Future EU-membership is and has been a driving force behind democratisation processes in the European border region. However, the transformative power of the EU is limited. Old political habits and structures die hard.

By Atanas Slavov

Democracy: the only game in town?
The transformative potential of the EU in Eastern Europe

The prospect of membership of the EU has been an important engine for democratisation in countries in both Central (CEE) and Southeastern Europe (SEE). This, combined with the fact that popular sentiment in those countries is favourable towards the EU’s democratic institutions and the EU’s future, seems to create a very positive story about democracy and the transformative potential of the EU. However, this positive story could be challenged in several ways. Most importantly, the integration of national political elites and party systems into the European political system does not provide immunity against clientelism, corruption, and conflicts of interests. An inefficient response to this challenge may further weaken the capacity of democratic institutions in those countries and may dampen the prospect of further enlargement of the EU, including hindering the accession of candidate countries in the Western Balkans.

Democratic consolidation reconsidered
Despite the EU membership of countries such as Bulgaria, Romania and Croatia, one cannot truly speak of them as democracies that function well. To be sure, there are democratic institutions; however, democracy is not ‘the only game in town’. Democracy, thus, is not properly consolidated. The concept of ‘democratic consolidation’, as described by political scientists Juan Linz and Alfred Stepan (1996), describes the process of democratisation in the last thirty years in different regions such as Southern and Eastern Europe and in Latin America. It refers to a process that takes a given political system to the state where democracy becomes the dominant and accepted system, no longer challenged by powerful political actors, networks or lobbies. As it is consolidated, democracy becomes routinised and deeply internalised in social, institutional, and even psychological life, as well as in individuals’ calculations for achieving success.

There are multiple factors that contribute to the weakened state of national democratic institutions in CEE and SEE countries and hamper their future political and economic progress. Generally, institutions in these states are threatened by the long-lasting non-democratic practices of the recent past and/or the insecurities of the present. As a critical Freedom House report notes, there is a

“democratic decline among the newer European Union members, where the combination of weak traditions of democratic practice, resilient networks of corruption and clientelism, low levels of public trust, and shaky economic conditions have hampered the achievement of indelible democratic reforms.”

Both the behaviour of political and social actors and the predominant ethos of the public sphere in SEE countries differ significantly from accepted EU standards. Instead of the rule of law and accountable and transparent government, there is widespread corruption at a high level, as well as clientelism and an emerging oligarchy. There are events that have led to increasing concern for the future of democracy, such as the questionable
appointments in the judiciary in Bulgaria, the Constitutional Court, and national security agencies, the corruption in high offices in Croatia, which has led to the ten-year imprisonment of the former Prime Minister, and the continuous institutional struggles between the Prime Minister and the president in Romania.

The hampering of democratic consolidation in SEE countries can be illustrated by figures from recently published polls and studies. The Corruption Perception Index 2012, developed by Transparency International, ranks countries’ level of corruption and indirectly measures the degree of democratic consolidation, social trust in institutions and the establishment of the rule of law. It ranks the countries from Southeastern Europe much lower than EU member states in Central Europe. Thus, Bulgaria is ranked 75th, Romania 66th, Greece 49th, and Serbia 80th, while the Czech Republic is ranked 54th, Poland 41st, Hungary 46th, and Slovakia 62nd.8 Another recent survey – The Rule of Law Index 2012-2013 – also paints a gloomy picture.8 It shows that SEE countries underperform significantly compared to their SEE counterparts.

Failing struggle
What should particularly worry us about this failing struggle for democratic consolidation in SEE countries is that democratic institutions and structures had to be in place before accession to the EU was possible. Hence, it has now become obvious that some countries joined the EU without fulfilling all membership criteria, and that compromises were accepted. The only legitimate justification for full membership of partially democratised SEE countries is that if they had not joined the EU, their democracy-building may have been undermined by powerful domestic lobbies and the geopolitical interests of neighbouring states, such as authoritarian Russia and democratically struggling Turkey, and that they would have therefore posed a challenge to the security of the EU.

The accession of Romania, Bulgaria and Croatia was quite successful in terms of these states adopting the EU legislative framework. However, the transformative potential of the EU towards democracy in the new member states has been quite limited on a number of fronts. Instruments to ensure compliance are weaker after full membership compared to the pre-accession phase. For instance, the Cooperation and Verification Mechanism – designed to assist Bulgaria and Romania to reform their judiciaries, safeguard the rule of law and combat organised crime and corruption in higher offices – has dramatically failed. However, besides the powers that the Court of Justice has to sanction a non-complying member or the application of political pressure, the European Union has basically no political power vis-à-vis the member states. The only measure that the EU could apply is the procedure that allows a temporary exclusion of a member state from the process of decision making in case of the violation of fundamental values.9 This mechanism, however, is quite complex and its efficacy is not certain; for example, threats to apply the mechanism to Hungary have not produced the expected positive results and Orbán’s government continues with its questionable policies. That said, the requirements to enter the Schengen Area and the Eurozone are social, however, also be used as political instruments to make member states comply with EU laws and standards.

Old boy networks
Yet another problem connected to the EU’s transformative potential in the region is its explicit recognition of old national political elites and parties who have questionable pasts and whose exercise of public power contradicts fundamental EU principles and values. By doing business with these old political networks, the EU effectively reaffirms their power base. A special concern should be noted regarding former communist/socialist parties and their nomenclatura (high level administrators) and networks connected to the old communist secret services. Since the fall of the Berlin Wall in 1989, the former communist parties in Central and Southeast European countries have continued to provide a platform for the political and economic involvement of networks and lobbying connected to the former regime. Through their membership in the Party of European Socialists (PES) and the Party of the European Left, former nomenclatura, secret service agents and the oligarchy that emerged with their support have received new recognition and an EU-wide scope for their activity. These problems, however, are not limited to former communist parties, but are present in all political families, including Liberals (ALDE) and Christian Democrats (EPP). For instance, there have been regular accusations of the misuse of public funds, corruption, conflict of interests, cronyism against several Bulgarian parties participating in the government in the last decade, including the Bulgarian Socialist Party (PES member), Citizens for European Development of Bulgaria (BERB member), and the Movement for Rights and Freedoms (ALDE member). All of these major Bulgarian parties have received regular support from their European parties on many domestic political issues. This leaves the impression that EU institutions have a double standard.

What now?
To enhance democratic consolidation processes in SEE countries and to counteract powerful anti-democratic lobbies and networks, the EU needs to commit resources to strengthening the European-wide cooperation on law enforcement, including the reform of Eurojust and the creation of a European Public Prosecutor’s Office. An emerging case law, grounded in a value-oriented interpretation and the application of the Charter of Fundamental Rights of the EU by both the Court of Justice of the EU and the national courts, may further strengthen the sense of the EU as a political union and a community of values. Further, active civil society involvement in decision-making could be enhanced through the new participatory instrument of the European Citizens’ Initiative. To exist as an area of freedom, security and justice, the EU has to emerge as a stronger political force that can hold national governments, officials and lobbies accountable in the case of a breach of fundamental EU values and principles. Only then may the EU continue to play a positive transformative role in the new democracies with a troubled totalitarian past.

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Notes
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