

UNIVERSITATIS TARTUENSIS



DISSERTATIONES RERUM POLITICARUM  
UNIVERSITATIS TARTUENSIS

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**VILJAR VEEBEL**

The role and  
impact of positive conditionality  
in the EU pre-accession policy



TARTU UNIVERSITY PRESS

Institute of Government Studies, University of Tartu, Estonia

Dissertation has been accepted for the commencement of the degree *doctor philosophiae* doctor of Philosophy (in Political Science), on 06.03.2012 by the Doctoral Committee of the Faculty of Social Sciences and Education, University of Tartu.

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Commencement: 13.04.2012

Publication of this thesis is granted by the Institute of Government and Politics, University of Tartu and by the Doctoral School of Behavioral, Social and Health Sciences created under the auspices of European Union Social Fund.



European Union  
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ISSN 1736-4205  
ISBN 978-9949-19-958-7 (trükis)  
ISBN 978-9949-19-959-4 (PDF)

Autoriõigus Viljar Veebel, 2012

Tartu Ülikooli Kirjastus  
[www.tyk.ee](http://www.tyk.ee)  
Tellimus nr 107

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## LIST OF ORIGINAL PUBLICATIONS

This dissertation is based on original publications which will be referred to in the dissertation by their respective Roman numbers.

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- I Veebel, Viljar (2004). Conditionality and Dependence as Key Elements in Simultaneous Democratization and Crises Prevention. *Estonian Foreign Policy Yearbook 2004*, Varrak, pp. 63–84.
- II Veebel, Viljar (2009). European Union’s Positive Conditionality Model in Pre-Accession Process. *Trames*, vol. 3, issue 3 (63/58), pp. 207–231.
- III Veebel, Viljar (2011). The EU Neighbourhood Policy, Positive Conditionality and Reforms in the Former Soviet Space. *The European Neighbourhood after August 2008*. Republic of Letters, pp. 25–76.
- IV Veebel, Viljar (2011). Relevance of Copenhagen Criteria in Actual Accession: Principles, Methods and Shortcomings of EU Pre-Accession Evaluation. *STSS, Vol. 3/2011*, pp. 3–23.
- V Pettai, Vello and Veebel, Viljar (2005). Navigating between Policy and Populace: Estonia, its Accession Referendum and the EU Convention. *Politique Européenne. L’union Européenne élargie*. 2005/1 n° 15. L’Harmattan, pp. 113–135.
- VI Veebel, Viljar and Loik, Ramon. (2012). Estonia: Life in Post-Communist Eastern Europe after EU Membership. *Life in Post-Communist Eastern Europe after EU Membership*. Routledge, Taylor & Francis Group, pp. 163–184.

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- I Estonian Foreign Policy Institute – <http://www.evi.ee>;
- II Estonian Academy Publishers – <http://www.kirj.ee/trames/>
- III Republic of Letters – <https://www.rolpub.com/>
- IV Tallinn University Institute of Political Science and Governance and Tallinn University Institute of International and Social Studies – <http://www.tlu.ee/stss/>
- V L’Harmattan – <http://www.editions-harmattan.fr/index.asp>
- VI Taylor & Frances Group, Routledge (Study VI) – <http://www.tandfonline.com/>

## **AUTHOR'S CONTRIBUTION**

- I the author of the current dissertation was the sole author of the paper
- II the author of the current dissertation was the sole author of the paper
- III the author of the current dissertation was the sole author of the paper
- IV the author of the current dissertation was the sole author of the paper
- V the author of the current dissertation was the second author of the paper
- VI the author of the current dissertation was the first author of the paper

The papers I, II, III and IV are the objects of single authorship, where the author is solely responsible for defining research problem, conducting research, interpreting research results and drawing final conclusions.

The paper V is a co-authored work where Viljar Veebel is the second author. He contributed to the problem definition, gathered empirical data, prepared provisional data analysis, interpreted data, and finally drew preliminary conclusions. Vello Pettai as the first author of this paper provided a general research design, formulated a research problem, built theoretical framework, carried out analysis and drafted final conclusions.

The paper VI represents a co-authored work where Viljar Veebel is the principal author. As the main author, Viljar Veebel was responsible for final research design, definition of the research questions and preparation of final analysis. The following tasks such as gathering and presenting the empirical data and preparing provisional analysis were accomplished jointly with his co-author Ramon Loik.

## **ACKNOWLEDGEMENTS**

I am grateful to all friends and colleagues helping me to develop and finalize this dissertation.

Greatest thanks are addressed to my supervisor Professor Eiki Berg, for years' long active efforts and support, and to Ms. Ulrika Hurt for help and assistance to finalize this dissertation.

There have been many supporters during the publishing period; I would like to thank additionally.

First I would like to thank Mr. Michael Gallagher and Professor Jan Zielonka, who helped me with ideas and debates, which later developed to the basis for the articles.

Second I would like to thank Professor Andres Kasekamp for the support and advice during my first publication; Professor Eiki Berg for the help and assistance when publishing my second article of this dissertation; doctor Vahur Made for cooperation and efforts when publishing the third article of this volume, Professor Raivo Vetik and Mr. Janno Kauts for cooperation and contribution when writing and publishing the fourth article; Professor Vello Pettai for cooperation during preparation of fifth contribution of this volume; and Mr. Ramon Loik and Professor Raul Eamets for cooperation and contribution during sixth article of this volume.

Third, I would like to thank additionally the Earl of Carlisle, Mr. Illimar Ploom, Mr. Joel Hirv, Mrs. Kerly Espenberg and Ms. Annika Tartes for their efforts of reading, commenting and correcting different parts of this dissertation.

There has also been great help from the European Union supported TULE and DORA programs allowing me to focus on my doctoral studies.



## INTRODUCTION

The European integration process has been serving two central goals since the Second World War: increasing security and prosperity for Europe – this is one of the most common answers to the question of why European states continue to integrate and the union itself keeps enlarging. In those two central goals the integration process has generally justified its founders' expectations. Supra-national institutions have been growing stronger during the half century and the union's economic development has been remarkable. Uniting Europe and the convergence of less developed territories have been new and additional tasks, with growing importance. The successful integration and convergence of previous non-democratic states and societies has been more complicated. Public support for integration ideas has not always been there when needed and this has also influenced the popularity of enlargement.

Deepening and widening have been two cornerstones of European integration: deepening of its common policies and widening of European Union (EU) borders. Both offering added value and both creating several risk scenarios and dilemmas. In some periods deepening and widening progressed simultaneously or were both absent, and in some periods these two processes were seen as alternatives to each other to keep European integration developing. Not all member states have supported both enlargement and deepening – when founding members have mostly preferred deepening then first-round newcomers United Kingdom (UK), Denmark and Ireland often found enlargement the better option. Greece, Spain and Portugal, which joined later, have often been against enlargements and using new accession rounds to get more privileges and resources. Austria, Finland and Sweden have moved back to the original integration ideas, where European integrity and clear conditions should be central components of the accession process.

The enlargement process has remarkably influenced the nature of the EU over 60 years and six enlargement rounds, and the Community (EC) of the founding six members has grown to the present EU with 27 members. Enlargements have been different in all key aspects: enlargement rounds have ranged from one to ten candidates, lasted from three to up to ten years, have been based on clear agendas and criteria or depending mainly on bilateral diplomacy. At the same time general membership conditions, which were defined by the founding Treaties of Paris and Rome, were quite brief and remained unchanged until the fifth accession round.

The function and profitability of enlargements has been more of a concern for the hosting union and its member states than for applicants. At the same time original integration ideas have offered more guidelines and models for a deepening aspect, while enlargement as a process has been analysed and conceptualised less. Accordingly the first enlargement rounds were based on general neo-functional integration logic. The accession experience of Greece, Spain and Portugal indicated that additional theoretical and methodological

input is needed for a successful and effective enlargement process. Previous experience with neo-liberal colonial relations leads to different models' conditionality and the build-up of European pre-accession positive conditionality.

Conditionality is generally considered as a theoretical method explaining the logical relations between two or more international relations actors (Killick 1998, Smith 2003). Conditionality can be seen in that sense as a norm or institutional agreement. Defined as "a mutual arrangement by which a government takes, or promises to take, certain policy actions, in support of which an international financial institution or other agency will provide specified amounts of financial assistance" (Santiso 2001: 8), it can be based on the belief that assistance will produce cumulative progress as if growth-forced reforms create political support and political support allows the reforms and modernisation to continue (Fierro 2003: 95).

At the beginning of the 1990s, the wave of new democracies and enthusiastic candidate states brought new challenges, obligations and dilemmas to the existing EU. The situation, offering from one aspect a historical opportunity to remove the old borders of the Cold War, demanded additional efforts from the EU, as the ten new applicants were more than all the previous enlargements together. The EU was more prepared for an enlargement than ever before, after experiencing both successful and complicated pre-accession processes in previous rounds. The fifth enlargement also changed the importance and role of positive conditionality by making it a central concept in the pre-accession process. The belief that the upcoming enlargement may cause problems for the existing Union led to the building of a sophisticated conditionality. The costs and difficulties were seen as manifold, and a dilemma was sometimes noticed between the enlargement and internal efficiency. Accordingly, the fifth enlargement offered a superb example for evaluation and development of a positive conditionality model. Positive conditionality paired with the Copenhagen Criteria was seen as an ideal model of pre-accession, consisting of clear criteria, transparency, mutual interest and high convergence efficiency (Hay and Menon 2007: 140).

The growing practical importance of positive conditionality has also increased the academic debates in the field. Researchers are focused mostly on questions of efficiency, legitimacy and sustainability, analysing which preconditions are needed and which principles must be followed to succeed. The recent EU pre-accession experience allows for developing a traditional positive conditionality theory dominated by cases of aid and development cooperation partnership (the most well-known is Tony Killick's "Aid and the Political Economy of Policy Change", 1998) to a more universal concept. Traditional studies of positive conditionality conducted by Paul Collier (1997) and Carlos Santiso (2001), which are mostly based on cases of African or Caribbean countries with weak economic and institutional development, focusing on governance efficiency, policy implementation and overall conditionality efficiency, are in the EU context more valuable when used in European Neighbourhood Policy (ENP) initiatives instead of enlargement policy. The studies of Frank Schimmelfennig and Ulrich Sedel-

meier have added a specific European dimension to conditionality studies, by focusing on the importance of values like “community”, “identity” and “solidarity” during conditional relations (Schimmelfennig 1999, Schimmelfennig and Sedelmeier 2007). Karen E. Smith has added the dynamic aspect to conditionality studies by researching “The Evolution and Application of EU Membership Conditionality”. She is also focusing on the motivational aspect in her research while describing the relationship between imposers and target countries developed in mutual cooperation (Smith 2003). Critical studies of positive conditionality (e.g. Fierro 2003, Burnside and Dollar 1997) focus on the efficiency aspect. Research has indicated that on the international arena there is no direct relationship between aid flows and policy reform.

A theoretical debate on the values and logic of enlargement and pre-accession is going on between traditional camps of neo-functionalists, neo-liberal imperialists, intergovernmentalists and neo-institutionalists. Here the question is mainly, which of these theoretical models explains positive conditionality the most logical way? Helen Sjursen (2002), Robert Cooper (2003) and Jan Zielonka (2006) have been debating the philosophical nature and roots of positive conditionality after the 1990s, by asking which values have been behind the rhetoric and practical implementation of pre-accession conditionality. Robert Cooper (2003), for example, stresses the importance of accepting the de facto situation with different levels of socio-economic development, which causes double-standardisation and asymmetric relations between the parties of accession process. Jan Zielonka (2006) on the other hand offers a broader philosophical view of the logic of the enlargement and post-enlargement situation through a neo-imperial prism in his “Europe as Empire; the Nature of the Enlarged European Union”.

Practical enlargement circumstances are at the same time already challenging the existing studies of positive conditionality mainly based on Central and Eastern Europe (CEE) experience. New candidate states Albania, Bosnia-Herzegovina, Iceland, Serbia and FYROM are making use of the universal approach of positive conditionality complicated. Accordingly the previous researches with the focus on special circumstances of the CEE and based on the experience of 1991–2004 (for example Heather Grabbe 2001) are gradually losing their practical importance.

What will this dissertation add to the scholarly field of positive conditionality? The practical need for additional research is caused by low efficiency of conditionality implementation during the last 50 years. Most of the conditional framework created by the UK, United States of America (USA) and Soviet Union (USSR) has failed in the long run to achieve their goals in political and economic terms. The EU pre-accession positive conditionality has been one of the rare cases openly seen as a success story, but both the environment for conditionality and target countries profile is changing, making success more complicated with every year. Accordingly positive conditionality itself needs changes and is already changing. The main question is how to make the changes so to contribute to broader European values, with existing practical reality.

## Research questions

This dissertation offers an in-depth analysis of the theoretical nature and practical use of the positive conditionality tool as an EU pre-accession instrument, especially in the fifth and sixth accession rounds. As a part of the analysis and conclusions this dissertation also indicates on-going developments in the positive conditionality model and its role in the EU enlargement policy in the future. It combines different methods based on historical observation, the case study approach, comparative analysis, statistical analysis and text analysis, with the central research goal of explaining the logic, theoretical roots, practical efficiency and motivation of EU pre-accession positive conditionality.

The main research questions throughout the papers are the following: “What are the main pre-conditions and components that make positive conditionality effective?”; “Has the use of positive conditionality been based on similar principles during the accessions?”; “Has positive conditionality caused faster reforms and convergence in candidate states?”; “What were the main motivators of the EU’s pre-accession conditionality and what influence has this had on the accession process?”; “How has the EU’s positive conditionality influenced policy-making in applicant countries during pre-accession?” and “What have been the long-term consequences of pre-accession positive conditionality for target states?” These research questions have been thoroughly examined in the following individual papers published in the period of 2004–2012, which also form the core of the current thesis.

To start, the first paper (“Conditionality and Dependence as Key Elements in Simultaneous Democratization and Crisis Prevention”) has a focus on the logic and efficiency of positive conditionality as a tool for the EU accession and neighbourhood policy. It aims to analyse the advantages and disadvantages of positive conditionality when used as an EU pre-accession and ENP component. Comparative analysis covers four test cases (Estonia, FYROM, Moldova and Georgia) offering both different levels of conditionality and different social outcomes. It analyses why some target states agree and succeed with conditionality, while others with similar starting points decide to reject the conditional relationship. In the final part the paper questions about the possibility of positive conditionality becoming the principal model of EU security policy.

The second paper (“European Union’s Positive Conditionality Model in Pre-accession Process”) analyses the evolutionary aspect – the development of the pre-accession conditionality concept during the whole of EU history. The idea to study the dynamics of conditionality applications during the various EU accession rounds is provoked by the often-repeated claim from the fifth pre-accession round of negotiations that all member states have followed the same conditions and criteria to accede to the EU, as it is the fastest and most effective way to enlarge. This argumentation has also laid ground for justification of unbalanced conditional relations between the EU and candidate states. Here the

applied method is observation and process-tracking, by searching for specific components indicating the existence and level of positive conditionality.

The third paper (“The EU Neighbourhood Policy, Positive Conditionality and Reforms in the Former Soviet Space”) focuses on the question of the efficiency and profitability of positive conditionality from the perspective of the target country (both for the candidate states and ENP states, respectively). According to the common understanding, conditionality has been seen as the “golden carrot” for both sides as well as the best possible choice for target countries in terms of social and economic development to catch up to the existing member states. This paper draws on a comparison of the socio-economic indicators between member states and applicants in the beginning of pre-accession conditionality and in the year of accession. It examines the socio-economic effects of positive conditionality in terms of convergence (catching up) of the existing member states by testing if the gap between existing member states and candidate states narrowed during the pre-accession conditionality, or not.

The fourth paper (“Relevance of Copenhagen Criteria in Actual Accession: Principles, Methods and Shortcomings of EU Pre-accession Evaluation”) analyses the practical implementation of positive conditionality while focusing on the levels of the transparency, impartiality and objectivity of the European Union pre-accession assessments. The main aim is to scrutinise whether the EU follows its own official criteria in its progress reports or if the evaluation is dominated by institutional and national interests. It compares selected candidate countries’ progress reports prepared by the EU Commission with the assessments of seven other respected research centres: the International Monetary Fund (IMF), the World Bank (WB), Freedom House, the Bertelsmann Foundation, Transparency International, Fraser Institute and the Heritage Foundation. While combining text analysis with comparative evaluation and semi-quantitative measuring tools the paper outlines differences in measurements and their practical impact on the eventual enlargement decision.

The fifth paper (“Navigating between Policy and Populace: Estonia, its Accession Referendum and the EU Convention”) is a case study on practical reflection of pre-accession conditionality in the national political system of one applicant state (Estonia). It focuses on the decision and policy-making processes involved in the EU’s Convention in the context of a candidate country. Rather than a macro-analysis of the functioning of the Convention as a whole, this contribution focuses on actors on the national level to show how their involvement in the Convention on the EU level interacts with domestic constraints. While using the process-tracking approach, this paper examines the way politicians from a candidate country navigated the challenge of formulating a substantive European policy, while at the same time being concerned about the approval of EU accession itself. In this way it contributes to our understanding of how political leaders in CEE have learned to bridge these dual roles of

playing a part in European politics, while simultaneously explaining Europe at home.

The sixth paper (“Life in Post-Communist Eastern Europe after EU Membership: Estonia”) is a case study about the outcome of applied pre-accession positive conditionality in the post-accession Estonia. It takes the socio-economic changes under the focus (measured in GDP/capita, unemployment and inflation figures, participation in civil society, social security and healthcare indicators) in the period of 2004–2010. It is based on the statistical method and comparative analysis, where Estonia’s development is compared to and contrasted with the reference bases provided by earlier periods and also with the development of other member states and the EU average.

This introductory chapter makes an attempt to map the conceptual basis of positive conditionality, its main values, principles and components. It then covers the main debates on positive conditionality, critical aspects and recent trends in its development. It also elaborates the main theories influencing and explaining the practical enlargement process and conditionality, which values were central for actors and which models contributed the most in this respect to the debate and development of pre-accession positive conditionality. Finally, it draws some important conclusions that are based on the research findings and that contribute to the existing knowledge about positive conditionality effects on the EU enlargement process.



# THEORETICAL FRAMEWORK

## The essence of conditionality

Conditionality is often described as the “stick and carrot” approach, where both negative and positive motivators are possible (Smith 2003: 58), but conditionality itself has no clear connections to any set of values or ideology. There are different ways to categorise and measure conditionality (see e.g. Collier 1997, Killick 1998, Schimmelfennig and Sedelmeier 2004, Schimmelfennig and Sedelmeier 2005, Sedelmeier 2006). Negative conditionality aims to influence the already existing situation (for example trade regime or diplomatic relations), which is promised or threatened to be changed if the target country does not meet certain requirements. Negative conditionality implies imposing sanctions such as reducing, suspending or terminating benefits if the state in question does not comply with the criteria. A complicating aspect of negative conditionality is that it needs political consensus and the capability to carry through sanctions and the supportive attitude of third countries (Fierro 2003).

Positive conditionality is technically more complex than the negative one, but can be implemented gradually and without a broad consensus (about its central components, see Killick 1998, Smith 2003, Fierro 2003). The motivation to use positive conditionality is thus to cause greater social, economic or political influence, while avoiding costlier or more dangerous methods (Fierro 2003: 95). Positive conditionality is quite demanding for its pre-conditions, as it can only succeed in a situation where the awaited benefits of the receiving party are greater than the cost of the adjustments (Sjursen and Smith 2004).

Positive conditionality is based on the belief that assistance will produce cumulative progress and growth: forced reforms create political support and political support allows for continuing with reforms and modernisation. Positive conditionality has an *ex ante* nature. While negative conditionality aims at influencing an already existing situation that is threatened to be changed, positive conditionality is oriented to changing the current situation not satisfying the donor side (Fierro 2003: 100). Here the starting situation does not satisfy one party (imposer) and it motivates the other actor to change it. Influence is usually based on actors' promises to provide certain resources or rewards, whenever the recipient country succeeds in meeting the conditions.

Voluntarism and expected mutual benefit are the specific aspects, making positive conditionality different from the other forms of conditionality. The conditionality goal is equally satisfactory to both sides of the partnership. Positive conditionality is a peaceful method, with no resort to force, even in cases where the target country fails to fulfil any of the conditions. In cases where the target country fails to follow the conditionality, the promised reward is withheld, but the state imposing the conditions does not intervene either coercively to change the cost-benefit assessment of the target government by inflicting additional costs (Mitrany 1966, in Nelsen and Stubb 1998: 112).

One-way shared sovereignty is a controversial aspect of positive conditionality as, according to international law, a country can lose its statehood by starting to share sovereignty. Certainly, the status of statehood is different when sharing is a mutual as opposed to only a one-way process. Successful states take a stake from others' sovereignty, but refuse to share their own power (Keohane 2002: 748). Policy-makers may certainly have an alternative view. To quote Geoffrey Howe, "Sovereignty is not like virginity, which you either have or you don't /.../ It is a resource to be used, rather than a constraint that limits our capacity for action" (Howe 1990 in Keohane 2002: 749). Will that state, willing to share its sovereignty, receive in return a common sovereignty shared by others and to what extent will it be able to influence this new "joint sovereignty"? In terms of European integration positive conditionality is based on the precondition that countries are able and willing to share some of their sovereign rights but in accordance with their national interests (Kelstrup and Williams 2000: 23).

To ensure the success of a conditional relationship, the target country is often demanded to share its legislative and executive power with special agencies created by an imposing side. It means creation of executive and controlling bodies protected from local public opinion and the political elite. Their aim is to reduce the threats of political competition to the success of conditionality, by promoting meeting the conditionality as a prioritised national interest, above "political games" (Mitrany 1966, in Nelsen and Stubb 1998: 108–109). These bodies are not subordinated or responsible to national authorities of the recipient but influence the process via the donor's executive agencies. Sharing power with the representative offices of a conditionality imposer also causes the reduction of sovereignty and democracy in the target state (Hay and Menon 2007: 141). As strengthening democracy in many cases is the central goal of positive conditionality, it creates a controversial situation, where a democratically elected parliament needs to share its power with non-elected international agencies, with the eventual goal of building stronger democracy (Stiglitz 1998: 10–11).

The asymmetric nature of relations between the independent states refers to an extraordinary practice which is built around an absence of equality and reciprocity; transposition necessity of legal acts; and absence of option for opt-outs to the target state (Fierro 2003: 95). The absence of equality and reciprocity does not mean that the parties agree that each of them has a different legal status. The sides just agree on different obligations and control rules, but do not define their legal status. The recipient country has no right to demand from its contractual partner anything other than the agreed compensation. The party that grants the benefits, on the other hand, has an obligation to give the reward if the conditions are fulfilled. Conditions are offered as a package, without the possibility of selecting components. This approach can in practice lead to a situation where actors are not referring to adopting the *acquis communautaire* but simply to taking *acquis* (Nello 2002: 202).



When negative conditionality demands are usually clear and offer practical ground to measure success, then positive conditionality on the contrary tends in practice to have qualitative criteria of success, or not to have any clear, measurable criteria at all (Anastasakis and Bechev 2003: 8). Target levels and performance indicators may not even be properly qualified, measurable or reasonable concerning starting situation. Accordingly, target countries cannot evaluate themselves as they do not have a fixed target and are fully dependent on the donor's evaluation (Santiso 2003). The absence of sufficient and clear criteria is motivated to appear in situations where the donor is not fully interested in fulfilment of the conditions or not interested in admitting that the criteria are fulfilled (Schimmelfennig, Engert and Knobel 2006). Installing additional non-contractual demands into conditionality frameworks is a delicate process, as the imposing side needs to have instruments to enforce fulfilment, but at the same time to keep it out from the official list of requirements (Boughton 2006: 19; in Ranis, Vreeland and Kosack 2006).

The need for harmonisation of legal acts and bureaucratic procedures also highlights the question of possible cultural and ideological harmonisation. Even when cultural and ideological aspects do not find their way to official agreements both of them influence the fulfilment of official criteria. For example, the demand to create a full market economy (2<sup>nd</sup> Copenhagen Criteria) requires compliance with liberal ideology among policy-makers, and the transition to pluralist democracy (1<sup>st</sup> Copenhagen Criteria) presumes the introduction of pluralist and democratic values in the target countries. In some cases, "imposed Europeanisation" is seen as a sort of cultural harmonisation and the opposite value of nationalism (Farell, Fella and Newman 2002: 161–162).

### **Debate on positive conditionality**

When conditionality models are selected and evaluated, mostly the "efficiency" variable is seen as a central one. Efficiency in any practical case of conditionality depends on the expectations of the imposing side: if the goal is achieved with planned resources, conditionality has been successful. Conditionality goals can differ both in the economic and political aspects, have a short or long-term perspective, or be motivated by moral and psychological aspects (Killick 1998, Santiso 2001, Fierro 2003). Concentration and detailed action plans can add efficiency in a problematic environment but will also raise the costs (Gwin and Nelson 1997: 10).

Use of conditionality has often been legitimised with the argument that assistance and cooperation will cause faster progress. Practical experience before 1991 however did not support this logic, as most studies indicated disappointing results of positive conditionality (Killick 1998: 8–9). Insufficient starting conditions were seen most often as the reason for failure and therefore hope that positive conditionality method would work when pre-conditions are met remained. Conditionality works more efficiently in a developed environ-

ment, but is usually far more needed in an underdeveloped environment. Accordingly the imposing party faces problems either with reasonability or the results (Santiso 2001). A practical problem is that there are very few target countries that have both a good policy environment and will to follow external conditional pressure (Collier 1999: 319).

The criticism of the positive conditionality is based on four main aspects: sustainability, legitimacy, morality and popular support. All the critical aspects are based on practical starting circumstances that the target countries have accepted the positive conditionality model often only after they have gone through some internecine warfare or have lost all the other alternatives for fast modernisation and economic growth. Thus, conditionality is often interpreted by public opinion and political elite as the “second worst choice”, which could be revisited in case of better economic and political circumstances (Anastasakis and Bechev 2003: 4–5).

Economically conditionality is often not sustainable as public spending and financial assistance tends to free up budget resources, which can then be allocated to alternative purposes. As a result, it becomes critical to assess and influence the overall quality of government spending, including budget and public finances management, rather than focus on sectoral spending as the importance of external aid is growing simultaneously with growth of public spending (Collier, Guillaumont, Guillaumont and Gunning 1997: 1401).

The legitimacy and popular support problem can be summarised as the “you cannot buy policies” approach. Limitations on conditionality are seen as caused by unwilling recipients. It consists of factors that undermine the readiness of the recipient to implement the reforms combined with a lack of credibility of the donor or reasoned by monitoring difficulties (Sjursen and Smith 2004). High-level dependence also tends to weaken democratic governance when the imperatives of assistance management supersede the requirements of domestic decision-making (Santiso 2001). Conditionality thus encourages the “rationalist and unheroic” arts of bureaucratic compromise rather than the heroic stance of the visionary (Keohane 2003). In a situation where positive conditionality produces very little public popularity, can it still have value for the national elite during modernisation, as the most of painful reforms can be introduced as conditionality components “where government does not have a choice”.

Jürgen Haberman’s (2007) model of deliberative democracy process can also partly explain the changes of the EU’s conditionality nature, even when open public debate is avoided. Accordingly the final balance point between obligations and rewards will be found as a result of rational arguing between sides, how to make conditionality as smooth and motivated as possible. It means that target countries do not find the load of conditions problematic if it is legitimised by additional funding (Habermas 2007).

Regarding the question of sustainability, the main problem of positive conditionality is that if conditionality underestimates the development of domestic forces that would lead to good policies in the long run, then it has

served only to promote better short-run policies while contributing to the postponement of more fundamental home-grown reform efforts (see e.g. Burnside and Dollar 1997). Even if the conditionality is able to solve an immediate commitment problem of the recipient, this long-term effect is still a potential problem. Conditionality is sometimes also used to promote policies that for one reason or another tend to become irreversible once they are introduced. Building up a long-term and stable political culture requires that there be no competitors to the democratically elected government. The influence on the economic system can have the same effect: special rules and donations of the imposer will draw the target country away from the normal regional market situation, or build up a new economic system based on yearly donations and support (Collier, Guillaumont, Guillaumont and Gunning 1997: 1406–1407)

Moral and economic arguments form a dilemma in which the conditionality imposer has to make progress-based decisions on whether to increase or decrease the support in the future. From the moral point of view additional funds are needed where the progress and development levels are the lowest and if the purpose is social development, and there is no moral justification to sanction target states' society for government's lack of progress. But such reasoning and action will inevitably send a message that less progress ensures more financing and in the long run will reduce the progress (Sjursen and Smith 2004). Progress-based conditionality, in which additional financing is provided to the countries that have progressed faster and have a higher living standard, will once again raise the question of why target countries that actually manage better than comparable target countries should be supported.

Despite the low efficiency of the political conditionality, the popularity of this method was growing in the 1990s. This may have been caused by even lower cost-efficiency of military intervention measures compared to earlier periods, multilateral nature of the international arena and a will to follow a non-violent line by some international actors. Among the alternatives, positive conditionality seemed to offer the highest level of mutual security and stability between the partners (Ferrero-Waldner 2006). In the 1990s multilaterals were so eager to propose so many different conditionality sets for the CEE states that, after accepting their conditions, there was very little room left for independent foreign, financial and social affairs (Hay and Menon 2007: 140–141).

What is the additional value of positive conditionality in the context of European integration and enlargement policy? The main motivation to use positive conditionality was to safeguard and control the accession process. The fear that the possible enlargement could cause problems for the existing union, plays a key role in building the sophisticated accession conditionality. Especially in the fifth enlargement, costs and risks in financial and legal terms were considered to be so high (by existing member states and the EU institutions), that it was sometimes seen as a dilemma between the union's enlargement and its internal efficiency. Accordingly additional measures were sought to reduce the risk (Witte 2002: 236).

## **THEORETICAL MODELS EXPLAINING POSITIVE CONDITIONALITY**

Theoretical models explaining the positive conditionality and enlargement logic are varying and combined both between the different accession rounds and also inside every single round. In terms of enlargement and pre-accession progress neo-functionalism, neo-liberal imperialism, neo-institutionalism and inter-governmentalism have been the main models to explain the goals and values behind the technical use of positive conditionality. It is of course a separate question of how much policy-makers actually followed theoretical models when designing positive conditionality to meet their practical needs. The aim of the theoretical comparison is to make an introduction to one of the central questions of research: which of the main theoretical models has played and is playing a central role in defining the ideological nature of pre-accession conditionality?

### **Neo-functional theory in terms of EU enlargement and positive conditionality**

The neo-functionalist integration theory has been one of the prevailing theories explaining the integration processes in Europe since the end of the Second World War. Functional and neo-functional logic is formed around the simple proposition that the provision of common need can unite people across nations and borders (Mitrany 1975, Rosamond 2000: 60). Its main value is the ability to explain the dynamic logic of integration and actors' motives to integrate more deeply and widely (Eilstrup-Sangiovanni 2006: 24–28). There are several theories (intergovernmentalism, institutionalism, transactionalism, etc.) next to neo-functional theory capable to provide alternative explanations, yet neo-functional theory has been able to operate with all the fields and periods of the practical integration process in Europe (Kelstrup and Williams 2000; Griffiths and O'Callaghan 2004).

The traditional functional ideas of David Mitrany from “A Working Peace System” (1943) were combined by the practical solutions of Jean Monnet and Robert Schumann during the actual integration process and additionally fulfilled with the theoretical contributions of Leon Lindberg, Karl Deutsch and Ernst Haas at the end of the 50s and early 60s (Nelsen and Stubb 2003). From the very beginning, neo-functional models paid more attention to enlargement motivation and principles due to practical necessity.

The use and efficiency of the neo-functional model in the enlargement context is seen as limited by the need of interdependence between the actors. The bigger the integrity and interdependence is, the more motivated participants are for additional integration, and accordingly applicant countries that depend more on integrated partners have more motivation for fulfilling the conditions (Zielonka 2006: 45–48; Delors 1989, in Nelsen and Stubb 1998: 59). The

central interest in keeping the neo-functional integration process progressively spreading is the will to gain additional welfare – as sustainable political integration needs successful economic integration as a pre-condition to gaining the support of the public and elite (Mitrany 1975 in Nelsen and Stubb 1998: 180–181).

Utilitarian reasoning and freedom from ideological influence is a central principle of neo-functional integration theory. Integration models and activities should not involve ideological or cultural goals – the main criteria for policy-making are welfare and the stability in society. Neo-functional authors monopolise the position of utilitarian ideology by trying to mix it with the efficiency of the Webberian bureaucracy model (Deutsch 1957 in Nelsen and Stubb 1998: 131–132).

Supranational institutions are needed to grow political integrity and efficient integration (Wiener and Diez 2004: 64–66). These institutions have a dominant role in agenda-forming, legislation, execution and control and their competence and privileges have been growing during the integration process. In first stages these bodies worked in cooperation with nation states and their representatives, and later these bodies started to take over the role of national democratic institutions. This non-democratic system was justified as an effective way to collect experts into institutions and defend them against the turbulence of political groups and voters.

The legitimacy of neo-functional integration is based on mutual benefit and voluntarism. Violence, pressure or sanctions are not used for setting up and developing an integrated union. Long-lasting integration is based on the assumption that countries and citizens join the integrated union voluntarily, without any coercion or violence. Their main motivation is functional – to achieve a higher standard of living, more income and a peaceful society. Integration should be a complete win-win game where all the participants are in every stage sure that they will benefit through additional deepening or widening. The pre-accession framework also works in the principle of voluntarism but also in a limited way (Eilstrup-Sangiovanni 2006: 46–48).

The level of integration, the areas of integration and methods are progressively developing. Integration should not only go deeper and wider, but also do so progressively. The spill-over effect also indicates that integration is not a development level but a process. The process starts from the economic area but is finally targeted at the political and social area (Etzioni 1965: 4). The message of the neo-functional theory is that policy-makers need to pay attention to economic integration and if it is successful, political integration will follow it. Every new enlargement should start on a more advanced financial and technical level and integrate the acceding countries faster (Haas 1964: 12–14). When motivated, candidate countries are ready to prioritise activities related to accession and delegate their sovereignty as much as asked by supranational bodies.

Participants agree mutually on the delegation of their sovereignty to a supranational level, where it will be used in common interests. Sovereignty is shared mutually (using mostly federal principles), and every member state, when sharing its sovereignty, can enjoy the advantages through other countries sharing their sovereignty. States still keep their sovereignty in the question of “competence of competence”, which means that additional sovereignty can be transferred only based on a consensus (Milward 1994: 11–14). Pre-accession sovereignty sharing should follow the same logic, if following neo-functional ideas.

One-speed union as a central goal is achieved through harmonisation and standardisation. The logic of the integration is built on the idea of speeding convergence between different territorial areas and high economic development of all the regions (Weiler, Begg and Peterson 2004). The regions or the union itself are not divided into centre, semi-periphery or periphery. The aim is to develop a universally highly developed area. During the integration, when the economic resources accumulate, the speed of convergence will also grow. Equally high development is achieved by legal harmonisation and standardisation. Legal harmonisation is achieved by joint legislation on the supranational level and cooperation between national lawmakers, which should produce a logical and integrated legal space.

As integration is a relationship between equal countries and is based on functional logic, there is originally no cultural harmonisation or pre-conditions in the ideological aspect (Rosamond 2000: 67). Neo-functional theory does not include supremacy of any ideological model – its purpose is to replace the ideological governance. Administrative harmonisation is at the same time an important component of the process, as it ensures efficient legal harmonisation and should contribute to the growth of security and economy.

The enlargement policy follows the same logic, the best functional solution must be found considering the costs and the efficiency of both parties, less developed areas should receive proportionally higher support to ensure convergence (Nelsen and Stubb 1998), and the fastest inclusion and progress will lead to the fastest actual convergence. A more motivated environment for both sides during pre-accession will lead to faster and more effective accession, which serves the interests of both sides. Therefore, in practice it would be reasonable to support transparent, guided and motivational enlargement conditions and assessment, based on actual progress as widely as possible (Bomberg and Stubb 2003: 189–191). The functional arguments have been one of the most important motivators in designing enlargement principles in practice; as a result the EU-related activities became priorities in applicant states and helped to solve local problems. Public support was also often gained by the joint argument that all the efforts would be later compensated by a higher standard of living. The belief in European values also legitimised the process of harmonisation. Even when the candidate countries did not understand the



purpose of every legal act, there was a strong belief that it was a need to gain welfare (Sjursen 2002: 495).

Where is the connection between the conditionality and neo-functional logic? Functional arguments to use conditionality are mainly based on utilitarian logic. Tony Killick (1998) for example points out that there is no need to look for justification for harder and asymmetric structural positive conditionality, as, according to earlier experience, this is far more effective than soft conditionality, ex-post conditionality or negative conditionality. Intensive structural components make positive conditionality less risky for those imposing them and financially more attractive for the target country, as both sides benefit through faster results and deeper changes in society. If faster and deeper reforms or convergence are needed even more radical measures are justified (Killick 1998: 6–10). Even if donors' interests were served more than those of the applicants, it was part of a mutually beneficial partnership.

Neo-functional logic is dominant in practical implementation of positive conditionality in the case where the centre or imposer dominates the agenda, but is doing it for the benefit for the whole community, by developing first the areas with a lower development level (as the average of the community can grow fastest by developing the weakest) and redistributing resources based on economic efficiency. Participants will not only be treated equally by sharing the same rules and standards, but the weakest ones even receive advantages to catch up to the average development level (Deutsch 1957, in Nelsen and Stubb 1998: 137). Central administrative and supranational institutions rule and legislation for all areas of union are safeguarded, no double-standardisation used. This process, based on neo-functional ideas, will be dominated by a functional–administrative centre quite independent from policy-makers in member states and financed by the transnational economic elite.

### **Neo-liberal imperialist explanation in terms of EU enlargement and positive conditionality**

Neo-liberal imperialism is based on the original works of J. A. Hobson (1965) and developed by Karl Kautsky (1964), Johan Galtung (1971), Paul Baran (1975), Harry Magdoff (1978), Jan Zielonka (2006) and Robert Cooper (2003); has been seen as alternative way to explain European integration, finding more support in the recent decade. Neo-liberal imperialism is based on the idea of functionality and is motivated by the economic reason that occupation is not practical in economic terms (Viotti and Kauppi 1993: 453). Neo-liberal imperialism includes the central idea of imperial theory of building and keeping a relationship of effective domination and control, political or economic, direct or indirect of one (or more) nations over another(s) (Chilcote 1994: 251). Neo-liberal imperialism has had an advantage over traditional imperialism in the context of European integration, as it has concentrated mainly on gaining

welfare by grabbing resources and markets, when classical forms of realism are concentrated on direct political dominance, occupying and conquering territories.

The connection between neo-liberal imperialism and positive conditionality is built around the concept of dependency, which is a pre-condition for positive conditionality and neo-liberal empire (Baran 1957). Central components of the EU pre-accession positive conditionality: dependence, integration and conditional relationship all tend to have a negative effect to nation-building and the development of democracy as well as support for neo-imperial domination (Binder 1964: 629–630). In practice it appears in frameworks of western multilateral organisations (IMF; WB, EU) where both models are used simultaneously.

According to this theoretical approach, the main economic effect is based on the existence of different economic zones (centre, semi-periphery and periphery) inside the imperial entity having specialised economic roles. The zones are not a purpose in itself but serve the economic interests of the capital holders (Chilcote 1994: 253). Economic zones inside the empire are vital as the central problem of highly developed centre of an empire is in keeping long-term sustainable profit during inevitably growing surpluses of capital and rising labour costs, and lowering efficiency of production (Rothbard 1995). As every zone serves a specific function, they cannot replace each other's functions. Even when re-distribution of resources is in favour of the centre and there is no support for convergence (Galtung 1971: 83) none of the zones are interested in losing their economic specialisation and advantages in partnership. The equal development is not seen as a purpose or even a reasonable situation (Hobson 1965). A multi-speed approach should be agreed to by both of the parties, the centre and distant areas, as it is the only possible combination where both parties can profit from cooperation (*ibid*). The centre is also constantly redistributing resources to avoid rapid development of periphery and semi-periphery, and accordingly no convergence appears even when all zones of the empire are more productive (Viotti and Kauppi 1993: 452–454).

Voluntarism and mutual economic interest to participate are central components of neo-liberal empires. Neo-liberal imperialism can be seen as a voluntary cooperation method between states and regions as there is no straight military pressure to participate, but there is a strong economic and political reasoning. Cooperation is based on the precondition that the target country is economically less developed than the empire and also economically and politically dependent from the empire, and therefore unable to sustain the possible pressure. Accordingly the motivation of the neo-functional theory and neo-liberal imperialism overlaps in central aspects – to make economic profit and enjoy welfare without using violence. Neo-liberal imperialism, differently from traditional imperialism, relies on peaceful methods and voluntarism of all participants (Zielonka 2006: 53–55). The centre is motivated by capital efficiency, semi-periphery by creation of jobs and investments into the industry,



periphery relaying to growing market of the raw resources. Voluntarism of peripheral areas can also be based on a lack of alternatives for some areas of the empire (Galtung 1971: 81).

In terms of political power neo-liberal imperialism is based on one-way sharing of sovereignty, where only the peripheral areas are sharing their sovereignty, but have almost no access to the centre's sovereignty or political power and no federal structures with clear distribution of power are established, either (Magdoff 1978). The centre of the neo-liberal empire is not aimed to reduce self-determination or sovereignty by improving the status of distant territories. The centre is interested in a politically and administratively sustainable business environment, but their interference goes only as far as it is needed for economic profit. If the peripheral areas are relatively developed in political and administrative terms, the changes concern mainly harmonisation of the legal space, but in case of need the centre can also initiate deeper reforms on social, administrative and political levels. At the same time the symbolic and formal independence of the periphery is often respected (Hobson 1965, Cooper 2003: 38–39).

Double-standardisation and lack of measurable criteria of cooperation is not based on two sets of official standards, but on the centre privilege not to follow some standards and norms (Baran 1975). Conditions for partnership in the neo-imperial empire consist of a formal transparent part and an unofficial part. Officially the sides confirm mutual will for cooperation and openness for flexible solutions in practice. Even after fulfilling the partnership or membership criteria the double standards can continue as not all privileges are shared among all zones. Both the imposing centre and distant areas find no need to ask which principles and interests dominate the process, and whether it is legitimate, as the interests of the centre or union are dominant, but also welcomed and followed by the national elites of the target countries. Target areas usually do not bring about the question of the neo-imperial nature of the process, as being afraid of a possible negative reaction (Zielonka 2006: 33).

Neither the semi-periphery nor periphery can have remarkable input for the empire's cultural heritage (Farell, Fella, Newman 2002). Administrative, cultural and ideological harmonisation is motivated by economic reasons, as higher profitability can be achieved by a standardised legal environment and less corruptive governance. Transposition in this case means transfer of legal acts with slight adjustments to ensure their practical efficiency. During the transposition process the best possible solution is not the central aim, but the fastest on cheapest way of making the legal environment and social rules as similar as possible. In some cases it can include the official goal of copying "imperial best practice" or it is introduced at the grassroots level (Chilcote 1994: 251). Often these processes are described as the voluntary initiative of the target state or even as signs of progress (Zielonka 2006: 54–55).

When positive conditionality is designed according to neo-liberal imperialism, the centre (imposer) is leading in the cooperation agenda, using it for its

own benefit, sharing only the rules and standards with target states or territories, treating these territories as second standard partners and redistributing the economic resources in favour of the centre. Soft cultural and administrative harmonisation is supported in target areas. Partnership represents the interests of the economic elite – transnational companies and bigger member states. The periphery or acceding states participate in bases of necessity or situations without better alternatives. The centre creates a conditionality system serving its long-term economic and political interests to dominate the region. For the existing union and member states, one of the main purposes of enlargement would be to new markets and labour forces, and to secure long-term gains through institutional agreements. The candidate states are offered a significantly weaker package of benefits, but are forced to follow most of the regulations and directives, leading to additional costs or loss of competitiveness (Zielonka 2006: 35).

As seen in comparison, neo-imperialism and neo-functionalism have most of the key components overlapping in terms of integration logic and methods. The main difference is that in case of neo-imperial motivation the economic tools, legal norms and execution serve the centre's economic interests; in the neo-functional case the same tools will be used to benefit the whole community and especially the weakest member states.

### **Intergovernmentalist model in terms of EU enlargement and positive conditionality**

The intergovernmental model is seen as the main alternative to the neo-functional concept of supranationalism, when explaining EU integration. The intergovernmentalist model is based on broader neo-realist theory and explains the integration process as member-state-centric bargaining and competition, where other (supranational) actors play a minor role or represent national interests. According to the intergovernmental model, national interests are dominant over institutional or idealist interests and states have the power to block or regulate the speed of the integration process. The political priorities of the states overcome the administrative rules and criteria and also the economic interest of the interest groups. States do not need to obey non-state supranational actors and interest groups. National identity and original state sovereignty are seen as the main sources of loyalty and legitimisation (Hoffman 1966: 862–905). Integration and cooperation projects are methods to force competitive states into an ineffective or harmful situation. Joint institutions just represent the interests of the most powerful member states. The economic gains of integration or enlargement are important only as long as these do not threaten states' sovereignty (Moravcsik 1998: 35–38).

According to the intergovernmental model the main obstacles in the integration process are the national elites, who can lose their political and

economic importance during successful integration (Wiener and Diez 2004: 78). They will be supported by historical-cultural ideas of nation-state, autonomy and competition with neighbours. Participating states use all their power to be dominant and grow their power over the weaker actors inside the federation-like union as well, as all social processes take place in a “zero-sum game” where for every winner there must be a loser. Integration and cooperation projects are methods to force competitive states into a non-effective or harmful situation. Joint institutions just represent the interests of the most powerful member states (Farrell, Fella, and Newman 2002: 147).

The intergovernmental model is sceptical about sustainable integration or long-term cooperation between competing nations. Short-term forms of cooperation are seen as a manoeuvre to gaining an advantage in the “balance of power” model. Accordingly states should not create supranational bodies with “competence of competence” and allow them to set the agenda in crucial policy fields (Wiener and Diez 2004: 83). Policy-making and setting the priorities is dominated by the participating states and is the result of their competition. International organisations, supranational actors of international law play unimportant roles in the process (Moravcsik 1998).

Intergovernmentalism can also be seen as an “anti-theory”, explaining why integration is not sustainable and not developing, so it offers less attention to the dynamic process of integration and accession. Intergovernmentalism also does not offer bases to research the role of conditionality led by a supranational institution (the European Commission) (Nugent 1999: 495). The intergovernmentalist model is also mainly interested in individual member states, while the overall number of members is growing and every single state plays a decreasing role in the enlargement process, while the role of supranational bodies like the European Commission is growing. By rejecting the idea of joint interest and supranational influence during enlargement, intergovernmentalism simply does not have enough tools to be an active participant in the debate of European integration (Eilstrup-Sangiovanni 2006: 212).

According to the intergovernmental model most existing member states should tend to follow realistic arguments and national interests, when designing the pre-accession assessment system based on the principle that the economic and political gains of accession are important only as long as these do not threaten states’ sovereignty or statehood (Moravcsik 1998: 35–38). The intergovernmentalist argument in explaining the enlargement process is that, even in case enlargement in general might be costly, it can be very beneficial for some states, by opening new markets or taking away resources and attention from policy areas that they want to block (institutional reform, Schengen and the euro). Member-state-centric bargaining, where other actors play a minor role, appears more strongly in the final stages of policy formulation, when different member states start demanding additional conditions in exchange for their support (Wiener and Diez 2004: 88). For example, in case of the pre-accession

process during the fifth and sixth enlargements it appeared as criticism and demands in the non-Copenhagen questions in annual EU progress reports.

In case of the dominance of the intergovernmental model in practical implementation of positive conditionality, only limited transfer of sovereignty to supranational institutions appears. Political agendas (and criteria) will be dominated more by national interests than the general interests of community or even the integrated centre. The same logic concerns economic aspects, the level of regulation is low and re-allocations of economic resources are not influential or systematic, but are based on political compromises and necessities (Milward 1994: 11–15). Accession conditions would be a mixture of the central interests of existing member states (only represented by central institutions), reflecting their will to save their political position, economic power and profit by using the resources of new member states. During the conditionality political aspects play a greater role than clear and measurable criteria.

Accordingly, this model in some aspects overlaps with neo-liberal imperialist logic, with three important differences: first, the centre does not dominate the agenda-setting process; second, as conditions and rules are not integrated and representing controversial interests they do not produce significant re-allocation of economic resources and are not bases for membership selection; third, in neo-liberal imperialism the target area's interest opposes imperial interests, and there is no competing national interests inside the empire.

### **Neo-institutional model explaining EU enlargement and positive conditionality**

The importance of the neo-institutional approach is growing with the expansion of EU legislation, institutional size, traditions and norms (Stevens and Stevens 2001: 14). Neo-institutional aspects in European integration have been researched by Aspinwall (2003), Caporaso (1999), Pollack (2005), Schneider (2003) and Jupile (1999). The neo-institutional model offers a possible explanation to European integration and enlargement based on the institutional and administrative dominance of the policy-making process. Decision-making in an institutional environment is dominated by habits, procedures, norms and compromises that prefer expectable, rational, continuing, regulated and less risky choices. Rules and norms tend to be dominant over idealist goals and broader gains (Hall and Taylor 1996: 938). The neo-institutional decision-making system can be seen as an evolutionary set of norms and restrictions chosen and developed by active policy-makers, consisting of influential networking and standardised solutions.

In neo-institutional reasoning administrative and legal reasons are dominant over economics and politics, and small administrative solutions guide bigger political choices, not vice versa. The institutional model also consists of the logic of bargaining situation, where existing policy-driving institutions use

policy areas for improvement of their positions (Eilstrup-Sangiovanni 2006: 194–195). Neo-institutionalism also explains independent and intervening variables that crucially affect actors' strategies and goals in the integration process (Eilstrup-Sangiovanni 2006: 194). Economic or political concerns get less attention as agenda-building is dominated by administrators. Official rules and procedures start to dominate, changing the starting goal of the process (Hall and Taylor 1996: 940).

The neo-institutional model and conditionality also overlap in support of sharing sovereignty and using conditions to encourage the “rationalist and unheroic” arts of bureaucratic compromise. In a situation where positive conditionality produces very little public popularity, can it still have value for the national elite during modernisation, as the most of painful reforms can be introduced in period of conditionality and without risking with public support. During this process, leading institutions tend to choose secure and compromise solutions instead of following the original goals of the process. This is motivated by every unit's interest in not taking additional challenges or risks, but rather in preferring slower and inefficient approaches to securing their personal position. It causes delays and rising costs during the process (Beach 2005). In later stages institutional actors can start manipulation of data and rules to go even further with process control and risk reduction.

Neo-institutionalism also approaches political processes from the point of view of appropriateness, i.e. following the rules, habits, and rational choice from among the morally acceptable options. The norms and formal rules of institutions will shape the actions of those acting within them. “Compliance occurs in many circumstances because other types of behaviour are inconceivable; routines are followed because they are taken for granted as ‘the way we do these things’” (Eilstrup-Sangiovanni 2006: 194–195). “Path dependence” is on well-known model inside institutional theory. The cognitive element of new institutionalism suggests that individuals make certain choices because they can conceive of no alternatives (Pierson 1996). Inside the neo-institutional model the rational choice concept plays an important role as it explains the formulation of values and principles in the cooperation process between national and supranational actors. In terms of supranational agents and European integration the main interests are focused on the questions of why legislative policy-makers are delegating their agenda-setting power to inflexible institutional bodies and how “joint decision traps” influence policy formulation (Eilstrup-Sangiovanni 2006: 195).

In terms of European integration and enlargement process, it is evident that the interests of separate institutions can be (and often are) different from the general long-term interest of the EU – accession has often become a vital component in the institutional competition (Schimmelfennig and Sedelmeier 2002). Acceding states can also have institutional motivation for partnership, as hoping that accession will bring a set of social habits, traditions and regulations

that will lead to a “good life” and all the efforts of harmonisation will later be compensated with higher standards of living (Sjursen 2002: 495).

In the case of the dominance of neo-institutional motivation in pre-accession positive conditionality implementation, the centre or imposer is dominant over the values of agenda formulation and policy-making, with the key aspect being that not a political, but an administrative level provides the agenda priorities (in forms of criteria and conditions). The structural and personal motivation towards security and status quo are the bases for the legal and economic actions of the institutions. In the majority of cases it means supporting the powers that already have control over political and economic resources: transcontinental companies, bigger member states, and supranational institutions. New member states or small companies only have disadvantages in the eyes of neo-institutional decision-makers, as they do not control the political process or possess economic power. Accordingly, the criteria and conditions finally tend to reflect the interests of the existing centre and ruling powers (Moravcsik 1998: 26). Neo-institutionalism differentiates from neo-functionalism and neo-liberal imperialism as the central motivation of policy makers is security and status quo, not economic gains or political power. Accordingly, groups with neo-institutional motivation will support groups that control political and economic resources and represent reasonable standardised habits. In practice, neo-institutional groups tend to be policy-takers; they can support either neo-functional dominance or the neo-liberal imperialist model depending on, which group offers more secure and more comfortable solutions. But essentially they are not about to support newcomers to the club, especially when they are economically weaker than existing club members. The ideas of convergence and equality are also not supported as disturbing existing allocation of power and resources.



## FINDINGS AND CONCLUSIONS

Positive conditionality has found intensive use by the European Union during the last 20 years in the fields of enlargement, neighbourhood policy and development cooperation. It has also been in the process of remarkable change during the period 1993–2011. Papers compiled in this doctoral thesis map and analyse the central aspects and development of pre-accession positive conditionality during the years 1993 and 2011.

The first paper (“Conditionality and Dependence as Key Elements in Simultaneous Democratization and Crisis Prevention”) revealed that conditionality was not equally successful in all the cases even when the target countries were quite similar. A clear connection was found between the efficiency of conditionality and the commitment of the target area. Accordingly, positive conditionality cannot be seen as a universal toolbox widely used in the enlargement process and implementing neighbourhood policy because without “efficient sticks and attractive carrots” available target countries become disillusioned and unmotivated. The overall results of conditionality were directly dependent on possible positive outcomes, such as possible membership, increased financial support and economic growth; yet as a pre-condition sufficient economic dependence needs to exist.

The second paper (“European Union’s Positive Conditionality Model in Pre-accession Process”) debates the aspect of the historical legitimacy of pre-accession positive conditionality. It showed that positive conditionality has not been used in similar terms during the six rounds of accession. On the contrary, the level of conditionality has varied during the enlargement history of the EU – no positive conditionality was used or attempted in the first accession round, and minor aspects of positive conditionality were attempted but not implemented in second enlargement round. Minor aspects of positive conditionality first appeared in practice during the third accession round, but were once again absent in the fourth enlargement. During the fifth enlargement the highest level of positive conditionality appeared, as it became “naturalised” from the very beginning of this accession round. During the sixth enlargement positive conditionality again started to lose its central role in some aspects. To sum it up, the use of positive conditionality has been growing during the enlargement history but it has not been an inevitable part of enlargement. It means that the often-repeated claim that “we have all followed the same conditionality to accession” does not hold. On the contrary, only the least developed and later acceded countries have had the obligation of following positive conditionality (fifth and sixth-round countries).

The third paper (“The EU Neighbourhood Policy, Positive Conditionality and Reforms in the Former Soviet Space”) focuses on the question of the necessity, efficiency and profitability of positive conditionality from the perspective of the target country. It appeared that positive conditionality applications were justified in some fifth-round applicant countries, whereas

treating all the applicants the same way was not justified. In terms of economic development half of the candidate states were able to progress faster than the EU average whereas the rest were developing more slowly than or equal to the EU average. The effect of positive conditionality was fully negative in measured labour indicators, as unemployment in all candidate countries was growing faster than the EU average. In terms of inflation the effect was overwhelmingly positive, as only in Malta and Cyprus did inflation show a slower decline than the EU average; all the other applicant states showed faster progress than the EU average. In many ways the development of applicant countries was slightly faster than the EU average, but not all of them managed to make positive conditionality work for their own social and economic development.

The fourth paper (“Relevance of Copenhagen Criteria in Actual Accession: Principles, Methods and Shortcomings of EU Pre-accession Evaluation”) analyses the practical aspects of positive conditionality when implemented in candidate countries, focusing on the levels of transparency, impartiality and objectivity of the EU pre-accession assessments. The paper revealed the existence of contradictory evaluation methodologies in EU pre-accession conditionality. In cases of Croatia and Romania, the European Commission’s evaluation results differ systematically from the calculated average of the impartial evaluators. The difference was also influential, as it was changing the actual standings in the pre-accession scoreboard. Apparently, the Progress Reports used by the European Commission did not serve their initial purpose – to select candidate countries and evaluate their progress, but also to justify political reality, which demanded the acceptance of Romania and Bulgaria and the rejection of Croatia despite the actual conformity with the Copenhagen Criteria.

The fifth paper (“Navigating between Policy and Populace: Estonia, its Accession Referendum and the EU Convention”) is a case study from the pre-accession positive conditionality period in Estonia. The aim of the paper was to research the influence of European integration and conditionality on small candidate states with limited resources. It became evident that EU pre-accession conditionality was seen as the highest priority of national policy-making. It led first of all to reduction of the role of national legislative and executive powers, public opinion and debate in general during the process and second of all to participation in the European Future Convention being handled with the resources available after pre-accession activities and national election campaigning. Accordingly, the Estonian example indicated that universal conditionality during pre-accession creates additional pressure on their administration and starts to withdraw human resources from other areas of external relations in addition to national policy-making. As a result small states in this situation have a dilemma of whether to accept a lower speed of pre-accession, lower efficiency in defending national interests or sacrificing their capability in other policy areas.



The sixth paper (“Life in Post-Communist Eastern Europe after EU Membership: Estonia”) studies the influence of pre-accession conditionality in the aftermath – during the first years of actual EU membership by using again the Estonian example. It demonstrated that successful EU policy and fulfilment of all the criteria were seen as the highest national priorities. When EU conditions conflicted with existing interests or positions, the latter were changed. Considering historical circumstances and the comparative progress of its Baltic neighbours, Estonia’s transition process is internally seen as a success story, at least in the opinion of local policy-makers and also by most of the electorate. On the other hand, Estonian transition choices have been quite specific, including radical currency reform, fast privatisation and “shock therapy” during the pension reform. Many of these reforms were motivated by the wish to join the EU and NATO as fast as possible and to fulfil the accession criteria and conditionality as the best pupil in the class of candidate states. As a result, Estonia finds itself at the top and bottom of most scoreboards where the fastest economic growth is combined with the weakest social protection, respectively. In terms of Estonia’s role in EU policy-making, brief membership experience and restricted reforms have allowed it mainly to act as a “policy taker”.

What conclusions one can make based on these research findings? **First**, positive conditionality has not been a consistently used concept during the EU enlargement. In the very beginning it appeared in minor areas and was rediscovered only in the fifth enlargement starting in the 1990s. Only then (1993–2006) one could notice the positive conditionality application in full technical complexity, influence and importance.

**Second**, the values and goals forming positive conditionality have been changing from the dominance of neo-functionalism, to the growing influence of neo-liberal imperialism and neo-institutionalism. While policy-makers point rhetorically often to neo-functional ideals, the policy-making outcome resembles a combination of neo-institutional motives and neo-imperial values. The change towards neo-liberal imperialism is not easy to explain, as the neo-institutional or intergovernmental models seem to better serve the growing interests of member states and EU institutions.

**Third**, the best results with positive conditionality were achieved in the field of enlargement and during the fifth accession round. Conditionality provided positive convergence effects in most candidate states, but the difference was not extraordinary and not all the candidate countries managed to use it for effective social and economic transition. Despite optimistic tone, the fifth and sixth enlargements were the longest in history and even after more than ten years of preparation Romania and Bulgaria were the poorest applicants to ever accede to the EU. It leads to the conclusion that either the convergence of target countries was not the central goal of imposers or conditionality simply did not fulfil expectations of target countries. The efficiency of positive conditionality appeared to be highly sensitive to the sufficient motivation and commitment of both sides, and destined to succeed only in case of mutually respectful cooperation.

**Fourth**, the opinion of the target countries about conditionality has been neither negative nor fully positive; however, most candidate countries have welcomed positive conditionality. Those being critical tend to see the EU operating in a neo-imperial manner while using the Copenhagen Criteria selectively and in their own interests to justify the opening or closing of the accession process. Indeed, one can conclude that actual accession often depends more on political interests and decisions, while the assessment procedure as a part of the conditionality instrument serves only as a tool of justification and legitimisation.

**And last but not least**, the future of pre-accession conditionality seems less promising today than five years ago when the last enlargement took place. As enlargement has lost actuality for the crisis-ridden EU, so has the pre-accession conditionality become redundant for the Eastern and Southern neighbours of the EU. The lack of “efficient sticks and attractive carrots” does not create incentive enough for change.

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## SUMMARY IN ESTONIAN

### Positiivse tingimuslikkuse tähtsus ja mõju Euroopa Liidu laienemispoliitikas

Laienemisprotsess on viimase kuuekümne aasta jooksul Euroopa Liitu (EL) ja sellele eelnenud Euroopa Ühendusi märkimisväärselt muutnud, arvestades, et ühenduse loonud kuue riigiga on tänaseks liitunud veel kakskümmend üks uut liikmesriiki. Laienemised on olnud erinevad pea kõigis aspektides: kandidaat-riikide arv on varieerunud ühest kümneni, liitumine on põhinenud nii riikidevahelisel diplomaatial kui ka põhjalikel kirjepandud reeglitel ning kestnud kolmest kümne aastani. Samas on laienemise eesmärgid, põhimõtted ja ametlikud reeglid säilinud üsna ühetaolisena kogu Euroopa Liidu eksistentsi vältel.

Eesti jaoks olid laienemisprotsessi olulisimad aastad 1993–2004, mil laienemispoliitika põhimõtete ja tingimuste mõistmisest sõltus meie enda liitumise võimalikkus, tempo ja tingimused. Just antud perioodi alguses, 1993. aastal Kopenhaagenis Euroopa Ülemkogul, kujunes laienemispõhimõtete keskseks loogikaks nn. positiivne tingimuslikkus, mis määratles kandidaatriikidele seatavate tingimuste sisu, kriteeriumid, koostöövormi ja EL-i toetuse liitumise eelseks perioodiks. 1990. aastate alguses iseseisvunud, demokratiseerumisprotsessi läbinud ja EL-ga ühineda soovivate riikide arvukus ning ulatuslik reformide vajadus olid kesksed ajendid positiivse tingimuslikkuse väljakujunemises.

Üksteist aastat hiljem, aastal 2004, mil kümme uut liikmesriiki ühinesid EL-ga, tõdeti varasemale liitumisprotsessile tagasi vaadates, et positiivse tingimuslikkuse ellukutsumine oli osutunud üle ootuste edukaks ning seda nähti ka edaspidi laienemispoliitika keskse mudelina. Positiivse tingimuslikkuse kasutamist laiendati ka EL-i naabruspoliitikasse ning arengukoostöö poliitikasse. Järgmiste liikmekandidaatide ja naabruspoliitika sihtriikide kaasamine ei osutunud paraku edukaks, mis omakorda tõstas vajaduse positiivset tingimuslikkust kui meetodi toimimise eeltingimusi, loogikat ja keskseid muutujaid täiendavalt analüüsida. Uurimine on seda vajalikum ja ajakohasem, et möödunud kahekümneaastane positiivse tingimuslikkuse aktiivse kasutamise periood on pakkunud sobiva empiirilise pagasi, mille põhjal mudelit arendada ning tänastele praktilistele vajadustele kohendada.

Käesoleva artiklil põhineva doktoritöö eesmärgiks on pakkuda positiivse tingimuslikkuse toimimise loogika ja motiivide analüüsi ning teoreetilisi täiendusi EL-i laienemispoliitika kontekstis. Uurimus otsib vastust küsimustele, millised huvid, väärtused ja motiivid suunasid positiivse tingimuslikkuse kujunemist ning millised teooriad suudavad selle arengut kõige veenvamalt seletada. Doktoritöö moodustavad artiklid kasutavad kombineeritud metoodilisi lähenemisi, analüüsivaks EL-i positiivse tingimuslikkuse teoreetilisi juuri, ajaloolist arengut, praktilist toimimist ja selle sisemist toimeloogikat. Lisaks analüüsivad artiklid EL-i viienda ja kuuenda laienemisingi spetsiifilisi aspekte süvitsi ning annavad hinnangu EL-i väärtuselisele arengule laienemispoliitika näitel.

Doktoritöö sissejuhatav peatükk debateerib peamiste integratsiooniteooriate suutlikkuse üle EL laienemispoliitika positiivset tingimuslikkust kujundada ja seletada. Peatükk annab esmalt ülevaate positiivse tingimuslikkuse peamistest komponentidest, põhimõtetest, kriitilistest aspektidest, dilemmadest ja arengutest. See kaardistab peamiste integratsiooniteooriate komponendid ja põhiteesid ning analüüsib positiivse tingimuslikkuse peamiste komponentide kattuvust erinevate integratsiooniteooriate laienemist puudutavate teesidega.

Doktoritöö publikatsioonide esimene artikkel („Conditionality and Dependence as the Key Elements in Simultaneous Democratization and Crises Prevention”) analüüsib positiivse tingimuslikkuse toimeloogikaid EL-i laienemispoliitika ja naabruspoliitika eesmärkide seisukohast. Kasutades võrdlevat meetodit, analüüsib artikkel tingimuslikkuse sihtriikide dilemmasid esitatud tingimuslikkusega nõustumisel või sellest keeldumisel, Eesti, Gruusia, Moldova ja Makedoonia näitel. Artikkel juhib tähelepanu positiivse tingimuslikkuse kasutamise riskidele ja piirangutele ning sellele, milliseid eeldusi ja kriitilisi muutujaid positiivne tingimuslikkus vajab, olemaks efektiivne vahend julgeoleku kindlustamisel ja demokraatiseerimise läbiviimisel EL-i välisuhetes. Uurimusest järeldub, et tingimuslikkuse tulemuslikkus sõltub eelkõige sihtriigi motivatsioonist, mis omakorda sõltub eelkõige nn „lõplikust auhinnast”. Neil juhtudel, kus motivatsioon on ebapiisav, ei paranda efektiivsust ka struktuuraalsed meetmed ega finantstoetused.

Teine artikkel (“European Union’s Positive Conditionality Model in Pre-Accession Process”) vaatab ja analüüsib EL-i laienemispoliitika positiivset tingimuslikkust ajaloolisest ja evolutsioonilisest aspektist. Siin tõusetub küsimus, kas ja kuidas on EL laienemisringide jooksul kasutanud positiivset tingimuslikkust samadel põhimõtetel ja samas ulatuses? Artiklist selgub, et positiivse tingimuslikkuse kasutamine EL-i laienemispoliitikas on olnud ebahühtlane ja ebajärjekindel, mis saavutas olulise tähtsuse alles viiendaks laienemisringiks. Seega ei pea paika viiendas laienemisringis kasutatud õigustus, et kõik liikmesriigid on pidanud täitma sarnaseid laienemiseelseid tingimusi. Artikkel toob välja, et varasemate laienemiste käigus ei pidanud EL positiivse tingimuslikkuse kasutamist otstarbekaks ja õiguspäraseks, mistõttu seda olulisel määral ka ei rakendatud.

Kolmas artikkel (“The EU Neighbourhood Policy, Positive Conditionality and Reforms in the Former Soviet Space”) jätkab positiivse tingimuslikkuse praktilise mõju uurimisega. Artikli läbivaks teemaks on positiivse tingimuslikkuse kasutamise põhjendatus ja selle kasulikkus sihtriikidele. Sellest uurimusest selgub, et positiivse tingimuslikkuse intensiivistunud kasutamist alates viiendast laienemisringist ei saa põhjendada kõigi Kesk- ja Ida-Euroopa kandidaatriikide nõrkade majanduslike ja ühiskondlike näitajatega, küll aga oluks õigustatud positiivse tingimuslikkuse kasutamine viienda laienemisvooru nõrgimate riikide (eelkõige Bulgaaria ja Rumeenia) suhtes. Sotsiaal-majanduslikust aspektist lähtuvalt oli positiivse tingimuslikkuse mõju ebahühtlane, soodustades küll näiteks inflatsiooni kahanemist, aga samas ka tööpuuduse kiiremat kasvu.



Summas ilmnes positiivse tingimuslikkuse sihtriikidel keskmisest vähemal määral (alla ühe protsendi aastas) kiirem majanduskasv võrreldes EL-i liikmesriikide keskmisega.

Neljas artikkel (“The Relevance of Copenhagen Criteria in Actual Accession: The Principles, Methods and Shortcomings of EU Pre-accession Evaluation”) keskendub EL-i laienemispoliitika ning positiivse tingimuslikkuse hindamisprotsessi mõõdetavusele, läbipaistvusele ja erapooletusele. Uurimus analüüsib EL-i laienemisotsuste kujundamist kandidaatriikide suhtes ning väidab seda, et EL-i laienemisvalikud on mõjutatud paljuski liikmesriikide ja EL-i institutsioonide omahuvist. Uurimuse käigus kõrvutati Euroopa Komisjoni ametlike kandidaatriikide hindamisraporteid teiste rahvusvaheliste hindajate analoogsete töödega. Sellest võrdlusest ilmnes, et ühelt poolt on Euroopa Komisjoni hindamismetoodika olnud piisavalt sarnane teiste hindajate metoodikaga, pakkumaks vajadusel objektiivset hindamist. Teisalt on mitmetel juhtudel (näiteks Horvaatia ja Rumeenia puhul aastatel 2004–2006) ilmnenud poliitilistest huvidest tingitud süsteemseid moonutusi, mis kokkuvõttes mõjutasid ka lõplikke laienemisotsuseid. Järelikult on laienemiseelse positiivse tingimuslikkuse eesmärgid lõplike laienemisotsuste tegemisel viimasel viiel aastal vaheldunud: varasemalt trendiks olnud politiseeritud otsustamise ja institutsionaalsete huvide mõju on kasvanud ning mõõdetava arengu (Kopenhaageni Kriteeriumite osas) osatähtsus vähenenud.

Viies artikkel (“Navigating between Policy and Populace: Estonia, its Accession Referendum and the EU Convention”) käsitles EL-i integratsiooni ja laienemiseelse tingimuslikkuse mõju sihtriigi poliitikate kujunemisele juhtumianalüüsi kaudu. Uurimus keskendus Eesti Vabariigi poliitilise eliidi prioriteetide kujundamisele EL-i liitumiskõneluste ja Euroopa Tulevikukonvendiga kattaval tegevusperioodil. Artikkel tõi välja väikeste kandidaatriikide puhul siseriikliku ressursside jaotumise olulisuse ja määravuse Euroopa integratsiooni küsimustes. Nii selgub, et kõikides kandidaatriikides universaalselt kasutatav positiivne tingimuslikkus toob väikeriikides kaasa täiendava surve poliitilisele ja administratiivsele eliidile ning asub ressurssi ära tõmbama teistest poliitika valdkondadest. Seega seisavad väikesed kandidaatriigid ühinemiseelses olukorras dilemma ees, kas leppida madalama efektiivsusega EL-i positiivse tingimuslikkuse täitmisel või madalama võimekusega EL-i poliitikaga mitteseotud riikliku poliitika valdkondades.

Kuues artikkel (“Life in Post-Communist Eastern Europe after the EU Membership: Estonia”) hindas tagasivaateliselt positiivse tingimuslikkuse mõju sihtriikidele tingimuslikkuse lõppemise järel, kasutades näitena Eesti Vabariigi sotsiaal-majanduslikku arengut aastatel 1991–2011, ning võrreldes Eesti arenguid teiste viiendas ja kuuendas EL-i laienemisvoorus liitunud Kesk- ja Ida-Euroopa riikidega. Uurimus hindas ka positiivse tingimuslikkuse võimet valmistada kandidaatriike ette edukaks liikmelisuseks. Uurimistulemused näitavad, et EL-i positiivse tingimuslikkuse järgimine ja kriteeriumite täitmine oli Eesti puhul rahvuslik prioriteet. Eesti poolt reformiperioodil tehtud valikuid saab

ühelt poolt näha edu toovatena, kuid eelkõige on need olnud eristuvad ja radikaalsed, võrreldes teiste kandidaatriikidega. Selle tulemusel asetus Eesti 2010 aasta lõpuks enamike EL-i liikmesriikide sotsiaal-majanduslike arenguid kajastavate edetabelite esimestel või viimastel kohtadel, mille keskseks ühendavaks nimetajaks on olnud kiire ja kohanduv majandusareng ühes vähese tähelepanu osutamiseга sotsiaalsele arengule.

Summeerides doktoritöös kasutatud artiklite uurimistulemused, saab välja tuua järgmised olulised aspektid. Esiteks, positiivse tingimuslikkuse intensiivne kasutamine laienemispoliitika keskse instrumendina aastatel 1993–2006 oli erakordne nii oma mõju, kompleksuse, kui ka tähtsuse osas, arvestades seda, et varasemad laienemised ei sisaldanud mõjuvaid positiivse tingimuslikkuse komponente ning, et lähitulevikus aset leidvad laienemised, saavad üha enam põhinema poliitilisel valikul.

Teiseks, laienemistingimuslikkuse eesmärgid ja väärtused on olnud pidevas arengus: kui esimestes laienemisringides domineerisid neo-funktsionalistlikud huvid, siis järgnevate laienemiste käigus kasvas esmalt valitsustevahelise mudeli mõju ning viimased kaks laienemisringi on toonud kaasa neo-liberaalse imperialismi ja neo-institutsionalismi mõju kasvu. See omakorda on tinginud laienemispoliitika praktilise teostamise eemaldumise varem domineerinud neo-funktsionaalsest loogikast, mille tulemusel muutuvad laienemiskriteeriumid edaspidi pigem vähem läbipaistvateks ja rohkem poliitilisteks.

Kolmandaks, positiivse tingimuslikkuse kasutamise perioodil on enamik kandidaatriike arenenud kiiremini ja stabiilsemalt, kui EL keskmiselt. Siiski ei ole kandidaatriikide statistilistes näitajates ilmnenu erakordseid edasiminekuid ja mitmed riigid on arenenud ka EL-i keskmisest aeglasemalt. Nii olid viies ja kuues laienemisring EL-i ajaloo pikima kestusega ja pärast rohkem kui 10 aastat kestnud tingimuslikkuse perioodi olid Bulgaaria ja Rumeenia endiselt vaeseimad liitujad EL-i ajaloos. Kui viienda laienemisringi käigus nähti positiivset tingimuslikkust kandidaatriikide universaalse ja efektiivse kaasamise meetodina, siis probleemide ilmnemine positiivse tingimuslikkuse kasutamisel viitab sihtriikide motiveeritusele kui kesksele riskitegurile selle meetme õnnestumisel. Viienda laienemisvooru edu tagasid pigem erakordselt koostöövalmid kandidaatriigid kui positiivse tingimuslikkuse tingimusteta rakendamine.

Struktureeritud ja tehnilisel hindamisel põhineva positiivse tingimuslikkuse ideel on viimastel aastatel olnud aina vähem toetajaid ning mudeli tulevik näib olevat vähelubav. Ühelt poolt on laienemispoliitika ise muutumas politiseerituks ning mõõdetava progressi näitamine täidab üksnes osalist rolli lõplikes laienemisotsustes. Teisalt on täna vaid Horvaatia reaalne liitumisperspektiiv. Eelnevast tulenevalt vajab positiivne tingimuslikkus EL-i laienemispoliitika osana praktiliseks edasikestmiseks instrumentaariumi arendamist ja reformimist, kuivõrd tänasel kujul ei ole see olemasolevatele sihtriikidele motiveeriv ega paku ka EL-le oodatavat tulemuslikkust kandidaatriikide liitumisvalmiduse loomeks.



## **PUBLICATIONS**

## CURRICULUM VITAE

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