

The transformative power of Europe reloaded: the limits of external Europeanization

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The Transformative Power of Europe Reloaded

The Limits of External Europeanization

Tanja A. Börzel

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THE TRANSFORMATIVE POWER OF EUROPE RELOADED

THE LIMITS OF EXTERNAL EUROPEANIZATION

Tanja A. Börzel

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Abstract

With the borders of the European Union (EU) moved eastwards, students of Europeanization have been awarded yet another real-world experiment. This paper explores to what extent existing Europeanization approaches travel beyond the EU's border to its South Eastern and Eastern neighbours, which are marked by "bad governance" with regard to both the effectiveness and democratic legitimacy of their domestic institutions. The first part outlines key insights of the literature on "Europeanization West" regarding the outcomes and the mechanism of the domestic impact of the EU. Then, I summarize the main findings of research on "Europeanization East" focusing on factors that have limited or at least qualified the domestic impact of the EU in the ten Central and Eastern Europe (CEE) countries in comparison to the EU 15 (those that were members before the 2004 enlargement). This paper discusses to what extent the concepts and causal mechanisms need even further qualification when applied to countries, such as the European Neighbourhood Countries (ENC), that are neither willing nor necessarily capable of adapting to Europe and that do not even have the incentive of EU membership to cope with the costs. I will argue that the EU is unlikely to deploy any transformative power in its neighbourhood as long as it does not adjust its "accession tool box" to countries the EU does not want to take on as members. The paper concludes with some considerations on the policy implications of the EU's approach of "move closer but don't touch" which has started to creep into its relations with the Western Balkans and Turkey.

The Author



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1. Introduction¹

With the ever-growing transfer of competences to the European Union (EU), students of European politics have become increasingly interested in how European integration has transformed the domestic institutions, policies, and political processes in the member states. Eastern enlargement created a unique opportunity for the next generation of Europeanization research to test the various approaches that had emerged to account for the conditions and causal mechanisms through which the EU triggers domestic change. We know by now that Europeanization in the Central and Eastern European (CEE) accession countries ('CEE 10') has evolved in somewhat different ways than in the old member states ('EU 15') and has not completely met our theoretical expectations, both with regard to process and outcomes. The historical trajectories and the peculiarities of the accession process, by which candidate countries have to Europeanize as a condition and not a consequence of membership, have significantly mitigated the domestic impact of the EU.

With the borders of the EU having moved eastwards, students of Europeanization have been awarded yet another real-world experiment. As in case of the CEE – and the Western Balkan countries – the EU seeks to transform the domestic structures of the Newly Independent States (NIS) that used to be part of the Soviet Union and now form the immediate backyard of the EU. In order to foster peace, stability and prosperity in its near abroad, the EU seeks to build a “ring of friends” (European Commission 2003a) that share the same norms and principles of good governance as the EU and its member states and adapt their domestic institutions and policies accordingly. Unlike the CEE states, however, the neighbourhood countries appear to be stuck in transition and suffer from serious problems of both weak state capacity and defect democracy. This is what they share with most of the Western Balkans. But unlike them, the “neighbours of Europe” do not have a membership perspective, at least not in the foreseeable future. Nor have they been subject to the intense and still ongoing state-building and democratization efforts of international and transnational actors, among which the EU has been only one, albeit a prominent one.

This paper will explore to what extent existing Europeanization approaches travel beyond the EU's border to its South East and Eastern neighbours, which are marked by “bad governance” with regard to both the effectiveness and democratic legitimacy of their domestic institutions.² I will start with outlining key insights of the literature on “Europeanization West” regarding the outcomes and the mechanism of the domestic impact of the EU. I will then summarize the main findings of research on “Europeanization East” focusing on factors that have limited or at least qualified the domestic impact of the EU in the ten Central

1 The paper heavily draws on findings of the research project B2 *Gutes Regieren ohne den Schatten der Hierarchie? Korruptionsbekämpfung im südlichen Kaukasus im Rahmen der EU-Nachbarschaftspolitik*, which is part of the Collaborative Research Center SFB 700 Governance in Areas of Limited Statehood, funded by the German Research Foundation (DFG) (http://www.sfb-governance.de/teilprojekte/projektbereich_b/b2/index.html). I am enormously grateful to Yasemin Pamuk and Andreas Stahn for providing me with empirical material for this paper. I also thank Juan Diez Medrano, Thomas Risse, Amy Verdun, and the participants of the research seminars of the Research College “The Transformative Power of Europe” and of the Institut Barcelona d'Estudis Internacionals for their excellent comments.

2 It would be beyond the scope of this paper to include the countries, which are associated with EU as members of the European Economic Area (Lavenex et al. 2009; Emerson et al. 2002; Smith 1999). Moreover, the relationship of the EU with Norway, Iceland, Liechtenstein and Switzerland (which has a bilateral association agreement with the EU) is far less asymmetric since they are involved in formulation and enforcement of EU internal market policies. Nor do they suffer from problems of bad governance.

and Eastern European countries that joined the EU in 2004 and 2007 ('CEE 10') in comparison to the fifteen member states that were in the EU before the 2004 enlargement ('EU 15'). The bulk of the paper will discuss to what extent the concepts and causal mechanisms need even further qualification when applied to countries, such as the European Neighbourhood Countries (ENC), that are neither willing nor necessarily capable of adapting to the EU and that do not even have the prospect of EU membership to look forward to cope with the costs or anticipate the full benefits. In this paper I argue that the EU is unlikely to deploy much transformative power in its South Eastern and Eastern neighbourhood as long as it does not adjust its "accession tool box" that it uses to engage with countries that are unlikely to be given EU membership prospective in the foreseeable future. The paper concludes with some considerations on the policy implications of the EU's approach of "move closer but don't touch" which has started to creep into its relations with the Western Balkans and Turkey, which do have a membership perspective that looks, however, ever less credible.

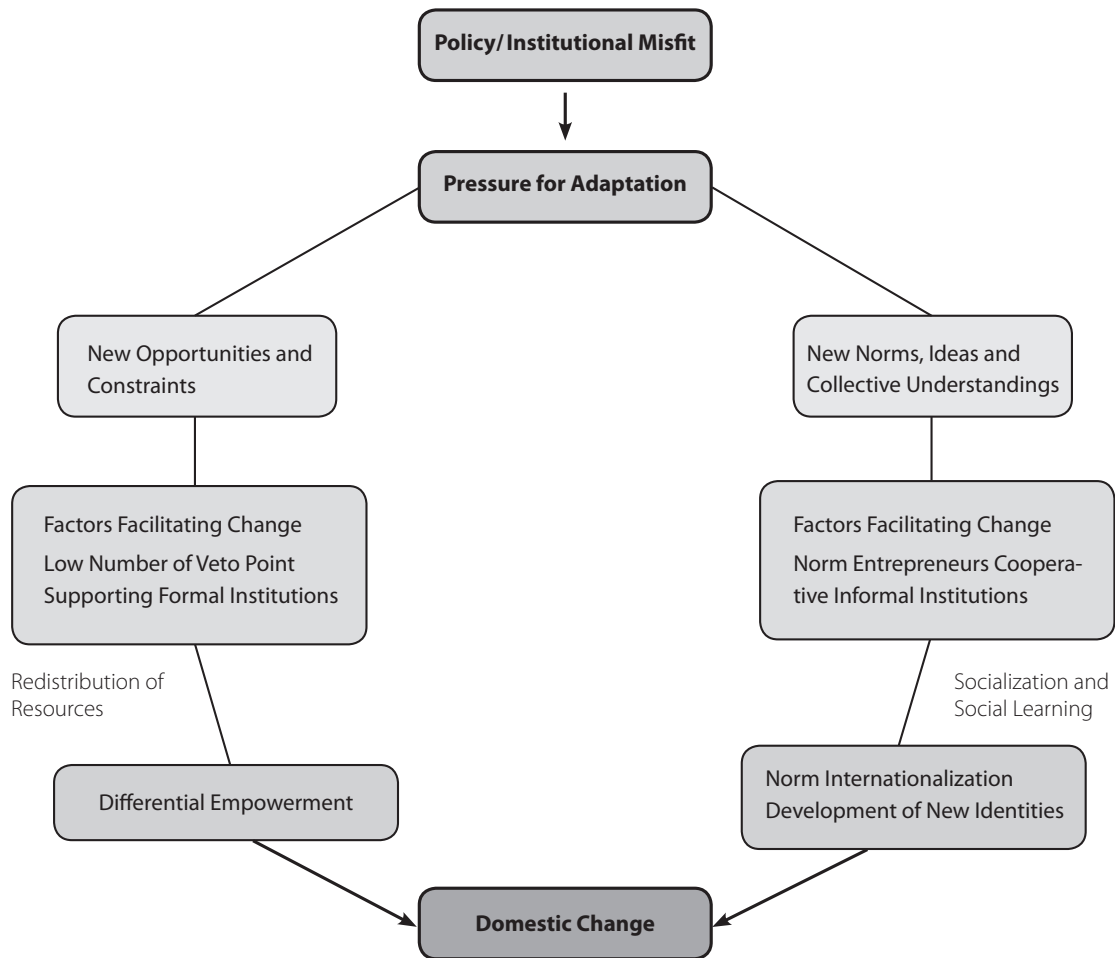
2. Europeanization in the "West": The Domestic Impact of Europe on the "Old" Member States

The literature has demonstrated convincingly that Europeanization has indeed occurred in the EU 15. Yet, the scope and the direction of domestic change are far from clear. This is not the place to rehearse the debate on how much change the EU has caused in the policies, institutions and political processes of the member states, which has been done successfully elsewhere (Cowles/Risse 2001; Héritier et al. 2001; Featherstone/Radaelli 2003; Bulmer/Lequesne 2005; Graziano/Vink 2006). Suffice to say that most students of Europeanization agree that the domestic impact of the EU is differential. While EU policies and institutions are an impetus of domestic change that is a constant for all member states, they have facilitated domestic reforms but not necessarily led to convergence of national politics, political processes or policies. To solve the empirical puzzle, the literature has drawn on two different strands of institutionalist thinking. Rationalist and constructivist approaches of Europeanization both assume that the misfit between European and domestic policies, institutions and political processes constitutes a necessary condition for domestic change and that institutions mediate or filter the domestic impact of Europe, which emanates from pressure of adaptation caused by such misfit. They differ, however, in their assumptions in exactly how institutions matter (cf. Börzel/Risse 2003).

Rational choice institutionalism argues that the EU facilitates domestic change through changing opportunity structures for domestic actors. In a first step, misfit between the EU and domestic norms creates demands for domestic adaptation. It takes agency, however, to translate misfit into domestic change. In a second step, the downloading of EU policies and institutions by the member states are shaped by cost/benefit calculations of strategic actors, whose interests are at stake. Institutions constrain or enable certain actions of rational actors by rendering some options more costly than others. From this perspective, Europeanization is largely conceived as an emerging political opportunity structure which offers some actors additional resources to exert influence, while severely constraining the ability of others to pursue their goals. Domestic change is facilitated, if the institutions of the member states do not allow domestic actors to block adaptation to EU requirements through veto points or if, on the contrary, they empower domestic reform coalitions by providing them with additional resources to exploit the opportunities offered by Europeanization.

Other parts of the Europeanization literature draw on sociological institutionalism in order to specify change mechanisms based on ideational and normative processes of Europeanization. Unlike its rationalist counterpart, sociological institutionalism draws on a normative logic of appropriateness which argues that actors are guided by collectively shared understandings of what constitutes proper, socially accepted behaviour. These collective understandings and intersubjective meaning structures strongly influence the way actors define their goals and what they perceive as rational action. Rather than maximizing their egoistic self-interest, actors seek to meet social expectations in a given situation. From this perspective, Europeanization is understood as the emergence of new rules, norms, practices, and structures of meaning to which member states are exposed and which they have to incorporate into their domestic structures. If there is such a misfit, it also takes agency for bringing about domestic change. But the ways in which domestic actors facilitate reforms are different. Norm entrepreneurs such as epistemic communities or advocacy networks socialize domestic actors into new norms and rules of appropriateness through persuasion and social learning who redefine their interests and identities accordingly. The more active norm entrepreneurs are and the more they succeed in making EU policies resonate with domestic norms and beliefs, the more successful they will be in bringing about domestic change. Moreover, collective understandings of appropriate behaviour strongly influence the ways in which domestic actors download EU requirements. First, a consensus-oriented or cooperative decision-making culture helps to overcome multiple veto points by rendering their use for actors inappropriate. Second, a consensus-oriented political culture allows for a sharing of adaptational costs which facilitates the accommodation of pressure for adaptation. Rather than shifting adaptational costs upon a social or political minority, the “winners” of domestic change compensate the “losers”.

Figure 1: Two Logics of Europeanization and Domestic Change



Börzel and Risse 2003.

The two approaches have been quite adequate to account for the differential impact of the EU on the policy, polity, and politics of the member states. While they have been criticized for conceptualizing Europeanization as a one-way street (Olsen 2002), the original top-down perspective appears to be appropriate when studying the domestic impact of the EU on countries that have no say in EU decision-making and whose relationship with the EU is asymmetrical.

3. Europeanization Goes East: The Domestic Impact of Europe on the CEE Accession States

External Europeanization has corroborated the differential impact of Europe (cf. Schimmelfennig/Sedelmeier 2005a; Sedelmeier 2006). Europeanization has had more similar effects on accession countries than on member states in relation to strengthening core executives across the board and increasing their autonomy from domestic political and societal pressures. It has also led to the development of a less politicized civil service (Goetz 2005), tempered party competition (Vachudova 2008) and to some degree of decentralization and regionalization, at least in comparison with the Communist legacy (Bruszt 2008). At the same time, however, Europeanization effects on institutions and politics vary considerably. EU political conditionality was successful only in cases of unstable democracies where democratic and authoritarian and nationalist forces competed for power by strengthening liberal politics and locking-in democratic reforms (Slovakia, Bulgaria, and Rumania), while being irrelevant in those countries with strong democratic constituencies (most of the CEE countries; see Vachudova 2005; Schimmelfennig 2005). In general, there has been little institutional convergence around a single European model of governance. Similar to member state Europeanization, *acquis* conditionality had a more pervasive effect on policy change. To what extent can Europeanization approaches account for these findings?

Misfit and pressure for adaptation exerted by the EU have been much higher than in case of the old member states. First, the CEE accession countries had to adopt the entire body of EU Law within a few years adopting hundreds of pieces of legislation and building-up the necessary administrative capacities to apply and enforce them. The policy and institutional misfit was considerable and imposed tremendous costs of adaptation at the domestic level. While the EU had no means to legally coerce the candidate countries into compliance, “accession conditionality” gave the European Commission a powerful tool to pressure candidate countries towards down-loading the comprehensive *acquis communautaire* and introducing institutional reforms (cf. Schimmelfennig/Sedelmeier 2005a; Dimitrova 2004; Linden 2002; Jacoby 2004). Next to positive and negative incentives, EU pre-accession funds assisted the CEE governments in paying-off some of the adaptational costs. To help the accession countries implement the *acquis*, PHARE (Poland and Hungary: Aid for Restructuring of the Economies), ISPA (Instrument for Structural Policies for Pre-Accession) or SAPARD (Special Accession Program for Agricultural and Rural Development) provided significant financial and technical assistance (cf. Sissenich 2007: 54-57).

At the same time, domestic veto players who incurred (some of) these costs and sought to block domestic reforms were considered to be weak or absent, particularly with regard to policy changes, which usually did not impose prohibitive compliance costs either (Schimmelfennig/Sedelmeier 2006 but see Noutcheva/Bechev 2008). Unlike in the EU member states, footdraggers of domestic reforms were rather found among governments and parties in fragile democracies (Slovakia, Estonia, Latvia) for whom compliance with the EU’s Copenhagen Criteria meant a direct loss of their political (and at times economic) powers (Schimmelfennig/Sedelmeier 2005). Societal and economic interests, by contrast, were generally weak because of the authoritarian legacy of socialist regimes (Sissenich 2007; Howard 2003). While they often had not sufficient capacities to resist change, non-governmental actors hardly acted as change agents either since they lacked the resources to pull down EU policies to the domestic level (cf. Börzel 2009). The EU explicitly required the involvement of non-state actors in the implementation of EU policies, to increase both their effectiveness and their legitimacy. It also sought to strengthen civil society organizations and

companies in the accession process by providing them with funding and training (Sissenich 2007; Andonova 2003; Iankova 2009). Yet, tight implementation schedules offered them little opportunity to lobby national decision-makers for a correct and complete implementation of EU policies. Nor did societal and economic actors have sufficient personnel, information, expertise, money and organizational resources to act as watchdogs of practical application and enforcement. Overall, Europeanization empowered reform actors within government rather than within society (Zubek 2008; Raik 2004). If veto players mattered, they delayed rather than forestalled compliance with EU requirements (Schimmelfennig/Sedelmeier 2006). Domestic resistance and institutional inertia, finally, were mitigated by the confluence of domestic transformation and accession with political and economic institutions being still in flux (Héritier 2005).

While the rationalist mechanisms of “differential empowerment through conditionality” seemed to dominate the accession process of the ten CEE countries (Andonova 2003; Grabbe 2006; Vachudova 2005; Pridham 2005), socialization and social learning did play a role, too (Schimmelfennig/Sedelmeier 2005a; Kelley 2004b; Kubicek 2003). Next to financial and technical assistance, the EU also provided accession countries with legitimacy to enact domestic change. The strong domestic consensus in favour of EU membership in their “return to Europe” allowed CEE decision-makers to silence domestic veto players inside and outside government, despite the considerable costs incurred by EU policies. Moreover, the Copenhagen Criteria strongly resonated with the reform agenda of policy-makers and large parts of the societies in the CEE countries supporting political and economic transition started by the “velvet revolution” in 1989. The legitimacy of the EU generated sufficient diffuse support through the identification with Europe that often trumped cost/benefit calculations in the adoption of and adaptation to the *acquis communautaire* and balanced nationalist beliefs. It also facilitated access and influence of (trans-)national norm entrepreneurs who had little difficulties in invoking the resonance of EU requirements with domestic norms and values as to increase their acceptance and promote their internalization. While it did not forge completely new identities, EU accession reinforced the identification with Europe (Risse 2010).

Overall, rationalist and sociological institutionalist approaches are well equipped to explain the (differential) impact of pre-accession or Enlargement Europeanization in the CEE candidate countries. While domestic mediating factors played a less prominent role than in membership Europeanization, they did mitigate the domestic impact of accession, particularly beyond the legal implementation of EU policies (Börzel 2009). Moreover, the dominance of “differential empowerment through conditionality” has given rise to concerns about “shallow Europeanization” (Goetz 2005: 262) or “Potemkin harmonization” (Jacoby 1999) since sustainable compliance with (costly) EU policies ultimately requires internalization. While the EU introduced impressive reforms “on paper, developments on the ground are modest to nil” (Mungiu-Pippidi 2005: 22). The CEE countries formally adopted a massive amount of EU legislation, which, however, is often not properly applied and enforced and thus, has not changed actors’ behaviour (Falkner et al. 2008; Börzel 2009). Such institutional decoupling was to be expected. Why should CEE countries invest their still scarce resources in “deep Europeanization” after the major incentive of membership was lost? Another factor that has limited the domestic impact of EU accession and accounts for its differential outcome is the limited administrative capacities of the candidate countries (Schimmelfennig/Sedelmeier 2006; Noutcheva/Bechev 2008; Börzel 2009). Such concerns are even more relevant to the European Neighbourhood Countries (ENC), which do not even have an accession perspective.

4. Hitting (Beyond) its Borders: The Domestic Impact of Europe on Neighbouring Countries

With its “big bang” Enlargement, the EU has sought to expand the reach of its transformative power to the new neighbours. But can the EU promote good governance in its geographical vicinity without offering the golden carrot of membership? According to the Europeanization literature, the EU’s domestic impact depends on five factors:

- (1) the *costs of adaptation* as function of the misfit between EU requirements and domestic conditions,
- (2) the *external push* of the EU to comply with its requirements:

Misfit and external push combine in the pressure for adaptation the EU exerts on a target country.

- (3) the *capacity* of the target country to respond to the EU’s pressure for adaptation,
- (4) the *willingness* of the target country to respond to the EU’s pressure for adaptation,
- (5) the *power* of the target country to resist the EU’s pressure for adaptation.

The costs of adaptation constitute a challenge for domestic actors in general. The more EU requirements for liberal reforms challenge the power base of incumbent regimes, the higher the political costs. However, the willingness, capacity and power to cope with them vary among the various types of actors.

First, state capacity, defined as the capacity to formulate, implement, and enforce reforms, is a decisive pre-condition for state actors to adopt and adapt to EU demands for domestic change. Moreover, non-state actors (civil society and business) equally require the capacity to push the reform agenda at the domestic level by exerting pressure on state actors, talking them into domestic change and/or providing them with additional resources. Finally, the EU might be less inclined to push for domestic change in states whose institutions are already fragile. Thus, both the capacity of state and non-state actors play a crucial role in mitigating the transformative power of the EU.

Second, the democratic quality of a regime influences the willingness of state actors to promote domestic change (cf. Schimmelfennig 2005). The costs of adaptation for incumbent governments of democratic states with market economies are lower than for authoritarian regimes, which have a firm grip on economy and society as a result of which compliance with EU requirements threatens their hold on power. At the same time, the latter are less likely to face pressure from below since domestic actors lack the political autonomy to mobilize in favour of compliance with EU demands for reform.

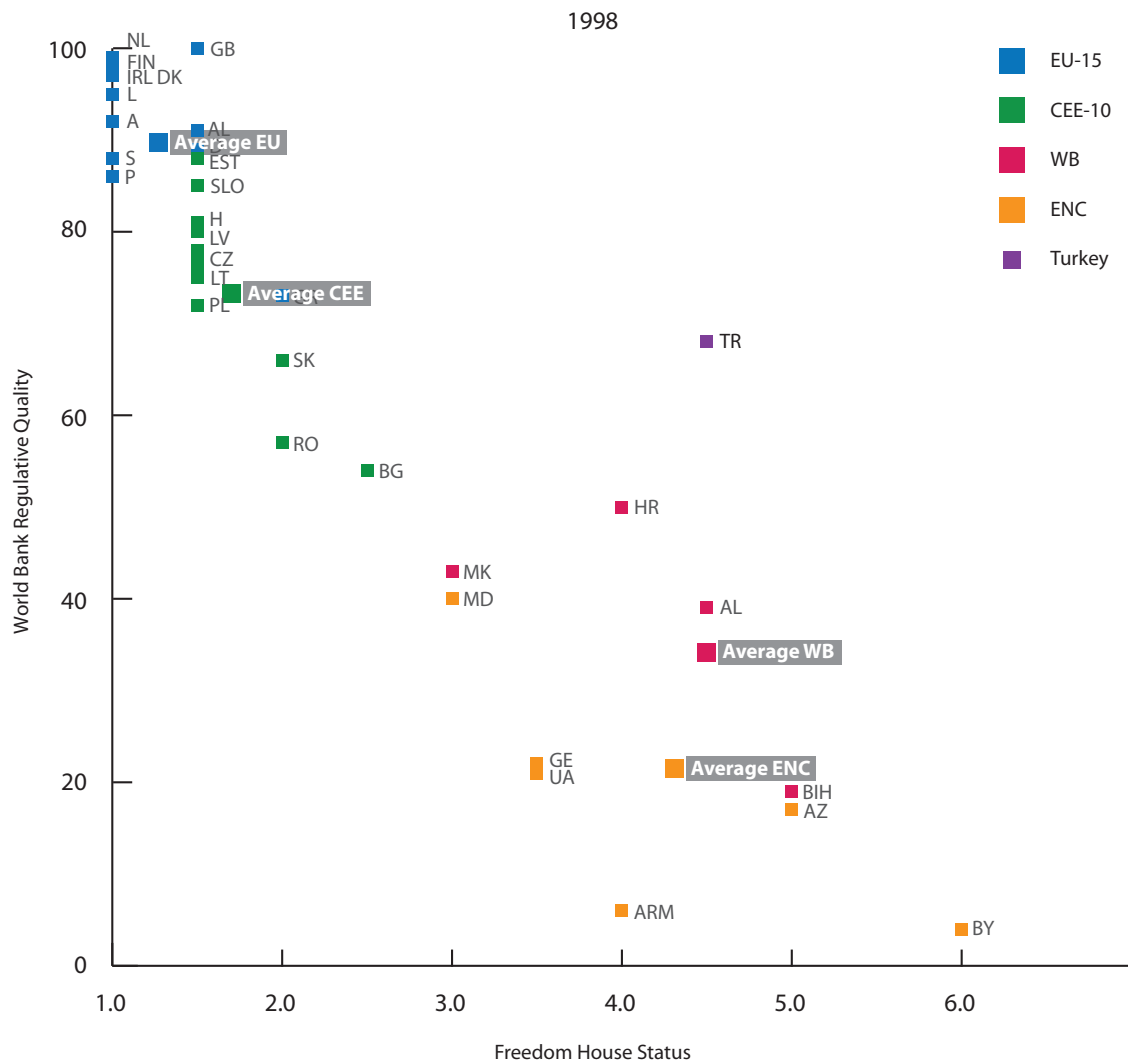
Third, the interdependence between the EU and a target country crucially shapes the degree of pressure for adaptation the EU is likely to exert, on the one hand, and the power of the target country to resist such pressure. The economic and political power of the EU renders its external relations with neighbouring countries rather asymmetric.³ In principle, the ENC have much more to gain with closer relations with the EU giving the EU more power. However, some states possess resources (gas, oil) the EU is interested

³ The exception is Russia, of course. For the relationship of power and interdependence see Keohane/Nye 1977.

in, are of strategic importance and/or have the potential to create substantial negative externalities for the EU (illegal immigration, cross-border crime). Strategic or economic goals can seriously undermine the consistency of the EU in pushing for domestic change (Smith 2001; Youngs 2001: 90f), particularly if the target countries do not possess a membership perspective (Maier/Schimmelfennig 2007; Schimmelfennig/Scholtz 2009).

In a nutshell, the less democratic and the weaker a state is, the higher the domestic costs of Europeanization and the lower the willingness and the capacity of governments and other domestic actors to deal with them. The EU can influence both willingness and capacity to reform by providing additional incentives and resources, and it successfully did so in the case of the CEE accession countries. Yet, the European Neighbourhood Countries (ENC) are in a completely different situation. Not only do they lack a membership perspective, the ENC also score much lower on democracy and state capacity than the CEE (see figure 2). Thus, we should expect a much weaker domestic impact of the EU, particularly since “Neighbourhood Europeanization” has fostered even less socialization and lesson-drawing processes than “Enlargement Europeanization” did (Gawrich et al. 2009).

Figure 2: State Capacity and Democracy Compared



The breakdown of the Soviet Union in 1991 created the so-called “Newly Independent States” (NIS) and immediately posed enormous political, economic and social challenges. Institutional instability, economic decline and the incumbent governments’ failure to perform necessary political and economic reforms led to widespread poverty and political apathy. Moreover, ethnic violence and regional conflicts have further strained the political and economic outlook of most of the post-Soviet countries and contributed to the consolidation of systems of “bad governance” that are plagued by pervasive corruption and state capture (Hellman et al. 2000).

By the end of the 1990s, it had become clear that the successor states of the Soviet Union performed much worse than the post-communist countries in Central and Eastern Europe, with regard to both economic and political transition (figure 2, cf. Bunce 2001; Kopstein/Reilly 2000). In 1998, the average Freedom House score for the six ENC was 4.31 (partly free, out of 7.0 = not free) as compared to 1.7 (free) of the CEE 10 (2.61 in 1992).⁴ Moldova (3.0), Georgia (3.50) and the Ukraine (3.50) scored better than most of the Western Balkans (average 4.50) and Turkey (4.50) at the time. But unlike the Western Balkans, the ENC democracy score deteriorated (4.81 in 2008). They are still semi-authoritarian regimes (Armenia, Azerbaijan, Georgia, and Moldova) or even full-fledged autocracies (Belarus) (cf. Bunce/Wolchik 2008). The Ukraine appears to be the only exception, although its progress towards democracy remains ambiguous (Gawrich et al. 2009). Overall, the ENC appear to be “stuck in conditions of phoney democracy”, that is they formally look like democracies but “corrupted parties of power made a mockery of democratic norms and values” (Emerson 2005: 1).

A similar pattern can be observed with regard to the ENC performance in fostering business environment and promoting private sector development (regulatory quality), which is a fair measure of state capacity.⁵ While regulatory quality varies considerably among the ENC, their overall capacity to introduce domestic reforms was and has remained much more limited compared to the CEE countries during their accession negotiations (figure 2, cf. Hellmann et al. 2002; Noutcheva/Emerson 2007).

Overall, the CEE countries were much closer to the EU member states with regard to both democracy and state capacity than the ENC. When in 2004, the “big bang” Enlargement placed them into the EU’s immediate vicinity, the fear of spreading political instability, organized crime and illegal migration induced the EU once again to deploy its transformative power trying to hit beyond its border. While they have suffered from similar or even worse problems of weak state capacity and defect democracy than the Western Balkans, the ENC have not obtained a membership perspective. I will return to this point in the concluding part of the paper.

4 Freedom House (FH) is a rather rough measure for the democratic quality of a regime. Polity IV provides a more differentiated methodology. Yet, Polity IV has more missing values for the Western Balkans in 1998. Data for 2008 is not yet available. For the purpose of this paper, the FH Index should be sufficient. The combination of political rights and civil liberties corresponds to the EU’ conception of liberal democracy (Schimmelfennig 2008: 922). The data was obtained from <http://www.freedomhouse.org/template.cfm?page=439>; last access August 25, 2009.

5 Measuring state capacity is rather difficult. Most indices do not restrict their focus on the capacity of the state to effectively formulate and implement policies, but also include normative aspects regarding the content of state policies (e.g. Bertelsmann Transformation Index (BTI)). This paper therefore uses the Regulatory Quality Index of the World Bank, which appears to capture what comes closest to the capacity of states to adopt and adapt to EU requirements for introducing domestic reforms. Country scores are listed as percentile ranks of countries with a worse governance performance than the relative country. The data was obtained from <http://info.worldbank.org/governance/wgi/resources.htm>; last access August 29, 2009.

The following section will explore how limited state capacity and democracy have mitigated and constrained the domestic impact of the EU when it seeks to hit beyond its borders with its European Neighbourhood Policy (ENP). The ENP provides a comprehensive institutional framework by which the EU seeks to engage its Southern and Eastern neighbours in political and economic reform and externally induce Europeanization. It does not only define the goals and contents of Europeanization but also entails a toolbox or set of instruments that easily translate into the Europeanization mechanisms discussed above (cf. Schimmelfennig 2007; Magen/Morlino 2008; Börzel/Risse 2009). For reasons of scope I will focus on the Eastern dimension of the ENP, which involves the six Western Newly Independent States.⁶

4.1 *Drawing Closer to Europe*

After the break up of the Soviet Union, the EU was quick to recognize its successor states. In order to support the Newly Independent States (NIS) in coping with the consequences of the “triple transition” (Offe 1991) in democracy, market, and state capacity, the EU initially concentrated on the support for their institutional capacity building and advancement of economic reforms through the Technical Assistance for the Commonwealth of Independent States (TACIS) programme.⁷ By formalizing its relations with the TACIS countries, the EU sought to further encourage the transition of the NIS into efficient and effective state institutions, full-fledged market economies and, to a lesser extent, to liberal democracies (cf. Hillion 2000; Petrov 2002). When Eastern enlargement made the Western NIS immediate neighbours of the EU, the European Commission proposed a new framework to respond to the geographical and political changes. The European Neighbourhood Policy, launched in 2003, is an attempt to integrate the geographical entities bordering the EU into a single policy (European Commission 2003a). The approximation of its neighbours with key parts of the *acquis* shall turn them into an area of security, stability, and prosperity (cf. Weber et al. 2007). In order to draw the ENC closer, the EU has heavily relied on the methods and instruments that it held so successful in the accession of the CEE countries (Kelley 2006).

Since 1991, the relations of the EU with its Eastern neighbours have evolved in several steps each envisaging a deepening of cooperation. Accordingly, the EU’s demand for improving governance by engaging in substantial domestic reforms has increased significantly over the past years, potentially imposing prohibitive costs of adaptation on the six ENC. However, so far the ENC governments have refrained from embracing essential parts of the ENP reform agenda and managed to avoid the costs. This situation is mainly due to the lack of external as well as domestic pressure for adaptation.

6 The Eastern dimension of the ENP originally comprised the Ukraine, Moldova and potentially Belarus, once the country would make substantial democratic progress. In 2004, however, the European Commission (successfully) suggested to further expand the ENP to the three states of the Southern Caucasus, Armenia, Azerbaijan, and Georgia (cf. Johansson-Nogués 2005).

7 Council Regulation (EC) No. 99/2000 of 29 December 1999.

4.2 *Prohibitive Costs but Little Pressure of Adaptation*

Generally speaking, the ENP reform agenda includes three major dimensions: democracy promotion, market integration and security cooperation (cf. Weber et al. 2007). The ENC do not have to take on the entire *acquis communautaire*. After all, ENP is to provide an alternative to full membership aiming at legal approximation rather than harmonization. Still, the ENP offers a “privileged partnership with neighbours”, which “will build on mutual commitment to common values principally within the fields of the rule of law, good governance, the respect for human rights, and the principles of market economy and sustainable development” (European Commission 2004). These common values closely correspond to the famous Copenhagen Criteria even though they are not stipulated in the contractual framework that rules the relationship between the EU and the ENC. The respect for human rights, rule of law and democracy as well as market economy form essential elements of the bilateral Partnership and Cooperation Agreements (PCA) and thus constitute a major condition for closer economic and political cooperation with the EU.⁸ Thus, while there is no “*acquis* conditionality”, the ENC are subject to political or democratic conditionality (for the distinction see Schimmelfennig/Sedelmeier 2005b). Moreover, the country-specific Action Plans (AP), which copy the logic of the accession partnerships in the EU’s enlargement policy, list specific reform priorities on which the EU and its partner country have agreed.⁹ Those reach from improving the business and investment climate, increasing transparency and competition in public procurement and state aid, to advancing privatization and de-regulation. Next to the harmonization with EU regulations on trade, market access, energy and transport, the EU has put increasing emphasis on the area of Justice and Home Affairs, including cross-border cooperation and management in order to fight organized crime, money laundering and trafficking, as well as migration issues (Lavenex/Wichmann 2009). Good governance constitutes a key cross-cutting issue that is – dependent on the situation of the individual ENC – mainstreamed into the reform agenda of the PCA and AP. It covers issues such as improving electoral legislation, conducting free and fair elections, ensuring the separation of power (particularly with regard to the judiciary), encouraging the development of political parties and civil society organizations, granting the independence of media, protecting human rights and civil liberties (particularly minority rights) and fighting corruption (Börzel et al. 2008).

While the reform agendas agreed between the EU and the individual ENC constitute a comprehensive misfit on the domestic institutions, policies and political processes, the EU has not exerted sufficient external push to generate pressure for adaptation that could trigger domestic change. The promotion of good governance is a case in point.

In the practical application of the AP, the EU has clearly focussed on enhancing the effectiveness of state institutions in providing public goods and services rather than promoting democracy and human rights. Its emphasis on output-related reforms reflects a preference for political stability over democratic change (Youngs 2009a; Börzel et al. 2009). Still, making state institutions more effective implies a strong emphasis on the fight against corruption, which implies huge costs of adaptation. The Action Plans define quite

8 The Partnership and Cooperation Agreements can be accessed under http://ec.europa.eu/world/enp/documents_en.htm; last access: August 25, 2009.

9 The Action Plans can be accessed under http://ec.europa.eu/world/enp/documents_en.htm; last access: August 25, 2009.

specific anti-corruption measures.¹⁰ First, the ENC are asked to accede, ratify and implement international conventions that are related to the fight against corruption, such as the UN Convention against Corruption (UNCAC), the Council of Europe Criminal and Civil Law Conventions on Corruption or the OECD Convention on combating bribery of Foreign Public Officials in International Business Transactions. Second, the ENC are requested to join international anti-corruption networks such as GRECO and the OECD Anti Corruption Network for Eastern Europe and Central Asia (ACN) that assist the countries in developing a special public policy against corruption and formulating and implementing the necessary legislative and institutional reforms. Accordingly, the ENC have to formulate and implement national anti-corruption policies and implementation strategies that ensure compliance with international norms. Finally, each ENP country has some additional provisions that largely concentrate on promoting anti-corruption measures within the business sector, the administration and/or the law enforcement agencies or improving the legal framework for the prosecution of corruption-related crimes. Taken together, the legal and administrative changes required by the EU pose a major misfit with domestic structures challenging the political survival of incumbent elites who often rely on clientelistic networks rather than outright repression to stay in power.

“Bad governance” and endemic corruption prevail in almost all aspects of the ENC political, economic and societal life (Hellman et al. 2000). According to Transparency International, the ENC belong to the most corrupt countries in the world.¹¹ Political or “grand” corruption is ubiquitous and deep-rooted in all ENC. Oligarchic monopolies and the systemic extortion of bribes are detrimental to a competitive market economy, impair socio-economic development, and deter foreign investment (Rose-Ackerman 1996; Bhatti 2002). Clientelism and patronage undermine the democratic process of free and fair participation by favouring certain parts of the population and excluding others from the political process and the distribution of public goods (Drury et al. 2006; Stokes 2007). Finally, the extensive misuse of social networks for particularistic purposes and eventually the increase of social distrust and political apathy exert a corrosive effect on the cohesion of the political community, and – in the long term – on the territorial integrity of the state itself (UNDP 2006, cf. Shen and Williamson 2005, Scott 1972).

While being detrimental to the socio-economic and political development of the ENC, corruption serves the purposes of the incumbent regimes. Strategic sources of revenue, as provided by the energy sector in Azerbaijan or the metallurgic and energy transport sector in Ukraine are closely linked to the incumbent power system (International Crisis Group 2004; Sarna 2002). Particularly in the “closer knit societies” of the Southern Caucasus oligarchic monopolies – often controlled by members of the organized crime – pervade the overall economic structures of the countries and establish informal institutions of a shadow economy parallel to that of the shadow state controlled by the incumbent network (Bowser 2001: 10). Corruption does not only yield huge private rents but also allows controlling the access to power and resources securing the loyalty of key domestic actors.

In sum, the misfit between ENP requirements for “good governance” policies and institutions, on the one hand, and the domestic (power) structures of the ENC, on the other, imposes huge costs of adaptation that are often prohibitive for incumbent governments since EU requirements threaten their hold on power.

¹⁰ For a similar argument on democracy, human rights and rule of law standards see Maier/Schimmelfennig 2007.

¹¹ Transparency International Corruption Perception Index 2008, http://www.transparency.org/news_room/in_focus/2008/cpi2008/cpi_2008_table; last access August 25, 2009.

Not surprisingly, their willingness to engage in domestic change has been limited. Yet, the EU has hardly pushed ENC governments towards domestic reforms necessary to comply with its requirements.

The ENP was explicitly designed to provide an alternative to membership. Basically, the ENP offers the ENC trade and aid in exchange for political and economic reforms. While the EU cannot invoke accession conditionality to push for domestic change, it may (threaten to) suspend bilateral agreements, withhold assistance, and impose political sanctions (e.g. visa bans). Likewise, the EU can reward progress by offering progressive integration into the Internal Market and its regulatory structures (e.g. environmental protection). On a more specific level, the EU can upgrade bilateral relations (e.g. association), lift trade restrictions (e.g. preferential trade agreement), simplify visa regimes or extend the scope of assistance. These possibilities notwithstanding, the EU has been very reluctant to use negative conditionality (Youngs 2009a; Lavenex 2008). It has abstained from ratifying the PCA with Belarus signed in 1996 due to the absence of any democratic reforms (European Commission 2006). Likewise, when the political situation in Georgia seriously deteriorated in 2003, part of TACIS funding was suspended and reallocated to projects that involved civil society (European Commission 2003b). Other than that, the ENC have felt little pressure to engage in domestic reforms to meet ENP goals and requirements. The EU and the ENC jointly set the priorities for action. The Action Plans are not legally binding, and the ENC governments are not obliged to comply with what they have committed themselves to. Their performance is jointly monitored and subject to Political Dialogue. While ENP has largely eschewed negative conditionality, “reinforcement through rewards” has been hampered by the low attractiveness of closer relations with the EU to countries that face high costs of adaptation in drawing closer to the EU (all ENC), aspire nothing less than membership (Ukraine, Moldova, Georgia), command control over substantial resources (Azerbaijan) or maintain close relations with Russia (Belarus, Armenia).

While EU conditionality has been weak, it is more than questionable whether anything less than a credible membership perspective would yield sufficient benefits to pay-off the costs for authoritarian and semi-authoritarian regimes, which are the most powerful veto players when it comes to domestic reforms (cf. Schimmelfennig et al. 2006). Access to its internal market is the biggest incentive the EU can offer. The size of the EU market, on the one hand, and the lack of alternative markets, on the other, promises important benefits, particularly since the EU has been very protectionist, particularly when it comes to agricultural goods, textiles, chemicals, and steel, which are important export goods of the ENC (Vachudova 2007). Moreover, renouncing economic integration can cause a diversion of trade, foreign direct investments, and aid (Mattli 1999). At the same time, however, participation in the internal market requires the implementation of costly and complex regulations, not only in the field of EU competition policy, but also with regard to environmental and social product and production standards (Noutcheva/Emerson 2007). Regulatory alignment, even if only selective, involves high costs and requires regulatory capacities that are wanting in the ENC. But even if a rather vague “stake in the internal market” was a powerful incentive enough to induce ENC governments into compliance with the EU’s human rights and democratic standards, it would do little to bring about domestic reforms since the EU has so far been very reluctant to grant full market access, including access for agricultural products, for services and for labour (Vachudova 2007). The same holds for the prospect of concessions with regard to the movement of people in the area of Justice and Home Affairs, such as visa facilitation (Occhipinti 2007).

The lack of a membership prospective may also explain the inconsistent use of conditionality – if membership is not at stake, EU member states appear to be more reluctant to authorize sanctions and

withhold rewards, particularly if this would conflict with their economic and geostrategic interests (Smith 2001: 193-196; Schimmelfennig et al. 2006: 46). This also includes the relations with Russia, which Brussels and some member states do not wish to upset by interfering too openly in Moscow's "near abroad" (Baun 2007). Finally, the reluctance of the EU to exert external pressure also linked to the weak reform capacities of neighbourhood countries. The ENC have only a short experience with independence and state consolidation. Their capacities to make and enforce policies are limited (see above; cf. Vachudova 2007; Occhipinti 2007). It is not in the interest of the EU to push for substantive reforms that could destabilize already fragile state institutions.

Given the weak capacities of the ENC, the use of soft instruments (capacity-building and socialization) might be more appropriate to induce domestic change. Since the early 1990s, the EU has provided the Newly Independent States with substantial financial and technical assistance through the TACIS programme. TACIS covered the reform priorities, first specified in the Partnership and Cooperation Agreements (since 1997) and later in the ENP Action Plans.¹² In 2007, the EU replaced TACIS with a new financial instrument, the so-called European Neighbourhood and Partners Instrument (ENPI).¹³ While assistance under TACIS had been provided primarily through jointly managed projects, ENPI introduced a "sector-wide" approach allocating the assistance by means of direct budgetary aid to the partner governments. Moreover, it based EU assistance on the principle of co-financing and the cooperation with beneficiaries (cf. Börzel et al. 2008). Both TACIS and ENPI have made EU financial and technical support conditional on the respect for democracy, principles of international law and human rights (cf. TACIS 1999: Art. 16; Council of the European Union 2006: Art 5). Yet, since the EU has refrained from invoking conditionality prioritizing partnership and joint ownership, its capacity-building has largely benefitted reform measures preferred by the ENP governments strengthening the capacities of state institutions rather than their democratic and human rights record.

The transformative power of socialization and social learning has been equally limited so far. Human rights, democracy, the rule of law and good governance form the basic values on which the partnership between the EU and the ENC shall be based. Rather than imposing "a pre-determined set of priorities" (European Commission 2004: 8), the EU has sought to use political dialogue based on partnership, joint commitment and ownership. The partners shall agree on reform agendas that identify priority areas and actions and turn them into Action Plans, which are not legally binding. Implementation is again subject to negotiations under political dialogue. Joint ownership has further undermined the effectiveness of conditionality by precluding the prescription of clear reform targets and tough monitoring by the EU (Noutcheva/Emerson 2007; Vachudova 2007). While being a precondition for socialization, it is hard to say to what extent political dialogue has fostered socialization and social learning processes. The resonance of EU norms and values with the domestic institutions of the ENC is far lower than in case of the CEE countries, whose political and economic transition had been well under way when they started negotiating their entry into the EU. By declaring the ENC "friends" and "neighbours", the EU made quite clear that it did not consider them "members of the club" that is after all based on the very values, norms and principles enshrined in

12 Further EU programmes addressing the NIS are loans of the *European Investment Bank* (EIB), assistance by the *European Community Humanitarian Aid* department (ECHO) the *Food Security Programme* (FSP) as well as direct assistance to Non-Governmental Organisations (NGOs) within the scope of the *European Initiative* (since 2006 *Instrument*) for Democracy and Human Rights (EIDHR).

13 Council Regulation (EC) No. 1638/2006 of 24 October 2006.

the ENP. This somewhat hypocritical approach undermines the legitimacy of EU demands for domestic change.¹⁴ The attempts of the EU to frame human rights, democracy, the rule of law and good governance as “international norms” (Kelley 2006: 40; cf. Kelley 2004a) rather than European values have done little to change the perception of the ENC as unwanted by the EU.

While the EU has done little to increase the willingness of state actors to introduce domestic reforms, pressure from below has been virtually absent. If civil society was already weak in the CEE countries, its capacities have been even more limited in the ENC. The number and strength of civil society organizations – as measured by their membership base or their financial and organizational capacities – as well as their scope of protest action are generally low (cf. Howard 2003; Mendelson/Glenn 2002). Notable exceptions are the grassroots revolutions in Georgia and Ukraine neither of which, however, brought about consolidation of democracy nor a flourishing of civic engagement in their aftermath (cf. Lavery 2008; Tudoroiu 2007). On the contrary, the once again dashed hopes for political (and economic) change in both countries deepened political fatalism.

Moreover, given the (semi-) authoritarian nature of the ENC, formal supporting institutions, such as independent courts or agencies, which could help non-state actors to exert pressure on their governments to introduce reforms, are non-existent. Political rights and civil liberties of organized interests are, with the exception of Ukraine, severely circumscribed. In some countries, the situation even worsened after the so-called “coloured revolutions” took place in Georgia and Ukraine. In Azerbaijan, for instance, the 2005 parliamentary election exceedingly witnessed violence against oppositional forces and media representatives, arrests, blackmailing, and even murder were on the agenda (Valiyev 2006; for a similar argument on Belarus Silitski 2003).

Finally, governing elites have impaired the emergence of civil society organizations and interest groups by co-opting societal and economic actors into their clientelistic networks. Georgia is an illustrating example in this regard. Whereas civil society organizations effectively voiced discontent over the sclerotic Shevardnadze government, many formerly leading activists joined the government once he had been overthrown (cf. Mitchell 2006). Those who remained independent and critical in the Non-Governmental Organization (NGO) sector, by contrast, have increasingly faced difficulties with the authoritarian style of the new government under Saakashvili and the once again strained political climate in the country (cf. Mitchell 2009; Lavery 2008). Next to political repression, clientelistic networks, which are often the only way to get access to public goods, such as health care, have undermined trust in public institutions and fostered political apathy. Civil society in the ENC has been increasingly disengaging from the political process itself (Bowser 2001).

Unlike in the CEE accession process, the EU has done little to empower non-state actors in the ENC. Since 2004, the EU started to require ENP partner governments to consult and cooperate with non-state actors and civil organisations in the formulation and implementation of the national reform agendas (Buzogany/Costa 2009; cf. Börzel et al. 2008). Yet, the EU has hardly enforced this requirement. The partnership and joint ownership approach has largely deprived the EU of the means to prescribe clear reform targets whose implementation is closely monitored; both were preconditions for reform coalition to put pressure

14 These credibility issues were a major reason why the EU 12 offered the CEE countries a membership perspective in 1993 (cf. Schimmelfennig 2003).

on their governments in the CEE countries (Sedelmeier 2007). Moreover, unlike other foreign policy frameworks, such as EU's development policy vis-à-vis African, Caribbean and Pacific countries, the ENP does not provide for the involvement of civil society in political dialogue. The European Neighbourhood and Partners Instrument (ENPI), which officially replaced TACIS in January 2007, requires that EU assistance shall be based on a cooperation partnership which "will involve, as appropriate, national, regional and local authorities, economic and social partners, civil society and other relevant bodies" (ENPI 2006: Art. 4 (c)). The regulation also stipulates that the beneficiary partner governments should "associate the relevant partners as appropriate, in particular at regional and local level, in the preparation, implementation and monitoring of programmes and projects" (ENPI 2006: Art. 4 (d)). Similar to pre-accession funding tools for CEE countries, ENPI seeks to strengthen non-state actors by involving them in the implementation of EU programmes. It remains to be seen whether this will give organized interests a voice in the domestic policy process. So far, the EU has provided technical and financial assistance mainly to state actors seeking to strengthen effective rather than inclusive policy-making (see above). Non-state actors were supported only to a very limited extent through small-scale programs under the TACIS *Institution Building Partnership Programme* (European Commission 2003c) and the European Initiative for Human Rights (EIDHR).¹⁵

The limited resources and political freedoms of domestic actors, wide-spread corruption and the low resonance between EU and domestic norms and values have also constrained the role of (transnational) norm entrepreneurs. Civil society organizations have been benefitting from external capacity-building and transnational linkages with Western NGOs, trade unions and party foundations, but their political autonomy is still constrained since rule of law and democracy are weakly institutionalized. Domestic activists, who engage in politically and economically sensitive areas such as the fight against corruption and nepotism, live in constant danger to be assaulted or themselves prosecuted on the basis of false accusations and fictitious evidence. In "hard" cases such as Belarus, many capacity-building measures can only be implemented abroad, due to the obstructive attitude of the authorities. Business in turn is to a significant extent still state-owned and state-controlled. Gradual economic reforms and intransparent privatization processes cemented a close affiliation of the economic and the political sphere. Domestic companies lack the incentives to press for introducing a sound economic framework and the rule of law, precisely because they benefit from market distortions. Transnational companies have sought access to the ENC, particularly in the energy sector. However, they have little interest in spoiling their relationship with the incumbent regime by pushing for domestic reforms (cf. Hellmann 1998; Hoff/Stiglitz 2004).

With domestic actors hardly able or willing to mobilize in favour of compliance with EU requirements, Western NGOs and other norm entrepreneurs have found it difficult to find allies to support and link up with as they did in the CEE accession countries. The strong grip of ENC governments on the media and the low resonance of EU norms and values with domestic institutions make it hard for epistemic communities or advocacy networks to engage domestic actors in a public discourse on the appropriateness of complying with EU requirements for domestic reform. The conclusion one should draw from this situation is not that EU demands for better governance are completely irrelevant, but rather that most domestic non-state actors lack the organizational and ideational resources to mobilize larger parts of the society. Additionally, the channelling of resources for civil society building has often led to a short-lived mushrooming of NGOs

15 EIDHR was established in 1994 as a special thematic budget line to provide direct assistance to non-governmental organizations. In 2006 the name was changed in European Instrument for Human Rights and Democracy (cf. Council regulation EIDHR Regulation (EC) No. 1889/2006).

that – in the worst case – use external funding as a mere opportunity for income generation (cf. Mateeva 2008). Moreover, (semi-) authoritarian regimes and the prevalence of informal institutions cause difficulties for outsiders to distinguish between organizations that are genuinely interested in change for the better and those that use external support as vehicles for political aspirations. Prevailing clientelistic networks may work as some kind of informal institutions that facilitate domestic change by fostering consensus and paying-off the losers (cf. Grote 1997). Yet, this presupposes that some members of the networks support domestic reforms in the first place, which is hardly the case.

4.3 *Reinforcing Rather Than Transforming Domestic Structures?*

High misfit imposing prohibitive costs to incumbent governments, on the one hand, and low pressure of adaptation from above and from below, on the other, render domestic change induced by Europeanization extremely unlikely in the ENC. Their unwillingness to engage in substantive reforms is reinforced by their limited capacities. The combined efforts of the EU and other external actors have made the ENC governments introduce some domestic reforms. However, those are selective and hardly involve civil society or companies in their formulation and implementation. State actors clearly dominate and control the ways in which EU demands for domestic change are handled at the national level. They “pick and choose” from the EU’s reform menu and avoid costly measures that would introduce some significant domestic change. Over all, the focus of the EU and its Neighbourhood Policy on strengthening the effectiveness of state institutions has helped to stabilize the incumbent regimes rather than encouraged domestic reforms. The fight against corruption is a case in point. While the ENC have developed national Anti-Corruption Strategies, the governments have managed to capture and control the implementation process or even used EU anti-corruption prescriptions to justify the disempowerment of political opponents or discipline internal rivals by cutting off their resources. Corruption purges are used to delegitimize the previous regime (Georgia), to eliminate opposition within or outside of the ruling network (Azerbaijan), to manipulate the political agenda (Armenia), or to decrease the incidence of corruption and thereby legitimate the current regime (all ENC). Thus, corruption allegations still dominate the political discourses and are used as a viable tool for seeking legitimacy and securing political power (cf. Darden 2001; Sajo 1998). Moreover, even in Georgia and Ukraine, where public discontent helped to oust governments that were deemed corrupt and in which allegedly reform-minded successor governments have come to power, little has changed (Tudoroiu 2007).

If the EU has made an impact on the ENC at all, it has helped them make some progress in providing (selective) public goods and services, while their democratic quality appears to have stalled or even deteriorated (figure 3). These findings are corroborated by the literature on the EU’s Mediterranean neighbourhood. Its Southern neighbours are consolidated states with authoritarian regimes (the exception being Israel). Since the establishment of the Euro-Mediterranean Partnership in 1995, the EU has sought to export security, stability and prosperity to the Mediterranean (Youngs 2001). Human rights, democracy, the rule of law and good governance have been mainstreamed into the Barcelona Process (Van Hüllen/Stahn 2009). Yet, the Mediterranean countries have experienced a kind of “authoritarian stability” and rising income levels, which are higher than those of the ENC (Noutcheva/Emerson 2007: 87). Unlike in Eastern Europe, political elites do hardly pretend to be democracies and do not lean on the European project to

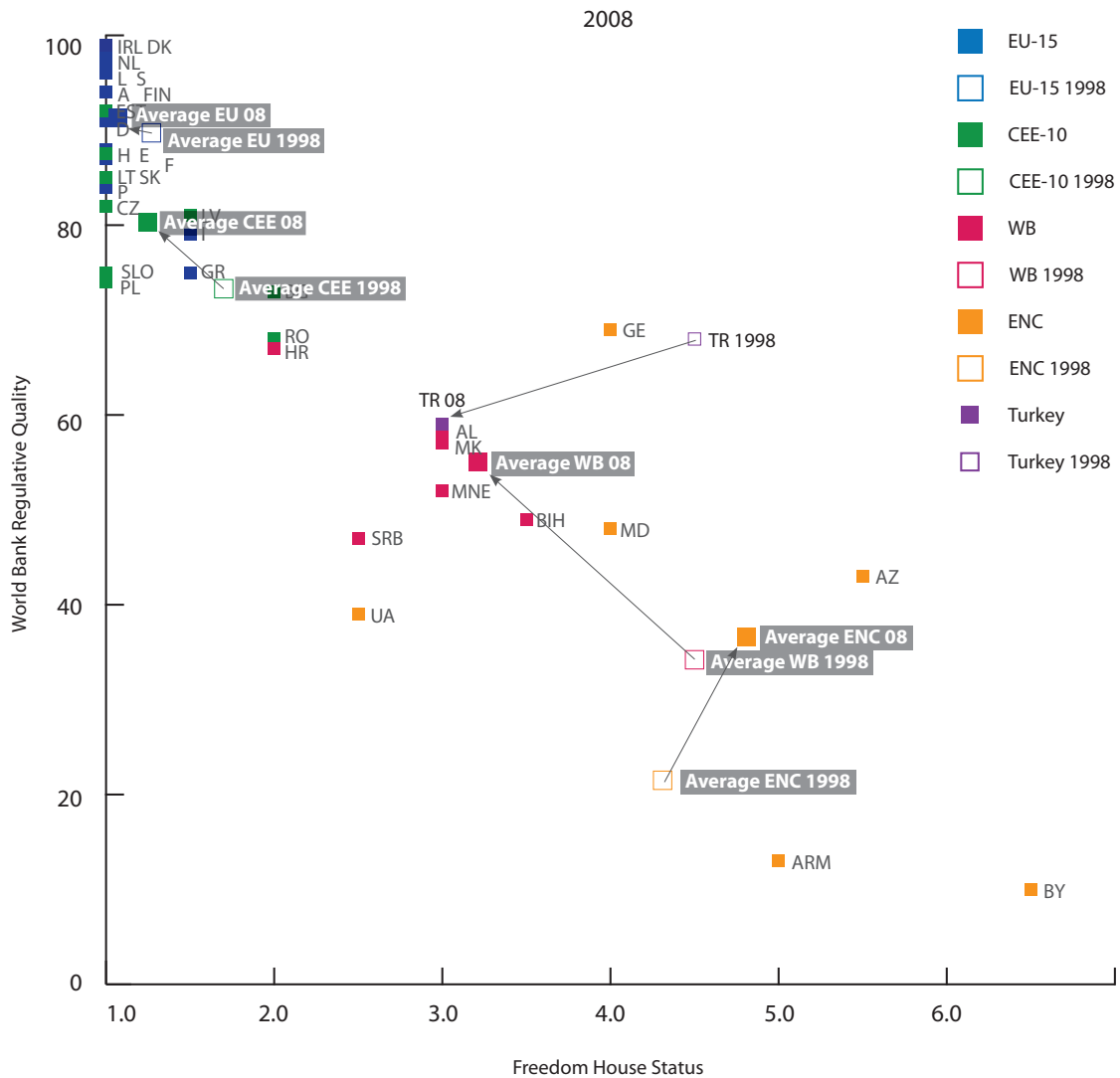
legitimize their domestic agenda. Being increasingly under pressure from Islamist forces, the Southern Arab regimes are far less receptive to the norms and values promoted by the EU, which does not consider them to be eligible for membership in the European club either. Not being able to call on common values, the EU has been reluctant to push good governance emphasizing economic reforms and offering market access as an incentive (Youngs 2001). The EU's economic leverage, however, is weakened by the more symmetric relations with some Mediterranean states for their importance for its energy supplies (Algeria) and the trade concessions already granted (Tunisia). While the EU has employed democracy assistance and political dialogue, it "has sought a 'depressurizing' liberalization of Middle Eastern regimes that helps to stabilize governments rather than the kind of short-term systemic political change that may bring to power Islamist parties" (Youngs 2009a: 911). Closer relations with the EU have done next to nothing so far to improve the democratic quality of Mediterranean regimes (cf. Sedelmeier 2007; Schimmelfennig/Scholtz 2009).

5. Conclusion

The domestic impact of the EU clearly hits beyond its borders. Since the end of the Cold War, the EU has sought actively to Europeanize not only would-be members but also third countries, particularly if they are located in its immediate neighbourhood. To export its constitutional principles and sectoral policies, the EU has developed a sophisticated tool box that actively employs the Europeanization mechanisms identified by the literature on Europeanization and domestic change in EU member states and CEE accession countries. While the transformative power of the EU declines with the decreasing degree of democracy and state capacity, the Europeanization mechanisms still apply and can account for the limited domestic impact the EU has exercised so far when it seeks to hit beyond its borders.

The findings of this paper on the Eastern European Neighbourhood Countries may be biased by the focus on political institutions; both in the EU 15 and the CEE accession countries, the EU's impact has been much greater on policy than on politics and polity. To what extent Europeanization has affected the democratic institutions of its member states, is contested in the literature. Students of Europeanization seem to agree that national parliaments are the losers of European integration (Maurer/Wessels 2001; Schmidt 2006), which has been confirmed by the executive dominance in the CEE accession process (Raik 2004; Zubek 2008). Whether this has resulted in a substantial decline of democracy, however, is another question. The data suggest otherwise (figure 3). Both the EU 15 and the CEE 10 moved up in the Freedom House Index between 1998 and 2008. While the old member states have always been high up in the rankings, the CEE countries worked their way up from an average score of 2.6 in 1992 to 1.25 in 2008. This is not to say that EU accession has been the main driver. But it seems that the EU – and other international actors – have supported rather than undermined the endogenously driven transition process in the CEE accession countries (cf. Sadurski 2004; Kelley 2004b; Schimmelfennig et al. 2006). The impact of the EU on their state capacity is equally difficult to discern. Unlike the ENC – and the Western Balkans – the CEE were and have remained consolidated states when they started their transition to democracy and market economy in the 1990s. As a result, democratization has not undermined the overall capacity of the state to provide (regulations for) public goods and services. Quite on the contrary, regulatory quality has further improved, with most CEE countries having caught up with the EU 15. Only Romania and Bulgaria are still lagging behind.

Figure 3: Transformative Power Europe?



We still lack reliable data to draw any causal inferences between the EU’s attempts to transform the domestic structures of accession and neighbourhood countries, on the one hand, and changes in the effectiveness and democratic quality of their institutions, on the other. However, figure 3 suggests some interesting correlations that are supported by the emerging empirical research on the domestic impact of the EU on the Western Balkans and the European Neighbourhood Countries. The lessons of Eastern enlargement seem to be confirmed: the external leverage of the EU, particularly when it comes to democratic reforms, depends on a credible accession prospective, non-prohibitive compliance costs and the existence of liberal reform coalitions (Schimmelfennig 2005; Vachudova 2005; Magen/Morlino 2008; Schimmelfennig/Scholtz 2009). The ENC lack both. Thus, even if they received an accession prospective, this would be unlikely to increase the transformative power of the EU. Not only is it questionable whether the size of membership benefits would be big enough to pay off the costs of adaptation for incumbent regimes. Precisely because the misfit is so high, EU membership is a very distant reward and, given the general enlargement fatigue of the EU, there is no certainty that the ENC would receive the promised rewards even after fulfilling the EU’s conditions. Unlike in Eastern enlargement, the EU has refrained from

a consistent and merit-based application of conditionality under ENP. As a result, the EU's reliance on assistance and political dialogue has strengthened state institutions and, hence, stabilized the power of semi-authoritarian regimes rather than fostered their transformation. The Ukraine is the only ENC that has made some progress towards democracy. But even in this case, Europeanization has worked as a catalyst rather than the main driver of domestic change (Gawrich et al. 2009; Youngs 2009b). The other ENC have deteriorated in the democratic quality of their institutions.

The Western Balkans, by contrast, are on a similar trajectory as the CEE were in the 1990s. Unlike in the ENC, the EU and other international actors have been heavily investing in state-building using not only assistance, conditionality and political dialogue, but also physical and legal coercion (Youngs 2009a). In 1999, the EU promised candidate status to Croatia, Macedonia, Albania, the Federal Republic of Yugoslavia (FRY), and Bosnia-Herzegovina as soon as they would meet the Copenhagen criteria. The strong presence of the international community and EU membership prospective have certainly empowered existing liberal reform coalitions, albeit to a lesser extent than in the CEE. Due to the lower level of democracy, compliance costs are considerably higher. Governmental actors have instrumentalized EU conditionality and assistance to consolidate their own power rather than advance domestic reforms (Elbasani 2009; Youngs 2009a; Vachudova 2008; Noutcheva 2009). The capacity and willingness for domestic reform is not only weaker due to the lower degree of state capacity and democracy. The credibility of the membership prospective is increasingly undermined by the enlargement fatigue of the EU and the reluctant use of conditionality due to fragility of state institutions caused by corruption and ethnic conflict (Youngs 2009a; Schimmelfennig 2008). Like in the case of the ENC, the EU has put post-war reconstruction, state- and institution-building first (Emerson et al. 2005; Noutcheva/Emerson 2007). The inconsistent application of conditionality in the Western Balkans (Luckau forthcoming) has also weakened the EU's leverage on Turkey (Tocci 2005; Ugur 1999).¹⁶ The earliest date that Turkey could enter the EU is 2013, and Ankara is still aiming to comply with EU law by this date.¹⁷ The EU, however, has refused to back 2013 as a deadline – pushing accession back as far as 2021.¹⁸

The inconsistent use of membership conditionality does not only mitigate the transformative power of the EU in the Western Balkans and Turkey; it damages its international credibility as a “normative power” creating a different capacity-expectation gap (Hill 1993; Holland 2003: 135). Why should the ENC and other countries engaged with the EU make any efforts to fulfil EU requirements for the respect of human rights, democracy, the rule of law and good governance, if the EU is neither willing to reward those, who comply, nor is capable of punishing others, who do not? The civilian power identity of the EU, which favours a “developmentalist” approach of creating the economic and social conditions for political transformation rather than pushing for rapid regime change (Baun 2007), is no excuse for an inconsistent use of its soft power.

16 Schimmelfennig argues that EU enlargement policy is still consistently linked to compliance with democratic norms, but acknowledges drawbacks in accession negotiations with Turkey, Serbia and Croatia, which he links to high political costs caused by issues of national identity or legacies of ethnic conflicts (Schimmelfennig 2008).

17 Kubosova, Lucia “Turkey targets 2013 for EU legal compliance”, in: *EUobserver*; <http://euobserver.com/9/23813>; last access August 25, 2009.

18 Kubosova, Lucia “Brussels declines to endorse 2013 date for Turkey's EU entry”, in: *EUobserver*; <http://euobserver.com/9/23881>; last access August 25, 2009. Interview with the President of the European Commission, José Manuel Barroso, on *BBC Sunday AM*, at October 15, 2006; http://ec.europa.eu/commission_barroso/president/pdf/interview_20061015_en.pdf; last access August 25, 2009.

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