

# Politics & Diplomacy

## EU Expansion and Democracy

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Despite many opportunities for the European Union to require better governance from aspiring members during the first wave of EU expansion, the Union's direct impact on democracy in the countries of Central and Eastern Europe (CEE) has been limited. With the accession of eight CEE countries on 1 May 2004, the EU's leverage on governance in its new member states will be weaker still.

Since communism's collapse in the region in 1989, CEE populations have aspired to emulate the stability and prosperity of the EU. For ten of these countries, the EU became their single most important source of aid, trade, finance, investment, and security.<sup>1</sup> Successive CEE governments—regardless of political color—made EU and NATO membership their top foreign policy priorities.

This emphasis on EU accession gave the EU broad latitude to influence the political and economic development of these countries. As governments scrambled to meet membership conditions, the EU publicly assessed their readiness, influencing the perceptions of other countries, international organizations, and foreign investors regarding the region. EU statements also influenced voter views of government performance within applicant countries.

At times, CEE political elites have strived to imitate western organizational and institutional models, welcoming the EU as

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an “institutional tutor” in the region.<sup>2</sup> Such imitation often goes beyond meeting accession conditions simply to achieve membership. It also reflects politics of identity: the idea of “returning to Europe” has been an important theme of post-1989 CEE politics. Identification with Europe—seen here as a civilization that embodies a distinct set of values, standards of political behavior, and socio-economic organization—has motivated CEE countries to push through painful and divisive reforms. The prospect of EU membership reinforced the political will for reforms and provided ammunition for governments that encountered resistance.

As a result, the EU held considerable power to influence governance standards in CEE countries. In practice, however, the EU’s influence has been limited by three main factors: a lack of clear democratic standards, problems with democracy within the EU’s own institutions, and a paucity of mechanisms for punishing corruption and cronyism.

### What are EU Democratic Standards?

As examples of good governance and democracy, the political systems of EU members have proved helpful when authoritarianism, nationalism, and racism have tried to creep into Central European politics. CEE politicians and journalists frequently speak of “European standards” and “European values” when criticizing the activities of their own governments. But how successfully has the EU used the accession process to promote the consolidation of democracy in CEE?

The EU’s main tools for influencing transformation were the following membership conditions set at Copenhagen in 1993. First, candidates must achieve stable institutions guaranteeing democracy,

the rule of law, human rights, and respect for and protection of minorities. Second, candidates must have a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union. Third, candidates must meet the obligations of membership, including adherence to the aims of political, economic, and monetary union.<sup>3</sup>

These conditions were designed to minimize the risk of new entrants becoming politically unstable and economically burdensome to existing EU members. They were formulated as much to reassure member states as to guide applicant countries. The first and second conditions address political and economic reforms that are supposed to ensure good governance and convergence with Western European models. The third is more complicated: “The obligations of membership” include implementing an entire body of EU law and practice—known as the *acquis communautaire*—that amounts to more than 80,000 pages of legislative texts.

The first condition seems to provide a guide for democratic consolidation. In practice, however, the EU possesses no policies or formal legislation that substantiate these principles. The EU has detailed regulatory policies for markets, but, in 80,000 pages of EU legislation, there is little guidance on how to guarantee democracy, ensure rule of law, protect human rights, or respect minorities. The Union’s founding treaties from the 1950s contain scant reference to fundamental rights and freedoms. Even the EU Charter of Fundamental Rights, shortly to be incorporated into the new EU constitution, does not discuss substantive aspects of democracy in detail. The EU lacks a democracy *acquis* that sets democratic benchmarks and mecha-

nisms for measuring compliance.

The Copenhagen conditions represented the first time the EU had explicitly set political criteria for membership. In the decade since, the Union has been forced to clarify these values and describe how it intends to safeguard them. This process is far from complete. An Open Society Institute (OSI) report on EU monitoring of minority protec-

tion negotiations. In the early 1990s, CEE countries asked Commission officials how to meet the political conditions of EU accession. Each official answered using his or her own ideas of democratic values, usually defined by a mix of distinct national experiences and personal views. The EU issued no formal assessment of candidate countries until 1997, when the Commission published its views on their

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tion suggests a disconnect between the EU's "rhetorical commitment to democratic values and inclusiveness" and the practice of ensuring democratic values because the EU has not enshrined the "content of those values" in policy.<sup>4</sup>

OSI asserts that the commitment of current EU members to minority protection is poorly developed and inconsistently applied. There is no EU standard for minority rights protection and no internal agreement recognizing that the existence of minorities should be a condition of membership. France and Greece—longtime EU members—do not recognize the legal existence of minorities with collective rights. EU member states would struggle to agree unanimously on a precise definition of minority rights that would not exclude any member state, but that would exclude countries that the EU believes to have inadequate democracies, such as Ukraine.

This uncertainty about how to substantiate European values has invited policy entrepreneurship by officials and advisors from the European Commission, the EU executive body that managed the accession process and ran acces-

sion negotiations. At that point, the Commission decided that all the candidate countries except Slovakia had met the political conditions. But the EU never issued a formal policy statement on how to meet the democracy conditions. The precise meaning of "the stability of institutions guaranteeing democracy" remains unclear to this day.

The two countries that received more indication of what the EU means by democracy are Slovakia and Turkey. The EU decided that these countries had not met political conditions for membership in 1997 and 1999, respectively. The EU accepted Turkey's application for candidacy in 1999, but stated that no candidate can begin negotiations until it meets the political conditions for membership.<sup>5</sup> The Commission then issued a report on the deficiencies of Turkey's democracy in its 2000 "Regular Report." For the first time, the EU took a stance on issues like civilian control of the military, freedom of expression for minorities, and the death penalty.

**Slovakia.** The case of Slovakia illustrates why the Copenhagen conditions

are too vague to use as a guide for democratization. The EU issued *démarches* to Slovakia in 1994 and 1995 that criticized the authoritarian tendencies of the government, led at the time by prime minister Vladimír Mečiar. These *démarches* were strongly worded, but they provide no details on how the Mečiar government was failing to live up to democratic standards and why its behavior was incompatible with EU membership.<sup>6</sup>

The Slovak ruling elite under Mečiar used the EU's failure to distinguish between different forms of democracy—even among present member states—to argue that Slovakia was actually close to achieving EU political norms. The Mečiar government justified its own policies by linking them to supposedly parallel examples from the political frameworks, constitutions, and legal orders of existing member states.

European identity became a political football in Slovak politics.<sup>7</sup> The country's simultaneous nation- and state-building made domestic support more important than international status for Mečiar. Hence, his government did not view EU disapprobation as a major problem. Indeed, the ruling elite built a political base on nationalist rhetoric of historical victimization. The Mečiar government portrayed EU criticism of its undemocratic practices as an example of prejudice

of NATO and the EU are unjustly biased against Slovakia and use double standards to measure applicant countries.”<sup>8</sup> The governing coalition that succeeded Mečiar in 1998 faced difficulty amending minority laws because it was seen as bowing to EU pressure and surrendering national sovereignty.

EU pressure was more successful after the 2002 elections. Mečiar's party, Movement for a Democratic Slovakia (HZDS), was excluded from the governing coalition because the EU and NATO threatened to bar Slovak membership in either organization if HZDS joined the coalition. Nevertheless, Mečiar scored well in the first round of the April 2004 presidential election, just before Slovakia joined the EU, although he lost in the final round.

**Democracy inside and outside the EU.** The second limitation on the EU's ability to act as a force for democratization is its own democratic deficiencies as a political institution—deficiencies highlighted by the accession process. In both the EU and CEE, technocracies determined the accession process. In the EU, management of the accession process was left to the Commission. In CEE countries, elitist and technocratic tendencies, holdovers from a communist culture that considered policymaking better left to

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against Slovakia. This interpretation likely influenced the Slovak public: an October 1997 poll found that 33 percent of respondents believed that “members

experts, discouraged debate on policy options. In both EU and CEE policymaking, executives took precedence over parliaments in preparing for accession.

The accession process reflected a deeply rooted philosophy that political leaders should set priorities while technocrats should sort out the technicalities. This approach short-circuits the political process. Assuming that there is only one route to a certain political outcome removes the opportunity to choose between a set of policy options with alternative solutions to an issue. Debate over alternative solutions is at the heart of democratic politics, but the EU accession process often presents would-be members with one choice: adopt the EU model or forego accession altogether. The EU presented the *acquis communautaire* as a monolithic bloc of legislation that left little room for CEE parliaments to scrutinize and debate the impact of EU-inspired measures.

Within the EU, laws are approved by elected ministers and the European Parliament. But applicant countries have to accept all the laws the EU has already adopted because membership is a package deal.

The paradox at the heart of EU accession conditionality is that the accession process itself creates incentives to follow procedures that contradict the EU's own efforts to promote democratic development. The EU has shown that, in the accession process at least, it values efficiency over legitimacy. One of the three general conditions for accession is stability of democratic institutions. Yet, the constraints of accession necessitated a dominant executive branch that dictated policy to other branches of government, reducing checks and balances. CEE countries were required to implement a vast array of legislation to comply with EU standards, but the implementation of this legislation was contingent on a powerful executive.

The entire accession process was tainted by an "executive bias." This was reflected in both the structure of negotiations and a persistent reality in the EU: adopting EU norms is viewed primarily as an administrative exercise.<sup>9</sup> The executive bias exacerbates statist tendencies and can erode public support and involvement in European integration. Finally, negotiations conducted primarily between two bureaucracies do not promote democracy in either the EU or candidate countries, although all new members except Cyprus held a referendum after negotiations were complete.<sup>10</sup>

**Corruption and Cronyism.** EU membership provides no guarantee that governance in Central and Eastern Europe will continue to improve. On the contrary, several longtime member states, including Belgium, Greece, and Italy, have existed for years in the Union with high levels of cronyism and/or mafia activity. Even today, the freedom of Italy's media is suspect. The EU provides no *acquis* rulebook on how to rout out corrupt officials or break links between politicians and organized crime. Being part of the EU community discourages undemocratic practices through peer pressure, but the power of the EU as a body is limited.

An OSI report on corruption found the best of the new EU members less corrupt than the worst old members.<sup>11</sup> Transparency International reached similar conclusions, ranking Estonia and Slovenia as less corrupt than Greece and Italy for several years.<sup>12</sup> If it applied for EU membership today, Italy might not even qualify; the country suffers from myriad problems that affect democratic governance. Both Transparency International and OSI point out problems with

corruption in public administration, and the control of the Italian media by the prime minister and his companies restricts freedom of expression.

The EU has no remit to intervene when member countries face problems with graft or when corporatist economies slip into cronyism. Having enlarged its membership to 25 countries in May 2004, it will have to deal more actively with such problems because they affect the Union and its finances. The EU will pour large sums of money into new member states to help them implement policies and projects. Projects dealing with infrastructure development, for example, involve large sums of money which can attract corrupt practices, such as politicians awarding public procurement contracts to friends. The precedents are worrying: Europeans are well aware of tales of EU-funded motorways in Sicily filling mafia coffers, and new members could easily face similar problems.

The CEE countries are young democracies that have sometimes struggled to establish norms regulating standards of behavior. This increases the potential for corrupt practices. It also indicates that new members might face problems implementing and enforcing the complex

**Conclusions.** Although conditionality has brought EU influence to the heart of domestic policymaking in Central and Eastern Europe, the overwhelming majority of these conditions concerns technical adherence to EU legislation rather than broader democratic and social reform.

The increasingly technocratic focus of accession policy limits the EU's ability to discourage undemocratic practices. The EU's lack of a clearly articulated agenda for democratization has made the situation worse. In some respects, EU accession policy has actually discouraged democratic accountability and transparency. Now that the new members have joined, the EU's ability to influence policymaking in CEE will be further limited, weakening its role as a force for democratization.

The EU has few answers to the fundamental dilemmas facing CEE countries. Its rules and regulations give detailed guidance on regulating markets and setting up policies. But the EU's rule-book is essentially empty on cronyism, media freedom, protection of minority rights, and relations with difficult neighbors. EU politicians often invoke "European values" in their speeches, but the substance of these values does not appear in the

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EU laws that come with membership. Even if they possess the necessary political will, some new member countries may not have the institutional capacity to enforce EU regulations properly and fairly, a situation that will bring poor governance.

Union's treaties or *acquis*. Moreover, owing to the diverse approaches of current members to key policy areas, the EU has no indicators for measuring the quality of democracy and no definition of what constitutes protection of human rights.

The EU should codify a detailed set of the democratic values expected of member states. It should specify the institutions and practices that ensure respect of these values. The draft of the EU constitutional treaty invokes democratic values but not in sufficient detail. The EU Charter of Fundamental Rights contains too many economic and social rights that are not legally enforceable, and too little substance on what constitutes protecting basic human and civil rights. A more substantive document would help to ensure that EU membership fosters better governance. It would also enhance the Union's credibility and influence on future membership candidates, such as Turkey and Croatia.

A new set of rules and guidelines on good governance that includes progress indicators and monitoring reports for all member states would help to remedy corruption problems. In addition, the EU could use regional aid and agriculture funds more wisely in Eastern Europe than it has in the Mediterranean member states. Funds should encourage good governance, not unhealthy links between politicians and business. If it wants to export democracy to its neighbors more effectively, the EU must throw some weight behind democratic values by defining them precisely, and designing policies that require member states to live up to those standards.

#### NOTES

1 The EU admitted ten new CEE countries in 2004: the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia, Cyprus, and Malta. Bulgaria and Romania are still conducting accession negotiations. Turkey has not yet been admitted to negotiations.

2 Wade Jacoby, "Tutors and pupils: international organizations, Central European elites, and western model," *Governance* 14, no. 2 (2001): 169–200.

3 European Council, "Presidency Conclusions," (Copenhagen: June 1993).

4 EU Accession Monitoring Program, "Monitoring the EU Accession Process: Minority Protection," (Budapest: Open Society Institute, 2002).

5 European Council, "Presidency Conclusions," (Helsinki: December 1999).

6 Démarches are serious public criticisms issued as part of EU foreign policy by unanimous member state agreement.

7 Judy Batt, *The New Slovakia: National Identity, Political Integration and the Return to Europe* (London: The Royal Institute of International Affairs, 1996).

8 Zora Bútorová, ed., *Democracy and Discontent in Slovakia: a Public Opinion Profile of a Country in Transition* (Bratislava: Institute for Public Affairs, 1998).

9 Heather Grabbe, "How does Europeanisation affect CEE governance? Conditionality, diffusion and diversity," *Journal of European Public Policy* 8, no. 6 (2001): 1013–1031.

10 The author is grateful to Boyko Todorov for his insights on this point.

11 EU Accession Monitoring Programme, "Monitoring the EU Accession Process: Corruption and Anti-corruption policy," (Budapest: Open Society Institute, 2002).

12 Transparency International, *Global Corruption Report* (Berlin: Transparency International, 2002 and 2003).