



Foreign & Commonwealth Office

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IMPACT ON THE NATIONAL INTEREST

1. What has been the impact of EU enlargement on UK interests? How has the UK influenced the enlargement process?

Since the end of the Cold War the UK has played a decisive role in determining the scope and nature of EU enlargement. The British government succeeded in convincing other national capitals to accept a “big bang” enlargement in 2004 rather than a staggered or regatta-like entry of best-performing candidate countries, which was the option preferred by the French government. At the same time, the UK also made the case for formally accepting Turkey as a candidate country, a decision enshrined by the European Council in December 2004. A third major contribution was Tony Blair’s insistence on using the 2004 enlargement to usher in a deal for reducing spending on the Common Agricultural Policy. In doing so, the UK managed to overturn a Franco-German agreement that would have maintained higher spending levels and thus increased UK budget contributions. Fourthly, as enlargement spurred an increase in foreign policy coordination, the UK was highly successful in preserving the compatibility between EU foreign policy commitments and NATO. During the intergovernmental conference that negotiated the Constitutional Treaty the UK ensured that there was no “decoupling” between the two organisations.

Overall, enlargement has had a major linguistic impact on the EU’s functioning by strengthening the primary role of English – the foreign language of choice in new member states – in the institutions (Cooper 2012). This phenomenon is associated with the development of a more “British” European Union, one in which Atlanticist and free-market oriented countries now form a dominant bloc.

2. What effect has EU enlargement had on UK interests in specific policy areas? What advantages and disadvantages has the UK experienced as a result?

Enlargement has necessitated changes in the way the EU works (notably via the 2009 Lisbon Treaty) and altered the political make-up of the decision-making institutions. However, these novelties have not had a detrimental impact on the UK's specific policy interests i.e. those that constitute "red lines" during treaty or budget negotiations.

The UK budget rebate remains in place as reflected in the 2014-2020 multiannual financial programme for the EU. Opt-outs regarding Schengen and the single currency remain in place and have not been challenged. The relationship with NATO (explained above) has also been preserved in the wake of enhanced foreign policy cooperation.

In this context, the principal benefits of enlargement are business-related, with UK companies having access to a market of 500 million consumers and the ability to draw on a much larger pool of qualified labour. Closely related, UK research and higher education have benefited from the ability to attract highly-qualified students and staff that have greatly enhanced innovation and research outputs.

The 2004 enlargement in particular is associated with a large wave of worker migration from new member states to the UK. As well as having a significant political impact, this substantial increase in net migration places pressure on infrastructure, public services, and housing. From a government perspective, these costs are offset by the increase in tax revenue and the positive effect on growth that intra-EU migration has had. Migratory flows naturally increase the probability of cross-border crime yet the introduction of the European Arrest Warrant has greatly facilitated the rendition of wanted suspects who have fled to another EU country.

3. How do you consider the balance between the roles of member states and of the EU institutions in the process? Might UK interests be served by any changes to the balance of competences in this area?

The institutional mechanics of the enlargement process function by now as a well-oiled machine. The member states are the decision-makers and the Commission is the executive arm. This division of labour is legitimate and highly effective in practice. The decision to open official negotiations is a matter for national governments to agree upon, while only the Commission has the technical expertise and independence necessary to examine how prepared a candidate country is to meet the full obligations of EU membership. The annual monitoring reports produced by the Commission provide plentiful information for national governments, parliaments, and civil society to reflect on

the state of progress made by candidate countries. The fact that each chapter of the accession process can only be closed once all member states have are in agreement further enhances the fundamental link between political legitimacy and technical expertise.

Problems have arisen when the political desire to grant accession has trumped expert assessment of readiness for membership. This happened in the case of the entry of Romania and Bulgaria in 2007: countries that required special transitional measures to be created to ensure continued reform of their judicial sectors. In this regard, the existing system has a certain weakness but one that is inherent whenever political representatives have the final say. Hence there is no need for any reconfiguration of the division of labour between member states and the institutions.

The one uncertainty surrounds the possibility that a member state would hold a yes/no referendum on the accession of a particular candidate country. Politicians in both France and Austria have raised the possibility of holding referendums on allowing Turkey to join the EU. In 2008 Nicolas Sarkozy oversaw a change in the French constitution that removed the mandatory referendum on further EU enlargement. However, the procedure for avoiding such a referendum involves having a 3/5th majority in both the Senate and the National Assembly, which could be a tall order. Constitutionally, the EU cannot currently proscribe the use of such referendums – France in fact held one in 1973 on EEC enlargement – and any attempt to do so would generate controversy. UK interests would thus be best served by seeking informally to persuade countries not to hold an enlargement-specific referendum.

EXERCISE OF COMPETENCE

4. How effectively have the member states and the EU institutions run the enlargement process? Have lessons drawn from previous enlargement rounds been applied?

Since 2007 the Commission has recognised a degree of “enlargement fatigue” surrounding the process of adding new member states. Moreover, the “new approach” involving front-loading monitoring of judicial and fundamental rights issues is a direct response to problems encountered in previous accession rounds. In 2007, the reasoning behind permitting accession without delay was fear that blocking the entry of Bulgaria and Romania would undo existing progress, especially in legal and judicial reform. Hence

the new approach is an appropriate response to avoid facing the same predicament again.

Since the entry into force of the Lisbon Treaty (December 2009), the enlargement process has been able to draw on the diplomatic coordination efforts of the High Representative for Foreign Affairs and Security Policy. The first holder of this post, Catherine Ashton, was successful in April 2013 in brokering a deal or rather a grand bargain between Serbia and Kosovo, which permits Serbia to become an official candidate country for EU membership. This episode demonstrates how greater policy coordination by the EU – the foreign policy chief bridges the institutional divide between the member states and the Commission – has benefited enlargement negotiations in a taxing diplomatic context.

5. How do you assess the EU's use of conditionality? Has conditionality been effective in ensuring candidate countries implement reforms necessary for EU membership?

Despite the weak state of judicial reform in Bulgaria and Romania upon accession in 2007 – necessitating the introduction of a unique post-accession form of conditionality – the general record of conditionality is very good. The compliance record after accession of the 2004 countries, for instance in environmental protection, is better than was expected given the complex nature of the administrative tasks required of full member states (Sedelmeier 2008). This post-accession record is testimony to the way that accession as a whole – conditionality as well as formal training programmes and funding – works to establish the proper infrastructure for EU membership.

A specific example of conditionality's success involves the EU's ability to persuade Serbia to comply with the International Criminal Tribunal for the Former Yugoslavia and resolve its territorial dispute with Kosovo. Meeting these pre-candidacy conditions allowed formal negotiations on Serbian accession to begin. Similarly, in order to demonstrate commitment to EU accession conditions, the Turkish government changed its constitution in 2004 to prohibit capital punishment. This reform has remained in place in spite of both the breakdown of the accession negotiations and protests sparked by a high-profile child-murder case.

6. How effective has EU financial and technical assistance been in helping candidate countries prepare for EU membership?

The Commission oversees these two parts of the enlargement process according to a well-established set of criteria covering the different chapters under negotiation. However, I am not sufficiently expert on the practices of assistance to comment on their merits and demerits.

FUTURE OPTIONS AND CHALLENGES

7. What challenges/opportunities might EU enlargement face in the future?

Future EU enlargement continues to face similar technical issues as were encountered in the most recent accession rounds. More importantly, however, potential EU aspirants who may seek membership in the near future raise new and singular geo-political concerns. Additionally, the two sets of problems combine in the special case of Turkey.

From a geo-political perspective, the possible candidacy of countries within the Eastern Partnership opens up the perspective of antagonising Russia. The unrest in Ukraine during 2014 in fact followed an earlier decision in September 2013 by Armenia to reject an EU Association Agreement and a related Deep and Comprehensive Free Trade Agreement. The Armenian government's change of heart came at the behest of Vladimir Putin, who wanted Armenia to say no to the EU and instead join the Russian-dominated Customs Union. This example demonstrates how the EU's room for manoeuvre is already limited when it comes to extending free trade arrangements with countries subject to threats or blandishments from Moscow.

Internally, EU countries are at odds over how far to pursue enlargement in the former Soviet space, with Eastern European countries, notably Poland, especially keen to expand the EU's borders in the face of Russian reluctance. In this context, the EU's options for association or even accession will probably be directly linked to the question of NATO enlargement. Admitting an existing NATO country would be easier because at that point the country in question would unequivocally have left the Russian sphere of influence, thereby making an EU consensus much more likely.

The question of Turkish accession is already proving highly complex on technical grounds owing to the fact that it does not recognise the Republic of Cyprus. Originally, EU member states had hoped that before negotiations began Cyprus would join the EU as a united island and/or that Turkey would grant diplomatic recognition. Both these hopes were dashed and yet accession talks began, albeit using an explicit "negotiation

framework” as announced by the European Council in October 2005. This document made clear that negotiations are “an open-ended process, the outcome of which cannot be guaranteed beforehand”.

Non-recognition complicates the ability to implement single market rules that require equal treatment of citizens and companies regardless of (EU) origin – notably Turkey does not allow access to its ports and airspace to Greek Cypriot vessels and aircraft. Additionally, the admission of Turkey would pose serious challenges in terms of border control given its large land and sea border and the fact that the Middle-East is a conduit for irregular and forced migration. As existing EU frontier states already face severe difficulties in policing borders and administering asylum policies, there are grave doubts over Turkey’s ability to participate eventually in Schengen.

A further technical problem, which would have to be decided on political grounds, is whether and how to adopt transitional rules on intra-EU migration for Turkish citizens. The precedent for restrictive measures exists from the 2004 and 2007 enlargement rounds and the heated political debates over EU migration in numerous member states suggests this will be a key issue during the final stage of accession negotiations.

Hitherto, enlargement has been based on equal membership rights – a promise that helps incentivise candidate countries to implement far-reaching policy change. Withdrawing this incentive from Turkey by offering instead a more limited form of association would thus constitute crossing the Rubicon and come at the risk of alienating elites and ordinary citizens in Turkey. At worst, this could lead to an unravelling of existing progress made by Turkey to meet the EU’s accession criteria in the field of economic reform as well as social and political rights. There is also the potential for a disgruntled Turkish government to work against EU foreign policy in the Middle East.

Finally, as an accession treaty requires the approval of the European Parliament (in addition to that of the Council) there is the potential for a more eurosceptic Parliament to play a disruptive role in this process. Traditionally MEPs have been supportive of enlargement yet the shake-up of parties and party families produced by the 2014 elections might complicate matters in the future.

8. How might the EU's approach to enlargement be improved in the future?

In light of the above, it seems that the question of accepting future candidates for EU membership might require some degree of explicit coordination with NATO so as to present a united front in the face of expected Russian resistance. Overall, the approach to enlargement as a political and administrative process does not seem to require a radical overhaul. Political consensus is an essential component to ensure legitimacy, while the Commission's role as lead negotiator and provider of expertise (to both member states and candidates countries) is entirely appropriate. Building on the example of the Kosovo-Serbia deal, it would appear that one of the key tasks of future EU foreign policy chiefs is to take the lead in complex diplomatic talks prior to official candidacy.

9. What future impact might EU enlargement have on UK interests? How might any positive impacts be enhanced or disadvantageous impacts be addressed?

The country most likely to join the EU next is Montenegro, a very small state in terms of population and territory, whose entry will not impact UK interests. By contrast, Turkish accession and the fate of Russia's neighbours have the potential to be disruptive. In the case of the former, migration and border control are the standout problems that could be highly disadvantageous. Transition measures on free movement of Turkish citizens are plausible and indeed necessary to limit sudden migratory flows.

Border control poses two separate problems. Firstly, the ability to police a very large sea and land frontier in a region with complex migratory flows will affect Turkey's ability to join Schengen. This only indirectly affects the UK as it currently opt outs of the border-free travel area. However, as an EU country subject to participate in the Dublin II convention on asylum, Turkey would be responsible for processing asylum applications at the point of entry into the EU. Without the proper infrastructure to manage this complex responsibility, there is a chance of repeating the scenario that has occurred in Greece, where appalling detention facilities were considered by the European Court of Human Rights a clear breach of human rights. The consequence was that the UK Border Agency stopped its deportations of asylum seekers that entered originally via Greece. With Turkey likely to handle a high number of asylum requests as the first entry point into the EU, failure to meet human rights obligations would put further pressure on the UK Border Agency's work and the wider EU asylum process.

The Russia question looms large when considering potential accession by states of the former USSR. The greatest risk here to UK interests that a push to increase EU ties will be met with retaliatory measures by Russia, potentially affecting access to natural resources or foreign investment into Britain. However, the UK retains the ability to shape

this kind of enlargement decision within the European Council and the Council of Ministers, thereby allowing UK interests to be present throughout the process.