



Jochen M. Richter

Last Train West

Revisiting Romania's Accession to the EU

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Foreword – Michael Gehler

In the course of the upheavals in Central and Eastern Europe, the uprisings in Timisoara and Arad on 16/17 December 1989 – carried out by the Hungarian minority and bloodily suppressed – triggered mass protests in parts of Romania. President Nicolae Ceaușescu was booed at a rally. Army units sided with the protesters. Bloody street fights with the Securitate followed in Bucharest on 21 December. The next day, Ceaușescu was overthrown by an internal party counter-elite in the course of a palace revolt. Arrested on the run with his wife Elena on 23 December, he was sentenced and executed by a military court in Târgoviște two days later.

The new government was the “Front of National Salvation” (FSN), which appointed the reform communist Ion Iliescu as provisional president on 26 December. The resulting political change was only rudimentary. On 20 May 1990 Iliescu, the FSN candidate, was elected president with 85.5% of the vote, and the FSN became the strongest faction in parliament. The new constitution of 1991 formally abolished the dictatorship. Politics and the economy remained, however, in the hands of ex-communist elites, while the civic opposition, united in the “Democratic Convention” alliance, was suppressed.

With hindsight, the image of an “unfinished revolution between dictatorship and democracy” emerges. Some Romanians go even further and speak of a “corrupted revolution” or even a “confiscated revolution” when they talk about the consequences of 1989. The rapid change from Prime Minister (1990–1991) Petre Roman to Theodor Stolojan (1991–1992) highlighted an unstable situation which was characterised by political antagonism, economic misery, ideological tension, and ethnic conflict.

The state presidential elections of 17 November 1996 were won by the candidate of the “Democratic Convention”, Emil Constantinescu, who

thus exercised actual democratically legitimised power for the first time since 1989. The coalition government under Prime Minister Victor Ciobrea was replaced in April 1998 by Radu Vasile of the “Civic Alliance”, which tried to accelerate the process of catching up with the other transition states.

Romania had already signed an EC Association Agreement in 1993 (in force 1995). It became a member of the NATO Partnership for Peace Programme (PfP) (1994) and the Council of Europe (1995). In the same year it applied for membership of the European Union but had to wait five years before accession negotiations began. In 2004, it became a member of NATO and in 2007 was admitted to the EU. It was and remained a precarious state.

Jochen M. Richter, who defines himself as a “true European”, brings us much new light into Romania’s enlargement – not because he worked for EU institutions for 30 years, but because he consciously experienced the historical fate of his own divided country of origin and thus also the division of the continent. Born a year before the Berlin Wall was built, the shadows of the Cold War are still before his eyes. By the time he retired in 2020, he had lived through four enlargements of the European Communities as an EU official, working in the cabinets of two Commissioners and subsequently as a director at the European Parliament.

As a German-national EU official, Richter served the first Romanian EU Commissioner, Leonard Orban, as Deputy Head of Cabinet. As a contemporary witness, he is ideally situated for retrospective assessments and retrospective evaluations. Richter looks at Romania’s EU accession from three perspectives: a European, a Romanian and a German one. In so doing, he draws on more than a dozen interviews with contemporary observers and participants with very different positions. This multiperspectivity brings balance to his account.

Richter begins by asking probing questions, such as why EU membership is thought of with less than euphoria in Romania; whether politicians and the population had differing expectations of EU membership; why the controversial “Cooperation and Verification Mechanism” (CVM) failed to bolster the fight against corruption; and why the people are still waiting

impatiently to be let into the Schengen area. No need to ask then why a book was needed on this topic – on the contrary, this book is highly necessary to shed more light on the history of this enlargement.

In nine gripping chapters, Richter recounts his specific experience and uses interviews with participants and co-creators, ranging from Romania's accession efforts to the consequences of its membership.

Starting with the European point of view, it would seem that the complexity of the matter was underestimated in Brussels, while from a German point of view, it was moral obligation that dominated, and the momentum of the negotiations had to be used. In retrospect, Richter wonders whether the EU was still sufficiently receptive between 2004 and 2007. For Romania, at any rate, it was the chance – perhaps the last opportunity – to join the coveted community of states.

NATO membership and the Balkan crisis are also rightly taken into account by Richter, because in the end there were political connections between the expansions of both organisations, despite processes that were officially separate. For the Germans, it was a geostrategic question, while for the Romanians it was a test of European loyalty.

Richter also embraces the debate on the so-called Constitutional Treaty 2003–2005, in which the accession candidates were involved. The review of the EU's Copenhagen accession criteria of 1993 is critical. Richter attaches importance to institution-building and does not spare with criticism of the EU's approach. For the German side, the question of the rule of law in the candidate countries was of fundamental importance, but it was here that there was the greatest lack of progress. For Bucharest, on the other hand, the main question was how many euros it could expect. The CVM and the related problem of corruption in Romania, which is still virulent today, is also critically examined by Richter.

On the Romanian side, Richter has managed to tap sources and learn from them how they saw their country humiliated by the continuation of the CVM, while others expressed dismay at the state their country is in today, and some doubted whether sufficient effort had gone into the run-up to accession.

Using a standardised questioning methodology, Richter succeeds in bringing a systematic approach to his study, which thus provides more than just eyewitness assessments, and is more of a scientific treatise.

Although he was less involved in the actual negotiations, one of the conclusions Richter comes to is that the Americans always sided with the candidate countries during the pre-accession process; but in all their pushing they had no understanding of the complexity of the EU and the obligations associated with membership. Ultimately, they had to realise that if these countries wanted to join the EU, they would have to adopt the EU system with its *acquis communautaire* and not the US customs system. Concluding reflections on what could be learned from the experiences and insights into the Romanian case, as well as the author's own reflections, together with an epilogue and a chronology, round off an insightful work that is well worth reading.

One of the central questions Richter concludes with is: How long should and can a country be kept in the EU waiting room? What is clear to him, in any case, is this: Brussels wanted to “export” stability and thus also expected democracy, the rule of law and human rights. However, it turned out that it was easier to change economic conditions than to establish the rule of law and a new culture of values. The willingness and ability to transform were apparently underestimated on both sides. Hans-Gert Pöttering, the President of the European Parliament at the time and a supporter of accession, had to admit in retrospect that he only realised later how difficult it is to change the legal system from communism to a liberal, democratic, and free society.

We learn something new about the conclusion of negotiations with Romania from the changeover of Enlargement Commissioner Günter Verheugen to Olli Rehn in 2004. Rehn did not want to support the provisional conclusion, but the Council Presidency insisted that the Commission should prepare the “right” recommendation. Rehn did not want to endorse it because he thought it was too early. Member States and the Council, however, decided for it as part of the intergovernmental process under the Dutch Council Presidency. Apart from this trial of

strength, which intergovernmentalism won, Richter draws his own conclusions from this enlargement story.

The idea of exporting democracy from outside was illusory and failed because democracy has to grow from within. All institutions in the accession countries should be involved more closely in strengthening civil society. Support, not instruction, was needed, e.g., by promoting civic education in schools to foster an understanding of democracy. It would have helped too to have an exchange programme for government officials and judges, with a view to boosting representation of the future accession candidates in the EU institutions. No candidate country should be in ongoing conflict with a neighbouring country or should at least have settled it beforehand. This question arises above all in the “Western Balkans” (not to mention the EU-associated Ukraine). Richter also recommends that the national political parties of accession countries get integrated into the European party structure at an early stage. For him, the question of the brain drain remains unresolved, as does the problem of the growing imbalance between urban and rural areas. This latter phenomenon exists in all countries, and which should be given greater consideration for the EU regional and structural funds.

Historical research would benefit from more of these insightful flash-backs and perceptive reflections from former EU officials. Richter's book is an excellent source for anyone who wants to study the enlargement of the EU, with special reference to Romania. Anyone who studies this knowledgeable work in depth can only advise the Commission not to take on too much and not to make too many promises to third parties. With Ukraine, the next illusion is looming.

Hildesheim, May 2022

Jean Monnet Chair ad personam
Prof. Dr. Michael Gehler

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