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Can Slovakia catch-up?

The implications of EU accession talks a year after the Helsinki summit

Vladimir Bilcik, Slovak Foreign Policy Association Research Center

Introduction

Since the dissolution of Czecho-Slovakia in 1993, Slovakia, with its population of about 5.4 million, has emerged as one of the two new successor states. Yet, since gaining its independence Slovakia's political developments have followed a somewhat divergent path from the course of its new western neighbor - the Czech Republic. More broadly, Slovakia also diverged in its transition to democracy from Poland and Hungary, the other two Central European neighbors and two essential elements of the Visegrad group. As a result, Slovakia has been coined as "a region specific country". Its case of regime change from the communist to the post-communist rule has been described as "a borderline case between that of more advanced Central European and lagging South-East European countries". (Szomolanyi, 2000: 16).

The difference between the political trajectory of Slovakia and that of its excommunist Central European neighbors has notably manifested itself in the area of foreign policy. Whilst in March of 1999 Poland, Hungary and the Czech Republic became new members of the North Atlantic Treaty Organization (NATO), Slovakia has only recently become a serious contender for the next wave of NATO enlargement. Likewise, although Czechoslovakia, Hungary and Poland were among the first post-communist states to sign the so-called Europe Agreements with the European Community in 1991, Slovakia found itself excluded from the opening of EU enlargement negotiations in March of 1998 after the European Council's decision at the summit in Luxembourg.² In general, Slovakia's domestic

¹ The Visegrad group of states is composed of four members: Poland, Hungary, the Czech Republic and Slovakia.

The Visegrad cooperation began in February 1991 after three Central European countries – Hungary, Poland and Czechoslovakia – had signed the Visegrad declaration pledging mutual support for the objective of integration into "the European political, economic, security and legislative order".

² The EU summit in Luxembourg held in December 1997 invited six applicant states to start accession talks with the European Union in March 1998. These included five ex-communist countries – Poland, Hungary, the Czech

developments were principally responsible for the country's exclusion from accession processes into western security, economic and political structures. Some argue that the case of Slovakia's exclusion from EU accession talks at the summit in Luxembourg represented "the one clear-cut instance of failed response to democratic conditionality" set out by the Copenhagen criteria in 1993. (Pridham, 1999: 1223)

Following domestic political changes in the aftermath of Slovak parliamentary elections in the fall of 1998, Slovakia has since last year's EU summit in Helsinki entered a group of states negotiating their respective entries into the EU. In addition to being a relatively small and a young state, Slovakia also represents a unique case of a temporary slow-down in the enlargement process due to non-compliance with the Union's political criteria. A closer look at Slovakia in the context of current EU enlargement negotiations therefore offers a good analytical framework from which to examine two very relevant aspects of the accession process. First, Slovakia's path from exclusion to inclusion in accession talks offers an important demonstration of the practical impact of the Union's conditionality on a particular candidate country. Second, the specific case of Slovakia's relegation into the so-called second wave of candidate countries at the Luxembourg summit in 1997 begs a natural question of future possibilities for any country of the Helsinki group for catching up with the more advanced countries of the Luxembourg group.³

This paper attempts to engage both issues. It considers the implications of EU accession talks for Slovakia against the backdrop of a new negotiating framework arising from the summit in Helsinki. The paper argues that whilst the locking of Slovakia inside the negotiating framework brings the EU-Slovak relations to a wholly new stage, it also redefines the focus of interactions between the two parties. This weighs significantly on Slovak domestic developments that now face a wider set of challenges and additional institutional constraints. The EU's commitment to the regatta model of negotiations creates an opportunity for Slovakia to catch up in the accession process. However, the country's progress will largely depend on managing its domestic developments that are now under an even greater scrutiny.

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Republic, Slovenia and Estonia – and Cyprus. This group of states is generally referred to as a 5+1 group or a Luxembourg group.

³ The term 'second wave' denotes the candidate states that did note receive an invitation to begin enlargement negotiations at the Luxembourg summit in December 1997. The Helsinki group consists of the countries that

The paper proceeds in five parts. The first part sets the scene by describing the EU's latest negotiating game. The second part provides background to Slovakia's road to EU accession negotiations. The third part examines the Slovak domestic implications of enlargement negotiations. The fourth part ponders the outstanding contingencies on both the Slovak and the EU side on the way to a successful conclusion of the negotiating phase. Finally, the fifth part provides a brief conclusion.

EU enlargement and the Hel sinki summit: constructing a new negotiating framework or completing the original one?

Whilst a brief glance at the Conclusions of the Finnish Presidency suggests that the EU summit in Helsinki elevated the course of EU enlargement to a wholly different level, the European Union in fact merely reiterated its commitment to the regatta model of accession talks. Although the Helsinki summit's invitation addressed to six additional candidate states to begin enlargement talks in early 2000 has doubled the number of negotiating partners, it has also left the final outcome of EU enlargement uncertain by not setting a date for the completion of the accession process. In principle it has therefore opened the possibility for any country of the Helsinki group to catch up in its progress toward EU membership with the Luxembourg group.

Three factors seemed to have principally motivated the decision of the summit to open accession talks with additional countries. First, certain countries left behind at the EU summit in Luxembourg achieved notable progress in their respective efforts to gain EU membership. Most significantly, Slovakia now fulfilled the political criteria. Latvia continued in its consistent implementation of economic policy and reform. According to the Commission's *Composite Paper* published in October 1999 Latvia should now "be regarded as a functioning market economy". At the same time, Lithuania made "good progress in legislative alignment in the internal market" and Malta – following the reactivation of its application for membership - was added to the list of functioning market economies. In sum, clear differentiation between the Luxembourg group and other applicants became increasingly difficult based on

began accession negotiations in February 2000 following the decision at the EU summit in Helsinki (Slovakia, Latvia, Lithuania, Bulgaria, Romania and Malta).

⁴ The European Commission, Composite Paper: Reports on progress towards accession by each of the candidate countries, October 13, 2000.

the Commission's reports and the criteria set out by the Union. While at the time of the Helsinki summit no country was ready for membership, the differences among the applicant states did not appear large enough to justify any longer the exclusion of some Central and Eastern European countries from direct negotiations.

Second, the crisis in Kosovo and NATO's air campaign against Yugoslavia in the spring of 1999 created a certain domino effect in relation to prospective EU member states. (Friis, 1999: 184-190) This was particularly apparent in relation to Bulgaria and Romania. The Kosovo crisis affected the Balkans in several ways and prompted a clear reaction by the EU. The disruption of the transport route on the Danube river accompanied by dropping trade levels had an adverse economic impact on both countries and the region in broader terms. At the same time, Bulgaria and Romania as immediate neighbors of Yugoslavia showed a great deal of courage by their solidarity with the rest of the EU when both countries supported NATO's actions. For the Union, the Kosovo crisis did not just bring about a new impetus in the area of common defence.⁵ It also motivated a set of new promises of financial aid to the Balkans through the newly established Stability Pact. Moreover, it also helped the EU's decision to invite Romania and Bulgaria to the negotiating table at the summit in Helsinki. Especially with regards to these two currently most credible candidate states for EU accession from South Eastern Europe, enlargement embodies a strong security dimension.

Finally, the conclusions of the Helsinki summit indicated the commitment of the Union to the conclusions of the summit in Luxembourg. Since the opening of accession talks with the first post-communist countries the strategy of the EU toward enlargement has emphasized the approach on an individual rather than a bloc basis. If the Union were to remain consistent with its initial pledge, it had to consider each state on its own merits. Although one can cast some doubt on the objectivity and especially the permanence of EU conditionality (Grabbe, 1998), the Commission's annual assessments arguably represent the most comprehensive source upon which to evaluate candidates for membership. The conclusions of the Helsinki summit in effect represented a test of the credibility of the Union's promise to judge each country individually. The EU simply could not afford to lose this test.

The decision of the Finish Presidency raises important implications for the remainder of enlargement negotiations. Despite the fact that more countries are already in direct talks with the Union, it is still difficult to speak of an authentic regatta model of accession negotiations. It is not possible to have a real regatta race as long as the port – in this case the EU - stays closed and the time, when it may open up, remains illusive. Without a target date for entry in place, the conclusions of the summit elevated the aforementioned twelve states to a comparably similar starting position vis-à-vis the EU even before any dialogue on a number of tough financial and re-distributive issues began.

The current state gives rise to a number of questions with respect to the future course of negotiations. On the one hand, the experience of the Luxembourg group offers a particular model of negotiations that has thus far been applied during the talks with the Helsinki group. This has allowed the countries of the second wave to conclude a number of negotiating chapters at a relatively fast pace. Negotiations have generally proceeded faster than initial talks with the Luxembourg group. Meanwhile, negotiations on the difficult questions of transitional periods, financial arrangements and sensitive policy areas such as Justice and Home Affairs are yet to begin. First these talks are going to examine both the institutional flexibility of the Union to conduct parallel negotiations with as many as twelve states simultaneously and the overall EU ability to manage enlargement internally and compromise on difficult issues. While the Helsinki summit completed the enlargement framework set up in Luxembourg two years earlier, only next few years are going to provide an answer to the question of how well the EU can practically cope with the challenge of enlargement.

Slovakia on the way to the negotiating framework

Against the backdrop of the EU's gradual and delimited steps in its enlargement strategy (Smith & Timmins, 1999: 24-32), Slovakia's path toward EU membership appears a bit more erratic. Although the negotiating framework from Helsinki offers relatively good prospects for the country's advancement in negotiations, the

⁵ See Presidency Conclusions: Cologne European Council, June 3-4, 1999 and Presidency Conclusions: Helsinki European Council, December 10-11, 1999.

 $^{^6}$ The Luxembourg group began accession talks in February 2000. By November 2000 most countries of the group have managed to close most of the relatively uncontroversial chapters in enlargement negotiations. Out

experience of the past years suggests that the means to Slovakia's international success rest with its domestic politics. Slovakia's twisty trajectory to direct accession talks can be divided into three basic periods. The path to EU accession talks was largely dominated by the management of EU political conditionality.

The first period covers a brief span of time from the dissolution of the Czech and Slovak Federal Republic on January 1, 1993 to the first parliamentary elections since independence held in October 1994. Slovakia as a constitutive part of the Czecho-Slovak Federation had a number of positive preconditions for a relatively smooth political and economic transition and for a shared progress together with the other Visegrad states in their respective attempts to join the European political, economic and security institutions. Slovakia belonged to the more prosperous states of Central and Eastern Europe. Its geography and the main borders with the Visegrad neighbors and Austria naturally predestined the country toward the western structures. While with independence Slovakia became more ethnically heterogeneous⁷, Slovakia did not deviate from the Central European neighbors in the degree of its democratic political culture. (Strazay, 2000)

Rather, Slovakia's problem at the inception of its independent state was and in many ways continues to be "the level of political conflict in everyday practice, rather than underlying attitudes". (Henderson, 1999: 224) Throughout most of the 1990s the basic dividing line of domestic conflict seemed to be between 'Nationalists' and 'Europeanists'. (Fisher, 2000) Slovakia's domestic political scene proved fragile and deeply divided. Although Slovakia entered its era of independence with Vladimir Meciar as the first Prime Minister and his Movement for Democratic Slovakia as the dominant political force, the period until the first parliamentary elections was marked by major movements on Slovakia's political scene. In March 1994 Meciar's government was replaced by a broad Left-Right coalition, following divisions within Meciar's political movement and his subsequent loss of parliamentary majority. While the new government, led by Prime Minister Jozef Moravcik, claimed a course of fundamental economic and

of the 31 negotiating chapters up to about one third can be regarded as not very problematic. Of course, this number varies from country to country and largely depends on individual domestic preparation.

⁷ The Hungarian minority accounts for about 11 percent of Slovakia's population. Slovakia also has a sizeable Roma minority whose estimates vary between the official figure of 1.6 percent of the total population up to unofficial figures reaching up to 10 percent of Slovakia's population.

political reforms and a strong commitment to European integration, it lasted only until December of 1994.

A new Meciar-led more nationalist coalition replaced Moravcik's government in the aftermath of Slovakia's first parliamentary elections held between September 30 and October 1, 2000.8 The formation of Slovakia's second government began a new period in Slovak-EU relations and in Slovakia's international position more broadly. This era, lasting until the next parliamentary elections of 1998, was generally characterized by questionable domestic political developments that led to Slovakia's gradual exclusion from western integrationist processes. During this time the country began to deviate from its Visegrad neighbors chiefly due to Meciar's subordination of his stated foreign policy aims to domestic politics. (Henderson, 1999: 228) While the coalition claimed both EU and NATO membership as its principal foreign policy goals, several important political events inside Slovakia determined why Slovakia could not be considered a serious contender for membership in either organization.

Among others, these included an increasingly worse relationship between the Prime Minister Vladimir Meciar and Slovakia's President Michal Kovac. The tensions culminated in the abduction of President's son Michal Kovac Jr. and his deposition across the border to Austria. The Slovak secret service was allegedly implicated in this matter aimed at discrediting the President. The Slovak President's constitutional prerogatives are largely symbolic, though for instance he does wield more power than the German Federal President has. The President, who originated from within Meciar's political movement, was consistently critical of the government and its rather nationalist and non-transparent policies. Apart from this event, the Slovak government ignored the rulings by the Slovak Constitutional Court on several crucial occasions. One exemplary case involved a verdict defying the parliament's decision to strip one its MPs of his parliamentary mandate on the grounds of defection from the ranks of the ruling Movement for Democratic Slovakia. (Wlachovsky & Marusiak, 1997) In addition to these examples, between

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⁸ In addition to the Movement for Democratic Slovakia the governmental coalition included a smaller nationalist party – the Slovak National Party and a newly formed small neo-Stalinist party – Workers' Association of Slovakia.

⁹ German authorities sought to question Michal Kovac Jr. in connection with a fraud case. Kovac Jr.'s kidnapping to Austria brought the President's son closer to German Interpol and set a potentially strong pretext for discrediting his father, the President of the Slovak Republic.

1994 - 1998 Slovakia failed to deliver on its promise to pass a law on the use of minority languages, which was explicitly called for by the Slovak constitution.

The compounded domestic political deficiencies strongly reflected upon Slovakia's international standing. The country became gradually isolated. Unlike its Visegrad neighbors, Slovakia was not invited to join NATO at the Madrid summit in 1997. Similarly, the European Union excluded Slovakia from starting accession talks after the Luxembourg summit in December 1997. Slovakia became sidelined principally due to non-compliance with the Union's political criteria outlined by the EU summit held in Copenhagen in June 1993. Although the country managed to produce relatively good economic results and in terms of living standards stood above some other candidate states – such as Estonia or even Poland, it was relegated to the second wave of applicants because of lacking domestic political stability and major inconsistencies in democratic practice. ¹⁰

The third segment of Slovakia's path toward EU membership began with the replacement of Meciar's government by a broad coalition of Right-Left political forces united mainly by their opposition to Meciar and his policies and by their desire to move Slovakia out of its international isolation. The new government came out of the country's second parliamentary elections in September 1998 and assumed power in November of the same year. The coalition led by Prime Minister Mikulas Dzurinda began to take a series of quick steps aimed at overcoming the political deficits of the previous government. Two additional electoral contests after the parliamentary elections helped to stabilize the domestic political system. First, Slovakia held its municipal elections at the end of 1998. These preceded the country's first direct presidential elections held in May 1999. In this contest the candidate of the governing coalition Rudolf Schuster defeated in a direct popular vote the opposition's candidate – Vladimir Meciar. Within a span of several months Meciar thus suffered his second major political defeat. In addition to these changes,

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¹⁰ The Commission's report prior to the decision at the EU summit in Luxembourg summarized Slovakia's political deficits together with its economic development. See The European Commission, *AGENDA 2000 – For a stronger and wider Europe*, (Luxembourg: Office for Official Publications of the European Communities, 1997).

¹¹The government was composed of four principal political parties. The largest Slovak Democratic Coalition led by Mikulas Dzurinda was a single party further composed of a broad spectrum of 5 constitutive political parties. On the center-right these were the Christian Democratic Movement, the Democratic Party, the Democratic Union; on the left there were the Green Party and the Social Democrats. The other three coalition partners included the post-communist Party of the Democratic Left, the newly established center-left Party of Civic Understanding and the Party of Hungarian Coalition.

¹² President Kovac was elected by the Slovak Parliament. His term of office ended in March 1998. Since that

¹² President Kovac was elected by the Slovak Parliament. His term of office ended in March 1998. Since that date, the Meciar led coalition was unable to muster the constitutionally required majority to elect a new president by the Slovak parliament. The new coalition of governing forces from the parliamentary elections of

Dzurinda's coalition marked a new course in relation to the Hungarian minority. The party representing Slovakia's ethnic Hungarians – the Party of the Hungarian Coalition – became a member of the government. Moreover, in summer 1999 the parliament passed the new law on the use of minority languages. Whilst several long-term problematic political issues, such the status of the Roma minority or the independence of Slovakia's judicial system, remain open, the overall nature of domestic politics changed in important ways with the departure of the Meciar-led coalition in 1998.¹³

The ruling coalition complemented its domestic political changes by vast diplomatic efforts directed toward improved foreign contacts. In the context of Slovakia's bid for EU membership there were two principal trends that helped facilitate Slovakia's break with its recent past under the leadership of Vladimir Meciar between 1994 and 1998. First, in its attempt to regain momentum in the process of preparation for accession to the European Union, Slovakia cooperated closely with the European Commission. To foster Slovakia's efforts, the European Commission created a unique institutional tool: The European Commission – Slovakia High Level Working group which met five times between November 1998 and September 1999. The group was jointly chaired by Deputy Director General Francois Lamoureux for the European Commission and Secretary of State Jan Figel for the Slovak Government. Its purpose was to help Slovakia regain momentum in the process of preparation for EU accession. The group consulted on several specific political, economic and legal issues. One of the concrete outcomes of the group's work was Slovakia's pledge to decide on the closure of two blocks of nuclear reactors - which form a part of the nuclear power plant located in Jaslovske Bohunice. 14 Second, the Slovak leadership improved both the intensity and the quality of bilateral contacts with all member states of the EU. Bilateral relations - so crucial to the ultimate success of enlargement – reached their low point during Meciar's era. Contrary to the previous trend when Slovakia found itself "in the periphery of Central Europe" (Chmel, et

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1998 amended the Slovak Constitution and in early 1999 passed a law on elections of the Slovak President by universal suffrage.

¹³ The position of the Roma minority in Slovakia and in Central Europe more broadly represents a serious challenge and may yet turn out an essential issue on the way to the EU. With respect to the questionable independence of the judicial system, the Commission has criticized the selection process for judges who are subject to a probationary period of four years. The current rule is expected to change as part of a revision of the Slovak Constitution scheduled to pass during Dzurinda's term in office.

¹⁴ See *Conclusions: EC-Slovakia High Level Working Group*, September 8, 1999. Following the end of the group's work, the Slovak government decided to close the two blocks of nuclear reactors by 2006 – 2008.

al., 1998: 273), the Prime Minister Dzurinda alone took part in 35 bilateral foreign visits prior to the EU summit in Helsinki held in December 1999.¹⁵

Although the European Union and its member states clearly welcomed the political changes in Slovakia, initial expectations of the new Slovak leadership about the country's fast inclusion into the Luxembourg group turned out overly optimistic. The EU was not ready to make a statement in relation to Slovakia or any other applicant state for that matter, due to other pressing priorities inside the Union. These included the decision on the Community budget taken at the Berlin summit in March 1999 and the focus on strengthening the Common European Security and Defense Policy at the Cologne summit in June of the same year. In general however, the EU's hesitation in relation to Slovak aspirations also stemmed from the potential fragility of Slovakia's new broad coalition and from the possibility of renewed domestic institutional instability. Consequently, Slovakia had to wait some months for an official invitation to the negotiating table. The breaking point came with the European Commission's 1999 Regular report on Slovakia's progress toward accession. It highlighted Slovakia's recent political reforms and recommended the opening of accession talks. The Helsinki summit subsequently promised both new standards in Slovak - EU relations and a major political departure from the legacy of past developments.

Slovakia inside the negotiating framework: overall implications

Slovakia's status as the Union's negotiating partner has had an undeniable impact on the country's developments. While the immediate task of the Dzurinda-led government was to achieve some basic stability of the political system, the process of negotiations has brought up a whole new set of additional priorities. The focus has shifted on the practicalities of the enlargement process. In a narrow sense of progress Slovakia has done well in its accession talks. By the end of 2000 Slovakia managed to open 16 and close 10 out of the total of 31 negotiating chapters.

These numbers are not terribly relevant, their importance is rather psychological and they serve the public consumption well. After all, most negotiations thus far

¹⁵ Pravda, December 6, 1999.

have been relatively unproblematic and they have concerned mostly less difficult areas of the *acquis communautaire*. Nonetheless, Slovakia's tempo of negotiations suggests that catching up with the more advanced countries may turn out to be a realistic task. Negotiations with the Helsinki group have generally proceeded faster than the talks with the Luxembourg group. While the Luxembourg group has opened all negotiating chapters by the end of the French Presidency, the Helsinki group has been comparatively quicker at closing chapters in the relatively easier areas. To illustrate the point, Poland - in negotiations since March 1998 - has managed to close just 12 chapters by the end of 2000. In terms of pure numbers, Slovakia is not lagging far behind.

For the ultimate success of negotiations, other issues are a lot more crucial than keeping score of open and closed chapters. The locking-in of Slovakia inside the negotiating framework has had important implications for the country's domestic and international standing. In particular it has put to the forefront a set of new challenges in areas of domestic developments, foreign policy and technical aspects of negotiations. The final outcome of accession talks will be largely determined by the combination of Slovakia's own management of its new position vis-à-vis the EU and both by internal and by external pressures that arise from Slovakia's status inside the negotiating framework.

First, negotiations shift the country's attention to a broad assortment of domestic issues. Slovakia has now moved beyond the key problem of managing EU political conditionality. Like in the case of the whole Union, enlargement has become Slovakia's own domestic "complex juggle act". (Friis, 1999: 95) Whilst the departure of the Meciar-led coalition removed the immediate problem of compliance with the EU political criteria, the long-term problem of political developments has not disappeared. Slovakia also faces important economic and institutional tasks.

To begin with, a year after the Helsinki summit the Slovak political scene remains marked by a double challenge. Slovakia continues to face the problem of a credible political opposition. Despite, the result of the 1998 parliamentary elections that brought together the victorious coalition under the leadership of Mikulas Dzurinda, Meciar's Movement for Democratic Slovakia emerged as the single largest political force, wining 43 seats out of the total of 150 in the Slovak Parliament. Although Dzurinda's coalition gained controlled of the total of 93 seats, assuring the

government three-fifth constitutional majority, the other opposition party - the Slovak National Party - captured 14 seats. At the moment neither Meciar's movement nor the Slovak nationalists represent trustworthy political partners for the European Union. Slovakia's only viable ruling force consists of a broad anti-Meciar coalition. This distinguishes the country from the rest of the Visegrad group where there exists no political equivalent of the Meciar phenomenon. Although in November 2000 Meciar suffered his third major popular defeat when the initiative for early parliamentary elections through a referendum ended in a fiasco, he continues to play an important role in Slovak politics. 16 Slovakia's current limited options for a credible political leadership naturally cast some doubt on the course of future political developments.

Furthermore, Slovakia's problem of a credible political opposition has been accentuated by the fragmentation of Dzurinda's coalition. Most notably, the largest segment of the coalition - the Slovak Democratic Coalition (SDK) composed of 5 different parties - has effectively fallen apart. (Meseznikov, 2000: 62 - 65) While the individual political components originally united inside, the SDK have in principle agreed to stick together until this government's term in office runs out in 2002, the Prime Minister Mikulas Dzurinda has already formed his own political party - the Slovak Democratic and Christian Union (SDKU). Dzurinda plans to lead the newly founded SDKU in the next parliamentary elections. The coalition has split further due to the emergence of a new political party Smer, founded in 1999 by a young and a popular politician Robert Fico, formerly a member of the post-communist Party of the Democratic Left. Fico's Smer has positioned itself in opposition to the government. Although Fico has on several occasions excluded the possibility of a future coalition with Meciar, one marked consequence of Smer's establishment has been a drop in voting preferences for the current coalition. Between January and June 2000 the government's voting preferences were consistently below 50 percent, while Smer's preferences oscillated between 15.1 and 23.3 percent during the same period.¹⁷ The movements on Slovakia's political scene between 1998 and 2000 illustrate not only the continuation of the problem of a credible political opposition.

¹⁶The referendum, held on November 11, 2000, was initiated by the Movement for Democratic Slovakia and by the Slovak National Party. The referendum question called for early parliamentary elections to be held 150 days after the official results of the referendum. For it to be successful, at least 50 percent of eligible voters had to take part in the referendum. However, only 20.3 percent came to cast their ballots. Even a successful referendum would have been subject to a decisive vote in the Slovak Parliament. ¹⁷ Sources: *Institute for Public Affairs* and *FOCUS*.

They also demonstrate a visible degree of fragmentation and overall instability in the country's party system.

In addition to implications for domestic politics, negotiations for EU membership have created a new impetus for reforming Slovakia's economy. The European Commission's 1999 Composite Paper described Slovakia together with Lithuania as "close to being functioning market economies". According to the report, "if the reforms, which have been decided or are in the pipeline, are consistently implemented in the coming year, both countries should fulfill this sub-criterion in the course of next year". 18 The end of the Meciar government clearly revealed by late 1998 that the level of Slovakia's growth was unbalanced and that the economy did not go through fundamental structural changes needed for a successful completion of the transition. (Morvay, 2000) The economic revival of the mid-1990s was principally export-driven and short-lived. 9 Slovakia's privatization also did not yield the desired results. Although privatization proceeded, its progress brought about neither the emergence of appropriate regulatory structures nor the necessary funds and skills to achieve successful restructuring of the privatized enterprises. (Marcincin, 2000: 311) Slovakia's unemployment rate remained high²⁰ and the level of foreign direct investment paled in comparison with the other Visegrad countries.

As a result of large macroeconomic imbalances the new Slovak coalition government headed by the Prime Minister Dzurinda imposed new measures aimed at overall economic stabilization. The "Medium-term Concept of economic and social development of the Slovak Republic" was prepared in 1999 and it delineated the priorities for economic development. They included a new approach to macroeconomic regulation, recovery of the business sector and banks and further restructuring. The government introduced new constraints and liberalizing measures while trying to maintain social safety net. The Commission's 2000 Enlargement Strategy Paper indicated some progress in Slovak economic developments. It noted that "Slovakia can be regarded as a functioning market economy and should be able to cope with competitive pressure and market forces

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¹⁸ The European Commission, Composite Paper: Reports on progress towards accession by each of the candidate countries, October 13, 1999.

¹⁹ Throughout the 1990s Slovakia recorded the following rates of annual economic growth: -3.7 percent in 1993, 4.9 percent in 1994, 6.9 percent in 1995, 6.6 percent in 1996, 6.5 percent in 1997, 4.4 percent in 1998 and 2.4 percent in 1999. Source: Morvay, 2000: 29.

within the Union in the medium term, provided that the structural reform agenda is fully implemented and broadened to include remaining reforms". Slovakia's economic transition has not been completed. Although the EU negotiating framework creates additional pressure for fast and effective reforms, the Slovak government finds itself in a precarious position to implement such far-reaching changes at the time when the level of unemployment remains high and the level of growth has slowed down in comparison to previous years. ²²

Parallel to juggling political developments and economic reform, the negotiating phase of the accession process has underscored Slovakia's institutional limitations. (Bilcik, 2000: 67) The extent of Slovakia's successful progress in accession talks with the EU depends in part on the readiness of existing and emerging institutions. Slovakia's integration policy faces a problem of institutional coordination. Negotiations and preparations of new legislation are matters for the political executive. Three key posts manage Slovakia's EU policy. The Ministry of Foreign Affairs is in charge of negotiations with the fifteen member states and the State Secretary at the Ministry acts as the country's chief negotiator. Two Deputy Prime Ministers are responsible for domestic preparation of Slovakia's negotiating positions and of drafts of relevant legislation. One Deputy Prime Minister coordinates these efforts with all other ministries while the other oversees the Institute for the Approximation of Law whose aim is to bring Slovakia's legal framework in line with the EU standards. In 1999 the Slovak parliament failed to pass the target number of new laws in accordance with the country's annual National Program for the Adoption of the Acquis (NPAA). The legislative gap was largely a result of lacking coordination between the three actors chiefly charged with integration policy as well as due to inadequate preparation by specific ministries, in particular the Ministry of Finance.²³ As the pace of legislative change in accordance with the acquis is one of the fundamental preconditions for a successful completion of negotiations, there is much room for improvement in this area.

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²⁰ The unemployment rate reached 17.7 percent in 1999.

²¹The European Commission, Enlargement Strategy Paper: Reports on progress towards accession by each of the candidate countries, November 8, 2000.

²² See footnotes 19 and 20.

²³ Interview with a Slovak diplomat, March 2, 2000. For a detailed breakdown of the institutional basis of Slovakia's integration policy see Juraj Alner, "Integracne procesy na Slovensku" in G. Meseznikov and M. Ivantysyn (eds.) Slovensko 1998-1999: Suhrnna sprava o stave spolocnosti (Bratislava: IVO, 1999), pp. 311 – 332. The weak coordination reflects in part also the political differences between the key players and their differing individual political agenda. State Secretary and chief negotiator Jan Figel is a Christian Democrat while Deputy Prime Minister for European integration Pavol Hamzik heads the Party of Civic Understanding and Deputy Prime Minister for Legislation Lubomir Fogas represents the Party of the Democratic Left.

There are other shortcomings with respect to the institutional base of Slovakia's integration policy. Already the Madrid European Council emphasized that the applicant countries' institutional and administrative capacities to implement the acquis are a key problem in the enlargement preparations. (Krenzler & Everson, 1998) Very notably, Slovakia must confront the problem of adequate capacities. In general terms this is an issue of capacities at the level of individual ministries some of which appear incapable of preparing new laws in a timely fashion. The question of adequate capacities principally relates to a shortage of qualified experts in specific technical areas of European integration. The public sector is understaffed in a number of fields and underpaid compared to the private sector. Next to an increase of existing institutional capacities there is also some need for additional staff and money with regards to successful implementation of new laws. For instance, in 1999 Slovakia passed a very important law on public procurement. However, the law assumes a creation of a brand new office designed to ensure the actual application of this piece of legislation in practice. The creation of such an institution poses a challenge for several years ahead. The case is similar with numerous other new laws that call for further practical implementation. The approximation of the acquis requires not just a solid institutional basis that addresses immediate problems. It also necessitates the building of additional institutions.

While the management of domestic issues represents the key internal task, in relation to the outside world Slovakia finds itself in a new international position. The locking in inside the EU negotiating framework has been accompanied by Slovakia's emergence out of the period of relative international isolation. This has raised more questions, brought up new obligations but also helped to solidify the Slovak aspirations to join the European Union.

The new institutionalized interactions between the European Union and Slovakia have been generally welcome by the public. During the period between early 1999 and summer 2000 the majority of the Slovak public consistently expressed its support for EU membership. While in January 1999 64 percent of the citizens supported Slovakia's integration into the EU, by August 2000 72 percent expressed their support. ²⁴ With the start of negotiations for EU membership, the public

²⁴ Source: Institute for Public Affairs, 1999 and 2000.

support has grown. Next to elite attitudes, public consensus on EU integration is essential for the continued success of accession talks. The real test of public support is bound to come only several years ahead when Slovakia's accession treaty will be ratified in a national referendum. The experience of some neighboring states in talks with the EU since March 1998 suggests a small decline of public support for EU membership.²⁵ In the long-term the new level of relations between Slovakia and the EU creates further obligations with respect to the shaping of public opinion.

International developments have enhanced Slovakia's position inside the EU negotiating framework. First, in the aftermath of the 1998 Slovak parliamentary elections, on October 21 at their meeting in Budapest the Prime Ministers of Poland, the Czech Republic and Hungary asked Slovakia to assume its active role within the Visegrad group. The Visegrad cooperation stagnated during the mid-1990s principally because of Slovakia's gradual international isolation and because of Czech Prime Minister Klaus' generally negative attitude towards the idea of Central European collaboration. In 1997 Tosovsky's government replaced Klaus' government and in 1998 Milos Zeman, a Social Democrat, became the latest Czech Prime Minister. Following Meciar's replacement by Prime Minister Dzurinda, the Visegrad cooperation progressively revitalized. On May 14, 1999 Bratislava - Slovakia's capital - hosted an official meeting of the four Prime Ministers of the Visegrad group who in their *Joint Statement* reaffirmed the aim of Central European political cooperation: the integration of the Visegrad group into the EU and the integration of Slovakia into NATO.

Whilst the level of institutionalization of the Visegrad cooperation cannot be compared to the level of regional cooperation in western Europe - most notably among the Benelux countries²⁷, the group is still significant in the context of Slovak efforts to join the EU. It plays an important declaratory role at the highest political level. Previously marginalized, Slovakia now receives broad support from its Visegrad neighbors in its efforts to catch up in the course of EU accession. For instance, shortly before the Helsinki summit the Presidents of the four Visegrad

²⁵ While in March 1998 60 percent of Poland's citizens expressed support for EU membership, 55 percent of the Polish public supported the idea in June 1999. See: *The Economist*, July 31, 1999.

²⁶ There were other factors too, such the bad state of Slovak-Hungarian bilateral relations.

²⁷ The sole clear example of institutionalized cooperation was the establishment of the Visegrad fund whose aim is to support common projects in the area of culture, education, science, research and sport. The fund officially began to operate after its founding documents had been signed on June 9, 2000. Bratislava is the official seat of the fund. The Visegrad fund's budget for the period 2000-2001 amounts to 1 million euros.

states met together in the Slovak High Tatra mountains. In the common statement they declared that the inclusion of Slovakia in negotiations with the EU would greatly contribute to prosperity and stability in Central Europe and in Europe as a whole.²⁸

The Visegrad group is also becoming a visible common platform for political negotiations especially with western partners. (Lukac, et al., 2000: 371) During the year 2000 the Prime Ministers of the four Visegrad countries met together with German, French and British Prime Ministers respectively.²⁹ European integration represented the one unifying theme of the three different meetings. While Germany has been traditionally viewed as a regional power with strong interests in Central European affairs, the meeting with the French Prime Minister Jospin in May 2000 highlighted the importance of the Visegrad group prior to the start of the French Presidency in the EU. The British Prime Minister Blair used the common summit in Warsaw on October 6 as an opportunity for delivering his contribution to the debate on the finalité of Europe in which he called for fast enlargement of the Union. Finally, the Visegrad group began to consult together on more technical matters of negotiations. (Bilcik et al., 2000: 346 - 347) The chief negotiators of the four countries met in Brussels on April 4, 2000. Furthermore, the Slovak chief negotiator Jan Figel has had intensive bilateral contacts with his Czech counterpart Pavel Telicka. They met together twice during the year 2000 - on March 28 and October 16 - and discussed the progress of negotiations in which the Czech side is more advanced. Overall, the revitalized Visegrad cooperation serves well the Slovak ambitions to catch up in the accession talks. Slovakia receives consistent support from its partners in the group. It is increasingly perceived as a part of Central European block of countries - three of which have been seen as frontrunners for next EU enlargement. And it is beginning to consult on specific aspects of negotiations, especially with the Czech Republic, a country with strong pragmatic reasons for wanting to enter the EU together with Slovakia given the existing customs union between the two states. If the Visegrad cooperation maintains its current pace, it could prove to Slovakia's advantage in the run-up to the completion of EU accession negotiations.

²⁸ See www.v4.sk, Tatranske vyhlasenie prezidentov V4, December 3, 1999.

As the Visegrad cooperation cuts across the Luxembourg and the Helsinki groups of candidate countries, so does membership in a much more institutionalized international organization. On September 28, 2000 Slovakia and the Organization for Economic Cooperation and Development (OECD) signed an agreement setting out the terms of Slovakia's membership and on December 14, 2000 Slovakia became the thirtieth member of the OECD. After the Czech Republic that gained membership in 1995 and Poland and Hungary that became members in 1996, Slovakia is only the fourth post-communist country to be admitted in the OECD. Neither Estonia nor Slovenia is a member of this organization.³⁰ Undeniably, Slovakia's entry into the OECD has positively affected the country's bid to join the EU. In the course of final preparations for membership in the OECD the government was steered toward strict management of the macroeconomic policy. Throughout 1999 and the first half of 2000 Slovakia adopted a number of new laws in the area of privatization and liberalization. In particular, it passed several legal provisions aimed at easing access for foreign investors to Slovak domestic markets. (Bilcik, et al., 2000: 357-358) Many laws necessary for meeting the obligations of the OECD are also compatible with the Union's acquis. As a result of OECD membership, Slovakia is now better prepared for certain negotiations for EU membership.³¹ Although the course of economic transition is not over, the country's membership in the OECD implies constant monitoring of developments by other members of the organization. This creates further pressure on the course of reforms.

Although both the Visegrad cooperation and OECD membership place Slovakia in a better international position that can help facilitate its early entry into the EU, the country still remains in a comparatively different position in relation to the North Atlantic Alliance. Dzurinda's government has claimed membership in NATO as one of its principal foreign policy goals and Slovakia aspires to receive an invitation to join the Alliance at the next NATO summit due to be held in Prague in 2002. In spite of the fact that it is questionable whether the North Atlantic Alliance is going to enlarge in the foreseeable future (Wallander, 2000: 717-723), Slovakia's accession into NATO would provide an additional boost to the country's

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²⁹ The Prime Ministers of the Visegrad countries met the German Chancellor Schröder in Polish Gniezno on April 28, 2000. The four met with the French Prime Minister Jospin in Budapest on May 4, 2000. Finally, the summit of the Prime Ministers with the British Prime Minister Blair was held in Warsaw on October 6, 2000.

³⁰ Both Slovenia and Estonia are generally perceived as being too small for the OECD to go through the admission process. It also seems that after Slovakia's entry the OECD is unlikely to enlarge in the foreseeable future.

future. 31 Interview with a Slovak diplomat, December 13, 2000.

negotiations for EU membership. In international standing it would place Slovakia fully alongside the other Visegrad states. It would also represent a certain solidification of the political developments since Dzurinda's term in office and could provide and an additional international break on a potential return of Meciar-like forces into government.

Bringing the two sides together: Slovak and EU contingencies

The question of Slovakia's ability to catch up in the accession talks will be ultimately determined by a combination of several contingencies both on the EU and on the Slovak side. The European Union made its first essential step toward enlargement at the summit in Nice in December 2000 that concluded the intergovernmental conference on institutional reform. Although in its conclusions the Nice Treaty did not go much beyond the leftovers of Amsterdam³², the reforms of the Commission, the Council and the European Parliament combined with the removal of unanimous decision-making in certain policy areas pave the basic way for the Union's eastern enlargement. On paper the Nice Treaty may allow for institutional adaptation of all current twelve applicant states, however in reality the EU system of governance seems ever more complex. One notable example is the new principle of "triple majority" agreed upon in Nice. Namely, many decisions in the Council will now have to pass three concurrent hurdles based on a majority of member states, at least 62 percent of the EU population and actual votes in the Council.

To avoid further undermining the present set of complex rules after enlargement, the European Union already faces the task of dealing with post-Nice leftovers. These include an in-depth debate about the future shape of EU decision-making, EU treaties and EU powers. The breadth and the success of enlargement will in part depend on the outcome of the next intergovernmental conference scheduled for 2004. The agenda of the next IGC will attempt to delineate competencies between EU institutions, member states and EU regions, simplify the treaties, discuss the concept of an EU constitution and the status of the Charter of Fundamental Rights and the involvement of national parliaments. Greater transparency in combination with some simplicity and clarity could help facilitate the enlargement process and future policy-making in a wider EU.

³² The main leftovers of from the Amsterdam EU summit held in June 1997 included the size and the composition of the European Commission, the weighting of the votes in the Council and the effectiveness of the decision-making process.

The Nice Treaty has also effectively implied a possible date for enlargement. The Conclusions of the French Presidency state the "hope" that new member states can take part in the next elections to the European Parliament. According to the Treaty of Nice this requires that accession treaties with applicant states be "signed by 1 January 2004 at the latest". Also the new rules for weighting of votes in the Council and for the composition of the European Commission will first be applied on 1 January 2005. These dates raise a long-term question about institutional adaptability of those applicant states that are not going to sign their accession treaty by the beginning of 2004 or those candidates whose accession treaties simply cannot be ratified by the beginning of 2005. Although the speed of enlargement will largely depend on the progress in candidate states, the preparation of the EU is no less important. Apart from outstanding institutional and constitutional questions, there exist other immediate and short-term contingencies.

The course of accession talks during 2001 will reveal much about the prospects for enlargement and about any remaining gaps between the Luxembourg and the Helsinki groups of candidate states. During the first half of the year 2001 the Swedish Presidency has set enlargement as one of its top policy priorities. Its work program for enlargement negotiations³⁵ indicates an emergent dividing line between Romania and Bulgaria on the one hand and the other ten candidate states on the other. While Bulgaria and Romania in particular appear slower both at opening and at closing of negotiating chapters, the differences between the Luxembourg group and the remainder of the Helsinki group show tendency to become smaller. By the end of the Swedish Presidency Slovakia is expected to have opened at least 28 negotiating chapters and Latvia and Lithuania should open all 29 substantive negotiating chapters.³⁶

³³ See annex I to the Treaty of Nice: "Protocol on the enlargement of the European Union".

³⁴ In either case, accession to the European Union could be delayed considerably as the next European Parliament will be elected for the period between 2004 and 2009 and the next European Commission due to be formed in early 2005 will serve its term until 2010. The mechanisms for institutional admission of new member states between 2004 – 2009 and 2005 – 2010 respectively seem at best unclear.

³⁵ See www.eu2001.se.
³⁶ Slovakia may not open the negotiating chapter "Financial control" during the first half of 2001. This is especially due to insufficient legislative progress prior to the publication of the Commission's *Enlargement Strategy Paper: Reports on progress towards accession by each of the candidate countries.* Since then Slovakia has passed several new relevant laws and given further legislative progress a recent decision by the COREPER keeps alive the

In broader terms, the speed of negotiations will be determined by the practical applications of the plan for negotiations between 2001 and the first half of 2002 outlined in the Commission's *Enlargement Strategy Paper* and approved by the Conclusions of the French Presidency. As negotiations are soon going to touch some very sensitive issues that will involve questions of financial transfers, subsidies and transitory arrangements in policy areas such as the free movement of labor, the current EU-15 has to confront the task of producing its common EU position. With divergent interests and fifteen different and - in most countries - coalition governments this presents a real challenge for the completion of accession talks.

Due to the high salience of certain policy arrangements in a wider EU, the political elites remain wary. Germany's Chancellor Schroder suggested in a recent speech held in Bavaria that new EU citizens from Central and Eastern Europe should not enjoy full freedom of movement with the current Union for seven years.³⁷ Public opinion in EU member states also poses a potential stumbling block to enlargement. According to the latest research about 60 percent of EU citizens do not view accession of new states as a priority. Although it is a priority for the majority of Danes (57 percent), only a minority of French (21 percent) and German (20 percent) citizens perceive it as such. (Eurobarometer: 2000). The outcome of major European electoral contests therefore represents an additional contingency on the way to an enlarged EU. The United Kingdom is expected to hold parliamentary elections in the spring of 2001, while France is scheduled to have its presidential and parliamentary contests in 2002 and Germany is going to elect its new Chancellor in the fall of 2002.³⁸ It is likely that some of the most difficult questions in accession talks are only going to be resolved after these electoral battles.

The experience of Slovak accession talks thus far together with the list of EU contingencies raise a number of questions for Slovak developments toward full membership in the European Union. Most fundamentally, Slovakia still carries with it the negative political baggage of the Meciar era. Despite its fragmentary nature, the current government represents the one plausible alternative. The ability of Dzurinda's coalition to carry on and stay the course of reforms will importantly shape Slovakia's chances of joining the EU together with its Visegrad neighbors.

possibility of opening this chapter under the Swedish Presidency. By the end of the Swedish Presidency Bulgaria is expected to open 20 negotiating chapters, while Romania will have opened only 15.

37 See *The Economist*, December 23, 2000.

Ultimately, the result of the next parliamentary elections scheduled for the fall of 2002 is going to provide a more decisive answer to Slovak aspirations for EU membership. (Leska, 2000: 89) These elections will serve as a test of Slovak political credibility and continuity of current policies. Although Slovakia's party system is likely to remain in flux for some years to come producing large coalitions of divergent interests, it is the nature of domestic politics – particularly the degree of domestic political conflict - that will significantly affect the course of the country's preparations for EU membership. While public opinion remains strongly committed to EU integration, it still has the potential through electoral contests to undermine the present advancements towards EU membership.

Slovakia's status inside the EU negotiating framework turned the country's attention toward a number of different short-term political, economic and international goals. The goal of NATO membership remains an outstanding foreign policy contingency. Its achievement could both solidify Slovakia's international position in Central Europe and help boost the Slovak bid for EU membership. The next summit of the North Atlantic Alliance scheduled for 2002 in Prague will be crucial from the standpoint of current Slovak efforts. Principal domestic contingencies include a number of new legislative measures. In January 2001 the Slovak government approved a list of 167 priority tasks in connection with preparations for EU membership during the year 2001.³⁹ Especially two legislative tasks appear of the utmost importance. First, the current government promised to amend the Slovak constitution, however despite its possession of constitutional majority in the Slovak parliament, it has been rather sluggish at delivering on its pledge. The constitution should finally be amended during February 2001. The adopted changes are expected to pave the way towards the reform of the country's judicial system whose state had previously been criticized by the Commission. Also, the new amendments should clarify the legal status of international treaties - such as the EU accession treaty - and their ensuing obligations in the context Slovak law. Other changes are expected in the area of competencies of the President and local authorities. There is also a proposal to create the Ombudsman's Office. 40

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³⁸ Neue Zürcher Zeitung, "Blair visiert Wahlen im Frühling an", December 7, 2000.

³⁹ Pravda, "Zlyhanie je nepripustne", January 16, 2001.

⁴⁰ The Slovak constitution was finally amended on February 23, 2001, just as this paper was ready to be printed. The amendments passed by the smallest possible margin when exactly three fifths of the members of the Slovak National Council (90 out of the total of 150) voted for them. The changes covered the areas I mention in the text. The amended constitution will be applied from July 1, 2001, although in certain areas the amendments will only be applied from January 1, 2002.

Second, the government has been preparing a comprehensive public administration reform, however it has thus far been unable to agree on its extent and its adoption. The reform of public administration encompasses a whole set of issues, such as the division of central and local competencies and the future shape of Slovakia's regions. Its implementation is expected to shape the country's regional policy - an integral part of the EU's *acquis*. The failure to go ahead with this reform could in fact significantly hinder legislative and practical progress in several important of areas of the *acquis*. The Slovak Deputy Prime Minister Hamzik, in charge of EU integration, recently suggested that without the public administration reform "we shall not be among the states invited to join the European Union".⁴¹

Finally, next to domestic preparations in accordance with the acquis Slovakia faces a general contingency in the speed and the substance of membership negotiations. Its progress has given some credence to Slovak claims of parallel EU accession together with the Luxembourg group. Although the pace of accession talks will significantly depend on the EU-15, Slovak demands for transitory arrangements in the postaccession stage are also going to affect the nature of negotiations. The key demands for temporary exclusion from the Union's acquis are likely to be in the areas where the adoption and especially the implementation of new legislation is contingent upon Slovakia's economic potential. (Javorcik, 1999) These include the chapters on free movement of services and capital, transport, environment and agriculture. In this sense Slovakia does not differ much from the other post-communist states. In fact, the country's size and its relatively good economic standing together with the nature and the comparable magnitude of problems in these policy areas (most notably in comparison to Poland) can place Slovakia in a solid negotiating position. At the moment it does not seem likely that specific demands for transitory arrangements are significantly going to hinder Slovakia's progress on its way to the EU. Rather, the underlying contingency still remains with domestic political developments that are largely going to determine the direction of policy reforms and societal change.

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⁴¹ Pravda, "Zlyhanie je nepripustne", January 16, 2001.

Conclusion

Against the backdrop of Slovakia's twisty path toward EU membership this paper has attempted to engage the issue of the country's ability to catch up with candidate states from the Luxembourg group in the course of accession negotiations. The paper has very briefly reviewed the major turning points in EU-Slovak relations and especially in Slovak internal political developments that were chiefly responsible for the country's temporary exclusion from membership talks following the conclusions of the Luxembourg summit. The example of Slovakia shows that issues of democratic practice in applicant states clearly matter and can have far-reaching implications. Despite its relatively good pre-conditions for a clear path toward EU membership, Slovakia's trajectory on the way to accession negotiations proved rather complicated.

The Union's decision at the summit in Helsinki to conduct parallel negotiations with as many as twelve candidate states offers Slovakia a new chance for gaining EU membership in the foreseeable future. Following some basic political changes after the Slovak parliamentary elections in 1998 Slovakia has made notable shifts in several important areas of internal developments and has intensified its international activities. The experience of membership negotiations a year after the Helsinki summit illustrates a much broader domestic focus on a variety of political. economic and legislative questions. Yet, although EU membership will ultimately largely depend on the fulfillment of several technical factors, Slovakia still needs to prove as a long-term credible political partner. Here the level of domestic political consensus and the outcome of the next parliamentary contest will be crucial. Given the various contingencies on the EU side on the way to an enlarged Union, Slovakia has the time and the international position to continue the process of progressive reforms. The country stands a plausible chance of joining the EU together with its Visegrad neighbors. However, undoing much of the Slovak legacy from the mid-1990s is still going to take some years.

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