

3 EU democratic rule of law promotion

Elena Baracani

Introduction

This chapter analyzes the action of the European Union (EU) to promote democratic rule of law in Romania, Serbia, Turkey and Ukraine, that is, the independent variable of the EUCLIDA model (see Chapter 2). After a brief description of the origins of the EU's activity of democracy and rule of law promotion, I explain how the EU favors the adoption, implementation and internalization of norms concerning the five aspects of the democratic rule of law, i.e. civil and political rights, judicial system, institutional and administrative structures, anti-corruption policies and civilian control of the army and police in our case studies. My explanation is based on the assumption that the international actor's (IA's) action of the EUCLIDA model (see Chapter 2), and in particular the EU's strategy to promote democratic rule of law is based on a supply of institutional ties and economic assistance to non-member countries, complemented by the demand to comply with certain political conditions. Moreover, the analysis shows that EU economic assistance is implemented through the realization of different projects, also in fields close to our dimensions of democratic rule of law. On the whole, the unique feature of this strategy is the combination of two main different modes of influence for an international actor, i.e. democratic conditionality and democratic socialization (see Chapter 2).¹ Finally, the chapter compares the strategy of the EU to promote democratic rule of law with similar activities of other international actors, such as the United States Agency for International Development (USAID), the Council of Europe (CoE), the Organisation for Security and Cooperation in Europe (OSCE), the United Nations (UN), and the World Bank (WB).

The origins

In the original founding treaties there was no mention of 'democracy', 'human rights', and 'rule of law'. It was only with the creation of the EU, at Maastricht in 1992, that these terms were incorporated into treaty language with two references concerning the Union's Common Foreign and Security Policy (CFSP) and the Community's development policy. In particular, it is

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stated that the development and consolidation of democracy, the rule of law, and respect for human rights and fundamental freedoms is one of the objectives of the CFSP, and that the Community development policy shall contribute to develop and consolidate democracy and the rule of law, and to respect human rights and fundamental freedoms (Magen 2007). On this basis, it is not surprising that it was only with the beginning of the end of the Cold War that the European Community (EC) started to adopt in its policy documents the objective of promoting democracy, human rights, and the rule of law towards third countries.

However, it should be recalled that in the framework of the Mediterranean enlargements, as early as 1962, the Birkelbach Report set out the first standards on democracy among prospective members, even though the literature has underlined that the role played by the EU in the democratic consolidation of Greece, Spain and Portugal during the 1980s was only an indirect one (Whitehead 1996b 261; Morlino 1998, 166; Kubicek 2003, 9).

Indeed, the EU started to play a direct role in the democratization process of accession candidate countries only in the case of those from central and eastern Europe. Initially, the relationship in the 1990s between the central and eastern European candidates and the Union was characterized by euphoria over the 'return to Europe'. But this euphoria vanished with the first association agreements of 1991, which did not affirm membership as the aim of the Union. In fact, they were perceived by the EU more as alternatives to, rather than a preparatory instrument for, accession. It was only at the 1993 Copenhagen European Council that the heads of state and government of the EU agreed that those associated countries of central and eastern Europe desiring membership could become members of the EU, even though, for the first time, the promise of membership was accompanied by a statement of formal membership conditions – democracy, rule of law, and protection of human and minority rights, a functioning market economy, and implementation of the *acquis*. However, only with the Luxemburg European Council of December 1997, which launched the enhanced pre-accession strategy to be applied to all Central and Eastern European applicants, did the EU move from indirect influence to direct leverage. This is first of all because the Copenhagen political conditions started to be translated by the EU into the demand for specific reforms from each candidate. Moreover, the progress of each candidate in complying with these demands began to be monitored annually by the European Commission in specific reports. Finally, the EU started to reward, in terms of institutional links and economic assistance, those candidates that complied with its requests. In line with its treaties' provisions, at the beginning of the twenty-first century, the EU is seeking to replicate this strategy not only with the current candidate countries (Turkey, Croatia and the Former Yugoslav Republic of Macedonia), but also with the remaining potential candidate countries of the western Balkans (Albania, Bosnia-Herzegovina, Serbia and Montenegro), and with those countries of eastern

Europe, the south Mediterranean and the south Caucasus that fall under the European Neighbourhood Policy (ENP) launched in 2003.

Institutional links

Institutional links, together with economic assistance, are the main incentives the EU offers to third countries. Institutional links refer to the status of contractual and non-contractual relations between the country and the European Union, to the final objective of this relationship (association or membership), and in some cases when accession is expected to take place. Indeed, membership is a stronger incentive than association, as it means that the country that joins the Union can participate, at the same level as the other member states, in the EU process of decision-making, and that it can benefit, as the other member states, from redistributive policies of the EU.

Table 3.1 shows the current status of the relations between the EU and each of the countries studied here. Romania became a new member of the Union after signing the Accession Treaty, Turkey has started accession negotiations, Serbia has started negotiations with a view to sign a Stabilization and Association Agreement (SAA), and Ukraine is starting negotiations for a new association agreement to replace the Partnership and Cooperation Agreement (PCA) that is about to expire.

Only the EU contractual relationship with Turkey dates back to the 1960s, when the Ankara Agreement came into force.² In the case of Romania and Ukraine there were no relevant contractual relations until the 1990s. In fact, relationships between the EU and Romania date back to the beginning of the 1990s, after the end of the Cold War and the dissolution of the Soviet Union. In the same international context, Ukraine signed the PCA with the EU in 1994 that came into force only in 1998, as it took four years for EU member states to ratify it, reflecting the low priority given to Ukraine in those years by the EU (Kuzio 2003, 14). Serbia still has no contractual relationship with the EU, as no agreement has been signed or is in force. However, as soon as the Milosevic regime ended, in October 2000, the Federal Republic of Yugoslavia (FRY) became a full participant in the Stabilization and Association Process (SAP).

It is important to note that relations between the EU and Romania, Serbia, Turkey and Ukraine have developed in the framework of different external policies of the Union, of the last few years, namely, the pre-accession policy for Romania and Turkey, the SAP for Serbia, and the new neighborhood policy for Ukraine. Only in the case of the pre-accession policy is membership the final objective of the process, although Turkey might turn into an exception. Indeed, the accession negotiating framework for Turkey establishes that negotiations are an “open-ended process, the outcome of which cannot be guaranteed beforehand”. Moreover, it specifies that “[w]hile having full regard to all Copenhagen criteria ... if Turkey is not in a position to assume in full all the obligations of membership it must be ensured that

Table 3.1 The process of getting closer to the EU

<i>Country</i>	<i>First negotiations for an agreement</i>	<i>Signing of an agreement</i>	<i>Formal application for membership</i>	<i>Grant of candidate status</i>	<i>Start of accession negotiations</i>	<i>Signing of the Accession Treaty</i>	<i>Membership</i>
Romania	1990	1991*	June 1995	July 1997	Feb. 2000	April 2005	Jan. 2007
Serbia	Oct. 2005						
Turkey	1960	1963	April 1987	Dec. 1999	Oct. 2005		
Ukraine	1991	1994					

Notes:

*This year refers to the Trade and Cooperation Agreement, which was superseded by the signing of the Europe Agreement in 1994. However, in 1974 an Agreement already included the country in the Community's Generalized System of Preferences.

Turkey is fully anchored in the European structures through the strongest possible bond". This means that in the case of Turkey it is uncertain what the end of pre-accession process will be; it might be membership but also possibly something different.

The most important steps in the pre-accession process are the formal application for membership, the granting of accession candidate status by the European Council, the Council's decision to open accession negotiations with the country, and the signing of the Accession Treaty. A pre-condition to applying for membership is to have an Association Agreement with the EU. In the case of Romania, after the signing of the Europe Agreement, the country applied for EU membership in 1995, accession candidate status was granted in 1997, accession negotiations opened in 2000, in 2002 the Copenhagen European Council established 2007 as the target date for Romania to join the Union, the Accession Treaty was signed in 2005, and finally the country joined the EU in January 2007.

In the case of Turkey, the association agreement, the so-called Ankara Agreement, dates back to 1963, but the country applied for membership of the EC only in 1987, after the Mediterranean enlargements to Greece, Spain and Portugal. Differently from Romania and the other central and eastern European countries that joined the Union in 2004, Turkey became in 1995 the first country to establish a customs union with the EU in anticipation of subsequent full membership.³ After an initial rebuttal by the Luxemburg European Council in December 1997, the Helsinki European Council made a great leap forward in EU–Turkish relationships two years later, deciding that "Turkey is a candidate state destined to join the Union on the basis of the same criteria as applied to the other candidate states".⁴ But the Turkish process of getting closer to the EU seemed to slow down after the Copenhagen European Council of 12–13 December 2002, which decided to enlarge the Union from 15 to 25 member states. Indeed, according to the presidency conclusions, it was agreed to postpone the decision for opening accession negotiations with Turkey until December 2004, because the government still had "to address swiftly all remaining shortcomings in the field of political criteria, not only with regard to legislation but in particular with regard to implementation". However, in October 2004 the European Commission recommendation concluded that Turkey had sufficiently satisfied the political criteria and suggested opening accession negotiations. The following European Council of December 2004 confirmed the recommendation of the Commission and decided to open accession negotiations with Turkey on 3 October 2005.

The ultimate objective of the SAP for the western Balkan countries is not membership, but the signing of an SAA with the Union. This process was launched in May 1999 in order to stabilize the area and provide a framework for relations between the EU and the Western Balkan countries for the entire period prior to the possible future accession. The SAAs for western Balkan countries are similar to the Europe Agreements for central and eastern European countries, as they both ask the third country for a commitment to

the EU's values in exchange for the creation of a free trade area with the Union. A year after launching the SAP, the Feira European Council affirmed, for the first time, that western Balkan countries are potential accession candidates, and thus that their future should be inside the EU. The Federal Republic of Yugoslavia became a full participant in the SAP as soon as the Milosevic regime ended. However, until October 2005 the EU would not open negotiations for the SAA because of the delays in the implementation of the new Constitutional Charter and of major deficiencies in the implementation of the country's international obligations.

In 1994 Ukraine was the first one of the Commonwealth of Independent States (CIS) to sign a PCA with the EU. But differently from the association agreements, PCAs do not foresee the possibility of membership of the Union. For this reason, since its adoption, Ukraine has insisted that relations should be upgraded to the level of an association agreement. Furthermore, in March 1998 Ukraine declared its intention to seek EU membership. The EU's response was an update of its relationship with Kiev, through the promulgation of a Common Strategy on Ukraine, but this may be considered a "consolation prize" given in lieu of offering membership to Ukraine (Kubicek 2003, 161). In fact this document states on the one hand that "the EU acknowledges Ukraine's European aspirations and welcomes Ukraine's pro-European choice", but on the other hand that "the main responsibility for Ukraine's future lies with Ukraine itself". Its main objective is limited to strengthening cooperation between the EU and Ukraine. Since the creation of the ENP in 2003, Ukraine has become a partner of this new policy. But as in the case of the SAP for the western Balkan countries, the final aim of the ENP is not to grant its partners membership, but in the short term "reinforced relations", through the possibility of participating in EU activities and greater political, security, economic and cultural cooperation, and in the long term a "closer relationship" which involves "a significant degree of economic integration and a deepening of political cooperation" (Council of the European Union 2004a). However, as officially designed, this new policy should ask all its partners of eastern Europe, southern Caucasus, northern Africa and the Middle East for the same commitments to the Union's common values that it demands of accession candidates or potential candidates. Therefore, even though the EU did not offer Ukraine the incentive of full political integration, the Union asked it to make the same commitments in terms of democracy, human rights, the rule of law and minority rights of accession candidates or potential candidates. From the Ukrainian perspective, the ENP was an improvement on the PCA and the Common Strategy, but Ukrainian reactions were negative as the country expected to be offered accession. In the framework of this policy, the Council of the European Union has recently adopted negotiating directives for a new agreement – known as the "enhanced" agreement – that should replace the PCA between the EU and Ukraine that expires in March 2008. From the point of view of Ukraine, this agreement could be the occasion to establish the possibility for the country to become

a member of Union in the future. But, the Council and the Commission have reaffirmed that “through this Agreement, the European Union aims to build an increasingly close relationship with Ukraine, aimed at gradual economic integration and deepening of political co-operation”, even though at the same time it is declared that the new agreement “shall not prejudice any possible future developments in EU–Ukraine relations”.

Economic assistance

Economic assistance is the other main benefit that third countries are given by the EU. In this section, I compare the total Official Development Aid (ODA)⁵ with the same aid provided by only the EU.⁶ This allows me to evaluate whether Romania, Serbia, Turkey and Ukraine are the main recipients of only EU aid or also of non-EU aid, and consequently to assess whether the EU is the principal donor for these case studies. Later on, I look at the allocation and distribution in different sectors of EU economic assistance for each case study, through different programs or agencies.

Official development aid

Unlike other countries, Serbia is at the moment among the top recipients not only of EU development aid but also of non-EU development aid. In 2004 Serbia-Montenegro was the twenty-third largest recipient of total aid per capita amounting to 144 US\$, and was the eighth country with the largest EU aid per capita, amounting to 83 US\$ (EU Donor Atlas 2006, 16 and 17), which means that non-EU aid per capita was 61 US\$, mainly from the United States and from the WB (OECD 2006b). Therefore, the EU share of total ODA to Serbia-Montenegro in 2004 was only 58 percent (EU Donor Atlas 2006, 22). For instance, in 2004 Serbia-Montenegro benefited from a total aid of 1170 million US\$ (see Table 3.2), 675 million US\$ of EU aid and 495 million US\$ of non-EU aid (European Commission and OECD 2006, 26 and 28). However, EU aid should be separated into the Union’s aid, amounting to 366 million US\$ in 2004 (see Table 3.3), and EU member states’ aid, mainly from Germany, France, Switzerland, Norway, Sweden, Greece and the Netherlands (OECD 2006b). If I consider EU aid per capita, Serbia-Montenegro has been the top recipient among our case studies.

Again, considering EU aid per capita, Romania is, among our cases, the second largest recipient after Serbia. In the case of Romania, the largest donors, after the EU, are Japan, Germany, the United States, France, Switzerland, Hungary, the United Kingdom, Greece, and the Netherlands (OECD 2006a). In comparison with Serbia and Romania the total aid given in recent years to both Turkey and Ukraine is much smaller. As in the case of Serbia and Romania, also for Turkey, the EU is the first donor, followed by Japan, Germany, Spain, France, Austria, the Arab countries, the United States, the United Nations High Commissioner for Refugees (UNHCR), and

Table 3.2 Total aid by all donors, net disbursement (million US\$)

Country	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Romania	154.39	297.85	230.92	219.23	366.96	396.82	432.23	647.68	419.44	601.12	914.25
Serbia-	49.22	95.06	69.51	97.36	107.93	676.22	1133.63	1305.56	1929.68	1317.63	1169.87
Montenegro											
Turkey	147.33	312.74	245.06	6.64	28.81	10.98	326.84	168.66	410.32	164.74	285.7
Ukraine	289.91	319.22	397.62	267.93	464.74	569.07	541.2	518.79	482.52	323.37	357.55

Source: Data extracted on 2007/01/17 from IDS Online-DAC Database – Destination of Official Development Assistance and Official Aid – Disbursement, OECD. Stat (my compilation).

Table 3.3 EU aid by recipient (million US\$)

Country	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Romania	74.18	193.87	112.63	125.37	172.61	243.7	264.17	497.07	220.26	330.05	694.8	–
Serbia-	–	8.9	0.09	19.76	12.56	–	470.91	614.7	–	341.76	365.93	157.5
Montenegro												
Turkey	–23.32	–13.08	5.93	60.78	81.92	20.34	186.68	142.59	150.78	140.37	303.05	391.98
Ukraine	23.57	155.52	16.06	5.71	97.82	70.82	71.65	97.35	58.51	48.62	75.42	102.14

Source: Data extracted on 2007/01/17 from IDS Online-DAC Database – Destination of Official Development Assistance and Official Aid – Disbursement, OECD. Stat (my compilation).

Greece (OECD 2006c). Indeed, the EU share of total ODA to Turkey in 2004 was 75 percent (European Commission and OECD 2006, 22 and 27). However, a comparison of EU aid per capita to Turkey shows that the country receives much less assistance than Serbia and Romania.

Unlike Serbia, Romania and Turkey, the EU is not the first donor in the case of Ukraine. The United States comes first, followed by the EU, Germany, Israel, Canada, the United Kingdom, France, Sweden, the European Bank for Reconstruction and Development (EBRD), and Switzerland (OECD 2006d). For instance, in 2004 of the total aid received by Ukraine, which amounts to 357 million US\$, only 75 million come from the EU. Then, comparing the EU aid per capita given to Ukraine with that given to Serbia, Romania, or Turkey, it is clear that Kiev receives a very small amount of aid.

Allocated assistance and effective distribution

The only aid provided to Serbia from 1993 to 2000 by the EU was humanitarian aid, delivered through the European Commission's Humanitarian Aid Office (ECHO), for victims of the conflicts, socially vulnerable groups, independent media, and the civil society sector. In addition, from the end of 1999 onwards, heating oil was donated by the EU to the 34 municipalities then in opposition to the Milosevic regime. To help Serbia get through the winter of 2000–01, the Union launched a special program of emergency aid, worth 180 million euros, designed to help the country back on its feet. In order to implement this program rapidly and efficiently, the EU decided that the mandate of the European Agency for Reconstruction (EAR),⁷ initially limited to Kosovo, should be extended to cover the whole of the country. The Agency accordingly opened offices in Belgrade and Podgorica and since the beginning of January 2001 it has been officially responsible for implementing all the main programs of EU aid in Serbia and Montenegro, as well as in Kosovo.

This is the reason why I concentrate here only on the assistance to Serbia managed by the EAR, even though Serbia also benefits from other minor forms of assistance not managed by the Agency, which include macro-financial, humanitarian, democratization, customs and fiscal planning aid, support for higher education cooperation programs, a western Balkans' regional program, and support for the European Union pillar of the UN administration in Kosovo. From 2001 to 2005 EAR managed for Serbia an average each year of assistance amounting to 185 million euros.⁸

In those years the main sector of assistance to Serbia was energy, with an average between 2001–05 of about 63 million euros per year (see Table 3.4). As regards those sectors related to democratic rule of law (public administration reform, support to municipalities and administrative decentralization, justice and home affairs, civil society and media, returns/reintegration of refugees and internally displaced persons), the larger amount of assistance was given to support municipalities and the administrative decentralization, and the reform of the public administration.

Table 3.4 Main sectors of EU assistance allocated to Serbia 2001–05 (million €)

Sector	2001	2002	2003	2004	2005	Total	Average	Average 2002–05
Public administration reform	0	12	26.5	31	6.7	76.2	15.24	19.05
Support to municipalities and administrative decentralisation	4	0	37.8	21.5	19.7	83	16.6	19.75
Justice and home affairs	0	3.5	13	12.5	13.8	42.8	8.56	5
Civil society and media	2	3.5	7	7.2	4.5	24.2	4.84	5.55
Return/reintegration of refugees and IDPs	0	0	0	9	12.5	21.5	4.3	5.37
Energy	108	66.5	74.5	43.6	25.5	318.1	63.62	52.52
Infrastructure and transport	0	44	4.5	16	15	79.5	15.9	19.87
Health	31.5	5	9.5	8.5	8.5	63	12.5	7.87
Agriculture/rural economy	19	6	7.3	7.1	8	47.4	9.48	7.1
Environment	0	0.5	10.4	14	9.5	34.4	6.88	8.6
Enterprise	16	15	14	13	16.6	74.6	14.92	14.65
Vocational education and training	0	2	13	8.4	3.5	26.9	5.38	6.72
Other	5	9.7	0.2	6	0	20.9	4.18	3.97

Source: European Agency for Reconstruction, Annual Report 2005, 12 June 2006 (my compilation).

From 1964 to 1995 EU assistance to Turkey was given through financial protocols that accompanied the Ankara Agreement. According to the Turkish General Secretariat for EU Affairs, even though in this period Turkey was allocated 453 million euros of assistance, only 78 million euros were paid, which amounts to 2.4 million euros each year. Then, from 1995 Ankara became a partner of the Barcelona Process and received EU assistance through the MEDA Programme, which is the principal financial instrument for the implementation of the Euro-Mediterranean Partnership. Under MEDA I (1996–99) Turkey was allocated 376 million euros for 55 projects on economic transition, on the strengthening of socioeconomic equilibrium and on democratization and civil society. But according to the same Turkish General Secretariat for EU Affairs, only 52 million euros were paid, which amounts to 13 million euros each year. After the Helsinki decision to recognize Turkey as a candidate for accession and thus since 2000, financial assistance to the country has been pre-accession oriented, that means granted priorities listed in the Accession Partnership for Turkey in order to satisfy the Copenhagen criteria. On the whole, during 2000–06 Turkey received each year an average of 232.8 million euros.⁹

In the five years 2002–06 the main sectors of EU assistance to Turkey were economic and social cohesion, followed by approximation to the *acquis*, public administration, political criteria, civil society dialogue and support for European integration, and justice and home affairs. In terms of assistance for the political criteria, it was very low in 2002, but it increased in 2003 and 2004, and in 2005 reached a peak of 48.24 million euros (see Table 3.5).

After the signing of a Trade and Cooperation Agreement in 1991, superseded by the coming into force of the Europe Agreement in 1995, Romania started to be granted financial assistance through PHARE, the EU's program to assist Central and Eastern European countries in their economic and political transition.¹⁰ In 1998, with the beginning of the pre-accession process, assistance was increased¹¹ and pre-accession oriented, that is, granted in order to satisfy the Copenhagen criteria priorities listed in the Accession Partnership for Romania. On the whole, between 1999–2006 Romania was allocated each year an average of about 279 million euros.¹²

In the eight years 1999–2006, the main sectors of EU assistance to Romania were economic and social cohesion, followed by meeting the obligations of the *acquis*, political criteria, Community programs, economic criteria, and strengthening administrative capacity. Assistance for the political criteria increased significantly after 2003, reaching a maximum in 2006 of 57.90 million euros (see Table 3.6).

In the case of Ukraine the EU provided its assistance from 1991 to 2006 under the TACIS¹³ Programme, as well as under thematic budget lines such as the European Initiative for Democracy and Human Rights (EIDHR) and humanitarian assistance provided by ECHO.¹⁴ The TACIS Programme was created after the end of the Cold War to support the process of transition to

Table 3.5 Main sectors of EU assistance allocated to Turkey 2002–06 (million €)

Sector	2002	2003	2004	2005	2006	Average	Average 2002–05
Political criteria	2.04	9.5	21.02	48.24	9.79	18.11	20.2
Approximation to the acquis	0	22.6	31.8	63.67	53.91	34.39	29.51
Public administration	44.66	25	49.54	0	0	23.84	29.78
Justice and home affairs	12.20	5.02	11.4	0	0	5.72	7.15
Economic and social cohesion	40	45.3	77.5	91.35	16.8	54.19	63.53
Civil society dialogue, and support for European integration	0	0	0	55.43	24.85	16.05	13.85

Source: Directorate General Enlargement of the European Commission (my compilation).

Table 3.6 Main sectors of EU assistance allocated to Romania 1999–2006 (million €)

Sector	1999	2000	2001	2002	2003	2004	2005	2006	Average	Average 2002–05
Political criteria	28	13	27	19	34.90	50	44.59	57.90	34.29	37.12
Economic criteria	10.5	40.90	5.60	2.50	11.40	4.5	0	8.02	10.42	4.6
Meeting the obligations of the acquis	15.7	73.12	18	83.73	56.40	155.4	136.69	140.33	82.95	108.05
Economic and social cohesion	1	88	109.25	106.52	112	160.1	175	187.01	117.23	138.4
Strengthening administrative capacity	0	0	18	33.55	27.21	0	0	0	3.40	15.19
Community programs	0	0	21.44	20.14	23.40	24.10	0	0	11.13	16.91

Source: Directorate General Enlargement of the European Commission (my compilation).

market economies and democratic societies of countries in eastern Europe, the south Caucasus and central Asia. It was composed of four components: (1) national assistance that has focused on support for institutional, legal and administrative reform, on private sector and economic development, and on the social consequences of transition; (2) regional assistance that has addressed issues related to increased inter-state cooperation in transport, energy and sustainable management of natural resources; (3) support for cross-border cooperation that has focused on economic and social development of border areas, efficient border management and people to people contacts; and (4) support in the area of nuclear safety to upgrade and modernize Ukrainian nuclear power plants to internationally recognized safety standards. The following analysis of EU assistance to Ukraine focuses only on the national component of the TACIS Programme, as it is the most significant component in terms of the amount of assistance allocated.¹⁵

Funding under the TACIS National Programmes has increased in the period (2004–06) in comparison with the previous period (1991–2003).¹⁶ Indeed, while the annual average of EU assistance allocated in the last period amounts to 86 million euros, the annual average in the previous period amounted to about 48 million euros. Moreover, Table 3.7 indicates that the main sector to which EU assistance was allocated in the period 2002–05,¹⁷ through the TACIS National Programmes, was institutional, legal and administrative reform, which is a very important sector for the democratic rule of law, with an annual average of about 27 million euros that has constantly increased.

Table 3.7 Main sectors of EU assistance allocated to Ukraine, through TACIS National Programme 2002–05 (million €)

<i>Sector</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>Average</i>
Institutional, legal and administrative reform	21.5	22	31	35	27.37
Support to the private sector and assistance for economic development	8	8	15.5	41	18.12
Support in addressing the social consequences of transition	6	7	13.5	5.5	8
Small projects programs and reserve	11.5	13	10	6.5	10.25

Source: EuropeAid Cooperation Office of the European Commission (my compilation).

Conditionality and required reforms

Developing what has been said in Chapter 2, EU political conditionality can be analyzed at two different levels: formal or 'proclaimed' conditionality, which may be both positive and negative, and 'applied' conditionality, which refers to the implementation or concrete application of formally declared political conditionality and in particular to the level of determinacy of political conditions, to the monitoring of the country's compliance with the political conditions, and to reward or punishment in case of compliance or non-compliance. The hypothesis is that only if conditionality is applied, it can contribute to making the country comply with the democratic rule of law requirements of the Union.

In 1993, the Copenhagen European Council complemented the promise of membership for the associated countries of central and eastern Europe with a statement of the political, economic and *acquis*-related conditions for membership. More precisely, it stated that

[m]embership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union.

Moreover, "[m]embership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union". This is a positive conditionality, as the Council affirms that "[a]ccession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required" (European Council 1993, 13), which means that the more the associated country satisfies the conditions required, the more it will become closer to the Union.

Positive political conditionality has been declared by the EU not only in the case of accession candidate countries, but also for potential candidates of the western Balkans and new ENP partners. In the case of Serbia and the other western Balkans countries the Zagreb summit of 24 November 2000 emphasized the connection between progress in the countries of the region towards democracy, rule of law, regional reconciliation and cooperation on the one hand, and the prospect of possible accession to the EU, on the other hand. In a similar way, the EU offers ENP partners increased political, security, economic and cultural cooperation in return for political and economic reforms (European Commission 2003a, 16). In particular, in the case of Ukraine, and the other ENP partners, it is the first time that the Union has declared its intention to base its strategy of democracy export not only on negative conditionality, but also on positive conditionality. Indeed, before the ENP, EU conditionality, both in the framework of the Euro-Mediterranean

Partnerships for southern Mediterranean countries and in the context of the PCAs for the former Soviet Republics, was only negative. Consequently, it has been observed that the principle of positive conditionality in the framework of this new policy, if implemented, could encourage reform-willing states to pursue their reform agenda further, and, conversely, reform-reluctant states would at least not benefit from increased aid or trade concessions (Emerson 2004, 15; Schmid 2004, 416; Del Sarto and Schumacher 2005, 22).

However, since the experience of accession of central and eastern European countries, formally declared EU conditionality has been not only positive, but also negative, which means that the EU may penalize a country that does not respect the required conditions by suspending economic assistance or accession negotiations. Indeed, in the case of both Romania and Turkey, the Accession Partnership contains a negative conditionality clause, according to which EU economic assistance is conditional on satisfying the Copenhagen criteria and meeting the specific priorities of the Accession Partnership, and a failure to respect these conditions can lead to a decision by the Council to suspend this financial assistance (Council of the European Union 1999a, 13; Council of the European Union 2001, 10).

The negative conditionality clause is present not only in Accession Partnerships for candidate countries, but also in European Partnerships for potential candidates, even if in this case the failure to respect the Union's general conditions can lead the UE to take more general 'appropriate measures' instead of the suspension of financial assistance as in the case of accession candidates.¹⁸ In fact, in the European Partnership for Serbia, it is declared that "[c]ommunity assistance under the stabilisation and association process to the Western Balkan countries is conditional on further progress in satisfying the Copenhagen political criteria" and that "[f]ailure to respect these general conditions could lead the Council to take appropriate measures ..." (Council of the European Union 2004a: 3).

In the case of the ENP, the EU's positive conditionality has also been complemented by a negative conditionality clause, already present in the MEDA regulation for Community assistance to Middle East and North African countries, and in the TACIS regulation for Community assistance to Former Soviet Republics. In the 2006 European Neighbourhood and Partnership Instrument (ENPI)¹⁹ Regulation, the relevant clause reads as follows:

where a partner country fails to observe the principles referred to in Article 1 [liberty, democracy, respect for human rights and fundamental freedoms and the rule of law], the Council, acting by a qualified majority on a proposal from the Commission, may take appropriate steps in respect of any Community assistance granted to the partner country under this Regulation

(Council of the European Union and European Parliament 2006, article 28).

As mentioned above, EU conditionality for the associated countries that wish to become members of the Union was proclaimed at Copenhagen in 1993, but only in 1997, when the Luxemburg European Council launched the enhanced pre-accession strategy, did the EU start to apply this conditionality. In fact, the enhanced pre-accession strategy was based on three new key components that have allowed the European Commission and the Council of the European Union to implement this proclaimed conditionality: Accession Partnerships, annual assessment of the progress achieved by the candidate country; and accession-driven economic assistance.

The main idea behind the new concept of Accession Partnership is that specific priorities or required reforms concerning the Copenhagen criteria are set out in these documents for each candidate country. Therefore, for the first time, formal political conditions – democracy, human rights, minority rights and rule of law – are translated into much more specific political priorities that should address the main democratic challenges of each country. It is also worthwhile observing that, even though Accession Partnerships are the result of consultations with candidate states, they are not agreements, but unilateral acts decided by the Council of the EU on the basis of a proposal from the European Commission. This means that, after consultations with the authorities in the candidate country, it is the Commission that decides what specific priorities the country has to fulfill.

Another important feature of the enhanced pre-accession strategy is the monitoring of compliance in the framework of the Europe Agreement bodies and the annual review by the European Commission of the candidate's progress in fulfilment of the Accession Partnership's priorities. The monitoring of compliance by the European Commission is the way chosen by the EU to assess, once political priorities have been listed, whether they have been satisfied or not. But this is also a way for the Commission to make sure the country has understood what reforms are necessary to fulfill the priorities indicated in the Accession Partnership. Finally, all the various forms of EC assistance become accession-driven, that is, economic and technical assistance is designed to help candidates satisfy the priorities set by the EU in the Accession Partnerships.²⁰ This means that for each priority it should be possible to assess what assistance the country has been given by the EU.

In the framework of the SAP, the EU implements the conditionality through the same instruments. First of all, as in the case of Accession Partnerships, European Partnerships list the specific conditions that the country has to satisfy to become closer to the Union, and they are adopted by the Council of the EU upon proposal of the Commission. Then, as in the case of pre-accession, progress in complying with those priorities is monitored annually in the Commission reports and the various forms of assistance are designed to help potential candidates to satisfy the same priorities.

As regards the implementation of the EU's political conditionality in the case of Ukraine, and all other ENP partners, it should be observed that the ENP method is based on three components that are very similar to those

identified for the pre-accession strategy. These components are Action Plans, incorporating a set of priorities for ENP partner countries; monitoring of progress in meeting the priorities listed in the Action Plans; and assistance programs to help partners satisfy the priorities listed in the Action Plans (European Commission 2004b, 3). In the case of Ukraine, the ENP Action Plan was negotiated by 2004. However, the EU did not sign the Action Plan before the outcome of the presidential elections at the end of 2004. As a result, the EU–Ukraine ENP Action Plan was signed only after the convincing victory of the ‘Orange Revolution’ on 21 February 2005, thereby marking the EU’s full support for the ‘Orange government’.

As regards the implementation of political conditionality, there is an important difference between the pre-accession policy or the SAP and the ENP. Indeed, unlike the Accession or European Partnerships, Action Plans are not unilateral acts decided by the Council on a proposal of the Commission, but have to be jointly agreed upon with the partner and approved by the respective Cooperation or Association Council. This might mean that if a certain ENP partner does not want some specific priorities to be included in the Action Plan, the Commission and the Council cannot oblige the partner to add them (Baracani 2007, 339).

In order to evaluate the level of determinacy of the EU’s political priorities for Romania, Serbia, Turkey and Ukraine, the actual content of these required reforms has to be analyzed, for each dimension of the democratic rule of law. Moreover, in order to establish a temporal link between the requirements of the EU and the reforms of a country, it is important to take note of when the Union formulated a certain demand. Table 3.8, which summarizes this information, shows that all dimensions²¹ of the democratic rule of law were the object of the EU political conditionality for our case studies. All cases were asked to improve the functioning or the efficiency of the judiciary and its independence, and to strengthen the fight against corruption. Required reforms to improve the institutional and administrative capacity mainly concerned implementation of the Constitution, reform of the electoral law and democratic conduct of elections, reform of public administration (and in particular the reform of the civil service and the creation of European integration structures), decentralization of power to local government, and strengthening of the Parliament and of the policy formulation process. Among our cases, Serbia and Romania were those most affected by the EU’s demands to strengthen their institutional and administrative capacity. As regards civil freedoms and political rights, it is worth noting that only in the case of Romania were there no demands from the EU. For the other countries, the most common requirements have concerned the prevention of torture and ill-treatments, the protection of freedom of expression and media freedom, the protection of freedom of association and peaceful assembly, and also the prevention of discrimination. Moreover, other requirements have addressed the abolition of death penalty and freedom of religion, in the case of Turkey, and the protection of property rights in the case of Serbia. It is not surprising

Table 3.8 EU democratic rule of law priorities

Priority		Romania ¹	Turkey ²	Serbia ³	Ukraine ⁴
Civil freedoms and political rights	Death penalty	Not present	2001	Not present	Not present
	Torture and ill-treatment	Not present	2001, 2003 and 2006	2004 and 2006	2005
	Freedom of expression (and media freedom)	Not present	2001, 2003 and 2006	2004 and 2006	2005
	Freedom of association (and peaceful assembly)	Not present	2001, 2003 and 2006	2004 and 2006	2005
	Freedom of religion	Not present	2001, 2003 and 2006	Not present	Not present
	Property rights	Not present	Not present	2004 and 2006	Not present
	Discrimination	Not present	2001, 2003 and 2006	2006	2005
Judicial system	Independence	1999, 2002 and 2003	2003 and 2006	2004 and 2006	2005
	Efficient functioning	1999, 2002 and 2003	2001, 2003 and 2006	2004	2005
Institutional and administrative capacity	Constitution	Not present	Not present	2004 and 2006	Not present
	Election	Not present	Not present	2004 and 2006	2005
	Public administration (civil service, European integration structures, etc.)	2002 and 2003	2006	2004 and 2006	2005
	Policy formulation process	2002 and 2003	Not present	Not present	Not present
	Local government	2002 and 2003	2006	2004 and 2006	2005
	Parliament	2002 and 2003	Not present	2004	Not present
	Fight against corruption	Policies against corruption	2002 and 2003	2006	2004 and 2006
Civil control of the military	Civil control of the military	1999, 2002 and 2003	2001, 2003 and 2006	2004 and 2006	Not present

Source: Official documents listed in the notes (my compilation).

Notes:

- 1 For the five dimensions of the democratic rule of law, see Council of the European Union 1999a, 7, 8 and 11; Council of the European Union 2002: 3 and 4; Council of the European Union 2003a: 7, 8, 11 and 12.
- 2 For the five dimensions of the democratic rule of law, see Council of the European Union 2001: 4 and 7; Council of the European Union 2003b: 3-5; Council of the European Union 2006a: 2-6.
- 3 For the five dimensions of the democratic rule of law, see Council of the European Union 2004b: 3, 4, 8 and 9; Council of the European Union 2006b: 5-12.
- 4 For the five dimensions of the democratic rule of law, see EU/Ukraine ENP Action Plan 2005: 5-8.

that, among our cases, the country most affected by the EU's demand of reforms to protect civil freedoms and political rights was Turkey. Finally, with the sole exception of Ukraine, civil control of the military has been another fundamental dimension of the EU's political conditionality in the case of Turkey, but also Serbia and Romania.

Analysis of the specific content of the EU's political priorities for Romania and Turkey in the Accession Partnerships, for Serbia in the European Partnership, and for Ukraine in the ENP Action Plan, has shown that within the EU perspective it was sufficiently determinate in all cases. This means that the EU has informed governments as to what objectives they have to reach, even though each country has been left autonomous in deciding how to reach these goals. Only in the case of civil freedoms and political rights was there constant reference to European and international democratic standards in order to let the government know exactly what it has to do to comply with the conditions of the Union. Specifically, the most common of these standards are the European Convention for the protection of Human Rights, protocols number 1 and 6 of the same Convention, the case law of the European Court of Human Rights, the European Convention for the Prevention of Torture, and the United Nations Covenant on Civil and Political Rights and its protocols. A partial exception is the case of Turkey, as far as the judicial system is concerned, as there are two reports by two legal experts, asked by the EU to visit the country twice to evaluate the progress made in satisfying the Accession Partnership's priorities, which list very detailed recommendations to satisfy the Union's priorities and refer to specific European and international standards, in order to help the Turkish authorities to comply with those priorities (Björnberg and Richmond 2004 and Björnberg and Cranston 2005). For instance, as far as judicial independence is concerned, the standards quoted are the UN Basic Principles on the Independence of the Judiciary and Recommendation No. R (94) 12 of the Committee of Ministers of the Council of Europe. Finally, the level of determinacy of the EU's political priorities has been reinforced through annual monitoring of the political situation of the Commission, which informs the countries whether they met the specific requests and what further steps are required (on this last point, see also Schimmelfennig 2005b, 119–20).

As regards the European Commission monitoring of the progress accomplished or not by the country in satisfying the Union's priorities, there is usually annual monitoring, which started in the case of Romania in 1998, in the case of Serbia in 2002, in the case of Turkey in 2001, and in 2006 in the framework of the ENP for Ukraine. This activity is fundamental to enable the EU to reward or sanction the country that has fulfilled, or failed to fulfill, the Union's political conditions.

Both in the case of central and eastern European countries that joined the Union in 2004, and Romania and Turkey, but also of Serbia and Ukraine, the EU has never implemented the negative conditionality clause, with the suspension of economic assistance, in order to sanction a country which has not sufficiently fulfilled the Copenhagen political criteria. However, in the

case of Serbia and Turkey the EU has sanctioned these two countries in terms of institutional links, and in particular suspending negotiations for the SAA in the case of Serbia in May 2006, and deciding not to open accession negotiations on some specific chapters with Turkey in December 2006. In the case of Serbia, the reason was the insufficient cooperation with the International Criminal Tribunal for Former Yugoslavia (ICTY). Indeed, from the opening of SAA negotiations, no indictees were transferred to The Hague and at the same time the Belgrade authorities did not cooperate with the Tribunal to arrest war crimes suspect Ratko Mladic. In the case of Turkey, it was the lack of full implementation of the Additional Protocol to the Ankara Agreement, and the restrictions on the free movement of goods, that made the Commission recommend that the Intergovernmental Conference on Accession with Turkey should not open negotiations on chapters covering policy areas relevant to Turkey's restrictions as regards the Republic of Cyprus,²² and that no chapter could be provisionally closed until the Commission had confirmed that Turkey had fully implemented its commitments with respect to the Additional Protocol (European Commission 2006b).

Progress in fulfilment of political priorities was rewarded – in terms of institutional links – in the case of Romania with the decision to grant the country candidate status in 1997, and with the decision to start accession negotiations in 2000. Similarly, Romania's progress was rewarded in terms of EC assistance allocated to the country. For instance, in 2000 assistance allocated to Romania was 215 million euros, while in 1999 it was only 55 million euros. In the case of Turkey the progress in satisfying the requested priorities was rewarded in 1999 with the decision to grant the country candidate status and also in October 2005 with the decision to open accession negotiations. Moreover, the decision to open accession negotiations with Turkey was accompanied by the decision to allocate this country 500 million euros of economic assistance for 2006 (the same assistance allocated for 2005 had been 300 million euros). Serbia was rewarded for its partial progress in complying with the political priorities, deciding in October 2005 to start negotiations for an SAA. Finally, in the case of Ukraine information on institutional links and economic assistance are not yet sufficient to evaluate whether the EU has rewarded the progress of the country in satisfying the political conditions indicated in the ENP Action Plan for Ukraine.

Socialization through projects to develop democratic rule of law

At the domestic level of political leaders and high bureaucrats, institutional links with the EU and the Union's implementation of political conditionality can favor the process of democratic socialization. Differently, at a lower level of state officials and civil servants, it is the implementation of the EU's economic assistance through the realization of different projects in fields close to our dimensions of democratic rule of law that should favor socialization

with the EU's democratic values. Indeed, EU projects in the fields close to those dimensions are implemented mainly through twinning and technical assistance contracts, which are forms of social interaction between state officials of the third country and of the EU member states, and which should persuade domestic actors of the legitimacy of EU members' democratic rule of law principles and practices. To explain how this democratic socialization can be favored by the EU at the lower level of state officials and civil servants, it is important, first of all, to look at what should be, according to the EU, the main beneficiary and the amount of assistance allocated for each project that might strengthen the democratic rule of law.²³ Then, for each project its concrete realization should be analyzed to assess its impact in terms of socialization with the EU's democratic values.

In the case of Serbia, there are EU projects that can be related to democratic rule of law in the sectors of assistance for public administration, municipalities and administrative decentralization, justice and home affairs, media, and civil society NGOs. For the public administration sector, the analysis shows that the most important projects, in terms of amount of assistance allocated, dealt with the support for public administration reform and assistance to public finance reforms, amounting to about 50 million euros in the period 2002–05, and were followed by minor projects to reinforce the process of integrating with the EU. Moreover, in the sector of municipalities and administrative decentralization, the analysis indicates that an average of about 16 million euros was allocated annually, in the period 2001–05, for projects intended to contribute to an efficient and coherent decentralization process and to enhance the delivery of municipal services. In the sector of justice and home affairs, EU data show that the main beneficiary of projects in the period 2002–05 was to be the Ministry of Justice, in order to improve the efficiency of the judicial process and court management systems, and to upgrade court facilities. In the same period the other main beneficiary of justice and home affairs projects was to be the police to modernize their professional capacities. Finally, as regards the other sectors of EU economic assistance close to the dimensions of democratic rule of law, it can be observed that different EU's projects were designed, in the period 2000–05, to strengthen independent and state media and also to support civil society NGOs.

In the case of Turkey, there are projects that can be related to democratic rule of law in the sectors of assistance for political criteria, public administration, justice and home affairs, and civil society dialogue and support for European integration. The analysis of assistance for the political criteria shows that the most important projects in this sector involved the support for the construction of courts of appeal amounting to 22.50 million euros, support for the implementation of human rights reforms (12.45 million euros), and the strengthening of civil society through a NGO Grant Facility (10.50 million euros). The institution that was to benefit from the larger amount of assistance for the political criteria was the Ministry of Justice, followed by the Secretariat General for EU affairs. Data on assistance for

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public administration show that it was very high in 2002 and also 2004, but from 2005 it was no longer a priority sector. However, it can be observed that such assistance was given for very different purposes, not always strictly related to public administration and closer to alignment with the *acquis*. Beneficiaries of such assistance, were to be, for example, the Ministry for Environment, the Ministry for Agriculture and Rural Affairs, the Ministry of Energy and Natural Resources, the Ministry of Transport, the Ministry of Health, and also the Faculty of Mechanical Engineering of Istanbul Technical University, the Petroleum Pipeline Corporation, and the Turkish Electricity Transmission Corporation. Then, it can be observed that the larger amount of assistance was distributed to projects dealing with the modernization of Turkish customs administration (22.58 million euros), and to a project on capacity building in the field of the environment (15.55 million euros). In the field of justice and home affairs, assistance was given only during the period 2002–04. The main beneficiary of such assistance should have been the Ministry of the Interior and in particular the national police. However, the largest project dealt with the strengthening of the fight against money laundering (7.75 million euros) and the beneficiary was the Ministry of Finance. The “civil society dialogue and support for European integration” sector has been present only since 2005 and deals with projects aiming at the continuation of the Jean Monnet scholarship program, at the participation in Community programs and agencies, to support activities to strengthen the European Integration Process, and to promote civil society dialogue between the EU and Turkey. The main beneficiary of such assistance was to be the Secretariat General for the EU Affairs and the larger amount of assistance was allocated to participation in Community programs and agencies (36.71 million euros), and to promote civil society dialogue between the EU and Turkey (21.50 million euros).

In the case of Romania, there are projects that can be related to democratic rule of law in the sectors of assistance for the political criteria and for administrative capacity. As far as assistance on the political criteria is concerned, the analysis shows that between 1999 and 2003 the most important projects dealt with the support for the protection of children and since 2004 they have concerned the judiciary system, public administration reform, and the fight against corruption. The institution that was to benefit from the larger amount of assistance for the political criteria was the Ministry of Justice. In the years 2001–03 the strengthening of administrative capacity was not included in the projects related to political criteria, as it was from 2004 onwards. Therefore, it is noticeable that before 2004 the EU gave special attention and a larger amount of its economic assistance to projects aiming at strengthening administrative capacity. Indeed, while in the period 2001–03 assistance for such projects was about 30 million euros on average each year, in the period 2004–06 it decreased to an annual average of about 13 million euros. Moreover, it can be observed that, while in the first period (2001–03) assistance to improve the administrative capacity was allocated mainly to

support the strategic plan of the Ministry of Public Finance, and to strengthen the Romanian administration capacity to manage pre-accession funds, in the second period (2004–06) such assistance was allocated to support civil service reform by developing a professional body of civil servants, to support local public administration reform through continuation of the decentralization process, and to support central government reform through improvement of the policy formulation process.

In the case of Ukraine, projects that can have an impact in terms of democratic rule of law are those on institutional, legal and administrative reform. In 2002 projects on institutional, legal and administrative reform for Ukraine focused on four main areas: border management improvement, assistance to the State Treasury of Ukraine in promoting effective management of the state budget, support in the area of civic education, and support for municipal services – in particular, improving water service levels in medium-sized cities.²⁴ Again in 2003, key priority areas of assistance for institutional, legal and administrative reform were border and migration management and reform of municipal administration. However, for the first time, new areas of assistance included were the implementation of the PCA between the EU and Ukraine, reform of the judicial system, development of civil society, and support for independent media. In particular, the specific objective of the project to reform the judicial system was to assist the court administration in strengthening an institutionalized system of training for judges of all courts of the Ukrainian judiciary, and the creation of a system of alternative dispute resolution to improve access to justice and to decrease the number of cases submitted to the courts. Key priorities in EU assistance in 2004 were support for legal and administrative reform, justice and home affairs, and support to the development of civil society. However, it should be noted that projects related to legal and administrative reform dealt only with support to the TACIS national coordinating unit, support to PCA implementation, accession of Ukraine to international conventions and agreements on transport, and support for the implementation of the ENP Action Plan with Ukraine. In a similar way, projects related to justice and home affairs dealt only with international cooperation in criminal matters with judicial bodies and law enforcement agencies, the fight against and prevention of corruption, support to border surveillance along the Transdnestrian sector of the border with Moldova, and reconstruction of the Jagodin border point.²⁵ For these years – 2002–04 – it is not possible to say which area or project was given priority, as the data do not show the amount of EU economic assistance allocated to each project. However, on the basis of our analysis, it is possible to state that most projects in the sector of institutional, legal and administrative reform dealt with border management. Finally, data on 2005 projects in the sector of institutional, legal and administrative reform again show that border management was given priority, together with media, electoral, and civil service reform, followed by projects related to fair access to justice and Ukraine's integration into the Trans-European Transport Network.

Table 3.9 Top ten donors of gross ODA, 2003–04 average (millions of US\$)^a

<i>Donor</i>	<i>Romania</i>	<i>Serbia-Montenegro</i>	<i>Turkey</i>	<i>Ukraine</i>
1st donor	EU (512)	EU (354)	EU (232)	United States (112)
2nd donor	Japan (53)	United States (196)	Japan (129)	EU (62)
3rd donor	Germany (49)	IDA ^b or World Bank Group (133)	Germany (104)	Germany (46)
4th donor	United States (41)	Germany (119)	Spain (46)	Israel (22)
5th donor	France (36)	France (108)	France (26)	Canada (17)
6th donor	Switzerland (13)	Switzerland (57)	Austria (19)	United Kingdom (11)
7th donor	Hungary (9)	Norway (40)	Arab countries (9)	France (10)
8th donor	United Kingdom (9)	Sweden (37)	United States (8)	Sweden (8)
9th donor	Greece (5)	Greece (36)	UNHCR (5)	EBRD (7)
10th donor	Netherlands (4)	Netherlands (24)	Greece (5)	Switzerland (6)

Source: OECD 2006a, 2006b, 2006c, 2006d.

Notes:

a Gross refers to commitments, rather than disbursements.

b International Development Association.

The role of other international actors

This final section analyzes the role played by other international actors to help Romania, Serbia, Turkey and Ukraine in their reform processes, the most important sectors of assistance from these actors, and their relevance for the democratic rule of law. As has already been underlined, the following table shows that, among our case studies, it is only for Ukraine that the United States has been the first donor, rather than the EU (see Table 3.9). Moreover, Table 3.10 shows that in the period 1993–2005 Ukraine received from the United States an amount of assistance more than twice that from the EU, underlining the importance of Ukraine for the United States, but not for the EU.

In particular, since 1992 the USAID Mission to Ukraine has been implementing the United States' foreign economic and humanitarian assistance programs for Ukraine focused on the areas of democracy and governance, economic growth, and social assistance. The following table shows that for the period 2004–07 the first sector of USAID assistance has been democracy and governance, with an annual average of 35 million US\$, while human rights has been allocated an annual average of only about 1 million US\$ (see Table 3.11).

The United States has also given a considerable amount of assistance to Serbia, and has been the second donor for this country after the EU. As in the case of Ukraine, since 1997 the USAID Office of Transition Initiatives has supported pro-democracy elements in the country. Table 3.12 shows that for the period 2004–07 the first sector of USAID assistance for Serbia has been

Table 3.10 Official development assistance to Ukraine from the United States and the EU (millions of US\$)

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	Average
US	66	99	45	256	72	139	319	244	246	255	104	102	113	158.46
EU	2	23	155	16	5	97	70	71	97	58	48	75	102	63

Source: Data extracted on 2007/04/20 from IDS Online-DAC Database – Destination of Official Development Assistance and Official Aid – Disbursement, OECD. Stat (my compilation).

Table 3.11 USAID program budget for Ukraine by sector (millions of US\$)

Budget sector	2004	2005	2006	2007	Average
Agriculture and environment	34.11	47.51	35.11	34.31	30.20
Higher education and training	0	0.4	0	0	0.1
Economic growth	17.76	18.77	13.04	14.92	16.12
Human rights	1.35	0.72	1.21	1.19	1.11
Democracy and governance	32.78	57.34	24.93	25.49	35.13
Conflict management/humanitarian assistance	1.33	2.01	0.99	1.01	1.33
Family planning/reproductive health	0	2.46	0	0	0.61
HIV/AIDS	1.75	2.19	2.17	2.17	2.07
Child survival and maternal health	2.9	1.64	3.67	2.35	2.64
Other infectious diseases	1	3.49	1	1.40	1.72
Other					
Total	99.78	143.76	85.33	87.17	104.01

Source: USAID.

Table 3.12 USAID program budget for Serbia by sector (millions of US\$)

Budget sector	2004	2005	2006	2007	Average
Agriculture and environment	2.3	2.47	2.38	2	2.28
Economic growth	11.6	49.88	53.71	45.15	40
Human rights	1.3	0.3	0	0	0.4
Democracy and governance	75.55	20.76	12.70	14.84	30.96
Conflict management/humanitarian assistance	6.71	0.17	0.5	0	1.84
Family planning/reproductive health	1.5	0	0	0	0.37
Total	98.96	73.6	69.30	62	75.96

Source: USAID.

democracy and governance, with an annual average of 31 million US\$. But other European and international organizations have also promoted democracy in Romania, Serbia, Turkey and Ukraine. While in the case of European organizations this analysis focuses on the activity of the Council of Europe and of OSCE, in the case of international organizations I briefly summarize the strategy of the UN, and of an international financial institution such as the World Bank.

Romania, Serbia, Turkey and Ukraine have been members of the Council of Europe since 1993, 2003, 1949 and 1995, respectively. However, as Dimitrova and Pridham have emphasized, the Council of Europe's approach to democracy promotion is not based on strict membership conditionality but on post-membership socialization into western democratic practices (2004, 99). In 1993 the Council of Europe set out membership conditions that included free and fair elections, freedom of expression (especially of the media), minority rights, and signing up to the European Convention on Human Rights. But until then these membership conditions had only been implicit, as the Council of Europe was not rigorous in applying these democratic criteria to aspirant member states. Therefore, the main contribution of the Council of Europe to democratic rule of law in its members and candidates has been and still is in terms of socializing them into western democratic norms and practices through its activities or programs.²⁶ It is important to emphasize that the Council of Europe democratic norms and practices affect many different areas such as the judicial system, legal training, cross-frontier crime, corruption, organized crime and money laundering, trafficking in human beings, protection of children, legislative reforms, constitutional issues, police and internal security services, protecting individual rights and freedoms, and local and regional democracy, to mention only some of them. In particular, socialization with these legal standards and practices is developed through three main types of activity or strategy: (1) intergovernmental activity programs, (2) cooperation programs, and (3) joint programs between the Council of Europe and other international organizations. Intergovernmental activity programs refer to the drafting of legal instruments as Conventions, which are binding instruments for member and non-member states that ratify them, and Recommendations, which establish non-binding but important guidelines. Cooperation programs are all those activities carried out to support candidate states and members in their democratization process. Joint programs may be between the Council of Europe and the European Commission, or between the Council of Europe and the OSCE. The common aims of the Council of Europe and the European Commission, in terms of protection of democracy, respect for human rights and fundamental freedoms and the rule of law, have led them to develop cooperation links. In particular, since 1993 a number of joint programs have been set up in order to facilitate legal and institutional reform of countries that have joined the Council of Europe since 1989. The countries involved in these programs have included Ukraine since 1995, and Serbia and Turkey since 2001.

The activities of these joint programs between the Council of Europe and the European Commission have been training courses, for instance on human rights protection, expert reports and advice to governments, and conferences, workshops, seminars and publication and dissemination. In terms of the cooperation between the Council of Europe and OSCE, in 2005 the organizations decided to establish a Coordination Group to ensure complementarities and avoid unnecessary duplication of activities.

Like the Council of Europe, the OSCE's influence on the democratic rule of law of post-socialist reforming countries, such as Romania, Serbia and Ukraine, which are all members of the OSCE,²⁷ has also been in terms of socialization and not of membership conditionality. In fact, the OSCE has never used conditionality that would require countries to take certain clearly defined actions before they are allowed to become members, and even though the OSCE has the power to suspend the membership of countries that are in flagrant violation of its principles, it is very reluctant to do so (Merlingen and Ostraukaité 2005, 135). But notwithstanding this similarity, there are some differences with the Council of Europe. First of all, it seems that the OSCE is perceived by third countries as an organization with a lower status than the Council of Europe. The reason for this seems to be that, while the Council of Europe is based on a constitutive treaty, the OSCE was created by a political accord, and its norms therefore lack the prestige of law (Merlingen and Ostraukaité 2005: 130). But there are more important differences between the activity of the Council of Europe and of OSCE, in terms of both its objective, and its socializing strategies. OSCE activity aims at promoting "human security" (Merlingen and Ostraukaité 2005, 128).²⁸ The OSCE has concretized the notion of human security in the form of prescriptions for action in a wide range of policy areas covering, among other issues, human rights, elections, inter-ethnic relations, gender equality and criminal justice. To promote these norms, the organization has created new organs, such as the High Commissioner on National Minorities (HCNM), the Office for Democratic Institutions and Human Rights (ODIHR), and long-term field missions. The main socializing devices used by the OSCE are technical or expert assistance projects through long-term missions on the ground, social influence or normative pressure, training projects, normative intermediation, and awareness raising campaigns. With regard to normative pressure, the organisation is able to exert some social influence through its statements and reports on the compliance of post-socialist states with international norms, as governments want to avoid the material disadvantages that are, indirectly, linked to social punishment by the OSCE. These material costs come from the fact that the EU, in its political or assistance-related decisions, takes into consideration the views expressed by the OSCE.²⁹ Training project are usually small-scale training projects aimed at grassroots actors as well as junior- and mid-level state officials.³⁰ Normative intermediation is a hallmark of the OSCE, and it seeks to change the deeply held beliefs, norms and values of socializees through argumentative reasoning. Finally, the objective

of awareness raising campaigns is to familiarize countries with OSCE norms before expecting them to internalize them. On the whole, the particular feature of the socializing strategies of the OSCE, in comparison with the EU and the Council of Europe, seems to be the fact that it pays great attention to the socialization of grassroots actors and that it is based on a teaching philosophy intended to empower local knowledge and values, insofar as they do not violate fundamental OSCE beliefs (Merlingen and Ostraukaité 2005, 145).

The promotion of human rights, rule of law and democracy also has a prominent place on the agenda of the UN, of which Romania, Serbia, Turkey and Ukraine are all members. But in the case of this international organization, too, the impact of its different activities on the democratic rule of law reforms of its member states can only be in terms of socialization and not of membership conditionality. The efforts of the UN in this field are manifold and multifaceted, and they are based on the main consideration that human rights, rule of law and democracy are strictly interlinked and mutually reinforcing. Notably, socialization with UN legal standards in this field is promoted through three main strategies: (1) the development of international legal standards, i.e. UN conventions; (2) technical assistance and advisory services to member states upon request, in order to implement the UN legal standards; and (3) *ad hoc* judicial bodies, such as ICTY. Moreover, these activities are carried out at the headquarters level as well as in the field. Many offices, departments and programs of the organization are actively engaged in this endeavor, as the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Office on Drugs and Crime (UNODC), the United Nations Development Programme (UNDP), the Department of Peacekeeping Operations (DPKO), and the International Tribunals, to mention only a few.

According to Dimitrova and Pridham, in the 1990s international financial institutions – like the WB – started to exercise a more overt political conditionality. However, they affirm that it is a loose conditionality rather than democracy promotion. In particular, it is noticeable that political principles have always been subordinated to economic considerations, and that no benefited country has ever had its loans suspended on political grounds. Therefore, negative political conditionality is not effectively implemented, but the authors argue that the increasing tactic of linking loans with demands placed on “governance” might have the potential to increase the impact of these international financial institutions on democracy (Dimitrova and Pridham 2004, 100–01). All our cases are members of the WB and there is a WB mission in each of them, but only in the case of Romania does at least one of the landmark projects deal with governance.³¹ The WB started its activities in ‘governance’ in 1991 and it is of particular relevance to understand the meaning of ‘governance’ for the Bank, in order to describe its activities in this field. The Bank’s work on governance was designed to take into consideration the prohibition against intervention in countries’ internal political affairs laid down in the Bank’s Articles of Agreement. Therefore, those aspects of

governance consistent with the Bank's mandate were found in the meaning of "good order" understood as a system, based on abstract rules which are actually applied, and on functioning institutions which ensure the appropriate applications of such rules. In particular, it was emphasized that this system of rules and institutions is reflected in the concept of the rule of law (Shihata 2000, 272–3). Thus, the WB definition of governance does not associate the rule of law with democracy or with any particular type of political system or government. Only a system of rules and institutions is considered an important prerequisite for developing market economies (Shihata 1991, 87). Finally, it should be recalled that the activity of the WB to strengthen governance in developing countries is financial and technical assistance through a variety of lending instruments.

Conclusions

This chapter confirms that the EU adopts a single strategy of democracy promotion towards accession candidate countries, potential candidates and ENP partners. The same strategy however is adapted to each case along four main dimensions, with institutional links and economic assistance as incentives to be offered, and conditionality and socialization as key mechanisms of democratic anchoring. The existing differences can be explained taking into consideration: (1) the different degrees of acceptance by each case of EU principles and practices; and (2) their prospects for membership.

The analysis of the institutional links has shown that the promise of membership to Romania, Turkey (from 1999³² until 2005), and Serbia (since 2000) should have been more powerful than the promise of association to Ukraine, to make Romania, Turkey and Serbia comply with the EU's requirements to strengthen the democratic rule of law. However, the date of accession has been close in time only in the case of Romania (2007), as for Turkey the envisaged year has been at least 2014, while Serbia still has to negotiate a SAP. Therefore, on the basis of the analysis on institutional links done in this chapter, it can be expected that the promise of membership was more powerful in removing domestic obstacles to the adoption of democratic rule of law reforms only in the case of Romania, as it was granted a date of accession much closer in time than Turkey or Serbia.³³

The section on economic assistance has shown that the EU is the main donor for three of our four cases, with the exception of Ukraine – for whom the main donor is the United States – and that Serbia has been since 2000 the country allocated the largest amount of EU assistance per capita. This means that in order to sanction a country that has not complied with the EU's political conditions, a decrease in terms of the EU's economic assistance allocated should be much more effective in the case of Romania, Serbia and Turkey than in the case of Ukraine, for whom the EU is not the first donor. However, it should be noted that, unlike the Romanian case, Serbia and Turkey can also count on other significant amounts of economic assistance from the

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Table 3.13 First three sectors of EU assistance 2002–05 (million € per year)

<i>Sector</i>	<i>Serbia</i>	<i>Turkey</i>	<i>Romania</i>	<i>Ukraine</i>
1st sector of EU assistance	Energy (52.52)	Economic and social cohesion (63.53)	Economic and social cohesion (138.4)	Institutional, legal and administrative reform (27.37)
2nd sector of EU assistance	Infrastructure and transport (19.87)	Public administration (29.78)	Approximation to the <i>acquis</i> (108.05)	Private sector and economic development (18.12)
3rd sector of EU assistance	Local administration (19.75)	Approximation to the <i>acquis</i> (29.51)	Political criteria (37.12)	Small projects programmes (10.25)

Source: Data from previous tables (my compilation).

United States and Japan, respectively. As far as the distribution of EU's EU economic assistance is concerned, it is possible to state that only in the case of Ukraine was the first sector of EU economic assistance linked to the dimensions of the democratic rule of law. For Serbia, Turkey and Romania, sectors of EU assistance close to the dimensions of the democratic rule of law come only in second or third position (see Table 3.13). Indeed, for Serbia the first sector of EU assistance was energy, and for both Turkey and Romania it was economic and social cohesion. However, it should be observed that, in the same period (2002–05), while in the case of Ukraine the amount of EU assistance allocated for 'institutional, legal and administrative reform' was only 27.37 million euros each year, assistance allocated to Serbia for 'energy' was 52.52 million euros each year, and that to Turkey and Romania for 'economic and social cohesion' was 63.53 and 138.4 million euros each year, respectively.

It has been assumed that in order to have a positive impact on third countries, the EU's democratic conditionality has to be concretely applied, which means that conditionality has to be determinate, monitored, and rewarded or sanctioned. In all our cases, democratic conditionality has been sufficiently determinate, as political priorities have been listed in the Accession Partnerships for Romania and Turkey, in the European Partnerships for Serbia, and in the ENP Action Plan for Ukraine. Moreover, in the field of human rights, the Union has made constant reference to democratic European and international standards, and the requirements of the EU have been further clarified through the annual monitoring of progress by the European Commission. In fact, the European Commission has started to monitor the progress accomplished by each country in satisfying the EU's democratic conditionality – since 1998 for Romania, 2001 for Turkey, 2002 for Serbia and 2006 for Ukraine. Then, it has been shown that respect for the political conditionality has been rewarded by the EU, advancing the process of becoming closer to the Union and allocating a larger amount of EU economic assistance, and that lack of respect for the democratic conditionality has been sanctioned, through total suspension of SAA negotiations in the case

Table 3.14 Total of EU assistance allocated to sectors relevant for the democratic rule of law 2001–05 (million € per year)

Sector	Serbia	Turkey	Romania	Ukraine
Institutional, legal and administrative reform	Not present	Not present	Not present	27.37
Political criteria	Not present	20.2	37.12	Not present
Local administration	19.75	Not present	Not present	Not present
Public administration	19.05	29.78	15.19	Not present
Justice and home affaire	5	7.15	Not present	Not present
Civil society and media	5.55	Not present	Not present	Not present
Civil society dialogue and support for European integration	Not present	13.85	Not present	Not present
Return/reintegration of refugees and IDPs	5.37	Not applicable	Not applicable	Not applicable
TOTAL	54.72	70.98	52.31	27.37
TOTAL per capita	6.84 euro	1.01	2.37	0.57

Source: Data from previous tables (my compilation).

of Serbia, or partial suspension of accession negotiations, in the case of Turkey. On the basis of these findings, it is possible to conclude that – with the sole exception of Ukraine³⁴ – the EU's implementation of democratic conditionality for Romania, Serbia and Turkey should have contributed to removing domestic obstacles to the adoption of democratic rule of law reforms.

Table 3.14 shows that Serbia is the country that has been allocated, per capita, the largest amount of EU assistance in the sectors close to the dimensions of democratic rule of law, with an annual average between 2002–05 of about 7 euros, followed by Romania, with about 2 euros, Turkey, with about 1 euro, and Ukraine with about half a euro. On this basis, it could be concluded that the EU's assistance should have had a more relevant impact, in terms of socialization with democratic rule of law, in the case of Serbia, as it was allocated the largest amount of EU assistance for projects concerning the dimensions of the democratic rule of law, and in the case of Romania, for projects aiming at strengthening its democratic rule of law date back to 1999, rather than 2001 or 2002. However, it has to be underlined, firstly that the amount of EU assistance allocated to projects dealing with the five dimensions of democratic rule of law can be different from the amount of assistance actually paid, and secondly that only impact evaluations for each

single project can really assess the influence of the projects financed by the EU on socialization with democratic rule of law.

The final section has demonstrated that, unlike other international actors, the EU's strategy of democratic rule of law promotion in Romania, Serbia, Turkey and Ukraine is based not only on socialization with the EU's democratic rule of law principles and practices but also on applied conditionality.

Notes

- 1 Indeed, control and democratic example or emulation are less applicable than conditionality and socialisation to the anchoring of the EU, as the Union does not impose democracy – at least with the use of force – and as the dynamic of example and emulation may also occur without the activity of democracy promotion of an external actor. This is the basic reason why in this chapter I focus on conditionality and socialization, and leave out control and democratic example or emulation.
- 2 This is an association agreement. Its main feature is the creation of a customs union, and it foresees the possibility of membership of the Community (see art. 28 of the Ankara Agreement).
- 3 It seems that the establishment of the customs union with Turkey has led to misunderstandings about membership, on both sides. On the one hand, the EU hoped that Turkey would have started to commit itself to the implementation of the customs union, without pushing for the moment on membership. On the other hand, the Turkish authorities thought that the customs union was a fundamental step towards membership, which should have occurred within two years (Arıkan 2003, 82).
- 4 It seems that the Helsinki decision to extend the status of candidate country to Turkey was the result of a series of diplomatic compromises to avoid a crisis with the United States (Dorronsoro 2004, 50).
- 5 Official Development Assistance (ODA) is defined as those flows of funds to developing countries and multilateral institutions provided by official agencies, including state and local governments, or by their executive agencies, each transaction of which meets the following tests: (i) it is administered with the promotion of the economic development and welfare of developing countries as its main objective; and (ii) it is concessional in character and conveys a grant element of at least 25 per cent.
- 6 In this chapter we adopt the term EU economic assistance or aid, even though when not differently specified, we refer only to the European Community's economic assistance or aid.
- 7 The European Agency for Reconstruction is an independent agency of the EU, accountable to the Council and the European Parliament and overseen by a Governing Board composed of representatives from the 25 EU Member States and the European Commission. The Agency works within the Community Assistance for Reconstruction, Development and Stabilisation (CARDS) Programme, a wider EU commitment, which also includes Albania, Bosnia & Herzegovina and Croatia, and which is part of the EU's SAP. The EAR also manages the EU's main assistance programs in the former Yugoslav Republic of Macedonia. [HYPERLINK](#)
- 8 According to the European Agency for Reconstruction Report of 12 June 2006 Serbia was allocated, in million euros, 185.1 in 2001, 167.7 in 2002, 231.9 in 2003, 197.8 in 2004, and 143.8 in 2005.
- 9 According to the Directorate General Enlargement of the European Commission, EU pre-accession assistance allocated to Turkey was, in million euros, 177 in 2000, 147 in 2001, 126 in 2002, 144 in 2003, 235.6 in 2004, 300 in 2005 and 500 in 2006.
- 10 Total commitments for the period 1990–96 were 731 million ECU.

- 11 Moreover, alongside the PHARE Programme, it comprises, from the year 2000, aid for agriculture, through SAPARD, and a structural instrument to give priority to measures similar to those of the Cohesion Fund for environment and transport, through ISPA.
- 12 According to the Directorate General Enlargement of the European Commission, Romania was allocated, in million euros, 55.2 in 1999, 215.02 in 2000, 248.89 in 2001, 265.5 in 2002, 265.5 in 2003, 405.3 in 2004, 372.29 in 2005, and 408.63 in 2006.
- 13 Programme for Technical Assistance to the Independent States of the Former Soviet Union and Mongolia.
- 14 In the period 1991–2006 Ukraine was allocated total assistance under the EIDHR of 5.95 million euros, and under the ECHO of 20.5 million euros.
- 15 In particular, while in the period 1991–2006 Ukraine was allocated a total of 891.6 million euros under the TACIS National Programme, in the same period Ukraine was allocated 621.2 million euros under the TACIS Nuclear Safety component, 40.2 million euros under the TACIS cross border component, and 50 million euros under the TACIS regional component.
- 16 According to the Directorate External Relations of the European Commission, EU assistance allocated, through TACIS National Programme, to Ukraine was, in million euros, 407 in the period 1991–98, 38.6 in 1999, 48 in 2000, 43 in 2001, 47 in 2002, 50 in 2003, 70 in 2004, 88 in 2005, and 100 in 2006.
- 17 Data on the TACIS national programmes for Ukraine before 2002 are not available on the website of the EuropeAid Cooperation Office of the European Commission.
- 18 Appropriate measures instead of the suspension of financial assistance could make a difference. For example, Africa, Caribbean and Pacific countries, as former Soviet Republics, have fiercely opposed a suspension clause in their agreements with the EU, while they could accept the ‘appropriate measures’ clause.
- 19 It is the new instrument for Community assistance to ENP partners.
- 20 The PHARE Programme used to be at the beginning “demand driven”, that is, assistance was provided according to the needs of the transition, as established by the recipient (Rupnik 2000, 125).
- 21 With the only exceptions of civil freedoms and political rights in the case of Romania, and of civil control of the military in the case of Ukraine.
- 22 Free movement of goods, right of establishment and freedom to provide services, financial services, agriculture and rural development, fisheries, transport policy, customs union, and external relations.
- 23 Sources of data on these EU’s projects were, for Serbia, the Annual Report 2005 of the European Agency for Reconstruction (12 June 2006), for Romania and Turkey the website of the Directorate General Enlargement of the European Commission, and for Ukraine, the website of the EuropeAid Cooperation Office of the European Commission.
- 24 Available data do not show the amount of EC assistance distributed for each project, so it is not possible to state what area was given priority.
- 25 The Jagodin border crossing post is of strategic importance for trade and human flows between Ukraine, Poland and the rest of Europe.
- 26 However, the Council of Europe can also postpone or suspend membership and these would be clear instances of strict conditionality. For example, Belarus has been strongly criticized by Council of Europe officials, who have repeatedly stated their demand that Belarus show a more convincing record of political reforms before membership can be considered. Then, in 1997 Ukraine was warned that the Council of Europe might suspend its membership of the organization if it failed to abolish capital punishment. But in 1999 the Council of Europe decided to delay its proposed moves to suspend Ukraine’s membership over its failure to abolish death penalty, and finally in 2000 the Ukrainian Parliament abolished the death penalty.
- 27 Romania has been a member of the OSCE since 25 June 1973. Ukraine has been a member of the OSCE since 30 January 1992. In the case of Serbia, the former Yugoslavia was suspended from the organization in 1992. However, after the downfall of Slobodan

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Milosevic, in November 2000, the country was readmitted to the organisation. Turkey has been a member of the OSCE since 25 June 1973. There is an OSCE mission in Serbia and also an OSCE Project Coordinator in Ukraine (which is the second OSCE field operation to have been established in Ukraine, preceded by the OSCE Mission to Ukraine, which began its work on 24 November 1994). There have been no such permanent field missions of the OSCE in Romania and Turkey.

- 28 In general, human security entails emancipation from oppressive power structures and the promotion of institutions and practices that embody respect for human rights, fundamental freedoms, democracy and the rule of law.
- 29 Moreover, the Europe Agreements contain a statement in the preamble reaffirming the commitment of the signatories to the full implementation of all provisions and principles in the OSCE documents. Similar provisions are also included in the SAA and the PCAs, and the ENP, too, requires countries to show commitment to OSCE international norms.
- 30 Moreover the OSCE values experimental learning which incorporates local values and knowledge.
- 31 In fact, the main projects of the WB's mission in Romania concern social inclusion, knowledge society, municipal services, but also judicial reform. The main projects of the WB's mission in Serbia dealt with pension reform, energy community of southeast Europe, irrigation and transport rehabilitation. The main projects of the WB's mission in Turkey involve agriculture reform, seismic risk mitigation, and renewable energy. Finally, the main projects of the WB's mission in Ukraine are in export development, cadastre development and hydropower rehabilitation.
- 32 In the case of Turkey, it has already been affirmed that while following the decision of the Luxemburg European Council of December 1997 the EU's leverage over Turkey diminished (K. Smith 2003b, 132). Two years later the Helsinki European Council decision represented the external impetus which has encouraged the subsequent process of domestic reforms (Sozen and Shaw 2003, 115; Ugur 2003, 177; Müftüler Bac 2005, 21).
- 33 Of course, only the empirical analysis of each specific country can either confirm or falsify such an expectation.
- 34 In the case of Ukraine, the EU's political conditionality has been sufficiently determinate, but periodic monitoring by the European Commission of progress in complying with these conditions has not yet started. Thus, it has not yet been possible to reward the progress achieved by Ukraine or sanction the lack of progress.