

# EU Accession Pressures and Foreign Policy Dilemmas: The Case of Romania Implications for Prospective Balkan EU Candidate States

YANNIS A. STIVACHTIS<sup>1</sup>

Virginia Polytechnic Institute & State University

It is widely recognized in the relevant literature, as well as acknowledged in the political practice that the wish of candidate countries to join the European Union (EU) implies a strong will on their part to pursue policies which aim at satisfying the Copenhagen political and economic criteria set by the Union. Although bringing the candidate countries in line with the European Common Foreign and Security Policy (CFSP) does not fall directly within these criteria, the contents of these policies do constitute part of the EU *Acquis Communautaire*, which, in turn, forms a part of what has been termed 'EU conditionality'.<sup>2</sup>

*Acquis communautaire* is a French term meaning, essentially, "the EU as it is". In other words, the term refers to the rights and obligations that EU countries share. The *acquis* includes all the EU's treaties and laws, declarations and resolutions, international agreements on EU affairs and the judgments given by the Court of Justice. It also includes actions that national governments take together in the area of CFSP and the European defense and Security Policy (ESDP). Accepting the *acquis*, therefore, means taking the EU as one finds it. Candidate countries have to accept the *acquis* before they can join the EU, and make EU law part of their own national legislation. In addition, in the CFSP sector, candidate states are expected not only to agree with the EU's 'common positions' and 'joint actions' but also to show a keen interest, as well as actively participate in international missions alongside with existing EU Member States. In other words, candidate states are expected to do exactly what the EU Member States do prior to their accession to the European Union. Therefore, the first question that arises is how easy or difficult is it for candidate countries to harmonize their foreign policy structures and orientation with that of the European Union?

Recent history has shown that for the countries of Central and Eastern Europe prior integration into NATO paved the way for their eventual accession to the European Union. Within NATO, however, the dominant power is the United States. In addition, for several Central and Eastern European states (CEESs), such as Poland and Romania, friendly relations with the United States in the aftermath of the Cold War, independent of NATO membership, has been viewed as a central pillar of their foreign policy. Consequently, a second question arises as to what happens if the adoption of certain EU *acquis* does not run in parallel with NATO and US interests. In other words, what happens if the candidate countries have to choose between complying with the EU *acquis* to assure accession and maintaining good relations with the

---

<sup>1</sup> Dr. Yannis A. Stivachtis is Associate Professor of Political Science and Director of the International Studies Program at Virginia Tech. He also serves as Senior Advisor at the Research Institute for European & American Studies (RIEAS), as well as Head of the Politics and International Affairs Research Unit of the Athens Institute for Education & Research (ATINER).

<sup>2</sup> See Heather Grabbe, *The EU's Transformative Power: Europeanization through Conditionality in Central and Eastern Europe* (New York: Palgrave, 2006) and *Enlarging the EU Eastward* (London: Chatham House Papers, May 1998).

United States? The divergence between the EU and the US concerning the Iraq War is a case in point.

To address these two important questions, the present article will focus on the case of Romania. The choice of this country is based on three reasons. First, Romania was as eager to join the EU as was to join NATO and maintain very cordial relations with the United States. Therefore, Bucharest had to make some tough choices during the discord between the EU and US resulting for fundamental disagreements on the issue of the war in Iraq, as well as on differences on issues related to the War on Terror. Of course, other CEES countries, such as Poland and the Czech Republic, found themselves on the side of the United States – a fact that brought a very heavy condemnation from the then French President Jacques Chirac. But these countries were already EU Member States and therefore one cannot assess the impact of EU accession pressures on the foreign policy choices of candidate countries.

Second, unlike Bulgaria, the entry of Romania into the EU constituted a highly controversial issue as many argued that due to the inability of successive governments to introduce the necessary structural reforms Romania was not actually ready to join the EU on 1 January 2007. Thus the Romania case was judged to be more complicated than that of Bulgaria. But was the above argumentation relevant to the case of Romanian foreign policy and its compliance to the EU *acquis*?

Third, unlike Bulgaria, Romania had many more issues to address regarding its relations with neighboring countries thereby adding to the complexity of the case. This is a very important point in the sense that good relations with neighboring countries is considered to be a fundamental issue for the European Union. This is due to the fact that the EU does not wish to make the candidate countries' problems its own. Thus, the requirement that candidate states solve their territorial and other problems with their neighbors prior to their accession falls both within the Copenhagen political criteria and the EU *acquis*.

Many of the existing Balkan non-EU countries have identified it as their main foreign policy goal one day to become members of the European Union. Meanwhile, they view NATO as a step forward in achieving their goal. This automatically implies maintaining good relations with the United States. Therefore, the examination of the Romania case may shed some interesting light on what happens when complications arise. In turn, this assessment would assist practitioners of prospective candidates in their policy planning.

In order to address the questions raised above, this paper will be divided into two parts. The first part will focus on the evolution of the European CFSP. This would identify the political context within which candidate countries operate, as well as assist the reader to comprehend the requirements included in the EU *acquis* regarding the CFSP. The second part will investigate the efforts undertaken by Romania to comply with the EU *acquis* in the field of CFSP. In so doing, it will focus on the European Commission's *Annual Reports on Romania's Accession to the European Union*. The first of these reports was made available in 1998, while the last one was submitted in November 2004 when the European Commission considered the CFSP Chapter of the *acquis* as having been formally finalized.

### The EU System of Foreign Policy

The EU's ambitions on matters of high politics have their origins in the 1960s. After the French rejection of the European Defense Community (EDC) guaranteed the ascendancy of NATO in

defense matters, the European Economic Community (EEC) turned its attention to foreign policy. In 1970, the European Political Cooperation (EPC) was created in order to provide collective expression to the foreign policy interests of EEC Member States.<sup>3</sup> Linked to the Community, but independent of it, EPC was dominated by the national foreign policy apparatus. The European Commission was little more than an invited guest, with no right to propose or vote. EEC Member States identified where their national interests overlapped, without any pretension to a 'common' foreign policy.

Still EPC fostered consensus on many difficult issues and helped the EEC establish its reputation as a defender of human rights by becoming the vehicle for its collective condemnation of South Africa's *apartheid* system. The EPC's primary tools were diplomatic *demarches* and declarations, but its relationship with the EEC became increasingly organic through the use of economic aid and sanctions (political, diplomatic, and economic).

Over the course of twenty years, EPC showed that foreign policy coordination was not only possible but had made Europe a 'civilian' power. The gap between the Union's growing economic power and its limited political clout was a source of increasing frustration in the 1990s. One response was the creation of a distinct EU system of foreign policy making, although no specific plan was advanced. With the second pillar and the CFSP at its center, it overlapped with but did not replace the EEC system and over time it came to incorporate the ESDP.<sup>4</sup>

EPC was given treaty status and formally linked to the activities of the EEC in the 1986 Single European Act. Within few years, the EPC was exposed as inadequate in the face of the geopolitical changes that shook Europe, namely the collapse of the Soviet Union and the Eastern Bloc. With the Maastricht negotiations still focused on monetary union, the idea of strengthening foreign policy cooperation as part of plans for creating a 'political union' was given impetus by the dramatic transitions in Central and Eastern Europe, the Gulf War and the Civil War in Yugoslavia. Thus, negotiations at Maastricht grafted two new domains (CFSP and Justice and Home Affairs - JHA) onto the existing Treaty of Rome, resulting in the EU's three-pillar structure.

The CFSP upgraded the role of the European Commission, giving it the right-shared with Member States – to initiate proposals.<sup>5</sup> The CFSP even allowed for limited qualified majority voting, although it was always clear that most second-pillar actions would require unanimity. Compliance mechanisms in the CFSP were not as strong as those in the first pillar, with the European Court of Justice excluded. The CFSP remained largely intergovernmental,<sup>6</sup> even if links to the Community system were gradually strengthened.<sup>7</sup>

After the CFSP was launched, the habits of intensive exchanges established within EPC meant that EU Member States were able to agree a considerable number of 'Common Positions' and 'Joint Actions', the CFSP's two major policy instruments, even if both remained

---

<sup>3</sup> See S. Nuttall, *European Political Cooperation* (Oxford: Clarendon Press, 1992).

<sup>4</sup> See Yannis A. Stivachtis, "Common Foreign and Security Policy (CFSP) and European Defense and Security Policy (ESDP) after Iraq", in Yannis A. Stivachtis (ed.), *Current Issues in European Integration* (Athens: ATINER, 2004), pp. 117-42 and "European Defense and Security Policy: Evolution and Challenges", in Yannis A. Stivachtis (ed.), *International Governance and International Security: Issues and Perspectives* (Athens: ATINER, 2005), pp. 267-90.

<sup>5</sup> See Christopher Hill, *The Actors in Europe's Foreign Policy* (London: Routledge, 1996).

<sup>6</sup> See Ian Manners and Richard Whitman, *The Foreign Policies of European Union Member States* (Manchester: Manchester University Press, 2001).

<sup>7</sup> See B. White, *Understanding European Union Foreign Policy* (New York: Palgrave, 2001) and B. Soetendorp, *Foreign Policy in the European Union* (London: Longman, 1999).

ill-defined.<sup>8</sup> Specific measures, which sometimes went beyond the usual EPC declarations and *demarches*, included support for humanitarian aid and democratic elections, ‘Stability Pacts’ to stabilize borders in Central and Eastern Europe, and aid for crisis management. Nevertheless, critics scorned the CFSP’s inability to deal with more complex or urgent security issues. The EU was somewhat better at *saying* things in foreign policy than it had been under EPC. But it seemed only marginally more capable of actually *doing* things.

The CFSP was considered ripe for reform when the Treaty of Amsterdam was negotiated in 1997. This time the majority voting controversy was mostly avoided by creating a new doctrine of ‘flexibility’, also known as ‘constructive abstention’ or ‘enhanced cooperation’. This doctrine allows EU Member States to opt out of certain CFSP actions (particularly those involving defense) as an alternative to vetoing them. Thus, coalitions of the willing can proceed with ‘Joint Actions’ even if some Member States find themselves unable or unwilling to participate.

This is a very important point because in this way EU candidate countries, like Romania, could overcome some significant foreign policy dilemmas. For example, instead of having to choose between maintaining cordial relations with the US and complying with the EU *acquis*, candidate countries could achieve the former without undermining the latter. Therefore, despite the fact that they were not part of the EU ‘coalition of the willing’, candidate countries could receive a very good assessment in complying with the *acquis* simply because they did not prevent the EU from undertaking certain actions.

A second important point regarding the EU system of foreign policy making in relation to the candidate countries is that in case that EU Member States are unable to reach a consensus or agree on ‘common positions’ and ‘joint actions’, the candidate states’ positions could not be assessed by the European Commission in its effort to identify whether the candidate countries comply or not to the relevant *EU acquis*.

The Amsterdam Treaty’s main second-pillar innovation was the creation of the new High Representative for the CFSP (who is also the Secretary-General of the Council). The High Representative was designed to provide the EU with a single voice and the CFSP with a single face. However, the EU continued to be represented externally by its ‘troika’ (the High Representative, the Foreign Minister of the country holding the EU Presidency, and the European Commissioner for External Affairs). In other cases, special formulas for representation involved a confusing mix of Commission and national officials. The EU thus continued to show multiple faces even when it managed to speak with a single voice.

Given the CFSP’s mixed record, it might seem paradoxical to extend the EU foreign policy system into the realms of defense and security. Most EU Member States had long accepted the supremacy of NATO on defense matters. Attempts by France to make the exclusive European defense alliance, the Western European Union (WEU), “an integral part of the development of the Union”, as stated in the Maastricht Treaty, did not produce any concrete results. Yet, in recent years the EU has taken small but decisive steps towards creating an ESDP. The crisis in Kosovo marked the turning point.

Thus the EU made firmer Treaty commitments to security cooperation, first in Amsterdam but especially at Nice.<sup>9</sup> In particular, the so-called Peterburg Tasks (humanitarian and rescue missions; peacekeeping and crisis management; and peacemaking) were marked out as basic EU foreign policy goals. The Union also set in motion its own merger with the WEU. A new Political and Security Committee of senior national officials was created and designated the

---

<sup>8</sup> S. Nuttall, *European Foreign Policy* (Oxford: Oxford University Press, 2000), pp. 184-88.

<sup>9</sup> See Richard Whitman, *From Civilian Power to Superpower?* (New York: Palgrave, 1998).

“linchpin of European security and defense policy and of the CFSP”.<sup>10</sup> Plans were agreed to create a Rapid Reaction Force (RRF) of 60,000 troops, to be operational by the end of 2002.

Skeptics noted that the EU already possessed such forces, including a multi-national ‘Eurocops’ among others.<sup>11</sup> Moreover, it was argued that the EU had always been able to draw upon the resources of the WEU. The problem was that Europe’s militaries were weak, underfunded, and lacked basic necessities. Meanwhile, the relationship of the ESDP to NATO remained unresolved. The American Administration of George W. Bush continued to demand greater burden-sharing from the Europeans, while repeating the US fundamental position reflected in the policy of the ‘three no’s’: no decoupling of the US from Europe; no duplication of American forces by the EU; and no discrimination against the US, including in arms purchases.

In the construction of an ESDP, as in European foreign policy generally, formal treaty reforms often matter less than formal learning by doing.<sup>12</sup> When it committed itself to ESDP, the Union still had yet to take on an independent military operation. However, the decision of President Bush to withdraw US forces from Bosnia and Kosovo made the prospect of Europe going it alone in Balkans peacekeeping and policing a real prospect. As a result, the EU began to involve in military operations of various kinds in its neighborhood.

It is within this political context that the Romanian efforts to meet the EU *acquis communautaire* in the field of the CFSP will be examined.

### Romania’s Compliance with the EU *Acquis* in the Field of CFSP

The *acquis* related to the CFSP is based on legal acts under the second and, indirectly, the first pillar including legally binding international agreements. It is also based on political declarations and agreements to conduct political dialogue in the framework of the CFSP, to align with EU statements, and to apply sanctions and restrictive measures where required. In addition, candidate states are expected to agree with the EU’s ‘common position’s and ‘joint actions’ and show a strong interest, as well as actively participate in international missions alongside with existing EU Member States. Moreover, candidate countries are requested to brought the necessary changes in their Foreign Ministries in order to meet the challenges of integration in the CFSP sector.

In order to provide a clearer picture of how Romania responded to the EU *acquis*, this part is divided into five sections. The first section discusses the integration of Romania into the EU foreign policy structures. The second section examines Romania’s collaboration with the EU on international issues. The third section identifies the steps Romania undertook to address issues related to arms control. The fourth section investigates how Romania dealt with problems involving its neighbors, while the final section focuses on changes brought to the Romanian Foreign Ministry apparatus to make it more effective in addressing the issue of Europeanization of Romania’s foreign policy.

---

<sup>10</sup> John Peterson and Michael Smith, “The EU as a Global Actor”, in Elizabeth Bomberg and Alexander Stubb (eds.), *The European Union: How Does It Work?* (Oxford: Oxford University Press, 2003), p. 210.

<sup>11</sup> See J. Peterson and H. Sjursen (eds.), *A Common Foreign Policy for Europe? Competing Visions of the CFSP* (London: Routledge, 1998).

<sup>12</sup> See R. Ginsberg, *The European Union in International Politics: Baptism by Fire* (Oxford: Rowman & Littlefield, 2001).

## *Integration into the EU Foreign Policy Structures*

In order to comply with the EU *acquis*, from 1997 onward Romania fostered its foreign and security policy towards European and Euro-Atlantic integration and pursued systematic co-operation with the European Union. Specifically, Romania participated actively in the multilateral dialogue between the EU and the associated countries, as well as in the regular meetings of the Political Directors, European and associate European correspondents, and in CFSP working groups. According to the European Commission's Annual Report, Romania responded positively to EU invitations to support its CFSP positions, by aligning itself, when invited, to all EU common positions and joint actions and by participating in their implementation, where necessary.<sup>13</sup> This trend continued throughout the reporting period.

In 1999, Romania displayed a keen interest in the development of ESDP as part of CFSP and actively participated in the exchanges in this context with the EU, in the 'EU plus 15' format (i.e. non-EU European NATO members and candidates for accession to the EU), while in November of the same year, Romania started actively participating in the Associated Countries CFSP Network.<sup>14</sup>

In pursuing its accession goals, Romania played an active role in the first Capabilities Commitment Conference in November 2000 and in March 2001, and held bilateral consultations with the EU on its participation in ESDP missions.<sup>15</sup> Moreover, Romania pledged forces to EU Rapid Intervention Force missions from 2003 (including two battalions of ground troops, three specialized companies, and four ships). Romania also responded positively to all invitations of association with EU joint declarations and *demarches*. Specifically, since October 2000, Romania associated itself with eight (8) EU 'common positions', including three (3) on the Federal Republic of Yugoslavia. Romania also implemented those 'joint actions' which it was invited to join and aligned itself with the Union's decisions on international sanctions and restrictive measures and has implemented negative measures in accordance with those adopted by the EU.

During 2002, Romania continued to align its positions with EU statements and declarations, as well as associated itself with the Union's 'common positions' and 'joint actions' and continued to comply with international sanctions and restrictive measures imposed by the UN and the EU.<sup>16</sup> During the Capabilities Improvement Conference in November 2001, Romania presented an upgraded offer including police personnel, while the country actively participated in the 'EU plus 15' Defense Ministers' meeting in May 2002.

In 2002, Romania confirmed its willingness to contribute to both the EU Rapid Intervention Force and to EU civilian instruments for crisis management.<sup>17</sup> The Romanian President approved the country's participation in the EU-led police mission in Bosnia and Herzegovina that began in 2003. As regards defense co-operation, Romania was an active contributor to the International Security Assistance Force (ISAF) operation in Afghanistan, and in April 2002 the

---

<sup>13</sup> Commission of the European Communities (CEC), *Annual Report on Romania's Accession to the European Union*, Brussels 1998, p. 43.

<sup>14</sup> Commission of the European Communities (CEC), *Annual Report on Romania's Accession to the European Union*, Brussels 2000, p. 81.

<sup>15</sup> Commission of the European Communities (CEC), *Annual Report on Romania's Accession to the European Union*, Brussels 2001, p. 93.

<sup>16</sup> Commission of the European Communities (CEC), *Annual Report on Romania's Accession to the European Union*, Brussels 2002, p. 119.

<sup>17</sup> Commission of the European Communities (CEC), *Annual Report on Romania's Accession to the European Union*, Brussels 2003, p. 112.

Romanian Parliament approved the participation of an infantry battalion and of a nuclear, biological and chemical company in Operation 'Enduring Freedom'. Romanian troops joined the Stability Force in Bosnia and Herzegovina (SFOR) and the Peacekeeping Mission in Kosovo (KFOR). Romania also contributed eight (8) military observers to the OSCE monitoring mission in FYROM.

Also in 2002, Romania passed new anti-terrorism legislation, including measures against the financing of terrorism, and aligned with the EU Plan of Action of September 2001. Romania also aligned with all EU 'common positions' on combating terrorism and acceded to the relevant international conventions relating to terrorism.

In addition, Romania ratified the Rome Statute establishing the International Criminal Court. However, in August 2002 Romania signed a bilateral agreement with the US on the non-surrender of each others' nationals to the International Criminal Court. This decision did not comply with the guiding principles laid down by the European Council on 30 September 2002 and was taken without adequate prior consultation with the EU. That was the first instance where a Romanian commitment to the US was forcing the country not to comply with the requirements of the EU *acquis*. As a result, ratification of this agreement was suspended following the EU 'common position' of June 2003. This is an indication of how important adherence to the EU *acquis* can be in assessing a country's candidature. However, no developments occurred until the conclusion of the CFSP Chapter of the *acquis* with regard to Romania's position on the International Criminal Court.

Another issue that seriously damaged the image of Romania within the EU was the report that the Romanian Government had secretly comply with an American request to establish secret prisons in the Romanian territory for alleged terrorists. However, this report surfaced after Romania had fulfilled the EU *acquis* in the field of CFSP and had joined the EU. Nevertheless, the efforts of the Romanian Government to demonstrate that its policies did not disregard EU law show clearly how important it is for a Member State to comply with EU policies.

In May 2003, at the meeting of the EU Ministers of Defense with third countries, Romania provided details of its national contribution to EU Rapid Intervention Force missions.<sup>18</sup> As a result, Romania took part in the EU Police Mission (EUPM) in Bosnia and Herzegovina and in the EU military operation CONCORDIA in FYROM. As regards defense co-operation, Romania continued to make considerable efforts to support international peacekeeping missions. To this end, combat troops were contributed to the International Security Assistance Force and 'Enduring Freedom' operations in Afghanistan. Romania also participated in a series of UN, KFOR, SFOR, and OSCE peacekeeping and observer operations. At the regional level, Romania began its participation in the 'Stability Pact' (chairing the South-Eastern Defense Ministerial Process Co-ordination Committee and the Political-Military Committee of the Multinational Peace Force in South-Eastern Europe) and agreed to host the headquarters of the future South-East European Brigade for a four-year period.

During 2004, Romania continued to position its foreign policy and security policy in line with that of the European Union and demonstrated its interest in the development of the ESDP.<sup>19</sup> Specifically, Romania continued to align itself regularly with EU sanctions and restrictive measures, statements, declarations and *demarches* and took an active part in the

---

<sup>18</sup> CEC 2003, p. 112.

<sup>19</sup> Commission of the European Communities (CEC), *Annual Report on Romania's Accession to the European Union*, Brussels 2004, p. 136.

debates on the draft European Security Strategy and in the consultations between the EU and the associated countries.

In January 2004, Romania started its two-year term as a non-permanent member of the UN Security Council and held the monthly presidency of the Security Council in July 2004. Romania also held the chairmanship of the 1518 Committee for Iraq, and the vice-chairmanship of the 1267 Committee on sanctions imposed on the Taliban and Al Qaeda. Romanian combat troops remained in Afghanistan and in August 2003 a battalion was sent to Iraq, under Polish and British command. As a result, the European Commission's 2004 Annual Report indicated that Romania "has continued to play an important role as a regional leader in efforts to strengthen stability and security in South Eastern Europe".<sup>20</sup>

### *Collaborating with the EU on International Issues*

During 1997, Romania supported international efforts to contain the crisis in the Western Balkans and sought a peaceful solution to it.<sup>21</sup> Romania aligned itself with the Union's statements, declarations and *démarches* in the context of the UN and OSCE. In spite of a divided public opinion on the issue, the Romania Government - with the support of the Romanian Parliament - joined the EU 'common position' on Kosovo, the ban on Yugoslav flights and the oil embargo on Yugoslavia.<sup>22</sup> During and after the Kosovo crisis, Romania opened its airspace for NATO and allowed free transit of NATO troops forming part of KFOR. It also participated in the humanitarian efforts and accepted to receive up to 6,000 refugees from Kosovo.

As an active member of various international initiatives (the Central European Initiative (CEI), the Black Sea Economic Co-operation, the South East European Co-operative Initiative and the Royaumont Process), Romania contributed to regional stability through a policy of good neighborly relations and regional co-operation.<sup>23</sup>

Romania also participated in the 'Stability Pact' for South East Europe and acted as Chair in Office of the South-East European Co-operation Process. In February 2000, under the 'Stability Pact', agreement was reached with Bulgaria on the building of a second bridge over the Danube, while a trilateral cooperation meeting was held among Romania, Bulgaria and Greece.<sup>24</sup> The Ministry of Foreign Affairs also supported several unilateral initiatives aimed at developing civil society and an independent media in the Federal Republic of Yugoslavia (FRY). In addition, Romania participated in the 'Energy for Democracy' initiative aimed at supporting the democratic forces of Serbia, Montenegro and Kosovo. At the OSCE Istanbul Summit, it was agreed that Romania would be the OSCE Chair in Office in the year 2001, and as a consequence Romania began work as a part of the OSCE 'troika' in January 2000.

Romania actively participated in international peacekeeping and humanitarian missions. Since April 1991, Romania took part in six (6) United Nations peacekeeping missions, representing a national commitment of more than 6,000 military and police personnel. Romania also participated in NATO-led missions (SFOR and KFOR). The Romanian contribution includes 6 military personnel in KFOR, 62 military and 49 support staff in the Dutch Unit in

---

<sup>20</sup> Ibid., p. 136.

<sup>21</sup> CEC, 1998, p. 43.

<sup>22</sup> Commission of the European Communities (CEC), *Annual Report on Romania's Accession to the European Union*, Brussels 1999, p. 58.

<sup>23</sup> CEC 2000, p. 81.

<sup>24</sup> CEC 2001, p. 93.



SFOR, and 70 police officers in UNMIK (Kosovo). In 2000, the Romanian contingent deployed in Bosnia-Herzegovina consisted of 203 military personnel whose activities focused on rebuilding transport infrastructure.<sup>25</sup> Romania also participated in a series of OSCE and WEU (MAPE) peacekeeping and observer operations.<sup>26</sup>

Romania shared the EU approach on the consolidation of the European prospects of the Western Balkan States through the strengthening of the framework provided by the European Stabilization and Association Process with elements inspired by the enlargement process. Romania also welcomed the EU decision to initiate a coherent policy towards its future neighbors through the European Neighborhood Policy and continually supported the inclusion of the countries in the Southern Caucasus.<sup>27</sup>

### *EU-Romanian Collaboration on Arms Control*

In 1997, Romania signed the Ottawa Convention on the ban on landmines, as well as the moratorium on the production of anti-personnel landmines.<sup>28</sup> In 1998, the Ottawa Convention on landmines was submitted to Parliament for ratification.<sup>29</sup> The Convention was eventually ratified in November 2000 and entered into force in May 2001. During the course of 1999 Romania associated itself with a joint action of the EU concerning the fight against the proliferation of lightweight and small caliber firearms.<sup>30</sup>

In the field of annual exports control, the National Agency for the Control of Strategic Exports and the Prohibition of Chemical Weapons (ANCESIAC) was established as a body within the Romanian Ministry of Foreign Affairs. This measure was aimed at improving the implementation of existing export controls.<sup>31</sup> Romania also subscribed to the EU Code of Conduct on Arms Exports and continued to respect and implement those aspects of the Code that are applicable to candidate countries.

In September 2002 ANCESIAC published Romania's first Report on Conventional Arms Exports Control.<sup>32</sup> ANCESIAC also launched a computerized export control system with the concerned sectors of Romanian industry and carried out a number of specialized industry awareness-raising exercises. International contacts were further developed in order to benefit from best practices on export control issues.

As a part of the government re-organization in June 2003, ANCESIAC was renamed the National Agency for Export Control (ANCEX) and became administratively subordinated to the Ministry of Foreign Affairs.<sup>33</sup> ANCEX produced Romania's second Report on Conventional Arms Exports Control, which covered the year 2002.

In 2003, Romania also implemented the embargoes and the restrictive measures imposed by the UN, EU, OSCE and others that stemmed from the Wassenaar Agreement regarding the export control for conventional arms and dual-use products. However, the European Commission reported that despite some progress with regard to Arms Export Control, the full

---

<sup>25</sup> CEC 2002, p. 120.

<sup>26</sup> CEC 2003, p. 112.

<sup>27</sup> CEC 2004, p. 137.

<sup>28</sup> CEC 1998, p. 43.

<sup>29</sup> CEC 1999, p. 58.

<sup>30</sup> CEC 2000, p. 82.

<sup>31</sup> CEC 2001, p. 94.

<sup>32</sup> CEC 2002, p. 120.

<sup>33</sup> CEC 2003, p. 113.

implementation of the EU Code of Conduct for Arms Exports and the fight against unauthorized weapons transfers deserved further attention. The Commission noted that there was still no horizontal legislation allowing for the automatic enforcement of economic sanctions. According to the Commission, there were few areas where further work was necessary, but the legislative framework for arms control and on economic sanctions needed to be completed and administrative structures for CFSP participation needed to be finalized.<sup>34</sup>

In 2004, the Commission confirmed that efforts were undertaken to promote transparency in the relationship between the government and the arms manufacturing industries and full implementation of the EU Code of Conduct for Arms Exports. However, the Commission noted that the fight against unauthorised weapons transfers should be further ensured and horizontal legislation allowing for the automatic enforcement of economic sanctions should be adopted.<sup>35</sup>

### *Relations with Neighboring States*

As it was stated previously, good relations with neighboring countries is considered to be a fundamental issue for the European Union. Thus, Romania needed to make sure that its territorial and other problems with its neighbors were solved or they were in the process of being solved in a timely manner in order to gain entry into the European Union.

According to the 2001 Report, Romania's relations with neighboring Balkan countries were mixed. High level visits confirmed a spirit of co-operation between Romania and the new Bulgarian Government and Romania participated in the trilateral summit with Bulgaria and Turkey in February 2001. Diplomatic relations were resumed with Yugoslavia following an official visit from the Yugoslav President.<sup>36</sup> Cooperation with Bulgaria continued in 2002 and relations with the Federal Republic of Yugoslavia and FYROM were improved during the same year.<sup>37</sup> In 2003, Romania continued its efforts to improve and upgrade economic relations with FYROM, Bosnia-Herzegovina and Croatia.<sup>38</sup> As a result, the European Commission expressed its satisfaction with the development of Romania's relations with its neighboring Balkan states.<sup>39</sup>

In reference to Hungary, the European Commission found that the framework of good neighborly relations set up between Romania and Hungary was completed by the Agreement on setting up the Mixed Battalion for Peacekeeping Operations.<sup>40</sup> However, in 1999 relations with Hungary encountered difficulties concerning Hungarian legislation granting preferential status to ethnic Hungarians living in selected third counties (including Romania).<sup>41</sup> Nevertheless, relations with Hungary improved, with the conclusion in December 2001 of a Memorandum of Understanding on the implementation of the Hungarian 'Status Law' with regard to Romanian nationals (the law itself grants preferential status to ethnic Hungarians living in selected third counties). Romania made a positive contribution to the handling of this matter and the tensions

---

<sup>34</sup> Ibid., p. 113.

<sup>35</sup> CEC 2004, p. 137.

<sup>36</sup> CEC 2001, p. 94.

<sup>37</sup> CEC 2002, p. 121.

<sup>38</sup> CEC 2003, p. 113.

<sup>39</sup> CEC 2004, p. 138.

<sup>40</sup> CEC 1998, p. 43.

<sup>41</sup> CEC 2000, p. 82.

diminished considerably to the satisfaction of the European Commission.<sup>42</sup>

Negotiations with Ukraine on the land and sea border delimitation were judged by the European Commission to be positive.<sup>43</sup> However, in 2000 border demarcation negotiations with Ukraine proved controversial due to the Ukrainian decision to authorize oil and gas exploration in one of the areas covered by the negotiations.<sup>44</sup> In June 2003, Romania and Ukraine signed the Treaty on the State Border Regime and agreed to continue negotiations in order to find a mutually acceptable solution for the delimitation of the continental shelf.<sup>45</sup> Eventually, the two countries agreed to bring the issue before the International Court, which in 2008 published its judgment.

Negotiations with the Russian Federation on a Treaty of Friendship and Co-operation were judged by the European Commission to be positive.<sup>46</sup> Due to the efforts of both sides, a Romanian-Russian Treaty on Friendly Relations and Cooperation was signed in July 2003.<sup>47</sup>

In 1998, the European Commission observed that negotiations on the Treaty between Romania and the Republic of Moldova were progressing slowly and leading towards the reinforcement of economic and cultural relations.<sup>48</sup> In May 2000, a Treaty of Partnership and Privileged Relationships between Romania and the Republic of Moldova was initiated.<sup>49</sup> To further satisfy the Commission's request, Romania continued efforts to improve relations with the Republic of Moldova, proposing a 'Partnership for Europe'.<sup>50</sup> But this partnership did not materialize by the time the CFSP Chapter was concluded.

### *Reforming the Romanian Foreign Policy Apparatus*

In order to enhance its administrative capacity to implement the provisions relating to CFSP, as well as ensure co-ordination with EU instruments Romania established a 'Network of Correspondents' in all horizontal and geographical directorates of the Ministry of Foreign Affairs.<sup>51</sup> The latter allocated the necessary resources, both in terms of staffing allocations and in terms of the appropriate information systems, to allow Romania's effective participation in the Associated Correspondents' Network. The Ministry of Foreign Affairs was restructured in 2000 after the new government took office. Subsequently, alignment with the CFSP was managed within its Department for Multilateral Affairs.<sup>52</sup>

Romania served as Chair-in-Office of the OSCE in 2001. This important responsibility was successfully carried out by the Romanian Ministry of Foreign Affairs and during its chairmanship Romania co-operated effectively with the EU institutions.<sup>53</sup> The successful management of the OSCE Presidency provided a clear demonstration to the European Commission of Romania's capacity to assume an international leadership role in the field of

---

<sup>42</sup> CEC 2002, p. 121.

<sup>43</sup> CEC 1998, p. 43.

<sup>44</sup> CEC 2000, p. 82.

<sup>45</sup> CEC 2003, p. 112.

<sup>46</sup> CEC 1998, p. 43.

<sup>47</sup> CEC 2003, p. 113.

<sup>48</sup> CEC 1998, p. 43.

<sup>49</sup> CEC 2000, p. 82.

<sup>50</sup> CEC 2001, p. 94.

<sup>51</sup> CEC 1999, p. 43.

<sup>52</sup> CEC 2000, p. 81.

<sup>53</sup> CEC 2001, p. 94.

foreign affairs.

In 2002, Romania found to have a well-staffed and functioning Ministry of Foreign Affairs that had sufficient administrative capacity to implement the provisions relating to CFSP.<sup>54</sup> The Ministry was connected to the Associated Correspondents' Network information system through which the EU communicates within the CFSP with the associated partners.

In 2003, however, the Commission reported that the Ministry of Foreign Affairs had a European Correspondent but did not yet have a permanent Political Director.<sup>55</sup> Nevertheless, arrangements were made to assume the Political Director's tasks in co-operation meetings with the EU and Romania undertook the responsibility to make relevant changes at a later stage. The Commission also reported that measures to improve administrative capacity were ongoing and a diplomatic academy was created within the Ministry of Foreign Affairs. The academy's main functions were training of Ministry staff and carrying out research in the field of international relations. The Commission's 2004 Annual Report in this area remained unaltered.

## Conclusion

The purpose of this paper was to employ the case of Romania to examine how and to what extent EU candidate countries are able to harmonize their foreign policies and relevant legislation with those of the European Union to meet the requirements of the EU *acquis*. The latter includes all the EU's treaties and laws, declarations and resolutions, international agreements on EU affairs and the judgments given by the Court of Justice. It also includes actions that national governments take together in the area of CFSP and the European defense and Security Policy (ESDP). In addition, candidate states are expected not only to agree with the EU's 'common position's and 'joint actions' but also to show a strong interest, as well as actively participate in international missions alongside with existing EU Member States. Yet, candidate countries are requested to brought the necessary changes in their Foreign Ministries in order to meet the challenges of integration in the CFSP sector. In other words, candidate states are expected to do exactly what the EU Member States do prior to their accession to the European Union and make EU law part of their own national legislation.

This paper has raised three important questions. First, how easy or difficult is it for candidate countries to harmonize their foreign policy structures and orientation with that of the European Union? The answer to this question is that, generally speaking, it is not so difficult as in other areas, such as in the economic and social sectors. However, everything depends on the willingness and commitment of any given candidate state to align itself with the EU *acquis*. The Romanian case has shown that candidate countries should be able and willing to integrate themselves into the EU foreign policy structures; align themselves with the EU policies; accept and adopt international treaty obligations; collaborate actively with the EU on international issues, including arms control, crisis management, peacekeeping, policing, and peacemaking; initiating the necessary structural changes in their Foreign Ministry apparatus to make them more effective in addressing the issue of Europeanization of their foreign policies; and most important, settling any disputes they have with their neighboring countries. The more actively involved a candidate state is in this process, the better it is for its candidature. Moreover, actual participation in various operations is considered to be more valuable than simple agreement.

---

<sup>54</sup> CEC 2002, p. 120.

<sup>55</sup> CEC 2003, p. 113.

A second question was what happens if the candidate countries have to choose between complying with the EU *acquis* to assure accession and maintaining good relations with the United States? In reference to the International Criminal Court, the Romanian case demonstrates how important adherence to the EU *acquis* can be in assessing a country's candidature. The case of the existence of secret US prisons in Romania also indicates how important it is for a Member State to comply with EU policies. However, the weaknesses of the EU system of foreign policy making usually work in favor of the candidate states. This is for two reasons.

First, the doctrine of 'flexibility', also known as 'constructive abstention' or 'enhanced cooperation', allows EU Member States to opt out of certain CFSP actions (particularly those involving defense) as an alternative to vetoing them. Thus, coalitions of the willing can proceed with 'joint actions' even if some Member States find themselves unable or unwilling to participate. Hence, candidate countries, like Romania, instead of having to choose between maintaining cordial relations with the US and complying with the EU *acquis*, they could achieve the former without undermining the latter. Therefore, despite the fact that they might not be part of an EU 'coalition of the willing', candidate countries could still receive a very good assessment in complying with the *acquis* simply because did not prevent the EU of undertaking certain actions.

The second reason is that in case that EU Member States are unable to reach a consensus or agree on 'common positions' and 'joint actions', like in the case of the Iraq War, the candidate states' pro-American positions cannot be negatively assessed by the European Commission. Thus the pro-American stance of the Romanian Government on the Iraq issue did not have any negative consequences for Romania.

The third question was whether the Romanian case was more complicated in comparison with that of Bulgaria. The answer to this question is that unlike in other sectors, in the CFSP sector, the Romanian case proved to be not so complicated due to the willingness of successive Romanian governments to initiate policies that would pave the way for the country's integration into the CFSP within a considerable short period of time. Already in 1997, the European Commission's Opinion concluded that Romania should be able to effectively fulfill its obligations in the field of foreign and security policy.<sup>56</sup>

In 1998, the Commission noted that Romania continued to progress in its alignment with the Common Foreign and Security Policy *acquis*.<sup>57</sup> In 2000, the Commission also arrived in a similar conclusion pointing out that the overall progress achieved in alignment with the *acquis* in the CFSP was satisfactory.<sup>58</sup> The Commission also noted that as the *acquis* in the field of foreign policy and security developed further so Romania should maintain the orientation of its foreign policy in line with that of the EU.

In 2001, Romania was found demonstrating a good track record in the CFSP and that there were no problems regarding Romania's alignment with the CFSP *acquis*.<sup>59</sup> In 2002, the Commission announced that Romania has made steady progress in aligning with the CFSP *acquis*, and its overall performance in this field has been satisfactory. As a result, negotiations on this chapter were provisionally closed.<sup>60</sup> The Commission suggested that Romania should focus

---

<sup>56</sup> Cited in CEC 1998, p. 43.

<sup>57</sup> CEC 1998, p. 43.

<sup>58</sup> CEC 2000, p. 82.

<sup>59</sup> CEC 2001, p. 94.

<sup>60</sup> CEC 2002, p. 121.

further efforts on ensuring that its foreign policy orientation remains in line with the Union's developing foreign and security policy, adopting the legislation on economic sanctions, and finalizing the development of administrative structures. In particular, Romania should ensure that its national policies conform to the EU's common positions, and should defend these positions in international fora.

In its 2004 Report, the Commission noted that Romania continued to make steady progress in aligning with the CFSP *acquis*, and its overall performance in this field was satisfactory. The Commission suggested that in order to complete preparations for membership, Romania's efforts should now focus on the full implementation of the Code of Conduct for Arms Exports and the fight against unauthorized weapons transfers. The legislative framework for arms control and on economic sanctions needed to be completed and administrative structures for CFSP participation needed to be finalized.<sup>61</sup> These annual Commission's assessments demonstrate that due to its willingness and commitment to join the European Union, the compliance of Romania with the EU *acquis* was a rather smooth process.

---

<sup>61</sup> CEC 2004, p. 138.