

The United Kingdom and European Union Enlargement Submission to the Balance of Competences Review

James Ker-Lindsay

About the author

Dr James Ker-Lindsay is Eurobank Senior Research Fellow on the Politics of South East Europe at the European Institute, London School of Economics and Political Science. He is the author of numerous works on the politics and international relations of the Western Balkans and Eastern Mediterranean, including: *EU Accession and UN Peacemaking in Cyprus* (2005), *Kosovo: The Path to Contested Statehood in the Balkans* (2009), *New Perspectives on Yugoslavia: Key Issues and Controversies* (2010), and *An Island in Europe: The EU and the Transformation of Cyprus* (2011).

At a strategic level UK has not ceded too much control

1. At a general level, it seems rather strange to consider whether the United Kingdom has devolved too much power to the European Union on the question of enlargement. For a start, Britain, along with all other member states, retains a right of veto throughout the accession process. It can not only block states from gaining candidacy, it can also prevent them from opening and closing individual chapters of the *acquis communautaire*. Likewise, at the very end of the process, the United Kingdom can block the final accession of a country, either as a governmental decision or by refusing to ratify the required accession treaty in Parliament. To this extent, the United Kingdom, as an individual member state, and along with all other member states, retains an overwhelming degree of power to shape and determine the process of enlargement, both in general terms and, most importantly, with regard to specific states.

2. Secondly, in the broader context of the Balance of Competences review, and the ultimate possibility that this process may lead to Britain's exit from the European Union, it seems almost absurd to ask whether the United Kingdom has devolved too much power to the European Union over the issue of enlargement. Just as Britain had no direct say on enlargement before it joined the EU and would have no say on the matter if it was to leave the EU; especially as the European Union has made it clear on numerous occasions that it does not allow third countries to determine who can and cannot join the Union. Simply put, this is one of the few areas of the Balance of Competences review where it is possible to say with certainty that Britain would be absolutely disadvantaged by any decision to leave the European Union. Unless the United Kingdom is a member of the European Union it will have no right to determine who can and cannot join the EU.

Room for greater UK input into enlargement process

3. However, at another level, one can make the case that there could be areas where there is room for Britain to play a more active part in the process of enlargement. One obvious example concerns the degree of control the European Commission has over assessments on the general ability of candidates or potential candidates to meet both the terms of the Copenhagen Criteria as well as the *acquis*. There would seem to be a good case to be made that the Commission has on many occasions adopted a rather too lenient view of a particular situation and has made recommendation that member states feel is unmerited.

4. One obvious recent example concerns the recommendation made in 2013 for Albania to be granted candidacy. While there had been areas of improvement, and the peaceful election of a modernising new leader was to be welcomed, Britain made the case, along with several other member states, that more evidence of reform was needed before a decision to accept it as a formal candidate for membership could be made. Of course, it could be argued that this was a political decision made for specific national reasons. However, this does not seem to be the case. There appeared to be no particular axe to grind with Albania. It really did seem to be based on a genuine view that Albania needed to do more to prove that it met the fundamental criteria necessary to be considered for candidate status. And yet this decision seemed to run against the view that had been presented by the Commission.

5. Another example is Macedonia. The difficult background to this case is well known and does not need to be restated. However, while the Commission has made successive recommendations that formal accession negotiations should begin, in recent years there has been evidence of a general backsliding regarding a number of core areas relating to the quality of democracy and democratic institutions in the country. As a result, a number of member states now express the view that there is a good case to be made that the country does not even meet the basic political requirements for candidacy and that its candidacy should be suspended, perhaps even revoked pending another formal review of the situation. And yet, despite these concerns expressed by individual member states, the Commission continues to issue reports that present a rather different, and often rosier, general outlook.

6. A number of countries, most notably the larger EU member states, including the United Kingdom, maintain a strong presence in many candidate and potential candidate countries. They are often just as able to make assessments of the situation, if not in all areas at least in some, as the Commission officials on the ground in the country. To this end, there could perhaps be room to include member states more actively in the process. Of course, the argument could be made that a very high degree of interaction and consultation already takes place. After all, in almost all cases, the Commission officials in the country in question maintain close contacts with the embassies of the member states. However, the reports themselves are still very much a product of the Commission, with all the consequences that this entails. Rather than leave formal discussion on the Commission's findings until after the reports are produced, a new mechanism could perhaps be introduced at the drafting stage that would give member states a better opportunity to question the Commission on its preliminary conclusions and allow them to register their concerns prior to the formal publication of the reports. This would have the advantage of giving the member states a greater chance to shape the reports. Of course, this could have negative effects. It could also allow member states to introduce politics into what should essentially be a rather technical process. However, this pitfall could potentially be overcome by ensuring that discussion is focused on specific elements in the report, and requiring members to come up with specific cases to support their arguments on any specific issue. Such a process would allow Britain and other countries that have genuine concerns to raise objections to further integration steps rather more privately. This could help Britain to avoid the very public shows of opposition that arise when matters are brought before senior officials from member states, and which can have negative effects on bilateral relations with candidate and prospective candidate countries.

The wider effects of the UK's disengagement from the European Union

7. In a broader sense, it is also important to consider the wider effects that any decision by the United Kingdom to leave the European Union would have on Britain's relationship with countries vying for EU membership. First and foremost, the United Kingdom would lose a very great deal of political leverage over most, if not all, of these states. Over the years, Britain has been seen as a champion for enlargement. As one of the 'Big Three' members of

the European Union, this has meant that states pursuing membership have tended to see Britain as a natural ally and champion. This in turn has given Britain a degree of interaction with, and influence over, these countries than would otherwise have been the case.

8. If the United Kingdom was to leave the European Union, it is almost certain that this degree of interaction will decline significantly, both quantitatively and qualitatively. This would be seen particularly acutely in the Western Balkans. These states would see little value in engaging actively with the United Kingdom when their invariably meagre diplomatic and political resources would be better used engaging with countries that can help them to join the European Union. Indeed, even the discussions about a possible British exit from the European Union may well have contributed to a growing sense in these countries that Germany is now the main actor they should focus on. (Obviously, this perception will also have been shaped by other factors. Nevertheless, the sense of uncertainty over Britain's relationship with the EU is often raised by diplomats and political figures from the region.)

9. Moreover, it is important to remember that, apart from the possible exception of Kosovo and perhaps Bosnia, these countries tend to have few close political or historical ties to the United Kingdom. For example, unlike Cyprus and Malta in 2004, no new candidate is a member of the Commonwealth. There is little beyond the European Union that binds these countries politically to Britain. Similarly, Britain retains relatively few trade and economic links with these states. Nor has it sought to develop such links in a sustained and meaningful manner. Certainly the degree of economic interaction is nowhere near the sort of level that would give the United Kingdom continued decisive political leverage over these states in the event that it was no longer a member of the European Union.

10. In addition to the direct political effects that any decision by the United Kingdom to leave the EU would have on the relationship with many accession states, Britain would also find its leverage reduced in other ways. For example, aspiring members often emphasise the importance they attach to Britain's know-how in terms of administrative and other political and economic reforms required for EU membership. This has meant that Britain has often been called upon to provide training and advice to officials from these states. This is vital only in terms of providing a very useful mechanism to shape the structure and the ethos of many institutions. However, it also means that Britain tends to generate contacts with current and future leaders. Yet again, all this would be lost if Britain were to be outside of the EU. These states would simply look elsewhere for that expertise and advice.

NATO does not present a realistic alternative avenue of influence

11. Of course, it could be argued that our continued membership of NATO would still open the door to many of the candidate state, most of which are also hoping to join NATO. However, this is unlikely to provide anywhere near the sort of influence Britain has as a member of the European Union. While NATO membership is important to most of the states of the Western Balkans, with the significant exception of Serbia, it is secondary to EU membership in terms of national priorities. Moreover, these states know that they are wanted within NATO and that the process of membership is far less wide-ranging and rigorous as it is for the European Union. There is no need for a national champion in the same way as there is for EU membership.

12. Additionally, membership of NATO is a wholly different process. While military, and defence related civilian, cooperation may well increase, this would not have a wider spill over effect into other areas. Again, these states, with their limited resources, would still choose to devote their energies towards cultivating ties with those states that can help them join EU. For these reasons, it would be wrong to believe that NATO could provide anything like the sort of leverage that Britain has through its membership of the European Union.

The possible anomalous case of Turkey

13. The one possible exception to this general assessment could be Turkey. If Britain were to leave the EU, it is quite possible that Ankara may see the type of relationship forged between Britain and the EU as a model for its own future ties to the EU. Moreover, the Turkish Government may well believe that Turkey and the United Kingdom should develop a closer strategic alliance in order to coordinate their activities to strengthen and shape their relationship with the European Union to their mutual benefit. While this may be welcome, it would hardly be compensation for the loss of influence in the EU as well as with the various other countries seeking membership.

Conclusion

14. For the purposes of this review, it must be concluded that Britain has not devolved too much power to the European Union over enlargement at a strategic level. The United Kingdom maintains a power of veto over the membership of any new member. Moreover, enlargement is an area where it can be said unequivocally that Britain would gain absolutely no advantage if it were to find itself outside of the European Union. Likewise, a decision by the United Kingdom to leave the European Union would severely undermine British engagement with, and influence over, a number of states that are pursuing EU membership. Nevertheless, there is potentially room to strengthen British input into the enlargement process by creating stronger member state oversight of Commission procedures.