

PREPARING FOR THE SECOND ACCESSION ROUND AFTER COPENHAGEN – WHAT LESSONS CAN BE LEARNED FROM THE FIRST ROUND OF NEGOTIATIONS?

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***Abstract.** As the title reveals it too, the article tries to deal with the enlargement process that the European Union is facing nowadays. The author focuses on the lessons that can be learned from the “First Round of Negotiations”, as these are of great importance for the countries that will not enter in the “Copenhagen Round” – Bulgaria and Romania, which have not yet been able to conclude the negotiations, Turkey, an “official candidate” but with which the negotiations still have to begin and the “Stabilisation and Association Process” countries – Albania, Bosnia-Herzegovina, Croatia, Macedonia and Serbia-Montenegro. Taking into account that this is a less homogenous group than the “Copenhagen Round” group (in terms of their overall political, economic and social shape), the EU has to tackle with particular attention the future Rounds and to learn from the experience of the “Copenhagen Round”.*

“I find it really a distinct privilege being able to speak at one of the conferences organised by the ‘Cicero Foundation’, both in terms of importance of issues, which are regularly chosen for the discussion, as well as in terms of participants against whose expertise one’s ideas can be checked during these conferences.

The issue I will be addressing goes to the very essence of what Croatia looks at, hopes for, and works toward. But the issue is surely far larger than a single aspirant – or, officially, ‘potential candidate’ country – and I will be taking a broader look, while trying to trace down some defining overall trends and patterns.

I would like to start by trying to outline more precisely what ‘the Second Accession Round after Copenhagen’ is supposed to imply in the first place: what does it encompass, what its context consists of and depends on, and what is here, ultimately, at stake, for the European Union and for the aspiring countries. Along the way, a number of ‘lessons learned’ from the first round of negotiations will hopefully also keep coming into light.

If we decide to venture ‘beyond Copenhagen’ – and venture we simply must, I dare to say, because the European integration, after the historical European Council of December this year, will still remain an unfinished business, or at least, I must, representing Croatia, a country, in

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any event, 'beyond Copenhagen' – so, if we decide to venture 'beyond Copenhagen', we face a situation truly of a rare complexity and uncertainty:

Even the short period remaining 'before Copenhagen' does not look entirely certain. However, starting from what is most likely to happen, let's assume that the 'Copenhagen round', finishing the accession negotiations with ten of the 'candidate states', making them 'accession states', and leading to their inclusion in the Union from 2004, is a 'sure thing'. Let's assume also that the second Irish referendum on the Nice Treaty – the outcome of which will be known in just a few days time – ends up in a 'yes', thus avoiding a damaging constitutional blockade, which nobody seems to know how to overcome.

That leaves us in a situation of an unprecedented enlargement of the European Union/European Community, in quantitative terms, clearly, but also in "qualitative" ones, related to the fact that the Union which is getting enlarged unites much more than trade and markets, it is an increasingly ambitious, comprehensively intertwined integration, economically, financially, politically, socially, culturally, diplomatically, militarily. This is the fundamental factor shaping the question of the "Second Round" and beyond.

Upon the way in which the European Union will digest this enlargement, and upon the way in which it will reform and model its institutions in

order to make the Union- now both enlarged and "deepened", following its internal reforms- fully and durably functional, the whole issue of the "Second Round after Copenhagen" will depend in the most direct manner.

We certainly cannot a priori exclude a short-to-medium term future, with some serious long-term consequences as well, in which events may be taking an unfavorable turn – due to some unpredictable political, economic or security developments, or some particularly bad experiences – deadlocks, disputes, inadequacies, recriminations – arising in particular from the "Copenhagen Round" of enlargement.

A potential for that continues to exist, remaining inherent to a range of European contradictions, stemming in the first place from some different visions of how Europe ultimately should look like, driven in their turn by some mutually competing desires to get the most of the benefits from its respective dispositions, constitutionally and financially.

By such a scenario, which is a "bad case" scenario indeed, with an inward-looking European Union not being able to live up to its present and proclaimed ambitions and to the overall expectations – which would be, of course, a tremendous setback for the whole process of European integration – the issue of the "Second Round after Copenhagen" would end up not being very high on the agenda, to use an understatement.

If that would be the scenario, I would have to close, more or less, my speech at around this point.

However, I would rather argue – that we would certainly like to see things evolving in that direction, while hoping that this is, after all, something more than just a wishful thinking – that more elements can be found to point towards a more promising outcome.

Firstly, at the side of the EU itself, while looking for some reasonable grounds for optimism, we can find them in those related to the Union's ultimate ability to reform itself in order to be able to operate with a reasonable efficiency in its configuration "at 25" and rising, however hard it may seem.

While the Convention on the Future of Europe is surely not an easy thing, nor its success can be taken for granted – with so many different and frequently opposed ideas being put on the table and hotly debated – it stands a pretty good chance to devise some workable solutions. Basically, because too much is at stake now for too many strong vested interests – political, economic, financial – that a failure in building up an ever closer, efficient and prosperous European integration, symbolized most strongly in its common currency, simply does not transpire, after all, as the most likely outcome.

Secondly, as much as the effects of the enlargement are concerned, an optimistic but realistic outcome would be the one in which the

EU – in a process which will have both its "ups" and "downs" – absorbs its new members rather successfully; thanks maybe in the first place to the fact that, on balance, the economic benefits of the entry of the new members will gradually tend to outweigh the costs and burdens they may represent for the Union as a whole.

These net gains will be to all likelihood provided by a considerable economic growth these new members – starting generally from rather modest overall economic position when compared to the present member-states, and possessing a comfortable margin to move upwards – will be able to attain, while trying very much – as they will be most certainly doing, as they have been doing and are doing presently – to catch up with the others in the club, to hit an ever moving target of at least the EU average. Their growth and their process of getting richer will keep opening up a considerable potential to stimulate businesses, trade exchanges, investments and employment across a tightly integrated Union.

Such a successful absorption of the "Copenhagen Round" can only strengthen, maybe even up to a decisive degree, the case for a timely inclusion of the next incoming wave of the remaining states of a broadly similar, transitional and emerging-economy configuration, with all due differences. Anyway, their linkage to the European Union – economic, politic, social, cultural – is already strong and it is, in a clear trend, undoubtedly bound to keep getting only stronger, thus reinforcing the

argument for their full integration, once they fulfil the necessary conditions.

This group of states may be considered as encompassing those which will not be ready to conclude their negotiations in Copenhagen – Bulgaria and Romania; then a country which has been recognized as an “official candidate” but with which the negotiations still have to commence, once the EU declares that it fulfils the “Copenhagen criteria” – Turkey; the “potential candidate”, or the “Stabilisation and Association Process” countries – Albania, Bosnia-Herzegovina, Croatia, Macedonia and Serbia-Montenegro.

Obviously, this is not a homogenous group – in any event, it looks considerably less homogenous than the “Copenhagen Round”. The countries in the group differ in terms of their processes of EU-integration, as well as in terms of their overall political, economic and social shape, which in its turn explains different levels of their relations with the EU, outlining also their chances, realistic more or less, of getting into the EU in a foreseeable future.

What is common to these countries, however, and what enables us to call them broadly and tentatively, also as some sort of a “shorthand”, the “Second Round after Copenhagen” countries – even if the situation for some of them looks as they will have to wait for their turn in a hypothetical “Third Round” or beyond – is a combination of their general vocation to join the EU and a recognition, from the part of the EU,

that they do have an open prospective of accession, even if, again, this recognition in some cases may seem vague and/or presupposing an accession in some undefined, distant point in time.

The accession negotiations with those “Second Round” countries with which they have not yet started should be launched following their fulfillment of the Copenhagen political, economic and practical criteria, while their entry should of course primarily depend upon their individual pace of the accession negotiations, upon their willingness and ability to adopt 80.000 pages of *acquis communautaire*. And upon their skill to negotiate some mutually acceptable transition periods, it may be added.

Realistically, taken into account the state of their actual negotiations with the Union as well as their overall condition and foreseeable prospective, countries ready for a strictly considered “Second Round”, eventually by 2007, can be most likely those already negotiating their accession but not being able to conclude negotiations before Copenhagen – Bulgaria and Romania.

Our plan, as much as Croatia is concerned, is to move as energetically as possible in order to get ourselves ready approximately by that date as well. We tend to believe that such an accession of ours would be feasible, looking objectively at the majority of required parameters, if all goes well, and if an individual approach gets respected from the part of the European Union.

Let me also be absolutely clear on this one: while this forecast comes as a product of an ungrateful task of trying to look into future from a unavoidably limited standpoint of how things look like today, and from a perspective I may have, it certainly does not wish to imply in no way, and I would like to emphasise that most strongly, a view which tends to exclude or include “in advance” any one country.

In that regard, an example of those two originally conceived waves of the candidate-countries merging finally into one big “Copenhagen Round”, with two countries ultimately dropping out while not being able to move as fast as the others, comes as a reminder of what may happen at the end of the line. It provides an illustrative “lesson learned” from the “First Round”, in terms of demonstrating that it remains ultimately up to each candidate-countries individually to secure its place on the list.

A country, or the countries, which would eventually have to wait for a round “after the first one in Copenhagen” would have to wait a bit longer most probably because of some of the following specific reasons, a number of which tend to go hand in hand: unacceptably low economic indicators coupled with profound structural economic deficiencies, absence or insufficiency of some encouraging economic trends, an administrative and judicial capacity too weak and plagued by corruption and organised crime, problematic civil-military relations, open or lingering, crippling ethnic tensions, rise or rule

of the anti-democratic, anti-European, authoritarian, nationalist political forces, inadequate treatment of minorities, unresolved constitutional dispositions or major territorial disputes, uncooperative foreign and especially regional policy, fundamental lack of self-sustainability in terms of functioning as a credible state.

No country “after Copenhagen” seems to be immune to the threat of being put on a backburner because of some of these reasons.

Having, hopefully, outlined what is meant by the notion of the “Second Round”, and what is its context, let me get back to the overall arguments in favour of its materialisation.

An additional argument for a “Second Round” – and for a “Third Round” for that matter as well – apart from the one stemming from a desire not to draw some new lines of division, but to fulfill the strategic objective of uniting a Europe “whole and free”, can also be found in a closely interconnected nature – in terms of their history, common post-communist transition, society, culture, economy and, finally, simple physical proximity – of the majority of states of the first and the second round.

This argument just tends to state what is obvious, while emphasizing some practical aspects of the situation which deserve to be taken into account, especially as much as a longer-term prospective is concerned. It surely does not mean to imply that the “first round” states

automatically open the road for the “second round” states, giving them some sort of an undeserved “free ride” to Brussels. An approach responding to the individual vocations and merits seems to be offering the best and the most encouraging guiding principle, between the “rounds” as well as within the “rounds”, where the aforementioned interconnections also exist.

To deprive the “second round” states, of a truly realistic prospective of accession, with its negotiations and timetables – an accession, again, dependant upon their individual willingness and ability to adopt the *acquis communautaire* – it would be artificial, potentially harmful at both ends, unjust and for the “second round” countries most frustrating. This frustration can lead to a disillusionment, which in its turn can have some serious consequences for their EU-integration drive, as well as for their overall political, economic and social course.

The frustration can also be triggered by an eventual situation in which a country, or a number of countries, although advancing faster and being objectively ready, would have to wait for the others to catch up, within a certain region. Clearly I am referring to the region of the so-called “Western Balkans”. Such a situation – making the ones practically hostages to the others – would exceed the notion of a reasonable and indispensable regional co-operation, which is required, and quite justifiably so.

An eventual absence of some genuinely tangible chances to accede to the Union has a

strong potential to reinforce the hand of not only Euro-sceptic, but also anti-European, and ultimately anti-democratic, nationalist, authoritarian and even criminal forces, which undeniably do exist in this countries, in various degrees. Such a development would of course lower their chances still further down the line. It has to be said, by the way, that these forces, as it can be witnessed throughout Central and Eastern Europe, remain vocal also when an actual accession is taking place. But in these “advanced” circumstances, however, they remain marginalized and “manageable”.

When compared to their eventual absence, on the other hand, some real, indisputable chances of accession, coupled with an intense process of negotiations, have a potential to ensure a powerful, wide-ranging positive EU-integratory dynamics across the broadest political, social and economic spectrum of the countries involved.

That leads us to one of the most important characteristics, maybe even the most important one, of the “lessons learned” from the first round of negotiations, applicable to the incoming rounds – to a fact that they create and perpetuate a tremendous positive momentum, with a wide range of effects, anchoring the negotiating states firmly into the European mainstream, by extending over them a complex web of rules and interdependencies.

Surely, in this regard the negotiations do not function as an objective in itself – they prove their

value as means to an end. The end, a full integration into the EU – albeit faced with a variety of resistances and obstacles, stemming largely from a range of vested interests of one sort or another finding themselves threatened – ends up setting the agenda, convincingly and comprehensively. Its absence, within the circumstances of a chaotic post-communist political, social and economic transition, would have produced, to all likelihood, a very different outcome.

The positive effects come as a product of the whole package surrounding the negotiations – and here I am referring to the accession negotiations, in the first place, but also to the “Stabilisation and Association” negotiations.

This package encompasses, among other things, a rising influence within a state and society of a new and permanently expanding national EU-oriented and EU-engaged political, administrative and business *elite*; a transparent and verifiable process of genuinely and progressively implementing what has been agreed (*acquis communautaire*); benefits arising from being perceived, thanks to an advanced level of relations with the EU, as an emerging market increasingly compatible with the EU and thus attractive for investments.

The whole process of negotiations as such exercises a healthy influence upon the negotiating states as a crucial part of their EU-upbringing, as an initiation into how the EU does things; in principle, by compromise and complex trade-offs. Apart from a functional aspect of

negotiations – related to the fact that something concrete had to be negotiated and agreed – countries undergoing a post-communist transition, shaped up to a high degree by a “*zero-sum*” and militant mentality, absolutely needed this learning process before being able to start thinking and functioning as the EU members.

The negotiations were serving that purpose, and they keep serving it, even if they were certainly not some negotiations between the equals, in terms of leverage one side may have had, or may have, over the other. Also, they cannot be considered as classical “negotiations” – apart from transition periods, or “grace periods”, there was nothing to negotiate about. Fundamentally, it is always question of being willing and able to accept and implement all of the 80.000 pages of *acquis communautaire*.

Finally, the “key lesson learned” from the first round of negotiations may seem just too obvious to merit a specific attention, but its importance simply cannot be overemphasized. This is a “lesson” which demonstrates that a big enlargement not only can take place, but that it is actually happening.”