Building Sand Castles?
How the EU Seeks to Support the Political Integration of its New Members, Accession Candidates and Eastern Neighbours

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Abstract

This paper provides an overview of the modes of political integration of the EU in the new member states, in the current and potential candidates of the Western Balkans, and in the European Neighbourhood countries. More specifically, it analyzes the efforts directed at state-building and the rule of law and distinguishes between direct and indirect modes of influence. The analysis reveals interesting similarities of the modes used by the EU to promote the political integration of new member states, candidates, and neighbourhood countries. These similarities have been propelled by the lessons the EU has learned over time, showing that the EU's political integration has evolved through an incremental process of "learning by doing" rather than a great master plan. Through mapping the EU's efforts, the paper argues that the EU has been reluctant and inconsistent in applying conditionality, yet used reinforcement by reward as the linchpin of its efforts to induce political change.

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Contents

1.   Introduction

The European Union (EU) seeks to strengthen the integration capacity of new members, current and potential candidates as well as its Eastern neighbours by helping them to make their domestic institutions and policies conform to the EU's norms and values and by building their capacity to provide collective goods and services. Modes of economic integration aim at mitigating competitive asymmetries and fostering the sustainability of EU market rules. Modes of political integration, in turn, aim to promote democratization and democratic consolidation and to strengthen governance capacities of new and non-members.

EU membership has been considered the key factor in strengthening the integration capacity of post-communist countries in the context of Eastern enlargement. Accordingly, the ineffectiveness of the European Neighbourhood Policy (ENP) in bringing about the domestic change that conforms to the EU's expectations tends to be blamed on the lack of this 'golden carrot'. Likewise, the stalling of domestic reforms in current and potential candidates (Albania, Turkey, Bosnia Herzegovina, and Macedonia) as well as the potential back-sliding of some of the new member states (Bulgaria, Rumania, Hungary, Latvia, cf. Börzel 2014) are explained by the carrot already being eaten up or not being juicy enough (any more). At the same time, however, we do find that Eastern Neighbourhood Countries (ENC) engage in domestic reforms the EU has been promoting, mostly at the policy level (Börzel/Langbein 2013) but in some cases also with regard to political institutions (Börzel/van Hüllen 2014b).

Work package 5 (WP5) of MAXCAP investigates which modes of political integration other than membership conditionality the EU has developed to promote and protect democracy and state-building in new members, candidates and neighbours. More specifically, we explore how the EU has adjusted its goals and tools of political integration developed during Eastern enlargement or when facing more acute problems of limited statehood in South Eastern Europe, the Western Balkans, and the Eastern Neighbourhood.

This paper reviews the literature regarding the modes of political integration the EU has developed and applied to shape state-building and rule of law in the new member states, in the current and potential candidates of the Western Balkans, and in the ENC.[1] The first part develops an analytical framework of modes of political integration that combines two concepts: the mechanisms the EU uses to induce political change and the actors targeted by the EU with these mechanisms in its attempt to shape their preferences and build their reform capacities. The second part uses this framework to make an inventory of the EU's modes of political integration systematically tracing their evolution over time. The analysis draws on a comprehensive review of the general literature as well as the findings of four separate input papers. It zooms in on two areas that are important to the EU's attempts to strengthen the political integration capacity of past candidates and new members (Dimitrova 2015), current and potential candidates (Fagan 2015; Müfteler-Baç 2015a), and the Eastern Partnership (EaP) countries (Börzel/Lebanidze 2015): promoting and protecting rule of law and building state capacities. I show that political modes of integration developed through an incremental process of "learning by doing" rather than through a great master plan by the EU to strengthen the integration capacities of non-members. These political modes initially emerged in

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1   I thank Nelli Babayan and Laszlo Bruszt for their helpful comments.

the development cooperation of the EU with the so-called African, Carribean, and Pacific Group of States (ACP), then travelled to the Eastern enlargement process and to the ENP and finally also spilled over into the domestic politics of the EU vis-à-vis its new member states.

This might suggest that the EU has pursued a "one size fits all" approach. The analysis indeed reveals some interesting similarities of the modes used by the EU to promote the integration of new member states, candidates, and neighbourhood countries. These similarities have been propelled by the lessons the EU has learned over time. While conditionality continues to play a prominent role, it has become more differentiated, both with regard to the rewards offered and the benchmark set to obtain them. Moreover, conditionality has been mixed with and complemented by softer and more indirect modes, which are more open to the involvement of non-state actors. The specific mix of different modes, however, as well as the openness to involving non-state actors still varies between new members, candidates, and neighbours.

The paper concludes with an outlook on the way ahead regarding the extent to which political modes of integration account for the variation in democratization, democratic consolidation and governance capacity found in a previous analysis conducted in WP 1 (Börzel 2014). This will allow us to explore whether alternative factors are more effective for the EU in promoting and safe-guarding the political change it likes to see.

2. EU Modes of Political Integration: How, What, and with Whom

2.1 Mechanisms (How)

Since the end of the Cold War, the EU has sought to actively foster peace, stability and prosperity in the post-communist countries by exporting its norms and principles of good governance to support and promote democratization, democratic consolidation, and governance capacity (cf. Börzel et al. 2007; Wetzel/Orbie 2011). To encourage them to adopt its constitutional principles and sectoral policies and adapt their domestic institutions, policies, and political processes accordingly, the EU has developed a sophisticated tool box that heavily draws on 'reinforcement by reward' (positive conditionality) and 'reinforcement by support' (capacity-building) (Schimmelfennig et al. 2003; cf. Schimmelfennig/Sedelmeier 2005b; Schimmelfennig et al. 2006). Both instruments are linked to the membership perspective, which is conditional upon compliance with the EU's Copenhagen Criteria and comes with comprehensive financial and technical assistance to strengthen the reform capacity of state institutions. The 'golden carrot' of membership is considered to form the core of the EU's transformative power, which explains the success story of Eastern Enlargement, the differential progress of the Western Balkan countries and Turkey as well as the lack of improvement in the ENC (inter alia Knaus/Cox 2005; Magen 2006; Schimmelfennig/Sedelmeier 2004; Schimmelfennig/Scholtz 2008; Vachudova 2005). Amid persistent protests against Ukraine's President Viktor Yanukovych, EU Commissioner Stefan Fuele called for a membership perspective for former Soviet countries: "You can't transform this part of Europe without using this most powerful instrument [enlargement]".[2] In the absence

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[2] Commissioner Fuele quoted in "EU Commissioner Calls for Ukraine Accession Promise", EU Observer, 1 February 2014, http://euobserver.com/foreign/122972, accessed 3 February 2015.

of a (consistent and credible) membership perspective, the EU seems unlikely to strengthen the integration capacity of non-members by inducing domestic reforms that would bring them closer to membership.

At the same time, we do not know whether the membership perspective provides the crucial incentive for (potential) candidates to initiate the domestic changes setting the trend towards effective and democratic governance. First, the CEE countries would have initiated most domestic changes even without a membership perspective (Houghton 2007; Mungiu-Pippidi 2014; for a more sceptical view see Levitz/Pop-Eleches 2009). Moreover, credible, conditional promise of accession to the EU is at best a necessary, yet not a sufficient, condition for political change. EU conditionality has promoted democratization where the political costs for the incumbent were not prohibitive, threatening their political survival, and veto players were not powerful enough to block domestic reforms (Kelley 2004; Pridham 2005; Schimmelfennig/Engert et al. 2003; Vachudova 2005).

Second, countries only receive a membership perspective once they have sufficiently aligned with the trend and made substantial progress towards effective and democratic governance, which the EU then helps to lock-in with a credible membership perspective (Börzel/van Hüllen 2011; Levitz/Pop-Eleches 2009). This may also explain why accession conditionality has been found most effective when the EU decided whether to open accession negotiations (Houghton 2007; Mungiu-Pippidi 2014; Saatcioglu 2010).

Third, Turkey, Ukraine and the Southern Caucasus countries introduced costly domestic change in line with the EU's demands for democratic and effective governance even though they have no (credible) membership perspective (Börzel/Soyaltin 2012; Börzel/van Hüllen 2014b; Casier 2011; Delcour/Wolczuk 2015; Gawrich et al. 2009; Langbein/Wolczuk 2012; Yilmaz 2011). While membership certainly matters, accession conditionality might not be the only way for the EU to affect political change in countries that may or may not want to join (Lavenex/Schimmelfennig 2010; Lavenex/Schimmelfennig 2011). Moreover, other mechanisms not (directly) related to the EU might drive the domestic changes (Ademmer/Börzel 2013; Dimitrova/Dragneva 2009; Epstein 2008; Orenstein et al. 2008; Langbein 2013).

The Europeanization literature has identified different mechanisms by which the EU can directly affect political change (Bauer et al. 2007; Börzel/Risse 2012; Cowles et al. 2001; Kelley 2004; Lavenex/Schimmelfennig 2010; Magen/Morlino 2008; Magen et al. 2009; Schimmelfennig 2007; Schimmelfennig 2012; Schimmelfennig/Sedelmeier 2005c; Vachudova 2005; Youngs 2001). They relate to the major logics of social action, the instrumental logic of consequentialism and the normative logic of appropriateness[3], that rest on distinct assumptions about actors and their relations with social structures and institutions. Conditionality tries to manipulate cost-benefit calculations through creating positive and negative incentives. This mechanism is based on the logic of consequentialism and has also been referred to in the democratization literature as leverage (Kubicek 2003; Lavenex/Schimmelfennig 2010; Levitz/Pop-Eleches 2009; Way/Levitsky 2007). The perspective of EU membership or a closer association with the EU may help to buy off domestic veto players that bloc the domestic reforms the EU demands for the costs they incur.

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3   For the distinction see March, J. G. and Olsen, J. P. (1989) Rediscovering Institutions. The Organizational Basics of Politics, New York; London: The Free Press.

Political dialogue seeks to persuade domestic actors to "do the right thing" because they want to be part of, or at least be recognized by the EU as a particular community and have been socialized into rule-following. This mechanism draws on the logic of appropriateness and comes close to what the democratization literature refers to as linkage (Kubicek 2003; Lavenex/Schimmelfennig 2010; Way/Levitsky 2007). Enforcement does not leave domestic actors any choice, either based on utility maximization or considerations about appropriate behaviour. Actors are legally obliged or physically coerced to comply with EU policies and expectations. In its external relations with candidates and neighbours, the EU hardly uses coercive power, even though some aspects of accession conditionality are hard to distinguish from law enforcement. Note, however, that in the case of member states or accession candidates, legal coercion has to be distinguished from the use of military force in the sense that member states or accession candidates have voluntarily agreed to be subject to legal coercion by virtue of them being EU members or candidates to membership. Assistance, finally, enables choices rather than imposing or inducing them, building the capacity of domestic actors to make and implement them by providing them with financial resources and technical expertise.

Figure 1: The tool box for direct influence

Instrument	Mechanism of Influence
enforcement	legal and physical coercion
conditionality	manipulation of cost-benefit calculations
political dialogue	social learning and persuasion
assistance	capacity and institution building

Source: own elaboration

What has often been overlooked in the literature is that the EU may affect political change more indirectly – "bottom up" – through functional and normative emulation depending again on the logic of social action (Börzel/Risse 2012; Jacoby 2004; Schimmelfennig 2007). Actors need to solve a problem or to overcome a crisis and look around for "best practices" and institutional solutions that serve their needs (logic of consequences). They might also simply "download" an institutional or policy model of the EU, because this is the way things are done by the EU to which they want to belong (logic of appropriateness).

The EU has sought to encourage competition among countries seeking closer relations with the EU. While the EU's external relations have been largely structured around regional dimensions, accession and neighbourhood countries also negotiate bilateral agreements with the EU based on their performance with regard to adopting European policies and institutions. Next to this 'regatta principle', the EU has used the Open Method of Coordination developed internally in sensitive areas of EU policy-making (education, employment, health) in its attempt to foster cooperation among countries within one region setting benchmarks and organizing regular peer reviews (Tulmets 2003). Finally, adopting and complying with the EU's political institutions and policies can help gain competitive advantages and avoid negative externalities, such as the diversion of trade, foreign direct investments, and aid (Lavenex/Ucarer 2004), respectively.

This mode of unilateral adjustment corresponds to what Frank Schimmelfennig calls externalization (Schimmelfennig 2012).

Second, lesson-drawing resembles competition insofar as actors look to others for policies and rules that effectively solved similar problems elsewhere and are transferable into their domestic context (Dolowitz/ Marsh 2000; Meyer/Rowan 1977). Institutions may become "contagious" (Myers 2000: 175) under conditions of uncertainty, policy failure and dissatisfaction with the status quo. Lesson-drawing usually starts with domestic actors who are faced with a particular political or economic problem which requires institutional change to solve it. They then look around for institutional or policy solutions which are suitable to solve their problems. The EU has a multitude of institutional and policy models on offer, which it often actively promotes by applying the Open Method of Coordination or by providing financial and technical assistance for their adoption and implementation.

Both lesson-drawing and competition are based on instrumental rationality, since they follow a functional logic. Actors cannot achieve their goals – e.g. economic performance in a globalized world – and look for or compete over "best practices" to increase their performance. They look at EU institutions and policies as a model for problem-solving.

Third, domestic actors may emulate the EU for normative rather than functional reasons, e.g. to increase their legitimacy (Polillo/Guillén 2005). Alternatively, they might simply imitate the EU because the appropriateness is taken for granted (mimicry; cf. Meyer/Rowan 1977). Normative emulation/mimicry is, thus, based on the logic of appropriateness. For example, countries might want to be members of the community of European states "in good standing" and, thus, fight corruption, improve their human rights standards, or institute the rule of law. As a result, they look around for institutional solutions which they then emulate. In this case, the driving force is not instrumental rationality, but the desire to be a legitimate member of a community. Mimicry is based on the same social logic of appropriateness, but involves a less active process. It almost resembles the automatic "downloading" of an institutional "software", irrespective of functional need, simply because this is what everybody does in a given community.

For both functional and normative emulation, the EU often is a "presence" (Allen/Smith 1990 quoted in Schimmelfennig 2009: 8), a passive model or reference point, rather than an active promoter of political institutions and policies. It is its power of attraction that draws countries closer (Jacoby 2004).

Figure 2: The tool box for indirect influence

Instrument	Mechanism of Influence
competition	functional emulation
lesson-drawing	functional emulation
mimicry	normative emulation

Source: own elaboration

In sum, the EU can draw on a comprehensive tool box to encourage domestic reforms in new member states, candidates, and neighbourhood countries. While based on different mechanisms, the various instruments are not mutually exclusive but are most effective if they are combined.

Modes of political integration refer to the instruments the EU uses to promote and protect certain goals or objectives vis-à-vis domestic actors in the new member states, candidates, and neighbourhood countries.

2.2   Goals (What)

Regarding the goals or objectives, fostering and enabling political integration of non-members refer to the EU's promotion and protection of constitutional norms that reflect the values and principles upon which it has been built (Börzel/Risse 2009; Schimmelfennig 2009: 10). They can be inferred from the EU Treaties, partnership and cooperation, association or accession agreements and other official documents and decisions of the EU.

In the case of Eastern Enlargement, the EU had been mostly concerned with human rights, in particular minority protection (Kelley 2004; Sasse 2008; Schwellnus 2005), and the administrative capacity of the CEE candidates for legal approximation with the acquis communautaire (Dimitrova 2002). Democratic consolidation was an issue with Slovakia, which was relegated in 1997 to the second group of CEE countries not deemed ready for opening accession negotiations due to the illiberal tendencies of the Meciar government (Dimitrova/Pridham 2004; Haughton 2007; Henderson 1999b; Pridham 2002). With the second group, including also Bulgaria, Romania, Lithuania, and Latvia, the EU became increasingly concerned about the slow progress regarding judicial reforms and the fight against corruption. The accession of Romania and Bulgaria was postponed by two years due to insufficient progress in minority protection, the rule of law, the fight against corruption, and the competitiveness of their economies (Haughton 2007; Noutcheva/Bechev 2008; Spendzharova/Vachudova 2012).

The EU approach to the current candidate countries in the Western Balkans has been closely following the CEE trajectory (cf. Elbasani 2013a; Fagan 2015; Magen/Morlino 2008). Similar to enlargement, the EU Western Balkan policy inter alia aims at "the creation of an institutional and legislative framework to underpin democracy, the rule of law and human and minority rights, reconciliation and the consolidation of civil society, the independence of the media and the strengthening of legality and of measures to combat organised crime".[4] Yet, in order to stabilize a region ridden by ethnic violence and lingering conflicts, strengthening the effectiveness of governance institutions has become even higher a priority than in the CEE countries (Bieber 2011; Börzel 2013; Pickering 2011). Moreover, judicial reform and rule of law have moved center stage (see below).

Problems of limited and contested statehood are less of an issue in Turkey. Yet, besides locking-in democratic change, particularly in the area of minority rights, public sector reform and the fight against corruption

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[4]   Council Regulation (EC) No. 2666/2000, available at http://ec.europa.eu/enlargement/pdf/financial_assistance/ cards/general/2666_00_en.pdf, accessed 13 March 2015.

have been a major focus in its accession process (Börzel et al. 2015; Müfteler Baç 2005; Noutcheva/Düzgit 2012). Next to strengthening Turkey`s governance capacity, the EU has sought to resolve the frozen conflict in Cyprus, the Kurdish question, and the Turkish-Greek conflicts in the Aegean Sea (Celik Betül/Rumelili 2006; Cengiz/Hoffmann 2013; Diez/Noutcheva 2009). Finally, in line with the EU's "new approach", judicial reform has become a central focus (see below).

As in the case of the past and current candidate countries, the EU seeks to transform the domestic structures of its neighbours in order to foster peace, stability, and prosperity. The European Neighbourhood Policy aims at promoting the democratic quality and effectiveness of government institutions of the EU's Eastern and Southern Neighbours (Börzel/Van Hüllen 2014a; Kelley 2006; Magen 2006).

The EU can also seek to promote political integration in a less explicit way through policy-specific functional cooperation (Freyburg et al. 2015; Lavenex/Schimmelfennig 2013). Rather than tackling political institutions as such, the EU seeks to promote principles underlying democracy, the rule of law, and good governance, such as transparency, accountability, and participation, through approximation to its sectoral legislation. In the field of environment, for example, the EU has invoked so called "new policy instruments" to give stakeholders consultation rights and free access to information (Knill/Lenschow 2000). While this sectoral approach certainly has democracy-enhancing potential, its aggregate effects on the political system as a whole are difficult to trace, particularly in the short run (Casier 2011; Youngs 2009).

2.3   Targets (With Whom)

Depending on which domestic actors the EU targets, it may use two different channels of influence (Diez et al. 2006; Schimmelfennig 2007). The EU can choose the way of " intergovernmental interaction" with state actors, or it can seek to trigger and influence domestic political change "through transnational processes via societal actors in the target state" (Schimmelfennig 2007: 6). Using the intergovernmental channel, the EU either tries to alter the preferences of target governments over strategies by manipulating their cost benefit calculation, or it aims at changing preferences over outcomes of governments by socializing them into new norms through processes of social learning and persuasion. The transnational channel targets domestic non-state actors (civil society, business) in order to empower them vis-à-vis their governments in pushing for political reforms (Schimmelfennig 2009: 8).

Combining instruments and channels allows us to construct a typology of modes of political integration (for a similar approach see Schimmelfennig 2009). Together with the goals, this typology will help us investigate whether and how the EU has adjusted its goals and modes developed during Eastern enlargement when e.g. facing the risk of back-sliding in new member states, confronting stagnation in the ENC, or addressing problems of limited and contested statehood in South Eastern Europe and the Western Balkans. Moreover, to what extent has the EU developed new modes of political integration for its Eastern neighbours to compensate for the lack of accession conditionality?

Figure 3: Modes of political integration (selective)

Targets / Instruments	State actors	Non-state actors
Direct		
Enforcement	Infringement Proceedings Article 7 (new members)	Litigation (new members)
Conditionality	Cooperation and Verification Mechanisms (new members)	Investment/Disinvestment (all) subject to political environment
	political conditionality	
	acquis conditionality (candidates)	
	DCFT EaPIC ("more for more") (neighbours)	
	policy conditionality (neighbours)	
Political dialogue	European Parliamentary Groups (new members)	People-to-people
	Association Council Structured Dialogue High-level Political Dialogue (candidates)	
	Joint Parliamentary Committees (candidates)	
	Informal Eastern Partnership Dialogues (neighbours)	
Assistance	Transition Facility (new members)	Non-governmental financial and technical development assistance (all)
	Pre-accession assistance programs (e.g. PHARE) (candidates)	
	Twinning (candidates, neighbours)	European Endowment for Democracy (all)
	European Neighbourhood and Partners Instrument Neighborhood Investment Facility (NIF)	European Initiative for Democracy and Human Rights Civil Society Facility (neighbours)
	Comprehensive Institution-Building (CIB) (neighbours)	

Indirect		
Competition	Commission scoreboards on rule of law (new members)	relative attraction to investors, relative competitiveness of products
	regatta principle (candidates, neighbours)	
Lesson-drawing	OMC (candidates, neighbours)	Eastern Partnership Civil Society Forum (neighbours)
Mimicry		

Source: own elaboration

3. The Emergence of Modes of Political Integration: Learning by Doing

From its very beginnings, the EU has been a 'community of values' of Western European democracies. It has also developed modes for the political integration of its members, particularly with regard to promoting democracy and human rights in its member states. Yet, its activities emerged as side-products of the market integration process rather than the explicit setting of political goals linked to specific modes for their promotion and protection (van Hüllen/Börzel 2013). The EU has developed a more comprehensive toolbox for political integration in its external relations. It evolved with its attempts to shape the governance institutions of developing countries in the late 1990s and was subsequently applied to accession candidates and neighbourhood countries.

3.1 From Development Cooperation to Eastern Enlargement

In 1986, the member states made their first constitutional commitment to foster political integration of non-members. The preamble to the Single European Act (SEA, 1986/1987) obliges the member states (not the EU!) to "promote democracy" (3rd paragraph) internally and to "display the principles of democracy and compliance with the law and with human rights" (5th paragraph) externally to contribute to international peace. Yet, this commitment at first did not translate into specific policies and instruments. This changed with the Maastricht Treaty (1992/1993). The goal "to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms" was introduced in the newly created policies of the Common Foreign and Security Policy (CFSP) (TEU, Article J.1, now 11.1) and Development Cooperation (TEC, Article 130u.2, now 177.2).

The EU's approach to fostering the political integration capacity of non-members emerged from its development cooperation with the ACP (cf. Börzel/Hackenesch 2013; Börzel/Risse 2009). It received its biggest boost in 1993 when the EU member states decided to offer Central and Eastern post-communist countries (CEE) a membership perspective. The EU adapted its toolbox to the situation in Central and Eastern Europe, where the main challenge for the EU was to foster democratic consolidation rather than induce political

liberalization and transition of authoritarian regimes. It predominantly relied on positive conditionality, re-warding compliance with human rights, democracy, and the rule of law (political Copenhagen Criteria) with the opening of accession negotiations and ultimately membership (cf. Cremona 2003; Kochenov 2004). The Europe Agreements, which provided the framework for the applicant countries' integration into the EU, made accession conditional upon ex-ante compliance with the Copenhagen criteria (i.e., positive con-ditionality). Suspension clauses (negative conditionality) were only introduced by the so-called Accession Partnerships in 1998, which defined specific priorities in the accession process agreed upon between the Commission and the candidate country, making financial aid conditional upon compliance with democratic princi¬ples, human rights, the rule of law, and market economy. Failure to respect these general conditions could lead to a decision by the Council on the suspension of pre-accession financial assistance. Likewise, the EU could postpone the opening of accession negotiations or delay the opening of new and the closure of opened chapters if candidate countries refused to comply, as the EU did in the case of Slovakia in 1997 helping to prevent an authoritarian backlash by nationalist forces (cf. Henderson 1999b; Houghton 2007).

Yet, with a few (successful) exceptions, negative conditionality was hardly invoked (Dimitrova/Pridham 2004; Houghton 2007). As in its relations with developing countries, the EU's enlargement policy com-plemented accession conditionality with financial and technical assistance to help candidate countries comply with the Copenhagen criteria (Bailey/de Propris 2004; Maresceau 2003: 12-13). The main tool of pre-accession assistance was PHARE ("Poland and Hungary: Aid for Restructuring of the Economies"), which, however, was designed to support economic reconstruction and made assistance conditional upon political reforms (Mayhew 1998). PHARE Democracy and PHARE Partnership and Institution-Building, cre-ated in 1992-93, were to support political integration but only made up for a very small part of the overall pre-accession assistance.

Socialization and social learning did also play a role, albeit to a lesser extent (Andonova 2005; Dimitrova 2010; Ethier 2003; Kelley 2004; Kubicek 2003; Schimmelfennig/Sedelmeier 2005b; Sissenich 2007). Next to financial and technical assistance, the EU provided state and non-state actors in accession countries with legitimacy to enact domestic change. A strong domestic consensus in favour of EU membership in their "return to Europe" (Henderson 1999a) allowed CEE decision-makers to silence domestic veto players inside and outside the government, despite the considerable costs incurred by EU policies. Moreover, the Copenhagen Criteria strongly resonated with the reform agenda of policy-makers and large parts of the societies in the CEE countries supporting a political and economic transition, which had been started by the collapse of communism in 1989. The legitimacy of the EU generated sufficient diffuse support through the identification with Europe that often trumped cost/benefit calculations in the adoption of and adaptation to the acquis communautaire and balanced nationalist beliefs. It also facilitated access and influence of (trans-)national norm entrepreneurs who had little difficulties in invoking the resonance of EU require-ments with domestic norms and values as to increase their acceptance and promote their internalization. While it did not forge completely new identities, EU accession reinforced the identification with Europe (Risse 2010).

Socialization was also fostered through political dialogue, which the EU institutionalized by the Association Councils, the highest decision-making bodies between the EU and the governments of the candidate countries. Joint Parliamentary Committees facilitated regular exchanges between the European Parliament (EP) and parliamentarians from the CEE countries. Moreover, in 1992, the EP launched its own version of political dialogue, the "European Democracy Initiative", which also provided funding for opposition parties and civil society organizations (Dimitrova 1998).

The role of indirect modes of political integration has hardly been explored. With the so called regatta principle, the EU certainly hoped to generate some competition among the CEE accession countries. Yet, the lack of consistency in rewarding progress and sanctioning the lack thereof undermined a true contest in the run-up to accession (Schimmelfennig 2008). The CEE countries' aspirations to "return to Europe" would lead us to expect some emulation, fostered by Twinning and regional cooperation, e.g. among the Visegrad countries. Yet, the literature hardly provides systematic evidence on processes of lesson-drawing or mimicry. MAXCAP seeks to help fill this gap.

In sum, the EU relied less heavily on accession conditionality to strengthen the political integration capacity of CEE candidate countries than the literature might suggest. In the rare occasions when negative conditionality was actually invoked, it proved quite effective to lock in democratic reforms and prevent back-sliding (but see Kochenov 2007). The credible threat of suspending accession negotiations certainly cast a shadow on CEE efforts to consolidate democracy and the rule of law (Dimitrova 1996; Dimitrova/ Pridham 2004; Mayhew 1998). At the same time, socialization mechanisms played a key role in supporting political change, through political dialogue but mostly through empowering liberal reform coalitions, which managed to win or stay in power by pledging to deliver on a fast accession to the EU (cf. Vachudova 2005).

3.2   Locking-in Political Integration after Accession

When eight of the 10 CEE countries joined in 2004, the EU became concerned with consolidating and locking in their political integration.[5] To prevent post-accession back-sliding after the discontinuation of accession conditionality, the EU extended pre-accession assistance under PHARE, Twinning and the Technical Assistance and Information Exchange (TAIEX) into the so-called "Transition Facility" (cf. van Hüllen/Börzel 2015) that shall "address the continued need for strengthening institutional capacity in certain areas through actions which cannot be financed by the Structural Funds".[6]

The accession of Bulgaria and Romania had been postponed by three years for lack of sufficient progress particularly with regard to the rule of law and the fight against corruption. Thus, their accession treaties included a safe guard clause allowing the EU to freeze EU funding in the cases of serious governance shortcomings. The EU additionally relied on conditionality by creating a specific Cooperation and Verification

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5   See e.g. the special issues of the Journal of Democracy "Is East-Central Europe Backsliding?", 2008, Vol. 18, No. 4, and the Journal of European Public Policy "Beyond Conditionality. International Institutions in Postcommunist Europe after Enlargement", 2008, Vol. 15, No. 6.

6   Final adoption of the general budget of the European Union for the financial year 2007, OJ L 77, 16.3.2007, p. 1–1565, here 1214.

Mechanism (CVM). The CVM establishes a 'rule of law' protection (and promotion) mechanism by setting a number of country-specific benchmarks and providing regular monitoring with bi-annual progress reports upon accession to the EU (cf. Gateva 2010; Levitz/Pop-Eleches 2010; Sedelmeier 2014; Spendzharova/ Vachudova 2012; Trauner 2009). When the benchmarks were not met, the EU suspended funding programmes and delayed the accession of Bulgaria and Romania to the Schengen free travel area. Yet, it has been argued that "the limited penalizing power of the remedial and preventive sanctions established in the framework of the CVM produces very weak negative incentive structure which diminishes the effectiveness of post-accession conditionality" (Gateva 2010: 21).

Article 7 of the Treaty of Amsterdam was another attempt to safeguard the EU's democratic status quo in anticipation of the accession of new and potentially unstable democracies (Dinan 2001: 37; Merlingen et al. 2000: 5; Sadurski 2010: 391-396). It established a sanction mechanism in case member states failed to uphold/respect common principles such as democracy, human rights, and the rule of law. Interestingly, the prevention mechanism added to Article 7 TEU by the Treaty of Nice (2001) was a response to an internal rather than external event, namely the inclusion of the Austrian Freedom Party (Freiheitliche Partei Österreichs, FPÖ), a right-wing populist party, into the Austrian government in 1999. While providing a formidable instrument of (negative) conditionality, the application of Article 7 has not been invoked, notwithstanding several incidences in new (Hungary, Romania) as well as old member states (France, Italy) that caused public concern and could have triggered at least the preventive mechanism. The Council or the Commission have never considered Article 7. If at all, the two institutions used it as an implicit threat indicating that all the options were on the table. Only the EP has continuously debated Article 7 without forming a cross-party majority that would be necessary for its activation (van Hüllen/Börzel 2013). Instead, the EU has relied on opening infringement proceedings under Article 258 TEU, the CVM and issue linkage, which all avoid party politics blocking majorities in the Council and the EP. The Commission has successfully brought legal action against new members' attempts to interfere with political freedoms, e.g. claiming that attempts of the French government to expel Sinti and Roma violate their freedom of movement. However, democracy and the rule of law as such are not directly part of the acquis, which limits the possibilities of the European Commission and the European Court of Justice to use infringement proceedings against backsliding. Legal coercion and conditionality have done little to prevent Victor Orbán and his ruling party from circumscribing the powers of the Constitutional Court and the freedom of the media, particularly with regard to electoral competition.

We also find continuation with regard to the socialization of the new members into EU norms and values through increased exposure (international travel and work), making them susceptible to peer pressure. The "sense of being part of the EU club and feeling required to adhere to the expectations of that club" should prevent CEE political elites and citizens alike from pushing back reforms adopted in the pre-accession period, particularly in the area of rule of law (Epstein/Sedelmeier 2009; Levitz/Pop-Eleches 2009: 462) – as long as political elites still want to be part of the club. While this appears to be increasingly less obvious in Hungary where Prime Minister Orban officially endorsed Putin's "sovereign" or "illiberal democracy"[7] there is evidence that socialization has continued to empower reform-minded coalitions in their

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7   "Orban Wants to Build 'Illiberal State'", http://euobserver.com/political/125128, accessed 25 March 2015.

mobilization against compromising the rule of law and rolling-back judicial reforms (Dimitrova/Buzogany 2014; Sedelmeier 2014; Spendzharova/Vachudova 2012).

Finally, the introduction of a bi-annual Commission report on corruption in the member states in 2011 and by the EU Justice Scoreboard in 2014, which compares the efficiency, quality and independence of member state justice systems, should foster competition and possibly lesson-drawing on the basis of best practice among new and old member states alike (Dimitrova 2015).

In sum, the EU extended conditionality and assistance beyond accession, upgraded them by introducing more fine-grained monitoring and sanctioning instruments and complemented them by alternatives, i.e. naming and shaming mechanisms that should foster socialization, competition and emulation. It is difficult to tell how effective this mix of modes has been in safeguarding the political integration of new members. It could not prevent democratic back-sliding in Hungary or protect the judicial independence in Romania. However, where EU modes have managed to mobilize and empower domestic opposition, they continue to help lock in political change. This appears to be particularly the case where civil society is systematically involved in monitoring, capacity-building or socialization processes. Yet, while non-state actors have contributed to the Commission CVM or corruption monitoring and participate in the implementation and evaluation of EU funding programmes, their involvement is still limited and unsystematic.

3.3   Enlargement Meets Limited Statehood

With its "big bang" enlargement, the EU has sought to expand the reach of its transformative power to the new neighbours, seeking to foster their political integration capacity. Given the perceived success of Eastern enlargement, the EU's pre-accession strategy for the current candidate countries in the Western Balkans closely follows the CEE trajectory combining financial and technical assistance with trade concessions in the shadow of (positive) membership conditionality (Elbasani 2013a; Friis/Murphy 2000; Magen 2006: 513-516). Yet, it soon became clear that EU accession of the Western Balkans would not work the same way it did in the CEE countries.

The current and potential candidates in the Western Balkans have remained "borderline cases of transition" (Elbasani 2013b), which struggle with significant problems of limited and contested statehood. In terms of democracy, Albania, Macedonia, Bosnia Herzegovina and Kosovo are still only partly free in Freedom House parlance. In addition, they have only limited capacity to control the monopoly over the use of force and to set and enforce collectively binding decisions. In addition, the borders of Bosnia and Herzegovina and Kosovo are still contested (Bieber 2011; Džihić/Wieser 2011). Bad governance has not only undermined the stability, peace and prosperity of the region. It has also weakened compliance of the Western Balkan countries with the Copenhagen Criteria after the EU offered them a membership perspective in 2000. Secessionist movements, unsettled borders, ethnic tensions, deficient state capacity and strong clientelistic networks have mitigated the effectiveness of the EU's attempts at democratic state-building, even in more consolidated states such as Croatia and Serbia (Bieber 2011; Youngs 2009).

Limited and contested statehood have affected both the capacity and the willingness of most current and potential candidates to respond to the EU's demands for political reform (cf. Börzel 2013). First, the legal adoption and implementation of EU norms and rules requires substantial governance capacity. The Western Balkans have engaged in significant formal domestic change, mostly induced by accession conditionality – even the weakest and most contested states have legally adopted EU norms and rules, including in areas where costs are high. The issue is effective implementation and enforcement. Similar to some of the new member states, the Western Balkans suffer from serious problems of decoupling between formal institutional changes and prevailing informal institutions and behavioural practices (Elbasani 2013a; Pickering 2011). This is not only the result of the dominance of conditionality: while it induces strategic rule adoption at the formal level, it does not promote norm internalization necessary for sustainable behavioural change at the practical level (Cameron 2003; Goetz 2005; Jacoby 1999; Schimmelfennig/Sedelmeier 2004; Vachudova 2005). The lack of financial and human resources on the one hand, and corruption and clientelism on the other, have undermined the effectiveness of the EU-induced formal institutional changes often resulting in a mere patching-up or layering of EU conform institutions (Bieber 2011; Elbasani 2013a; Pickering 2011).

Limited and contested statehood does not only undermine the governance capacity to meet EU expectations for political change but has also implications for the willingness of incumbent elites to adopt and implement reforms in the first place. Political change is always costly. Introducing political and economic reforms is not limited to money, staff, expertise and information. It also creates political costs for governments, which risk losing public support, or political power altogether, over imposing costly and unpopular changes. The enlargement literature has focused on the democratic quality of a regime as the main factor influencing the costs of Europeanization (cf. Schimmelfennig 2005; Youngs 2009; for a more general argument Cornell 2012). Differential empowerment of state actors by conditionality requires liberal reform coalitions, within and outside the government (Börzel 2009; Schimmelfennig 2005; Schimmelfennig/ Sedelmeier 2005a; Vachudova 2005). Democracy also seems to matter for the Europeanization of the Western Balkans.

Differential empowerment has mostly worked in Croatia and Serbia, which are the only Western Balkans ranked as free by the Freedom House Index. In both countries, the EU helped to strengthen the liberal opposition, which eventually ousted the ultra-nationalist and unreformed communists in 2000 (Noutcheva/ Düzgit 2012). The lower the democratic quality of a country, the higher the costs of adaptation, which in turn may become prohibitive, particularly in areas relevant to political power, such as judicial reform or democratic processes (Bieber 2011; Džihić/Wieser 2011; Pickering 2011). Moreover, liberal reform coalitions, which the EU conditionality and assistance could empower, are also weaker. Yet, limited statehood may equally impose costs, as the cases of Croatia and Serbia demonstrate. Both countries have sufficient governance capacity to introduce political and economic reforms. Progress towards closer relations with the EU was further inhibited by their unwillingness to cooperate with the International Criminal Tribunal for the Former Yugoslavia (ICTY). The extradition of war criminals like Ratko Mladic or Ante Gotovina not only implied considerable political costs for the Croatian and Serbian governments, since they were considered national heroes by larger parts of the population (Boduszynski 2013). Thus, ethno-national identities

seriously mitigate the effectiveness of EU political conditionality and governance assistance (Džihić/Wieser 2011; Freyburg/Richter 2010).

Lower levels of both democracy and statehood also compromise the use of non-instrumental and indirect modes of political integration. Public support for EU norms, values, and membership is more fragile. While Europeanization and democratization are clearly linked, there is public resentment whenever EU demands for compliance with the Copenhagen Criteria clash with nationalist beliefs, e.g. regarding the role of minorities and the extradition of war criminals to the ICTY. The legacies of the past resonate less with the EU's reform agenda and undermine its legitimacy and attractiveness as a model (Džihić/Wieser 2011; Elbasani 2013a).

Turkey's governance capacities to implement political reforms are less limited than in most of the Western Balkans. Yet, next to serious problems of corruption (Börzel/Soyaltin et al. 2015; Müfteler Baç 2005; Noutcheva/Düzgit 2012), the frozen conflict in Cyprus, the Kurdish question, and the Turkish-Greek conflicts in the Aegean Sea pose serious challenges to Turkey's statehood (Celik Betül/Rumelili 2006; Cengiz/ Hoffmann 2013; Diez/Noutcheva 2009). Moreover, the willingness of incumbent elites to engage in political reforms is compromised by the high costs and the fading credibility of the membership perspective. The Enlargement fatigue of the EU does not only undermine conditionality and political dialogue (Müfteler Baç 2015b), it has also fueled the declining support for membership among the Turkish public, which might have come to halt since 2014 though (cf. Börzel/Soyaltin 2012).

Learning from the most recent accessions of Bulgaria, Romania and Croatia, the European Commission introduced a "new approach" in 2011 to tackle the limited political integration capacity of current and potential candidates (European Commission 2011). It prioritizes the rule of law in the integration process, making it the foundation on which all other reforms are to be built. Accordingly, Chapter 23 on judiciary and fundamental rights and Chapter 24 on justice, freedom and security shall be opened early in the accession process and only closed towards the end. Moreover, problems of decoupling or "shallow Europeanization" (Falkner et al. 2008; Goetz 2005: 262) shall be overcome by moving beyond the legal adoption of EU norms and policies. For instance, formal guarantees of judicial independence do not automatically change practice "on the benches". Political modes are refined and developed accordingly. By recalibrating priorities and adjusting the mix of political modes to implement them, the EU seeks to avoid the need for post-accession compliance mechanisms, such as CVM, to promote judicial reforms in Romania and Bulgaria, and post-accession safeguards, which it had to use to prevent the rolling-back of institutional changes in the field of Justice and Home Affairs in Croatia after 2013.

Conditionality for legal harmonization and technical and financial assistance, mainly targeting government officials, remains central. However, conditionality becomes more differentiated by introducing multiple stages of screening and interim benchmarking. For chapter 23, for instance, a working group drafts an action plan based on an EU Screening Report, which provides the opening benchmark. Instead of setting one closing benchmark, the Commission defines interim benchmarks or milestones that need to be met before closing benchmarks are set. Regular monitoring shall provide sufficient time to verify a track record.

Moreover, the possibility for the Commission to introduce corrective measures in case of insufficient progress and to slow or halt negotiations on other chapters shall ensure that judicial reforms are continuously implemented and do not lag behind (cf. Nozar 2012). Capacity-building is targeted to support the process, moving away from short-term grants to longer term financial and technical assistance through direct budgetary support under the Instrument of Pre-Accession Assistance (IPA), infrastructure support, expert visits and training activities organized by TAIEX and Twinning funded by IPA. For instance, support for creating judicial councils and academies is followed up with further assistance and twinning to train judges and prosecutors (Fagan 2015).

Member state peer review missions complement the monitoring and offer opportunities for learning and socialization. So do the newly introduced Structured Dialogue (pre Stability and Association Agreement/ SAA), High-level Dialogue (SAA) and High-level Accession Dialogue as well as the Working Groups involved in the harmonization of chapters. These softer modes of political integration also seek to more systematically incorporate key stakeholders beyond government officials in the definition and implementation of the EU reform agenda.

The decision to make the rule of law and judicial reform the linchpin of the accession process, to refine conditionality and assistance, to strengthen softer modes of political integration and to involve non-state actors results from some critical lessons the EU has learned from the experience of previous enlargements (Bulgaria, Romania and Croatia): the proper evaluation of compliance requires time, particularly if legal reforms are not to be decoupled from behavioural practices (Fagan 2015).

The "new approach" is still in its infancy and insufficient time has lapsed to make firm judgements as to its overall success. However, the focus on ownership, inclusion, and gradual and verifiable change beyond elite-led legal reforms suggest that the strategy is sufficiently innovative to prevent a scenario whereby candidates have failed to deliver judicial reform in practice at the point of accession. Bringing together all relevant stakeholders in drafting and implementing roadmaps to reform also allows the EU to use technical assistance and dialogue to support the political integration capacity of candidates whose accession process has been stalled by the opposition of individual member states. The High Level Accession Dialogue launched in 2012 has been instrumental in moving Macedonia closer to accession despite the vetos of Greece and Bulgaria against opening membership talks (Fagan 2015).

Likewise, in Turkey, "accession by stealth" has been facilitated through the "positive agenda" launched in 2012. It seeks to promote reforms in Turkey in areas of joint interests, including the alignment with the EU legislation, visa, mobility and migration, trade, energy, judicial reform, counter-terrorism or dialogue on foreign policy. While the veto of Cyprus has prevented the opening of Chapters 23 and 24, the Minister of Justice issued a Judicial Reform Strategy in 2009, which was updated in 2012, with the aim of meeting the opening benchmarks. In the shadow of acquis conditionality, the EU has supported the implementation of the four reform packages adopted between 2011 and 2013 with a substantial increase in financial assistance under IPA funding. After some initial progress, however, reform efforts have gone into the opposite direction since the corruption scandals of 2013 (Müfteler Baç 2015b). While the EU could still threaten

Turkey to suspend accession negotiations, the Council of Europe and its Venice Commission have been more effective in naming and shaming the Turkish government for its faltering reform efforts (Müfteler Baç 2015a).

One lesson the EU has not fully internalized yet, however, concerns judicial interdependence. Institutionally preventing any political interference in the work of judges and prosecutors can have its pitfalls if it results in "unchecked judicial supremacy" (Parau 2012) undermining the rule of law. Such tendencies are particularly visible in some of the Western Balkan countries. In Serbia and Albania, for instance, judicial independence is being bolstered without concomitant measures to build robust checks and balances concerning the ways judges practice their independence on the bench (Fagan 2015).

3.4   From Enlargement to Neighbourhood

Fostering the political integration capacity has been a key component in the EU's approach to turn its new neighbours to the East into an area of security, stability, and prosperity (Börzel et al. 2008). The reform agenda of the ENP includes three major dimensions: democracy promotion, market integration and security cooperation (cf. Weber et al. 2007). The ENC do not have to take on the entire acquis communautaire. After all, ENP is to provide an alternative to full membership and aims at legal approximation rather than harmonization. Still, the ENP offers a "privileged partnership with neighbours", which "will build on mutual commitment to common values principally within the fields of the rule of law, good governance, the respect for human rights, and the principles of market economy and sustainable development" (European Commission 2004). These common values closely correspond to the Copenhagen Criteria, even though they are not stipulated as such in the contractual framework that rules the relationship between the EU and the ENC.

The ENP has largely relied on the same modes that the EU deemed successful in the accession of the CEE post-socialist countries, although with much lower intensity and one major exception (Kelley 2006; Magen 2006). The ENP was built as an alternative to membership, consequently the EU lacks its most important instrument for supporting the political integration of ENC: accession conditionality. Yet, the respect for human rights, rule of law and democracy as well as market economy form essential elements of the bilateral Partnership and Cooperation Agreements (PCA) and, thus, constitute a major condition for closer economic and political cooperation with the EU. Basically, the ENP offered the ENC trade and aid in exchange for political and economic reforms. To push its reform agenda, the EU may (threaten to) suspend bilateral agreements, withhold assistance, and impose political sanctions (e.g. visa bans). Likewise, the EU can reward progress by offering progressive integration into the Internal Market and its regulatory structures (e.g. environmental protection). On a more specific level, the EU can upgrade bilateral relations (e.g. association), lift trade restrictions (e.g. deep and comprehensive free trade agreement), simplify visa regimes or extend the scope of assistance.

These possibilities notwithstanding, the EU has been very reluctant to use negative conditionality (Emerson et al. 2005; Lavenex 2008; Youngs 2009). While the ENP has largely eschewed negative conditionality,

"reinforcement through rewards" has been hampered by the low attractiveness of closer relations with the EU to countries that face high costs of adaptation in drawing closer to the EU (all ENC), aspire nothing less than membership (Ukraine, Moldova, Georgia), command control over substantial resources (Azerbaijan) or maintain close relations with Russia (Belarus, Armenia). The EaP, launched in 2009, was designed to provide an institutional framework to improve the political and economic trade-relations of the six post-Soviet states of "strategic importance" – Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine with the EU. "Shared values including democracy, the rule of law, and respect for human rights will be at its core, as well as the principles of market economy, sustainable development and good governance."[8] Sufficient progress towards these principles is the precondition for concluding new Association and Free-Trade Agreements. Being the most important trading partner for the EaP countries, the Association Agreement and Deep and Comprehensive Free Trade Agreements (DCFTA) provided the EU with a new set of incentives to step up its use of political conditionality to push for democratic and judicial reforms (Börzel/Lebanidze 2015). However, pressure by Russia has given the authoritarian leaders of Armenia and Ukraine a pretext for dodging EU demands for political and judicial reforms in return for deeper and enhanced cooperation. The resolve of the EU to grant "more for more" has been tested by Ukraine, Moldova and Georgia, which signed Association Agreements (AA) despite the lack of clear progress in their democratic consolidation (Börzel 2014). It remains to be seen whether deep and comprehensive association coupled with a remote accession perspective can substitute for credible accession conditionality (Schimmelfennig/Scholtz 2008). In the case of Ukraine, the EU Commission itself seems to doubt whether anything else than membership will do.[9] In the case of the Georgian "Rose Revolution" in 2003 and the Ukrainian "Orange Revolution" in 2004, inter alia EU suspension of bilateral relations and the threat thereof empowered the democratic opposition and contributed to a peaceful transition of power (Börzel et al. 2009; McFaul 2007). Moreover, policy conditionality under certain conditions provides sufficient incentives to induce selective political reforms (Langbein 2011), even in cases where costs are high (Ademmer/Börzel 2013) – as long as they help to stabilize rather than threaten the political survival of the incumbent regime (Börzel 2012; Börzel/Pamuk 2012; Casier 2011). Conditionality may be effective, if the domestic conditions are "right", i.e. EU incentives can empower reform-minded coalitions to push for political change.

Financial and technical assistance could reinforce conditionality since it is linked to the respect for democracy, principles of international law and human rights. Yet, since the EU is very reluctant to invoke conditionality, its capacity-building efforts have largely benefitted reform measures preferred by the incumbent governments, strengthening the governance capacities of state institutions rather than their democratic and human rights record (Börzel/Pamuk 2012). Multiple funding programmes, including the Technical Assistance to the Commonwealth of Independent States (TACIS), which was replaced in 2007 by the European Neighbourhood and Partnership Instrument (ENPI), the Technical Assistance and Information Exchange (TAIEX) launched in 2006, the Support for Improvement in Governance and Management (SIGMA), a joined initiative with the OECD that started in 2008, and the Comprehensive Institution-Building Programme (CIB) initiated in 2009, mostly aim to strengthen the capacities of EaP government agencies in adopting and

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8   Declaration of the European Council on the Eastern Partnership, Brussels, 20 March 2009, http://europa.eu/rapid/press-release_DOC-09-1_en.htm, Annex 2 (last access 10 January 2014).

9   Commissioner Fuele quoted in "EU Commissioner Calls for Ukraine Accession Promise", EU Observer, 1 February 2014, http://euobserver.com/foreign/122972, accessed 3 February 2014.

enforcing EU regulatory standards through legal and administrative reforms (Börzel/Lebanidze 2015). EU technical and financial assistance has been more effective if it involves "multiplex capacity-building" measures that diversify demand among domestic state regulators and firms and empower them to make their claims (Langbein 2011). However, with the exception of Belarus, the main focus of the EU has been the governmental agencies of EaP states. The state-centred approach remained intact until the late 2000s. After the inception of the EaP in 2009, the funding possibilities for civil society have increased. The EU Instrument for Democracy and Human rights (EIDHR), the European Endowment for Democracy (EED), the Development Cooperation Instrument (DCI) and most prominently the Eastern Neighbourhood Civil Society Facility, launched in 2011, offer civil society organizations in the EaPs various sources of possible funding in their attempts to promote political change (Charniakovich 2013). However, state actors have remained the main target of EU technical and financial assistance (Börzel/Lebanidze 2015).

The EU modes of engagement, marked by the duality of weak political conditionality and government-oriented capacity-building assistance, can be clearly observed in the impact of the EU in the area of judiciary which has been one of the main priorities of cooperation between the EU and the EaP. On the one hand, by using the financial and technical assistance, the EU was quite successful in helping to improve the overall administrative quality of the judicial systems in the EaP countries. At the same time, however, due to weakened political conditionality, it has failed to encourage the political reform of the judiciary and the judiciaries remain highly dependent on the executive branch of power in almost all EaP states (Börzel/Lebanidze 2015). Political dialogue has been equally state-centered, despite being based on the principles of partnership, joint commitment and ownership to foster political integration. The partners shall agree on reform agendas that identify priority areas and actions and turn them into Action Plans, which are not legally binding. Implementation is again subject to negotiations under political dialogue. Non-state stakeholders are hardly included in the drafting and implementation process. Their involvement in the Eastern Partnership is organized through separate arenas, such as the EaP Civil Society Forum and the EaP Business Forum. While being an important precondition, it is hard to say to what extent political dialogue has fostered socialization and social learning processes. The resonance of EU norms and values with the domestic institutions of the EaP countries is far lower than in case of the CEE countries, whose political and economic transition had been well under way when they started negotiating their entry into the EU. By declaring the EaP countries "friends" and "neighbours", the EU made quite clear that it did not consider them "members of the club", which is after all based on the very values, norms and principles enshrined in the ENP/EaP. This somewhat hypocritical approach has undermined the legitimacy of EU demands for political change. The attempts of the EU to frame human rights, democracy, the rule of law and good governance as "international norms" (Kelley 2006: 40) rather than European values have done little to change the perception of the EaP countries as unwanted by the EU.

There are, however, a few instances in which political dialogue seems to have been effective in supporting political integration (Börzel/Lebanidze 2015). It helped persuade the pro-Western Georgian government under Mikhail Saakashvili to allow a peaceful transition of government, even if it meant that his party would lose power. In a similar vein, the EU encouraged the pro-European political forces in Moldova to build a new governmental coalition after the long period of political crisis in 2013. The existence of a

European or pro-Western identity among incumbent political elites in some post-Soviet states increases the effectiveness of political dialogue and the persuasive power of the EU, which might even lead to political reforms in core areas, such as elections and the rule of law (Ademmer 2012; Langbein/Wolczuk 2012; Lavenex/Schimmelfennig 2011).

The EU has largely relied on direct modes of political integration. It has sought to encourage competition among countries seeking closer relations with the EU in meeting its demand for domestic change. During the early years of the ENP, however, competition among EaPs in making reform progress was undermined by a number of factors. Most importantly, the ENP pursued a regional "one-size-fits-all" approach (Börzel/Risse 2009), ignoring the different levels of democratic progress and membership aspirations (Delcour/Duhot 2011; Tumanov et al. 2011). While the EaP seeks to be more differentiated, offering more for more, it has lacked differentiated rewards. The carrots the EaP countries could compete for have remained the same: financial and technical assistance on the one hand, and an enhanced association and free trade in the midterm perspective on the other.

The multilateral approach of the ENP and the EaP could have fostered emulation among the EaP countries. Yet, lesson drawing and mimicry have been undermined by the EU's reluctance to differentiate and single out front-runners and best-practices which others could emulate. We find instances of bilateral functional emulation, where EaP countries have used EU policies to address problems, such as their energy dependence on Russia (Ademmer/Börzel 2013). We can also observe some normative emulation particularly in those EaPs whose political elites identify themselves as part of the European family. Georgia, for instance, strives to adopt even costly EU policies as part of a strategy of "accession by stealth", i.e. by behaving as if it had a clear membership perspective (Börzel/Lebanidze 2015).[10]

Despite the selective adoption of EU political institutions and policies, the EaPs have remained largely stuck in transition. They have either experienced authoritarian backlash or developed rather stable hybrid regimes "in the gray zone between democracy and autocracy" (Hadenius/Toerell 2006: 1; cf. Börzel 2014).

The absence of substantial political reforms might have been the price for the stability of the region. However, the war in Ukraine and an ever more aggressive Russia seeking to de-stabilize the EU's Eastern neighbours seem to indicate that the EU has also failed on this account,. On March 4, 2015, Federica Mogherini, the EU's foreign affairs chief, and Johannes Hahn, Neighbourhood Commissioner, presented a joint consultation paper titled "Towards a new European Neighbourhood Policy" (European Commission 2015). The total of 74 questions challenge virtually every aspect of the ENP and the EaP, putting its entire relevance on trial. Whether the EU will be able to turn away this time from its reliance on assistance to political dialogue with incumbent regimes, making more consistent use of political conditionality, remains to be seen. Political conditionality has worked in Georgia and Ukraine even without the golden carrot of membership when the promise of closer relations with the EU empowered pro-reform coalitions. Where such coaltions are weak(ened) or absent, however, EU reform pressures are likely to be futile. While the

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10 Authors' interview with Kakha Gogolashvili from the Georgian Foundation for Strategic and International Studies, 8 October 2014, Tbilisi, Georgia.

EU can still use policy conditionality to promote regulatory convergence with the acquis, it will have to keep relying on political dialogue and assistance to induce political change. Indirect modes are unlikely to become more relevant either, unless the EU abandons its regional "one-size-fits-all" approach and starts tailoring its policies and strategies to the different social, economic and political context on the ground (Börzel/Lebanidze 2015).

Irrespective of the EU modes of integration, Russia's intensified attempts at destabilizing EaP countries increasingly threaten to undermine the closer integration of EaP countries with the EU. Heightened security concerns put political change, such as judicial reform, at the back burner and give the EU's attempts at supporting political integration capacities by building state capacities a new twist.

The resolution of territorial conflicts has not been a direct focus of the EU, although the European Security Strategy of 2003 called for an increased role of the EU in conflict resolution. So far, the EU has sought to address problems of unresolved or frozen conflicts in the EaPs by a combination of political dialogue and diplomatic activity with the deployment of CSDP (Common Security and Defence Policy) civil monitoring missions in conflict areas (Diez et al. 2006). The reluctance of the EU to engage in conflict resolution was most evident during the first years after the inception of the ENP. The EU has repeatedly ignored the requests from the Georgian government for internationalization of the conflict over South Ossetia and Abkhasia through deploying an EU observation mission on the borders. In a similar vein, the EU preferred to distance itself from the Nagorno-Karabakh conflict and relied for its limited activities on the OSCE Minsk Group (Babayan 2011). The full-scale war between Russia and Georgia in 2008 over the break-away region of South Ossetia, which took the EU by surprise, acted as a catalyst forcing the EU to step up its conflict management activities. After the war, the EU quickly deployed a civil monitoring mission (EUMM) to oversee the implementation of the cease fire plan. While the EU has become a major security actor in the area, it has cooled rather than solved the conflict by ignoring the state-building activities of Russia in the two break-away regions (Börzel/Lebanidze 2015).

With security as the number one concern of most EaP countries and economies whose competitiveness is limited, the benefits of the costly implementation of the AA are at best long-term and EU financial and technical assistance won't be enough to pay off the cost. EaP effectiveness in bringing about political change will be further undermined by Russia seeking to empower break away regions to undermine EaP aspirations for Euro-Atlantic integration and exploiting economic and political vulnerabilities to pressure EaP countries into joining the EEU. A credible EU membership perspective might strengthen the EU's soft power of attraction for the pro-Western parts of the Ukrainian, Moldovan and Georgian societies and empower them to push for political reforms. However, it will not qualm their security concerns, which pose a major threat to both state-building and democratic and economic modernization.

4.   The Way Ahead: Exploring the Political Effect

The EU's modes of political integration have evolved through an incremental process of "learning by doing" rather than a great master plan. They initially emerged in the development cooperation of the EU with the

so called ACP countries, travelled to the Eastern enlargement process and to the ENP, spilled over into the domestic politics of the EU vis-à-vis its new member states, from where the EU drew important lessons for supporting the political integration of current and potential candidates. This lesson-drawing based on learning by doing accounts for a certain convergence in the EU's modes of political integration. While the EU has been reluctant and inconsistent in applying conditionality, reinforcement by reward remains the linchpin of its efforts to induce political change. The incentive mechanisms have become, however, more differentiated, prioritizing certain sectors, such as the rule of law, and introducing intermediate steps and benchmarks. At the same time, conditionality is not only flanked by but increasingly embedded in assistance and political dialogue. Technical and financial assistance has become more long-term and linked to supporting specific reforms which are conditional for moving forward with association and accession. Political dialogue has become more multi-tiered. Both modes are more open to the involvement of non-state actors, facilitating their role in monitoring reform progress. Incorporating non-state actors in capacity-building and socialization processes also renders conditionality more effective by broadening its potential for differential empowerment. The EU has been most successful in propelling political change and preventing back-sliding when its pressure and persuasion from above met with domestic mobilization from below (Börzel 2009; Börzel/Pamuk 2012; Dimitrova/Buzogany 2014; Noutcheva/Düzgit 2012; Spendzharova/Vachudova 2012; Vachudova 2005).

The EU has been slow in living up to its declared goal of upgrading the role of non-state actors though. While every "new" approach in the Enlargement and Neigbhourhood Policy creates new funding instruments and dialogue fora targeted at non-state actors, their actual involvement in the formulation and implementation of domestic reforms remains limited and varies considerably across countries. It seems to correlate with the degree of political liberalization and statehood. The more democratic a state and the lower its capacities to set and enforce reforms, the more likely civil society organizations and business actors are to get involved. This certainly explains why the EU's approach towards the Western Balkan current and potential candidates is less state-centered compared to Turkey and the EaP countries.

Indirect modes, by contrast, have hardly been explored by the EU. Their potential appears to be limited for the EaP countries given the lack of normative resonance and policy fit for non-democratic countries like Azerbaijan and Belarus, the EU's reluctance to accept Ukraine, Moldova, and Georgia as potential members of the club, and the EU's insistence on treating the EaPs as one regional group. Emulation and competition may hold more potential for the Western Balkan countries, which have a clear membership perspective and among which the EU has been forced to differentiate due to their different political and economic trajectories. Indirect modes appear most promising for holding new member states at bay, particularly since the European Commission has been making use of naming and shaming instruments, such as score boards and annual reports, to ensure compliance with EU laws and principles in all member states (Koops 2011).

Now that we have mapped the evolution and application of the EU's modes of political integration, the next task will be to explore to what extent they account for the variation in the degree of political change found by WP1 (Börzel 2014). This shall ultimately allow us to explore whether the EU should adapt its mix of modes or adopt entirely new ones to maximize its external integration capacity.

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"Maximizing the integration capacity of the European Union: Lessons of and prospects for enlargement and beyond"

The 'big bang enlargement' of the European Union (EU) has nurtured vivid debates among both academics and practitioners about the consequences of 'an ever larger Union' for the EU's integration capacity. The research project MAXCAP will start with a critical analysis of the effects of the 2004-2007 enlargement on stability, democracy and prosperity of candidate countries, on the one hand, and the EU's institutions, on the other. We will then investigate how the EU can maximize its integration capacity for current and future enlargements. Featuring a nine-partner consortium of academic, policy, dissemination and management excellence, MAXCAP will create new and strengthen existing links within and between the academic and the policy world on matters relating to the current and future enlargement of the EU.