

BETWEEN RHETORIC AND ACTION: REFLECTIONS ON ROMANIA'S EUROPEAN UNION ACCESSION AND POLITICAL CONDITIONALITY – THE VIEWS FROM BRUSSELS AND BUCHAREST

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ABSTRACT. *The role of political elites is an important theme in the study of EU enlargement; but how this relates to domestic politics is often neglected. This theme is applied to Romania, with a focus on the problems of implementing the EU's political conditions. Firstly, attention is given to the conditionality policy adopted by Brussels with respect to Romania; and then, secondly, attention turns to Bucharest. The analysis of Romanian responses is based on a distinction between political will and political capacity. While there are some positive elite characteristics relating to the will factor, although complicated by instrumental attitudes towards conditionality, various problems of political capacity help much to explain Romania's persistent difficulties for much of the accession period in meeting Brussels' demands.*

1. INTRODUCTION

The role of political elites in EU accession – meaning in particular governing elites in candidate countries – is a much recognised though under-explored theme in that process, both theoretically and empirically. Studies of European enlargement have invariably remarked on this process as elite-driven or top-down – which is broadly true. However, when focussing on interactions between European and domestic politics in this context, the picture may look somewhat more complex than hierarchical assumptions about top-downness.

Thus, while national governments are crucial in this process in both responding

(effectively) to Brussels' demands as well as, obviously, negotiating on behalf of their countries, implementation of both European legislation and the various conditions (economic, political and 'the capacity to assume the obligations of membership') depends to some significant degree on state capacity (as distinct from national governments) but also other domestic actors whether (party-)political or economic interests, NGOs and, in certain respects, public opinion – though depending on the kind of legislation and conditions in question¹. EU enlargement therefore involves domestic politics to a fuller extent than often envisaged in the elite-driven

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¹ G. Pridham, *Designing Democracy: EU Enlargement and Regime Change in Post-Communist Europe* (Basingstoke: Palgrave Macmillan, 2005), pp.130-31 which distinguishes between three complementary approaches when conceptualising the implementation of EU conditionality: the Eurocratic; the national-level top-down (the role of national governments); and, the national-level bottom-up (the importance for compliance of other domestic actors notably at the sub-national and societal levels).

scenario. Furthermore, political elites are not operating in a political vacuum notwithstanding the fact that accession requirements are dictated from above by Brussels, the enormous time pressure of membership negotiations and the occasional impatience of the European Commission with the complexities and constraints of domestic pressures on national governments.

There are of course broader implications of this question both for the EU itself and for democratisation in post-Communist countries. On the one hand, there is the growing problem in member states of the EU's legitimacy which is also linked with other pending issues like its constitution. This problem is also likely to arise in new member states for much the same reasons (to do mainly with the perceived remoteness of EU institutions from national publics, their vast ignorance of EU affairs but also the very complexity and disputed meaningfulness of the EU system). In addition, EU legitimacy problems might arise in new member states from the top-down and speedy nature of accession especially in the light of the considerable credibility gap between political elites and publics in the post-Communist new democracies of Central & Eastern Europe (CEE), despite the formal consultation of public opinion witnessed in the series of referenda on EU membership conducted in the EU-8 during 2003 (all of which proved positive).

On the other hand, as indicated by this last problem, there may also be implications for democratisation from EU accession, or more precisely for post-Communist democratic consolidation. For, accession from the later 1990s essentially occurred during the consolidation rather than transition years of these new democracies (it is,

however, possible in a few cases like notably Romania that extended transition problems spilled over into the accession period). In any case, since EU enlargement and the later stages of democratisation have in CEE run concurrently, it is reasonable to assume they have interacted to some extent if not to a significant extent. This is especially because of the extensive albeit not comprehensive political conditions demanded by Brussels concerning democratic development in candidate countries. Such a concurrence has been true of both the enlargement to the EU-8 in 2004 and to Bulgaria and Romania in 2007; and, judging by present trends, it is likely to be broadly true too of further accession states from the West Balkans (Turkey notionally presents a rather different case in this respect) and maybe also post-Soviet countries like Ukraine. In this context, elite/mass relations acquire a vital importance for the prospects for consolidation due to the relevance of both levels for its achievement as well as the example-setting influence of new democratic elites on still unformed (if not to some degree still undecided) national publics and the various constraints on elites that come from mass opinion.

2. DEMOCRATISATION AND EUROPEANISATION

The role of political elites in democratisation is a much accepted, indeed much emphasised, variable in the literature on regime change. Empirically, there is considerable evidence from different countries that such elites, if not individual political figures, may play a decisive part in how transition paths develop. This not least because of the uncertainty that usually predominates especially at the start of regime change,

allowing great scope for elite or individual initiative. Certain transition tasks in particular are largely subject to elite decisions notably institutional design in new democracies and – as highlighted in Central & Eastern Europe (CEE) – the way in which sensitive matters of human and minority rights are handled.

Most of all, the role of elites has benefited from the dominance of political choice thinking in democratisation theory. Notions like “elite settlements”, “political crafting”, “elite convergence” and “elite adaptation” demonstrate this approach; and they underline how much elite choice and behaviour can impact on wider developments in regime change and especially public responses². For example, elite consensus on the new democratic settlement may well have some formative effect on its eventual legitimisation, perhaps all the more when the new democratic elites include elements from the former regime. This is of course a variation on the importance of elite support for the rules of the game which features in elite theory.

Thus, while elites are commonly seen as central in the chances of success in democratic transition, they may nevertheless continue to have an influence in some ways crucial to democratic consolidation. At the same time, especially in the light of transition experience in CEE, it is now seen that political choice has been exaggerated to the neglect of structural determinants and that it is the interplay between the two that provides the best analytical handle on regime change dynamics. This is because of the presence in CEE unlike in Southern Europe of parallel transformations (notably economic), a new attention to the role of the state in regime

change and above all the decisive influence exercised by international organisations in democratisation.

The relevance of this argument for studying the role of elites for EU enlargement depends on how far this process may be seen as “systemic”. The EU does of course provide a set of structural determinants with which new democratic elites, ambitious to join that organisation, have to engage. In a literal sense, accession countries are entering a particular, rather unique, form of political system, although one that is clearly incomplete when compared with conventional, i.e. national, political systems such as those in member states which are primarily parliamentary democracies. It may certainly be argued that European integration has various profound effects on accession or new member states especially on policy matters. This also applies to some extent to institutional matters insofar as countries acceding have to adapt their state machinery to the business of EU policy-making and for the purposes of liaison with EU institutions. Undoubtedly, political elites – especially those in government – are increasingly subject to intensive transnational socialisation through their multiple contacts at different levels.

Countries wishing to negotiate for membership and eventually join the EU have to satisfy Brussels that they meet the Copenhagen conditions of 1993 that they have ‘achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities’. It is in this context that we focus on political elites and the democratic conditionality of the EU: their motivation, response but also

² G.Pridham, *The Dynamics of Democratization: a Comparative Approach* (London: Continuum, 2000), chapter 5.1.

their interaction with domestic pressures and how these facilitated or inhibited their ability to implement the political conditions. In short, this theme of democratic conditionality provides a relevant and focussed approach to political convergence between CEE and the EU as seen through elite responses to the political demands of Brussels: what is the understanding of and expectations concerning democratic conditionality in the EU?; how much is the democratic imperative crucial to elite attitudes in CEE, and how much were these based on conviction or alternatively instrumental for the sake of accession?; and, with what effect has this conditionality been carried through for it is at this level of implementation that one is most able to assess the impact of European integration on democratic consolidation in post-Communist countries? Answers to these questions should provide evidence on political elite as well as democratic convergence between CEE and the EU³.

The term "convergence", which arises in transnational theories on regime change, refers to gradual movement in system conformity based on an institutionalised grouping of established democratic states that has the power and mechanisms to attract regimes undergoing change and to help secure their democratic outcomes. The EU is the most ambitious example of this kind of grouping, all the more as its promise of

incorporation (i.e. EU membership) gives a direction and purpose to convergence and, of course, it reinforces considerably its power to attract. Depending on the determination of new democracies to accede, the EU is provided with a compelling leverage over their political elites. It is in this context that conditionality acquires its bite. Democratic conditionality is normally achieved by specifying (pre-)conditions in return for support (material or other) or political opportunities, as in this case membership of a prestigious international organisation. Hence, while convergence has its gradual and mildly intensifying pressures, conditionality adds a sharpness to the prospects of convergence.

At the same time, democratic conditionality is dependent for its implementation on the responsiveness of different domestic actors and not merely governments. It is for this reason that the basic focus in this paper is on both political will and political capacity. The former involves an unqualified strategic commitment on the part of political elites to joining the EU with meeting conditionality seen as a component of that strategy. Political capacity refers however to the functioning of the political system; and, it therefore is especially relevant to the implementation of European demands. In practice, this points to state capacity, although over some of the political

³ This paper draws on project work from an ESRC Fellowship (2002-7) as well as from a Leverhulme Fellowship (2002-4) looking at conditionality impacts in accession countries of CEE. Altogether, in addition to documentary sources nearly 500 elite interviews have been carried out since 1993 in the following accession countries as well as in the EU institutions (European Commission, European Parliament but also heads of CEE missions in Brussels): Bulgaria, the Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia. The ESRC Fellowship concentrates on the three countries of Latvia, Romania and Slovakia. Altogether, some hundred interviews have been carried out in Romania, the subject of this paper, during three field trips in May 2001, October 2003 and November/December 2005. Categories of interview respondents have included government ministers, ministerial advisers and senior civil servants; chairs or members of European and also foreign affairs committees in parliaments; party leaders and international secretaries of parties; heads and members of EU delegations in accession countries; NGO leaders; colleagues in policy institutes; and, journalists working on EU affairs.

conditions the involvement of non-governmental actors is also important.

The case of Romania is chosen for a number of reasons as a test of integration effects during accession. The country presents a difficult case in comparative terms both in its democratisation path, with severe Communist legacy problems, and in its EU accession, being commonly regarded in Europe as the “laggard” of the post-Communist enlargement process. Largely for this reason, Romania has acquired a negative image in Europe; and this has coloured the EU's conditionality policy towards that country. The country has often been accused, not least by EU officials dealing closely with Bucharest, of a marked disparity between rhetoric and action in its accession process. At the same time, Romanian elites have shown a fairly strong dependency culture in looking to the EU (and other international organisations) for assistance and policy initiative to a degree greater than in other countries of Central & Eastern Europe (CEE), namely those that joined the EU in 2004. It may thus be supposed that both the scope and the limitations of the EU's political conditionality will be particularly tested and highlighted by this case study.

The paper first discusses the conditionality policy of the EU and the thinking behind this as well as the view of EU elites towards Romania. There then follow two sections, the first dealing with the questions of political will and the second with problems of political capacity. Lessons are then drawn from the 2004 and 2007 enlargements with some attention to possible post-accession tendencies with respect to completing the implementation of democratic conditionality.

3. DEMOCRATIC CONSOLIDATION AND EU ACCESSION: THE BRUSSELS PERSPECTIVE – INNER-DIRECTED LINKAGES

Pravda has emphasized the degree of inclusion in the international community as an important yardstick in assessing the impact of conditionality and the prospects for democratic consolidation. By this was meant the position of states in queues for membership in the main Western organisations, notably NATO and the EU, with the following categories: double insiders, insiders, outsiders and extreme outsiders (with Ukraine and then Belarus and Serbia under Milosevic representing respectively the last two categories)⁴. As of today, Romania is now top of the queue together with Bulgaria having moved through several of these categories and so may be taken as a test case of political convergence on European democratic standards through the accession period.

Such a categorisation is relevant to the pull of the EU's leverage with regard to conditionality for the dynamics of accession and the prospects for firstly negotiations and then eventual membership are crucial in determining the willingness of governing elites to meet conditionality demands. There is therefore a trade-off between the credibility of the EU in carrying through its conditional promise of membership and the drive for change by candidate countries. This consideration thus modifies the common view that accession is asymmetrical with Brussels dictating the terms which are hardly open to real negotiation.

⁴ A. Pravda, 'Introduction' in J. Zielonka and A. Pravda (eds.), *Democratic Consolidation in Eastern Europe, vol. 2: International and Transnational Factors* (Oxford: Oxford University Press, 2001), pp. 22-24.

Over the past decade, the EU has expanded its democracy agenda with regard to CEE. While the Copenhagen criteria as defined in 1993 covered the stability of democratic institutions, the rule of law and human and minority rights, the EU's political conditions have also since then come to specify the strengthening of state capacity, the independence of judiciaries, the pursuit of anti-corruption measures and the elaboration of a series of particular human and minority rights (as well as highlighting the severe condition of the Roma), but also economic, social and cultural rights such as relating to trafficking in women and children and gender equality. It is worth noting at this point that several of these conditions have consequences for different elites such as bureaucratic elites (over state capacity), the judiciary over its reform and independence (i.e. from political influence) and economic as well as political elites (including especially their inter-relations) with regard to fighting corruption. In other words, the EU's democratic conditionality has important implications for elite behaviour in the cause of strengthening democratic development. This significant evolution of the EU's conditionality from the mid-1990s was partly in response to emerging problems in the new post-Communist democracies (notably the question of minorities), but it also expressed an underlying concern in Brussels over their functionability (notably, state capacity) as prospective member states not to mention the impact of a mega-enlargement on the EU itself.

The EU's political conditions have evolved pragmatically without this involving any comprehensive view of liberal democracy. This is shown by some

important gaps in the Commission's attention to democratic actors for political parties are omitted (although their activity is catered for by the European transnational parties), while civil society is narrowly defined as the development of NGOs (which is handled more via the Phare Programme than the political conditions properly speaking). The Commission's reluctance to engage with political parties is an admission of its more bureaucratic than political approach, preferring the EP to take up certain more controversial political issues that it might find difficult to handle publicly⁵. In broad terms, the EU's conditionality's focus was determined by its timing in relation to post-Communist democratisation for, in effect, it aimed at its consolidation not its transition. Conditionality was not about macro-institutional choice just as it did not engage with types of liberal democratic regimes. As the Copenhagen conditions stressed, the EU concern was about the 'stability of institutions guaranteeing democracy' – whatever they were. In short, the relationship between the EU's political conditionality and democratic consolidation is in one sense about a reinforcing process, for the range of political demands is fairly extensive. It is, however, more limited in scope compared with consolidation's tasks. That is especially true in certain non-institutional areas, for the focus on civil society is restricted to NGO activity. And political conditionality is of course limited temporally to the period of accession, which amounted to less than a decade in the case of the 2004 enlargement though slightly longer for the two countries joining in 2007.

Over Eastern enlargement, the Commission has come to insist that its democratic standards are satisfied

⁵ Pridham, *Designing Democracy*, p. 43.

before accession takes place (in contrast to the more relaxed approach in previous enlargements, notably the Southern European); and that the original Copenhagen criteria as defined in 1993 are met before membership negotiations are opened. At the same time, the EU developed new instruments for furthering this conditionality, such as the Regular Reports (the annual monitoring reports of the Commission on candidate countries), the Phare Democracy Programme and twinning arrangements with individual member states.

The European Commission's successive Regular Reports on Romania have tracked democratic standards in that country during the accession process, thus enabling patterns to be identified. While some problems were cross-nationally common among CEE candidates, notably difficulties with judicial reform and fighting corruption, various other problems were particular to Romania. These were either problems of degree (e.g. Romania was continuously rated the most corrupt country in Europe) or problems that were more unique such as a marked slowness with economic reform (which had a political significance), low state capacity and a weak policy-making environment as well as the special issue of institutionalised children which was treated in European circles as a reflection on the state of human rights.

Implementation was the subject of persistent concern after negotiations commenced, and increasingly so as Romania's likely membership drew

nearer. It is no surprise that the Commission has tended to be particularly interventionist over the political conditions with regard to Romania. Early in 2004, for instance, when Brussels was beginning to become uneasy about concluding negotiations with Romania, the Delegation had acted on the idea that special conditions should be imposed on Romania to convey the serious need for reforms. The famous "To Do List" that followed EP criticisms in February 2004 was conceived by the Delegation, presented to Prime Minister Nastase on the plane to Brussels with the message he should accept these and tell Commissioner Verheugen these represented his government's efforts to answer unease in the Commission⁶. A few months later, the EU Delegation in Bucharest together with the Ministry of Justice helped to draw up a major package of judicial reforms that was inspired by West European ideas of judicial organisation. Among other things, this ended the political appointment of judges.

The European Parliament was rather more blatant and overtly political in its approach to conditionality matters. It was also in the EP that the influence of Romania's image problem was more in evidence reflecting as this did some party-political viewpoints and perhaps also national press coverage of Romanian problems⁷. The particular issue that the country rapporteur during the negotiations, Emma Nicholson, highlighted doggedly was that of the miserable state of institutionalised

⁶ Author interview with Jonathan Scheele, EU Ambassador to Romania, in Bucharest, November 2005, in which he also noted that the Delegation sought 'regular contact with administrations [in Bucharest] that work in a better way – a form of peer pressure [on weaker administrations]' and that 'it's not looking great' on the question of administrative capacity.

⁷ A.U. Gabanyi, *Rumanien vor dem EU-Eintritt*, Studie 31, Stiftung Wissenschaft und Politik, October 2005, p. 9.

children, a legacy of the Ceausescu regime. Her commitment to the issue was such that in 2001, with government inaction, she raised the question of interrupting negotiations; and this implied threat produced some results. In February 2004, the EP report was harsh in its criticisms of Romania's record on political conditions, casting doubts on the government's seriousness and there were again moves for suspending negotiations. Various measures were then listed as necessary, including fighting corruption at the political level, implementing the independence of the judiciary, reinforcing the freedom of the media, stopping ill treatment at police stations and action on the moratorium on adoptions. On corruption, the EP demanded that 'first and foremost there must be the political will to eradicate corruption, for only this will lead to a change in attitudes'⁸. The result was the "To Do List" mentioned above of some thirty items with a short deadline in July 2004 that formed an agreement between Commissioner Verheugen and Prime Minister Nastase.

One should add here that Romania has encountered an image problem abroad, especially in EU circles, which to a great degree has reflected past and continuing doubts about the state of Romanian democracy. With the background of Ceausescu's harsh regime, this image surfaced quickly in Romania's transition with one event in particular making a strong impact on European opinion – the highly controversial suppression of anti-

government protestors in June 1990 by government-backed miners who ran amok in Bucharest. As a result, Brussels delayed the signing of its trade and cooperation agreement with Romania for several months. Uncertainty and unease over Iliescu's systemic intentions – provoked by his praise for the miners' action and coloured by his own Communist past under Ceausescu – combined with incidents of inter-ethnic strife to maintain this negative image. The second reason for the image was the continuously poor performance during the 1990s and beyond of the Romanian economy which overlapped with the first problem insofar as Iliescu's reluctance over system change including marketisation was seen behind this problem. The third reason was Romania's gathering reputation from the mid-1990s onwards for implementation failure through organisational inefficiency over the *acquis* and conditions. Sometimes, this reputation was reactivated by specific issues, such as in 2002 over that of institutionalised children – an emotive question in European circles – and illegal immigration by Romanians in Europe.

While implementation became the EU's predominant concern during the negotiations for membership in 2000-04, the country's image problem abroad continued to be fed by these three factors throughout the past decade-and-a-half of Romania's post-Communist regime change⁹. Romanian diplomats were only too aware of this problem and sought to overcome it through a patient emphasis that Bucharest was gradually if belatedly

⁸ European Parliament, *Report on Romania's Progress towards Accession*, 24 February 2004, pp. 5-7 and 16.

⁹ According to Romania's Chief Negotiator with the EU 2000-04, Romania's image problem 'didn't influence a lot' the negotiations, but it was 'a strong problem, not in Brussels only but in all EU capitals' and especially in northern European ones (author interview with Vasile Puscas, in Bucharest, November 2005).

putting changes into effect¹⁰. While exploiting this image problem could be seen as a form of special pressure on Romania to deliver on EU affairs, efforts at reconstructing the country's image were always vulnerable to domestic developments, all the more as the press in Europe has for long tended to look for 'bad news' from Bucharest. Nevertheless, in spring 2006 Club Romania-EU (a NGO for Romanian public officials in Brussels) launched a survey of EU affairs professionals from and outside Brussels and produced a report on this very question, aimed at confronting the country's image problem. It concluded that 'many of those surveyed indicated that Romania is perceived as a poor, old-fashioned, messy country, and, worse, that Romanians do not seem aware of this situation'¹¹. The timing of this project was significant for it took place when Romania was in limbo between the accession treaty and the final decision on the date of EU entry (a sensitive issue in Bucharest circles).

It was evident from these developments that EU criticisms of Romania had in fact become stronger over time. The reason was a fear, with negotiations ended, that the lessening of the EU's leverage would weaken Romania's will to attain conditionality targets. As it was, on the eve of ending negotiations in December 2004 there an

agreement to operate a special "safeguard clause" of eleven points over which Romania continued to be monitored for the following year and a half. This "safeguard clause" amounted to an unprecedented extension of conditionality beyond the end of negotiations and the signing of the accession treaty¹². The clause also provided for one year's delay in entry from 2007 to 2008 'if serious shortcomings have been observed in the fulfilment by Romania of one or more of the commitments and requirements' relating to four specific items of the competition chapter and seven of the JHA chapter (including 'the acceleration of the fight against high-level corruption')¹³. The Commission fully exploited this extension of the conditionality period so that Romania (and Bulgaria) were placed under constant pressure to improve their implementation right up to the final decision over entry in September 2006. Even then, membership for Romania and Bulgaria as from January 2007 would be hedged with further monitoring (in Romania's case concerning judicial reform and the fight against corruption) and safeguards or sanctions including the withdrawal of EU funds¹⁴.

It should, finally, be added that Romania and Bulgaria encountered at this last stage of accession a much tighter and more demanding conditionality policy that came into play following the 2004 enlargement. There were four factors

¹⁰ E.g. the comment of Romania's ambassador to the EU that 'perceptions change slowly' and the answer to the problem was 'the capacity to show and convince that important transformations have been taking place' (author interview with Lazar Comanescu, in Brussels, October).

¹¹ Club RO-UE, *Footprint Romania: Based on a Survey of European Affairs Circles* (Brussels, July 2006), p. 16.

¹² According to the EU Ambassador to Romania, the "safeguard clause" was 'intended to preserve leverage' on the part of the EU, for the thinking was that 'we need to find some instrument that will maintain pressure after the Treaty is signed' (author interview with Jonathan Scheele, in Bucharest, November 2005).

¹³ European Commission, press information, 5 January 2005.

¹⁴ European Commission, *Monitoring Report on the State of Preparedness for EU Membership of Bulgaria and Romania* (Brussels, 26 September 2006).

behind this change: lessons drawn from the 2004 enlargement over conditionality, especially concerning implementation problems; the approach of Commissioner Rehn who – unlike Verheugen’s rather relaxed line – was risk-averse, paid a strict attention to the detail of conditionality commitments and imposed new bureaucratic hurdles (called “benchmarks”); pressures from “enlargement fatigue” inside the EU and the crisis over the constitution – which brought to the fore public declarations by some political figures cautioning about further enlargement; and, not least, the fact that in the West Balkans interested countries faced more difficult pre-accession transformation problems of a statehood, political, ethnic and socio-economic kind. This tougher line on conditionality matters was evident over the new issue of handing over war criminals, for lack of progress here was the occasion for postponing membership talks with Croatia in spring 2005 for half a year and for interrupting talks with Serbia over a stabilisation and association agreement in spring 2006. In other words, Romania and Bulgaria experienced the thin edge of a forthcoming wedge over accession conditionality. This showed that Brussels intended enlargement in the future to be a far more stringent, rather less predictable and by no means automatic process.

4. ROMANIAN POLITICAL ELITES IN COMPARATIVE PERSPECTIVE: THE QUESTION OF POLITICAL WILL – OUTER-DIRECTED LINKAGES

Since political will is interpreted as a strategic commitment to European integration, the focus here is on elite outlooks and motivation. This is explored

by looking at: relevant elite characteristics in Romania; the attitude towards the democratic imperative behind accession; and, behavioural aspects of the conduct of the country’s European policy. Frequent complaints in EU circles (which featured in the author’s elite interviews in Brussels and Bucharest) were the marked gap between rhetoric and action (paralleled by a noticeable tendency to produce impressive paperwork which often remained as such – the “yes,yes,yes” response); the inefficiency of public administration; and, the lack of internalisation of EU-driven reforms among political elites. These complaints overlapped with the country’s image problem but, substantially, they also came from EU representatives most in regular contact with Romania’s European policy-makers. How much does the study of elite outlooks and motivation in that country reflect on these problems?

Looking generally at elite characteristics (insofar as these are relevant to EU accession), the most discussed feature has been continuity with the previous Communist regime¹⁵. This is an inevitable research concern especially when assessing countries in democratic transition although, in the course of time, once democratic consolidation is well underway, it becomes less pertinent. In Romania’s case, this concern has been especially pronounced because of the persistence of ex-Communist political and economic elites through the transition period and beyond. Romania was not unique in this respect in post-Communist Europe; but it was the degree of this and its effects on both policy and political life that counted.

¹⁵ E.g. see A. Gabanyi, ‘Die rumänischen Eliten in der Systemtransformation’ and A. Sterbling, ‘Alte Eliten in jungen Demokratien? Das Fallbeispiel Rumänien’ in H.-J. Veen (ed.), *Alte Eliten in Jungen Demokratien?: Wechsel, Wandel und Kontinuität in Mittel- und Osteuropa* (Cologne: Bohlau Verlag, 2004), respectively pp. 313-31 and 363-75.

In the words of Tismaneanu, following the dramatic revolution of December 1989 'the most abrupt break with the old order seem to have resulted in its least radical transformation'¹⁶. The experience of the Communist period continued to be felt during the accession period notably in persistent difficulties facing elite replacement and the creation of new democratic cohorts¹⁷. Some research has nevertheless specified that the percentage of old regime cadres in the power elite was in the transition rather smaller than assumed and they included circles that had opposed the regime from within¹⁸. Most prominent was the figure of Ion Iliescu, President 1990-96 and again 2000-4, who at one time was considered a successor to Ceausescu but was sidelined by the dictator and played a crucial role in the 1989 revolution against him. Despite this, he became in European circles a symbol of old cadres in Romania's new democracy.

The implicit relevance of this background is that old-style elite culture was somehow a hindrance to embracing Euro-Atlantic integration both because of a form of conservatism and an assumed innate reservation if not submerged hostility towards the former inimical Western organisations. This is, however, a rather static view of elite outlook above with regard to regime change.

Democratisation studies have emphasized the factor of elite adaptation in transition as a precondition for consolidation, whereby old regime elements opt for the new democratic order¹⁹. In their doing so, opportunism and careerism may be accommodated if these accord with the aims of transition. One may, by extension, apply this pattern to Euro-Atlantic integration. Did this happen in the Romanian case?

Three elite characteristics are worth mention as affecting the political ambition to join the EU; and, they contextualise attitudes to conditionality. Firstly, there was a distinctly Romanian cultural disposition towards Europe as reflected in the impressive linguistic diversity among the political elites; and, traditionally, it had a Francophile edge to it. This has obviously made for easy transnational elite communication, although it cannot be taken as an absolute indicator of understanding of European affairs. In fact, both Romanian and Bulgarian elites were criticised earlier in their accessions (before their negotiations started in early 2000) for evidencing more political rhetoric about Europe than a true understanding of what integration involved²⁰.

Secondly, one salient attitude has been beneficial to the acceptance of political conditionality. This is a

¹⁶ V. Tismaneanu, 'Romanian exceptionalism?: democracy, ethnocracy and uncertain pluralism in post-Ceausescu Romania' in K. Dawisha and B. Parrott (eds.), *Politics, Power and the Struggle for Democracy in South-East Europe* (Cambridge: Cambridge University Press, 1997), p. 403.

¹⁷ A. Mungiu Pippidi, *Transformation Reloaded?*, SAR Policy Brief, Romanian Academic Society, Bucharest, August 2005, p.2.

¹⁸ Gabanyi, 'Die rumanischen Eliten', pp. 327-28.

¹⁹ Pridham, *The Dynamics of Democratization*, p. 150.

²⁰ Economic Policy Institute, Sofia, and Centre for the Study of Democracy, Sofia, 'Bulgaria and Romania' in H. Tang (ed.), *Winners and Losers of EU Integration: Policy Issues for Central and Eastern Europe* (Washington: The World Bank, 2000), pp. 99-100. Cf. the comment of a member of the EU Delegation to Bulgaria that elite understanding of EU affairs in Bulgaria was 'more technical than deep', for they were 'not used to this [European] kind of legislation' (author interview with Christian Stock, EU Delegation, in Sofia, September 2001).

pronounced desire to please the West, for reasons of international acceptance, and to conform often uncritically to what the West requires²¹. This has produced an outlook among political and economic elites of accepting outside actors as being in command, whereby politicians know how to say the right things to EU partners and political agendas are often reactions to what Bucharest is told from abroad, including adopting even critical observations from Commission documents in government priority programmes²².

Thirdly, one has met a marked optimism about Romania and Europe in Bucharest. This differed markedly from the more cautious or pessimistic views of Romania in Europe, aware of that country's political as well as socio-economic backwardness compared with European standards. Romanian elites nevertheless looked to the EU as the essential anchor for its future development and for moving away from the past. For this reason, there was overwhelming support in elite interviews conducted there by the author during 2001-05 for the idea that integration would secure democratic consolidation. Both political and economic elites but also NGO leaders emphasised the positive dynamics coming from accession because of the EU's driving

force, the necessary discipline it imposed on public authorities but also in particular the direction for change which it provided. But there was a sense of a dependency culture behind such optimism which helped to explain Romania's difficulties in transmitting political will into political capacity.

References to the democratic motive behind integration in author interviews with European policy-makers in Bucharest during 2001-05 invariably praised in a bland way integration's positive impact on democratisation. At the same time, elite responses towards the EU's political conditionality as such also indicated a positive response at an abstract level²³. But this was often combined with an instrumental view of conditionality as a means towards the objective of winning EU membership, as expressed in an expert analysis dealing with the rule of law:

It might be argued that the general perspective of the ruling elite regarding Romania's development is distorted. It is not democratisation, but EU integration that matters most. The only long-term objective is EU accession, and short-term objectives are objectives set under EU conditionality, nothing more. Under such circumstances reinstating the rule of law in Romania was never seen as a goal per se, but

²¹ T. Carothers, *Assessing Democracy Assistance: the Case of Romania* (Washington: Carnegie Endowment, 1996), pp. 90-91.

²² Interviews with Aurel Ciobanu-Dordea, EU Delegation to Romania, with Florin Pogonaru, Executive President, Central European Financial Services, and with Codru Vrabre, Transparency International, in Bucharest, October 2003. See also S. Jora, 'Patterns of democratisation through Europeanisation: the case of Romania' in R. Di Quirico (ed.), *Europeanisation and Democratisation: Institutional Adaptation, Conditionality and Democratisation in European Union's Neighbour Countries* (Florence: European Press Academic Publishing, 2005), p. 118.

²³ Cf. the statement in the Bulgarian case that 'Bulgaria accepts from the very beginning all these principles of the European political life and thus the building of a democratic state from the very start in compliance with the European standards' A. Todorov and A. Ivanov, 'European standards in the Bulgarian political life' in I. Bokova and P. Hubchev (eds.), *Monitoring of Bulgaria's Accession to the European Union 2000* (Sofia: Friedrich Ebert Stiftung, 2000), p. 27.

rather as a means of achieving accession²⁴.

Former President Iliescu, in office again 2000-2004, had in the previous four years of opposition become converted to the cause of European integration though not unreservedly to all its conditions²⁵. He commented in retrospect rather ambiguously that the EU's political conditions were 'necessary' as they represented 'substantial issues (referring in particular to 'the big inertia of state institutions with EU pressure over [this] as positive'); but with some irony noted that he regarded this conditionality 'as the preoccupation of our friends [in the EU] – we have no quarrel with them'²⁶. It is true that Romania's very political approach to joining the EU (heightened as this was as in other CEE states by the lack of a viable external policy alternative) essentially explained this instrumental mentality.

Back in the early 1990s, a committed espousal of integration ideology among political elites was less in evidence in Romania and if present was primarily rhetorical overlaying traditional attitudes. Since then, a more genuine outlook has become evident especially after negotiations commenced in early 2000, producing as it were strong and mounting convergence pressures towards the EU. Involvement in negotiations and preparations for them was already producing a more informed

elite. Moreover, evidence from Nastase's close associates indicates that his own commitment to Euro-Atlantic integration and the EU in particular grew once in office as Prime Minister from autumn 2000; and that this came from holding direct responsibility for Romania's fortunes and from close and regular contact with EU representatives²⁷. One can therefore see in the two prominent examples of Iliescu and Nastase (both leaders of the PSD which drew its genealogy from the former Communist Party) how the experience of democratic life (in Iliescu's case political opposition) and of accession dynamics (in Nastase's case with executive office) combined to create a more positive though not necessarily a strongly rooted attitude to European integration. Calculation and some opportunism played a certain part; but so too did a growing appreciation of political and material advantages of national concern.

In short, this analysis of outlook and motivation suggests both positive and negative attitudes among political elites concerning the EU's political conditionality. There is an unquestioning espousal of these conditions at the official level; but here Romania did not differ much from other CEE accession states. But, at the same time, there are some indications that this conditionality – which must be seen as the focus of the democratic motivation behind accession – was not as such a high

²⁴ S. Parvulescu and B. Vetri-Soimu, *Evaluating EU Democratic Rule of Law Promotion: Country Report – Romania*, National Association of Romanian Bars, Bucharest, June 2005, p. 38.

²⁵ Pridham, *Designing Democracy*, p. 81.

²⁶ Author interview with Ion Iliescu, President of Romania 1990-96 and 2000-04, in Bucharest, December 2005.

²⁷ Author interviews with Alin Teodorescu, adviser to Nastase on administrative reform and later PSD deputy, in Bucharest, October 2003 and November 2005. This commitment was replicated in Nastase's strong wish for his party to be accepted into the Socialist International. According to Florin Lupescu, adviser to President Iliescu on EU and NATO affairs, Nastase 'needs acceptance [by the SI] like hell; they will at last belong to a European political family' (author interview in Bucharest, May 2001).

priority or that it was, perhaps, taken somewhat for granted in comparison with other motivations of an economic and security kind.

Certainly, a marked opportunism was evident in the way political elites in Bucharest sought to make an impression on Brussels over this conditionality as well as other accession matters. This achieved a pronounced form in Nastase's regular habit of lobbying selected heads of EU governments (including especially Tony Blair) and utilising bilateral links sometimes to bypass the European Commission (also over conditionality matters). This did not prevent Nastase making fairly frequent visits to Brussels, often at crucial sometimes threatening moments during Romania's accession. One such occasion was over the critical European Parliament report of May 2001 which made an issue of lack of action over institutionalised children and recommended breaking off membership talks. This time Nastase sought to lobby the Commission among other institutional contacts in Brussels. This practice of trying to exploit the institutional fragmentation of the EU system became quite visible after a while and induced one observer of Romanian affairs to comment that 'cynical Bucharest politicians quickly understood that political sympathies with capitals could trump the worries of Brussels technocrats'²⁸

Such cynicism did not, however, have to mean a lack of conviction over the EU's political conditions – or worse, a lack of conviction over democracy (which is not the same thing). Such an imperfect state of affairs may be nevertheless sufficient for achieving

formal compliance with conditionality. The main problem however comes from drawing a distinction between the abstract (stated agreement with this conditionality) and the concrete where either traditional attitudes or particular interests may conflict with action on conditionality. This leads us to consider the problem of political capacity.

5. ROMANIAN POLITICAL ELITES IN COMPARATIVE PERSPECTIVE: PROBLEMS OF POLITICAL CAPACITY

Political capacity refers to the functioning of the system both in the central sense of state capacity and in the wider sense of political capacity meaning effectiveness of governance such as in the way different domestic actors interact as over European policy. Naturally, being liberal democracies, it is expected CEE systems like established democracies elsewhere encounter problems of conflict as well as resolution, thus reminding us of the importance of political participation and the need to part from the rather hierarchical and indeed also bureaucratic approach of Brussels. But they are also still new democracies insofar as these countries are with some possible exceptions (notably, Slovenia) not yet fully consolidated; and, so, how they functioned and perhaps improved under accession pressure was itself an indicator of democratic development.

Romania's difficulties of state capacity arose early on in the country's accession process. For, while most of these difficulties were also met in other CEE accession countries, the degree of them was rather pronounced in Romania's case. The European

²⁸ A. Postelnicu, 'Why Romania needs help to stay on track' in *European Voice*, 27 October-2 November 2005, p. 9.

Commission's avis on Romania in 1997 already identified the root problem here and this reflected on the state of the country's bureaucratic elites:

'The central administration is overstaffed. However, some ministries suffer staff shortages, particularly in the area of qualified personnel. Salaries in the private sector are much higher than in the public sector. This has led to an element of "brain drain" to the private sector... Public confidence in the civil service is low. There can be little doubt that much of the distrust which exists arises from the widespread corruption in the public administration... The concept of the civil service as a profession is still developing... The effectiveness of the civil service is also hindered by an unwillingness to take personal responsibility for decisions, with the result that these are passed too high up the chain of command, causing overload on senior staff, and delay' ²⁹.

Difficulties of coordination between ministries (a vital factor in managing accession business), a habit of repeated administrative reorganisation (some of this due to political interference, some to accession requirements, but generally inhibiting for efficient management) and a marked lack of continuity of personnel more than in other CEE candidate countries (a special problem given the effort required to master EU affairs) were the most common problems over the accession years. There has been a

tendency for these problems to persist through Romania's accession period. For instance, traditional practices whereby ministries were often regarded as fiefs by party politicians and anti-reform mentalities in the bureaucracy hostile to modern management methods were particularly strong. Thus, the theme of "old state, new rules" had a special pertinence in Romania's case; and this presented serious obstacles to meeting the EU's own "third condition" concerning administrative capacity or ability to cope with the demands of EU membership.

It followed that progress with administrative reform was at best slow and rather piecemeal³⁰. Beyond inherent bureaucratic conservatism, it was not helped by a reluctance on the part of the ruling PSD during the negotiations period to abandon its effort to reinforce political control over the state machine. It was this politicisation, building on old habits from Communist times, that powerfully checked administrative professionalisation notwithstanding fine sounding strategies for administrative reform such as civil service laws produced to please Brussels. In the end, it was typically the pressure of regular direct contact with the EU over negotiations and other accession business that brought about limited change. There was a noticeable improvement in working methods in those sectors of the administration – specifically, integration departments in the different ministries – which were in regular contact with Brussels, leading to the phenomenon of "islands of excellence"³¹. By and large, these

²⁹ European Commission, *Agenda 2000: Commission Opinion on Romania's Application for Membership of the European Union* (Brussels, 1997), p. 73.

³⁰ This was the basic conclusion to the Commission's Regular Report on Romania published in October 2005 (European Commission, *Romania: 2005 Comprehensive Monitoring Report*, Brussels, 2005, pp. 10, 21).

³¹ Pridham, *Designing Democracy*, pp. 120-121. Some saw these "islands of excellence" within an "archipelago of incompetence".

changes made for better management of the negotiations. But there was not much sign of wider effects from improved governance that might have countered public mistrust.

One possible effect of these limited improvements in state capacity was over implementation of the EU's political conditions. Obviously, implementing these conditions was initially a matter of government response or initiative and of legislation; but there have been no special difficulties in Romania over passing necessary laws (once the governments decided to act), except when the parliament proved reluctant to pass anti-corruption legislation in early 2006 thus placing the government in an embarrassing position with regard to Brussels (where outrage was expressed over this act of apparent parliamentary irresponsibility). The overriding problem has been putting these EU political conditions into practice; but here the different conditions vary significantly as to what factors – or, for that matter, what actors – are responsible for this. Thus, while some conditions are essentially dependent on institutional action such as the stability and accountability of democratic institutions (or, changes like decentralisation where in fact Romania has been rather slow), other conditions depend on both executive action and behavioural or cultural compliance. The two most difficult examples in Romania of the EU's democratic conditionality were judicial reform and corruption, which persisted through the accession period – although there were some belated

improvements on both fronts – and were repeated as an area for continued monitoring and possible sanctions by Brussels after EU entry in 2007. Both problems were complex. Judicial reform involved not merely changing professional structures but also dealing with a judiciary largely appointed under the Communist system and still subject to political influence under the post-Communist democracy. Judicial elites were thus not only inherently conservative but also inhibited by a pattern of political subservience³².

Corruption was, if anything, even more difficult a matter to confront effectively because it affected different layers of public life (and Romania notoriously was repeatedly rated the worst country for this in Europe by Transparency International). Above all, it concerned respect for the rule of law and affected other issues of reform, notably administrative and judicial, the operation of the public services (notably the health sector), the conduct of post-Communist economic transformation and, in particular, the will of the political elite (especially of the ruling PSD during the years of EU negotiations) to embrace reforms since they challenged embedded party-political interests in several ways. These different aspects all had consequences for the rooting of democratic life whether procedural or behavioural including the effects of political and economic elite practices on public opinion.

All this referred back to the outlooks and motivation of Romanian political elites as being a central factor in the

³² Cf. the comment of a Bulgarian human rights lawyer that the traditional education and understanding of lawyers in former socialist countries – that they should act as “counsel for the state” – predetermines the lack of any concept for reform among members of the judiciary’ (Z. Kalaydjieva, ‘An independent judicial system in the context of EU accession’ in European Institute, Sofia, *Bulgaria's Progress towards EU Membership in 2000 – the NGOs' Perspective* (Sofia, 2001), p. 18.

implementation of EU conditionality. Resistance was apparent over certain political conditions on the part of the Nastase Government that held office through almost the whole period of negotiations from 2000 to 2004. It was this together with problems of administrative incapacity that most of all differentiated Romania from other CEE candidate countries. The Government drew up the necessary plans to fight corruption but showed a lack of will in forcing through change not least because the ruling party's own patronage interests were at stake. However, in the course of time as the 2004 election approached, with mounting scandals and growing public sensitivity to this issue, EU pressure over corruption began to have more effect.

Furthermore, Nastase was evidently not that committed to administrative reform despite his ambition for Romania to join the EU³³. He and his ruling PSD were reluctant to cede political control over the national bureaucracy which was an important precondition for the development of a really competent civil service. The same party-political approach was evident in Nastase's lack of conviction over judicial independence and lack of enthusiasm for judicial reform. He was particularly strengthened here by pressure against such reform from President Iliescu. Furthermore, he showed signs of wanting to continue exercising political influence on judges

through party networks even after granting judicial independence³⁴.

In November 2004, a clamorous scandal broke when the full transcripts of a PSD executive meeting in 2003 were leaked to the press. These revealed various party leaders, including some in government, discussing blatantly ways of manipulating the judiciary and bribing journalists over this matter. Some of the crude language used about political manoeuvres recalled that contained in the Watergate tapes. Excerpts included the following comment from the Minister of European Integration, Hildegard Puwak: 'I think we should reconsider the transparency law and see if we could amend it somehow, because it gives journalists the right to get all over the place, which means transparency for everybody, in 24 hours they can get access to every little file which was not specifically mentioned in the government decision regarding classified information – I believe this law is excessively permissive'³⁵.

One marked difference between the political parties concerned this issue of fighting corruption which by the end of Romania's accession emerged as the most difficult condition to implement. On both occasions when the centre-Right came to power, in 1996 and 2004, these parties concerned made a major issue of corruption. In the December 2004 election, it was even the top issue – being highlighted by the above-mentioned scandal – not least because

³³ Author interviews with Alin Teodorescu, adviser to Prime Minister Nastase on administrative reform, in Bucharest, October 2003; and with Marius Profiriou, former State Secretary in the Ministry of Public Administration and Interior, in Bucharest, November 2005.

³⁴ Author interviews with Sorin Ionita, Director, Romanian Academic Society, in Bucharest, October 2003; and, with Alin Teodorescu, former adviser to Prime Minister Nastase and parliamentary deputy of the PSD, in Bucharest, November 2005.

³⁵ Parvulescu and Vetri-Soimu, *Evaluating EU Democratic Rule of Law Promotion*, p. 71. Shortly after, Mrs Puwak resigned as minister after being accused of embezzlement.

of the PSD's reluctant and hardly disinterested approach to fighting corruption while in office during the previous four years. Clearly, the centre-Right saw political and electoral advantage in exploiting this issue – a case where partisan interests converged with an EU political demand – although elements of conviction were also present in their position³⁶.

The new government made decided efforts with several of the political conditions at this late stage to meet Brussels' requirements in time for the end of negotiations. This was most noticeable in the area of judicial reform. This owed much to the committed activism of the Minister of Justice, Monica Macovei, a former NGO leader and human rights lawyer turned politician. Her unhierarchical approach to reform, which also had implications for fighting corruption, was that nobody was above investigation. This relentless approach produced rancour in establishment circles, but it was one that had the blessing of Brussels which strengthened this last-minute drive to make several significant changes in the judiciary³⁷.

In general, Romania presents a complicated and rather weak policy-making environment when viewed in the EU context. And, this affected the role of other actors including NGOs which in the accession period were not strongly developed outside Bucharest, although the involvement of some in accession issues did help to promote their activity

vis-à-vis the government. By and large, the public was not engaged with the EU's conditionality except when issues like corruption became politicised, as just noted. During this period the strong mistrust in political elites and public institutions remained, although public attitudes expressed some hope that the EU (which was accorded high prestige) might promote better Romanian institutions³⁸. It therefore remained to be seen whether EU membership would in any way meet this rather high expectation.

6. CONCLUSION: LESSONS FROM EASTERN ENLARGEMENT AND POST-ACCESSION TENDENCIES.

Elite attitudes and behaviour and political convergence with the EU have, by focussing on democratic conditionality, been the concern of this paper. From this, it is clear that EU enlargement is not as straightforward a matter as suggested by those who emphasise this process as asymmetrical and top-down. That assumption is broadly true but it does not, with regard to the implementation of this conditionality, take sufficient account of domestic factors in candidate countries. Also, as shown above, however much political elites are willing to go along with the demands of Brussels – and this was indeed a crucial factor – it did not follow that implementation of conditionality was automatic because with some of its issues the compliance and cooperation of other domestic actors were necessary. In other words, governing elites and their

³⁶ cf. the comment of President Basescu's foreign political adviser that on the corruption issue his 'motivation here is intrinsic, but the EU factor strengthens it' (author interview with Anca Ilinoiu, in Bucharest, November 2005).

³⁷ See portrait of Macovei in *European Voice*, 27 April-3 May 2006, pp. 10.

³⁸ Author interviews with Mircea Kivu, Director of Institute of Marketing and Polls (IMAS), in Bucharest, October 2003 and November 2005; *Romanian and European Values and Beliefs: Are They Different or Not?: a Quantitative Survey*, IRSOP Market Research and Consulting, June 2005, pp. 12, 40 and 43.

commitment to Euro-Atlantic integration are not entirely free agents in the enlargement process.

This paper has chosen to examine this problem for analytical purposes by discussing political elites under two separate headings – political will and political capacity. In the case of Romania, it is seen that this distinction is relevant to understanding elite behaviour in that country during accession. Some elite characteristics proved positive when explaining political will notwithstanding the cynical game of some top politicians in their dealings with Brussels. There was a pronounced pro-Europeanism, which helped to drive agreement with political conditionality, even though this was linked to national pride, the strong desire for financial advantages from membership, a dependency culture and a certain element of passing on national responsibilities to the European level (a feature evident in postwar Italy's attitude to European integration). Romania's political capacity was problematic even though some limited improvements occurred during accession as in parts of the state administration. Political and party-political interests came to the fore and complicated implementation of some of the conditions although in the end EU pressures with some persistence combined with the changing domestic situation to push through changes at a late stage. Altogether, Romania presented a weak policy-making environment and one that is likely to complicate the country's early membership. This underlined that EU's criticisms about the gap between rhetoric and action in Bucharest were justified; and, of course, this lay behind the EU's decision to continue conditionality monitoring beyond the accession treaty but also into the

early membership phase in the case of both Romania and Bulgaria.

What lessons may be drawn from EU enlargement given the angle adopted of political conditionality? First and foremost, conditionality's prospects depended crucially on the dynamics of accession. The pressure on candidate countries to satisfy these and other conditions is relentless and takes clear advantage of the leverage that Brussels enjoys over them of promising membership at the final stage. Much therefore depends on unqualified elite commitment in candidate countries; and, this was present in Romania although some elites were slow in becoming converted (and here the onset of negotiations proved decisive). But, leverage notwithstanding, there was an understood (and sometimes expressed) trade-off between the EU's credibility here and the readiness of prospective member states to produce change. In the case of Romania, this more or less worked but Brussels' hand was strengthened by the extension of conditionality beyond the point adopted in the case of the 2004 enlargement.

By all accounts, EU pressures was the decisive factor in explaining Romania's compliance with and implementation of conditionality – more so than on average with the EU-8 that joined in 2004. Romania was a difficult accession case, but that was recognised early on and this influenced the EU's policy towards that country. But it is possible also to see in the Romanian case some sobering questions for the future. What will happen now that Romania has achieved its overriding objective of attaining EU membership? Will the newly constructed decision on sanctions work? Or, will somehow Romania's governing elites relax compared with the accession years? Early

indications from the EU-8 about the completion of conditionality are mixed: with some of the issues other actors (notably NGOs) have taken over the role of pressure agents and it is true that backtracking moves by Bucharest would run into problems of credibility at home and abroad. Some in the enlargement literature have argued for a “status quo bias”, whereby new EU rules become “sticky”; but it is difficult however to see a continuing post-accession dynamic over

conditionality matters and evidence of social learning from the experience of conditionality during accession has yet to appear. But the Romanian case is also indicative for future enlargement in that new candidate countries from the West Balkans are at least if not much more difficult cases than Romania. Whether the much tougher conditionality policy adopted by the EU since 2004 deals effectively with this greater challenge remains to be seen.