



THE EU'S EVOLVING ENLARGEMENT STRATEGIES

DOES TOUGHER CONDITIONALITY OPEN THE DOOR FOR FURTHER ENLARGEMENT?

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Abstract

This paper examines the evolution of the European Union's enlargement strategy towards the Western Balkans. Since the 2004-2007 enlargement, the European Commission has produced three strategy upgrades: in 2011, 2013 and 2015. Each of these three strategy changes incorporates aspects of the lessons learnt through previous enlargements and ongoing negotiations, but the approach developed in 2015 represents a fundamentally changed method of assessing the candidates' progress. The changes in terms of the addition of starting, intermediate and final benchmarks, the change of order of negotiation chapters and the renewed emphasis on fundamental reforms in rule of law, democracy and economic governance represent very positive developments responding to the domestic challenges candidate and aspirant states face. Nevertheless, I argue that the new strategies are not likely to help bringing about the major reforms required from Western Balkans states. The main reason for this is the diminished credibility of the EU's conditionality linked to declining public support for enlargement in existing member states. The EU's ever stronger conditionality creates a situation in which benefits for local elites are likely to only be realized in the far future, if at all, given citizen opposition to further enlargement. These same elites, therefore, do not have the incentive to deal with fundamental economic and political problems that, if addressed, would result in reforms limiting elite access to rents.

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1. Introduction

The European Union's (EU) enlargement to include the post-communist states of Central and Eastern Europe (CEE) has been the Union's most challenging widening so far. It has brought great achievements, clear gains, but also setbacks, lessons and challenges for the next enlargement. Recently, the EU has developed an upgraded strategy for enlargement applied in negotiations with a number of candidate and aspirant states from the Western Balkans and also partly with Turkey.¹ But how effective and successful is it likely to be? This paper discusses the evolution of the EU's enlargement strategy after 2007, the contribution of the upgraded enlargement strategy to the effectiveness of the EU's conditionality and the mechanisms and scope conditions that may affect the working of both conditionality and strategy.

Enlargement strategy is defined here as the EU's approach to handling the enlargement process (during and before the negotiation stages), both internally and externally. The elements of strategy which EU institutions can adjust are i) the sequencing and focus of negotiation chapters, ii) the type and degree of conditionality the EU uses, iii) monitoring and reporting tools, and iii) internal and external communication of the process. Yet, these cannot be examined without paying attention to the context in which they are used: external and internal scope conditions potentially influence the strategy's effectiveness. Crucially, scope conditions are factors and elements that are not easily (or at all) amenable to the policy makers' influence. To avoid conceptual stretching, broader issues such as the mode of integration the EU projects – for example its regulatory model or the economic governance the Union promotes – are not defined as part of the strategy, either, even though they may potentially be more important for enlargement outcomes. The basic institutional rules defining enlargement, such as decision-making procedures and actors involved, are discussed here only in that they represent fundamental constraints actors face in trying to pursue their preferences on enlargement.

The effectiveness of conditionality can be measured by the adoption of EU-promoted reforms by candidate states. With regard to enlargement strategy more generally, its effectiveness can broadly be defined as the ability of the EU to achieve reforms in candidates *and* preserve internal decision-making capacity; that is its ability to continue functioning with the new members. The EU's external integration capacity can then be defined as the ability to continue with enlargement based on effective conditionality, promoting reforms in candidates in exchange for moving further towards EU membership.

Scholars and experts have come to see the effectiveness of EU enlargement conditionality as dependent on the EU's credibility in the enlargement process and, more specifically, the credibility of both the promise of accession and the threat of exclusion (Avery 2009; Börzel/Schimmelfennig 2016; Schimmelfennig/Sedelmeier 2005; Steunenberg/Dimitrova 2007). In this perspective, compliance with EU conditions is seen as the result of the cost-benefit calculations of domestic elites presented with external incentives and sanctions from the EU. Conditions for compliance in the largely successful application of conditionality in 2004-2007, however, were overdetermined in the sense that both cost-benefit and socialization

1 The new strategy has not been applied to Turkey as Turkey started negotiations earlier, in 2005. After the adoption of the new strategy, problems with bilateral vetoes have made the opening of chapters 23 and 24 difficult (Müftülcü-Baç 2016).

mechanisms played a role and could have led to compliance from domestic elites (e.g. Andonova 2005; Dimitrova 2014; Epstein 2005). Joining the EU clearly had a symbolic meaning and significance for CEE elites and was defined as a project that represents both modernization and a return to Europe (Dimitrova 2014; Steunenberg/Dimitrova 2007). Last but not least, the international environment was favorable to the enlargement process in the sense that, after the collapse of communism, the EU's model was seen as 'the only game in town' for European states, at least in the 1990s and early 2000s.

By contrast, currently, candidate states such as Turkey, Serbia or Montenegro are ruled by a different generation of elites for whom the EU may not be the only choice in terms of alliances or models. The socialization and ideational or utilitarian motivations of elites leading countries in the Western Balkans such as the Former Yugoslav Republic of Macedonia (FYROM) or Bosnia and Herzegovina (BiH) or even Turkey require further investigation, which is beyond the scope of this paper. Nevertheless, regardless of whether the new generation of elites and their (often more authoritarian preferences) emerged as a result of domestic political, social or political economy conditions or as a consequence of an international context fundamentally different than in the 1990s, the possibility that they do not adhere to the liberal democracy model has increased. Even inside the EU the so-called 'illiberal democracy' model promoted by Hungary's Prime Minister Victor Orban is finding some resonance in other Central European states (euronews 2016). The EU itself is engulfed by multiple crises since 2008 - crises which may not have been caused by EU enlargement, yet the centrifugal forces they have unleashed make the societal acceptance of the consequences of the 2004-2007 enlargement even more difficult.

The evaluation of the effectiveness of the EU's upgraded enlargement strategy requires re-examination of **internal mechanisms** and **external scope conditions**. In terms of internal mechanisms and variables influencing conditionality, the paper discusses theoretically established and empirically tested mechanisms determining whether EU conditionality was effective in the 2004-2007 enlargement. A look back at the lessons of the 2004-2007 enlargement round illustrates how the EU has addressed problems and incorporated new approaches in its renewed strategy for negotiations. An assessment of key internal factors influencing the effectiveness of EU tools and the credibility of the Union's enlargement strategy as well as some examples of how the strategy works in the current geopolitical context will provide some grounds for conclusions and recommendations.

2. The 2004-2007 Eastern enlargement: credible conditionality and some lessons for the next round

The success of the EU's 2004-2007 enlargement was in the transformation of institutions and policies of the CEE states, an increase in their state capacity, improved regulation and the transposition of the EU's *acquis*. This was by no means self-evident. As the EU considered the possibility of accepting the former communist states as members, the Eastern enlargement was considered to be a tremendous historical challenge, putting a strain on decision-making structures and policies and requiring a sustained effort by institutions, candidates and member states to succeed (Avery/Cameron 1998: 176; Steunenberg 2002; von Weizsäcker

et al. 1999). A clear realization by the EU-15 that supporting the CEE states in their transformations and preparations to become EU members would ensure stability and enhance security on the continent helped to overcome initial reluctance (Landaburu 2007: 9-12).

Other factors, which played a role in the EU's decision to enlarge, included a sense of historical obligation by the leaders of some member states, combined with strategic action by the Commission. The Commission worked with member states in favor of enlargement to introduce a frame of objectivity in assessing candidates, which made accepting the potential accession of a large group of states easier (Friis 1998). Candidate states, in their turn, relied on rhetorical action to support their bid, appealing both to the sense of historical duty to unify Europe and to the democratic community norms the member states could not reject (Schimmelfennig 2001). These two features – the reference to objectivity and rhetorical action – remain relevant for enlargement strategy and credibility today in the sense that both candidates and member states need to perceive the process as objective for it to be credible.

The formulation of the Copenhagen criteria for accession was a way for the EU to articulate which essential characteristics member states needed to possess. Guided by the Copenhagen criteria, the EU institutions developed a strong conditionality-driven approach to enlargement in which candidate states exchanged reforms for progress towards accession. The approach was, as discussed above, backed up by both a credible promise of accession and a credible threat of exclusion from the 'big bang' Eastern enlargement (Schimmelfennig/Sedelmeier 2005; Steunenberg/Dimitrova 2007). The transformation effects achieved by the process of preparation for accession of the CEE states and Cyprus and Malta have been impressive. As candidates became full members, they had successfully taken on board most of the EU's considerable body of *acquis* (Sedelmeier 2008; Toshkov 2008), resolved border tensions and problems, upgraded their administrative capacity and absorbed EU assistance increasingly well.

However, the lessons from the 2004-2007 enlargement were not only positive, but also included several setbacks for the enlargement approach that the EU has developed: aspects and areas in which the enlargement approach or method did not quite manage to resolve existing problems and prevent new ones. These can be summarized as i) **diminished credibility**, ii) **weak start on a substantive approach to fundamental reforms**, iii) **existing ethnic or border conflicts** and iv) **societal acceptance**.

The multiple and numerous conditions which the EU set for candidates were not all complied with equally. There was a degree of variation between candidate states and between sectors. With regard to candidate states, when the EU compromised with its objective evaluation or ranking for internal or geopolitical reasons candidates performed less well in reforms. Agreeing on an accession date affected the EU's **credibility** negatively, as did the candidate states' conviction that enlargement would not take place without them. The most often cited examples were Bulgaria and Romania, candidates that lagged behind with economic reforms as well as the rule of law and did not make significant steps to address the latter once their accession date was fixed. Similarly, states for which the credibility of the EU's threat of exclusion from the accession process was low – the Czech Republic and Poland – lagged behind with regard to some aspects of the EU *acquis* (Zubek 2008) or the adoption of civil service reforms.

In terms of reform areas, conditionality was most successful where the EU had already had its own *acquis*, i.e. in policy areas related to the internal market rather than fundamental reforms such as democracy or governance capacity (Dimitrova 2010; Sedelmeier 2008; Toshkov 2008). By contrast, **addressing fundamental deficiencies** in the rule of law, democratic principles and institutions has been difficult for the EU. There were multiple reasons for this. First, the Union did not evolve as a democratization organization, but as a trading block. In previous accession negotiations the main issue had been how and when candidates would take on board the *acquis* (Avery/Cameron 1998). The political criterion from Copenhagen required candidates to have democratic institutions, respect for democratic principles, rule of law as well as human and minority rights. Translating such fundamental features of democratic political systems into specific sub-criteria and benchmarks has not been an easy task (Dimitrova 2015). Furthermore, corruption, organized crime and rule of law were sensitive areas for some member states, who consequently resisted too much emphasis on them. The very lack of *acquis* in the field of rule of law still makes enforcing basic democratic principles both difficult and sensitive, as current tensions between the EU and Hungary and Poland illustrate.

When the EU disregarded its own informal rule (Preston 1997) not to take states in, which have unresolved **security or border problems**, but accepted Cyprus², this did not only expose the Union to unresolved border problems, but also created problems for relations with Turkey for years ahead.

Last but not least, public opinion and the **domestic societal acceptance** of enlargement have been underestimated as factors in the enlargement process. While there was a slim majority in favor of the Eastern enlargement among the EU-15 in 2004, there has been a decline in support for further enlargement ever since (Toshkov et al. 2014). The lowest levels of support for enlargement were registered by the Eurobarometer in 2013 (European Commission 2012, 2013, 2015). The highest levels of public opposition have been recorded in Austria, Germany, France and the Netherlands (European Commission 2013). Currently, levels of support for the accession of candidate and aspirant states from the Western Balkans are below 50 percent, leading some commentators to conclude that the enlargement process is threatened by the EU itself (BEPAG 2014).

The lack of societal acceptance became more pronounced as restrictions on the free movement of CEE workers expired and citizens of the older member states experienced the effects of freedom of movement. The presence of immigrants from Central and Eastern Europe in local communities, so it has been shown, has had a negative effect on the support for European integration in general (Toshkov/Kortenska 2015). Public opinion was not only driven by the perceived or real economic competition from CEE workers, but by dissatisfaction with the non-transparent way in which the enlargement took place in the EU-15.

As the process of enlargement negotiations is intergovernmental, it may appear that public opinion does not matter for accession negotiations. Indeed, there has been a long-term trend in national discursive arenas to minimize public debates on enlargement during the process. National governments, undoubtedly

2 Scholars have referred to alleged Greek pressure for the EU to accept Cyprus even without resolving the island's problem as the price for agreeing to the Eastern enlargement (Suvarierol 2003).

still the most important actors in the accession negotiations (Hillion 2015), despite the Commission's public prominence, have not been keen to explain or even defend their positions in parliamentary or public debates. This may provide them with additional room for manoeuvre during negotiations. However, as accession and even association of new states becomes an increasingly politicized topic of interest to Eurosceptic and populist parties (evident, for example, in the Dutch referendum on the Association agreement with Ukraine planned for 2016), the possibility of a final rejection of an accession treaty puts further strain on the credibility of the EU in negotiations.

3. The EU's upgraded strategy takes (some) lessons on board

The European Union, its member states and especially the European Commission learned continuously from the interactions with candidates and new members. Cautious member states ensured that the Commission developed an upgraded strategy to address the deficiencies with fundamental reforms, follow their implementation and provide clear benchmarks to define when candidates had reached the target.

The upgrades in EU strategy have addressed both the content and focus of reforms – their implementation, and the integration of the change of focus and monitoring were one of the substantial innovations of the changes adopted in 2011 and 2013. The Commission's regular reports are supplemented by a general system of opening and closing benchmarks and specific targets to be reached in the areas of justice, home affairs and fundamental rights. In addition to changes in the focus, content and sequencing of negotiation chapters, the Commission has also involved member states and expert networks in evaluating the progress of candidate states in reform. In a further push to ensure implementation, safeguards and corrective measures are linked to pre-accession instruments (European Commission 2014; Stratulat 2013).

Implementation measures were part of the 2011 upgrade of EU strategy. To deal with potential implementation problems and adoption of reform laws only 'on paper', the EU introduced benchmarking and monitoring by experts and member states already in its negotiations with Croatia, which joined in 2013.

More importantly, to address weaknesses of democracy and rule of law, in 2013 the EU adopted a more comprehensive change in strategy, emphasizing the political criteria related to democracy, rule of law and human rights (European Commission 2012). The changes also incorporated lessons from the negotiation process with Croatia and the understanding that chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security) were too important to address them only at the end of negotiations. In further negotiations, the EU would open these chapters at the start and keep them open to the very end. The emphasis on the EU's political criteria is strengthened by the fact that, in contrast to previous accession rounds, the two chapters would not be provisionally closed until the end of the negotiations. To facilitate reforms and compliance, the Commission provides a detailed framework for political reforms including progress evaluations, monitoring and technical support measures. These more elaborate conditions for assessing progress in rule of law, combatting organized crime, and securing fundamental rights were already used in assessing Montenegro's and Albania's candidacies (BEPAG 2014).

Further upgrades of the EU's strategy involved an emphasis on fundamental reforms not only in the political, but also in the economic sphere in terms of stressing economic reforms and public administration reforms. The EU's approach increasingly focuses on general planning and frameworks for economic reform, stressing competitiveness, fundamentals of economic governance and public administration reform. The emphasis on economic governance, prioritized by Commissioner Hahn, seeks to link the assessment of candidates to EU policy on the European Semester (European Commission 2014). The aim is to incorporate pre-accession assistance programs into an overarching economic reform framework, which is part of the national economic reform programs which candidates are required to prepare. Thus, between 2011 and 2014 the EU developed an approach to reforms in the candidates which focused on several pillars of fundamental reform, the rule of law and democracy, the judiciary, economic and public administration reform, and - last but not least - the *acquis*.

Finally, in October 2015 the EU redesigned the Regular Reports on candidates to make them more clearly comparable (European Commission 2015). Clear language and indications with regard to the level of progress a candidate has reached in comparison with others were meant to give the enlargement process in the Western Balkans a new impetus and encourage candidates to compete in implementing vital reforms. Crucially, the Commission also intended to promote a stronger role for civil society and greater accountability through the new and more transparent style of reporting (European Commission 2015).

With these changes the European Commission incorporated and built on a number of the lessons of the previous enlargement. The threat of ethnic conflict, political instability and even armed conflict merited separate attention. The Western Balkan region represents one of Europe's most unstable areas burdened with a history of conflict. The threat of ethnic conflict is ever present and well understood by the EU member states, with some of them carrying their own national political traumas associated with the Yugoslav wars (the Netherlands) or being especially concerned about stability in their neighbourhood (Germany) (Adebahr/Töglofer 2015; Blockmans 2015). Therefore, in addition to the stricter conditionality in all areas of the enlargement *acquis* the Western Balkans negotiations are also structured and guided by the so-called Copenhagen plus criteria.³ These are conditions linked to the resolution of bilateral and regional conflicts as well as compliance with peace agreements or domestic political agreements.⁴ Aiming for a cumulative conditionality approach, the EU links progress in negotiations to the achievement of cooperation between actors in the region and progress in settling regional conflicts and disputes (Bassuener/Weber 2013; Vlašić-Feketija/Łazowski 2014). Besides conditionality, High Level Association Dialogues (HLAD) have been launched as specific tools supporting conflict resolution, which have been used, for example, in Serbia-Kosovo relations and relations between the government of FYROM and the EU.

Looking at the upgrades and changes in the EU's strategy after the big bang Eastern enlargement, there is a clear increase in conditionality in terms of content, breadth and implementation of reforms (see also BEPAG 2014; The Economist 2014). The extensive requirements for reform of the fundamentals are linked

3 Similar criteria, however, are not applied to Turkey, which affects the credibility of the EU's approach towards that country (Müftüler-Baç/Cicek 2015; Müftüler-Baç 2016).

4 These are: the UN Resolution 1244 and the Dayton, the Kumanovo, Ohrid, and Belgrade agreements, and generally the normalization of Serbia-Kosovo relations; the Stabilization and Association Process; and the multilateral Stability Pact for Southern Europe (Vlašić-Feketija/Łazowski 2014).

to short-term incentives, such as financial assistance, but accession prospects remain far in the future. The stretching out of conditionality and breaking down of conditions, evident already from the last years of negotiating with Bulgaria and Romania (Steunenberg/Dimitrova 2007), has reached substantial proportions, so that every next candidate can claim they have been subjected to more stringent conditions than previous ones.

What we can expect as a consequence of this is that reforms in candidates and the process in general would be *more credible for existing EU member states*. The upgraded strategy clearly aims to address internal absorption capacity problems and, above all, criticism by member state governments. Especially Germany, but also the Netherlands, have been cautious with accepting Commission evaluations of progress in candidates and Germany has even undertaken some separate, parallel evaluations (Adebahr/Töglöfer 2015; Blockmans 2015). Both member states have been great proponents of increased conditionality, coupled in Germany's case with a pro-active policy of supporting the Western Balkans in their enlargement aspirations.

Müftüler-Baç and Kibris (2015)⁵ analyze the importance of the shift in EU strategy for the EU and current candidates, namely Turkey and the Western Balkan states. As the authors note, starting negotiations with chapters 23 and 24 is particularly significant for the current candidates as they have been experiencing problems with democracy, rule of law and fundamental rights (as also shown in Müftüler-Baç/Çiçek 2015). In their game theoretical analysis, Müftüler-Baç and Kibris build on previous research that sees accession negotiations as a vehicle of receiving information about a candidate (Plümper et al. 2005). In this perspective, candidates can be perceived by the EU as either high-cost candidates, meaning candidates that would have difficulties in adapting to EU conditions and later impede decision-making and integration if they join, or low-cost candidates, meaning candidates that would need little adjustment to comply with conditions and would, thus, not be a problem for the EU's integration capacity (Müftüler-Baç/Çiçek 2015: 7). The analysis assumes that the EU does not know which chapters would present greater difficulties for the candidates and incur higher domestic costs and also that the EU does not know at the start of negotiations whether candidates are high-cost or low-cost ones (Müftüler-Baç/Çiçek 2015: 7). When candidates find chapters too costly, Müftüler-Baç and Kibris argue, they will demand support from the EU in terms of derogations, transitional periods, or even in their interpretation, some conditions would remain unfulfilled (Müftüler-Baç/Çiçek 2015: 8). The analysis suggests further that if the Commission and the Council agree to accept the candidate's demands, this would eventually lead to the EU accepting the costs of harmonization and the problems of this candidate affecting all member states. Alternatively, the candidate can withdraw its demand and incur domestic audience costs (based on the strong assumption that domestic actors and interest groups are informed) (Müftüler-Baç/Kibris 2015: 9). The analysis shows that if the EU assumes a high probability of candidates being of the high-cost kind, the design of the negotiations does not matter. If, however, the EU only sees a low probability of dealing with a high-cost candidate, then starting with the difficult chapters helps the EU incur fewer costs. According to this analysis, the EU's change of strategy will indeed achieve the goal of ensuring that no candidate joins the EU without complying with the EU's political criteria regarding democracy, rule of law and the judiciary (Müftüler-Baç/Çiçek 2015: 17).

5 The following paragraphs summarize and build on the findings of Deliverable 4.2 in MAXCAP Working Paper No. 4.

4. The renewed strategy and the candidates: credibility

While it is clear the new strategy makes reforms in the candidates more credible once they take place due to the shift of chapter sequencing and emphasis on implementation, the credibility of the EU for the candidates needs to be considered separately. Does stretched out conditionality combined with more targeted economic assistance provide sufficient incentives for reform? Two important factors in the enlargement process discussed above, namely public opinion in the EU and member states' positions, are likely to negate the positive effects of the new strategy by affecting the credibility of the EU.

Among the countries involved in the enlargement process there are at least two candidates for whom the credibility of enlargement conditionality has substantially eroded, specifically because the EU's promise of accession is not credible. These are Turkey and FYROM.

In the case of FYROM, the dispute with Greece surrounding the country's desired name and the unanimity required at every stage of the enlargement process means that FYROM has been held back by a Greek veto from starting negotiations since 2009. In 2009, when the Commission recommended the start of negotiations, FYROM had been benefitting from the kind of positive dynamic of exchanging progress in reforms for steps towards accession that we have associated with the EU's transformative power in the past. Recognizing that the stalemate did not support reforms in the country, the EU launched the High Level Association Dialogue (HLAD) with FYROM in 2012, aiming 'to inject new dynamism in the process' (Füle 2012).⁶ The HLAD aimed to bring about improvements in areas of reform important for political integration, such as media freedom, rule of law and fundamental rights, elections, public administration and the economy. This was accompanied by a technical dialogue with the Commission in preparation for the opening of chapters 23 and 24. In effect, the HLAD reflected the EU upgraded strategy's focus on the fundamentals. In the absence of a credible commitment to enlargement from the EU, however, the initial impetus provided by the launching of the High Level Dialogue was soon lost. Indeed, in 2014 reforms were deadlocked and FYROM received its most critical report from the Commission ever (Ristevska-Jordanova/Jovanoski/Abazilmeri 2014). The lack of effectiveness of this tool can be attributed to the clear realization by Macedonian politicians that the EU's promises towards the country were not credible. In fact, Macedonian citizens soon realized that the name dispute with Greece and the stalemate of negotiations became a convenient excuse for the lack of reforms (Dimitrova et al. 2015).

In the case of Turkey, several years of reforms after the acceptance of the country as candidate created a positive dynamic that suggested the EU's strategy could be effective.⁷ Remarkably, the EU had already used a strategy of opening and closing benchmarks towards Turkey with regard to political reforms before it was generally adopted in 2011. The negotiating framework the Commission proposed in 2005 stated that accession negotiations could be suspended if Turkey backtracked in political reforms. As this framework was adopted in the Council, however, the Austrian Foreign Affairs Minister was reportedly arguing against proceeding with negotiations. She argued that partnership was a better option for Turkey, as EU citizens

6 This part of the paper draws on contributions from the Balkan Civil Society Development Network, which are gratefully acknowledged.

7 The following part draws on and gratefully acknowledges the analysis by Müftüler-Baç/Çiçek (2015).

did not want Turkey to join (Müftüler-Baç/Çiçek 2015: 19). Thus the credibility of the EU's conditionality was low from the start, due to potential or actual vetoes from several member states, such as Austria, but also France who cited problems with the public opinion on Turkey's potential membership. In addition, as Cyprus vetoed the opening of chapter 23 with Turkey, the EU's new strategy, the EU could not proceed further with negotiations (Müftüler-Baç/Çiçek 2015: 23-24). As Müftüler-Baç and Çiçek (2015) point out, Cypriot and French vetoes illustrated the tension between the multilateral and bilateral aspects of enlargement negotiations. At the same time they also note that Turkey's ability and willingness to fully comply with the EU's political criteria was never sufficient and the reforms started in 1995 had not been completed. Instead, Turkey experienced severe backsliding of its democratic institutions from 2013 onwards. Last but not least, Turkey's considerable economic growth in the last decade made it less dependent on the EU and, therefore, its elites were possibly much less interested to comply with the EU's conditionality (Müftüler-Baç/Çiçek 2015; Müftüler-Baç 2015: 6). So in Turkey's case both the credibility of the EU's promise for accession appears to be low and the domestic costs of reforms – political and economic – appear to be perceived as too high by the country's current ruling elites (Müftüler-Baç 2016). Not surprisingly, EU conditionality is not effective in this case and even though the EU and Turkey have found a new impetus for working together in the midst of the migration crisis in 2015, there is little hope based on this analysis that this will lead to fundamental reforms in rule of law, freedom of speech or human rights in Turkey.

The analyses of the developments in FYROM and Turkey show that lack of compliance with EU demands for reform is a result of the lack of credibility of the accession process, but also of **the choices and preferences of domestic elites** (Müftüler-Baç/Çiçek 2015). Even at the height of its progress in reforms, Turkey remained only partially compliant with the EU's political criterion (Müftüler-Baç 2015; Müftüler-Baç/Çiçek 2015). The role of domestic elites, their preferences and socialization, and the political institutions through which they rise to power should be considered as an independent variable of crucial significance for the enlargement process.

5. The role of domestic elites, their preferences and socialization

The effectiveness of EU conditionality as a reform process for progress in membership is influenced by external incentives – EU funding, but more importantly, the EU's promise of membership and threat of exclusion. These external incentives, however, are presented to the candidates' domestic elites, who are, just like the EU's member state governments, the key actors in reform and negotiations. Reforms depend on the domestic cost-benefit calculation of elites in response to EU incentives. It is important to note that elite preferences and the utility elites ascribe to EU membership do not have to be understood as strictly material, but can be rooted in elites' beliefs and general socialization (Steunenberg/Dimitrova 2007), in their calculation in terms of electoral success (Vachudova 2015) or even personal gains. Last but not least, domestic elite preferences and EU incentives are mediated by domestic political institutions.

Elites whose preferences are based on illiberal socialization, exclusive ethnic identity (Freyburg/Richter 2010) or gains from rent-seeking would have different cost-benefit calculations for complying with EU conditionality than those elites whose preferences are based on socialization in liberal democratic values.

This would then affect compliance in the whole accession negotiations with a country governed by the former, but especially in areas where the political or personal costs for such elites are very high (Dimitrova/ Dragneva 2013). These policy areas are fundamental reform areas where political or rule of law reforms would mean deterioration of the elites' position or economic reform areas where the same would hold true for EU laws limiting rent-seeking. As Müftüler-Baç and Kibris (2015) point out, the audience costs that domestic elites bear for reforms play a role in their calculations on whether to comply or not. Although further research on variation in compliance by **illiberal or rent seeking elites** is needed, we can already conclude that the EU's changed strategy would be problematic for such elites.

At the same time, the EU's stretched out conditionality also presents a problem for *citizens* of aspirant and candidate states, even when the states do not have to deal with potential or actual veto. Socio-economic development in the Western Balkans is slow and youth unemployment is high. Citizens, especially the youth, are getting disillusioned by the stagnation in political and economic reforms and the lack of political will of their own elites to change political institutions and economic governance. The lack of prospects in both economic and societal terms leads to a substantial migration of young people to Western Europe, not only from the poorest regions, such as those in Kosovo and Albania, but also even from Serbia. Forty-two percent of all applications for asylum to Germany have been from the Western Balkans (Koelbl et al. 2015) – a reality largely unrecognized. The refugee crisis in 2015 led both the German Chancellor, Merkel, and the Commission President, Juncker, to make explicit statements that Western Balkans applicants should not be admitted as refugees and should go back to their countries of origin. The time horizon for accession for any of the candidates from the Western Balkans clearly is rather long for the political and economic realities in which their citizens find themselves. Other short-term incentives, such as a change in the visa regime, may not be sufficient to keep citizens patient and elites on the reform path or they may, indeed, even exacerbate the migration crisis of the EU.

6. The role of geopolitical factors

Next to the key variables influencing the effectiveness of the EU's strategy broader external conditions need to be considered. Scope conditions linked to geopolitics and ideology in a more general sense have reinforced or hindered the process of enlargement in the past. Currently, the effects of geopolitical instability and changes on the European continent, most notably the more pro-active roles of Russia and Turkey, can be expected to be complex and multi-dimensional. The EU, as the annexation of Crimea has shown, cannot prevent unfavorable geopolitical developments, but their real or potential effects on the socialization and domestic calculations of elites in candidate states should be investigated. What can be ascertained already is that the EU is not perceived as the only viable model to follow in Europe anymore.

At the same time, potential positive effects of current geopolitical changes and recent crises for enlargement should also be considered. Progress in negotiations is not necessarily contingent on stability and positive developments in the EU's neighbourhood. On the contrary, conflicts and crises in the EU's neighbourhood may make the case for enlargement more urgent. The geopolitical context and security considerations

have been known to influence enlargement negotiations in the past. The smoothing of Bulgaria's path to accession has been widely credited to the country's support for NATO actions in Serbia in 1998. Support for Bulgaria's accession on the grounds that the country had been a staunch ally in a difficult hour (the so-called 'Kosovo bonus'), has also been seen to erode the objectivity of negotiations, the credibility of the threat of Bulgaria's exclusion from accession and therefore also to diminish the country's willingness to reform (see also Dimitrov et al. 2015). The deal the EU has struck with Turkey in late 2015 in the midst of the refugee crisis in Europe may have similar effects of **eroding the objectivity frame of negotiations** and the credibility of EU conditionality with regard to fundamental reforms.

The effects of external conditions, therefore, cannot be specified a priori based on past developments. A range of geopolitical effects can be foreseen depending on the EU's ability to present itself as an alternative for authoritarian models in times of crises. Candidate states may reconfirm their choice for the EU, as Serbia appears to be doing recently, or, alternatively, re-orientate themselves towards other powers as their model for emulation.

7. Conclusions and recommendations: does the renewed enlargement approach work?

Changes in strategy to make the EU's approach clearer, even more objective and to re-focus it on reforms in fundamental areas such as democracy, rule of law and economic governance have addressed several of the shortcomings of the 2004-2007 process: ensuring conditionality emphasizes the more important reforms and introduces benchmarks to follow implementation. The new approach, including putting the most important – and difficult – negotiation chapters first and the targeted use of IPA (Instrument for Pre-Accession Assistance) funds, have certainly led to some long awaited progress among Western Balkans forerunners. The adjusted strategy's effects are more uncertain with regard to the long-term preferences of **domestic elites in the candidate states** themselves. Currently, domestic elites do not uniformly favor reform and liberal democracy as they did in the mid-1990s in Central and Eastern Europe and the EU's attractiveness is further diminished by economic problems associated with the Eurozone crisis.

The EU's values and principles are challenged by nationalist or **illiberal elites in CEE member states**. Some analysts claim that Hungary's Victor Orban has defined a new model for Central and Eastern European states to emulate (euronews 2016). Identity dynamics combined with the ethnic pillar model adopted in Bosnia and Herzegovina are undermining the EU's conditionality from a different direction (Freyburg/Richter 2010). Additional conditionality from the EU has not always helped when dealing with rent-seeking and/or illiberal domestic elites. In several candidate states, rent-seeking elites have a substantial role in government. If domestic elites aim to continue to extract rents from state capture in the candidate states, it is doubtful that stronger conditionality would induce them to implement reforms which limit their ability to do so. In such circumstances other parts of the strategy, such as the increased role of civil society, may have some effect, but this requires the EU's commitment to a stronger role of civil society to be institutionalized as part of the enlargement negotiations. In addition to these challenges, we should consider the gap between short-term political gains and the long-term accession perspective: stretching out conditionality

may in itself put the accession perspective beyond the time horizons of most politicians. Thus, the incentive to engage in difficult reforms becomes even smaller for domestic elites. Other short and medium-term incentives – financial assistance or visa liberalization – have so far not been shown to have less of an effect on improvements in governance than membership (Börzel/Schimmelfennig 2016), although visa liberalization certainly is an important card for the EU to play in relations with Turkey and the Western Balkans.

On the EU side, the current enlargement approach will probably alleviate some of the fears and objections of sceptic and critical member states such as the Netherlands (Blockmans 2015) and Germany (Adebahr/Töglofer 2015). Still, the EU's promise of accession is less credible - not only due to **public opinion**, but also bilateral vetoes, as the examples of Turkey and FYROM discussed above show. Furthermore, the recent politicization of European integration, including questions of accession or even association of new members, requires that EU elites not only ensure the credibility of the enlargement process themselves, but also to defend it in front of their electorates. To have a realistic chance of enlargement, public opinion needs to be taken into account and prepared. Without addressing public opinion and perceptions of enlargement (Dimitrova/Kortenska 2015), enlargement can be severely undermined when accession treaties are presented to national parliaments and a sceptic public.

Thus, in contrast to the late 1990s and early 2000s, the process of exchanging enlargement progress for domestic reforms is overdetermined in a negative sense: EU credibility is lower and candidate states are less interested in reform than they were in the 2000s. Without doing anything about the EU side of the equation the credibility of the EU's promise will become progressively weaker.

An even more viable strategy for enlargement should, therefore, include domestic political discussions and **debates on enlargement in the existing member states**. EU heads of state and government should debate enlargement as a policy that could contribute to the solution of some of the EU's current problems – for example with border control and migration – rather than presenting it as yet another problem to be resolved by the Union. This would be a risky and difficult option in the short term: beset by multiple crises and centrifugal forces it may not be easy for EU leaders to provide the leadership required to change public perceptions of what enlargement is about.

The main remaining actors able to promote progress under these conditions are the European Commission, the European Parliament, but above all, the governments of the existing member states of the EU. They could support enlargement in two main ways depending on whether a minimum scenario (stability without accession) or a maximum scenario (stability, reform and mid-term accession) is aimed for.

The **minimum scenario** would be one that identifies the reforms and changes that the EU would like to see in order to achieve stability in the Western Balkans, but with a clear realization that enlargement is only a project viable for a couple of candidates. This would require choices with regard to the Western Balkan countries and support for the now credible forerunners of the current negotiation process, namely Serbia and Montenegro. A pro-active EU position can still make a real difference to developments in FYROM as well. Geopolitical changes and internal dynamics in the EU may still provide an opening for a resolution of the name dispute between Greece and FYROM. This would provide a much-needed boost of the EU's conditionality and may be an vital opening for stabilization and progress in reforms in FYROM.

Even without an improvement in the credibility of the EU's accession promise, candidate states may still be interested in developing reforms as a modernization program under EU guidance and support, as for example Serbia and Montenegro are doing at the moment. For others, however, adoption costs of EU-driven reforms may be too high, a realistic perspective on membership too far beyond the horizon and conditionality doomed to fail. The EU's approach to Kosovo, Albania or Bosnia and Herzegovina is still based on the assumption that these countries are working towards accession. While pre-accession and other forms of assistance are not negligible, the approach has one essential flaw, which is that time horizons are too long to motivate current elites to implement difficult reforms, while in the meantime socio-economic conditions improve too slowly for the countries to benefit from their association with the EU. This scenario should be recognized and efforts focused on development and developmental outcomes for the weaker candidate states should be made (Maniokas 2014), although, admittedly, this would make the logic and foundation of the current approach – trading reforms for steps closer to the EU – unworkable. Nevertheless, an even more focused approach, which would highlight key priorities in economic development and political reform while leaving adjustment to the EU *acquis* for the longer term, would be more suited to the realities of the region.

Given the complex effects of the current crises and geopolitical instability, the EU should also consider a different approach to Turkey. The EU's strategy for Turkey would have to make clear choices in balancing EU values and democratic principles - an integral part of the enlargement negotiations - against the security and containment of migrant flows which the EU sought from Turkey in 2015-2016. The objectivity of the enlargement process should not become the victim of bilateral arrangements, as reforms and democratic principles would then be jeopardized even more.

A **maximum scenario** would take the enlargement negotiations as an opportunity to strengthen the EU's borders and make lasting agreements on migration, energy and other vital security issues. This scenario would require a mainstreaming of enlargement policy as one of the EU's responses to the current migration crisis. Building on the current accession strategy candidates would be supported in a 'race towards the EU' and credible progress should be encouraged by faster progress in the negotiations. The main obstacle for the realization of such a scenario, should the EU be willing to consider it, would be the socialization and rent-seeking elites in candidate states. Any future changes in EU strategy would then need to create conditions for activating the potential of broad societal mobilization for reform.

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“Maximizing the integration capacity of the European Union: Lessons of and prospects for enlargement and beyond”

The ‘big bang enlargement’ of the European Union (EU) has nurtured vivid debates among both academics and practitioners about the consequences of ‘an ever larger Union’ for the EU’s integration capacity. The research project MAXCAP will start with a critical analysis of the effects of the 2004-2007 enlargement on stability, democracy and prosperity of candidate countries, on the one hand, and the EU’s institutions, on the other. We will then investigate how the EU can maximize its integration capacity for current and future enlargements. Featuring a nine-partner consortium of academic, policy, dissemination and management excellence, MAXCAP will create new and strengthen existing links within and between the academic and the policy world on matters relating to the current and future enlargement of the EU.