and EU Enlargement, East European Politics and Society”, in: Frank Schimmelfennig and Ulrich Sedelmeier (eds.), *The Politics of European Union Enlargement: Theoretical Approaches*. London: Routledge, 2005. 198;

15. Frank Schimmelfennig, “The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union,” *International Organization*, Vol. 55, No. 1 (2001) 47-80. Helene Sjursen and Karen E. Smith, “Justifying EU Foreign Policy: the logics underpinning EU enlargement”, in: Ben Tonra and Thomas Christiansen (eds.), *Rethinking European Union Foreign Policy*. Manchester University Press, 2004. 126-142;

16. Zellner-Dunay: op. cit. 140. Zellner and Dunay cite FM Géza Jeszenszky’s informative statement reflecting the strong normative belief of the early post-communist elites about the “return” to “Europe”;

restoring Europeaness to a region torn from its continent by dictatorship and foreign (Soviet) influence. Despite the obvious awareness of the economic might especially of Germany, accession was framed in Hungary in predominantly normative terms in the first phase.¹⁷

Given the post-Cold War constellation, the norm-based foreign policy activism of Hungary and the Visegrad countries in general was met largely favorably (if mainly by élites) in old member states. In Hungary, the first democratically elected government led by conservative PM József Antall especially emphasized the aspect of “return” as opposed to “entry”, accepting even the occasional confrontation with supranational European bodies concerning Hungarian claims and expectations, which were underpinned by a normative discourse.¹⁸ While his socialist successor, Gyula Horn, abandoned the normative approach to cajole member states into supporting the application, the foundational discourse about a value-driven accession did not change.¹⁹

Second, Hungary was sufficiently committed to the accession to accept eliminating instability tied to past ethnic conflicts. After 1989, Hungary had experienced a rise in disagreements with neighbours who ruled over large ethnic Hungarian minorities, the outcome of the 1920 Trianon Treaty which stripped Hungary of two thirds of its former territories.²⁰ The conservative government accepted the need in principle to sign basic treaties with neighbours as a precondition for both NATO and EU accession. In 1992, the country signed such treaties, providing for the rights of the Magyar minority, with Croatia and Slovenia – widely seen as the least problematic neighbouring countries in this regard. In 1993, PM Antall, a staunch believer in Euro-Atlantic integration, forced the basic treaty with Ukraine through parliament. The political costs were very high: the radicals left the party, and the basic treaty could only be ratified with opposition votes. The basic treaty represented a symbolic break with the period of malformed post-communist foreign political imaginaries in Hungary. The process was completed in 1995-1996 by the second democratically elected government, made up of left-of-center parties, which signed similar treaties with Slovakia and Romania, fulfilling a formal precondition of NATO membership and an informal one for joining the EU.²¹ Given the paramount importance attached to this process by leading western powers in the wake of the Yugoslav wars, and the more recent experience of the failed reunification of Cyprus prior to accession, it is hard to see how Georgia could avoid settling its territorial issues prior to engaging on a similar accession course.

Third, the political consensus in Hungary supported working with the EU but expected rapid results. This naturally involved *acquis* relating to the single market, since the association agreement had foreseen harmonization in the sector as early as 1991 – as in the case of Georgia. But Hungary also moved unilaterally to approximate the EU’s legal order in other areas, such as for

17. I rely here and subsequently where noted on two, largely mutually reinforcing interviews conducted in July 2018 with Pál Dunay, security expert and former senior civil servant in the post-transition foreign ministry of Hungary and István Hegedűs, NGO-leader and former liberal politician, deputy head of the first democratically elected Parliament committee on foreign relations. I thank both experts for their important insights;

18. Batory, op. cit. 2., as well as Dunay, interview;

19. Miklós Vásárhelyi: “Külpolitika az átmenet korszakában”, *Külpolitika* Vol. 1. No. 1. (1995) 15-22., es;

20. The majority of these territories awarded to neighbors and successor states had a majority population of Slovaks, Romanians, Serbs or Croats, but large areas of Hungarian-majority areas were also included;

21. On the basic treaties, there is no consensus with regard to whether they achieved “optimal” levels of minority protection under the circumstances. But there is a general agreement about the governments having ultimately shared the conviction that these treaties needed to be signed. Bába, op. cit. 15-16., Géza Jeszenszky “Hungary’s Bilateral Treaties with the Neighbours,” *Ethnos-Nation* 1996 No. 1-2. 123-128;

instance Justice and Home affairs. This found reflection in the praise (going well beyond the mandatory optimism) in the Agenda 2000 report on Hungary, the assessment of issues prepared by the Commission prior to commencing negotiations.

A fourth and final aspect which was capitalized on by the Hungarian side concerned the relative openness of its economy from the late 1980s on, which rapidly became heavily dependent on the EU. The share of the single market surpassed two thirds in Hungarian foreign trade by the late 1990s. As the leading post-communist target country of foreign investment in the same decade, Hungary was in a position to argue that it had grown so symbiotic with the European Union that upholding barriers of any sorts was really only a loss for both parties. This argument especially targeted those neighboring or nearby countries that could have feared costs being imposed upon them by the potential influx of cheap Hungarian labor, either migrant or working in the domestic economy and competing with high wage national workforces. (Austria after 1995, Italy, Germany).²²

An important contingent factor that needs to be considered is the German support given in these years. Germany under Helmut Kohl was struggling with the costs of reintegrating the “new” Länder of the former GDR, yet never wavered in its support for the accession of the V3/4. The Hungarian Prime Minister, József Antall, developed a close working relationship with Chancellor Kohl. In the case of Hungary, the decision of 11 September 1989 to open the Austro-Hungarian border and let East German tourists/refugees leave was both a humanitarian act and one that revealed the moral bankruptcy of German communism, precipitating the collapse of the GDR and, ultimately, reunification. For a generation of German politicians, especially in the governing CDU and FDP (conservatives and liberals), support for Hungarian goals became – according to recollections and interviews – almost an automatic preference.²³

A similarly secondary, image-shaping role may be ascribed to early multilateral regional initiatives such as the Pentagonale (involving Italy, Austria, Slovenia, Czechoslovakia and Hungary), which later evolved into the Hexagonale (with Poland) and then into the broader Central European Initiative. The Carpathian euro-region, which pulled Ukraine into an EU-sponsored scheme as well (1993) demonstrated the synergy between regional cultural and economic agendas, including Hungarian efforts at “Europeanizing” support for its national minorities, while representing the “import” of an EU experiment into the post-communist space. It remained moderately functional at best but was widely seen as a Hungary-driven project aimed at overcoming national barriers through reliance on the European toolbox. While neither these, nor later multilateral initiatives, developed into formalized coordination and cooperation mechanisms, their normative influence mattered, reinforcing the “Visegrad image” of a peaceful region adopting European norms in its external relations and neighborhood policies.²⁴ Importantly, such demonstrations of putting

22. Taylor, op. cit. 50-69., Robert Bideleux, “Bringing the East back in”, in: Idem and Richard Taylor (eds.), *European Integration and Disintegration: East and West*, London and New York, Routledge, 1996. 225-251;

23. Interview with Dunay, corroborated by relevant literature: an early formulation of the German patronage thesis is provided by László J Kiss, “Multilateralism in Bilateralism: Germany as Hungary’s Western Patron in the EU”, in: Matthias Jopp et al. (eds.), *Germany’s European Policy: Perceptions in Key Partner Countries*, Bonn: Europa Union Verlag, 2002. This has been more recently supported by a detailed empirical investigation, backed up by declassified Hungarian MFA materials from the 1990s. András Hettyey, “A német külpolitika és Magyarország euroatlanti integrációja az Antall-kormány éveiben” *Külügyi Szemle* Vol. 11. No. 2. (2015) 3-25. and Idem: “A német külpolitika és Magyarország európai uniós integrációja, 1994-1998”, *Külügyi Szemle* Vol. 12. No. 3. (2016) 3-19;

24. Schmidt-Schweizer, op. cit. 237. Géza Jeszenszky, “A ‘visegrádi gondolat’ és az euro-atlanti integráció”, in: A rendszervál-

European norms into practice are available to Georgia, in the context of the Black Sea Synergy and elsewhere within the expansive the European institutional ecosystem.

Finally, it should be noted that Hungarian experts and former shapers of the accession process are still divided over the relative merits of the first (conservative) and second (socialist and liberal) democratically elected governments in precipitating the accession process.²⁵ As noted, Antall’s conservatives approached the Hungarian and East Central European “return” to Europe as a task which had to be negotiated, but the moral imperative of which could never be questioned. They viewed this imperative as extending to the more fortunate old member states – and used this to enter the process on an equal footing, rather than as applicants. For the subsequent Horn government, the character of the negotiations became more technical, as harmonization was begun (well before the actual accession process commenced), and the socialists and liberals in power after 1994 also accepted the asymmetries inherent in enlargement. Both approaches likely had their roles and uses: the normative argument helped coerce European actors into accepting the principle of enlargement, while the technocratic and pragmatic approach thereafter helped the process not get stuck and demonstrated genuine Hungarian commitment to membership.²⁶

Conclusions and recommendations

In the concluding section I attempt to address four policy dilemmas facing Georgia. These are whether to push for candidate status alone or in a cohort, accept the EU-proposed frameworks or seek candidate status immediately, aim for potential candidate or actual candidate status in the process and whether to exercise strategic patience in view of the current enlargement fatigue. Given how ideational factors in Georgia are clearly in place, and given past experience of the EU following up on normative rhetorical commitments, it seems fairly clear that Georgia should pursue an accession perspective not without coordination with other countries, but definitely at its own pace. Already at the time of the Eastern enlargement, post-communist countries were allies *and* competitors, which had more benefits than costs in the end. Falling behind had real risks and the rewards of making progress also remained tangible. This is still the case today, and as Georgia has by far the strongest domestic coalition for accession, an asset that should not be undersold to the EU, but used as a normative argument.

With regard to accepting EU roadmaps and timelines, the answer the Hungarian example suggests is an ambiguous one. Cooperating with the EU in non-accession frameworks did not prove a hindrance, even though an accession perspective did not open for years in the 1990s. Cooperating in existing and proposed schemes need not conflict with a permanent normative pressure – much as in the case of the Antall government – calling on European decision-makers to acknowledge Georgian preferences and its natural place in “Europe”.

Finally, Georgia should build a case or, rather, continue building its case without threatening an already wary and uncertain EU with any consequences. An open-ended and flexible, but permanent effort builds clout while not reinforcing any aversions on the part of member states for further

tozás a Magyar Szemlében, 1992-2002. Budapest: Válasz, 2003. 330-337;

25. Hegedüs interview;

26. Vásárhelyi, op. cit., 1995:18., Zellner-Dunay: op. cit. 449. Schmidt-Schweizer, op. cit. 238;

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enlargement. It demonstrates goodwill, and any dialogue that is established, be it a preliminary discussion to a preliminary agenda on the way to an accession perspective, will draw in bureaucrats and decision-makers, presenting Georgia with an opportunity to disseminate its normative case for membership. As much as the EU socialized candidate countries, prospective candidates should aim to socialize segments of the EU bureaucracy and political caste to support their vision.

Despite the above, it is clear that Georgian candidate status is not an immediate perspective. The EU is not in a position at present to embark on an ambitious plan of enlargement and needs to complete its process of reinventing itself. While some outcomes will make further enlargement likely easier and others less so, any consolidated EU will have more integration capacity than an internally divided one. For Georgia, the implication is that if there is general consensus in the political class about the desirability of accession, this should not alter the course of Georgian politics. The most efficient instrument available is voluntary adaptation: accomplishing the Europeanization of Georgia – in the technical and legal, rather than only ideational sense – will make the costs of integration much lower for member states at that point in time in the medium term, when enlargement can once more figure on the European agenda.

POLAND'S TRANSFORMATION AND EU MEMBERSHIP: LESSONS FOR GEORGIA

EU MEMBER STATE'S CASE STUDY



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INTRODUCTION

The story of Poland's return to Europe starts in 1989. It was 6 February when the first Round Table discussions began in Warsaw between the united anti-communist pro-democratic opposition and the Polish communist authorities. It was a euphoric, if not unexpected, moment. The negotiations created an unprecedented historical situation in which the political elite was able to craft a framework of democracy – the first time since before the war and one that would clearly have reverberations beyond Poland.¹ It was clear from the start of the discussions that Poland was not only to shed its four decades of Socialist weight but also find a way, if successful, to strongly integrate into Western European structures, in other words its “Return to Europe”. As Jeffrey Sachs noted in 1992: “Poles [were] virtually unanimous in their admiration for the social and political accomplishments of postwar Western Europe in creating wealthy and largely equitable societies based on private ownership, social welfare systems and stable parliamentary democracies.”² It was this admiration that was a driving force behind much of the transformation – especially at the outset of the transition.

In some sense, we can state that the events that started in Poland set in motion a series of dominoes which began to fall, and with them the Iron Curtain. As Sanford noted, “One cannot stress too strongly Poland's path-breaking role in forcing the abdication of communism in its own country, thus sparking-off Soviet bloc collapse.” But the paths that each country took after the collapse of communism in Central and Eastern Europe diverged significantly. Hence to compare the Polish experience with post-Soviet states such as Georgia can be a challenging exercise. Yet, there are some key lessons from Poland's transition that could be taken into account as Georgia seeks to continue its pro-EU integration agenda.

Therefore, in the framework of the Levan Mikeladze Foundation's project “Towards Unlocking Georgia's EU Perspective”, this case study will briefly address the Polish lessons to assist policy- and decision-makers in Georgia and abroad. The case study will examine the transformation process in Poland with a particular focus on the experience, process, context and lessons learnt.

Context – From roundtable to EU accession

The political success of the Roundtable talks in 1989, which led to the first semi-free elections in June of that year, was the easiest hurdle to overcome for the pro-democratic forces in Poland. The next steps were much more daunting. If Poland was serious about its declared “Return to Europe”, it would have to undergo a complete process of transformation from a centralised economy dominated by a single party to a free market economy based on Western European standards, along with

1. Bozóki, András (2000). “The Roundtable Talks of 1989: Participants, Political Visions, and Historical References.” *Hungarian Studies* Vol. 14/2;

2. Sachs, Jeffrey (2002). “Building a Market Economy in Poland.” *Scientific American*. March 1992;

an open and pluralistic society allowing for participation of everyone in political life. The developments that took place throughout the 1990s and early 2000s illustrate that it was not always forward progress. But the fact is that Poland managed to successfully sign an Association Agreement with the European Union (1991), obtain a membership perspective (1994), join NATO (1999) and finally accede to the EU (2004).

This section provides an overview of the context of Poland's transformation. It will examine the economic, political, social, and geopolitical situation which was taking place at the time of Poland's association with the European Union.

Key dates to bear in mind:

- Association Agreement between Poland and the European Community signed on 21 December 1991
- Association Agreement ratified by Poland 24 July 1992
- Association Agreement with Poland ratified by European Parliament 16 September 1992
- Polish application for membership of the European Union submitted 8 April 1994
- Beginning of accession negotiations 12-13 December 1997
- Poland joins the North Atlantic Treaty Organization (NATO) Alliance 12 March 1999
- Conclusion of accession negotiations between Poland and the European Union 13 December 2002
- Accession treaty signed 13 April 2003
- Poland joins the European Union 1 May 2004

ECONOMIC CONTEXT – post-1989

Probably the most difficult sector to reform following the success of the pro-democratic forces in Poland was the economic one. It is important to remember that the beginning of the 1990s was a very tumultuous economic time for the country. Poland's economy was forced to privatise large sections of the state-owned industry while other parts had almost collapsed entirely. At the same time, private enterprises grew relatively quickly, which made it difficult for the economic policy-makers to keep up with the rapid changes. The policy adopted in order to address these changes and integrate Poland into the global economy became known as “shock therapy”. The lead architect for this economy plan was Leszek Balcerowicz, an economist and Poland's Finance Minister at the time. The plan became known as the “Balcerowicz Plan”.

The signing of the Association Agreement between Poland and the European Community on 21 December 1991 took place at a time when the economic situation in Poland was unclear. The first signs of stabilization were apparent and inflation was coming slowly under control. The largest sectors of the Polish economy, which included heavy industry, steel, coal and agriculture, were far behind their Western counterparts and in dire need of investment. What's more, the economic side of the Association Agreement with Poland, which called for establishing a free trade area between Poland and the European Community, did not happen automatically and immediately. The reduction or elimination of tariffs on Polish goods being sent to the European Union, which started in 1992, took place gradually.

Foreign assistance from the United States and Western Europe as well as Foreign Direct Investment played key roles in transforming the Polish economy. One important element of this assistance was Europe's PHARE Programme. PHARE – which stood for Poland and Hungary: Assistance for Restructuring their Economies – was originally launched in 1989 to provide aid for the immediate needs of transition and aid for institutional reforms. After 1992, the scope of programmes supported by PHARE increased to address longer-term economic development and investment requirements.³ By the time Poland and the other Central European states officially submitted their applications for EU membership in 1994, PHARE became a natural foundation on which to work. As the economy stabilized and grew, PHARE resources were broadened to invest not only in the economy but also in the public sector. The two main priorities for the programme shifted to focus on institution-building and investment support. By 1998, around 30% of aid under the PHARE programme was being used towards institution-building, which included democratic institutions and public administration.

Key Lessons – Economy

Considerations and lessons for the Georgian situation

- It is difficult to compare the Polish economic situation, which developed in parallel with (and as a part of) its European Association and later accession, to that of the current Georgian situation. The Polish economy was starting at “point zero”. The privatisation process did not follow the post-Soviet model and an oligarchic system did not develop in Poland.
- From one perspective, Poland's success is largely due to the fact that it started its economic reforms during a time when the previous system had wholly collapsed. A significant amount of resources and energy during this period, coupled with European integration policies, was used to transform Poland's economy to be in line with Western Europe.
- Georgia in its Association with the European Union (2014) is at a completely different stage of economic development. Despite some challenges, Georgia has relatively strong economic fundamentals which should be a selling-point for EU policymakers.
- The Georgian economy is more integrated with the global economy than Poland was in 1990, and its largest trading partner is the European Union – this puts it already at a better advantage than Poland had during its association / accession period.
- The Government of Georgia should place strong emphasis on aid coming from the EU for economic development.
- Georgia should continue to liberalise its economy based on European standards and to become more competitive in the global economy. Lessons from Poland may be useful in this process.

POLITICAL CONTEXT

Poland's political developments throughout the period of the EU Association and later accession followed a similar pattern to its economic developments: a period of high instability at the beginning of the transformation with a gradual stabilization during the mid-late 1990s. Despite a series of political disagreements and splits during this time, the most important element of Poland's

3. European Parliament (1998). “The PHARE Programme and the enlargement of the European Union”. Briefing Note no. 33. Available http://www.europarl.europa.eu/enlargement/briefings/33a1_en.htm (accessed 10.06.2018);

foreign policy, its pro-West orientation, remained literally unchanged leading up to Poland's EU accession in 2004.

The most relevant elements of the political context that took place during this period include Poland's public sector and administrative reforms, the developments with Europe, the geopolitical context (including the security situation in Russia and the post-Soviet space) and the role of cooperation with Poland's neighbours. This section will highlight these areas in order to provide insight for Georgian policymakers when examining dilemmas in unlocking their EU perspective.

Local Political Context

The internal political situation in Poland between 1990 and 2004 was fraught with instability, political infighting, splits and even a return to power of the post-communist party. Between 1991 and 2002, Poland had nine cabinets whose average longevity was a little over 15 months.⁴ As Christopher Hartwell points out, the Polish political system was characterized as a semi-presidential system. The system in place was a legacy of the communist system as well as a result of the Round-table talks of 1989. Hartwell writes that this form was the “prevailing form of government in Poland from 1990 to 1997 [...] And while the semi-presidential system was blamed for cabinet instability, the reality is that the Polish political system was simply undergoing a transition, forming coalitions and parties out of a whole cloth. In such a situation, instability was perhaps preferred rather than the stability of continuity.”⁵

In 1995, Aleksander Kwaśniewski was elected President, defeating incumbent Lech Wałęsa. Kwaśniewski came from the SLD party, which was the re-branded party of the old communist party (PZPR). Concerns over which direction Poland would take after the post-communist party came to power were quickly alleviated after Kwaśniewski announced the intention to continue Poland's integration with the European Union and NATO. Political, administrative and institutional reforms continued during his presidency.

The new constitution which went into force in 1997 solidified the Polish political system as a parliamentary system, with the executive being the prime minister atop the cabinet of ministers. The president remained head of state with some presidential functions which would normally be limited to a sole executive role, such as signing (or vetoing) legislation, confirming or dissolving parliament, as well as the function of commander-in-chief.

Beyond political arrangements, one of the key administrative elements of reform in Poland that was established in the 1997 Constitution was strengthening the role of local government. Shedding the more than 40 decades of political centralisation had proven to be a significant challenge to Poland during the transformation. It is important to note that Poland's geographic size (313,000 square kilometres) and population (of around 38 million in the mid-1990s) were significant factors in the administrative and institutional arrangements of the country. The legacy of the communist system in Poland, which was based on the Soviet system, was a strong barrier to these reforms. The

4. Prostyk, O. (2003). “Troubled semi-presidentialism: Stability of the constitutional system and cabinet in Ukraine. Europe-Asia Studies Vol55(7);

5. Hartwell, Christopher (2016). Two Roads Diverge. The transition experience of Poland and Ukraine. Cambridge University Press. P. 334;

decentralisation reforms gave new powers to local authorities which were directly elected in local elections, diversifying power structures in Poland.

Relations with Europe

Even while a member of the Soviet sphere of influence, in September 1988 Poland established diplomatic relations with the European Economic Community (EEC). One year later, in September 1989, Poland signed an agreement with the European Community on trade and economic partnership.⁶ This agreement created a framework for Europe and Poland, and not only established economic relations via the PHARE programme for example, but also established bilateral political ties. Negotiations accelerated after the change of power in 1989, which led to the 16 December 1991 signing of the Association Agreement with the European Union (AA). It is important to emphasize that in 1991, the Association Agreement (AA) did not guarantee membership for Poland in the European Union. Like Georgia, Ukraine and Moldova, the agreement outlined an institutional framework for long-term economic and political cooperation. In fact, at several stages leading up to the signing of the AA with Poland, both the European Council and the Council of Foreign Ministers repeated the claim that association does not necessarily lead to membership. This was a disappointment to Poland (and the other Central European countries). It wasn't until the June 1993 Copenhagen Summit that a significant shift in Europe's policy towards the region was seen. The conclusions of the Council at the Copenhagen Summit included a statement that any of the countries that signed the AA with the EU should be allowed to become members.⁷

This was the moment when the door opened for Poland's membership into the European Union. The requirements became known as the "Copenhagen Criteria" and in essence mean that any European state that aspires to be a member should meet three overarching criteria: 1) comply with all the EU's standards and rules; 2) have the consent of the EU institutions and EU member states; 3) have the consent of their citizens – as expressed through approval in their national parliament or by referendum.⁸

Poland officially submitted its "Application Concerning Poland's Accession to the European Union" on 8 April 1994. At the time, Poland believed it had met the formal criteria to apply for membership. In 1994, around 70% of Poles supported membership in the European Union. The European Council debated the application (along with others from the region) and a strategy for pre-accession work was adopted at the end of 1994. The strategy was based on five areas: strengthening the structured relationship; approximation of laws; enhancing trade opportunities; promoting cooperation in areas like energy, transport and environment; and assistance for integration and reform.⁹

It is important to highlight here that the European Union was already in the process of enlargement with other European states. In 1995, Sweden, Finland and Austria officially joined the EU. In

6. Kolodziejczyk, Katarzyna (2016). "Poland in the European Union. Ten years of membership". UNISCI Journal. N° 40 (January 2016);

7. European Council in Copenhagen 21-22 June 1993. Conclusions of the Presidency. <https://www.consilium.europa.eu/media/21225/72921.pdf> (accessed 15 June 2018);

8. European Commission. "Conditions for membership". Online at https://ec.europa.eu/neighbourhood-enlargement/policy/conditions-membership_en accessed 15 June 2018;

9. Trzeciak, Sergiusz (2011). Poland's EU Accession. Routledge, p. 46-47;

addition, the level of optimism about Europe in the 1990s (both in Poland and in general), following the end of the Cold War, reached new levels. It was a period which can be characterized as being "Euro-optimistic". The Maastricht Treaty, which in essence created the Eurozone and shaped the EU as a political unit in foreign affairs, had been passed by all states by the end of 1993. The Copenhagen Council (as mentioned above) opened the door to new members from Central and Eastern Europe. By mid-1995, the Schengen Agreement went into effect in seven members of the European Union and in 1997 the Amsterdam Treaty was signed, aimed at making the institutions of the EU even stronger.¹⁰

Support for European enlargement during this time period was also relatively high, with strong supporters inside the EU pushing for including the post-Socialist states. As Sergiusz Trzeciak noted, "the push for enlargement was possible due to the strong backing from Germany and the United Kingdom." In Poland, support for membership was at its highest in 1994-1995 – with around 80% in favour. It had levelled off at around 60% by 1997.¹¹

Poland was officially invited to accession negotiations at the European Council meeting held in Luxembourg on 12-13 December 1997. The negotiations were concluded exactly five years later on 13 December 2002.

Relations with neighbours

One key dimension that needs to be considered when addressing the policy dilemmas for Georgia is the role of neighbours in the process of garnering support for the EU membership perspective. Germany's role was already mentioned above as being a strong supporter of Poland and Central Europe's EU membership. But of particular importance in this case is the role of the Visegrád Four – the countries of Poland, the Czech Republic, Slovakia and Hungary. The Visegrád Group was founded in 1991 with four overarching aims: 1) to eliminate the remnants of the communist bloc in Central Europe; 2) to overcome historic animosities between Central European countries; 3) to undertake joint efforts to achieve the set goals, i.e. to successfully accomplish social transformation and join the European integration process; and 4) to bring together the then ruling political elites.¹² It was thanks in part to the Visegrád countries that the Association Agreements included in their preambles that the ultimate goal was EU accession (however, not automatic).¹³

At the same time, the cooperation had not been entirely regular or consistent. After 1994, the bloc's cooperation dissipated as each individual country focused on its own bilateral negotiations with the European Union. Regional cooperation, which manifested itself in the shape of the Visegrád Group, was much more important in achieving the initial Association Agreements than the later accession process.

10. European Union. "A Europe without frontiers". https://europa.eu/european-union/about-eu/history/1990-1999_en accessed 16 June 2018;

11. Trzeciak, Sergiusz. Ibid. P.48-49;

12. Visegrad Group. "History of the Visegrad Group." <http://www.visegradgroup.eu/history/history-of-the-visegrad> accessed 15 June 2018;

13. Trzeciak, Sergiusz. Ibid p.43;

Geopolitical context

Finally, the geopolitical context is a crucial element which played a significant role in the association and accession of Poland and the other Central European states to the European Union. Here it is important to highlight the situation of Russia during this period – especially in the years 1991-1994. Russia's internal weakness translated into its relations with the West, particularly in the enlargement of the European Union and NATO in Europe.

KEY LESSONS – POLITICS & GEOPOLITICS

The political and geopolitical context in which Poland achieved its Association Agreement and later promise of membership played a direct role in the country's success. This context should be taken into consideration by Georgian policymakers when examining the case of Poland and the lessons learnt, which may or may not be directly applicable to the Georgian situation. In addition to the chronological developments, certain natural differences also need to be highlighted.

Considerations and lessons for Georgia

- Poland's geography and demographics made it a very attractive state to make a member of the European Union. The territory of Poland covers over 312,000 square kilometres with a population of around 38 million people. Its economic potential was already very strong even at the beginning of the 1990s, despite emerging from nearly 50 years of communist rule.
- However, Poland signed its Association Agreement without any real promise of membership in the European Union. It was only thanks to the joint pressure of the Visegrád countries that allowed for a statement declaring the goal of the associating states (not the EU) was ultimate membership.
- Europe was also in the middle of very serious stages of development and enlargement. Most notable, the Copenhagen Council Summit of 1993 not only explicitly declared the membership window open for the Central and Eastern European states, it also specifically outlined the criteria necessary to become a member state. The EU had also begun to consolidate itself as a single unit focusing on creation of a Eurozone and strengthening institutional development.
- In this context, Poland submitted its application to the European Union in April 1994; however negotiations only began in 1997. During this time, Poland adopted a "National Strategy for Integration" which was to help keep it on the EU path.
- Critical reforms in all sectors – institutional, political, administrative, economic – were meant primarily to adhere to the *aquis communautaire*, which was ultimately needed for the European Union to agree to accession. One key element of reforms was Poland's decentralization reforms which were embodied in the new 1997 Constitution.
- The geopolitical environment played a positive role in allowing Poland and other Central and Eastern Europe states to pursue integration with European and Western structures, including NATO.
- Unlike Georgia, Poland had no territorial disputes or frozen conflicts on its territory. After the Roundtable negotiations which led to a changeover in the Polish elites, Poland successfully negotiated the withdrawal of Soviet Troops from its territory. The last troops left in 1993.

CONCLUSIONS

This case study, which presents an overview of the Polish experience in obtaining an Association Agreement and later an invitation to apply for membership to the European Union, should provide some insight for Georgian policymakers and experts interested in achieving the same goals for Georgia. As outlined in the considerations of the context sections, Poland and Europe were in a very different position than they are today. Georgia needs to bear in mind that several elements of the contemporary situation are very different from what they were nearly 30 years ago.

It should be recalled that Poland submitted its application to become a member of the European Union in 1994, but only became a member 10 years later – and 13 years after it signed the Association Agreement. This perhaps can be a lesson that patience and endurance are needed when pursuing the integration path and EU membership.

Upon signing the Association Agreement in 1991, Poland's European future was uncertain, much like Georgia's is today. Of course, at that time, Europe was a growing entity. Poland's accession to the European Union was a part of the "Big Bang" in 2004 which brought a total of 10 new members. During that time, Europe solidified as a political union, introduced the Euro currency (which is now in use by 19 EU member states) and expanded to a Union of 28 member states – with Croatia joining in 2013.

However, since then the tides have significantly turned. Europe was hit hard during the 2008 economic crisis which led to the Eurozone crisis in 2009-2010. Russia's resurgence as a regional power determined to wield influence over former Soviet states (including Georgia) frightened many European powers, especially the 2008 war with Georgia, 2014 annexation of Crimea and war in eastern Ukraine. The 2015 refugee crisis created divided opinions on European immigration and border policies, with some even questioning the Schengen arrangement. The rise of Eurosceptic populists have also further polarized Europeans' attitudes towards enlargement and further European integration, which was exemplified in the Brexit referendum and the United Kingdom's ongoing negotiations to leave the EU and low general support for the EU in many member states.

This situation does not benefit Georgia in its aim to pursue European Union membership and will certainly add new challenges. However, this does not mean that these aims should be abandoned. The case of the Western Balkans shows that the door for membership can be open. Therefore, a serious reflection over Georgia's current path and its strategy, such as that being undertaken in the Levan Mikeladze Foundation's project, is a good step in this process.

SLOVAKIA'S LESSONS FROM EU ACCESSION: IMPLICATIONS FOR GEORGIA

EU MEMBER STATE'S CASE STUDY



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SLOVAKIA

Vladimír Bilčík

These pages offer a basic overview of Slovakia's accession process from the signing of the Europe Agreement. It outlines the country's specific starting position and key issues and lessons arising from accession preparations and talks. It concludes with some notes on the limits of Slovakia's experience for today's enlargement and neighborhood policies.

Negotiations take time and perseverance

Negotiations take time. Former Czechoslovakia began its talks on the so-called Europe agreement – more broadly known as the Association Agreement - in 1990, just months after the Velvet Revolution in November 1989 that toppled communism. The Czechoslovak-Europe agreement came into effect before Czechoslovakia dissolved in 1993. Thus, it took Slovakia fourteen years from the signing of the Europe Agreement with the former Czechoslovakia to Slovakia's accession into the EU in 2004. While the Slovak accession into the European Union may have seemed to have happened relatively quickly, it took almost a generation to complete. As such, it must be recognized that it does take a long time to get into the EU, and any questionable domestic political practices – such as those dealt with in Slovakia - could prove very costly in terms of successful management of the accession process.

New state

The second observation is that one does need to organize the state anew and successfully after it is dissolved from a larger entity. This was a big challenge for Slovakia after it separated from the Czech Republic due to a need to negotiate all the obligations it was taking on as a successor state and also in having to deal with the basic challenge of the political, administrative and economic management of a new country. Slovakia did not have any experience having an independent government as such, so it faced difficulties building both a political elite and the administrative capacities needed to perform and provide the essential public services.

Neighbors and minorities

Thirdly, in 1993, Slovakia, as a newly found state, faced the essential challenge of sorting out relations with its immediate neighbors. Apart from the Czech Republic, which in the end turned out to be an easy case, the more difficult and more protracted one was the relationship with its southern neighbor, Hungary, a result of not only certain historical legacies but also because of the presence of a sizeable Hungarian minority in southern Slovakia. This bilateral relationship took some time to resolve, to such a degree that the EU member states felt the need to bring experts into the negotiations. In short, the political solution took some years. While the Slovak-Hungarian bilateral treaty was signed in 1995, a number of specific provisions that had to do with the nature of the Slovak-Hungarian relations did not come into effect until the political climate changed in Slovakia at the end of the 1990s. The essential problem which Slovakia faced was that although

Slovak politicians had stated ever since Slovakia was born as a country in 1993 that they wanted to enter both NATO and the EU, there was a big mismatch between their words and deeds on the ground between 1994 and 1998.

This was especially characteristic of the coalition government in Slovakia under Prime Minister Vladimir Meciar between 1994-1998. The real problems or legacies from that time included unresolved crimes in which the involvement of the state authorities was largely suspected and also the vacancy in the presidency of Slovakia which lasted over a year and resulted in an institutional imbalance in domestic politics. Meciar's executives also ignored a number of important rulings from the Constitutional Court. In sum, there was a big question mark over the nature of the democratic institutions in the country.

There was also the issue of the treatment of the Hungarian minority in Slovak public life. This had two aspects. One was the inclusion of Hungarian political forces in mainstream politics, which only happened after the 1998 elections, following which the coalition of Hungarian parties came into government and has been there ever since. This mitigated some tensions between the minority population and the majority. The second challenge was the adoption of laws on the usage of minority languages in Slovakia. This was passed in July 1999, again after the political changes in the autumn of 1998.

Domestic politics matters

One of the key lessons from managing the domestic side of preparations for the technical aspects of accession talks in the case of Slovakia is that economic development is really not the key to getting into the EU: politics matters most. After all, in the 1997 report of the European Commission, which was later adopted by the European Council at the summit in Luxembourg, Slovakia was assessed as doing economically comparatively well when you looked at the other candidate countries. The key to its advancement proved to be the changes in domestic politics and in domestic development in Slovakia. One of the preconditions for the successful shift after the 1998 elections was that there was a broad political consensus on membership in the EU, not only in words but also in deeds. This concerned not only the domestic governing coalition but also the opposition forces in the Slovak parliament that passed a broadly endorsed resolution in 2001 which clearly supported entering the EU as a strategic goal of the Slovak foreign policy. This resolution sealed the success of Slovakia's political commitment to its membership in the EU. All domestic political problems, all the quarrels between the parties in the government and opposition, became subordinate to the goal of achieving EU membership. This was the Slovak side of managing politics.

The state of the EU is equally crucial

It is worth reflecting upon the state of the European Union as regards the issue and the question of where EU affairs stand today and what it means for the future of enlargement of the Union. The EU has member states as the core decision-makers when it comes to any future enlargement. The basic condition for successful enlargement is that in the past, when Slovakia tried to get in, 15 member states had to agree. Finding agreement among 15 countries is not easy. Finding agreement among 25 countries in the years to come will not be easy either. The basic commitment of the

EU to enlarge and encompass post-communist Europe took a long time. When Slovakia emerged from the 1989 revolutions and changes of political regimes in post-communist Europe, there was no ready message from EU member states that they wanted to accept the country within their ranks happily and readily. Perhaps the most important moment of the European Communities' commitment to Slovakia's European perspective came with the conclusions of the European Council in Copenhagen in June 1993 that set out explicit criteria for the accession of the post-communist countries.¹ Yet, this was an important answer to the "if" question on enlargement but by no means a definitive one. On the contrary, that commitment materialized over the course of about eight years and was generally sealed only in 1997 at the famous Luxemburg Summit that invited the first five post-communist countries, plus Cyprus, to begin accession talks on their respective terms of entry into the EU. In 1997, the EU began to address the question of "when" and "how" in relation to eastern enlargement, but for Slovakia, the "if" question remained crucial. This was because the Luxembourg Summit had brought bad news for Slovakia that it was being excluded from accession negotiations for political reasons. Hence, the questions of "if" and "how" were inextricably tied when it came to Slovakia's European perspective in the 1990s.

There were essentially at least three streams of thought in the 1990s about what to do with post-communist Europe. One was: we don't enlarge at all, it's too much, we cannot handle it, post-communist Europe is too different, they cannot merge with us. The second thought was, let's have a more limited enlargement both in terms of the scope and the numbers. This was the thought advocated by Chancellor Kohl and President Mitterrand. Their message was: let's take in the Visegrad countries and let's give them a limited say on EU matters, but let's not open up fully to sensitive areas of the common market; let's not open up our labor market fully. This was the partial enlargement solution serving as a strategy present in the rhetoric of some EU leaders for quite some time. It was only the 1997 summit which sealed the fate of the policy of EU enlargement as a process based on rules, with the insiders working out the rules and the outsiders trying to fulfill them. This process opened up the way for Slovakia's ability to catch up with its post-communist neighbors after the political changes in Slovakia at the end of the 1990s.

One of the problems the EU faced in the 1990s, and still does today, is that apart from enlargement, the EU manages its daily business and is much more concerned with the deepening of European integration. In the 1990s, Slovakia had a relatively unsuccessful attempt at deepening its position in Amsterdam when the EU member states agreed on the Amsterdam Treaty, which merely made cosmetic changes to the EU governance. It was only the Nice Treaty, which was agreed upon after four days of the longest ever EU summit, which paved the way to the institutional inclusion of 12 countries in the enlarged EU. So, whilst the enlargement game goes on, there is a big challenge for the EU to adopt and fulfill what we often forget: the so-called last Copenhagen criterion. Namely, any future enlargement cannot undermine the ability of the EU to carry out its own business. The EU sometimes forgets this condition in open communication with applicants and neighbors, but it is and remains crucial.

1. See the Conclusions from Copenhagen here: <https://www.consilium.europa.eu/media/21225/72921.pdf>;

Be ready to engage on the technical aspects of negotiations

Moving on to the technical aspects of negotiations, the state of politics was the essential precondition of Slovakia getting to the negotiating table with the EU member states and EU institutions. However, when the two sides did finally come together, when Slovakia began the actual negotiations on the EU legislation and the chapters of the *acquis*, progress towards an agreement on these technical details depended both on technical negotiations within Slovakia and technical negotiations within the EU. In some ways, the negotiations are an exercise in efficiency rather than legitimacy. What is clear from the Slovak experience is that it was an exercise dominated by the executive, and actually not so much by the government as a whole—rather by concentrated bureaucratic elements within the executive. In the case of Slovakia, these elements were concentrated within the Foreign Ministry, where it had the chief negotiator as the coordinator of accession talks, with his small compact team of people who communicated and coordinated with the other ministries.² The more efficient the setup, the better the ability to perform in this very technical aspect of completing one's commitment to the adoption of the *acquis*—this seems Slovakia's simple lesson. This is also the reason why it was able to negotiate EU membership within three years.

Technical negotiations with the EU are boring business, and although you do have the chief negotiator, he often has little negotiating power. What are these negotiations about? They are about the country's commitment to adapt to EU rules and norms as quickly as possible and in ways that are least painful both for the EU and for domestic public and domestic structures. In terms of Slovakia's measure of success, it had to adopt commitments on some big issues, such as the closure of the nuclear power plant in Jaslovské Bohunice. It also had to commit to adopting EU-compatible laws, which today comprise more than 80,000 pages of legislation. More importantly, it had to commit to when it was going to implement these laws. Today, Slovakia is in the EU but is actually still implementing its commitments and is closely watched by the European Commission and other EU member states. Slovakia did well. A year after gaining membership in the EU, it was not in a single proceeding before the European Court of Justice for breaching its commitment. The process of accession puts pressure on both the structures and society as a whole. Slovakia has managed it thus far.

Cooperation with accession partners

Two more important lessons which Slovakia learned from its experience in managing the technical aspects of successful completion of its entry into the EU:

One stems from the fact that it came late to the table to negotiate the conditions of entry. It was therefore able to draw on the experience of its neighbors. The Czech Republic, linguistically very close, provided their translations of the EU laws and so Slovakia was able to translate them more quickly. Consultations within the Visegrad format were very useful both in terms of supporting the political aspect and the political momentum of why Slovakia should be on board together with the Visegrad countries for practical reasons such as a much more compact Schengen area in the future

2. You can find more details on the Slovak structure in the following publication: <http://grass.org.ge/wp-content/uploads/2015/07/Improving-the-Coordination-of-European-Policies-in-Georgia-Based-on-the-Practices-of-Visegrad-Countries.pdf>;

and other technical aspects talked out between the Czechs, Poles and Hungarians since they began their negotiations in 1998. This is an important lesson for future enlargements and association processes: use your regional neighbors and partners as much as you can.

Mobilize the public

Finally, you need to convince the public. The Slovak leaders had an easy task because of the highest positive result in the referenda on EU membership - about 93% of the 52% of the electorate that took part in the 2003 referendum supported Slovakia's entry into the EU. Hence, the government and the country gained strong legitimacy for pursuing the course of EU membership.

Who negotiates and decides in the EU

What was the EU side of the technical aspects of the negotiations? One of the crucial lessons Slovakia learned is that the European Commission, although sometimes sidelined by the member states when it comes to accession negotiations, plays a crucial role. It is an important interlocutor between the member states and the outsiders, in this case Slovakia and other candidate countries. It is also a mediator. It can be both a friend and a critic because it is also in the Commission's interest that enlargement is successful. In some respects, the Commission was very much in the driving seat of the enlargement game. It was also on the ground in Slovakia, producing its regular reports on progress made towards membership in the EU.

Slovakia also learned that when it comes to negotiating, you are negotiating with the member states. There are three issues that the member states brought to the Slovakian negotiating table:

One, they focused on those agendas which are of high political salience within a specific country. The example here is the closure of the nuclear power plant: Austria brought it to the table repeatedly. Other issues include, for example, the competition policy. The subsidies provided to the Volkswagen plant outside of Bratislava became a very sensitive issue in the case of Slovakia. The Spaniards blocked the closure of the competition policy chapter with Slovakia for several weeks because they wanted to have assurances that this would not negatively affect the Seat plant in Spain. So, there are specific issues of high political salience which are particular to each member state and these must simply be dealt with. It may involve confronting a particular member state using the Commission as your ally, while looking at the EU norms.

Second, there are horizontal issues. In Slovakia's case, there was not much it was able to negotiate because these horizontal issues are sensitive for the majority of EU member states. Here, I refer to the four freedoms. The freedom of movement of persons is probably the most sensitive issue. Goods and capital were settled with Slovakia, which essentially had to accept an agreement made amongst the member states on the possibility that even up to seven years after Slovakia's entry into the EU, the labor market of the whole EU would not be open. This would be closely watched and monitored by the member states and the European Commission. Finally, there is the issue of money. Once again this is something where negotiating room is only within a certain framework provided by the EU. In Slovakia's case, it was the 1999 budgetary agreement on the financial framework for the years 2000-2006. That was the so-called "Berlin ceiling" which sealed the possibility within which

Slovakia and other candidate countries could negotiate, forcing each candidate country not to form a single front but to negotiate on its own terms with the EU member states within the given limits. Room for these negotiations proved small.

Ultimately, the EU member states and European Parliament have to approve entry, and Slovakia did fairly well in lobbying and finding friends in the EU thanks to the post-1998 political support of fellow Visegrad states who were also keen on joining the Union, as well thanks to its own diligent pre-accession performance. Slovakia also established an external communication strategy in order to gain support for enlargement in the EU. This strategy had a budget of over 1 million Euros for the year 2002 and was used to communicate Slovakia's story in various EU member states through public conferences, cultural events and various other activities aimed at important influencers, as well as media in EU-15. In short, other countries had more difficulties, with particular questions being raised in the European Parliament, but that is something that you have to count on when you come to the stage of ratifying the accession treaty. This is likely to end successfully only if you have friends in EU member states and in the European Parliament. Hence, a permanent external communication strategy and direct engagement with experts, political actors and local stakeholders in EU member states is a crucial part of any successful external communication campaign.

Georgia and the limits of Slovakia's experience

Let me conclude with a few remarks on the limits of applying what we, in Slovakia, have learned from our experience with negotiations with the EU. Firstly, each country negotiates on its own merits and each country has its own problems. That is why Slovakia's experience cannot simply be replicated. But there are aspects that might be of interest to others. We also had a very unique nature in our statehood problem, which we resolved successfully by dissolving Czechoslovakia in a peaceful manner, quickly and without any repercussions for our future status. The real problem was domestic politics. I also want to underline that each round of enlargement is different. We did ask the Austrians, the Swedes and the Finns what they did in their 1995 enlargement. Some things were useful, but much was not, simply because of their level of integration with the European Community prior to their entry having been much higher than ours.

In terms of looking ahead to future enlargement or closer association through the EaP, Slovakia is in a certain post-Cold War fatigue and the gap between the EU and outsiders is getting larger. However, we also do have ten post-communist countries within the EU so in that sense the Cold War is over and there is a whole new playground now of (still) 28 rather than 15 players where each one of us has a voice, including Slovakia, at the European Council table. Yet, the EU does remain a moving target and we are moving forward, and that is why I say the gap between the outsiders and the insiders is getting larger.

Nonetheless, following the recent European Council meeting in Sofia in 2018, the EU seems to be readier than at any time since Croatia's accession to ponder another enlargement in the next decade. Already, the next European Commission may recommend EU membership for a candidate country from the Western Balkans. At the moment, it does not seem to be likely that we can expect a big-bang enlargement in this region, as the readiness of individual countries varies widely. Therein lies an opportunity for states like Georgia to substantiate its ambition to achieve a credible European perspective.

The most straightforward scenario for an EaP country includes achieving candidate status. At the moment, this seems unlikely due to the EU's low political appetite to enlarge as well as due to the level of readiness of EaP countries and the resurgent role of Russia in the EU neighborhood. The EU is considering relations with neighbors increasingly through the lenses of geopolitics and security,³ in addition to a more traditional approach based on transfer of EU *acquis* and norms. In short, the EU is not the only and, in some respects, not the most relevant actor in its neighborhood. Unless this strategic context changes, Georgia's best chance seems to be its own domestic performance combined with alliances and gradual steps towards a more credible European perspective.

Possible alliances to support this goal include close ties with other relevant EaP countries (Ukraine, Moldova) as well as ties with and lessons taken from the Western Balkan states. In addition, it is important to cultivate relations with all relevant political forces that may be open to the idea of a stronger EU commitment to the EaP region. Diplomacy with and within EU member states as well as in EU institutions is crucial. The active engagement of MEPs, new Commissioners and emerging relevant pro-European political forces across the EU (such as *En Marche* in France, *Ciudadanos* in Spain) is essential. If there is one lesson that Slovakia can offer, it is that domestic readiness, EU allies and credible performance seem more important than formal steps – such as an application for membership without real substance.

3. See the Global Strategy of 2016;

MONTENEGRO IN THE PROCESS OF EU INTEGRATION

CASE STUDY OF EU CANDIDATE COUNTRY



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MONTENEGRO

Momčilo Radulović

General information and preconditions for the EU Integration of Montenegro

Today, 11 years after regaining independence, Montenegro is a stable Balkan country with the institutional system of a Parliamentary Representative Democratic Republic.

By constitution, Montenegro is defined as civil, democratic, ecological and a state of social justice based on the rule of law, with all respect towards national, religious and other minorities.

After the dissolution of SFR Yugoslavia in 1991, Montenegro remained in an uneven partnership with Serbia, all the way to 3 June 2006, when independence was officially proclaimed after a Referendum on Independence held on 21 May 2006, when 55.5 percent of citizens voted for independence and thereby confirmed the creation of a new independent state in the Balkans.

The situation with the Montenegrin referendum was a one-off example of timely reaction from the EU, unlike with the previous crisis in ex-Yugoslavia during the 1990s. Even though EU institutions set the unique, democratically questionable and precedential 55 percent majority threshold for achieving independent status, the Montenegrin referendum was a case where the EU played a generally positive role in mediation and crisis management in the Western Balkans.

Montenegro thus became the only example where a new state in the Balkans was created without a war or significant violence and by that Montenegro also scored significant success as a regional stability and foreign and European policy actor.

Since then and all way to today, Montenegro has been labeled as a “cape hope” for European policies in the gloomy Balkan political landscape, a fact which has assisted Montenegro in its European and Euro-Atlantic endeavors.

Building of the “Cape Hope” case (Calendar of MNE EU Integration 2006 -2018)

The Government and Parliament underlined this commitment immediately after the referendum and full diplomatic relations between Montenegro and the EU were established on 12 June 2006. This also included establishing diplomatic relations with all the individual Member States of the EU.

Regarding relations with other international structures, Montenegro became the 192nd member of the United Nations in June 2006, while the first year of independence brought full membership of Montenegro in the OSCE, the World Bank, the IMF, the Council of Europe, Partnership for Peace and many other international organizations, institutions and structures.

The response from the EU was also very prompt and rewarding and on 24 July 2006, the EU Council of Ministers made the decision to proceed with the negotiation of a Stabilisation and Association Agreement (SAA) with Montenegro.¹ The first Annual Progress Report for Montenegro came on 8 November 2006 and the “Decision of the Council on the principles, priorities, and conditions of a European Partnership with Montenegro” was issued on 22 January 2007.²

On 15 October 2007 the Stabilization and Association Agreement between Montenegro and the European Union was signed in Luxembourg.

Diplomatic relations were strengthened through establishing the Delegation of the EU Commission to Montenegro which was opened in Podgorica on 1 November 2007, only four months after the proclamation of independence. After that, on 13 November 2007, the Parliament of Montenegro ratified the SAA, the Interim Agreement, and agreements on Visa Liberalization and Re-admission. Those ratifications served as a unilateral precondition for further positive decisions from the EU institutions.

And those positive decisions from the EU came on a relatively fast track. The Interim Agreement on trade and related issues allowed Montenegro to qualify for EU preferential trade status on 1 January 2008. On the same day, the Visa Liberalisation Agreement and Readmission Agreement also entered into force. The first, related to Visa Liberalisation, was a direct sign of benefits to all Montenegrin citizens, whose visa acquiring process was significantly shortened and simplified.

Regardless of the fact that “Enlargement fatigue” was hitting the shores of European Union institutions and its Member States, the Montenegrin leadership decided to submit the Application for EU Membership on 15 December 2008, during the French EU Presidency, even though France did not have enlargement policies very high on its agenda. The Montenegrins showed persistence and achieved significant diplomatic success, with the application landing on positive ground, despite numerous negative influences from certain EU and regional actors.

By taking this relatively brave step towards membership, Montenegro formally took a leadership position among other potential candidate countries of the Western Balkans and since then it has kept this leading position in the process of EU integration.

A positive response came relatively fast, on 23 April 2009, in the form of an EU Council decision to ask the Commission to prepare an opinion on Montenegro’s request for EU membership.

For that purpose, the Questionnaire of the European Commission was delivered to the Government of Montenegro on 22 July 2009.

1. Council of the European Union, Press Release, doc. 11556/06, Presse 216, 2746th Council Meeting, Justice and Home Affairs, Brussels, 24 July 2006. See: http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/jha/90655.pdf;

2. Council Decision 2007/49/EC of 22 January 2007 on the principles, priorities and conditions contained in the European Partnership with Montenegro, Official Journal L 20, 27 January 2007;

The Governmental structures had to offer answers to more than 3,000 questions, a process which lasted until the second quarter of 2010. Here, the Government and then-Prime Minister made a mistake and excluded the civil sector from this part of the process, resulting in a lack of efficiency in answering the questions. This ultimately led to almost 700 additional questions being sent back by the EU Commission. Even though the outcome of this process was successful, it weakened cooperation between public institutions and the civil sector in the EU Integration process.

Meanwhile, an additional boost to Montenegro’s European integration efforts came on 30 November 2009 when the European Council granted a Visa-Free regime to Montenegrin citizens, becoming operational as of January 2010. This was followed by the entering into force of the Stabilization and Association Agreement (SAA), followed by record-breaking fast track ratifications of the Member States on 1 May 2010.

This phase of EU Integration was concluded by the release of the European Commission’s positive opinion on Montenegro’s request to join the EU on 9 November 2010.

On the basis of that recommendation, the European Council officially granted the status of EU Candidate Country to Montenegro on 17 December 2010.

Even though this represented a significant achievement for the Government, the date for the opening of negotiations with Montenegro was conditioned by Montenegro’s fulfilling a set of additional demands related to strengthening of the rule of law, the fight against corruption in all areas of social, political and economic life, strengthening of the fight against organized crime, decreasing politicization of the judiciary, removal of a partisan approach in employment policies, and decreasing and removal of strong political control of public media and non-transparent privatization processes.

The first sign of a positive assessment of the Montenegrin achievements in these fields came on 12 October 2011 when the European Commission presented the Progress Report, together with the Enlargement Strategy and Main Challenges 2011-2012, where it recommended the opening of accession negotiations with Montenegro. Following that, on 9 December 2011, the European Council welcomed the Commission’s assessment of the good progress made by Montenegro.

In order to prepare capacities for the forthcoming opening of negotiations, on 29 December 2011 the Government of Montenegro appointed a Chief Negotiator for EU Accession Negotiations, followed by the Decision on Establishing the Negotiating Structure for the Accession of Montenegro to the European Union, adopted on 2 February 2012.

From that point on, the developments for opening negotiations between the EU and Montenegro moved in a relatively efficient manner and on 23 May 2012, the European Commission published the Progress Report on Montenegro and delivered a recommendation to the Member States to start EU accession negotiations with Montenegro that June. Next, the Council of Ministers of Foreign and European Affairs of the European Union, at a meeting in Luxembourg on 26 June 2012, decided to open accession negotiations between the EU and Montenegro.

Stream of Negotiations

Formal launching of the accession negotiations happened at the Intergovernmental Conference in Brussels on 29 June 2012, while the opening and closing of different chapters and events in the process of negotiation developed according to technical and political circumstances inside both the EU and Montenegro.

Chapter 25: Science and research was officially launched and at the same time provisionally closed on 18 December 2012.³

Chapter 26: Education and culture was a second chapter to be officially launched and provisionally closed, on 15 April 2013. Both chapters, their opening and provisional closing, was a political goodwill sign from the EU in order to boost the self-confidence of the Montenegrin side and to promote their efforts to the Montenegrin citizens.⁴

In parallel to the start of negotiations, the process of “screening” Montenegro took place. Screening could be “explanatory” (where the EU introduces the Montenegrin side to EU legislation and the “state of play” in certain areas that are related to the chapters for negotiation), and could also be “bilateral”, related to presenting the situation in Montenegro in the same area.

Both of parts of the screening provided the basis for the start of negotiations in some of the chapters. The entire process of screening was successfully completed for all 33 negotiation chapters on 27 June 2013. On the same date, a new Action Plan for Chapter 23: Judiciary and fundamental rights, Chapter 24: Justice, freedom, and security were adopted by the Government as an important pre-condition for opening these two crucial chapters.

At the Intergovernmental Conference in Brussels on 18 December 2013, the EU launched negotiations with Montenegro in five chapters: Chapter 5: Public procurement, Chapter 6: Company law, Chapter 20: Enterprise and industrial policy, Chapter 23: Judiciary and fundamental rights, Chapter 24: Justice, freedom, and security.

The basic strategic planning document for the entire process of the EU Integration of Montenegro is called the Program of Accession of Montenegro to the EU 2014-2018 and was adopted on 26 December 2013. Prior to that, from 2010 to 2014, this document was called the National Program for Integration (NPI) and the change in name was meant to underline the clear goals of the future accession of Montenegro to EU.

The beginning of following year, 2014, brought a very important document: the Strategy for Informing the Public about Montenegro’s EU Accession 2014-2018, related to the dissemination

3. Chapters could only be “provisionally” closed until the final closing of negotiations and could be re-opened at any stage of the negotiations if an EU institution or individual Member State made a claim that the situation in that Chapter within the negotiating country was backsliding;

4. This became a practice in negotiations, since Serbia also was granted the same “gift” at the beginning of negotiations. Chapters 25 and 26 do not require fulfillment of new EU Law or EU Common policy standards and that is why those chapters can serve as initial motivation for the negotiating country in question. However, more difficult Chapters, like 23 and 24, are those that are to be closed at or towards the very end of negotiations, since they require the largest number of reforms and adaptation to EU standards, EU Acquis and/or EU common policies and institutional practices;

of information to society and all stakeholders about the ongoing process. This document was successfully delivered on 27 March 2014 by the Government of Montenegro and the entire job was performed in close cooperation with civil society actors and experts from NGOs, academia and professional associations.

This successful line began on 31 March 2014 at the Intergovernmental Conference in Brussels where negotiations were launched in two chapters: Chapter 7: Intellectual property law and Chapter 10: Informing society and media.

It was continued on 24 June 2014 at the Intergovernmental Conference in Brussels, seeing the EU launch negotiations in three chapters: Chapter 4: Free movement of capital; Chapter 31: Foreign, Security, and Defense policy, and Chapter 32: Financial control.

Four additional chapters were opened at the Intergovernmental Conference in Brussels on 16 December 2014. Those chapters were Chapter 18: Statistics, Chapter 28: Consumer and health protection, Chapter 29: Customs union, and Chapter 33: Financial and budgetary provisions.

The next year, 2015, brought a slowdown in the intensity of opening negotiations. Nevertheless, Chapter 16: Taxation and Chapter 30: External relations were launched at the Intergovernmental Conference in Brussels on 30 March 2015, while on 22 June 2015, at the Intergovernmental Conference in Luxembourg, three new chapters were opened for negotiation: Chapter 9: Financial services, Chapter 21: Trans-European networks and Chapter 30: Foreign Relations.

Despite nothing significant having happened in terms of lowering capacities or quality of negotiation processes taking place on the side of Montenegro, at the end of 2015 it became obvious that the EU had decided to slow down Montenegrin advancement towards the EU by lowering the number of Chapter openings to a maximum of four per year. There was no explanation for this from the EU structures, nor was there a formal decision of any kind. The Montenegrin negotiation team had to take this situation as granted.

It came as a consequence of two external factors: lack of readiness and preparedness of EU institutions to accept the eventual finalization of the technical process of negotiations with Montenegro, and the political regional environment in which new non-merit based policies were emerging in order to promote other regional countries in the process of their own negotiations. More precisely, the EU could not decide on any new accession until they had resolved the internal institutional framework. Changes in EU treaties and general political context would be needed for any new membership, including that of Montenegro. As such, it would have been politically inconvenient and unpleasant to see Montenegro quickly fulfilling all technical conditions through negotiations and then be forced to wait “in the pipeline” for years for a political and institutional decision on formal membership from the EU and Member States. In addition to that, the EU institutions and their representatives wanted other countries in the region (ie.. Serbia) to “catch up” and did not want to create a very significant time gap between Montenegro and other regional actors. Slowing down the progress of the Montenegrin negotiations was one way to reduce this time difference.

As a consequence of such un-written EU policies towards Montenegro, no further Chapters were opened until mid-2016, when negotiations were finally initiated in Chapter 12: Food safety, Veterinary and Phytosanitary policy and in Chapter 13: Fisheries, on 30 June 2016.

The next term for fulfilling the “negotiation quota” came at the end of that year, on 13 December 2016, when negotiations were opened on Chapter 11: Agriculture and Rural Development and in Chapter 19: Social and Employment Policy

The same pace of opening of negotiations continued on 20 June 2017, when negotiations were opened on Chapter 1: Free Movement of Goods and Chapter 22: Regional policies. In addition, the third chapter (Chapter 30: Foreign Relations) was provisionally closed, the only one after four years.

At the end of that year, on 11 December 2017, negotiations were initiated for Chapters 2: Free Movement of Workers and Chapter 3: Right of Establishment and Freedom to Provide Services.

Finally, on 25 June 2018, negotiations were opened in Chapter 17: Economic and Monetary Union. To date, only two chapters remain to be opened: Chapter 8: Competition and Chapter 27: Environment. The Government of Montenegro is hoping to open these Chapters in December this year and Prime Minister Markovic has expressed hope that this year will also be the time to start a more intensive process of closing chapters that have been opened and negotiated throughout several years.

Overview of the negotiation structures

The “Decision on Establishing of the Structure for Negotiations on Accession of Montenegro to EU”⁵ was established in 2012, leading to the following:

1) College for Negotiations on Accession of Montenegro to the European Union (consisting of the highest officials in the country: the President of the Government, Vice-presidents of the Government, Minister of Foreign Affairs and Chief Negotiator). The College discusses all final issues and sends negotiation positions to the Government for adoption.

2) State Delegation of Montenegro for Negotiations on Accession of Montenegro to the European Union (consisting of the Minister of Foreign Affairs in the role of the Head of State Delegation, Chief Negotiator in the role of the Deputy Head of the State Delegation, Deputies of the Chief Negotiator, Ambassador of Montenegro to the EU and Secretary of the Negotiating Group). The State Delegation is in charge of direct communication when finalizing the negotiations in certain Chapters with EU representatives and representatives of Member States.

3) The Negotiating Group for Negotiations on the Accession of Montenegro to the European Union (consisting of the Chief Negotiator and his deputies, Head and members of the Working Groups for Negotiations in related Chapters that have been negotiated, Secretary of the Negotiating Group

5. “ОДЛУКА О УСПОСТАВЉАЊУ СТРУКТУРЕ ЗА ПРЕГОВОРЕ О ПРИСТУПАЊУЦРНЕ ГОРЕ ЕВРОПСКОЈ УНИЈИ”, Број: 06-147/5, Подгорица, 2. фебруара 2012. Године, “Decision on Establishing of the Structure for Negotiations on Accession of Montenegro to EU”;

and Ambassador of Montenegro to the EU). The mission of this structure is the concrete finalization and operative leading of negotiations with EU partners who submit their report to the State Delegation, College for Negotiations and the Government.

4) Working Groups for the Preparation of Negotiations on the Accession of Montenegro to the European Union on Individual Negotiating Chapters – Chapters of the EU Acquis (consisting of the members of various institutions, ministries, civil sector, academia, etc., led by the Head of the Working Group. It formulates basic positions and prepares all necessary documents and analyses for the negotiations).

5) Office of the Chief Negotiator for Negotiations on the Accession of Montenegro to the European Union (gives technical support to the process and also serves as an expert basis for the remainder of the negotiation structure).

6) Secretariat of the Negotiating Group (provides technical, logistics and expert services for the entire structure for negotiations).

Civil society and public institutions in the process of EU Integration

Montenegrin NGOs play a strong role in the process of the European Integration of Montenegro.

NGOs have contributed to education and capacity building, both of civil society actors and public servants at the local and state level. Some examples are the School for European Integration and programs “Parliament for Europe” and “Government for Europe”, led by the European Movement in Montenegro and where several hundred public servants at all levels of central and local authorities have been educated in the EU field. This program was especially important during the preparation of the administration of Montenegro for answering questions from the EC Questionnaire related to achieving EU Candidate country status for Montenegro (more than 250 public officials took part).

In 2011, after an advocacy campaign by the European Movement, the Government of Montenegro introduced a new practice – providing direct participation for representatives of civil society inside Negotiation Groups. More than 300 representatives of civil society became official members of Negotiation Groups, of which 50 were representatives of different NGOs.

At the same time, the National Convention on the European Integration of Montenegro started in 2011 and functioned until early 2015 with the support of SLOVAKAID and the EU Commission. The National Convention brought together more than 400 experts from civil society and public institutions who were working in six Working Groups covering Chapters 23 and 24, Competition, Agriculture, Food safety, Veterinary and Phyto-Sanitary Issues, Fisheries, Environment and Consumer Protection. These six working groups made more than 350 recommendations (through the unanimous voting of members of both CSOs and Government) in four years, of which more than 50% were adopted and implemented by the Government and other public institutions.

In general, the role of civil society is very significant, both from the perspective of expertise and the contribution to instilling EU standards.

The IPA and Montenegro

Montenegro has received various forms of financial assistance from the EU since 1998. Between 1998 and 2010, it received EUR 408.5 mln, including CARDS assistance worth EUR 277.2 mln. For the period 2007-2013, Montenegro was a leading country in the region when it came to the absorption of Instrument for Pre-Accession Assistance (IPA) funds. In this period, it contracted 93% of available funds, of which 78% were paid, while in Cross-Border Cooperation 70.7% of funds were contracted and 63% were paid. The total fund used by Montenegro was EUR 235.7 million.⁶

The support was divided through the following components:

1. assistance for transition and institution building: within 102 national projects, over EUR 165 million of EC support were granted;
2. cross-border cooperation: 174 projects amounting to EUR 31 million;
3. regional development: financial support of EUR 23 million;
4. human resources: financial support of EUR 6 million.

For the IPA II period 2014-2020, available funds were estimated at EUR 270.5 million, 10% more in comparison to IPA 2007-2013.

For each country, IPA II has a Country Strategy Paper that develops long-term priority areas in which the funds will be used for further development in a given country. For Montenegro, the Indicative Strategy Paper (2014-2020) defines the following objectives:

- a. support for political reforms;
- b. support for economic, social and regional development;
- c. strengthening the ability of the beneficiaries listed in Annex I to fulfil the obligations stemming from Union membership by supporting progressive alignment with, implementation and adoption of, the Union acquis;
- d. strengthening regional integration and territorial cooperation.⁷

According to the same document, there are nine sectors in which funds should be spent: democracy and governance, rule of law and fundamental rights, environment and climate action, transport, competitiveness and innovation, education, employment and social policies, agriculture and rural development, and regional and territorial cooperation.

Regarding Multi-Country IPA assistance, four channels are available:

1. horizontal support (technical assistance, information and training);
2. regional structures and networks (regional cooperation and networking);
3. regional investment support (targeting projects with a regional dimension) and;
4. territorial cooperation (cross-border programmes).

The main document for implementation and absorption of IPA funds in the period 2014-2020 is the Framework Agreement between the Government of Montenegro and the European Commission

6. "Instrument for Pre-Accession Assistance and the Western Balkans", European Movement in Montenegro, Podgorica, June 2018;

7. http://ec.europa.eu/enlargement/pdf/key_documents/2014/20140919-csp-montenegro.pdf p.3;

on the Rules for Implementation of the Financial Assistance of the Union to Montenegro within the Instrument for Pre-Accession Assistance (IPA II). According to it, the following structure is in place:

- National IPA Coordinator (NIPAC) - the person in charge of programming and monitoring the IPA at the national level, along with regular communication with the European Commission, to which it reports annually.
- Competent Accrediting Officer (CAO) - competent for accrediting the NAO and making sure that the procedure is done in accordance with the rules.
- National Accreditation Officer (NAO) - approves budgetary expenditure and controls budget management of all other institutions, which is the role of the Ministry of Finance. It naturally includes managing the National Fund.
- Operational structures, such as: Central Financing and Contracting Unit (CFCU) managed by the Programme Authorizing Officer (PAO), and the Project Implementation Unit (PIU) managed by the Senior Programme Officer (SPO).
- IPA Agency for Rural Development (IPARD) in charge of promoting, choosing projects, as well as accreditation, control and accounting tasks related to the realization of payments.
- Audit Authority (AA) - in charge of ensuring a stable system of management and control.

Along with these bodies for IPA II, there are several supporting mechanisms for the support of the basic structure or for specific features of IPA II, such as cross-border projects. For example, the IPA Monitoring Committee, Sectoral Monitoring committees, Joint Monitoring Committee and Joint Technical Secretariat.

Having in mind the Montenegrin experience, the following recommendations can be offered to Georgia:

Dilemma 1: Act alone (with some new efforts in regional cooperation)

All official documents of the EU accession policy for the Western Balkans have only the individual merit-based principle as the leading point. The same should be applied in the case of Georgia. Georgia should take advantage of being recognized as a frontrunning reformer in the EaP and push unilaterally for obtaining recognition of membership perspective. Nonetheless, it should make additional effort to stimulate and develop regional cooperation in the Caucasus, since this has many benefits both for the EU and Euro-Atlantic accession, and for regional relations in particular.

Dilemma 2: Be proactive but moderately so

Georgia should actively use the existing policy framework (ENP; AA) and associated instruments provided to increase the benefits of closer relations with the EU. In order to increase prospects of membership, Georgia should concentrate on the implementation of the AA/DCFTA, start serious lobbying within the EU institutions and begin to create alliances with individual Member States or groups of states (like the Visegrad countries) so generating an atmosphere in which Georgian EU membership will start to be seen as a possible and achievable goal in the mid-term. The timing of all concrete efforts of the Georgian government is very important and should be considered in the context of electoral periods in the Member States and at the level of the EU.

MONTENEGRO

Dilemma 3 and 4: “Strategic Patience” with Application along with active internal reforms

Georgia should not hesitate to loudly state its ambitions. Nevertheless, it has to have respect for the wider political and institutional context in the EU and Member States. Having in mind the forthcoming elections for EU Parliament and elections in several EU Member States, Georgia should wait for the beginning of 2020 before starting the activities mentioned in Dilemma 2 (lobbying activities with the aim of accustoming EU politicians and the general public in Europe to Georgian ambitions). Meanwhile, Georgia should intensify internal reforms in order to create favorable conditions and prepare itself to fill in the application with a further prospect of obtaining the status of a candidate country, regardless of whether or not this will happen. It is strongly recommended to maintain relations and organize transfer of know-how from Montenegro (as a leader in negotiations, it has the freshest experience with the EU) and other EU countries (like Croatia), in order to facilitate its internal and external efforts.

SERBIA'S EU INTEGRATION PROCESS

CASE STUDY OF EU CANDIDATE COUNTRY



Maja Bobić,
European Movement in Serbia

Maja Bobić, Vice-President of the European Movement in Serbia, is an anthropologist with an MA in Southeast European Studies conferred at the National and Kapodistrian University of Athens, Greece. She has been employed at the EMIS since 2003, first as a Local Council Coordinator, later as a Project Coordinator/Researcher. In 2007, she was appointed Secretary General in charge of the overall planning, fundraising and management of EMS, and its representation to partners, associates and beneficiaries. Since 2018, Ms. Bobić has been working as independent consultant providing support in EU policies and enlargement, social policy and innovation to various international and national stakeholders (ASB Germany, ministries, etc). She was a Freedom House fellow at the 'Advocacy and Lobbying' school seminar in the USA, an alumnus of the School of political studies of the BFPE and CoE, an alumnus of IVLP, UK Leadership programme etc. Ms. Bobić was regional co-chair of the German Marshal Fund's MMF program and has been an International European Movement Board member since 2014. Besides expertise in project development and management, her areas of interest encompass civil society development, civil dialogue, European integration and enlargement, and regional cooperation.

Context

Serbia may well become the 29th member of the EU in the foreseeable future, but the country's path to membership is not going to be easy (as it has never been), with many concerns and pitfalls lying ahead. To understand the current situation, as well as the domestic and international context surrounding the accession process of Serbia, one has to look to the past.

The current regime in Serbia owes its shape (or misshape) to three layers of heritage – first and most distant, that of the proud, self-managed socialist Yugoslavia; second, the legacy of the disastrous 1990s, when Yugoslavia violently collapsed and Serbia was under international sanctions; and last and most recent, that created by the post-October 2000¹ efforts made by hasty and somewhat over-confident reformers.

Serbia is still not even at the level of GDP from the last years of ex-Yugoslavia. Serbia's GDP in 2015 – both in total and per capita – decreased by 1/5 from 1990.² This is not the case for other ex-Yugoslav republics, which all, apart from Bosnia, saw an increase in the same period. The comparison with other Central and Eastern European countries is even worse. Serbia had 2.5 times higher GDP per capita than Slovakia back in 1990, while today the situation is reversed – Slovakia has 3 times higher GDP per capita.

Another study,³ which analyzed the impact of the economic downturn during the nineties on the level of development of the Serbian economy in the long run, confirms these conclusions. The GDP in Serbia was 25% lower in 2015 than in 1989, while in the same period, Central and Eastern European countries increased their GDP by almost 60%.

The study suggests that the economic downturn during the nineties – when GDP more than halved – was the main cause of the lower level of economic development of Serbia seen today, compared to the other countries in Central and Eastern Europe.

However, it cannot be said that the reforms put into place after 2000 were coherent or straightforward. Despite post-Milosevic governments being pro-EU, at least on the declarative level, they were all formed by coalitions within which complex rent-seeking games and horse-trading were more a rule than an exception.

1. After a decade of political, economic and social struggle enhanced by the series of cruel wars for Yugoslav succession, Milosevic eventually lost popular support at the elections in September 2000. Reluctant to leave power peacefully, his regime was finally overthrown on the streets of Belgrade on October 5th, 2000;

2. Vienna Institute for International Economic Studies in Mijat Lakicevic's article, <https://peskanik.net/srbija-medu-komsijama/>;

3. Milojko Arsic, Economic Ideas and Practice No. 22, Faculty of Economics, University of Belgrade, September 2016, <http://www.ekof.bg.ac.rs/wp-content/uploads/2014/10/%D0%A0%D0%B0%D0%B4-2.pdf>;

With the creeping nationalization and politicization of the enlargement process, coupled with the level of dissatisfaction of the population with the reforms, the last few governments have not come as a surprise (particularly that of the Serbian Progressive Party - SNS)⁴ owing their success mostly to their appeal to losers of transition. Despite the efforts to legally adopt EU norms and rules, the issue remains ineffective implementation and enforcement.

It is also crucial to comprehend the situation within the EU and juxtapose the local and international context. These two are interlinked and there are challenges on both sides that have severely mitigated the transformative power of the EU and held back the accession ambitions of the region.

On EU turf, the most widely used term to reflect decreasing membership chances for the Western Balkan countries has been 'enlargement fatigue', simply defined as the unwillingness of some EU member states to admit new countries or as a symptom that the willingness is fading.⁵ Whatever other economic, political, cultural and psychological factors may have interfered in the EU's attitudes, 'enlargement fatigue' has always been the basic point of reference to which other reasons were attributed. But 'enlargement fatigue' is nothing new. From the earliest days of the European Communities, the relationship between potential 'widening' and 'deepening' of the 'club' has been a matter for sometimes heated debate.

The EU faces delicate times, hit by a series of crises and faced by more urgent priorities than widening itself. Since 2008, the European Union has been rocked by successive waves of financial and economic turmoil, revealing cleavages within the Union and contributing to the success of right-wing populist parties across the board. This is also reflected in rising public skepticism over any future enlargement.

But the crisis is only part of the puzzle. The counter-weight on the 'enlargement balance' is primarily due to the following geo-political and security factors:

- Brexit, as the EU felt the need to reaffirm the European project, confronted with the negative impact of the British vote, and for the first time the 'shrinking' of the 'club';
- Migration crisis, as the Balkans became the main route for the migrants while Brussels was looking elsewhere and lost a chance to manage the crisis in a better way from day one;
- Rising of the Russian influence in the Balkans, which is using Serbia in particular as a foothold to establish a friendly pocket;
- Turkey, with the Erdogan regime departing ever further from the common values of the EU;
- China's huge investments and global ambition, which is looking at the region as a natural starting point for their 'New Silk Road', called the 'Belt and Road Initiative'.

For the above-mentioned reasons, the new three-step approach for the Western Balkan countries on a 'more for more' basis will bring the EU and those countries closer together. Serbia, along with Montenegro, has a 2025 perspective to complete the accession process. But, Serbia and the Western

4. Founded in 2008 as a split from the Serbian Radical Party (SRS), the culmination of a decade-long conflict within the SRS between the party's moderate and hard-line wings, the SNS managed to retain the former's national conservative outlook, while adopting pro-EU policies;

5. Anna Szolucha, The EU and Enlargement Fatigue: Why has the European Union not been able to counter enlargement fatigue?, Journal of Contemporary European Research, May 2010, <https://www.jcer.net/index.php/jcer/article/view/124>;

Balkans (WB) will continue to gravitate towards the EU only if Brussels remains ‘the best game in town’, as it is already clear that it is not the only one. In any case, it is a work in progress and it is rightfully said that the EU has always been a moving target.

Overview of the transition path and EU integration

The EU integration of Serbia has been cumbersome and featured major difficulties that still determine the slow dynamics of the process. For many, the perspective of membership seems distant. The majority of Serbian citizens believe that the EU will face additional problems and close to further enlargement in the future (28%) or will overcome the problems but remain closed to enlargement (24%) or change in such a way that eventual membership will become obsolete (14%). Only 21% believes that the EU has a bright future and will continue to enlarge.⁵

Having in mind the length of the process, the skepticism is no wonder. The Stabilisation and Association Process (SAP) was launched in 1999 in order to achieve political stability and economic recovery after a decade of war and sanctions, while at the Feira Summit in Portugal, all WB countries were declared potential candidates,⁷ also confirmed at the Thessaloniki Summit in 2003. 16-19 years later, only Croatia had joined the EU (in 2013) while the others were at different stages of the accession process, still far from membership.⁸ Serbia is considered a candidate country and, together with Montenegro, is the only one that is negotiating accession chapters.⁹ However, many do not see this as a success. And rightly so.

The very beginning of Serbia’s accession process (that time still the Federal Republic of Yugoslavia) was burdened by a deprived economic and troublesome political situation, but enthusiasm for EU membership prevailed after democratic changes in October 2000. An important aspect of the SAP was autonomous trade measures which enabled export without customs or quantity restriction for almost all products to the EU market. Other elements included co-operation with ICTY, regional cooperation and financial assistance. Besides internal political problems (unpopular ICTY indictments, political instability, strong opposition from the ultranationalists, etc.) it became obvious that the relations between Serbia and Montenegro were constrained. The creation of the State Union of Serbia and Montenegro in 2003 did not resolve the problem of economic and political integration and as relations were hindering the EU integration process, the EU introduced a twin-track approach in order to negotiate the economic part of the SAP.

In 2003, the EU reiterated its unequivocal support to the European perspective of the Western Balkan countries at the Thessaloniki Summit, which also stressed that the pace of further movement of the Western Balkan countries towards the EU lay in their own hands and will depend on

6. Ministry of European Integration, Serbia, Opinion poll, July 2018, www.mei.gov.rs ;

7. Santa Maria da Feira European Council conclusions, 19 and 20 June, 2000, http://www.europarl.europa.eu/summits/fei1_en.htm;

8. Slovenia applied for membership in 1996. to become member in 2004. Croatia applied for membership in 2003, and became a member in 2013. Serbia applied in 2009 and almost ten years after only 14 chapters are opened (September 2018). Illustrative current status of all WB countries can be seen in ISS Chaillot Papers Balkan futures Three scenarios for 2025, EU ISS, No 147, August 2018, 21p;

9. The EU acquis is divided into 35 chapters, each covering a specific policy area. In the case of Serbia, chapter 35 covering the normalization of relations with Kosovo;

each country’s performance in implementing reforms.¹⁰ This individual merit-based approach still applies, though some are advocating for a new approach. The Thessaloniki Summit attached high importance to the enlargement agenda and enhanced cooperation between the EU and WB in important areas, from a Common Foreign and Security policy, Justice and Home Affairs, Parliamentary cooperation to increased financial support and opening of Community programmes for the WB. Never since this Summit have such important leaps forward been conceived.

In April 2005, the positive Feasibility Report assessing the readiness of Serbia and Montenegro to negotiate a Stabilisation and Association Agreement (SAA) with the EU was issued and in October the negotiations to conclude the SAA began. However, already in May 2006, due to insufficient cooperation with The Hague, the negotiations were called off and in May 2006 Montenegro proclaimed independence by referendum. The negotiations with the EU were not resumed until June 2007 after the new government was formed. This enabled first initialling and then signing of the SAA in April 2008, but the EU adopted the decision not to implement the Interim Trade Agreement (ITA) signed along with the SAA which came into force only in December 2009.¹¹ Therefore, Serbia decided to unilaterally implement the ITA in January 2009. After a lengthy ratification process, the SAA entered into force on 22 July 2013. The SAA represented the first ever comprehensive contractual relationship between the Republic of Serbia and the EU. The SAA defined a transitional period of six years from the date of its enforcement, establishing a free trade zone between the parties and harmonizing national legislation with the EU Acquis. The transitional period ended on 1 January 2014. The European Union is the most important trade partner of Serbia, accounting for more than 60% of both Serbia’s exports and imports.

“When the trade regime changed in 2009 due to the SAA, introducing symmetry in trade relations between Serbia and the EU, the imports from the EU did not increase dramatically but rather stabilized around USD 20 billion. As an effect of this, the deficit in Serbia’s trade with the EU continued to decrease and reached the level of USD 2.3 billion in 2016, which represented 23.5% of Serbia’s exports to the EU that year.”¹²

Another direct effect on surplus was seen in agriculture products in Serbia for 11 years, and cannot be attributed to the SAA but to the previously introduced ATM: while the SAA helped by lifting time limitations, the ATM was designed for 5-year periods.¹³

Parallel to the SAA, an important process of visa liberalization for Serbian citizens was taking place. This issue was high on the political agenda also due to the fact that the majority of citizens in Serbia deemed freedom of movement as one of the most important and concrete benefits. At the Thessaloniki Summit, the EU acknowledged the issue, while in 2006 talks about visa facilitation, which would make it easier for certain groups, including youth, and readmission started. A novel

10. ‘The Thessaloniki Agenda for the Western Balkans: moving towards European integration’, 2518th Council meeting, External relations, Luxembourg, 16 June 2003, 12 p;

11. This was done at the request of the Kingdom of the Netherlands and in accordance with a Council of Ministers Statement. The ITA’s ratification and application were again depending on the full cooperation with the International Criminal Tribunal for the former Yugoslavia;

12. Bjelic P., Milovanovic M., Effects of the SAA on trade with the EU, in Effects of Stabilisation and Association Agreements and CEFTA2006 on WB6 European Integration and Regional Cooperation: Achievements and Ways Forward, European Movement in Serbia, June 2018, 144 p;

13. Ibid;

instrument that proved quite effective was introduced – visa roadmaps that formulated close to 50 requirements the country needed to meet in order to qualify for visa-free travel. The roadmap for Serbia was presented in 2008 and in December 2009, the visa free regime was introduced for the Schengen Area.

Serbia submitted its application for EU membership on 22 December 2009. Almost a year later (November 2010), the EC delivered a Questionnaire in order to prepare the avis (opinion) on Serbia's application for EU membership. The government had proactively developed an Action Plan for implementation of recommendations from the 2010 annual report in December 2010 in order to speed up the process of acquiring candidate status.

In January 2011, the Answers were sent to the Commission, and finalized in April 2011. Still, granting of the candidate status had to wait for further improvement in relations with Kosovo – namely in normalizing those relations, Kosovo having unilaterally proclaimed independence in 2008. 22 EU member states at that time acknowledged the declaration, while 5 remain out of the block but do concur to the so called normalization of relations. It was a vague term that often raised disputes in Serbia as to whether this meant Serbia would have to 'renounce' Kosovo for the sake of EU membership - an option the majority would decline.¹⁴ On 1 March 2012, the European Council granted Serbia membership candidate status. The proceedings from the application for membership to granting candidate status lasted two and a half years. Negotiations began in January 2014 - more than four years after the application submission. Since January 2014, only 14 chapters have been opened and two provisionally closed. The Kosovo 'chapter' and rule of law continue to hinder a greater leap forward, as do the internal EU and global dynamics that do not favour the enlargement process.

Some enthusiasm can be observed after the latest enlargement strategy, despite it not receiving equal endorsement by member states. The Sofia Summit held in May 2018, although an achievement as a high level EU-Balkan meeting after 15 years, was in results less than expected and focused on 'connectivity', an important but distant process when compared to "being part of the family".

The so called Berlin process launched by Chancellor Merkel in 2014 in order to boost regional cooperation and economic development, including infrastructure in the WB, is also seen as weak replacement for a more vigorous enlargement approach. Annual meetings are attended by high level officials from the WB, EU representatives and interested member states. It lacks more political and financial commitment on the EU side as well as commitment to implementation on the WB side. It is a fine supplement but not able to nor should it replace the enlargement process that still needs energizing. On Serbia's side, it is high time that the accession process is deemed as a set of internal reforms, with full political commitment and more implementation than rhetoric.

Policy recommendations for Georgia

Dilemma 1:

From the very beginning, Serbia's accession process was viewed as part of the package – of the so called Western Balkan region, which is a political EU construct now in widespread use.

14. According to the research of the European Movement in Serbia and Faculty from June 2018 if the condition for EU membership would be "recognition of the independence of Kosovo" 60.7% of citizens would vote against;

The rationale for this was not only the legacy of the common state (ex-Yugoslavia minus Slovenia plus Albania) but even more the legacy of conflicts in which the former country dissolved. Thus the EU developed mechanisms that insist on regional cooperation and reconciliation or normalization.

However, the process of accession of every country is based on an individual merit approach – meaning each country's progress depends on internal reforms and the level of preparedness, where regional cooperation is one of the key factors, but the 'regatta' principle applies. Therefore, it was possible for Croatia to enter in 2013 while others are well behind. Currently, we can identify three groups of countries concerning their EU integration process.¹⁵

Whether the approach will remain – especially in light of the 'unresolvable' border issues – time will show, but my advice is to seek an individual approach with a strong emphasis on developing good neighbourly relations, exchanging experiences and practices and supporting each other. Not only if the EU demands this, but also because this is instrumental for the EU accession process, democratization, and the development of processes of any kind. Previous enlargement packages did show how strong regional connections and cooperation can be useful in catching up (Slovakia in the Visegrad Group of countries), but with the current accession methodologies and differences between individual countries, progress can be faster when relying on oneself.

Dilemma 2:

Although often dissatisfied with the pace of EU integration, authorities in Serbia rarely pushed for concrete steps, perhaps having in mind also the level of delays of the internal reforms. Several occasions were exceptions and among those, visa liberalization was one of the most prominent. This issue was of course more important to the region than to the EU itself. It was also a consensual one – everybody agreed it was crucial: citizens, CSO, media, political parties even those against EU membership. Thus, coalitioning was easy and it helped create a successful and concerted outreach to EU institutions and member states. An alliance was created with several countries, European CSOs, with prominent individuals and a number of pan-European CSO campaigns, all helping to create the right momentum.

In response, the EU developed "visa liberalization roadmaps" that provided a list of concrete steps each country has to take in order to reach the "White Schengen list". This instrument turned out to be both useful and effective as it defined clear measures and activities to be undertaken and the subsequent response from the EU, as well as the intense monitoring of fulfillment by EU missions and experts. It is often mentioned with regret that the EU did not apply similar methodology for the process of accession, which remains overburdened by technicalities and lacks clarity.

Thus, taking the initiative and acting proactively is the best recipe for a faster and better-quality accession or development of relations with the EU.

Dilemma 3

Dilemma No. 3 is closely connected with the previous one: there is always a need for more proactive and continuous engagement, which entails a maximalist approach during the course of the accession process.

Our experience in this regard is not so instrumental for Georgia, but the example of Bosnia and Herzegovina might be. Bosnia proactively filed its application for the EU in February 2016, hoping

15. 1) frontrunners: Montenegro and Serbia; 2) midfielders: Macedonia and Albania; and 3) Bosnia and Herzegovina in the rear. Twelve Proposals for EU enlargement from the Western Balkans, The European Movement in Serbia, June 2018, p. 7;

to catch up with its neighbours on the EU path. Yet it was only in September 2016 that the application was, after many back-and-forths, accepted: Bosnia eventually forced the EU not to turn a blind eye.

Moreover, there is a difference in today's context compared to the previous 'Eastern Enlargements'. The influence of the European Commission – which was a key 'engine' behind the enlargements – is now weaker. This has encouraged some of the member states to insert bilateral conditions whereas previously this approach would have been deemed inappropriate behaviour. Currently, it is the Council, rather than the Commission, which is increasingly setting the 'benchmarks' and largely determining the pace at which negotiations proceed.¹⁶

Two examples from Serbia illustrate that. In December 2011, the Council delayed its response to Serbia's membership application until March 2012; while, in 2013, the German Bundestag insisted on further assessment of Serbia's cooperation with Kosovo before negotiations could begin in January 2014.

This indicates the extent to which the enlargement process has changed, occurring in a less favourable geopolitical and economic climate and confirming the fact that the later you join the train, the harder it is to get on.

It is also wise not to file an application when there are important elections on the horizon, either in some major member states or for the EU institutions. Timing must be well planned.

Dilemma 4:

Dilemma No. 4 does not stand alone and has to be examined in relation to the previous two. Consequently, there is no real dilemma here, as there is no room for patience if you want to take a proactive and maximalist approach.

The Serbian experience – as well as that of other Western Balkan countries – shows that nobody was waiting for any of the 'Eastern Enlargements' to happen before they pushed their agenda in the process of EU accession.

Although some might argue that if one is geopolitically further away from the EU, there is a need to be more patient, it is quite the opposite. If you are already lagging behind, there is much less to lose.

In order to unlock the EU perspective, it is vital to find bilateral allies among the EU member states. Perhaps the Baltic States might be good partners to Georgia, as they have a shared Soviet history and many similarities despite being geographically and linguistically remote.

Simultaneously, one needs to push on with the implementation of reforms, if one wants to be taken seriously. And it is not only significant because of the EU, but first and foremost in order to have a better governed state, more competitive economy and more resilient society.

Thus, the best recommendation is to be prepared and very ambitious from beginning to end, hoping for the best that the EU is going to recognize the country's efforts as quickly as possible. It may well be that the EU is not going to do so, but in any case, all the pushing and reforms ultimately work for the benefit and future of the country.

¹⁶ Rosa Balfour and Corina Stratulat, The Enlargement of the European Union, EPC Discussion Paper, December 2012, http://www.epc.eu/documents/uploads/pub_3176_enlargement_of_the_eu.pdf;



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THE LEVAN MIKELADZE FOUNDATION

Founded in 2010, The Levan Mikeladze Foundation (LMF) is a nonprofit, nonpartisan, nongovernmental public policy organization based in Tbilisi. LMF's main mission is to support good governance and effective decision-making by providing ideas for and policy solutions to the challenges and opportunities facing Georgia at the local, national and global level.

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