Stocktaking of EU Pre-Accession Monitoring Process,
Citizenship Issues and Non-Citizens in Estonia and Latvia: a
Limits Test for European Union Human Rights Policy

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1. Introduction

I May 2004 will mark the conclusion of the biggest enlargement of the European Union (EU) so far.\(^1\) Ten new candidate States from Central and Eastern Europe will join as full-fledged members. The accession process has been a lengthy one due to a number of reasons. The more detailed and coordinated approach taken for this enlargement was unavoidable, especially

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\(^1\) Denmark, Ireland, the UK (1973), Greece (1981), Spain, Portugal (1986), Austria, Finland, and Sweden (1995).
because of the number and diversity of candidates both among themselves and as compared to previous applicants. Other reasons can also be mentioned. For instance, the EU is more closely integrated than it was even a couple of years ago. Its competence extends to even more spheres, such as health protection, consumer protection, education and alike. In addition, the socialist past of the Central and Eastern European countries (CEEC) had to be taken into account. Moreover, the risks of integration in twice as big a Union as existed at the time of establishment needed to be considered. These examples will serve as illustrations.

However, even after enlargement the future of the European Union remains unclear. The ongoing discussions on the Constitutional Treaty reveal significant disagreements between ‘old’ and ‘new’ members as well as between old States themselves. Moreover, certain topics have not yet even entered the larger debate. This might lead to troubling conclusions. When asked whether the troubles of the European Union mean the end of the idea of a single European project, F. Fukuyama responded ‘What troubles? It’s just bargaining. This project is a long-term one, and whatever setbacks occur, they’ll keep at it. I [do] think there’s going to be a natural evolution in the European Union . . . That’s just the consequence of expansion. And I think that in many ways, in the long run this expansion is quite hopeful’. It can be argued that one of the issues which deserves discussion is human rights policy, and human rights monitoring in particular. It can also be submitted that there are human rights issues which have the potential to become a part of EU human rights policy as a result of enlargement. While the first attempts to assess human rights performance by EU Member States have been launched, they face limits from the lack of general competence in the field of human rights, and risks of unnecessary overlapping. Considerable writing focuses on how these issues should be tackled. Thus, P. Alston and J.H.H. Weiler suggest that internal and external policies need a unified approach, embracing both dimensions of the Union’s approach to human rights. They argue that the internal and external dimensions of human rights policy can never be satisfactorily kept in separate compartments and

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