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Public Round Table at Georgian Foundation for Strategic and International Studies

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## Editorial

Dear friends and colleagues of MAXCAP,

Welcome to the fourth edition of our newsletter informing you about what is going on in the MAXCAP project! Here are some highlights of what has happened in the second half of 2014:

In October some MAXCAP scholars travelled to Tbilisi to discuss with Georgian and Ukrainian experts the lessons learned from Enlargement for a more effective EU policy towards the Eastern partnership countries. Another key theme concerned the role of Russia and Turkey in the region and how they affect domestic politics compared to the EU. Together with our local partners, Ilia State University and the Georgian Foundation for Strategic and International Studies, we organized two events that received broad public attention. In November MAXCAP partners Adam Fagan and Tanja Hafner-Ademi organized the conference “EU Integration and Minority Protection in the Western Balkans: mapping the way ahead” in Sarajevo. EU officials and leaders, domestic politicians, civil society representatives, and academics evaluated the effectiveness of EU instruments and strategies for strengthening minority rights protection in the Western Balkans from both a legal/institutional as well as a community/beneficiary perspective. You will find detailed reports about the sometimes controversial debates we have had at both events in this newsletter. We hope you enjoy reading them!



Prof. Tanja A. Börzel



Dr. Antoaneta Dimitrova

Further, MAXCAP scholars have continued their efforts to present our project and disseminate our findings also at many other international conferences and workshops. For example, MAXCAP co-coordinator Antoaneta Dimitrova shared insights from MAXCAP research at the conference “25 years after the fall of the Iron Curtain: achievements and challenges”, which was hosted by DG Research and Innovation of the European Commission on 5 December in Brussels. We are also looking forward to our Young Researchers course and MAXCAP’s midterm conference, which will be hosted by Sabanci University, from 20-24 April, 2015. Please check our website ([www.maxcap-project.eu](http://www.maxcap-project.eu)) for details about recent and forthcoming events.

Finally, we are proud to announce the submission of deliverables to the European Commission which investigate the effects of Enlargement on the decision-making capacity of the EU and the EU’s legal system, thereby contributing to the ongoing debate of whether there is a trade-off between ‘deepening’ and ‘widening’ of the EU as a whole. We plan to publish our recent work in our MAXCAP Working Paper Series early next year.

Enjoy the holiday break and stay in touch in 2015!

Best regards,

*Tanja A. Börzel*

Project coordinator

*Antoaneta Dimitrova*

Project co-coordinator

## MAXCAP in Tbilisi

# “MAXCAP scholars and local experts discuss the EU’s policy towards its Eastern neighbourhood”

*Julia Langbein and Bidzina Lebanidze*

In early October this year a group of MAXCAP scholars traveled to Tbilisi, Georgia in order to participate at two public events that MAXCAP had jointly organized with Ilia State University and the Georgian Foundation for Strategic and International Studies. The two events aimed at providing a platform for the review of the EU’s integration tools and strategies and their political and socio-economic impact on the Eastern Partnership countries. MAXCAP scholars and their colleagues from Georgia engaged in



Expert Seminar at Ilia State University

an active exchange of ideas that provided valuable insights for both sides. The reports on the following pages will provide you with a more detailed overview over our discussions. Here we would like to share with you the most important arguments made during the two meetings. They reveal interesting differences and similarities in the ways MAXCAP scholars and their Georgian colleagues think about the EU’s role in the region and define key challenges for the partner countries:

Most of the Georgian speakers attributed Georgia’s existing security, political and economic challenges to the negative influence of Russia. They conceived Russia as being one of the main reasons for the failure of the European Neighbourhood Policy (ENP) and the Eastern Partnership (EaP). Georgian experts were skeptical about the improvement of economic relations with Russia, even in the long-term perspective. Moreover, they considered the economic aspects of EU-Georgia relations through the lenses of hard security policy: The less dependent Georgia becomes from Russia in economic terms, the more effective can Georgia counterbalance Russian influence in the region. Apart from the Russian factor, Georgian experts identified the absence of an EU membership perspective as another key obstacle to an effective EU strategy towards Georgia and other EaP countries whose first priority is European integration. Finally, most of Georgian speakers were unsatisfied with the regional approach of the ENP/EaP and criticized the EU for putting Georgia (together with Ukraine and Moldova) into one basket with countries that do not have a similar interest in European integration. Therefore, the further strengthening of the ‘more for more’ principle was one of the main recommendations of Georgian participants, both from academia and the government.

MAXCAP scholars acknowledged the negative impact of Russia on Georgia's domestic policy choices. They also stressed that the success of Georgia's political, economic and social reforms does not necessarily depend on the EU membership perspective, which would not be credible anyway.

MAXCAP scholars underlined one important lesson of EU enlargement: The presence of powerful reform-minded domestic actors, who are willing to undertake costly reforms, is key to achieve domestic change. The EU, in contrast, can only increase the costs of opposing domestic reforms and help to empower reformers. However, MAXCAP scholars warned their Georgian colleagues to expect too much from the EU. The EU is neither willing nor prepared to invest comprehensively in domestic empowerment which would, however, be needed if the EU really wanted the EaP countries to achieve nearly full compliance with the *acquis communautaire*, as foreseen in the Association Agreements. According to MAXCAP scholars the EU is well-advised to better manage its capability-expectations gap if it wants to maintain its power of attraction in the region.



Public Round Table at Georgian Foundation for Strategic and International Studies

# “The European Neighbourhood in Perspective: Public expert round table at Ilia State University”

The Public Expert Round Table “[The European Neighbourhood in Perspective](#)” took place at Ilia State University on 7 October 2014. The goal was to facilitate a discussion between local experts from the South Caucasus and MAXCAP researchers about the role of the EU in the region and factors shaping its capacity to shape political and economic domestic change. MAXCAP scholars were also keen to listen to the assessments of their local colleagues as regards the validity and relevance of MAXCAP’s research findings and policy-relevant lessons. Thanks to the great support of Ilia University the seminar attracted around 30 participants, among them academics, students, journalists and policy-makers.

“European integration is Georgia’s foreign and domestic policy priority”

*Tamar Beruchashvili*

After a warm welcome by [Giga Zedania](#), rector at Ilia State University, who underlined the importance of Euro-Atlantic integration both for the Georgian state and the public, [Tamar Beruchashvili](#), Deputy Minister of Foreign Affairs of Georgia, began her speech by underlining that European integration is not just a foreign policy priority for Georgia but it is also the country’s first priority when it comes to domestic politics. In particular, Beruchashvili stressed the importance of following Moldova’s example and achieving visa liberalization for Georgian citizens. It would have big political meaning to increase the attractiveness of Georgian passports for citizens in Abkhazia and South Ossetia since the Russian occupation of Georgian territories represents the most serious security challenge for the Georgian government.

Beruchashvili mentioned the European Union Monitoring Mission (EUMM) as the only reliable international force in the region after the Russian-Georgian war and welcomed the more active role of the EU in the region in this respect. She also expressed the hope about the extension of the mandate to the breakaway territories in coming years. The Deputy Minister described Russia as “a global challenge which requires global response” from the EU and the USA. The Deputy Minister also emphasized Russia’s destructive role in the Geneva talks, the only international forum bringing Russia and Georgia together and stressed that there is high risk that the Crimea scenario repeats itself in Georgian breakaway regions.

[Beruchashvili](#) made clear that the best strategy for the Georgian government to counter Russia’s aggression is to continue working on Georgia’s democratic development. The Georgian government needs to work on tangible, concrete outcomes for the population, such as more possibilities for export, more investments, more economic development, more opportunities for Georgia’s young generation who is the main agent for change. The emergence of such kind of opportunities is needed to balance the challenging security environment in which Georgia finds itself. The EU can support Georgia’s development by strengthening the ‘more for more’ principle, i.e. by tying concrete benefits to domestic reforms. What makes Georgia different in the region is ‘no question mark’ about European choice. According to the Minister, European integration is a national idea unanimously supported both by the population and the political elite. The recently signed Association Agreement with the EU is a kind of ‘master-plan’ for Georgia. In terms of EU

membership perspective, it is also very important that the EU remains attractive for Eastern neighbours. According to her, “Georgia needs the EU to deliver”.

**“The EU on its own is not capable to induce change from the outside”**

*Tanja A. Börzel*

Tanja A. Börzel, MAXCAP’s project coordinator and Chair in European integration at Freie Universität Berlin, began her opening speech with an explanation of MAXCAP’s general objectives. According to Börzel, one of the projects main political goals is to think about ways to deepen the EU’s relationship with countries that either do not have a membership perspective yet or have a membership perspective but one that is quite remote. Börzel stressed that it is important to find ways how the EU can help Georgia introduce domestic changes in the absence of an immediate membership perspective. Börzel underlined the endogenous dynamic of domestic change in Georgia, which makes it a very interesting case. As she said, “Georgia is a country which introduces the domestic change very much in line with what the EU likes to see, without the EU actually being very effective in providing support for these kinds of changes”. According to her, the presence of such kind of endogenous process of change is very important for the transformative power of Europe to be effective, as the EU is not capable to induce change from outside. Börzel concluded by saying that she is very interested to hear Georgian assessments of what the EU could and should do to encourage domestic reforms in Georgia and to help the Georgian government in reducing the costs of these reforms.

**“Domestic agency was key to foster domestic reforms during enlargement”**

*Antoaneta L. Dimitrova*

The first panel of the expert seminar focused on the lessons learned from previous and current enlargement experiences for the EU’s strategy towards the Eastern partners. According to [Antoaneta L. Dimitrova](#), MAXCAP’s co-coordinator and Associate Professor at Leiden

University, an important lesson of enlargement is that domestic agency is key to foster domestic reforms. Without the presence of reform-minded domestic actors, who are willing to pay the costs of adaptation, the EU can hardly support domestic political or economic change. The better organized these reformers, the better they can use EU leverage and assistance to weaken domestic opponents. Hence, a key lesson for the EU’s strategy towards the Eastern neighbours is to focus its support on areas where domestic reformers exist. As a result the outcome is likely to be selective implementation rather than full *acquis* compliance as foreseen by the Association Agreements.



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**“EU conditionality can result in unintended consequences”**

*Adam Fagan*

Adam Fagan, Chair in European politics at Queen Mary, talked about the Europeanization of judicial reforms in the Western Balkan states and implications for respective reforms in the EaP countries. Fagan underlined that judicial independence has become increasingly important to the EU. In contrast to earlier enlargements the EU prioritizes this issue even in its cooperation with countries that have not started to negotiate future accession to the EU. However, the experience from the Western Balkans shows that, irrespective of the pace and status of association/accession, gaps exist between institutions on paper and practices on the ground. In fact, there is a significant amount of back-sliding which points towards the limits of the EU to foster sustainable judicial reforms. Indeed, the EU seems to have a tendency to over-emphasize on judicial independence without concomitant reforms in checks and balances between the

executive, legislature, and judiciary. This has resulted in unchecked ‘judicial supremacy’ as in Romania and other post-socialist EU Member States. These unintended outcomes of EU impact should be taken into account when designing strategies to strengthen judicial independence in the Eastern neighbourhood countries.

**“The EU’s new approach to civil society empowerment will also affect the EaP countries”**

*Tanja Hafner-Ademi*

[Tanja Hafner-Ademi](#), Executive Director of the Balkan Civil Society Development Network, underlined the important role of civil society who is one of the EU’s key partners in facilitating domestic change in the Western Balkans. She introduced the audience to the new ‘Guidelines for EU support to civil society in enlargement countries (2014-2020)’, which have been developed by the European Commission to address issues of protracted democracy consolidation and reform process in the Western Balkans and Turkey. Hafner-Ademi underlined that the EU puts stronger emphasis on improving the enabling environment for civil society development (CDev). This includes support for legal, judicial and administrative reforms that guarantee freedoms of expression, assembly and forming associations, as well as financial reforms, e.g. tax reforms, to simplify funding opportunities for CDevs. Moreover, the EU stresses the need to facilitate channels of cooperation between CDevs and government agencies to enable the former to participate in law-making and monitoring. This kind of a civil society *acquis* is being defined for the first time and will have an effect on how the EU engages with EaP countries as well, e.g. concerning the implementation of the Association Agreements.

[Kakha Gogolashvili](#), Director of the Centre of EU Studies at Georgian Foundation for Strategic and International Studies (GFSIS), began his speech with an assessment of the role of civil society in the EU strategy towards the EaP countries. He stressed the importance of civil society actors for successful implementation of the ENP and EaP. According to Gogolashvili, in 2005/06 there was a breakthrough in this respect when the EU decided to more actively engage with civil society actors in its neighboring countries. However, the support of the EU for civil

society has not been sufficient to ensure efficient participation of civil society in public life. Civil society in Georgia as well as in other post-Soviet countries is generally rather weak and the lack of expertise and resources remains a serious problem. Further, the culture of cooperation between civil society and the governmental actors is also very underdeveloped resulting in inability of civil society to influence the public policy.

**“Georgia, Moldova and Ukraine have a mission to transform the post-Soviet region”**

*Kakha Gogolashvili*

Mr. [Gogolashvili](#) also touched upon the broader issue of regional trends. He stated that Georgia, Moldova and Ukraine have a mission to transform the post-Soviet region and to support the movement of the region towards the West. To this end the EU should support the establishment of institutional frameworks that facilitate exchange and learning among the three countries with regard to the implementation of the Association Agreement. Finally, Gogolashvili welcomed the changing role of the EU in the region, which started to incorporate the security issue besides the economy and democratization agenda in its approach as exemplified in the text of the Association Agreement with Georgia.

**“The European public is not keen to enlarge further and this diminishes the integration chances of the EaP countries”**

*Dimitër Toshkov*

In the second panel, [Dimitër Toshkov](#), Assistant Professor at the Institute of Public Administration, Leiden University, and, [Asya Zhelyazkova](#), Research Fellow at the European politics group at the Eidgenössische Technische Hochschule (ETH) Zurich, talked about links between public opinion towards future enlargements of the EU on the one hand, and the ENP and, more generally, the prospects for differentiated European integration on the other hand. According to Toshkov, the European public’s support for future enlargements has eroded since the early 2000s. As of 2012, a majority of the European population expressed opposition towards future enlargements of the

EU. The negative attitude of the European public towards future enlargements might negatively influence the integration chances of the EaP states as the EU can not any more ignore the public opinion in its enlargement policy.

**“Differentiated integration may be an alternative to membership”**

*Asya Zhelyazkova*

*Zhelyazkova* described differentiated integration as an alternative to the membership perspective. Differentiated integration describes a flexible form of integration that would allow the EaP countries to selectively integrate with the EU in areas where domestic support for convergence towards the EU is high and where the EU is willing to support domestic adjustment processes. During the Q&A, Tanja Börzel, however, argued that differentiated integration was rather the transitory stage towards membership.

**“The EU and Georgia define the sources of Georgia’s security challenges very differently”**

*David Darchiashvili*

In the third panel, chaired by *David Aprasidze*, the Head of Administration at Ilia State University, the experts discussed the security, political and economic dimensions of the integrational competition between Russia and the EU, and the

hard choices the countries in the region had to make.

*David Darchiashvili*, Professor at Ilia State University and the Deputy Chairman of the Parliamentary Committee on Defense and Security, talked about the security-related aspects of the shared neighbourhood of Russia and the EU. According to him, there is a big difference how Russia and the EU perceive each other and the region. Moreover, such perceptual differences are also observable between Georgia and the EU. The EU prefers to see the security challenges of Georgia as the result of internal struggle and internal societal cleavages whereas Georgia sees Russian aggression as the main sources of its security-related problems.

**“EaP countries can choose between state capture or turning into societies with ‘open access order’”**

*Iryna Solonenko*

*Iryna Solonenko*, DAAD/OSF Research Fellow at European University Viadrina, Frankfurt/Oder, talked about the political choices the post-Soviet states will have to make. In her view the choice between Russia and the EU is a choice between continuous state capture and open access order based on political and economic competition, democracy, the rule of law. So far, the leverage of Russia has, however, been stronger than the EU leverage in the shared neighbourhood.



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According to Solonenko, Russia has four types of leverage: well-established informal networks leading to successful incentivization of political elites; gas supplies and gas transit systems; trade embargoes; and propaganda mostly pursued by Russian channels which are, for instance, the only source of information in the separatist-controlled parts of Ukraine. According to Solonenko, the leverage of the EU is much weaker, especially regarding the informal networks and propaganda. She also added, that in the countries where the regime survival is at stake, such as Belarus, Azerbaijan, Armenia or Ukraine under Viktor Janukovich, the EU has no leverage whatsoever.

**“The EU and the EaP countries should not cater to the ‘either-or’ discourse of the Russian government”**  
*Julia Langbein*

*Julia Langbein*, Senior Research Fellow at the Center for European Integration at Freie Universität Berlin, did not exclude the compatibility of economic integration with Russia and the EU for the countries in the common neighbourhood. Langbein made clear that membership in the Eurasian Customs Union is not compatible with the signature of the Association Agreement including the Deep and Free Comprehensive Trade Agreement (DCFTA) with the EU. However, in economic terms, the ‘either-or’ discourse should not be exaggerated because countries like Moldova, Georgia or Ukraine can have both – sign the DCFTA and have free trade agreements with Russia, Belarus and Kazakhstan. It is perfectly normal for countries like Germany to maintain close trade linkages with France and export to Russia or China at the same time. This is a question of complying with different standards and conformity assessment procedures. It is highly problematic that the Russian government has politicized that debate by nurturing an ‘either-or’ discourse in order to exert pressure on EaP governments. According to Langbein, it is necessary to weaken the power of such a discourse by underlining that the Russian fear of being swamped with EU imports via EaP partners who have signed the DCFTA is a technical issue that can be solved, if there is political willingness to do so. The maintenance of good trade linkages with

Russia and the EU is in the interest of Ukraine, Moldova and Georgia. In the short-term many commodities enjoy a higher competitiveness on the Russian and CIS market than on the EU market.

*David Aprasidze*, the Head of Administration at Ilia State University, who chaired the panel, stressed the huge differences between the six post-Soviet states in all three areas of politics, security and economy, and underlined the need for more differentiation in the EU’s approach towards the region.

**“The ENP intensified security problems in the Eastern neighbourhood”**  
*Archil Karaulashvili*

The last session took the form of a panel discussion and was moderated by *Yasemin Pamuk*, a political analyst and consultant on the South Caucasus and Turkey. MAXCAP partners and their Georgian colleagues once again discussed the main problems and challenges of the ENP in the region. *Archil Karaulashvili*, Head of European Integration Coordination Department, Office of the State Minister of Georgia on European & Euro-Atlantic Integration, described the ENP “as a serious step in systemizing the EU approach towards its neighbours”. According to him, security problems that have emerged in the region, were not necessarily related to the weaknesses of ENP. To the contrary, these problems might have been arisen as a response to the strong moves of the ENP. He further explained that some countries in the region were dissatisfied with the success of ENP, and due to this dissatisfaction and competing interests, the security situation deteriorated. Finally, Karaulashvili underlined that the absence of clear European prospect as one of the main weaknesses of the ENP.

**“The EU underestimated the regional and domestic consequences of the ENP”**  
*George Rukhadze*

*George Rukhadze*, former politician and expert on international relations was far more critical of the ENP. According to him, the ENP has not been

successful because the EU had not clearly defined its purpose. In addition, Rukhadze criticized the EU for underestimating the consequences of the ENP and its effects on the region as a whole and the individual countries. The authors of the initiative thought that it would be a harmless initiative about promoting democracy and rule of law. However, “when the EaP brought a little fruit, in terms of AA and free trade, than the Russians came into the game”. An additional drawback of the ENP and the EaP was its wrong regional approach. Rukhadze stressed that the EU’s decision to put different countries with different priorities together in the same basket was fundamentally wrong. Rukhadze finally concluded his speech with a metaphor about how Russia and the EU see and treat the common neighbourhood. As he put it, “Russia treats the region as a bench in the garden, whereas the EU treats the region like a nice bench in a neighbouring park.”

**“The EU’s intentions with the ENP are not idealistic but are driven by functional interests”**

*Tanja A. Börzel*

**Tanja Börzel** started her speech by arguing that the EU did not necessarily have idealistic intentions with the ENP, but – more importantly – pursues very clear functional interests. According to Börzel, the immediate reason behind the launch of ENP was the EU’s perception of its Eastern Neighbourhood as a zone of instability that produced quite significant negative externalities for the EU itself, such as illegal migration or organized crime. Having said this, Börzel agreed with Rukhadze on the fact that the EU had been very naive to underestimate potential tensions with Russia as a result of the EU’s increasing engagement in the region. Finally, she argued that granting the membership perspective to the EaP countries would not necessarily do the trick to foster domestic reforms, because some of them are simply not interested in the EU membership, and for others it would not be credible enough due to the fact that the EU is neither prepared nor willing to admit new members in the short-term. In fact, she advised the EaP countries to act as if they enjoyed candidate status because political and economic reforms that bring these countries closer to EU standards are first and foremost in the interest of the EaP countries themselves.



Expert Seminar at Ilia State University

# “Competing or complementary? The EU, Russia and Turkey in the neighbourhood”

## – Policy briefing at GFSIS

The second event, the policy briefing “Competing or complementary? The EU, Russia and Turkey in the neighbourhood” took place on October 8, 2014 at the Georgian Foundation for Strategic and International Studies. The policy briefing, which was moderated by [Kakha Gogolashvili](#), gave MAXCAP partners, EU representatives and experts from Ukraine and the South Caucasus region an opportunity to critically assess the EU’s strategy towards the Eastern neighbourhood, to compare it to the policies pursued by other regional powers, such as Russia and Turkey and to discuss how the various integration projects are perceived by the political and economic elites in the neighbourhood countries. Thanks to GFSIS’ excellent networks the policy briefing attracted around 40 participants, among them academics, journalists, diplomats and policy-makers.

[Boris Iarochevitch](#), Deputy Head of EU Delegation to Georgia, assessed the EU’s strategy towards the Eastern neighbours in a rather differentiated way. On the one hand, it is a success of the ENP and the EaP that Ukraine, Georgia and Moldova signed the Association Agreement with EU. On the other hand, he stated that the EU could have been more sensitive to regional interdependencies and could have engaged with Russia much earlier to discuss potential negative impacts of the Deep and Free Trade Agreements on the Russian economy. Despite the ongoing crisis in Ukraine, Iarochevitch advocated for a continued dialogue with Russia, and for engaging with Russia in a number of global issues, where the West and Russia might have common interests.

[Iryna Solonenko](#), underlined that the EU and Russia are truly competing powers in the Eastern neighbourhood countries. Yet, she made it clear that this competition stems from the Russian approach, which induces its Eastern neighbours to participate in integration arrangements that exclude European integration (since participation in the Customs Union with Russia would exclude the possibility of a free trade area with the EU). At the same time, she noted, that the EU with Association Agreements offered the ‘win-win’ situation. She stressed once more that the Eastern neighbours have to make a choice between state capture or turning into systems with an open access order. If Ukraine, for example, would adopt EU rules in the area of public procurement, as foreseen in the Association Agreement, the country would not only make a major step in fighting corruption but its enterprises would also be able to compete for public procurement EU-wide. However, Russia uses its hard and soft power to exert strong negative leverage on Ukraine. With respect to Turkey, Solonenko stated that the lack of active engagement of the Turkish government during Russia’s annexation of Crimea surprised her given the expected negative implications for the Crimean Tatar community (Crimean tatars) under Russian occupation.

[Thomas Risse](#), Director of the Centre for Transnational Relations, Foreign and Security Policy at Freie Universität Berlin, was more determined in his assessments regarding Russia’s role in the region and the possible responses by the EU. He advocated a more resolute policy towards Russia based on a mix of containment and engagement as an answer to the current crisis in Ukraine. Risse also underlined the need to differentiate between Russia as a country and the Putin regime, the latter being a rather

temporal phenomenon. He further argued, that as long as Putin did not respect his commitments, one could not consider Russia as a reliable partner.

[Meltem Müftüler Baç](#), Professor at Sabanci University, talked about Turkey's increasing role in the South Caucasus region. She stressed the asymmetric relationship of Turkey with its smaller neighbours such as Georgia and Azerbaijan and argued that Turkey's intentions in the region do not contradict but complement the EU approach towards the region. In fact, trade relations between the EU, Turkey and Georgia have a great potential for complementarity. Further, Turkey's primary foreign policy objective remains accession to the EU, even if not always evident from a distance. Further, Müftüler-Baç explained Turkey's hesitant stance during the crisis in Ukraine, in particular in relation to the annexation of Crimea and possible consequences for the rights of the Crimean Tatars, with Turkey's strong dependence on Russian energy resources.

## The views of our local partners

*David Aprasidze, Head of Administration, Ilia State University*

“The seminar was an exciting scientific exercise. Political developments were assessed through various theoretical lenses. It was interesting to note the differences in the ways MAXCAP and Georgian scholars analyzed current political developments in the region, especially Russia's role and potential as well as possible ways to engage with the Kremlin. Georgian scholars viewed Russia as a resurgent and revisionist power behaving according to principles of the 19th century Realpolitik. They also made several historical analogies, comparing recent developments with the 1930s and the Cold War period. Colleagues from MAXCAP's partner institutions did not agree on historical analogies and portrayed Russia mostly as an internally dysfunctional regional power. While Georgian and MAXCAP scholars in most instances disagreed on the role and aspirations of Russia, all of them agreed on the importance of a positive public attitude within the EU as well as in partner countries towards a more active international role of the EU and Europeanization of the neighbourhood in order to move forward with the political and economic transformation in the EaP countries. Furthermore, we all agreed that the EU must remain credible in its commitments vis-à-vis the EaP countries. The EU should provide clear roadmaps for countries in the region to better utilise its normative power and to avoid undermining its credibility by other conflicting ideas and actors. All in all, the seminar was a very productive event, foremost for the Georgian audience, not very privileged with international workshops of similar quality. Ilia State University, as a young and expanding higher education institution in Georgia was very pleased to host the event and is open for further cooperation with MAXCAP and its partners.”



*Kakha Gogolashvili, Director of the Centre of EU Studies at GFSIS*

“Georgian participants assessed the effectiveness and success of the ENP in Eastern Europe and the South Caucasus, in particular, very differently. Some experts believed that the ENP was not properly designed because it targets too many neighbouring states that differ with regard to their level of political, economic and social development, their cultural backgrounds, and even with regard to levels of civilization. As a further weakness of the ENP its lack of clear incentives for the partner countries to undertake domestic reforms was stated. Others emphasized the transformative power of the ENP and its capacity to bring the countries in Eastern Europe closer to the EU. Still others focused on the prospects for further differentiation within the ENP and the need to establish an additional multilateral format for those countries that signed Association Agreements with the EU (Moldova, Georgia and Ukraine). In general, all Georgian scholars shared the view that further rapprochement with the EU and affirmation of the country’s European perspective should be a top priority for the Georgian government. MAXCAP researchers and other EU based experts expressed doubts about the effectiveness of the ENP in furthering domestic change. At the same time they argued that the EU is unlikely to grant a European perspective to countries like Georgia for the time being, first of all because of the apparent scepticism (proved by recent polls) of the EU population towards accession of new members. Instead, MAXCAP researchers considered demand driven sectoral integration as a useful tool to reconcile the European public’s rather negative attitudes towards European integration, on the one hand, and to keep the transformational motivation of ENP/EaP states alive, on the other hand.



Georgian and MAXCAP scholars did not assess the Russian aggression towards Ukraine significantly different, but they shared divergent views on the causes of the escalation, on how the EU managed the crisis and on how to deal with the current problems. In general, Georgian experts did not believe that the EU made serious mistakes with its policies towards the neighbourhood that could have caused the sharp Russian reaction and consequent actions in Ukraine. Georgian experts further underlined that the future of countries like Georgia, Ukraine or Moldova should not be based on close relations with Russia. Instead, these countries should try everything to diminish the factors contributing to Russia’s influence. Among these factors economic ties were mentioned. Moreover, Russia’s behaviour is seen as the main negative factor affecting stability and process of reforms in the Eastern ENP countries. MAXCAP experts advocated more dialogue with Russia and underlined the possibility of reconciliation between the two alternative regional integration projects. They argued that the Eastern neighbours will be better off if they can maintain FTAs with Russia and at the same time deepen cooperation with EU through DCFTAs.

Finally, Georgian and Ukrainian scholars stressed that the EU and Russia are competing actors. MAXCAP experts did not disagree but stressed the notion of cooperation with regard to the EU and Russia in the region of Eastern Europe, and in the South Caucasus in particular. As regards Turkey, both sides agreed that the country could contribute to the Europeanization of the region by making use of its influence on certain states.”

## MAXCAP in Sarajevo

## “MAXCAP holds multi-stakeholder workshop on EU conditionality and minority protection in the Western Balkans”

*Adam Fagan and Indraneel Sircar*

The two-day workshop “EU Integration and Minority Protection in the Western Balkans: mapping the way ahead” was held in Sarajevo 20-21 November 2014. The event was co-organised by MAXCAP partners Balkan Civil Society Development Network (BCSDN) and the London School of Economics and Political Science (LSE) in cooperation with Queen Mary University of London (QMUL). The workshop sought to bring together EU officials, representatives from domestic governments and civil society organisations, and international experts to discuss EU strategies for minority protection in the Western Balkans.



In particular, the proceedings sought to take stock of EU policies used during previous Eastern enlargements to examine whether there were any lessons learned, identify the shortcomings of current approaches, and make recommendations for improvement. The contributions to the workshop not only focused on ethnic and national minorities, but also examined LGBTI rights in the Western Balkans.

The opening presentation was delivered by **Jakob Finci**, head of the Jewish community in Bosnia-Herzegovina. Along with Dervo Sejdic, a Bosnian Roma, Mr Finci brought a case against Bosnia-Herzegovina to the European Court of Human Rights (ECHR), arguing that the Bosnian Constitution was discriminatory, since election to the state-level House of Peoples and the Presidency is reserved for the three constituent peoples of the country, i.e. Croats, Serbs, and Bosniaks. The 2009 decision went in favour of the plaintiffs, and compliance with the Sejdic-Finci ruling forms a cornerstone of EU conditionality with respect to Bosnia-Herzegovina. Mr Finci started by saying that Bosnia-Herzegovina is “one country with two entities, three constituent peoples, four religious traditions, and hundreds of problems”. He added that the Sejdic-Finci case was the only significant Bosnian problem directly relevant to minority protection, but the “other 99 problems” detrimentally and disproportionately affect minorities. In particular, he felt that the Roma were significantly more marginalised than any other group not only in Bosnia-Herzegovina, but also across the rest of Europe.

**Jan Snaiduf**, Head of the Political and Economic Section at the Delegation to the EU in Bosnia-Herzegovina followed the opening presentation. He made three observations, which define EU priorities regarding the improvement of minority protection in Bosnia-Herzegovina. First, discrimination against minorities remains widespread, and that the 2009 anti-discrimination law has not been implemented and is not compliant with European standards. Second, bringing the constitution into line with the Sejdic-Finci ruling will require local ownership. Third, Roma issues are of particular importance.

The second day of the workshop opened with a panel on the political effects of the EU integration process on democratization in the Western Balkans. Dr [Marko Kmezić](#) (University of Graz) started the session by introducing the topic of minority protection in the Western Balkans as an intersection between law, politics, and Europeanization. He made five recommendations for the improvement of minority protections in the region: better co-ordination between the Council of Europe, the High Commissioner for National Minorities, and the EU to provide more policy coherence; clear guidance to aspiring EU members about benchmarks; the focus of the EU should be more oriented towards implementation and not only adoption of compliant legislation; minority protection should be included as a cross-cutting issue across all fields, not just the political criteria; and developing clear quantitative and qualitative indicators for minority protection.

Dr [Neven Anđelić](#) (Regent's University of London) then provided a comparative perspective on minority protection within EU Member States, and he shared his observations of Slovakia during his work for the Advisory Committee on the Framework Convention for the Protection of National Minorities. Dr Anđelić visited a Roma settlement in Kosice, the second largest city in Slovakia. Although the tower blocks in which the residents live is not dissimilar to those across Eastern Europe, there are almost no public services. There is also widespread physical segregation of communities across Slovakia, and there are 12-14 walls in the country designed to separate the Roma from the rest of the population. Moreover, Roma issues and human rights issues more generally have been absorbed into other ministries at the national level. Dr Anđelić's observations brought into question the long-term benefits of conditionality and membership on protecting the most vulnerable minorities within the EU.

Ms [Lejla Somun-Krupalija](#) (Association Crvena, Sarajevo) followed by stating that marginalisation can occur by class, race, gender, sexuality, and other characteristics, but that crucially, one or more of these traits might be found in a single individual. However, organisations focusing on protection of particular minority rights in Bosnia-Herzegovina are often competing with each other for limited resources, and minority issues are often connected

to different policy sectors. Ms Somun-Krupalija concluded by saying that protections established at the national level should filter down to the local level in Bosnia-Herzegovina through building relevant municipal institutions.

Ms [Elitsa Kortenska](#) (University of Leiden) reoriented the focus of the discussion, and presented preliminary results of the analysis of discourses amongst citizens related to European integration in two Western Balkan states, Macedonia and Serbia. The analysis is part of a MAXCAP deliverable that includes research on Poland, Bulgaria, the Netherlands, and Germany. In the initial analysis in Serbia three narratives amongst respondents regarding EU enlargement were depicted: optimistic opportunism; strong antagonism towards the EU; and conditional realism. On the other hand, the researchers found a different set of narratives amongst respondents in Macedonia: enthusiasm tempered by continued EU and domestic inertia; a belief that Macedonia does not have the capacity to be an equal partner in the EU; and the necessity to strive towards EU accession as the only credible future.

In the following panel, the workshop explored experiences beyond those of ethnic minorities, and compared the impact of EU conditionality outside the Western Balkans. Professor [Meltem Müftüler-Baç](#) (Sabancı University) explained the effect of EU conditionality in Turkey, as a way of drawing parallels with the cases in the Western Balkans. She said that one of the key areas of investigation in the MAXCAP project is the linkage between the credibility of the accession process and EU political conditionality. Professor Müftüler-Baç said that between 2001 and 2006, Turkey underwent significant reforms in anticipation of the commencement of accession negotiations. However, after several years of inertia in the accession process, the feeling in Turkey is that no matter how much the country complies with the political and economic criteria, the EU can be held by ransom by a few members. Because of this, domestic commitment to reforms and the effectiveness of EU conditionality have declined in Turkey, resulting in 'back-sliding' towards authoritarianism.

Dr [Bojan Bilić](#) (University of Amsterdam) then focused on the link between European integration

and LGBTI activism in the Western Balkans. He explored whether coupling Europe with LGBTI activism undermines grassroots movements in the Western Balkans, professionalises civil society, separates LGBTI groups from its constituents, and creates a 'new transnational public sphere of privileged voices'. Moreover, inclusion of LGBTI has been made a measure of 'European-ness', whilst intolerance towards non-heterosexual individuals is deemed 'non-European'. Dr Bilić used the history of the Belgrade Pride parade to illustrate these dynamics, showing that by focusing on holding the event as a barometer for LGBTI rights, the EU has not helped the day-to-day lives of non-heterosexual people. He thus recommended that the EU sever the link between homosexuality and 'Europe', as well as building a stronger activist representation via contact with LGBTI people themselves.

Dr [Simonida Kacarska](#) (European Policy Institute - Skopje) then fused the perspectives from domestic government, academia, and civil society in the area of minority protection and EU conditionality in the Western Balkans. She echoed the comments from previous presentations that there are no 'European standards' regarding minority protection, so benchmarks have been inconsistently applied and contextually defined during enlargement processes. Dr Kacarska said that in contrast to earlier enlargements, the EU has been more involved on the ground in the Western Balkans in relation to national minority policies. For example, the head of the EU Delegation in Macedonia has intervened many times on this issue. However, the main concern across all perspectives is that the EU has tied minority rights to issues of security, rather than through the perspective of human rights.

The final panel of the workshop included representatives from civil society organisations. Mr [Nadir Redzepi](#) (Roma Programme, Open Society Foundation) said that EU conditionality and other assistance had the unintended consequence of disqualifying the Roma and other marginalised groups from being supported. In 2011, the Open Society lobbied MEPs supporting Roma and had regular communication with Directorates at the European Commission in order to amend the rules for the European Regional Development Fund and allow support for building Roma housing. However, the EU funding has not reached Roma settlements, since the EU does not want to

consolidate segregation, thus excluding Roma communities from infrastructure development. Moreover, although there was a stipulation for minority inclusion in the first round of the Instrument for Pre-accession Assistance (IPA), this is not the case for IPA II. Mr Redzepi also noted that EU initiatives such as visa liberalisation and labour reforms have had an unintended, negative impact on the lives of the Roma.

Ms [Danica Ilić](#) (Media Diversity Institute) then said the pivotal role of media in the negative representation of ethnic and other minorities, which rationalises xenophobia and violence, must be a focal point of analysis and reform. As a comparative case, Ms Ilić cited the negative representation of Bulgarian and Romanian migrants in the British media to show how this can shape public attitudes. To improve the situation, she recommended that members of marginalised groups should be mainstreamed to talk not only about minority issues, and there should be more journalists in the newsroom from minority groups.



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The final presentation was by Mr [Adriatic Hasantari](#) (Roma Active), whose organisation won the 2014 EU's 'Award for Roma Integration in the Western Balkans and Turkey' for Albania. He said that the award would open doors for the organisation, but that the reality is still dominated by chasing the next call for proposals to ensure Roma Active's survival. Mr Hasantari added that discrimination was not only a problem with national political leaders, but can be found in decision-making at schools, hospitals, and at every level of society. For this reason, grassroots mobilisation with local ownership is a key component of minority protection.



The concluding session was chaired by Professor Adam Fagan (QMUL/LSE), in conversation with Ms Tanja Hafner-Ademi (BCSDN), Professor Müftüler-Baç, and Dr Anđelić, to identify overarching themes during the two-day event. Professor Fagan first said that wherever we look at previous Eastern enlargement, there is not a 'rosy picture' of minority protection on which the EU and the Western Balkan candidates can draw inspiration. By contrast, the problematic case of Turkey and 'back-sliding' in the face of EU conditionality might be the norm. Professor Müftüler-Baç again underlined that EU conditionality has lost its credibility not only in Turkey, but also in Macedonia, especially regarding protection of marginalised groups. Ms Hafner-Ademi added that the approach by civil society advocacy in the Western Balkans rested on the effectiveness of EU conditionality, and if it has lost its credibility, there are fundamental questions about what civil society should do next.

Dr Anđelić then commented that democratization in the Western Balkans has been understood by domestic governments as an opportunity for a tyranny of the majority, so that the plight of minorities has actually worsened due to Europeanization. Professor Fagan then posed the question whether the lack of a prospect accession in the near future has impeded progress on minority protection in the Western Balkans and Turkey. Professor Müftüler-Baç said that it is not the length of time, but rather some assurance that the process will happen at all, given the high adaptation costs. Ms Hafner-Ademi commented, like visa liberalisation, there need to be concrete benefits for common people. Dr Anđelić concluded the session by saying that by not having a separate Enlargement portfolio in the new European Commission, the message to the Western Balkans is that no matter what is achieved in the region, it will not matter. The policy of EU conditionality will be largely ineffective in the Western Balkans for at least the next five years for this reason.

## Recent partner publications

- Börzel, T. A. and van Hüllen, V. (2014) 'One Voice, One Message, but Conflicting Goals. Cohesiveness and Consistency in the European Neighbourhood Policy', *Journal of European Public Policy* 21(7): 1033-1049.
- Bruszt, L. and Langbein, J. (2014) 'Strategies of Regulative Integration via Development: The integration of the Polish and Romanian dairy industries into the EU single market', in L. Bruszt and G. McDermott (eds), *Leveling the Playing Field. Transnational Regulatory Integration and Development*, Oxford: Oxford University Press, pp. 58-79.
- Schimmelfennig, F. (2014) 'Differentiated Integration Before and After the Crisis', in: O. Cramme and S. B. Hobolt (eds), *Democratic Politics in a European Union under Stress*. Oxford: Oxford University Press, pp. 120-134.
- Zhelyazkova, A. (2014) 'From selective integration into selective implementation: The link between differentiated integration and conformity with EU laws', *European Journal of Political Research* 53(4): 727-746.