Nino Bigvava

Assistant-researcher Institute of Political Sciences of Ilia's University

Territorial Integration into European Union

(Integration in EU based on the conflict examples and perspectives for Georgia)

Abstract

The enlargement of the European Union remains a prominent topic of discussion in international relations. For Georgia, as one of the Eastern Partnership countries, European integration and eventual membership in the Union constitute a fundamental foreign policy objective. This aspiration has been enshrined at the constitutional level. However, it must be noted that unresolved territorial disputes, particularly in the context of Georgia's frozen conflicts, may present significant challenges and contradictions in the integration process.

The purpose of this article is to examine the European Union's approach to territorial issues and to analyze the challenges faced by states with occupied territories in their quest for integration. To achieve this objective, the article reviews the legislative framework of the European Union, highlighting key provisions that emphasize territorial integrity, the inviolability of borders, and the broader agenda concerning territorial disputes (Territorial Agenda). Additionally, the discussion considers historical precedents, as conflicts have also occurred within the territories of current EU member states, such as Cyprus, Montenegro, Serbia-Kosovo. Notably, while the issue of Northern Cyprus remains unresolved and in a frozen state, the Republic of Cyprus has been a member of the EU since 2004, providing a precedent for states with unresolved territorial disputes.

The article integrates theoretical perspectives, legislative analysis, and case studies from international relations and history. This multidisciplinary approach facilitates a comprehensive understanding of the prospects for territorial integration within the EU and enables the identification of potential pathways for addressing such challenges in the future.

Key words: *Georgia, European Union, territories, enlargement, integration, international relations, conflicts, Treaties.*

Introduction

The European Union (EU) is a distinctive supranational entity comprising multiple member states with diverse territories and legal systems (TEU, 2012). Within the EU framework, the concept of territories is of paramount importance, serving as the foundation for the application and scope of EU legislation. The existing legal frameworks governing territorial matters encompass issues related to border expansion, border management, and external relations. This article explores the significance of the EU's territorial domain, examines the legislative frameworks underpinning the territorial integration of new members, and analyzes key definitions, regulations, and practical examples of how such issues have been addressed within the context of conflict situations.

When addressing the subject of territorial integration in the European Union, it is essential to thoroughly examine and understand how the EU conceptualizes territories. The EU's legal framework delineates the division of competences among its institutions and member states, outlines protocols for border protection and management, and establishes principles for international border cooperation. These aspects are critical to the governance of territories within the EU context.

The EU's legal framework defines territories in varying ways. This section discusses the classification of member state territories and territories with special statuses, such as outermost regions, coastal areas, and overseas territories. The Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) provide the foundational definitions and principles governing the management and integration of these territories. Key components of this analysis include:

- The definition of territories within the context of the European Union;

- The recognition of other territories under EU law, such as outermost regions and territories with special status;

- The implications of territorial definitions for the application of EU law.

This structured approach enables a comprehensive understanding of how territorial issues are conceptualized, legislated, and operationalized within the European Union, highlighting the complexities and nuances involved in territorial governance and integration.

Comprehensive Analysis of European Union Territorial Frameworks

The European Union's approach to territorial management is built upon a sophisticated system of legal and administrative frameworks that recognize the diverse nature of European territories (TEU, art.4(2), 2012). The fundamental structure begins with the standard territory of member states, where all EU laws and regulations apply fully and uniformly (TEU, art.5, 2012). However, the system extends far beyond this basic application to encompass various special cases and unique territorial situations that require customized approaches (OJEU, 2013).

Core Legislative Foundation

The legislative foundation for EU territorial management rests primarily on several key treaties and agreements that work together to create a comprehensive legal framework (TEU, art.52(1), 2012; TFEU, art.355, 2012). The Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) establish the basic principles for territorial governance, while numerous supplementary agreements and protocols provide specific details for particular regions and situations (TFEU, art.349, 2012).

The European Union's territorial framework is governed by a complex interplay of legal instruments that work together to ensure effective governance while maintaining flexibility. These instruments include comprehensive treaties that establish fundamental principles, detailed regulations that specify implementation requirements, and specialized directives that address specific territorial challenges. Each element of this framework serves a distinct purpose while contributing to the overall coherence of EU territorial policy (TH, 2023).

The European Union has developed sophisticated mechanisms for adapting its policies to regional circumstances without compromising the overall unity of EU law. These mechanisms allow for special considerations in areas such as:

1. Economic Development: The framework provides specific tools for promoting economic growth in less-developed regions through targeted investment programs and customized economic policies that address local needs and challenges (TFEU, art.174, 175, 2012).

2. Environmental Protection: Special provisions exist for environmentally sensitive areas, allowing for stricter protection measures while ensuring economic activities can continue in a sustainable manner (TFEU, art.191(2), 2012).

3. Cultural Preservation: The framework includes specific measures to protect and promote regional cultural heritage, recognizing that cultural diversity is a fundamental strength of the European Union (TFEU, art. 167, 2012).

The implementation of EU territorial policies involves multiple layers of governance working in coordinated fashion. National governments work closely with EU institutions to ensure proper application of territorial policies, while regional and local authorities play crucial roles in day-to-day implementation and monitoring.

There are several examples where the practical application of EU territorial frameworks can be seen in various successful initiatives across the Union:

In the Canary Islands, special economic provisions have been implemented to address the challenges of insularity while promoting sustainable economic development. These measures include modified tax regulations and specific support for traditional industries (Lahtinen H., Wintjes R., Stare M., Welie A.V., Räsänen P., 2014).

The Arctic regions of Finland and Sweden benefit from specialized programs that address their unique geographical and climatic challenges while promoting sustainable development and protecting indigenous communities (EU External Action, 2019).

The European Union has established comprehensive financial support systems to ensure effective implementation of territorial policies, as well. These include:

- The European Regional Development Fund (ERDF), which provides substantial funding for infrastructure development and economic modernization in less-developed regions (ERDF, 2014).
- The Cohesion Fund, which supports environmental and transport infrastructure projects in regions where the gross national income per inhabitant is less than 90% of the EU average (CF, 2014).
- Special funding programs designed specifically for outermost regions and islands, addressing their unique challenges and development needs.

There are key frameworks which includes analysis of territories of European Union and such are *Territorial Cohesion* and *Territorial Agenda*. Territorial cohesion is a core principle of the European Union (EU) aimed at fostering balanced, sustainable, and inclusive development across its diverse regions. This concept complements economic and social cohesion by emphasizing the spatial dimension of development. It is fundamental to achieving equality of opportunity, reducing disparities, and addressing the unique challenges faced by various

territories, including urban, rural, coastal, and border areas. Key principles of Territorial Cohesion are equity in access to services; reducing regional disparities; sustainable development and place-based policies.

The Territorial Agenda is the EU's strategic framework for achieving territorial cohesion. The original agenda, adopted in 2007, has evolved to reflect changing challenges, including globalization, climate change, digitalization, and socio-economic inequalities. Its latest iteration, the Territorial Agenda 2030, was adopted in 2020, reaffirming the EU's commitment to "A Future for All Places" through two central priorities (TA, 2021):

- A Just Europe: Focused on reducing disparities and ensuring fair access to opportunities (TA, p.15, 2021).
- A Green Europe: Committed to sustainable and climate-resilient territorial development (TA, p.19, 2021).

By the years Territorial Agenda was changed and the Territorial Agenda 2030 outlined a vision for balanced and sustainable Europe, emphasizing the importance of integrating territorial considerations into all levels of governance. It encourages collaboration between the EU, member states, regional authorities, and other stakeholders.

The Territorial Agenda primarily focuses on intra-EU disparities, its principles are applicable to broader contexts, like Conflict Resolution which means cross-border cooperation and integrated spatial planning are tool to reduce territorial tensions and EU Enlargement which provides framework for integrating new member states, addressing disparities and fostering inclusive growth.

Territorial cohesion aims to ensure that all regions, regardless of their socio-economic status or geographical location, contribute to and benefit from the EU's development goals. This principle supports integration in several ways:

1. *Reducing   Disparities*:
   Territorial cohesion seeks to address economic, social, and spatial inequalities, which is particularly relevant for candidate countries that often face significant regional disparities. Reducing these disparities is a prerequisite for meeting the EU's standards for membership and alignment with its policies (Levrat N., 2021); (McEwen N., 2021).

2. *Improving   Cross-Border   Cooperation*:
   The EU emphasizes regional and cross-border collaboration as a tool to foster integration. Programs like Interreg encourage cooperation between regions across

member states and candidate countries, creating partnerships that ease the transition into the EU's institutional and economic framework (Levrat N., 2021); (McEwen N., 2021)..

3. *Sustainable Development and Green Transition*: Territorial cohesion policies align with the EU's climate and environmental goals, ensuring that new member states adopt sustainable practices. Candidate countries are required to integrate these practices into their governance and development plans, making territorial cohesion central to the accession process (TA, 2021); (Palermo F., 2021).

Analysis of European Union Territorial Frameworks

Case Studies: Territorial Sovereignty Conflicts and EU's role

The role of the European Union (EU) in addressing territorial sovereignty conflicts has gained significant attention, particularly in the wake of Russia's invasion of Ukraine. This geopolitical crisis has heightened concerns among Eastern Partnership (EaP) countries regarding their territorial integrity and security. It has also sparked debates among political leaders and policymakers about the potential role of EU membership in resolving such disputes. Questions such as, "Will accession to the EU facilitate the resolution of territorial conflicts?" and "How effective is the European Parliament in addressing these issues?" have elevated the prominence of this topic in international and regional discussions.

To critically assess the EU's role and evaluate its legislative and policy mechanisms in dealing with territorial sovereignty conflicts, it is essential to examine practical examples and precedents that highlight the Union's involvement and influence.

Cyprus and the Annan Plan: A Case Study in EU Sovereignty Challenges

The case of Cyprus exemplifies the complexities the European Union (EU) faces in addressing sovereignty disputes, particularly when conflicts remain unresolved before accession. Before Cyprus joined the EU in 2004, the Union supported a United Nations (UN)-proposed plan for reunification, known as the Annan Plan. This initiative aimed to resolve the island's long-standing division, a consequence of the Turkish invasion in 1974. However, the plan's failure underscored the challenges of external mediation and the repercussions of admitting a divided state into the EU.

The Annan Plan, developed under the guidance of then-UN Secretary-General Kofi Annan, sought to create a bi-zonal, bi-communal federation on the island. Its framework emphasized political equality between Greek and Turkish Cypriots, outlining provisions for power-sharing, territorial adjustments, property restitution, and security guarantees. The EU strongly supported this initiative, considering it essential for fostering stability and ensuring Cyprus's accession as a unified state (Palermo, 2012).

In April 2004, simultaneous referenda on the Annan Plan were held on both sides of the island. While Turkish Cypriots supported the plan with 65% approval, Greek Cypriots rejected it by 76%. Their opposition stemmed from concerns over perceived imbalances in power-sharing and fears that property restitution and territorial adjustments were inadequate. According to Palermo (2012), "The rejection by Greek Cypriots reflected deeper mistrust and a belief that the plan failed to address their historical grievances sufficiently." The rejection left the island divided, with the internationally recognized Republic of Cyprus governing the south and the Turkish Republic of Northern Cyprus, recognized only by Turkey, in control of the north.

Despite the failure of reunification, the EU admitted the Republic of Cyprus on May 1, 2004. However, the acquis Communautaire—the body of EU law—was suspended in Northern Cyprus, excluding the Turkish Cypriot community from EU benefits. This decision revealed the EU's prioritization of political compromise over complete conflict resolution, setting a precedent for the integration of states with unresolved disputes.

Palermo (2012) notes that "the accession of a divided Cyprus into the EU was both a political compromise and a legal anomaly, demonstrating the Union's inability to enforce comprehensive conflict resolution before enlargement." This outcome entrenched the island's division within the EU framework, complicating future reconciliation efforts. Furthermore, the admission of Cyprus without addressing its territorial issues created tensions within the EU, particularly regarding Turkey's own aspirations for membership.

The division of Cyprus continues to impede effective conflict resolution, illustrating the limitations of the EU's role as a mediator. Although the EU has maintained its support for reunification through initiatives like the Green Line Regulation, which facilitates trade between the two sides, its leverage has diminished post-accession. The Republic of Cyprus, as an EU member state, has used its veto power to block measures perceived as favoring Turkish Cypriots or Turkey, further complicating negotiations (Christou, 2020).

This dynamic also strained EU-Turkey relations, as the unresolved Cyprus conflict remains a major obstacle to Turkey's EU accession process. Tocci (2004) argues that "the EU's premature

inclusion of Cyprus without reunification diminished its credibility as a transformative actor, capable of leveraging conditionality for conflict resolution." The lack of progress has also deepened frustrations among Turkish Cypriots, who feel marginalized within the European framework despite their support for reunification.

The Cyprus case illustrates the risks of creating "frozen conflicts," where the absence of active hostilities masks unresolved political and territorial grievances. Christou (2020) highlights that "such scenarios challenge the EU's ability to maintain its principles of democracy and rule of law while navigating the complexities of sovereignty disputes."

The Cyprus experience offers valuable lessons for the EU's future approach to enlargement and conflict resolution. First, it underscores the importance of resolving sovereignty disputes comprehensively before granting membership. As Tocci (2004) emphasizes, "Unresolved conflicts can undermine the EU's cohesion, complicate governance, and weaken its role as a mediator." This is particularly relevant for other regions with contested territories, such as the Western Balkans and Eastern Partnership countries, where similar challenges persist.

Second, the case highlights the limitations of relying solely on external mediation frameworks like the Annan Plan. Palermo (2012) notes that "effective conflict resolution requires not only high-level negotiations but also grassroots engagement to build trust and consensus among affected communities." Without such localized efforts, even well-structured plans risk rejection, as seen in Cyprus.

Finally, the EU must strengthen its mechanisms for conflict resolution by providing clearer benchmarks and timelines for candidate states. The Cyprus case demonstrates the need for robust pre-accession frameworks that address territorial disputes explicitly, ensuring that unresolved issues do not hinder integration or destabilize the Union post-accession.

The Annan Plan and the subsequent accession of Cyprus to the EU reveal the complexities of integrating states with unresolved territorial conflicts. While the EU's support for reunification reflected its commitment to stability and integration, the failure to resolve the Cyprus issue before accession has had lasting consequences. As Palermo (2012) observes, "The case of Cyprus serves as a cautionary tale for future enlargements, emphasizing the need for comprehensive conflict resolution and a balance between political, legal, and practical considerations." By learning from this experience, the EU can refine its strategies for addressing sovereignty disputes and enhance its role as a mediator and transformative actor in future enlargements.

Montenegro's Independence (2006): A Case Study in EU Mediation Success

The 2006 independence referendum in Montenegro is widely regarded as a successful instance of European Union (EU) involvement in resolving sovereignty disputes. The EU played a pivotal role in ensuring the referendum's legitimacy by establishing clear guidelines and thresholds for its outcome. This intervention not only demonstrated the EU's capacity to mediate in politically sensitive contexts but also upheld democratic principles, setting a benchmark for conflict resolution in the region.

Montenegro's independence was a long-standing issue that intensified after the dissolution of Yugoslavia in the 1990s. By 2006, Montenegro remained in a state union with Serbia, a remnant of the former Yugoslav federation (Palermo, 2012). However, growing political and cultural differences fueled calls for independence, with Montenegrins seeking greater control over their political and economic future. The situation was marked by a polarized electorate, with a significant portion of the population opposing secession.

Recognizing the potential for unrest and the importance of maintaining regional stability, the EU became actively involved in the lead-up to the referendum. This intervention aligned with the EU's broader strategy to stabilize the Western Balkans through democratization and integration into European structures. As Palermo (2012) explains, "The EU's engagement in Montenegro underscored its commitment to fostering stability through dialogue and adherence to democratic norms."

The EU's involvement was instrumental in designing the legal and procedural framework for the referendum. One of the most notable aspects of its mediation was the establishment of a dual threshold to ensure a clear and legitimate outcome. This agreement required at least 55% of voters to favor independence, with a minimum voter turnout of 50%. The thresholds were deliberately set to avoid post-referendum disputes and ensure that any decision had broad public support (Palermo, 2012).

The EU's Special Envoy, Miroslav Lajčák, played a critical role in facilitating negotiations between pro-independence and pro-union factions. Lajčák's efforts reflected the EU's commitment to neutrality and transparency in the process. According to Tocci (2004), "The EU's role in Montenegro highlights the importance of impartial mediation in resolving contested sovereignty issues." By securing the agreement of all stakeholders, the EU minimized the risk of conflict and ensured that the referendum adhered to democratic standards.

The referendum, held on May 21, 2006, saw a high voter turnout of 86.5%, reflecting the population's strong engagement with the issue. The final result showed 55.5% in favor of

independence, narrowly surpassing the required threshold. This outcome demonstrated the effectiveness of the EU's mediation in creating a framework that both sides accepted as fair and legitimate (Deloy C., Levy H., 2006).

The success of the referendum was a significant milestone for Montenegro and the region. It marked the peaceful dissolution of the Serbia-Montenegro union and set a precedent for resolving similar disputes through democratic means. As Palermo (2012) observes, "The Montenegro referendum illustrates how clear procedural rules and robust international oversight can facilitate the peaceful resolution of sovereignty disputes."

The success of Montenegro's independence referendum has several implications for the EU's role in conflict resolution and its broader enlargement strategy. First, it highlights the importance of clear and enforceable procedural frameworks in resolving sovereignty disputes. The dual threshold ensured that the referendum outcome was both decisive and broadly representative of public opinion, reducing the risk of post-referendum instability.

Second, the case underscores the value of active EU engagement in facilitating dialogue and building consensus among conflicting parties. As Tocci (2004) notes, "Effective mediation requires not only impartiality but also a deep understanding of local political dynamics and sensitivities." The EU's involvement in Montenegro exemplified this approach, with its envoys playing a central role in bridging divides and fostering mutual trust.

Finally, Montenegro's independence demonstrates the EU's capacity to act as a transformative actor in the Western Balkans. By promoting democratic principles and supporting peaceful transitions, the EU reinforced its credibility as a mediator and its commitment to regional stability. This success has informed the EU's approach to other sovereignty disputes, including those in Kosovo, Bosnia and Herzegovina, and the Eastern Partnership countries.

Despite its success, the Montenegro referendum also highlights some challenges inherent in EU mediation. The dual threshold, while effective in this instance, has been criticized as overly restrictive and potentially undemocratic in other contexts. For example, critics argue that such thresholds could marginalize minority voices or create barriers to self-determination (Palermo, 2012). Additionally, the EU's reliance on conditionality—linking mediation efforts to prospects for future EU membership—has been both a strength and a limitation. While this approach incentivizes reforms, it can also lead to protracted negotiations and unmet expectations, as seen in other parts of the Western Balkans.

Montenegro's 2006 independence referendum stands out as a successful example of EU mediation in sovereignty disputes. Through its active involvement, the EU facilitated a fair

and transparent process that upheld democratic standards and ensured regional stability. As Palermo (2012) succinctly puts it, "The Montenegro case highlights the EU's potential to act as a stabilizing force, provided it engages with local contexts and implements clear procedural frameworks." This experience has not only shaped the EU's approach to the Western Balkans but also provided valuable lessons for its engagement with other contested territories and aspiring member states.

Serbia and Kosovo Dialogues: A Case Study in EU Mediation and Sovereignty

The ongoing dialogue between Serbia and Kosovo, mediated by the European Union (EU) since 2011, represents one of the EU's most complex and nuanced efforts to address issues of sovereignty and territorial disputes. This process, grounded in the principles of "creative ambiguity," aims to normalize relations between the two parties without taking a definitive stance on Kosovo's status. The EU's approach, while yielding several pragmatic agreements, underscores the challenges of navigating sensitive sovereignty issues while promoting peace and integration in the Western Balkans.

Kosovo declared independence from Serbia in 2008, following years of conflict and NATO intervention during the 1990s. While over 100 countries have recognized Kosovo's sovereignty, Serbia continues to claim the territory as an integral part of its state. The unresolved status of Kosovo has implications for regional stability and the EU's broader goals of integration and cohesion in the Western Balkans.

To address this impasse, the EU initiated the Serbia-Kosovo Dialogue in 2011. As Levrat (2021) notes, "The dialogue represents an innovative model of EU mediation, utilizing creative legal and political mechanisms to bridge deeply entrenched differences." This process aligns with the EU's strategic interest in stabilizing the region and paving the way for the eventual accession of both Serbia and Kosovo to the Union.

One of the defining features of the EU's mediation strategy is its reliance on "creative ambiguity." This approach allows the EU to facilitate agreements on practical issues without requiring immediate resolution of Kosovo's contested status. By focusing on functional cooperation rather than sovereignty, the EU has managed to achieve incremental progress in areas critical to daily life and regional stability.

A key success of this strategy is the 2013 Brussels Agreement, which addressed issues such as the establishment of an Association of Serb-majority Municipalities in Kosovo and the integration of Serbian police and judiciary into Kosovo's legal framework. As Levrat (2021)

observes, "The Brussels Agreement exemplifies the EU's ability to foster compromises on governance and institutional arrangements while deferring contentious sovereignty debates."

Other achievements include agreements on trade, freedom of movement, and energy distribution. For example, the EU brokered a deal to remove trade barriers between Serbia and Kosovo, facilitating economic integration and reducing tensions. Palermo (2012) highlights that "pragmatic agreements on trade and mobility underscore the EU's role as a stabilizing force, capable of addressing practical issues even in the absence of a final political settlement."

Despite these achievements, the Serbia-Kosovo Dialogue has faced significant challenges. One of the primary obstacles is the lack of political will among both parties to fully implement agreements. For instance, the establishment of the Association of Serb-majority Municipalities has been repeatedly delayed due to disagreements over its scope and autonomy. This reflects broader issues of mistrust and the influence of nationalist rhetoric in both Serbia and Kosovo.

Additionally, the EU's strategy of creative ambiguity has drawn criticism for its inherent limitations. While it allows for incremental progress, it also risks entrenching the status quo. As Tocci (2014) argues, "By avoiding explicit positions on sovereignty, the EU's approach can perpetuate uncertainty and delay the resolution of fundamental issues." This dynamic has been particularly evident in the stalemate over Kosovo's international recognition, which remains a major barrier to its EU accession.

The Serbia-Kosovo Dialogue offers important insights into the EU's role as a mediator in sovereignty disputes. First, it highlights the Union's ability to adapt its strategies to the unique political and legal complexities of each conflict. By prioritizing practical cooperation, the EU has demonstrated that progress is possible even in deeply polarized contexts.

Second, the dialogue underscores the importance of conditionality in EU mediation efforts. Both Serbia and Kosovo view EU membership as a long-term goal, and the promise of accession serves as a powerful incentive for engagement. However, the EU must carefully balance this leverage with the need to maintain its credibility. As Levrat (2021) notes, "The EU's effectiveness as a mediator depends on its ability to deliver tangible benefits while maintaining its principles of democracy, rule of law, and respect for sovereignty."

Finally, the case of Serbia and Kosovo illustrates the challenges of multilevel governance within the EU's enlargement policy. The differing positions of EU member states on Kosovo's status complicate the Union's ability to present a unified stance. Palermo (2012) emphasizes that "internal divisions within the EU can undermine its coherence and limit its effectiveness as a mediator in sovereignty disputes."

The experience of the Serbia-Kosovo Dialogue offers valuable lessons for the EU's broader approach to territorial disputes and enlargement. First, it underscores the need for robust monitoring and enforcement mechanisms to ensure the implementation of agreements. Without such mechanisms, even well-negotiated compromises risk being undermined by political inertia or opposition.

Second, the dialogue highlights the importance of balancing pragmatism with long-term vision. While creative ambiguity has facilitated incremental progress, the EU must eventually address the core issues of sovereignty and recognition to achieve lasting stability. As Tocci (2014) argues, "A comprehensive resolution requires the EU to move beyond short-term pragmatism and engage with the deeper political and legal dimensions of the conflict."

The Serbia-Kosovo Dialogue represents a complex and ongoing effort by the EU to mediate one of the most intractable sovereignty disputes in Europe. Through its strategy of creative ambiguity, the EU has achieved notable progress in fostering practical cooperation and reducing tensions. However, significant challenges remain, including the implementation of agreements, the resolution of Kosovo's status, and the management of internal EU divisions. By learning from this experience, the EU can refine its approach to mediation and enhance its role as a transformative actor in the Western Balkans and beyond.

Key Challenges in Sovereignty Conflicts

The European Union faces significant challenges in addressing territorial conflicts, many of which stem from the complex interplay between sovereignty and its multi-level governance system. This system, while ensuring representation and consensus among member states, often leads to protracted decision-making processes in conflict resolution. The need to balance internal cohesion with external conflict-resolution efforts further complicates the EU's role, as it must address diverse interests and priorities among its member states while remaining consistent with its external policies.

A crucial aspect of these challenges lies in the EU's dual responsibility: safeguarding the principles of sovereignty and territorial integrity within its borders while acting as a mediator or facilitator in external conflicts. This duality necessitates navigating tensions between national sovereignty and supranational authority, particularly in cases involving candidate countries. Understanding these challenges is essential for analyzing how the EU approaches conflict resolution and for evaluating the integration prospects of states aspiring to join the

Union. By addressing these issues comprehensively, the EU can strengthen its capacity to resolve conflicts and foster greater stability within and beyond its borders.

The European Union's multilevel governance model, a system that distributes decision-making authority across local, national, and supranational levels, significantly complicates its involvement in territorial sovereignty disputes. This model, while promoting inclusivity and shared responsibility, often introduces challenges in balancing the autonomy of member states with the overarching competencies of the EU (Bran F., Bodislav A., Radulescu C.V., 2019). Sovereignty claims in contested regions frequently intersect with EU legal frameworks and policy objectives, necessitating intricate legal and constitutional adjustments to mediate these overlaps effectively.

One of the fundamental complexities lies in reconciling diverse national interpretations of sovereignty with the EU's supranational principles. For instance, territorial conflicts such as those in Cyprus, Northern Ireland, and the Basque Country demonstrate the challenges of applying a unified EU approach to sovereignty while respecting the autonomy of its member states (Bourne A., 2003). Such conflicts also reveal the limits of the EU's role, as sovereignty remains a sensitive and politically charged concept that directly impacts the Union's constitutional structure and its relationship with candidate and member states.

The EU's legal framework, grounded in treaties like the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), is designed to uphold core values of democracy, rule of law, and territorial integrity. However, sovereignty disputes often require these principles to be interpreted and applied in context-specific ways, reflecting the unique political, historical, and cultural dimensions of each conflict. According to Levrat (2021), "these situations necessitate robust legal frameworks capable of navigating the tension between national sovereignty and the EU's supranational objectives." This underscores the importance of constitutionalism in mediating such disputes, where the rule of law serves as a guiding principle for conflict resolution.

Furthermore, the EU's multilevel governance model inherently stretches decision-making processes over longer timeframes. The need for consensus among member states and alignment with supranational bodies often slows down responses to sovereignty disputes. For example, the EU's approach to the status of Northern Cyprus or the territorial aspirations of Scotland illustrates how negotiations at multiple governance levels can delay resolution efforts, even as the EU remains committed to its values of inclusivity and unity.

This extended timeline can also affect the integration prospects of candidate countries. States with unresolved territorial disputes may face prolonged accession processes, as the EU requires adherence to its principles of territorial integrity and peaceful conflict resolution . The case of Serbia and Kosovo serves as a prominent example, where the normalization of relations between the two remains a precondition for EU membership (Vulovic M., 2023). In such scenarios, the EU's constitutional framework and multilevel governance system act both as facilitators and constraints, promoting dialogue but often delaying concrete outcomes.

Developing more dynamic and flexible frameworks to address sovereignty disputes within this governance model is essential for the EU's ability to act effectively in such matters. Proposals such as enhanced mechanisms for subsidiarity—ensuring decisions are made at the most appropriate level—and stronger mediation platforms reflect an evolving recognition of the complexities involved. These frameworks must balance the EU's foundational principles with the diverse realities of its member states and candidate countries, ensuring that sovereignty disputes do not undermine the Union's cohesion or its ability to integrate new members (TFEU, art. 79 (3), 2012).

The interplay of multilevel governance and constitutionalism presents both opportunities and challenges for the EU in addressing sovereignty disputes. By refining its legal and governance structures to better accommodate the complexities of territorial conflicts, the EU can enhance its role as a mediator while upholding its commitment to democracy, the rule of law, and territorial integrity. As Levrat (2021) asserts, such efforts are critical to ensuring that the EU remains a credible and effective actor in resolving disputes and fostering integration in an increasingly interconnected and contested global landscape.

Precedents for Accession States in Addressing Sovereignty Disputes

The European Union (EU) provides important precedents for aspiring member states navigating sovereignty disputes, offering lessons through its handling of territorial conflicts within and beyond its borders. While the EU promotes values of territorial integrity, democracy, and the rule of law, its responses to sovereignty issues often reflect the complex interplay between political pragmatism, legal frameworks, and multilateral negotiations. Examples such as Northern Cyprus and the Western Balkans illustrate the Union's mixed record in managing sovereignty conflicts, with implications for candidate states seeking accession.

Northern Cyprus: The Limits of EU Integration in Unresolved Conflicts

The case of Northern Cyprus remains one of the most notable examples of the challenges associated with unresolved sovereignty disputes in the EU context. Despite the Republic of Cyprus joining the EU in 2004, the northern part of the island, which has been under Turkish control since 1974, remains excluded due to the ongoing division. The EU's approach to Northern Cyprus highlights the limitations of its integration mechanisms when faced with entrenched territorial conflicts.

Although the EU supports reunification efforts through frameworks like the **Annan Plan** and promotes cooperation between the two sides, these initiatives have not yet led to a resolution. The continued division creates a precedent for how unresolved conflicts may hinder full integration. Scholars argue that "the Cyprus case reveals the EU's limited capacity to unilaterally resolve deep-seated territorial disputes, especially when external actors like Turkey are involved" (Christou, 2020). This precedent raises concerns for candidate countries with similar unresolved issues, emphasizing the importance of resolving territorial conflicts prior to accession.

Western Balkans: Balancing Mediation and Integration

The EU's engagement in the Western Balkans serves as another critical precedent, demonstrating both the potential and challenges of its conflict-resolution strategies. Through its Stabilization and Association Process (SAP), the EU has linked conflict resolution with the promise of eventual membership, providing a framework for incentivizing reforms in governance, rule of law, and regional cooperation.

For instance, the normalization of relations between Serbia and Kosovo remains a key condition for their EU accession. The **Brussels Agreement** of 2013 marked a significant step toward reconciliation, with the EU playing a central role in mediating dialogue between the two parties. However, progress has been uneven, and negotiations often face setbacks due to political resistance and lack of implementation. The Western Balkans experience illustrates that while EU mediation can foster reforms, it also risks creating "protracted dialogues that lack definitive resolutions," undermining public trust in the integration process (Skoutaris N., 2023)..

Moreover, the EU's approach in the region underscores the challenges of maintaining credibility and consistency. Critics argue that the slow pace of integration has weakened the EU's influence, with countries like Bosnia and Herzegovina expressing frustration over the perceived lack of progress. As Toal and Dahlman (2011) note, "the EU's inability to offer clear

timelines for accession diminishes its role as a transformative actor in the Western Balkans." This highlights the need for more robust mechanisms to ensure that sovereignty disputes do not indefinitely delay accession processes.

Implications for Aspiring Member States

The precedents set by Northern Cyprus and the Western Balkans carry important implications for current and aspiring EU candidate states, particularly those in the **Eastern Partnership** region, such as Ukraine, Georgia, and Moldova. These countries often grapple with unresolved territorial disputes, such as the conflict in Donbas, the situation in Abkhazia and South Ossetia, and Transnistria. The EU's ability to support these states hinges on its capacity to balance principles of sovereignty and territorial integrity with the pragmatic realities of geopolitics.

The EU's emphasis on multilevel governance and legal frameworks provides a roadmap for these countries to align with European norms. However, as the Western Balkans experience demonstrates, the Union must avoid prolonged negotiations that erode trust in the accession process. Instead, it should focus on creating clearer benchmarks and timelines for integration, ensuring that unresolved conflicts are addressed through comprehensive and enforceable agreements.

Additionally, the EU's approach to sovereignty disputes must account for the involvement of external powers, such as Russia, which often exacerbates conflicts in its neighboring regions. By leveraging tools such as the **Eastern Partnership Initiative** and increasing its diplomatic presence, the EU can strengthen its role as a mediator and support candidate states in navigating their territorial challenges.

Conclusion

The EU's handling of sovereignty disputes offers critical lessons for aspiring member states, highlighting both the potential and limitations of its integration model. The case of Northern Cyprus demonstrates the challenges of unresolved conflicts within the Union, while the Western Balkans illustrates how EU mediation can foster reforms but also risks delays and political stalemates. These precedents underscore the importance of addressing sovereignty disputes early in the accession process, ensuring that candidate countries meet the EU's principles of territorial integrity and rule of law.

As the EU continues to expand its influence, particularly in regions facing complex territorial challenges, it must refine its strategies to balance legal, political, and practical considerations. By learning from past experiences and adopting more dynamic approaches, the EU can

enhance its role as a stabilizing force and support the integration of new member states into a cohesive and resilient Union.

Many candidate states struggle with underdeveloped regions and socio-economic inequalities, which require significant investment and structural reforms. Aligning with territorial cohesion principles often involves overhauling governance systems, which can be resource-intensive (Levrat N., 2012).

Some regions face territorial disputes or conflicts that hinder integration. The EU's emphasis on territorial cohesion provides a framework for resolving these conflicts through cooperative planning and shared development goals. For instance, cross-border cooperation has been a tool for addressing disputes in the Western Balkans and the Eastern Partnership regions (Levrat N., 2021).

Territorial cohesion depends on collaboration across governance levels. Ensuring that candidate countries have robust mechanisms for local, regional, and national coordination is vital for successful integration (Levrat N., 2021), (McEwen N., 2021). The Territorial Agenda 2030 emphasizes the use of data and evidence to guide policymaking. Candidate countries must build capacities for collecting and analyzing territorial data to align with EU practices (McEwen N., 2021).

Regional disparities often stem from inadequate infrastructure. The EU must prioritize investments in transport, digital connectivity, and energy in candidate countries to reduce gaps and support integration (Levrat N., 2021).

Territorial cohesion and the Territorial Agenda are critical to the EU's integration strategy, addressing disparities, fostering collaboration, and aligning candidate countries with EU policies. By emphasizing balanced development, sustainability, and cross-border cooperation, these frameworks not only prepare candidate countries for membership but also strengthen the EU's unity and resilience. The integration process remains challenging, but the principles of territorial cohesion provide a roadmap for addressing obstacles and achieving a more cohesive, inclusive Europe.

The cases of candidate states with unresolved territorial conflicts illustrate that accession to the European Union (EU) is not strictly precluded by such disputes, as evidenced by Cyprus's membership. Cyprus's accession in 2004 occurred despite the island's division and the failure to resolve its sovereignty conflict. This precedent demonstrates that while the EU prioritizes stability, democracy, and rule of law, it can adopt flexible approaches when integrating countries with unresolved issues (Palermo, 2012).

Georgia, with its frozen conflicts in Abkhazia and South Ossetia, presents a similar challenge. Resolution of these conflicts can only be achieved through peaceful means, and the EU, leveraging its mediation capabilities, can play a pivotal role in facilitating negotiations. The EU has demonstrated its potential as a mediator in other sovereignty disputes, such as the Serbia-Kosovo dialogue, by fostering dialogue and promoting pragmatic agreements. Such engagement reflects the EU's commitment to stabilizing its neighborhood while upholding its principles (Levrat, 2021).

The Territorial Agenda 2030 and the principle of territorial cohesion provide a robust framework for addressing territorial disputes within the EU's enlargement process. Territorial cohesion, as enshrined in the Treaty on the Functioning of the European Union (TFEU), seeks to reduce disparities between regions, promoting inclusivity and cooperation. Similarly, the Treaty on European Union (TEU) emphasizes the importance of solidarity and mutual respect for sovereignty, guiding the EU's approach to resolving conflicts peacefully.

By applying these principles and frameworks, the EU offers candidate countries a structured pathway to manage territorial challenges while advancing integration prospects. The case of Georgia underscores the transformative potential of EU policies and instruments in fostering peace, stability, and alignment with EU values in regions marked by frozen conflicts.

References:

Bran F., Bodislav A., Radulescu C.V., 2019, "*European Multi-Level Governance*"

https://ecsdev.org/ojs/index.php/ejsd/article/download/918/913/1826#:~:text=Multi%2Dlevel%20governance%20is%20a,policies%20of%20the%20European%20Union.

Bourne A., 2003, „*European Integration and Conflict Resolution in the Basque Country*", *Northern Ireland and Cyprus*, Perspectives on European Politics and Society 4(3):391-415

CF, Cohesion Fund, 2014, *"Cohesion Fund 2014-2020:,* Source: https://ec.europa.eu/regional_policy/funding/cohesion-fund/2014-2020_en

Christou, G. (2020). "*The EU and Conflict Resolution: Promoting Stability and Integration*".

Deloy C., Levy H., 2006, "*After twenty four years of union with Serbia Montenegro is independent again",* Foundation Robert Schuman. Source: https://www.robert-schuman.eu/en/monitor/518-after-twenty-four-years-of-union-with-serbia-montenegro-is-independent-again

European Union External Action, 2019, "*EU in the Arctic: protecting the environment and promoting sustainable development in the region".* Source: https://www.eeas.europa.eu/eeas/eu-arctic-protecting-environment-and-promoting-sustainable-development-region_en

ERDF, 2014, „*European Regional Development Fund 2014-2020".* Source: https://ec.europa.eu/regional_policy/funding/erdf/2014-2020_en

Lahtinen H., Wintjes R., Stare M., Welie A.V., Räsänen P., 2014, "*Policy Brief for the Canary Islands".* Source: https://ec.europa.eu/docsroom/documents/5642/attachments/1/translations/en/renditions/native

Levrat N., 2021, "*How and Why Should the EU Intervene in Conflicts of Sovereignties on its Territory?".* Source: https://revistaidees.cat/en/how-and-why-should-the-eu-intervene-in-conflicts-of-sovereignties-on-its-territory/

Levrat, N., 2021. *"EU Mediation and Sovereignty Disputes: The Case of Kosovo and Serbia".*

Official Journal of the European Union, L 347, 20.12.2013. Source: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL%3A2013%3A347%3ATOC

Palermo, F. , 2012. *"The EU and Territorial Disputes: Lessons from Cyprus*.

Palermo F., 2021, "*Proceduralizing territorial conflicts in the name of constitutionalism"*. Source: https://revistaidees.cat/en/proceduralizing-territorial-conflicts-in-the-name-of-constitutionalism/

McEwen N., 2021, "*Towards a More Effective EU Response to Domestic Sovereignty Conflicts"*. Source: https://revistaidees.cat/en/towards-a-more-effective-eu-response-to-domestic-sovereignty-conflicts/

TFEU, 2012, *Consolidated Version of The Treaty on the Functioning of The European Union* Source: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12012E/TXT:en:PDF

TEU, 2012 https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

Territorial cooperation, 2021, Source: https://www.europarl.europa.eu/factsheets/en/sheet/98/european-territorial-cooperation

Territorial cohesion; 2021, - https://ec.europa.eu/regional_policy/policy/what/territorial-cohesion_en#:~:text=Territorial%20cohesion%20is%20promoting%20balanced,Territorial%20Agenda%202030)

Territorial Agenda of EU, 2021, Source: https://ec.europa.eu/regional_policy/sources/policy/what/territorial-cohesion/territorial_agenda_2020.pdf

Toal, G., & Dahlman, C. (2011). *Bosnia Remade: Ethnic Cleansing and Its Reversal.* Source: https://www.academia.edu/39692042/Reading_Bosnia_Remade_Ethnic_Cleansing_and_Its_Reversal

Tocci, N. (2004). *EU Conditionality and Conflict Transformation: Lessons from Cyprus*.

Skoutaris N., (2023). *Problematising the Role of the EU in Territorial Sovereignty Conflicts.* IDEES. Source: https://revistaidees.cat/en/problematising-the-role-of-the-eu-in-territorial-sovereignty-conflicts/?pdf=35098

Vulovic M., 2023, *How the EU can secure the implementation of the "European proposal",* doi:10.18449/2023C17 https://www.swp-berlin.org/10.18449/2023C17/