

Beyond EU Enlargement
Strategy Paper

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1 Preface

At the beginning of the new millennium, the European Union finds itself at the heart of Europe. At the Helsinki European Council in December 1999, the current 15 member states decided to enlarge the Union to a total of 27 members and to grant candidate status to Turkey. Already in the first enlargement round, which is to be expected in three to five years, European polity will be extended to the borders of Russia, Ukraine and Belarus. The trouble-spot of the Balkans will move closer towards European integration. These neighbourhoods constitute challenges to stabilisation policy, whose extent nobody can identify clearly even today.

The states of the Western Balkans have been given explicit EU prospects, which are organised along the lines of the Stability Pact and the Stabilisation and Association Process, while relations with the CIS neighbours have been extended within the framework of foreign relations. Nevertheless, the follow-up questions arising from eastern enlargement can only be managed to a limited extent with

the current instruments of the EU. Eastern enlargement constitutes the core issue in certain respects and often lies at the foundation of the other big challenges: The EU has to define its profile, not only as an economic power and stability factor, but also as a foreign and defence policy player.

The future neighbouring states confront the EU with new stability and security policy challenges: First of all, regionally concentrated ethnic conflicts, as in Kosovo or in Chechenya may endanger the security of Europe as a whole. The stagnation in, or even failure of, the transformation in Eastern and Southeastern Europe would have direct consequences for the EU, through migration, cross-border crime and smuggling. Accordingly, the Union is challenged in two respects: In its role as security policy player in crisis management, for which it would have to extend the instrument of a Common Security and Defence Policy correspondingly. Furthermore, in its role as setter of norms for the transformation that goes beyond firm accession prospects.

On the one hand, the East and Southeast European neighbour states may cause risks for the EU. On the other hand, the follow-up questions of EU enlargement and “white spots” in the European strategies constitute security risks for Europe as a whole. In order to reduce these deficits, the editors of the two volumes of *Beyond EU Enlargement*, Iris Kempe and Wim van Meurs, have developed a grid to analyse comparatively the risks and challenges posed by these two bordering or neighbouring regions of Europe. In so doing, the editors were perfectly aware of the substantial differences existing between the various countries. Beyond all differentiation, however, the analysis was aimed at binding both regions effectively into a European order of security and stability.

The empirical analysis and the formulation of policy recommendations are centred around the topics of positive and negative implications for the whole complex of common European security and stability, minorities and border issues, visa and customs regulations,

as well as regional and cross-border co-operation. In accordance with the objectives of the Bertelsmann Foundation as an operative foundation and the Center for Applied Policy Research as a think tank focused on European questions of the future, enlargement towards the east has thus become a starting point instead of the target of these considerations.

Thanks are due to the authors from the European Union as well as Eastern and Southeastern Europe, who dealt with each of this topics mentioned above in teams of two. They contributed greatly to the success of this undertaking. Over and above the requirements of a normal anthology, they met for symposia in Sofia, St. Petersburg, Munich and L'viv and discussed the content-related prerequisites of the analysis grid as well as regional peculiarities. The published contributions were completed in September 2000.

The two editors of the *Beyond EU Enlargement* volumes, Iris Kempe and Wim van Meurs, created the framework for the constructive dialogue and comparison between East – *The Agenda of Direct Neighbourhood for Eastern Europe* – and Southeast – *The Agenda of Stabilisation and Association for Southeastern Europe*.

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2 Risks of EU Enlargement

The break-up of the Soviet Union, the dissolution of the Warsaw Pact and Comecon as well as the fall of the Berlin Wall marked the end of a historical era in Europe. Europe is no longer divided into two parts for ideological reasons or because of opposing systems. There is an opportunity to establish a new, common European order. Enlargement of the European Union (EU) towards the east is a step toward creating security and stability beyond the borders of present day “Europe”. The new opportunities at the same time also carry some new risks and political challenges. These emanate on the one hand from economically and politically unstable neighbouring states, and on the other hand from follow-up questions beyond the current requirements of EU enlargement towards the east.

As the title says, this report will for the first time deal with the potential and risks at the eastern and southeastern borders of the European Union that will be there “beyond enlargement”, “beyond” in a threefold sense:

- *Geography* as regards those states and border regions for which the EU has not formulated accession prospects so far, and which will thus find themselves beyond and outside the European integration process in the medium term as well;
- *Time* as regards the follow-up questions of enlargement towards the east from 2005 onwards for various policy areas;
- *Quality* as regards the questions of principle to be derived from enlargement towards the east and the discernible finality of the Union.

These three dimensions are not only relevant for the analyses on Eastern and Southeastern Europe presented in the two accompanying volumes, but also for future policies which will be geared towards all of Europe, along and beyond the borders of the EU. As far as the regions beyond the future EU borders are concerned, the key questions of exporting stability without importing instability, of permeability and control, of enlargement process and foreign policy, are unavoidable. At the moment these states can be divided into two groups: The successor states of the former Soviet Union, which after EU eastern enlargement will come to share a border with the Union, and the Southeast European region. Both regions confront European decision-makers with new tasks in the area of security policy, caused by the whole spectrum of transformation problems, ranging from economic crises to minority conflicts escalating into violence. In this context, the EU is required like no other organisation in Europe to play a role as stabiliser in the transformation process and also as soft-security provider. In formulating its policies, the EU has up to now opted for various forms of co-operation that do not offer the perspective of accession: In its co-operation with Belarus, Moldova, Ukraine and Russia, accession has been excluded for the time being. Relations with states that will be in Direct Neighbourhood to the enlarged EU are limited to partnership and co-operation. For the regions of acute crisis in the “Western Balkans”, on the other hand, the “window of opportunity” for prospective accession has been

opened, and is supported by a Stability Pact as well as the Stabilisation and Association Process.

Despite numerous differences, the security and stability problems in both regions can be approached by a comparison of four core areas:

1. Minority problems and legacies of the past;
2. Questions of visa and customs procedures;
3. Regional and cross-border co-operation;
4. Pan-European security.

With these topics in mind, the regions of the future eastern border (Direct Neighbourhood) as well as the future southeastern border were investigated in order to identify risks and follow-up questions resulting from the process of enlarging the EU towards the east. Conclusions and consequences can be found in the subsequent policy recommendations.

2.1 Direct Neighbourhood and risks along the eastern borders

Up to now, EU decision-makers have made substantial efforts to achieve institutionalised regulations for their relations with their future neighbour states. As successor states of the former Soviet Union, Russia, Ukraine, Belarus and Moldova are members in the Organisation for Security and Co-operation in Europe (OSCE). The admission of these states to the Council of Europe (CoE) is a sign of progress, but also reveals problems in the democratic development of the countries concerned: The guest status of Belarus, for example, has been suspended since 1997 because of the problematic domestic situation. In order to be able to criticise Russia's role in the second Chechenyan war, the parliamentary assembly of the CoE has temporarily repealed Russia's right to vote.

The European Union has signed Partnership and Co-operation Agreements (PCA) with Russia, Ukraine, Belarus and Moldova. With

the exception of Belarus, the agreements have been ratified by all countries and taken effect. Drawn up along the same lines, the agreements reflect Western interest in bilateral political co-operation on democratic foundations as well as Eastern interest in economic co-operation. If the possibilities provided for in the agreements are completely implemented, this will create a broad range of opportunities for political dialogue and economic co-operation on various levels, from summits to concrete working groups, and in the case of economic co-operation may even lead to the establishment of free trade zones. The Partnership and Co-operation Agreements with Ukraine and Russia are supplemented by Common Strategies for each, instruments of the EU's Common Foreign and Security Policy. The difference to relations with the East and Central European countries is that none of the current strategies envisages EU membership.

The country reports on relations between the Russian Federation, Ukraine, Belarus and Moldova and the European Union published in the documentation point toward distinct deficits and potentials insufficiently explored. One major point of criticism is raised in the country reports on Ukraine and Moldova. By way of a strategic answer, *Ukraine* and *Moldova* passed policy statements of their own on their relations to the EU. These are aimed at an early association and the inherent promise of prospective membership. This has to be seen in conjunction with the foreign policy aim to distance themselves from the hegemony of Russia and to strengthen national sovereignty. While Kiev and Chisinau think of prospective membership as a factor stabilising the transformation process, Brussels regards the fact that the transformation tasks have only been very insufficiently fulfilled up to now as one of the main obstacles to formulating membership prospects. While the East European side perceives the continuing lack of membership prospects as a risk leading to loss of stability throughout Europe, the West European side fears that even a debate about possible accession might endanger internal security and stability in Western Europe.

There is a lack of normative and institutional concepts to shape the whole of Europe, though the challenge in this context lies more with the EU than with the OSCE or the CoE. Unlike the other organisations, the EU links stability and security and thus has the potential to manage the extended, i.e., beyond military, risks to security caused by economic and social upheavals. The more manifest the membership prospect, the greater the chances for the EU to exert its influence. This can be seen in the countries that are membership candidates, where the Copenhagen Criteria and the *acquis communautaire* have achieved priority status in domestic development. The imbalance between the Ukrainian and Moldovan positions on the one side and the European position on the other leads to a strategic vacuum.

In view of the dilemma created by the lack of EU membership prospects and unsolved transformation problems, there is a danger that Ukraine and Moldova will remain politically and economically “risky neighbours”. Should Poland be among the first East-Central European members of the EU, the asymmetries along this border will continue to grow. It has to be assumed that the security and stability problems will increase too.

Complete or partial failure of the Ukrainian and Moldovan transformation would at the same time influence relations with the Russian Federation. In both cases, the countries concerned are ethnically and economically weakly consolidated nation-states. Because of its economic structure and ethnic make-up, Ukraine has traditionally been divided into a Russian-dominated east and the genuinely Ukrainian west. As a result of its uncertain relations with Romania and separatist Transnistria, Moldova is also suffering from the consequences of a fragile national consolidation.

Russian dominance over the so-called “near abroad” also becomes manifest in economic dependencies, in particular the almost complete dependence on energy supplies. Not only are the enormous debts owed to Russia for energy supplies a sensitive factor but also

the routes of the pipelines. By leading the Jamal pipeline through Belarus, Russia is making a point of bypassing Ukraine. This decision not only violates the interests of Kiev, it is also regarded as a sensitive issue by Poland. Ukraine's national independence and economic strength are of strategic concern to Poland. Through consolidation in the core of Europe, the Polish government is trying to make the Russian influence more calculable. In case of Poland's EU accession, the conflict about energy between Russia and Ukraine would also put a burden on European-Russian relations, especially as Russia's political and economic interests overlap considerably in the gas and oil sector.

The relationship between the EU and *Belarus* is even more difficult than relations with Ukraine and Moldova. The official foreign policy of the Lukashenko regime concentrates on intensifying relations with Russia, even going so far as to support tendencies towards a Russian-Belarus Union. Improvement of the extremely frosty relations with Europe is occasionally used as a punching ball in domestic policy.

The main risk, however, emanates from the domestic and economic policies of the Lukashenko regime. In spite of the deteriorating economic situation, the office holder is not prepared to abide by democratic minimum standards like free elections, economic reforms and orientation towards Europe. Because of the violations of human rights and democracy, the current very low economic attractiveness and sometimes even aggressive behaviour in dealing with Western representatives, international organisations and representatives of the West have distanced themselves from Minsk. The EU has not set up a delegation, but only a technical office responsible for the TACIS programme. Compared with the other CIS countries, the commitment of Western organisations and foreign foundations is also low. The only activities that stand out in this context are the activities of the local OSCE office.

As a consequence of the insufficient interest shown by the EU

and other international players, the opposition in Belarus and forces within the Lukashenko regime that are interested in reform are hardly ever noted. Even if this group of players may seem small when seen from the outside, their capacity to act should not be underestimated, and could even be increased by targeted support from the outside. This is particularly true because orientation towards Europe carries a high symbolic and normative value for the representatives of reform in Belarus. It is symptomatic, and in this respect similar to developments in Ukraine and Moldova, for a dissociation from Russian hegemonial tendencies in the area and for orientation of the system transformation towards the West.

Unlike Southeastern Europe, with its conflicts caused by minority problems, Belarus does not have a serious potential for ethnic conflicts. The potential threats emanating from Belarus are in the first place based on asymmetries in relation to its Polish and Lithuanian neighbours. The continuing economic downturn and overdue democratisation turn Belarus into the European regime most characterised by dictatorial components. The emergence of new dividing lines as a consequence of EU eastern enlargement will increase this tendency and at the same time make Belarus an even more difficult neighbour. Apart from the domestic and economic policy components mentioned, the geopolitical situation of the country is also very important for common European security. Continued national sovereignty is an important factor for the relationship between the Eastern Central European countries and Russia. A reunification of Moscow and Minsk would not only be a burden on national stability, it would, moreover, also not be in the interest of Europe as a whole.

In the relations between the *Russian Federation* and the EU, there is a consensus that in the medium term an accession of Russia is neither a feasible prospect, nor one worth striving for. Under the presidency of Mr. Putin, the importance of the EU has increased: While the Russian side regarded the political role of the EU as comparatively insignificant even as late as 1997, the Russian government

at present sees the EU as an influential political player. The reason for this change in attitude is that the EU is increasingly gaining a foreign and defence policy profile over and beyond its economic importance. This has led Russian decision-makers to the conclusion that there is a multilateral alternative to the current unilateral world order dominated by the USA. This position held by the Russian government deviates from the fundamental convictions of European decision-makers. The EU shapes its policy towards Russia as a complement to its transatlantic relations.

In contrast to their critical attitude towards NATO enlargement, Russian decision-makers as a rule welcome the EU eastern enlargement; at least they voice this position in political declarations of intent. The Russian position on some details important for EU enlargement towards the east differs fundamentally from this statement, however. There are uncertainties and differences regarding sensitive specific aspects. Once Poland and Lithuania have become members of the EU, the Russian exclave of *Kaliningrad* will be surrounded by EU member states. Goods and passenger traffic in the region will be cut off from the mother country even more than now. Despite some efforts to design a Kaliningrad strategy within the framework of the EU's *Northern Dimension* initiative-there are still neither European nor Russian concepts for the visa issue or the integration of economic development in the Kaliningrad region in an overall concept for the Baltic Sea region, which would give due consideration to Russian security concerns. The requirements to be met by a common European strategy for Kaliningrad are increasing because of the region's structural economic weakness, and the strategic interest of some Russian decision-makers to utilise Kaliningrad as a stronghold against NATO and EU enlargement towards the east.

A whole range of risks results from relations with the *Baltic states*. The new national security doctrine of the Putin government strongly underlines Russia's role as protector of the Russian population in Estonia and Latvia. In accordance with this position, the

Russian government, but also the general public and the media, are very sensitive about the situation of the Russian-speaking population in Estonia and Latvia. Points of criticism are deficits in the legislation regulating citizenship, the Latvian language laws, and the generally difficult social and economic living conditions. In some points the Russian criticism corresponds with the OSCE assessment and the Progress Reports by the EU. A greater problem for future neighbourhood relations, however, is Russia's policy to exploit the situation of the Russian-speaking population in the Baltic states for its own political ends, and instrumentalise it as a way to manifest Russian claims. On the basis of this position, Russian decision-makers and analysts have repeatedly claimed a say in the accession negotiations between the EU and Estonia and Latvia. This may lead to a potential conflict between the enlargement process and relations with Russia.

The as yet unratified Estonian-Russian and Latvian-Russian border treaties are a further lever used by the Russian government to try and influence the speed of EU enlargement, as clarification of open border issues is a precondition for EU accession. This instance illustrates particularly well that the Baltic States have become a test case for relations between the EU and Russia far surpassing normative declarations of intent. Thus it is far from sufficient that the Russian government is in favour of EU enlargement towards the east. Rather the degree of approval is measured against the treatment of critical issues like agreement on the border treaties or evaluation of the situation of the Russian-speaking population in Estonia and Latvia.

Up to now sensitive aspects like Kaliningrad and the question of relations between Russia and the Baltic states have not been sufficiently taken into account in EU strategies. The Union leaves the responsibility up to the Baltic states, without taking into account that even a partially acceptable solution to this problem, so closely related to Eastern enlargement might in the future also lead to conflicts between Europe and Russia.

Apart from the risks emanating from inadequate EU strategies, the situation in Russia also contains numerous risks for the Union. According to optimistic estimates, the increase in GDP, which has grown again for the first time in more than a decade, and the rise in industrial production could be interpreted as signs for structural successes of the Putin presidency. In this interpretation, the rise in industrial production and the GNP will be followed by the urgently needed structural reforms and institutional changes in procedures for political decisions. Critics point out, however, that the social basis for Mr. Putin's efforts at reform is too slim. The open conflicts he is engaged in at the moment with oligarchs, the media and regional elites, as well as in the Caucasus may be welcome on a certain level, but they require a broad measure of support. The latter is largely missing, however, as Mr. Putin's policy is mostly backed by representatives of the middle ranks of the administration and the secret service. And the ordinary man in the street, who is largely preoccupied with finding the means for survival, neither has the feeling of being represented in politics nor any opportunities for social involvement.

As long as transformation of the Russian system has not consolidated sufficiently within Russian society, Russia is bound to remain a risk factor for Europe. It is true that in view of its nuclear arms potential, Russia claims the status of a superpower. The modest economic potentials put a narrow limit to the practical importance. The economic crises, social problems and political instabilities not only hamper the ability to act in the field of foreign policy, they also increase the asymmetries between Russia and Europe. The mere promise of EU accession has led to an improvement of the investment climate and economic stabilisation in the Eastern and Central European Countries. Should this tendency continue on both sides, Europe as a whole will increasingly be split into a stable and a risky space.

2.2 Strategy recommendations on Direct Neighbourhood

Differentiation strategy: In formulating policy recommendations, one can distinguish between approaches that focus comprehensively on one complete region, and approaches that concentrate on specific sensitive aspects. By concentrating on the criterion of membership or non-membership, the policy of the European institutions arrives at insufficiently differentiated forms of relations with the so-called “outs”. Russia, Moldova and Ukraine are members of the CoE and the OSCE. Thus these institutions recognise the progress made by the CIS states in their domestic transformation and foreign policy reorientation. With respect to the EU as the institution most important for economic stability and political integration in Europe, the situation is different: In its strategies and declarations of intent any prospects for membership beyond the borders of what is today Central and Eastern Europe have been rejected. The arguments are largely technical and institutional, focusing on non-compliance with the Copenhagen Criteria for EU membership. The development of relations with Turkey, the “Western Balkans” or the Southeast European accession countries has shown, however, that crises and conflicts may well create political scope to act in the interpretation of the conditions for accession.

Setting aside the Copenhagen Criteria, the Ukrainian as well as the Moldavian government make their point for EU membership prospects, with the intention, among others, to consolidate their states internally and to maintain their sovereignty vis-à-vis the powerful Russian neighbour. Declarations claiming Russia’s interest in EU membership, however, are limited to spontaneous political exclamations which are not reflected in the corresponding doctrines. This means that the criteria concerning what is expected of the EU are completely different, although all CIS countries suffer from political instability and economic crises. By reducing its decisions to a Yes or No on association and membership, the EU limits its own

potential to create security and stability in Europe. The result is a risk-charged vacuum of non-policy. In order to fill this vacuum, it would be necessary to have a strategy of differentiated relations. Beyond the *acquis communautaire*, Ukraine's and Moldova's present European self-perception should be seen as a chance. Beyond the "in" and "out" debate, the differences between the future neighbour states have to be perceived in a politically adequate and differentiated way, and strategically implemented accordingly.

EU prospects for Ukraine and Moldova: European policy vis-à-vis CIS countries intent on becoming members of the EU should be to convert the current No on accession into a Yes, in principle. This is the only way in which the potential of the European standard-setting policy can be used as an instrument for conflict prevention and domestic stabilisation even beyond the future borders of the EU. In order to counteract excessive expectations, the European Commission and the governments of the members states will at the same time have to underline that association and accession depend on the success of the domestic transformation process.

In the sense of the fundamental considerations outlined above, EU prospects may be introduced into the political debate. Under the premise of a possible association, the opportunities for co-operation already contained in the Partnership and Co-operation Agreements and in the Common Strategy, could be used in a more intensive manner. The same should apply to the co-operation between the current membership candidates and neighbour states willing to accede. Supported by European programmes and funds, this could not only help to transfer experiences with the transformation process, it could also bring up the topic of relations between candidate states and the European Commission for discussion. The correlation between success in managing the transformation tasks and prospects for EU association should also be pointed out in programmes for technical co-operation like TACIS and Transform by including references to the adoption of the *acquis communautaire* in the terms

of reference. Efforts and successes in transforming the system would thus be directly linked to prospects for EU membership.

Involving Russia in the follow-up questions of eastern enlargement: In the case of the Russian Federation, there are fewer strategic deficits because neither is working toward Russian membership in the Union. There are, however, strategic deficits resulting from specific sensitive aspects of EU enlargement towards the east that concern Russia directly or indirectly. First of all, it must be the task of the EU to define, together with the Russian government and in their common interest, sensitive aspects of EU enlargement towards the east, and outline the limits to which Russia can be allowed to exert its influence. This would mean that Russian decision-makers and analysts would no longer give the impression of being a party to the membership negotiations, as this is a matter between the Commission and the membership candidates.

Kaliningrad strategy: Establishing a committee on the topic of EU enlargement towards the east should be discussed within the current framework of Russian-European co-operation, for instance in the political dialogue. On its agenda, such a committee should have those items that touch upon the direct interests of Russia as well as those of the Union and the candidate states. On top of the agenda would be drawing up a Kaliningrad strategy. In the process it would be possible to take up existing Russian and EU initiatives. Starting from there, the more sensitive issues of visa regulation, regional development of Kaliningrad and Russian security interests would have to be discussed. According to political signals from Brussels and the member states, there will not be any exceptions for visa regulations to and from Kaliningrad. Nevertheless there are extensive technical and administrative possibilities: Issuing a transit visa within the region must be made as easy and quick as possible by establishing additional consulates. Visa charges and additional insurance should be abolished.

A second pillar of the Kaliningrad strategy must be based on the

internal stabilisation of the region. In addition to the EU, the Russian government as well as the regional decision-makers are called on to draw up and implement innovative concepts in this process. In the European context, the most urgent political requirement is maximising cross-border co-operation with the neighbouring states of Poland and Lithuania as well as giving support via programmes of technical assistance. Kaliningrad should be granted the status of first-priority funding region on both levels. On the Russian side it is particularly important to minimise military-strategic concerns and maximise investments for national and international investors. Developing Kaliningrad into a centre for technical innovation should be discussed. Avoiding or diminishing asymmetries between Kaliningrad and the neighbouring future EU member states is the most comprehensive guarantee for security. The problem most difficult to solve on the European side is Russian decision-makers endeavouring to instrumentalise the strategic-military potential of Kaliningrad as a stronghold against NATO and EU enlargement towards the east. This risk can only be diminished by ensuring that the stabilisation of Kaliningrad through international co-operation, investment and innovation is beneficial to the Russian economy.

Democratisation of Belarus: The difficult neighbourhood in relation to Belarus is not only caused by the dictatorial character of the Lukashenko regime, but also by the fact that Belarus is almost completely ignored in international relations. Removing this strategic vacuum is a necessity, even if only for the sole purpose of not letting go all chances for democratisation and Europeanisation of Belarus that are unused at the present. The development of Serbia may serve as an example: Targeted support of oppositional forces and regional players from the outside contributed to the regime and to the creation of the preconditions for democratic and market-economic reforms. A similar strategy should also be pursued in the case of Belarus. Concessions to Lukashenko must only be made under the premise that he initiates structural change. The release of politi-

cal prisoners, for instance, should not be regarded as a structural change. Examples for structural change would be the introduction of a democratic right to vote, giving the opposition access to the mass media, or the democratisation of the government system.

The foremost aim of the West should be to Europeanise and strengthen civil society in Belarus. An important mainstay for the Europeanisation of Belarus is the presence of European institutions, above all the EU. The technical office currently working there should be developed into a full-fledged EU delegation. This proposal is not primarily directed at co-operation with the Belarus government, but rather at co-operation with non-government organisations, universities and business representatives interested in reform. In combination with the installation of as many diverse communication channels as possible, information and knowledge about European institutions should be increased.

First priority in economic co-operation must be given to supporting the privatisation process. Economic competence can be transferred through co-operation with companies from EU member states as well as candidate states. On the other hand the presence of Western advisors in Belarus should not only be continued but expanded as well. This kind of policy can transfer Western competence to largely isolated Belarus in a targeted way, in order to increase the basis for economic reform in the medium term.

Relations between Belarus and Europe as well as the Europeanisation of Belarus can in addition be intensified through an extension and intensification of relations between institutions of the civil society and the educational system. The list of possible schemes is long. It starts with establishing joint training programmes at the universities, continues with a co-operation between institutes of private education and the support of the opposition parties and independent trade unions, and continues through training and co-operation with independent journalists and critical representatives of regional self-government.

Just as in the case of Belarus, support of the development of civil society in Russia, Moldova and Ukraine constitutes a core element of overall democratisation, economic reform and transformation. It has to be pointed out at the same time, though, that this is only one element of European strategy vis-à-vis the countries concerned. Support of civil society must not be used as an excuse for postponing urgently needed political decisions.

2.3 Stabilisation and risks along the southeastern borders

The “Western Balkans” are *the* crisis region in Europe, for both economic transformation and state consolidation. Despite significant differences, the ten transformation countries from Estonia to Bulgaria have all made sufficient progress in their transformation towards a pluralist democracy and an efficient market economy since 1989/1991 to be granted the status of EU accession states under the Copenhagen Criteria. In comparison, the countries of the “Western Balkans” have a much bigger backlog in the transformation process and worse starting conditions after ten years of war, expulsion and instability than before. The most important economic indicators in all states of Southeastern Europe are below the level of 1989, and apart from the violent disintegration of the Yugoslav Federation, Albania, Romania and Bulgaria also experienced state crises in the 1990s.

The Reasons for the increasing *falling behind of the “Western Balkans”* may be grouped into four tightly interwoven risk areas, or rather development deficits which partly reach much further back than the post-communist transformation or even the decades of communist rule: (1) the ethnic conflicts and the lack of state consolidation in the region with their consequences for regional stability; (2) the weakness and instability of the political regimes; (3) the deficits in the development of the civil society; and, last but not least, (4) mismanagement of the economic transformation, which on the

one hand, starts at a level much lower than in Eastern and Central Europe and shows many elements of a developmental rather than a transformation process, and is, on the other hand, exceedingly mis-directed by widespread corruption and criminalisation.

Unlike the potential for conflict along the eastern borders, the potential for conflict in the “Western Balkans” could not be regionally and politically controlled. Unlike the *frozen conflicts* along the eastern border, the ethnic conflicts following the disintegration of the Federal Republic of Yugoslavia escalated and forced the international community to intervene, leading to the war in Kosovo in spring 1999. Apart from the protection of human and minority rights, this *humanitarian intervention* also put the prestige and integrity of NATO at stake. In view of these dangers, the Europeans were very firm in their approach, after the phase of military intervention, to stabilise the region permanently and to rule out such escalations of violence at the future borders of the EU and within the developing common European security area.

The international community with leading roles for the USA as the only global power and the European Union as regional power – has covered the “Western Balkans” with a network of initiatives, strategies and programmes. The list is almost endless – KFOR, SFOR, Partnership for Peace, Stability Pact, SECI, Black Sea Co-operation, Balkan Conference for Stability and Co-operation in Southeastern Europe, OBNOVA, UNPREDEP, UNMIK, Stabilisation and Association Process, and reaches from diplomatic mediation, military intervention, economic assistance or trade support to reconstruction and administration in the protectorates. The overall balance of Western commitment after ten years of war, expulsion, impoverishment and destabilisation is mixed. It is true that the end of the Milosevic regime in Serbia has improved the prospects for the region, but in view of the structural deficits mentioned and the negative consequences of the past ten years, this can only be seen as a precondition for change, not a panacea.

Consequently, the EU has decided to apply not only its emerging foreign and security policy capacities to stabilise the region, but above all its tried and tested instruments as a regional power: Massive support for the process of democratic and economic transformation with EU membership prospects as an incentive. The prospects were first acceded to the countries of the “Western Balkans” in the Stability Pact – a commitment which was explicitly made at the European Councils in Helsinki and in Feira. At the same time the roles of Romania and Bulgaria as stabilisers in the Southeast European region were strengthened through the start of membership negotiations (although the economic criteria were only met in part). Overall the stabilisation of the region is now based on qualitatively different preconditions than during *Operation Allied Force*, and the region is being integrated into the common European economic and security area.

2.4 Regional risks and strategic deficits

The list of potential instability risks in the Southern European region and the resulting strategic requirements or rather deficits, however, is equally substantial. In important areas these risk potentials do not even only result from the structural preconditions inherited from the pre-socialist and socialist era or from the post-1989 conflicts, but are caused by external control, or rather European approaches to solve the problems, as shown by a summary of some important risk potentials.

The unsolved question of the national and territorial status quo in the region continues to be an essential obstacle to regional cooperation as well as to transformation of the national economies. This is true for the restructuring of the Federal Republic of Yugoslavia, or rather its dissolution, the question of independence for Montenegro and/or Kosovo, and the status of “protectorate” for

Bosnia-Herzegovina and Kosovo pushed through by the international community. The open question regarding the status of Kosovo in particular constitutes a substantial instability factor for the region. While the status quo as a protectorate is basically unacceptable to both parties of the conflict, each option for a solution would lead to reactions and follow-up questions, and a new escalation of violence could not be excluded. Under international law, the condition of protectorate status furthermore collides with the requirements of political consolidation and a fresh economic start in Kosovo.

As the international community prefers as a solution (at least for the time being) a continuation of the protectorate to the two options – with escalation potential, and valuable time and energy that ought to be spent on the necessary development and transformation policy is lost. There is a real danger that the national question remains a dominant issue or may be instrumentalised politically as a substitute for transformation, not only in Kosovo but also in Serbia and the FRY.

In the area of economic development, two risks for the future development of the region, which have in part already materialised, must not be underestimated: *Aid addiction* and *criminalisation of the economy*. The fact that chances for economic development in Kosovo, Bosnia and Montenegro were limited from the start and have been even further reduced by the war (the term “economic reconstruction” is misleading) implies that the capacity needed to absorb massive Western aid in a controlled, effective and sustainable way will simply not be there. If this cannot be assured, however, financial aid could often only benefit a small political-economic establishment and increase social disparities. The national economy would become dependent on foreign support and international presence. Accordingly, parts of the political and economic elite are not interested in optimal economic transformation and legal-institutional restructuring, but in a continuation of the opportunities to

profit from unregulated economic development. Hand in hand with this development, there will also be criminalisation of several business sectors and intermingling of political and entrepreneurial interests.

A strategic dilemma rather than a risk is caused by the heterogeneity of Southeastern Europe itself and the resulting friction between the EU principles of regionality and conditionality. Although the Southeastern European countries find themselves in the bottom half of the East European ranking for all transformation criteria, the structural differences and potentials within the region are considerable.

The preconditions of the various steps of approaching the EU have thus led to a division of the region in two respects: As a result of EU conditionality (the preconditions that have to be met with each step), the institutional and contractual relations between the EU and every country of the region are different, ranging from Co-operation Agreements to Stability Pact and SAP candidature up to Europe Agreements, a state of affairs that does nothing for regional co-operation, and even diminishes the willingness to co-operate on a regional level. On the other hand, the instruments of a bilateral approach to the EU have a positive effect on economic development and political stability, which will inexorably lead to increasing disparities and rifts opening in the development within the region.

Thus, the EU principles of *conditionality* and *regionality* collide when put into practice. With the implementation of the most important EU strategies – Stability Pact on the one hand and the Stabilisation and Association Process on the other – this will become increasingly manifest. The Stability Pact depends on the concept of comprehensive regional co-operation and has to meet only a basic set of conditions (protection of minority and human rights, recognition of borders, willingness to establish good-neighbourly relations). The logic of the Stabilisation and Association Process on the other hand is based on conditionality, an incremental sequence of bilateral contractual relations with the EU in conjunction with correspond-

ingly increasing conditions ranging from the basic conditionality of the Stability Pact up to the comprehensive *acquis communautaire* of EU membership.

2.5 Optimisation and convergence of EU Balkans policy

Since the Kosovo war and especially since the Helsinki European Council, the self-definition of the European Union has changed. A decisive impulse for these changes was given by the war in Kosovo, but the consequences reach far beyond the Balkan region. As a regional power, the EU increasingly bears responsibility for a Europe that is bigger than its 15 member states, and reaches even beyond the twelve or thirteen accession states. This means synchronising Europe as an economic power, Europe as a stabiliser in the transformation process and Europe as a fledgling foreign and security policy player.

Convergence of the existing EU strategies means first of all a leading role of the European Union in the mega-project of stabilising Southeastern Europe. If the long-term objective is integration into the Union, then it would be useful to structure its first interim stop, the Stability Pact, as an EU institution. This would also benefit sequentialisation and the transition from the Stability Pact to the Stabilisation and Association Process.

As dominant initiative, the Stability Pact will also determine the shape of the emerging region. Accordingly, the inclusion of Romania and Bulgaria is to be seen as a positive move. On the one hand, the division between these two accession states and the “Western Balkans”, which have several structural problems in common, is artificial, and on the other, Romania and Bulgaria could take over certain regional stabilisation or vanguard functions. At the same time, the idea to admit Moldova to the Pact could release this state from its position between the CIS and the Balkans, and join it up with the

region to which it belongs in terms of history and its present development. Generally speaking, this means that because of the internal heterogeneity of Southeastern Europe and of the experiences in Central and eastern Europe, co-operation should be prompted but subordinated to political-strategic EU integration and its conditionality. The course of differentiated rather than accelerated pre-accession of Southeastern Europe could then be geared to functional considerations and regional associations of the “willing and able” instead of striving to include every country.

EU membership prospects for the Balkan countries and a strategy of differentiated pre-accession should be pursued in parallel with the process of enlargement towards the East. A successful first round of enlargement in 2005 would be the best of all possible guarantees for stability and transformation in Southeastern Europe. Nevertheless the nexus between Eastern enlargement and geopolitical interests or security issues can hardly be denied: The Kosovo war has had a substantial influence on the decisions of Helsinki, which proves that the EU standards of the *acquis communautaire* are not the only decisive criteria in enlargement negotiations. The capacities and security interests of the union should be recognised as factors, too.

3 Regional Risks and European Strategies

3.1 A European strategy for minority and border issues

Although the relationships between ethnic majority and minority in many of the transition countries are not without problems, and some unsettled border issues continue to exist, the European balance of achievements is rather positive in this respect. With no intention of diminishing the existing risks, it is justified to point out that the worst-case scenario after the break-up of the Soviet Union and the Eastern Bloc ten years ago has not come true.

Scenarios for the future of the *Baltic states* after 1991 – especially for Latvia and Estonia – often forecast either expulsion/emigration of the stateless Russian-speaking population or a civil war-like escalation. Instead, the high proportion of stateless Russian-speaking residents and the model of an ethnic democracy in Latvia and Estonia led to considerable tensions between the titular nation and minority as well as between national governments and European

organisations. In the past couple of years, however, citizenship, language and other minority laws have been changed considerably and have thus been largely adjusted to European standards. It is true that this has not as yet led to a massive speed-up in nationalisation and integration, but the danger of an escalating ethnic conflict has been reduced. Unfortunately, the same cannot be said of the border issues, which despite lengthy negotiations, have not yet been resolved by treaty.

The danger potential inherent in minority and border conflicts in *Central and eastern Europe* was estimated to be much lower from the outset, as on the one hand, the mutual minorities were not as large and were better integrated, and on the other hand, the ethnic-historical legacies and regional concepts of an enemy were less pronounced. Nevertheless, it has to be taken as a positive sign that there has never been a serious attempt at reversing the numerous border changes made in the wake of the Second World War. Bilateral basic treaties ensure the borders and the protection of minorities in this region.

Although there are also positive developments in *Southeastern Europe*, like government participation for the Hungarian minority in Romania, the Turkish minority in Bulgaria or various nationalities living side by side in one state as in Bosnia or Macedonia, the overall picture is still overshadowed by the Albanian and Serbian questions, and the corresponding violent dissolution of the Yugoslav Federation in the past ten years. As a consequence, many conflict potentials concerning minorities and borders on the “Western Balkans” could only be contained by means of massive international commitment, political, diplomatic and military intervention. On balance, the Europeans achieved few successes and many defeats in this region. Even after the war in Kosovo, there still remains a long list of unsolved ethnical-historical claims and persistent enemy figures: the *de facto* division of Bosnia, the Serb minority in Kosovo, the Albanian minority in southern Serbia, the first stages of a re-

patriation of refugees, etc. Furthermore, the promising tendencies in the neighbouring states are much too fragile to rule out regional consequences from the conflict potential on the “Western Balkans”.

Overall, the importance of minority and border issues for the transformation and accession countries has decreased significantly, from a domestic policy as well as from an international perspective. Implementation of the laws and social integration of minority groups are challenges still to be met. There are no signs of an escalation of violence or a destabilisation of the national economy and society in any region, and in none of the minorities. The inherent tensions and competition between majority and minority are mainly fought by means of the legal institutions and procedures provided for that purpose, and often have converted themselves into questions of socio-economic or regional disadvantages.

Despite some reservations, this positive overall balance is due to the direct and indirect work of several European organisations, whose division of labour is part of the secret for success. The European Union contributed substantially to the success of the transformation to market economy and democracy by means of support from the outside, and since 1993, the Copenhagen Criteria have provided an almost unsurpassable incentive for the transformation countries and their political elites to adjust their minority policy and legislation to “European standards”. This is also the point where the institutional division of labour started: While the EU limited itself in the *acquis* to relatively basic requirements, which mainly comprised generally accepted human and minority rights as well as the recognition of European borders, the CoE and the OSCE took on the task of formulating legal norms and the transfer and implementation of these norms. While the CoE formulated important legal norms laid down in the Framework Convention for the protection of national minorities and the European Charter for Regional and Minority Languages, OSCE missions mediated in minority conflicts in Tallinn, Riga, on the Balkans, as well as in Chisinau or Tbilisi.

3.1.1 Present and future risks

In spite of the success story outlined above, four big risk areas can be identified for the years prior to and after a (phased) enlargement of the EU towards the east:

1. The requirement of a solution to the minority and border conflicts as a *condition for EU and NATO membership* undoubtedly has its justification and its uses from a European-security perspective. The dangers of this conditionality, however, are just as straightforward: States opposing the EU or NATO membership of their neighbours are given additional political means to exert pressure, and an incentive to keep up conflict-laden issues or even to create them and to torpedo constructive approaches to a solution. While the potential Moscow is able to mobilise among the Russian-speaking population in the Baltic states is steadily decreasing in the run-up to EU membership (not, however, the emotional power and capacity for political instrumentalisation of this question on the Russian side of the border), the lack of border treaties is gaining sensitivity and leverage. Not for nothing are the expectations and rates of assent for EU membership among the Russian-speaking population in the Baltic states often higher than among Baltic nationals. For Moscow, however, the minorities in the Baltic states and unsolved border issues remain a compelling argument for a say in the process of enlargement towards the east.
2. The question of “*European responsibility*” for *national minority policy* also creates the danger that governments and/or political parties might be tempted in their domestic policy to pass off the adjustment of minority rights to European standards as the unavoidable price for the advantages of EU membership, thus washing their hands of all responsibility, with the resulting consequences for the implementation of the laws and long-term multi-ethnic integration. There may be less cause for alarm because of the

dynamism developing in the minority and integration policy of the accession countries in the last couple of years: the ambitious integration projects in Estonia and Latvia, as well as a certain snub of nationalist rhetoric in the politics of other accession states.

3. As a rule, the EU accession of each country will inexorably lead to further stabilisation and development of the national economy, which in turn will increase the economic and social asymmetries along the outer borders. From a European perspective, the possibly increasing asymmetries between ethnic minorities and their home states (or vice versa) caused by this development are less important than the sometimes fatal ethno-political *nexus between nationalities policy and transformation policy* within the accession countries themselves. Often ethnic minorities are concentrated in regional, sectoral, social, or economic areas, which makes transformation decisions in the corresponding policy fields particularly sensitive and may even prevent decisions. The structural, regional and social policies of the EU are also acquiring an additional dimension. On the one hand, the EU has been given instruments to counterbalance social and regional disparities and thus make a positive contribution to the reduction of potential for ethnic conflict, while on the other hand, ethnic arguments and motives may have a negative influence on the implementation of these EU programmes.
4. Within the framework of the general dilemma between *permeability and border control*, special attention should be paid to transnational minorities. While there is a widely accepted opinion that state borders might lose their separating effect and turn into bridges between peoples and states within a supranational European framework, decreasing the separation between the minority and its neighbouring mother country, an unmodified implementation of the Schengen rules would have a counterproductive effect at, respectively, the temporary and the future outer borders

of the EU. After enlargement, the outer border of the EU might impede contact between members of ethnic minorities and their respective homelands. The general paradox of this situation is the fact that the price to be paid for optimising the opportunities for contact and integration across national borders *within* the European Union would have to be paid by the transnational minorities on both sides of the *outer borders* of the EU. Thus the Schengen acquis and the bilateral border treaties proposed by the EU collide.

While some of the risks mentioned would become obsolete with the signatures to the Act of Accession, others would only then unfold their destabilising potential. Generally this leads up to the question – no longer hypothetical since the “Austrian crisis” – of an EU strategy in case the legislation of a new member deviates widely from the European standards in the area of minority policy, or fails to implement the laws and international treaties, e. g., because of a change in government or a domestic policy crisis.

3.1.2 A European framework for minority and border issues

In view of the successes of the past, the recommendations will be directed at how to prepare for the challenges posed by aligning and integrating Southeastern Europe, and for dealing with the effects of destructive elements in Baltic-Russian relations, on European relations with Russia, and vice versa.

In the run-up to enlargement towards the East, the *Baltic region* will become a point of friction between Europe and Russia. Here regional conflicts turn into European issues. Without conceding a say in the accession proceedings of individual candidate countries to Moscow, there are two ways in which a constructive involvement of Russia could be achieved in order to prevent an indirect blockade, which would furthermore (because of the lack of border treaties)

toward the EU policy of cross-border co-operation. Organisations like the OSCE, the Baltic Sea Council or the CoE with a membership beyond the future EU borders to the East, offer a forum and a framework for co-operation which include the neighbouring countries in a constructive way and which allow first steps to turn *border regions* into *sub-regions*. On the other hand, a timely decision about date and extent of a first round of enlargement would allow for finding ways to clarify and, wherever possible, limit in a joint effort between Brussels, the border countries involved and the East Slavonic neighbours the negative consequences (e.g., the question of visas, border traffic, transitory regulations, trade policy) of enlargement towards the east for the latter where there is a justified interest.

On the condition that consolidation is achieved in *Southeastern Europe* and especially in the “Western Balkans” that translates the minority questions from the area of military and civil war violence into questions of national legislation and international treaties, it would be possible to continue the tried and tested division of labour among EU, OSCE and CoE.

When all is said and done, the EU will make its biggest contribution towards a solution of the minority and border conflicts indirectly through the normative power of the accession process and the stabilising power of funding programmes, and economic union. It is right in limiting its normative role in the nationality and citizenship policy, which is one of the core areas of national sovereignty, to some few fundamental principles based on a consensus that consists of recognised basic rights and democratic principles. As even the EU-15 have hardly been able up to now to agree on farther-reaching binding agreements, it would be presumptuous for the EU to take the vanguard role in this area. Especially in view of their specific aims, their intergovernmental mode and their broader membership, the OSCE and CoE are better equipped to regulate minority conflicts, even beyond the borders of the ten accession candidates. It will be a special challenge for the EU in view of this pan-European re-

sponsibility to use its various economic and political instruments in a flexible way, also with respect to political and social developments, while at the same time bearing its own stability interests and geopolitical aspects in mind, instead of approaching this matter unilaterally in a prescriptive way along strictly normative lines. This requires a strengthening of the Common Foreign and Security Policy.

3.2 Pan-European security

3.2.1 Regional conflicts as European risks

The security policy challenges in Europe resemble an equation with two variables: On the one hand there are numerous regional risks in the future neighbouring countries, which are often difficult to identify and to regulate from the outside because of the multitude of interests and players involved, and on the other, the European players only have limited foreign and security policy capacities and competencies at their disposal.

Instrumentalisation of frozen conflicts: This is a special type of conflict which may be characterised as frozen conflict. This type of conflict serves to compensate deficits in shaping the transformation. A striking example is provided by the conflict in Chechnya: Without a concept for economic and political reforms, the escalation and de-escalation of the Chechen conflict has repeatedly been a central topic for Russian election campaigns. Pre-modern, because ethnically dominated, conflict lines are to replace the really sensitive issues of a sustainable implementation of the transformation process.

The only insufficiently accomplished tasks of the transformation process in the future neighbouring countries contain a twofold security risk: On the one hand ethnic tensions, weak national consolidation, dependence on Russian raw material supplies, economic problems and social conflicts are causing extended security risks. Even if

the development up to now has been much more peaceful than expected at the beginning of the transformation process, there are still regional trouble spots. This means that further escalation cannot be excluded. In addition, the growing asymmetries with Western Europe are increasing the risk potential. On the other hand, there is the fear that political decision-makers will contribute to the escalation of regional conflicts in order to distract from the failures of transformation and demonstrate national strength to the outside world. Given such a scenario, the interest in a lasting solution of regional problems would be limited in so far as they are being instrumentalised for political and economic aims beyond crisis management.

With progressing EU enlargement towards the east, a part of these frozen conflicts would move into direct neighbourhood to the EU. Despite some progress in the integration of the Russian-speaking part of the population, Russian decision-makers and the media still claim that Russian interests in Estonia and Latvia are only insufficiently protected. Against Ukraine, too, Putin is taking an increasingly offensive course by demanding settlement of the energy debts and at the same time rerouting pipelines to bypass Ukraine. This policy is being criticised not only in Kiev, but also increasingly in Warsaw. If Poland and the Baltic States are admitted in the first round of enlargement, these conflicts would mean immediate security risks for the EU.

Better than any other border region in Europe, Southeastern Europe demonstrates the linkage between hard and soft security risks and thus the value of a combined strategy of CFSP, regional economic power, and membership prospects that could only be offered by the European Union. The nexus between national conflicts, transformation deficits, state crises as well as regional, ethnic and social disparities requires a set of instruments for as broad a range as possible. While NATO and the USA have taken on the burdens and the responsibility for the military phase in the Kosovo

conflict, their instruments, or rather their capacities, for involvement in the comprehensive and long-term phase of reconstruction after the war are limited. The EU as a regional power inherently carrying out its Balkans policy without an exit strategy would be in a position to use its economic prosperity and political stability to good effect in this context, together with EU prospects flanked by the Stability Pact, as well as stabilisation and association processes as long-term, credible commitment.

Nevertheless, the presence of the European economic space and the geographical proximity of enlargement towards the East also contain new risks for Southeastern Europe. Massive guidance from the outside always implies the danger of “aid addiction” and an excessive expansion of economic crime and state corruption at the expense of the civil society, state consolidation and self-supporting development of the national economy.

The dilemma resulting from this constellation and EU strategy is the contradiction between conditionality of eastward enlargement (and the stabilisation and association process) on the one hand and the security and stability tasks of the EU beyond its own borders on the other. Consequently not only are the efforts at transformation rewarded but also, if the worst comes to the worst, transformation failures and regional instability.

European security and defence policy: The currently existing security conflicts along the eastern and southeastern borders highlight the European institutions’ insufficient potential to act. Despite progress in the European security and defence policy, the power of the European organisations is limited to conflict prevention and the setting of norms from the outside. The security and defence policy competence of the EU and the OSCE may in the first place be characterised as peacemaking and norm-setting policy. Consequently their field of action is limited to the prevention of conflicts that have not yet erupted into violence and to rebuilding stability once the military conflict is over.

In contrast to American foreign policy, the EU has the advantage that the Eastern European players see it as a regulating power without claims to dominance. The European institutions have correspondingly few possibilities to cope with conflicts that have already erupted into violence. They do not correspond to the threat potential of future neighbourly relations. The imbalance between security policy tasks and the European institutions' still limited possibilities to act can however be seen as follows: The new challenges will give important impetus to the intensification of integration and to the extension of security policy competencies in the European institutions.

3.2.2 Strategic elements for an extension of European security policy

The combined strength of the OSCE, the CoE and above all the EU lies in the numerous options available to them for conflict prevention. In view of the new security policy challenges in the context of EU enlargement towards the east, it is necessary to extend and specify these competencies in accordance with the given circumstances. The instruments of setting standards through prescribing aims and of supporting the transformation process should be used as far as possible to reduce the asymmetries along the lines of the future outer border of the EU. This recommendation is based on the findings of peace and conflict research that growing asymmetries lead to increasing security risks.

This policy has to be seen realistically, though: The range in which standards can be set is defined through the possibilities of linking them to positive or negative sanctions. The biggest influence can be exerted in the phase before accession, when the adherence to Western standards is a condition for accession.

In view of the difficulties of the transformation and the limited

possibilities of setting norms from the outside, it is only realistic to assume that economic crises and political instabilities will continue to exist. In order to be able to institutionalise the resulting relations in the medium term, recourse can be drawn from experiences during the East-West conflict, when relations were less a partnership between equal players than among unequal players. Despite this inequality, it was nevertheless possible to find institutional regulations for particular aspects of relations. This experience of the creation of – relative – security in spite of asymmetrical starting conditions is to be utilised in the security policy approach towards neighbourhood relations by the enlarged EU. This approach should be supplemented by the development and implementation of a European early warning system for regional conflicts. The intensified co-operation in security and defence matters agreed at the EU-Russia summit in Paris on 30 October 2000 is a step in the right direction. In view of the high degree of inscrutability in the transformation, the security risks and the players, an effective policy of conflict prevention can only function on the basis of regular and wide-ranging risk reports.

Far beyond the present possibilities for conflict prevention, EU enlargement towards the east also represents a security policy challenge which should give European integration a push in the direction of a Common Security and Defence policy.

3.3 Visa policy and border control

3.3.1 The risk of new dividing lines

The European Union has been given the historical chance to create a new order in Europe. This task, however, threatens to drift off into the dilemma of diverging interests: On the one hand, Europe is no longer in principle divided into East and West by opposing systems. On the other hand, the disintegration of the old system of power

leads to new borders being created. Dividing lines no longer threaten to develop from ideological differences but rather from economic and social asymmetries. Like no other European organisation, the EU is taking on a double function in this context. It is seen as the guarantor of economic stability and modernisation. At the same time it defines its integration area on the inside, and establishes common outer borders through the creation of common asylum, immigration and visa law. The introduction of visa regulations figures among the politically sensitive topics of EU enlargement towards the east, and has additional implications for the new European order. Western decision-makers are faced with the dilemma of divergent interests between asylum, immigration and visa policy on the one side, and foreign and security policy aspects on the other. In normative declarations of intent, treaties and summit meetings, the players underline the importance of extending cross-border co-operation, and it is emphasised that enlargement towards the east should be shaped in as open a manner as possible.

Internal security and common European stability: Contrary to these proclaimed aims, the political decisions of the EU are much more dominated by the real or assumed pressure of migration from the outside and the maintenance of internal security: As a precondition for accession, the candidate states have to adjust their visa policies to EU regulations.

With forming and consolidating new national states, decision-makers are confronted with new problems of establishing borders, border control and visa regulations. On the rhetorical level at least the Central and Eastern European countries agree with the position of the EU; they aim at avoiding new dividing lines through EU enlargement towards the east. They differ in the way in which they translate this aim into political decisions. The following factors are important in this process: Orientation towards EU standards aimed at accession as early as possible, historical legacies in relations with the eastern neighbours, questions of national sovereignty and iden-

tity, and national minorities in the neighbour states. This list makes clear that the introduction of visa regulations touches upon numerous other interests above and beyond the technical-administrative issues.

Concrete formulation and the resulting need for action can best be illustrated by taking examples from the regions concerned. The countries closest to the EU position as regards the introduction of visa regulations are the *Baltic states*. In order to enter Estonia, Latvia or Lithuania from Russia, Belarus or the Ukraine, it is necessary to get a visa. Some few exceptions are limited to regular border traffic and special regulations for public holidays, political dialogue and family matters. As there is a high proportion of Russian-speaking inhabitants in Estonia and Latvia in particular, and in addition frontier regions with unsolved border issues or even divided cities like Narva-Ivangorod, these regulations lead to social hardship and economic problems in individual cases. The difficulties are mainly emphasised by regional decision-makers, who are directly concerned with these problems. The overall picture shows that the introduction of restrictive entry regulations, but creates follow-up problems at the same time. The limited cost-benefit ratio of this policy is demonstrated by the fact that smuggling and cross-border crime continue to be problems in all Baltic states, despite these regulations.

Deterioration of bilateral relations: The greatest caution in the introduction of visa regulations can be found in Polish-Ukrainian relations: According to the current regulations, Ukrainian nationals may enter Poland without a visa for a maximum period of three months, which means that the candidate country Poland deviates from the present visa regulations of the EU vis-à-vis Ukraine. The introduction of visa regulations would not only make the relations more complicated on the administrative level; players on both sides also interpret them as indicators for new dividing lines. At the same time, Poland belongs to the first round of EU applicants, which would according to current EU policy, mean an end to visa-free

travel with Ukraine. In order to do justice to both sides, so to speak, the Polish government is postponing the introduction of visa regulation to as late a date as possible. At the same time individual decision-makers vote for the implementation of exceptional rules or even uphold the maximum claim of visa-free travel. The case of Poland illustrates how the unresolved contradictions between stability beyond the future borders of the EU on the one hand and internal security on the other may condense to a dilemma for Direct Neighbourhood.

Against it, Southeastern Europe is not developing into a duty and visa-free zone; there is rather an abundance of intransparent and inconsistent bilateral regulations, between the states and political entities of the region and the EU countries as well as within the region itself. Yet it is an undisputed fact that greater effectiveness, optimisation and wherever possible loosening of the border regulation would strongly contribute to greater understanding between the peoples, cross-border co-operation, reduction of regional and ethnic conflict potentials and strengthening of economic activities.

Risk of an aggravation of minority problems: In addition to unresolved questions of nationhood, minority interests also influence the content of the visa regulations. In order to adjust its regulations to EU requirements, the Romanian government has tightened its entry regulations for nationals of neighbouring *Moldova*, effective 1 July 2000. Now it is necessary to present a passport upon entry into Romania. In order to circumvent these formalities, many Moldovan citizens used the possibility to apply for Romanian citizenship in addition to their Moldovan citizenship. Should Romania enter the EU, Moldovan citizens with double nationality would also obtain EU citizenship.

Special problems arise in all those cases, where minorities live in a neighbouring country which would come under EU visa regulations in the course of EU enlargement towards the east. Should Romania not be among the accession candidates in the first round of

enlargement, the Hungarian minority would be separated from its home state through a visa border. Neither Hungary nor Romania is interested in straining the political climate through travel restrictions for minorities if they want to travel into their mother countries, or even causing minority conflicts.

The list of empirical cases illustrates the variety of constellations and interests, showing that visa regulations embody highly sensitive issues connected with EU enlargement towards the east, over and beyond the technical-administrative aspect of issuing visa, passport and border control. The introduction of visa regulations in accordance with the Schengen agreement will, however, by no means meet all expectations put into it. Cross-border crime, smuggling and migration can only be contained through tightened visa regulation to a certain extent. Questions of minority and citizen rights may be so contradictory to visa regulations that they contribute to circumventing EU regulations. Yet visa regulations need not necessarily lead to the erection of a new Iron Curtain. The important issue is to recognise the political options in time and to use them accordingly.

3.3.2 A European strategy for controlled permeability

Up to now the visa strategy of EU eastern enlargement has been restricted to the requirements of the *acquis communautaire*. Seen in isolation, this is a transparent as well as stringent approach for the accession countries. There is great need for an active visa policy which would go beyond the technical, standardised aspects of the Schengen regulations. In view of strategic requirements, the EU has assumed a great deal of responsibility for maintaining safety and stability in Europe as a whole. Beyond pure norm setting, the EU should take a proactive stance in shaping the process. This approach can be divided into more technically-oriented and more politically co-operative aspects.

Technical-administrative optimisation: Technical regulations for visa requirements must be aimed at making issuing visas and entry formalities as simple and cost-efficient as possible. As is already the case at the moment, PHARE and TACIS funds may be used to establish and extend border crossings and consular departments according to Western standards. Apart from the financial support, eastern border officials should be trained in the west, and western experts sent to the future outer borders of the EU. These processes could already be started before the accession procedures. The co-operation on the level of customs and visa policy should also be extended to a kind of common migration policy with the future neighbouring countries.

The more the process of issuing visas follows the criteria of efficiency and transparency and avoids incurring extra cost, the less the Schengen border will be regarded as a new Iron Curtain.

With the help of a targeted information policy, the introduction of technical regulations should be made as transparent as possible. By making the administrative procedures for visas less complicated, it would be possible even today to improve the negative image of the Schengen regulations. The administrative procedures for issuing visas to members of minorities who want to visit their mother countries and to residents of the Kaliningrad region should be made particularly easy.

Demands for standardisation or even annulment of the visa and customs regulations in the “Western Balkans”, however, are still unrealistic and premature. Not only are some weaker states dependent on direct revenues from duties and similar incomes, the new entrepreneurs in particular also profit from the low degree of institutionalisation of the market economy. A future EU border will moreover cut through this region and in the process integrate the more successful and more stable transformation countries and separate them from the region. The asymmetrical trade concessions for the “Western Balkans” recently declared by the EU are an indication of

the new cost-benefits calculations regarding the region's integration with the EU, and a European economic area featuring differentiated integration.

Cross-border co-operation: Even a perfect technical and organisational introduction of visa regulations will necessarily lead to new dividing lines being drawn. In order to counteract this process, EU and Council of Europe should establish a second pillar of active visa policy based on measures for cross-border co-operation. This would comprise the whole range of cross-border and inter-regional co-operation, starting with economic co-operation via student exchanges up to co-operation between border administrations. Special attention should be paid to those economic and social initiatives of cross-border co-operation which promise spill-over effects for other areas of co-operation.

The political postulate must be to alleviate the consequences of the erection of visa-related dividing lines through as comprehensive a European support as possible for social, economic and political relations reaching beyond future EU borders.

3.4 Regional and cross-border co-operation

3.4.1 The potential of co-operation

Multilateral, interstate co-operation and cross-border, sub-state co-operation have similar political and social potential, but they also generate similar resistance and contradictions in the European context. While the continuing process of European integration and the abolition of internal borders create security risks and create new requirements for securing the outside borders, an exclusion of the direct neighbours from this Europe integrating itself would in turn contain a risk potential. Enlargement towards the east thus has stabilising and destabilising consequences at the same time.

This issue of finding a balance between the export of stability and import of instability, between internal and external security as well as between border control and permeability is an issue for the EU as a whole but also for the individual states. In this sense it is important for Europe to guarantee a certain institutional plurality, which would reach across the emerging geographical finality of the EU, by way of regional co-operation. The Baltic Sea Council and Black Sea Co-operation are outstanding regional examples for stabilising forums of multilateral and interstate co-operation. For the nation states sub-state, cross-border co-operation has a comparable function. Very often border regions are not only traditionally peripheral and structurally underdeveloped, but have also been hit especially hard by the changes in function and permeability of particular borders in the past ten years, by the disintegration of the Eastern Bloc and the Soviet Union to start with, and now by the process of EU enlargement towards the east. It would therefore serve the purpose of furthering cross-border co-operation to counteract the increase of economic asymmetries and disparities and to utilise synergy effects across the borders, in order to decrease the corresponding potentials for conflict. Thus regional and cross-border co-operation are not only key factors of European prosperity, but also of European security, in the sense of soft security.

“Regionality” is one of the fundamental principles of EU policy. The East Central European experience since 1989 has shown, however, that the attractiveness of EU membership and competition on the way to full membership have had rather detrimental effects on regional co-operation between the accession states, in particular across the “future” external border. The development up to now has shown that the East Central European countries’ commitment to accession has been harmful rather than helpful for political as well as economic co-operation between the candidate countries, and has in addition led to an excessive reduction of forms of economic and political co-operation with respect to the neighbours to the east.

Often the commitment to regional co-operation across EU borders will only return after EU accession, in an effort to establish a regional counterbalance, also with respect to foreign policy competence, to the “core of Europe”.

This is why the EU is the driving force behind projects of multi-lateral regional co-operation. Co-operation in the Baltic Sea region is an excellent example: On a Finnish initiative, the EU supports co-operation among the countries bordering the Baltic Sea in the fields of energy, natural resources, environment, border control transport and infrastructure in the *Northern Dimension*. This is on the one hand aimed at increasing the coherence of EU policy in these fields, on the other hand at binding Russia closer to the European structures. By using this instrument, the EU succeeds in implementing incentives for cross-border co-operation as a supplement to the focus on accession negotiations in the candidate countries. The successful co-operation in the Baltic Sea area at the same time demonstrates the weaknesses of regional co-operation in East Central Europe. Co-operation between Poland and Ukraine is limited to bilateral commitments. The partly impressive results are only insufficiently taken up by European politics. Potential for EU norm-setting policy remains unused.

Despite the more than considerable financial framework supplied and the great number of successful projects carried out, especially in the area of cross-border co-operation, there are still obstacles and deficits to be found in the insufficient co-ordination and adjustment of programmes and funding schemes for cross-border co-operation. Border regions along the future external borders of the EU are beyond the brief of the EU General Directorates. With respect to East Central Europe they come under the heading of enlargement policy, while the border regions in East and Southeastern Europe are treated as part of the EU foreign relations. The funding programmes mirror this distinction: The PHARE programme should improve the accession capacity of the EU-associated countries, while TACIS

should help stabilise the transformation process in the successor states of the former Soviet Union. Applications for projects of cross-border co-operation have to meet the requirements of PHARE as well as TACIS. This is not always possible without frictional losses. The new CARDS programme for Southeastern Europe will certainly also include an important component for cross-border co-operation. After PHARE already had been converted from *demand-driven* to *program-driven* in 1997 (i.e., funding of measures increasing accession capacity), this prioritisation would also present itself for the other programmes. This would mean, e.g., concentrating the programmes especially in Russia (which is different from the small and enclosed Balkans region) on the region of the western border. In this way it would be possible, bearing in mind the capacity limits of the EU, to reduce the asymmetries and follow-up questions of enlargement towards the east along this border in an optimal way: In the interest of Russia, but also in the interest of stability in Europe.

3.4.2 Policy recommendations for regional and cross-border co-operation

At the core of the recommendations in the area of sub-state cross-border co-operation is the recognition of the contradiction inherent in the policy goals and accession requirements for law enforcement and domestic policy on the one hand, and the funding programmes for cross-border co-operation on the other. From an institutional point of view, PHARE belongs to the General Directorate (GD) for Enlargement and TACIS to the GD for Foreign Relations, whereas border protection belongs partly to the process of accession negotiations and partly to the GD Justice and Home Affairs. With the approach of the first round of accession in eastern enlargement – presumably 2005 – and the long-term movement of the “Western

Balkans”, including Yugoslavia, towards accession prospects, the question of an institutional and procedural separation between Interreg-CBC, PHARE, CARDS and TACIS increasingly arises.

In supporting measures for cross-border co-operation, it is advisable to have a close look at which measures promise which success. Experience has shown that economic and social approaches also offer possibilities to overcome obstacles to co-operation like difficult political conditions or historical enmities. This kind of co-operation may then generate spill-over effects for a reduction of the number of politically sensitive aspects.

Based on the positive results of the *Northern Dimension*, this approach should be translated to Central Europe in the sense of providing a model for best practice. With a kind of “East Central European Dimension” the EU could make it clear that the fears felt by decision-makers in Kiev and Warsaw concerning new dividing lines are unfounded. At the same time the links between Ukraine and Europe would become more stable, which could contribute to the strategy of EU prospects for Ukraine.

The European Union’s role and balance of achievements with respect to regional and cross-border co-operation have not been realised in an optimal way up to now; however, because the different functions of the Union as security provider, economic community and political alliance collide with each other in exactly those policy areas.

4 Beyond EU Enlargement – The Agenda

With its enlargement towards the east, the EU contributes to ensuring stability, and preventing conflicts in today's Europe. Despite the historic importance of this process, European politics has by no means reached its final peak. On the contrary, enlargement towards the east entails new risks, but also new chances. Continuing instabilities in the neighbourhoods of the EU – the Direct Neighbourhood of Ukraine, Russia, Belarus and Moldova for whom the Union has not formulated accession prospects so far, and the trouble spot Southeastern Europe with promises of EU prospects – challenge the Union in its capacity for setting norms.

The European security risks increase the pressure to establish a European regional power in the area of foreign and defence policy. New challenges are to be faced by synchronising various policy areas, requirements to act and European self-perception. These challenges are emerging especially in those areas where EU integration, enlargement towards the east and foreign relations overlap.

1. The European Union is increasingly taking over responsibility for *security and stability* in a far-ranging concept of Europe which not only comprises the accession states but also regions beyond the future external borders of the EU, whose instability has or may have repercussion on Europe. As a consequence, however, the other “mega-projects” of the EU, like enlargement towards the east, can no longer be dealt with in a purely normative way along the conditionality of the Copenhagen Criteria and the *acquis communautaire* but have to be seen in the broader context of regional stabilisation and geopolitics – as was recognised in Helsinki where the accession negotiations with Romania and Bulgaria were “brought forward”. The contradiction between the normative conditionality of the accession process and the regional security policy requirements of a regional power, between quality and speed of enlargement towards the east is of a structural nature. However, as a consequence, it is not only the transformation efforts that are rewarded, but also, in the worst case, transformation failure and regional instability.
2. One strategic deficit of the policy of the European Commission vis-à-vis the CIS is its insufficient differentiation. Decisions must not be made along the lines of system transformation, but in addition also have to take the European self-determination of the states into account. The basic No to accepting CIS states willing to become members entails the risk of increasing instability caused by the rejection. At the same time the norm-setting policy of the EU loses its attractiveness and influence, as movement towards Europe or overcoming the problems of transformation respectively no longer carry the promise of positive sanction. In order to eliminate the strategic deficit of the basic No to EU accession of Ukraine and Moldova, the European Commission should formulate *EU prospects for Ukraine and Moldova*. The implications of this reversal of policy will, however, be limited to rhetoric until the states willing to accede can prove that they have

made real progress in their transformation processes. This makes it even more important for the EU to emphasise the conditionality of the Copenhagen Criteria in its dialogue with the states concerned. In the TACIS projects to support the transformation process it is also important to point towards the *acquis communautaire* of the European Union in the sense of a normative aim.

3. As long as Belarus is dominated by the Lukashenko regime, it will remain a risky neighbour. It is in the European interest to contribute to securing stability through a *democratisation of Belarus*. Following the experiences in Serbia, it is necessary to support regional players and supporters of economic reform to bring about domestic change in Belarus and in this way to tighten the country's links to Europe. Apart from numerous possibilities of co-operation, it is first of all necessary to increase the presence of European institutions in Minsk.
4. In the relations between Russia and Europe, there is an important need for drawing up a *Kaliningrad strategy* in the context of EU enlargement towards the east. Technical questions regarding traffic of goods and people to and from Kaliningrad into the rest of Russia need to be treated in accordance with the EU regulations; solutions must, however, be easy to administer. The regional climate for investment in and around Kaliningrad must be improved through an extension of regional co-operation with the future EU members Poland and Lithuania. Russian decision-makers should strive to ensure political and legal stability. Under the proviso that Russia benefits from the innovations in the region, Moscow's isolationist and security policy reservations will also diminish.
5. In the case of Southeastern Europe the dilemma between the two EU principles of *regionality and conditionality* is much stronger than in the case of the ten present East European accession countries. In view of the attractiveness of EU membership and the

heterogeneity of the neighbouring regions (e.g., “Western Balkans”) regional co-operation will realistically come second behind a conditional, bilateral convergence with and integration into the European Union. Regional co-operation should accordingly be supported as a supplement to rather than as an alternative to EU integration.

6. By the same token, it is necessary to synchronise *EU integration and multilateral regional co-operation* in sub-regions which could eventually stretch across the external border. Organisations for interstate regional co-operation offer a constructive forum for dialogue and co-operation throughout Europe, especially where their aims, or rather their membership, reaches across present and/or future EU borders: *Northern Dimension*, *Black Sea Co-operation*, *Baltic Sea Council* and *OSCE*. On the other hand they serve as an important counterbalance for centripetal tendencies in Europe and turn peripheral border regions into European sub-regions.
7. Especially in the area of *cross-border co-operation*, it is imperative to subordinate the institutional-procedural framework to the functionality of the respective funding programme. Accordingly an adjustment or rather a merger of the EU programmes for cross-border co-operation – Interreg-CBC for EU members, PHARE for accession countries, TACIS for CIS states, CARDS for the “Western Balkans” – would be appropriate for the state of the European integration and enlargement. As a model for interregional and cross-border co-operation, the EU initiative *Northern Dimension* should be translated into the form of an *East Central European Dimension* to relations between Poland and Ukraine.
8. Prioritising cross-border co-operation also requires a reconciliation with the requirements set for accession candidates by the *Schengen criteria*. While in view of the visa requirements, the erection of new dividing lines and thus an increase in the asym-

metries along these borders is unavoidable, the negative consequences, especially for the border regions, can be limited with the corresponding preparation and commitment. An *effective visa strategy* must consist of a dovetailed approach combining an optimum of technical-administrative procedures with measures of cross-border co-operation.

Overall it is part of the open self-definition of the EU not to pursue a foreign policy in the classical sense vis-à-vis its neighbours, but to offer conditional accession prospects. Up to now the inner prosperity and stability of the EU as well as the attractiveness of this accession offer have proved to be highly effective instruments in relations with the neighbouring transformation countries.

The debate about limits to enlargement should, however, give more consideration to the time dimension and the capacity of the EU to integrate new members. A Union which would, e.g. offer accession prospects to Ukraine – with the corresponding expectation management and time tables – can contribute more to a long-term reduction of national instability and transformation deficits of this neighbour. At the same time, guaranteeing the quality and the capacity of the union to integrate new members requires a more concrete concept for enlargement towards the east. Realistic expectations of management as well as the best-possible arrangements for follow-up issues in connection with the future neighbours, not least Russia, require an early setting of the date and the names for a first round of enlargement. If the EU were to come to a decision soon, this would on the one hand curb unrealistic expectations on the side of the candidate countries, and on the other hand leave enough preparation time to cushion the consequences of a temporary concrete exclusion for accession countries and third countries beyond the union. Typically, this will lead to a differentiated political and economic integration, in order to counterbalance destabilising asymmetries along the external border. Moreover, the process of reform and integration within the EU, Closer Co-operation as well

as the gradual integration of the ten accession states will, in any case, bring the paradigm of differentiation to the fore in Europe. Differentiated integration were to acquire a particular urgency for security issues, if a new NATO enlargement were to occur prior to a first round of EU eastern enlargement. Differentiated integration overall requires a strengthening of CFSP, as apart from the “norm-setting” function, it is above all also the reactive capacity to decide and competence to act which will decide about the success of EU objectives for stabilising Europe as a whole.

Iris Kempe (ed.)

Beyond EU Enlargement

Volume 1

The Agenda of Direct Neighbourhood for Eastern Europe

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Russia, Ukraine, Belarus and Moldova will be direct neighbours of the EU. The EU is trying to develop relations with these states on the basis of partnership and co-operation, while denying these countries prospects for accession. Because of continuous political instability, economic crises and the weakness of civil society, the future neighbouring countries constitute security and stability risks for Europe as a whole, which have been underestimated so far. At the same time current EU policy bears the danger of excluding the future neighbouring states from the process of European stabilisation by creating new dividing lines. This volume contains detailed analyses as well as policy recommendations on both risks.

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Wim van Meurs (ed.)

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In Southeastern Europe the EU is enhancing its profile as a regional power. The EU takes on responsibility for security and stability in Europe as a whole by means of the Stability Pact as well as the Stabilisation and Association Process. In the implementation, however, strategic and institutional contradictions appear and even new regional risks might emerge. The authors have formulated policy recommendations to counteract the identified contradictions and risk potentials.

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