

POST-COMMUNIST TRANSITION THROUGH DEEP SOCIETAL REFORMS, OR TECHNOCRATIC PREPARATION FOR EU MEMBERSHIP: HOW HAS THE LATTER SUBSTITUTED THE FORMER IN CEE?

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Abstract

After the collapse of the Communist regime, the CEECs had to undergo deep societal reforms, while simultaneously pursuing a new foreign policy agenda. The desire to join the EU became the heart of this political effort, as the membership criteria, at least on the surface, seemed to correspond to the aims of the transition. Subsequently, the CEE political elites substituted due structural reforms with membership preparatory work, and the EU accession - from an instrument for achieving sustainable long-term goals, it became an ultimate goal in itself. This brought about formal, partial and superficial reforms, rule of law deterioration and façade democracy.

I. Introduction

With the collapse of the communist regime and the new geopolitical situation that emerged after the end of the Cold war, the post-communist CEECs faced an enormous challenge for their future development which was twofold – on the one hand, they had to undergo deep societal reforms internally which included a transition to liberal democracy, market economy and adoption of the rule of law; on the other hand, they had to pursue a new foreign policy agenda, as they needed new geopolitical, economic and security partners (Inotai 2000; O'Brien 2004). In this context, turning to the countries of Western Europe, traditionally perceived in these societies as the embodiment of modernity and prosperity, and more pragmatically as a world of social and economic progress and stability, seemed to be the only possible solution to this dual challenge – it secured the needed foreign partnerships, but it also provided a model for progress and development (Ágh & Ferencz 2007; Katsikas & Siani-Davies 2018). Thus, joining the EU, which meanwhile had integrated the majority of the WECs under a common economic, institutional and legal umbrella, became a main goal for all CEECs. The image of the EU was, to a large extent, mythologized by both the political circles and the public at large presupposing its ability to guarantee democracy, the rule of law and economic prosperity simply by providing access to membership. Furthermore, the entry membership conditions formulated as the Copenhagen criteria, seemed to correspond at least on the surface to the aims of the post-communist transition as they were built around the same core values - democracy, justice, prosperity. It was in fact their vague, ambiguous and unclear formulation that resulted in an overlap of the two processes - transition and accession, and thus a substitute of the former by the latter. This way accession to the EU became the primary goal and was perceived as a panacea providing a solution to all existing problems. It was thus accompanied by high expectations for economic and social progress (Ágh & Ferencz 2007; Dimitrov 2016; Katsikas & Siani-Davies 2018).

Twelve years after Bulgaria and Romania (the last two countries from the Fifth Enlargement) joined the EU; however, it is obvious that the current state of the different Eastern European

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countries does not match the initial expectations. Most of them experience problems such as corruption, organised crime, and economic instability, rule of law deterioration, ethnical conflicts, and nationalistic movements (Racovita & Tanasoiu 2012). In addition to that, Bulgaria and Romania are still not integrated to all EU structures – they are neither part of the Schengen Area, nor the Eurozone, and remain subjects to post-accession conditionality. All of above certifies that the countries are still not prepared to meet the full responsibilities of the membership, and at the same time they have not completed the much needed societal reform yet.

Problem:

The aim of this paper is to identify the reasons for the incomplete post–communist transition and the superficial, partial and reversible “Europeanisation” in CEE through the relationship between the two processes.

A case-study analysis will explore into the specific approach how the EU membership preparation was conducted in Bulgaria, as part of the common tendency in the region. In particular, the paper will analyse the initial vision of Bulgaria’s political elites towards EU membership, and the essence of the subsequent work that was done to get the country ready. The analysis, making use of the empirical facts from a research process focused on the Bulgarian accession to the EU, will examine the following two-fold hypothesis:

The ultimate goal of deep societal reforms in the post-communist transition was reduced to EU accession. In its turn, in the course of EU membership preparations, the technocratic rule transfer and compliance with EC's recommendations held the upper hand over structural reforms.

An important clarification is due: This paper does not aim to provide an evaluation of or exploration of the faults of the process. The aim of this analysis is to find an explanation of the logic that led to the specific results. Due to the unprecedented character of the process and the lack of preliminary knowledge, about the way it should be conducted, the desire to expedite the events not surprisingly became a main dominator. Furthermore, these factors were complemented by the deep socio-economic crisis, which marked the starting point of the accession process, The understandable impatience to complete the transition, as early as possible, determined a course of political behaviour which aimed to minimise the scope and the degree of complexity of the task. The paper will focus on providing an in-depth understanding of this political behaviour and the process itself, rather than on the abstract search of an ideal alternative.

The paper will prove that in the course of transition, two substitutes were made – firstly, the overall societal transformation was substituted by preparation for EU membership, because at that point of time, it seemed that the goals of the post-communist transition and the Europeanization substantially coincide. On the second level, the preparation itself was substituted by technocratic work of writing strategies, preparing policy documents and harmonising laws rather than conducting actual reforms, whereas the focus was on ‘the political will’, since it was assumed that implementation would swiftly follow suit the moment a government would have had expressed its political will in the form of a strategy or program. This way, the EU membership from an instrument for achieving reform goals became the final goal in itself; hence, the “compliance” to the EU requirements - from an instrument for achieving membership, became “a main goal”; and the “rule transfer” and paperwork - from means for achieving “compliance”, also became a goal – self-evident and self-sufficient. However, this sequence of reductions of the tasks of the due societal transformation was enhanced decisively by the absence of substantial and substantive long-term goals.

Justification of the country case selection:

The selection of Bulgaria as a case study for the analysis has a particular value. Bulgaria, along with Romania, was one of the last countries from the Fifth Enlargement. Throughout the entire process, it seemed that Bulgaria and Romania were just “lagging behind” (due to the more unfavourable local conditions, while most of the candidate states were advancing, more or less, well with their preparation. However, both countries were moving in the right direction along with the others and would have been able to “make up for the lagging” (Yanakiev 2010; Schimmelfennig & Sedelmeier 2005). This logic was based on the widespread institutionalist approach to the process, which steps on the belief that the EU has an unconditional potential to produce “Europeanisation” due to its “transformative power” backed by an implicit “power asymmetry”, existing between the member states and the candidate states (Grabbe 2006, Sedelmeier 2011; Dimitrov et al. 2013). However, this is not the entire story.

From today’s perspective, twelve years after the accession of Bulgaria and Romania, there is some serious proof demonstrating that this was not just a “lagging behind”, but an early evidence of the unfitness of the policy approach towards “Europeanisation” in these countries (Maniokas 2004). It was an early symptom of the upcoming crisis that has been manifested through the different social, economic and political problems the countries have been experiencing today. In this sense, the case study of Bulgaria, as the most symptomatic example, is expected to provide a wide range of data and proof for analysing the overall logic of the approach and its fitness to the context of the post-communist CEECs (Dimitrov et al. 2013). Even if we assume that the 10-year period (1997-2007) was simply “not enough”, the question is why it was not enough and why the continuation of the accession through conditionality (which later on was converted into a post-accession conditionality for Bulgaria and Romania in the form of a Cooperation and Verification Mechanism) did not work either? The short answer to this crucial question is that the accession process was meant to substitute the Europeanization of the acceding countries, while the latter historical process, according to the Copenhagen criteria, should have been accomplished already in order for the EU-nization to be successful.

This is not a matter of historical interest only. In terms of societal and cultural specificities, from all EU members from CEE, Bulgaria is considered closest to the countries of the Western Balkans, which are currently undergoing their membership preparations. Thus, the case of Bulgaria will be the most applicable one to provide guidance and recommendations for the approach towards this upcoming enlargement (Veleva 2018).

Clarification of relevant terms:

The terms “Europeanisation”, “conditionality” and “compliance” will be used widely in this paper and thus need to be clarified as the existing academic literature does not offer a single, widely accepted definition for them.

For the purpose of the current analysis, Radaelli’s (2004) definition of Europeanisation will be used, according to which “Europeanisation consists of a processes of: a) construction, b) diffusion and c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms, which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structures and public policies” (Radaelli 2004). This broad and substantive definition is widely used in the analysis of these processes in both Western European countries and the “newcomers” from the CEE. The problem is that the EU fundamentally relies on the embeddedness of its core values in the societies it encompasses and on the fluent operation of the set of institutions, which guarantee the respect of these values. However, in the case of the Fifth Enlargement of the EU, Europeanization implies the need to create anew the entire set of these institutions – a task for which there were no *aquis* at all. This is to say, in this particular case, the “the rule transfer” could not mean authentic Europeanization.

While the term “Europeanisation” refers to the macro–framework of the EU enlargement policy, the central instrument for conducting “Europeanisation” in the “EU toolbox of enlargement” is “conditionality”.

“Conditionality” will be understood as “a process of interaction between multi–level actors, perceptions, interests, different rewards and sanctions, temporal factors, institutional and policy compliance” (c). The value in this definition is that it presents conditionality not as a process of transferring rules from a stronger to a weaker party but as a complex interaction on multiple levels reflecting the interests and subjectivity of a multitude of actors. It sets grounds for understanding the logic behind the emergence of the central role of this mechanism exactly in the context of the Eastern enlargement. In the course of the Fifth enlargement conditionality surprisingly arose to the status of a main leverage because the burden of the deep Europeanization transformed the governments of the acceding countries into ‘reluctant regimes’ (Grabbe 2006). Hence, a coercive device was in need because the EU did not have any of this kind. In this particular case conditionality began to mean compliance with EC’s recommendations since this institution was the “locomotive of enlargement” (Hughes et al 2005).

A new definition for the term “compliance” is offered, which reflects the overall meaning applied to this term by the different explorers of the process of “Europeanisation”. For the purpose of this paper, “compliance” is understood as “incorporation of the EC’s recommendations in the local policies”. This is the lowest and narrowest level of interaction between the candidate states and the EU, which has to do with the EC’s requirements in regard to the law approximation, mainly, and the creation of institutional capacity for its application.

As the empirical analysis will show, a dual transformation has taken place in the course of the membership preparation of the CEECs – firstly, the enlargement policy conducted under the charge of the European Commission has been reduced by the logic of conditionality to “compliance” with the recommendations, while conditionality itself has become the only instrument for Europeanisation in the candidate countries. At least the formal logic of this substitution and reduction was that the EC, in its orchestration of the accession process, should have been guided by the set of Copenhagen criteria, which in their turn should have covered both the free market and democracy transitions that were assumed to be at least the post-communist transition core. The fact that the latter process was a bad service remained unnoticed during the accession period. The Europeanization through the EU accession process received a heavily one-sided, implicit neoliberal interpretation (Grabbe 2006) prioritizing the integration in the Free Market of the Union.

The problem is, however, whether this narrow, sector-specific goal was sufficient as a reform of the post-communist world of the CEECs. The fundamental crisis of the rule of law systems in countries like Hungary, Poland, Romania and Bulgaria gives justification to a negative answer to this pertinent question.

This is exactly where the empirical study should begin – how come the one-sidedness of the Europeanization effort passed unnoticed at the end of the 1990s when it was up to the political class to decide on the goals and orientation of the national policies of reforms.

Method:

The paper will provide a qualitative analysis of empirical evidence collected through 46 in-depth, semi-structured interviews, conducted with highest level politicians (prime ministers, deputy prime-ministers, ministers], diplomats and experts who have participated in Bulgaria’s preparation process for EU membership). The analysis will cover the participants’ answers to the following question:

“At the start of the negotiations process, was there a clear vision of the aims of Bulgaria’s accession to the EU, outside the broad idea of keeping up with the other post-communist states?”

And the following supplementary question:

“Do you remember an official forum during which this vision has been discussed?”

II. Research Approach

The process of preparation for EU membership is an active one, constructed through the interaction of the multi-level actors involved – as a result, it is uncertain, constantly changing and evolving with time, along with the participants in it (Dimitrov 2013; Hughes 2005). Therefore for the purpose of this paper, the social constructivist approach to Europeanisation will be considered the most adequate one for performing the analysis. Hence, the central role will be placed on the actors in the process.

Behind the process of interaction between Bulgaria and the EU, there is a complex structure of actors who find themselves in a position of dependence on each other. From the side of Bulgaria, on the first place, there are the different governments which are in charge of the country during the different periods of its preparation for membership. They must, on the one hand, defend the national interest, while on the other hand, the governmental one – winning over party opponents; retention of power; securing electorate for the next elections; access to financial means; solution to tactical and strategic tasks; securing external partners. These governments themselves are composed of different political parties, each of them representing its own interest, on the one hand, and the interest of its voters, on the other. The actual parties are formed by people, and each person participates in the process with their own interests, ideologies, views. In the meantime, the opposition with its interest to win the next election; the alternative political parties, each of them composed of the same complex structure of actors having their interests and preferences, are all active participants in the field of interaction. Moreover, each party's own position is defined to a considerable degree by the political success or failure of the opponent, and is therefore constantly changing, which affects the overall picture.

During the whole time, there is a team of experts engaged with the preparation of the country – some of them, political figures, others, administrative personnel. The non-governmental sector with its interests, the trade unions and the Bulgarian society as a whole, are all active participants in the field of the European integration. A distinction should be made between the different layers of society, and the variations in the interests on the basis of different sectoral or regional belonging.

On the EU side, another complex structure of actors and interests can be identified – in the first place, the individual member states, each of them defending their own interest which might be a mutual one, a group one or an individual one. Inside those countries there is a variety of actors to be found – the national governments, the regional representative bodies, oppositional political forces, all other political parties with the personal interests of their members, civil organisations, and the societies in general and its different layers.

Within the EU there is also a complex institutional structure to be found (Hix 1999). Every EU institution should be seen as an individual actor in the process but they find each other in a constant interaction and a position of dependence on one another – the Commission orchestrates the process and defines the enlargement policies but it is dependent on the Council of the EU – the authority of the Commission comes from the Council and the Commission's recommendations are always voted in the Council. The Council, on the other hand, is dependent on the Commission on the one hand, due to its possession of expertise and on the other hand, due to its image as the only “objective” actor in the process – the Commission's reports are supposed to be perceived as objectively depicting the preparedness of each country – and the decisions of the Council can be presented as objective and fair only by referring to the Commission's expertise. But the EC is not a sole actor as well – it is also composed of a variety of divergent interests – its own interests to endorse its role as a leading institution in the EU structure clash with the interests of the member states – on the one hand, the common interests as the Commission's mandate is voted by the member states with the aim of preserving the common interest, but on the other hand, the national interests as the representatives of the Commission are also representatives of the different member

states. On the next level, the ideological and party interests, and the individual interests and views of each participant meet in the field of interaction as well.

The process becomes even more complicated considering that in addition to the complex structure of actors, there is a complex structure of fields of interaction between them – formal and informal. Formally the EU member states communicate with Bulgaria as a potential candidate state mainly through the publication of opinions voted by the Council. The countries act also through diplomatic means – either through the embassies or directly through the mission in Brussels.

The European Commission – the main institution conducting the communication between the candidates and the member states – has various fields of influence. On the one hand, it exerts its influence through the preparation of periodic documents, giving its assessment to the candidate countries in terms of economy, representative democracy, the rule of law, the progress achieved towards the Copenhagen criteria and the state of preparedness of the individual CEECs, giving recommendations. Another field of influence is the practice to send experts who can support the Bulgarian institutions in their reform efforts with advice and mentoring. Throughout the process the Commission's role and power grow tremendously to a position where this institution has the final say in a growing number of decisions – financing; structural and cohesion processes; reform policies etc.

Other fields of influence are the rest of the candidate countries, especially those who find themselves ahead in the process from which Bulgaria obtains informal information, tips and know-how.

From the Bulgarian side, the governments can formally defend the Bulgarian interest and present potential concerns mainly through the mediating institution – the European Commission. But the conduct of national reform policies is another field of influence – the policies can obediently follow the Commission's recommendations, but just formally with no substance; they can be conducted in such a way that would lead to real Europeanisation, or they can show open resistance.

In the case of Bulgaria specific decisions of certain governments have turned out to be decisive for the course of the process, when the geopolitical context has allowed that.

Of course, the non-formal ways of influence through the personal contacts between the participants in the process on the Bulgarian side and the side of the Commission or member states cannot be missed out. Due to the complex character of the process, there has been an opportunity for a personal influence in several occasions.

III. Analysis

Throughout the analysis of the contents of the registered answers, 425 different aspects of the individual interpretations were identified. This in itself shows the huge importance of the personal perceptions, values, ideas, goals that shape the understanding of the process itself and its vision and end goal. The wide spectrum of interpretations testifies for the substantive importance on the question under consideration, yet, at the same time, it is a testimony not only of the complexity of the subject-matter but of the extraordinary high level of nebulousness of its political definition. Obviously behind the registered variance of opinions stands the lack of coherent, forged through public discussion, understanding of the stakes, goals and the means for their achievement.

These 425 aspects were grouped and organised in a hierarchical order showing the position of dependence between each of them. The order reflected the active character of the process described above. Following the central role of the actors and the significance of the interaction between them as determining the course of the process, all aspects were grouped around them. On top of the hierarchy were placed the two main actors - the EU as an integral actor on one side, the Bulgarian country on the other and the interaction process in the middle. Underneath, the hierarchy followed the number of different actors within each of the two integral ones, and subsequently, the different levels of interactions.

Then the groups considered most relevant for testing the initial hypothesis were selected. With regard to the initial problem and hypothesis in this paper, all aspects that provide knowledge about the logic of the process and the initial vision of the actors and its evolvement throughout the interaction process were considered relevant. In concrete terms these were the answers that give insight about the starting position, the end goal, the vision, the specific tasks, the approach towards the working process, and the motivation for membership.

The aspects which did not fall within these categories were left aside. These included the broader geopolitical picture; parallels with other CEECs; competition between the CEECs; relations with the different Western countries; analyses of the negotiation chapters and others.

In order to test the initial hypothesis, these groups were classified in a way that allowed studying the degree of clarity, concreteness and instrumentality in the understanding of the accession process by the different actors. To achieve this, the answers falling under the different categories were classified as specific vs. abstract; conscious vs. implicit; clear vs. unclear; value-based vs. instrument-based; debated vs. implicit; EU-focused vs. country-focused; technocratic vs. reform-oriented and planned vs. coincidental.

Then the number of times each answer which falls under one of the chosen categories appears in the text was counted, and the sum of the usages of all aspects that fall under the same dimension of the answer was calculated.

The results were placed on axes each side of which presented one of the extremes – for example clear and unclear vision; technocratic and reform-oriented preparatory work.

The end results of this experiment present completely conclusive and convincing empirical findings:

First of all, taking a look at the end goal of the process, it is quite obvious that according to the participants, it is membership rather than actual societal reform. This is how the axis looks like:

End goal

membership ————x————— reform

In concrete terms, the answer that the aim of the processes was “membership” or “accession” was found 107 times in the interviews, while the answer “reform” or “transition” – 20 times.

Moving to the next level, the results are equally conclusive in regard to the clarity of the process and the goals, their specificity and the instrumentality of the process:

Opening position

specific ————x————— abstract

conscious ————x————— implicit

clear ————x————— unclear

End goal**Dimensions:**

value-based ————— x ————— instrument-based

specific ————— x ————— abstract

clear ————— x ————— unclear

Vision

debated ————— x ————— implicit

Motivation

value-based ————— x ————— instrument-based

As the results show, the membership preparation has been conducted in an unclear atmosphere with implicit goals and tasks and a value-based approach – the EU was mythologized, understood as a “return to Europe where the country naturally belonged”, turning to “the other world” where the bright future of Bulgaria is a given.

Considering this, it is not surprising that the final result was perceived as coincidental, rather than planned:

Result

planned ————— x ————— coincidental

Moving to the next level, the actual preparatory work and the tasks that needed to be completed, there is a clear tendency towards technocratic work and preparation “on paper”, and focus on meeting the EU-imposed criteria, rather than focus on the reforms needed in the country.

Tasks

EU-focused ————— x ————— country-focused

technocratic ————— x ————— reform-oriented

Preparatory work

technocratic approach — x ————— reform-oriented approach

In complete accordance with these results, a few interesting observations deserve to be pointed out. Firstly, it is interesting to note that while almost all of the respondents stated that there must have been a forum where the vision had been debated, in fact only one of the 46 interviewees was able to refer to a specific one. All the other participants could not remember and were unable to provide an example. Apparently, as the results also indicate, the membership preparation was conducted without a debated and well-defined vision and aims.

The other interesting observation is in regard to the certified predominance of the values in the perception of the EU membership – while the ideal of “returning to Europe” appeared in the interviews in 38 different formulations – “to return to the place where the country naturally belongs”; “to re-establish the European image and identity” “to join the world of progress and prosperity where Bulgaria’s natural place is” etc., one of the specific instrument-based dimensions of the membership which is traditionally perceived as one of the main benefits too – the free movement – appeared as accent number 134. This is quite conclusive in regard to the centrality of the values dictating the course of membership preparation. This is meant to be The Achievement of the EU accession – both a symbolic victory, a fundamental breach with the communist past, a benefit for everyone (or at least for the young generation), but not a practical premise for doing business. This is how an instrument is transformed into an end-goal in itself because of the value accent placed on it.

Apparently, as there was no clear instrumental goal for the EU preparations process shared by the participants, the value-based understanding prevailed. This led to a unification of the otherwise separate processes – post-communist reform and Europeanisation, as they seemed to correspond to the same ideals and to be derived from the same values – democracy, prosperity, and success. The focal point was the end of the past, not any concrete future in particular. There was much work to be done in the direction of membership preparation – meeting the Copenhagen criteria which also seemed to correspond to these values and ideals, but also a variety of technocratic tasks required by the EC. As a result, the political effort was focused towards joining the EU, and this became the primary goal, completely substituting the aim for deep societal reforms.

In the course of the processes, the task itself was minimised – it became obvious that the Commission did not possess instruments and expertise to conduct deep reforms and Europeanisation. Neither was there an incentive on behalf of the EC to look after such a result. Taking the ownership over the success of the Eastern enlargement the Commission had its own stake to minimize the job of preparation in order to make the membership feasible. The experience of the institution from previous enlargements was in achieving market integration and legal harmonisation, and using this experience, the focus of the Fifth enlargement became the same – market integration (Maresceau 1997; Dimitrov et al. 2013; Veleva 2018). With the advancement of the process it started to become evident that the local countries, perceived until then as partners desiring reform, Europeanisation and EU membership, have become reluctant to undertake policies that would harm their own interests (Grabbe 2006) – an obstacle completely unexpected within the institutionalist interpretation of the enlargement as a “constant success story” (Dimitrov 2016). This is how “conditionality” became the primary mechanism of the Eastern enlargement – it was imposed as a measure to insert influence based on the assumption of “power asymmetry” between the parties (Smith 2003). But it was also an instrument for solving political questions that could not be solved with a different means – How many countries should be allowed to join?; Which ones?; How prepared should they be? The contradiction embedded in this instrument doomed it to ineffectiveness, at least in achieving long-term sustainable goals. This way through conditionality the process was simplified once again, this time to “transfer of rules” as conditionality mainly measured the harmonisation of the legislative systems (Dimitrov 2016). As a result, after a series of transformations and reductions, the final goal of the post-communist transition became the adoption of the EU law to the national law.

In other words, the hypothesis formulated in the beginning of the paper: *the end goal of deep societal reforms in the post-communist transition has been reduced to EU accession. In its turn, in the course of EU membership preparations the technocratic rule transfer and compliance with EC's recommendations held the upper hand over structural reforms* was validated.

IV. Conclusion:

The analysis conducted above provides a very clear picture of the way Bulgaria's preparation for EU membership was conducted. The results show that with the lack of a clear vision, the value-based motives for joining the Union prevailed to the instrument-based ones which led to technocratic preparation for the accession, targeted to the Common market accession mainly, rather than societal reforms. This was possible because the logic of the accession process was reversed even in the understanding of the EU actors, not only among the local political class. The Copenhagen membership criteria presuppose that a society needs to be "Europeanised" – to have functioning economy, representative democracy and rule of law – and based on this to start integrating to the EU structures through law harmonisation. The Eastern Enlargement, however, was conducted in the opposite way – the membership preparation was perceived as an instrument for Europeanisation; and the bureaucratic preparation replaced the reform policy. As one of the respondents noted, "the strategic thinking was substituted by written strategies and documents". Thus, the EU membership became an end goal without having any substance other than simple law approximation, or broadly speaking - "rule transfer". This way, the post-communist transition and deep societal reform expected to emerge along with the membership, were substituted by paperwork and the notorious "political will" for reforms embodied in strategies writing and obligations taken (but not fulfilled). This "unfinished business" of both transition reforms and Europeanization explains to a great extent the variety of social, economic and political problems the CEECs face today.

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