

**THE EUROPEAN UNION'S CONDITIONALITY
MECHANISM AND DEMOCRATIC CONSOLIDATION IN
THE POST-COMMUNIST EU CANDIDATE COUNTRIES**

By

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ABSTRACT

This paper analyses to which extent the European Union's conditionality influences democratic performance and consolidation in the post-communist countries during the period of negotiations. I start from the explanation of the basic concepts (democracy, democratic consolidation, conditionality), theoretical approach (rationalist institutionalism) and methodological approach (descriptive statistics and case study). I use four democratic indices (Nations in Transit Index, Bertelsmann Transformation Index, Vanhanen's Index of Democracy and Unified Democracy Scores) in order to choose two cases for the case study analysis. In the case studies of Slovakia and Croatia I focus on human rights and rule of law in order to provide support for my claim. The observations show that the conditionality imposed by the European Union was not successful in the democratization of post-communist countries in the negotiations period as it is promoted by the European Union and some prominent scholars. The most important requirements in non-negotiable areas were not satisfied by the end of negotiations.

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INTRODUCTION

Since the beginning of the 1990s the question of democratization in the post-communist countries has occupied significant position within the political science literature. The process of democratization is consisted of three stages – liberalization, transformation and democratic consolidation (Linz and Stepan 1996). Furthermore, the European Union was regarded as one of the important aspects of democratization and its conditionality mechanism as most influential. Also, there are indications that democratic consolidation begins with the opening of negotiations with the European Union (Pridham 2005) and the moment when countries enter into the European Union is seen as the end of democratic consolidation (by the European Union). The European Union and prominent scholars see the influence of conditionality mechanism in consolidating democracies as very powerful. However, since there are clues (such as indices of democracy do not show overall positive improvement, some European Union's conditions are not satisfied completely, there is backsliding after the entering the European Union) that this influence is not as comprehensive as it is often claimed I decided to raise a question which can be summarized as follows: to what extent did the European Union's conditionality have an influence on the democratic performance and consolidation in the post-communist countries during the period of negotiations?

My answer to this question is that the influence of the European Union's conditionality on democratic performance and consolidation in the post-communist countries during the period of negotiations is negligible and it had far less success than propagated. I adopt that democracy can be seen as a concept made of two aspects – procedural and substantive democracy (Kaldor and Vejvoda 1999). This division is necessary in order to show that the real influence on democratic performance can be seen only if we trace the changes regarding

the substantive aspect of democracy. Also, the argument will be based on the two areas which are part of the Copenhagen criteria and were established as non-negotiable by the European Union – human rights and rule of law. Also, as it will be presented these two areas are important parts of substantive democracy.

In my paper I adopt the rationalist institutionalism theoretical approach which sees countries as rational actors and implies the European Union can provide incentives through the conditionality mechanism for them in order to influence their behavior. If the mechanism works then the European Union should expect changes which are marked as a goal of the process of negotiations – improvement in democratic performance (Sedelmeier 2011). Within this theoretical framework I will try to show that the European Union's mechanism did not achieve results to the extent expected.

My argumentation will be based on two case studies. One of the case studies is chosen from the group of the post-communist countries which have already entered the European Union and one which is in the process of negotiations. However, in order to provide background for the deeper inquiry I will make several pre-steps.

First of all, I will explain the basic concepts which I am going to use – democracy, democratization, democratic consolidation and conditionality. Definitions of these concepts are necessary in order to understand the logic of the argument and findings which I will provide. Also, I will present the backbone of the theoretical approach within which my analysis will be conducted. Second of all, my methodological framework will be structured of two parts. In the first part the basis for the case selection will be structured through analysis of four indices of democracy (Nations in Transit Index, Bertelsmann Transformation Index,

Vanhanen's Index of Democracy and Unified Democracy Scores.). Since there are numerous independent variables which are hard to control and lack of cases for the statistical methods this analysis will be based on the descriptive statistics. Third of all, in the next step in which two case studies will be presented I will develop my main argument. This step includes case studies of the two post-communist countries (Slovakia and Croatia). Within these case studies I will discuss the results, but in the end I will also introduce a short discussion and some further explanations. I will argue that democratic changes which occurred as a result of the European Union's conditionality during the negotiations were affecting procedural democracy, but that on the substantive level there its influence was extremely limited.

Through my approach I see the opportunity to give a contribution to the existing literature and to the field of political science in two important points. These two points are presented by King, Keohane and Verba who claim that contribution is not only inquiry related to the questions not addressed before, but it is also possible to contribute in a way to:

[C]hoose an accepted hypothesis in the literature that we suspect is false (or one we believe has not been adequately confirmed) and investigate whether it is indeed false or whether some other theory is correct. [Or] Attempt to resolve or provide further evidence of one side of controversy in the literature – perhaps demonstrate that the controversy was unfounded from the start. (King Keohane and Verba 1994)

I find the claim that the European Union's conditionality is successful in improving democratic performance deficient. Thus, I hope that my research will provide deeper knowledge and additional answers in this respect. The results and findings presented in the paper can be used for further analysis which is definitely required.

CHAPTER 1 – DETECTION OF THE PROBLEM AND DEFINITION OF THE CONCEPTS

1.1. Literature review

At the beginning it is necessary to present the promoters of the European Union's democratizing influence on candidate countries. Definitely, the best known promoter is the European Union itself. The European Union often claims that it has an important role in democratization of European countries which intend to become its. The changes in the European Union's foreign policy during the last twenty years are related to this matter and through them it tends to promote democracy, rule of law, human rights etc. These goals are "enshrined in European Council declarations dating from 1991, Association and Partnership and Cooperation Agreements with former Communist states, the Maastricht Treaty, the most recent Lome Convention, and in the 1993 Copenhagen criteria establishing democratic requirements for EU membership." (Kubicek 2004, 1) Since the main documents of the European Union claim that the role of the European Union is promotion of democracy it became a well-accepted thesis. As an addition, the European Commission claims that the end of negotiations with the European Union is analogous with the end of democratic consolidation. Pridham (2006) claims that this attitude is necessary for the European Union since it does not want to raise doubts related to the effectiveness of the European Union's conditionality and does not want to give the opportunity to eurosceptics to criticize its role in the process of democratization. Also, Pridham claims that outside (European Union's) conditions imposed over countries had a positive influence on democratic consolidation. Definitely, the stand-point of the European Union regarding its influence on democratic consolidation had its impact on the scholars who accepted the promotion of its role in democratization. In the next few paragraphs I will present some of these scholars and their claims.

First of all, Milada Vachudova (2005) is one of the scholars whose opinion is that the European Union through passive and active leverage has a positive influence on the democratization in the countries that intend to become part of the European Union. The most important mechanisms which are used as a part of the conditionality are financial rewards which are to be used for institution building, twinning projects which ensure experience learning from member states in the adaptation of existing institutions and public criticism in case of undemocratic tensions within the country. Above all, there is the possibility to stop negotiations with the certain country – the European Union always has the possibility to threaten to exclude the country from the next stage of negotiations (Vachudova 2005, 125-127). These mechanisms seem very powerful, but it is questionable if they are really effective. In other words, it can be questioned if they produce the desired effect in candidate countries. The existence of the mechanisms does not imply that the desired outcome is always achieved.

Second of all, the same (or similar) position is taken by the Nikolay Marionov in his two papers – *Does Integrations Spread Democracy Through Ideas or Conditionality* (2004) and *Identifying the Democratizing effects of EU aid: The European Council Presidency as an Instrument* (2010). In the first text Marinov claims that it is not enough that the European Union promotes certain values (such as democracy), but it is necessary that this promotion of the values is backed-up by credible conditionality. Only when conditionality is introduced it is allowed to expect that the promoted values will be effectively enshrined within the candidate countries. Thus, stick and carrots incentives which the European Union gives to the candidate countries will have, as a result, changes in democracy performance in these countries. However, this is only the ‘positive’ side (carrot) of the democratic conditionality. On the other hand, there are ‘negative’ sides (sticks) through which the European Union provides sanctions

in order to ensure changes in targeted countries. Moreover, the author claims that “integration, accompanied by democratic conditionality, may help democratization elsewhere.” (Marinov 2004, 4). Since the European Union has ideas related to democracy promotion and it uses conditionality it should have respective influence on the democratization in the candidate countries. In his second text, Marinov explicitly connects resources used by the European Union as part of conditionality policy with the influence on the democratic progress, Marinov writes:

Perhaps the most direct case for a link between democracy and European aid can be made in the case of democratic conditionality. Democratic conditionality seeks to tie external resources to progress on elections and liberal government. To the extent that the policy is applied consistently across the board, we may expect to find a democratizing effect associated with higher levels of EU development assistance. (2010, 4)

Thus, Marinov definitely is among the group of scholars who claim that the influence of the European Union’s conditionality is an important element in the democratization of the candidate countries. Moreover, he does not stop at this point, but he also claims that the same model can be found among other relations which include conditionality. This means that in the case of some other organization which promotes democratic ideas and uses conditionality we are able to expect the same results in the process of democratization (and the results of this process for Marinov are seen as an improvement in democratic performance).

Next, Heather Grabbe (2002) is one of the authors who give her support to the same view. Her standpoint is that conditionality is a strong tool used by the European Union to shape institutions in candidate countries in order to achieve the listed criteria for accession. Also, these requests are accepted by the domestic actors since the European Union gives attractive incentives in exchange for changes and threats by constraints if changes are not accomplished. It is true that Grabbe explains that there are difficulties in this process, but her main idea is that there is a positive influence on the democratization in applicant countries.

Overall, according to the standpoint of the European Union and some prominent authors we would be able to make a conclusion that the European Union's conditionality has a serious positive effect on the democratization in the candidate countries. The mechanisms and procedures presented and explained by these authors seem decisive elements in this process. Also, the European Union is highly persuasive in presenting itself as a democratizing factor in its surrounding and especially in central-east and south-east European countries. The claim of Erika Harris expresses the core idea of the authors who share this stand point: "there is little doubt that the further democratization in postcommunist Central Europe is now synonymous with European integration and vices versa." (2003, 2)

On the other hand, there are authors who do not agree completely or at all with the previous stand point. They usually emphasize other sources which influence democratization and find the influence of the European Union's mechanisms modest. For example, Grigore Pop-Eleches (2007) notes that historical legacies of post-communist countries had the decisive influence in transformation and democratization in those countries. Also, he claims that other factors, such as institutional choices and external conditionality, are seen as less important. However, the author concludes that "more fine-tuned measure of the overtime variation in EU accession incentives would produce stronger results [...]" (2007, 923) This means that there is space for improvement in the European Union's mechanisms. As Sedelmeier notes there are various explanations of democratic change which take into account different aspects as more important than conditionality – domestic factors, institutional choices, regime type (2011). However, in my study it is assumed that governments of countries which gained candidate status and started negotiations with the European Union are ready for cooperation and their goal is membership. This means that there should be no serious barriers for the European

Union's influence. Next, Kubicek (2004b), as the editor of the book *The European Union and Democratization* based on several case studies, draws the conclusion that the influence of the European Union in democratization is based on assumptions not completely proven. He claims that the European Union sometimes has "turned a blind eye to democratic shortcomings." (Kubicek 2004b, 198) However, these findings are based on the implementation of the European Union's conditionality in the period before negotiations and this is the main difference in comparison with my study.

1.2. Concepts

In this part I will provide explanation of the most important concepts and the backbone of the theoretical approach that I use in my paper: democracy, democratic consolidation, conditionality and the rationalist institutionalism approach. These concepts are widely used and their definitions are not strict. My goal is to present definitions which I accept in my further work and I consider them as most suitable for my topic. These definitions are important for the understanding of my argumentation and results.

1.2.1. Democracy

Although the concept of democracy has been developed for a long time still there are fundamental differences in defining this concept. Surely, democracy is used in order to describe existing conditions within states, but also it is used as a normative concept to describe how things should be. Regarding definitions of democracy, they are usually separated in the two groups – procedural and substantive definitions. Procedural definitions are minimalist and they are concentrated only on the most important procedures. Whitehead (2002) presents Schmitter and Karl's (1993) definition as a typical procedural definition – it includes nine conditions – control of government decisions, elected officials, right to vote and to be elected for practically all adults, right of expression, right to seek alternative

information, right to form relatively independent organizations, freedom of popularly elected official from coercion, self-governance of polity. As we can see, all these requirements are concentrated on the formal rules (procedures) – guaranteeing rights and freedoms. More precisely, this means that these requirements have to be formally satisfied within the constitution or laws. This kind of definition “tends to crowd out the space for any variety of substantial or legal rights.” (Whitehead 2002) Surely, it is possible that some groups will be deprived of some personal freedoms or rights.

With the emergence of the new democracies in the third wave of democratization (including post-communist countries) the problem of procedural definitions has become more obvious. These states established democratic procedures such as free and fair elections, popularly elected governments, democratic institutions etc. However, they did not go further than that – undemocratic practices were preserved within the political system. Thus, using the procedural definition they would be accepted as democracies even though they demonstrate serious violation of democratic practice. This was decisive in developing the definitions of substantive democracy which include more than only formal rights, concentrating on practices of democracy. (Grugel 2002)

My understanding of democracy is based on Kaldor and Vejvoda’s book *Democratization in Central and Eastern Europe* (1999). Regarding procedural democracy, the two authors give eight minimal procedural conditions – inclusive citizenship, rule of law, separation of powers, elected power-holders, free and fair elections, freedom of expression and alternative sources of information, associational autonomy and civilian control over the security forces. By this concept they consider rules and institutions. On the other hand, substantive democracy includes:

the character of constitutions and the way in which human rights are perceived; the role of political parties and the extent to which they provide a vehicle for political participation; the role of the media and the extent to which they are capable of representing a broad political debate; whether and how far the former communist administration has been able to transform itself into a genuine public service which individuals trust; the degree to which local government is able to manage and respond to local concerns; and finally, the existence of an active civil society, in the sense of independent associations and institutions, which is able to check abuses of state power. (Kaldor and Vejvoda 1999, 8)

In my paper I will use both aspects of democracy – procedural and substantive, but my primary interest is to see if changes are made in substantive part. However, as can be seen, this definition of substantive democracy is very broad and inclusive. Therefore, in a paper of this size it is impossible to include all these features. This is the reason why I have decided to concentrate on the two most important questions – rule of law and human rights. These two are part of the basic conditions introduced by the European Union, imposed by Copenhagen European Council in 1993 and known as the Copenhagen Criteria. One of the Copenhagen criteria (political criteria) is focused on achieving “stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities” (Gateway to Europe, 2011a). Thus, if the influence of the European Union through conditionality on democratic consolidation is significant, it should be visible in these areas.

1.2.2. Democratic consolidation and democratization

Following liberalization and transformation, democratic consolidation is the third and last stage of democratization (a process of change from undemocratic systems towards democratic systems with the goal of consolidated democracy, which however is not always the result of the process). Liberalization is a stage which occurs in authoritarian regimes, including lowering restrictions and introducing basic freedoms. During this stage coalitions which foster change become stronger, are able to put pressure on authoritarian institutions, influence public opinion and demand system change. The next stage is transition and it refers to a change of

regimes – authoritarian institutions are replaced with democratic ones. This stage includes debates regarding the composition of the new institutions and replacement of the old ones. (Linz and Stepan 1996)

There are different approaches to the concept of democratic consolidation, the last stage. Some of them are more and some are less precise. Thus, democratic consolidation can be seen as a process for “initiation and deepening democracy in a polity that was previously authoritarian.” (Mungiu-Pippidi 2005, 16) Also, democratic consolidation is presented as a process of establishing, maintaining and development of democracy (Maldini 2008). Pridham perceives it as “stabilization, routinization, institutionalization and legitimization of patterns of democratic behaviour.” (Pridham 2006, 378). However, I will use Kubicek’s concept which defines democratic consolidation as “a process of stabilizing democratic institutions and practices, as well as the internalization of democratic norms by elites and masses.” (2004)

I use Kubicek’s definition since it includes elements which I consider relevant for this analysis. It has a temporal aspect – consolidation is not seen as a single event, but a process. Definitely it takes time to achieve democratic consolidation and my query is whether the European Union conditionality during the negotiations has an important role in this process. Furthermore, it includes both aspects of democracy that I presented earlier – procedural and substantive. Thus, if the European Union does have an influence, it can be detected in the process of consolidation related to both these aspects.

It seems that there is an overlap between the beginning of the democratic consolidation period and negotiations with the European Union. Prior to beginning of negotiations countries are required to fulfill Copenhagen criteria (but during the negotiations these criteria are checked

every year) which include criteria related to human rights, rule of law, stability of institutions. According to Pridham (2005) countries which satisfy these criteria are done with the transition and they enter the democratic consolidation stage. Thus, the overlapping of the democratic consolidation stage and the process of negotiations offers the European Union a chance to use its mechanisms in order to foster the process of the stabilization of democracy in these countries. In other words, the European Union has the opportunity to foster democratic consolidation.

1.2.3. Conditionality

Definitely it is necessary to specify what mechanisms and methods are used by the European Union in order to promote democracy and foster democratic consolidation during the negotiations with the candidate countries. There are four different methods which international actors can use to spread democracy – control, contagion, convergence and conditionality. (Kubicek 2004) All four of these methods can be used by international actors, but not all of them are specific for the European Union.

First of all, according to Kubicek (2004) control refers to direct control of international actors over state institutions. The most obvious example was control of Germany by Allies. However, the European Union does not have this kind of influence over member states and especially not over candidate states. There are no adequate powers and consensus within the European Union to provide clear guidelines for establishing the prototype of democratic institutions (diversity of political institutions among member states supports this view). Thus, I decide to cast aside control as a method for promotion of democracy by the European Union as international actor.

Second of all, contagion is the attractiveness of a certain (in this case democratic) system in one country or in a group of countries can exert an influence on others (most likely neighboring countries) and over time they will accept a similar system. Attractiveness arises from the benefits (wealth, security) as direct or indirect results of the democratic systems. However, “the contagion hypothesis cannot tell us how a sequence begins, why it ends, what it excludes, or even the order in which it is likely to advance.” (Whitehead 2001) Also, this theory assumes that the international actor plays a passive role in democratization. Definitely, we cannot argue that the European Union does not have an active role in the promotion of democracy and this is most obvious in the process of negotiations in which the European Union, along with the candidate country, is an active player. The European Union is definitely involved in the process in various ways (politically, economically). Thus, I do not accept this mechanism as a possible explanation of the European Union’s influence on democratic consolidation.

Third of all, the convergence approach includes acceptance (adoption) of democracy by actors within the states, incorporation of democratic values and socialization. As Kubicek (2004) argues this approach is very similar to the previous one, but the difference is that in this case more attention is given to the motivation of domestic actors. Rational motivation is part of the separate mechanism (conditionality) which will be discussed later. The other motivation arises from socialization and internalization of norms. According to Sedelmeier (2011) this view is part of the sociological institutionalism and it gives attention to the spread of norms, social learning, communication etc. This approach includes the perception of the European Union and of its decision as legitimate, normatively consistent and based on the consensus of the member states.

The last method is conditionality. Conditionality can be seen as a strategy of international organizations whose main goal is to stabilize political change. This strategy uses reinforcement mechanisms in order to fulfill its goals. More precisely, the European Union's conditionality is "an exchange between the EU and a candidate country in which the EU offers the candidate a (realistic) prospect of EU membership, if the candidate implements a wide range of (EU driven) domestic reforms." (Steunenberg and Dimitrova 2007, 3) The European Union uses this mechanism to promote democratic changes in candidate countries. On the one hand, the European Union uses incentives to motivate countries during the negotiations – the most powerful incentive is promised membership. On the other hand, it also applies negative sanctions (negative conditionality) if necessary. In this category, the most powerful tool is blocking of negotiations, but public criticism and diplomatic notes also play important roles in ensuring compliance. It is necessary that promises and threats should be realistic and if the European Union tends to make this mechanism work, it should be done consistently.

According to Sedelmeier (2011) the concept of conditionality is mostly used by the rationalist institutionalism approach. Scholars applying this approach emphasize the importance of external incentives, compliance of domestic actors and credibility of conditions. The candidate countries are aware of the requirements they have to fulfill if they want to accomplish their goal – becoming the member state of the European Union. Thus, candidate countries are perceived as rational actors (they are able to satisfy their preferences) and the European Union is able to use their preferences to impose democratic changes within the domestic political system of those countries. I accept this theoretical approach in order to show that the European Union's conditionality was not the efficient instrument for stimulation of the rational actors.

CHAPTER 2 – METHODOLOGICAL APPROACH

My methodological approach is consisted of two steps (or two types of methods) – descriptive statistics and case study. Each method provides separate results in order to test my hypothesis. The methodological framework is built according to the theoretical approach and the definitions of basic concepts which I adopt. According to the theoretical approach I accept the concept of democracy which distinguishes procedural and substantive democracy. (Kaldor and Vejvoda 1999). The first methodological approach (descriptive statistics) is used to provide information regarding procedural democracy and as a first step towards the case studies. The second approach (case study) is used to provide information about the two representative cases. These results are used in order to test my hypothesis and this approach is related to both aspects of democracy - procedural and substantive.

2.1. Descriptive statistics

Descriptive statistics has simplification and organization of the set of scores as a goal. Usually this is done through tables and graphs. In this case I use graphs in order to present the democracy scores of the two groups of countries - post-communist countries which entered the European Union and post-communist countries which are in the process of negotiations. This approach provides simple and illustrative scores which can be used for further analysis or creates the possibility to choose representative cases which are subsequently subjected to the case study (Gravetter and Wallnau 2007). In this part of the analysis I use data gathered by different organizations and scholars in order to build democracy indices. My analysis includes democracy scores of four democracy indices - Nations in Transit Index, Bertelsmann Transformation Index, Vanhanen's Index of Democracy and Unified Democracy Scores. I use these indices for the beginning of my analysis because they are the most frequently used ones

and they cover the time period in which I am interested in. Also, I am completely aware of the deficiencies of the *Freedom House* indices (*Nations in Transit* index is part of the *Freedom House*) methodology used to create this index. The most obvious problems are maximalist definition of democracy, problems with measurement and inappropriate aggregation procedure. (Munck and Verkuilen 2002) Thus this is a second reason why I am not going to use these results only as my primary data.

Data analysis provides better insight into the existing data through cleaning of unimportant information. It highlights the important information and provides the possibility of drawing our first conclusions. After conducting this process it is easier to understand what data exactly contain and then proceed with further analysis (Ader and Mellenbergh 2008). The positive aspect of this method is its simplicity and possibility to see the trend of the change in democracy performance over time. However, the negative aspect is obvious – it does not provide the possibility to control for other variables which might influence results. Also, each of the indices has its own deficiencies which will be described later. Thus, this method is applied for no more than preparation for further work some tentative answers.

2.2. Case Study

As the main methodological approach to the question of influence of the European Union on the democratic consolidation in post-communist countries, I use case studies of the two countries which I choose according to the analysis of different indices. According to descriptive statistics and theoretical assumptions I choose two countries – one from the group of countries which are already members of the European Union and one from the group of countries which are in the process of negotiations. Since the first methodological approach provides only descriptive information about democracy scores and it does not provide the

possibility to control for other independent variables or factors that foster or block influence of the European Union it is necessary to go deeper by investigating two cases and the situation related to this problem within their political systems. Since the European Union as a goal introduces promotion of democracy in applicant countries and foundation for this promotion are Copenhagen criteria I concentrate my interest on the rule of law and human rights in these countries during the period of negotiation with the European Union. This approach is based on the theoretical assumptions and definition of democracy that I accept. Thus, descriptive statistics is used to select cases and in my opinion it shows basic influence of the European Union on the procedural democracy (rules, procedures, institutions). Furthermore, case studies chosen in this way will show if there are changes in the procedural and substantive democracy (Kaldor and Vejvoda 1999).

According to John Gerring a case study is “an intensive study of a single case where the purpose of that study is – at least in part - to shed light on a larger class of cases (a population).” (2007, 20) Also, the author adds that it is not necessary to have only one case in the empirical work to call it case study, but it is possible to have a few cases. Moreover, it is important that in social sciences we cannot claim that the unit(s) of case study are perfectly representative of the population. Regarding this problem, I select units of analysis according to the first part of my methodological framework and to my research. Surely, this does not mean that perfect representation will be achieved, but I believe that the degree of uncertainty can be lowered.

As Gerring argues the method of data collection for the case study is not specifically determined. There are several different ways to collect data which should provide answers to my research question – original research, ethnographic research, existing texts, data sets,

interviews (Gerring 2007). In this case, I use the original research and existing texts in order to provide answers to my research question. These two sources of data ensure enough information for quality conduction of my analysis. Also all data gathered should be interpreted. Thus, the interpretation of the collected data is also part of my analysis. The problem with interpretation is that it is always subjective in a certain degree. This is the reason why I consult work of other scholars related to this topic (more precise in literature review). Furthermore, I concentrate my interest on the interventions of the European Union through the mechanism of the conditionality regarding human rights and rule of law and the effects of these interventions in two countries. Surely, all these interventions and changes in political system are not clearly interconnected and it is hard to claim that there is a direct causal relation. Thus, I use process tracing to connect all these dots into the greater picture – “a series of one-shot observations is enlisted to demonstrate a macro-causal claim.” (Gerring 2007, 174)

The positive aspect of this approach is a deep knowledge (rich, detailed) which is provided by using this method. Furthermore, this kind of knowledge ensures recognition of the variables which have intervening effects and helps to understand why there are differences regarding democratizing effects among countries. Also, the type of data used in the case study allows checking their reliability and making the necessary changes. These changes of the data are not as demanding as it is in the case of large-N studies. Surely, if some information is changed or it is proven that previous research provided inaccurate information, it is much easier to change data in one or just a few cases.

The positive aspect of this methodological approach is that the case studies usually provide better insight to the certain cases and understanding of the problem. On the other hand, by

using them it is not completely possible to test theories. However, this does not mean that this kind of research is useless. It is necessary to understand the specific problem, to illuminate it as much as possible and, in the end if the collected data allows us to, to make broader conclusions. Even if the case study does not give final answer to the certain hypothesis, it can provide corroborating evidence. (Gerring 2007) This evidence may enable other scholars to make extensive case studies which would lead to a more complete testing of the theory.

Surely, I believe that a combination of these two methodological approaches will provide enough material to successfully test my hypothesis and enable me to answer my research question.

CHAPTER 3 - ANALYSIS OF DEMOCRACY INDICES AND CASE SELECTION

In this chapter I will present the results of the post-communist countries according to four democracy indices - Nations in Transit Index, Bertelsmann Transformation Index, Vanhanen's Index of Democracy and Unified Democracy Scores. I choose these indices in order to see if there is a certain common positive trend among post-communist countries in democratic performance and as a first step towards the case studies. Since it is not possible to control for other variables, these results are not definitive answers to my research question. The next step is selection of the cases and conduction of the case studies.

3.1. *Nations in Transit* index

As a preparation for my thesis, I have already done analysis of the *Nations in Transit* index¹. In my previous research I was using results of the *Nations in Transit* index in order to see if there is any change in the results of democracy performance for the post-communist countries during the period of negotiations and after becoming members of the European Union. The research includes data in the period between 1999 and 2010 (results are presented in Table 1). *Nations in transit*'s methodology is based on numerical ratings on a 1 to 7 scale for the included countries. Each country is assessed in seven different areas - Electoral process, civil society, independent media, national democratic governance, local democratic governance, judicial framework and independence and corruption. Lower rating is assigned to the countries which perform better and higher rating is assigned to the countries that perform worst. Also, for each category a list of questions is developed according to which countries are also graded with 1-7 score. The average score of the set of questions is calculated

¹ My previous research was part of the final paper for the class Analyzing Democracy during the Fall semester 2010/2011

representing the final result for that category. Also, the average score of all seven categories is presented as the democracy score for each country. (Freedom House, 2010a)

As it is possible to see in Figure 1 and Figure 2² all countries (except the Czech Republic and Poland, but Poland performed better in the years preceding entrance and the Czech Republic in the years following entrance) have more or less performed better in democracy score during the time (during negotiations until becoming members of the European Union). The best score of democratic performance was in the year when the given countries entered the European Union or just a year after that (the exceptions are Latvia, Slovakia and the Czech Republic). Also, it is important to note that there are no results for the year 2000, the year when Bulgaria and Romania opened their negotiations with the European Union. However, if we look into the scores that countries performed after entering the European Union it is possible to say that there is slight backsliding in the performance. Interestingly, democracy score in 2010 shows that most countries performed worse or the same as in the year when they entered the European Union (except the Czech Republic). Also, if we look at the scores of the countries that last entered the European Union (Bulgaria and Romania), there is improvement in the democracy score after opening negotiations, but also backsliding after entering the European Union. In the end there is only slight improvement for Croatia and Macedonia (Croatia made improvement in two years -2004 and 2008, but it was short-lived improvement).


These results show that during the process of negotiations the European Union exerts some influence on democratic performance and democratic consolidation. However, that influence is not as strong, crucial and permanent as it can be assumed from the European Union's

² I separated data into two figures in order to make it clear and reader-friendly (Two figures are used for each index)

official policies. It is possible to say that the European Union is mostly satisfied when countries achieve technical and nominal democratic criteria and this process seems superficial since there is no change in substantive democratic performance. The results of this kind of process are visible in the years when countries have become member states and backsliding of their democratic performance starts. This means that the influence of the European Union's conditionality in order to democratize these countries is not as important as claimed by the European Union and some scholars (more in literature review). Surely, this question requires deeper inquiry and this will be done in case studies.

Table 1 – *Nations in Transit 1999-2010*

	1999	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Czech Rep.	2.08	2.25	2.46	2.33	2.33	2.29	2.25	2.25	2.14	2.18	2.21
Estonia	2.25	2.13	2.00	2.00	1.92	1.96	1.96	1.96	1.93	1.93	1.92
Hungary	1.88	2.13	2.13	1.96	1.96	1.96	2.00	2.14	2.14	2.29	2.39
Latvia	2.29	2.21	2.25	2.25	2.17	2.14	2.07	2.07	2.07	2.18	2.18
Lithuania	2.29	2.21	2.21	2.13	2.13	2.21	2.21	2.29	2.25	2.29	2.25
Poland	1.58	1.58	1.63	1.75	1.75	2.00	2.14	2.36	2.39	2.25	2.32
Slovakia	2.71	2.50	2.17	2.08	2.08	2.00	1.96	2.14	2.29	2.46	2.68
Slovenia	1.88	1.88	1.83	1.79	1.75	1.68	1.75	1.82	1.86	1.93	1.93
Bulgaria	3.58	3.42	3.33	3.38	3.25	3.18	2.93	2.89	2.86	3.04	3.04
Romania	3.54	3.67	3.71	3.63	3.58	3.39	3.39	3.29	3.36	3.36	3.46
Croatia	4.56	3.54	3.54	3.79	2.83	3.75	3.71	3.75	2.64	3.71	3.71
Macedonia	3.83	4.04	4.46	4.29	4.00	3.89	3.82	3.82	3.86	3.86	3.79

 - Year of becoming member of the EU

 - Year when negotiations were opened

 - Year when became candidate country

Source: Freedom House (2010b)

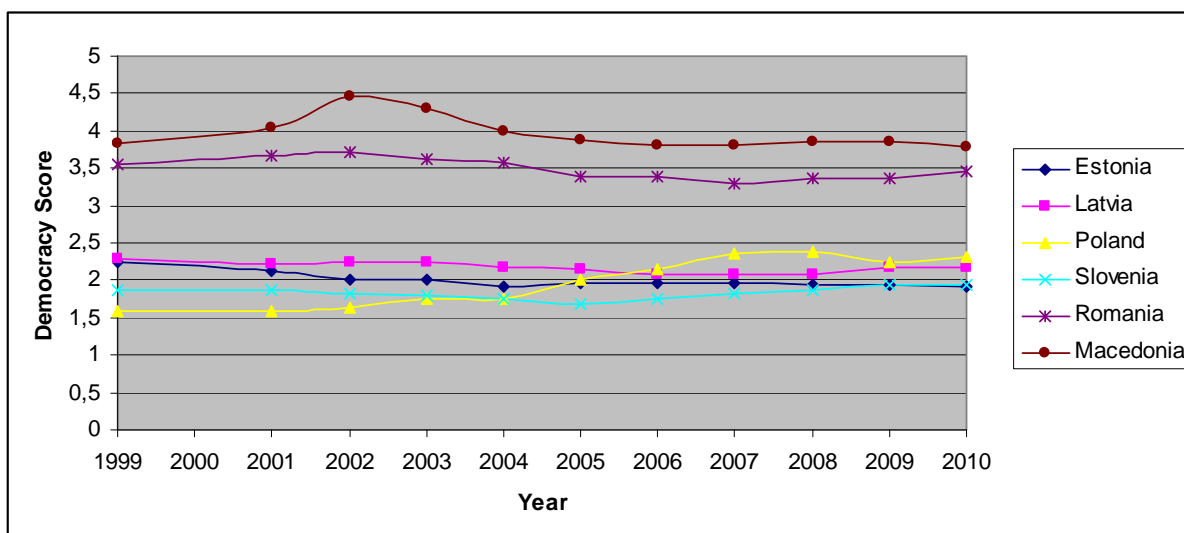


Figure 1 – Nations in Transit democracy score in Estonia, Latvia, Poland, Slovenia, Romania and Macedonia

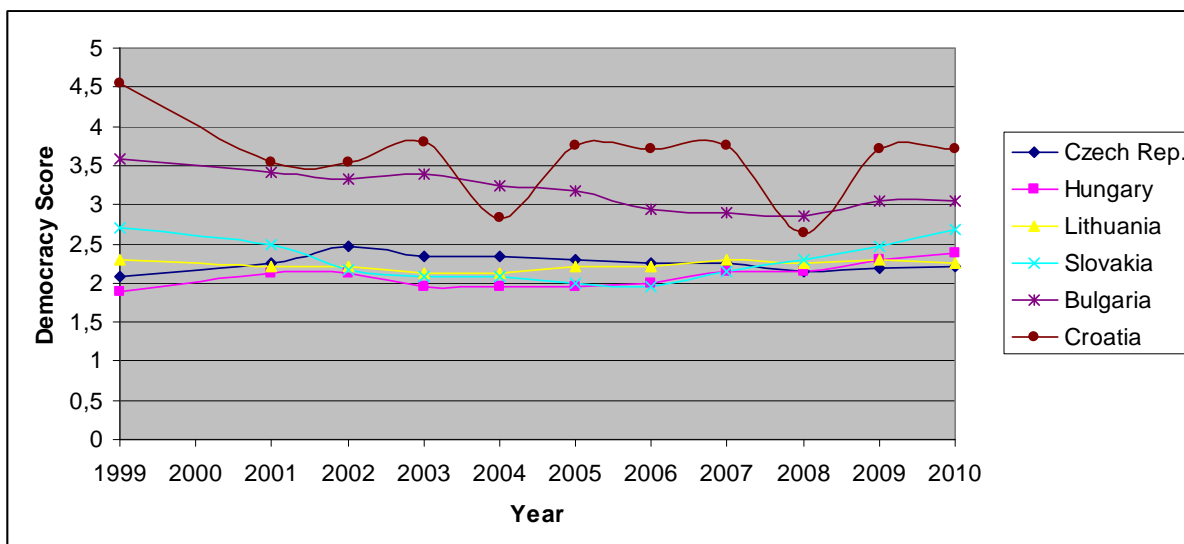


Figure 2 - Nations in Transit democracy score in Czech Republic, Hungary, Lithuania, Slovakia, Bulgaria and Croatia

I am completely aware of the deficiencies of the *Freedom House* indices (*Nations in Transit* index is part of the *Freedom House*) methodology used to create this index. The most obvious problems are maximalist definition of democracy, problems with measurement and inappropriate aggregation procedure (Munck and Verkuilen 2002). Also, these are results of only one of the democratic indices that I am going to evaluate in this first step. In my further

work I will use the results of the Bertelsmann Transformation Index, the Vanhanen's Index of Democracy and the Unified Democracy Scores.

3.2. Vanhanen's index of democratization

Vanhanen's index of democratization is constructed by two variables – political competition and political participation. The first one includes the electoral success of smaller parties. Under electoral success percentage of votes that smaller parties gained in election is considered. "The variable is calculated by subtracting from 100 the percentage of votes won by the largest party (the party which wins most votes) in parliamentary elections or by the party of the successful candidate in presidential elections." (Finish Social Science Data Archive, 2009) Furthermore, if parliamentary elections are more important than the presidential ones they are used in calculation and *vice versa* (or both elections are used but with different weights). For Vanhanen, competition is important factor since it shows freedom to organize, to oppose the government and to equally compete for power.

As the second variable is used political participation. And it is defined as the percentage of the population that voted in specific elections. It means that it takes into account whole population and not only the population that voted or the population with the right to vote. Also, if there are referendums during the year they are incorporated in this measure (every national referendum is worth 5% and local or regional 1%, but maximum 30% can be added per year in one country). The highest value for participation is 70% even when referendums are included.

Since there are numerous ways to combine these two variables, weight them differently and receive different result for the index of democratization Vanhanen decided to simply multiply results of two variables and then to divide the outcome by 100. According to him both of

these variables have the same importance in determining the level of democratization. (Vanhanen 1992) The results for the post-communist countries embraced by my analysis can be found in the Table 2.

The results show that constant progress in democratization is achieved only by Bulgaria. Hungary and Latvia had progress during the negotiations, but after becoming members their performance deteriorated. On the other hand, Czech Republic, Poland and Slovakia had descending trends during the negotiations, but after becoming members they achieved slight improvement. A constant descending trend was performed only by Slovakia which in 1998 scored 43,6 in Vanhanen's index and in the year when entering the European Union 28,1. Estonia had an unchanged trend over the years and Slovenia and Lithuania had fluctuations. Next, Croatia and Macedonia had serious improvements in one period (Croatia in 2000 and Macedonia in 2004). In Croatia this can be explained by the change of power in 2000 and in Macedonian case – it is indicative that it applied to the European Union membership that year which led to the granting of the status of European Union candidate in 2005. However, serious variations of the data in this index might be a result of the indicators of democracy included in this index. According to Munck and Verkuilen, Vanhanen includes only simple quantitative measures, concentrates only on “objective” indicators and at the same time neglects “subjective” indicators that may improve his analysis. Also, the equal weight of the two indicators is not theoretically backed-up, which can cause problems in drawing stronger conclusions only on the basis of this index. (2002)

Table 2 - Vanhanen's Index of Democracy 1999-2008

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Czech Rep.	36.5	36.5	36.5	30.1	30.1	30.1	30.1	33.9	33.9	33.9
Estonia	24	24	24	24	28.2	24.7	24.7	24.7	29.6	29.6
Hungary	25.4	25.4	25.4	30.4	33.1	33.1	30.4	27	27	27
Latvia	27.7	27.7	27.7	28.3	31.8	28.3	28.3	27.4	30.9	27.4
Lithuania	24.6	27.4	27.4	27.4	31.4	23.9	23.9	23.9	23.9	27.8
Poland	23.6	22.3	20.9	20.9	23.5	20.9	20.7	20.7	21.6	21.6
Slovakia	33.3	36.1	33.3	32	35	28.1	25.2	20.9	20.9	20.9
Slovenia	31.1	28.8	28.8	28.5	31.2	31.4	28.5	28.5	25.2	26
Bulgaria	22	22	27.6	27.6	27.6	27.6	32.3	32.3	32.3	32.3
Romania	32.1	20.6	20.6	20.6					28.1	22.1
Croatia	19.7	28.7	28.7	28.7	28.2	28.2	24.5	24.5	26.4	26.4
Macedonia	20.1	20.1	20.1	23.3	23.3	24.1	21.9	22.6	22.6	19.9

- Year of becoming member of the EU
- Year when negotiations were opened
- Year when became candidate country

Source - Finish Social Science Data Archive, 2009

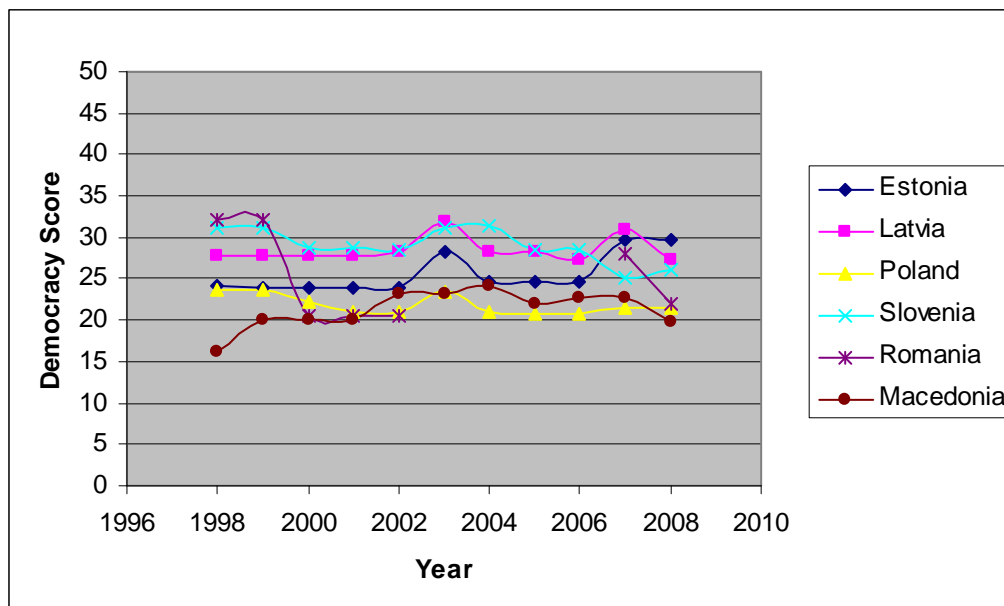


Figure 3 – Vanhanen's Index of Democracy in Estonia, Latvia, Poland, Slovenia, Romania and Macedonia

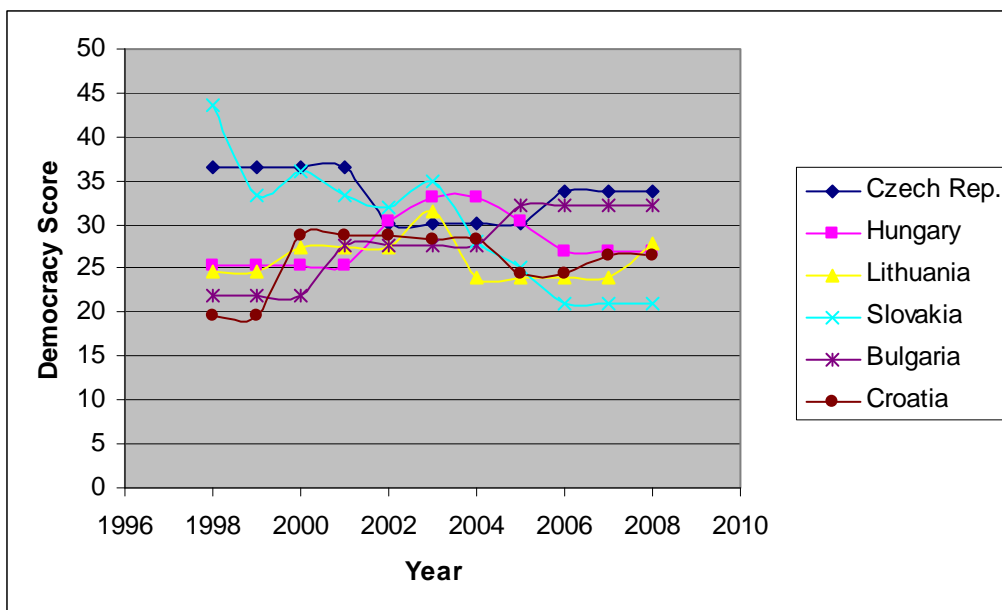


Figure 4 – Vanhanen's Index of Democracy in Czech Republic, Hungary, Lithuania, Slovakia, Bulgaria and Croatia

3.3. Bertelsmann-Transformation Index

The BTI (Bertelsmann-Transformation Index) is developed by Bertelsmann Stiftung, and including 128 countries. This index includes two separate statuses – Democracy status and Market Economy status. Since I am interested in democracy in post-communist countries I will use only first part of the BTI. Democracy status results are based on five groups of questions: Stateness, Political Participation, Rule of Law, Stability of Democratic Institutions and Political and Social Integration. Within each of these categories there are four questions (except Stability of Democratic Institutions which has only two questions) and for each country the assessment of these questions from 1-10 is given. Average rating of the questions within each group is the final value of that group and average rating of all groups is the final democracy status of each country. (BertelsmannStiftung, 2011) Since rating (within scale of a 1-5) was different for the first inquiry in 2003, it was necessary to transform results in order to have comparable results with later inquiries in 2006, 2008 and 2010. Transformation of results is done by multiplication of results by two since the scale in 2003 is the twice lower

then it is in latter cases. Definitely these are not precise results since six countries had perfect score of 10. However it provides us important information for further analysis.

According to BTI index (Table 3) only two countries (Hungary and Croatia) had descending results. Croatia had the slight improvement between 2003 and 2006, the period within which it started its negotiations with the European Union. Lithuania, Poland and Romania had fluctuating results in the period between 2003 and 2010. However, if we take into account that these fluctuations are minimal it is possible to say that their performance is constant and the variation is a result of the slight improvement in one out of 16 indicators or of the error. All other countries have improved in democracy scores over time (If we take into account that 2003 results are unrealistically high for certain countries). Clearly, five out of twelve countries do not show improvement thus according to the BTI it is impossible to draw conclusion that there is a significant trend among post-communist countries in democratization during negotiations with the European Union.

Table 3 – *Bertelsmann-Transformation Index 2003 - 2010*

	2003	2006	2008	2010
Czech Rep.	10	9.45	9.55	9.80
Estonia	9.60	9.40	9.55	9.60
Hungary	10	9.40	9.35	9.25
Latvia	8.80	8.30	8.70	8.85
Lithuania	10	9.25	9.35	9.30
Poland	10	9.20	8.80	9.00
Slovakia	10	9.20	9.20	9.35
Slovenia	10	9.55	9.70	9.75
Bulgaria	8	8.45	8.70	8.75
Romania	8	8.20	8.55	8.50
Croatia	8.40	9.10	8.85	8.50
Macedonia	6.80	7.55	7.75	7.95

Source - BertelsmannStiftung, 2011

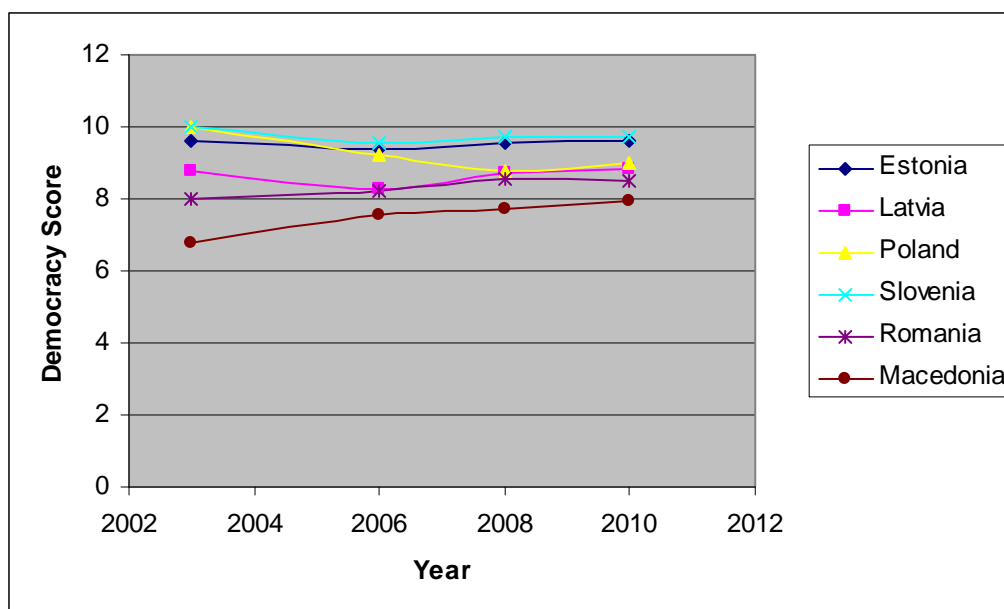


Figure 5 – Bertelsmann-Transformation Index democracy score in Estonia, Latvia, Poland, Slovenia, Romania and Macedonia

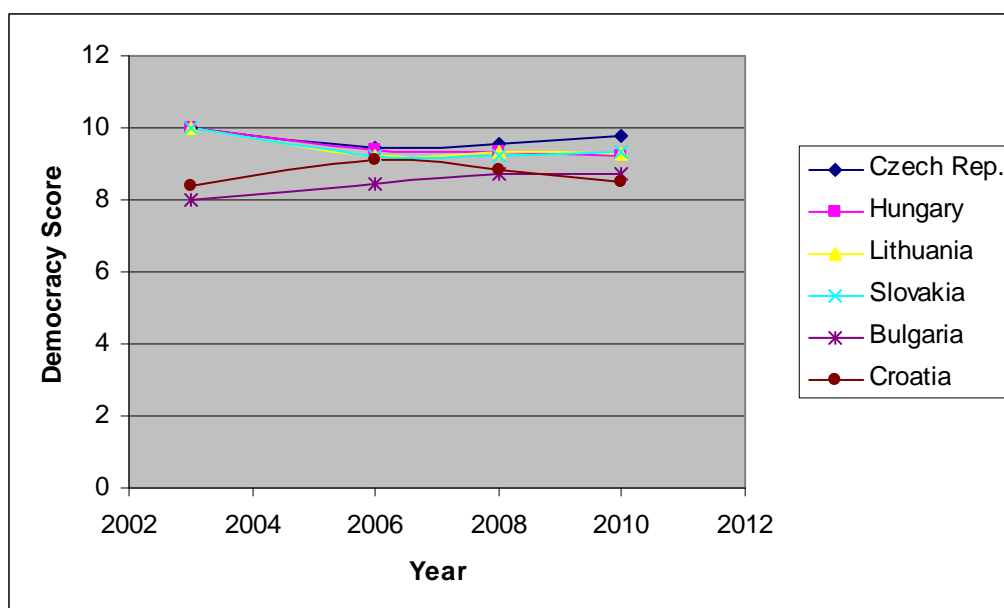


Figure 6 - Bertelsmann-Transformation Index democracy score in Czech Republic, Hungary, Lithuania, Slovakia, Bulgaria and Croatia

3.4. Unified Democracy Score

Unified Democracy Score is imagined as an index that incorporates ten existing measures/indices of democracy into one new and more precise index. Originally it embraced the period between 1946 and 2000 and the following indices – Arat, BLM (Bowman, Lehoucq, Mahoney), Bollen, Freedom House, Hadenius, PACL (Przeworski, Alvarez, Cheibub, Limongi), Polity IV, Polyarchy, PRC (Political Regime Change Measure) and Vanhanen. In the period between 2000 and 2008 they included new results from Freedom House, Polity IV, PACL and Vanhanen. This new index is constructed by Daniel Pemstein, Stephen Meserve and James Melton (2010). Their main intention is to use the efforts and of previous scholars and advantages of their indices in order to improve confidence in the estimation of democracy levels. They provide the opportunity for other scholars to use a unified scale without being forced to make compromises and choose one or two measures. Through mathematical equations they converted all scales and gained the final result – a scale

which includes results from -2.5 to 3.5. Lower scores represent lower level of democracy and higher scores higher levels.

The results (Table 4) of this index suggest that there are several groups of countries. Romania, Croatia and Macedonia show stagnation in democracy performance during the negotiations (and Macedonia after becoming a candidate country). A positive trend during negotiations is obvious in Estonia, Lithuania, Slovakia, Hungary, Slovenia and Bulgaria. However, the first three countries proceeded with the positive trend after joining the European Union and the last three had a descending trend. The Czech Republic, Latvia and Poland had significant growth in the year when they became member states (the Czech Republic and Poland) or the year aftermath (Latvia), but the first two had backsliding in democratic performance after entering the European Union.

Table 4 - *Unified Democracy Score 1999 - 2008*

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Czech Rep.	1.452	1.468	1.449	1.276	1.278	1.568	1.564	1.110	1.109	1.112
Estonia	0.747	0.972	0.910	0.910	0.976	1.036	1.039	1.040	1.118	1.115
Hungary	1.175	1.206	1.170	1.283	1.276	1.567	1.567	1.398	1.399	1.399
Latvia	0.890	0.788	0.888	0.891	0.969	0.890	1.019	1.023	0.969	0.891
Lithuania	1.081	0.952	1.162	1.166	1.285	0.975	1.281	1.285	1.285	1.395
Poland	0.914	0.718	0.913	1.095	1.083	1.289	1.287	1.283	1.287	1.286
Slovakia	1.060	1.202	1.057	1.061	1.167	1.111	1.110	1.298	1.282	1.287
Slovenia	1.283	1.202	1.175	1.403	1.563	1.565	1.404	1.394	1.399	1.400
Bulgaria	0.669	0.494	0.885	0.980	0.978	0.974	1.056	1.060	1.057	0.965
Romania	0.882	0.833	0.742	0.740	0.694	0.717	0.805	0.803	0.882	0.823
Croatia	0.218	0.685	0.804	0.806	0.797	0.797	0.821	0.822	0.887	0.886
Macedonia	0.499	0.277	0.414	0.694	0.692	0.696	0.693	0.692	0.697	0.628

 - Year of becoming member of the EU

 - Year when negotiations were opened

 - Year when became candidate country

Source - Unified Democracy Scores, 2011

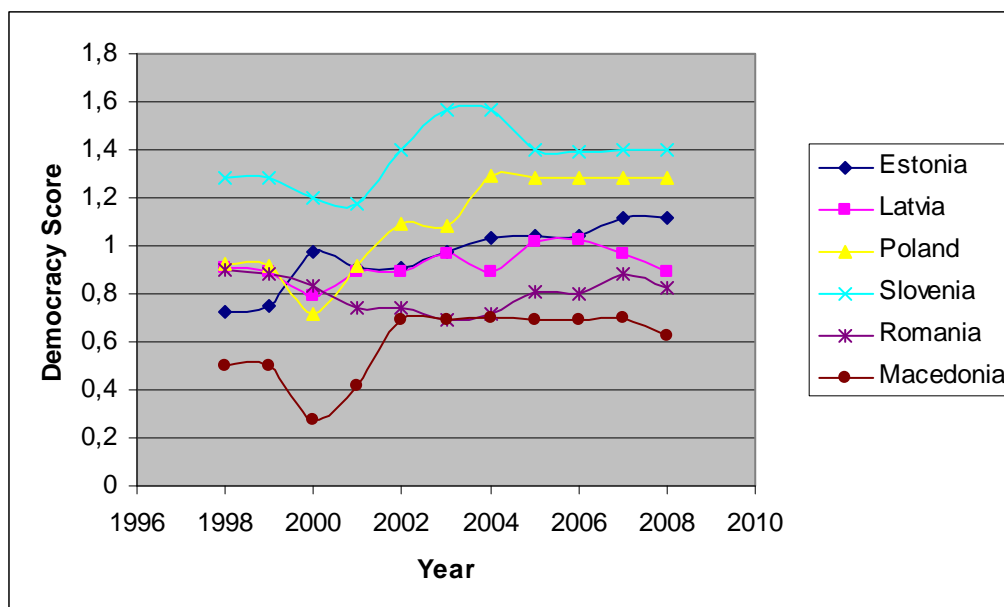


Figure 7 – Unified Democracy Score in Estonia, Latvia, Poland, Slovenia, Romania and Macedonia

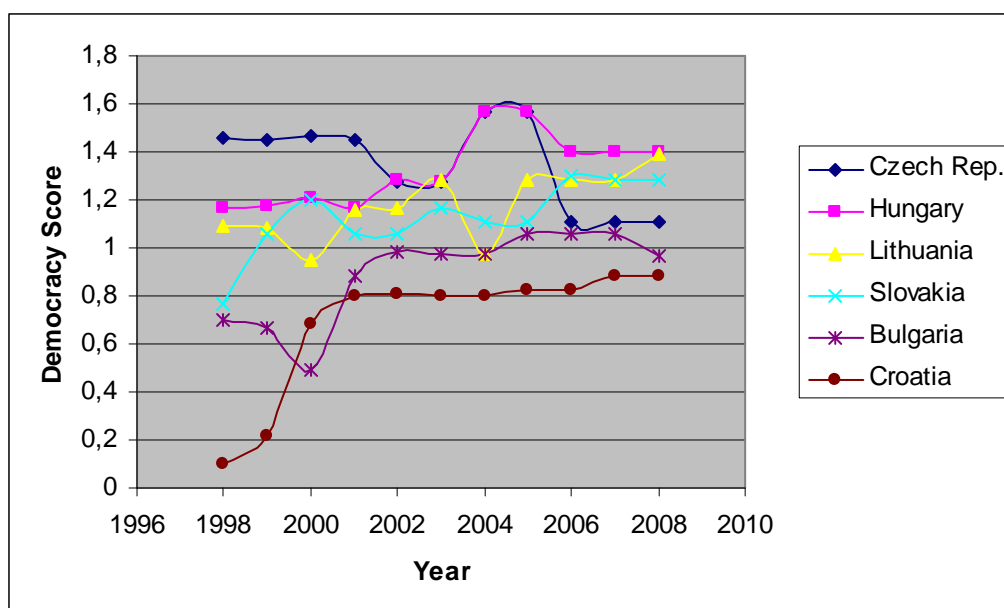


Figure 8 - Unified Democracy Score in Czech Republic, Hungary, Lithuania, Slovakia, Bulgaria and Croatia

As I mentioned earlier, since it is not possible to control for other variables, these results are not definitive answers to my research question: they only give tentative answers and serve as the foundation for selecting cases for further analysis.

3.5. Case Selection

Since it is impossible to draw conclusions regarding the influence of the European Union's conditionality on democratization in the post-communist countries, it is necessary to choose two cases among these twelve countries which will be part of the case study analysis. The analysis of these two countries should provide deeper insight in this problem. They will be chosen according to the theoretical framework, existing literature and previous analysis of four democratic indices. Surely, it is impossible to choose completely representative cases of post-communist countries since every one of them had its own particular problems and specificities after the communist period. However, I am sure that my theoretical framework and research provide enough information to ensure the best choice possible.

3.5.1 Member States Group

There are ten countries in this group – the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Litva, Poland, Slovenia, Bulgaria and Romania. Among these countries it is extremely hard to choose one and to satisfy the condition of non-bias in case selection. First of all, according to Kubicek there are four post-communist countries which are democratic leaders among other countries in this group – Poland, the Czech Republic, Hungary and Estonia. He claims that among these countries “no significant threat to democracy has emerged since the end of the previous communist regime.” (2004, 22) Also, a similar opinion is shared by Ulrich Sedelmeier (2011), who claims that the European Union had no necessity to impose political conditionality in these countries. Even if there were some problems regarding democracy in these countries, those problems were isolated and usually insignificant in comparison with problems within the rest of the countries in this group. Since these four had no democratic problems, it is hard to expect that the European Union had the necessity to introduce a mechanism of political conditionality upon them. Thus, I consider that it is impossible to find out whether democratic conditionality had an influence on democratic consolidation in these four countries if it was not necessary to apply it. This is the reason why I eliminate Poland, the Czech Republic, Hungary and Estonia as the potential cases of further analysis.

Furthermore, I use my previous analysis of democratic indices to select one country among the remaining countries within this group. Since the proponents (more in literature review) of the European Union claim that it had an influence on the process of democratic consolidation, it is necessary to choose a country that shows positive performance in these indices during the negotiation period. Among six remaining countries only two countries show positive performance in more than two indices – Slovakia and Bulgaria. Slovakia has positive

performance in three out of four indices (only in Vahanen's does show a negative trend) and Bulgaria in all four indices has positive performance. Since Bulgaria has a positive trend in all four indices it seems that it is an extreme case which would not be representative. Thus I choose Slovakia as a case which provides the opportunity to discard my hypothesis since it has a positive trend in democratization in three out of four indices. Also, the intervention of the European Union's conditionality was necessary since Slovakia is not in the group of the four countries which experienced no significant threats to democracy and it is a more representative case of post-communist countries than Bulgaria since it is not an extreme case according to the presented indices.

3.5.2. Candidates Group

In this group country selection is much easier. There are only two countries that can be taken into account – Croatia and Macedonia. The problem with Macedonia is that this country is candidate for the European Union membership, but it still has not started its negotiations. This leaves us Croatia as a choice for the case-study analysis. Croatia started its negotiations in 2005 and today is in the process of finishing negotiations. This period provides an appropriate situation for this case study since negotiations are close to completion and if the influence of conditionality of the European Union on democratic consolidation exists, it should be possible to find it in this case.

Out of the twelve countries eventually I have picked (according to my theoretical approach, four democratic indices and contemporary situation) Slovakia and Croatia as the cases which will be deeply investigated through a case study in areas of rule of law and human rights in order to see the influence of the European Union's conditionality on democratic consolidation.

CHAPTER 4 - CASE STUDIES

In this chapter I will present case studies of two countries – Slovakia and Croatia. These two case studies were selected among twelve countries divided in two groups – post-communist countries which entered the European Union and post-communist countries which are candidates for entering the European Union. In each of these two cases I will look for a relation between the European Union's conditionality and the effects which are achieved during the negotiations in two areas – human rights and rule of law.

4.1. Slovakia

Slovakia opened negotiations with the European Union in 2000 after the long period in the 1990s which was characterized with the democratic transition. Also, in this period there was interaction between Slovakia and the European Union in order to induce Slovakia to fulfill the required criteria for beginning negotiations. Definitely, the European Union had certain influence during this period, but different authors have opposite views about the influence of the European Union and the importance of domestic actors. The basic problem in Slovakia was the rule of the Prime Minister Vladimir Meciar in the period between 1994 and 1998 which had the authoritarian tendencies. Slovakia had to fulfill the Copenhagen criteria in order to open negotiations with the European Union. However, Meciar's government was not showing enough willingness to introduce changes. The European Union announced several demarches during this time and clearly expressed that Slovakian chances to join the Union were getting lower (using potential membership as a condition to provoke changes). This resulted in not inviting Slovakia to start accession negotiations in 1997 and a further imposed condition by the European Union was asking for the change of the government (Rybar 2005). However, according to Schimmelfennig et al. (2003) the European Union's conditionality had no impact on Meciar's government in order to fulfill the Copenhagen's criteria.

Apart from that, the main dispute is whether the European Union's conditionality had any influence on the change of Slovakian government in 1998. As Martin Brusis (2005) points out the European Union had its contribution by strengthening opposition in Slovakia. An even more decisive stand point is presented by European Union Center of North Caroline. In their media briefing regarding the promotion of democracy in Hungary and Slovakia (2006) it is claimed that the European Union diminished authoritarian forces and gave decisive support to the opposition and thus created democratic changes in Slovakia. On the other hand, authors such as Kevin Krause (2004) and Schimmelfennig et al. (2003) claim that the European Union did not play a big role in the democratic changes which occurred in 1998 in Slovakia. In my opinion, it is likely that the European Union's conditionality had no chance to succeed during Meciar's era since the option of becoming a member state was not highly rated by the Slovakian Prime Minister. Also, changes in the electorate which in a great share led to the victory of the opposition in 1998 were not induced by the European Union, but by internal factors.³ Even the changes related to human rights (improvement of policies toward minorities and acceptance of the 'Law on the Use of Minority Languages') were not the result of the European Union's influence, but mostly a product of the domestic affairs (Haughton 2007).

The main concern of my study is the influence of the European Union's conditionality mechanism on democratic performance after the negotiations with Slovakia were opened. This period is definitely the most favorable for the success of democratic conditionality since the government sees the joining the European Union as one of the main goals. Thus it is allowed to assume that the required changes will be more easily accepted if they are backed-

³ See in Krause, Kevin. 2004. "The ambivalent influence of the European Union on democratization in Slovakia." in *The European Union and Democratization* ed. Paul J. Kubicek. Taylor & Francis Group, e-library. 56-87

up with the European Union's conditionality mechanism. I will limit my study to the rule of law and human rights areas. The time period which is embraced in this study is the period between the opening negotiations (2000) and becoming a member state (2004).

4.1.1. Human Rights

One of the greatest concerns within the human rights agenda is policies related to minority rights. During the negotiations with the European Union the relation towards minority rights was one of the most prominent questions, and also there are other problems (namely women and children's rights, trafficking) which will be elaborated here. In this case I will use regular reports of the European Commission on Slovakia in the 2000-2004 period and the text of prominent scholars who discussed human rights in Slovakia.

At the beginning it should be pointed out that in all reports during the negotiation period there were reports about problems which were not solved despite high funding through the PHARE program (approximately €80 million annually between 2000 and 2002) within which one of the items is the support of democracy, human rights and minority rights. (Gateway to the Europe, 2011b) Also, the European Union used recommendations and criticism during the whole period of negotiations. This means that the incentives given by the European Union in order to foster changes were high, and positive changes could be rightfully expected.

The report of the European Commission on Slovakia (2000) regarding human rights and the protection of minorities clearly stress respect of the human rights and freedoms. Furthermore, the report points out that Slovakia signed all major human rights conventions (European Convention on Human Rights, European Convention for the Prevention of Torture, European Social Charter, Framework Convention for National Minorities, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights,

Convention against Torture, Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women and Convention on the Right of the Child).

The most important problem the European Union was interested in the status of minorities in Slovakia. There are two minorities whose status was problematic – Hungarian and Roma minority, the latter being taken into account by the European Commission especially seriously. Also, in respect to the status of Roma minority “national governments were under immediate and strong pressure to respond to criticisms made in the regular reports of the Commission, provided they were strongly committed to joining the EU and preferably sooner rather than later.” (Pridham 2005, 53) A serious and sustained approach to the problem of discrimination was required during the whole period of negotiations.

The position of the Roma minority in Slovakia is characterized as difficult and discriminatory in all reports of the European Commission (2000,2001,2002,2003). Problems are related to violence towards members of the minority, group rights, property rights, education, representation and justice system. Especially problematic was the police treatment towards members of the Roma minority and politicians’ xenophobic speeches. Thus, the problem is evident within the official structures (police, politicians), but also is a part of the deeper social structure (every-day life). According to Kyriaki Topidi Slovakia was making an effort in adoption of legislation, but the implementation of laws and policies was not sufficient. Despite all recommendations and criticisms raised by the European Union there were no changes. By prescribing higher sentences for the offenders in 2000 racially motivated crimes gained more importance. However, this produced minor changes in the implementation and deeper structures. On the one hand authorities and judges were not willing to impose those

harsher measures and to judge crimes as racially motivated. On the other hand, members of the minority were not willing to report those crimes since it would possibly be counter-productive and cause even more violent reactions to other minority members. (2003) The inefficiency of the mechanism is also obvious in the Written Comments of the European Roma Rights Center Concerning the Slovak Republic (European Roma Rights Center 2002) in which it is explained that despite the European Union's directives regarding minority rights (and especially rights of the Roma minority) changes were aimed only to satisfy formal criteria with no actual impact. Pridham (2005) gives a similar evaluation of the impact of the European Union on democratic changes in the area of human rights in the Slovakian case.

Despite all criticism during the negotiations and effort of actors the situation of the Roma minority did not significantly change in this period. Member of the Roma minority still suffer social inequalities, discrimination in all sectors (education, employment, justice system), racial and xenophobic assaults. Definitely there is progress in law adoption and program development, but "the gap between good policy formulation and its implementation on the spot has not significantly diminished. Considerable efforts need to be continued and reinforced to remedy this situation." (European Commission report, 2003) The European Union's requests reached procedural level – laws and policies were introduced, but on the substantial democracy level there were no changes. Criticism of the European Union and sizeable economic incentives (given through funds) had no influence on the substantive democratic level which actually matters – poor social conditions and discrimination against the Roma minority remain well spread in Slovakia. As Topidi (2003) points out there is a paradox in which Slovakia fulfills the Copenhagen's criteria (at least on paper) and is allowed to close negotiations with the European Union, but the real improvement is not achieved and minority rights remain a great problem. Also, the same author concludes that "the issue of

racially motivated violence therefore clearly constitutes one of the failures to respond to EU requirements.” (2003, 20)

Also, it is necessary to stress that the problem of the Roma minority status is characteristic of most of the East European countries which were in the process of negotiation with the European Union at the same time as Slovakia. Surely, this leaves the possibility open that the European Union’s conditionality was probably faced with the same problems in these countries.

The next important issue is that of the Hungarian minority. It seems that in this case and regarding the improvement of the Hungarian minority status between 1998 and 2006 the European Union conditionality had a minor influence. The merit for these changes is ascribed to the domestic factors and especially to the Party of Hungarian Coalition (SMK) which was part of the government in this period. (Harris 2003) The coalition between SMK and the Slovak Democratic and Christian Union was the result of opposition towards Meciar’s government. This support of the SMK to the changes improved of the Hungarian minority status. The privileged status (as a result of political support) of the Hungarian minority in respect to other minorities in Slovakia is evident in rights and benefits which were given to members of this minority during the coalition period. (Fisher 2006, Haugthon 2007, Pridham 2008) This implies that the European Union had a minor influence in this case and the main forces which brought changes were among domestic political actors. Also, this shows that the European Union’s conditions regarding minority rights were exclusively directed toward the status of the Roma minority which, as it is explained earlier, was not improved despite efforts imposed.

Next, one of the problems which were continuously present is the problem of Slovakia as a country of origin, transit and destination for the trafficking of women and children. In the 2000 report this problem was qualified as important, with no reaching high proportions, but with a tendency to increase. As a response to this problem in 2001 the Office to Fight against Trafficking was established and in 2002 a Department for Combating Trafficking in Human Beings and Sexual Exploitation. These changes were only decorative and Slovakia remained a country of origin, transit and destination for trafficking. This is one of the examples how conditions of procedural democracy were satisfied, but on a substantive level there were no changes. Even the reports of the European Commission say that progress was made only on the institutional level (but this did not produce the required outcome in reality).

Certain problems arise in relation to women and children rights. In the 2000 report of the European Commission it is pointed out that there are serious deficiencies in the protection of these social groups. Also, the Slovak government is criticized for indolence in this area, absence of progress and non-adoption of international conventions and standards. (European Commission report 2000) The obvious deficits in this area are highlighted in the following reports in 2001, 2002 and 2003. In the last report in the negotiation period in 2003 it is explicitly said that Slovakia had accepted a legal framework and institutions which should ensure respect of the women and children's rights, but still there is failure in implementation of these legal directives. Once again, the European Union's criticism did not achieve success in the substantial layer of democracy, but that had no influence on the acceptance of the Slovakia into the Union.

In other aspects of human rights there is improvement, but it is questionable if the conditionality of the European Union does exist in these areas. There is satisfactory capacity

in social dialogue with trade unions, integration of socially vulnerable and disabled people, freedom of expression, freedom of religion. However, in all these aspects there are also certain problems, but none of these matters receives as much attention as the previously discussed problems in which conditionality failed to improve democratic performance. Clearly, the greatest problems gained more attention in reports and stronger criticism related to these problems means stronger imposition of conditionality, but without the desired results.

4.1.2. Rule of Law

Regarding the Parliament in 2000 there are no specific difficulties except refusal of the opposition to accept their seats in parliament and this situation lasted during the whole mandate (1998-2002). The main objections raised by the European Commission regarding legislature concern deficiencies related to the legal constitutional clarity and the validity of two contradictory amnesties. (European Commission report 2000) These problems remained unsolved during the negotiations and in each report the European Commission stressed the importance of solving them. The positive aspect of the European Union in this area is the requirement for amendments of the constitution in order to harmonize the domestic legal framework with the European Union's framework. These amendments led to the strengthening of democratic institutions, improving the judiciary and to the imposition of the subsidiarity principle. However, these changes are mostly based on satisfying procedural requirements. Despite that it cannot be denied that the European Union's conditionality had some influence in certain respect, but also it should also be noted that there in some areas (as constitutional clarity) there was no progress.

The executive branch does not provide huge disputes in negotiations with the European Union and mostly all standards are satisfied. The European Union had no need to introduce the mechanism of conditionality except in one case. The only problem which arises in the

beginning of the negotiations is related to the organization of the civil service. Patronage, inefficiency, politicization and absence of reforms and accountability are labeled as the main deficiencies by the European Union. The European Commission recognizes this as a serious problem pointing out that “unless a satisfactory solution is found soon (i.e. one that guarantees a professional, impartial, politically neutral, efficient and flexible civil service) this will constitute a major obstacle to Slovakia’s ambitions for early accession to the EU.” (European Commission report 2000) However, in this case it seems that criticism of the European Union was successful. In the following reports there are no negative objections, thereby indicating progress in this area and successful implementation of the recommendations.

The major step was the adoption of the Civil Service Law in 2001 which as a goal has the improvement in professionalism, reliability, impartiality and neutrality of the civil service. In 2002 two laws regarding civil service are adopted (The Law on the Public Service and the Law on the Civil Service) and the Civil Service Office is established in order to implement these laws. (European Commission report 2001, 2002) Definitely this is a bright spot in the performance of the European Union’s conditionality regarding the Slovakian case and shows that assessment of the problem as the “serious” and “a major obstacle” probably had an impact on the Slovakian authorities to radically change the civil service structure.

The last problem that I will discuss in the case of Slovakia concerns the problem in the judiciary branch. The European Commission has recognized deficiencies related to corruption in different areas (judiciary, police, education, and health care system), absence of impartiality and neutrality among judges, high political pressure and physical attack on judges. Except criticizing of the existing capacities and practices, the European Commission

provides directions and suggests measures which should be taken into account in order to improve performance in this area. According to its recommendations there should be no delays and hesitation in introducing changes. However, there are no serious improvements in the Commission's opinion presented in subsequent reports. Improvements are mostly related to the procedural level – new policies, laws, ratification of conventions. However, implementation of policies, laws and conventions does not go along with the procedural improvement. Even assessment of the current condition in 2002 report as a “serious concern” does not lead to the improvements expected prior to the entrance to the European Union. (European Commission report, 2000, 2001, 2002, 2003)

According to Pridham (2008) the failure of the European Union's conditionality in the judiciary branch reveals the real deficiencies and ineffectiveness of that mechanism. According to the same author there were some changes in this area (Judiciary reform in 1998-2006 period), but his opinion is that the main carriers of these changes are domestic actors. As Pridham notes, “this outcome represented a significant and sobering qualification of the EU's historic achievement in enlarging to the East in 2004.” (2008, 375) Under the historic achievement the author refers to the proclaimed role of the European Union in democratization of Central and East European countries. Definitely, the failure in the judiciary branch is one point which leads to this conclusion, but as it was previously shown it is not the only one – as there is failure in the case of the Roma minority, rights of women and children, trafficking problems and a lack of constitutional clarity.

The question which arises is why the European Union's conditionality fails in fulfilling its democratic assignments? Is that because the European Union's conditionality mechanism is ineffective or because the European Union actually does not care about deepening of

democratic practices (except on the nominal level)? Definitely, it is problematic and concerning that the European Union has accepted fulfillment of the nominal political criteria and allowed to the mechanism of conditionality to fail in accomplishing its real goal – improvement in democratic performance regarding substantial democracy. It seems that the European Union was waiting for the fulfillment of economic criteria and when they were fulfilled it was necessary just to have nominally satisfied political criteria. However, prior to definite efficiency assessment of the European Union's conditionality it is necessary to see if there are different outcomes in the second case study.

4.2. Croatia

During the 1990s Croatia was under Franjo Tudman and Croatian Democratic Union's (HDZ) power. This period is seen as authoritarian during which basic democratic freedoms were neglected and suppressed. According to Tull in this decade the European Union delivered €367 million for recovery assistance through its programs. However, these funds cannot be seen as a part of the democratic conditionality since humanitarian assistance should not be conditional according to the humanitarian community. The main influence of the European Union on the democratization in Croatia in this period was its support for the opposition parties and non-governmental organizations. (2004)

Since Tudman was not willing to carry out democratic changes the European Union had no real chances to succeed with the democratic conditionality. The willingness of the domestic actors to introduce democratic changes is a precondition which has to be satisfied in order to have adequate circumstances for the imposition of European Union's conditionality. Definitely, there are no disputes similar to those regarding Meciar's rule in Slovakia, whether the European Union influenced Tudman's removal from the power since he died during his mandate. After Tudman's death in 1999 and parliamentary elections in 2000, pro-European

forces won power. This made the political situation more favorable for the imposition of conditionality and eventually in 2001 the Stabilization and Association Agreement with the European Union was signed (Fisher 2006).

According to Fisher the main problems in the period after 2000 and before the opening of negotiations with the European Union were related to the cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), return of the Serbian refugees and acceptance of Bosnia and Herzegovina as a fully independent state. The European Union decided to deal with these serious questions with the conditionality mechanism. The manifestation conditionality came in 2002 when the ratification of the Stabilization and Association Agreement was suspended in the British and Dutch parliament. Also, in 2005 the beginning of negotiations was stopped since general Ante Gotovina was not located, arrested and extradited to the ICTY. Cooperation with the ICTY regarding Gotovina's arrest became the main condition for opening negotiations (2006).

The European Union's conditionality had the strong influence on the Croatian cooperation with the ICTY. All suspects were extradited (negotiations started in October of 2005, two months before Gotovina's arrest) and the Croatian government realized that it had to comply with the imposed conditions regarding cooperation with the ICTY if it wants to start negotiations. Also, the problem with the acceptance of Bosnia and Herzegovina as a fully independent state was solved in a high proportion if not completely. (Cierco 2009) On the other hand, there was no significant improvement in the case of Serbian refugees and this remained the huge issue during the negotiations with the European Union.

In the case of Croatia, as in the previous case that I considered in this analysis, I will pay attention to the European Union's conditionality and its effectiveness in human rights and rule of law areas. The time period covered in Croatian case is between 2005/2006 and 2010 since the European Commission reports cover this period of negotiations which are still opened (there are five reports – 2006, 2007, 2008, 2009 and 2010). The main problem which arises is lack of the literature related to the conditionality and negotiation period with Croatia. As a result of this in my research I will rely mainly on the interpretation of the European Commission reports.

4.2.1. Human Rights

Prior to the beginning of negotiations there were defined problems which will be the main target of the European Union's conditionality. Antonija Petricusic (2007) presents short-term and medium-term priorities in the human rights area recognized by the European Commission. Among the short-term priorities there are – minority rights, refugee return and freedom of expression (especially freedom of media). Next, medium-term priorities include implementation of the Roma minority rights and refugee return (including their economic and social integration). As will be possible to see in the forthcoming analysis, problems recognized in the Petricusic's text are those which gained attention in reports in the last five years of negotiation. However, in my opinion none of these questions was treated as decisive and more attention by the European Union was given to the rule of law area (especially the judiciary and corruption).

Regarding minority rights it should be noticed that there are general problems related to all minorities, but the status of two minority groups is especially problematic – Serbian and Roma minority status. First of all, the general situation of minorities in Croatia in the 2006 report was labeled as positive in respect of the legal framework which exists in this area

(specifically the Constitutional Law on National Minorities (CLNM)). However, the implementation within the framework prescribed with this law was not satisfactory for the European Commission at that time. The most important problems are related to the representation of minorities in public services and discrimination. (European Commission report 2006). In subsequent reports there is obvious improvement in this respect. However, anti-discrimination law still is not fully applied, there are administrative problems which influence performance and in the 2010 report it is pointed out that Ombudsman still has problems fulfilling his function. (European Commission report 2007, 2008, 2009, 2010) Surely, the reports and criticism of the European Commission during the negotiation period had notable influence, but there is still space for progress. Also, in my opinion these deficiencies which survived cannot be labeled as a failure of the European Union's conditionality since it is unrealistic to expect perfect performance in this area.

Serbian minority status was slightly improved over time. However, the situation in this area is usually labeled as mixed – there are legal improvements and positive trends among elites on national level, but there are no substantial changes (among local elites, existence of ethnically motivated incidents, lack of police intervention in those incidents). As it is pointed out in the 2009 report “limited progress has been made with regard to the implementation of the constitutional law on the rights of national minorities, which is a key Accession Partnership priority.” (European Commission report 2009, 14) Except those kinds of problems, members of the Serbian minority are still discriminated in the public sector and representation in public institutions. It is clear that this is one of the important issues emphasized by the European Union, but even in the last report there are no improvements in this area. It seems that criticism raised by the European Commission had limited influence on the improvement of the Serbian minority status which remains problematic even in the end of negotiations.

Closely related with the status of the Serbian minority is the problem of refugees' return since the majority (if not all) refugees who were dislodged in 1995 after the military-police actions are members of this minority. It is possible to point out the greatest problems in this area— xenophobic incidents, housing problems, discrimination in employment, recognition of pensions and working years. Treatment of refugees was improved through government's action plan and higher funding for reconstruction, but the problems mostly remained over years despite criticism of the European Union. (European Commission report 2006, 2007, 2008). However, in the last two reports (2009, 2010) the European Commission gives positive comments regarding progress. It is doubtful if this progress is real or it is based only on the recognition of procedural improvement. If we take into account the European Council on Refugees and Exiles report *Serb Refugees: Forgotten by Croatia?* (2010) it can be seen that problems are present in all areas. Also, in the same report it is suggested to the European Union to use its leverage mechanisms more decisive in order to foster improvement in this area. Thus, there is space for progress and better democratization in this respect, but the European Union should find the way to impose its conditionality more effectively.

In contrast with the conditions of the Roma minority in Slovakia, Croatia had constant improvement in respect of the status of the Roma minority. During the whole period of negotiations Croatia was improving in all aspects – funding of programs, adopting laws, accepting action plan, inclusion in education, building infrastructure. In every report (2006, 2007, 2008, 2009, 2010) criticism of the current status was pointed out by the European Commission and it seems that this influence was noticeable during the time. Definitely, it is questionable if Croatia would improve status of the Roma minority without the interference of

the European Union. Thus, in this respect it is more than clear that the European Union's conditionality fulfilled its purpose and democratic performance is spread on substantial level.

In the freedom of expression area it positive trend over negotiation period is obvious. The main laws concerning freedom of expression are respected and pluralism of media exists. However, the greatest problem which arises is related to the Croatian Radio and Television (HRT - public service). Difficulties which arise are political interference, lack of independency, slow implementation of recommendations given by the joint expert mission (Expert Mission Report 2004). These problems remain active during the whole period of negotiations and low improvement is accomplished despite clear recommendations given by the European Union. Except that, in the last two Commission's reports (2009, 2010) there is criticisms toward the growing violence against journalists who are reporting about corruption and organized crime, but also against the passive approach of police in this respect.

4.2.2. Rule of law

In the rule of law area there are no problems in the parliamentary and executive branch which would require the European Union's conditionality in order to improve its performance. Since these two branches were not aimed by the conditionality I will not further discuss them. The two main problems regarding rule of law are related to the judiciary and corruption. The European Commission was giving the most attention to these areas in the process of negotiations with Croatia.

Judiciary in Croatia meets numerous problems making this part of the political system biased, inefficient and politicized. The European Commission in 2006 has found that "more needs to be done to reduce the still significant case backlog, to reduce the length of court proceedings,

improve case management, rationalize the court network, including the closure of courts, to ensure proper enforcement of judgements and to reform legal aid.” (2006, 8) Also, as an important indicator for the acceptance into the European Union it is necessary to secure impartiality, transparency and efficiency of judiciary. In 2006 Croatia started with the judicial reform, but the implementation of the reform was slow and seen as limited by the European Commission. As Teresa Cierco (2009) notes there are reforms which foster efficiency, but their scope is modest and limited. To foster changes the Croatian government made the Action Plan in 2008, but there was no improvement in implementation of the desired policies. The major problem remained relevant until the last report in 2010. There is improvement in the adoption of legislation, but deeper changes are absent. A special problem within the judiciary is related to the war crimes. The judiciary and police were neglecting cases in which victims were ethnic Serbs and this is not solved until 2010. (European Commission report 2010) Definitely, the European Union is able to impose greater pressure on Croatia regarding these cases in order to improve rule of law efficiency. Introducing mechanisms such as twinning projects, demarches and financial assistance would probably foster deeper changes.

The last important issue which is emphasized by the European Union is related to the corruptive activities in Croatia. Despite all criticism over years there was no serious improvement in this area. In 2006 government introduced a new anti-corruption program and The Office for the Prevention of Corruption and Organized Crime gained higher competences. However, it seems that lack of political will was leading towards inefficient measures – corruption remained uninvestigated. In 2006 report it was pointed out that “progress on tackling corruption will also be an important indicator of Croatia’s readiness for eventual membership.” (European Commission report 2006) The main problem remains high-level corruption (especially among politicians). Since the beginning of 2010 there have been

several cases which revealed corruption among politicians – including former prime-minister Ivo Sanader and several ministers. These cases are in process and the results will show if there is change in political will to fight corruption. According to Cierco (2009) corruption in Croatia is still a well spread phenomenon and it represents a threat to the democratic institutions and political system. Also, the latest report of the United Nations Office on Drugs and Crime *Corruption in the western Balkans* (2011) shows that Croatian citizens were highly exposed to the corruption (the only two countries in front of Croatia among western Balkan countries are Albania and Bosnia and Herzegovina). Thus, in the year when it is expected that Croatia will probably finish negotiations with the European Union there are still unresolved problems in this area.

To sum up, in the case of Croatia, the European Union's conditionality had certain success in democratization. Especially regarding the minority question and within it the status of the Roma minority. However, problems with the Serbian minority and refugees are still present even though progress during the negotiation period is made. Definitely, regarding problems within the judiciary and corruption areas more improvement could be expected, since these two areas are pointed out as crucial in gaining eventual membership and this provides possibility for stronger leverage of the European Union (it was possible to impose more rigid conditions which would lead to the desirable changes). Once again the European Union's conditionality showed that it has no such influence in substantially changing democratic performance. Despite high interest of the European Union to foster changes in these areas there is still a serious threat to the democratic institutions.

4.3. Discussion

In this part I will provide a short discussion and explanations regarding findings presented earlier. After examining the cases of Slovakia and Croatia I would conclude that the European

Union's conditionality easily influenced democratization on the procedural level of democracy, but it had extremely limited influence on the substantial democratic changes. Changes in procedural democracy can be seen in law adoption, action plans production, convention ratification and office establishment. Surely, all these acts are positive and democratically prosperous, but as it is possible to see, in most cases further progress was not achieved. Since the substantive democracy remains highly unchanged it is hard to accept the position of the European Commission that the end of negotiations with the European Union is analogous to the end of democratic consolidation as it is pointed out in Pridham's text (2006).

In these two cases the European Union was using criticisms, recommendations, financial support and eventual membership in order to impose democratic changes required from the applicant countries in order to become members of the European Union. However, it seems that these conditions were not enough to foster changes. I find this problematic since Othon Anastasakis notes that “the non-negotiable side of political conditionality [includes] pluralistic and multi-party democracy, respect for human and minority rights, rule of law, independence of civil society, freedom of expression, separation of powers, and civilian control over the military, among others.” (2008, 367) As I showed, in these two cases it seems that the European Union did not succeed with conducting conditionality in order to democratize applicant countries in several non-negotiable areas – minority rights, rights of women and children, trafficking, constitutional clarity, judiciary and corruption.

The next point is that not even improvements in the European Union's conditionality make a significant difference. After the enlargement in 2004 and 2007 there were complaints that in some countries conditionality was not successful and conditions were not satisfied, such as minority rights in Latvia and Estonia, problems with Romania and Bulgaria (Anastasakis

2008). According to the same author, the European Union decided to improve its mechanism in negotiations with the Western Balkan countries and Croatia was the first one to be challenged. Novelties are recognized in more thresholds which have to be satisfied, new regional instruments, focusing on the “journey” towards the European Union, better communication strategy and better control over the process. Also, the process of negotiations is based on bilateral negotiations between the applicant country and the European Union, while in the 2004 enlargement there were some provisions for the countries which were failing behind (2008) Also, Schimelfennig (2011) notes that the European Union should have more convincing approach with new candidate states and concludes that there was no loosening in conditionality after the 2004 enlargement. I would say that this new approach brought a certain improvement in the Croatian case – less problems in legislative and executive branch. However, even with these novelties it seems that there were no greater changes in the substantial part.

The important thing to be noted is that all the problems that we find in these two countries are common to the post-communist countries which were part of the negotiation process during the last decade, but also they can be found in countries which have an intention to enter negotiations with the European Union, such as Serbia, Montenegro, Bosnia and Herzegovina. Since it seems that the European Union’s conditionality showed in the Slovakian and Croatian case that it was not truly effective in democracy promotion, similar non-achievement can be expected in the rest of the post-communist countries. However, for each of these countries it is necessary to conduct further case studies in order to detect areas in which conditionality failed. Also, the European Union should try to improve its performance if its real goal is promotion of democracy and substantial democratic change.

Also, as it possible to see in the Croatian case I was not referring to the conditionality related to the ICTY in the process of negotiations. The main reason for this arises from the fact that ICTY is specific only for the former Yugoslavian countries and it cannot become part of the further European Union's conditionality. Also, if we take into account that almost all processes are nearly finished, then it is not likely that ICTY will play a decisive role during negotiations with other former Yugoslavian countries. (Maki 2008)

CONCLUSION

In my paper, I have argued that the European Union's conditionality as the most prominent mechanism of the European Union in democratization had extremely limited influence on the process of democratic consolidation in post-communist countries during the period of negotiations. In order to test my hypothesis in which I claim that the European Union's conditionality has negligible influence on the democratic consolidation in post-communist countries during the negotiations period I have concentrated not only on the procedural part of democracy, but I decided to put more emphasis on the substantive aspect of democracy. The reason for my choice arises from the fact that the procedural changes usually do not lead towards implementation of accepted rules and thus there is no improvement on the substantive level. For changes in the substantive democracy to be achieved the full implementation of the norms prescribed within the procedural level is needed.

Next, since the substantive level of democracy is defined quite broadly, I had to decide which areas to concentrate on. Since the Copenhagen criteria pointed out human rights and rule of law as the main areas within the political condition to be satisfied, also these areas are labeled as non-negotiable and the European Commission's reports give respectful attention to them, I have decided that if the success of the European Union's conditionality exists it should be present in these fields. Also, by adopting a rationalist institutionalism theoretical approach I assumed that the countries are rational actors which tend to satisfy their preferences (entering the European Union) and the European Union can use external incentives to achieve those countries' compliance.

In order to choose two case studies I have taken four democratic indices - Nations in Transit Index, Bertelsmann Transformation Index, Vanhanen's Index of Democracy and Unified Democracy Scores and followed trends among candidate countries during the negotiations. Even these four different indices did not show results which would lead to the conclusion that

there is a common positive trend in democratization among post-communist countries. Since I was not able to introduce controls of the all possible independent variables I decided to go for a case study approach. According to the performance of post-communist countries in these four indices I chose one post-communist country from the group of countries that entered the European Union (Slovakia) and one which is still in the process of negotiations (Croatia).

Through case studies of these two countries I have developed my argument by connecting observations scattered among different parts of the human rights and rule of law areas – minority rights, rights of women and children, freedom of expression, trafficking, refugees, corruption, constitutional clarity and the judiciary. The observations show that the conditionality imposed by the European Union was not successful in the democratization of post-communist countries in the negotiations period as it is promoted by the European Union and some prominent scholars because the extent of the influence is limited. Even the changes introduced regarding conditionality (strengthening of the conditionality mechanism after the 2004 enlargement) do not produce significant changes in performance. This can be seen in results achieved in Croatia which show that the decision of the European Union to improve its mechanisms was not followed by the improvement in results. Thus the answer to my research question is that the influence of the European Union's conditionality exists, it is positive, but also that it is extremely limited and does not reach the claimed volume. The main difficulties in the areas of human rights and rule of law are not settled despite positive and negative conditions introduced by the European Union. Moreover, the European Union accepted into membership countries which did not satisfy required conditions and thus destabilized its credibility. Also, this shows that democratic performance probably is not as important for the European Union as promoted.

Definitely, it is impossible to claim that the European Union's conditionality had no influence. However, it seems that the proclaimed role of conditionality in democratization is sometimes overemphasized and frequently accepted as unquestionable. This kind of promotion does not reflect the real state of things. My findings raise a challenge to the scholars who claim that conditionality leads towards democratization and to the European Union which claims that the process of democratic consolidation is finished with entering the European Union. According to my paper the European Union's conditionality did not completely fulfill its role(not to a large extent) in the period of negotiations and since there is space for the improvement of the conditionality mechanism I see this as a plausible solution of the problem.

There is a necessity to conduct case studies of other countries which were involved in the negotiations and to track the progress of the new candidates in order obtain a better understanding of the relation between conditionality and democratization. Further research would provide more precise and comprehensive data which would enable broader and stronger conclusions. This question definitely represents an important matter in the democratization of post-communist countries, therefore should not be neglected. I see the benefits of further studying in better understanding of democratization process (locating the main actors and their share in democratization), improvement of the European Union's mechanisms and providing information for other international (or supranational) organizations which tend to promote democracy.

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