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Explaining European Union engagement with potential new member states

Peter James Simmons

UNIVERSITY OF SUSSEX

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I hereby declare that this thesis has not been, and will not be, submitted in whole or in part to another University for the award of any other degree.

Signature:

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List of Abbreviations

AA	Association Agreement
CARDS	Community Assistance for Reconstruction Development and Stabilisation
CBA	Centralne Biuro Antykorupcyjne (Central Anti-corruption Bureau – Poland)
CEE	Central and Eastern Europe
CFSP	Common Foreign and Security Policy
CIS	Commonwealth of Independent States
CSI	Civil Society Index
CSO	Civil Society Organisation
CVM	Co-operation and Verification Mechanism
DCFTA	Deep and Comprehensive Free Trade Area
EaP	Eastern Partnership
ECHR	European Court of Human Rights
ECJ	European Court of Justice
EEAS	European External Action Service
EED	European Endowment for Democracy
EIDHR	European Instrument for Democracy and Human Rights
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood Partnership Instrument
EU	European Union
FDI	Foreign Direct Investment
FRA	European Union Agency for Fundamental Rights
GONG	Građani organizirano nadgledaju glasanje (Citizens Organised to Monitor Voting – Croatia)
GRECO	Groups of States Against Corruption
HDZ	Hrvatska Demokratska Zajednica (Croatian Democratic Union – Croatia)
ICJ	International Court of Justice

ICTY	International Criminal Tribunal for the former Yugoslavia
IMF	International Monetary Fund
IO	International Organisation
IPA	Instrument for Pre-Accession Assistance
KOR	Komitet Obrony Robotników (Workers' Defence Committee – Poland)
MAP	Membership Action Plan (NATO)
NATO	North Atlantic Treaty Organization
NED	National Endowment for Democracy (USA)
NGO	Non-Governmental Organisation
OSCE	Organisation for Security and Co-Operation in Europe
PAUCI	Polish-Ukrainian Cooperation Foundation
PCA	Partnership and Cooperation Agreement
PHARE	Poland and Hungary Assistance for Restructuring Economies
PiS	Prawo i Sprawiedliwość (Law and Justice – Poland)
PO	Platforma Obywatelska (Civic Platform – Poland)
SAA	Stabilisation and Association Agreement
SAP	Stabilisation and Association Process
SFRY	Socialist Federal Republic of Yugoslavia
SLD	Sojusz Lewicy Demokratycznej (Democratic Left Alliance – Poland)
SRP	Samoobrona Rzeczpospolitej Polskiej (Self-Defence Poland – Poland)
TACIS	Technical Aid to the Commonwealth of Independent States
UfM	Union for the Mediterranean
USKOK	Ured za suzbijanje korupcije i organiziranog kriminaliteta (Bureau for Combating Corruption and Organized Crime – Croatia)
USSR	Union of Soviet Socialist Republics

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PETER JAMES SIMMONS

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SUMMARY

This is a comparative study which asked the central research question of whether domestic conditions or the European Union's policy approach best explained whether the EU was able to engage with potential new member states. Three cases of post-Communist states in the EU's immediate neighbourhood were studied: Poland, Croatia and Ukraine, over the time period 1990 to 2013. The interplay between external and domestic factors was studied in terms of the policy approach employed by the EU, the receptiveness of political elites to EU influence, and the level of pro-EU civil society activity. The evidence from this study seems to suggest that the EU policy approach was successful with potential member states in Central and Eastern Europe, such as Poland, although the problem of democratic backsliding post-accession later emerged, to which the EU had no immediate policy approach. The EU's policy approach in the Western Balkans appears to have had some success, seen in the case of Croatia, but it is unclear whether this success will be replicated in the more problematic cases, such as Bosnia-Herzegovina and Kosovo. The EU's policy approach through its European Neighbourhood Policy has not been successful in the East, exemplified in the case of Ukraine. Domestic factors, and in particular the receptivity of the political elite to EU influence, appear to remain the most important in explaining whether the EU is able to engage with potential new member states. The EU's policy approach to engaging with pro-EU civil society does not appear to be successful, at least in the short to medium term. It is argued that the EU needs to develop a more flexible policy approach in order to be better able to take advantage of 'windows of opportunity' that arise. In addition, the EU should enhance its policy approach to co-ordinate its efforts more closely with other relevant external actors.

Chapter 1

Introduction

It is now a decade since the largest European Union (EU) enlargement to date brought in ten new states, eight of them (Czech Republic, Slovakia, Poland, Hungary, Estonia, Latvia, Lithuania and Slovenia) being former Communist states. This massive exercise of enlarging the EU through the processes of democratic conditionality has often been cited as the EU's most important foreign policy success, which has increased prosperity and the EU's 'weight in the world' (European Commission, 2008a). It is also seen as a major example of the success of 'soft power' (Nye, 2004) i.e. the ability to attract and persuade. Many would agree with the view that 'the EU enlargement regime is a tried and tested one and constitutes the most successful instrument in the EU's external relations toolkit' (O'Brennan, 2008: 517). In this way, the EU played an important role in the so-called 'third wave' of democratization, which started with the transitions to democracy in Southern Europe in the mid 1970s and continued to the collapse of Soviet Communism in Eastern Europe in 1989 (Huntington, 1991). The EU was even awarded the Nobel Peace Prize in October 2012 for helping to 'transform most of Europe from a continent of war to a continent of peace' over the previous six decades (Nobel Prize Committee, 2012).

Any European country can apply for EU membership under Article 49 of the Treaty on European Union. Potential members must be committed to the values expressed in Article 2, namely 'respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities'. This reflects the 'political' element of the Copenhagen Criteria that potential EU member states need to fulfil, namely:

(1) Political: stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities

The other elements of the Copenhagen Criteria were:

(2) Economic: existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union

(3) Acceptance of the Community *acquis*: ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union. (European Council, 1993)

Once the borders of the EU had moved far to the East and South, it not only completely encircled many of the Balkan states but also bordered former Soviet states such as Ukraine and Belarus. Some of these were formally candidate EU states, some were not. Understanding EU external relations was therefore clearly vital to understanding the future shape of the EU itself, and its role as an international actor. The EU is legally committed by Treaty to the following:

> 'The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, *and which it seeks to advance in the wider world*: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.' (Official Journal of the European Union, (2010), C83/28, my emphasis).

The EU had been aiming for a more co-ordinated and coherent approach to its external relations, for example through the formation of the new European External Action Service (EEAS) under the auspices of a High Representative. In the Commission, Enlargement and Neighbourhood Policy had been brought together in a single portfolio, a move that was greeted with some optimism in potential EU member states. The events of the Arab Spring in the early part of 2011 also acted to put a spotlight on the issue of what the EU could do in its own neighbourhood, coming as just as much of a surprise as the end of Soviet Communism had done. At the same time, the economic turmoil within the Eurozone threatened to impact negatively on European foreign policy effectiveness (Youngs, 2014; 2011a). As will be seen later, the financial crisis around the world that began in 2008 also had a large political impact, creating constraints on political action (Cohen & Lampe, 2011: 492).

These developments took place in the context of an increasing focus on so-called 'smart power', the combining of hard and soft power, to achieve foreign policy goals

(Rehn, 2008). There was also the climate of much less benign economic conditions post-2008 than those in which the enlargement of the EU took place which brought in the post-Communist states of Central and Eastern Europe. The combination therefore of these factors with the more challenging nature of the cases in question was a further test of the EU's policy approach.

This thesis is a comparative study investigating EU engagement with potential new member states. Three post-Communist European countries, Poland, Croatia and Ukraine, were studied with regard to the period 1990 to 2013. The role of international organisations and transnational actors has been paid increasing attention in the academic literature, and the EU is one of the major international actors. In particular, the EU has been increasingly active in recent decades in its own neighbourhood in seeking to engage with potential new member states, and it has developed a range of policy approaches with which it seeks to do so. The literature has focused on the role of political elites and of civil society, and this study draws on this and posed the central research question:

Do domestic conditions or the EU's policy approach best explain whether the EU is able to engage with potential new member states?

The rationale for the selection of the case studies will be outlined in the theoretical framework section, as will three specific research questions that flow from the central research question. These questions seek to address various elements of the engagement of the EU with potential new member states in terms of both the receptivity of political elites to EU influence, and the potential role of pro-EU civil society. By looking at these particular cases, over this particular time period, this thesis makes a contribution to EU studies (enlargement, conditionality, the EU's international relations) in terms of how EU engagement with potential new member states has changed over recent decades, and how political elites and civil society actors may have adapted their behaviour towards the various EU policy approaches that have been offered. It is hoped that this thesis will be useful to other researchers as well as to practitioners more generally.

1.1 Originality and distinctiveness of this study

By looking at the cases of Poland, Croatia and Ukraine in regard to this particular time period 1990-2013, and through the original interview data presented, this thesis offers a distinctive contribution to our understanding of the ways in which EU policies interact with domestic politics. This study therefore takes a 'domestic politics' approach, examining how this factor interacts with 'EU level' factors in processes of engagement between the EU and potential new member states. Looking at the more 'problematic cases' beyond the Central and Eastern European (CEE) countries that have been the focus of most of the existing literature is important because if the EU really is effective in the way that is claimed, then it must be effective not only in the easy cases but also in the hard ones. This focus was especially appropriate given that the candidate and potential candidate states that the EU was dealing with were widely considered to be the more 'problematic cases' (cf Schimmelfennig, 2008), for example with recent experience of conflict, less settled issues of statehood, or higher barriers to reform.

The 'back to Europe' (Henderson, 1999) idea in the case of the CEE countries, such as Poland, was a powerful component of the narrative that political elites told about the successful re-integration into the European family of nations. This narrative suggested that the CEE states had been artificially separated from 'Europe' and that engaging with them as potential new EU member states was logical, feasible and desirable. There was arguably a lack of any such coherent narrative that could help in the cases of the Western Balkans, such as Croatia, or the former Soviet states, such as Ukraine. The EU did not have a good narrative to tell about its dealings with the conflict in the Western Balkans in the 1990s, and also appeared to lack a consistent position among EU member states vis à vis the post-Soviet states.

This dissertation gathered primary data from EU officials in Brussels, civil society and political elite actors in the countries concerned, and seeks to examine what factors best explain whether the EU is able to engage with potential new member states. It will be argued that a return to explanations that place domestic factors as the most important in explaining EU engagement with potential member states is required. Further, it will be argued that the EU was incoherent in its application of its policy approach and lacked flexibility. It will also be argued that there exist certain key points in time during which the EU may have had a 'window of opportunity' for its efforts.

The EU is of course made up of different institutions, including the European Commission, the European Council, the European Parliament, the European External Action Service, the European Court of Justice, and the EU Agency for Fundamental Rights, and this study recognises the need to examine all of the EU's policy approaches for engaging with potential new member states, from wherever they stem. It is the argument therefore of this thesis that the EU needs to develop a more flexible policy approach in order to be better able to take advantage of certain 'windows of opportunity' that may arise. In addition, it should co-ordinate its efforts more closely with other relevant external actors. This is not the same as to argue that EU engagement with new member states is necessarily a positive development, either for the EU or for the countries concerned; a great many Eurosceptic commentators would of course argue the exact opposite. But for the EU to bring in new members is, by definition, a 'success' for EU enlargement policy and its advocates.

1.2 Literature review

This section will review the academic literatures that are relevant to help answer the central research question of what factors might best explain whether the EU is able to engage with potential new member states. These literatures have been identified as those covering the issue of the EU as an actor, the role of political elites and of civil society, EU Common Foreign & Security Policy, and the EU's use of conditionality.

1.2.1 The EU as an actor

The EU can clearly not be regarded as a single entity, as it is made up of a number of different institutions, including the European Commission, the European Council, the European Parliament, the European External Action Service, the European Court of Justice, and the EU Agency for Fundamental Rights. Through these different institutions, the EU has developed a wide range of policy approaches, and so they are fragmented across its institutions and across policy areas. Many different EU actors therefore have a role, including European Commissioners, Members of the European Parliament, heads of state and government of EU members, EU and member state diplomats, government ministers, members of delegations and EU-funded non-governmental organisations (NGOs).

Studies on the role of international organisations, and the EU in particular (Whitehead, 2001; Linden, 2002; Kubicek, 2003; Pevehouse, 2005), have examined theoretical approaches to the role of international organisations (IOs), and so it is necessary to consider what the EU's 'role' in international politics might be. The sociological concept of 'role' was introduced to foreign policy analysis by Holsti in 1970 when he examined the perceptions of policy-makers about what role their nation played in international affairs (Holsti, 1970). Role theory allows for consideration of both the self-image and the perception of others: 'Roles... refer to patterns of expected or appropriate behaviour [and] are determined both by an actor's own conceptions about appropriate behaviour and by the expectations... of other actors' (Elgström & Smith, 2006: 5).

It has been argued that the EU's enlargement into Central and Eastern Europe, which placed human rights and democracy discourse as a central element, had the unintended consequence of reinforcing the EU's self image as an actor that promotes and protects these issues (Sedelmeier, 2006: 124). There have developed different ways in which we can conceptualise the EU's role. There is an argument that the EU is unique and that it 'does not need and has not needed to acquire state-like qualities to exert an important influence on the world' (Hill, 1993: 316). For example, for Ginsberg: 'No other regional body in the world plays the same international role as the EU... the EU's place in international politics is *sui generis...'* (Ginsberg, 2001: 12). The nature of the EU clearly does make a difference to the way in which it is able to operate. As has been said, the EU cannot be regarded as a single entity, but it can still be an actor. The way in which we should conceptualise the role of the EU in international affairs has been developed in the International Relations literature over the last three decades, and several key concepts have arisen, namely 'actorness' and 'presence', with a consensus that the EU has an international 'presence' and that it exhibits some elements of 'actorness' (Ginsberg, 1999: 432). In terms of 'presence', Allen & Smith defined this as 'a combination of factors: credentials and legitimacy, the capacity to act and mobilize resources, the place it occupies in the perceptions and expectations of policy makers' (Allen & Smith, 1990: 21). Presence will vary along two dimensions, the tangible/intangible dimension and the positive/negative dimension, from which four broad forms of presence can be derived, namely 'initiator', 'shaper', 'barrier' and 'filter'. Whilst the EU has the most tangible presence in the economic sphere, in the political sphere it has acted as a 'shaper' or 'filter', moulding the perceptions of policy-makers and others, shaping collective action and filtering out certain options (Allen & Smith, 1990: 37).

The concept of 'actorness' was introduced by Sjostedt as 'the capacity to behave actively and deliberately in relation to other actors in the international system' (Sjostedt, 1977: 16). This concept of 'actorness' was further developed by Caporaso & Jupille who proposed four criteria for evaluating actor capacity – recognition, authority, autonomy and cohesion (Caporaso & Jupille, 1998: 214). In a further developed model, Bretherton & Vogler's approach to the 'actorness' of the EU has three elements: the 'opportunity' provided by the external context in which the EU operates; the 'presence', defined as the ability of the EU to exert influence beyond its borders; and the 'capability', defined as the ability to exploit opportunity and capitalise on presence. They also concluded that the EU should be treated as *sui generis* due to its degree of integration and the range of instruments it possesses. Table 1.1 below summarises the required elements of 'actorness', according to Bretherton & Vogler (2006: 24-30).

Table 1.1: Requirements for EU 'actorness'

	Requirements for EU 'actorness'
1	Shared commitment to a set of overarching values
2	Domestic legitimation of decision processes and priorities relating to external policy
3	The ability to identify priorities and formulate policies – captured by the concepts of consistency and coherence, where:
	- consistency indicates the degree of congruence between the external policies of the Member States of the EU
	- coherence refers to the level of internal coordination of EU policies
4	The availability of, and capacity to utilize, policy instruments – diplomacy / negotiation, economic tools and military means

Source: Bretherton & Vogler (2006)

Bretherton & Vogler consider the EU as a 'multiperspectival polity' which is under construction, and this approach allows for its evolution over time (Bretherton & Vogler, 2006: 36). Other approaches have echoed this view. For Ginsberg it is 'a partially constructed international political actor [which] does not act consistently and uniformly... at times it does not act, and other times it acts too slowly or timidly' (Ginsberg, 2001: 9). Allen & Smith defined the EU as 'a variable and multi-dimensional presence, which plays an active role in some areas of international interaction and a less active one in others' (Allen & Smith, 1990: 20). For Hill, in the early 1990s, it was 'not an effective international actor, in terms both of its capacity to produce collective decisions and its impact on events' (Hill, 1993: 306).

There may however be a disconnect between 'actorness' and effectiveness, and although 'actorness' may well be necessary if the EU wants to have influence in international affairs, it is not sufficient, at least in certain cases (Thomas, 2010: 26). As far back as the early 1990s, a gap between the capability of the EU and the expectations placed upon it has been identified, such that 'The Community does not have the resources or the political structure to be able to respond to the demands... the consequential gap which has opened up between capabilities and expectations is dangerous' (Hill, 1993: 315). Since then, both the external expectations *and* the self-proclaimed ambitions have created enormous pressure on the EU to perform credibly and effectively in international affairs (Gebhard, 2007: 13). It could also be argued however that although the EU's capability to act has increased, expectations have in fact lowered or become more realistic.

The concept of 'passive' leverage that the EU can exercise (Vachudova, 2005) through the attraction of the prospect of membership of the EU is similar to the oft-cited notion of 'soft' power (Nye, 2004). Another important idea is that of 'normative power Europe' which is that the EU can be 'conceptualized as a changer of norms in the international system... that the EU *acts* to change norms in the international system... and that the EU *should* act to extend its norms into the international system (Manners, 2002: 252). Beyond the passive attraction of the EU as a membership organisation, there are of course active instruments that the EU uses when its leaders look beyond EU borders and see both risks of many kinds (economic, social and security) and/or opportunities for engaging with potential new member states. These instruments, which make up the EU's policy approach, include both those that seek to work with political elites, ranging from dialogues to full-on accession negotiations, and those that seek to work with civil society actors such as NGOs. Hence the independent variables in this project relating to both political elites and to civil society.

The EU's policy approach includes measures designed to have short-term impacts and incentives (such as sanctions) and very long-term impacts and incentives (such as offering potential membership). It also include measures that cost virtually nothing (such as dialogues), to those that cost many millions of Euros (such as rule of law missions). There is therefore a large variety of instruments that make up the EU's policy approach towards potential new member states, and there appears to be no single process determining the choice of which approach will be used in each particular

case (Kotzian et al, 2011). The complex composition of the EU's policy approach has created many different possible causal mechanisms through which the EU could potentially engage, hence the level of development of the EU's policy approach is one of the independent variables in this project.

1.2.2 The role of political elites

The behaviour of political elites is clearly a very important factor in the development of any state, and in how states might engage with international organisations, such as the EU. In the literature on EU democratic conditionality, rationalist and constructivist approaches have been the two main approaches that have been tested, due to apparent agreement in the literature that they offer the best potential explanations. As we will see below, the evidence from the literature on conditionality has been found to favour rationalist explanations over convergence ones in terms of the behaviour of political elites. Thus, political elites will make rational, cost-benefit decisions based on conditionality, rather than on the basis of internalised norms and values developed through socialisation. The successful use of conditionality by the EU i.e. 'do X to get Y' has been widely documented and debated. For political elites in non-EU states, it is their perception of these costs and benefits that are clearly central to the operation of conditionality. Processes of EU integration have often been criticised for being 'elite-driven' (Best et al, 2012), although domestic factors and actors are also very important (Pridham, 2007a). The consolidation of a democratic regime relies on more than just an elite commitment, with structural factors being particularly important in cases of state weakness and/or civil conflict (Tansey, 2007: 51). The literature on conditionality, which is very much concerned with poltical elites, is surveyed in section 1.2.5 below. A receptive domestic political elite has been seen in the literature as essential for effective political change (Pridham, 2005; Haughton, 2007) and for 'leverage' to work it has been argued that it must operate on a receptive political elite (Vachudova, 2005). Hence, receptiveness of the political elite is one of the independent variables. External pressure on political elites will sometimes be seeking to get them to do something e.g. make certain reforms, and sometimes the pressure will be trying to get them to stop doing something e.g. repressing opposition. Under such pressure, political elites may decide that it is in their own interests to give in to pressure for change and then 'seek to steer change so as to control it' (Morlino, 2011: 85).

1.2.3 The role of civil society

In addition to its efforts to engage with political elites, the EU also seeks to engage with the 'grass roots' in potential member states. Thus much EU rhetoric around its external relations is often about the ways in which it seeks to engage with 'civil society'. Civil society has sometimes been presented as having a 'magical power', embodied in such leading members of civil society as Michnik in Poland and Havel in Czechoslovakia (Grugel, 1999: 18). The term 'civil society' clearly means different things to different people (White, 2004: 6-7), and has been used to such an extent that it is difficult to know what it actually consists of, let alone what role it may or may not play. Clear definitions are not to be found in the literature (Flyvbjerg, 1998: 210) and there is still no consensus on what civil society actually consists of (Akman, 2012: 321). As the role of civil society has been a major part of the literature on EU engagement with non-member states, especially in terms of the role of social movements, NGOs and the church, the level of activity of pro-EU civil society is one of the independent variables in this project.

Despite all the attention on the positive role that civil society can play, it is clearly not a panacea (Braun, 2010: 544) for the problem of how the EU seeks to engage with potential new member states. There have been some dissenting voices, pointing out that not all civil society organisations are necessarily positive, and that 'the celebration of civil society... has hindered the formation of new parties [which] for all their faults have historically provided the basic institution which links people with the state' (Kopecky & Mudde, 2003a: xiii). Groups that are 'exclusionist, undemocratic or violent' have thus been termed 'uncivil society' (Kopecky & Mudde, 2003a; Ruzza, 2009). Indeed, there are well known examples of civil society organisations that are viewed by some as 'hardly compatible with the democratic ideal', such as Radio Maryja in Poland which was argued to be 'openly hostile to pluralist democracy, minority rights, and tolerance' (Pankowski, 2009) and which called upon its listeners to support populist extremist political parties (Goodwin, 2011: 3). Authoritarian states have even started to deliberately create their own groups to imitate the methods of opposition social movements. For example, in Russia the youth group 'Nashi' which was formed by the Kremlin, has many thousands of members and whose activists have been used to harass foreign ambassadors and even provoke riots (Leonard & Popescu, 2007).

There is criticism that theories of civil society have a limited explanatory power (Whitehead, 2002: 89) and that focusing on the concept of 'civil society' has been an act of 'desperate wishful thinking' in trying to describe and categorise the political and social changes of the last two decades (Münkler, 2006: 92). The media in particular have played a part in developing a narrative in which 'people power' equates to 'civil society', most powerfully visualised in the scenes surrounding the fall of the Berlin Wall. This has led to 'misunderstandings about the power of civil society under communism and its apparent failure after the revolutions of 1989 with the success of populists and nationalists across the region' (Glenn, 2010: 16). It is this version of the civil society argument which 'lays special emphasis on civil society as a sphere of action that is independent of the state and that is capable - precisely for this reason - of energizing resistance to a tyrannical regime' (Foley & Edwards, 1996: 39) that has become the dominant one - the 'power of the powerless' of which Havel wrote so influentially (Havel, 1978). This is to act in the face of a regime you cannot negotiate with 'as if' you were free (Judt, 2012: 232) but why some such movements succeed whilst others fail is not explained.

Certain transitions in the past have become textbook examples of the role of civil society. For example, the 'Spanish model' of transition became one that other states actively sought to emulate in later decades (Alonso & Muro, 2011). The experience of Spain's transition to democracy after the death of Franco in 1975 highlighted the importance of civil society, specifically with reference to the new generation of civic associations that emerged from the mid-1960s onwards (Radcliff, 2011). Drawing on this experience, some have argued that successful transitions require a civil society that predates the transition or becomes established in the course of it (Perez-Diaz, 1993: 40). The role of Solidarity in Poland has also become a textbook example of the role of civil society in challenging authoritarian power.

The EU in its support for civil society organisations thus seeks to assist the creation of such a situation in which alternatives to authoritarian rule may become possible. External attempts to engage have been criticised for creating an 'industry' of civil society organisations (CSOs) based in capital cities with weak ties to the broader society (Echagüe, 2012). Also, there is the question of whether efforts to engage at the grass roots level through support for CSOs actually contains a real danger of creating 'astroturf' (i.e. fake) representation (Kohler-Koch, 2010) that is insufficiently rooted in

the society in question, a function that political parties more usually fulfil. This has been one of the criticisms of the support for civil society; that it hinders the development of political parties: 'The existence of civil society organisations increases pluralism, it is thought. It also encourages ideological and organizational fragmentation, and it could make democratic transitions more difficult' (Ottaway, 2010: 56). On the other hand, a healthy civil society can be seen as the foundation for political parties, which 'should be the icing on the cake of a richly structured civil society, a place that draws nourishment from that society and gives it political expression that can then be used in political competition' (Havel, 2009: 120).

The idea of civil society has become truly global in the last two decades, and is no longer confined within the borders of a particular nation state (Kaldor, 2003; Keane, 2003). Large organisations which can operate globally, such as Amnesty International, can therefore potentially play a role in influencing almost any state in the world. However, it is important to note that 'global civil society' is contested terrain, and that, for example, al-Qaeda is just as much part of it as Amnesty International (Munck, 2006: 330). There has also been an increased scholarly interest in the involvement of religion in international relations and the role of 'religious transnational actors', which could equally include the Roman Catholic Church, the Muslim Brotherhood or al-Qaeda (Haynes, 2012). In the later chapter on civil society therefore, the role of religious groups is explored.

Global NGOs such as Amnesty International seek to have an impact on certain issues through the reports they produce, which often make explicit calls for action on the EU and other international organisations. A fairly typical example is an Amnesty International report on Kosovo from 2009 which called on the European Commission to ensure that progress towards ending impunity for war crimes and crimes against humanity was carefully monitored in their annual reports (Amnesty International, 2009: 60). What is actually meant by 'civil society' in this context is clearly not just a collection of sports clubs and hobby groups, important and enjoyable as these may be for their members. What is really being described is some kind of nexus of interests, values and activity that has a purpose and that can mobilise resources aimed at serving that purpose. The role of non-state actors is an important element. Further, how such actors relate to international organisations that are actively seeking engagement with them

could also be important. We need therefore to seek to understand how these working relationships are structured and how they might operate.

It is important to note that approaches to civil society have also been the source of disagreement in the literature. The role of CSOs has mostly been seen as positive and necessary, and also that CSOs can use the EU accession process as leverage to pursue their domestic aims (Parau, 2009). There are some critics however who point out that CSOs are not always progressive in this way (Kopecky & Mudde, 2003a) and may actually play an 'ambiguous or even malign role' (Schmitter, 2010: 24). It is important to bear in mind that CSOs should not be assumed to necessarily be working in positive ways or to be looking to transnational organisations or networks to help them domestically. Therefore, in this project, it is the level of activity of pro-EU civil society which is the independent variable.

1.2.4 EU Common Foreign & Security Policy

Dealing with both the threats and the opportunities in the EU's neighbourhood have been major components of the EU's Common Foreign & Security Policy (CFSP), and seeking to engage with potential new member states has been part of this. The literature on CFSP focuses mainly on the high level geopolitical considerations that have shaped its development, and also on the nature of the perceived threats to the EU. The literature is strong on the co-operation between EU member states on foreign policy, its development over time, and the way policy-making in this area is dominated by 'intensive transgovernmentalism' (Giegerich & Wallace, 2010: 454). The literature is less strong on how CFSP relates to other areas of EU activity and any assessment of what is actually working. The inability of the EU to deal effectively with the break-up of Yugoslavia and the resulting wars of the early 1990s caused much hand-wringing and eventually some reform of European foreign policy. The oft-cited 'capability-expectations gap' (Hill, 1993) was argued to have developed and the ineffectiveness of CFSP was blamed on the intergovernmental nature of foreign policy-making (Wagner, 2003).

As in many other issue areas, both rationalist and constructivist (cf. Glarbo, 1999) approaches have been taken to the study of CFSP, as well as the more nuanced view

in which the two approaches are taken as being complementary rather than incompatible (cf. Smith, 2004). While rationalist approaches view the foreign policy preferences of member states as fixed, constructivist approaches focus on the convergence of national foreign policies and the formation of a community of norms and values around foreign policy at the European level. If CFSP has become more supranational in some ways, there is still plenty of evidence that in foreign policy it is hard-nosed *realpolitik* based on the interests of the nation state that rule the game, rather than shared values and norms.

Within the EU, whilst there is much agreement in the CFSP arena, it is far from saying that all member states share the same views on foreign policy issues. For example, in August 2008 the leaders of Poland, Latvia, Lithuania and Estonia [as well as Ukraine] visited the Georgian capital Tbilisi in a show of solidarity with President Saakashvili after the Russian invasion. They saw Russia's action in rather starker threatening terms perhaps than their fellow EU leaders, whose reaction was relatively neutral and cautious (Lašas, 2012).

In the post-9/11 global context, the European Security Strategy of 2003 took a threat-driven approach and made one objective to build security in the EU's neighbourhood, a neighbourhood that now included new problematic states such as Belarus, Ukraine and Moldova (Keukeleire & MacNaughtan, 2008: 59). This new context prompted the launch of the European Neighbourhood Policy (ENP) in 2003-04 as an instrument to promote security. The ENP deals with neighbouring countries but without offering the prospect of membership and indeed this recognition of permanent non-members and the structured nature of the relationship with the EU's neighbourhood has been argued as representing the 'coming of age' of the EU (Whitman & Wolff, 2010). The ENP also includes a significant amount of financial aid to support reform in the form of the European Neighbourhood and Partnership Instrument (ENPI). This had a budget of 12 billion Euro for the period 2007-2013, which funded civil society projects in Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Russia, Syria, Tunisia and Ukraine.

The main focus of the ENPI is on supporting 'political, governance, economic and social reform programmes' and is mainly provided to fund the implementation of ENP Action Plans. These countries are also eligible for loan funding from the European

Investment Bank of up to a total of 12.4 billion Euro for the same time period (source: www.enpi-programming.eu). Political developments in early 2011 in some of these North African countries will no doubt necessitate some major rethinking of the operation of the ENPI in these cases, as the EU will want to catch up with events and be seen to be supporting democratic development. The cases of both Egypt and Syria in particular threw into rather stark relief the contrast and contradiction between EU policy and individual member states' historic legacies and geopolitical interests.

Another part of CFSP is the Eastern Partnership (EaP) between the EU and six of its Eastern neighbours (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine), which was launched in 2009. This policy does not hold the promise of EU membership (although these countries could theoretically one day apply for EU membership) but rather 'issue-specific rewards' such as visa-free travel for progress in key areas including human trafficking and illegal immigration (Sedelmeier, 2010a: 426). In what sense this might be a 'partnership' in any meaningful sense of the word remains unclear. The EU's recognition of its need to be better coordinated in its foreign policy informed the Lisbon Treaty's provisions for the European External Action Service (EEAS). With the EEAS having started operating fully from the beginning of 2011, its actions must become a key area of study for those interested in EU engagement with potential new member states. As both the EaP and the EEAS are both relatively new, the academic literature has not yet developed, although some initial work has appeared (e.g. Duke, 2010; Korosteleva-Polglase, 2010; Smith, 2013).

1.2.5 EU use of conditionality

Democratic conditionality has emerged as a major area of research within EU enlargement studies. Democratic conditionality is the strategy used to induce states to comply with the EU's democratic standards (Schimmelfennig et al, 2003), and as one of the major international organisations, the EU has been a prime focus of attention in the existing research on conditionality as it has, since the enlargements in the 1980s, developed a much more 'extensive and systematic' conditionality approach than other international organisations (Pridham, 2008).

Conditionality refers to the logic of consequentiality (do X to get Y) as opposed to the logic of appropriateness (good people do X) in terms of the ways in which IOs have a domestic impact (Schimmelfennig & Sedelmeier, 2002; Kubicek, 2003). It is not only the EU which uses a conditionality approach, but the EU accession process has developed into one that is 'extensive and systematic' and which has shown both change and continuity in the ways in which it is applied (Pridham, 2007a, 2008). The process of refining the conditionality approach is likely to continue, and it has already changed in light of lessons learned after the 2004 enlargement (Grabbe, 2007: 116) and that of 2007. In terms of the effectiveness of conditionality, a good summary statement is as follows: 'conditionality appears to be far less effective with countries that are either not willing or not capable of adopting European ideas because they do not resonate with domestic structures and identities or they lack the necessary capacities to introduce required changes' (Borzel & Risse, 2009: 10).

The end of Communism in Eastern Europe represented both a huge challenge and a huge opportunity for the EU. Transnational actors have been the 'dark matter that held the various aspects of post-Communist transition together' (Orenstein et al, 2008). Within that, the EU has been argued to be the 'causal behemoth' of transnational influence on Central and Eastern Europe (Vachudova, 2008). This influence has been most visible in the process of EU enlargement, which, it is argued, is best understood as being driven by the long-term economic and geopolitical interests of current EU member states (Moravcsik, 1998; Moravcsik & Vachudova, 2003) in the 'liberal intergovernmentalist' approach. With EU applicant states similarly making rational calculations to bring themselves into line with the conditions of EU membership, such interstate bargaining can be said to reflect 'asymmetrical interdependence' (Keohane & Nye, 1977). This reciprocal influence between domestic and international affairs in which governing political elites seek to negotiate at an international level at the same time as securing their domestic position has been described as a 'two-level game' (Putnam, 1988). For those studying this area, this implies a need to take account of the entanglements between international relations and comparative politics (Putnam, 1988: 459).

Other models of the operation of conditionality have recently been tested through empirical research in a number of case studies. Magen & Morlino have developed the EU Cycles and Layers of International Democratic Anchoring (EUCLIDA) model and

applied it to Romania, Turkey, Serbia and Ukraine. They concluded that the 'external/internal nexus' is characterised by 'a chain of anchoring' in which continuous conditionality actions create opportunities for elites to act, the weakening of veto players, and shifts in the cost-benefit balance of rule adoption. In summary, they state that 'Conditionality may be weak and at the end may even fail…' but that 'empirically, conditionality remains the main mechanism of influence' (Magen & Morlino, 2008: 255-256; Morlino, 2011: 183). A number of key themes have emerged in the academic literature on democratic conditionality, and three of these key themes are detailed below.

Firstly, full membership of the EU has such a powerful attraction that it provides 'passive' leverage on potential applicant states and 'active' leverage over candidate states. The concept of 'active' and 'passive' leverage that the EU can exercise was introduced by Vachudova in *Europe Undivided: Democracy, leverage & integration after Communism* (2005). The attraction of the prospect of membership of the EU is argued to provide 'passive' leverage on potential member states, and this becomes 'active' leverage when accession negotiations begin. In these two ways, the EU has great power as a transnational actor.

Secondly, the EU has been argued to have a 'transformative power' over potential applicant states by Grabbe in *The EU's Transformative Power: Europeanization through conditionality in Central and Eastern Europe* (2006) and has been the 'causal behemoth' of transnational influence on Central and Eastern Europe (Vachudova, 2008). The EU had enormous influence on potential member states in Central and Eastern Europe (CEE) after 1989, and there was a strongly asymmetrical interdependence between EU and candidate countries. Adapting to the EU had become embedded in CEE policy-making long before accession, and for this reason domestic politics matter hugely in understanding how EU conditionality worked.

Thirdly, the evidence favours rationalist explanations (conditionality) over convergence ones (the internalisation of norms through socialisation) (Schimmelfennig & Sedelmeier, 2005; Kubicek, 2003; Linden, 2002). Rationalist versus constructivist approaches have been tested, notably in Schimmelfennig & Sedelmeier (2005) *The Europeanization of Central and Eastern Europe*, and the evidence has been found to favour rationalist bargaining models. In other words, the impact of the EU as a

transnational actor on domestic politics in potential member states is to do with elites in those states making rational, cost-benefit decisions and through reacting to the use of 'carrots and sticks' by the EU. Pridham, most notably in *Designing Democracy: EU enlargement and regime change in post-Communist Europe* (2005), has traced the development of what is now an 'extensive and systematic' conditionality approach (Pridham, 2008). In this process, the role of elites is a crucial explanatory factor (Pridham, 2007b), and this is why the research methods used have most frequently focused on elite views of the process gained through elite interviews. This study follows this approach.

There is widespread agreement in the literature on conditionality that its effectiveness relies on a credible offer of full EU membership and favourable domestic conditions. In the 'rational bargaining model' which was favoured in Schimmelfennig & Sedelmeier's 2005 study, the concern is with the cost-benefit calculations that are made and with the impact of 'carrots and sticks' on the behaviour of states seeking membership. In this process, there is agreement in the literature that it is only the credible prospect of full EU membership that provides an effective incentive for domestic political elites to make legislative and other changes. For example, in shaping domestic policy on ethnic issues, EU membership conditionality motivated most policy decisions, although normative pressure did often guide them (Kelley, 2004).

There is disagreement in the literature over the question of when the EU ever really had 'transformative power', for example, whether EU democratic conditionality really played a role in the case of the ousting of the Meciar government in Slovakia in 1998. Haughton (2007) argues that EU leverage had little effect in this case, although it is often used as an example of the success of democratic conditionality (e.g. Glenn, 2003). Much of the literature accepts that EU democratic conditionality is effective without offering detailed enough evidence to really support this claim. Some argue that in some cases focusing on conditionality may undervalue processes that are already taking place (Ulusoy, 2007: 472). Others are much harsher in their criticism of the EU's use of conditionality in the Eastern enlargement: 'The non-transparent and truly byzantine labyrinth of conditionality application was ultimately turned into a window-dressing mechanism for the public justification of political choices having little to do with the candidate countries' actual performance' (De Ridder & Kochenov, 2011: 598). Others argue that the conditionality literature is simply not applicable to post-conflict

societies such as Bosnia-Herzegovina (Aybet & Bieber, 2011). The EU's tougher conditionality approach has now been tested in the post-conflict Western Balkans, with Croatia one such example.

1.2.6 Concluding comments on the literature review

There has developed a strong argument that the EU was failing to meet the challenges of a more complex international environment (Youngs, 2008a,b,c, 2009a,b, 2010a,b,c). There were clearly many new challenges (Burnell & Youngs, 2010), including an increasing level of 'pushback' from authoritarian regimes which were making it harder for external actors, such as the EU, to have any leverage. In regard to the EU, the gravitational pull of the EU to potential new members may have weakened, and the scale of EU assistance for reform in non-member states, and the political will for further EU enlargement, may have been more limited than it was in the past.

It is clear from this review of the literature that the EU, as an external actor, had developed a wide array of policy approaches with which to engage with potential member states. It was also widely acknowledged that the EU did not use them in a sufficiently strategic way. Given that between 2000 and 2013 the EU took in new members three times, the literature had an understandable focus on enlargement and the operation of democratic conditionality. As the EU's institutional structure had also undergone a major change with the Lisbon Treaty and the creation of the EEAS, this also had provided newly emerging areas for the focus of study. The fragmentation of the literature served to indicate that the EU itself had an uncoordinated approach. Comparative research designs had been recommended in the existing literature as a promising way forward for further study in this area. Indeed, the state of the current literature afforded considerable unfilled scope for more comparative analysis, and there was acknowledgement that we did not know enough about what worked and why (Burnell, 2008: 424-431).

This study therefore is an attempt to address some of the shortcomings in the literature that have been identified. How the various EU policy approaches may have operated in combination with the domestic politics of target states was examined. This was done through a comparative study of three post-Communist countries in the EU's immediate

neighbourhood, Poland, Croatia and Ukraine. The level of development of the EU's policy approach in these cases over the time period 1990 to 2013 was traced, and the interaction of these approaches with two 'domestic level' factors (the receptiveness of the political elite to EU influence and the level of activity of pro-EU civil society) was investigated. This study therefore seeks to examine EU actorness, and the ways that the conditionality approach developed from its use in CEE states (such as Poland) to states in the Western Balkans (such as Croatia). It also seeks to examine developments in CFSP as the EU sought to engage with states in its neighbourhood (such as Ukraine), and the potential interplay between various EU policy approaches and the domestic political elites and civil society of non-EU member states.

The importance of three key variables has been identified: the level of development of the EU's policy approach, the receptivity of the political elite to EU influence, and the level of pro-EU civil society activity. In doing so, it is important to acknowledge that there are, of course, other possible explanatory factors which this study does not focus on. These include, *inter alia*, economic, demographic, social, cultural, historic and geographical factors. The potential influence of other external actors, such as the IMF, the ICTY and NATO is important to acknowledge, as is the potential influence of key geo-political actors such as Russia and the USA. The incentives on offer by the EU to potential new member states may be competing with incentives offered by other external actors, and these incentives may be larger, or more immediate, or come with less difficult conditions. Such incentives may also have a close relation to the economic conditions in the country concerned, or be targeted at certain geographical areas or sections of the population. The rational calculations being made by the political elite in any particular country may also be influenced by social, cultural or historical factors. The nature of the civil society, and its level of activity, in a particular country may also be influenced by any, or all, of these factors.

In the next section on the theoretical framework and research methods, the rationale for this choice of case study countries, and for the time period that was studied, will be elaborated.

1.3 Theoretical framework and research methods

This section will cover the research questions that are the focus of the project, definitions of key terms, the dependent and independent variables that have been identified, the hypotheses that will be tested, the case studies that have been selected, and the rationale behind their selection.

This study takes a rationalist approach in its attempt to explain how the EU seeks to engage with potential new member states. That is to say, it is concerned with the rational calculations made by the relevant actors about the EU's policy approach and the domestic costs incurred by undertaking the reforms that the EU might require in order to achieve particular incentives. Both the political elite actors in the non-EU member states and the EU actors were making such calculations, and the civil society actors and organisations that had a potential role to play in seeking to influence both the EU and the domestic government side. It is hypothesised that the interaction between these variables may have created possible causal mechanisms which might explain how the EU engaged with potential new member states.

1.3.1 Definitions

The following key concepts and terms are used extensively throughout this thesis, and so it is important to be clear about some definitions. For a working definition of what is meant by 'political elite', I will use the following: 'persons who are able, by virtue of their strategic positions in powerful organisations, to affect national political outcomes regularly and substantially' (Burton et al, 1992: 8). I will use the following widely accepted definition of civil society: 'that arena of the polity where self-organizing groups, movements, and individuals, relatively autonomous from the state, attempt to articulate values, create associations and solidarities, and advance their interests' (Linz & Stepan, 1996: 7). We can also note at this point that sometimes it is the same individuals that move from being part of civil society, to being part of the political elite.

The central research question is 'do domestic conditions or the EU's policy approach best explain whether the EU is able to engage with potential new member states?' Key

definitions of words are as follows and these are important in the operationalization of the independent variables below. Firstly, 'receptive' is defined as 'able or quick to receive impressions or ideas'. Secondly, 'active' is defined as 'working, operative, originating action, not merely passive or inert'. In so far as issues of 'democracy' are discussed later, in the context of whether potential new member states are reaching certain EU criteria, this project takes a broad definition of 'democracy' to include the rule of law and respect for human rights. This reflects the wording of Article 2 of the Treaty of European Union that states that: 'The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between men and women prevail.' This is also in line with the 'political' element of the Copenhagen Criteria that potential EU member states need to fulfil, namely that they must exhibit 'stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.' (European Council, 1993)

1.3.2 Engagement

A key term in this thesis is that of 'engagement' between the EU and potential new member states, and so it is important to be very clear as to its meaning. Clearly, the various institutions of the EU have contact and discussions with a wide range of different actors in non-Member States. In this thesis, 'engagement' is taken to mean more than this, and rather to mean to raise the level of the negotiated relationship between the EU and potential new member states.

'Engagement' therefore can move a country from a low level relationship to a higher one over time. This does not necessarily have to mean reaching the highest level of full membership. In some cases, reaching an Association Agreement is the highest level that is currently possible, but the theoretical possibility exists that full membership could be gained in future. Throughout this thesis therefore, this is what is meant by 'engagement' or for the EU to 'engage' with a potential new member state.

1.3.3 Research questions

The central research question for this project was: 'do domestic conditions or the EU's policy approach best explain whether the EU is able to engage with potential new member states?' This central question informs both the specific research questions below, and the hypotheses that will be tested. The three specific research questions were: What policy approaches have been developed by the EU to engage with potential member states and how are they being applied and evaluated? To be addressed in Chapter 3. How receptive are the political elites in the case study countries to the various EU policy approaches? To be addressed in Chapter 4. How active is pro-EU civil society in the case study countries and how does the EU attempt to engage with it? To be addressed in Chapter 5.

1.3.4 Dependent variable (DV)

The dependent variable (DV) is the level of the relationship with the EU. 'Engagement' is taken to mean the process of moving a country from a low level relationship to a higher one. This does not necessarily have to mean reaching the highest level of full membership. In some cases, reaching an Association Agreement is the highest level that is currently possible, but the theoretical possibility exists that full membership could be gained in future. The DV has been operationalized in the following way:

(DV) The level of the relationship with the European Union

6 = Full EU member

5 = Official candidate or potential candidate country

4 = Association Agreement signed

3 = Association Agreement or Stabilisation and Association Agreement on offer

2 = Low level negotiated agreement

1 = No negotiated EU relationship of any kind on offer; but the state may be receiving EU assistance of some kind, or be subject to sanctions.

1.3.5 Independent variables (IVs)

The three independent variables that were identified cover both EU level factors and domestic politics factors. In identifying these variables it is acknowledged that there are other potential alternative variables that could be relevant. The variables in this project have been identified as potentially the most important, drawing on the literature review. Indicative modes of classification for these variables are given below and how they are to be operationalized.

(IV1) The level of development of the EU's policy approach

The first independent variable is the 'EU level' factor i.e. what the EU was doing in terms of its policy approach. The policy approach that the EU has taken to potential new member states is clearly dynamic, in that it changes over time, responds to geo-political events, and is potentially informed by changes to the EU's composition. Cases will be classified according to this variable as having had either a high, medium or low level of level of development of the EU's policy approach, and cases will be classified according to this variable in Chapter 3 through analysis of the interview data.

A <u>high</u> level of development of the policy approach will be taken to mean that the EU had developed a sophisticated set of policies and was seeking extensive engagement at multiple levels (e.g. with political elites and civil society actors), was offering significant financial resources (e.g. funding for governmental reform, NGOs) and was employing extensive monitoring of reform in the target country. A <u>medium</u> level of development of the policy approach will be taken to mean that the EU had a set of policies and was seeking some level of engagement, was offering some level of financial resources, but was not extensively monitoring reform in the target country. A <u>low</u> level of development of the policy approach will be taken to mean that the EU had only a limited set of policies (e.g. sanctions, dialogues), was not engaged at multiple levels, was not offering significant resources, nor was it extensively monitoring reform in the target country.

The EU may have a highly developed policy approach to a country that is a formal candidate for EU membership, or it may have only a low level policy approach towards it. Similarly, the EU may have a highly developed policy approach to a country that has only a very distant prospect of EU membership. Alternatively, the EU could have a fairly highly developed policy approach to a country *post-accession* e.g. the CVM policy approach used with Bulgaria and Romania. Another theoretical possibility is that the EU may be forced by events to greatly increase its level of development of policy approach to a particular country, but which had no bearing or relation to its level of relationship with the EU. For example, if it was determined that a certain country needed the EU to develop some innovative policy approach of some kind. The EU's policy approach is therefore *independent* of the level of the relationship with the EU (the DV) that a particular country may, or may not, have. For example, even though a country like Turkey had the offer of a negotiation towards EU membership, it was actually subject to a less developed policy approach than a country like Ukraine, which did not have a formal offer of EU membership.

(IV2) The receptiveness of the political elite to EU influence

Cases will be classified according to this variable in Chapter 4 as having had either a high, medium or low level of receptiveness to EU influence, bearing in mind the definition of the word 'receptive' as 'able or quick to receive impressions or ideas.' A high level of receptiveness will be taken to mean that the political elite was willing to enter into negotiation with the EU on a highly complex negotiated relationship. A medium level of receptiveness will be taken to mean that the political elite was willing to take part in more flexible partnership arrangements with the EU, such as ENP Action Plans. A low level of receptiveness will be taken to mean that the political elite was unwilling to enter into formal negotiations with the EU of any kind. A receptive domestic political elite is seen as essential (Pridham, 2005; Haughton, 2007) and for the EU's 'leverage' to work it is argued that it must operate on a receptive political elite (Vachudova, 2005).

(IV3) The level of pro-EU civil society activity

Cases will be classified according to this variable as having had either a high, medium or low level of pro-EU civil society activity, bearing in mind the definition of the word 'active' as 'working, operative, originating action, not merely passive or inert.' Cases will be classified according to this variable through analysis of the interview data. The operationalization of this variable reflects the three key areas of civil society which will be explored in detail in Chapter 5, namely mass participation social movements, a politically active national Church, and NGOs.

It is important to state that it is a *particular kind* of civil society that the EU wishes to encourage and to engage with, namely pro-EU civil society. There are plenty of groups within civil society that do not wish to see their country engage with the EU, and also which the EU does not wish to encourage. These may include far right, xenophobic, homophobic, anti-democratic or anti-European groups. This variable therefore relates to the level of activity of pro-EU groups within civil society. A high level of activity will be taken to mean that civil society had all three of the following: a mass participation active social movement(s), a politically active national Church, and NGOs that were extensively engaged with their domestic government. A medium level of activity will be taken to mean that civil society had two of the following: a mass participation active social movement(s), a politically active national Church, and NGOs that were extensively engaged with their domestic government. A low level of activity will be taken to mean that civil society had only one of the following: a mass participation active social movement(s), a politically active national Church, and NGOs that were extensively engaged with their domestic government.

1.3.6 Hypotheses

Drawing on these independent variables, three hypotheses were derived which will be subject to test. Hypothesis 1 (H1) will be tested in Chapter 3, hypothesis 2 (H2) in Chapter 4, and hypothesis 3 (H3) in Chapter 5.

(H1) If the EU employed a high level of development of its policy approach, we would expect to see an increase in the level of the relationship with the EU.

(H2) If domestic political elites are more receptive to EU influence, we would expect to see an increase in the level of the relationship with the EU.

(H3) If there is a more active pro-EU civil society, we would expect to see an increase in the level of the relationship with the EU.

As most phenomena of interest in comparative research have a high level of causal complexity (Ragin, 1987: 24), it is important to note at this point that by identifying these three hypotheses it is not assumed that any one of them alone holds the explanation or the answer to the central research problem in this project. The best explanation(s) for the success or failure of EU engagement with potential new member states will most likely be found in the interplay between the EU policies that have been employed and the domestic factors in each case. This study seeks to examine the possible causal mechanisms caused by the interaction between IV1 (EU factor), IV2 (domestic factor) and IV3 (domestic factor), or some combination of the IVs, that may explain the observed changes in the DV. The possible combinations of the IVs, and possible interaction *between* the IVs, will be identified in Chapter 6, and these will suggest possible causal mechanisms. The qualitative interview data will help identify which causal mechanism(s) offer the best explanation(s) for the changes in the DV. Consideration will also be given to the idea of equifinality (i.e. that there may be more than one path to the outcome). In other words, the EU might reach a higher level of relationship with potential member states through different causal mechanisms in each case.

1.3.7 Case studies

This project takes three countries as case studies which were investigated through primary data: Poland, Croatia and Ukraine. Primary data was also gathered from senior EU officials in Brussels and elsewhere. All three countries were post-Communist countries in the EU's immediate neighbourhood which had at least the theoretical possibility of becoming EU members. This combination of case study countries was well suited to assess the ways in which the EU seeks to engage with potential new member states because they were all European countries in the EU's immediate neighbourhood, which all sought to engage with the EU. The nature of the EU's

engagement with all these countries, political elites and civil society differed across the cases in terms of the range of EU policy approaches that were used with regard to them. In examining these three case countries, and in the comparison between them, we can seek to explain not only developments in the individual cases but also the development of the EU's policy approach towards potential new member states.

Both Poland and Croatia had an offer of EU membership, whilst Ukraine did not. Although Poland and Croatia were both subject to the EU accession process, their experiences came in different decades and thus there were important differences, and so the comparison of these two cases can be used to investigate how EU enlargement policy has changed over time. Although Croatia and Ukraine both sought to engage more fully with the EU at approximately the same time, their experiences differed in important ways, and so their comparison highlights how the EU has used different policies in different regions. The comparison between Poland and Ukraine highlights how the EU's approach to Central and Eastern Europe has changed over time, and the limitations of EU engagement which falls short of an offer of membership. In all the cases, the EU used policy approaches which were aimed at both political elites and civil society, and these will be the specific areas of focus.

In Chapter 2, the ways in which the three cases vary according to the dependent variable will be explored in detail. Some brief additional comments about other potential EU member states will be offered in later Chapters. Specifically, reference will be made to Albania, Bosnia-Herzegovina, Kosovo, Macedonia, Montenegro, Serbia, Turkey, Armenia, Azerbaijan, Belarus, Georgia and Moldova.

1.3.8 Time period of study

This study is concerned with how the EU, through its various institutions, has sought to engage with potential new member states. After the end of Soviet Communism in Eastern Europe in 1989, the EU had to respond to the new geo-political situation. It also had to respond to the disintegration of Yugoslavia in the early 1990s and of the USSR in 1991, and this time period of study seeks to capture these developments. In Poland, constitutional changes in the early 1990s restored Poland as an independent, democratic Republic. In 1991, both Croatia and Ukraine declared their independence.

Ukraine had previously been a constituent Republic of the USSR, and Croatia part of the Socialist Federal Republic of Yugoslavia. To reflect this, the study starts at the beginning of 1990. Poland joined the EU in 2004, while Croatia closed its EU accession negotiations in June 2011 and joined the EU in July 2013. Ukraine negotiated an Association Agreement with the EU, the text was agreed by the end of 2011, and the agreement was ready to sign in November 2013. Although Poland joined the EU in 2004, developments in Poland post-accession (as well as in other CEE new member states) influenced EU enlargement policy in regard to cases that came later, such as Croatia. As this is a comparative project, it is important to understand what these post-accession concerns were, and therefore the case of Poland will be covered post-accession and not just up to 2004. Reflecting all these points, this study will stop at the end of 2013. Some brief comments about developments in Ukraine in the first half of 2014 will be offered in Chapter 6.

1.3.9 Research methods

In this section I will outline the research methods used in this project and why they were the most appropriate methods for tackling the research questions and hypotheses detailed in the previous section. I will also look at the ethical considerations raised by these methods. In order to tackle the research questions in this project, the kind of data that was required was detailed qualitative data such as that which could be obtained through interviewing. Specifically, semi-structured elite interviews were used for this project as it has been seen that elite dynamics are central (Pridham, 2007b: 527).

Using semi-structured interviews offers greater leeway in how to ask the questions that have been pre-prepared in the interview schedule (Bryman, 2008: 438). This allowed me to detour if important and interesting points arose, and also allowed for the interview to flow more as a conversation rather than following a strict question order. This flexibility was useful when interviewing elite subjects as it was a factor in reducing the power asymmetry that is inherent in the interview situation (Kvale & Brinkmann, 2009: 147). In other words, allowing the interviewee to move away from the set questions of the interview schedule made the interview more like a conversation and helped identify issues that I was not aware of and was not planning to cover. Elite interviewing has its own specific advantages and disadvantages and modes of operating, and there is a small but significant literature on how to interview elites

(Morris, 2009: 215). Political elites will be used to being interviewed, and may well have learned how to be interviewed and to give the kind of answers that previous interviewers have wanted (Dexter, 1970: 112-113). As such they may well have well developed 'talk tracks' that they are used to delivering about a certain subject, and getting beyond these rehearsed lines of argument will take considerable skill on behalf of the interviewer (Kvale & Brinkmann, 2009: 147). This was indeed sometimes a problem with the interviewees, especially when some of the interviews were of a fairly short time duration.

Further, what is said by elite interviewees may be exaggerated or else false (Lilleker, 2003: 208) and only careful triangulation with other sources can fully guard against this. In this project, I made extensive use of official documents and media coverage in order to triangulate. These dangers are of course the necessary price for the utility of elite interviews to shed light on processes and events that only a limited number of people are able to provide information about. The nature of the subjects in elite interviewing, not least the fact that the people concerned are very busy people, places an even greater emphasis on good preparation by the interviewer in order to legitimate the expenditure of the subject's time (Zuckerman, 1972: 166).

There is also the question of how to identify potential interviewees and how to secure access to them. In this project, interviewees were identified using a combination of sampling methods – positional/reputational and also snowball/chain referral. In other words, potential interviewees were initially identified by their position in their organisation, and where there was success in securing an interview, that person was asked who else they thought should be interviewed (Goldstein, 2002: 671). In this way, the sample frame 'snowballed' with the ultimate aim of identifying as many of the key individuals as possible within the population (Bryman, 2008: 184). Use was also made of social media websites, in particular LinkedIn, Twitter and Facebook, in making connections with potential interviewees. Telephone and email interviews were also used in this project, and whilst these are not as ideal as face-to-face interviewing, they did allow a greater number of data sources to be accessed than would have been otherwise possible. The use of telephone interviewing definitely increased the chance of gaining access to 'elite' individuals, as they were perhaps more willing to give their time to a telephone conversation than to a face-to-face appointment.

The sample size in this study was 40 interviews, and the interviewees were in senior key positions, and/or had significant relevant experience, and were therefore credible and well informed sources. In Brussels, interviewees were in senior positions within EU institutions, whilst in the case study countries the interviewees included current or former Members of Parliament, former Ministers, former government advisors or employees of NGOs or other organisations within civil society. A full list of interviewees is given in the Appendix. Data was drawn from interviewees in each of the three case study countries, Poland, Croatia and Ukraine, as well as Brussels. Interview schedules were derived from the research questions and these were used in the interviews. Specifically, the interviewees were asked about the following:

1) The EU officials were asked about the development of the EU's policy approach to potential new members, how receptive the political elites were to EU influence, and how active pro-EU civil society was in the three cases.

2) The political elite actors were asked about their receptivity to EU influence, their working relationships with civil society, and how active pro-EU civil society was in their country.

3) The civil society actors were asked about their engagement with the EU, their working relationships with their domestic government(s), and about how active pro-EU civil society was in their country.

This interview data was triangulated with other data from EU documents from the Commission, Council and European Parliament relating to the various policy instruments, and to strategies on EU enlargement, ENP and the EaP. Media coverage in the case study countries was also used, as well as documents produced by NGOs, think tanks and other institutions. All of the data has been analysed and used to inform the categorisation of the variables for the different cases under investigation.

1.3.10 Ethical considerations

There are important ethical considerations both in terms of interviewing as a method and also in terms of the outputs of this research project. Firstly, in broad terms the primary ethical consideration when conducting personal interviews must be to 'do no harm' (Woliver, 2002: 677). The concept of 'informed consent' is frequently employed

to describe what the researcher must ensure before undertaking such data collection methods, and what this means in practice is a high level of preparation so that the potential interviewees understand what the research is about, why the researcher wants to interview them, what will be involved and what will be done with the data that is obtained (Bell, 2005: 156).

In terms of the semi-structured elite interviews used in this project, when contacting potential interviewees I sought to cover all of these issues up front, not only for the benefit of the participants but also to protect my own position as a researcher against any future disagreement, and to make sure that I did not discourage the participants of my research from taking part in any future projects undertaken by others. It is easy to offer confidentiality and anonymity, but in practice great care must be taken over these points. Not explicitly naming a person or an institution does not mean that they could not be identified by descriptions of them or their position, and for this reason it was therefore very important in this project where the outputs of the research might potentially appear i.e. that there will be published academic thesis output and journal articles, but that the data from the interviews will not be used for journalistic articles for the media, for websites, blogs etc.

These considerations did not present too great a difficulty for most of the political elite participants that I secured as interviewees as they were experienced in giving interviews and understood the processes involved. It was sometimes however more problematic for participants that were, for example, activists for a small civil society organisation or pressure group, or when officials had particularly harsh criticism to give, and so additional assurances were sometimes required, and other measures especially around confidentiality. In the end, only a small number of the interviewees required anonymity in terms of not directly attributing comments to them by name. A list of the numbered 'off the record' comments which appear in the text was submitted to the examiners.

1.3.11 Structure of this study

Chapter 2 offers detailed accounts of the three case study countries, Poland, Croatia and Ukraine, for the period 1990-2013 in terms of the dependent variable, which is the level of their relationship with the EU.

Chapter 3 then goes on to explore the 'EU level' factor in terms of the level of development of the EU's policy approach. Following this, the 'domestic level' factors are the subject of the next two chapters.

Chapter 4 examines how receptive the political elites in each case were to EU influence, and Chapter 5 then looks at the level of activity of pro-EU civil society in each case.

Chapter 6 will then present all of the research findings, answer the central research question, elaborate the central argument of this thesis, and signpost some possible areas for further research.

Chapter 2

The level of the relationship with the EU

The following accounts of Poland, Croatia and Ukraine during the period 1990 to 2013 will explore how the dependent variable, the level of the relationship with the EU, changed over time through the process of engagement. This will provide us with a point of reference for the chapters that follow, and these changes are shown in Graph 2.1 below. All three countries sought to engage with the EU as part of the process of their transition from Communist countries to democracies over the time period in question.

Graph 2.1: The level of the relationship with the EU
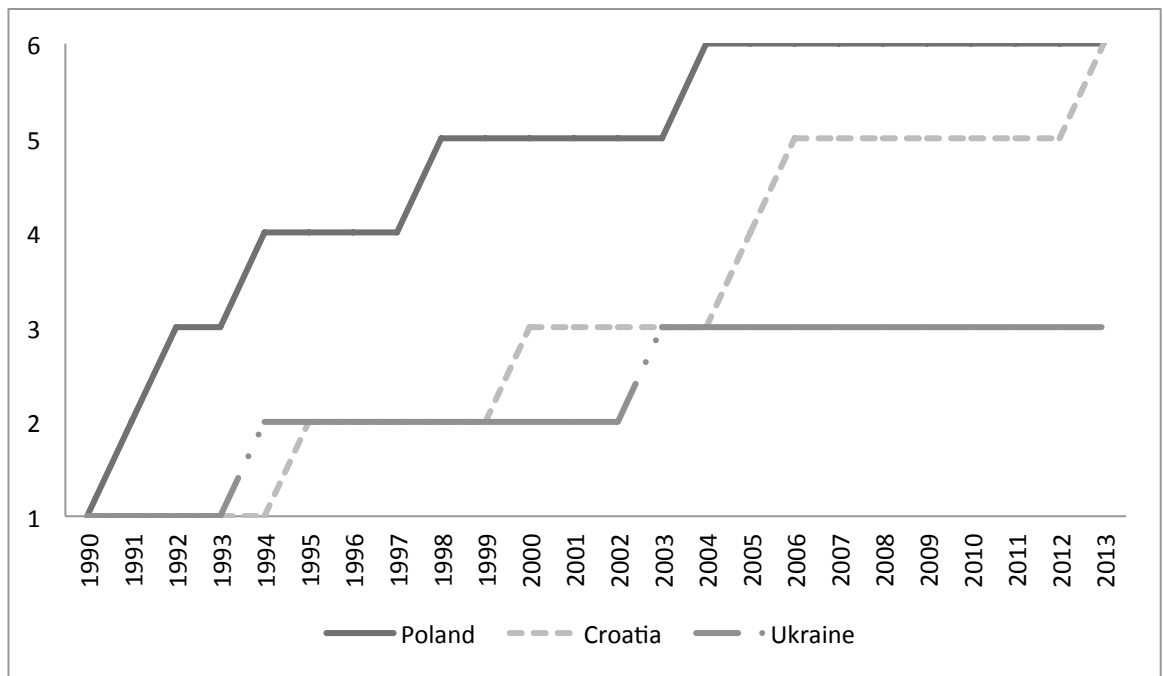
Key: 6 = Full EU member, 5 = Official candidate or potential candidate country, 4 = Association Agreement signed, 3 = AA or SAA on offer, 2 = Low level negotiated agreement, 1 = No EU relationship on offer.

As we can see in Graph 2.1, Poland increased its level of relationship with the EU over this time period, up to the level of full membership by 2004. Croatia also achieved full EU membership, in 2013. Ukraine had reached the level of having an Association Agreement with the EU on offer by the end of 2013. All three countries pursued their own unique path towards a higher level of relationship with the EU, as we will see in the accounts below.

2.1 Poland and the European Union

Poland was always in the vanguard among the post-Communist states of Central and Eastern Europe, having been the first state in the region to emerge from Communism in 1989. Very early on in Poland, there was a determination to 'return to Europe' and reclaim Poland's place as a major democracy at the heart of Europe. Engaging with the EU and aiming towards EU membership was thus a primary foreign policy goal (Vachudova, 2005: 78) that was accorded not only priority, but economic resources and political capital.

From the very beginning of the time period of study, Poland received assistance from the EU under the PHARE (Poland and Hungary: Assistance for Restructuring their Economies) programme. Poland then signed a Europe Agreement with the EU in December 1991 at the same time as Hungary and Czechoslovakia. This agreement covered trade relations and was intended to pave the way for membership. From this very early point in time, according to one interviewee, trade relations with the EU was one of the most important elements in Poland's relationship with the EU, and the most important influence on Poland's economy (Ambroziak, 2013). However, the bruising process of negotiating access to the EU's markets served to demonstrate the weakness of the Central and Eastern European (CEE) states' negotiating positions. It also served to strengthen the resolve of their leaders to secure a promise of full EU membership, and they called for a clear timetable and conditions by which this could happen in June 1993, just before the European Council's Copenhagen summit (Vachudova, 2005: 90-95). This was clearly a key point in time for Poland, and the other CEE states, not least because of the Copenhagen Criteria which were developed for this summit.

Poland applied for EU membership in April 1994 and accession negotiations opened in March 1998. Poland also become a full member of NATO in March 1999. As a prospective EU candidate, Poland was subject to the EU's accession conditionality with the incentive of EU membership, and which included the use of Regular Reports to monitor its progress from 1998 onwards. These reports, produced each year by the European Commission, became a huge focus of attention both on the part of the political elite and in terms of media coverage in the countries concerned. They did also

attract some criticism for being 'ad hoc and inconsistent' and for being used 'less to promote EU norms and evaluate their implementation, but rather [as] more of a process-oriented process, that emphasized 'progress' at all costs.' (Hughes & Sasse, 2003). Despite this, the importance of the Regular Reports in charting the democratic development of accession candidates was rapidly established. Table 2.1 below shows the result of a comparative analysis of the EU's assessment of Poland in the Regular Reports from the beginning of the accession process in 1997 to the eve of accession in 2003.

Table 2.1: EU Regular Report assessments of Poland (1997-2003)

	1997	1998	1999	2000	2001	2002	2003
Democracy and the Rule of Law							
Parliament	+	+	+	+	+ +	+ +	+ +
Executive	+	+	+	+	+ +	+ +	+ +
Judicial system	-	-	-	-	-	+ / -	+ / -
Anti-Corruption measures	- -	- -	- -	- -	-	+ / -	+ / -
Human Rights and the Protection of Minorities							
Civil and Political Rights	+	+	+	+	+ +	+ +	+ +
Economic, Social and Cultural Rights	+	+	+	+	+	+	+
Minority Rights & Protection of Minorities	+	+	+	+	+	+	+

+	Positive	-	Negative
++	Strongly positive	- -	Strongly negative

Source: Author's own categorisation from European Commission Regular Reports

We can see that the EU's assessment of Poland was overall favourable, but there were areas of concern in corruption and the judicial system. These scores only improved from 2002 onwards, and there was still concern about these areas on the eve of Poland's accession to the EU. The accession negotiations themselves were long, difficult and very unequal (Judt, 2010: 721) due mainly to the huge bargaining power that the size of the EU's economy compared to Poland's gave the EU. Although public opinion was very aware of the potential benefits of EU membership, as the accession

process continued, people became more aware of the associated costs of the necessary reforms. Euroscepticism gained some electoral support, most notably through the League of Polish Families and Self-Defence parties (Szczerbiak, 2008: 225-228). However, the issue of EU membership was not really a major one in the presidential election of 2000 (Szczerbiak, 2001a: 8), and since Poland joined the EU, the impact of EU accession has had little significant direct impact on Polish party politics (Szczerbiak & Bil, 2008: 27). The referendum on Poland joining the EU took place in June 2003. Turnout was comfortably over the 50% required threshold at 58.85% and the 'Yes' campaign won an overwhelming victory with 77.45% to the 'No' campaign's 22.54% (Szczerbiak, 2004b: 683-684). Poland joined the EU in 2004 as part of the biggest enlargement in the EU's history when it expanded to include 10 new member states, mostly from Central and Eastern Europe. As such, Poland is a 'new' member state with relatively recent experience of the application of the EU's accession conditionality approach.

Accession to the EU is not of course the end of the story in terms of democratic consolidation, despite its much coveted international status (Pridham, 2005: 228). Indeed, there is a general concern over issues of democracy in new EU member states and the ability of the EU to safeguard democracy in new members once they have joined and the leverage over their membership is gone. Specifically, there have been fears of a populist backlash once EU membership has been secured (Rupnik, 2007). This is relevant to this comparative study as developments in some of the CEE countries post-accession had an effect on EU enlargement policy as applied to cases that came later, as we will see in the case of Croatia. Issues that caused concern in Poland included proposed lustration (dealing with ex-Communists) laws, relatively high levels of homophobia compared to other EU member states, and concerns over the nature of small parties that are included in governing coalitions. In particular, the Polish government from 2005 to 2007 caused concern as it included the Law & Justice (PiS) Party in coalition with the populist Self-Defence (SRP) and the nationalist League of Polish Families (LPR). PiS based its success on a mix of 'conservative Catholicism, nationalism, distrust of the uncontrolled free market, anti-corruption and strict lustration' (Vermeersch, 2010: 512). PiS also had success in the Presidential election when its candidate Lech Kaczyński beat Donald Tusk in 2005.

The period from 2005 to 2007 was described by its political opponents as a 'bizarre and frightening' episode in Polish political history in which the PiS-led government engaged in fundamentalist right-wing policies whilst also alienating its international allies (Gebert, 2010: 156). Some observers watched with 'dismay and disbelief' as xenophobic and intolerant views came from the Polish government, through media outlets such as Radio Maryja (Pankowski, 2010: 2). However, defenders of Radio Maryja argued that it had been subject to a 'smear campaign' and that the freedom of speech that it represented, while it may be 'risky' and 'dangerous', was actually 'an expression of the most complete form of democracy' (Skubis, 2006).

It was however a strained time for Polish-EU relations, doing much to support the view of Poland as an 'awkward' EU member (Szczerbiak, 2011a). Leaked cables from the US Embassy in Warsaw from November 2006 show that they took the view that Poland was losing effectiveness in European institutions at this time due to President Kaczyński's 'disregard for the foreign policy establishment' (WikiLeaks, 2011a). It is important to note however that this seeming consensus on the lack of democratic credentials of the 2005-07 government in Poland represents only one view, and there are counter arguments, even if these are not as often made. The use of this period as an example of democratic difficulties in existing 'new' member states of the EU may become less frequent as more examples occur of similar concerns in many other EU member states, and not just the 'new' ones.

In October 2007, the Civic Platform (PO) soundly defeated the Law & Justice Party, and the League of Polish Families and the Self-Defence lost all their seats and failed to cross the 5% electoral threshold. Donald Tusk from the PO became Prime Minister and brought with him a much more pro-European policy outlook and the intention for Poland to move towards joining the Euro. Poland's economic credentials were boosted by being the only EU member state not to go into recession as a result of the worldwide credit crunch after 2008. Poland was the only EU country besides Cyprus that experienced positive GDP growth in 2009, due to 'a happy confluence of relatively conservative bank practices, government fiscal policy, labour market segmentation, and widely followed personal consumption norms'; Poland thus avoided the worst effects of the economic crisis that hit Europe (Leven, 2010: 55). Unlike the other two case study countries in this project, at this point in time, Poland arguably reaped the

economic benefits from its EU membership, not least the financial assistance it had received from the EU over many years.

2.2 Croatia and the European Union

Croatia moved from being a constituent part of a Communist republic to an independent democratic state with EU membership. Its path was very different to that of Poland however. Some of the other former parts of the Socialist Federal Republic of Yugoslavia (SFRY) such as Slovenia moved further and faster ahead than Croatia, whilst others still lagged some way behind.

There was a close link in the Croatian case between its declaration of a pro-EU policy and its democratization, and in this sense it was similar to previous cases in Central Europe, although in Croatia and the Balkans more widely other international actors played an important role in ending conflict (Fink-Hafner, 2008: 180). Once the conflict was over, aid for reconstruction could begin to flow into Croatia, which enjoyed support from the EU through policy approaches such as CARDS (Community Assistance for Reconstruction Development and Stabilisation) which was created in 2000, and the Instrument for Pre-Accession Assistance (IPA) which replaced CARDS in 2007 (Bache et al, 2011: 132-133). In each year from 2007 to 2013, the IPA aid budget for Croatia was between 95 and 156 million Euros, and totalled 1 billion Euro for the period as a whole (Source: EU enlargement web pages). It is important to note however that the countries of the Western Balkans received a fraction of the per capita aid that the CEE states received (Youngs, 2010d: 138).

In terms of the international influences upon it, Croatia could be seen as a case of 'high leverage and high linkage' (Levitsky & Way, 2010: 114). The legacy of Yugoslavia's open border policy, Croatian proximity to Western Europe, its large diaspora community, and the extensive transnational links of the Catholic Church all linked Croatia strongly with international networks of influence. Not all of these were necessarily always positive however, for example the HDZ drew heavily on the votes and finance of Croatians abroad in the 1990s (Glenny, 1996: 63), a diaspora of up to 2 million people that HDZ leader Franjo Tuđman had been courting since the late 1980s

with trips abroad (Hockenos, 2003: 20), something that he was able to do as, unlike many other dissidents in Yugoslavia, he was allowed a passport (Silber & Little, 1995: 90). Several Croats from Canada were brought into government by Tuđman, including Gojko Šušak, who became Minister of Defence (Winland, 2007: 8).

International leverage on Croatia only became active from the late 1990s, and it was not until the Dayton Agreement of 1995 ended the Balkan Wars that EU conditionality could begin to be applied (Tull, 2003). In states where nationalist or authoritarian leaders were ousted by more liberal forces, like in Croatia in 2000, the EU was able to have more of an impact on democratic consolidation through a conditionality approach backed by a credible prospect of EU membership (Sedelmeier, 2010b: 528). Through the offer of membership, the EU thus hoped to 'internalise and institutionalise a peaceful method of conflict resolution' (Braniff, 2011: 3).

Table 2.2: EU Regular Report assessments of Croatia (2004-2010)

	2004	2005	2006	2007	2008	2009	2010
Democracy and the Rule of Law							
Parliament	+	+	+	+	+	+	+
Executive	+ / -	+ / -	+ / -	+ / -	+ / -	+ / -	+
Judicial system	-	-	+ / -	+ / -	+ / -	+ / -	+ / -
Anti-Corruption measures	- -	- -	-	+ / -	+ / -	+	+
Human Rights and the Protection of Minorities							
Civil and Political Rights	+ / -	+ / -	+ / -	+	+	+	+
Economic, Social and Cultural Rights	+	+	+	+	+	+	+
Minority Rights & Protection of Minorities	-	-	-	+ / -	+ / -	+	+

+	Positive	-	Negative
++	Strongly positive	- -	Strongly negative

Source: Author's own categorisation from European Commission Regular Reports

Table 2.2 above shows the EU's assessment of Croatia in the Regular Reports from 2004 to 2010. The most important areas of note are the negative assessments of

Croatia's judicial system and strongly negative assessment of its efforts to fight corruption. These concerns persisted despite some progress, a fact that to a certain extent reflected an increased focus on issues of corruption by the EU in the light of the perceived haste of admitting Romania and Bulgaria before they had sufficiently dealt with similar problems, a fact that necessitated a new post-accession mechanism to be put in place in those two cases, a situation that the EU was determined not to repeat in the case of Croatia.

The Stabilisation and Association Process (SAP) was launched by the EU in 2000 as a framework for its dealings with the Western Balkans through offering contractual relations based on a conditionality approach, and the incentive of an eventual prospect of EU membership (Sebastian, 2010: 40). Although based on the same approach the EU used in Central and Eastern Europe, the SAP involved new conditions, such as co-operation with the ICTY. In February 2003, Croatia applied for EU membership, and in April the following year received a positive opinion from the European Commission on its application. In June 2004, the European Council confirmed Croatia as a candidate member, and in February 2005 a Stabilisation and Association Agreement (SAA) came into force. In October 2005, the ICTY judged that Croatia was fully co-operating, and formal EU accession negotiations began at the same time. Since that time, Croatia was subject to the EU's accession conditionality which included the use of Regular Reports to monitor progress. This progress became stalled for many months due to a border dispute with Slovenia, before this was finally resolved through arbitration. Croatia also became a full member of NATO in April 2009.

Croatia successfully closed its accession negotiations with the EU on 30 June 2011, signed its accession treaty on 9 December of the same year, and voted 66% in favour of EU membership on a 44% turnout in a referendum on 22 January 2012 (Croatian State Election Commission, 2012). The result signalled "a clear indicator of the continuing attractiveness of the EU" according to Martin Schulz, the newly elected president of the European Parliament (Pignal, 2012). Even war hero Ante Gotovina came out in favour of EU membership, declaring that 'Croatia belongs to Europe by its culture and civilization... the EU is the place for Croatia' (Gotovina, 2012), dealing a blow to those who sought to associate his imprisonment by the ICTY in 2011 for war crimes with Croatia's EU membership and thus use his personal popularity as support for a 'no' vote in the referendum.

The prospect of joining the EU was argued to have had several major effects on Croatian politics, namely the defeat of isolationist nationalism, the bridging of gaps between ethnic and ideological groups, and a change in foreign policy so that it was now open to regional co-operation (Jović, 2006: 86). 'The promise of membership in the EU and other Western organisations turned out to be a powerful impetus for change, especially when the Tuđman regime was delegitimized as a result of corruption and economic failure' (Boduszynski, 2010: 113). The accession negotiations also provided civil society organisations (CSOs) in Croatia with an opportunity to use the process to further their aims. For example, as the negotiations came to focus on Chapter 23, the area of the judiciary and fundamental rights, a group of CSOs jointly stated their view that negotiations on Chapter 23 should not yet be closed, and offered detailed steps that the Croatian government should take. In this way, CSOs could attempt to use the EU accession process to leverage their own government. International CSOs also played an important role in the Croatian case, and their research reports could feed directly into the considerations of the European Commission, the views of Members of the European Parliament, and wider public opinion. For example, Amnesty International did extensive research into the area of the prosecution of war crimes and concluded that the Croatian capacity for investigation and prosecution was low, and also that there was an ethnic bias against Croatian Serbs, who were the accused in two thirds of all cases between 2005 and 2009 (Amnesty International, 2010: 6).

Croatia joined the EU on 1 July 2013 having successfully completed the EU accession process. Croatia was now a full EU member and the first country to successfully complete the EU accession process under the new, tougher, conditionality. As such it was now a model for the other states in the Western Balkans that stood ready to seek to follow Croatia into the EU. There were some post-accession issues, for example, a referendum held in Croatia on 1 December 2013 to make an amendment to the constitution prohibiting same-sex marriage. This has been proposed by the *U ime obitelji* ('In the name of the family') group, and has been supported by the Catholic Church and conservative groups. The referendum had a 38% turnout, and 66% voted in favour (Croatian State Election Commission, 2013). The vote caused criticism within EU circles, for example from Hannes Swoboda, president of the Socialists and Democrats Group in the European Parliament, who said that 'LGBT rights, equality and human rights are all part of a bigger concept of fundamental rights and values shared

by Europeans. I expect Croatia to share these values, especially now that it is an EU member state' (EurActiv, 2013).

2.3 Ukraine and the European Union

In the space of twenty years, Ukraine moved from being part of the USSR to an independent and free democratic state, and at one time the only former CIS state to be rated as 'free' by Freedom House (Freedom House, 2011a). The Orange Revolution of 2004-05 raised expectations that liberal, Western orientated democracy could be established in Ukraine (Kubicek, 2009: 323), but later developments saw Ukraine slip backwards to a position in which its future development, and relationship with the EU, were highly uncertain.

Ukraine was never offered the incentive of EU membership and so in this sense was not the subject of EU democratic conditionality in the way that candidate or potential candidate states had been. Instead, the EU used a number of policy approaches. In the immediate aftermath of the Orange Revolution, the new leadership in Ukraine considered applying immediately for EU membership, encouraged by the 'new' EU member states advocacy of offering Ukraine a membership perspective, but it was advised by the European Commission not to apply and to concentrate instead on reforms (Shapovalova, 2010a: 62). Six years after the Orange Revolution, the message from the EU to Ukraine was still the same – forget about membership and concentrate on getting your house in order (Youngs, 2010d: 143). It seemed that within the EU, policy towards Ukraine was tending towards lowest common denominator outcomes in terms of Ukraine's EU membership prospects (Youngs, 2009c: 373). The EU was however the largest multilateral donor to Ukraine, through the Technical Aid to the Commonwealth of Independent States (TACIS) programme, the European Initiative for Democracy and Human Rights (EIDHR), and more recently through the European Neighbourhood Partnership Instrument (ENPI) which had an increased focus on democratic development and good governance (Shapovalova, 2010b: 3). However, EU assistance to Ukraine still gave little attention to projects aimed at political parties (Shapovalova & Shumylo, 2008: 273) and in general, Western assistance to political parties in Ukraine was ineffectual as it had been thwarted by domestic constraints (Bader, 2010).

Under President Leonid Kuchma (1994-2005), Ukraine developed a 'multi-vector' foreign policy towards Moscow, Brussels and Washington seeking to play them off against each other (Kubicek, 2003: 208). Ukraine was important as it could 'go either way' in choosing either European integration or a return to the Russian sphere of influence (Wilson, 2009: 292). This fits with what one interviewee described as Ukraine's "love/hate relationship with Europe" (Vitaliev, 2013). Relations with Europe became increasingly important, and in 1994, Ukraine and the EU agreed a Partnership and Cooperation Agreement (PCA), which came into force in 1998. The EU's engagement with Ukraine from 2003 came under the new European Neighbourhood Policy (ENP) which was designed to engage with states neighbouring the EU but without offering them the prospect of EU membership. Initially, Ukraine's inclusion in ENP alongside other EU neighbours in North Africa was seen very negatively in Ukraine and as a snub. But the post-Orange Revolution government turned firmly towards Europe in its foreign policy, and in February 2005 an EU-Ukraine Action Plan was adopted, outlining strategic objectives for the next three years.

The ENP Action Plan had a much stronger emphasis on democracy and the rule of law than the PCA of the 1990s (Gawrich et al, 2010:1218). One area that the EU provided financial and technical assistance for through the European Neighbourhood Partnership Instrument (ENPI) was reform of the judiciary (Serdiuk & Petrov, 2010: 191) but this failed to stop the deterioration in Ukraine's reputation for judicial arbitrariness and corruption, as shown by the decline in its Freedom House score and very modest increase in its score in Transparency International's Corruption Perception Index between 2001 and 2008 (Grødeland, 2010). Transparency International ranked Ukraine at only 2.3 on their 1-10 scale (with 1 being the most corrupt) of perceptions of corruption (Transparency International, 2011). The ENP created a policy approach for the EU's engagement with Ukraine and the instrument of an Action Plan helped to convey a blueprint for action for domestic political actors. However, the consensus, political will and capacity for reform remained very limited and so progress remained slow (Wolczuk, 2008: 117).

The EU's policy approach towards Ukraine also included the beginning of Association Agreement (AA) negotiations in 2008, and the 2009 Association Agenda, which helped prepare for, and facilitated the entry into force of, the EU-Ukraine Association Agreement, including the incentive of a deep and comprehensive free trade area

(DCFTA). Some argued however that if the EU waited until after the DCFTA was agreed with Ukraine, it would be too late to have any influence over its domestic reform (Kuzio, 2011b). Speaking while on trial in August 2011, former Prime Minister Yulia Tymoshenko was asked about the importance of the agreements that Ukraine was negotiating with the EU at that time, and she described the AA and the DCFTA as 'important stepping stones that draw Ukraine closer towards Europe' but that in order to be effective, the EU and its member countries needed to ensure that Ukraine did not just espouse, but actively practised, European values and norms of behaviour (Tymoshenko, 2011b).

Although there are no EU Regular Reports for Ukraine as it is not currently an accession candidate state, there are other EU sources that assess Ukraine's democratic development, such as ENP Progress Reports. Table 2.3 below shows the EU's assessment of Ukraine in 2010. It can be seen that the assessment is strongly negative in the areas of the judicial system and the fight against corruption, and Ukraine was not considered to fulfil the Copenhagen Criteria. In the light of such a negative situation in regard to meeting the conditions for EU membership, a 'Euro-pragmatism' may be emerging in Ukraine which foresees a deepening of trade between the EU and Ukraine as well as visa-free travel, but which does not include EU membership (Stegniy, 2011: 68).

Table 2.3: EU assessment of Ukraine in 2010

Issue	Assessment
Stable institutions	-
Judicial system	- -
Fight against corruption	- -
Human rights and minorities	+
Media freedom	-
Fulfils Copenhagen Criteria	-

+	Positive	-	Negative
++	Strongly positive	- -	Strongly negative

Source: Author's own categorisation

In May 2009, the EU launched the Eastern Partnership (EaP), covering Ukraine, Belarus, Armenia, Azerbaijan, Georgia and Moldova. The EaP included a Civil Society Forum which aimed to foster civil society at a grass roots level, and this was aimed at addressing the criticism of the ENP that it focused too narrowly on such 'high politics' issues such as security and energy (Sagan, 2010: 442). This forum was established in November 2009 and brought together hundreds of CSOs from the EaP countries and the EU, and was an example of the kind of new policy approach that the EU was seeking to use that goes beyond the kind of technical assistance that schemes like TACIS offered in the past (Kaca & Kazmierkiewicz, 2010).

Ukraine's relationship with the EU stalled in November 2013 with the failure to sign into force the AA/DCFTA that both sides had spent so long in negotiating. This move by the political elite in power at the time, under the Yanukovych Presidency in power since 2010, appeared to catch the EU somewhat by surprise. The other key external actor in the Ukraine case, the IMF, and the EU had seemingly not been successful in their efforts to compete with the attraction of the incentive of financial assistance from Russia. This point in time, at which the Ukrainian political elite was finally having to make a choice between two different foreign policy orientations, was clearly a critical one. The future relationship between Ukraine and the EU stood in the balance, and as it is so critical a period, some additional comments on developments in Ukraine in the early part of 2014 will be added in Chapter 6.

2.4 Conclusion

The three accounts offered here of the case study countries of Poland, Croatia and Ukraine during the period 1990-2013 give us a point of reference for the chapters that follow. In terms of comparison between our cases, all three have sought engagement with the EU as part of the process of their transition from Communist countries to democracies over the time period in question. All three have increased the level of their relationship with the EU through processes of engagement, but all have followed their own unique path, largely determined by the domestic conditions in each case.

Right from the very beginning of the period of study, Poland was developing a closer relationship with the EU, and moving towards becoming an EU member. As we will see, this was helped by its political elite, which was, despite its fragmentation, to a great extent unified in its goal of taking Poland into the EU (and NATO). Poland's highly active pro-EU civil society was also a key factor in its development, and it used the EU accession process to press successive Polish governments for reforms.

Croatia emerged from a federation of states and in the initial period in question, it was independence and nationhood that were the political priority, becoming acute in the form of regional conflict. Engagement with the EU therefore had to wait until after state building had finished. Croatian pro-EU civil society became more active in the run up to the election of 2000, and was increasingly active during Croatia's EU accession process, leading to Croatia's entry into the EU in 2013. The post-2000 political elite in Croatia was much more receptive to EU influence, as we shall see, and this may have been the crucial factor.

Ukraine moved from being part of the USSR to an independent and free democratic state, and at one time the only former CIS state to be rated as 'free' by Freedom House. The Orange Revolution of 2004-05 raised great hopes among pro-EU civil society and elsewhere, but these hopes faded as the political elite in the post-Orange Revolution period seemed incapable of making reforms or of furthering Ukraine's relationship with the EU by building on the PCA agreement of the late 1990s. Later developments post-2010 saw Ukraine slip backwards to a position in which its future was highly uncertain. By the end of 2013, Ukraine faced a crucial choice between engagement with the EU, or the acceptance of Russian financial aid.

Reviewing these developments in our three cases over the period 1990-2013 in this way provides us with a point of reference for the chapters that follow. Chapter 3 will focus on the 'EU level factor' in terms of the level of development of the EU's policy approach toward each case country. Chapters 4 and 5 will then examine the 'domestic level' factors. Chapter 4 will focus on the receptiveness to EU influence of the political elite, and Chapter 5 on the level of activity of pro-EU civil society. After this, we will be able to examine the potential interplay of these variables, and the possible causal mechanisms that such interplay might have created at particular key points in time, and this should enable us to seek to answer the central research question.

Chapter 3

The EU policy approach to potential new member states

This chapter will explore the level of development of the EU's policy approach in the cases of Poland, Croatia and Ukraine in the period 1990 to 2013. The specific research question for this chapter was what policy approaches have been used to engage with potential new member states and how are they being applied and evaluated? The level of development of the EU's policy approach is the independent variable to which this chapter pertains, and we will test the first hypothesis, which was that if the EU employed a high level of development of its policy approach, we would expect to see an increase in the level of the relationship with the EU.

3.1 EU engagement with potential new member states

The EU has sought to engage, and to raise the level of its relationship, with potential new member states through policy approaches that have changed over time and which have varied between different regions of the EU's neighbourhood, namely Central and Eastern Europe, the Western Balkans, and the ex-USSR. As has been said earlier, any European country can apply for EU membership under Article 49 of the Treaty on European Union. Potential members must be committed to the values expressed in Article 2, and these are 'respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities'. The EU's policy approach to engaging with potential new member states during the time period of study was largely driven by the need to respond to major geopolitical changes in Europe. In examining the three case countries, and in the comparison between them, we can seek to explain not only developments in the individual cases but also the development of the EU's policy approach towards potential new member states. It has been hypothesised that the best explanation(s) for the success or failure of EU engagement will be found in the interplay between the EU policy approaches that have been employed and the domestic factors in each case.

The end of Soviet Communism in Eastern Europe in 1989 represented a huge challenge for the EU, and immediately created the possibility that the former Communist countries might become EU members. This led to the formulation in 1993 of the Copenhagen Criteria that potential EU member states would need to fulfil. Of our cases, Poland was subject to the EU's conditionality-based approach to negotiating accession, leading eventually to the 'big bang' EU enlargement of 2004. The EU also had to respond to war in the Balkans in the early 1990s and the disintegration of Yugoslavia. Although the EU failed to be effective in stopping the conflict, this only being achieved by the US-brokered Dayton Agreement, the EU did subsequently develop a policy approach to the region, namely the Stabilisation and Association Process (SAP), which was launched in 2000. The SAP was based on a conditionality approach with an eventual prospect of EU membership, and for states that did go on to start accession negotiations, the approach was made considerably tougher than it had been previously. There was also the additional criterion of cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). The conditionality approach to eventual EU accession had been made tougher as part of a renewed consensus on further EU enlargement and in light of the experience of the accession of Romania and Bulgaria in 2007 which, as we will see, was seen as problematic. Of our cases, Croatia was subject to this policy approach.

The collapse of the USSR in 1991 had created a range of ex-Soviet states, and once the EU enlargement of 2004 took place, many of these ex-Soviet states now formed the EU's immediate neighbourhood. The EU developed a new policy approach in the form of the European Neighbourhood Policy (ENP) in 2003-04 as a way with which to deal with this new neighbourhood, which now included states such as Belarus, Ukraine and Moldova. Later, in 2009, the Eastern Partnership (EaP) between the EU and Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine was launched. The EU offer was of negotiations to reach an Association Agreement (AA) which would formalise the intention to establish close economic and political cooperation, and which also included a clause on respect for human rights and democratic principles. Although there was no offer of EU membership, there existed the theoretical possibility that these states could one day apply. Of our cases, Ukraine was subject to this policy approach. Although Ukraine did not have the offer of EU membership, the EU later stressed that the AA that was on offer to Ukraine did not constitute the 'final goal' for EU-Ukraine relations (Füle, 2014).

The development of the EU's policy approach to potential new members has also been driven by changes within the EU itself, and not just as a response to external challenges. The addition of new members has also in itself been one driver of change in engaging with potential new members. For example, Poland as a 'new' EU member state has itself driven policy in terms of engagement to the East, in the form of the EaP, a joint initiative with Sweden. It is possible that in a similar way, the accession of Croatia might in some ways have an influence on EU policy towards the rest of the Western Balkans. With this background in mind, we can now examine in detail the level of development of the policy approach that the EU has used in each of the three case countries.

3.2 The EU policy approach towards Poland

The EU's policy approach towards Poland was, of course, just one example of its dealings with all of the CEE states post-1989. Poland began developing its relationship with the EU from the very start of the time period in question, signing a Europe Agreement with the EU in December 1991, and it also received assistance from the EU under the PHARE (Poland and Hungary: Assistance for Restructuring their Economies) programme. Poland then applied for EU membership in 1994 and accession negotiations began in 1998. For some, although the EU enlarged in the 1970s and 1980s, it was only really in its dealings with the post-Communist states of Central and Eastern Europe in the 1990s that the EU started to have a direct role in promoting domestic reform (Baracani, 2008: 54). The level of development of the EU's policy approach thus increased over the time period 1991 to 2004 from medium to high, before falling to a low level, as there was no post-accession policy approach in the Polish case.

As the EU has pledged to not admit a state that does not fulfil the Copenhagen Criteria, the very process of negotiating accession to the EU clearly is part of the EU's activities by which it seeks to promote reform. Many different metaphors have been employed to describe how the EU works in this way, such as being an 'anchor' or a 'guard rail', but however it is described, there is consensus that the EU can play a powerful role through its enlargement policy and the use of political conditionality. Studies have shown a strongly positive correlation between democratization and EU political

accession conditionality in the EU's neighbourhood (Schimmelfennig & Scholtz, 2008: 207). EU actors certainly view enlargement as a powerful instrument and the Commission in particular views the enlargement policy as one that reinforces peace and stability in Europe and demonstrates the EU's capacity as a global actor (European Commission, 2010b; 2012a). In many ways, Poland was the 'best case' example of the EU's engagement with potential member states, in particular through the use of EU enlargement policy. The period in the early 1990s is probably the most significant, at least within the time period of this study, in terms of the development of the EU's policy approach towards potential new member states.

The accession negotiations between the EU and Poland were long and arduous, but the process was effective in promoting reform. One interviewee, who was a senior member of Poland's EU accession negotiation team between March 1998 and January 2001, gave the example that it was partly under EU pressure that Polish judiciary began to adapt and reform (Truszczynski, 2011). He also described the difficulties of negotiating accession to the EU and of playing the 'two-level game': 'In Brussels, you will hear you are the negotiator who doesn't take sufficient account of the realities of EU integration. In Warsaw, you will hear you are a softie who is out to sell out key interests' (Mahony, 2011). In the very early period of Poland's experience of negotiation with the EU, the inflexibility on the EU side, particularly in regard to access to EU markets for agricultural products, led to the breaking off of negotiations in July 1991. When, in August of that year, there was the attempted coup in Russia, this demonstrated that the new post-1989 European situation was not necessarily settled, and that the reform process could be fragile in Central and Eastern Europe. This was identified as a key point in time in making the EU more flexible in its negotiations by one interviewee, a former Prime Minister of Poland (Bielecki, 2012).

Poland, and the other CEE states, quickly discovered that the huge bargaining power that the size of the EU's economy gave the EU meant that the accession negotiations were extremely tough. When we come later to compare our three cases, we will see in particular that this toughness was deeply resented in the case of Ukraine. There was also some expression of the view that the tougher process that Croatia had to go through, compared with Poland's, was 'unfair', However, Poland's accession negotiations with the EU were successfully completed in December 2002, paving the way for Poland to become a full EU member state. From the signing of the Europe

Agreement to the conclusion of the accession negotiations had taken 11 years, in retrospect a remarkably short period of time.

The 2004 enlargement of the EU was the largest enlargement to date, and it brought in ten new states, eight of them (Czech Republic, Slovakia, Poland, Hungary, Estonia, Latvia, Lithuania and Slovenia) being former Communist states. It is notable that Slovenia, formerly part of Yugoslavia, joined the EU at this point, thus achieving engagement with the EU much earlier than the other components of Yugoslavia. This massive exercise of enlarging the EU through the processes of democratic conditionality rapidly came to be regarded as the EU's most important foreign policy success. Poland joined the EU as part of this enlargement round in 2004 and thus ceased to be subject to any further formal EU policy approaches. The period from 2005 to 2007 saw Poland experience some difficulties in its relationship with the EU. It is something of a paradox that candidate countries for EU membership go through a tremendously intense period of coaching which, when they join, suddenly stops. One interviewee, the Director General for Enlargement, conceded that in reality the EU lost its leverage the moment that the accession treaty was signed and that the idea that momentum carried forward was not borne out by experience (Leigh, 2011). This of course leads to the risk, as some have argued, of backsliding (Rupnik, 2007), although some studies have found no systematic evidence to support this (Levitz & Pop-Eleches, 2010). As we will see later, there was concern about Poland's level of democratic development after its EU accession in 2004. Other CEE states, notably Hungary, have been especially criticised for such 'backsliding', and the issue is important not least because it has informed the EU's approach to subsequent cases, such as Croatia. It was also expressed as a key concern of some civil society actors, as we will see in some of the interview data, who feared that once the EU accession process was over, they would be unable to hold their domestic governments to such high standards.

In a sense, the EU's policy approach of engagement with a new EU member state does not necessarily stop at the point of its accession. The Co-operation and Verification Mechanism (CVM) used for Romania and Bulgaria after their accession is the most visible example, and was frequently mentioned by the interviewees as a policy approach that the EU should avoid in future. Although the EU has been thwarted in its attempts to use it (Sedelmeier, 2014), Article 7 of the Treaty on European Union

does provide an instrument whereby if there is a 'clear risk of a serious breach' by a member state of the values in Article 2, the voting rights of that member state can be suspended. However, other than Article 7 the EU has very limited policy approaches to safeguard democracy in its own member states. In terms of human rights within the EU, the EU does have the Agency for Fundamental Rights (FRA), which was established in 2007 having previously been known as the European Monitoring Centre on Racism and Xenophobia (EUMC). The change from the EUMC to the FRA was controversial, as civil society organisations feared that their fight against racism would be diluted (Bozzini, 2007: 93). The FRA provides 'evidence-based advice' in six areas – dignity, freedoms, equality, solidarity, citizens' rights and justice (FRA, 2012) and it can also conduct investigations on specific issues, for example when the European Parliament requested a comparative legal analysis of discrimination on the basis of sexual orientation. The FRA has a daunting task of protecting fundamental rights within the EU, as in 2010 the European Court of Human Rights (ECHR) made 636 judgements against EU member states in which at least one fundamental right had been violated.

Both the European Parliament and the European Commission have become much more active in challenging member states over violations of fundamental rights, a major example being the issue of the deportation of Roma immigrants in France in the summer of 2010. This caused a great deal of media attention and became an issue that Viviane Reding, EU Commissioner for Justice, Fundamental Rights and Citizenship, was outspoken on, at one point even seeming to compare the deportations with those that took place in France under Nazi occupation in World War II (Waterfield & Samuel, 2010). That the rhetoric around this issue reached such a pitch is evidence of how issues around human rights have been successfully 'shaped' and 'filtered'. Cases like this could be argued to have a direct negative impact on the effectiveness of the EU as an international actor, in opening up the EU to the charge of hypocrisy due to the possibility that 'the EU is often perceived as saying one thing and doing another' (Bengtsson & Elgström. 2012: 106). When, for example, the EU engages in human rights dialogues with China, this risks diminishing what little effect these dialogues may have. To mitigate against this risk, the EU would have to develop effective instruments to safeguard against democratic failings in its own member states, whether new or old (Emerson, 2009: 29). In seeking to engage with potential new member states, and setting challenging conditions for accession, the EU policy approach to potential new

member states was at risk of being undermined by a lack of a successful policy approach to existing members.

The post-1989 situation in Europe clearly provided an opportunity for the EU to capitalise on its presence, and through the accession process culminating in the 2004 enlargement, the EU showed it had the capability to do this. As we saw in the literature review, a large literature has developed dealing with the operation of EU democratic conditionality that was used in the cases in Central and Eastern Europe prior to their EU accession. However, the cases that came subsequently that were candidates or potential candidates presented much more complex problems than did the countries of Central and Eastern Europe in terms of their recent history of conflict and issues of minorities and weak statehood, and the countries of the Western Balkans and the EU's Eastern neighbourhood faced a far less favourable prospect for joining the EU than did the CEE 10 (Demeš, 2010: 11). The EU thus needed to develop a new policy approach to the Western Balkans that could deal with these problems, and the next of our cases, Croatia, exemplifies this new policy approach.

In summary, the level of development of the EU's policy approach to Poland began at a medium level, rose to a high level, and then fell back to low.

3.3 The EU policy approach towards Croatia

The EU's policy approach to Croatia was one example of its dealings with all of the ex-Yugoslav states in the Western Balkans. Croatia was subject to different levels of development of EU policy approach over the time period in question. In the early 1990s, there was the imposition of an arms embargo on Croatia, and this lasted from July 1991 to November 2000, part of the EU arms embargo across the states of the former Yugoslavia, which were kept in place even after the Dayton Agreement, unlike the UN's sanctions (Kreutz, 2005). The level of development of the EU's policy approach was therefore at the low level initially.

The EU had a long history of imposing sanctions (Portela, 2005: 84), although it tended to favour positive instruments that rewarded reform efforts rather than negative ones. One of the stated objectives of the EU's use of sanctions was 'to develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms.' EU sanctions included measures such as diplomatic sanctions (expulsion of diplomats, severing of diplomatic ties, suspension of official visits), suspension of cooperation with a third country, boycotts of sport or cultural events, trade sanctions (general or specific trade sanctions, arms embargoes), financial sanctions (freezing of funds or economic resources, prohibition on financial transactions, restrictions on export credits or investment), flight bans, and restrictions on admission (source: EEAS website). There was a substantial increase in the use of sanctions by the EU in the 1990s, and the official line from one interviewee, a senior EEAS spokesman, on sanctions was that they were being used as a tool a lot more than in the past, and that although it was difficult to quantify their effectiveness it was clear that they did have a political effect (Mann, 2012).

The conflict in Croatia in the early 1990s was brought to an end by the Dayton Agreement, which was brokered by the USA rather than the EU. It has been argued that the ability of the EU to act as a 'normative power' is not powerful, especially when military action is required (Kubicek & Parke, 2011: 68), and this case would seem to be evidence to support that view. The inability of the EU to end the conflict was a key element that informed future changes to the EU's foreign policy. For example, a key development, much later in the time period of study, was the creation of the European External Action Service (EEAS) under the Treaty of Lisbon which came into force on 1 December 2009. The EEAS began operation on 1 December 2010, but getting the EEAS up and running however proved to be difficult, with tensions emerging almost immediately between the EEAS and member states' own diplomatic efforts. There was much criticism of the High Representative, Catherine Ashton (Raines, 2011), and the first year of operation for the EEAS was marked by 'institutional and political malaise' (Hemra et al, 2011). Just over a year into its operation, one interviewee, the senior spokesperson for the EEAS, responded to this criticism by saying that given that the EEAS had been created at a time when there were huge changes going on in the world, such as the events of the Arab Spring, its launch had been "pretty good" (Mann, 2012). To which the obvious response would be to question when there has ever been a time when huge changes were not happening in the world. The Head of Division for Human Rights Policy Guidelines and Multilateral Cooperation in the EEAS offered the

view that in the EEAS' first year of its operation the main achievement has been to get the EEAS up and running, which had been "a challenge of monumental proportions" but that the added value of a single dedicated directorate for human rights and democracy support was an important achievement (Kionka, 2012).

After the end of the conflict in 1995, Croatia received support from the EU through instruments such as CARDS (Community Assistance for Reconstruction Development and Stabilisation) and the Instrument for Pre-Accession Assistance (IPA). IPA aid was the single channel through which the EU provided funding to both candidate and potential candidate countries, and it had a budget of 11.5 billion Euro for the period 2007-2013. Croatia received almost 1 billion Euro in IPA support during this period (European Commission, 2012b). After 1995 therefore, the level of development of the EU's policy approach rose to the medium level.

Croatia was subject to the Stabilisation and Association Process (SAP), launched by the EU in 2000, and the level of development of the EU's policy approach thus rose to the high level at this point. Subsequently, Croatia applied for EU membership in 2003, a Stabilisation and Association Agreement (SAA) entered into force in February 2005, and its accession negotiations began in October 2005. Croatia was thus subject to the EU's enlargement policy, an example of a highly complex negotiated relationship. Croatia's experience came in a different decade to Poland's, and was very different, for a range of reasons, as we shall see. A renewed consensus on enlargement had been agreed by the European Council in December 2006, and a tougher process for accession negotiations was introduced following the accession of Romania and Bulgaria in 2007, due to a determination not to make the same mistakes again (Leigh, 2011). Croatia was the first case that would reach its conclusion under this considerably tougher regime, characterised by much closer monitoring, the introduction of opening benchmarks for each negotiating chapter, and a much more direct link between political dialogue and the pace of the negotiations. This new, tougher approach had a two-fold logic. Firstly, tougher conditionality was important in order to get the country in question to deliver, and secondly it was important to allay the fears of member states that new members would be allowed to join who were not quite ready. The Western Balkans were a test of the EU's credibility as an actor (Bretherton & Vogler, 2006: 220), and the successful conclusion of Croatia's accession talks was

arguably a boost to the credibility of the EU's enlargement policy (Avery & Stratulat, 2011).

Croatia's EU accession on 1 July 2013 could potentially help to rejuvenate reform in the region, and for this reason, supporters of further EU enlargement (such as the UK and Sweden) felt it was very important that the EU got Croatia's accession 'right', and was seen to have done so. There was however also risk involved in Croatia's eventual accession to the EU in the form of the legacy of Croatian nationalism, its insistence on divisions between 'Europe' and 'the Balkans', and its desire to see Croatia separated from Serbia and Bosnia-Herzegovina. The danger was that, unless they were marginalised within Croatia, the same nationalists who voted for the EU could become opponents of further enlargement to other Western Balkan countries (Jović, 2011a: 43). From the application for membership to the conclusion of the accession negotiations had taken 10 years. The level of EU policy approach then fell to a low level, as there was no post-accession policy approach in the Croatian case, as with Poland, and unlike in Romania and Bulgaria.

The fact that enlargement policy had rather slowed down meant that the Commission was keen to find successes to give renewed credibility to the policy as a whole. The DG for Enlargement himself admitted that there may have been 'some excessive inclination to get good news' as part of this (Leigh, 2011). This view that Croatia should be presented as a success story for EU enlargement was supported by the view of another interviewee, a senior official in the EU delegation to Croatia, who also said that they were under a lot of pressure to find a successful new approach with Croatia, and that any backwards development would consequently lead to a loss of credibility again (off the record comment 1). This inclination to get good news can be clearly seen in the tone of the European Commission's official documents when they state that the completion of accession negotiations with Croatia vindicates the policy and is 'fresh evidence for the transformational power of the EU's enlargement policy' (European Commission, 2011a). Croatia's accession may therefore go some way to countering the view of 'enlargement fatigue', which had grown strong. It is important to add however that admitting Croatia, which has a population of just over 4 million, to the EU was on a completely different scale to the possibility of a country like Ukraine, with a population of around 44 million, one day becoming a member.

Critics argue that the use by the EU of basically the same instruments that it used before ignored the fact that the conditions were different in the target countries in the Western Balkans, as were the conditions in the EU itself (Koinova, 2011: 827). The concession on the behalf of officials in DG Enlargement of the point that EU enlargement had slowed down, and that in order to show that enlargement as a policy still had legitimacy there may have been an inclination to look for good news is a potential problem, because it may suggest that the EU, and the Commission in particular, may not use the Croatia case to properly inform policy learning that might make EU engagement with the other states in the Western Balkans more successful. In other words, will the success of Croatia's accession help the process of EU engagement with the more difficult cases in the region, such as Bosnia-Herzegovina and Kosovo? In terms of the other states in the Western Balkans, the majority had Stabilisation and Association Agreements that had entered into force. These were Macedonia (April 2004), Albania (April 2009), Montenegro (May 2010) and Serbia (September 2013). Bosnia-Herzegovina had a SAA which had been ratified by all EU member states, but which had not entered into force by the end of 2013. In Kosovo, negotiations on a SAA started in October 2013. The worldwide economic slowdown after 2008 had a particularly large impact on the Western Balkans, but despite this, the process of their engagement with the EU had continued to make progress.

The slowing down of enlargement had arguably been due to EU member states wishing to avoid the consequence both of rejecting countries outright, and the domestic costs of further enlargement (Youngs, 2010d: 136). The logic behind the tougher conditionality that came into force was always to both get the countries in question to deliver, but also to demonstrate that the same mistakes that were made with Romania and Bulgaria were not made again. There was also a desire to avoid any post-accession instruments such as the CVM used for Romania and Bulgaria. In fact, any such use of post-accession monitoring had been ruled out by the Commissioner for Enlargement, with countries having to be 100 per cent ready for membership (Füle, 2010b). One possible future development is offering the reward of the 'carrot' in smaller parts awarded along the way rather than being offered only in the form of EU membership at the end of a very long and hard road (Grabbe, 2010). This approach has been described as 'more for more' i.e. more reward for more reform, and is evidence that the EU is beginning to be more flexible in its policy approach.

The EU undertook a significant amount of engagement activity aimed at promoting human rights through funding for specific reforms. The European Instrument for Democracy and Human Rights (EIDHR) was created in 1994 and has become one of the most visible instruments that the EU has in this area (Youngs, 2005: 5). The main strength of the EIDHR is that it does not require the consent of the government of the target country in order for it to operate, as it works directly with civil society organisations and can therefore focus on politically sensitive issues (Herrero, 2009). The EIDHR budget for 2007-2013 was 1.1 billion Euros, and it was proposed that this should rise to 1.4 billion for 2014-2020. However, one interviewee, Denis Petit, who worked for the European Commission on human rights issues in the 1990s, and who also was the former Head of the Democratization Department of the OSCE Office for Democratic Institutions and Human Rights, was critical of the EU's work in this area. He said that "The EU is the main actor nowadays, but it is a little bit of a blind actor in the sense that it does not have the expertise within its structures to do anything other than provide the funds to others to do the work" (Petit, 2013). This takes us on to our next case, Ukraine, which never had the offer of EU membership.

In summary, the level of development of the EU's policy approach to Croatia began at a low level, rose to a medium level and then high, before returning to low.

3.4 The EU policy approach towards Ukraine

The EU's policy approach to Ukraine is one example of its dealings with all of the ex-USSR states. The level of development of the EU's policy approach in the case of Ukraine began at the low level. In 1994, Ukraine and the EU agreed a Partnership and Cooperation Agreement (PCA), which came into force in 1998. The level of development of the EU's policy approach thus increased to the medium level. The EU's engagement with Ukraine from 2003 came under the new European Neighbourhood Policy (ENP) which was designed to engage with states neighbouring the EU but without offering them the prospect of EU membership. The Eastern Partnership (EaP) also was applied to Ukraine in the latter part of the period. The level of development of the EU's policy approach thus had risen to the high level from 2003 onwards.

There are of course many such states that the EU wishes to positively influence, which are not candidates for membership, but with which the EU has entered into complex negotiated relationships. The ENP was launched in 2004 as a response to the fact that once the EU had enlarged to include the new member states in Central and Eastern Europe, including Poland, the EU's immediate neighbours would now include such 'problematic' states such as Belarus, Ukraine and Moldova. The worry was that these countries, and Ukraine in particular, would feel ignored by the EU and that cross border trade would diminish with 'fortress Europe'. From these beginnings, the ENP was generalised to other countries, and later the idea of a deep and comprehensive free trade agreement (DCFTA) to go beyond even the Europe Agreements, was devised as the tool. The view in the Commission was that this approach, in the absence of the likelihood of Ukraine being offered a membership perspective, was the next best thing and would give Ukraine a framework and an agenda for several years (Leigh, 2011). The lack of a prospect of Ukraine being offered a membership perspective was confirmed by a senior official in DG Enlargement who spoke of the economic problems in the Eurozone meaning there was even less appetite than before, and that a significant number of member states had 'red lines' on the issue of any further enlargement (off the record comment 2). However, there was a strong view among the Ukrainian political elite that they did not see themselves as the EU's 'neighbours' but rather at the heart of Europe, and so should not have been subject to the ENP (Stegniy, 2011: 54). Whereas the view of the Commissioner for Enlargement and European Neighbourhood Policy was that the ENP held the promise of real benefits and was a 'win-win game' (Füle, 2010a).

In practice, the ENP involved the use of Action Plans which were agreed documents that were negotiated with the countries concerned. They included fairly extensive commitments in key areas (constitutional framework, electoral law, threshold for entering Parliament, access to media during campaigns, presence of international observers), the rule of law (judicial independence, fighting corruption, depoliticised civil service) and respect for human rights (UN conventions, and Council of Europe conventions). One interviewee, the head of section for ENP co-ordination in the EEAS, explained how this had developed over the preceding 5 to 7 years due to a need to fall back on something which was solid legislation, due to the fact that the EU itself had adopted very little in the way of legislation in these areas. Hence the use of Council of Europe (CoE) standards, which had the added advantage for the EU's dialogue with its Eastern neighbours that as they were CoE members, this would not be perceived as

the EU 'preaching' to them (O'Rourke, 2011). However, the major criticism of ENP remained that it had not been effective because there was no offer of membership, and it was therefore dubbed 'enlargement-lite' (Popescu & Wilson, 2009). But some within the EU were sceptical about this argument, arguing that in Poland for example the commitment to reform was not contingent on an EU membership perspective, and if a state was really saying that their commitment to reform was contingent on an EU membership perspective, then there was something seriously wrong already (O'Rourke, 2011).

The term 'enlargement-lite' clearly carried a pejorative connotation, but this alternative approach to the use of political accession conditionality still had the capacity to promote reform 'through the back door' via joint problem solving – known as the 'governance' model (Freyburg et al, 2009). The fact that the ENP Action Plans were objectives rather than timetables was highlighted as one area that might evolve towards greater precision (O'Rourke, 2011). The ENP also included financial aid to support reform in the form of the European Neighbourhood and Partnership Instrument (ENPI) which had a budget of 11.5 billion Euro for the period 2007-13. This funded civil society projects in Ukraine, and also in Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Russia, Syria, and Tunisia.

In terms of the development of the EU's policy approach, a review of ENP was initiated in the summer of 2010, and the results of this review were presented in May 2011 (European Commission & High Representative of the European Union for Foreign Affairs and Security Policy, 2011a). As well as calling for 1.2 billion Euro of additional funding for the period until 2013, one of the headline proposals was the establishment of a European Endowment for Democracy (EED), echoing the well-established National Endowment for Democracy in the US. This was an idea that had been in circulation for some years as a solution to the 'slow decision taking, excessive bureaucracy and inflexibility' of the European Commission (Barysch et al, 2006: 6). Although being heavily promoted by Poland during their time as holders of the presidency of the EU Council, the European Endowment for Democracy struggled to secure the necessary financial backing (Vogel, 2011; Łada, 2012), before finally coming into existence in November 2012 with an initial 6 million Euros of funding. By

early 2014, the EED was providing financial support to Ukrainian civil society activists and media outlets (European Endowment for Democracy, 2014a; 2014b).

The review of ENP, that had already begun before the Arab Spring, thus took on rather more importance afterwards. These events were also a big test for the new EEAS, although the Libya case in particular demonstrated that it was NATO 'hard' power that became crucial, rather than the EU's new diplomatic service. The head of section for ENP co-ordination argued that the events in North Africa had essentially vindicated something that the Commission had been saying for quite some time, that it needed to be more ambitious in engaging with its neighbours – and that it had also brought back some 'home truths' that member states tended to forget, that democracy tends to be messy (O'Rourke, 2011). This view was supported by those who argued that the missed opportunities in the Middle East and North Africa to support democracy led to tumultuous revolutions with uncertain outcomes, rather than orderly and negotiated reform processes (Walker, 2011: 36-37). There was also a worry that attention would re-focus itself away from the EU's Eastern neighbours and to the South, but perhaps this was not quite the case. Rather than one region taking a new priority over another, events clearly always had the capacity to put a region or one state at the top of the agenda, but this did not necessarily mean that other regions would lose out. The head of section for ENP co-ordination maintained that there was not a competition between South and East (O'Rourke, 2011). The new ENP could continue to operate as a driver of reform throughout the EU's neighbourhood, possibly through offering 'multiple small carrots' rather than the 'one big carrot' of EU membership.

An example of more flexible partnership approaches on behalf of the EU is the Eastern Partnership (EaP) between the EU and six of its Eastern neighbours, including Ukraine, which was launched in 2009. This policy approach did not hold the promise of EU membership but rather 'issue-specific rewards' such as visa-free travel for progress in key areas including human trafficking and illegal immigration. According to one interviewee, in practice the EaP was the same as ENP in all but name: 'The Eastern Partnership is just the Eastern expression of the ENP. It's essentially doing the same things but with more ambition,' (O'Rourke, 2011). The EaP was criticised for having an ill-defined notion of partnership at its heart, and for its low visibility and public appreciation (Korosteleva, 2011a; 2011b). It was also described as the 'burial ground' for the enlargement hopes of the nations in question (Verdun & Chira, 2011).

The EaP did however include a Civil Society Forum which provided a more structured approach to engagement with a wide variety of civil society organisations than was previously used. It also included Euronest, a parliamentary assembly bringing together MEPs with delegates from ENP countries, which finally got up and running in May 2011 after divisions over whether or not to include Belarus. One of the four 'thematic platforms' of the EaP was entitled 'democracy, good governance and stability', and it focused on improving the functioning of the judiciary, the fight against corruption, public administration reform, and the management of borders (European Commission & High Representative of the European Union for Foreign Affairs and Security Policy, 2011b). The EU was also a large donor to Ukraine, through the Technical Aid to the Commonwealth of Independent States (TACIS) programme, the European Initiative for Democracy and Human Rights (EIDHR), and the European Neighbourhood Partnership Instrument (ENPI).

The EU and Ukraine spent 5 years on negotiations on the Association Agreement and DCFTA, beginning in 2008 and leading to the point at which the agreement was ready to sign in November 2013. To expend the level of resources necessary for this, only to be surprised and wrong-footed by Ukraine's failure to sign, was an example of the EU's lack of a sufficiently strategic approach. There appeared to be no Plan B or contingency plan for what might happen if the agreement was not signed, which quickly precipitated a crisis situation with the possibility (which quickly became reality) that Ukraine would lose Crimea, and/or be drawn into conflict with Russia, as Georgia had been in 2008. Specifically, it was also an example of a failure to work in a co-ordinated way with other external actors, namely the IMF, which in hindsight looked crucial given the poor state of Ukraine's economy. A 'policy approach plus' might have included such co-ordination with other relevant external actors.

As a senior official in the DG Enlargement argued, the AA/DCFTA with Ukraine was the first of its kind and had taken a lot of time and effort on all sides (off the record comment 3). It is true that the EU has had some success with Georgia and Moldova, who both initialled their AA/DCFTAs in November 2013. However, these successes were completely overshadowed, and arguably completely outweighed because of its significance, by the failure to sign into force the AA/DCFTA with Ukraine. Also, in the case of Armenia, the AA/DCFTA were both finalised in July 2013, only for Armenia to announce in September that it intended to join the Customs Union of Russia, Belarus

and Kazakhstan. In total, this represents a rather poor record of engagement through the policy instrument of ENP in the Eastern neighbourhood, at least up to the end of 2013.

There was an echo in these events involving the EU and Ukraine (and Russia) at the end of 2013 with those in August 1991 which, as we saw earlier, the attempted coup in Russia led the EU to modify its policy approach to Poland and to be more flexible in its accession negotiations. The failure of the EU's policy approach towards Ukraine served to highlight the very real risks that an unstable neighbourhood posed to the whole of the EU. It was therefore quite likely that this experience would lead to a major revision of the EU's policy approach towards its own neighbourhood. In fact, it quickly led to the EU seeking to work much more closely with other relevant external actors, mainly the IMF, but also the USA.

In summary, the level of development of the EU's policy approach to Ukraine began at a low level, rose to medium, and then to high.

3.5 Evaluating the EU policy approach

We can see that the EU policy approach towards potential new member states cuts across a number of different policy areas. In summary, the policy approaches developed included:

- highly complex negotiated relationships (EU accession, SAP)
- more flexible partnership approaches (Eastern Partnership, ENP, dialogues)
- funding for specific reforms (EIDHR, IPA, Civil Society Facility)
- military missions (rule of law missions)
- sanctions (economic or diplomatic, arms embargoes).

The policy approach was applied and evaluated in different ways:

- Regular Reports on accession candidates
- formalised action plans (e.g. ENP)
- reports back from EU delegations through the EEAS
- no apparent formal evaluation.

We now can begin to answer another research question for this project, namely how were the various elements of the EU policy approach applied and evaluated? Although clearly vital, this is surprisingly under-researched, despite the fact that EU actors recognised that rhetoric must be matched by effective policy. For example, the President of the European Parliament said that 'support can only make a difference on the ground if we manage to translate our ideas into concrete and effective instruments and procedures' (Buzek, 2011). One of the main monitoring tools in terms of enlargement policy was the use of Regular Reports which Commission officials in DG Enlargement prepared on the progress of the candidate countries based on three main sources – the candidate countries themselves, the Commission's delegations to those countries, and the Commission in Brussels. Other inputs included reports from NGOs and other international organisations. Indicators, such as those produced by Freedom House, were used informally as a useful way of comparing countries both with each other and with themselves over time. They were not however used in formal reports to avoid them being challenged. The Director General for Enlargement explained that NGO influence fed in as one of many sources, but that NGOs alone did not have any exceptional weight. He argued that a serious effort had been made to get "the state of the art" in monitoring, and that this entailed the Council of Europe, the OSCE, and all other available reports from member states and EU delegations (Leigh, 2011). Another senior official in DG enlargement placed rather more weight on the input of NGOs, describing their input as "indispensable", and her view was that the reports were robust and that criticism of the report findings from the candidate states was rare (Cas Granje, 2011).

The Regular Reports were a major tool and so merit a detailed examination of their production and use. The Regular Reports themselves varied from around 50 to 150 pages each, followed a standard format and were published by the European Commission in November each year. Croatia had an additional criterion, that of cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). In 2004, the EU found that this had 'improved significantly' and by 2010 was 'continuing to

cooperate with the ICTY, although problems with access to important documents remain'. In the case of Ukraine, the fact that it was not a formal candidate for EU membership meant that the EU's documented 'opinions' on its level of development were scattered across several different but related areas of EU activity, e.g. the Partnership and Cooperation Agreement, the European Neighbourhood Policy Action Plan and the EU-Ukraine Association Agreement. Sometimes the comments were extremely broad brush (e.g. "Croatia is a functioning democracy") and sometimes they were extremely specific in referring to just one event or development such as a high profile legal case or act of violence. As has been said earlier, it was not clear how much weight was given to the very different inputs. In some cases the assessments were equivocal. In the areas of human rights and the protection of minorities, there was hardly ever a completely ringing endorsement. As the reports did sometimes use one-off cases as 'evidence', they sometimes risked giving an unfair or incomplete account.

The Regular Reports' treatment of the issue of Roma minorities in the Czech Republic illustrated some of the problems that arose. The fact that the Regular Reports generated a lot of national media attention meant that often local officials formed a view of the EU from this media coverage rather than reading the Regular Reports themselves. There then followed irritation that the EU was criticising from a position not only of lack of sufficient local knowledge, but also that this criticism was coming from states where the conditions for Roma were little better (Cashman, 2008: 199-200). The Regular Reports have been criticised for being 'ad hoc and inconsistent' and for being used 'less to promote EU norms and evaluate their implementation, but rather [as] more of a process-oriented process that emphasized 'progress' at all costs' (Hughes & Sasse, 2003). In some areas, the Regular Reports used a lot of proxy measures (i.e. indirect measures used in the absence of being able to measure a phenomenon directly), and they had many different inputs with no transparency over the relative weight given to these inputs. In other areas, the reports were highly descriptive with no real methodology apparent. The Regular Reports also had an implied dynamic of plotting the progress towards an end point at which the country concerned was ready for accession to the EU, and their very regularity was a useful way of keeping pressure on the accession countries. They did however sometimes contradict each other. For example in 2007, the report on Croatia states "This section examines the progress made by Croatia towards meeting the Copenhagen political criteria", but the report of 2004 had stated three years earlier that "the Commission confirms that Croatia meets the political criteria set by the Copenhagen European Council in 1993."

So if the Regular Reports were not in fact monitoring the progress made against those criteria, then the question arose as to what exactly the reports were doing. Clearly they served a function on both the EU side and the candidate side. On the EU side, the regular reports operated as a useful way of controlling the pace of negotiations towards accession; a brake or accelerator depending on what is required politically at any given time and in any given case. On the candidate side, the Regular Reports also served an important political function. Firstly, they were taken very seriously by political elites; secondly, the Reports generated a lot of domestic media attention; and thirdly, they could be used as leverage by civil society actors to press their cases for domestic reform. Despite this, there were significant issues with any attempts to measure the development of states. The Director General for Enlargement admitted that there was a limit to how effective all the monitoring could be, and that there was always a gap between anecdotal evidence and what the monitoring teams could pick up. In addition, the political elites were quick to adopt the terminology used by the EU, and "to a considerable extent they bounce back what they think we would like to hear" (Leigh, 2011).

As to the views of the interviewees about the effectiveness of the EU's policy approach, some interviewees gave a positive assessment, for example highlighting the EU's considerable role in consolidating fragile democracies and the helpful system of rewards related to the pre-accession process. For example, in Poland at various times of change in government, the EU membership perspective was seen to have worked as a guarantor of reform in checking the tendency for public administration to become politicised (O'Rourke, 2011; Leigh, 2011). Some interviewees within the EU Commission saw the EU's influence as having been a very strong reinforcement, and perhaps even a decisive one in some cases, to a process that was sometimes already underway (Leigh, 2011). Others were of the view that the tougher conditionality introduced for use in the Croatia case, and those after it, had worked very well (Giering, 2012).

However, there was also an evident recognition that EU influence was not necessarily sufficient and that domestic factors remained crucial. Specifically, and this view was given in regard to the Ukraine case, there was the view that if a country was giving the message that their commitment to reform was going to be contingent on an EU membership perspective, then there was something seriously wrong already. Countries

such as Poland that had made reforms before EU membership was offered were going to do so anyway (O'Rourke, 2011). This supports the argument that domestic factors remain more important than external ones. At a very senior level in the EU Commission DG Enlargement, from both current and former officials, the view was expressed that it would be over-claiming to say that the accessions process was the main element that led to the establishment of more or less viable democracies in the countries of the 2004 EU enlargement, including Poland. There was a clear view that the EU could create a favourable climate but not much more than that (Leigh, 2011). EU influence was seen as beneficial but limited, with its impact significantly smaller, even minimal, on the fundamentals of parliamentary democracy. EU power was thus still too limited to affect the democratic fundamentals (Truszcynski, 2011). However, the EU policy approach was successful in bringing Poland, and later Croatia, into the EU.

In addition, the limitation of EU influence at certain times and in certain cases was also recognised. For example, it was openly admitted that the EU in reality lost leverage the moment an accession treaty was signed, and that in the absence of an accession perspective, the leverage was very weak. So this kind of leverage may be necessary but not fully sufficient, as could be seen in some of the Balkan countries (Leigh, 2011), Further, the view was expressed that the EU had very limited success in Romania and Bulgaria, with their accession processes having been rushed and the conditionalities being too soft and therefore not getting to the root of their problems (Truszcynski, 2011). Specifically in regard to the Western Balkan countries, the view within the DG Enlargement was that the EU commitment was high, but that the process was extremely difficult. It was therefore seen as important that the EU put its emphasis before accession when leverage was greatest as the EU would not have any tools for serious pressure after accession (off the record comment 4). In regard to Ukraine, the view was that the EU had really focused on the big goal of bringing Ukraine as close as possible to the EU, and helping it to reform. In this sense, the everyday small steps along the way were not used as an 'artificial litmus test' of progress (Piorko, 2012).

The lessons that had been learned therefore were mainly from the fifth enlargement, in that the focus on economic criteria had neglected the political ones and so, for example, new negotiating Chapter 23 and the renumbered 24 were introduced as well as the country-specific opening and closing benchmarks (Cas Granje, 2011). The importance of these new opening and closing benchmarks was emphasised by another

senior official in DG Enlargement who described how they were important in putting a lot of pressure on the country in question. The same official also emphasised the importance of opening the most difficult Chapter of negotiations, Chapter 23, at the earliest possible time in order not to lose time later. In future accession negotiations, beginning with those with Montenegro beginning in June 2012, the Commission would seek to open the most difficult negotiating Chapters as soon as possible and close them at the very end, using interim benchmarks along the way (Füle, 2012b). Chapter 23 is entitled 'judiciary and fundamental rights' and includes the commitment to fight corruption effectively, while Chapter 24 is entitled 'justice, freedom and security' and includes commitment to fight against organised crime. Chapter 23 was created in the 2005 negotiating framework for Croatia, and Chapter 24 previously existed but was renumbered. After 2011, these two chapters would be opened first and closed last (Nozar, 2012).

As to the failure to strengthen civil society, one interviewee, the Deputy Director-General of DG Enlargement from January 2007 to June 2009 described how in practice the EU's support for civil society "always falls short of what you would really like to see, both in terms of the efficiency of delivery on the EU side, and in terms of the take up and lasting effect on the beneficiary's side. But it is better than doing nothing" (Truszczynski, 2011). Critics have continued to point to the incoherence of the EU's policy approach, and insufficient co-ordination of civil society assistance in explaining its apparent lack of effectiveness (Kaca & Kazmierkiewicz, 2010: 4). In terms of the continuing development of the EU's policy approach towards potential new member states, support for civil society became a key element during the period in question, both in terms of the financial resources given to it, and the level of rhetoric about it on the part of senior EU officials. We will examine the EU's policy approach towards civil society in Chapter 5.

3.6 Comparison between the cases

Having examined them individually, we can now attempt some comparisons between the three cases. Graph 3.1 below shows how the variable of the level of development of the EU's policy approach in each case varied over the time period of study.

Graph 3.1: The level of development of the EU's policy approach
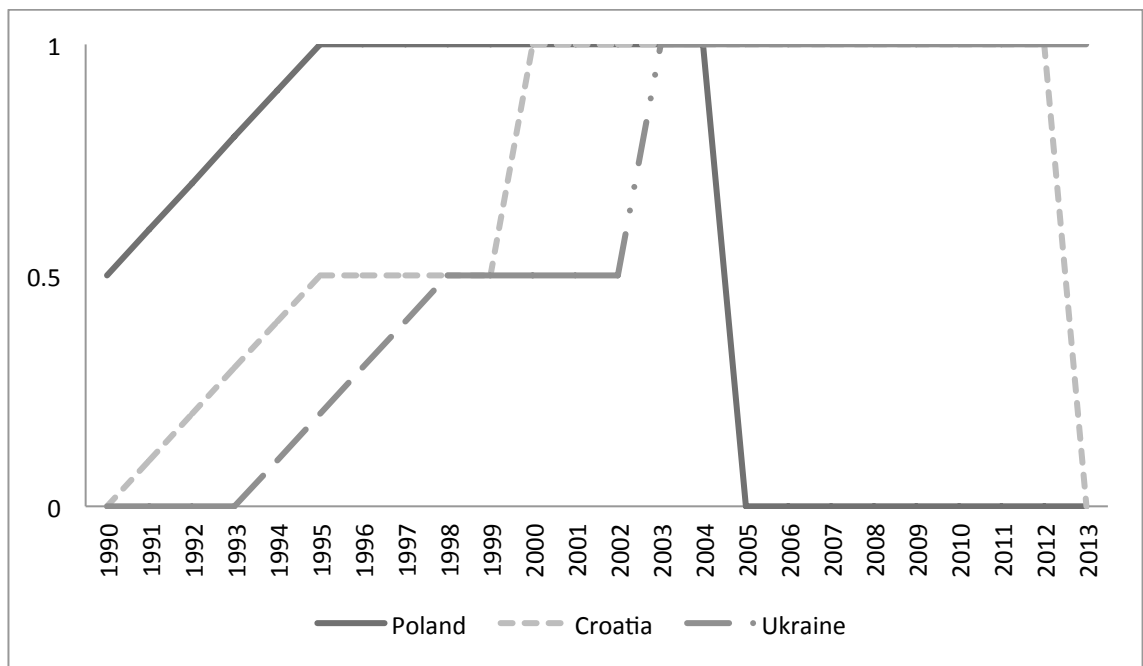
Key: 1 = High level. 0.5 = Medium level. 0 = Low level.

The EU's policy approach towards Poland began at a medium level of development. Poland began developing its relationship with the EU from the very start of the time period in question, signing a Europe Agreement with the EU in December 1991. It then applied for EU membership in 1994 and accession negotiations began in 1997. Poland joined the EU in 2004 and thus ceased to be subject to any further formal EU instruments. The level of development of the EU's policy approach thus increased over the time period 1991 to 2004 from medium to high, before falling to a low level, as there was no post-accession policy approach in the Polish case.

The EU's policy approach towards Croatia began to develop from a low level. Croatia was subject to an EU arms embargo from July 1991 to November 2000. It began to receive financial assistance from the mid-1990s onwards, once the conflict had ended. In June 2004, the European Council confirmed Croatia as a candidate member, and in February 2005 a Stabilisation and Association Agreement (SAA) came into force. In October 2005, the ICTY judged that Croatia was fully co-operating, and formal EU accession negotiations began. Since that time, Croatia was subject to the EU's accession conditionality, in the same way as Poland had been, albeit under a much tougher conditionality approach. The level of development of the EU's policy approach

rose over the time period 1995 to 2005 from low to high, and in this respect the Croatian case is similar to Poland's. After accession, the EU policy approach fell to the low level.

Unlike that in Poland and Croatia, the EU's policy approach towards Ukraine did not involve the offer of EU membership during the time period in question, and so Ukraine was not subject to the same EU democratic conditionality that Poland and Croatia were. However, there was a highly developed level of policy approach towards Ukraine by the EU from 2003 onwards. In 1994, Ukraine and the EU agreed a Partnership and Cooperation Agreement (PCA), which came into force in 1998. The EU's engagement with Ukraine from 2003 came under the new European Neighbourhood Policy which was designed to engage with states neighbouring the EU but without offering them the prospect of EU membership. The Eastern Partnership also was applied to Ukraine in the latter part of the period. The level of development of the EU's policy approach thus increased over the time period 1994 to 2003 from low to high.

In addition to the comparison between our three cases, a brief consideration of the EU's policy approach towards some of the other potential member states with which the EU had tried to engage is instructive. In the Western Balkans, as was detailed earlier, the majority of states in the Western Balkans had Stabilisation and Association Agreements with the EU by the end of 2013. The policy approach of the Stabilisation and Association Process (SAP) would appear therefore to be having some success. In the case of Turkey however, despite having the offer of EU membership, progress on its engagement with the EU remained slow, if not static. In its Eastern neighbourhood, in the states of the ex-USSR, the EU had some success with Georgia and Moldova, who both initialled their AA/DCFTAs in November 2013. In the case of Armenia, the AA/DCFTA were both finalised in July 2013, only for Armenia to announce in September that it intended to join the Customs Union of Russia, Belarus and Kazakhstan. By the end of 2013, negotiations on an AA were continuing with Azerbaijan. The policy approach of the ENP (and EaP) therefore appeared to have enjoyed only limited success.

We can now test the first hypothesis, which was that if the EU employed a high level of development of its policy approach, we would expect to see an increase in the level of

the relationship with the EU. This hypothesis appears to be partially supported by the evidence from the cases. In Poland, the EU had a medium level of development of its policy approach from 1990 to 1995, and then a high level from 1997 until 2004. The level of Poland's relationship with the EU rose from a low level to full membership between 1990 and 2004. In Croatia, the EU employed a high level of development of its policy approach from 2000 onwards. The level of Croatia's relationship with the EU rose from a low level to full membership from 1990 to 2013. In Ukraine, the EU used a high level of development of its policy approach from 2003 onwards. The level of Ukraine's relationship with the EU rose from a low level in 1990 to the level of having an Association Agreement ready to sign by the end of 2013. The EU did succeed in raising the level of its relationship with Ukraine to a significant degree, even though at a slower pace than in other cases, and without (as yet) employing an offer of membership. The EU has developed, and is continuing to develop, its policy approach towards Ukraine (and the other ex-USSR states), despite having missed an opportunity after the Orange Revolution, and so this does lend support to the first hypothesis.

It is important to say again that the offer of EU membership does not necessarily mean that it takes place within a certain time frame, or indeed takes place at all. The particular case that perhaps best illustrates that an offer of EU membership does not inexorably lead to EU membership would be Turkey, which has had an Association Agreement since 1963, half a century ago. Any explanation of why this was the case would need to account for factors on both the EU and the domestic side. This is important to state, as it is often asserted that if Ukraine had the offer of EU membership, it would be able to successfully reform and meet the EU conditions, but this is very far from certain. Or if it was the case, it may take many decades and therefore appear 'less successful' than cases like Poland, or indeed Croatia. Explaining EU engagement with potential member states is clearly not just a simple case of those states responding to the EU's influence. Any robust explanation(s) of these processes must lie in the interaction between the EU level factors and the domestic factors in each case. Therefore, once we have examined all of the independent variables, we will, in Chapter 6, look at the interaction between all the independent variables and seek to identify the possible causal mechanisms that might best explain EU engagement with potential new member states.

3.7 Conclusion

This chapter has explored the level of development of the EU's policy approach in each case over time. The three cases of Poland, Croatia and Ukraine have exemplified how the EU has sought to engage with potential new member states through policy approaches that have changed over time and which have varied between different regions, namely Central and Eastern Europe, the Western Balkans, and the ex-USSR. We set out to answer the specific research question of what policy approaches had been employed to engage with potential member states and how these approaches were being applied and evaluated. Through a comparison between our three case countries, the first hypothesis was tested, which was if the EU had a high level of development of its policy approach, we would expect to see a higher level of relationship with the EU. This hypothesis appears to be partially supported by the evidence from the cases. As was mentioned earlier, any robust explanation(s) of how the EU seeks to engage with potential new member states must lie in the interaction between the EU level factor that this chapter has examined, and the domestic factors in each case. These domestic factors are therefore the subject of the next two chapters, after which we will be able to identify possible causal mechanisms and assess which are the most likely to have taken place, and at which times.

As we have seen, the EU developed diverse policy approaches that have either been initiated or have significantly developed in their nature during the period 1990-2013, in a number of different policy areas. Through its different policies, the EU used different approaches in different cases and at different times. The accession of Poland and the other CEE states was successfully completed in 2004, and the SAP in the Western Balkans had its first success in the case of Croatia, although in the context of the EU's total failure to deal with the conflict as Yugoslavia disintegrated it was somewhat strange to talk about the EU's 'success'. Further, the future prospects for the really difficult cases in the region, such as Bosnia-Herzegovina and Kosovo, look uncertain and will be a much harder test of the EU's policy approach to the region. There was however some success by the EEAS in resolving the issue of Kosovo-Serbia relations, although as Kosovo's independence is still not recognised by all EU member states, it still represented one of the most challenging cases in the region for EU engagement. Having successfully admitted Croatia, there was the potential that further enlargement to other states in the Western Balkans might in some ways be *shaped by* Croatia's

membership, in a somewhat similar way to how Poland's accession had shaped the EU's approach to its new Eastern neighbourhood.

Other developments have taken many years and involved the creation of entirely new institutions, such as the creation of the EEAS. Some developed more gradually as discrete policy areas, such as ENP. Others, like the Eastern Partnership, were initiatives pushed by certain EU Member States that did not add anything substantially new to the policy approach available. The application of these policy approaches was not particularly well coordinated, and they were evaluated in a variety of ways, including the use of Regular Reports. The ENP in particular was incoherent from the start in its combination of Eastern and Southern neighbourhoods, was applied in an insufficiently strategic way, and did not involve good co-ordination with other relevant external actors. By 2013, almost every country that the ENP was applied to demonstrated a failure of EU engagement.

Despite the EU's best efforts to achieve the 'state of the art', there was an admission, at least within the Commission, that there was always a limit to how effective monitoring of reforms could be. EU actors claimed only a modest role for the EU in the cases in Central and Eastern Europe in the post-1989 period, while at the same time they emphasised the EU's strong role in the Western Balkans. Clearly in emphasising this strong role, and pointing to the success in bringing Croatia into the EU, there was a significant element of wanting to 'celebrate success', but there did appear in the interview data a genuine view that the EU's policy approach to Croatia had been successful. There was also an admission among the EU interviewees that the EU's attempts to strengthen civil society had not really worked but that they were "better than doing nothing". Nevertheless, the dominant view was that support at the grass roots needed to be given. These attempts to support civil society, and in particular to support pro-EU civil society, will be explored more fully in Chapter 5. The EU thus remained committed to its attempts to engage with potential new member states, and to raise the level of its relationship with them, whilst also acknowledging that domestic factors remained the decisive ones in determining whether such engagement would be successful. Having looked at the level of development of the EU's policy approach to potential new member states, in the next chapter we will turn our attention to the receptiveness of the political elites in each case to these policy approaches.

Chapter 4

The receptiveness of political elites to EU influence

This chapter examines the receptiveness of political elites to EU influence in Poland, Croatia and Ukraine during the period 1990 to 2013. The specific research question for this chapter was how receptive were the political elites in the case study countries to the various EU policy approaches? The receptiveness of the political elite is therefore the independent variable relevant to this chapter, and at the end of this chapter we will be able to test the second hypothesis in this project, which was if domestic political elites were more receptive to EU influence, we would expect to see an increase in the level of the relationship with the EU, i.e. successful engagement.

4.1 The EU approach to political elites

As we saw in Chapter 3, the EU has developed a range of policy approaches through which it seeks to engage with potential new member states. Many of these are aimed at the political elite of target states, rather than at civil society or the public. Often they involved highly complex negotiated relationships, such as the accession process and the successful opening and closing of the 35 Chapters of the *acquis communitaire*, or the negotiation of Stabilisation and Association Agreements. Of our three cases, Poland signed a Europe Agreement with the EU in December 1991. Croatia negotiated a SAA which came into force in March 2002, and Ukraine had a Partnership and Cooperation Agreement dating back to 1998. These agreements require the commitment of a high level of resources in terms of time and expertise for their successful negotiation, over relatively long periods of time. As such, they also require a high level of receptiveness to EU influence on behalf of the political elite. As we saw in the literature review in Chapter 1, processes of EU integration have been criticised for being 'elite-driven' (Best et al, 2012). However, given that many of the EU's policy approaches have these complex agreements as their main outcome, this focus on political elites is somewhat inevitable.

4.2 Elite receptiveness in Poland

The political elite in Poland was highly receptive to EU influence over almost all of the period in question. The political climate in Poland opened up dramatically with the 'elite settlement' (Higley & Pakulski, 1995: 420) of the Round Table talks in 1989 and the shift from Soviet power being a constant to a variable (McFaul, 2002: 229). After the first free multi-party elections, a new influx of political leaders emerged as, in this early period, it was the Solidarity movement and its successor parties that dominated (Szczerbiak, 2001b: 13). The Communists' successor party, the Democratic Left Alliance (SLD), was the other main political force at this time. The first President Lech Wałęsa had a rather confrontational style, and in interviews much later he remained certain about his own role: "all the major decisions were mine and I gave a victory to the nation...If I had to do it again, I would change nothing. I didn't make any mistakes – not major ones anyway" (Borger, 2011b). While Wałęsa would be a fixture in the Presidency for the first half of the 1990s, the government would change frequently, and as Wałęsa's popularity declined drastically, critics saw his behaviour and style as detrimental to both the ongoing reforms in the country as a whole, and to the electoral fortunes of Solidarity and the eventual return to power of the ex-Communists (Zubek, 1997: 107). The 1990s were then a key point in time for Poland's democratic consolidation, characterised by a high level of electoral volatility, but also by a tremendous collective political will to reform and to return to Poland's position as a free, democratic European state. A key part of this was a pro-EU orientation among the political elite.

One very important factor in the Polish case that has been identified is the relative openness of Poland to Western influence since 1956 in terms of émigré and scholarly links, which enabled knowledge transfer to take place (Kaminski, 2001). The new political elite that was now in power was therefore predisposed to be receptive to EU influence and willing to undertake the massive reforms that would be necessary to take Poland 'back to Europe'. Survey research of political and economic elites in Poland showed a high level of commitment to democracy in the early 1990s and in this sense there was a relative elite consensus, despite other divisions (Castle & Taras, 2002: 108). A high level of elite conflict and fragmentation resulted from the breakup of the Solidarity movement (Szablowski, 1993: 351), but despite the high volatility in Polish politics in the 1990s, the elite consensus on a pro-Western orientation remained stable,

with pressure from the EU to accept certain norms being one possible explanatory factor (Levintova. 2006: 194-197).

Poland entered the 1990s as a functioning democracy with the first fully free elections taking place in October 1991. The results confirmed the fragmentation of the party system at this time with 29 different electoral groupings gaining seats (Millard, 1992: 845), and no party gaining more than 13% of the vote (Michta, 1997: 79). For the next few years there was a 'kaleidoscopic mosaic' of parties in parliament (Millard, 1994a: 467). Thus began a long process of democratic consolidation throughout the 1990s. In this early phase, the Solidarity-led government had enormous political capital and the Polish public was willing to accept the drastic economic reform – the 'shock therapy' of the Balcerowicz Plan introduced on 1 January 1990 (Belka, 2001: 14). This plan was named after Leszek Balcerowicz, an economist who served as Deputy Prime Minister. One reason for the strength of the neoliberal economic ideas informing this plan was the growth in Poland of a network of well-entrenched think tanks that drew on transnational networks and which were important actors in popularising neoliberalism (Bohle & Neunhöffer, 2009: 83). Balcerowicz himself described this period as one of 'extraordinary politics' in which the consultation and discussion usually present in a democracy did not apply (Klein, 2007: 181), and some who were closely involved at the time now comment that 'for political reasons it was very easy to gain social acceptance for the excesses of a shock without the therapy' (Kolodko, 2009: 326).

The period from 1991-93 has been described as one of 'extreme proportional representation' (Sanford, 2002: 61) before the introduction of electoral thresholds in 1993. Elections in September 1993 marked the reintegration of the Communist successor parties into political life (Millard, 1994b: 295) and also the exclusion of virtually all of the right and centre-right parties (Szczerbiak, 2004a: 59). In 1993, the post-Solidarity parties were 'hopelessly divided and in bitter dispute with one another' and most of them failed to pass the electoral threshold (Brier, 2009: 94). At the presidential level, Aleksander Kwaśniewski defeated Lech Wałęsa in the Presidential Election of November 1995 in an election focused on style and personality rather than issues (Millard, 1996: 101) and he won again in October 2000. Kwaśniewski was able to use his considerable political experience much more effectively than Wałęsa, even after the new Constitution of 1997 reduced the formal powers of the Presidency (Millard, 2000).

One interviewee, Jan Krzysztof Bielecki, who was Prime Minister for most of 1991, described how the twin objectives of European integration and NATO membership were accepted by 11 different Polish governments and that they provided the sense of purpose and clear goal required in any democratic transition (Bielecki, 2012). This is supported by the view of another interviewee, Aleksander Smolar, former advisor to Prime Minister Tadeusz Mazowiecki (1989-90) and to Prime Minister Hanna Suchocka (1992-93), who described the thinking about Poland's strategic direction at the time of integrating with Euro-Atlantic structures as being supported by practically all political forces, and that this was helpful to internal development (Smolar, 2012). The Polish political elite in the early 1990s could be said therefore to be highly receptive to EU influence. This is not to say however that there were not difficult periods in Polish-EU relations, but the EU influence was a powerful factor in keeping the political climate for reform favourable through these difficult patches.

In the 1997 parliamentary elections, Solidarity Election Action (AWS) won 201 seats and formed a coalition with the Freedom Union, but disintegrated to the point of losing all of its seats in the 2001 parliamentary elections which were won by the Democratic Left Alliance (SLD) with 216 seats, a dramatic outcome that took place in the context of a revised electoral law that was intended to manipulate the result on the part of the SLD's opponents (Millard, 2003: 71). Two parties that had formed out of AWS won seats in 2001, Civic Platform won 65 seats and Law & Justice won 44. Self-Defence (SRP) won 53 seats, the Polish People's Party won 42 seats and the League of Polish Families won 38 seats. After its victory in 2001, the SLD proceeded to seriously damage itself through a series of cases of abuse of power and corruption, which also virtually destroyed the entire 'post-communist-turned-social democratic political field' (Jasiewicz, 2008: 437). Poland at this time faced both a great opportunity in the form of accession to the EU, but also a great threat in the rise of populist political parties (Michnik, 2011: 13).

The first half of our period of study therefore saw a very dynamic party political system, with relatively frequent changes of power between left and right. Despite this, elite receptiveness to EU influence remained high and stable. This is not to say that Poland's path towards EU membership was always a smooth one in the late 1990s. In 1998, the first half of the year was described as 'EU turmoil' (Blazyca & Kolkiewicz,

1999: 132) due to a range of problems and disagreements both between Warsaw and Brussels, and within the political elite in Poland.

Corruption was an issue of concern for the EU throughout Poland's accession process (Castle & Taras, 2002: 247), although of our three case study countries, Poland had the best record. The level of corruption of the political elite is important because the EU made it an important issue on which countries would be judged, and corruption was one area in which Poland was assessed poorly by the EU in its Regular Reports. Poland established a Central Anticorruption Bureau (*Centralne Biuro Antykorupcyjne* - CBA) in 2006 under the PiS government, which had made fighting corruption a key part of its electoral campaign. The CBA was highly controversial in its very public and high profile activities and faced accusations of being used for political means (Gadowska, 2010: 195), in particular in the 2007 Parliamentary election campaign (Wolszczak, 2010: 25). Although it cannot be isolated from other factors, the attention that the European Commission paid to the issue of corruption and its view that it could be a potential brake on the accession process was an important influence on the adoption of anti-corruption measures by the Polish government (Open Society Foundations, 2002: 407). However, even after over two decades of developments in legislation and institution formation, a major pan-European report by Transparency International found that Poland, along with some of the other 'new' EU member states, still suffered from a number of important flaws in its systems designed to fight corruption, and in particular that the business and civil society sectors were relatively weak in their anti-corruption commitments and were not fully performing their potential role in tackling corruption (Transparency International, 2012: 14). We will look in much more detail in Chapter 5 at the role of civil society, but in this context at least it seems that EU attempts to support civil society in tackling corruption have not really been very successful.

The 2005 parliamentary elections saw victory for the centre right with Law & Justice gaining 155 seats and Civic Platform 133. Self-Defence won 56 seats, the Democratic Left Alliance (SLD) 55, League of Polish Families 34, and the Polish People's Party 25. The government formed between 2005 and 2007 included Law & Justice (PiS) in coalition with the populist Self-Defence (SRP) and the nationalist League of Polish Families (LPR). This government did not last a full parliamentary term, and early elections took place in 2007 and saw victory for Civic Platform with 209 seats. Law &

Justice gained 166, Left & Democrats 53, and the Polish People's Party 31. Self-Defence and League of Polish Families both lost all their seats.

Poland joined the EU in 2004 but, as we saw in Chapter 3, the period from 2005 to 2007 saw Poland experience some difficulties in its relationship with the EU and with what might be called Western liberal orthodoxy on moral values. After Poland had joined the EU in 2004, there was space for more Eurosceptic positions to be expressed. The Law & Justice (PiS) Party sought to do this, in combination with conservative moral values, strict lustration and defence of Polish nationhood (Vermeersch, 2010: 520). In May 2005, the PiS politician Lech Kaczyński, then Mayor of Warsaw, refused a permit for a gay pride march (Selinger, 2008). Two years later, this led to Poland being found to have violated articles 11, 13 and 14 of the European Convention on Human Rights. This new right wing elite that had come into power had a very different view of Poland's development since 1989. One explanation as to why they only came to power at this time was that the goal of EU accession had 'tamed even the most radical parts of the elite' but that once EU membership was secured, new, more right wing, political forces could come to the fore and express their opposition and even outright hostility towards the EU (Smolar, 2006: 7).

The PiS leadership, and in particular twin brothers Lech and Jarosław Kaczyński, represented a new element in the Polish political elite. The PiS-led coalition was described by its opponents as employing 'a peculiar mix of the conservative rhetoric of George W. Bush and the authoritarian political practice of Vladimir Putin' (Michnik, 2007), and as has been already noted, this was a difficult period for Polish-EU relations. Of course, Poland was not alone in experiencing a rise in Euroscepticism in the last few decades (Szczerbiak & Taggart, 2008), but during the tortuous process of ratifying the Lisbon Treaty, the opposition from Lech Kaczyński in Poland and from Václav Klaus in the Czech Republic to signing the Treaty was particularly notable. Some of the members of the political elites that the EU sought to influence in the past were now of course part of the political elite within the EU itself, and this has necessarily changed its character. Poland has gone therefore from being a recipient of support for reform to a supplier of it (Petrova, 2012).

The issue of 'lustration' and attitudes towards the Communist past also became a key political issue in the 1990s (Szczerbiak, 2002). Early in the decade, a policy of drawing a 'thick line' between the past and the present was followed, and so there was no exposure of the criminal activities of former Communists (Davies, 2005: 511). However, lustration legislation was passed in 1997, supported by a centrist coalition of the Freedom Union (UW), the Labour Party (UP) and the Polish Peasant Party (PSL) who had the parliamentary votes to secure a tougher law than that desired by President Kwaśniewski (Williams et al, 2005: 36). The issue of lustration would return to prominence later, as will be detailed below. As is clearly evident, the Polish political party system still exhibits a high degree of volatility (Markowski, 2010: 73) i.e. the degree of change in voting behaviour between elections. These are key elements of a consolidated democracy, and although volatility and abstention are high, elections are free and fair and the transfer of power has been peaceful and election results accepted.

Having gone through the arduous process of joining the EU itself, Poland was in a good position to share the benefit of its experience with both the EU and with other potential EU members. Senior Polish politicians increasingly took on this role, for example with their joint initiative with Sweden of the Eastern Partnership in 2008. They became more critical of the EU's policy approaches, for example when the Foreign Minister of Poland, Radek Sikorski, gave his view that the EU had run out of steam with the model of offering the large carrot of membership at the end of a gruelling period of reform. He proposed offering smaller rewards that were spaced out in sync with political calendars so that governments could both be incentivised to make reforms and also able to benefit electorally themselves (Sikorski, 2011). Such an approach may help to produce a kind of virtuous cycle, but it required the sort of 'more for more' method that the EU was beginning to talk about in terms of the revised European Neighbourhood Policy. By giving more support as reward for more reform, the EU hoped to maximise its leverage in cases where full EU membership was not on the agenda, but the effectiveness of such an approach was yet to be tested.

The views of the political elite in Poland regarding the various EU policy approaches tended to be generally positive, with some exceptions. In the Polish case, the EU influence worked on a receptive political elite and could build on a democratic historic tradition. Despite this, EU influence was still needed to provide a goal and a focus

through some difficult periods. The influence from the EU was seen as being an important factor in controlling possible pathological factors in Polish development and in so doing, it helped very much in Poland's peaceful internal development (Smolar, 2012). A former Prime Minister of Poland gave his view that having European integration as a clear goal gave whoever was in charge a primary goal, and this supports the view of elite integration, at least in terms of Polish foreign policy (Bielecki, 2012). EU influence on Poland was also helped by the tradition of parliamentary democracy which was well rooted, in the view of another interviewee (Truszczynski, 2011).

Poland's initial conditions were mainly favourable at the start of the EU accession process. Its Freedom House score for civil society in particular was high, as would be expected from an appreciation of the role of civil society in Poland's transition from Communism to a free market democracy. Its score for independent media was also high, and Poland was described as a 'best case' in terms of moving away from a state controlled media environment to one that is free and vibrant (Millard, 1998). However, after Poland's accession to the EU in 2004, its democracy score dropped markedly in 2005, with the corruption and judicial framework scores in particular worsening. Corruption is an issue that was frequently flagged up in the European Commission's Regular Reports on Poland (Gadowska, 2010: 207), and it remained a persistent cause of concern. Judicial independence was threatened by reforms passed by the Law & Justice led government after 2005, and leading politicians made verbal attacks on the judiciary creating a painful atmosphere (Bodnar, 2010a: 36). In 2011, Transparency International still ranked Poland at only 5.5 on their 1-10 scale (with 1 being the most corrupt) of perceptions of corruption (Transparency International, 2011).

In April 2010, Poland was shaken by the death of President Kaczyński and many senior political and military figures in a plane crash in Russia. This tragedy was a test for Poland's democracy (Kucharczyk, 2010: 11) and President Kaczynski's death caused deep shock, but not political instability and 'no talk of coups, colonels or emergency measures' (Grzymala-Busse & Tucker, 2010), and this was surely a sign of the maturity of Poland's democracy. The tragedy did however become a defining issue for the Right in Poland, and this was still very evident in demonstrations on its second anniversary (Cienski, 2012). Presidential elections were swiftly scheduled for June 2010 and were won by PO candidate Bronisław Komorowski who defeated Lech's twin

brother Jaroslaw Kaczyński by 53% to 47%. In the parliamentary elections of October 2011, Tusk became the first Polish Prime Minister to win re-election for a second term – a truly historic event in Poland's post-Communist transition – and further evidence of Poland's democratic consolidation could be seen in the much lower level of electoral volatility at around 13.5%, compared to the much higher previous levels that reached nearly 50% in 2001 (Szczerbiak, 2012; Szczerbiak, 2011b), as measured using the Pedersen Index (Pedersen, 1979). A new anti-clerical liberal party, the Palikot Movement, overtook the SLD to come third (Szczerbiak, 2011c). In sum, the Polish political party context now looked significantly different from the period 1991-2008, which was marked by high electoral volatility and the defeat of incumbent governments at every election (Millard, 2009). Electoral volatility was high in the 'young democracies' in Eastern Europe post-1989, but to a certain extent this may have been necessary and not detrimental to democratic development (Sikk, 2005: 408-409).

Poland took over the rotating EU Presidency in the latter half of 2011 for the first time, and although Poland's reputation within the EU had been one of being 'difficult to please, full of demands, cantankerous, and very pro-American' (Ost, 2008: 187) it could no longer really be considered as a 'new' member that was unused to operating within the EU's various institutions. Poland had a strong voice within the EU, and had brought influence to bear on key issues facing the EU and been instrumental in the formation of policy initiatives such as the Eastern Partnership (EaP), which was launched in May 2008. In the latter part of the time period of study, the 'Europeanisation' of Polish foreign policy became increasingly evident, and Poland began to reap the benefits of adapting to the EU game (Kaminska, 2010: 80). Polish governments will no doubt continue to pursue their priority objectives of further EU enlargement to the East, and in particular to include Ukraine (Szymański, 2007: 550). One interviewee, Jerzy Pomianowski, at the time Under Secretary of State in the Polish Ministry of Foreign Affairs, but who shortly afterwards was named as the European Endowment for Democracy's first Executive Director, talked about the Polish 'brand' within international dialogue on democracy, and described how "the basic exercise is to tell them the story, and whenever you tell a story it is more legitimate if the one who really did it is telling the story. That is the strength of Poland, because we still have a living generation who went through the transformation, who made those difficult decisions, and who know how to do it" (Pomianowski, 2012).

In summary, elite receptiveness to EU influence in Poland was high over almost all of the period in question.

4.3 Elite receptiveness in Croatia

In Croatia, the receptiveness of the political elite to EU influence started from a low base, but later rose to become highly receptive, as we shall see. There have been two dominant individuals in the political elite of Croatia. One individual was Josip Broz Tito, leader of the Socialist Federal Republic of Yugoslavia (SFRY) of which Croatia was one of the founder states after World War II. The second was Franjo Tuđman, President of Croatia from 1990 to his death in 1999. Although it is before the time period of this study, it is important to briefly look at Tito's legacy as it was crucial in shaping the nature of the political elite. Tito was half-Croat, half-Slovene, but rarely referred to himself in ethnic terms, but rather as a Yugoslav, and as a Communist. In Croatia, the Communist Party members were both ethnic Croats and ethnic Serbs (Jović, 2011b: 118) and the internationalism and brotherhood of the Communist ideology served to mask the ethnic divisions for many decades. In terms of democracy, Tito had during WWII assured the Allies that he was committed to democracy and would not bring Communism to the region. However, this changed, and by January 1945 in a speech he argued that there was no time for political parties when the homeland had been razed to the ground (Ramet, 2006: 167-168). Once Tito came to power in Yugoslavia he would remain there until his death in 1980.

After Tito's death, there was a slow slide into crisis as the internal discipline of the one party state disintegrated. Members of the elite looked for a new foundation for their legitimacy, and they found it in nationalism and the protection of ethnic territorial interests (Mircev, 1993: 376). By the middle of the 1980s, the political elite in Yugoslavia was 'both deeply divided and in a situation of stalemate' with the country and its economy in crisis (Burg, 1986). This debilitating conflict within the Yugoslav political elite was a crucial factor in the disintegration of the country and the outbreak of war, although it is argued that as the war was the result of the decisions of these elites, war could have been avoided, as it was in the cases of the USSR and Czechoslovakia, the two other socialist federations that collapsed in the early 1990s (Goati, 1997).

There had been a 'Croatian Spring' within the ruling Communist Party from around the late 1960s, one element of which was a radical nationalist wing, which included Franjo Tuđman, who was jailed in 1971 for his involvement (Tanner, 2010: 201). Franjo Tuđman later became the first President of the Croatian Democratic Union (HDZ), formed in 1989. The HDZ came to dominate Croatian politics throughout the 1990s. During the period of conflict in the early 1990s, the obvious primary goal of external attempts at influencing political elites was to stop the fighting. In this regard, the EU struggled to be effective. Also, and perhaps even more significantly, EU attempts to deal with the break-up of Yugoslavia through common foreign policy-making were shambolic (Silber & Little, 1995: 222). Germany recognised Croatia's independence in December 1991, earlier than the US or some other EU member states wished to do, in the hope that such a move could be held back until there was an overall peace agreement. The Badinter Arbitration Committee, set up by the EU to provide legal advice on a range of questions stemming from the conflict in the former Yugoslavia, had ruled that Croatia's independence should not be recognised (Pellet, 1992). German Chancellor Helmut Kohl was quoted as saying "We Germans are concerned about the fate of these people and about their future in democracy – nothing else" but also that it was "a great victory for German foreign policy" (Kinzer, 1991). Not, it is to be noted, for EU foreign policy, although this was not operating under CFSP rules until after the implementation of the Maastricht Treaty in 1993.

As the eyes of the world were focused on the dramatic events of the collapse of Soviet Communism in central and Eastern Europe in late 1989, the seeds of the disintegration of the political elite in Yugoslavia were already being sown, and the SFRY was unravelling fast. At the 11th Congress of the Croatian League of Communists in December 1989, multiparty elections were set for April 1990, and the very next month Croatian and Slovenian delegates walked out of the 14th Congress of the League of Communists of Yugoslavia. The electoral process introduced by the Communists was a majority one rather than a proportional one, intended only for this first election before a new constitution could be written, and it was assumed that it would favour the Communists when they gained the largest number of votes (Ramet, 2008: 41). The Croatian Democratic Union (HDZ) was formed in 1989 with Franjo Tuđman as its first President (Tanner, 2010: 221). The party came to dominate Croatian politics in the 1990s, winning elections in 1990, 1992 and 1995, but with negative effects for the transition to democracy (Søberg, 2007: 31).

Growing nationalism within Croatia found its expression in the success in the first multi-party elections in 1990 of the Croatian Democratic Union (HDZ) which won 42% of the vote and formed a government with a super-majority of 205 of the 256 seats. The other main political party to emerge was the Social Democratic Party (SDP), the reformed Communists led by Ivica Račan. They fought the 1990 elections under the name League of Communists of Croatia – Party for Democratic Change (SKH-SDP) and gained 107 seats. A bloc known as the Coalition of People's Accord formed around the more moderate parties, including that of Savka Dabčević-Kučar, a well known former leader of the Croatian Spring movement of the early 1970s, but in the end they gained just 21 seats. There was one key issue dominating political debate at this time, which was that of nationalism and whether Croatia should seek independence (Bartlett, 2006: 33). Following the first multi-party elections therefore in the early 1990s, it was the HDZ that formed the government with the former Communists making up the main opposition. The HDZ appealed at this time to a wide range of voters drawn together by the goal of Croatian sovereignty (Pickering & Baskin, 2008: 528) and during this period the HDZ's opposition was weak and divided, and this was a further reason for the HDZ's success (Haughton & Fisher, 2008: 442).

In the early 1990s, as its last legal President wrote, 'Yugoslavia could no longer be sustained – all its internal integrative factors had ceased to exist' (Mesić, 2001: 3). Croatia held a referendum on 19 May 1991 in which 94% voted in favour of leaving Yugoslavia, with an 83% turnout, and subsequently declared its independence on 25 June (Cviic & Sanfey, 2010: 40). Croatia received diplomatic recognition from the European Union in December of that year. The war from 1991-1995 is most commonly referred to in Croatia as the 'Homeland War' and it led to huge destruction of infrastructure and damage to the economy (Schönfelder, 2008), and of course loss of life. Two key elements were Operation Flash and Operation Storm, which both took place in 1995 and which contributed to the ultimate victory of Croatia in securing its independence and preserving its borders. This period of conflict, which through its televised carnage and newly-termed 'ethnic cleansing' caused much hand-wringing in Europe, was finally brought to a close in November 1995 with the Dayton Peace Accord, which was brokered by the US. The term 'ethnic cleansing' was adapted from local and international usages and globalised by this conflict (Toal & Dahlman, 2011), and went a long way to help perpetuate the myth that the conflict was based on 'ancient ethnic hatreds', rather than being rooted in politics (Gagnon, 2004). The inability of the EU to stop the conflict had profound consequences that are still playing

out 20 years since Dayton. It took three more years before the UN Transitional Administration in Eastern Slavonia (UNTAES) could mediate the return of all territories, and by 1998 the issue of Serb occupation was dealt with, paving the way for a second wave of democratization (Baskin & Pickering, 2011: 285). Domestically, the conflict enabled Tuđman to portray both himself and his party as defenders of the nation and his opponents as enemies of the state (Haughton & Fisher, 2008: 441).

Croatia in the late 1990s was a 'defective democracy' (Zakosek, 2008: 600), characterised by a concentration of presidential power, the obstruction of the opposition and expanded government control of society, especially the mass media (Diamond, 1999: 54). Tuđman controlled a super-presidential, semi-authoritarian system that tolerated no opposition (Jović & Lamont, 2010: 1613-14). This was rule by elites who did not like democracy but who faked it to create a 'simulated democracy' (Boduszynski, 2010: 247). Tuđman and the HDZ were hostile to the EU and his attitude to the ICTY was that it lacked jurisdiction over Croatian military operations conducted on Croatian soil during the 'Homeland War' (Lamont, 2010). Throughout the 1990s, Freedom House rated Croatia as only 'partly free', with concerns about widespread corruption, a low level of media freedom and weak civil society. Corruption in Croatia was low compared to other states in the Western Balkans, but 'rampant' compared to 'European' standards (Ateljevic & Budak, 2010: 389). This situation persisted throughout the decade with Tuđman and the HDZ seemingly resistant to international influence seeking to promote Croatian democracy. A huge archive of taped conversations that came to light later provided ample evidence of the level of corruption within the HDZ political elite at this time (Bideleux & Jeffries, 2007: 218). Transparency International ranked Croatia at only 4.0 on their 1-10 scale (with 1 being the most corrupt) of perceptions of corruption (Transparency International, 2011).

Tuđman died in December 1999 and was buried with honours and only mild criticism from his successor (Ramet, 2011: 267). The crisis of leadership that followed accompanied an already existing legitimacy crisis and poor economic performance (Zakosek, 2008: 606). A leadership battle within the HDZ saw hardliner Ivic Pasalic narrowly defeated by the more moderate Ivo Sanader, and Sanader's leadership was always under threat until his victory in the 2003 parliamentary elections (Jović, 2009: 17-18). In the parliamentary elections of January 2000, his HDZ party was defeated by a coalition led by the Social Democratic Party of Ivica Račan, who became Prime

Minister. Stjepan Mesić was elected President in February. The parliamentary elections of 2000 have been seen as a 'liberalizing electoral outcome' (Howard & Roessler, 2006) and the defeat of the HDZ was the end of an era in Croatian politics. This should be seen therefore as a key point in time, as much changed in Croatia in the process of 'de-Tuđmanisation' that followed, not least of which was the dismantling of the semi-Presidential system of government through constitutional changes which led to the Presidency becoming a largely symbolic role. Integration with the EU and NATO was given a new priority, and the necessary measures for this in terms of co-operation with the ICTY, the return of refugees, and tackling corruption became priorities.

One interviewee who was a senior figure in the government during this period described it in the following way: "The pro-European orientation prevailed. I was a Minister of Foreign Affairs during that time, and we started pretty quickly in discussions with the EU. We had a number of crucial moments to prove that we were not only new but different government than Tuđman's during the 1990s. Believe me, it was a tough job because we did not control the Secret Service, the police and military as they were developed under completely different circumstances" (Picula, 2012). These post-Tuđman changes are reflected in Freedom House data for the period, which showed a marked improvement after 2000. From 2000 onwards, Croatia has been ranked by Freedom House as 'free'.

The political elite in Croatia was essentially unreceptive to EU influence, certainly during the conflict in the early 1990s, and in practice until Tuđman's death in 1999. The mid to late 1990s were described by one interviewee as 'five ugly years' in which there was high corruption and a situation in which seeking to take Croatia in the direction of European integration was 'impossible' (Picula, 2012). One of the dominant issues in the second part of the 1990s was full co-operation with the ICTY, which was 'basically a *sine qua non* condition for any serious advancement towards the EU' according to another interviewee (Plenković, 2012). As has been said, the election of 2000 was a critical one and, after this key point in time, engagement with the EU began to progress. The Stabilisation and Association Process (SAP) enabled increasing engagement with the EU, and Croatia's accession process continued to do so right up to the conclusion of negotiations. Some sections of the Croatian political elite recognised how important cooperation with the ICTY was and decided that the domestic political costs were worth paying in order to seek the potential electoral

benefits of taking the country into the EU. The EU has had success in Croatia in terms of the institutional and legislative structures supporting the rule of law, and in securing a permanent change in the domestic political climate (Noutcheva & Aydin-Düzgit, 2012: 75). In this sense, it became possible for a new generation of political leaders to come to power that was more pro-EU integration. This generation's adult life would have been shaped more by the period of conflict in the 1990s than by Tito's Yugoslavia, and their political careers were very much concerned with the process of negotiating EU accession. As we saw in Chapter 3, the Commission emphasised that the accession negotiations had been made tougher, and this is echoed by the view on the Croatian side of complexity and challenging opening and closing benchmarks, hundreds in total, across all negotiating chapters (Raić, 2011).

The HDZ returned to government in November 2003 under the leadership of Ivo Sanader, who had dramatically transformed the HDZ into a modern pro-European right of centre political party. This is an example of a formerly illiberal political party adapting its agenda to fit the requirements of EU membership (Vachudova, 2010: 98) and the new HDZ government maintained Croatia's pro-European direction and was mindful of its international image. Despite being a minority, the HDZ chose not to bring in the Croatian Party of Right (HSP) as their extreme nationalism was unpalatable to Western European governments (Levitsky & Way, 2010: 118). The governing coalition that was formed did however include the Independent Democratic Serb Party, in exchange for promises from the HDZ regarding the return of displaced Serbs (Djuric, 2010: 1654). The formation of this coalition suggests the importance of international actors in the transformation of the HDZ party (Konitzer, 2011: 1868). The HDZ won again in parliamentary elections in 2007 and again formed a coalition government. Croatia continued its trajectory towards integration with European and trans-Atlantic institutions under Sanader, joining NATO in April 2009. By the end of 2011, Croatia had concluded its EU accession negotiations and stood poised to become the 28th EU member state. It was not all plain sailing however, as domestic politics continued to throw up surprises when in July 2009 Sanader unexpectedly resigned and was replaced by Jadranka Kosor, who became Croatia's first female Prime Minister since independence. In this last section of the time period of study, the Croatian economy went into prolonged recession, and the unemployment rate reached nearly twenty percent (World Bank, 2015).

It was the long-running issue of corruption that was the cause of such issues in Croatian politics, and in December 2010, Sanader was arrested in Austria on corruption charges, and jailed for 10 years in November 2012. In February 2010, the SDP candidate Ivo Josipović became President. Josipović had come from obscurity to victory and had campaigned for *Nova Pravednost* (New Justice) to tackle corruption and organised crime. Perhaps he had caught the mood of the nation in a desire to complete its twenty year long transition process from being a constituent part of a Communist republic, to an independent, democratic, peaceful, European state. However, Croatian public opinion showed a very low level of trust in political institutions and a high level of dissatisfaction with the functioning of democracy (Matić, 2008: 185) compared to the European averages, and so there was still clearly some way to go in terms of the democratization of the political culture. Despite being rated as 'free' by Freedom House, Croatia was still considered a 'flawed democracy' by the Economist Intelligence Unit (EIU Democracy Index 2010; 2011) and only 15th out of 128 transition states by the Bertelsmann Transformation Index (BTI 2010). The persistence of corruption and the violence generated by organised crime, as well as concerns about media freedom, remained a drag on Croatia's otherwise positive trajectory of democratization since 2000. The situation in Croatia, and in the other post-Yugoslavia states, has been termed 'mere electoral democracy' in that it is consolidated at a very low level, with 'no ambition to increase the quality of democratic rule' (Džihić & Segert, 2011: 5).

Like in Poland, although it was considered as being ahead of other Western Balkan countries in tackling the issue, corruption remained a widespread problem in Croatia, particularly in the judiciary, the health sector and local government (Cohen & Lampe, 2011: 147). Croatia established the Bureau for Combating Corruption and Organized Crime (*Ured za suzbijanje korupcije i organiziranog kriminaliteta* – USKOK) in 2001, which struggled due to inadequate resources at least initially (Stulhofer, 2007), but which later came to be more adequately resourced, according to one interviewee (Segrt, 2012). The Croatian government adopted two anti-corruption programmes in 2002 and 2006, although interview research found frequent disbelief that there was real political will to tackle corruption, and among NGO representatives in particular the view was that such activities were misguided and only focused on low-level corruption and not high-level political corruption (Stulhofer, 2008). This had seemed to change however towards the latter stages of the EU accession negotiations, with a focus emerging on higher level corruption in particular in the area of public spending. The

head of Transparency International Croatia thus said that the EU accession process had given a "powerful push" towards fighting corruption (Segrt, 2012). Like in Poland, the level of corruption of the political elite is important, because the EU made it an important issue on which Croatia would be judged.

Another key institutional actor which emerged from this period was the International Criminal Tribunal for the former Yugoslavia (ICTY), a body of the United Nations. Its importance in terms of this account is that co-operation with the ICTY became an important yardstick by which Croatia was judged by the international community, and most especially the EU. This is not of course unique to Croatia, and indeed the ICTY's most infamous suspects were the former Serbian leader Slobodan Milošević, who died while on trial in The Hague, and Serbian General Ratko Mladic, who was finally arrested in May 2011. The process of co-operating with the ICTY is, for all the former Yugoslav states, a process that 'in its depth and speed, has no close parallel in history' (Dragović-Soso & Gordy, 2011: 193). Although 161 individuals were indicted by the ICTY, it was the cases of such key individuals that inevitably got the most attention from the media and the public and consequently had the potential to become major political problems.

In Croatia's case, an indictment was prepared against Tuđman himself, and another key case was that of General Ante Gotovina who was indicted in 2001 for his role in Operation Storm and who was finally arrested in 2005 and sentenced to 24 years in prison in April 2011, only to have his conviction overturned in November 2012. In July 2011, Goran Hadžic, former leader of Croatia's Serb minority, became the last of the 161 people indicted by the ICTY to be arrested. Croatian co-operation with the ICTY was a key condition for opening accession negotiations with the EU. The beginning of these negotiations was scheduled for 17 March 2005, but the ICTY chief prosecutor Del Ponte ruled that Croatia was not fully co-operating and so the opening of accession negotiations was delayed. It was only after the Sanader government took serious steps to comply that this situation changed, and in October 2005 Croatia's compliance with the ICTY was approved, and EU accession negotiations began. This could be seen as a simple case of the effectiveness of conditionality in that the Croatian government was levered into action by the opening of accession talks being linked to ICTY compliance. Del Ponte's successor as ICTY chief prosecutor, Serge Brammertz, maintains that 'linking EU enlargement to the arrest of the fugitives has been a really successful tool'

(Borger, 2011a). But domestic factors must also be involved in explaining why the HDZ led government was able to comply then when it had not previously. Was it just that Sanader as the new HDZ leader was more receptive to external influence? Did the fact that the HDZ was in a coalition government give it domestic political cover? Or was it simply that the credible prospect of EU membership was sufficient to silence or sideline the more nationalist political actors (Freyburg & Richter, 2010)?

One interviewee, MP for the HDZ party, and former Minister for European Integration, said about the EU's new methodology for accession negotiations that he felt that Croatia was paying for the lessons the EU had learned from the 'big bang' enlargement of 2004 and from the more lenient approach of the EU with Bulgaria and Romania. In addition, the EU had an eye on the cases that would follow after Croatia – "that was something we felt - they were looking at us as if we were a transparent glass, and there was someone else behind us" (Plenković, 2012). This was echoed by another interviewee, a former HDZ MP and former State Secretary for European Integration, who said that she felt the negotiations were very tough but that the EU conditionality had worked well in helping to create fully fledged democracy in Croatia (Pejčinović Burić, 2012). Another interviewee, a former Foreign Minister put it simply: "We got the message. You either enter completely clean, or you do not enter" (Picula, 2012). Another interviewee, MP and former Minister of Defence described how "all of the most important political forces, from Left to Right, had a very clear and positive position regarding the EU. Even the smallest extreme groups didn't have any clear anti-European statements. So it was some kind of political consensus" (Radoš, 2013).

The view within the DG Enlargement was that the Croatians were very receptive and that the clear benchmarking system meant that they knew exactly what they had to deliver, according to one interviewee, a Cabinet Member in DG Enlargement (off the record comment 5). Although there was a general agreement that Croatia would itself benefit from being held to a higher standard of democratic development by the EU, there was a problem identified in communicating to the public about the reasons why Croatia was being held to a higher standard than the previous cases of the fifth EU enlargement, and this was made harder by a lack of effort by previous Croatian governments in communicating about Europe more generally, according to another interviewee (Brnčić, 2012). Another interviewee, who had first-hand experience of working on public communication of EU issues, described how the government

became very cautious about what information was publicised at the time when public approval of the EU was falling, around 2003, and was critical about the lack of transparency (Covic, 2012). Despite the clear majority in favour of EU accession in the referendum in 2012, the turnout was low at 44%, indicating a rather low level of public engagement in the issue.

Croatian views regarding the EU policy approaches tended to be generally positive. The interviewees were not overly critical of the EU approach because their view was that it had worked well and had helped Croatia to undertake reforms internally in a far more robust manner than probably they would have been without the EU (Covic, 2012; Plenković, 2012). The tougher conditionality that the EU had employed was seen as effective, although sometimes it was seen as being too tough (Pejčinović Burić, 2012). The political will of the political elite and their openness towards EU influence especially in promoting human rights and democracy meant that Croatia was seen as a case in which the receptiveness was present to a very high degree (Pejčinović Burić, 2012). Specifically, the EU pressure on Chapters 22 and 23 of the accession negotiations was perceived to have resulted in an irreversible process of democratization and rule of law in Croatia (Picula, 2012), and the accession process and negotiations were seen as very positive on the development of the state in general terms and had helped to a significant degree (Radoš, 2013).

In summary, elite receptiveness to EU influence in Croatia started from a low base, but later rose to a high level.

4.4 Elite receptiveness in Ukraine

In Ukraine, the level of receptiveness to EU influence of the political elite fluctuated over the time period in question between a low and medium level. Some have argued that the Ukrainian national elite was 'born divided', and that in the early 1990s, Ukrainian elites were 'divided over fundamental issues of democracy, economic reform, and national unity' (Higley & Pakulski, 1995: 426-427). The political elite in Ukraine was characterised by the rise in power of powerful oligarchs and the creation of a system in which political and economic elites became locked into a 'partial reform equilibrium'

(Puglisi, 2003), in which there is some stability but only a low level of reform. One interviewee, the former US Ambassador to Ukraine from 1998-2000, Steven Pifer, said that the US began to become more concerned about where Ukraine was going in terms of its democratic development in the summer of 1999. On at least three occasions that he could recall between 1998 and 1999, the US and EU issued joint demarches, expressing their concern about democratic values in Ukraine. In his view, their joint nature gave these demarches a much greater chance of having resonance than if they came from the US alone (Pifer, 2013).

In March 1990, the first relatively free elections to the national parliament, the *Verkhovna Rada*, and to local provincial *oblast* councils took place. These elections had been made possible by the new electoral law passed the previous year. The Communists won 331 of the 442 seats, while the Democratic Bloc took 111. The People's Movement of Ukraine (*Rukh*) was at the heart of this Democratic Bloc, having been formed in 1989 as a civil society group before political parties were permitted, and only becoming a political party in February 1990. On 24 August 1991, Ukraine declared independence from the Soviet Union and on 1 December that year independence was backed by 92% in a referendum, with an 84% turnout. At the same time, Leonid Kravchuk was elected President. By the end of 1991, the period of the disintegration of the USSR and the creation of the new Commonwealth of Independent States (CIS), of which Ukraine became a part, resulted in a fully independent sovereign Ukrainian nation with a democratically elected President. Independent Ukraine emerged therefore not so much through the mass mobilization of nationalist sentiment, nor through popular protest, but rather as the result of the collapse of the USSR (Yekelchyk, 2007: 177). The first fully free parliamentary election took place in March 1994. The Communists again gained the most seats (86), with the People's Movement of Ukraine (*Rukh*) coming second with 20 seats. In total, 14 different parties gained parliamentary representation, although ten of these gained less than ten seats. There was considerable fragmentation therefore in the composition of parliament, similar to the case in Poland.

The Presidential election of summer 1994 saw a peaceful transition of power from Kravchuk to former Prime Minister Leonid Kuchma, who was to retain the office for a decade. The Kuchma era became known for its corruption and lack of media freedom, and the dire economic situation that followed from the introduction of extensive reforms

in October 1994. The period between 1992 and 2004 in Ukraine has been described as a 'competitive authoritarian' regime, in that elections took place and were meaningful, but abuse of power meant that the regime could not be described as democratic (Way, 2005: 192; Levitsky & Way, 2010). However, Ukraine had signed the PCA with the EU and one of the stated objectives of it was to "support Ukrainian efforts to consolidate its democracy and to develop its economy and to complete the transition into a market economy." There was therefore some level of receptiveness to EU influence at this time.

In 1996, a new constitution turned Ukraine into a semi-presidential republic and established a stable political system. A new currency, the hryvnia, was also introduced under the guidance of National Bank of Ukraine head Victor Yushchenko. The 1996 constitutional reforms may have provided some stability, but they turned Ukraine into a semi-Presidential state and increased the powers of the Presidency to include the power to appoint regional governors, depriving opposition figures the opportunity to build a regional support base, and also the power to dismiss the government. Kuchma used the powers of his Presidency to the full, and corruption and the power of the oligarchs grew, as did attacks on the media, including the suspicious deaths of journalists such as Heorhiy Gongadze who was murdered in 2000. In March 2011, state prosecutors formally charged Kuchma over his alleged involvement in the Gongadze case (Olearchyk, 2011). The Gongadze case became symptomatic of the illegitimacy of the Kuchma era more than any other event (McFaul, 2005: 9). Kuchma won a second term in office as President in the autumn of 1999 as the candidate of the Party of Regions (PoR), which had been formed in October 1997, drawing its support from its financial base in the Donetsk area (Zimmer & Haran, 2008: 555) and gaining electoral success in the East and South East of Ukraine, and among Russian-speaking, older voters. By the time of the parliamentary elections of 2006 and 2007, the PoR was gaining between 32-34% of the vote.

Yushchenko served as Prime Minister from December 1999 to May 2001 and his government's seriousness about economic reform played a part in helping the economic recovery that did take place in the early part of the 2000s. In March 2002, parliamentary elections saw the opposition– Yushchenko's 'Our Ukraine', Tymoshenko's 'Front for National Salvation', and socialists - campaigning separately. Our Ukraine won nearly 30% of the party list seats, but Kuchma's 'For a United

Ukraine' bloc won most of the individual constituency seats. After protracted coalition talks, a pro-Kuchma majority was formed in parliament with Viktor Yanukovych, an obscure former governor of the Donetsk oblast, becoming Prime Minister in November 2002. It was during 2004 that the opposition began the groundwork that would be necessary to make a decisive breakthrough. The *Pora* ('It's time') youth movement formed in 2004 and drew support and advice from its links to similar Georgian and Serbian groups, as well as funding from western backers such as Freedom House (Collin, 2007: 125). In the summer of 2004, Yushchenko and Tymoshenko formed an electoral pact, the People's Power Coalition, which gave Yushchenko credibility with radical opposition and grassroots activists. In these ways, preparations were being laid for the Presidential election of late 2004. The events of what became known as the Orange Revolution will be covered below.

Like in Poland and Croatia, the level of corruption of the political elite is important, and especially in the Ukraine case, corruption must be seen as a key element of the political elite, albeit more so at some points in time than in others. This pattern of corruption and lack of reform became established in the period of the two Kuchma Presidencies from 1994 to 2005. During this period, the political climate for reformers remained essentially challenging, and outside influence from the EU or elsewhere extremely difficult. However, as the presidential election of 2004 neared, it was clear that it presented a potential window of opportunity. As is now well documented, the period leading up to the presidential election of 2004 was one in which there was heavy involvement by external actors in Ukrainian politics. As Kuchma's second term in office was coming to an end, the geopolitical interests of both the West and Russia were in play, and this was happening in the context of the wave of 'colour revolutions' in the post-Soviet region. The Rose Revolution in Georgia in particular had produced a pro-Western, pro-NATO leader, Mikheil Saakashvili, much to Russia's dismay. Given the importance of Ukraine to Russia, not least for gas transit to European markets and as the home of the Black Sea naval fleet, they did not want a similar revolution to happen in Ukraine. As Kuchma himself said much later, Russia observed Yushchenko and knew his positions, and had no desire for him to come to power (Kuchma, 2012). So, Russia sought to exert heavy influence on the presidential election in favour of its preferred candidate, Viktor Yanukovych, who they had decided to support in July 2004 (Petrov & Ryabov, 2006: 147). Two Kremlin advisors sent to Kiev said much later about their work in Kiev that Yanukovych was controlled by Kuchma (Pavlovsky, 2012), and that they were hired by, and worked directly for, Russia's leadership (Markov, 2012).

In the period of uncertainty over the election result in Ukraine, EU influence on the political elite came most directly through sending the then EU High Representative for CFSP, Javier Solana, to mediate. Polish President Kwasniewski was also involved in these attempts, which led eventually to the re-run of the elections and the victory of Yushchenko. With Yushchenko in power in the post-Orange Revolution period, and with Tymoshenko as Prime Minister after 2007, the political elite in Ukraine seemed to promise the possibility of being more receptive to EU influence. In media interviews at the time, these two figures at least demonstrated a higher level of receptiveness to EU influence than previous Ukrainian leaders. In 2007, President Yushchenko said about the beginnings of negotiations on a new agreement with the EU that what was needed was a road map for the next two to three years that would start with a free trade area and end with Ukraine's prospects for EU membership (Yushchenko, 2007). In an interview in 2008, Tymoshenko outlined that European integration was a national priority and that an 'integration pathway' was required to build new norms and standards that would reach EU benchmarks (Tymoshenko, 2008).

The political climate in Ukraine thus opened up in the post-Orange Revolution period. However, this period proved to be extremely disappointing for both EU and domestic pro-reformers. As the new post-Orange Revolution leaders demonstrated their inability to make real reforms and to combat corruption, the Orange Revolution appeared to be more 'an alternation within the dominant oligarchy rather than a real turning point in the process towards democratization' (Di Quirico, 2011: 440). This period then could be described as one in which the political elite in Ukraine was increasingly receptive to EU influence, but was unable or unwilling to respond in terms of undertaking domestic reform. This point in time was identified by one interviewee, who was an advisor to the Ukrainian government at this time, as the only time at which the EU offering a membership perspective would have had a real impact, as it was the only time when the political elites were ready to change (Shumylo-Tapiola, 2012). It would seem therefore that this was a key point in time in the Ukraine case, and a missed opportunity for EU engagement.

This view was corroborated by one interviewee, a senior EEAS official from the EU delegation to Ukraine, who said that the post-Orange Revolution leadership failed to make the kind of structural reforms that could have avoided the country returning to an authoritarian regime. At this time, the country was an 'incipient democracy' with a

leadership that was not monopolising the control of judiciary system, the media, the executive and legislative branches, and there was thus a plurality of centres of power that competed among themselves, thus avoiding the establishment of the power of one single person or lobby. The lack of structural reforms undertaken at this time however meant that in 2010, when the political elite in power changed, it took 'less than a year' to reverse most of the achievements Ukraine had made (off the record comment 6). Some progress had been made, and there had been two attempts to create a body responsible for European integration policy, firstly in the mid 1990s and again in 2008. Although initially an independent body, like in Poland, was proposed several Ministries were strongly against the transfer of competencies to such a body, specifically the Ministries for Foreign Affairs, Justice and the Economy. The compromise was to create a secretariat, and this began work at the beginning of 2009, with 55 staff. According to one interviewee, its former Director, this body, the Bureau for European and Euroatlantic Integration, faced several major challenges, some practical such as a lack of sufficient staff or its own budget and some political such as the lack of authority to coordinate ministries and ministers and the failure to fully transfer competencies to it (Triukhan, 2012).

In Ukraine, a key aspect of the political elite was the high level of corruption, which remained extensive and disruptive. Although the Orange Revolution period helped to expose corruption and make some modest improvements, there was no 'cleansing of the old cadres' and so the improvement was only temporary (Aslund, 2009: 256-258; 2012). Ukraine's natural resources could make it a rich country, but rampant corruption hindered the transition to a free market (Sutela, 2012). The country did become a member of the Council of Europe's Group of States Against Corruption (GRECO) in March 2005 but government initiatives to tackle corruption have frequently been undermined by the instability of governments (Yemelianova, 2010). One year after the Orange Revolution, it was apparently possible to buy a (very expensive) seat in parliament (Mungiu-Pippidi, 2006: 86). The Ukraine case was characterised by the rise in power of powerful oligarchs, and the interplay between these powerful economic actors and the democratic development of the country became intimately linked, to the detriment of Ukraine's development. This is important, because EU efforts to engage with Ukraine through incentives aimed at the political elite in Ukraine have evidently had to compete for influence with very powerful (often corrupt) economic interests.

Another interviewee, the former Head of Mission of Ukraine to the EU, said that the biggest problem was that the EU did not know what it wanted with Ukraine and that even after the Orange Revolution, the EU didn't send any message towards Ukraine that they might be ready to improve relations or make them deeper and more pragmatic (Shpek, 2012). He was also strongly critical of the ENP policy approach to Ukraine for the reason that Ukraine was not a 'neighbour' of Europe but rather part of Europe, and thus completely different to North African states that were also covered by the ENP. In general the ENP was seen as not useful for facilitating or improving EU-Ukraine relations. Some have pointed out an apparent contradiction in Ukraine being active in its participation within the ENP whilst at the same time being highly resistant to domestic change due to domestic veto players (Langbein & Wolczuk, 2012: 864). However, it we look at this in terms of receptiveness there is no real contradiction but just two aspects of elite behaviour. The political elite in Ukraine can very easily be receptive to engagement through such EU policy approaches as the ENP, but at the same time in practice not deliver reforms.

In terms of the Association Agreement, Shpek was very strongly of the view that in order for it to really be useful, it must in its preamble reflect Ukraine's right to one day join the EU (Shpek, 2012). This touches therefore on a clear difference in the views of Ukraine's political elite and those in the EU, or at least some of them. In the previous cases of states in Central and Eastern Europe, such as Poland, there was a clear 'back to Europe' view that was shared on both sides, but this was clearly absent in the case of Ukraine. The ambivalence towards Ukraine's eventual EU membership on the EU side seems to have at times caused outright insult to some on the Ukraine side, while equally the seemingly constant bickering and factionalism on the Ukraine side has sometimes exasperated the EU, especially officials in the Commission working on engagement and negotiation. The lack of a leadership figure or team in Ukraine that could pursue the goal of EU integration consistently and with real purpose seems to have been one of the major causes of the lack of progress.

Ukraine's relationship with Russia has clearly been a major influence. Near the end of his term, President Yushchenko pointed to a number of reasons why the relationship between Russia and Ukraine had grown more complicated. One was Ukraine seeking NATO membership, another was its policy to require the Russian Black Sea fleet to leave Ukraine by 2017, and a third was the position Ukraine took in relation to the

Russian invasion of Georgia in 2008 (Yushchenko, 2009). At the NATO summit of April 2008, both Ukraine and Georgia's hopes of gaining a Membership Action Plan (MAP) for membership were dashed, whilst incidentally at the same summit it was decided to offer Croatia membership (NATO Bucharest Summit Declaration, 2008). There is a clear difference therefore between Ukraine and the cases of Poland and Croatia, in which NATO was an additional key external actor.

In Ukraine, the political elite initially saw the ENP as a disappointment, but came to adopt a more pragmatic approach (Sasse, 2010b: 200). In Brussels, the frustration that was felt with Ukraine when negotiating its ENP Action Plan was described by one senior official who despaired about the bickering between factions and that within the EU there were voices saying 'can't these people get their act together?' (off the record comment 7). The evident frustration within EU circles with Ukraine was echoed on the other side in that the European Commission offered a 'take it or leave it' position in the negotiations on the Association Agreement. One interviewee who was closely involved on the Ukraine side of these negotiations said that he thought Ukraine had been the opposite of 'frustrating' and that the European Commission had shown itself to be bad as a partner that was trying to reach a mutually beneficial compromise through negotiations (Triukhan, 2012).

The factionalism within the political elite has often been identified as a key problem in Ukraine, as well as the personalisation of political disputes. As one interviewee, a senior official in the EU Commission, described it, debate in Ukraine was often dominated by superficial discussions rather than analysis of the problems, and that this personalisation of the issues was a key feature (off the record comment 8). To which it could be said that some sections of the EU have been guilty of exactly the same thing, namely concentrating on individuals, such as Yushchenko or Tymoshenko, rather than the real issues. Other key factors influencing the development of the political scene in Ukraine included weak public support of political parties and consequently their weak financial capacity, a lack of effective instruments for influencing the executive (at least until constitutional changes in 2005), and an absence of stable coalitions, evidenced by 600 cases of MPs switching factions between 1998 and 2002 (Kovryzhenko, 2010: 9-11). Ukrainian political parties were described by one interviewee as 'business projects' which are often 'parties built around one personality – they have no ideology, you cannot tell who is Right and who is Left, you cannot say what they really stand for'

(Shumylo-Tapiola, 2012). This is a hallmark of post-Soviet political parties – being defined by their leader's personality and their prospects linked to their personal popularity (Diuk & Gongadze, 2002: 160). Yushchenko's popularity as President plummeted, and in the elections in 2010 he secured only around 5% support. The election of Yanukovych in these elections therefore brought about a change in the political elite that was in power. Many members of this new elite were from Donetsk in the East of the country, and many were former managers of large plants and state companies from the Soviet era who had become successful businessmen.

In the Presidential elections of 2010, in the first round of voting, which took place on 17 January, Yanukovych won 35.32% to Yulia Tymoshenko's 25.05%. Viktor Yushchenko gained just 5.45%. The two leading candidates then progressed to the second round, which took place on 7 February. In this second round, Yanukovych won 48.95% to Tymoshenko's 45.47%. No significant irregularities were reported by international observers (OSCE, 2010), exit polls confirmed the Yanukovych victory, and when he declared victory the fact that the international election monitors had found no major problems reduced any chance of a challenge to the result (Kelley, 2012: 7). Tymoshenko remained as Prime Minster until 4 March 2010, when she was replaced by Mykola Azarov, head of the Party of Regions. The electoral triumph of Yanukovych was less a victory for him than a defeat for the Orange movement (Kuzio, 2011c: 88). Although the result was a disappointment to many, others argued that to see it as a democratic failure was a mistake (Hale, 2010: 84), as Tymoshenko had simply been punished by the electorate for failing to deal adequately with the recession (Bojcun, 2011).

There was a very clear East-West division in the voting results in the Presidential election of 2010, with Tymoshenko strong in the West and Yanukovych strong in the East (Herron, 2011: 55). The division between East and West Ukraine has, ever since independence in 1991, been seen as a potential cause of the country to split, but others argue that regionalism has actually safeguarded Ukraine against radicalism (Sasse, 2010a: 105). Whilst the changes to the constitution and the formation of a new government raised legal concerns (Venice Commission, 2010), many outside observers thought the best thing about the new government was that there was one at all, especially given the huge economic slump of 15% of GDP in Ukraine in 2009 as a result of the global credit crunch and recession (Mayhew, 2010: 5). There was a view in

Western capitals that Ukraine would now benefit from some stability, even though Ukrainian democrats were pointing out that 'stability also exists in North Korea or Iran, so are you in favour of such stability in Ukraine?' (Tarasyuk, 2011). Much was made of the fact that Yanukovych's first foreign visit was to Brussels and not to Moscow, apparently at the suggestion of Foreign Minister Poroshenko, in order to counter his stereotype as being pro-Moscow (WikiLeaks, 2011b). As mentioned earlier, the world wide financial crisis that began in 2008 had an impact on the strategic calculations of political elites, and this is particularly evident in Ukraine towards the end of the time period in question when both the EU (and the International Monetary Fund – another key external actor in the case of Ukraine) and Russia offered two different paths for Ukraine to choose from.

The strategic importance of Ukraine for the wider Europe has been highlighted in recent years by the shutdown by Russia of gas supplies that transit through Ukraine, and one of Yanukovych's first actions was the agreement with Russia to purchase their gas at a discount, in return for extending the lease for the Crimean port for the Black Sea fleet, a move criticised as compromising Ukraine's independence for the sake of short-term economic and political gains (Sherr, 2010). This agreement was part of the Kharkiv Accords made with Russia between April and June 2010, which although marking an evident change in the nature of Ukraine-Russia relations, did not in itself do anything to directly affect EU-Ukraine agreements (Connolly & Copsey, 2011: 554-561). Certainly Yanukovych's first actions in government were a worrying echo of the semi-authoritarian style of Kuchma (Copsey, 2010b: 13). One element of this was an increase in attempts to obstruct the work of the media, including physical attacks on journalists (Julliard & Vidal, 2010: 12).

The local elections held in October 2010 were widely criticised for not meeting international standards, and were also notable for the emergence of the All Ukraine Union (*Svoboda*), a right-wing nationalist party. This tests the idea that Ukraine's regionalism offers some protection against radicalism. Allegations of corruption were used against former Orange Revolution figures, with Tymoshenko being subject to a criminal investigation and trial, with the EU expressing "serious concern" that the judiciary was being used for political ends (Füle, 2011). Tymoshenko was jailed in October 2011 for seven years for criminally exceeding her powers when signing a gas deal with Russia in 2009. Since the 2010 Presidential election, there was an often

heard concern that the EU had 'lost' Ukraine and that it would now backslide ever further in its democracy (Fischer, 2010; Besemeres, 2010; Umland, 2010). The goal of joining NATO was dropped from Ukrainian foreign policy, and although EU membership remained as a stated aim, in practice what many expected was a return to a Kuchma-style 'multi-vector' foreign policy (Jarabik & Shapovalova, 2010; Kuzio, 2011a: 365).

Although the oligarchs in Ukraine did not appear to have a coherent strategy in terms of external relations (Matuszak, 2012: 6), many of their cost-benefit calculations pointed them towards Europe, even though their business and political interests often lay mainly in Ukraine. One aspect of this new elite was a motivation to destroy its competing 'clans' in the form of any political opposition, and this is one explanation for the prosecution of former Prime Minister Yulia Tymoshenko (Jarábik, 2011). Yanukovych himself was argued to be neither a democrat nor a reformer, but keen to preserve the status quo, a situation that would be threatened by any moves towards further integration with either the EU or Russia (Gnedina & Sleptsova, 2012: 3). As for Tymoshenko, she was not without her critics, for example in private conversations with the US Ambassador, former Tymoshenko Bloc insider Viktor Pynzenyk criticised her 'adventurous populism' (WikiLeaks, 2011c). However, Tymoshenko's jailing made her something of a martyr for the cause of democratic reform in Ukraine, and from that point on the international criticism of events in Ukraine built yet further, to the point in May 2012 when German Chancellor Angela Merkel described Ukraine as a 'dictatorship' (Olearchyk & Peel, 2012). In April 2013, the European Court of Human Rights ruled that Tymoshenko's pre-trial detention had been 'arbitrary and unlawful' (European Court of Human Rights, 2013: 59). Tymoshenko was eventually released from prison in February 2014, after Yanukovych's fall from power.

The views of the political elite in Ukraine regarding the EU policy approaches tended to be rather negative, with both the stance of the EU (in particular the Commission) and the slowness of the process being criticised. There was a strong view that the EU had made a mistake in 2004-5 after the Orange Revolution, when the EU should have given a membership perspective to Ukraine. This was seen as the only time that the political elites were ready to change and to do things differently and so instead the process now would be a very long one in which the EU could do very little. (Shumylo-Tapiola, 2012). The lack of any EU message towards Ukraine after the Orange

Revolution was seen as the EU being not ready to improve relations or to make them deeper and more pragmatic (Shpek, 2012). Some interviewees were very critical of the EU, and especially the Commission, in that they argued that it had offered a 'take it or leave it' position and had acted badly as a partner that was trying to reach a mutually beneficial compromise in a negotiation (Triukhan, 2012). Further, the EU was seen to have often demonstrated double standards in its dealings with Ukraine (Shpek, 2012). Specifically, the European Neighbourhood Policy was not welcomed by some, as they argued that Ukraine was not a 'neighbour' of Europe but rather a *part* of Europe and therefore presented a completely different situation than in North Africa. The ENP was therefore strongly criticised as an approach and seen as not useful in improving EU-Ukraine relations (Shpek, 2012).

In summary, the level of receptiveness to EU influence of the political elite fluctuated over the time period in question between a low and medium level.

4.5 Comparison between the cases

This chapter has sought to answer the question of how receptive the political elites in the three case study countries were to the various EU policy approaches. We can now attempt a comparison between the three cases. Graph 4.1 below shows how the variable of the receptiveness of the political elite to EU influence in each of the three cases varied over the time period of study.

In Poland, the political elites were highly receptive to EU influence for almost all of the time period. In Croatia, there was a long period in which the political elite was simply not very receptive to EU influence, and this continued until after Tuđman's death. In Ukraine, the EU arguably missed a clear opportunity to work with a receptive political elite after the Orange Revolution. However, despite the many problems, there has been elite receptiveness evidenced in the five year negotiation of the Association Agreement. All three cases are examples of transitions from Communism to post-Communist party systems. All three have experienced the problem of how nationalism is expressed after many years of nationalist sentiments having to be subsumed below Communist ideology. Croatia clearly had the most extreme experience of this in terms of armed conflict, but in Poland it was an important component of the opposition to

Communism, and in Ukraine in the later part of the time period in question, Ukrainian nationalism (mainly in the West) came increasingly into conflict with the interests and aspirations of Russian-speaking areas (in the East). There has to be an essential tension between nationalist orientations within a political elite and their potential receptiveness to EU influence, and at certain times this has been evident in our three cases, namely, in the 1990s in Croatia, and for long periods of time in Ukraine. It is also evident, as has already been noted, increasingly in EU member states in the form of higher levels of Euroscepticism.

Graph 4.1: The receptiveness of the political elite to EU influence
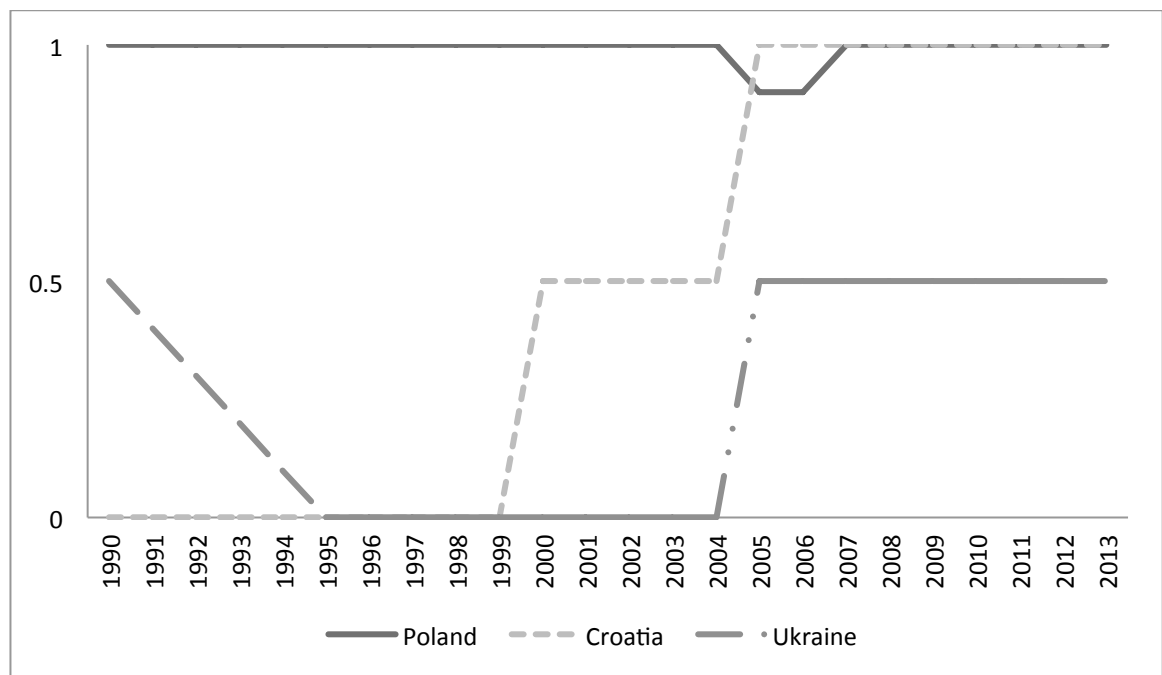
Key: 1 = High receptivness. 0.5 = Medium receptiveness. 0 = Low receptiveness

As we can see in Graph 4.1, the political elite in Poland was highly receptive to EU influence over almost all of the period in question. The commitment of the political elite to EU integration (and indeed to other international organisations such as NATO) remained high even through the turbulence and fragmentation of the domestic party political structure of the 1990s. This consistent line is a notable feature of Poland's democratic development, and seems best explained by domestic, historic, factors, rather than because of the actions of the EU. The only exception to this came after accession, in the period 2005 to 2007, when a new element in the Polish political elite came to power that was much more circumspect in their view of Poland's relationship

with the EU. It is important to say however that this period is notable mainly because of the stability of the level of elite receptiveness to EU influence at all other times. In other cases, this short period would arguably not have attracted as much attention and criticism. It also shows however that the EU did not have policy approaches available that could be used to stop post-accession backsliding.

In Croatia, there was a long period of time in the 1990s during which the political elite had a fundamentally low receptiveness to EU influence. Until 1995, Croatia was experiencing a period of armed conflict in which the very existence of the country was at risk, and so the political elite at the time most likely did not place pursuing European integration very high up their agenda. Once the conflict ended, the period 1995-1999 was one in which, although some potential links between Croatia and the EU were explored by the political elite, in terms of being receptive to EU influence over reforms that the country might make, this was low. A step change happened after Tuđman's death in 1999 and the election of 2000, and the subsequent decade saw an increase in elite receptiveness and increasing engagement with the EU, firstly through the Stabilisation and Association Process, launched in 2000, and from 2005 onwards, the EU accession process. Elite receptivity thus rose to reach the same high level as in Poland. In this sense then, the political elites in both Poland and Croatia reached the point of being highly receptive to EU influence, although for different reasons and having followed very different paths.

In Ukraine in the early 1990s, there was initially some level of receptiveness to EU influence, which led to the signing of the PCA in 1994, which came into force in 1998. This initial receptiveness however did not lead to any further level of engagement with the EU, as issues of corruption and factionalism within the political elite came to dominate domestic politics. A step change, like in Croatia, happened after the Orange Revolution in 2004. There followed a long period of the negotiation of the Association Agreement (and DCFTA) between Ukraine and the EU. The political elite in Ukraine remained highly corrupt, and prone to factionalism and corruption, and this arguably hindered its democratic development. Moreover, the Ukrainian political elite were at times seemingly more receptive to external influence from Russia than they were to that of the EU (and IMF). This would appear to be the case in late 2013, when Ukraine failed to sign into force the Association Agreement with the EU and opted instead to accept Russian financial assistance. This could be taken as evidence that the EU had

lacked flexibility in the application of its policy approaches. The only approach offered was the lengthy negotiation of complex agreements, rather than the potential use of approaches that could be put in place more quickly and flexibly, and other possible incentives that could have been offered, to take advantage of the coming to power of a new political elite. Some therefore argued that the ENP had not worked, and that it was not well suited to the rapidly changing European neighbourhood, whether to the East or the South (Lehne, 2014).

We can now test the second hypothesis in this project, which is if domestic political elites are more receptive to EU influence, we would expect to see an increase in the level of the relationship with the EU. This hypothesis appears to be partially supported by the evidence from the cases. The Polish case would seem to offer some support for the second hypothesis. The political elite was consistently receptive to EU influence and, rather than the EU being the cause of change in Poland, if anything it was Poland which forced the EU to change, in terms of making a promise of full EU membership to Poland (and the other CEE countries). The Croatia case would also seem to offer some support for the second hypothesis. Elite receptivity to EU influence rose over the period in question, as did Croatia's level of relationship with the EU. The step change after the election of 2000 would appear to be the key domestic factor. The Ukraine case does not seem to support the second hypothesis. When elite receptiveness to EU influence did rise, albeit only to a moderate level, not matching the levels seen in Poland and Croatia, Ukraine's relationship with the EU did not progress. Clearly, there was a lack of an offer of EU membership, but equally there was not sufficient delivery of reform which might have pressed the EU to do so. It is of course possible that this process may simply take a lot longer than it did in a case like Poland, or indeed Croatia. The political elite after the Orange Revolution did consider applying for EU membership, but were advised by the EU to wait. The Orange Revolution, and the period immediately after it, did not lead to a lasting improvement in Ukraine's development and explaining this lack of progress in EU-Ukraine relations therefore appears to require equal consideration of EU level factors and domestic factors.

In addition to the comparison between our three cases, a brief consideration of the receptiveness of the political elites to EU influence and the progress that has been made in some of the other potential member states with which the EU had tried to engage is instructive. As we will see, there was very much a mixed picture, and in

many cases the EU faced an extremely challenging task in trying to engage with the political elites.

In Albania, there has been political stalemate and deep divisions between the main political parties which have sometimes led to violence. The country applied for EU membership in April 2009, but several member states have blocked granting Albania candidate status. In Bosnia- Herzegovina, the division of the country into two entities – Republika Srpska and the Federation of Bosnia and Herzegovina – and poor relationships between political elites in each entity, have created an extremely difficult situation in terms of increasing its level of relationship with the EU, progress towards which requires the ending of the presence of the Office of the High Representative (OHR) which has been in place since the Dayton Accord ended the war in 1995 and whose office holder has the power to dismiss elected officials.

In Kosovo, the situation in the middle of the period in question was one of armed conflict in the war in 1998-99 which was only ended by eleven weeks of NATO bombing and which created hundreds of thousands of internally displaced persons. Although the political elite in power post-conflict were open to EU engagement, Kosovo's international status represents a challenging political climate. There is of course an intimate link between the cases of Kosovo and Serbia in that the declaration of independence by Kosovo from Serbia in February 2008 has been very much contested. Serbia took the case to the International Court of Justice (ICJ) and the court issued an advisory opinion in July 2010 that Kosovo's declaration of independence did not violate international law. However, not all EU member states have recognised Kosovo's independence, with Spain, Slovakia, Cyprus, Romania and Greece not yet doing so. Kosovo 'under UN Security Council resolution 1244' is a potential EU membership candidate. Serbia has come a long way since Slobodan Milošević resigned on 5 October 2000 after demonstrations spearheaded by the civil society organisation Otpor! (Resistance!). After the overthrow of Milošević, Serbia's progress with EU integration was blocked until war crimes suspects such as Ratko Mladic had been arrested and handed over to the ICTY for trial. Serbia gained official EU candidate status in March 2012 and its accession negotiations began in January 2014. In Macedonia, there has been a protracted dispute with Greece over its name, which is considered by Greece to be rightfully the name of one of its Northern provinces. The EU has been unable to help resolve this dispute, despite Macedonia being a formal EU

membership candidate since December 2005, albeit under the name 'Former Yugoslav Republic of Macedonia'. The peaceful separation of Montenegro from Serbia in 2006 after an independence referendum arguably made Montenegro a positive example in the region whose political elite has been praised by EU for its open and constructive approach (Morrison, 2011) and it has even been described as a 'miracle in the Balkans' (Darmanović, 2007). In December 2010, Montenegro received official EU candidate status and accession talks began in June 2012.

In Turkey, there has been very slow progress on EU membership despite having started negotiations at the same time as Croatia in October 2005. The view in the DG Enlargement, according to one interviewee, was that: "Turkey is a partial reformer, they move very slowly, and we are always reporting progress and lack of progress at the same time." (Cas Granje, 2011). Recep Tayyip Erdoğan has been Prime Minister of Turkey since 2003 and his Justice and Development Party (AKP) has been dominant in Turkish politics for a decade, winning three victories since 2002, each time with an increase in the share of the vote (Müftüler-Baç & Keyman, 2012). Turkey lacks a pro-European opposition party that could push the AKP to be bolder in its reforms (Lagendijk, 2012: 184). The failure to make progress in the case of Turkey began to constitute a significant threat to the credibility of the EU's enlargement policy. The opposition of both France (at least until the defeat of President Nicolas Sarkozy in May 2012) and Germany to Turkish membership of the EU meant that the effectiveness of the leverage on Turkey provided by the promise of EU membership was weakened, as that promise seemed increasingly remote.

In Belarus, the EU has been unable to influence the ruling elite through use of targeted sanctions, for example travel bans on hundreds of members of the ruling elite. In Georgia, initial hopes for reform under President Mikheil Saakashvili, who won power after the Rose Revolution in 2003, have been halted as EU soft power was trumped by Russian hard power in the war of 2008 following the independence of Abkhazia and South Ossetia. There is of course a comparison to be made with the case of Georgia in 2008 and Ukraine in 2013/14 in terms of the actions of Russia, but this is outside the scope of this study. In a range of states which, theoretically at least, could one day become EU members, many of the political elites are at best intermittently receptive to EU influence. If the EU had policy approaches which were more flexible and quicker to deploy, it may be more possible to be able to take better advantage of 'windows of

opportunity' that the electoral cycles of these various states might throw up from time to time. At present, there is an insufficiently strategic use of the EU's policy approaches, which to a certain extent may be intrinsic to the EU's composition of member states and its various institutions.

4.6 Conclusion

By tracing the changes in the receptivity of the political elite to EU influence in each case over time, this chapter set out to answer the specific question of how receptive the political elites in the case study countries were to the various EU policy approaches. Given that the period of study in question was over two decades long, and that this is clearly longer than the length in office of any one government, it is perhaps highly likely that the level of receptiveness of any particular political elite will change over time. Given that this will most likely be the case, the evidence also seems to suggest that there may be key points in time, relatively brief periods in time in which elite receptiveness is at a sufficiently high level to make EU engagement successful, and in which the level of the relationship with the EU can be raised, and that these need to be capitalised on. However, if the EU's policy approaches are not flexible enough to be put into action at these times, and with different levels of incentive on offer, then opportunities to engage may be lost. As a bureaucracy, the European Commission in particular is not known for its speed of response, and even the relatively new EEAS has been criticised for its slowness (Kurki, 2012b: 6). This problem was one of the issues which informed the proposal for a European Endowment for Democracy, which could respond flexibly with timely support when the opportunity arose. This policy approach was not available during the time period in question however, and so clearly it cannot be considered in this study. It was however mentioned by several interviewees as a potentially important body for the future of EU engagement with potential new member states, although support from the EED would usually be targeted at civil society actors rather than the political elite.

The Polish political elite did demonstrate a sustained consensus that European integration was the only foreign policy goal (along with NATO membership) and was consequently highly receptive to EU influence over a long period of time. After 2000, the Croatian political elite also demonstrated a sustained period of receptiveness to EU

influence. It is in Ukraine where this variable has fluctuated more than in Poland or Croatia. It is theoretically possible therefore, that a sustained commitment, over several decades, is what is necessary for EU engagement to be effective, and anything less than this may theoretically be insufficient. Looking at the role of the EU, one question must be whether the EU is looking for a demonstration over a long period of time of elite commitment to EU integration, or is the EU willing and able to take full advantage of potentially short-lived 'windows of opportunity', such as that which arguably was evident in post-Orange Revolution Ukraine? The EU seemed to be missing policy approaches that were flexible enough to be able to take advantage of these opportunities.

Having looked at the receptiveness of political elites in our three cases to EU influence, in the next chapter we will examine how the EU has also pursued a parallel strategy of seeking to engage with the various elements of civil society in order to engage 'from below', in particular through its engagement with civil society organisations such as NGOs, but also in terms of the level of activity of other elements within civil society, namely social movements and organised religious groups. Through seeking to increase the level of pro-EU civil society activity, the EU has hoped to encourage civil society to be able to leverage its domestic governments into both reform, and to higher levels of receptivity to EU influence.

Chapter 5

The level of activity of pro-EU civil society

This chapter will examine how the level of pro-EU civil society activity varied over time in Poland, Croatia and Ukraine. Three key elements of civil society will be focused on: social movements, organised religious groups, and non-governmental organisations (NGOs). This has been done in order to be more specific about the elements within civil society, which as we saw in the literature review is a very contested term. The research question specifically addressed in this chapter was how active was pro-EU civil society in the case study countries and how did the EU attempt to engage with it? Each case will be traced over the time period 1990 to 2013. The level of activity of pro-EU civil society is the independent variable relevant to this chapter, and we will test the third hypothesis, which is if there is a higher level of pro-EU civil society activity, we would expect to see an increase in the level of the relationship with the EU, i.e. successful engagement.

5.1 The EU approach to civil society

The EU has developed a range of ways in which to support civil society, through both funding for CSOs and through providing forums for engagement. The importance placed on civil society by the EU, according to one Commissioner for Enlargement and Neighbourhood Policy, "stems not from political correctness but from a deep belief that civil society is a fundamental part of the democratic process. The great events that have changed the face of Europe at the end of the last century would have been impossible without the Solidarnosc movement in Poland or the Civic Forum in former Czechoslovakia" (Füle, 2010c). In this view, civil society organisations are seen as absolutely necessary for promoting reform. But this view differs from much of the academic literature, which is much more circumspect about civil society's role, in that it is 'not decisive or even the most important, at least initially' (Diamond, 1994: 16) and that 'the best results come when outside efforts support a local movement that is already well organized and has a very specific objective. In this scenario, small amounts of money and technical assistance at the right point in time can make a major difference' (Edwards, 2009: 120).

In 2007, the Commission introduced the Civil Society Facility as an element of the Instrument for Pre-Accession Assistance (IPA), with the intention of tripling the financial support to civil society for the period 2008-2010 compared with 2005-2007 (Balkan Civil Society Development Network, 2009). Soon after, the Eastern Partnership (EaP) introduced the Civil Society Forum as a mechanism for engagement between the EU and CSOs, and as such this was intended on the EU side to promote a stronger role for civil society (Łada, 2011). A senior official in the DG Enlargement was at pains to describe how important they felt the Civil Society Forum was and how engaged the Commissioner was with it (off the record comment 9). On the participants' side, a majority held the expectation that the Forum should have an impact on the decisions and actions of the European Commission undertaken under the Eastern Partnership policy (Kaca et al, 2011: 10). However, it was not clear to what extent the Civil Society Forum had an impact on the functioning of the EaP (Whitman & Juncos, 2011: 200), and also there was a lack of interest among EU based NGOs in taking part, other than ones from Poland and the Visegrád countries (Łada, 2012).

As funding for civil society projects began to move from Central and Eastern Europe (CEE) to the Western Balkans in the second half of the 1990s, the same approach moved with it, despite concerns about its failings (Fagan, 2006: 116). It has been argued that there is a danger of equating NGOs with civil society, and thereby working with advocacy NGOs almost exclusively, not least because it is easier to deal with professional NGOs than with other groups in society (Ottaway & Carothers, 2000: 295). This problem is encapsulated in a wry phrase reported from an East European: 'we dreamed of civil society and got NGOs' (Garton Ash, 2004). There is also the risk, recognised by CSOs themselves, that they may become overly dependent on foreign funding and as a result disappear completely if that funding is ended or blocked (Barkan, 2012: 136). Whilst confirming that they had a very good working relationship with the EU delegation, a worry was expressed by two interviewees who were heads of NGOs in Croatia about what would happen after accession and if the EU would be less robust in its monitoring (Zelić, 2012; Segrt, 2012). This worry was sometimes expressed in relation to the negative experience of Romania and Bulgaria, and also with reference to democratic backsliding in Hungary and the EU's seeming inability to combat it, which was a current issue of concern particularly at the time that these interviews were conducted. The view from NGOs was very much that they wanted the EU to use its maximum leverage before accession and not rely on post-accession mechanisms such as the CVM used in the cases of Romania and Bulgaria.

The lack of a sufficiently joined-up approach to supporting civil society has been a major area of criticism of the EU. Groups closely involved with EU funding of civil dialogue programmes in the Western Balkans have complained that such funding is 'scattered and incoherent' (Balkan Civil Society Development Network, 2010). Reporting on a major research project involving nearly 600 interviews in 15 countries which sought the views of local stakeholders as to how assistance could be improved, the think tank FRIDE found that: 'Local stakeholders are, almost without exception, looking for a much tighter linkage between project funding and the nature of diplomatic relations between donor governments and non-democratic regimes. The lack of such a connection is almost universally seen as a major cause of [an] increasingly disappointing record.' (Youngs, 2010d: 148).

In the later part of the period of study, the proposal to establish a European Endowment for Democracy (EED) to operate along the same lines as the National Endowment for Democracy (NED) in the USA received backing in order to improve the way that the EU gets funding to civil society organisations and other partners, but this proposal was highly problematic for at least three reasons. Firstly, there was the question of how the EU, representing as it does so many different national perspectives and priorities, would be able to quickly and flexibly identify and then support organisations. Secondly, there was the question of where the democratic accountability would lie. Thirdly, there would be the risk of supporting the 'wrong' organisations, and this would need to be guarded against. These were not insignificant problems that would need to be addressed. The nature of the EU's 'fuzzy' consensus on democracy may well make 'unifying, politicising and strategising democracy support... near-high impossible' (Kurki, 2012b: 11). The potential benefits of this approach if adopted by the EU were argued by one interviewee to be a better use of local knowledge and ease of making small grants in a flexible and rapid way (Łada, 2012). However, the level of resources that were initially proposed for the EED seemed small at around 10 million Euros, compared to the 100 million dollar budget of the NED (Youngs & Brudzinska, 2012: 5). The EED finally came into existence in November 2012 with an initial 6 million Euros of funding. An additional view was gathered in order to get a non-EU perspective, and this came from interviewee Nadia Diuk, the Vice President of Programs for Europe & Eurasia, Africa, Latin America and the Caribbean at the NED. Her view was that making small, strategic grants in a timely fashion, in the way that the NED was able to do, would give the EU much more likelihood of success than the slower, more bureaucratic approach that was the EU's mistake, and which had always

"torpedoed their efforts" (Diuk, 2012). Solidarity received financial support put at $2.5 million from the NED in 1989 alone (Diamond, 2008: 122), but this dates from the Cold War era, and it is hard to see circumstances in which this level of support would be repeated, by the US or the EU. The establishment of the EED should perhaps be seen therefore as a very long-term initiative.

It is vital to underline that it is a *particular kind* of civil society that the EU wishes to encourage and to engage with, namely pro-EU civil society. There are plenty of groups within civil society that do not wish to see their country engage with the EU, and also which the EU does not wish to encourage. These may include far right, xenophobic, homophobic, anti-democratic or anti-European groups. So in talking about the level of civil society in any particular case, the variable that is the focus of this study is the level of pro-EU civil society. In their rhetoric about working with civil society that senior EU officials use, it is unstated but understood that what they really mean are such pro-EU groups. This distinction may become of increasing importance as the countries with which the EU is engaging become more complex or problematic. It is much more difficult for the EU to be sure that it is supporting the 'right' groups within civil society than it was for the NED in the USA to provide support to groups such as Solidarity in the Cold War era.

Having looked at the importance that has been placed on civil society by the EU, we need to closely examine how the level of pro-EU civil society activity has varied in our three cases over the period 1990 to 2013. Each country will be taken in turn, and then some comparisons between the cases will be made.

5.2 Civil society activity in Poland

The level of pro-EU civil society in Poland was consistently high throughout the time period in question. Poland has often been painted as a particularly strong case of 'civil society against the state' (Linz & Stepan, 1996: 270) and in Solidarity it gave the world the quintessential social movement as a challenge, and successor, to an authoritarian state. Some have pointed out that Poles had a strong tradition of organising themselves without the help of the state, and that the state was thus treated with a high

level of suspicion (Król, 2002: 67). Others argue that 'Poland never had an autonomous state in modern times. The idea of civil society thus provided the only ideological alternative to foreign domination' (Seligman, 1992: 8). The history of the Solidarity movement has been well documented, and it now even boasts its own museum in Gdansk. Even though this study is concerned with the period 1990-2013, it is important to briefly outline Solidarity's roots as it had important legacy effects in terms of the level of pro-EU civil society activity in Poland.

The Workers' Defence Committee (*Komitet Obrony Robotników* - KOR) was formed in September 1976, and this has been seen as a turning point in creating 'a bridge thrown over the fatal gulf between workers and intellectuals' (Garton Ash, 2002: 20). This underground social movement, gathered around the Solidarity trade union, had no legal basis for its activity (Makowski, 2010: 116). When, in August 1980, the Communist government signed an agreement with Lech Wałęsa's strike movement, a crucial step was taken in that for the first time in the history of Communist rule in Poland, civil society was being restored and was reaching a compromise with the state (Michnik, 1992:124). One interviewee, Aleksander Smolar, an activist who served as a spokesman for KOR, described the movement as coming after several other strategies of fighting against the Communist regime had failed and where direct political confrontation was not possible due to the fear of Soviet invasion (Smolar, 2012). With millions of members, and through the use of the language of civil society, Solidarity was able to oppose authoritarianism, with the very concept of civil society acting as a kind of cover under which opposition to the state could find some traction. Solidarity played a critical role in ending Communism in Poland and, through the process of the 1989 Round Table talks, led the country into the first partly free parliamentary elections. Rather than 'civil society against the state', a better description would be social movement against the state. The level of pro-EU civil society activity in Poland at the very beginning of the 1990s was therefore high.

The Solidarity movement and its leader Lech Wałęsa became internationally famous for the successful struggle in the early 1980s for the right to form free trade unions. It very quickly developed into much more than a trade union and more like 'a massive and unique new social movement' (Garton Ash, 2002: 84) which played a critical role in ending Communism in Poland and in the 1989 Round Table talks that led to the first partly free parliamentary elections in June of that year. Solidarity's triumph in these

elections was a very important element in showing that the Soviet bloc was on the point of collapse (Davies, 2011: 723). Poland has thus been seen as a particularly strong case of 'civil society against the state' in its transition from Communism to democracy and also was always a leader economically among the post-Communist Central and East European transition economies (Linz & Stepan, 1996: 270, 291). In some ways, Solidarity became the quintessential social movement and civil society actor, and this perception played a significant part in the view of the almost 'magical power' of civil society (Grugel, 1999: 18).

Solidarity, as an always very wide coalition of ideas, very quickly started to come apart as it was forced to change from a civil society organisation into a political actor, and was thrust into power much earlier than its leaders expected or were ready for (Garton Ash, 1993: 38). Indeed, the line separating political parties from interest groups in post-Communist Poland was 'extremely porous', particularly in the case of Solidarity (Szczerbiak, 2001b: 255). Wałęsa was elected President in December 1990, becoming the first democractically elected President of Poland. In the early part of the 1990s, the semi-Presidential system in Poland, and Wałęsa's confrontational style, led to repeated clashes between President and Prime Ministers (Elgie, 2005: 108). Indeed, the President had plenty of Prime Ministers with whom to clash, there being five different holders of the office between August 1989 and March 1995, one sign of the volatility of the political scene in Poland in the early 1990s, and also a function of the constitutional arrangements of the time before a new constitution came into operation in 1997. In addition to the difficult working relationship between instutitions, the party political context also showed a high degree of fluidity.

As well as the Solidarity social movement, the other very important element in Polish civil society was the Catholic Church. Poland had gone from being barely 50% Catholic in 1773 to 96% Catholic by 1946 due to the various geographical and cultural changes that took place (Davies, 2001: 10). The role of the Catholic Church in the Polish case is an important and influential element of civil society, in particular that of Pope John Paul II's individual role and his support for Solidarity (Troy, 2009: 1102) and the role that members of the church undertook as intermediaries between the government and the opposition (Curry, 2011: 172). In October 1978, the election of the Archbishop of Krakow, Karol Wojtyła, as Pope John Paul II 'reinvigorated every aspect of Catholic affairs in Eastern Europe' (Davies, 2001: 363) and boosted the morale of the opposition

to Communism (Frentzel-Zagorska, 1990: 766). Lech Wałęsa went so far as to write that 'without the Church there would have been no Solidarity' (Wałęsa, 1991: 8), and throughout the period from the Round Table talks to the first free elections, the Catholic Church 'consistently backed the forces of change' (Castle & Taras, 2002: 94) and gave moral support to the opposition, without formally allying itself with either side (Chu, 2011: 636-637). The Catholic Church in Poland had operated as a 'bastion of freedom and a source of protection from and opposition to the communist authorities' (Eberts, 1998: 817). Thus, the Catholic Church proved to be a 'redoubtable adversary for dictators who wanted to subordinate everything to the state' (Perreau-Saussine, 2012: 133). In June 1983, the Pope held a private meeting with Wałęsa, which although apparently heavily controlled and bugged (Dziwisz, 2008: 154-155), was an important show of support for the then banned movement.

There would seem therefore to be a consensus that the Catholic Church in Poland played a crucial role in the country's development. More recently, after the collapse of Communism, there developed a seeming paradox that the civil society that had been strong enough to precipitate this collapse could then become so weak (Bernhard, 1996: 310). In this sense, post-Communist Europe presents a 'deep irony' (Howard, 2011: 134). Massive international support for the new democracies in Central and Eastern Europe went into new and pre-existing NGOs, and in the early 1990s, civil society in Poland was somewhat chaotic and turbulent, with numerous new organisations being formed but with blurred boundaries between political movements, trade unions, NGOs and the media (Gumkowska et al, 2006: 18). There were increasing doubts about the potential of civil society in post-Communist Poland. 'We must ask whether the idea of a civil society - however effective it was in helping to bring down Communism - will turn out to be useless in the building of democracy' (Geremek, 1992: 11-12). It seemed perhaps that the concept had outlived its usefulness: 'Civil society... had been a historical costume; its usefulness disappeared with the times that dictated its wearing' (Smolar, 1996: 29).

The vibrancy of civil society in Poland has meant that it has consistently scored highly for civil society in its Freedom House scores. Scores ranged between 1.25 and 1.5, significantly higher than in Croatia or Ukraine. As Poland moved towards EU membership and to its 'return to Europe', the awareness grew that the road to independence and democracy also led to a capitalism that was highly individualistic

and competitive, and that there would be very high social costs to pay (Smolar, 2001: 18). During the accession process, according to one interviewee, NGOs used the EU in their conversations with government as a new mechanism enabling them to say 'listen, the EU requires you to do this' (Grabowska, 2012). In the early 2000s, the EU funding for NGOs began to replace that from other international donors, such as from the US, and this helped to further strengthen the NGO sector. The possibilities for productive collaborations with NGOs in EU countries also increased, enabling the sharing of knowledge and experience.

By the end of the time period of study, Polish civil society enjoyed a 'sound legal framework' and a 'high level of public involvement at the grassroots level' (Jasiewicz, 2011: 415). Although there was a high level of support for democracy *per se*, this appeared to be quite shallow in terms of the acceptance of pluralism, respect for political opponents and tolerance of different views (Tworzecki, 2008: 58). As we saw in Chapter 3, Poland had a relatively high number of judgements (87) made against it by the European Court of Human Rights, and this would suggest either that civil society organisations working in the area of human rights have a long way to go still in their work, or just that they are particularly active in getting cases to the ECHR. Anecdotally in the media, Poland (and Ukraine) does seem to receive a rather high number of stories concerning homophobia and racism, and this seems to be falling into something of a pattern of focusing on human rights issues in 'new' EU member states, whether it is the treatment of Roma minorities in Hungary, or the difficulties of staging Gay Pride marches in certain cities. The kind of issue seems to be increasingly the focus of attention, in the EU and elsewhere, and especially in the media. It was notable, for example, that in the run-up to the Winter Olympics in early 2014, held in Sochi in Russia, much of the media attention focused on the issue of gay rights in Russia, rather than issues of democracy, corruption, or other areas. This was then completely trumped by Russia's action in Crimea in Ukraine, which began just days after the Winter Olympics ended.

In the case of Poland, there was the view expressed by interviewee Magda Grabowska, a women's rights NGO specialist, that the EU acted as a force that required government to consult with NGOs, but that although there had initially been a lot of hope that the EU would change a lot of things, this was not realised, leading to a lot of disappointment within civil society (Grabowska, 2012). This experience has been

echoed in Croatia, as we shall see, in that NGOs sometimes felt that the engagement they had with government was being done just for show, rather than for genuine reasons of wanting to bring them in as partners. In some senses, there seemed to be two narratives about civil society in Poland. One said that civil society was always very active and pointed to the successes of the Solidarity movement and the vibrancy of the NGO sector, while the other emphasised that civil society was actually still quite weak, and still had a long way to go before it was accepted as a true partner to government. This issue of how much impact NGOs were really able to have will be touched on further below.

In summary, the level of pro-EU civil society in Poland was consistently high throughout the time period in question. There was disappointment as to the position of civil society post-accession however.

5.3 Civil society activity in Croatia

The level of pro-EU civil society in Croatia started from a much lower base than in Poland, but over the time period in question it rose significantly. Croatia lacked a massive social movement like Solidarity in Poland, although it had experienced a 'Croatian Spring' within the ruling Communist Party in the late 1960s. This had not been successful, and civil society activity remained low, although it did start to increase in the second half of the time period of study. The development of the climate in which civil society operates in Croatia was described by one interviewee, an official in the EU delegation to Croatia with long experience of working in the country, as one in which the situation had changed totally between the first half of the period of study and the second half. He described the situation under President Tuđman in the 1990s in which NGOs were perceived as "spies financed by the international community to destroy Croatia" but that this had now completely changed to the point where NGOs were seen as a legitimate part of society and were contributing to the preparation of legislation (off the record comment 10). Another interviewee made the point that, in the first part of the 1990s, institutionally there was no possibility for CSOs to get any help from the EU because Croatia at that time did not have any kind of contractual relations with the EU, but that this changed with the contractual relations from 2000 onwards (Pejčinović Burić, 2012).

Croatia would on the face of it seem to lack the kind of mass social movement for reform that other states such as Poland experienced. Three important legacies are clear in the case of Croatia. Firstly, the post-Communist legacy of a rather paternalist attitude of the state towards its citizens has persisted, and this has been difficult to overcome (Bežovan & Matančević, 2011: 14-15). Secondly, Tuđman's domination of many areas of society, especially the mass media, and his interference in civil society (Jović & Lamont, 2010: 1613). Thirdly, the legacy of very recent conflict, which has created significant issues in society, for example in the area of minorities and the right of return of the estimated 300,000–350,000 ethnic Serbs who left Croatia during the 1991-1995 conflict (Human Rights Watch, 2006). This has led to organisations such as groups representing military veterans being frequent participants in political debate, one example being the Croatian Disabled Homeland War Veterans Association (HVIDRA) which has tens of thousands of members. However, such organisations are marginalised and tend to support nationalist groups (Baskin & Pickering, 2011: 298). It remains the case that there are a few NGOs at a national level who are active, and that NGOs at a local level are very weak, according to one interviewee (Zelić, 2012).

However, in the last decade civil society organisations in Croatia have gained in strength and become more willing to use this strength (Dorić, 2011: 170). Small, often foreign funded NGOs, could be considered as 'actors without society' but they kept their 'foot in the door' and thus enabled subsequent progress (Dvornik, 2009). In particular, there was a big rise in civil society activity immediately before the 2000 elections, as NGOs such as Citizens Organised to Monitor Voting (GONG) and the Civic Coalition for Free and Fair elections (Glas 99) became more politically active (Bunce & Wolchik, 2011: 80). Glas 99 ran a range of activities to raise awareness of voting rights, monitor the political party campaigns, and motivate voters to turn out and vote (Fisher & Bijelić, 2007: 64), and GONG operated a large electoral monitoring campaign in an election in which turnout reached an exceptionally high level of 80% (Jašić, 2000). At this time and in this case, it was financial support and training from the USA that played a big role in fostering this kind of NGO activity, more so than any EU influence. The increase in activity is reflected in Croatia's Freedom House score for civil society which jumped upwards from 3.5 in 1999-2000 to 2.75 in 2001. Since then however, it has stayed relatively static.

Much later, towards the final stages of Croatia's EU accession process, groups of NGOs formed a coalition with the intention of supplementing the EU's monitoring and reporting process, demonstrating that these NGOs wanted to do more than just input to the EU's processes. This coalition, called Platform 112, consisted of 60 Croatian NGOs active in the areas of human rights, democratization, tackling corruption and environmental protection. Before the parliamentary elections in December 2011, this coalition published 112 demands for specific measures that it argued needed to be taken and then later published an assessment on the first 112 days of the new government (Platform 112, 2012). They also proposed the creation of a 'supra-party mechanism' to monitor all reforms stemming from the EU accession negotiations, and this proposal clearly reflects the fear of the possibility of post-accession backsliding on democratic standards.

Another key element in the Croatian case was the Catholic Church, which was 'probably the most influential institution in Croatia' (Bremer, 2008: 251) and is certainly a transnational institution with 'global scope and reach' (Byrnes, 2008: 118). Over 85% of Croatians identify themselves as Catholic, and research shows that those who regularly attend church tended to be more supportive and less critical of the government (Zrinščak, 2007: 145, 155). Throughout the 1980s, Catholicism re-emerged as an important element of civil society in Croatia (Cohen, 1997: 74), although this is not of course unique to Croatia, and comparisons could be drawn with Poland in the role that the Catholic Church played in opposing Communism and in the transition to democracy.

In post-conflict countries such as in the Balkans, the role of civil society may be particularly important. 'Values such as trust, tolerance, and cooperation are important for both the democratization process and for reconciling differences among diverse ethnic groups in post-conflict societies, and civil society can be the space where these are cultivated' (Mavrikos-Adamou, 2010: 515). Also, in post-conflict situations, resources are limited and so external donor support can be even more significant (Jamal, 2010). The important potential role for civil society has been recognised by successive Croatian governments, not least in the creation of new institutions. A Government Office for Cooperation with NGOs was created in October 1998, and state support continued to be developed over subsequent years to include a National

Foundation for Civil Society Development in 2003. However, civil society activity in Croatia in the late 1990s remained relatively low.

Even after the Tuđman period however, the relationship between NGOs and the Croatian government was still problematic. One interviewee, the head of GONG, a major NGO in Croatia, described the situation that existed with the HDZ-led government prior to the elections in December 2011 as one of very bad co-operation which was done "only to show the EU that they [the government] cooperate with civil society organisations" (Zelić, 2012). This point was agreed upon by another interviewee, the head of Transparency International Croatia, who also said that there had subsequently been a shift in the way that government saw civil society towards seeing them more as partners than as a nuisance (Segrt, 2012). Although things had improved, another interviewee, who had experience of working on the government side, said that consultation with CSOs, especially in the area of environmental policy, was done just for show and that groups that could have contributed more to the process were not involved (Covic, 2012).

Whether the subsequent improvement in consultation with CSOs represented only a cosmetic change or a real shift towards involving CSOs in public policy-making remained to be seen, according to other interviewees with close experience of the area, who also said that the EU had played a very positive role in forming its own direct links with CSOs and urging them to join forces (Brnčić, 2012). One interviewee, an MP for the HDZ party who was a member of that government, described his view of the role of civil society as one in which vibrant and constructive civil society could have a good corrective role on the government, but that "I don't think there is anyone in Croatia or anywhere else who would give the power to the civil society greater than is normally already there" (Plenković, 2012). There appeared therefore to be quite a real difference in approach to consultation with CSOs between the previous HDZ government and the centre left government that took power in late 2011.

The EU accession process was seen to have provided an impetus to making many positive changes in legislation and implementation in Croatia, and also in providing a "powerful push" towards fighting corruption, according to the head of Transparency International Croatia (Šegrt, 2012). In all three of our case countries, fighting corruption

was a big issue and one that the EU saw as being potentially tackled by supporting CSOs that worked on corruption issues. There is a connection here therefore between two of our independent variables, in that higher levels of civil society may help to combat corruption in the political elite. A reduction in levels of corruption may, although not necessarily, lead to an increase in the receptivity of the political elite to EU influence.

Croatian NGOs have also become much more organised in working together, such as in the coalition Platform 112, which consisted of 60 Croatian NGOs active in the areas of human rights, democratization, tackling corruption and environmental protection. EU influence sought to actively encourage the formation of coalitions between NGOs, and this sort of coalition makes it more likely that NGOs can engage both with their own government, and with the EU. This kind of direct engagement between the EU and CSOs was seen very positively by civil society actors in Croatia, in that they felt that the EU not only listened to them, but accepted comments and supported them both formally and informally. However, the view was expressed that civil society actors in Croatia were concerned about what might happen after EU accession in terms of democratic standards. The view was expressed by the head of GONG that the EU might "forget us", the monitoring methods might disappear, and Croatian governments might stall on further democratic development (Zelić, 2012). The fact that Croatia's level of democratic development has stayed fairly static, despite EU accession, would seem to suggest that such fears may prove correct.

In summary, the level of pro-EU civil society in Croatia started from a much lower base than in Poland, but over the time period in question it rose significantly.

5.4 Civil society activity in Ukraine

The level of pro-EU civil society activity in Ukraine, like in Croatia, started from a low level, but it increased significantly later in the run-up to the Orange Revolution. In 1989, the People's Movement of Ukraine (*Rukh*) was formed as a civil society group, later to become a political party. In the middle of the time period of study, in 2000-01, the 'Ukraine without Kuchma' mass protests took place, and this was an important pre-

cursor to later events. Civil society in Ukraine was historically relatively active, for example the moderate *Rukh*, the Ukrainian Helsinki Group, and more radical nationalists, so there was some basis from which to start for non-Communist opposition groups. In late 2000, recordings of Kuchma's private conversations revealed his involvement in corruption and criminal activity, and this largely fuelled a protest movement dubbed 'Ukraine Without Kuchma' in 2000-01. Later, in 2002-03, 'Arise Ukraine!' protests also took place. Both provided a training ground for later mass opposition activity and protests.

Like Solidarity in Poland, Ukraine seemingly offers an example *par excellence* of a social movement in action in the form of its Orange Revolution of 2004, which seemed at the time to have enabled Ukraine to make a real breakthrough in its development (Diuk, 2006). 'Without the broad mobilization of civil society, first in well-prepared efforts to monitor elections and then in massive and well-coordinated street protests, the democratic color (sic) revolutions would not have happened in Serbia, Georgia and Ukraine.' (Diamond, 2008: 104-105). After 2000, several factors encouraged a growth in civil society activity: 'two social groups crucial to civil society protest had emerged: a generation of young people who had grown up with little recollection of communism and a small and medium business class that had outgrown the competitive authoritarian political system' (Kuzio, 2010: 293). This would suggest that demographic and economic factors are important in understanding changes in the level of civil society activity, in addition to any potential influence that the EU may have.

The Orange Revolution in the winter of 2004-5 became world-wide news as mass rallies were held over 17 days in protest against the rigging of the second round of the Presidential election. These events were part of a wider wave of so-called 'colour revolutions', for example those that took place in Georgia (the 'rose revolution') and Kyrgyzstan (the 'tulip revolution'), and they often enjoyed external funding or support from European or American civil society groups (Keane, 2010: 664). The Yanukovych election campaign also enjoyed external support, in this case from Russia, which is believed to be have given $300 million in an effort to get its favoured candidate elected (D'Anieri, 2005: 246). In the first round on 31 October, Yushchenko narrowly won by 39.90% to Yanukovych's 39.26%. The second round voting took place on 21 November and the official results gave Yanukovych a victory by 49.46% to 46.61% for Yushchenko. There was however widespread vote fraud in the second round, noted by

the OSCE and US observers. Massive turnouts were supposedly recorded in pro-Yanukovych areas, sometimes of more than 100%. The Ukrainian Supreme Court later ruled that there was widespread vote rigging, and eventually a new second round was ordered. In this re-run of the second round on 26 December, Yushchenko won by 52.99% to 44.20%. Electoral observation therefore played an important role in creating the perception of a falsified vote, and this was one of the most meaningful contributions by external actors (McFaul, 2010b: 219). Overall however, the events of the Orange Revolution were primarily domestic in nature (Copsey, 2010a: 43), although the key domestic actors did have their choices 'framed' by Western linkages (Sasse, 2012: 12), and so this period should be seen therefore as a key point in time.

The Orange Revolution sparked both public interest and academic research in Ukraine into civil society, although public trust and media coverage of the activities of CSOs remained very low (Kuts, 2006: 20, 82). Whilst acknowledging the role of some NGOs in 'mobilizing and triggering' public action during the Orange Revolution, some maintained that this was a 'revolution of the people, not of the agencies' (Stepanenko, 2006: 579). Others point to the fact that Ukraine has one of the lowest levels of participation in civil society organisations in Europe and that the positive potential of civil society had been exaggerated (Lane, 2008: 546). Certainly, the amount of attention given to the Orange Revolution in the literature is enormous, especially in the period immediately afterwards. This is understandable but also somewhat misleading in that it could be taken to imply that Ukraine had made a great democratic breakthrough, when the reality looked quite different. In 2011, Freedom House ranked Ukraine as a 'transitional government or hybrid regime'. The Economist Intelligence Unit Democracy Index 2011 also ranked Ukraine as a 'hybrid regime' and the country was placed just 37th out of 128 transition states by the Bertelsmann Transformation Index (BTI 2010). In January 2011, Freedom House downgraded Ukraine from 'free' to 'partly free', thus losing its distinction of being the only former CIS state to be rated as 'free', and a report by Freedom House warned that Ukraine was heading away from democratic consolidation (Freedom House, 2011b).

One interviewee, Dmytro Potekhin, a civil society activist who ran the Znayu ('I know') voter registration and education campaign in 2004, described the problematic relationship between grass roots activists and the more formal NGOs. "The NGOs that were receiving grants from the EU were saying 'you're attempting to make a collision to

bring down [the regime]' and that this attempt was not included in their agreements with their donors. For some people these things became contradictory. This still works here now" (Potekhin, 2012). In other words, there was a tension between CSOs that sought to work through conventional channels of seeking grants, including from the EU, to fund their work, and the more 'direct action' type civil society actors. It is extremely hard to imagine how the EU, as a bureaucracy, might engage directly with such actors, whose activities are spontaneous, and whose leaders may come and go quickly. Interviewee Nikolai Holmov, a policy analyst and blogger, described civil society in Ukraine as active and vibrant, but at the same time as 'mostly ineffective' and 'ignored by government and society alike', leaving civil society in Ukraine 'in its own bubble' (Holmov, 2013).

Part of the settlement after the Orange Revolution was the reduction in power of the President with the introduction of a semi-parliamentary system. These reforms were rushed however, and led to many difficulties in the coming years in the form of conflicts between President and Parliament. The Yushchenko Presidency of 2005-2010 was one of enormous missed opportunities and broken promises (Kuzio, 2011a: 335). The frequent breakdown of parliamentary coalitions became common in Ukraine, leading to elections in 2006 and 2007. A crisis in 2008 almost led to yet another election, but this was averted by the formation of a new coalition. Internecine squabbles and even brawls in parliament itself were all too often the subject of mocking international media coverage.

Unlike both Poland and Croatia, there was no unified national church playing a central role in civic life in Ukraine. Instead, the religious divisions that existed 'both reflected and reinforced other divisions in Ukrainian society' (Wilson, 2009: 251). Civil society organisations in Ukraine did not therefore have this element of a unified church to draw on, although they did share with Poland and Croatia the possibility of drawing support from outside the country.

The heavy backing by foreign sponsors of the NGOs that were active in the so-called 'colour revolutions', such as in Ukraine, could lead to them being viewed with suspicion by the public (Lane, 2010: 311). Despite this, some did become large and influential. In particular, it was Pora (It's time!), an umbrella group for hundreds of NGOs running

dozens of separate projects, that was most active in the run up to the 2004 Presidential election in Ukraine (Kaskiv et al, 2007: 132). Pora used techniques such as demonstrations, rallies, picketing and a tent city learned from previous experiences and from groups in other countries such as Otpor (Resistance!) in Serbia, and also developed a very strong 'brand' of symbols and slogans (Bunce & Wolchik, 2011: 133). Orange was chosen as an 'optimistic and neutral' colour rather than the blue and yellow of the national flag (Kuzio, 2011a: 346), and the relatively youthful age of many of the opposition activists helped to overcome divisions and disputes that were a problem among the older generation (Kuzio, 2006: 367). Although the defeat of authoritarian leaders in such so-called 'breakthrough' elections is not a guarantee of future democratic progress, it *is* a necessary condition for such progress, not least because 'dictators rarely become democrats' (Bunce & Wolchik, 2010: 141). The activity of civil society in the Orange Revolution is reflected in Ukraine's Freedom House scores as a marked improvement from 3.75 to 3.0 between 2004 and 2005 However, from 2006 to 2013 there was no improvement. We will look in more detail at the Freedom House data below.

Civil society in Ukraine exhibited a widening gap between the well known professional NGOs based in the capital, and smaller ones in rural areas. These professional NGOs also tended to be 'elitist and distant from the population' (Raik, 2006: 11). The disappointment that many came to feel since the Orange Revolution demonstrated the need for democratic breakthroughs to be consolidated so as not to risk backsliding. Critics of the EU's engagement with Ukraine would argue that the lack of a clear EU membership perspective was an important explanatory factor in Ukraine's slide back into 'partly free' status. While civil society played an important role in Ukraine, its capacity was not sufficient to effectively resist the antidemocratic trend prevalent after 2010 (Sushko & Prystayko, 2011: 591). Interviewee Olha Bosak, founder of Young Democracy Club, said about the level of civil society in Ukraine, that "Right after the Orange Revolution people were relaxed, and were waiting for miracles. Then disappointed, and are now observing" (Bosak, 2013). The view that NGOs are often elitist and not rooted in society has been supported by survey research of NGOs leaders in post-Soviet societies that suggests they see themselves as playing an 'avant-garde' role in transition, in which they know better than the average citizen, and in which the role of mass social movements is discounted (Lutsevych, 2013: 4). One interviewee, researcher and political consultant Olena Tregub, supported this view: "formal NGOs, especially based in Kyiv are in most cases very far away from common

people. The EU should engage not just with Kyiv-based NGOs who made the EU integration their profession, but with small NGOs in little towns that deal with other issues, not directly related to the EU" (Tregub, 2013).

Many argue that as pressure for reforms can only come from civil society, the EU should invest more in it (Solonenko, 2010: 26), and if political elites continue to resist reform at a deep level, then the EU should target non-elite and civil society actors even more strongly (Casier, 2011: 972). A senior official in the DG Enlargement gave the view that CSOs in Ukraine would not complain about a lack of engagement by the EU (off the record comment 11). However, this was increasingly in the context of a government, post-2010, which was suspicious of foreign donors funding NGOs within Ukraine, with figures from the ruling Party of Regions even going so far as to say that "To train journalists on foreign money amounts to allowing a foreign army to set foot into your own country" (Gotev, 2011). This echoed legislative change in Russia to the environment which NGOs had to operate in, and as yet, the EU had not appeared to have the flexibility to adapt to such changes.

In September 2011, an open letter from Ukrainian NGO representatives on the Eastern Partnership Civil Society Forum urged the EU to finalise the negotiations on the Association Agreement in order to 'offer additional leverage for Ukrainian civil society to call the government of Ukraine to accountability and responsible decision making' and not to suspend negotiations (Kohut et al, 2011). Jailed opposition leader Yulia Tymoshenko also urged the 'European family' to sign the agreement with Ukraine as it was 'very difficult for us to stop this mushrooming authoritarianism on our own... [as] civil society is young; democratic institutions are both young and weak' (Tymoshenko, 2011a). Regarding civil society in Ukraine, a senior official in the DG Enlargement offered the assessment when asked if it was vibrant that it was too Kiev focused, not always up to its role, and too focused on processes rather than content (off the record comment 12). As for the view from NGOs in Ukraine, the head of Agency for Legislative Initiatives, a Kiev-based think tank founded in 2000, said that there were a great many NGOs but that their dialogue with government was not well developed (Kohut, 2012). This view was supported by Yuriy Yakymenko, the director of political and legal programmes at the Razumkov Centre, a think tank in Kiev, who said that what engagement did occur was only symbolic and often done only to show to the

international community (including the EU) that the government was listening (Yakymenko, 2010).

Interviewee Dmytro Potekhin was also critical of the NGOs which were trying to use traditional channels of influence upon the formal institutions of the state as these institutions were "just a facade" and in doing so, the NGOs were "misleading the rest of society". Ukrainian NGOs were still addressing state officials as if there were no problems with their legitimacy, and as ordinary people had very low or no trust towards the state institutions, the fact that NGOs kept "playing the game" was one of the reasons for low trust towards not just the state institutions but also towards the NGOs (Potekhin, 2012). Another interviewee, a former head of a think tank in Kiev, described them as "elitist and with no connection with people" (Shumylo-Tapiola, 2012). Another interviewee with long experience was of the view that "Civil society is not yet a power which makes stable progress in Ukraine" (Garbar, 2013). It is also important to note that NGOs were not homogenous in Ukraine, and that there was a range of both pro-European and pro-Russian NGOs, the latter seeking to promote ties with Russia, especially aggressively in Odessa and Crimea (Shevliakov, 2011). Interviewee Kyryll Zhyvotovskyy, the Executive Director of the NGO European Choice, said that his organisation, despite being registered for 10 years, had not had any communication with the government at any level during that time, and that CSOs in general were "still fighting for their own place in society" (Zhyvotovskyy, 2013). Another interviewee, Antonina Cherevko, Project Manager in Ukraine for International Media Support, was much more positive and said that "Civil society in Ukraine is well-developed, professional and really active... [and] seriously influential" (Cherevko, 2013).

In the Ukraine case, the vibrancy of civil society in Ukraine came across very strongly in the interview data, supporting the view within the EU. There were a great many active NGOs, although there was the view that unlike in other countries, these NGOs were not involved with government in terms of drafting and monitoring public policies. In this sense, Ukraine's civil society was not well accepted or utilised by government (Kohut, 2012). The EU's Civil Society Forum was seen as potentially a good mechanism, but there was a high degree of scepticism, with one interviewee regarding it as "more of a travel agency for people from civil society" than a serious way of promoting change (off the record comment 13). Others saw it much more positively as a very efficient channel of communication with European institutions, primarily with the

Commission (Kohut, 2012). Another critical view was that despite the hundreds of millions of Euros pumped into EaP civil society by the EU, it was actually quite unclear how this money was being effectively measured when it came to "success" (Holmov, 2013).

In the opinion of one interviewee, the effectiveness of EU policy on Ukraine was not adequate to match the reality of the situation in the country, in terms of the history of Ukraine in being a much more deeply soviet society than Eastern European countries (Garbar, 2013). There was also the view that the most politically active Ukrainians were inclined to think "those stupid European diplomats, shaking hands with those bastards" and this worked against the generally positive perception of the European idea (Potekhin, 2012). Despite the strong criticism, there was some optimism expressed by one interviewee in that although the EU was perceived as still lacking the right policy approaches for working with civil society in Ukraine, the launch of the EED might help to improve the situation (Pieklo, 2013).

In summary, the level of pro-EU civil society activity in Ukraine, like in Croatia, started from a low level, but it increased significantly later in the run-up to the Orange Revolution.

5.5 Comparison between the cases

We can now attempt a comparison between these three cases, and we can also test the third hypothesis in this project, which is if there was a more active pro-EU civil society, we would expect to see an increase in the level of the relationship with the EU. Graph 5.1 below shows how the variable of the level of pro-EU civil society activity in each case varied over the time period of study.

The level of pro-EU civil society in Poland was consistently high throughout the time period in question, and significantly higher than in Croatia and Ukraine. Civil society in Poland has often been presented as the archetype of social movement led reform, and its active civil society was a major contributing factor to its development. That period is largely pre-1990, but Solidarity had a large legacy effect, which can be seen both in the

high level of civil society activity, and in the receptivity of the political elite to EU influence. The Solidarity social movement had a huge level of public participation, and many of the people involved moved into the political elite, or into other CSOs. In this sense, independent variables 2 and 3 may be closely related to each other. Within civil society also, the Catholic Church was highly politically active, and Polish NGOs were extensively engaged with their domestic government, with only a slight blip in 2005-2007.

Graph 5.1: The level of activity of pro-EU civil society
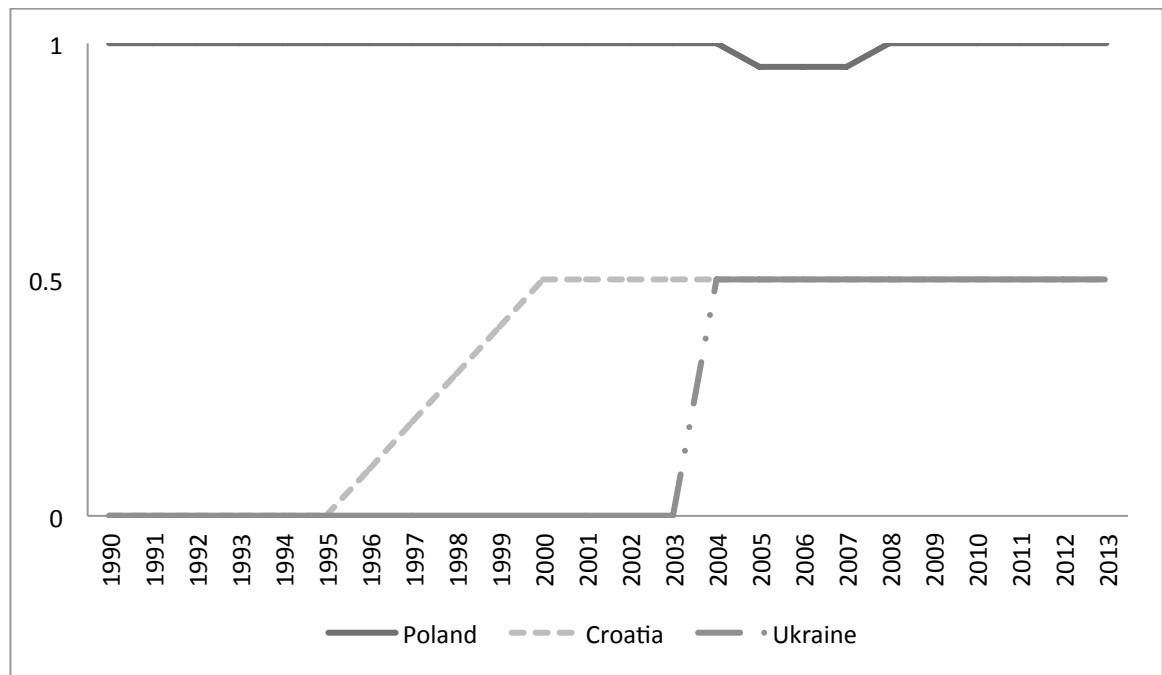
Key: 1 = High level. 0.5 = Medium level. 0 = Low level

However, the view was expressed by one interviewee that NGOs in Poland had hoped that the EU accession process, and gaining EU membership, would greatly improve their role in public policy-making, but that this had not happened (Grabowska, 2012). So as well as Poland's pre-accession phase there is also this post-accession phase to explain. Although Polish NGOs may still be experiencing problems in engaging with their own domestic government, they are very active in seeking to foster international links with NGOs in other countries, and in this they often work through EU forums or with EU funding. This is important, as it is an example of the potential way that EU support for civil society in one country could potentially have an influence, in the longer term, in many other countries through the sharing of knowledge and experience.

Specifically in terms of our three cases, there is a clear hope that 'the Polish experience' can in some ways inform the case of its neighbour, Ukraine.

The level of pro-EU civil society in Croatia started from a much lower base than in Poland, but over the time period in question it has risen significantly. The period in Croatia in the 1990s in which the political elite was very suspicious of NGOs, to the point of viewing them as 'foreign spies', is in some ways similar to that faced at times by NGOs in Ukraine, which followed the example of Russia in making it increasingly difficult to operate an NGO, especially one that relies on foreign funding. Although lacking a massive social movement like Solidarity in Poland, the Catholic Church is important, and civil society activity in Croatia increased markedly after 1999 as its NGOs (such as GONG and Glas 99) began to get more professional and organised. The election in 2000 was the obvious focus of much of this activity, but it has seemingly had a legacy effect.

The Croatia case shows that NGOs can move from a marginal position in the political life of a country to a much more active one in a relatively short space of time, when the government actively changes the climate. Once this happens, NGOs can fully engage with the international influence coming from the EU and other external actors. However, the engagement between NGOs and their domestic government did at times appear to be just a 'tick box' exercise, done only for show. The other important factor would appear to be NGOs learning how to co-operate with each other in order to increase their effectiveness. In this, EU-funded forums that aim to foster links and share experiences could be important.

It would seem that at least for part of the time during Croatia's EU accession negotiations, the government's engagement with NGOs was not 'real' and was undertaken only in order to satisfy the EU's requirements, not from any real desire to do so. This insight does not favour explanations for EU engagement with potential new member states through its efforts to do so 'from below'. Croatia's pro-EU civil society was at a medium level for much of the period of time in question, and having struggled to play a role in the country's development it later began to be more engaged with government in policy making. Croatian NGOs began to work together (such as in

Platform 112) to use the EU accession process to 'lock in' reform and seek to mitigate against the risk of post-accession backsliding.

The level of pro-EU civil society activity in Ukraine, like in Croatia, started from a low level, like many post-Soviet states, but it increased significantly in the run-up to the Orange Revolution. Almost all the interviewees described civil society in Ukraine as being extremely vibrant, but they also said that it was not well engaged with government, unlike in the Croatian case where civil society organisations were becoming increasingly engaged with their government, firstly in the run up to the general election of 2000 in terms of election monitoring and voter engagement, and later through the EU accession process. Ukraine's civil society was increasingly active, but heavily focused in the capital Kiev and insufficiently rooted in society, unlike the Solidarity movement in Poland, which had a massive level of participation and which was well-rooted in society. Despite the breakthrough of the Orange Revolution, civil society was subsequently unable to sufficiently engage with government in order to consolidate such democratic gains as did occur, and by 2010 Ukraine was at the point of beginning to backslide in terms of its democratic development. Organised religious groups have not been political active in Ukraine in the way they were in Poland (and to some extent Croatia). One interesting comparison between Poland and Ukraine is the fact that although Solidarity in Poland was originally a trade union, this has not lead to calls to support trade unions in Ukraine, even though no one could deny that they are part of civil society. So while much attention is given to civil society, surprisingly little is given to trade unions, despite them being by far the largest membership organisations within civil society (Kubicek, 2002: 603). The lack of deep roots in society of civil society in Ukraine was seemingly compounded by poor relations with government(s), who did not view civil society as anything like an equal partner in policy-making, and indeed was often suspicious of its role.

From around 2004-5, the level of pro-EU civil society in Croatia and Ukraine was the same, which suggests that it was not a higher level of pro-EU civil society activity that benefitted Croatia in the years after that, in terms of its engagement with the EU. It also suggests that EU engagement efforts with civil society in these two cases was not successful in raising their level of activity, which remained static and at a level much lower than in Poland. In Croatia, civil society had concentrated on working together in order to maximise its impact, and had slowly built up its ability to play a role in domestic

politics. In Ukraine in contrast, civil society has been fragmented and poorly rooted in society, and so was seemingly unable to consolidate the gains made in the Orange Revolution. We can add to this picture with data from Freedom House, which has been mentioned in each case earlier. Graph 5.2 shows how the variable of the level of civil society activity in each case varied over the time period 1997 to 2013, according to the data from Freedom House. This data series only starts in 1997, and is a measure of all civil society activity, not just that which is pro-EU, but it is still useful.

Graph 5.2: Freedom House civil society scores (1997-2013)
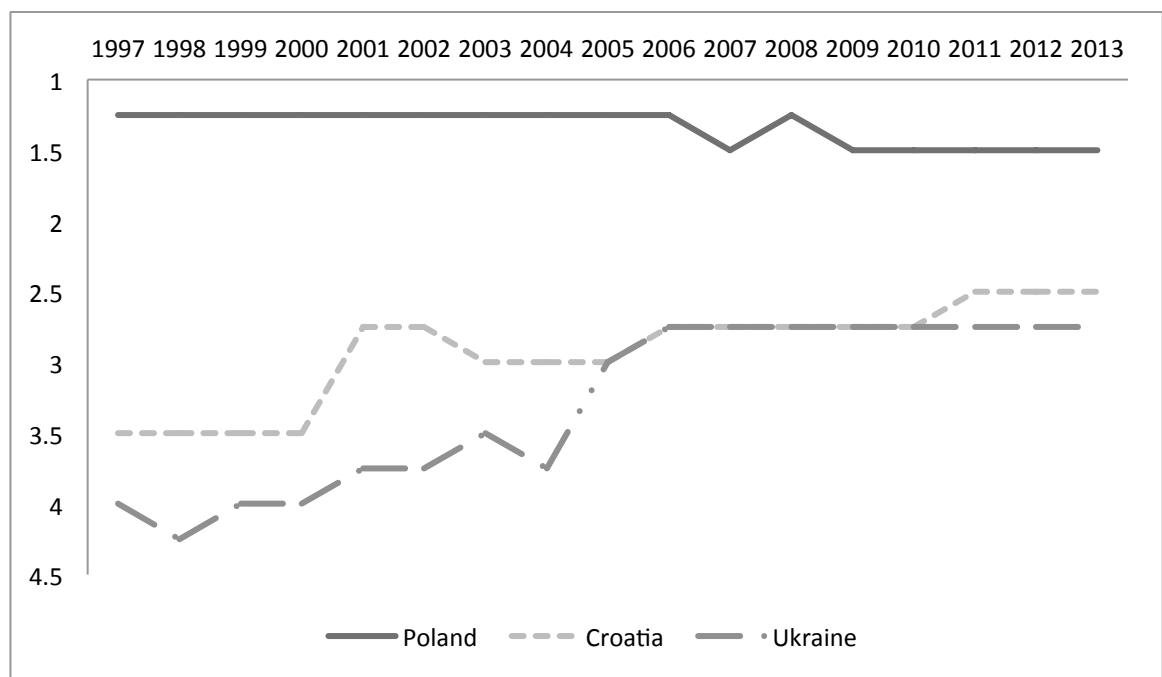
Source: Freedom House 'Nations in Transit' reports (2014). The ratings are based on a scale of 1 to 7, with 1 representing the highest level and 7 the lowest.

We can now seek to test the third hypothesis in this project, which is if there is a higher level of pro-EU civil society activity we would expect to see an increase in the level of the relationship with the EU. This hypothesis appears to be partially supported by the evidence from the cases. In Poland, the level of pro-EU civil society was at the highest level, and much higher than in Croatia and Ukraine. In the pre-accession phase, NGOs could, and did, use the accession process to seek leverage with their government(s). In Croatia, the level of pro-EU civil society was low, but it rose significantly over the time period in question. Both Poland and Croatia successfully increased their level of

relationship with the EU. In Ukraine, the level of pro-EU civil society was low until it jumped upwards in 2004. EU influence seemed unable to capitalise on this window of opportunity that the immediate post-Orange Revolution period may have provided for engagement. From the interview data, there appeared to be a lack of connection between civil society and government in Ukraine, which appears to have been to the detriment of EU-Ukraine relations.

This issue of how engaged CSOs are with their domestic government, mentioned earlier, merits some further examination, for the reason that unless civil society can gain some level of engagement with its domestic government, the EU's approach of seeking to engage through increasing the level of civil society, is unlikely to be effective. Bearing in mind the definition in this project of 'active' to mean 'working, operative, originating action, not merely passive or inert', a high level of activity is positive, but even when the level of civil society activity is high, this does not necessarily translate into real impact, which means that the possibility exists that the EU could promote civil society in a particular country to a great extent, but still not be effective in its efforts to engage. Indeed, CIVICUS' first ever 'State of Civil Society' report, published in April 2012, found that CSOs across the world tended to achieve greater impact in the social sphere than in influencing policy, and that there was a gap between high levels of activity and moderate levels of impact (CIVICUS, 2012: 10). In its Civil Society Index (CSI), CIVICUS measures the 'perceived impact', given as a percentage, that CSOs have on policy-making, defined as 'the extent to which civil society is able to impact the social and policy arena, according to internal and external perceptions.' It is important to note here that this is based on 'perceptions' due to the difficulties of actually measuring how much NGO action has really impacted on policy-making.

In the latest available CIVICUS data, Poland and Croatia had approximately the same perception of impact score at 60% and 60.7% respectively, and Ukraine has a score of 46.6%. Poland and Croatia's scores are relatively high compared to non-EU countries in Eastern and South Eastern Europe, but low compared to, for example, an 'old' EU member state like Germany, which scores 83.3%. The figure for Ukraine at 46.6% is significantly lower than in Poland and Croatia, which must count as a problem for EU engagement efforts in Ukraine (Bežovan & Matančević, 2011; Gumkowska et al, 2006; Kuts, 2006). Although official data showed that there were 70,000 registered CSOs in

Ukraine in 2011, around 65% were not active according to a report by the Justice Ministry, and other sources suggested that only four to five thousand were truly active and implementing projects (Freedom House, 2012: 8). If CSOs have a low perceived impact on policy-making, then it begs the question of why the EU places such importance on working with them, as it is presumably going to be much harder for CSOs to use EU influence as a lever to promote reform if their impact is very low.

In addition to the comparison between our three cases, a brief consideration of the level of civil society activity and the progress that has been made in some of the other potential member states with which the EU had tried to engage can be made at this point. As a point of reference, the available CIVICUS 'perception of impact' scores for civil society in other states which the EU seeks to engage with were low, for example, Georgia at 30.3%, Kosovo at 31.8%, Macedonia at 45.7%, Montenegro at 46.6% and Serbia at 50% (Losaberidze, 2010; Hoxha, 2011; Klekovski, 2011; Muk, 2006; Milivojević, 2006). This must constitute a profound problem for EU engagement with civil society in many cases, as the overall picture is of relatively weak civil society with which the EU can engage, especially in the Western Balkans.

In Albania, it has been argued that even before the Communist period, with its lack of separation between the state and society, the country lacked a tradition of civic associations and social organisations (Bogdani & Loughlin, 2007: 187). The historical circumstances after independence from the Ottoman Empire in 1912 were not conducive to the development of a third sector, and then any hopes were crushed by the post-WWII Communist period (Vurmo, 2010). Civil society in Bosnia-Herzegovina is 'immature' and still heavily reliant on international funding (Jelisić, 2011). Other secondary sources find that EU projects to support civil society are 'short term oriented and incoherent' (Voh Boštic, 2011). In Kosovo, CSOs operate in an 'unfriendly' environment and their financial sustainability is 'weak' (Qosaj-Mustafa, 2011). In Macedonia, the ability of CSOs to raise their own funds has been aided by a new Law on Associations of Citizens and Foundations, and CSOs are becoming more active in pressuring government and in helping to draft legislation (Milevska-Kostova, 2011). In Montenegro, the government has in the past 'treated NGOs as a necessary evil, rather than as partners and sources of input', but this situation has improved with the establishment of a new Council for Cooperation (Uljarević & Muk, 2011). In Serbia, civil society is increasingly active across many areas of policy, has well developed networks

and is increasing its public support (Savić, 2011). However, focus group research has shown a perception in Serbia that NGOs are more politicised than they ought to be, and hence a negative attitude towards them (Grødeland, 2006: 234).

In Turkey, the activity of civil society was rather restricted under the 1982 Constitution, but since the mid 1990s there has been an increase in the number and strength of NGOs operating, and the process of seeking to integrate with the EU has also helped with more funding opportunities and the reduction of legislative restrictions (Freedom House, 2008: 13). Religiously oriented civil society groups in Turkey are common, and with religion and politics officially separated, religion is increasingly expressed through civil society activity (Sarkissian & Ilgu Ozler, 2012). A key problem for media freedom is Article 301 of the Turkish Penal Code which makes it an offence for a person to 'publicly denigrate the Turkish nation' and which has been used to harass prominent intellectuals (International Crisis Group, 2008: 13). The EU has repeatedly called on Turkey to remove this article, and many journalists have been prosecuted (Reporters Without Borders, 2010). The Organisation for Security and Co-operation in Europe (OSCE) documented 95 journalists that were in prison in April 2012, a number which had almost doubled from 57 in one year (OSCE, 2012). There remains a strong state tradition in Turkey and attempts at dialogue between the government and CSOs are still at a nascent stage (Third Sector Foundation of Turkey, 2011). Business organisations are relatively strong in Turkey, for example the Turkish Industrialists' and Businessmen's Association (TUSIAD) which has been a very prominent actor in civil society since the 1980s and which has criticised the lack of 'full democracy' in Turkey (Ozel, 2012).

In terms of the post-Soviet states, these are particularly challenging for civil society to operate, let along engage with the EU. For example, in Belarus, Article 193-1 of the criminal code, which penalises the activities of unregistered NGOs, remains in place (Silitski & Pikulik, 2011) making the environment in which they operate extremely challenging. In this sense, the situation follows that of Russia, which has taken legislative measures to make it more difficult for NGOs to operate, including requiring those that receive foreign funding to be labelled as 'foreign agents'. External promoters of reform, like the EU but also the USA, have not really begun to devise new policy approaches that might effectively respond to this changed environment for providing support to civil society organisations, in the face of 'pushback' from other international

actors, notably Russia. The creation of the EED is in some ways too late, in that it is based on a model that the USA used throughout the Cold War, but it does not in itself offer new solutions to this changed environment. As such, it is an example of the EU being slow to develop new policy approaches, in a similar way to that in which the creation of the EEAS was a delayed response to the foreign policy challenges of the 1990s, in particular the conflict in the Balkans. By the time the EEAS came into existence, the geo-political situation that the EU faced had changed fundamentally yet again.

5.6 Conclusion

This chapter has sought to trace the level of pro-EU civil society in the three cases over the period 1990-2013, as well as to examine the ways that the EU seeks to support civil society. It also set out to answer the specific question of how active civil society was in the case study countries and how the EU attempted to engage with it. At times, some of the EU statements about working with civil society seemed to suggest that their view was that this would magically promote democratic reform, when in fact the reality was far more complicated. As we saw in Chapter 3, one view from an interviewee in the EU Commission was that grass roots support for reform needed to be given, and although this fell short of what some might hope for, it was "better than doing nothing" (Truszczynski, 2011). This was hardly a very optimistic view, but it was perhaps a realistic one. However, in its public rhetoric, the EU often gave the impression that engaging with civil society held the promise of significant progress within relatively short time periods, where in fact the reality seemed to be that progress was modest and time-scales were very long.

The EU's message to civil society actors in non-member states was: 'We also want to engage with you because civil society acts vis-à-vis governments as an advocate for - and a watchdog of - reform' (Füle, 2010c). So the EU's engagement with civil society was undertaken partly because it was "better than doing nothing", and also because in some ways the EU needed civil society organisations just as much as they needed the EU, as a source of expert local information and for monitoring what was happening on the ground. EU engagement with civil society was perhaps best seen therefore as a long-term process of building reciprocal relationships, and by definition therefore

difficult to measure in simple terms of whether it had been successful in the short or medium term.

To summarise, the EU placed in its rhetoric a high importance on civil society and provided significant financial support to it in various different ways. This was done due to a belief in the importance of civil society and despite the fact that the evidence seemed to show that civil society had a relatively low perceived impact on policy-making in many cases. Perhaps unsurprisingly, CSOs were often very keen to engage with the EU through its various policy approaches. If we assume that they were keen to engage in order to try and use EU influence as a lever to further their domestic political goals, the question was raised about whether this could ever be sufficient if the domestic political elite was unreceptive. It could also be asked why CSOs looked to the EU rather than to their domestic government. One reason could have been the search for funding, and in order to secure EU funding, a sufficient level of organisation and professionalism was required, and it could be argued that this was only possible for fairly well established NGOs. As a bureaucracy itself, the European Commission was best able to engage with other professionally run organisations. It did not therefore lend itself very easily to engaging with rapidly changing, small scale, or very localised bodies, and this could be seen as a lack of flexibility in the EU policy approaches that were available in the time period of study.

As we have seen, the proposal to establish the EED was to a great degree informed by the perceived need to be able to provide more flexible support to civil society. However, during the period of study, the EU's support for civil society in our three cases would seem to have found most success either where the level of activity was already high, as in Poland, or in cases where NGOs could be successfully encouraged to work together in coalitions, as in Croatia. In Ukraine, the vibrancy of civil society was not matched by its engagement with government, and despite the EU putting significant levels of funding into supporting civil society, it was not clear how, if at all, the effectiveness of this was being evaluated on the EU side.

As we saw in Graph 5.1, the level of pro-EU civil society was high and stable in Poland for almost all of the time period of study. In both Croatia and Ukraine however, it started at a low level and reached only a medium level, from around 2000 in Croatia

and from 2004 in Ukraine. As well as these overall levels of activity, we have also highlighted some specific aspects of civil society and the EU's approach to it in each case. Having looked at the level of pro-EU civil society activity in the three cases over time, in the next chapter we will come to overall conclusions for this project, summarise the testing of the hypotheses, examine potential causal mechanisms, and seek to answer the central research question.

Chapter 6

Conclusion

This thesis has investigated European Union engagement with potential new member states though three case studies, Poland, Croatia and Ukraine, in regard to the period 1990 to 2013. We can now seek to fully assess the evidence from the cases and to compare them to each other. Some additional comments about developments in Ukraine in the early part of 2014 will also be offered. It is hoped that this project has made a modest contribution to the literatures on EU studies (enlargement, conditionality, EU international relations).

6.1 Research findings

The development of the relationships between the EU and Poland, Croatia and Ukraine has been traced from 1990 to 2013. In Chapters 3, 4 and 5 we traced the changes in the three independent variables in the three cases over the same time period. These independent variables were the level of development of the EU's policy approach, the receptiveness of the political elite to EU influence, and the level of pro-EU civil society activity.

In Chapter 2, we traced the changes in the dependent variable in the three cases over time. Poland increased its level of relationship with the EU between 1990 and 2004, aided by its highly receptive political elite and its highly active pro-EU civil society. Croatia also increased its level of relationship with the EU from a low level to full membership, albeit through a significantly tougher accession process than Poland, between 1990 and 2013, and led by a new, more receptive, political elite after 2000 than by a particularly active pro-EU civil society. Ukraine increased its relationship with the EU to a lesser extent and, at least by the end of 2013, had not signed into force the Association Agreement that its political elite had spent years negotiating. Pro-EU civil society in Ukraine up to this point had not managed to successfully advocate increased EU engagement, nor had it had success in lobbying the EU to further develop its policy approach towards Ukraine.

In Chapter 3, we explored the development of the EU's policy approach towards potential new member states during the period 1990 to 2013. In Poland, the level of development of the EU's policy approach rose over the time period 1991 to 2004 from medium to high. In Croatia, the level of development of the EU's policy approach rose over the time period 1995 to 2005 from low to high, and in this respect was similar to Poland. In Ukraine, the level of development of the EU's policy approach increased over the time period 1994 to 2003 from low to high. Chapter 3 also sought to answer specific research question number 1, which was 'what policy approaches have been developed by the EU to engage with potential member states and how are they being applied and evaluated?'

In Chapter 4, we examined how receptive the political elites in the three case study countries were to the various EU policy approaches over time. The political elite in Poland was highly receptive to EU influence over almost all of the period in question, although the period 2005-07 saw a slight decline. In Croatia, there was a long period of time in the 1990s during which the political elite had a fundamentally low receptiveness to EU influence, before a step change happened after 1999, and the subsequent decade saw an increase in elite receptiveness. In Ukraine, there was initially some level of receptiveness to EU influence in the early 1990s, but this fell away. There was then a step change in elite receptiveness, after the Orange Revolution in 2004. In tracing these changes over time, this chapter sought to answer specific research question number 2, which was 'how receptive are the political elites in the case study countries to the various EU policy approaches?'

In Chapter 5, the level of pro-EU civil society in the three cases over time was traced. The level of pro-EU civil society in Poland was consistently high throughout the time period in question, and significantly higher than in Croatia and Ukraine. The level of pro-EU civil society in Croatia started from a much lower base than in Poland, but over the time period in question it rose significantly. The level of pro-EU civil society activity in Ukraine, like in Croatia, started from a low level, like many post-Soviet states, but it increased significantly later in the run-up to the Orange Revolution. Chapter 5 also sought to answer specific research question number 3, which was 'how active is pro-EU civil society in the case study countries and how does the EU attempt to engage with it?'

In this concluding chapter, we can draw the evidence together, summarise the results of the hypothesis testing, and examine some possible causal mechanisms which may best explain how the EU seeks to engage with potential new member states. These findings will support the central argument of this thesis, which will be elaborated below. This project had three hypotheses derived from the three independent variables, and to summarise the hypothesis testing from Chapters 3, 4 and 5, we can say the following:

(H1) If the EU employed a high level of development of its policy approach, we would expect to see an increase in the level of the relationship with the EU.

This hypothesis appears to be partially supported by the evidence from the cases. In Poland, the EU used a medium level of development of its policy approach from 1990 to 1995, and then a high level from 1997 until 2004. Poland increased its level of relationship with the EU between 1990 and 2004 from low to full membership. In Croatia, the EU used a high level of development of its policy approach from 2000 onwards. Croatia increased its level of relationship with the EU from a low level to full membership between 1990 and 2013. In Ukraine, the EU used a medium level of development of its policy approach from 1998, and then a high level from 2003 onwards. Ukraine increased its relationship with the EU to a lesser extent than in the other two cases, but it could simply be that this case will develop over a longer timescale. This variable alone does not explain the observed changes in the dependent variable.

(H2) If domestic political elites are more receptive to EU influence, we would expect to see an increase in the level of the relationship with the EU.

This hypothesis appears to be partially supported by the evidence from the cases. The Poland case would seem to offer some support for the second hypothesis. This case showed that a consistently receptive political elite could greatly enhance the engagement of the EU with a potential member states. Indeed, rather than the EU being the cause of change in Poland, if anything it was Poland which forced the EU to change, in terms of making a promise of full EU membership to Poland (and other CEE countries). The Croatia case would seem to offer some support for the second hypothesis. Elite receptivity to EU influence rose over the period in question, as did the

level of its relationship with the EU. The Ukraine case does not seem to support the second hypothesis. When elite receptiveness to EU influence did rise, albeit only to a moderate level which did not reach the levels seen in Poland and Croatia, the level of the relationship with the EU and Ukraine remained low. The Orange Revolution, and the period immediately after it, did not lead to a lasting improvement in Ukraine's EU relationship. If domestic political elites are more receptive to EU influence, the evidence seems to suggest that this may, in some cases at certain times, make EU engagement more effective. Again, this variable alone does not explain the observed changes in the dependent variable.

(H3) If there is a more active pro-EU civil society, we would expect to see an increase in the level of the relationship with the EU.

This hypothesis appears to be partially supported by the evidence from the cases. In Poland, the level of pro-EU civil society was at the highest level, and much higher than in Croatia and Ukraine. In the pre-accession phase, NGOs could, and did, use the accession process to seek leverage with their government(s). However, because the political elite was so receptive to EU influence, civil society did not have to press the case, as it has done in other cases. In Croatia, the level of pro-EU civil society was low, but it has risen significantly over the time period in question. This became a significant factor, especially in the run up to the elections of 2000, and this saw a change in the political elite to one which was more receptive to EU influence. A more active pro-EU civil society thus aided the process of Croatia's engagement with the EU. In Ukraine, the level of pro-EU civil society was low until it jumped upwards in 2004. EU influence seemed unable to capitalise on this window of opportunity that the immediate post-Orange Revolution period may have provided, and so in this case a more active pro-EU civil society does not appear to have aided the process of engagement with the EU. Again, this variable alone does not explain the observed changes in the dependent variable.

The research findings which flow from this hypothesis testing are therefore as follows. The EU's approach to Central and Eastern Europe in the 1990s worked in terms of engaging with those countries, as seen in Poland, through the use of a high level of development of its policy approach. This was aided by a consistently receptive political

elite and an active pro-EU civil society. There did however emerge the issue of democratic backsliding in some of the CEE states, which the EU has so far been less successful in tackling. The potential for backsliding on democratic standards did however inform the EU's policy approach to new member states in terms of a tougher conditionality regime, which was also informed by the perceived mistakes made in the hasty accession of Romania and Bulgaria in 2007. This tougher approach was applied first to Croatia.

The Stabilisation and Association Process in the Western Balkans seemed to have worked successfully, so far, at least in the case of Croatia. Pro-EU civil society in Croatia has risen from a low level and was especially important in the run up to the election of 2000, which saw a new political elite come to power which was more receptive to EU influence. This therefore was a more indirect causal pathway to engagement with the EU than had been the case in Poland. Whether the SAP would work in the more problematic states of Bosnia-Herzegovina and Kosovo remained to be seen, as the challenges in those cases were greater, both in terms of a lower level of elite receptivity to EU influence, and a lower level of pro-EU civil society activity.

The European Neighbourhood Policy has not been a successful approach to the EU's Eastern neighbourhood, and the failure to engage with Ukraine, at least up to the end of 2013, exemplified this most clearly. The EU did not work in a co-ordinated way with other key external actors, such as the IMF, and failed to use policy approaches in a timely fashion, which may have successfully capitalised on the 'window of opportunity' which the Orange Revolution of 2004 had offered. The EU also failed to effectively counter the competing influence of other external actors, namely Russia, on Ukraine. Efforts to support civil society in order to engage were also, so far, not successful and perhaps needed to be seen as potentially working on a much longer time-scale. Although clearly outside the scope of this study, it is also worth noting that ENP had also failed in the Southern neighbourhood. The ENP was an incoherent policy approach from the start in its combination of Eastern and Southern neighbourhoods, and it was applied in an insufficiently strategic way. By 2013, almost every country that the ENP was applied to demonstrated a failure of EU engagement, a state of affairs that was likely to lead to the formation of new policy approaches by the EU.

In terms of the relationship between external and domestic factors therefore, these findings seem to suggest that domestic factors, and in particular the receptivity of the political elite to EU influence, remained the most important in explaining whether and how the EU is able to engage with potential new member states. This is important, because it would seem to suggest that the EU's efforts to engage with pro-EU civil society and to increase its level of activity were not successful, at least in the relatively short time period that has been studied, and in these cases. These efforts could of course have an effect that will only become apparent over many decades, and this would have to be researched further over a much longer time period. Whilst the EU's policy approach was clearly important, if the domestic conditions worked against the fostering of engagement with the EU, the level of relationship with the EU was unlikely to be raised. A case such as Turkey would illustrate the point that even with a high level policy approach on behalf of the EU, the process of engagement between the EU and Turkey is extremely slow, if not to say completely stalled. Such a case might also suggest that in some cases, there was a limit to the level of relationship with the EU that can ever be reached, and if so, this did not bode well for Ukraine.

We can now also examine some of the possible causal mechanisms that might provide the best explanation(s) for what has been observed in the three cases. As was stated in Chapter 1, most phenomena of interest in comparative research have a high level of causal complexity (Ragin, 1987: 24). In terms of the possible causal mechanisms that might have been operating, we have a number of different variables to consider: the level of development of the policy approach used by the EU, the level of receptiveness to EU influence of the political elite, and the level of pro-EU civil society activity. In addition to the possibility that changes in the independent variables might directly act to change the dependent variable, explored above in the hypothesis testing, there was also the possibility of interaction *between* the three independent variables. Considering these possible interactions may help to identify possible causal mechanisms.

Firstly, there was the possibility of interaction between the level of development of the policy approach used by the EU (IV1) and the receptiveness of the political elite to EU influence (IV2). If the level of development of the policy approach used by the EU in a particular case increases, then this may act to increase the receptiveness of the political elite to further such EU influence. This could be part of the explanation for the case of Croatia, in which as the EU increased the level of development of the policy

approach, the political elite increased in their receptiveness. This is how the EU hopes its efforts to engage 'from above' will work, and it is certainly one possible causal mechanism. The evidence from Croatia would seem to suggest that this is indeed possible. Conversely, if the level of development of the policy approach used by the EU decreases or stays level, elite receptivity may decrease. This could be part of the explanation for the case of Ukraine, in which the EU's lack of a membership offer may have served to decrease elite receptiveness. This is therefore another possible causal mechanism, and the evidence from Ukraine would seem to suggest that it is possible.

In the reverse direction, an increase in the receptiveness of the political elite to EU influence could lead to an increase in the level of development of the policy approach used by the EU. In Poland, elite receptiveness to EU influence was already high right from the start, and this may have served to increase the level of development of the policy approach used by the EU, for example by the political elite advocating strongly, and successfully, for the offer of full EU membership. As one interviewee put it, "Poland actually had a lesson to teach Europe" (O'Rourke, 2011). This is a possible causal mechanism, and the evidence from the Poland case would seem to suggest that it is possible. Or, a decrease in elite receptiveness could lead to a decrease in the level of development of the policy approach used by the EU, for example the imposition of sanctions, which were used in the case of Croatia in the early 1990s in the form of an arms embargo, and more recently in the case of Ukraine. What is also possible is that decreasing receptiveness may lead to an increase in the level of development of the policy approach used by the EU. Again, more recently in the case of Ukraine, the EU has gone some way to increase the level of development of the policy approach used by saying that the AA/DCFTA does not represent the final destination for EU-Ukraine relations.

Secondly, there is the possibility of interaction between the level of development of the policy approach used by the EU (IV1) and the level of pro-EU civil society activity (IV3). If the level of development of the policy approach used by the EU increases, then this may act to increase the level of pro-EU civil society activity. The EU has continued to increase both the range of ways in which it supports civil society, and the levels of financial assistance to it. It is possible that this might be evident in Ukraine, which is, for example, involved in the EU's Civil Society Forum, but any concrete effects of this seem very small so far. If the level of development of the policy approach used by the

EU decreases, this may act to decrease the level of pro-EU civil society activity. This possibility does not appear to be present in our three cases.

In the reverse direction, an increase in the level of pro-EU civil society activity may act to increase the level of development of the policy approach used by the EU. The attempt to do this could be seen in, for example, the Orange Revolution in Ukraine in which pro-EU civil society activists hoped to take the country in the direction of increased European integration. In this however, they were unsuccessful. Or, a decrease in the level of pro-EU civil society activity may act to decrease the level of development of the policy approach used by the EU. This possibility does not appear to be present in our three cases.

Thirdly, there is the possibility of interaction between the receptiveness of the political elite to EU influence (IV2) and the level of pro-EU civil society activity (IV3). If the receptiveness of the political elite to EU influence increases, this may act to increase the level of pro-EU civil society activity. This could possibly be seen in the case of Croatia, in which the political elite post-1999 was more receptive to EU influence, and the level of pro-EU civil society also began to increase. If the receptiveness of the political elite decreases, it may act to decrease the level of pro-EU civil society activity. This could possibly be seen in the case of Ukraine in the most recent years, in which both the receptivity of the political elite and the level of pro-EU civil society activity had, in some respects, fallen as hopes of further EU integration seemed to fade. However, after the failure to sign the AA/DCFTA in late 2013, pro-EU civil society activity rose rapidly again in the form of large scale protests, which turned increasingly violent in February 2014.

In the reverse direction, if the level of pro-EU civil society activity increases, it may act to increase the receptiveness of the political elite to EU influence. This is how the EU hopes that its efforts to engage 'from below' will work. Through supporting pro-EU civil society, the hope is that CSOs and social movements will lobby their domestic government to be more receptive to EU influence. This is possibly seen in the cases of Croatia (in 1999/2000) and Ukraine (in late 2004). Or, if the level of pro-EU civil society activity decreases, it may act to decrease the receptiveness of the political elite to EU influence. This possibility does not appear to be present in our three cases.

It is also worth noting that the composition of the 'political elite' and 'civil society' may, in some cases, be the same people or groups. For example, Solidarity in Poland, which moved from being a large social movement to a political party fighting in elections for a place in government. The important point here is that EU efforts to engage with civil society may be serving two purposes in the longer term. Firstly, to increase the level of pro-EU civil society, and secondly, to increase the receptivity of the future political elite. This, of course, is a long-term strategy but at least one interviewee advocated it as offering the best chance of successfully engaging in the case of Ukraine (Shumylo-Tapiola, 2012). In some of the more problematic cases that the EU is now dealing with, which are beyond the scope of this study, this type of engagement may prove the most effective, and possibly more effective than seeking to engage with unreceptive political elites.

It is possible that, in order for the EU to engage with potential member states and for the level of their relationship with the EU to be raised, all three independent variables may need to be at their highest level. In other words, there may need to be a high level of development of the policy approach used by the EU, a highly receptive political elite, and a high level of pro-EU civil society activity. Of our three cases, this could perhaps be seen in Poland in the pre-accession period, in which it had a high level of development of the policy approach used by the EU, a highly receptive political elite (and over a sustained period), and a high level of pro-EU civil society activity. Poland, and the other CEE states, also arguably benefited from the fact that their accession in 2004 came during a period of benign economic conditions in Europe, and in that sense this also represented a key point in time. The Poland case could therefore be seen as the ideal example of EU engagement with potential new member states.

Despite the lower level of pro-EU civil society activity, this situation could also possibly be seen in Croatia in its pre-accession period. Such a view would be to 'celebrate success' as one interviewee described it (Leigh, 2011) i.e. to ascribe to the EU a role that it may not actually have played. In the Croatian case, engagement with the EU only really started to happen once all three independent variables reached a sufficiently high level. This of course begs the question, what is a sufficient level? Seeing as it is the receptivity of the political elite that appears to be the most important variable, it is possible that a sufficient level would be an increase in this receptivity of even just a small degree. Once this happened, EU engagement may begin to become possible. In

the case of Ukraine, this theoretically possible situation in which all three independent variables are at their maximum level has not, as yet, arisen.

Another possibility is that some combination of the three IVs, at their highest level, may be sufficient for EU engagement to become successful in raising the level of the relationship. There are three such theoretically possible combinations. Firstly, IV1 and IV2 combined, i.e. a high level of development of the policy approach used by the EU, combined with a highly receptive political elite. Of our three cases, this could be partly seen in Croatia, when the political elite became more receptive post-1999 but the level of pro-EU civil society was only just starting to increase. Secondly, IV1 and IV3 combined, i.e. a high level of development of the policy approach used by the EU, combined with a high level of pro-EU civil society activity. Of our three cases, the closest to this could perhaps be seen in Ukraine in the post-2010 period. Thirdly, IV2 and IV3 combined, i.e. a highly receptive political elite combined with a high level of pro-EU civil society activity. Of our three cases, this could perhaps be seen in the case of Poland in the period before the EU made the offer of full membership.

The Ukraine case had, in the post-Orange Revolution period, high receptivity to EU influence amongst the political elite and a greatly increased level of pro-EU civil society activity (for a relatively short period of time). This situation, in which there is the lack of an EU membership perspective, has been widely asserted as being 'the problem' in Ukraine. From the EU's perspective however, the 'best offer', for now, from the EU to Ukraine was an Association Agreement and the DCFTA. The process leading to the AA/DCFTA could of course, in time, one day lead to an EU membership perspective for Ukraine. As a potential causal mechanism by which the EU might engage with Ukraine, this kind of gradual increase in the level of development of the EU's policy approach could be the best option. Both the EU and Ukraine put a very high level of time and resources into the negotiation of these agreements, only for the political elite in Ukraine to fail to sign it into force in late 2013. This could be (and indeed was) argued to be a failure on behalf of the EU and its policies of ENP and EaP (Bohlke & Davydchyk, 2013).

We can now seek to answer the central research question of this project, which was whether domestic conditions or the EU's policy approach best explained whether the

EU was able to engage with potential new member states. At this point it is worth reminding ourselves of how the dependent variable changed over time in our three cases, as shown in Graph 6.1 below. It is important to note that EU engagement with potential member states could of course be achieved at some times, and not at others, within the same case country. Therefore we need to specify the time period(s) in which EU engagement was successful or not successful. Once we have identified these points, we can start to ask what causal mechanism(s) might have been involved at those points in time. For this, we will have to turn to the interview data. We should also give consideration to the idea of equifinality (i.e. that there may be more than one path to the outcome). In other words, the EU might reach a higher level of relationship with potential member states through different causal mechanisms in each case. For example, did Poland and Croatia achieve their EU membership through different causal mechanisms? In the cases and at the times when the level of the relationship with the EU went up, did the 'EU level' factor of the level of development of the EU's policy approach or the 'domestic level' factors offer the best explanation(s)?

Graph 6.1: The level of the relationship with the EU
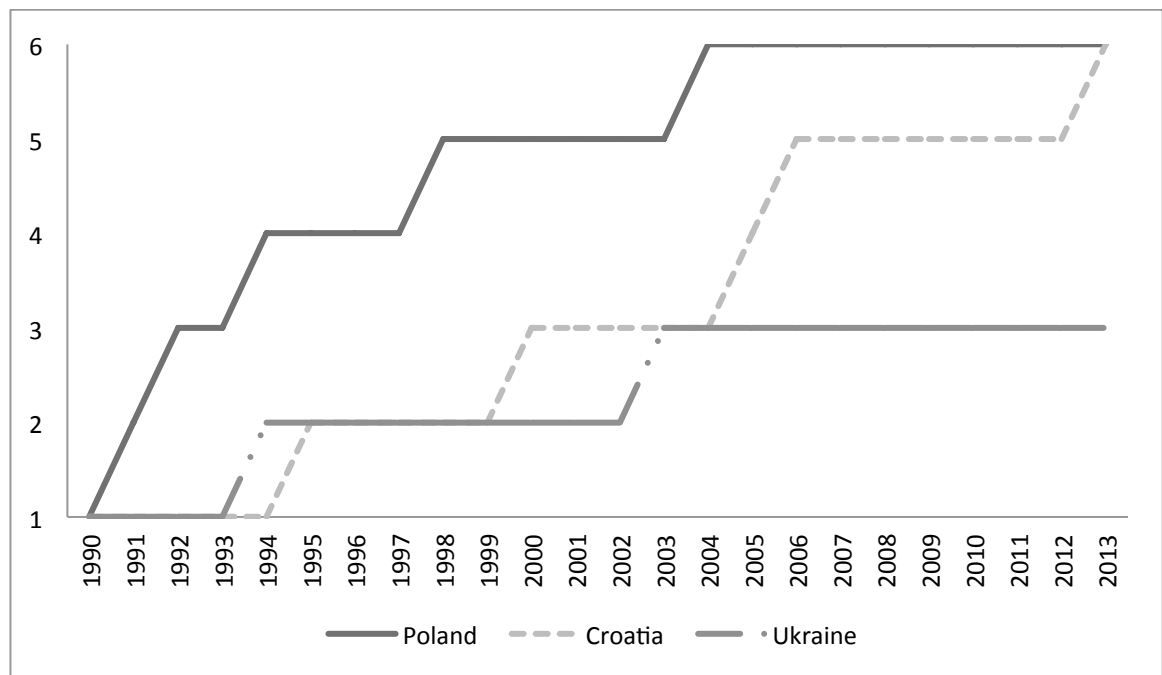
Key: 6 = Full EU member, 5 = Official candidate or potential candidate country, 4 = Association Agreement signed, 3 = AA or SAA on offer, 2 = Low level negotiated agreement, 1 = No EU relationship on offer.

We can also plot graphically the changes to the three independent variables over time in our three cases, in order to seek to identify key periods of time in which possible causal mechanisms may have been taking place. These key periods are circled.

Graph 6.2: Changes in the independent variables - Poland
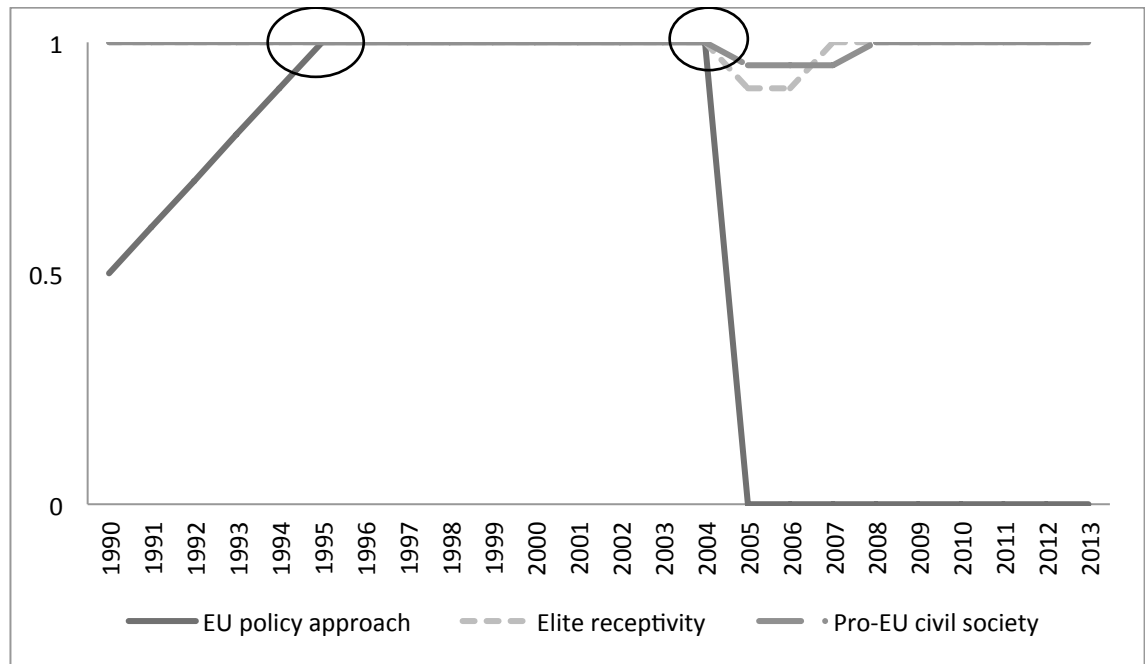
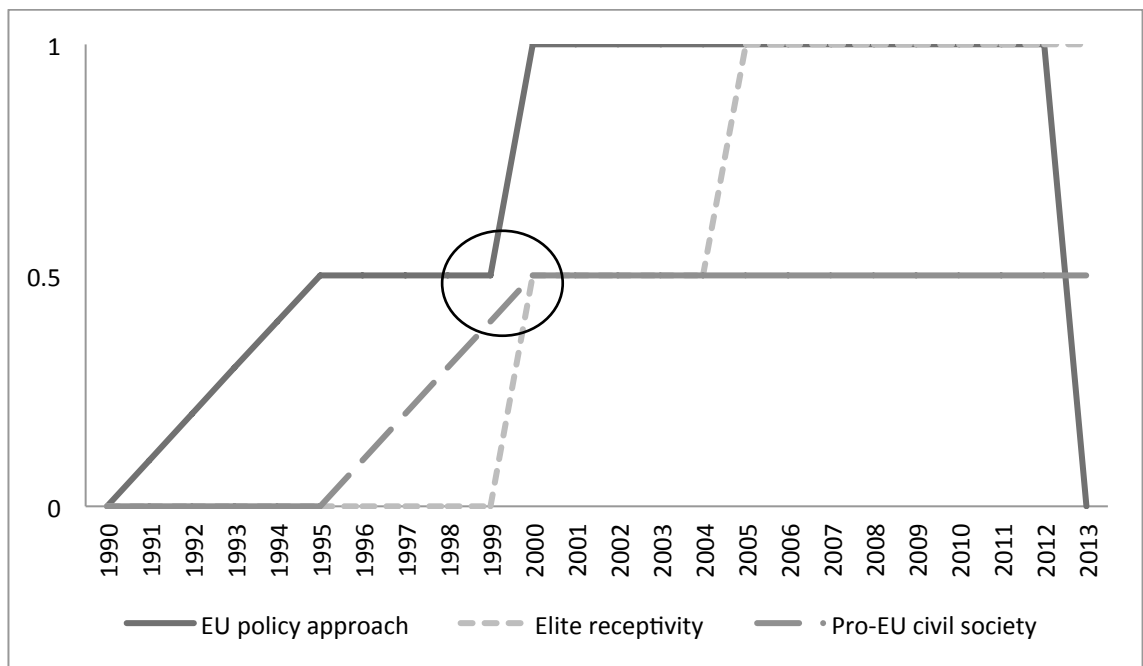*Key: 1 = High level. 0.5 = Medium level. 0 = Low level.*

As we can see in Graph 6.2, in Poland, all three independent variables were at the highest level between 1995 and 2004, and this was the key period in which Poland made progress in its engagement with the EU. We can also see that the slight falls in elite receptivity and the level of pro-EU civil society post-accession were not matched by an EU policy approach.

In Poland in the very early 1990s, the level of development of the EU's policy approach was at the medium level, as Poland was receiving EU assistance under the PHARE programme. How significant therefore was the EU's effort at this time in this case? Although the goal of integration with the EU was already established, the most significant developments were domestic economic transition and the early phases of party political competition for power. In the early 2000s, the level of development of the EU's policy approach had risen to high, and Poland had applied for EU membership in

April 1994, and begun accession negotiations in November 1997. The most likely causal mechanism involved was that the increasing influence from the EU was able to operate upon Poland's already receptive political elite and that this promoted engagement. The high level of pro-EU civil society that Poland enjoyed was not seemingly as important a factor in this particular period.

In terms of the conditions in this case, Poland had a strong and vibrant pro-EU civil society, with extensive international connections and networks to draw on and operate through. Poland also benefited from the stability of its core state institutions, reflected in the EU's assessment at the beginning of the accession process in 1997. A Polish political elite that was strongly pro-EU (Blazyca & Kolkiewicz, 1999: 141) was a further very important condition, as was the fact that EU membership was not a major issue of dispute in Polish domestic politics, at least in the initial stages of the accession process, and there was massive public support for joining the EU in the referendum in 2003. However, despite the success of accession to the EU, the development of stable political parties had proved difficult to achieve (Millard, 2008: 65). However, in more recent years, the status of PO and PiS as the consolidated political parties in Poland seemed to be more well established (Szczerbiak, 2012).

In terms of the level of development of the EU's policy approach that the EU used in the Polish case, Poland was subject to the full 'transformative power' (Grabbe, 2006) of the EU's accession conditionality. Poland received a huge amount of financial and technical assistance and in this way the EU played an important role in promoting reform by providing a reward to make difficult reforms and through funds such as PHARE (Bodnar, 2010b: 20). The direct influence of the EU was perhaps most evident in its funding of regional development through the Structural and Cohesion Funds. These funds were designed to aid economic development but also, through the conditions attached to them, to help to improve good governance (Cox & Myant, 2008: 6). Poland had a clear EU membership perspective from a relative early stage and this was encapsulated in the 'back to Europe' (Henderson, 1999) narrative that was associated with all the post-Communist countries in Central and Eastern Europe. Joining the EU is not of course the end of the story, but Poland's 15 year transition from Communist state in 1989 to democratic EU member in 2004 represented an extraordinary opportunity for study and one that can tell us much about the relative role of domestic and international factors.

Graph 6.3: Changes in the independent variables - Croatia

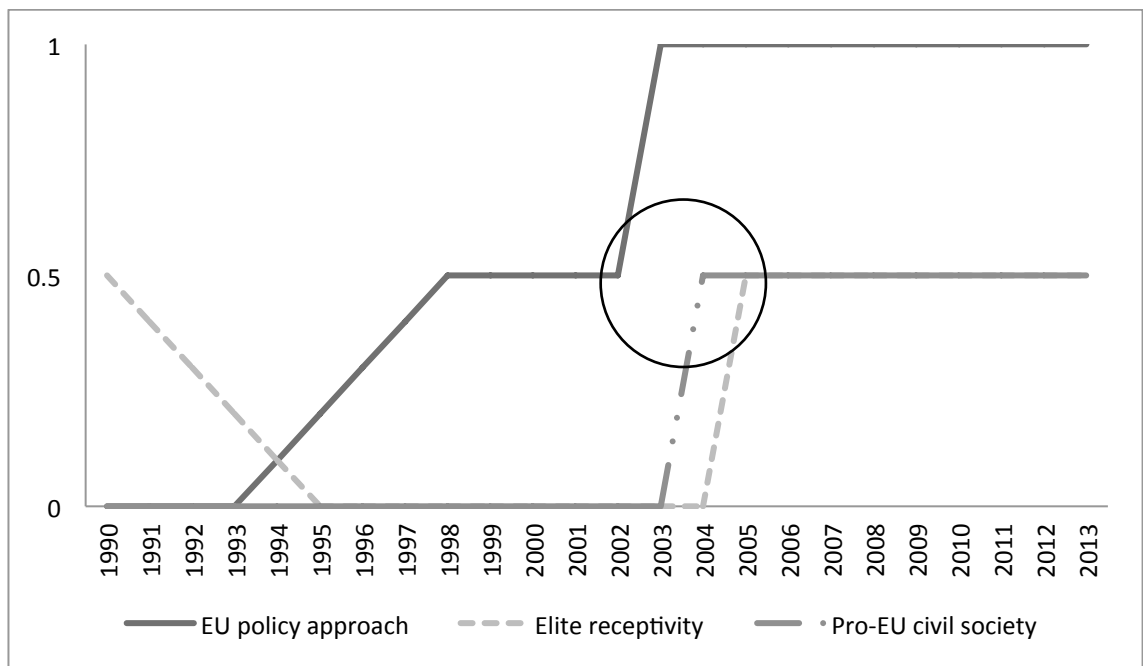*Key: 1 = High level. 0.5 = Medium level. 0 = Low level.*

As we can see in Graph 6.3, in Croatia, the key period was from 1999 to 2004, when the EU's policy approach increased, and elite receptivity and pro-EU civil society also rose. Subsequently, from 2005 onwards, two of the independent variables were at their highest level, and although the level of pro-EU civil society remained at the medium level, this did not prevent Croatia from increasing its level of relationship with the EU.

In the 1990s, EU influence on Croatia was limited to the form of an arms embargo. Croatia has moved a huge distance during the course of the time period of study. Twenty years ago, Croatia was fighting a war, and now it is an EU member. This must by definition therefore constitute successful engagement. In Croatia, between 1999 and 2000, the level of development of the EU's policy approach at this time was low. The dramatic change in the composition of the political elite after 1999 and the big rise in civil society activity in the run up to the election of 2000 enabled an opening up to engagement with the EU. In Croatia, after 2000, the level of development of the EU's policy approach rose from low to high, and Croatia was subject to the SAP from 2000, had then applied for EU membership in February 2003, and begun accession negotiations in October 2005. As to the causal mechanism(s) that were involved, although the political elite was increasingly receptive to EU influence, and although

Croatia began to integrate more with the EU, civil society actors reported in the interviewee data their problems with engaging with their government(s), and it is therefore possibly these domestic factors which hold the best explanation to what was happening at this time and in this case.

The Croatian case illustrates several key themes regarding the potential for the EU to engage. In terms of conditions, Croatia emerged from a federation of states and in the initial period in question, it was independence and nationhood that was the political priority, becoming acute in the form of regional conflict. The domestic conditions in Croatia in the 1990s were therefore challenging to say the least. In this context, engagement with the EU had to wait until after state building had finished, and Tuđman as the 'father of the nation' enjoyed electoral success after the conflict had ended from being so closely associated with the successful creation and defence of Croatia as a nation. In terms of the policy approaches that the EU employed in the Croatian case, the regional context of these events was more important than international influences and during this period, the EU was not able to exercise leverage until a more receptive political elite was in place after 2000. After 2000, the EU used its newly created policy approach of the Stabilisation and Association Process (SAP) to engage with Croatia, and from October 2005 Croatia was subject to the EU's accession conditionality process. The regular monitoring as part of this process continued to highlight problems with corruption and organised crime, and this became the key area of concern on the EU side in this case.

As we can see in Graph 6.4, in Ukraine, up until 1998, the situation in terms of all of the independent variables was unfavourable. Although the EU policy approach increased, it was matched by increases in elite receptivity and pro-EU civil society, but only to the medium level. The most favourable period was from 2005 onwards, when one of the independent variables was at its highest level, and the other two were at the medium level. Ukraine did increase its level of relationship with the EU between 1994 and 2003, but since then this has stalled.

Graph 6.4: Changes in the independent variables - Ukraine

Key: 1 = High level. 0.5 = Medium level. 0 = Low level.

In Ukraine, the level of development of the EU's policy approach rose to a high level, exemplified by the negotiation of the AA/DCFTA. The level of the relationship between Ukraine and the EU did increase over the time period of study, although it stalled after 2003. In the case of Ukraine therefore, the EU's policy approach was not as successful as in our other cases, due mainly to the absence for most of the time of a sufficiently receptive political elite. However, through supporting civil society in Ukraine, the EU has sought to engage with Ukraine *in the long-term*, and so it may simply be too soon to say that EU has completely 'failed' in Ukraine. Developments in early 2014 offered the EU a new challenge, but also potentially a new opportunity, to effectively engage with Ukraine. The possibility of Ukraine one day being offered EU membership seemed to be increasing in light of developments in late 2013 / early 2014.

The case of Ukraine was one of many missed opportunities, both on the Ukrainian and the EU side. The lack of an EU membership perspective was often argued to be critical, and the Ukrainian case was said to highlight the lack of any really effective EU policy approach short of offering membership. To some, the EU had failed to successfully tailor its policy approach to suit Ukraine's problematic domestic political context (Solonenko, 2009: 722). However, the EU's policy approach of the offer of an

AA/DCFTA had some success in engaging with Ukraine, albeit slowly and with many difficulties along the way. Over the time period of study, the level of relationship between the EU and Ukraine had increased, although this took place before the Orange Revolution period. There was also the importance of the regional context, in this case Ukraine's relationship with Russia, and the need for the EU to co-ordinate its efforts with the IMF. In several key policy arenas, most notably energy and foreign policy, Ukraine had a high level of interdependence with Russia, and this competed with the influence that the EU had on Ukraine (Dimitrova & Dragneva, 2009). The pressing question seemed to be 'how long Ukraine can continue to exist... lodged between the liberal democracies of the EU and the semi-authoritarian regimes of the CIS space – two groups which are on completely different trajectories?' (Gromadzki et al, 2010: 15). This question came very much into focus at the end of 2013 and as the security situation in Ukraine deteriorated into 2014.

The importance of key domestic political actors was also clear in the Ukrainian case. Internecine political battles cannot be stopped by international actors, and strongly backing key figures, such as Yushchenko, can be very risky for external actors. A far more effective approach could be to encourage and promote civil society action at a grass roots level, and this is exactly what the EU is now seeking to do, and this is promising in the Ukraine case due to the 'increasingly mature' nature of its civil society (Bogomolov & Lytvynenko, 2009: 81). There is a temptation to focus on landmark events such as the Orange Revolution and treat them as if they are the end of the story, rather than the beginning of the process (Kubicek, 2005: 290), and missing this key point in time would seem to be the main perceived mistake that the EU made in its engagement with Ukraine.

It is important to acknowledge that there are, of course, other possible explanations and factors for the developments in each of the cases that have been examined. These include, *inter alia*, economic, demographic, social, cultural, historic and geographical explanations. The potential influence of other external actors, such as the IMF (especially in the case of Ukraine), the ICTY (in the case of Croatia) and NATO (in the cases of Poland and Croatia) is important to acknowledge, as is the potential influence of key geo-political actors such as Russia (especially in the case of Ukraine) and the USA. Of these other potential explanatory factors, the economic impact of the financial crisis of 2008, and the subsequent recession, have been mentioned several times in

relation to the three cases. The economies of Ukraine and Croatia were severely impacted, while in contrast, Poland avoided recession.

The findings of this project relate to the existing literature in the following ways. As was seen in the literature review, there has been increasing attention paid to the role of external actors such as the EU in influencing domestic politics, as well as the role of political elites and civil society. In term of the areas from the literature review which we can relate back to, this study supports the view that the EU does indeed have 'actorness' but that it lacks internal coherence.

This study sought to examine the interaction between the 'EU level' and 'domestic level' factors to see which might best explain whether the EU is able to engage with potential new member states. This study has found that domestic factors, and in particular the receptivity of the political elite to EU influence, remain the most important in explaining whether and how the EU is able to engage with potential new member states. This study supports the point that a receptive political elite is a key factor in determining whether the EU can engage. It also supports the point that pro-EU civil society can play an important role, but that it is not a sufficient factor for successful EU engagement.

The EU has continued to develop the ways in which it seeks to implement the policy approaches through which it seeks to engage with potential new member states. The use of enlargement policy, building on its success in cases like Poland, had renewed success in the Western Balkans, as seen in the case of Croatia. However, a significant gap between expectations and capability remains, exemplified in the case of Ukraine, which of our three cases studies highlighted most clearly the EU's difficulty in seeking to engage. In terms of the EU's use of conditionality, this study supports the view that it is the rational cost/benefit calculations made by actors which can best explain the process of EU engagement with potential member states.

In seeking to engage with pro-EU civil society, the EU should recognise, in both its public rhetoric and in its policy-making, that these efforts are focused on the long-term. More resources could be put into training the political elites, and civil society actors, of

the future, in terms of training and study programmes for example, in the interests of creating more receptive political elites and more active civil societies. A good example would be the Erasmus scheme for funding student mobility in Europe. This scheme survived the threat of cuts to its budget in 2013 and was subsequently allocated 19 billion Euros for the period 2014-20, which will fund 5 million student exchanges (European Commission, 2012c). This should be seen as an important counterpart to the funding that the EU provides to civil society organisations. It is this kind of long-term engagement that could provide the opportunity to engage with the 'problematic cases' with which the EU seeks to engage, and help to ensure that when key points in time arise, there are the people and organisations with the right skills and resources to be able to capitalise on them.

It is hoped that this study offers some new insights into the operation of EU external relations and the development of policy approaches through which it seeks to engage with potential new member states. The comparison between these three particular cases, and over this particular time period, has highlighted some specific issues. Firstly, the ways in which the EU accession process has changed over time and was thus different for Croatia in the 2000s than it was for Poland in the 1990s. Secondly, how, despite both having active pro-EU civil societies, Ukraine has not (so far) been able to replicate Poland's civil society-led engagement with the EU. Thirdly, the way in which the receptivity of the political elite to EU influence seemed to be one of the most important factors in determining whether the EU could engage with potential new member states. This was demonstrated by the way that the political elite in Croatia, after 2000, was seemingly able to engage with the EU, whereas the political elite in Ukraine was not, or at least not to the same result.

Some new insights into the efforts on the behalf of the Ukrainian political elite to develop the level of their relationship with the EU, the problems they faced, and their views of the EU's approach to Ukraine have been offered. The fact that the political elite in Ukraine spent years negotiating its AA/DCFTA with the EU, only to walk away from it at the end of 2013, highlights a relatively new issue of the EU's influence having to now compete with much stronger alternative external influences (such as from Russia, in the case of Ukraine). If the EU is going to be more effective in engaging with potential new members in future, this development will have to inform policy-learning and potentially the development of new policy approaches. Because the findings of this

study relate to European countries which have at least the theoretical possibility of becoming EU members at some point in the future, it is tentatively suggested that the findings may be, to some extent, generalisable to other such countries, including but not limited to, the other states of the Western Balkans which are seeking to follow Croatia into the EU (Albania, Bosnia-Herzegovina, Kosovo, Macedonia, Montenegro and Serbia) and the other post-Soviet states that are subject to the EaP (Armenia, Azerbaijan, Belarus, Georgia and Moldova).

6.2 The central argument

The EU developed extensive policy approaches with which to engage with potential new member states during the period 1990 to 2013, largely due to the need to respond to major geo-political changes in Europe. Such changes produced certain key points in time during which the EU may have had a 'window of opportunity' for its efforts to engage with potential new member states. It is the argument therefore of this thesis that the EU needs to develop a more flexible policy approach in order to be better able to take advantage of certain 'windows of opportunity' that may arise. In addition, it should co-ordinate its efforts more closely with other relevant external actors. As was said in Chapter 1, this argument is not the same as arguing that EU engagement with new member states is necessarily a positive development, either for the EU or for the countries concerned. This thesis is not making a normative argument in favour of EU enlargement; it is only concerned with seeking to understand how best we might be able to explain the processes involved.

The EU's efforts to engage with political elites have had some clear successes in raising the level of the relationship. The enlargement of the EU in 2004, which included Poland, has been hailed as one of the EU's greatest foreign policy successes. It is true that the EU's approach to Poland led eventually to its successful entry into the EU. Croatia's entry process into the EU some years later was through an accession process which was much tougher than it had been for Poland. However, in Ukraine, the EU seemingly failed to engage through its ENP (and EaP), and through the negotiation of an AA/DCFTA. Despite the political elite in Ukraine being sufficiently receptive to EU influence to undertake the negotiations of the AA/DCFTA, the agreement was not signed into force in November 2013 as had been planned, and this failure led to major conflict in the country into 2014.

Although clearly outside the scope of this study, the events of the Arab Spring in the EU's Southern neighbourhood region have arguably made the EU's efforts to engage with those states through ENP seem almost totally irrelevant, compared to the importance of domestic factors. The EU now seemingly has very little leverage in the region, whilst at the same time EU members like Italy are facing the problems and financial cost of a high level of migration from the region. EU member states such as France and the UK have taken direct military action in cases such as Libya, rather than any such action being EU-led or co-ordinated. The EEAS was immediately faced with huge challenges as soon as it was operational, and so far has had rather limited success, apart from the case of seeking resolution of the Kosovo-Serbia relationship, which served to unlock Serbia's progress in its EU accession process.

The EU's efforts to engage with pro-EU civil society and thereby increase its level of activity and leverage that it can exert on its domestic government(s) have not really been successful, by EU interviewees own admission (Leigh, 2011). These efforts to engage with potential new member states through seeking to promote the level of activity of pro-EU civil society should be seen as a very long-term strategy, and the EU's rhetoric on this point should reflect this. The EU's efforts to engage with civil society, such as through the Civil Society Forum, and to support them through the Civil Society Facility and the EIDHR, are certainly genuine attempts to build long-term relationships that will facilitate reform. However, this approach most likely should be seen as potentially working over decades, or even whole generations, and thus this approach is by definition completely out of sync with EU approaches that seek engagement with political elites, who may come and go from positions of power within a few years. The rhetoric of the EU at times seems to imply that these two approaches are working together in a co-ordinated way, whereas in fact it would seem that they are essentially unconnected. Taking a much more long-term perspective is more often heard in a case like Turkey, which has now been an associate member of the EU for half a century, but possibly this longer term perspective may have to be taken in cases like Ukraine, reflecting the fact that both the country in question, and the EU itself, are different to the situation that led to the EU enlargement of 2004.

In the cases of Poland and Croatia, in which the EU has successfully engaged in bringing them in as members, EU engagement would appear to have worked most effectively when the domestic political elite was most receptive to EU influence. Is this

however a circular argument in which EU influence works best in cases where it has already had influence? Not necessarily, I would argue, because the political elite may have been made more receptive through a high level of pro-EU civil society activity, and this in turn may have been promoted by the EU. Also, the political elite may well be receptive to EU influence, but still not necessarily deliver. For example, the political elite in Ukraine was receptive enough to spend years negotiating the AA/DCFTA, only to not sign it into force. So, in some senses this is circular, but only in the sense that what is being sought by the EU are ways to get potential new member states into a 'virtuous circle' of reform (and also to avoid states going into a 'vicious circle' of lack of reform).

An issue that was common to the political elites in all three of our cases was that of corruption. This is an issue that the EU has placed an increasing importance on throughout the time period of study. It was an issue of concern in Poland since the first Regular Reports, in Croatia during its accession negotiations, and it remains a top issue in Ukraine. EU attempts to support civil society in its fight against corruption have not been particularly effective, and because corruption is an issue that people in the countries concerned encounter in their daily lives, it is a problem that is very directly felt. Because of this, the EU could do much to enhance its image if it could develop new methods and approaches to tackling corruption, over and above those which it already undertakes. It could, for example, be much tougher, and co-ordinate better with the USA, on sanctions which target specific high level individuals or companies.

Some brief comments regarding EU engagement with other states can be added at this point. As we saw in Chapter 3, by the end of 2013, the majority of states in the Western Balkans had Stabilisation and Association Agreements with the EU. These were Macedonia (April 2004), Albania (April 2009), Montenegro (May 2010) and Serbia (September 2013). Bosnia-Herzegovina had a SAA which had been ratified by all EU member states, but which had not entered into force. In Kosovo, negotiations on an SAA started in October 2013. In the case of Turkey, progress on its accession process remained slow. In its Eastern neighbourhood, the EU has had some success with Georgia and Moldova, who both initialled their AA/DCFTAs in November 2013. In the case of Armenia, the AA/DCFTA were both finalised in July 2013, only for Armenia to announce in September that it intended to join the Customs Union of Russia, Belarus and Kazakhstan. By the end of 2013, negotiations on an AA were continuing with

Azerbaijan. The EU's annual report on ENP, presented in March 2014, acknowledged the 'mixed picture' of progress, and quoted Catherine Ashton and Stefan Füle respectively as saying that "engagement with our neighbours is an absolute priority for the EU" and that "our neighbourhood remains a region where the EU needs to focus its attention and resources" (European Commission, 2014). The ENP has a budget of 15.4 billion Euros for the period 2014-20, and although this was clearly a significant sum, the idea that engagement with its neighbours was the EU's absolute priority or that its neighbourhood was where attention and resources were focused did not seem to be supported by the evidence, which seemed instead to strongly suggest that the EU continued to be focused on economic issues stemming from the Eurozone crisis, and how to respond to the success of Eurosceptic and populist parties across the EU in the European Parliament elections of May 2014.

To recap, in order to be successful, EU engagement with potential new member states needs to initiate a 'virtuous circle' of reform in which new policy approaches are brought into use as and when a country delivers on reform. As part of this, seeking to raise the level of pro-EU civil society activity may play a part, although potentially only on a long-term basis. The key point therefore for EU policy-makers is to ensure that the EU has the right policy approaches available so that it is able to fully capitalise on the opportunities that key points in time might offer in providing 'windows of opportunity'. Examples of such points in time would include the period immediately after the Orange Revolution in Ukraine in 2004-5, or the end of a period of armed conflict, such as in Croatia in 1995. In the wider historical context, the collapse of Soviet Communism in Europe in 1989 was clearly a major turning point, as was the collapse of the USSR in 1991. In the EU's Southern neighbourhood region, and although this is of course far beyond the scope of this particular study, the start of the Arab Spring was clearly another such key point in time.

It could be argued that, despite the creation of the much-heralded EEAS, the EU seemed to lack policy approaches that could effectively seize such opportunities. Seeking to support civil society organisations with funding, training or other technical support could, in many cases, be the best that the EU can provide. With better co-ordinated activity with other external actors however, there is the possibility that the effects could be enhanced or multiplied, and so opportunities to do this should be actively sought out and followed through. At present, the incoherent and insufficiently

strategic application of EU policy approaches, as well as a lack of flexibility in their application in terms of not responding fast enough to 'windows of opportunity', have limited the success of EU engagement with potential member states.

The EU's approach to the CEE states, such as Poland, has been well documented. But, the success of its approach to the Western Balkans, such as Croatia, has only just started to be tested. Also, the EU's approach to the post-Soviet states, such as Ukraine, is much more uncertain. We saw in Chapter 3 that political elites had been quick to adopt the terminology used by the EU, and to tell the EU what they thought it wanted to hear. This must represent a problem for the EU's attempts to hold potential member states to tough conditions, especially given the next point about consultation with civil society. We saw in Chapter 5 that consultation with civil society was sometimes done just for show and was not 'real' i.e. it is only done to tick a box or to meet a condition of the EU. If the rhetoric around working with civil society is partially designed to counter criticism that EU integration processes are inherently elite-driven, then this could be dangerous in the longer term, and potentially to the detriment of the public opinion of the EU. In other words, it may allow the Eurosceptic view of an 'out of touch political elite in Brussels' to develop even further than it has already.

So, EU engagement can be successful in terms of increasing the level of relationship with potential member states, and possibly bringing them into membership. But it may not necessarily be creating long-term, stable relationships, and it may be storing up the future problem of so-called 'backsliding'. As became increasingly obvious over the time period in question, although EU accession is the end point for EU engagement with potential new member states, it is far from being the end of the story. The EU's policy approach to CEE essentially worked, as seen in the Polish case, in seeking to engage with the countries that emerged from the collapse of Communism. Poland was a case in which the domestic factors – an active pro-EU civil society and a receptive political elite – pressed the EU into developing its policy approach in terms of setting out a clear path towards EU membership. There was however no coherent EU policy approach towards Russia, which was seemingly simply relegated in the 'too difficult' box. By 2014, the EU was paying the cost of this past failure and some Member States found themselves dependent on Russian oil and gas. The EU's policy approach to the Western Balkans had its first success in the case of Croatia, but the cases that came next were even more challenging and would be a tough test of EU policy. The EU's

policy approach to ex-Soviet states, such as Ukraine, had not worked. A 'policy approach plus' might involve much closer working with other key external actors, such as the IMF, or NATO. If the EU had done this with Ukraine, the loss of Crimea and the instability in the East might have been avoided. The EU's entire ENP policy approach would seem to need updating, in both the East and the South. It could be argued that in the case of Croatia, the additional relevant external actor of the ICTY had added to the policy approach of the EU. A quarter of a century after the end of Soviet Communism in Europe, the EU was still trying to deal with the consequences in its own neighbourhood.

6.3 Additional comments on post-2013 developments in Ukraine

Some additional comments about developments in Ukraine in the early part of 2014 can be added at this point. The failure to sign into force the AA/DCFTA between Ukraine and the EU in November 2013 led to significant social unrest in the winter of 2013-14. On 20 February 2014, as the violence against protesters in Kiev increased, the EU imposed targeted sanctions on the Ukrainian political elite, involving asset freezes and visa bans (European Council, 2014). On 22 February 2014, the Ukrainian parliament voted to remove Yanukovych, who had fled Kiev, and to free Tymoshenko from prison. Early Presidential elections were planned for May 2014. Arseniy Yatsenyuk, Former Minister of Economy (2006-06), Foreign Minister (2007) and Chairman of the Verkhovna Rada (2007-08), became Prime Minister on 27 February 2014. By early March, Russian forces were active in Crimea and, with the possibility of its secession from Ukraine looking increasingly likely, a referendum to this effect took place on 16 March 2014 and produced a massive majority in favour. The EU's official line was that this referendum was illegal and illegitimate and that its outcome would not be recognised (European Council & European Commission, 2014). Such interference by Russia was contrary to the Budapest Memorandum on Security Assurances of December 1994, which Russia signed, which affirmed the obligation to respect the independence and sovereignty of Ukraine within its existing borders.

On 17 March 2014, the EU (and USA) imposed travel bans and asset freezes on 21 individuals deemed responsible for actions that threatened Ukraine's territorial integrity. The 'political' provisions of the AA with Ukraine were signed on 21 March 2014, with

the intention that the full DCFTA element would be signed after Presidential elections in Ukraine in May. On the same day, Russia formally annexed Crimea. From the signing of the PCA to the signing of the AA had taken 20 years. An IMF bailout for Ukraine was agreed on 26 March 2014, which would provide $14-18 billion. A 50% rise in the price of domestic gas, a condition of the IMF deal, was also announced. These developments have served to highlight the fact that although the EU has employed the ENP as a strategic approach to its Eastern Neighbourhood, there is no unified EU strategy towards Russia, most specifically in the high level of reliance across the EU on Russian exports of oil and gas. Despite their membership of NATO, some EU member states, such as the Baltic states of Latvia, Lithuania and Estonia, and Poland, were particularly threatened by Russia's action in Ukraine, but were unable to lobby successfully for tougher EU action. As the co-author of the EaP, Poland in particular was at the forefront of EU engagement in its Eastern neighbourhood. These developments in Ukraine also became important in Polish domestic politics, evidenced by the campaign for the European Parliament elections in May 2014 in which the governing Civic Platform party made the Ukraine issue central, to some electoral advantage (Szczerbiak, 2014).

Presidential elections in Ukraine took place on 25 May 2014 and were won in the first round by Petro Poroshenko with 54% of the vote, easily beating his nearest rival, Yulia Tymoshenko, who won just 13%, on a turnout of 60% (OPORA, 2014). Voting was severely disrupted in the Eastern areas of Donetsk and Luhansk where pro-Russian separatists were in control, and both the new President and the EU stressed that de-escalating this situation was the clear priority. In his inaugural speech, Poroshenko stated that he was ready to immediately sign the DCFTA with the EU and that the AA/DCFTA was 'the first step towards full membership in the European Union' (Poroshenko, 2014). The remaining elements of the AA/DCFTA were signed on 27 June 2014. These developments in Ukraine served to highlight both the divisions among EU member states regarding their stance towards Russia, as the EU struggled to adapt its policy approach. A decade since its inception, the ENP as a policy approach with which to promote security in the EU's neighbourhood appeared to be severely lacking, as although the new President of Ukraine was outlining a pro-EU stance, it came only after the loss of Crimea and the destabilisation of Eastern Ukraine.

6.4 Areas of possible future research

In order to build on the findings of this project, I would envisage three possible avenues of further research. Firstly, a project building on this one and taking other cases located in the Western Balkans, namely Albania, Bosnia-Herzegovina, Kosovo, Macedonia, Montenegro and Serbia, and examining the operation of EU engagement in the region. One view gathered as part of this project from Vanja Calović, the Executive Director of an NGO called MANS in Podgorica, Montenegro, was that the EU was giving priority to political issues over real reforms (Calović, 2012). If this is the case, it could be a factor in limiting the effectiveness of EU engagement.

A second avenue of further research would be to investigate EU engagement with the post-Soviet states, other than Ukraine, that have been subject to the Eastern Partnership (EaP), namely Armenia, Azerbaijan, Belarus, Georgia and Moldova. These are arguably the most challenging cases that the EU seeks to engage with, for many different reasons. So far, the EaP would seem to have had only limited results, and the EU will be seeking to learn from this and potentially develop new policy approaches. As we saw, one of these cases, Armenia, has made a choice against engagement with the EU and chosen the Customs Union led by Russia. Georgia and Moldova, however, both signed Association Agreements with the EU in June 2014.

A third avenue of further research would be to investigate how internal developments within the EU may have impacted on the EU's engagement activities. At the same time as the events of the Arab Spring severely tested both the EU's institutions, such as EEAS, and also its policy approaches, principally the ENP, the Eurozone crisis had the potential to divert resources and attention away from external relations towards more domestic concerns, to potentially increase 'enlargement fatigue' among political leaders and public opinion, and also to lessen the EU's power of attraction and the effectiveness of its conditionality approach that has been central to the EU's enlargement policy (Whitman & Juncos, 2012). Now that the EEAS is fully operational, its continuing development clearly will be of importance for understanding EU engagement. The impact of the financial crisis on the EU's internal politics also has implications for its foreign policy which are important to understand (Youngs, 2014).

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Appendix: List of Interviewees

Brussels / EU officials

John O'Rourke, ENP Co-ordination, EEAS	Face to face interview	10/5/11
Alexandra Cas Granje, DG Enlargement	Face to face interview	10/5/11
Michael Leigh, Director General, DG Enlargement	Face to face interview	11/5/11
Claus Giering, Cabinet Member, DG Enlargement	Telephone interview	31/1/12
Iwona Piorko, Cabinet Member, DG Enlargement	Telephone interview	31/1/12
Michael Mann, Senior Spokesperson, EEAS	Telephone interview	1/2/12
Senior Official, EU Delegation to Ukraine, EEAS	Email interview	17/5/12
Martin Mayer, EU Delegation to Croatia, EEAS	Telephone interview	8/2/12

Ukraine

Igor Kohut, National Coordinator, Civil Society Forum	Telephone interview	7/2/12
Olga Shumylo-Tapiola, former government advisor	Telephone interview	23/2/12
Vadym Triukhan, former Director of the Coordination Bureau of European and Euroatlantic Integration	Telephone interview	5/6/12
Roman Shpek, former Head of Mission of Ukraine to the EU	Telephone interview	22/6/12
Dmytro Potekhin, civil society activist, Kyiv	Telephone interview	18/12/12
Viktor Garbar, Maidan Monitoring Information Center, Kharkiv	Email interview	5/1/13
Nikolai Holmov, blogger and policy analyst, Odessa	Email interview	8/1/13
Olha Bosak, Young Democracy Club, Kyiv	Email interview	9/1/13
Kyryll Zhyvotovskyy, Executive Director, European Choice	Email interview	10/1/13
Antonina Cherevko, Project Manager for Ukraine, International Media Support, Kyiv	Email interview	13/1/13
Vitali Vitaliev, journalist	Telephone interview	23/1/13
Olena Tregub, researcher and political consultant	Email interview	8/2/13

Poland

Jan Truszczynski, former chief negotiator for Poland's EU accession	Face to face interview	10/5/11
Jan Krzysztof Bielecki, former Prime Minister of Poland and former Minister for European Integration	Telephone interview	14/6/12
Agnieszka Łada, Institute of Public Affairs, Warsaw	Telephone interview	8/3/12
Aleksander Smolar, Stefan Batory Foundation, Warsaw	Telephone interview	14/3/12
Magda Grabowska, women's rights NGO specialist	Telephone interview	29/6/12
Jerzy Pomianowski, Under Secretary of State, Ministry of Foreign Affairs	Telephone interview	10/12/12
Jan Pieklo, Executive Director, Polish-Ukrainian Cooperation Foundation (PAUCI), Warsaw	Email interview	13/1/13
Adam Ambroziak, Associate Professor of Economics, Warsaw School of Economics	Telephone interview	28/1/13

Croatia

Dragan Zelić, Executive Director, GONG	Telephone interview	15/2/12
Andrej Plenković, MP (HDZ) and MEP	Telephone interview	17/2/12
Marija Pejčinović Burić, Former MP (HDZ)	Telephone interview	7/3/12
Saša Šegrt, Executive Director, Transparency International Croatia	Telephone interview	28/5/12
Ana Brnčić, EU Delegation to Croatia, formerly Ministry of Foreign Affairs and European Integration	Telephone interview	13/6/12
Andrea Covic, Head of European Affairs Department, Ministry of Finance	Telephone interview	19/6/12
Tonino Picula, MP (SDP) and MEP	Telephone interview	19/12/12
Jozo Radoš, MP (HNS), former Minister of Defence	Telephone interview	3/1/13

Other

Nadia Diuk, National Endowment for Democracy, USA	Telephone interview	6/3/12
Vanja Calović, Executive Director of MANS, Montenegro	Email interview	29/5/12
Steven Pifer, former US Ambassador to Ukraine	Telephone interview	18/1/13
Denis Petit, consultant on democratization	Telephone interview	8/2/13