Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey*

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Abstract

'Democratic conditionality' is the core strategy of the EU to induce candidate states to comply with its human rights and democracy standards. How does it work and when is it effective? This article reports findings of a comparative study of 'hard cases': Slovakia under Mečiar; Turkey; and Latvia. We argue that EU democratic conditionality is a strategy of 'reinforcement by reward' which works through intergovernmental material bargaining. Its efficacy depends on the candidate governments' domestic political costs of compliance. By contrast, social influence and transnational mobilization have proved ineffective.

Introduction

'Democratic conditionality' is the core strategy of the European Union (EU) to induce non-Member States to comply with its principles of legitimate statehood. This article addresses two basic questions about democratic conditionality: how does it work, and under which conditions is it effective? In order to answer these questions, we offer a theoretical discussion of strategies and mechanisms of conditionality as well as their conditions of success. Then we analyse the EU strategy of conditionality in the European non-Member States. To explore the 'conditions of conditionality', we study three cases of sustained non-compliance with European human rights and democracy stand-

^{*} Research for this article was funded by the Deutsche Forschungsgemeinschaft. Frank Schimmelfennig further acknowledges a Jean Monnet Fellowship at the European University Institute (2001–02). Thanks to the reviewers of *JCMS* and audiences at the European Forum of the EUI, the ECPR Joint Sessions of Workshops in Turin (2002) and the ECPR General Conference in Canterbury (2001).

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ards in a comparative research design: Slovakia under Mečiar; Turkey; and Latvia

We argue, first, that the main strategy of conditionality used by the EU is 'reinforcement by reward'. According to this strategy, an international organization reacts to the fulfilment or non-fulfilment of its conditions by granting or withholding rewards, but does not engage in the coercion or large-scale support of non-compliant states. Second, we claim that, because of 'weak' societies and 'electoral volatility' in the countries we study, the central channel of effective reinforcement is intergovernmental. Third, even though the EU has used both material and social incentives to induce target governments to comply with its human rights and democracy standards, only material bargaining, and above all the incentive of membership, proved to be an effective mechanism of democratic conditionality. Fourth, the membership incentive has been the more effective the smaller the domestic political costs of adaptation for the target governments.

In Section I, we develop a typology of mechanisms of reinforcement by reward and discuss their conditions of success. Section II specifies the hypotheses and research design. In Sections III–V, we summarize our case studies. Section VI concludes.

I. Reinforcement by Reward: Mechanisms and Conditions

Reinforcement by Reward

In applying conditionality, a social actor uses the mechanism of reinforcement to change the behaviour of another actor. Reinforcement is a form of social control by which pro-social behaviour is rewarded and anti-social behaviour is punished. It is based on the expectation that, after a certain time, the actors subjected to reinforcement will stick to pro-social behaviour in order to avoid punishment and continue to be rewarded.

EU democratic conditionality generally works through *reinforcement by reward*. The EU offers two kinds of reward to non-member countries: assistance and institutional ties. The most important programmes of external assistance for European non-members in the post-cold war era are Tacis (for the 13 member countries of the Community of Independent States including Mongolia) and Phare (for the other central and eastern European countries – CEECs). They offer technical and financial assistance in the transition of these countries to market economies. Institutional ties range from trade and cooperation agreements, via association agreements, to full membership. In addition to assistance, they provide increasing inclusion in the EU market with the prospect of gains from trade and investment and increasing participation in EU decision-making.

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Since the end of the cold war, the EU has made assistance and institutional ties – first informally and later formally – conditional on the fulfilment of democratic and human rights standards (Smith 2001, pp. 37–40). Since 1992, the EU has added a 'human rights clause' to the co-operation and association agreements, which stipulated their suspension if the CEECs fail to comply with these standards. At its Copenhagen summit in June 1993, the European Council established the 'stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities' as the *sine qua non* political condition of EU accession.

Under a strategy of 'reinforcement by reward', the international organization withholds the reward if the target government fails to comply with its conditions, but does not intervene either coercively or supportively to change the cost–benefit assessment of the target government by inflicting extra costs ('reinforcement by punishment') or offering unconditional assistance ('reinforcement by support'). In the case of EU democratic conditionality, countries which failed to fulfil the political criteria were simply denied assistance or the upgrading of their institutional ties. Only in a few early cases did the EU suspend existing agreements (Romania 1989, Yugoslavia 1991); it has never invoked the 'human rights clause'. In comparison, reinforcement by punishment and support has played only a minor role. Although EU members have participated in UN sanctions and Nato military interventions against Yugoslavia, the EU as an organization has not been primarily involved in these coercive measures. And according to Karen Smith (2001, p. 49), only 1 per cent of the EU's total aid budget was dedicated to the direct support of democratization in the CEECs.

A Typology of Mechanisms

How does reinforcement by reward work? On the one hand, we distinguish material bargaining and social influence depending on the kind of reward offered to the target countries. On the other hand, reinforcement can use an intergovernmental or a transnational channel.

According to the material bargaining mechanism, the target countries are offered material or other tangible political rewards in return for compliance – such as financial assistance, market access, technical expertise and participation in international decision-making. Political actors in the target countries then calculate whether the rewards offered by the international organization are worth the costs of adaptation. If the welfare or power balance is positive, they comply.

In contrast, the rewards offered through the social influence mechanism are social – such as international recognition and legitimacy, a high status, or

a positive image. Social influence is only effective inside the actor's in-group. Thus, the effectiveness of EU social influence will mainly depend on how much non-member actors identify themselves with the EU community. Only actors who regard the EU as their aspiration group strive to be recognized as part of the 'European family of democratic nations' and find it painful to be shamed and shunned.

Through the intergovernmental channel, the EU targets non-member governments directly. In this case, the success of reinforcement depends on the government's cost—benefit calculations and commitment to 'Europe'. If neither material nor social rewards are sufficient to induce governments to comply, conditionality can still work through the transnational channel, that is, via societal actors in non-member countries. Societal actors will be responsive to reinforcement if their material cost—benefit balance is positive (material bargaining) or if they aspire to be recognized as a part of 'Europe' (social influence). To have an impact on an unresponsive government's policy, however, societal responsiveness must be combined with strength. The societal actors in question must be strong enough to force the government to comply with the rules.

Conditions in the Candidate Countries: Weak Societies, Volatile Electorates

Whereas we assume the conditions of effective *intergovernmental* bargaining and social influence to vary among the candidate countries, we suggest that *transnational* reinforcement will not generally provide a promising channel for EU conditionality because of domestic structural conditions.

As a broad rule, the domestic structure of the CEECs is characterized by the weakness of society *vis-à-vis* the state. This is obvious in the presidential systems of government that prevail in the former Soviet republics but also applies to the advanced parliamentary democracies of central Europe.² Even here, political parties have been organized top-down and have only weak roots in society and social organizations. A powerful civil society has failed to emerge despite promising beginnings in the revolutions of 1989. Rather, levels of political participation have declined. This domestic structure gives both governments and parties ample space for discretionary decision-making and strongly limits the influence of societal actors on day-to-day policy-making. This characteristic of societal weakness holds also for Turkey (Turan, 2002, pp. 6–8; Yavuz, 2000, pp. 33–5). In sum, since societal strength is a necessary

¹ On social influence, see Johnston (2001). We count as social rewards only those that are not directly and immediately linked to material benefits.

² As a general assessment, this analysis is widely shared in the literature (see, e.g., Agh, 1998, pp. 52, 106; Birch, 2000, pp. 15–16; Kaldor and Vejvoda, 1999, pp. 11, 19–22).

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condition of transnational reinforcement, this mechanism is unlikely to be effective in EU democratic conditionality.

To be sure, candidate governments are generally subject to the most powerful sanctioning mechanism of society – electoral confirmation and defeat. Yet, if elections are to serve as a reliable instrument of conditionality, a majority of the electorate must either identify itself strongly enough with 'Europe', or be sufficiently concerned with the opportunity costs of non-compliance to make a conscious choice for reform-oriented political parties. However, it seems that actual voting behaviour is more strongly shaped by immediate concerns with personal security and welfare than by concerns about the government's compliance with European norms. Most often, changes in government have been caused by societal dissatisfaction with the hardships of economic shock therapy, economic mismanagement by the incumbent government and corruption scandals. Dissatisfaction has turned against both reform-friendly and reform-adverse governments. Thus, we suggest that elections be best treated as a random factor which sometimes happens to provide an opening for improved compliance.³

II. Research Design

Test Hypotheses and Alternative Factors

On the basis of this discussion of mechanisms and conditions, we put forward hypotheses about the varying effectiveness of democratic conditionality in EU candidate countries. The test hypotheses focus exclusively on the intergovernmental channel. They treat international factors as constants and societal conditions as irrelevant. Given these assumptions, compliance with EU democratic conditionality will vary with the costs (material bargaining mechanism) and the commitment (social influence mechanism) of target governments.

(T1) If EU democratic conditionality uses the mechanism of *inter-governmental bargaining*, compliance depends on the target government's political costs of fulfilling EU democracy and human rights conditions. Generally, these costs increase the more EU conditions negatively affect the security and integrity of the state, the government's domestic power base, and its core political practices for power preservation.

The lower the domestic political costs of compliance for the target government, the more likely conditionality will be effective.

³ Jasiewicz (1998, p. 186); Pravda (2001, pp. 26–7). Of course, this is not a situation peculiar to non-member countries.

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(T2) By contrast, according to the mechanism of *intergovernmental social influence*, 'commitment to Europe', governmental identification with the EU community of states, will be paramount.

The stronger the identification of the target government with the EU international community, the more likely conditionality will be effective.

In contrast to the test hypotheses, alternative explanations contend that international and societal factors *do* make a difference for the effectiveness of conditionality.

(A1) The first alternative hypothesis postulates that the *legitimacy* of EU conditions matters. If conditions are based on rules, which are shared among the Member States, clearly defined, and coherently applied in the EU, their compliance pull is high (Franck, 1990) and they are difficult to manipulate by the target governments. By contrast, 'double standards' fail to exert the same compliance pull.

The more legitimate the conditions, the more likely conditionality will be effective.

In this study, the central difference is between the consensual and traditional conditions of individual human rights, democracy and the rule of law, on the one hand, and minority rights, on the other, which are not a part of the *acquis* and not accepted by all Member States (see Grabbe, 1999, p. 3; De Witte, 2000, p. 3).

Regarding the societal level, Milada Vachudova argues that transnational reinforcement has been crucial for the effectiveness of conditionality. In her opinion, 'the conduits for international influence on domestic politics were the electorate and the opposition, not the government' (2001, p. 5). In turn, the responsiveness of the electorate depended on whether societal opposition against communism had been strong or not and, consequently, whether transition to democracy was characterized by a liberal or nationalist pattern of change (Vachudova, 2001, pp. 3–4; cf. Pridham, 2001, pp. 18, 21).

(A2) These observations point to the relevance of one major condition of effective transnational social influence – *societal salience*, that is, the degree to which a society defines itself as 'European' or 'western' and to which it values liberal political principles. If salience is high, so is the chance for non-compliant governments to come under societal pressure.

The higher the societal salience of 'Europe' and liberal norms, the more likely conditionality will be effective.

(A3) Alternatively, according to the material bargaining mechanism, the opportunity costs of non-accession will mobilize societal actors most forcefully in favour of EU conditions. This societal mobilization will be easiest and involve a crucial part of the population in those countries in which *economic interdependence* with the EU is high.

The higher the economic exchange between the EU and a target country, the more likely conditionality will be effective.

We contend, however, that the effectiveness of EU democratic conditionality can be explained without taking into account legitimacy, salience, and interdependence.

Case Study Selection

The research design is 'comparative case studies'. Our case selection follows two criteria. The first one is *significant conflict* between EU rules and the initial situation in the candidate countries. We selected 'hard cases' for the methodological reason that democratic conditionality and its effects will be more easily observable than in 'easy cases'. Moreover, since the challenge to conditionality is higher in cases of significant conflict, we will learn more about the conditions of its effectiveness.

The second criterion of case selection is *variation in the independent variables*. With regard to the test conditions, we selected cases with varying constellations. In the Slovak case, both conditions are absent; in the Latvian case, both are present. In the Turkish case, one is absent, one present. However, it is difficult to differentiate the effects of costs and commitment when both conditions are present or absent. Moreover, it is hard to attribute a given outcome to either social or material rewards by the EU because both usually go together: membership is not only the highest form of social recognition but also the highest material incentive. For these reasons, we complemented the analysis of conditions with a process-tracing analysis of state responses to conditionality and with a comparison of EU impact with the impact of the Council of Europe (CE) and the Organization for Security and Co-operation in Europe (OSCE). These organizations were actively involved in the transmission of basic liberal norms independently of and before the EU, but did not have any significant material rewards to offer.

Finally, with regard to the control variables, we not only looked for variation but also for cases in which the predicted effects of the test variables were different from those of the control variables. The case of Slovakia under Mečiar juxtaposes unfavourable test conditions with favourable control conditions.

Table 1: Overview of Case Study Conditions and Results

	Costs	Commitment	Legitimacy	Inter- dependence ^a	Societal Salience ^b	Compliance
Slovakia	_	-/+	Varying	-/+	+	_
Turkey	_	+	Varying	+	-/+	-/+
Latvia	+	+	_	_	_	+

Notes: ^a The indicator is a threshold of 50% in the EU share of a country's foreign trade.

The Turkish case represents a mixed constellation of test variables with, again, positive values for the confounding factors. Finally, Latvia is a case of largely favourable test conditions but unfavourable alternative conditions.

For an overview of the research design, see Table 1. The signs indicate a positive or negative hypothesized effect of the variable on the effectiveness of conditionality. These signs will be explained in more detail in the case study sections. At first glance, however, the signs for compliance seem to correspond with the test conditions but not the control conditions.

The case study summaries combine a structural analysis of the theoretically derived conditions of effectiveness with a process-tracing analysis of EU conditionality and the responses of the target countries. The summaries follow a common template. First, they list the main norm conflicts. Second, they briefly describe the instruments of conditionality employed by the EU and other regional organizations. Third, they describe the conditions that serve as independent variables in the test and alternative hypotheses. Fourth, they assess the effectiveness of conditionality and, finally, they discuss the theoretical results of the case studies.

III. Slovakia under Mečiar

Conflict

After the elections of September 1994, the Movement for a Democratic Slovakia (HZDS) of Vladimir Mečiar formed a coalition with the Slovak National Party (SNS) and the Association of the Workers of Slovakia (ZRS). This coalition immediately embarked on an authoritarian path. Above all, it sought to concentrate political power in the hands of the Prime Minister. It curbed the rights of the opposition in Parliament and harassed its members; it defamed, ignored and tried to force out of office President Michal Kovac; it ignored decisions by independent courts; and it brought public administra-

^b The classification is based on survey data on attitudes toward EU membership and liberal norms (see case study chapters).

tion at all levels under the control of its followers. Moreover, it expanded governmental control of the audiovisual media, applied financial pressure on the private media, and restricted the freedom of the press. Finally, it was hostile towards any autonomous rights of the Hungarian minority that makes up around 12 per cent of the population. In sum, the political style of the Mečiar government between 1994–98 is well characterized as a 'tyranny of the majority' (Bútora and Bútorová, 1999, p. 84; Schneider, 1997).

Conditionality

In response, and in line with 'reinforcement by reward', the EU did not downgrade its existing institutional ties with Slovakia (the Europe Agreement) but made the next step – the opening of accession negotiations – dependent on compliance. Membership conditionality was accompanied by an intensive social influence campaign.

Almost immediately after the 1994 elections, the European Commission began to express its 'doubts and fears' with regard to the domestic behaviour of the new majority (Agence Europe, 7 December 1994). A year later, in October 1995, a *démarche* by the EU troika initiated a continuous stream of criticism of all aspects of 'Mečiarism', and appeals to Slovakia to comply with its obligations as an EU associate. The EU démarche already reminded the Mečiar government that 'Slovakia is an associated country in a pre-accession period and ... the criteria of approval at the Copenhagen Summit are applicable to it' (Agence Europe, 27 October 1995). In 1996, then, the Slovak government received increasingly concrete signals that its chances of joining the EU had diminished sharply. Even after the Commission and the European Council decided not to invite Slovakia to accession negotiations in 1997, the EU continued to assure Slovakia that it was eligible and welcome to become a member in principle. At the same time, however, the EU was increasingly explicit about the need for a change in government as a precondition (Agence Europe, 31 May 1997; 15 October 97).

Conditions

Slovakia under Mečiar is a useful case for comparing the impact of the test variables with those of the alternative variables: whereas the former were generally not conducive to democratic conditionality, the latter should have had a positive influence. First, the political costs of compliance can be considered high. The main motivation for Mečiar's authoritarian tendencies was the preservation of power in a potentially volatile political environment. In particular, by establishing firm control over the Parliament and by isolating the President, he sought to prevent a repetition of the events that had brought

down his government in early 1994 (Schneider, 1997, p. 11). With regard to 'commitment', the situation was less clear. Whereas both Mečiar's coalition partners, the right-wing nationalist SNS and the left-wing ZRS, were staunchly anti-western and favoured neutralism and close collaboration with Russia, the HZDS and Mečiar had advocated and pursued a course of western integration ever since Slovak independence (Goldman, 1999, pp. 153, 157–8; Leff, 1997, p. 243). Thus, in principle, there was an opening for social influence.

As for the alternative explanatory factors, Slovakia under Mečiar is a good case for observing whether legitimacy matters because the EU took issue with both the authoritarian tendencies in the government's general domestic politics and its policy toward the Hungarian minority. The other factors were comparatively favourable to effective conditionality. Regarding interdependence, the EU share in Slovak exports increased during the Mečiar years from 37.4 per cent in 1995 to 55.6 per cent in 1998.⁴ Moreover, salience was high. Support for democracy in Slovakia was as strong as in the more consolidated democracies of central Europe (Stankovsky *et al.*, 1998, pp. 80–3). In addition, Slovak society was highly concerned about the domestic situation. Of all the EU candidate countries, Slovaks saw the political development of their country most negatively (Stankovsky *et al.*, 1998, p. 78). Finally, the ratings for the image of the EU and support for membership in Slovak public opinion were comparatively high by central and eastern European standards.⁵

Effectiveness

In spite of the unambiguous EU warnings and the high stakes of membership involved, EU conditionality had no major or lasting impact on the behaviour of the Mečiar government. Even the single most important success of EU conditionality, the signing of the Basic Treaty between Slovakia and Hungary, which committed Slovakia to the CE guidelines for the treatment of national minorities and the granting of autonomy rights to its Hungarian population, was compromised and contradicted by domestic measures. Signed at the Stability Pact conference in March 1995, the Treaty met with fierce resistance on the part of Mečiar's coalition partners at home. Slovakia finally ratified the treaty in March 1996 but only after the government had planned several laws to dilute the treaty provisions (see Leff, 1997, p. 250; Schneider, 1997, pp. 20–4).

⁴ Authors' own calculation based on EIU (Economist Intelligence Unit), Slovakia, Country Profile 2000, p. 59. Since Slovakia passed the 50 per cent threshold only in 1998, the sign in Table 1 is ambiguous. ⁵ See *Central and Eastern Eurobarometer* 8/1998, available at http://www.europa.eu.int/comm/dg10/epo/ceeb8/tefig.pdf».

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Even the ideational cleavage within the governing coalition failed to enhance the effectiveness of EU conditionality. Apparently, Mečiar was not ideologically committed to either pro-westernism or anti-westernism so that instrumental considerations prevailed. Although Mečiar did not share the antiwestern orientations of his coalition partners, he was prepared to give in to them to remain in power (Goldman 1999, p. 169; Pridham 2002, pp. 210–11). A dualistic policy resulted from this constellation. Externally, Mečiar and his foreign ministers upheld Slovakia's bid to join the western organizations and vowed to fulfil the prerequisites of membership eventually. For instance, when the new Prime Minister Mečiar met European Parliament President Hänsch in January 1995, he assured him 'that Slovakia would respect all the obligations incumbent upon countries which are applicants for admission to the EU', in particular with regard to the Hungarian minority and the privatization of the economy (Agence Europe, 26 January 1995). This promise was constantly reiterated and culminated in a series of last-minute rhetorical moves to secure participation in EU accession negotiations in 1997.6 Internally, however, these promises were never implemented, because Meciar wanted to keep both his coalition partners and his authoritarian control of Slovak politics. Publicly exposing the contradictions in Slovak policy, Foreign Minister Hamzîk resigned in May 1997, stating that 'Slovakia's vital international interests' were being subordinated to the domestic power struggle (RFE/RL Newsline, 27 May 1997).

Results

During Mečiar's four-year term in government, Slovakia was a 'clear-cut instance of failed response to democratic conditionality' (Pridham, 1999, p. 1223). Although the case does not permit us to distinguish clearly between the (failed) effects of material bargaining and social influence, it seems that for Mečiar the potential domestic power costs of compliance were most relevant.⁷

The Slovak case weakens the alternative hypotheses. Neither societal salience of European norms nor growing economic interdependence with the EU mattered sufficiently to counterbalance the expected power costs and the lack of European commitment in the Mečiar coalition. Moreover, the different legitimacy of general liberal norms and minority norms did not have the expected effects. If anything, the Mečiar government made stronger (tactical)

⁶ Agence Europe 26 February 1997; 28 June 1997; 14 October 1997; 23 October 1997.

⁷ Both the clarity of western messages and the dualistic manœuvres of the Mečiar government indicate that western policy did not fail simply because Mečiar misperceived the determination of the EU to exclude Slovakia from accession negotiations, as Samson suggests (2001).

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concessions to the EU on minority policy than on domestic liberalization in general.

One may argue, however, that – in contrast to the assumption of 'electoral volatility' – EU conditionality had an effect on the parliamentary elections of 1998 in which the Meciar government was defeated. Indeed, public opinion data suggest that a majority of Slovak citizens was aware of, and preoccupied by, the deterioration of their country's standing in Europe and its exclusion from EU enlargement. It appears likely that exclusion helped to mobilize the supporters of the democratic opposition and strengthened the mood for change (Bútorová, 1998, p. 35; Bútorová and Gyárfášová, 1998). However, foreign policy was hardly the most pressing problem for the electorate (see Bútorová and Gyárfášová, 1998, p. 53) and there are no grounds for arguing that the election outcome would have been different in the absence of conditionality.

IV. Turkey

Conflict

Kemalism, the statist and nationalist doctrine of the Turkish state, is partially based on values alien to western liberal democracy and has engendered domestic political practices in conflict with core European democratic and human rights norms. First, through the National Security Council (NSC) composed of the highest military and civilian leaders of the country, the military has an enormous, albeit informal, influence on day-to-day politics (Rouleau, 2000; Tank 2001). Generally, it assumes the self-defined task of guarding Kemalist principles in Turkish politics. It intervened four times in domestic politics to restore 'democratic rule': 1960, 1971, 1980 and indirectly in 1997. Second, general human rights and the rule of law have been systematically violated in recent decades. Turkey upheld the death penalty against the European norm. Torture has been widespread. Freedom of expression and association were restricted, and the judicial system with its strong role of military courts did not meet European standards of independent and fair justice. Finally, the Kurdish minority has suffered from violent repression and lacked minority rights and protection.

Conditionality

Basically, Turkey is subject to the same conditionality regime as the CEECs. Whereas a general membership perspective was already included in the association agreement of 1964 (Article 28), it became more concrete only when the EU granted Turkey 'candidate status' at the Helsinki summit of 1999. Just as the CEECs, Turkey was promised that the screening process would be

opened and that membership negotiations would begin as soon as the country fulfilled the Copenhagen criteria. The list of political conditions, however, is long and encompasses the full range of norm conflicts identified above.

In addition, the EU has used the membership carrot to put pressure on Turkey to refrain from specific norm-violating actions. For instance, when the leader of the Kurdish PKK, Abdullah Öcalan, was arrested, the EU demanded that he not be executed (RFE/RL Newsline 13 December 1997; 22 December 1997; 13 January 2000). When Turkey threatened to annex Northern Cyprus in November 2001, EU Commissioner Verheugen responded that 'the EU will admit Cyprus whether there is an agreement or not', and Turkey would lose its chance to join the EU forever (turkishpress.com, 8 January 2002). Generally, and in line with reward-based reinforcement, the EU has stressed repeatedly that 'the date of negotiations totally depends on the progress achieved in Turkey' (turkishpress.com, 15 February 2002).

Conditions

Turkey is an interesting case for three reasons. First, the conditions of success for the material bargaining mechanism and the social influence mechanism vary considerably. They thus lead to different theoretical expectations, which allow us to discriminate between the explanatory power of both mechanisms. Second, the control factors should mostly work in favour of effective conditionality so that a failure of conditionality would weaken the claim of the alternative hypotheses. Moreover, EU conditionality targets both basic norms of liberal democracy and the more contested minority rights.

Power considerations (material bargaining) would lead us to expect a failure of EU conditionality. In general, the EU demands are widely perceived in the Kemalist elite to erode the foundations of its power and to endanger the internal security of the Turkish state. The Kemalist elite not only fears the disintegration of the state if minorities like the Kurds were granted significant autonomy rights, it also feels threatened by Islamist parties. In order to master these challenges, it relies on the military and on measures limiting political freedoms and rights.⁸ Moreover, further democratization would undermine the established power positions of the Kemalist elite, which guarantee influence and personal wealth (Dembinski, 2001, p. 19). Although there is a cleavage within the Turkish elite between reform-oriented and pro-European forces, on the one hand, and hard-line Kemalists, on the other, the veto position of the military works against structural change (Rouleau, 2000, pp. 110–13).

⁸ Yavuz (1999); Müftüler-Bac (2000, pp. 170–5). The pro-Islamic Erbakan government was brought down by the military in 1997; the pro-Islamic Welfare Party – and its successor, the Virtue Party – have been constitutionally banned.

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At the same time, the preconditions of effective social influence are present. The Kemalist elites have always emphasized their European vocation and commitment, and have consistently striven to be part of all European organizations. In fact, the EU is the only major European organization of which Turkey is not a full member. The Turkish state elites conceive of themselves as 'western' and regard the 'west' as their primary 'in-group' in international relations (Kubicek, 1999, p. 159). As indicated by their strong reaction to the rejection of their candidacy in Luxembourg 1997 – the Turkish government suspended its participation in the Association Council meetings – the elite policy-makers find it painful not to be recognized as worthy of EU membership.

The alternative factors are also generally favourable to an effective impact of EU conditionality. First, most of the political conditions set by the EU refer to basic norms of liberal democracy that enjoy a general consensus among the Member States. Second, economic interdependence has increased since the Customs Union with the EU was implemented in 1996. In 1998, the EU share in Turkish exports crossed the 50 per cent threshold for the first time. ¹⁰ Third, the societal salience of 'Europe' among the Turkish population can be characterized as at least mixed. On the one hand, there is strong support for EU membership and a generally positive image of the EU in Turkish society. ¹¹ On the other hand, western liberal democracy lacks resonance in Turkey. Whereas the military traditionally receives high rates of approval within society as the 'guardian of Kemalism', politicians and the multi-party system are viewed with deep mistrust and lack of confidence. A majority supports the death penalty (Rouleau, 2000, p. 113; Schönbohm, 2002).

Effectiveness

Three years after Turkey received candidate status at the Helsinki summit of 1999, EU conditionality has produced its first significant effects. The legislative package passed by the Turkish Parliament in August 2002 includes the abolition of the death penalty in peacetime and cultural rights for the Kurdish minority (the teaching of Kurdish in education and its use in broadcasting). Although these changes mark a significant break with the past, the domestic power costs they imply are comparatively small. Turkey already had a moratorium on the death penalty since 1984, the PKK had renounced armed com-

⁹ For instance, the 'National Programme for the Adoption of the Acquis' (NPAA) of March 2001 states that Turkey shares the values of Europe and regards EU membership as an achievement confirming the foundational goals of the Republic.

¹⁰ See EIU Country Profile, Turkey 1999–2000, p. 59.

¹¹ See *Applicant Countries Eurobarometer* 2001. The figures are comparable to those of Slovakia. Support for membership is at 59 per cent (Slovakia 58 per cent) and 51 per cent of the respondents have a positive image of the EU (Slovakia 48 per cent).

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bat since Abdullah Öcalan was jailed, and the (Kurdish) People's Democracy Party (HADEP) has virtually no chance of crossing the 10 per cent threshold in national elections to influence national decision-making in Parliament. By contrast, the power of the military has not been curbed. The symbolic measure to increase the number of civilians in the NSC from five to nine does not diminish the military's informal influence. As Chief of the General Staff General Hüseyin Kivrikoglu commented: 'If they want 100 civilians as members of the National Security Council, so be it' (Dunér and Deverell, 2001, p. 3).

Therefore, the European Commission (2002, p. 139) concluded that 'Turkey has made noticeable progress ... [but] does not fully meet the political criteria'. Moreover, the Commission (2002, p. 47) demanded to see the implementation in practice as well as further progress especially in the fields of freedom of expression, the fight against torture and civilian control of the military. However, Turkey's progress was acknowledged by an increase in its pre-accession financial assistance as well as the fixing of a target date (December 2004) to decide on the opening of membership negotiations (European Council, 2002, pp. 5–6).

Results

The core features of the Turkish case confirm the intergovernmental bargaining mechanism and its conditions of success. First, after many years of unsuccessful social influence by the CE and the EU to improve the human rights situation in Turkey, it was the concrete membership perspective, linked with the candidate status of 1999, that triggered the domestic political process which led to partial compliance in the summer of 2002. Second, the higher the domestic costs of adaptation, the less conditionality has been effective. So far, significant change has been reserved for issues that do not directly affect the core of state power. Third, the timing of reform steps in 2001 and 2002 has been oriented towards the EU timetable for the updating of the Progress Report on Turkey and EU decision-making on the opening of accession negotiations with Turkey. Thus, despite the general European commitment of the Turkish state elites, compliance was both driven and limited by political cost benefit calculations. In contrast, neither legitimacy nor the domestic conditions of interdependence and salience account for the timing of the reform steps and the variation in compliance between issues.

V. Latvia

Conflict

In contrast with Slovakia and Turkey, Latvia has not been criticized for violating democratic principles in general. Yet its policy toward the non-Latvian population did not meet the standards of European organizations on minority rights. Latvia is the Baltic state with the highest proportion of so-called 'Russian-speakers'. When it became independent from the Soviet Union in 1991, automatic citizenship of the new state was granted only to the citizens of the inter-war Latvian Republic and their descendants. Moreover, the government set high conditions for any additional naturalization. This policy made 30 per cent of the population stateless and deprived them of their political rights. In the two following years, the government enacted additional laws on the use of the Latvian language, education and economic rights, which indirectly discriminated against the non-Latvian population (Pabriks, 1999, p. 151).

Conditionality

The EU did not develop its own policy toward Latvia but followed the OSCE's lead and aligned itself with the recommendations of the High Commissioner on National Minorities (HCNM). Whereas the HCNM, Max van der Stoel, did not take issue with the requirement of a naturalization process for 'Soviet immigrants', including a test of Latvian language, he demanded that the naturalization process and the non-official use of language be regulated as liberally as possible.

In his frequent visits and subsequent recommendations to the Latvian government, van der Stoel used a mixture of expert advice and social influence to make Latvia comply with western expectations. He referred to Latvia's prior commitments, its international legal obligations, its obligations as a democratic country seeking membership of the western organizations, and to the example of other member countries of the western community in order to shame Latvia into amending its laws and practices, and made concrete suggestions as to the content of these amendments. Por instance, in his April 1993 letter to Foreign Minister Andrejevs in which he urged Latvia to pass a citizenship law with a naturalization requirement of five years of residence, van der Stoel justified his suggestions as being 'inspired ... by the various CSCE documents to which Latvia ... has subscribed' and recommended that Latvia should 'restrict itself to requirements for citizenship which ... would not go beyond those used by most CSCE states'. When he responded to the

¹² See Zaagman (1999) and the documents cited there.

 $^{^{13}~}See~{\it (http://www.osce.org/hcnm/recommendations/lithuani/1993/02c1243.html)}.$

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draft citizenship law in December of the same year, he conveyed his 'impression that, within the community of CSCE states, the solution of citizenship issues is seen as being closely connected with democratic principles' so that, as a consequence of the denial of political rights to a large part of the population, 'the character of the democratic system in Latvia might even be put into question. In this connection I refer to the 1990 CSCE Copenhagen Document which states that the basis of the authority and legitimacy of all governments is the will of the people'.¹⁴

The CE and the EU went beyond shaming and linked compliance with membership. In December 1993, the CE stated that Latvia would not be admitted as a member if it did not change the citizenship law according to the HCNM recommendations. In its Copenhagen criteria of the same year, the EU established respect for minority rights as a political accession criterion. In July 1997, in its opinions on the applicant countries, the European Commission judged Latvia to be fulfilling the political criteria for admission in general, but mirrored the concerns of the HCNM by demanding that 'Latvia needs to take measures to accelerate naturalization procedures to enable the Russian speaking non-citizens to become better integrated into Latvian society' (Commission, 1997).

Conditions

The Latvian case combines largely favourable values for the test variables with unfavourable values for the control variables. As for the test variables, the domestic power costs of adaptation to EU conditions were low. First, EU conditions affected only a single policy issue, not fundamental political practices regarding the acquisition and exercise of power, as in the other case studies. Second, after some initial fear that a change in the composition of the citizenship would cause an upheaval in Latvian politics, the Latvian political elite realized that a liberalized minority policy would not lead to mass naturalization or negatively affect its political position. Third, the Latvian elite felt threatened by Russia and regarded European integration as a guarantee of Latvian independence. Thus, low domestic power costs were accompanied by potentially high gains in political security and autonomy resulting in clearly positive net political benefits of compliance.

In addition, the conditions for social influence were favourable. Since the first post-Soviet elections, centre-right governments in which the centre was stronger than the right have shaped Latvian politics. Generally, Latvian nationalism has been strong among all the parties of the centre-right spectrum.

¹⁴ See «http://www.osce.org/hcnm/recommendations/latvia/1994/10c084.html».

¹⁵ See, e.g., the 1995 'Foreign Policy Concept of the Latvian Republic' cited in Jubulis (1996, p. 61).

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They shared the belief that the Latvian state had to ensure the survival and revival of the Latvian nation and language after decades of Russification. At the same time, however, the centre parties were strongly pro-European. They regarded Latvia as a part of the 'west' and were committed to the Westernization of their political and economic systems as well as to Latvia's integration in western organizations (see Jubulis, 1996, p. 69; Plakans 1997, p. 285; Smith *et al.*, 1998, p. 108).

By contrast, most of the alternative factors were unfavourable to successful conditionality. First, the EU focused exclusively on the less legitimate condition of minority rights. Second, opinion polls show that support for EU membership and a positive image of the EU have consistently been weak in Latvian society as compared to other candidate countries. ¹⁶ Moreover, nationalist and anti-Russian orientations were strong in the Latvian population – at any rate, there was no societal pressure on the government to improve the human rights situation of the non-Latvian population. Finally, the Latvian economy was less interconnected with the EU than that of the other EU associates throughout the 1990s – the EU share of Latvian foreign trade remained below 40 per cent.

Effectiveness

In general, the major demands of the HCNM and his efforts to generate social influence were not effective alone. Only when they were linked to Latvia's accession to western organizations, first the CE and later the EU, did the Latvian government and parliament reluctantly give in to international conditions. This process repeated itself several times on different issues.

The Latvian Parliament initially ignored the HCNM's suggestions in practice. Instead of granting citizenship to all persons with five years' residence in Latvia, the draft law of November 1993 made naturalization dependent on an annual quota to be determined by government and Parliament according to economic and demographic considerations. And although van der Stoel, in response to the quota system, had suggested that it be replaced by a gradual but legally determined naturalization system, the citizenship law passed by the Saeima in June 1994 modified the draft law only slightly. However, after having consulted intensively with representatives of the CE, which had made accession conditional on a change of the law, President Guntis Ulmanis vetoed the law and sent it back for revision to the Saeima. One month later, the Saeima passed a revised law that met with international approval. Having

¹⁶RFE/RL Newsline 31 July 1998; 18 March 1999; *Central and Eastern Eurobarometer 8/1998*, available at «http://www.europa.eu.int/comm/dg10/epo/ceeb8/tefig.pdf».

cleared this crucial hurdle, Latvia was admitted to the CE in early 1995 (see Jubulis, 1996).

Yet the implementation of the new law did not meet the expectations of the western organizations, because only a minor proportion of those eligible used and successfully completed the naturalization procedures. In its letters of October 1996 and May 1997 to Foreign Minister Birkavs, van der Stoel therefore made several recommendations to overcome the 'stagnation of the naturalization process': the reduction of naturalization fees, the simplification of the tests required of new citizens and, above all, the granting of citizenship to stateless children and the abolition of the naturalization windows. In his immediate answer, Birkavs was evasive and defensive on the main recommendations.¹⁷ Around the same time, however, the European Commission published its opinion on Latvia mirroring the HCNM's demands. In response, the Latvian government introduced a package of laws to the Parliament that partly picked up the HCNM recommendations. On 1 June, Foreign Minister Birkavs urged the Parliament to comply with the OSCE recommendations because Latvia would otherwise risk losing allies in Europe and the US and the chance to improve relations with Russia (RFE/RL Newsline, 2 June 1998). Later in June, the amendments as proposed by the government were approved and hailed by both the US administration and the EU as furthering Latvia's integration into European and transatlantic structures (RFE/ RL Newsline, 23 and 24 June 1998).

The final case is the Latvian state language bill. In 1998, the Saeima drafted a law that was criticized by the OSCE and the CE, because it not only required the use of the state language in the public sector, but also obliged private bodies and enterprises to conduct their activities in Latvian. In April 1999, van der Stoel warned that passages of the bill in its current form might impair Riga's chances of integration into the EU (RFE/RL Newsline, 19 April 1999). The Finnish EU Presidency warned that the language law could damage Latvia's chances of joining the EU, but a large majority of the Saeima voted in favour of the law nevertheless. However, the new President Vaira Vike-Freiberga refused to sign the law and asked the Parliament to revise it to conform with EU legislation (RFE/RL Newsline 7, 9 and 15 July 1999; 1 September 1999). On 9 December 1999, the Saeima passed a revised law and, a few days later, Latvia was invited to begin accession negotiations with the EU.

¹⁸ See PACE, 'Honouring of obligations and commitments by Latvia', Doc. 8426, 24/05/1999.

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Results

The analysis has shown that the conditions of successful intergovernmental material bargaining and social influence were both present. However, only international bargaining, the linkage of EU membership benefits to compliance with OSCE recommendations, ultimately proved effective. Appeals to international obligations and commitments to western-style democracy were generally not sufficient to make Latvian law-makers comply with European norms. Even the HCNM used EU accession negotiations as the carrot to sell his recommendations.

In contrast to the Slovak and Turkish cases, the adaptation of Latvian legislation to European rules did not endanger the power base of the governing parties, and did not involve a change in fundamental political practices. Under these conditions, the threat of losing the rewards of membership of western organizations provided the necessary impetus to bring about last-minute domestic change. Finally, unfavourable control conditions do not seem to have played a role in the process.

Conclusion

When and how is EU democratic conditionality effective? We arrived at three negative and positive answers to this question. First, societal conditions and the transnational channel of conditionality are largely irrelevant to the success of EU conditionality. The societal control variables ('interdependence' and 'societal salience') proved irrelevant or were disproved by the case studies. Rather, it is domestic conditions at the level of governments or state elites that matter for effectiveness. This finding can be explained by the weakness of society and the volatility of electorates in the target countries.

Second, whereas social influence is an important element in the efforts of the EU and other European organizations to make the candidate countries adopt their norms, it is not a causally relevant one. On the one hand, even governments that are committed to 'Europe', identify themselves with, and aspire to be recognized as 'one of us' by, the western community, have failed to respond to social influence to the extent that compliance implies significant domestic power costs (see Slovakia and Turkey). On the other hand, even where both 'costs' and 'commitment' were favourable to effective conditionality, social influence was not sufficient if it was not accompanied by an explicit linkage to EU membership and its material benefits (see Latvia and Turkey). Thus, it is the material bargaining mechanism and the condition of low domestic political costs that ultimately determine the success of EU conditionality.

Third, the degree of 'legitimacy' of European norms had no discernible influence on their impact in the target countries. Conditionality in Latvia was not less effective because it focused on the 'less legitimate' minority rights; and neither the Mečiar nor the Turkish governments responded less favourably to EU demands for the granting of minority rights than to the rest of the EU political conditions.

As a summary evaluation, the analysis suggests that the impact of democratic conditionality has been marginal, but not irrelevant, in the three cases studied. Domestic conditions – governmental cost–benefit calculations – have been the most important factors for compliance. Reinforcement by reward works best where the domestic power costs of compliance for the target state elites are smallest; it is least effective where the violation of democratic and human rights norms is central to the power of target governments and its preservation.

However, the analysis also shows that reinforcement by reward is not redundant. It is hard to imagine that the reforms in Turkey and Latvia would have occurred without EU membership conditionality. In the case of Slovakia, this counterfactual claim is inappropriate. But even here, EU conditionality helped to mobilize the electorate against Mečiar, strengthened the coherence of the opposition and the post-Mečiar coalition government, and ensured that Mečiar became isolated in Slovak politics, although the HZDS continued to be the strongest Slovak party after 1998.

In the framework of reinforcement by reward, there is little the EU can do to strengthen democratic conditionality because membership is the highest reward it is able to offer. At any rate, our analysis suggests that effectiveness is unlikely to be enhanced by putting more emphasis on social influence, transnational mobilization or the legitimacy of EU conditions.

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