

LIMITS AND OPPORTUNITIES OF CURRENT ENLARGEMENT POLICIES FOR THE EASTERN CANDIDATES

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Abstract

The decision by Ukraine, Moldova and Georgia to apply for European Union (EU) membership following the Russian invasion of Ukraine, resulted in the Union providing all three states the status of candidates. The question then is how the accession of these states is to be achieved, and what the limits and opportunities of the EU enlargement policy are.

Enlargement has widely been regarded as one of the European Union's (EU) most successful foreign policies and has been an important external relations' tool for how the Union has handled interactions with its neighbourhood. When the EU granted candidate status to Ukraine, Moldova, Georgia, after suffering from years of 'enlargement fatigue', enlargement became a priority to the EU again. These countries' political systems have all been classified as hybrid regimes, a common feature in the post-Soviet space. However, as the goal of the accession process is to prepare these countries for EU membership through the full adoption of the EU acquis, the political systems of these hybrid regimes will have to change towards more liberal democracies. Considering recent developments, it is time to examine the implications of further EU enlargement and the effect this will have on the Union as a whole, leading to the question of how the EU can achieve future enlargement and a higher degree of differentiation without compromising its values?

Enlargement and EU norms and values

After years of [enlargement fatigue](#), the acceptance of new Member States to the Union is once again on the table. Ukraine, Moldova, and Georgia have moved from the European Neighbourhood Policy (ENP) and the Eastern Partnership structure into a new framework for cooperation. There is, however, an understanding that accession of new members will require time, patience, and persistence on the part of the EU, the Member States, and the potential new members.

A core tenet of enlargement policy, the Copenhagen Criteria, was created to ensure new members' commitment to the central principles of the EU. These criteria build on the norms and values enshrined in Article 2 of the Treaty on the European Union, which enshrines the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights as the foundation of the Union itself. These values are absolute and are set to guide the enlargement process going forward, as well as assisting in the necessary changes and transitions required in order for potential members to achieve the [Copenhagen Criteria](#). The fundamental norms and values of the EU are reflected in these criteria, which are split into three categories: 1) political criteria; 2) economic criteria; and 3) administrative and institutional criteria. Additionally, accession hinges on the [integrative capacity](#) of the EU to accept new members without compromising the functioning of the Union.

Differentiation and differentiated integration

Following previous enlargement rounds, the differentiation of the Union increased due to the influx of new states. While uniform levels of

integration may still be considered the goal of the European integration project, the reality is that new and old Member States strategically choose opt-outs when it suits their interests, as well as blocking opportunities for new members to fully integrate.

[Differentiation](#) is a symptom of the variety of the Member States, not only regarding language, geography, and populations, but also regarding their economic, social, and political systems. Differentiation is not a new feature of the EU, as the Member States differ considerably regarding not only geography, population, and capital, but also regarding the state of their democracies and rule of law. This impacts national preferences and identities, which again determines how far some states are willing and able to facilitate further integration in the Union.

Differentiation is conceptually different and simultaneously closely linked to differentiated integration. [Differentiated integration](#) has increasingly become a characteristic of the Union, either in the form of the spread of EU policies to non-EU members or of deeper integration among Member States. A distinction can be made between horizontal and vertical differentiated integration, where the former refers to a geographical spread of EU integration which may also include non-members, and the latter refers to deeper integration of existing EU policies and institutions. In short, differentiated integration is a way for states to work together in a more flexible way, where those who desire and are able to integrate further are allowed to do so. This could lead to staged accession of the candidates, where they are granted gradual merit-based membership into the Union until all criteria are met.

Hybrid regimes in the Eastern Neighbourhood

[Hybrid regimes](#) are characterised by liberal

democratic institutions such as relatively free and fair elections and protection of civil liberties, while also experiencing neo-patrimonialism, state capture, high levels of corruption, and a skewed playing field which favours incumbents. Consequently, the challenges to achieve membership based on the Copenhagen Criteria are evident, as the transition towards liberal democracy expected after the Cold War has been stalled. However, due to the variations experienced within the EU regarding democracy, including instances of recent democratic backsliding, not even some Member States are currently fulfilling the normative criteria of the Union.

Due to the hybridity of regimes in enlargement countries, previous EU efforts to promote democracy in this area have yielded mixed results. These efforts have often occurred under the ENP umbrella, which has sought to ensure change through conditionality, as proven successful during the previous Eastern enlargement of 2004-2007. However, most scholars agree that, although compliance with conditions has occurred, conditionality is not effective when membership to the Union is unavailable, as the costs of complying are higher than the rewards. In the past, this has led to incumbent leaders in states of the Neighbourhood '[cherry-picking](#)' conditionality in order to maintain their hold on power. Now that the EU has opened up the possibility of membership, conditionality may once again work as intended.

Opportunities and limits

Famously, crises have been noted to spur further EU integration, in a process known as '[failing forward](#)'. Additionally, the momentum which was created following the Russian invasion has led to unprecedented support for and renewal of EU enlargement. This has also resulted in enlargement now being viewed as a security strategy which would bolster the political,

economic, and security interests of the EU. There is widespread consensus that the newfound enthusiasm for enlargement would not have happened in the absence of Russian aggression against Ukraine, which opens a window for action both at the EU level and at the domestic level of the candidates. However, this requires the EU to construct coherent rules which take domestic preferences into consideration. Additionally, and perhaps most importantly, EU accession needs to be credible for conditionality to work and the EU itself needs to change to make room for new members.

Staged accession, which could familiarise the candidates with the inner workings of the Union, as well as provide a smooth transition towards full membership, is made possible on the basis of differentiated integration, which is an existing feature of the Union. Differentiated integration has proven to not only be a core tenet to the workings of the EU – it could also lead to the EU being more effective, as the [laggards and disruptors](#) opt out of contested policies. However, staged accession comes with potential complications, as it could lead to first- and second-class membership, where those who are less integrated are kept on the outside of central decision-making arenas. This would work against the European integration project and the internal cohesion of the Union and could lead to future disintegration. In short, increased differentiation within the Union could make the EU less coherent and more open-ended and make the creation of unified policies harder. While this could also lead to more flexibility, differentiation runs the risk of hampering EU effectiveness in the long run.

Although existing Member States of the EU vary in the quality of their democracies and rule of law, the existing differentiation between the Member States does not signal accommodation regarding the values of the EU. Norms such as these do not exist on a scale – there is not a question of fulfilling

them to a certain extent. This leaves no room for either differentiation or differentiated integration, as was evidenced by [President Macron's speech at La Sorbonne in 2017](#): “The values of democracy and the rule of law [are] non-negotiable, there can be no cherry-picking. On values, there can be no two-speed Europe”. In short, while differentiated integration allows for variability regarding EU policies and institutions, it does not allow for differentiation regarding EU values.

The hybridity of regimes has hindered European integration in the past, as hybrid regime incumbents have systems available to curb EU reform. However, the state of the candidates' regimes only means that accession is off the table at the moment, as they do not currently fulfil the Copenhagen Criteria. The current situation is one of a vicious cycle where a move towards EU accession could help the transition of the states, but accession is kept away because of their regimes, as it allows for negative external and internal influence that hinders requisite reforms. This is especially evident in areas of limited statehood, such as Transnistria in Moldova. While it makes the transition towards liberal democracy and the necessary criteria difficult, as negative external influence disrupts the process, the aforementioned momentum created by Russia's invasion of Ukraine may work to bolster domestic pro-EU sentiments, as exemplified by the Georgian protests of 2023 and 2024.

Conclusion

In order for EU norms and values to be effective, they have to be credible, coherent, and aligned with domestic preferences to the greatest possible extent. The ENP largely failed because the ‘carrot’ was not big enough, and the cost of following EU preferences was considered larger than the reward. This is the reason why conditionality has been the most effective foreign policy tool of the EU when credible EU membership has been on the table. However, as evidenced

by the democratic backsliding of Poland and Hungary, EU membership is no guarantee for the upholding of EU values. Consolidating liberal democracy takes time, resources and willingness, and needs to go beyond a surface level of formal change.

All the opinions expressed in this publication are the sole view of the authors, and do not represent the position of the Trans European Policy Studies Association (TEPSA) or of its Members.

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