

➤ Reconditioning the 'Return to Europe': The Influence of Spanish Accession in Shaping the EU's Eastern Enlargement Process

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The EU's 2004 'big bang' enlargement increased the diversity and complexity of its membership, bringing in states from Central, Eastern and South Eastern Europe. Many key actors have increasingly viewed enlargement as an integral part of EU development and as the most successful foreign policy tool for promoting EU stability.¹ Yet, a growing sense of enlargement fatigue resulting from the policy's structural overload and the EU's financial crisis has strained the prospect of future accession for new member states and brought about the perennial dilemma of widening versus deepening. This perception of stalemate and lack of grand strategy stems from the fact that enlargement policy initially served as a very precise response to the inner challenges of the geopolitical paradigm of the Cold War. In this respect, the study of the Spanish accession to the EC/EU, which took place during a challenging period for Southern Europe in which the dictatorships of Greece, Portugal and Spain simultaneously fell, can help clarify the evolving Cold War and European integration environment and factors of the 1970s.² Spain's road to EEC membership, which gained momentum in 1977 and reached a successful conclusion in 1986, can shed light on the EU's 2004 negotiations with the Central and Eastern Europe countries (CEECs). Indeed, Spain's EC accession strongly resonates with the CEECs' cases not only in terms of shared characteristics (for example, the democratisation process and adjustment of economic relations), but also in terms of the complexity and the consequences that these accessions posed to the EU. Both cases also share a collective perception of recovering a 'natural Europeanness' via a 'rectifying revolution'³ and a sense of returning to a supposedly original and forcibly-denied starting point. This historical perspective, which covers enlargement in the Cold War and in the post-Cold War era, can help reveal the evolution of the mechanisms of enlargement and its impact on European integration.

1 See Karen E. Smith, *European Union Foreign Policy in a Changing World*, 2nd Edition (Cambridge: Polity Press, 2009).

2 Desmond Dinan, *Europe Recast: A History of European Union* (Basingstoke: Palgrave Macmillan, 2004).

3 Jürgen Habermas, 'What Does Socialism Mean Today? The Rectifying Revolution and the Need for New Thinking on the Left', *New Left Review* 1/183 (September-October 1990): 3-21.

TRANSITIONS AND ACCESSIONS: PARALLEL AND EVOLUTIONS OF EU ENLARGEMENT CRITERIA

The conditions for membership and the procedures for accession evolved alongside the priority issues of the Cold War (particularly between 1973 and 1989), and they continue to do so in the present post-Cold War setting as enlargement remains central to the European agenda. The evolution of enlargement criteria, initially created to tackle the British 'conditional application' of 1961, began with the Greek, Spanish and Portuguese accessions. These accessions marked the first time that the EC had to take into account the changing status of prospective members from long-established democratic and market economies to recently democratised and economically disadvantaged states.⁴ It comes as no surprise, therefore, that the negotiating process applied in Spain's EC talks served as a reference for the post-1989 rounds of enlargement, as cited by various European Commission officials in charge of designing the new EU enlargement strategy of that period.⁵ Echoing this sentiment, numerous academic publications regarding the CEECs' accession have shed light on the importance of a comparative analysis with Spain.⁶ There is a particular wealth of such analysis regarding the case of Poland.⁷ Like Warsaw, Madrid aspired to EC/EU membership as a de-peripheralisation device to consolidate its newly emerged democratic system and carry economic modernisation forward.⁸ In Spain, the transition to democracy was closely linked to accession.⁹ Spain's political parties and general public unanimously endorsed the country's EEC membership, which added legitimacy to Spain's new civilian power. During the accession negotiations, Spain's political leadership actively sought to underpin the country's strategic 'return to Europe' by requesting to join the Council of Europe. Spaniards viewed this as a symbolic endorsement of the re-emerging democracy. The political leadership then concentrated its efforts on NATO. In contrast to the unanimous endorsement of EEC membership, NATO was highly contested across the Spanish political spectrum even after Spain's eventual entry in May 1982.¹⁰ Similarly, CEECs' prospective accession to the EU enhanced the legitimacy of the new political elites, who rediscovered initiatives of CEECs' Europeanists in exile¹¹ and upheld a willingness to transform the Cold War narrative of 'captive nations' into a renewed acknowledgement of their neglected 'Europeanness'.¹² Besides its symbolic purpose, the quest to reintegrate Western regional and international organisations served to expedite socioeconomic transformations and political and legal reforms that would consolidate harmony and end a long period of isolation.

Spain's decision to apply for EC membership in 1977 posed serious questions surrounding the issue of conditionality within the EC's enlargement policy. Responding to the needs of dependent applicants that could not aspire to a rapid membership without rebuffing them politically presented the EC with its biggest challenge. To further complicate matters, the Spanish application arrived at a time when the EC lacked any form of institutionalisation of the accession criteria. The accession process at the time was an informal application of political and economic conditions based on trial and error. The enlargement criteria of Southern Europe had more political than economic overtones given the fragile state of the region's recently-emerged democracies.¹³ Conversely (and taking place after the formal introduction of the 1993 Copenhagen criteria), Eastern Europe underwent a more standardised yet lengthier process that did not overlook economic and administrative

4 Manuel Marín, Interview with the author, Madrid, 13 April 2010.

5 Director of the Directorate B in charge of Candidate Countries, Directorate General for Enlargement, European Commission, Interview with the author, Brussels, 1 December 2005.

6 See Lorena Ruano, *The Common Agricultural Policy and the European Union's Enlargement to Eastern and Central Europe: A Comparison with the Spanish Case*, RSCAS Working Paper, 2003.

7 See Eugeniusz Górski, *O demokracji w Hiszpanii (1975-1995)*, (Warszawa: Wydawnictwo Instytutu Filozofii i Socjologii PAN, 1997); Tadeusz Miłkowski, Paweł Machcewicz, *Historia Hiszpanii*, (Wrocław: Zakład Narodowy imienia Ossolińskich-Wydawnictwo, 2009).

8 Bronisław Geremek, CVCE Interview, Brussels, 11 June 2008, http://www.cvce.eu/obj/interview_with_bronislaw_geremek_the_spanish_example_for_the_democratic_transition_in_poland_brussels_11_june_2008-en-c7563770-7e51-409a-8b0e-35f02fecb287.html.

9 José María Gil-Robles, Interview with the author, Madrid, 9 March 2010, <http://www.cvce.eu/histoire-orale/unit-content/-/unit/9e7a54b0-4f4d-467a-abc-f5d3307b0f9b6/71657078-37ba-4061-94fc-d5cbea7d997>.

10 Felipe González, *Mi Idea de Europa* (Barcelona: RBA, 2010).

11 European Movement. *CEECs Commission: Resolutions*, 20-24 January 1952, HADOC, 2027. HAEU.

12 Mouvement Européen. Section PECOs, *Notes sommaires sur la réunion constitutive de la Section d'Études des Pays de l'Est*, Strasbourg, 17 August 1949. ME-875. HAEU.

13 MAE, Leg. 12557, Exp. 60(E)77-1 'CEE 1977 Trabajos Preparatorios y negociaciones para la adhesión de España a las Comunidades Europeas. Curso de Negociación (1)', 28 March 1977.

considerations for the sake of political ones. For instance, after the guarantee of legal transposability by the Madrid European Council Presidency Conclusions in 1995, the CEECs received the supplementary demand to adjust administrative capacity and judicial structures.

The EC prospective accession acted as an incentive for the consolidation of internal reforms in the applicant countries. In Spain, the prospect of EEC membership merely reinforced endogenous reform strategies. However, the EU's mechanisms of stimulus were nonetheless manifest in the CEECs' 'return to Europe' (even more so after the EU established formal procedures of monitoring).

The enhanced role of the Commission since the end of the Cold War also helps to explain the growing formalisation of conditionality. Since the early 1990s, the Commission has led developments in the enlargement sphere,¹⁴ not only in coordinating aid to the CEECs (for example, PHARE), but also in negotiating the EC's accession agreements with the CEECs.¹⁵ The introduction of a series of new instruments (regular reports, monitoring and screening) successively boosted the Commission's role in following the internal reform of applicant states more closely. The heterogeneity of candidate countries' profiles signing the Europe agreements in the 1990s, especially when the notion of a 'big bang' enlargement became an option, also explains the concentration of competencies in one single EC institution.

The issue of democratic promotion as part of the EC's emerging political identity was one of the most significant debates that took place during the Spanish accession, and it had a lasting impact on the redefinition of the EU accession criteria in the 1990s. Indeed, the idea of a *Declaration on Democracy* amongst the Nine arose in the context of discussing enlargement.¹⁶ Since the applicants contended that EC membership would help them consolidate their regained democratic systems, it seemed reasonable to seize the opportunity to make a declaration on the fundamental principles of the EC. They aimed to put the EC's commitment to democratic principles on record, which could then echo in the Acts of Accession of the new member states. Regression hazard – the fear of the regime's relapse to an authoritarian past despite positive signs to the contrary – posed another risk. The risk of democratic overturn became visible during the attempted *coup d'état* in Spain in February 1981.¹⁷ The *Declaration on Democracy*, adopted at the European Council of 7-8 April 1978, directly addressed this risk as it sought to safeguard democracy in EC member states from a return to any possible authoritarian trend. The text of the declaration drew heavily on the *Declaration on European Identity* published by the Foreign Ministers of the Nine in Copenhagen in 1973. It also made references to the EC's *Joint Declaration on Fundamental Rights* adopted under the UK's Presidency on 5 April 1977—most significantly it included the final paragraph that declared 'that respect for and maintenance of representative democracy and human rights in each member state are indispensable for membership of the European Communities'.¹⁸ Although the Declaration stopped short of offering definitions of democratic rule or proposals for implementing proper democratic practices, this crucial *Declaration on Democracy* in the context of the Mediterranean enlargement explicitly refers to what later became one of the main Copenhagen criteria.¹⁹

14 Christopher Hill, *The Actors in Europe's Foreign Policy* (London: Routledge, 1996), 142.

15 As Hill shows, a key decision was taken during the Western European Summit Meeting in Paris in July 1989 that gave the Commission the role of coordinator of the international assistance programme to Poland and Hungary, extended in 1990s to the other CEECs as the so-called PHARE programme. This created a novel type of legitimacy for the Commission based on a mandate from outside the Community. Afterwards, the Commission was also allocated the task of negotiating the Community's agreements with the CEECs, which conferred the added value of greater political significance in Europe and beyond. These tasks also determined the reunification of Germany via the automatic integration of the former GDR in the EC and the negotiation of Europe Agreements with candidate countries formerly under communist rule, conferring on the Commission immense shaping power of the future relations of future member states with the Community.

16 *Declaration on Democracy*, Copenhagen, European Council, 8 April 1978, http://www.european-council.europa.eu/media/854616/copenhagen_april_1978_eng_.pdf.

17 Fernando Rodrigo, 'Western Alignment. Spain's Security Policy', in *Democratic Spain: Reshaping External Relations in a Changing World*, eds. Gillespie, Richard et al. (London: Routledge, 1995), 54-56; Charles Powell, *España en Democracia, 1975-2000* (Barcelona: Plaza Janés, 2001).

18 Meeting of COREPER, Brussels, 22 March 1978, MWE04/8, 63D, UKFCO 30/3874.

19 Eirini Karamouzi, *Greece, the EEC and the Cold War, 1974-79* (Basingstoke: Palgrave Macmillan, 2014).

External actors carefully observed regression hazards in this context, constituting another point of convergence in EC enlargement experiences: third-country interventions and their influence in reconditioning candidate countries' 'return to Europe'. Indeed, there was a significant debate on the influence of the US in Spain's parallel democratic transition and accession negotiations, especially on a direct initiative of the US Congress for the promotion of democratisation in the 1970s.²⁰ In the case of Eastern enlargement, the promoters of the 'Europe Conference' in 1997—created to bring EU member states and candidate countries closer via a multilateral forum for political consultation—similarly emphasised the need to keep US authorities informed of its evolution following the professedly common objectives of the 'New Transatlantic Partnership and Transatlantic Action Plan'.²¹ This influence also extended to the forging of the 'safe haven for the outs' concept and affected the redrafting of EU enlargement slogans, which changed to 'peace, prosperity, progress and predictability' in the aftermath of 9/11.²² Earlier on, once it had become clear to the Commission that setting up mere uncompromising Association Agreements with applicant states after the collapse of the Soviet Union did not serve the interest of long-term stability, Eastern enlargement policy was seen as a way to bring the CEECs closer to the EU in order to counterbalance 'an excessive American influence in the region'.²³

TRANSFER AND RE-ADJUSTMENT IN ENLARGEMENT POLICY CHALLENGES

The Spanish and Central and Eastern European cases illustrate not only the evolution of practices in the functioning of enlargement policy, but also the maintenance of mechanics too heavily dependent on specific contextual factors, like that of a very particular Cold War setting. Since the first enlargement, the EC has set up a defensive structure that protects the existing member states more than the applicants. As Lorena Ruano suggests, 'setting up the procedure for negotiating, with Britain resulted in a creation of a complex, bilateral, multilevel process inside the Community while the applicant and its interests were relegated to the sidelines'.²⁴ The EC's constraints on recasting its own previous bargains presented the most obvious obstacle in Spanish-EEC talks, especially in the dismantling of tariffs, the application of the common agricultural policy and value added tax and the free movement of goods and persons. France proved particularly important with regard to EC member states' reticence to Spanish accession, as it adopted an obstructionist policy during the Spanish accession negotiations (especially over the agriculture and fisheries dossiers). As the date of the presidential elections approached in 1981, France, originally a proponent of extending the Community towards the Mediterranean, was on the brink of presenting the most obdurate opposition to expanding the boundaries of the Community.²⁵ Denmark threatened to issue a complaint against the 1970 EC trade agreement with Spain if the latter did not adapt to the new Community resulting from the 1973 enlargement.²⁶ This demand for adaptation once again raised the issue of how widening could cause insurmountable imbalances for the deepening of the Community and therefore block its absorption capacity. This issue arose again in the 2004 EU enlargement during discussions of the establishment of transition periods, especially for labour migration and for environmental policy adaptation. In this respect, it serves to note that the fear of massive labour migration from Spain had been mitigated by the fact that it had already happened in the decade of the 1960s.²⁷ The CEECs' outgoing migration during and after the Eastern enlargement process also contrasted with Spain's great incoming labour migration in the mid-1970s. This influenced the recreation of the model of industrial relations of European Western democracies and served as an initial catalyst for incoming foreign direct investment and external trade.

20 Samuel P. Huntington, *The Third Wave. Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1992).

21 Gerd Tebbel, *The European Conference. A Safe-Haven for the Outs?* DG IA-SCEPTRE/GT D (98), European Commission. Brussels, 15 September 1998.

22 Romano Prodi, President of the European Commission, Speech to the European Parliament, Strasbourg, 13 November 2001.

23 Director of the Negotiations and Pre-accession Directorate of the Directorate General for Enlargement, Interview with the author, Brussels, 2 February 2004.

24 Lorena Ruano, 'Origins and Implications of the European Union's Enlargement Negotiations Procedure' RSC NO 62 (2002): 38.

25 Roy Jenkins, *European Diary, 1977-1981* (London: Collins, 1989), 199-200.

26 MAE, Leg. 15573, Exp 60 (E) 73-5/1976-2, *Texto secreto adjunto al despacho del Embajador Ullastres al Director General de Relaciones Económicas Internacionales del MAE*, Raimundo Bassols, 22 October 1976.

27 Directorate General for Enlargement, Interview with the author, Brussels, 1 December 2005, op. cit.

THE NEW SETTINGS: CONTEXTUAL IMPERATIVES AND ENLARGEMENT POLICY INNOVATIONS

Taking into account these considerations, it is clear that the architects of Eastern enlargement in the Commission incorporated some (albeit not all) of the lessons of the EC's Southern enlargement. Nevertheless, some unique features of Eastern enlargement had a high degree of innovation imposed by a context of radical structural changes in global geopolitical terms and by the emergence of the new information-age mindset. As Manuel Marín indicated:

At the beginning of the 1990s key players started to talk about the 'peace dividends' and to say that we were entering a new era, that the future would be completely different...It seemed as if we had managed to find a solution for planet Earth. The old system of Cold War international relations disappeared, the old disputes were replaced, but we realised that the former ideological confrontation was becoming a conflict of identity.²⁸

This new identity conflict also related to the new conception of enlargement policy as a legitimating strategy in the midst of a primal debate on the EU's alleged 'democratic deficit', which was linked to the demands for increased transparency as a democratic quality indicator for EU governance. Against this backdrop, public opinion perception management became a major concern that differentiated the 2004 enlargement talks from previous Community enlargements. With all the simultaneous widening and deepening dynamics in motion (such as the consolidation of a single market, new foundational treaties and plans for a monetary union that never became an economic one), there was a corresponding need to innovate via the creation of a new Directorate General for Enlargement with a dedicated Commissioner since 1999 and of an emergent 'Communication Strategy on Enlargement'. It also serves to note that an economic union could only survive with a technocratic elite of believers in an integration project, while an increasingly political union could only survive with the direct support of its citizens. The contextual detachment of the 'Communication Strategy on Enlargement', consisting of attempts to transmit the ethos of the fall of the Berlin Wall presented it with its greatest challenge, whilst the duration of the accession negotiations made it impossible to maintain its momentum. The shift in interest of contemporary EU audiences, increasingly immersed in the upcoming urgencies of a stagnating economic model, additionally complicated the matter.

One must also take into account the paradox of the Commission privileging internal communication and debate when it enjoyed an extraordinarily important foreign policy and enlargement monitoring role at the beginning of the 1990s (at which time many of the officials in charge of this policy had links to past diplomatic positions in the CEECs). In contrast, when the Commission did have a major role in the advent of enlargement implementation in 2004, the responsibility of creating political messages and explanations regarding enlargement gradually went to public relations companies,²⁹ which launched a series of information campaigns that never achieved a two-way communication impact. Another cause of cumulative fatigue, beyond Schimmelfennig's premise of 'rhetorical entrapment',³⁰ could be the difficulty in delimitating the axiological contours of the European integration process and in specifying the Community's eventual final frontiers. The instrumental responses to these fundamental questions make it even harder to consolidate a 'pan-European' identity absent a top-down institutional creation where historical turning points are discursively and politically generated. Such an identity would result in enlargement being lived as an invisible historical turning point.

28 Manuel Marín, Interview with the author, Madrid, 13 April 2010.

29 Ogilvy Public Relations Worldwide, Report commanded by DG Enlargement. *Impact Assessment of Calls for Proposals as Implementation Tools of the Enlargement Communication Strategy. Executive Summary*, 10 December 2005.

30 Frank Schimmelfennig, 'The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union' *International Organization*, 55/1 (2001): 47-80.

CONCLUSION

On top of the factors discussed, the invisibility effect of the EU's successive enlargements depends on the degree of actual transformation in the new member states, which should imply an opening of commonly extended socioeconomic opportunities and a real democratisation of their political cultures. These changes should wash off the pervasive residue of conventionalised corruption and anti-democratic abuse of previous dictatorships.

Conversely, a key question arises: how can the EU make a goal-oriented policy—implying an increasingly technical methodology and precise conditionality criteria—compatible with a longed-for collective dream of inclusion, recognition, welfare and reconciliation? Indeed, this is the appeal of the EU's widening for any potential candidate country and its population. An even more challenging premise arises in this respect: how can the EU reconcile club logic with the guarantee of eradicating instrumental inner discriminations and any notion of second-class citizenship? In other words, how can it prevent reinforced harmonisation, via the adoption of the *acquis communautaire* and the incorporation of standardised Community practices, to become a vehicle for a more direct exploitation of formerly incompatible (and thus not fully profitable) third countries and regions? Last but not least, it serves to acknowledge the EU's challenging task of articulating the complexity and heterogeneity of successively incorporated multilevel players through the European integration process, progressively transforming conflict into cooperation.

In conclusion, considering that EU enlargement policy has thus far focused on responding to the open questions related to the re-articulation of the geopolitical, social, and mental settings inherited by the Cold War and its uncertain aftermath, it is understandable that the same formula would prove difficult to apply to any reality beyond this framework. Once the 'return to Europe' agenda is exhausted, a need will arise for a new meaningful and compelling driving force for the EU's external dimension and for the definition of its role in the global arena. Perhaps it could be the notion of 'community' itself. Above all, the EU can function as a political and economic community, a community of laws, principles and norms. It can be a community of interests, but it is also a community of values and of common, interactive memories capable of binding key players to the implementation of mutual solidarity, to the aspiration of a shared inclusive identity and to the enhancement of coordinated international cooperation and integration. ■