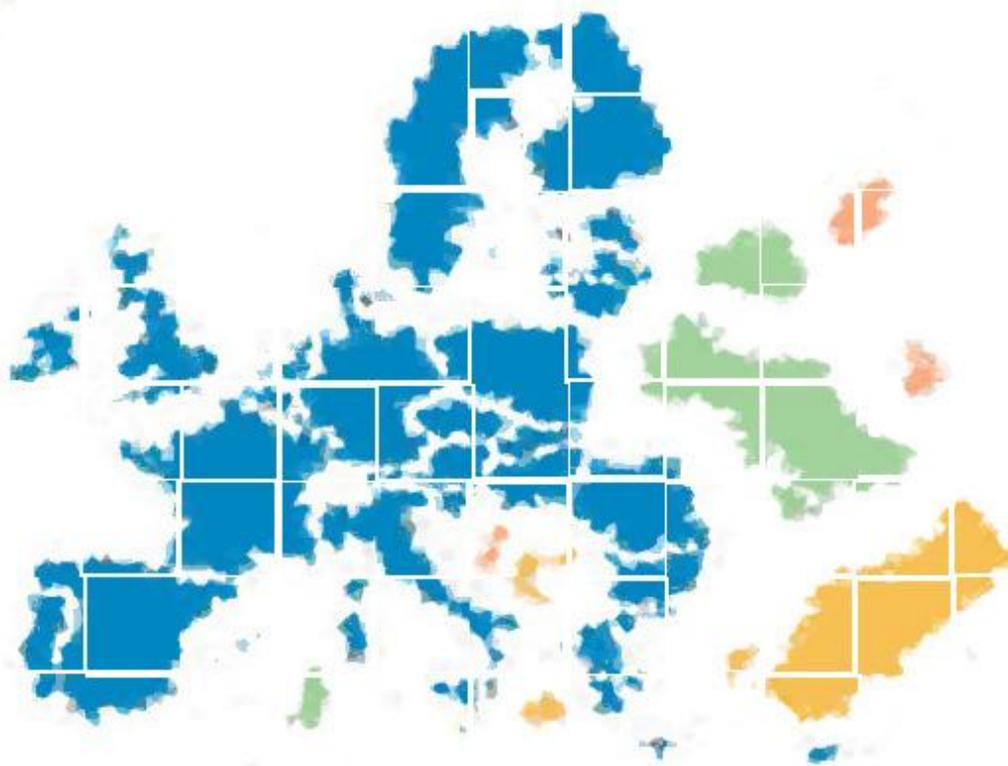


# EU Frontiers

Policy Paper

Taking Stock after Enlargement: Social Learning,  
Norm Transfer and Promoting Good Governance.  
Contextualizing the State of the Art in European Studies

Elsa Tulmets



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## EU Frontiers

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The 'EU Frontiers' publication series aims to provide an account of actors and developments along the enlargement frontiers of Europe. It fills an academic gap by monitoring and analyzing EU related policies of the broad Central – and Eastern European region, studying the past and evaluating the prospects of the future. Furthermore, it follows and gives regular account of the EU Enlargement process both from an inside and an applicant perspective.

## Abstract

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This paper reviews the state of the art literature on social learning, norm transfer and promotion of good governance in relation to European enlargements and the policies of the European Union (EU) in its Eastern neighbourhood. By looking at how the EU regularly tried to adapt its toolbox to changing international and national contexts, the paper argues that the literature often evolved by following the difficulties the EU had to face in transferring its own norms abroad. In order to better understand the mechanisms of policy transfer, the paper suggests to link international and domestic factors in the theoretical approaches to EU external governance. The paper also offers some constructive ideas on how to broaden the existing research agenda and proposes to attribute more value to the expertise coming from the EU member states and partner countries.<sup>1</sup>

## Elsa Tulmets

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Elsa TULMETS is Research Fellow at the Institute of International Relations (IIR) in Prague. She received a joint PhD in International Relations at Sciences Po Paris / Free University Berlin on the role of conditionality in the EU enlargement. She was Research Associate at the French-German Centre March Bloch in Berlin, then Jean Monnet Fellow at the European University Institute (Florence, 2005-06) where she worked on the links between enlargement and the European Neighbourhood Policy (ENP). From 2007 to 2009, she was Research Associate at the French-Czech Center CEFRES. Her current research includes the role of the member states (mainly from Central and Eastern Europe) in the ENP, good governance and policy transfer in EU external relations.

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## Introduction

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In the last couple of decades, scholars of area studies, international relations and foreign policy have been particularly interested in the issue of economic transition and the promotion of democracy and good governance practices in the external relations of the European Union (EU). With the fall of the Berlin wall in 1989, an unprecedented process of European reunification began that went beyond the German reunification and allowed for the study of social learning, norm transfer and good governance exchanges in the EU's close vicinity. The EU enlargement process and the creation of an encompassing policy towards the EU's Eastern neighbourhood have offered particularly interesting cases to investigate.

While for several years EU scholars were interested in determining what the EU *is* – a normative, soft or civilian power (Laidi 2008; Manners 2002; Telò 2006) –, the trends in EU scholarship have by now shifted towards analysing what the EU *does* (Barbé et al. 2009). Both social learning and policy transfer are concepts borrowed from the fields of public policy and comparative studies, which have more recently entered the realm of EU studies to help researchers in studying the process of the externalization of EU policies. The most often quoted definition of norm or policy transfer is the one proposed by Dolowitz and Marsh (2000): it is “the process by which knowledge of policies, administrative arrangements, institutions and ideas in one political system (past or present) is used in the development of policies, administrative arrangements, institutions and ideas in another political system” (Dolowitz & Marsh 2000, p.5). The concept of policy transfer has been used in international relations “*to redress the tendency towards methodological nationalism (...) by bringing to the fore the role of international organisations and non-state actors in transnational transfer networks*” (Stone 2004, p.545; see also Delpeuch 2008; Keck & Sikkink 1998).

Works in EU studies also refer to two related concepts, social learning and socialization, to highlight the diffusion of norms, ideas and policies from one political system to another and their adaptation to the new political system. Some authors argue that the two concepts are inseparably intertwined (Thies 2003), while others claim that they are distinct (Alderson 2001). Nevertheless, these concepts have had particular success in the literature on Europeanization and EU

enlargement (Schimmelfennig & Sedelmeier 2005). While in the 1990s and early 2000s studies mostly concentrated on the top-down transfer of interests, institutions or ideas from the EU to the member states (Caporaso et al. 2001; Bulmer & Lequesne 2005; Featherstone & Radaelli 2003), the focus later shifted to horizontal institutional transfer and policy diffusion (Bulmer & Radaelli 2004). Scholars became more interested in modes of governance that are capable of triggering reforms at home, either in the context of EU and NATO enlargement or in that of neighbourhood policies (Börzel 2009; Friis & Murphy 1999; Gänzle 2009; Lavenex 2004; Lavenex & Schimmelfennig 2010; Schimmelfennig 2003). After having recognized the limitations to democracy promotion and external governance, the focus has moved to good governance, which is understood as the capability of authorities to efficiently, equitably and transparently manage social processes, especially public administration, government-civil society linkages and party/government politics.

The current paper aims to provide a contextualization of the literature on social learning, norm transfer and promotion of good governance, which developed primarily at the time of the EU's Eastern enlargement. The paper seeks to highlight the parallelism between the developments in EU relations with candidate and neighbour countries and the scholarly works and debates. This exercise involves certain shortcomings and pitfalls, still, it shows that the evolution of the academic literature often followed the changes in the EU's external toolbox and accounted for the difficulties the EU faced in transferring its own norms abroad (I). The paper thus argues for establishing a dynamic link between international and national factors (II) and makes proposals on how to proceed in this field of study.

## **Taking stock after enlargement: contextualizing the literature**

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In constructivist accounts of social science, causality is difficult to grasp because multiple and multidirectional causes are at work. Therefore, contextualization in a historical perspective is crucially important as it helps keeping distance from what is being said or done in practice (Hansen 2006). In this respect, the contextualization of the literature of the 1990s and 2000s around the EU enlargement and neighbourhood policies is of great significance: it reveals where we stand now and where

further research is needed. It is interesting to note that certain cross-feeding took place between the different strands of literature, first in the context of EU enlargement, and then in the context of neighbourhood policies. While introducing both strands, the paper will also focus on the accompanying international and national factors to allow for a “linkage” approach (Rosenau 1969).

## 1. EU enlargement policies

The enlargement of the European Union, which have followed the fall of the Berlin Wall and the peaceful revolutions in Central and Eastern Europe (CEE), have had a great impact on the literature on EU external relations. This is why this review mainly focuses on scholarly works related to the enlargement to post-communist countries. Initially, EU studies tended to consider external factors as primary sources of domestic changes and reforms in the transition process, and it was only at the end of the 1990s that internal factors were taken more seriously for the understanding of the transfer (or lack thereof) of EU norms.

Specialists of Central and Eastern Europe have identified three main periods in the era of transformation: 1989-1993 was the time of rupture, 1993-1997 the time of consolidation, and 1997-2004 the time of European anchorage (Chavance & Magnin 2004). A parallel development took place in EU studies literature with different emphasis placed on polity, politics and policies. 1989-1993 was the period when works by specialists on democracy promotion were the most visible: the focus was on changes at the level of *polity* (formal democracy, institutions). In 1993-1997, formal relations between the EU and the candidates as well as economic transition had particular relevance: scholars concentrated on analyzing the *politics* of the negotiation of the association agreements. From 1997 on, studies in this field have flourished and works on (political) conditionality and Europeanization have been particularly prolific. This time the accent was on the content of *policies* (adopting the *acquis*), although politics also remained relevant (accession negotiations). Authors, however, always gave priority to either the domestic factors or the international ones: besides the few exceptions, they rarely tried to link the two types. After the accession rounds of 2004 and 2007 a fourth phase of EU studies emerged as scholars became interested in the consequences of EU membership on the former candidates.

## Priority given to international factors

### 1989-1993

The dramatic change from state socialism to democracy and market economy mobilized experts from many academic fields. Still, mostly scholars specializing in democracy promotion have dominated the debates on EU external relations in the early 1990s. As a matter of fact, the transition processes in southern Europe (Greece, Spain and Portugal) as well as in Latin America have influenced the way we looked at the new democracies of the former communist bloc. At that time, parallels were drawn between the transition processes taking place in these various regions of the world (Karl & Schmitter 1991; Linz & Stepan 1996; Nelson et al. 1994; Pridham 1995). In the early 1990s it was not the EU which was the main norm promoter in Eastern Europe. While the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE) were particularly active at the political level, international financial institutions like the World Bank and the International Monetary Fund (IMF) have played a significant role in supporting economic reforms and privatization. They introduced conditions for cooperation which was hoped to be effective in each transition country. In this vein, many authors focused on the external factors of internal reforms. For example, Pridham *et al.* (1994) were particularly interested in how external factors could impact on the national level and trigger revolutions or reforms towards more democracy and an open economy in Central and Eastern Europe.

### 1993-1997

While the formal aspects of democracy were taking shape in Central and Eastern Europe, accompanying economic reforms such as privatization were also introduced. At that time, the European Community negotiated economic agreements with the transition countries which included specific conditions: they offered preferential treatment and financial assistance if democracy and respect for human rights as well as the conditions for an open economy were further consolidated. In 1994, the accession strategy was adopted at the Essen Council meeting and in 1995 the EU published the "White Paper on the preparation of the associated countries of Central and Eastern Europe (CEECs) for integration into the EU Internal Market", which served as a road map for the candidates (European Commission 1995). Thus, until the opening of accession negotiations with the EU in 1998, academic works mainly concentrated on the formal aspects of economic reforms, and on norm

and rule transfers in the fields outlined in the White Paper, like competition law, agriculture and environmental issues. The prominence of these issues allowed scholars to focus more on the formal and economic aspects of the candidate countries' relations with the EU (de La Serre et al. 1994; Preston 1997; Weidenfeld & Altmann 1995).

#### *1997-2004*

While the bulk of the literature on enlargement still concentrated on the process itself (Baun 2000; Mair & Zielonka 2002), it was after the first years of transition and the official start of the accession negotiations when scholars began to examine in more detail the risks posed by enlargement and the necessity to reinforce conditionality (Smith 2004; Weidenfeld & von Breska 1997). As a matter of fact, the Commission kept refining the exact content of the political, economic and legislative criteria, which were first communicated in Copenhagen in 1993 as a result of an internal political agreement. The Council required from the candidates to have "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. Membership presuppose[d] the candidate's ability to take on the obligations of membership including the adherence to the aims of political, economic and monetary union" (European Council of Copenhagen 1993).

Conditionality first appeared in the context of development, and it was later used in the context of transition and EU accession (Smith 1998). In the 1980s and 1990s, the European Union included conditionality clauses in the Lomé agreements (1984, 1990) signed with the African countries. These, contrary to past practices, offered preferential economic treatment and aid if the beneficiary countries met certain political conditions, including the respect for human rights. However, scholars showed that in the Europe Agreements negotiated with the post-communist countries of CEE, conditionality had a different nature: the EU was able to exert pressure on the candidates not only through financial means (like the international financial institutions), but also through political means (threat of failing the membership criteria) (Grabbe 2006; Hughes et al. 2004). The EU was also able to require national reforms in all policy sectors (Dimitrova 2004; Schimmelfennig & Sedelmeier 2005), except in the field of defence, which was more influenced by accession to the North-Atlantic Treaty Organization (NATO). To summarize, the EU, in theory, had negative conditionality at its disposal, i.e. the possibility to reduce or entirely cut the provision of

financial and economic benefits to candidates if certain conditions were not met, and positive conditionality, i.e. the possibility to reward countries if they complied with the previously set conditions. However, in practice, the EU was inclined to use the second option, as negative conditionality was applied mainly in a rhetorical way.

Until the opening of EU accession negotiations in 1998, the EU was aware that it was not the sole actor to influence reform processes in Central and Eastern European countries. Other organizations like the IMF and the World Bank, the Council of Europe, the Organization for European Cooperation and Development (OECD), the OSCE and NATO were important actors as well in this respect. However, the literature did not reflect much on the influence of these other international actors as it rather concentrated on how the EU was able to trigger national reforms as a consequence of the membership prospects the EU offered. As candidates were complaining that EU accession was a “moving target” and that the conditions were changing all the time, many analysts evaluated the EU-CEE relations as asymmetrical (Dimitrova 2004; Schimmelfennig 2003). The literature therefore focused especially on the top-down process of ‘Europeanization’ and neglected the more horizontal aspects of transformation that fell beyond the EU realm.

When the EU accession negotiations began in 1998, the EU tried to gain a greater grip on domestic reforms. In this context, literature on Europeanization as well as on European governance and socialization expanded. As governments were adopting EU norms and rules, sometimes with almost no parliamentary debates, Europeanization was observed in many sectors. The concept of Europeanization was defined as a top-down “process of (a) construction, (b) diffusion, (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles and ‘ways of doing things’ and shared beliefs and norms which are first defined and consolidated in the making of EU public policies and politics and then incorporated in the logic of domestic discourse, identities, political structures and public policies” (Featherstone & Radaelli 2003, p.57). In the context of EU enlargement, Europeanization was analyzed both from its rationalist and its constructivist components (Schimmelfennig & Sedelmeier 2005). After testing three theoretical models of Europeanization (external incentives, social learning and lesson-drawing), Schimmelfennig and Sedelmeier concluded that none of them entirely explained the Europeanization of Central and Eastern Europe, although the external incentives provided by the EU to a great extent accounted for the impact of the EU on candidate countries (2005).

Specialists on European governance looked at the various drivers of the Europeanization process from the EU perspective, mainly explaining

national reforms as being the result of the externalization of the EU's internal policies and norms abroad (Friis & Murphy 1999; Lavenex 2004). Finally, the EU and NATO enlargements were seen as broader processes of socialization, in which the EU and NATO were perceived as transnational actors teaching the "pupils" about the norms and rules to adopt (Linden 2002; Schimmelfennig 2003). In spite of their interesting findings, this line of literature rather neglected policy transfers and adaptation taking place on a more horizontal basis and outside the EU framework, as well as mutual adaptation processes.

#### *2004 and after*

The mainstream enlargement literature has also overlooked an important fact: the economic crisis of 1998 revealed not only the fragility of the Central and Eastern European markets, but also the negative effects of privatization on society and the necessity to focus more on a "social Europe" (Mair & Zielonka 2002). At the end of the 1990s, the European Commission recognized that while the candidates were making progress in adopting the *acquis communautaire*, they were also having difficulties in implementing it and in accommodating its financial and technical implications. While laws were enacted, they were not always implemented. The European Commission thus made a stronger reference to the decision taken at the European summit of Madrid in 1995 to enhance institution-building and good governance in order to ensure the smoother implementation of EU regulations and directives (Dimitrova 2002; Tulmets 2005). By launching the "Agenda 2000" in 1997, the EU reformed the PHARE programme, which up to that point had mainly focused on providing financial assistance for economic transition. After 1997, the EU assistance was re-oriented on financing infrastructural investments and on strengthening the ministries and implementation agencies (technical assistance) of the candidates. In this vein, conditionality was no longer considered as an asymmetrical power relationship, but rather a complex and dynamic interaction between multi-level actors, perceptions, interests, and institutional and policy factors (Grabbe 2006; Hughes et al. 2004; Tulmets 2005).

However, it was only in the early 2000s that literature on institution-building and good governance in relation to enlargement started to develop (Berg-Schlosser 2007). The new line of scholarly works on good governance emerged within a larger debate in legal and development studies which were evoked by the United Nations Millennium Development Goals of 2000 (Diamond & Morlino 2005). These goals have been defined on the basis of a novel definition of poverty provided by

Nobel Prize winner economist Amartya Sen. The announcement of these goals was accompanied by a debate on efficient and transparent public management of which benchmarks were set by the OECD in the Paris declaration of 2005. Within the EU, this debate allowed for the introduction of new methods of public management (definition of goals and benchmarks, monitoring process, regular evaluations, peer-reviews, etc.), which responded to the various types of criticism expressed at the end of the 1990s on the deficiencies in the management of EU external governance and assistance policy (Tulmets 2010). The efforts for greater efficiency, equitability and transparency were not only expressed at the EU level, but were also expected from the partner countries.

With the process of enlargement of the European Union to Romania and Bulgaria, and with the expected future accession of the countries of the Western Balkans and Turkey, EU conditionality appeared in a new light. After the post-communist countries' formal EU accession, many scholars further elaborated on their compliance with EU norms and directives (Epstein & Sedelmeier 2009). While some authors insisted on the top-down approach to Europeanization (Sedelmeier 2008), others tried to loosen its rigidity by showing the more interactive aspects of formal negotiations and reforms (e.g. Braniff 2009). In an attempt to link both external incentives and domestic factors, Pridham identified four (not necessarily mutually exclusive) post-accession situations: routinization and status quo bias (durability of political conditionality); pressures for reversal (imposed Europeanization); post-monitoring external pressure; and social learning (stronger and deeper progress with political conditionality) (Pridham 2007, p.6). Furthermore, one needs to bear in mind that the EU-27 is not the EU-15 anymore and, in this respect, not only the EU's normative basis has changed, but also its approach to external governance.

The European Commission realized that the toolbox applied so far did not fit into the context of the Western Balkans, where other important actors like the United Nations were also present, or that of Turkey, which was already a member of NATO. The EU gave higher priority to political conditionality, thus insisting on good neighbourly relations and the resolution of old conflicts (e.g. the conflict between Slovenia and Croatia or the conflict between Greece and FYROM), as well as it demanded closer cooperation with the International Criminal Court (ICC) in several criminal affairs. The negotiation of the *acquis* chapters also took place differently than during the first round of Eastern enlargement, as the EU applied pressure on the candidates regarding the adoption of certain laws or on specific issues often prior to the opening of the chapters. Furthermore, particular importance was attributed to good governance, inspired by various criteria defined by the World Bank: in its evaluations,

the Commission referred more emphatically to notions like accountability (of the executive power in relation to other democratic institutions and the domestic society), the rule of law (e.g. independence of the judicial system, respect for human rights), government effectiveness (e.g. quality of the bureaucracy and public services), regulatory burden (market-distorting policies like price and trade controls), and anti-corruption measures (against exercising private power for private gains, nepotism, and clientelism) (Berg-Schlusser 2007, pp.266-270). These developments have affected how further EU enlargement policies were analyzed and highlighted that domestic changes were not possible to trigger only through external influences.

To summarize, in this context of dramatic political changes of post-communist transition (the end of the communist parties' monopoly, the introduction of free elections, free media etc.) and economic transformation (privatization, economic restructuring), the academic literature tended to give primacy to the influence of external factors (financial means, technical assistance, advice, EU decisions and directives, etc.) in triggering domestic reforms. In the perspectives of Europeanization, European governance and socialization, the issues of policy transfer, social learning and good governance were seen as being mainly caused by those external factors. These studies were thus driven by a rather normative research agenda, even though there was a growing conviction in the Europeanization literature to account for domestic factors as well. As a matter of fact, domestic factors proved to be important in explaining the implementation (or lack thereof) of domestic reforms.

## The focus on the national context

### *1989-1993*

The necessity to understand post-communist transformations at the national level put scholars formerly specializing on communist states into a central position in area studies. Given the process of dramatic political and economic changes, authors usually focused on issues of democratic transition and market economy. In particular, they looked at the various forms of freedoms offered by the new regimes: free elections, free movement of people and free media, and economic and financial reforms allowing for privatization and market competition. Many studies also concentrated on the role that political and economic elites played during the transformation process (Mink & Szurek 1993; I. Szelényi & S. Szelényi 1995). These approaches were mainly (but not always) defined

against the proponents of a radical political, economic and societal change referred to as transitology, who mainly focused on the impact of external factors on national societies.

#### *1993-1997*

In this period, the literature on transformation was rather prolific. After the first common delusions about the change of regime in CEE, the (post)communist parties returned to power in some countries (Lewis 1994). Consequently, several scholars argued that besides the “varieties of capitalism”, there were also “varieties of transition” (Elster et al. 1998; Offe 1997). Specialists on Eastern Europe – among whom some worked as advisors on state, economic and social transformation – kept focusing on political processes, but they were actually more concerned with reforms that attempted at anchoring domestic markets into the EU market (Chavance 2004; Inotai & Sass 1994; Rupnik 1999; Mair & Zielonka 2002). In contrast to the transition approach, these authors considered social change “not as transition from one order to another but as transformation – rearrangements, reconfigurations, and recombinations that yield new interweavings of the multiple social logics that are a modern society” (Stark & Bruszt 1998, p.7).

#### *1997-2004*

After the publication of the Commission’s “Agenda 2000”, which offered a renewed strategy and framework for enlargement, and after the international financial crisis in 1998, the proponents of path dependency argued that internal reforms were not only triggered by external factors, but also by internal factors. For example, Vachudova observed that the initial political dynamics were largely determined by the strength of anti-communist opposition forces at the time of the regime change. This had a strong influence not only on subsequent political developments, but also on the economic reforms and other processes like rent seeking (Vachudova 2005). Jacoby tried to explain the differences in transformation by looking at emulation from the Central and Eastern European point of view: emulation (taking the form of copies, templates, thresholds or patches) was mainly conceived as elites using formal institutions and practices from abroad to redesign their own rules or organizations (Jacoby 2004).

Comparative cross-country analyses of similar sectors revealed that a single policy framework (e.g. EU regional policy) may produce different outcomes. The variable trajectories of each candidate country are conditional upon their national and sectoral legacies (Stark & Bruszt

1998). Transformation is thus path-dependent but is open to a new configuration of these legacies.

Many sectoral analyses insisted on the institutional difficulties in implementing reforms and identified the factors hindering them. The difficulties occurred regarding a broad range of issues such as the rule of law, party financing, independence of the judicial system, territorial administration, accounting laws, corporate law, civil society relations, regulation of the central bank's authority, media regulation, taxation, managing of budgetary revenues, and civil service. Path dependencies were observed at institutional (administrative structures, hierarchy, etc.) and cultural levels (e.g. bypassing the law), which explain inertia, lack of initiatives, and absence of implementation. The uneven redistribution of resources is another factor determining change or inertia: some actors concentrate resources in their hands while others face material difficulties in implementing their projects. Specialists on Central and Eastern Europe and the Western Balkans saw growing differences between these two groups of countries in terms of policy transfers and rule adoption processes, which could be partially explained by the differences in their communist legacies, the levels of economic development, and external factors like the regional and international environments (Rupnik 1999).

#### *2004 and after*

After 2004 scholars, who had so far mainly concentrated on external factors, started to consider the role of internal factors and path dependency in the context of the EU losing the accession pressure after enlargement (Noutcheva & Bechev 2008; Pridham 2005; Pridham 2007; Cirtautas & Schimmelfennig 2010; Trauner 2009). A series of studies focused on the post-enlargement process and compliance and foresaw various difficulties that would emerge once the main driver of accession (conditionality) disappeared (Epstein & Sedelmeier 2008; Epstein & Sedelmeier 2009).

While some scholars warned about the post-accession phase, they also claimed that the new member states had performed rather well in implementing EU norms (Sedelmeier 2008). The enlargement to Romania and Bulgaria was an occasion for the EU to develop further tools to monitor the implementation of key reforms and enhance good governance. Trauner (2009), for example, identified a series of internal factors that point to problems in enforcing and applying EU law in Bulgaria and Romania: the public administrations have serious shortcomings as key reforms are "still pending"; political corruption undermines public trust in state institutions and hampers economic

development and the creation of a favourable business climate; the further reform of the judiciary was one of the major reasons why the EU decided to extend its conditionality mechanisms to the post-accession stage; and the lack of societal activism was seen as a final factor which may create problems in enforcing EU law. In many respects, the situation is similar in the Western Balkans. Furthermore, the post-accession period has seen the loss of the consensus among political parties over the importance of complying with EU norms, and nationalism has also made an important comeback into the domestic political scenes (Vachudova 2008). Therefore, scholars of EU studies tend to investigate further the forms and mechanisms of good governance at the levels of public administration, government-civil society linkages and party/government politics. They do not only focus on policies and politics, but, again, also on polity and the quality of institutions.

By taking both external and internal factors seriously, the evolution of the literature on EU enlargement accounts for the experimental approach of the EU in its external relations, and especially for the difficulties of the EU in transferring its own norms abroad (Tulmets 2010). While the literature on Europeanization and on modes of governance kept looking for policy convergence around accession conditions and the *acquis*, specialists on Central and Eastern Europe rather highlighted the shortcomings and sometimes the absence of policy implementation at the domestic level. As a result, one may insist on the necessity to link external and internal factors, and hence consider the mutual aspects of policy learning, socialization and governance, rather than the unilateral nature of traditional policy transfers.

## 2. EU policy in the neighbourhood

Further developments in the EU's policy towards the Eastern neighbourhood, where the countries could potentially become candidate states, have also inspired the literature on social learning, norm transfer and good governance. Both international and national factors explain the evolution of this literature. Similarly to the case of enlargement, one may identify different phases in the scholarly works concerning the European Neighbourhood Policy (ENP). The first phase focused on transition processes and the lack of EU policy towards Eastern Europe. Between 2002 and 2006 academic works mainly concentrated on the launching of

the new policy. The adoption of sub-regional policies within the ENP framework from 2007 onwards has placed the debate to bilateral (EU-country) and multilateral (EU-regional) approaches. Nowadays, scholars do not only seek for complementarities between these different frameworks, but they also realize that the national context is important in accounting for the efficiency (or lack thereof) of the EU's toolbox with regards to good governance.

## The international context

### *1989-2002*

In this phase, the literature concentrated on the transition process, especially on the external influences attempting to reform the countries of the Commonwealth of Independent States (CIS). During this period the European Union did not formulate any encompassing policy towards Eastern Europe (Delcour 2008). The core relations were determined bilaterally in the Partnership and Cooperation Agreements (PCA) and the EU was keen on using some, rather weak conditionality to trigger domestic changes. However, this approach was not particularly successful (Lynch 2004). Assistance policy was mainly channelled through the TACIS programme launched in 1992 but deficiencies in the programming and project management reflected the difficulties in triggering changes on the ground.

### *2002-2006*

After enlarging to the East had been agreed upon, the European Union began to elaborate a new policy for its Eastern neighbourhood in the early 2000s. This was named as the European Neighbourhood Policy (ENP) and included all EU neighbours in the East and the South, except Russia, which refused to take part in it. The formulation of the ENP did not only complement already existing policies, like the Barcelona process (1995) and the Northern Dimension (1997), but it also allowed for the development of further sub-regional neighbourhood initiatives, such as the Black Sea Synergy (2007), the Union for the Mediterranean (2008) and the Eastern Partnership (2009).

The core goals of the ENP and its related policies were to “avoid new dividing lines” after the EU enlargement, to achieve “stability, prosperity and security” and, finally, to propose “everything but the institutions” (Prodi 2002). The EU thus negotiated Actions Plans, which were in many respects similar to the Accession Partnerships except their final aim. The idea was to communicate “common values” to strengthen democracy and

the rule of law, good governance, the respect for human and minority rights, good neighbourly relations and the principles of market economy and sustainable development (European Commission 2004, p.3). In a more detailed form, these common values included “the reform of the judiciary and the fight against corruption and organized crime; respect for human rights and fundamental freedoms, including freedom of media and expression, rights of minorities and children, gender equality, trade union rights and other core labour standards, and the fight against the practice of torture and prevention of ill-treatment” (European Commission 2004, p.13).

Like in the case of enlargement, the literature on the ENP and the EU's policies in the neighbourhood is rather prolific (for an overview see for instance Kratochvíl & Tulmets 2010, pp.53-61). Specialists on Europeanization and European governance were particularly keen on looking at the international factors evoking reforms beyond the Eastern borders of the EU (Lavenex 2004; Kelley 2006). This approach considers the EU as combining “a foreign policy strategy geared at stabilization and integration with the attempt to bind third countries to the pursuit of internal policy goals” (Lavenex 2004, p.694). Interestingly, the method adopted until 2006 to define relations with the neighbourhood was rather similar to the one of enlargement: Action Plans set the common values and benchmarks, a thorough assistance policy was defined, while implementation was monitored in the PCA and thematic committees, and regular country evaluations were carried out. But the “carrot” of accession was missing and conditionality therefore was not as efficient as in the case of enlargement.

As a matter of fact, there were some expectations that the partner countries would keep the political commitments to internal reforms as negotiated and prescribed in the Action Plans. However, in the absence of any attractive prospects besides the financial instrument of the ENP, the European Neighbourhood and Partnership Instrument, these hopes were not fulfilled. Brussels tried to introduce further carrots in the form of political dialogue, preferential visa policies and free trade agreements, and Belarus was also invited to the EU summit on the Eastern Partnership in 2009. These efforts of the EU towards triggering more domestic reforms did not yield the expected results (Cremona & Hillion 2006). Furthermore, the presence of frozen conflicts still represented a real challenge for EU external activities as they put pressure on the EU to better coordinate its activities in these countries. The results of the EUROJUST Themis mission in Georgia, the EUBAM mission in Ukraine and Moldova, as well as the EUMM mission in Georgia remained rather mixed (Grevi et al. 2009). In general, the EU was reluctant to engage in the resolution of frozen conflicts (Popescu 2011a).

*2006 and after*

From 2006 on, the EU member states insisted on the creation of sub-regional policies complementing the bilateral ENP framework, like the Black Sea Strategy and the Eastern Partnership. The literature on democratization and democracy promotion was more interested in “external anchoring”, defined as a process in which national political regimes are subject to variably dense external linkages, pressures and stimuli influencing the conditions of democracy (Magen & Morlino 2009, p.28) or as a “process in which an external actor keeps a target country close to itself by offering some incentives” (Baracani 2010, p.111). This exercise is seen as democratic as “the linkages – mainly institutional links (which refer to the current status and final objectives of bilateral relations), economic assistance, and trade [...] – conditioned to the respect for democracy, can favour, at least potentially, domestic pro-democracy regimes” (*ibid.*). Eventually, the instruments are considered as “EU structural foreign policy instruments [...], which allow the EU to influence the behaviour of third countries” (*ibid.*). However, this approach reflects only the EU’s perspective concerning the relations with the neighbours.

Even if the EU can rely on a longer record of democratic policies and assistance (Baracani 2010, pp.112-115), the way democracy works in the post-communist countries of Eastern Europe cannot be explained by looking only at those external, structural factors. There is indeed “more than just externalization” in EU’s neighbourhood policy (Barbé et al. 2009, p.380). Some authors prefer to use the term “boundaries” to better highlight the multiplicity of relations between the EU and the neighbours (Gänzle 2009), others analyze the EU’s capacity to adapt to the ever changing international and national contexts (Delcour & Tulmets 2008). Furthermore, other international actors like the NATO, the World Bank, the IMF, the OSCE, the OECD, and the USA and Russia as well, play an important role in these relations. To draw an example, the decision taken in 2009 to create a common economic space between Russia, Belarus and Kazakhstan until 2012 represents a direct challenge for the attempts at exporting the EU’s norms to Belarus. One thus needs to identify both internal and related external reasons for the creation of greater or fewer links with the EU and for (non-)implementation of reforms that are in line with EU norms.

## The national context

There are again three phases to analyse: the focus on transformation in Eastern Europe, the reception of the ENP at the time of its creation, and the (lack of) implementation of the ENP and the EU's sub-regional policies.

### *1989-2002*

While literature on the ENP has been rather prolific since its launch in 2003, few analyses took into account the national context of transformation in the neighbourhood countries, except the ones written by specialists on transformation and advisors in the post-Soviet space (e.g. Åslund 2002; Duleba et al. 2003; Gromadzki & Veselý 2006; Kuzio 1998; Wolczuk 2008) or from analysts coming directly from the ENP countries.

### *2002-2006*

Besides scholarly works on the transformation process of Belarus, Ukraine, Moldova and the three countries of the South Caucasus, and apart from the works comparing the internal receptions of the EU policies in the South and the Eastern neighbourhood (Buzogány & Costa 2009), the point of view of the neighbour partners still needs to be further analyzed in the mainstream literature (Popescu 2011b; Solonenko 2009; Wolczuk 2008). In the Eastern neighbourhood, "the general trend [...] has clearly moved from great hopes of a quick EU entry and the undisputed sense of belonging to 'Europe' towards mere economic cooperation and a very slow integration in selected policy areas" (Kratochvíl & Tulmets 2010, p.172). A closer look at the polity, politics and policies of the countries of the Eastern Partnership and a short comparison with the EU members of Central and Eastern Europe largely explain the differences in the two groups' coming closer to the EU. In the countries of the Eastern Partnership, political parties are much more divided on foreign policy issues (and thus on the international norms to follow), public administration is much more politicized, which hinders continuity, and reforms are not always implemented due to the stronger weight of past legacies. The perception of the EU and the implementation of EU-induced reforms thus remain a major topic to be analyzed.

*2006 and after*

After the ENP had been particularly criticized for concentrating only on bilateral issues, EU member states advocated their own projects of sub-regional cooperation. However, the academic literature did not reflect much on the reactions of the neighbour countries. Today, the way the EU's relations with the Eastern partners develop is particularly telling: in spite of the strong support for the reforms after the Orange Revolution in Ukraine or the opening of a dialogue with Belarus, the relations are currently evolving in a direction that is contrary to what was originally hoped for<sup>2</sup>. This can be explained by internal political factors, among others by the decision of the political leaders in power to favour building relations with Russia. The internal political situation and the rather strong ties to Russia can be partly explained by the fact that at times the adoption of EU norms was welcome, while later reforms towards EU anchoring were to a great extent forgotten (Gnedina 2005).

More recently, scholars interested in the quality of governance tended to consider the path dependency of such developments, which also explains the failures of EU policies in triggering domestic reforms once the EU does not offer membership prospects. If the political elites in power do not share the will to come closer to the EU, there is almost no way for the EU to be influential at the domestic level. Moreover, the EU's influence can also be hindered by legacies of the past and the remaining frozen conflicts, even if attaining the candidate status is set as an official domestic political priority. This explains why countries of the Eastern neighbourhood have reacted moderately towards the EU, even after the Roses and Orange Revolutions (Kratochvíl & Tulmets 2010, p.168).

After having identified the international and national contexts of the development of the literature on social learning, policy transfer and good governance in EU enlargement and neighbourhood policies, one may draw a conclusion about the evolution of the EU's toolbox, which, over time, seems to have reflected the efforts to adapt this toolbox to the domestic and international contexts at the political, economic, institutional and societal levels.

### 3. *Quo vadis?*

While international factors were for a long time considered as the main agents of domestic change in transition countries and this view was also

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<sup>2</sup> The recent revolts in North African countries also highlight the importance of internal factors in the making of political changes and the European Union's lack of a grip on the internal activities of its Southern neighbourhood.

reflected in the EU's external policies, the EU now tends to account for both domestic and transnational factors in its toolbox. The top-down approach includes political and diplomatic means, confidence-building and crisis prevention, economic and legislative agreements, politically binding agreements, monitoring, peer-reviews and evaluations, assistance policy and conditionality. The more horizontal and bottom-up tools refer to thematic approaches, national programmes, technical assistance on good governance, participation in EU programmes and agencies, and the support of bottom-up initiatives.

In spite of the impressive evolution of the EU's toolbox of democracy promotion and good governance since the fall of the Berlin Wall, it seems that the current international and national contexts have put the EU in a deadlock. The EU has encountered many difficulties in triggering the intended reforms in some candidate countries. This is the reason why it had to adapt its instruments and use conditionality in a stricter way in the Western Balkans and Turkey, relying on other institutions (like the OSCE or the International Criminal Court) to put further pressure on candidates. Moreover, the transition from a UN-led to an EU-led assistance in the Western Balkans did not happen as smoothly as expected. Moreover, the issue of Kosovo is still unresolved, and it may remain so as long as the EU member states are divided over the question of whether Kosovo should be recognized as an independent state.

In the Eastern neighbourhood, although the EU received much domestic support for its activities after the coloured revolutions in Georgia and Ukraine, and a dialogue with Belarus also opened under the Czech presidency, the EU quickly had to face its limits. As Ukraine and particularly Belarus were more in favour of cooperating with Russia, this seriously weakened the EU's ability to trigger domestic reforms. If the top-down approach does not produce the expected effects and the horizontal approach is not as successful as it is expected to be, what are the potential next steps to follow?

## **Back to “linkage politics”? Broadening the research agenda**

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At the end of the 1960s and the beginning of the 1970s, several authors proposed to look at foreign policy in both its international and domestic aspects. This practice was called “linkage politics” because it showed that both contexts, the external and the internal, are important factors that need to be taken into account (Rosenau 1969). The short review of the

literature on enlargement and neighbourhood policy and the evolution of the EU's instruments have shown that both the international and external contexts and factors are indeed relevant. It also represents the point of departure of further comparison, which may allow for a broadening of the research agenda on policy transfer and good governance.

### 1. The necessity to link international and domestic factors

The literature on the *international factors* insisted on the role of the EU (and NATO) norms and rules in evoking national reforms. Authors taking this approach focused on sectoral issues and thus highlighted other processes beyond the classical state-to-state relations. While the literature on state socialization continued to focus on aspects related to classical sovereignty (Schimmelfennig 2003), the literature on Europeanization and the externalization of EU internal norms and policies tried to take into account the role of policy networks in social learning and norm transfers (Börzel & Risse 2003; Gänzle 2009; Lavenex 2004). This literature aims to go beyond the perspective of what the EU *is* – as reflected in the debate on the EU as a “normative power” (Manners 2002) – and highlighting what the EU *does* on the ground. Furthermore, differences in the norm-taking process strongly depend on the presence of more or less *acquis* in a given policy field, which implies differing degrees of discretion for the rule-taking countries in implementing reforms. However, one should also elaborate on what the EU *does not do*: the focus on the externalization of EU policies has mostly neglected the significance of other international institutions which are also producers of norms in several sectors (Cortell & Davis 1996) and whose tools the EU sometimes tries to complement and even “copy”. This is a field which has remained insufficiently explored and which can be tackled by looking at those instruments that the EU has taken over from international organizations in order to complement its toolbox and better promote support for domestic reforms.

*Domestic or internal factors* of reforms represent the other token of the internal-external nexus. At this level, sectoral analyses motivated by the impact of external factors have used sophisticated methodological approaches to show policy or norm convergence. However, EU studies literature still largely neglects the national context, although it may look further at the role of policy networks and domestic social actors in accepting or rejecting domestic reforms. Furthermore, legacies of the past and reasons inherent to the national histories explain variations in policy

or norm transfers. As a matter of fact, there are many historical and cultural factors which account for the presence or lack of external rule adoption. It is also important to be aware of the differences in the post-communist space between Central Europe, the Western Balkans and Eastern Europe. These differences can mainly be explained by the variations in the external incentives, the main one being the presence or absence of an EU and/or NATO membership perspective. It is thus necessary to differentiate between the three levels of domestic policies, politics and polity when looking at the national context in order to make the links (or to observe the absence of links) with the international factors.

Contrary to what the literature on Europeanization, governance, and socialization had pre-supposed in the Eastern enlargement round, *policy* transfers did not take place only because of EU pressure. They were also triggered by internal actors. This was the case in Hungary and Poland before the accession negotiations with the European Union officially started. Policy transfers took place in a rather bilateral way after the candidates directly contacted EU member states in order to receive advice on specific reforms. Legislative traditions and past experiences often played a role in the choice of the adopted models, like Hungary's centralized financial management built on the French tradition or the Estonian civil law resembled the German tradition. Thus, when looking at a specific sector on the ground, one may notice that not only EU norms and values are at work. In this respect, various positions can be adopted, which range from taking over norms voluntarily to adopting them because of coercion, as explained in the classical analysis of policy transfer (Dolowitz & Marsh 1996; 2000).

A closer look at the history of *politics* is also important for understanding why certain reforms were successful and others were not. *Politics* has to do with the study of political and economic elites, but also with the presence of a plethora of actors and interest groups in a sector or in a specific policy issue. Depending on the domestic context, the absence of organized groups can explain the adoption of certain reforms, but also the lack of them. At the same time, the external empowerment of specific actors can also support successful implementation of domestic reforms.

Finally, *polity* is also interesting to look at when one wants to understand the main policy decisions taken at the national level. Changes in the political elites are perhaps not as important as several scholars would have expected in the early 1990s (Vachudova 2005). In spite of the radical change of ideology after 1989, long trends can be observed in the trajectories of political parties and national institutions,

which suggest the sustained presence (or not) of domestic political cultures of good governance.

It is methodologically challenging to establish the link between international and internal factors at the three levels of polity, politics and policies. One of the most important elements to take into account is perhaps the transnational circulation of people and ideas. In this respect, a sociological approach of analyzing professional networks can reveal insights that may help to explain the adoption of formal and informal norms and rules. Societal actors also represent a key part of the linkages, as they tend to complement public policies and inspire new ways of governing. These actors range from the individual to public and non-public organizations. Works on policy networks and transnational actors have indeed emphasized the importance of the more informal aspects of policy transfer (Delpeuch 2008; Stone 2000). The study of policy networks and transnational movements should now take a more important place in the literature on EU studies (Bruszt & Holzhaecker 2009) and EU external relations.

## 2. Extending the scope of comparison across time, space and policy fields

Extending the scope of comparison represents a further methodological approach which favours linkages between the international and domestic factors.<sup>3</sup> Comparison can be extended across time, space and policy fields. It is indeed important to compare policies across time: what do previous enlargement rounds reveal for the current accession negotiations? What are the lessons that the EU can learn from previous EU policies, or the absence of EU policies in its neighbourhood, in order to develop the relations with its direct neighbours? Comparison across time can also take place on a larger basis, thus after accounting for the evident contextual differences, it is possible to compare the successful imposition of US norms and institutions on Germany and Japan after World War II with the EU norm transfers into its vicinity after the fall of the Berlin Wall.

This also allows for the broadening of the scope of comparison across regions. One may take a look at the way the EU works in other regions and thus highlight differences across space. This way, one may identify the lessons learned in other parts of the world, and the possible variations in the combination of EU tools. As a result, one may also

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<sup>3</sup> I thank Prof. László Bruszt for his useful comments which have inspired this part.

investigate to what extent the EU policies lead to inclusion or exclusion of certain actors in the European internal market.

Eventually, one may compare developments across policy fields, too. EU enlargements have particularly concentrated on economic integration, and much less on the significance of formal democratic institutions. Perhaps too much stress has been put so far on the aspects of economic integration of the partner countries and not enough on good governance. Comparison across policy fields is thus essential if one wants to understand not only how the partners adapt to the EU and other international norms, but also what and how the EU and its members may learn from their experience in the EU's vicinity.

## **Conclusion: The necessity to value expertise from the member states and partners**

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This short review of the literature in EU studies concerning social learning, norm transfer and good governance in enlargement and neighbourhood policies did not intend to be exhaustive, but it took into account several related concepts (like transition, transformation, and Europeanization) in order to provide an overview of the literature produced since 1989. This task would have been even more demanding if scholarly works published in other languages besides English, French and German had also been considered. The core idea, however, was to contextualize the literature produced in this topic.

One of the main conclusions of the paper is that the EU has at its disposal a rather large number of tools, which range from classical to more innovative ones. However, for various reasons originating both from the international and the national contexts, the EU nowadays is not able to sufficiently trigger domestic reforms to anchor the partner countries closer to its internal norms and values. The paper has argued that it is necessary to take the national context further into consideration. It is indeed at the national level where the international context and influences become interpreted. The domestic context, however, is strongly determined by national histories, legacies and path dependencies, which influence domestic and foreign policy decisions. Among many possible alternatives of proceeding further, one should insist on taking into account more and valuing better the expertise of scholars and practitioners from the EU member states and neighbour countries as well.

## Taking Stock after Enlargement: Social Learning, Norm Transfer and Promoting Good Governance: Contextualizing the State of the Art in European Studies

Given the complexity of the situation, in order to understand better the political, economic, social and cultural past and present of the EU partner countries, one needs to rely on those who are not only aware of the official aspects of polity, politics and policies, but also of their practical and more informal sides. There is thus a real need in academia to value the expertise and insights of area studies on Central and Eastern European EU members as well as on the EU partner countries. In addition, a stronger inclusion of Russia into both the country-level and sectoral analyses would certainly bring added value to the study of social learning, norm transfer and good governance in the post-communist space. However, this also depends on the countries and sectors considered and the different stances Russia takes towards them. In the end, it very much depends on whether we set the limits between internal and external factors of political, economic and societal transformation, or rather view them in a dynamic continuum as this paper has suggested.

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Elsa Tulmets

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Center for EU Enlargement Studies  
Central European University

Contact:

Nádor utca 9, Budapest, H-1052, Hungary  
Tel.: + 36 1 237-3000 ext. 2391  
cens@ceu.hu

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