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Jessica Giandomenico

# Transformative Power Challenged

EU Membership Conditionality  
in the Western Balkans Revisited



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### **Abstract**

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The EU is assumed to have a strong top-down transformative power over the states applying for membership. But despite intensive research on the EU membership conditionality, the transformative power of the EU in itself has been left curiously understudied. This thesis seeks to change that, and suggests a model based on relational power to analyse and understand how the transformative power is seemingly weaker in the Western Balkans than in Central and Eastern Europe.

This thesis shows that the transformative power of the EU is not static but changes over time, based on the relationship between the EU and the applicant states, rather than on power resources. This relationship is affected by a number of factors derived from both the EU itself and on factors in the applicant states. As the relationship changes over time, countries and even issues, the transformative power changes with it.

The EU is caught in a path dependent like pattern, defined by both previous commitments and the built up foreign policy role as a normative power, and on the nature of the decision making procedures. This path dependent pattern prevents the EU from actively using its strongest tools when trying to influence and steer the applicant states regarding reforms and norm transfer, effectively weakening the transformative power.

Evidence from elections in Albania and Macedonia show how the domestic electoral stakeholders actively can resist, and even prune, important norms and laws, on best electoral practice, a key feature for the democratic structures required for EU membership. It is also apparent how there are few domestic change agent strong enough to actively promote normative changes, leaving much of the work for the EU. The clientelistic structures of these countries are a key aspect in shaping interests and actions of the political elite. The result is that layers of old and new institutions are created, producing the mixed pattern of reforms observed all over the Western Balkans.

By combining the findings at both the EU level and in the applicant states, this thesis makes both important empirical and theoretical contributions, challenging some core aspects of the Europeanisation literature.

*Keywords:* European Union, Western Balkans, EU enlargement, historical institutionalism, power, elections, norm transfer, compliance

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*To Sofia and Amanda*



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# Abbreviations

CEAZ	Commission for Electoral Administration Zone
CEC	Central Election Commission
CEEs	Central and Eastern European states
CFSP	Working Party on Enlargement and
COELA	Countries Negotiating Accession to the Union
COWEB	Working Party on the Western Balkans Region
DP	Democratic Party of Albania
DUI	Democratic Union for Integration
EEAS	European Union External Action Service
EUSR	European Union Special Representative
OFA	Ohrid Framework Agreement
RDK	Rilindja Demokratike Kombëtare
SAA	Stabilisation and Association Agreement
SAP	Stabilisation and Association Process
SDSM	Social Democratic Union of Macedonia
SEC	State Election Commission
SMI	Socialist Movement for Integration
SP	Socialist Party of Albania
VCC	Voting Centre Commissions
VMRO-DPMNE	Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity



# 1. Introduction

Would the EU be as successful in the Western Balkans as it had been in Central and Eastern Europe, contributing to democratisation, the strengthening of state institutions, and market economy? That was indeed the hope when the membership perspective was extended to the Western Balkans in 2000 after the Kosovo crisis. The Western Balkans was seen as a more difficult region, not least because of the wars that broke up Yugoslavia and the mayhem they left behind. There was a great need for reconstruction, and reconciliation both within and between countries, and, moreover, a number of non-democratic leaders kept office until long after the wars ended, aggravating the situation. The more challenging context was recognised, but also that it was worth the effort, especially since the EU needed to be seen as active and strong on foreign policy issues after its weak performance during these wars. And surely, as the majority of countries in the region pursued a pro-EU and pro-NATO agenda, wouldn't the transformative power of the EU be able to make democracy and rule of law take root there?

Despite strong efforts, support and economic aid from the EU, the general trend in the Western Balkans is, however, that of a predominantly *formal* rule transposition, coupled with a continuous poor implementation of and compliance with formal rules and regulations. We observe generally good progress on the Acquis and the establishment of important structures for safeguarding democracy, rule of law, and market economy, such as the establishment of an Ombudsman or a Security and Exchange Commission. Nonetheless, at the same time, we can observe difficulties with the implementation of new laws and structures, in particular when it comes to the political criteria for EU membership (Elbasani 2009, Mendelski 2013). Evidence shows that even pro-EU governments prove to be slow or even inconsistent when it comes to important parts of the reforms needed to enter the EU (Noutcheva 2009). Elections, this core aspect of democracy and thus the Copenhagen Criteria for EU membership, demonstrate this type of pattern: a law which is constantly improving, albeit at times under strong international pressure and advice, whilst the electoral performance of political parties leaves much to be desired. In addition, there is a disturbing pattern across the region where we can observe voter intimidation, attempts to heavily influence election administration, and active resistance to avoid the socialisation of core norms on electoral behaviour and best practice. In Macedonia, journalists and media outlets increasingly face “political pressure and harass-

ment” (Freedom House 2012a), judicial independence is at risk (OSCE 2009), and corruption is a clear problem for the population (UNODC 2011). In Albania, we see a similar picture, where judicial independence is threatened by political interference (Bertelsmann Stiftung 2014: 11), and where political corruption “is one of the most serious challenges faced by Albania” (Transparency International 2014). In both Montenegro and Serbia, two countries negotiating or soon to begin negotiating for EU membership, the EU Commission points out that amidst good progress in several fields, fundamental democratic issues such as freedom of expression and media remain of “serious concerns” (Commission 2014 a: 1, Commission 2014 b: 1).

This trend is combined with what the Commission gave testimony about in a recent Enlargement Strategy paper: a continuous strengthening of the conditionality with closer inspections, more detailed benchmarks and requirements for “proven track records” of implementation of key reforms (Commission 2014c). The level of formal transposition and implementation of new rules and institutions obviously varies between countries and policy areas, but it is becoming clear that the important aspects regarding respect for democratic values, rule of law and human rights are particularly difficult to achieve. Analysts talk about “reform fatigue” in the applicant states (Bugajski 2013), and even “accession fatigue” where “the region’s political elites sometimes use verbal commitments to EU membership as a smokescreen for politics as a business model” (Rupnik 2011), and the research community discusses in terms of “fake, partial and imposed” compliance, where formal rules are adopted but not necessarily respected (Noutcheva 2009, Elbasani 2013a).

These developments are particularly troubling given that the EU portrays itself as a normative power with the aim of spreading its common values of democracy, rule of law and human rights (TEU, Palacio 2003) with the ultimate goal being to “shape conceptions of ‘normal’ in international relations” through the ‘power over opinion’ (Manners 2002: 239), i.e. trying to make third countries think and act as the EU would prefer them to. As such, the concept of normative power takes on a “Lukesian twist”<sup>1</sup> as the EU would have the “power to shape the values of others” and thereby have a power to influence the thinking of actors (Diez 2005: 616).

The normative interest in shaping values in the neighbouring countries of the Western Balkans has been explicitly coupled to democracy and rule of law in the countries bordering the EU, and explicitly so as a security interest: to use these values in order to establish peace and stability (Dannreuther 2004, Smith 2007). In contrast to the enlargement waves in 2004 and 2007, the logic for the EU has changed from a moral ‘obligation’ on behalf of

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<sup>1</sup> With reference to Steven Lukes and his third dimension of power: the power to shape “perceptions, cognitions and preferences” (Lukes 2005: 28)

Western Europe to redeem Eastern Europe its post-war past, to a global responsibility to stabilize the Balkan region (Phinnemore 2006, Rehn 2006a).

Given the differences between Central and Eastern Europe, and the Western Balkans regarding the relationship with the EU, and the increasing observations of poor, fake and imposed compliance with EU membership conditionality, this thesis poses two overall questions about the transformative power of the EU: *What does EU transformative power look like, and how can we explain the weaker performance in the Western Balkans?* Such questions may seem harmless, but they profoundly challenge established thinking about EU-applicant-state relations and the presumed mechanisms by which EU transformative power works. The answer provided in this thesis is that the EU transformative power has decreased as a consequence of shifting asymmetries between the applicant states and the EU.

I explain this shift by building a model based on power theory in combination with historical institutionalism. I argue that the transformative power of the EU has to be seen to stem out of the relationship between the EU and the applicant states, implying that we have to take a relational approach to power rather than one based on power as a property or asset. This relationship can change over time, and with those fluctuations, the power relationship between the EU and the applicant states also changes. Although the EU is seen as having all the power: economic resources, geopolitical position, culturally and historically strong member states, et cetera, a number of factors have produced the unintended consequence of the EU not being able to use these powers, or indeed not wanting to use the power it may potentially possess. In this sense changes in the relationship between the EU and the applicant states have driven the EU to a state of relative powerlessness. Although nominally it has all the power assets, it is for a variety of reasons more or less unable to use the tools at hand.

To reach this theoretical conclusion, I have drawn from two studies on elections in Albania and Macedonia, as well as one study on EU decision making regarding EU enlargement. I have applied historical institutional thinking to these cases to explain how unintended consequences occur over time, and how change agents and preservers of the status quo relate to the institutional settings provided in each case, and how these factors combined produce a unique mix for each case, whilst being generally applicable and help us to answer the questions of this thesis.

## Investigating EU transformative power: filling a research gap

The relationship between the EU and the applicant states has elegantly been theorised as “asymmetric interdependence”, where the applicant states “de-

pended so much on the EU whereas the EU depended on them but little” (Vachudova 2005: 63). This means that the applicant states have little to bargain with in relation to the EU, and thus the EU sets the rules for this relationship which becomes heavily asymmetric (Grabbe 2006: 52). That the EU membership would bring “tremendous economic and geopolitical benefits” to the applicant states is not difficult to understand (Moravcsik and Vachudova 2003: 43). The stable political institutions required for membership would also make the countries more attractive for investors. It has also been argued, in particular by the Commission, that the EU as well would benefit economically and politically from an enlargement (Commission 2006a).

However, any positive effects for the EU do not diminish the enormous advantage for the applicant states to join: to be part of the internal market, the decision making system, the geopolitical clout, especially for a small state without a strong economy or other assets, and even the identity of being part of a rich and strong international player. In fact, the very attraction of EU membership produces a passive leverage, a “traction that the EU has on the domestic politics of credible candidate states merely by virtue of its existence and its usual conduct” (Vachudova 2005: 65). “The greater the benefits of membership, the greater the potential political will in applicant countries to satisfy intrusive political and economic requirements” (Vachudova 2005: 108). This passive leverage has created a power discrepancy strong enough to pull wealthy EFTA countries too, such as Austria, Liechtenstein and Sweden, to apply for membership. The reluctance to take on more members enhances the power of the EU, as aspiring members would be even keener to show that they are abiding by membership conditions and work to show that they indeed live up to the membership conditions. The very uncertainty built into the process, that the EU does not necessarily accept new members, is a core contribution to the power asymmetry between the EU and the applicant states (Grabbe 2003).

This passive leverage is coupled with active leverage, the instruments which have been developed over time in order to shape the pre-accession process: Association Agreements, financial incentives such as CARDS and IPA, the Regular and Progress Reports on each country, benchmarks, and so on. These instruments are in effect the very means through which the EU transformative power shapes the applicant countries. These instruments guide the applicant states to adopt laws and rules in line with the EU legislation and the values it carries and wishes to spread.

This asymmetry between the applicant states and the EU, and the attraction of EU membership as a transformative power, are core assumptions of the academic discourse on EU post-cold war enlargement (Wallace 2000: 151), but it is in fact often assumed rather than defined and investigated. A typical example would be a project with the title “The Transformative Power of Europe” which explicitly researches the diffusion of ideas in the applicant

states without elaborating on power, its sources or the mechanisms through which it works (Börzel and Risse 2009). The same is partly true for most research nominating the transformative power of the EU (Vachudova 2014).

Researchers try to make the differential effects and haphazard implementation intelligible by searching for answers based on the design of conditionality (Schimmelfennig and Sedelmeier 2005), the legitimacy of the conditions (Noutcheva 2012), or domestic dynamics (Elbasani 2013b). However, whilst that research is ongoing, the assumed power asymmetry itself is left virtually unstudied, despite big changes in EU politics, both in the Western Balkan region and globally since the launch of the post-cold war EU enlargement structures as we see them today.

There is research showing that this picture of a strong transformative power is far from convincing, but rather that the EU's active leverage in the applicant states is not absolute (Pridham 2007). There is ample room for case based solutions, particularly within political criteria, and conditionality is fluid over time (Hughes et al 2003). This provides domestic policy makers with a great deal of discretion in giving priority to factors other than EU conditionality without openly violating it (Hughes et al 2004, Mendelski 2013), which in turn may considerably weaken EU possibilities to make an impact on the actual outcome.

The focus of this thesis is reconsidering the nature of EU transformative power and the relationship between the EU and its Western Balkan applicant states. Such a task requires both a lot of time and a broader focus than on just one level at a time. It also requires an open and inductive study. That partly explains why the research gap exists in the first place: it is a complex matter to first identify the differences in the relationship between the EU and this set of applicant states compared to the previous ones. Then that difference has to be analysed, and put in the light of dynamics on both the EU and the domestic level, preferably over a significant period of time. As the discussion below will make evident, this has not been the preferred approach of established literature on enlargement. Here the approach has been rather to study one level or one issue at the time, and not necessarily over a longer period. The Europeanisation literature on enlargement does not investigate the relationship between the EU and the applicant states and the effects of a possible shift. That relationship is assumed to be consistently asymmetric. However, I argue that such an assumption is wrong, and leads to potentially false conclusions about the efficiency of the tools at hand and the actions of the EU.

### *The Europeanisation literature*

Based on the assumption of power asymmetry, the EU enlargement is traditionally analysed through Europeanisation literature, with explicit emphasis on external incentives (Schimmelfennig and Sedelmeier 2005). Europeanisa-

tion is seen as the observable effect of EU transformative power in terms of changes in institutions, legislation, political behaviour and culture, but also in attitudes and values. In that sense it is about a “change in the logic of political behaviour” (Grabbe 2003: 309). However, penetrating the domestic setting and studying the mechanisms behind behavioural rule compliance, or absence thereof, has most often either been neglected or deemed too early to test (Dimitrova 2005: 79, Héritier 2005: 205). The domestic reasons for compliance or non-compliance are still, therefore, very much to be discovered and analysed.

The Europeanisation literature was developed for the study of the influence of the EU on member states (Falkner et al 2005) but has also been extended to cover third countries, in particular those engaged in the enlargement, but also the European Neighbourhood Policy (Schimmelfennig and Sedelmeier 2005, Elbasani 2013a, Lavenex 2008, Lavenex et al 2009). In fact, it has been assumed that Europeanisation as enlargement has a wider and deeper scope than the Europeanisation in the member states, based on the power asymmetry between applicant states and the EU (Grabbe 2003). In this sense it is a type of governance study where the EU tries to steer the member states, or in this case the applicant states, to implement and comply with EU rules and membership conditions.

Europeanisation is thought to work through five mechanisms (Grabbe 2006:76): *models*, which provide legislative and institutional templates for reform; *money*, as in aid and technical assistance; *benchmarking and monitoring*, as in setting the standards to be fulfilled; *advice and twinning*, where experts share their experiences; and *gate-keeping* where access to different steps of the integration process are monitored and regulated. There are two intervening variables: power asymmetry and the uncertainty of the accession process, which affect the strength of the impact of the mechanisms.

In addition to these mechanisms, the widely cited external incentives model hypothesises that the probability for rule implementation increases when the conditionality is *clear, credible*, where *benefits are substantial* and arrive *immediately*. In addition, there should be few, if any, domestic *veto players and low adaptation costs* (Schimmelfennig and Sedelmeier 2005). As we can see, it is the instruments of conditionality, their design and their reception that act as the focus for this research, and not necessarily norm transfer or democratisation.

Insights from the external incentives model and Europeanisation literature have proved to be important, but have shortcomings that affect the understanding of non-compliance, particularly in a situation where the EU membership ‘carrot’ remains allegedly attractive but seemingly generates less pull than has previously been assumed (Vachudova 2014). Overall, these shortcomings are generated by a lack of dynamic conceptualisation of power relations and how these affect the process of policy formation, policy implementation, and policy (and progress) evaluation. As we can see, they do

put strong emphasis on the EU side: on the design of the conditionality broadly speaking, and on the size and delivery of the rewards. To be fair, they do leave the EU level open for investigation, but as will be made clear below, that challenge has not been taken up. The EU is assumed to act based on merit, and that is it: “the EU pays the reward if the target government complies with the conditions and withholds the rewards if it fails to comply” (Schimmelfennig and Sedelmeier 2005: 11).

The literature is rich with conclusions on conditions, on how the conditionality is channelled, and how governments have reacted when facing certain types of membership conditions. But these studies are often on a level of correlation, giving a somewhat shallow picture, as will be seen through the criticism of this approach below. When it comes to relating EU actions to broader contexts and structures, or indeed to identifying which actors do what and why, we find little guidance. This is also true at EU decision-making level, where highly political decisions are made about whether or not a country has fulfilled conditions and standards (see chapter seven). The EU enlargement policy and how it is executed in applicant states needs to be put both in a broader political context and, at the same time, penetrate the domestic context more deeply, to investigate actual compliance with the membership conditions, and in particular the norms and values the EU claims it wishes to spread.

As I argue throughout this thesis, several of the differences between the 2004 and the current enlargement processes are based on changes on the EU level, where world politics and general priorities have changed over time. These changes also have effects on the domestic level. But as we will see from the discussion below, research has focused on one level at a time: the EU level, or the domestic level. Despite big differences between Central and Eastern Europe and the Western Balkans regarding EU enlargement, they have not been elaborated upon systematically. Although research has advanced, some basic assumptions made during the 2004 enlargement process have not been challenged, and the differences between the two regions have not been taken into account on a broader basis. Research has focused on the domestic aspects in the applicant states and how they are affected by the execution of conditionality, while the EU level in itself has been almost completely neglected.

## Western Balkans: a different region and a different dynamic

The result of the EU engagements in the Western Balkans are mixed, to say the least, and tackling the challenges that were expected to materialise along the way has been quite a difficult process. In effect, much has changed in the

Western Balkans since the Yugoslav wars and the Kosovo crisis. Croatia became a member of the EU in 2013. Montenegro has opened negotiations on a number of chapters since December 2013, and Serbia has formally opened negotiations but not on any specific chapters. Albania received candidate status in 2013, a very important sign of progress, albeit a symbolic step. Macedonia, a candidate state since 2005, has transposed a significant amount of the *Acquis Communautaire* and has been recommended by the Commission to open negotiations since 2009, but denied every year due to the name conflict with Greece (see chapter six).

Nevertheless, despite this substantial progress, the picture is far from rosy: ten years after the eight Central and Eastern European states (CEEs) became members of the EU, and 14 years after the Stabilisation and Association process for the Western Balkans was launched, the EU Commission presented a quite contradictory progress report on the state of affairs in the Western Balkans. They begin by stating that the transformative power has been enhanced through “ensuring a stronger focus on addressing fundamental reforms early in the enlargement process”, and remind the reader that for the last couple of years the Commission has focused particularly on one issue at the time: rule of law, economic governance and public administration reform (Commission 2014a:1). Further down we can read that corruption and the fight against organised crime “remain serious problems” in most applicant countries (p 11), that media freedom “in practice has deteriorated in some countries in the past year” (p 14) and that public administration “remains weak in most enlargement countries, with limited administrative capacity, high levels of politicisation and a lack of transparency” (p 2). The optimism the Commission wants to portray gives a rather uneasy picture, almost one of stagnation rather than progress (O’Brennan 2014: 223, Blockmans 2012). In fact, Bosnia-Herzegovina and Kosovo, the epicentres of the two conflicts in the region, still have in effect a long and difficult road ahead. They still have their sovereignty questioned and circumscribed, are struggling with state reforms and the security situation, and a weak economy. EU related reform work is virtually at a standstill in Bosnia and Herzegovina, and in Kosovo the EU has launched a broad mission working specifically with the rule of law (Commission 2014d, OJ 2008). But the EU continues to be strongly engaged in both societies with economic, political and institutional support.

### *A different approach*

Most analysts agree that the EU has a different approach to the Western Balkans from the one it had towards the CEEs, though they do not discuss it *per se* (see Phinnemore 2006 and 2013 for an explicit discussion). This different approach has several origins and results in some complexities which need to be analytically disentangled: firstly, there is enlargement fatigue, which has

decreased the interest and pace of enlargement (Phinnemore 2013: 31). Enlargement of the EU was the first priority during the 1990s, thanks partly to the enthusiastic Commissioner for enlargement, Günter Verheugen under the Prodi Commission. After the 2004 so-called Big Bang enlargement, a period of adjustment was needed, also to address internal issues such as the creation of the Constitutional Treaty which eventually took shape in the Lisbon Treaty in 2007. Enlargement fatigue means that engagement in the Western Balkans is less intense, that EU member states are less keen on taking in more members, especially if they have some difficulties with basic aspects of the rule of law and democracy. The experience of letting in Bulgaria and Romania somewhat prematurely has been a sobering experience for many member states. This is obviously felt in the applicant states, and there is a delicate balance between not rushing through enlargement yet keeping up momentum in the process in order to give incentives for reform in applicant states.

Secondly, there is also the important fact that the EU approached the Western Balkans with a security interest: to avoid further ethnic warfare in the region after failure to act during the wars in Bosnia and Kosovo (Friis and Murphy 2000, Gori 2007, Gow 1997). This is visible in the rhetoric surrounding the Western Balkan enlargement process, where the EU no longer discusses in terms of reuniting Europe, but rather avoiding further bloodshed (Phinnemore 2006 and 2013: 26, Rehn 2006a, b and c).

This security interest has taken a new shape with a more aggressive Russia, where member states “can see a hard security threat not far from the external border of the Union” (Grabbe 2014: 54). Russia is keeping close ties to the Orthodox countries in the Western Balkans, where for example Serbia took part with troops in a commemoration march for the end of the Second World War in Moscow in 2015, and a visit to Moscow by the Greek Prime Minister created an impression of Greek-Russian economic cooperation (BalkanInsight 2015a, BBC 2015). Although Russia was always a player to count on during the 2004 enlargement process, it was an increasingly weaker one. But lately it has become more aggressive both in words and deeds, in particular in Ukraine and the Caucasus, and is indeed pursuing a sort of offensive in the Western Balkans (Dempsey 2014). When it comes to enlargement, the EU has to take this into consideration when making decisions on Western Balkan countries regarding cooperation, conditionality and further integration.

Thirdly, important aspects of the EU Common Foreign and Security Policy (CFSP) were designed during the wars of Yugoslav dissolution, and many of its instruments were tried out for the first time in the region. EU enlargement is in fact deliberately used as a foreign policy tool to transform the Western Balkans into a stable, democratic and peaceful region.<sup>2</sup> This aim

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<sup>2</sup> This has been repeated by EU representatives, in particular the former Commissioner for enlargement, Olli Rehn. See his speeches from 2009, 2008, and Štefan Füle 2012.

was clear when the Western Balkan countries were offered the prospect of membership immediately after the Kosovo crisis, and when it was consolidated through the launch of the Stabilisation and Association process in Zagreb (Friis and Murphy 2000, Gori 2007, Zagreb summit final declaration). And it is obvious that it continues to be so. The General Affairs Council, for example, stated in December 2013 that “Enlargement remains a key policy of the European Union. It continues to promote peace, democracy and stability in Europe and allows the EU to be better positioned to address global challenges” (Council Conclusions 2013, p 11). Enlargement had been a successful instrument when supporting the transition from communism to democracy in the Central and Eastern European states, and this was extended to the Western Balkans in the hope of achieving the same success. .

The Western Balkans is an important symbol for the efficiency and success of the CFSP, as discussed in chapter 2. The EU therefore has a specific strategic interest in the Western Balkans which means that the EU cannot be indifferent to the integration of these countries, and thus the approach is necessarily different with respect to the Central and Eastern Europe.

Fourthly, the very fact that the EU deliberately uses the enlargement policy as a foreign policy tool has to be taken into account when analysing the effects of conditionality and the transformative power of the EU. This overlapping of policies and interests could create difficult trade-offs when member states have to make decisions whether broader political interests or strict conditionality should be given precedence on a certain issue. One such issue came to the surface when the EU decided to open membership negotiations with Romania and Bulgaria, despite these countries demonstrating difficulties with the membership criteria. Broader political interests, however, were stronger, this time because mainly Romania had been generous and supportive of the NATO during the Kosovo crisis. Another such example is when the EU decided to grant Macedonia candidate status, despite some member states expressing hesitancy. In the end, a positive sign to the country and the region as a whole was needed, and political considerations were stronger (Giandomenico 2009). Such difficult decisions may need to be made, but over time they may send signals and create an atmosphere where words and actions do not correspond. There may indeed be unintended consequences of using the enlargement policy as a foreign policy tool which only become visible over time.

Fifthly, there is also the overlapping of formal membership conditions and broader values. The *Acquis Communautaire* are well defined and codified in text; less so are the values promoted by the EU. The Lisbon Treaty puts the values “of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights” at centre stage (TEU art. 2). And given that “In its relations with the wider world” the EU shall not only uphold and promote its values, but also “contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among

peoples” (TEU, art 3, para 5), the EU clearly states that it portrays itself as a normative player in the world (Manners 2002). This means that in its external relations the EU should actively promote democracy, the rule of law and human rights, be the “good player”, using diplomatic and economic means rather than harsh military power. Such a role obviously affects how the EU acts in certain situations, and which means it holds for acceptable and possible to use when pursuing its foreign policy interests. Should the EU fail to at least give an image of progress and success, particularly in such a symbolic case as the Western Balkans, where the countries ask actively to join the Union, a core part of its identity and credibility as a foreign policy player fails too.

Given that enlargement is portrayed as a foreign policy tool, these normative aspects have to be included in the calculation when analysing the transformative power of the EU, as it may have a profound effect on which instruments the EU chooses for exerting leverage, and how it prioritises different interests. Although the Commissioner may use phrases such as “strict conditionality”, member states may have different priorities, contributing to a gap between pronounced standards for membership conditions, and the actual policy pursued.

A sixth difference to take into account is that Western Balkan countries have a very different set of historical legacies in comparison with Central and Eastern Europe.<sup>3</sup> Where the latter countries have been integral parts of the European political, cultural and religious history, the Western Balkans have not. Instead, these countries were to a great extent governed under the Ottoman Empire, with a completely different state structure, cultural and religious influences. Islam and Orthodox Christianity are the main religions in the region, in comparison to the Catholic and Protestant Western Europe, each sphere developing different cultural traits. These historical legacies mean that much of what happened in Western European cultural and intellectual history did not happen in the Balkans, and vice versa.

These historical legacies mean for example that the Western Balkan countries did not have any previous experience with democracy at the end of communism. Today, there are warnings about a “new authoritarian temptation” over the Western Balkans which could be detected not only through attacks on the media, but also “strong party political control of the administration – and the jobs market, deep penetration of supposedly independent state institutions and a flexible attitude towards the law” (BalkanInsight 2015b). The former EUSR in Macedonia writes that the government “over the nine years that it has been in power, has strengthened its repressive grip over the country” (Fouéré 2015). Media freedom is a particular concern, where the trend is that of almost backsliding in many parts of the region, but in particular in Macedonia and lately also in Serbia (The Economist 2014a,

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<sup>3</sup> Jelavich (1983) is an excellent source for further reading on these differences.

Freedom House 2014, BalkanInsight 2014). This stands in sharp contrast to the enthusiasm and progress witnessed during the 1990s and the early 2000s and highlights the questions on the transformative power of the EU in the region.

It has also meant that there is a noticeable amount of clientelism in the region, which has flourished since “at least the final quarter of the nineteenth century” (Crampton 2002: 10, see also Bideleux and Jeffries 2007). Clientelism means a quite specific organisation of political and economic power, based on patronage, personal relations and loyalty. Public sector jobs, licences, contracts and projects are distributed by way of personal favours exchanged for political support (Bratton and van de Valle 1997: 65). Modern, liberal democracy, on the other hand, is associated with programmatic exchanges between politicians and citizens, on impersonal relations, where voters are loyal to a party or ideology, not a person (Kitschelt and Wilkinson 2007). The Central and Eastern European states do indeed demonstrate certain levels of state exploitation, but not clientelistic structures as such (Grzymała-Busse 2007). A clientelistic organisation of the state may indeed affect the reception of the EU’s membership conditionality, its implementation and compliance, and has to be empirically investigated and take into consideration when analysing EU-Western Balkan relations.

These differences are important to keep in mind, given that much of Europeanisation literature on enlargement was developed during the 2004 enlargement process. I do not intend to compare these two regions and their dynamics specifically, but the criticism of the literature may be difficult to understand if these differences are not taken into consideration. It is by (partly) contrasting them, through specification of the differences, that the criticism of the existing literature becomes visible, and the need to rethink certain aspects of it becomes apparent.

## EU conditionality and its limitations

An important aspect of the power relationship between the EU and the applicant states regards the EU level with its foreign policy, enlargement instruments, and political priorities. The EU enlargement policy in itself has most often been analysed in terms of why the EU enlarges, based on the decision to offer prospective membership to the Central and Eastern European states. The answer to that question comes in either a rationalist form, where strategic and/or economic reasons for enlargement are presented (Moravcsik and Vachudova 2003, O’Brennan 2006), or a constructivist version where enlargement is explained through normative models where the sharing of a common history and normative framework creates a “a kinship based duty” to enlarge to the Central and Eastern Europe (Sjursen 2002:508, Sjursen and Smith 2004). However, these both explain the decision to offer prospective

membership to Central and Eastern European states, but not how the policy is subsequently managed or how it has developed over time.

The handling of the enlargement policy is a constant process of decisions on how to approach political preferences and possible problems. It is no secret that the policies currently pursued have developed in a more reactive than proactive manner, even deliberately being made ambiguous in their final outcome (Missiroli 2004). In addition to this, using the enlargement policy as a foreign policy tool creates dynamics in themselves, which have to be coordinated between agencies and member states. EU member states have commitments to respect, both domestic and international, and a foreign policy role to confirm and uphold, defining their actions and defining what instruments they can and are prepared to use. This is an aspect which has not previously been elaborated upon in a systematic manner. Although there have been attempts to bring the two spheres of foreign policy and enlargement policy together, including a discussion on the normative aspects of EU foreign policy in the light of enlargement, the focus is on the legitimacy of EU foreign policy in the eyes of the applicant states (Noutcheva 2012). In fact, normally the EU level is not systematically problematized, nor is how foreign policy and the enlargement process affect each other, nor indeed how member states reason when interests collide (see for example Vachudova 2014).

The overlapping of (normative) foreign and security policy with conditionality-based enlargement policy becomes a research gap only when the EU level is problematised. Europeanisation literature on enlargement in general does not discuss the EU level; it only assumes that the EU treats countries equally and that the EU follows a strict conditionality line. In that sense, the process is seemingly assumed to be mainly technical without too many political considerations regarding conditionality. The literature on EU enlargement tends to “be static and [is] not systematically interested in the dynamics and interplay of political, institutional, and policy changes”, and does not “adequately take into account the fragility, fluidity, and ambiguity of CEE institutions” (Brusis 2005: 300). But given the differences between the EU approach and political context regarding the two regions, this decision making process and the priorities within must be taken into account.

In fact, it has been claimed that the application of conditionality is highly dependent on the policy area, and should be seen as “a tool bag of shifting prescriptive norms, and a variety of institutional formats [...]. Consequently, conditionality should not be analysed as a “constant factor of causation” but rather as a process depending on factors derived from “the policy area, the actors involved, and the candidate country” (Hughes et al 2004: 547-548). This, however, is rarely done.

Questioning the power relationship between the EU and its applicant states means that the black box of EU decision making on the enlargement policy, including its normative and security aspects of foreign policy, has to

be opened up. In fact, as discussed in chapter seven, public policy and implementation research have highlighted that the design of policies, instruments, and the choice of instruments for steering and implementation of policy are not necessarily technical exercises (Hill and Hupe 2009), but embedded in relationships of power and politics and are empirical factors to be investigated between the steerer and the steered (Lundquist 1987: 81). In short, the assumption that the EU follows a strategy of reinforcement by reward, based on strict conditionality evaluated on “technical” terms not only has poor empirical backing, but also potentially leads the Europeanisation literature on enlargement and the external incentives model to flawed conclusions since power relations and the dynamics by which they could shift are neglected. While the external incentives model and the Europeanisation literature are to a large extent based on bargaining, and take the relationship between the EU and the applicant states seriously, there are no instruments to detect possible shifts in the balance of power between the two levels (see also Molm 1990: 427).

But opening the black box of EU policy handling in such a way has to be done in close relation to developments in the applicant states. Studying one side only of this relationship risks provoking the same mistake as above: giving precedence to one side over the other. It is the relationship between the EU and the applicant states which defines the willingness to adapt and the ability to exercise leverage, and this relationship has to be studied as such: a combination of the two levels.

#### *Limitations by design and politics*

The EU has extended the scope of political conditionality over the years (Pridham 2007), but at the same time it struggles with some important limitations: *firstly* it is based on a somewhat bureaucratic rather than political approach which “encouraged a more formal than substantial response” (Pridham 2008a: 433, Nikolaidis and Kleinfeld 2012, Mendelski 2013), even demonstrating a “box-ticking mentality” (Pridham 2008a: 433). “Deeper structural issues have remained unaddressed” by EU conditionality through this focus on legal matters (Sasse 2008: 854). This is true also for research on EU conditionality which has followed a similar pattern. Norm transfer, the pronounced foreign policy goal of the EU, is normally operationalized as legislation on issues connected to the political criteria, such as human and minority rights, or democracy (Kelley 2004, Schimmelfennig et al 2005, Björkdahl 2005). International norms translated into national law are a first step, but as the weak or non-existing implementation of new laws is stressed by both researchers and practitioners, it is a poor measurement regarding norm transfer.

*Secondly*, having only indirect power, the EU can strengthen and support domestic reformers and norm entrepreneurs; it can put pressure on govern-

ments regarding specific issues, but it is not an actor in its own right with the ability to draft proposals or to set the agenda. Conditions may be strong, clear and convincing, but the main change agent is the domestic government, with its own political agenda.

*Thirdly*, the EU excluded important actors from its conditionality agenda, including political parties (Pridham 2006). It is true that parties most often found socialising partners in European party associations (Dakowska 2002, 2005, Pridham 2002, Delsoldato 2002), but excluding them from active work with conditionality means missing an important channel for influence on the political criteria.

In addition to that, there may be other domestic change agents aligning themselves with the EU, or working against them, such as civil society groups. Although there are measures for including the civil society in the public policy process, in reality such cooperation is inconsistent and “there are only few examples when laws, by-laws or other policies and regulations are adopted in a participatory manner” (Macedonian Center for International Cooperation 2012: 3). The importance of civil society in the process of formulating public policy and drafting laws is growing, but more often than not, civil society in the region is rather weak, heavily dependent on foreign funding<sup>4</sup>, and quite often also organised like “salary organizations” rather than working in favour of an issue or to promote certain interests (Grødeland and Aasland 2011: 137, Siljanovska-Davkova 2005:54). Although civil society harbours many young clever analysts, it remains poorly organised and a weak influence in public and political life (Bogdani and Louglin 2007: 187).

*Fourthly*, there is also a temporal aspect, as many of the fundamental institutions regarding the political criteria were already established before EU conditionality was applied to full effect, (Grymała-Busse 2007, Hughes and Sasse 2003), and this is especially true for the Western Balkan countries where conditionality was introduced as late as 2000 and the first Progress Report was published in 2002. This is an important limitation to the transformative power of the EU, as it is more difficult to change an existing institution than to influence its original design (Pridham 2006, Pierson 2004).

### *Limitations by research*

The second limitation of EU membership conditionality comes from our understanding of how it works. Research has laid many mechanisms bare, but has also been focused on certain segments of the EU conditionality and its function. As previously discussed, much of the focus has been on the design of the conditions, leaving the local dynamics in applicant states somewhat understudied. It comes as no secret that “the implementation stage

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<sup>4</sup> International NGOs have even been setting up NGOs where they have deemed it necessary; see NDI (1995) for such an example.

is critical to understanding how the European Union has affected policy and policy making in the CEE”, and that “determining the manner and extent of [the] mediation [by domestic actors on EU influence] requires empirical enquiry” (Grabbe 2003: 318). Investigating the role of domestic actors upon implementation of the transposed EU rules is thus a core aspect in understanding the transformative power of the EU.

There is growing criticism of the top down perspective promoted by the Europeanisation literature and the external incentives model, where researchers criticise the assumption that rule adoption is EU driven, as it narrows down analysis to the search for when EU conditionality had an effect on domestic decision making (Brusis 2005). In fact, European integration may “matter in a rather less straightforward matter than the Europeanisation literature tends to assume” (Goetz 2000: 227). Some have cautioned against overestimating the role of the conditionality along the lines of the Europeanisation literature “in which the only aim is to find out the domestic effects of independent variables defined at the EU level” (Radaelli 2003: 51, Grabbe 2003: 305, Bache et al 2012: 69). There is even a risk that the strong emphasis on EU factors results in a potential “epistemological fallacy” of overestimating the role of conditionality in the developments in the applicant states (Brusis 2005: 297), or indeed a replacement of one paradigm (that of transition) to one on Europeanisation, (Dimitrova and Steunenberg 2004: 191), to risk missing actors, interests and norms in the process. This important criticism is nicely summarised as “there is reason to assume that formal and prima facie compliance goes hand in hand with rather different political practices that are likely to remain unrecognized when the range of empirical observations is framed as mere results of EU conditions” (Brusis 2005: 300).

There have in fact been concerns about “back sliding” and “reversals” regarding the CEEs, indicating that scholars have suspected that conditionality produces “shallow”, “fake”, “partial” or even “creative” compliance (Börzel 2013, Noutcheva 2009, Dimento 2003). There is however growing evidence that formal rule compliance is sustained after accession (Pridham 2008a Mendelski 2012), also that the more limited changes of attitudes and behaviour are sustained, indicating that there is more to compliance than a straightforward cost-benefit calculation (Pop-Eleches 2010, Sedelemeier 2012).

There is also an increasing quantity of research taking up the challenge to investigate the domestic factors that make a difference. But the studies identifying domestic factors of constraints on implementation and compliance have gone no further than identifying, and to some extent classifying, factors which represent a challenge to EU influence. A recent volume edited by Elbasani (2013a) is a typical example where empirical case studies show that there are some common and some case specific factors representing challenges to the EU as a change agent in the region. Deep historical legacies are identified in combination with more direct aspects such as the role of the political elite. But whilst such research is important, there is still an absence

of attempts to sketch a theoretically based challenge: there is a lack of “systematic analysis and comparative evidence on the array of domestic factors that challenge the role of the EU in difficult cases of democratization” (Elbasani 2013b: 3). The result is a myriad of case specific factors which makes it difficult for researchers to compare and to draw broader conclusions on a higher level of abstraction. But as the majority of these studies are all firmly within the logic of the Europeanisation literature, they continue to add complexity to the picture rather than try to find other ways of analysing their results, and those of others. While all these conclusions are in themselves highly interesting and important, it is difficult to draw any coherent conclusions, or indeed to come up with coherent criticism or discussion, since this would necessarily discuss details rather than the broader picture. This thesis is an attempt to draw a more systematic analysis of fundamental aspects of transformative power, where other, existing research results can add to the broader picture.

## Aim of the study and key arguments

The primary aim of this study is to elaborate on the relationship between the EU and its applicant states and to make it intelligible in a comprehensible manner. Despite the broad usage of Europeanisation literature, there has been little convincing systematic research, including systematic search for factors on a domestic level, which can explain the differential effects of EU conditionality. This means that these explanations are not yet convincing. Indeed, the more factors that are added to the list of explanations, the more complex the picture gets. It has thus been a core aim with this thesis to find an analytical framework which accommodates many of these factors, without being overly complex. It would be preferable for such an analytical framework to also be applicable to other rounds of post-Cold War EU enlargement.

A second aim is to go beyond both the assumption that EU conditionality has a big impact on domestic rule transfer, and beyond the level of formal rule adoption. EU conditionality is just one among many sources of influence in this context, and its effect has to be established not assumed. This means that I am interested in compliance and non-compliance as behavioural responses to rules and norms. Rules can be introduced, but implementing them and making citizens comply is more difficult. Establishing the role of the actors, and how they respond to EU memberships conditions, particularly the political criteria, helps us build a picture of how the transformative power of the EU works in relation to other factors influencing behaviour on elections.

The asymmetry continues to be a fundamental part of the theoretical assumptions behind the effects of the conditionality. But as we observe diffi-

culties with the effect of the conditionality, research on the EU transformative power needs to be broader and to challenge this most fundamental assumption. Indeed, I argue that the power relationship between the EU and applicant states needs to be substantially rethought. Otherwise, how can we understand the fact that the integration process continues, albeit slowly, when, at the same time, the Commission reports a worsening situation of media freedom, poor progress on judicial independence and continued open politicisation of public administration? Why does the EU not say a clear no, or take a break? Why continue with membership negotiations and granting candidate status? The answer lies in a power relationship, which has become fundamentally altered over time, but not been sufficiently researched. The differences between the two post-communist enlargement processes have to be taken into account more or less explicitly in order to make it intelligible.

I argue that the asymmetry, the power relationship, has changed over time, as the EU has coupled successful enlargement to foreign policy goals and growing responsibilities as a foreign policy actor. EU interest and global obligation to stabilise the unruly and previously violent Western Balkans is strong enough to have generated a substantial shift in asymmetry giving the applicant states ample room to exercise disturbing non-compliance towards EU conditionality, yet continue along the path of EU integration.

The shifts in power asymmetry cannot be discovered unless both the EU level and applicant states are studied and put in contrast. And a stronger focus on actors and structures, and how these interrelate, is needed. Only with such a picture can we actually say something about the *relationship* between the EU and the applicant states. Developments on both levels have changed the relationship between the EU and applicant states, with effects on the transformative power.

In this thesis I offer innovative research which seeks to unravel the actual dynamics of decision-making and puts the conditionality policy into its political context of enlargement and foreign policy, pointing at important limitations to EU member states acting upon their preferences and maintaining the power asymmetry. I show how daily handling of the enlargement policy, and constant trade-offs between broader foreign policy goals and stringent technicalities have led the EU down a sub-optimal path with the unintended consequence of transformative power effectively being weakened.

Together, the results of empirical research not only fill important immediate research gaps, but contribute to a completely new picture of EU transformative power, one where the potential power is at times difficult to translate into actual power, despite global weight, financial strengths and attraction by the population in the applicant states.

## Contributions

This study makes four important contributions to the empirical and theoretical understanding of the transformative power of the EU. Firstly, it does so by drawing an explanatory framework on how the transformative power of the EU can be analysed and understood. The research on EU enlargement and the effects of EU conditionality is both rich and creative, but is not systematically theorised. The large number of factors said to have an effect makes predictions and broad generalisations difficult. However, the analytical framework presented in this thesis offers an initial step in building a broad theory to analyse a broad set of cases. I do so through filling research gaps regarding EU transformative power, and show that the existing theories applied do not help us understand how a nominally strong EU not only appears to be making little impact on important aspects of democracy and rule of law, but also that it continues with the integration process despite these key shortcomings. Indeed, this framework could also be applied to third countries outside the enlargement policy where the EU wishes to use its attraction as a trade partner or broader political gravity as a foreign policy tool for changes in that third country. This analytical framework builds on some key pillars which are important contributions to research on EU transformative power, but also to issues on rule transfer in general, elections and compliance.

Secondly, I also make important contributions to research on the EU specifically. Here I offer a type of study which to my knowledge has not been done before: the investigation and tracing of EU decision making and handling of EU membership conditionality. The novelty here is to show how EU member states and the Commission relate to structures, commitments and identity when they choose and shape their tools for steering applicant states on a certain issue. My conclusions suggest that the EU as a collective is constrained by its identity as a normative power doing good in the world and in its commitments towards the Western Balkan countries. It simply becomes virtually impossible to use negative sanctions to steer a country in the desired direction, away from violence, non-democratic behaviour and flaws in the rule of law. This has a profound impact on the transformative power of the EU. These conclusions may also be almost directly applicable to other related aspects of the EU foreign policy.

Thirdly, I contribute to the discourse on rule transfer, in particular norm transfer, from a governance perspective. Through a clear focus on compliance and implementation of both formal rules (here the electoral code) and international norms on electoral best practice, I can show which actors are involved, and how they relate to these norms on democratic behaviour that the EU wishes to introduce to applicant states. Norms can be codified in formal rules, but that does not necessarily mean that they are respected and followed. The results of the empirical studies on Albania and Macedonia

show in some detail how the domestic actors actively avoid compliance with some important aspects of electoral norms, and even the law. These behavioural aspects beyond the formal rule adoption are in themselves important contributions to the literature on the dynamics of the enlargement process and the effect of the transformative power of the EU.

I can also show how key political actors in both countries actively avoid, and even “prune” international norms on electoral best practice. As one issue after the other is being strengthened and improved, voters continue to be intimidated, threatened more or less directly with losing their jobs or social benefits if they do not secure votes for a certain party, vote themselves, and other such things. These allegations show that even the membership perspective does not seem to be strong enough to make political parties refrain from electoral fraud and malpractice.

Together these contributions build the theoretical contribution of this study: a new interpretation of the EU leverage and transformative power over applicant states, and how we can understand the differential impact of EU conditionality and at the same time observe an EU integration process which shows all the signs of progressing, albeit slowly.

In addition, the two case studies on Albania and Macedonia contribute with important insights into election studies: the role of the electoral administration, the possible political influences over a nominally independent electoral administration, and how certain aspects of electoral malpractice can be covered by more urgent matters, such as violence or flagrant abuse of the electoral code.

Lastly, the case studies for this power analysis contribute with important new empirical knowledge about the Western Balkans. Both Albania and Macedonia are under studied, compared to for example Bosnia and Herzegovina, or Serbia. The interested researcher needs to rely on think tanks of varying quality, and reports from the media and NGOs. Macedonia is a particularly understudied case in comparison to its neighbours Kosovo, Bosnia and Herzegovina, and even Albania. Post-conflict Macedonia is the subject of a handful of peer reviewed articles, and scholarly books (see for example Pettifer 2001, Piana 2002, Hislope 2003, Friedman 2005, Björkdahl 2005, Kacarska 2012, Škarić 2005, Willemsen 2006, and Giandomenico 2009 and 2013a), and there is little account of political dynamics, elections, and important political happenings in the country.

Albania is marginally better researched, with books about its modern and post-communist history (Vickers and Pettifer 1997, Vickers 1999, Pettifer and Vickers 2007), and its relationship with the EU (Bogdani and Loughlin 2007). There is some research on EU conditionality in Albania (Elbasani 2009, 2013c), but this mainly covers public administration. In addition, there are a number of think tanks and analysts that write well on Albania (AIIS 2010 and 2012, Kajsiu 2005 and 2014) which help to give a richer picture. But still, Albania is in effect as under studied as Macedonia. This study thus

enriches our knowledge about the politics and dynamics in these two countries, which in itself represents an important contribution.

## The structure of the book

This book is divided into eight chapters. First, this introduction has offered a critical approach to the analysis on the relationship between the EU and the current applicant states in the Western Balkans. Here I have introduced ways to rethink the transformative power of the EU beyond Europeanisation studies, and in particular the predominant external incentives model. I have showed that there are some big research gaps both at EU level regarding decision making and handling of priorities, as well as at a domestic level in applicant states on compliance and non-compliance with rules and in particular with EU core values. These research gaps set the agenda for this thesis and indicate which contributions the thesis may make to different academic discourses.

Chapter 2 traces the enlargement policy and process and demonstrates the difference between the CEE and WEB, including important changes of the policy. This chapter gives some important empirical background as well as structuring and demonstrating the complex relationship between the EU and its applicant states from an empirical point of view. This chapter leads to empirical conclusions which allow us to draw a theoretical model for interpreting this relationship.

Chapter 3 offers a model of reinterpreting the power relations between the EU and the applicant states. Here I stress how the complexities the EU stands in front of regarding foreign policy goals, security policy, and the need to keep to strict conditionality affect the possibility to act like a power in the Western Balkans. I then also add the domestic scene, how actions, reactions, structures and actors contribute to the pattern where the EU is hampered from using all the power instruments available.

Chapter 4 discusses design and methodology, including some difficult choices. I argue why elections are a good case for pinpointing EU's normative power, and how we can get a broader view of social developments through studying elections. I discuss case selection, and the challenges with an interview based study where there is little other research from which to draw conclusions.

Chapter 5 focuses on Albanian elections, where the EU has been keeping a low profile. This is a type of steady, slowly moving reform process with no major crises or need for emergency intervention. What we can observe is active protection of some key clientelistic aspects of the electoral code, designed to keep political control over the electoral administration. We also notice that Albanian politicians express an expectation that the EU should be more active in the country, doing much of the work itself when it comes to

implementing projects and arguing for certain values. The clientelistic aspects of Albanian society are proven to be important aspects of how elections are organised and how the legal framework is key in understanding how certain aspects of electoral malpractice continue despite an increasingly better electoral code and experienced Central Election Commission.

Chapter 6 offers a deep case study of Macedonian elections, a case of direct and very active EU influence. In this chapter I compare two elections, where one was very violent and the other, held less than 12 months later, was perfectly calm. Here we can see how the domestic actors respond to direct EU interventions, and how the government can orchestrate electoral dynamics if it so wishes. In addition, we could notice disturbing aspects of voter intimidation: threats of losing jobs or benefits if public employees or receivers of social benefits did not vote for the ruling party indicating a clientelistic structure of the society. The overall picture is of weakening support for democratic values, where clientelistic structures are seemingly becoming actively strengthened by the political elite.

Chapter 7 poses a unique study on EU decision making. Here I show how the member states, the Commission and also the EEAS relate to the Western Balkans, conditionality, foreign policy goals and internal dynamics between them all. This type of study has not been done before, and reveals how in principal the member states, but also the Commission and the EEAS think about priorities when it comes to political judgements and adhering to conditions strictly. Most importantly, this chapter draws conclusions on how the handling of the enlargement policy and the relationship between the EU and applicant states affect the possibility for the EU top act, which instruments it chooses to use when exercising power, and how to act on non-compliance.

Chapter 8 summarises and concludes the thesis, and points to topics for further research.

## 2. Establishing the enlargement policy as a foreign and security policy tool

This chapter elaborates on the puzzle presented in the introduction: how can we understand the problems observed with compliance to core norms on democracy and rule of law, and even backsliding, despite efforts by the EU in the region and the continuous attraction of an EU membership? Here I show how the Western Balkans is different from Central and Eastern Europe, and thus why it is important not to fall into the temptation to use exactly the same instruments to analyse the two regions. This chapter gives an important empirical background, but also structures the enlargement process and shows how it has shifted over time. Here I discuss how enlargement has become a foreign policy tool and how enlargement has gone from being the EU's first priority to something many member states would wish be seriously delayed and perhaps even stalled. One of the puzzles researchers have dealt with is why hesitant EU member states did not veto enlargement early on, opting for close association instead. The most widely accepted, and convincing explanation, lies in a rhetorical entrapment by pro-enlargement member states, supported by the applicant states. Here normative arguments based on the historical imperative, the EU identity as a normative power, and the commitments made towards Central and Eastern European states during the cold war shamed hesitant member states into accepting offering full membership (Schimmelfennig 2001). But in order to cater to sceptics, some safeguards were set up, starting with the Copenhagen Criteria in 1993. These state that:

“Membership requires that candidate country has achieved stability of institutions guaranteeing

democracy, the rule of law, human rights, respect for and protection of minorities,

the existence of a functioning market economy as well as

the capacity to cope with competitive pressure and market forces within the Union.

Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union” (Council conclusions 1993).

The first part, also called the political criteria, has to be fulfilled in order to be granted the possibility to open membership negotiations (Council Conclusions 1999).

The Copenhagen Criteria were followed by the so-called White Paper in 1995, a guideline to prepare for the Single market, including legislation and which state capacities would be needed (O'Brennan 2006: 27-28, Commission 1995). When it was time to respond to all the membership applications in 1995, the EU launched the Agenda 2000, including the Opinions on membership applications and legislation preparing for a large number of new members. Accession partnerships were introduced, identifying priorities for each country individually.

As membership negotiations started, a documented monitoring process was initiated, and from 1997 yearly Regular Reports were issued. The Copenhagen Criteria have been monitored in earnest in the applicant states since the introduction of the Regular Reports. This process has developed over time, and today the Commission launches the yearly Enlargement package with Progress Reports for each applicant country plus a broader Enlargement Strategy.

In 1997, in the aftermath of the wars in former Yugoslavia, the EU introduced a particular set of conditions for the Western Balkan countries to be eligible for financial support within the newly launched Regional Approach (Gori 2007). These conditions are more detailed, but in essence follow those of the Copenhagen Criteria, with the important addition of full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) (Council Conclusions 1997). When the enlargement policy was extended to include also the Western Balkans in 2000, these conditions from the Regional Approach were explicitly mentioned as the conditions to be followed, in addition to the Copenhagen Criteria and the necessity to adopt the *Acquis Communautaire*.

The enlargement of the EU is inherently a political process, mainly handled by the member states, and regulated by article 49 of the Treaty of the European Union (TEU). Any European state may apply for membership to the rotating presidency, which in turn asks the Commission for an Opinion. This Opinion is presented to the member states, which then use that Opinion when deciding whether or not to open membership negotiations. Following the big increase in membership applications from Central and Eastern European states at the end of the Cold War, this process was complemented with pre-accession monitoring, assessments and support programmes handled by the Commission. The scope and detail of the conditionality were strengthened considerably during this process (Pridham 2005).

This first phase of post-Cold War EU conditionality policy has thus been characterised by the gradual introduction of standards, conditions and thresholds which are increasingly balanced by the political process with bureaucratic standards and benchmarks administered and assessed by the

Commission. The EU established quite a strong leverage over the applicant states, including an increasingly detailed accession process. These conditions were initially introduced to keep the applicant states at arm's length and developed with the need to specify the accession process. The EU leverage was far from absolute, as there was still a possibility to "cut some corners on conditionality" (Pridham 2007: 463), but the top-down influence was clearly established at this time.

The majority of the theoretical framework for studying post-cold war EU enlargement is based on this first phase, on the "Big Bang" countries which entered in 2004. There has been some serious thinking on how to relate to broader commitments, security issues and the general EU foreign policy during this phase. However, there is a clear risk of comparing developments in Central and Eastern Europe with those in the Western Balkans, and treating them as equal, as discussed in the introduction. The rhetoric surrounding the integration of the Western Balkan countries has clearly shifted (Phinnemore 2006 and 2013) and the political challenges detected during this first phase have substantially been strengthened due to a number of reasons which will be discussed below. The following five challenges discussed constitute the political background, shaping the parameters that the EU and applicant states have to relate to on an everyday basis.

## Challenge 1: Combining foreign policy goals with transformation of the Western Balkans

EU foreign policy has been scrutinized empirically and theoretically, as has enlargement policy. There are explanations as to what sort of foreign policy actor the EU is (Manners 2002, Aggestam 2008, Hyde-Price 2006), the role of identity and material interests for enlargement policy (Sedelmeier 2005, Moravscik and Vachudova 2003, O'Brennan 2006, Schimmelfennig 2001), and under which conditions conditionality is stronger or weaker (Schimmelfennig and Sedelmeier 2005, Haughton 2007).

It is widely acknowledged that the EU portrays itself as a normative power, as will be discussed in detail in chapter seven. Continued references by EU representatives to the spreading and protection of European values contribute to both confirmation of the conception of its role and expectations for the EU to live up to its commitments. The fact that the EU not only felt obliged to try and stop the conflict in Kosovo but also to become further engaged in the region to the point of offering the possibility of a future membership is a typical expression of this normative power (Manners 2002), or even of ethical power (Aggestam 2008). Not only should the EU try to defend democracy, rule of law and human rights, as was the argument for engaging in the Kosovo conflict and subsequently in the Western Balkans

region, but it should also try to spread the above mentioned values, and try to assure their implementation. It is about trying to act based on those norms, as the former EU foreign policy chief expressed it: “the EU has a *responsibility* to work for the ‘global common good’. That is a fitting way of describing the EU’s global role and ambition” (Solana 2005 emphasis added).

The commitments which have been repeated by EU leaders regarding foreign policy, and enlargement in particular, have contributed to the creation of a foreign policy role, which as Aggestam describes it, “provide an essential link between agent and structure, as they incorporate the manner in which foreign policy is both purposeful and shaped by institutional contexts.” (2004: 82). This means that the values and norms expressed by the EU that shape its foreign policy role create expectations about foreign policy behaviour, action, and policy orientation. In a sense a foreign policy role could be described as a “road map” for foreign policy action (Aggestam 1999, no page). In this sense, the role functions as a policy specific feedback mechanism for a path dependent process, locking the EU into a certain type of behaviour, as will be discussed in chapter three.

The more the ‘Europeanisation’ of foreign policy becomes formally institutionalised within the EU, the more foreign policy perceptions will be influenced by position roles. In contrast to a preference role, a position role increases the predictability of foreign policy behaviour and stable expectations. Yet, it provides the policy-maker with *less scope of interpretation* and thus *less flexibility* in managing potential role conflicts. It certainly undermines the notion of national independence in foreign policy (Aggestam 1999, no page, emphasis added).

This role has been strengthened in the area of enlargement as pro-enlargement member states have rhetorically entrapped more hesitant member states by frequently connecting enlargement to EU identity and core values (Schimmelfennig 2001).

The development of the enlargement policy and conditionality has greatly increased the scope and detail of conditionality, and increased the transparency of the process through the establishment of road maps and benchmarks. The EU Commission argues that over time this process has increased power asymmetry and top-down control of the enlargement and reform processes (Commission 2014a), whereas I argue in this thesis that this is not necessarily the case.

Through conditions, monitoring and incentives the EU tried to influence the process of transformation from a communist dictatorship to a liberal democracy. But while policy towards Central and Eastern European states (CEEs) was to a certain extent forced upon the EU by the applicant states trying to rectify a “historical wrongdoing”, EU engagement in the Western Balkans from 2000 is a clear example of the EU actively using enlargement to achieve domestic reforms in line with EU strategic interests.

The failure of the EU to act first during the Yugoslav wars of dissolution during 1991-1995, and later during the conflict in Kosovo in 1999 forced the EU to come up with a new policy towards the Western Balkans and to pull their act together regarding their foreign and security policy. These two conflicts exposed some serious weaknesses in the EU Common Foreign and Security Policy (CFSP) and the EU needed to strengthen it not only for the sake of future efficiency, but also to restore some of its tarnished reputation on the world scene (Wagnsson 2008, Smith 2007).

Although it had been pronounced that “the hour of Europe had dawned” at the start of the hostilities which resulted in the war of Yugoslav dissolution, the EU had been painfully exposed as incoherent on foreign policy during the Yugoslav wars of dissolution, where for example member states were divided between support for a federal Yugoslavia, and support for independence for Croatia and Slovenia (Woodward 1995: 159). At the beginning of the Kosovo crisis the EU was forced to act to avoid further ethnic warfare in Europe but also to show that the recently reinforced Common Foreign and Security Policy was not merely a piece of paper, with no political substance or unity, that it had proved to be during the Yugoslav dissolution wars. During both conflicts, that centred on the Bosnia and the Kosovo crisis, the EU had demonstrated to be weak on diplomacy, and on both occasions it was American action through NATO which ended the conflicts. Clearly, not only was it an embarrassment for the EU to have been seen as incapable of showing a coherent policy line regarding the Kosovo crisis, but also that the US and NATO had had to step in to end the hostilities for a second time in Europe within a short space of time (Gow 1997, Higashino 2004). The image of the EU as a global player with whom to recon had to be restored.

After the Kosovo crisis, the Western Balkans came to represent “a testing ground for [the EU’s] broader political and foreign policy ambitions and its capacity to emerge as a more coherent and strategic actor” (Dannreuther 2004: 3). Legitimacy and credibility of the EU in international affairs was thus coupled with peaceful and democratic developments in the Western Balkans. The solution was to offer the perspective of EU membership in return for EU-led reforms that would stabilise and democratise the region and show that the EU did indeed have leverage regarding democracy, human rights and the values carrying those institutional arrangements and rights. The EU had been successful in shaping the Central and Eastern European states through its membership conditionality, so offering membership in return for clear reforms seemed a natural step to take (Friis and Murphy 2000, Gori 2007).

The EU entered the Western Balkans with dedication after the Kosovo crisis in 1999. The carrot of enlargement in return for peace and stability was very soon tested in a case it was designed for: to defuse the escalating armed ethnic hostilities in Macedonia between the government and the ethnic Al-

banian minority where Albanian armed groups challenged the government mainly in the field of minority rights (Hislope 2003, Phillips 2004, see further discussion below). The crisis coincided with the finalisation of negotiations for a Stabilisation and Association Agreement (SAA) between Macedonia and the EU, the first such contractual relationship to be closed in the Western Balkans. The EU became strongly engaged in the management of the crisis and was careful to make the connection between peace and a future EU membership (Madunic 2003). Enthusiasm was strong when the peace agreement was signed in August the same year and a handful of new or improved crisis management tools were put in place not only in Macedonia but in the region in general (Mace 2003, Grevi 2007, Grevi et al 2009). This increased the symbolic significance of the Western Balkans for the EU, and is a clear example of how enlargement and foreign policy become closely intertwined in the region.

## Challenge 2: Negotiations and crisis management: parallel tracks

In December 1997 the EU decided to open membership negotiations with the CEEs, and the first group of countries started in 1998, with the second group deemed not fully prepared to take on the task. However, the Kosovo crisis in 1999 changed that calculation, especially regarding Bulgaria and Romania which were to some extent rewarded for having supported the campaign against their neighbour Serbia (O'Brennan 2006: 35). Later that year, all applicant countries were negotiating for EU membership, a process which resulted in the enlargement of 2004, and the later inclusion of Bulgaria and Romania in 2007. The Kosovo crisis reached its peak at the same time as membership negotiations with the first group of CEEs were about to start.

Parallel to this, the German presidency suggested that the Western Balkan countries would get a “fast track procedure” for membership as a motivation to lay down arms and to speed up reforms. That was not received well among the other member states (Friis and Murphy 2000), as it would not be fair to the CEEs under negotiations. Member states reluctant towards enlargement or keen on strict conditionality were also unhappy to offer premature entrance to countries which did not even fulfil basic Copenhagen criteria. However, it was decided that the Western Balkan countries would be offered “a membership perspective” as the official EU language phrases it.

The EU formally extended its enlargement policy to include the Western Balkans in June 2000 (Council Conclusions 2000), effectively strengthening its potential impact over reforms and political development in the region. In November the same year the EU met with leaders of the region in Zagreb to “share the burden of a shared agenda” (Gori 2007: 52, my translation). The

Commission immediately began the task of designing contractual relations with the Western Balkans, introduced under the newly established Stabilization and Association Process (SAP) which offered the perspective of integration into the EU structures.

The SAP consists of three main components: Stabilisation and Association Agreements (SAA), an economic and financial assistance programme (CARDS), and autonomous trade measures. Every year the progress made on the Copenhagen Criteria and the chapters of the Acquis are evaluated and written in the Progress Report for each country. Thus, in contrast to the CEEs, the technocratic monitoring of Western Balkan countries began with the prospect of membership, not with negotiations, which introduced active leverage very early in the integration process.

The SAP proved successful as a foreign policy tool when Macedonia experienced the armed ethnic crisis in 2001. The EU could use the prospects of future EU membership to persuade the government to accept the ethnic Albanian minority's demands for minority rights (Madunic 2003).

The ethnic Albanian minority in Macedonia is substantial, and they have felt like second class citizens in the country ever since independence, but also in Yugoslavia. After the Kosovo crisis, which ended in 1999, tensions between ethnic Albanians in the area and the Slav majority population were far from fully resolved. There was a sort of spill-over into southern Serbia, and from there into Macedonia, where fighting between ethnic Albanian armed groups and the Macedonian Police and security forces began in early 2001. The ethnic Albanian population backed the fighters as they pursued a minority-rights agenda, while the Macedonian majority population saw their claims as a threat to Macedonian national identity (see chapter six for a longer discussion). As the fighting escalated, the EU found itself at a point where the SAA with Macedonia was to be signed, indeed the first Western Balkan country to sign one, but where the country experienced a difficult situation. Here the EU, under Swedish presidency, seized the opportunity to connect the signing of the SAA with a peaceful development in the country. The government simply had to promise to try to come to terms with the situation for the ethnic minorities in the country, in particular the Albanian one in order to sign the SAA. In this regard, a sensitive aspect of the Copenhagen criteria, which was highly likely to be contested domestically, was lifted out of the EU reform framework and given a settlement and dynamic of its own. Here other international players, the USA, NATO and the OSCE, were invited to oversee the reform process and to give it broader international anchorage.

The EU was the key player in negotiating a settlement between the government and the rebels and the EU leaders involved were visibly relieved as the Ohrid Framework Agreement was signed in August 2001. The policy of conditionality as a foreign policy tool had worked in a difficult case, and the move to include the Western Balkans in the enlargement process seemed to

have been a clever and efficient move to make an impact in the region. It was also a small, but yet immensely important victory for the EU to show that it had indeed managed to solve a crisis on its own in the Balkans, to nip the crisis in the bud before it grew out of hand.

The EU now put in an effort to keep true to its policy ambitions. A number of crisis management instruments were introduced, mainly in Macedonia, but also in Bosnia and Herzegovina. An EU Special Representative (EUSR) was introduced in June 2001, and in 2003 the EU took over the military arm of crisis management from NATO when Operation Concordia was implemented. That was the first military operation run by the EU. Operation Concordia was followed by the Police mission Proxima, the second of its sort by the EU (the first had been introduced in Bosnia and Herzegovina). These missions all worked towards the implementation of the Ohrid Framework Agreement and were all under the crisis management branch of the EU, rather than under the enlargement umbrella. There instead we find the SAP with the SAA, the CARDS and later IPA financial assistance, twinning projects, and the like, what Vachudova labelled active leverage (2005). It is important to keep the enlargement process and the crisis management analytically apart, as they are treated by the same council working group but formally fall under different councils and different budgets, (see chapter seven).

In fact, the EU has combined crisis management and enlargement policy across the Western Balkans ever since the extension of membership prospects to the region. They are two separate processes, where the hope is that the need for crisis management will steadily decrease, and the integration process will steadily progress. It is indeed a delicate balancing act at times to judge whether an issue should be dealt with as integration or foreign policy/crisis management, as that choice means that different players become involved (see chapter seven). As will be discussed more closely in chapter seven, these two policy fields do not necessarily have the same priorities, which may create tension between different players within the EU family. The predominance of one may even undermine the other, especially if strict membership criteria are put against pressing foreign policy concerns.

Although EU enlargement always had some aspects of security policy built into it, it took a radically different turn when the prospect of membership was extended to the Western Balkans. It was no longer a matter of relating to Russia, but a matter of succeeding to tranquilise a corner of Europe where the EU really needed to show success to be credible. In this sense, this shift represents a second phase in the post-Cold War enlargement process. The overlapping of two policy areas, albeit intimately related, has had a profound effect on the relationship between the EU and the Western Balkans, though this may not have been foreseen or even properly recognised by research.

### Challenge 3: Dealing with enlargement fatigue while sustaining reform momentum

Enlargement euphoria was perhaps at its peak in 2003, just after negotiations had been concluded in December 2002 and before the foreseen accession on 1 January 2004. This was understood early by the Greek government which held the rotating presidency the first six months of 2003. In the wake of the “Big Bang” enlargement coming up in 2004, they prepared a strengthened commitment to the EU through the Thessaloniki Agenda (Council Conclusions 2003, ICG 2003). The Greeks had taken the opportunity at the right moment to reinforce the SAP. The inclusion of ten new member states clearly took a toll on the enlargement momentum as the EU now needed to consolidate and work out how to cooperate with 25 members rather than 15, and two more members expected within a few years. This process has indeed taken some time and has led to some serious thinking among the EU member states about where to go and how large the union can be. In connection to this enlargement, it was recognised that some of the formulas of division of mandates, commissioners, and other had to be discussed in order to avoid an overload of functionaries and representatives. Some of these issues were discussed and settled in the Constitutional treaty which was discarded and replaced by the Lisbon Treaty. That took effect in 2009. It was obvious that the member states that wished for more “deepening” and less “widening” had momentum, although pro-enlargement actors, such as the Commissioner for enlargement Olli Rehn claimed that there was no tension between those two aspects of EU integration (Rehn 2006d).

Rather than optimism and enlargement as a policy priority, the post-enlargement period was characterised by enlargement fatigue, where much of the energy in Brussels ran out. The big push had been done, and now it was time to consolidate. However, it was also acknowledged that momentum in the region had to be kept, and the Austrian presidency tried to give a positive input through a “renewed consensus on enlargement”, but the result was in fact a watered down commitment as “absorption capacity” of the EU was added to the list of requirements for enlargement. In addition, the endpoint of the process was opened for discussion, meaning that opening and closing negotiations does not mean that the EU and its member states actually do accept that country as a new member (Gori 2007: 94). This indeed watered down the commitment to the region, but without giving it up.

It was in this climate that the EU responded to the first membership application from the Western Balkans. Macedonia applied in March 2004, second only to Croatia which had applied in February 2003. Croatia opened membership negotiations in 2006, closed them in June 2011 and became a member of the EU on 1 July, 2013. All in all, despite some difficulties on fundamental rule of law issues and cooperation with the ICTY, it was a rather rapid process. Macedonia, on the other hand, had already had some difficul-

ties in demonstrating a clear readiness to start the membership negotiations. In 2005, in response to Macedonia's membership application, the EU decided to grant candidate status but not to open membership negotiations, which, until that point, had been natural steps going together. The basis for that decision was the fact that positive signs to the region in general were needed after the immediate post-enlargement blues. It was also necessary to give some positive signs to Macedonia as a country, as they had dealt with some sensitive domestic issues closely related to the Ohrid Framework Agreement. The decision to separate candidate status and membership negotiation was taken so this status could be granted to Macedonia while it still demonstrated some important weaknesses with the political criteria (Giandomenico 2009).

The enlargement project became even more strongly connected to technocratic standards as the EU established a road-map for enlargement in 2005 in connection to the granting of candidate status to Macedonia (Commission 2005a), but it also became clear that the EU moved on political grounds giving an important positive message not only to Macedonia but also the region as a whole.

With the road map the process became more specific and detailed, and divided into three steps: *potential candidates* are applicant states that have not yet reached candidate status. These have access to a number of instruments, including financial and advisory support. They are offered an SAA, which introduce "EU rules in various fields well in advance of accession" (Commission 2005a: 10). The process of negotiating and finalising a SAA is detailed and based on several steps of standards.

Once concluded, a country implements its SAA, and when it can show a proven track record of implementation, the EU may consider a membership application. If the EU considers the country sufficiently prepared, it can grant the country *candidate status*, which "is necessary but insufficient for opening accession negotiations" (Commission 2005a: 11). Accession negotiations are only opened once a "sufficient degree of compliance with the Copenhagen Criteria" have been met, including full compliance with the political criteria (Ibid). Thus, the demands on an applicant state increases as it moves forward with the integration process. The SAA has to be negotiated and proven to be implemented; the political criteria have to be met, and the Acquis have to be transposed to some degree, preferably even before negotiations start. When the EU deems a country sufficiently prepared *membership negotiations* can open, which is the last stage before hopefully concluding and ratifying an Accession Treaty.

This third phase of active EU conditionality is divided between the negotiations with the CEE based on conditions and standards, and the introduction of an EU membership perspective to the Western Balkans as a crisis management tool. In both cases the EU affirmed its leverage over domestic politics, with the important difference that the EU showed a clear interest in

offering the Western Balkans the membership perspective in contrast to the initial attempts to keep the CEES out. The EU also had to balance the fact that enlargement was no longer high priority, yet needed to maintain momentum at a time when the region was still fragile and vulnerable to political and ethnic tension.

## Challenge 4: Combining strict conditionality without losing credibility on commitment

The new Commissioner for enlargement, Olli Rehn, who came in after the Big Bang enlargement in 2004, had tighter restrictions on many fronts compared with his predecessor. Many lessons had been learned, in particular the difficulty to secure implementation of the political criteria, such as protection of minorities and fight against corruption. It has been recognised that pieces of legislation that require behavioural changes are particularly difficult to implement, but also that the Commission in general “had been too lax over the implementation of the conditions” (Pridham 2008b: 460), requiring the Commission to demand a “proven track record” of implementation.

Enlargement fatigue was also spreading in the aftermath of the great enlargement in 2004, and the remaining countries affected by the enlargement policy were clearly “more difficult cases”. This forced Commissioner Rehn to become more prudent, and he developed an enlargement policy based on the three “Cs”: strict conditionality; respecting previous commitments; and communicating the enlargement process to EU citizens. Rehn also received a General Directorate (DG) of his own: the DG Enlargement, confirming the central place of enlargement but also indicating the growing burden of monitoring the pre-negotiation situation in the applicant states.

Commissioner Olli Rehn was an active speaker during his term, and his speeches clearly illustrate the complexity in managing both the membership perspective and a strict conditionality. He has on several occasions connected the enlargement project to that of spreading norms about peace and democracy, and stated that the enlargement policy is “our most powerful foreign policy tool” to reach those objectives (Rehn 2006a and 2008). He has been clear about the strategic interest in being able to influence Balkan politics: “The EU will have to be engaged in the Balkans, whether we like it or not. It is much more effective and cheaper to keep these countries on track by offering them the accession process than to run international protectorates and military occupation in the region” (Rehn 2006b). He has also confirmed that the Western Balkans is more about foreign and security policy than the Central and Eastern European countries ever were: “While the 2004 enlargement sealed the peaceful reunification between Western and Eastern Europe,

now we focus our energy on the peaceful unification in Southeast Europe” (Rehn 2006c).

But at the same time as he has stressed this aspect of the enlargement policy, mainly towards other EU organs and think tanks, he has also insisted on strict conditionality “respected to the letter”, and that it is equally important not to give the impression that the applicant states are “on the road to nowhere” as that “would only undermine our own conditionality and strategic interests” (Rehn 2006c). He and the Commission have thus demonstrated being acutely aware of the delicate balance in keeping reform momentum high, keeping strict conditionality, and at the same time demonstrating foreign policy success.

This balance has become more difficult as there are clear indications of a dip in enlargement momentum, experienced after the 2004 enlargement with ten new members (Phinnemore 2006, Gori 2007). In fact, Rehn’s successor Stefan Füle ads “reform fatigue” as a threat to the enlargement project (Füle 2012), indicating a weakening of reform momentum also in the applicant states, and scholars agree (Rupnik 2011). Both the EU and applicant states have been struggling with the economic crisis, and the EU has become involved in other areas of the world, such as the Arab world after the so-called Arab Spring in 2011, and Ukraine in 2014 which have taken some focus off enlargement.

Rehn’s and Füle’s statements illustrate well the ever present tension between foreign policy goals and the technocratic benchmarks, and how to reconcile this tension. Their concerns touch upon the research question of this thesis: How strong really is the transformative power of Europe? Does it exist at all? And how could we explain possible changes to it? Their statements also illustrate two phenomena that the EU has to face when it comes to enlargement policy as a foreign policy tool: first that member states are increasingly less keen to enlarge, and that a growing number are becoming increasingly strict on conditionality; secondly, that the applicant states are becoming increasingly tired of reforms, and that this results in reform fatigue and even back sliding on progress, especially on the political stage.

What we can see from this fourth phase of post-Cold War conditionality is that the leverage is no longer taken for granted by the EU, and that representatives of the Commission openly acknowledge that they have a delicate balancing act between a number of interests to satisfy. Such a development only increases the importance of finding alternative hypothesis for the power relationship between the EU and the applicant states.

## Challenge 5: Balancing reform fatigue and back sliding with a sustained momentum

The EU has been active when trying to counter reform fatigue and the realisation that an EU membership may still be quite far away. As will be discussed and demonstrated in chapter seven this is something the EU is working with on a daily basis. The EU, for example, initiated a High Level Accession Dialogue with Macedonia in 2012, partly as a way to continue to work on reforms and EU integration despite the Greek veto against opening membership negotiations due to the dispute about the name of the country (see chapter six). However, such measures are obviously also seen as such “a specific instrument or specific device in order to create a perception that Macedonia is actually gaining something from the EU in this period” as one Macedonian politician expressed it (Interview Mehmeti). Such High Level Dialogues have been opened with Albania and Bosnia and Herzegovina, two other countries which move slowly with the integration process. In fact, it has attained quite a positive result, with increased momentum, and a platform for discussions on reform and more political issues. These High Level Dialogues have functioned as important symbols for closer dialogue and cooperation with the EU, giving visibility and importance to the effort made.

We might view the visa liberalisation scheme on the same level. It is broadly recognised that one of the most pressing reasons why the citizens of the Western Balkan countries are supportive of the EU accession process is the opportunity to travel to EU countries without a visa. In an effort to offer that to Western Balkan citizens, and to focus on some core Justice and Home Affairs issues, the EU established road maps for visa liberalisation with the different countries during 2008. It was successful and an effort was made to fulfil the requirements in order to reach this goal. In this sense, the EU established a *policy* conditionality (Trauner 2009), an intermediate step to be able to offer an award while waiting for the possibility to take other big steps towards the desired EU membership.

Although the EU claims that its transformative power has been enhanced through specific focus on key issues (Commission 2014a:1), there are a number of observations of non-compliance to conditionality, as discussed in the introduction. The most worrying signs come from reports about re-authoritarisation, in particular in Macedonia, but also about decreasing media freedom in Serbia and Albania, and continuing unsolved political tension weakening key democratic institutions, including Parliament. How the EU acts and reasons on such trends is discussed in chapter seven but the very fact that we observe some serious concerns regarding democracy in these countries and that, at the same time, the integration process is not only kept alive but also moving forward means that EU claims to being tough on standards is more complicated than simply reacting to events. It also shows that despite measures to strengthen the transformative power and to be more

detailed, there are seriously disturbing signs that this transformative power does not have the expected effect. While the formal aspects of the *Acquis Communautaire* are implemented without significant difficulties, the values and norms that the EU wants to spread are obviously much more difficult to transfer.

## Conclusions: Enlargement between foreign policy and internal affairs

The relationship between the EU and the Western Balkans is different from that of the EU and Central and Eastern Europe. Analysts continue to assume that the power relationship between the EU and the Western Balkans is strongly asymmetrical to the benefit of the EU, and that the transformative power is substantial. However, given the challenges discussed in this chapter, I argue that the relationship between the EU and the Western Balkans needs to be investigated and analysed based on the empirical re-shaping that has taken place, and not be too informed by previous conclusions. A number of challenges, already partly present during the 2004 enlargement process, have been strengthened with the crisis management approach taken towards the Western Balkans, whereas others have been added as well. This has upset some of the fundamental assumptions about the relationship between the EU and the applicant states. The main difference is the foreign and security interest to see success in the Western Balkans. In chapter seven it will become clear that the EU has few other options, and little inclination, than to declare progress in the region. Anything else would be a blow to the perception of EU transformative power, and in the long run the efficiency and even legitimacy of the EU foreign and security policy.

The transformative power of the EU, or indeed the role of the EU as a normative power, has increased importance with the Russian intervention in Ukraine. An EU member state diplomat put it as “a new player entering the game”, and where “this with redrawing borders in the Balkans, that is... it is always there under the surface, and there are some who would think that a very good idea”, referring to all the groups in the region who wish to redraw the map, and ties between Moscow and Belgrade (Interview COWEB, no 57). The connection here is that there is indeed an ongoing turf war in the Western Balkans where the EU is far from being the only strong player offering economic ties, geopolitical protection and a set of values and norms of how to organize the state. Using EU membership conditionality as a foreign policy tool means that these broader foreign policy aspects have to be taken into consideration when analysing the relationship between the EU and the Western Balkans.

### 3. An analytical framework for understanding the transformative power of the EU

This chapter presents a model of how to interpret the relationship between the EU and the Western Balkans that rests on the dynamic reciprocal exchange based on interests and control. Given the significant shifts in foreign policy and security interests, rhetoric, and dynamics of the enlargement process, it brings forward a relational view of power dynamics. This framework derives from the empirical findings of my three individual empirical studies, and thus represents the central conclusion of this thesis. It is the conclusion of the individual studies that result in this model, not the model that shaped the studies, as discussed in chapter four.

Since I want to understand non-compliance, and not just, as has often previously been the case, compliance, one challenge has been to make theoretical sense of what I have seen empirically. Existing theories, which have already been presented in the introduction have not sufficed; this means that everything presented in this chapter is the result of my efforts to bring together relevant bits and pieces from theories of power and historical institutionalism to create my own model. Four concepts are particularly crucial; power, time, roles and institutions. The analytical framework presented in the following pages has the advantage that it makes the EU's *interests* to enlarge more of an open question than in previous analyses, which in turn affects the applicants' *interests* to comply. Furthermore, the resources that both actors control – in the EU's case the access to membership, and in that of the applicant states their willingness and efforts to reform – are central elements to understanding the character of the relationship in terms of decreasing asymmetries. The discrepancy between the thoroughly transposed formal rules and their poor implementation, and the weak norm transfer, is thus made intelligible without relying on a complex set of factors.

#### The concept of transformative power

As discussed in the introduction, the EU's transformative power has been theorised to function through a power asymmetry based on passive and active leverage. But although the distinction between passive and active leverage is elegant and helpful, it leaves some gaps: it does not help us to under-

stand whether the presumed asymmetry is absolute or subject to shifts, and indeed shifts determined by what? In much of the literature on EU enlargement, the transformative power of the EU is a foregone conclusion, and the vast majority of research is focused on understanding its effect over countries, issues and time. Nonetheless, despite using the concept of “transformative power of the EU”, researchers have not devoted enough effort to define it in any detail. The literature could be divided into three main strands when it comes to their view on the transformative power of the EU.

The first strand is the widely used external incentives model applied more or less directly by a large number of researchers of EU enlargement. This approach depicts power as resources, but focuses explicitly on its execution: here as a bargaining between the EU and applicant states as elaborated by Schimmelfennig and Sedelmeier (2005). They specify that their model holds under the condition that “the EU pursues a strategy of reinforcement by reward”, indicating that EU power lies in the distribution or withholding of that reward (Schimmelfennig and Sedelmeier 2005: 11). Although vaguely put, and hardly elaborated upon at all, we could hazard to deduce that the authors’ view of EU transformative power might correspond to the rationalist bargaining model they pursue: that states seek to maximise their power properties, and EU power rests on having more power properties than the applicant states.

A second strand represents authors who hesitate a little on the sources and character of the transformative power. Vachudova, for example, does not define transformative power at all, despite writing five chapters on EU leverage. But she writes that: “The EU’s passive leverage is based on the political benefits of membership (...): a voice in EU affairs and the protection of EU rules.” It is also based on “the straightforward economic benefits of membership” and “the overall cost of being excluded from the EU” (Vachudova 2005: 78). Here she indirectly suggests that the transformative power rests with the resources, economic and geopolitical, that the EU enjoys. But as she does elaborate extensively on passive and active leverage, as discussed in the introduction, she also indicates that the power over applicant states partly rests on the nature of the relationship between the EU and the applicant states.

A third strand sees transformative power rest on more than just material resources and bargaining power of the EU. This strand could be exemplified by Grabbe, who in her work entitled *The EU’s Transformative Power* avoids any explicit discussion on the transformative power of the EU, but says that the EU has “enormous potential influence” in the applicant states but its impact was constrained by two factors: diffuseness of EU influence and uncertainty of the process, such as uncertainty regarding whom to satisfy, what was needed to fulfil conditions, and hierarchy between tasks (Grabbe 2006: 3, ch. 4). What she does here is question the power-as-resource approach and shows that other variables have an important impact. She sees the asym-

metry between the EU and its applicant states as an “evident source of power”, allowing the EU to set the rules of the game (Grabbe 2006: 52), but that the actual outcome, meaning the results of the Europeanisation process, is influenced by intervening variables (Grabbe 2006: 89).

When Grabbe says that the EU has enormous potential power but its impact is constrained, she actually says that the EU does not manage to translate its power resources into full effect due to a number of reasons and intervening variables (Grabbe 2006: 3). These intervening variables have their roots in “the structure of the EU’s accession policies and its own nature as a multilateral body that has to achieve complex bargains among its constituent members” (Grabbe 2006: 201). The conclusions that the restrictions upon the transformative power of the EU stem from within its own system are an important contribution, which unfortunately have not been further elaborated upon. By applying a strong Europeanisation approach to studies of the effect of conditionality, the literature has focused on outcomes and neglected how internal dynamics of the EU have affected the transformative power over time.

We can conclude here that literature on EU enlargement and the transformative power of the EU largely show a mixed picture: firstly, power is not discussed explicitly, but it is constantly present when discussing the effects of the EU on the applicant states.

Secondly, power is seen as an exogenously given property where members have access to material benefits that non-members do not have access to, and these benefits are the root of power. But this power is also seen to be constrained by other factors, including internal EU dynamics.

Thirdly, the EU and the applicant states stand in relation to each other, where the applicant states are in a very much weaker position than the EU. Negotiations between the EU and the applicant states represent the setting where power is played out.

Fourthly, the exercise of power is done through active leverage of the EU: conditionality, and is analysed through the lens of Europeanisation.

It is obvious that there are some inherent weaknesses and contradictions within this discussion: power is both a material resource and based on a relationship, or indeed not specified at all. The asymmetry is central as it gives power, but it is not fully clear whether power is the result of an asymmetry of interdependence or whether the asymmetry of interdependence is a result of differences in power resources. In order to be able to say something about the relationship between the EU and the applicant states, this has to be clarified and elaborated upon. In fact, both Grabbe, and Schimmelfennig and Sedelmeier (2005) point at power being visible in a negotiation or bargaining setting: “That power relationship has strong explanatory value for the CEE candidate states’ strategies in adaptation to the EU and also for the outcome of the accession negotiations” (Grabbe 2006: 202).

There is, however, more clarity on how power is functioning compared to that in which it is grounded. It is seen as working through the tools available to the EU: conditionality, as in active leverage, and in particular through Europeanisation and the mechanisms discussed in chapter one for the EU to have effects on applicant states.

### *Power over rule transposition and compliance*

It has been argued that EU conditionality is a particularly efficient tool for democratic transition in comparison with traditional democracy promotion (Ethier 2003). It is widely recognised that the EU has a strong effect on formal rule adoption (Vachudova 2005, Dimitrova 2004, Schimmelfennig and Sedelmeier 2005), but also that the application and effect is differential across both countries and specific issue areas (Bauer et al 2007, Hughes et al 2004). Having transformative power would mean that the EU is in a position to exert leverage, both passively and actively, over the transformation of the countries in the Western Balkans from former authoritarian regimes to liberal democracies. This means that compliance with EU conditionality takes centre stage.

The mechanisms of rule transfer are widely accepted to be a domestic cost benefit-calculation in combination with a strong and credible conditionality (Schimmelfennig and Sedelmeier 2005). EU enlargement with its conditionality is close to what literature on democratization call convergence: “a gradual movement of system conformity” between established democracies and countries in transition (Pridham 2008b: 423). So, the strength of EU conditionality with its external incentives would have helped the Western Balkan countries to come to a point where democracy is consolidated, institutionalised, and regarded “the only game in town” (Przeworski 1991: 26).

Complying with external norms and rules transposed into a society is, however, not a one-shot action. It is a process of negotiations, law adoption, building of institutions, and making norms acceptable to political elites and populations alike (Schimmelfennig and Sedelmeier 2005, Finnemore and Sikkink 1998, Chayes and Chayes 1993). New rules may not be immediately legitimate, especially if they are the result of external pressure, and may indeed need an adaptation period where domestic and international actors push the state and other actors, to adjust their own interests in line with the new legislation (Cortell and Davis 1996: 454). Once the rules are in place, their actual implementation and compliance have to come about. The factors driving compliance are important for its sustenance, whether they produce any “locking-in effects” to prevent possible reversal, (Pridham 2008b: 425,429). Such lock-in effects are produced by institutional density and complexity (Pierson 2004), case specific feedback mechanisms (Thelen 1999), and norm internalisation (Checkel 2001).

As discussed in the introduction, formal rule transposition of the Acquis is normally not a big problem, but the implementation of the rules and the normative underpinning of them are often lacking. How to achieve that is an open question. It has been argued that intense contacts between the political elite and EU diplomats, experts, and other political representatives increase the probability for norm socialisation, social learning and persuasion (Checkel 2005, Sedelmeier 2005). The EU has invested heavily in the region with money, resources and a number of missions to secure peace, stability and integration with EU structures. There is daily contact between Western Balkan politicians and governing structures and the Commission, EU member states embassies and other international players present in the Western Balkan capitals. International organizations, such as NATO and the OSCE, have contributed with expertise, resources and socialization efforts.<sup>5</sup> Western Balkan politicians are active in the OSCE, Council of Europe and also their European transnational party groups (Interviews 18, Shekerinska; 50 Petreski, 79 Biberaj; and 30 Fouéré). All this would increase the possibility for norms on democracy and rule of law to take root at least among the political elite.

But as discussed in the introduction, there is much evidence of a lack of reform implementation from both observers, including those from the EU, and from researchers (Falkner and Treib 2008, Avdeyeva 2010). Analysts and diplomats talk about a *reform fatigue* in the Western Balkans, as discussed above (Rupnik 2011, Füle 2012).

There have been articulated doubts about the impact of EU conditionality, that it does not produce a deep enough change to be sustained, even after accession (Sedelmeier 2008, Sasse 2008, Epstein and Sedelmeier 2008). If indeed conditionality and external pressure are the main mechanisms for rule transfer, then the conclusion would be that when this external pressure is taken off, reversals would be easy, particularly in fields where implementation has been slow and contested (Sedelmeier 2006). Such worries were initially met with the positive conclusion that backsliding was indeed not the case. Levitz and Pop-Eleches (2010) find “no systematic evidence” for backsliding on reforms introduced in Romania and Bulgaria. Spendzharova and Vachudova (2012) are cautiously optimistic about the same two countries, and Sedelmeier (2012) finds evidence of lock-in patterns in the new member states. However, in the light of more recent developments, there is clear evidence of backsliding on the democratic criteria, in particular in Hungary and Romania, and the EU struggles to deal with it (Sedelmeier 2014). In fact, although state institutions supporting democracy may hold, we have seen a populist movement in many of the 2004 and 2007 accession countries, with Hungary perhaps being the clearest example. The insight that “[w]ithout a

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<sup>5</sup> See Kelley (2004) for a discussion on interaction between different international actors and EU conditionality

change in political culture, the formal adoption of institutions or norms may merely create an empty shell and possibly undermine the EU from within” is indeed a sobering thought in the light of the populist, EU sceptic and at times anti-democratic movements in countries such as Hungary, Czech Republic, Slovakia, Romania and Bulgaria (Rupnik 2007).

These mixed observations give good reason to ask about the transformative power of the EU over the applicant states in Western Balkans. What type of leverage does the EU have when state structures are in place but implementation is imperfect? Is the EU a normative power with the possibility to go beyond mechanical application of rules, to create an environment where international norms on elections and democracy take root, and if so, through which mechanisms?

## Power as reciprocal interdependence: a model

At the centre of this discussion stands the concept of power as resources, or as capacities, where an actor’s power is measured in resources such as military power, economic might or natural resources. But just because an actor has nominally strong resources it does not necessarily mean that those capacities are easily translated into power practice. That also depends on the other actor or actors involved in the relationship. Power in this shape becomes a matter of action, of practice, rather than resources, meaning a question of how to operationalise power into action in a given social setting. “Any social context produces a notion of what it means to be an able player at the game” and thus an actor can be rich in what appear to be power resources, but may not be an “able player” in using what he has at hand (Adler-Nissen and Pouliot 2014: 894). Power, therefore, cannot solely be a matter of resources. The failure to transform potential power into actual power can be explained in two ways: either as a consequence of actors not being able to do it for reasons of inability or incompetence, or because it could be the result of “variations in scope, weight and domain of power” (Baldwin 2011: 586). Scope here refers to the kind of policies affected, or even better: “dimension of behaviour affected by the exercise of power” (Baldwin 2011: 586). The domain of power refers to the persons affected by power, their number and/or importance.

Defining scope and domain is necessary in order to establish who has power over whom and to what extent. A state may have power in one issue over a certain other state, but not in another issue within the same country, or the same issue but another country. Defining domain and scope of power is also relevant since resources for exercising power may be very different from one issue to another, or indeed from one subject to another. Hence, while the first alternative could be explained through either a lack of knowledge or understanding, keeping to the power-as-resources paradigm,

the second is more intriguing. Here we need to take a step away from the “static” view on power as resources, and instead assume a relational approach (Baldwin 1979, 2013). Seeing power as stemming from a relationship between two or more actors, rather than the property of any one of them, means that it is necessary to take the broader context into consideration: “the only way to determine whether something is a power resource or not is to place it in the context of a real or hypothetical policy-contingency-framework” (Baldwin 1979: 165). This relational approach to power means that power becomes a *dependent variable to empirically investigate* (Hagström and Jerdén 2014), rather than an independent variable.

To investigate the relationship between the EU and its applicant states, a dynamic view on power is therefore needed. There are several good and widely used definitions of power which indicate that power rests on a relationship (Weber 1978, Blau 1986, Hernes 1982). Many such relationships could be described as reciprocal, where an exchange is involved. A typical example would be a country which gives foreign aid to another country and receives backing in an international organisation such as the UN in return (Baldwin 1978). Another example would be an EU member state supporting another in an issue of little domestic consequence, while in exchange receiving support in another issue of more importance. This may not seem like a power relationship, but it is, in the sense that there is a symmetry between the actors where both have an interest in what the other *controls* to approximately the same extent. It may actually come to the point where two actors are dependent on each other, because what they seek is not easily obtained in other ways or through actors other than themselves (Emerson 1962).

Power relations over time could thus develop a certain reciprocity, where it is *expected* that the actors involved deliver certain actions or benefits. Over time, the distribution of these actions determines who is actually contributing more and less in the relationship (Molm 1990: 429). A power *asymmetry* would then be a matter of A having an interest in what B controls more than B has an interest in what A controls, and vice versa. It may not be immediately obvious to the observer that this relationship is also reciprocal, in particular if the relationship is strongly asymmetrical.

At this point, *interests* enter the equation: the more one actor desires something, the more power is allocated to those who can deliver it (Hernes 1982: 33). The fewer of those who can deliver the goods, the more power they enjoy (Blau 1986: 119). In this sense, “power resides implicitly in the other’s dependency” (Emerson 1962: 32). Power is thus not to be seen as an absolute property, but is determined by the degree of dependence. This in turn rests on interests, control and the availability of possible alternatives.

The core of my criticism of how power relations between the EU and the applicant states have been portrayed previously lies herein. The relationship between the EU and applicant states is different today from what it was when it was researched during the 2004 enlargement process. These differ-

ences have changed the balance between interests and control, so what previously appeared to be an asymmetry based on power-as-resources, actually unfolds to be a shifted power relationship where time, roles and institutions have affected the power relations between the EU and its applicant states. The transformative power of the EU is based on the *relationship* between the EU and the applicant states, not on its resources. The rest of this chapter will explain how time, roles and institutions interact in establishing the transformative power of the EU, based on the findings from my individual studies.

### *The model*

Much of the literature on EU enlargement and conditionality, even when tending towards a more relational view of power, views power in a static way: immobile and not necessarily subject to change. The literature treats the relationship between the EU and applicant states largely on the assumption that applicant states are much more interested in joining the EU than the EU is about enlarging, and that the EU has little or negligible interest in the region. I argue that this model is unnecessarily rigid and dichotomous. The EU does have interests in seeing the Western Balkans moving in a certain direction, and these interests have given the countries in the region the possibility to resist EU influence in certain matters, yet advance in the enlargement process.

Here we could use the concept of negative power as an illustration (to be distinguished from negative power as discussed by Dahl 1957).<sup>6</sup> Here I wish to put forward a relationship of positive and negative power similar to the positive and negative liberties as discussed by Berlin. Where positive liberty is the freedom to do whatever one likes, negative liberty is the freedom to not be influenced by others: “[b]y being free in this sense I mean not being interfered with by others” (Berlin 2002: 170). Negative power here is thus the power to resist influence by others, to resist. Just as positive and negative liberty meet at a certain point, the power of two actors in a relationship meet. One possesses influence up to a certain point, the other the strength to offer resistance against that influence. Where they meet, along a continuum, is a matter of context, and I argue that it is this meeting point that has shifted compared to the enlargement to Central and Eastern Europe.

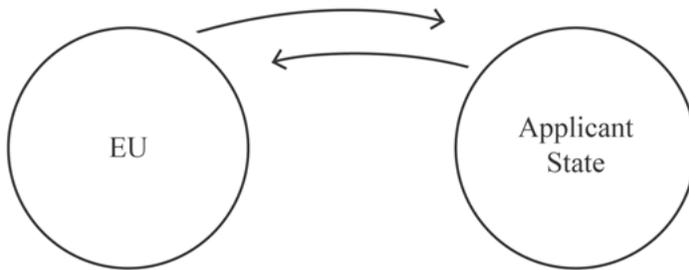
Along this continuum, power over the other actor and negative freedom of external constraints and influences coexist. In the centre, A’s power over B is equal to B’s power to defend its negative freedom and vice versa. In one

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<sup>6</sup> Negative power, as defined by Dahl, means having the effect that A’s influence triggers a reaction which A does not wish, whilst B would have done what A wished had A not used its influence. That would mean that A’s negative power functions as a repellent, like two equal poles of a magnet being forced against each other. That is not what I wish to put forward here.

extreme case, A has power over B, based on interests and context, plus the power to resist any influence by B over A. The second extreme case is the opposite: B has power over A and the power to resist any influence by A over B. It is perfectly possible that these two powers overlap. Indeed I argue that they do, as I can show that layers of old and new institutions coexist in both applicant countries under study.

Figure 1: The model of positive and negative power in relation to each other, applied on EU and applicant states.



The point is that power can then be seen to run along a continuum, even overlapping where the influence by A and B over each other may fluctuate not only between two or more poles, but also over time. A power relationship may change as context and preferences shift, and positive and negative power may shift depending on changes in roles and institutions. To a certain extent, it is a shift in the power asymmetry, but it is one based on changes in relations, not on changes of resources.

But how can such a drift in asymmetry, shift between positive and negative power, occur? That is particularly interesting if we cannot detect any apparent shifts in resources, meaning that the strong is still strong and the weak is still weak, from a power-as-resources point of view. Both the changes in positive and negative power have to be explained: how the nominally stronger actor loses leverage, and the nominally weaker actor gains in power to resist. Here it is useful to discuss *powerlessness* as a phenomenon, and how that comes about, that is when an actor sees its power to influence decrease. Powerlessness is not to have *little* power, it is the *opposite* of power. Powerlessness occurs when the rational assumptions on behaviour, goals and preferences do not hold, when interests are not clearly articulated, and when the means to reach them are not chosen with clear knowledge about their effects (Hernes 1982: 134). An actor may *seem* to have power, based on a logic of power-as-resources, but in reality has not. “Powerlessness means that the goal is not realized, that the interests cannot come into expression, and that the control which the actor wished to apply is not possible to exert” (Hernes 1982: 158, my translation). This is directly related to the “paradox of

power”, where the power properties that an actor would be assigned if power were indeed an independent property cannot be translated into power practiced (Baldwin 1979).

Powerlessness may arise as a result of processes of institutional arrangements that were unforeseen at the moment of decision making, i.e. unintended consequences (Hernes 1986: 134). These unintended consequences may be the effect of a number of single, even small decisions and changes over time, which one by one may seem perfectly reasonable, but together point in an undesirable direction, and may even be irreversible (Hernes 1986: 163-164, 167).

Thus power or powerlessness are not static characteristics, but may change depending on the circumstances. An actor in a position of power, by way of choices which may seem rational at the time reach a situation where small decisions accumulate into a situation of relative powerlessness, where all resources seen to give power are still intact, yet the actor finds himself unable to exercise the power he would be expected to have. Therefore, there is a clear possibility that a power relationship changes over time, from any direction to another. Such a drift can only be detected if the power relationship per se is investigated, and not taken for granted.

It is absurd to claim that the EU is in a state of powerlessness relative to the Western Balkans. What I argue instead is that the logic used by Hernes, when describing a drift into powerlessness, is useful to understand how applicant states today have a seemingly wider space to manoeuvre, to resist EU leverage on small, key details which in effect make a difference. Just as when Hernes says a powerful actor can drift into powerlessness through unintended consequences of its actions, I argue that the power relationship between the EU and applicant states has changed due to some important shifts in scope, domain and interests between them. The EU is not powerless, but the power relationship between the EU and the applicant states has shifted. This has happened through a process where a number of factors have altered the interests of the EU in the region, as discussed in chapters one and two.

The following part of this chapter offers a historical institutionalist model to explain how institutional processes have led to the power shift towards larger symmetry between the EU and the applicant states.

## A historical-institutionalist view on power relations

### A time and process-oriented approach to EU enlargement

I argue here that historical institutional thinking is a fruitful way forward when analysing and explaining the power relationship between the EU and

applicant states. Historical institutionalist researchers are particularly interested in power relationships between actors (Ma 2007: 63) and how institutions distribute power unevenly (Hall and Taylor 1996: 20). The stability of, or shifts in, the balance of power are important sources of institutional change or sustenance (Mahoney and Thelen 2010).

Investigating possible shifts in power relationships, with a particular interest in unintended consequences, means that *time* has to be taken into account. This is especially true since the enlargement policy of the EU is a *process*, unfolding over time with shifts of interests and relative strength of the actors. Even though historical institutionalists have been primarily interested in institutions as opposed to historical aspects (Pierson 2004: 8), time is nevertheless central.

Taking time seriously, and the changes and adaptations actors make over time, means that consequences of actions also are analysed over time. This brings us to why historical institutionalism is particularly useful to this study: the acknowledgement of the unintended consequences that can occur. Policies and institutions are not perceived as the rational creation of politicians which is often assumed (Pierson 2004: 115). Power may actually quite easily slip away without anyone really noticing it or actively challenging it. Pierson has, for example, shown how gaps in EU social policy have unintentionally given power to EU bodies to steer implementation of the social policy thereby diminishing the power of the member states on key aspects of EU legislation (Pierson 1996).

Rules are inherently imprecise, and the interpretation of their meaning and implementation gives other actors, rather than the policy makers, the ability to distort the implementation of the rules (Mahoney and Thelen 2010). This may result in a different distribution of power and resources than originally intended. Such unintended consequences are rarely detected if the post-hoc assumption is that an institution looks just as its creators intended. Assuming that a policy functions in the way it was designed may mean that we only know half the truth. Investigating possible unintended consequences broadens our understanding of which challenges may lay ahead in terms of the need to redesign policy or how power relationships may be distorted.

But unintended consequences may also arise from changes in the relationship between the actors involved. Actors have a central role in historical institutionalism, as they function as “independent or intervening variables” (Pollack 1996: 431). Thelen and Steinmo expressed it as institutions “*can shape and constrain political strategies* in important ways, but they are *themselves also the outcome* (conscious or unintended) of deliberate political strategies, of political conflict, and of choice” (1992: 10, emphasis added). It is important to emphasise that historical institutionalists specify the relationship between structure and agency as a “duality linked in a creative relationship” (Hay and Wincott 1998: 956), as when the institutions defined and designed by the actors in turn have an effect on the “self-images and basic

preferences of the actors involved in them” (Hall and Taylor 1996: 940). This means that the relationship between actors and institutions is not static but changes over time as adaptations to events and possible path dependent patterns distort the initial relationships. Through the establishment of the institutional limits posed by a policy, it is possible to trace how the actors respond in relation to these limits, and subsequently we could try to detect how these actions, in turn, affect the policy itself and possible effects on power relations. Such adaptations may very well result in unintended consequences which, in turn, affect the (power) relationship between two or more actors. Many studies based on historical institutionalism have focused on the institutions, and how institutions shape the possibilities for action. The study by Mahoney and Thelen (2010), which is discussed and applied in the chapters about Albania and Macedonia, clearly shows how actors take the centre stage while responding to institutions over time, affecting power balances and compliance with rules. This dual relationship between structures and actors is central to drawing the picture of power: how institutions shape the possibilities for actors as well as the limitations they pose.

The framework presented here opens up the two levels in the process of steering the implementation of the EU conditionality that determines the extent of transformative power carried by the EU. Adding a historical institutionalist framework shows how structures and mechanisms shape the way policies and choices of instruments are crafted at the EU level, how that affects the possibilities to act, and how some shifts in the political context produce unexpected consequences, contributing to weaker transformative power and possibilities to resist the EU leverage by the applicant states.

Historical institutionalist thinking helps show how the EU is weaker than perhaps previously thought in the applicant states. The results will also show how political context and institutional environments in Albania and Macedonia give local political actors a certain level of discretion and the possibility to avoid complying with international norms on elections but still comply with the Copenhagen criteria in a broad sense.

The path dependent character of the enlargement policy makes the EU a surprisingly inefficient change agent when challenged by domestic structures and actors. Formal changes of legislation are one thing, but the implementation of the new rules is largely beyond EU influence. In addition, there are few, if any, domestic norm entrepreneurs strong enough to make a difference and force the political parties to at least formally abide by the democratic values on elections.

In this sense it is possible for domestic actors to abuse gaps in the conditionality for their own interest and distort the implementation of key aspects of democracy. Top-down transformative power proves to be of a very different kind from that assumed in Europeanisation literature.

## Bounded transformative power

### *Roles, lock-in mechanisms and path dependence*

As discussed above, changes in degrees of interdependence and asymmetry between actors involved in a power relation may come about through the process of slowly evolving unintended consequences equal to those historical institutionalists label as positive feedback. Such mechanisms are an integral part of the concept of path dependence. Positive feedback is the process of strengthening a certain arrangement: an institution or a policy. Pierson argues that politics is particularly prone to positive feedback due to its collective action nature, its dense institutional set-up and the complexity of politics, where it is difficult to have a clear overview of means and their effects (Pierson 2004: ch 1). Adding to this pattern are the short time horizons of politicians, and the status quo bias of political institutions (Pierson 2004: 41-42). I have argued elsewhere that the EU enlargement policy shows all these features clearly (Giandomenico 2009), and the analysis in chapter 7 on the EU confirms these findings.

Such positive feedback easily leads to a path dependent pattern. The EU is caught in this loose type of path dependence on the aggregate institutional level, due to a number of factors: the structure of the institutional set up for the enlargement policy itself, the foreign policy role of the EU including its commitments to the Western Balkans and the security policy interest in the region.

Not all institutions or policy processes are path dependent, but a number of positive feedback processes enhance the possibility of path dependence in politics (Pierson 2004: 30): the central role of collective action, the high density of institutions, the possibilities for using political authority to enhance asymmetries of power, and the intrinsic opacity and complexity of politics. I argue that these features are all present for the EU enlargement policy, and thus make it conducive to path dependence. But for path dependence to take root, case specific feedback mechanisms are needed (Collier and Collier 1991, Thelen 1999). Here I argue that the foreign policy role, including aspects of the security policy that the EU has taken, as well as commitments towards applicant states, function as case specific feedback mechanisms together with the structure of the enlargement policy. The other aspects and challenges discussed both in chapters one and two add leverage to these two mechanisms. But where mechanisms may be seen as features which the actors passively respond to, I argue that EU member states, and in particular the pro-enlargement countries, are actively and continuously referring to and thus contributing to their reproduction of the path, shaping their possibilities to act and even their interests in the Western Balkan region. These two aspects of EU foreign and enlargement policy function as credible commitments, by actively binding the EU to the process of enlargement and

certain actions (North 1993, Morrow 1999). This path dependent character of the EU enlargement policy has produced unintended consequences which affect the possibility to act towards the applicant states.

The empirical results from chapter seven show how lock-in mechanisms derived from the foreign policy affect the possibilities for the EU to act upon their preferences regarding enlargement, which in turn limit their power over third states. As this path dependent pattern evolves, the power balance between the EU and the applicant states is affected with clearly unintended consequences.

First, the EU's institutional setting is itself conducive to path dependence as shown in chapter seven through its dense institutional arrangements, collective action character, short time horizons and status quo bias of the existing institutions (Pierson 2004, Giandomenico 2009).

Secondly, the foreign policy role as a normative and benign power is an important part of legitimacy as a global player: the EU spreads values through the very attraction of being associated with the union, not through force (Aggestam 2004 and 1999). The EU has vested a good portion of its prestige in the region (Sahlin 2007), and it would be a detrimental blow to its image as a strong normative actor on the global arena if it did not succeed in having leverage over the countries that wish to join the union. It would also be a blow to this image if the EU needed to use strictly punitive means such as denying the region further EU integration on the basis of poor compliance with conditionality.

Thirdly, and strongly connected to point number two, is the security policy interest the EU has in the region in comparison to previous enlargements. The post-communist history of the Western Balkans has been an important aspect in shaping and redefining the EU Common Foreign and Security policy (CFSP), where the EU failed utterly in stopping the wars of Yugoslav dissolution and the Kosovo crisis (Gow 1997, Higashino 2004). These two conflicts exposed some serious weaknesses in the EU Common Foreign and Security Policy (CFSP) and not only did the EU need to strengthen it for the sake of future efficiency, but also to restore some of the tarnished reputation on the world scene (Wagnsson 2008, Smith 2007). Legitimacy and credibility of the EU in international affairs was thus in one move coupled with peaceful and democratic developments in the Western Balkans. The EU, therefore, has a vested interest in giving the impression of successful EU integration in the region to promote itself as a normative power with the possibility of bringing peace and security to its close neighbourhood.

These three factors function as feedback mechanisms individually, and reinforce each other as a group, leading to a situation where it is difficult, but not impossible, for the EU to change approach towards the Western Balkans. This has an effect on the choice of steering instruments for action, but also an effect on the interests the EU has to see Western Balkan countries reform with their own impact on the transformative power of the EU.

In addition, the combined foreign and security policy interest to demonstrate success in the region means that the EU no longer has the luxury to ignore the Western Balkans; moreover, it needs to demonstrate progress, in order to show success with some of their central common projects, adding to the stickiness and predictability of their actions.

### *Choosing steering instruments in a bounded context*

The essence of EU transformative power lies in the possibility of steering applicant states so they transform into stable, functioning countries similar to EU member states. The EU exercises that power through a handful of steering instruments, which are chosen based on assessed requirements, and as I show in chapter seven, also based on possibility and appropriateness given by restrictions derived from the broader foreign policy role, security interests in the region and commitments made towards the region.

Research into choice of policy instruments is at times treated as a strictly technocratic exercise, where the final choice falls on the most efficient and least costly (Howlett 2009). However, the choice of policy instruments “is a political one, bound by political institutions and made by political actors often responding to political problems” (Howlett and Ramesh 1993: 5). Linder and Peters repeatedly stress that the choice of instruments is influenced by a number of factors. Organisations embody certain approaches to policy problems, and thus tend to choose familiar solutions to familiar problems. Organisations are recognised to have value systems and symbols, which may be reflected in the choice of instrument (Linder and Peters 1989: 50). If the means-end analysis is not done on a strict rational basis, but the policy and instrument decision-makers have to take one step at a time, or react to the streams of problems, this would be a case of “bounded rationality” (Simon 1979, Lindblom 1959, Cohen et al 1972, Richardson 2006: 25).

Incrementalism, or the “science of muddling through”, shows how policy makers, and in particular regarding the application and handling of the policy, follow an incremental pattern building on earlier choices and pre-existing structures, a method which could be called “branching” (Lindblom 1959: 81), related to the concept of path dependence. This means that it is important to understand how decision makers conceptualise available instruments, and how the values, symbols and institutional arrangements of an organisation affect their understanding of the available instruments. The choice of instruments is thus influenced by the value systems and symbols of the organisation, here the EU, and the possibilities to make clear, well informed choices. That means that the choices are defined by both broader assessments of appropriateness, derived from the identity and goals of the actor, and the character of the decision making process he finds himself in.

The choice is thus affected by both technical and political aspects, as will be empirically shown in chapter seven. The important insight is that the

choice is not only based on perceived needs, but also on perceived appropriateness, possibilities and even compromises. There are a number of different tools on hand to choose from, on a scale from soft to hard, from sermons to sticks. The tools may not necessarily have the intended effect, yet the choice tells us something about the transformative power of the EU. In short, the choice of steering instruments is affected by the path dependent character of the enlargement policy.

A large portion of the instruments used by the EU are clearly of a positive incentive nature: grants, financial support and training programmes under different names are all part of the package. The biggest *carrot* of them all in relation to EU membership conditionality is clearly the membership itself. It is that which lies behind the leverage the EU enjoys over the applicant states (Vachudova 2005). Also smaller projects, such as visa liberalisation, function as important carrots for key reform (Trauner 2009).

The EU obviously also has *sticks* at its disposal in the shape of binding laws and threat of sanctions (Lemaire 1998: 59). This is a typical instrument to force one's power on another (Hernes 1982), and supposedly widely used by the 'regulatory power' European Union (McGowan and Wallace 1996). However, given the supposedly voluntary nature of the enlargement process such means should not be needed, and represent a very small part of the instruments available and used as discussed in chapter seven.

The third type of instrument, *sermons* is the "softest and most lenient instrument" with which to steer implementation (Vedung and van der Doelen 1998: 104). It is represented by means of communication through media, information campaigns, and other types of communication to try to influence people through the transfer of knowledge, building arguments, and even "moral persuasion" in order to achieve the desired results (Vedung and van der Doelen 1998: 103). As is evident from chapters five and six, sermons are widely used by both the central EU structures but in particular the EU delegation and member states in each applicant country. This is in effect the most widely used instrument as it does not require decisions on allocation or withdrawal of money or other resources, and can be used with almost complete discretion by the EU structures in each applicant state. It is also an important instrument when it comes to strengthening the legitimacy of democratic norms, which is mainly done through persuasion (Checkel 2005).

Chapter seven shows that the EU mainly uses sermons and to a certain extent carrots when trying to influence applicant states in their reform process, and in particular when it comes to the more normative aspects of the Copenhagen Criteria. Preferences for certain instruments over others are clearly based on the foreign policy role, commitments towards the Western Balkans and security interest in the region. In this sense, the choice of steering instruments is bounded by a path dependent like dynamic, which diminishes the possibility for the EU to use all possible power instruments available. Its power has been circumscribed on a relational level.

## Institutions: layers of old and new rules

A key argument backing my model of transformative power is that I cannot only detect, but I can also explain how different layers of rules have come about in the applicant states. These layers of rules are part of the mixed picture of reforms that so many analysts indicate. Chapters five and six show how aspects of old and new are mixed, where external influences have strongly contributed to certain aspects of new rule, while other aspects of the old remain and are indeed defended. Again, I use a historical institutionalist logic to explain how these layers of rules come about, how actors and context relate, and how this represents the negative power of the negative power of the applicant states.

In order to understand how a nominally weaker actor may gain strength relative to a nominally stronger actor, it is important to investigate the institutions and the possibilities to act that these provide to different types of actors, including, in this case, the EU. To do so, I build on Mahoney's and Thelen's (2010) model on compliance and institutional change to open up the relationship between the EU and the applicant states in the domestic arena of the applicant states. The compliance discussed is first the formal adoption of EU membership conditions, but secondly, and more importantly, also the actual behavioural changes: the level of implementation and compliance. Mahoney and Thelen focus on how incremental institutional change comes about, which actors favour what sort of change, and how the institutional and political contexts shape the environment for certain types of change agents. I put the EU and the applicant states at loggerheads with regard to this very cutting edge: how to comply with which rules. The question is how EU rules are received in the applicant states?

At the centre stands the battle over the implementation of new rules and how this battle produces changes in the institutional framework. In essence, it is about compliance with rules, and compliance as a variable. Mahoney and Thelen point out that in much of the rationalist accounts, "compliance is built into the definition of the institution under consideration" (2010: 10). However, if we depart from this assumption, and take a (power) distributional approach, compliance becomes an empirical fact to be explained.

Since rules are never very precise, there is always room for interpretation on how they should be implemented. The actors involved all have their understandings, assumptions and perceptions which lead to their interpreting and perceiving rules in different ways. The "soft spots" between a rule and its implementation provide room for a struggle over its meaning and enforcement, which may produce the possibility for central actors to comply with some aspects of a rule, but not with others, creating layers of rules and institutions. In this way central actors can resist certain aspects of change, whilst complying with others, thus enjoying a certain level of negative power.

### *Layers of rules*

In this power battle between the EU and the domestic actors over how to implement the rules connected to EU membership conditions, the result is a compromise; new legislation and rules are introduced while old practices and informal institutions continue. The attraction of EU membership is strong enough to make political parties change the formal rules, but not strong enough to make them go the whole way. They are able to resist change regarding informal aspects, including some key parts of the legislation. As long as non-compliance is not openly flagrant, the domestic actors are not necessarily criticised for their actions, and they can continue to act along the lines of the informal institutions, meaning old norms and values.

Such *institutional layering* can account for the apparent puzzle of how intensive EU related reforms, including a fully supported process of constantly improving the electoral legal framework, have not resulted in more stable democratic institutions. Institutional layering is the process of incremental institutional change, where new elements are added while some of the old ones remain (Mahoney and Thelen 2010).

Most often institutional change is explained with exogenous shocks, even revolutions, producing a new path. However, EU conditionality poses no such sudden rupture, because it is a *process* of exchanging old rules with new ones, one or a few at a time. The sudden rupture, dismantling the communist system and replacing it with a more democratic one, already took place many years ago. The question is to what extent the EU has the power to influence a change of the normative framework in order to sustain the changes of the formal rules.

There are several studies of transition in Eastern Europe which show elements of institutional layering, where the new institutions based on democracy and rule of law are added to the existing framework of institutions, rules and organizations (Thelen 2003). Others have argued that not even extreme changes of the formal rules, such as revolutions, are as revolutionary as intended because the informal institutions do not necessarily change with new formal institutions (North 1990, Eckstein 1988). New formal rules layered on old informal ones produce change, but not necessarily the intended one.

Layering as a concept is originally elaborated to describe an endogenous process of incremental change of formal institutions in the Western Europe (Mahoney and Thelen 2010, Thelen 2003, Thelen 1999). I would argue that applying layering to EU conditionality does not stretch the concept beyond its original meaning, as other applications may (van der Heijden 2011). The difference is that the main impetus for change is exogenous rather than endogenous in the case of EU enlargement, and that informal as well as formal institutions are considered. The struggle over how to implement the new rule, the relative strengths of change agents and preservers of status quo, and

the impact of domestic structures on their capacity to act are similar, if not the same.

### *Domestic context and agency*

The outcomes of political power struggles over the implementation of new rules are not only dependant on the relative strength between the actors. Mahoney and Thelen (2010) conclude that *the domestic political and decision making context* defines the opportunities for and constraints on change agents and their possibilities to introduce new rules and steer their implementation. Layering is typically found in an environment where there is a low level of discretion regarding policy making for the change agents, but where they have strong veto possibilities on implementation (Mahoney and Thelen 2010: 19). EU conditionality in general provides such an environment, and in particular when it comes to Macedonian and Albanian elections.

A centralised country like Macedonia, where much of the power lies in the hands of the Prime Minister (ICG 2011), and parliament is to some extent reduced to a “voting machine” (Forum 2003), means that formal policy making and rule implementation mainly lie in the hands of the political elite. The same is true for Albania, where the communist legacy on the structures of political power is strong. The separation between state and government, and government and party still leaves much to be desired, and where political parties to a great extent are “vehicles and properties of their leaders” (Bogdani and Loughlin 2007: 139, Kajsiu et al 2003). However, EU conditionality upsets the discretion of political decision making. Constant monitoring, discussion, and reporting mean that not only the EU but also other international organisations and domestic actors have an insight into the domestic policy setting which they may not otherwise have had. This is particularly true when it comes to elections. In such situations the domestic change agents opposing the new rules, or wishing to distort them, have to work silently and subversively (Mahoney and Thelen 2010) not to be detected or create strong opposition.

The domestic context is important for both formal and informal rule adoption. Newly introduced norms “never enter a normative vacuum” but rather compete with the existing set of norms (Finnemore and Sikkink 1998:897). Domestic structures, such as political institutions, organisation of state-society relations, and the structure of domestic decision making, function as “filters” determining the speed and pathways of international norms into the domestic policy setting.<sup>7</sup>

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<sup>7</sup> Also the literature on democratization and transition puts a focus on the domestic structures, historical legacies, institutions and actors. See for example Huntington 1993, Linz and Stepan 1996, Diamond et al 1997.

It is here, in the domestic context that we can detect the strength of the transformative power of the EU: whether it provokes the changes the EU would wish for or not. The strength the EU carries with it is met by different domestic actors with different agendas and interests, and they can enhance or challenge the strength of EU leverage, depending on the domestic context and type of change agents present.

### *Domestic actors in their context*

As an external actor seeks to induce change in a context, two questions arise. Firstly, does political context afford defenders of status quo strong or weak possibilities to resist? Secondly, do the targeted institutions afford actors opportunities for exercising discretion in interpretation or enforcement (Mahoney and Thelen 2010: 18)? The answer to these two questions leads to four different possible outcomes. Here Mahoney and Thelen arrive at a set of change agents which is indirectly helpful for our purpose.

*Insurrectionaries* seek to change the status quo and actively mobilise against the existing institutions. The type of change associated with insurrectionaries is complete displacement of the old rules and introduction of new ones. The EU and domestic pro-EU actors would represent this type of change agent in the applicant states: working to introduce new legislation that replaces the old.

*Symbionts* thrive on existing institutions and exploit the rules for private gain. They often exploit the letter of the rule while violating its spirit. They are not interested in replacing the old rules, as they benefit from exploiting them, but their exploitation of the rules contributes to change nevertheless. Symbionts are associated with institutional drift, with a slip between rules and practices. It could be argued that many of the political parties under study in this thesis fall under this category, particularly those that strongly resist direct normative changes.

*Subversives* try to displace the institution, but not openly. They disguise their preferences and seek to work within the system biding their time. They participate in partial change of the rules, but do not advocate their full replacement. In this sense they contribute to layering in that new rules are grafted onto the old ones. Here we could imagine pro-democracy actors under illiberal or authoritarian rule.

The last change agent identified by Mahoney and Thelen are the *opportunists*, which are ambiguous about their preferences. They exploit whichever possibilities exist in order to achieve their goals, abusing old or new rules alike. In this sense they participate in conversion: where rules are redeployed in ways not anticipated by their designers. Again, this category could fit a number of the political parties in this thesis.

It becomes clear that whilst this categorisation is helpful, its direct application is not straightforward.

The point is that in these four combinations of context different types of change agents are favoured. As the political and institutional context varies over time, country, and issue, different types of change agents, or indeed defenders of status quo, are favoured and work more or less efficiently. Actors can seem to be working for change, but in reality do not. Chapters five and six show this clearly, as the domestic institutional context in both countries is very much similar, as just discussed. However, the two cases demonstrate very different types of change agents and preservers of status quo. In Macedonia it has not been difficult to identify actors such as norm entrepreneurs, spoilers and passive facilitators of violence. In the case of Albania, on the other hand, it is more difficult to put strict labels on the actors involved, and they are quite different from those we find in the Macedonian case.

It is easy to gain the impression that these change agents work more or less alone in a specific setting. That is not true. There are different kinds at work in each setting to be studied, but the point with the model presented by Mahoney and Thelen is that each of the change agents thrives better in a specific context, and each case needs to have its specific combination of change agents and preservers of status quo identified and analysed.

## Conclusions

A relational view of power, where two or more actors are involved in a reciprocal exchange of interests and control, helps us to see what has otherwise been hard to detect: that EU performance in the Western Balkans has become an important part of its role as a foreign policy actor, shifting the relationship between the EU and applicant countries, producing a situation where positive and negative power not only has shifted its balance, but goes so far as to overlap.

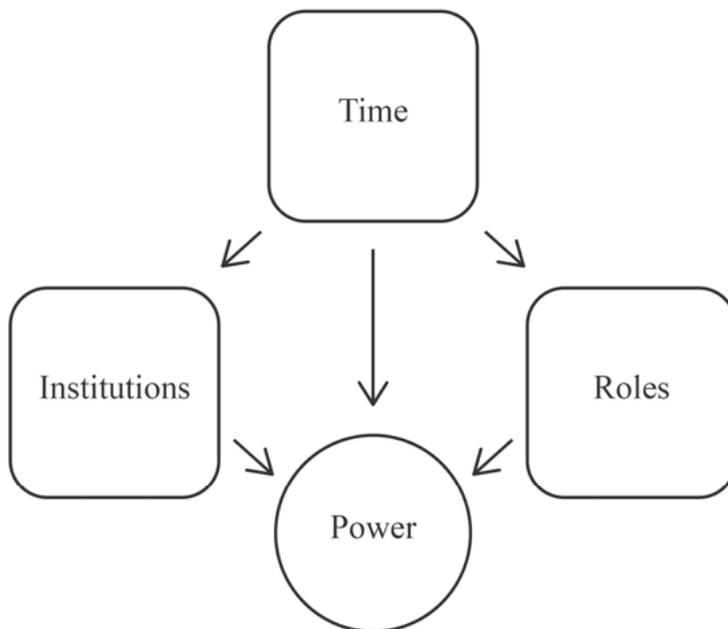
The core of the analytical framework focuses on the unintended consequences of EU enlargement policies and the growing role of a foreign policy actor, which in combination have created a situation where the EU finds its power bounded by a number of factors and thus less strong than previously assumed. This bounded power is the result of events on both the EU level and the domestic level in the applicant states, as my empirical studies show. The enlargement policy has locked the EU into a path-dependent like pattern where certain steering instruments that are hypothetically available nevertheless are not politically appropriate.

At the same time, the design of conditionality as a matter of transposing rules into the Western Balkans means that only indirectly can the EU impact the formal rules. The implementation of rules is in the hands of domestic actors, in the shape of change agents. Depending on the agenda and relative strengths of the domestic actors, different types of change actors are strengthened. In addition, to a certain extent, the EU functions as a norm

entrepreneur. Having the strength to induce legislation changes, but not necessarily normative changes, the result is what we have observed in the Western Balkans: layers of new formal rules on top of old informalities: norms and values.

This explanatory framework adds to established Europeanisation literature and challenges the external incentives model. I still regard EU influence as a sort of governance process, and the incentives for change as being external rather than strongly domestic, but the context and power relationship is radically rethought. The unique contribution here is that simultaneously I contrast the EU level with the domestic level in the applicant states, and show which factors and actors play a role when it comes to compliance with international norms on democracy. How, indeed if, these norms seem to take root among the important actors in each society are in focus, and in light of radically rethought dynamics at EU level, I arrive at a challenging reconsideration of the power relationship between the EU and applicant states, where roles and institutions are affected and can change over time – both at EU level and in the applicant states; this in turn affects power as is explained in this chapter.

Figure 2: Time, institutions, roles and power in relation to each other



## 4. Design and methods

### Designing the study

This study takes a perhaps unorthodox step by studying EU's transformative power through three distinct independent studies, contrasting the realities in two applicant states with that in Brussels. That has been done to enable conducting penetrating studies at each level, and to illustrate that although the two levels are intrinsically intertwined, they are at the same time very much two different realities with their own dynamics.

Each independent study answers an individual research question, posed to reflect gaps in research on the effects of Europeanisation literature as discussed in chapter one. These studies in turn help to answer the broader question of the entire thesis: *What does EU transformative power look like, and how can we explain the weaker performance in the Western Balkans?* The choice of each study will be discussed in more detail below, but generally they are chosen to demonstrate the weaknesses in the current theoretical literature, while providing a good basis for further theory development.

I investigate two cases of electoral performance in the two applicant states of Albania and Macedonia, where I trace the process of adhering to EU conditions and international best practice in both countries. These two studies aim at uncovering the possibilities for the EU to act as a change agent, and to detect the scope of the transformative power of the EU when it comes to normative aspects and compliance with EU political criteria and democratic values. The findings from those two studies are then confronted with the conclusions from the study made at EU level: how the EU functions from a Brussels point of view. Here I investigate closely how member states and EU institutions interact and reason over the everyday handling of EU membership conditionality: their priorities, concerns and evaluations. The result is a picture of how the EU chooses its instruments for steering events in the Western Balkans, which instruments it prefers, and which it avoids. As such, we get a perception of the possible scope of the EU's transformative power, in particular in terms of when it needs to use its power more actively in critical situations.

The point with the separation of levels and cases becomes evident when all three studies are put together, next to each other: it becomes possible to detect the dynamics in the two countries and to compare those dynamics with how the Brussels level acts and reasons. Strengths and weaknesses at

both levels are contrasted, and it becomes possible to observe how the EU actually works as a change agent and how that translates in the cases of the applicant states under study. My aim with this study is to be able to arrive at the point where these two quite separate worlds meet: to identify the surface where EU interests and leverage touch domestic dynamics and preferences. What does the EU transformative power actually look like? That question is answered through the theoretical model presented in the previous chapter. That model is the synthesis of my empirical and theoretical findings from my independent studies.

### *Developing theory through case studies*

This thesis is designed to be able to develop theory based on empirical findings drawn from individual studies. Whilst challenging the established theoretical framework on the subject, I need to detect new factors, actors and structures that have an impact but that have been overlooked by the previous theories that I challenge. For this purpose, case studies are important building blocks, as they help depict “well defined aspect[s] of a historical episode” enabling a deeper study of each case and to “accommodate complex casual relations such as equifinality, complex interaction effects, and path dependency” (George and Bennet 2005, p 18 and 22). As such, the case study approach could be defined as “the detailed examination of an aspect of a historical episode to *develop or test historical explanations that may be generalizable to other events*”, meaning a solid component in theory development (George and Bennet 2005: 5, emphasis added).

The case study is well suited for going beyond the *prima facie* impression of a process or event, as it can help in identifying “black swans” through its in-depth approach: “What appears to be “white” often turns out on closer examination to be “black.”” (Flyvbjerg 2006: 228). As such, case studies are well suited to explore the complexities and uniqueness of a phenomenon (Simons 2009: 21), and, put in proper theoretical light, they could contribute to important theory development. That is exactly what this thesis intends to do: to develop and refine the current thinking on EU enlargement and to find explanations for the puzzles that we are facing.

In their important book on case studies and theory development, George and Bennet (2005) argue that a “structured and focused comparison” is the preferred way forward for case studies. The method is *structured* as the researcher poses the same general questions to the cases, making cumulative data collection possible, and it is *focused* as it deals only with certain aspects of the cases (George and Bennet 2005: 67). The cases of Albania and Macedonia, in focus here, partly follow such an outline, as the general approach is to investigate elections in the light of EU influence and in the adaptation to EU membership criteria on democracy and the rule of law. These two cases demonstrate different dynamics, but follow the same structure: to identify

the key actors, their roles, and which structures that affect action by both national actors and the EU.

George and Bennet observe that in case studies “the definition of which variables are relevant (...) remains open to revision as the research proceeds”, pointing at an inductive research process (2005: 18, note 32). In fact, using case studies for theory development is inductive, as new variables and mechanisms may be detected and added to the already existing theory (George and Bennet 2005: 111). The design of this study is meant to support such a research process: to explore cases poorly researched and to put them in the light of each other, in order to draw conclusions from each case and, at a later stage, build a framework for explanation and broader theoretical understanding for generalisation among similar cases.

My studies are case studies, but not put together in the traditional sense. The two studies on elections in Macedonia and Albania investigate the same aspects: how the electoral stakeholders behave during elections over time, and how they approach the challenge to improve and amend the electoral laws over time. These processes have been very different in the two countries, and the independent studies reflect each individual dynamic. Thus they have a different outline, while focusing on the same key aspects outlined in this chapter: actors, institutions and norm transfer. The chapter on the EU is also an independent study, though clearly of a different kind. Here I cannot search for the same parameters as I did in the other two studies, but instead I investigate how the member states in particular, but also the Commission and the EEAS, relate to and handle the enlargement policy on an everyday basis. Again, the focus is on actors and institutions, how they relate, and how the EU acts upon its leverage, including norm transfer. In this sense, these three independent studies focus on the same aspects, but reflect the unique character of each case. Together, the results tell a broader picture and make it possible to build an alternative interpretation of the transformative power of the EU based on detailed empirical analysis of each study.

## An inductive study and its implications

A qualitative study is almost by default an inductive study. This means that while the design is, up to a point, clear from the beginning of the project, it is also a matter of a “do-it-yourself” process, “tacking” back and forth between the different components of the design, assessing their implications for one another” (Maxwell 2013: 3). In fact, a research design for a qualitative study is better flexible than fixed and inductive rather than following a rigid set script as the processes of “collecting and analysing data, developing and modifying theory, elaborating or refocusing and identifying the research questions, and addressing validity threats are usually going on more or less

simultaneously, each influencing all of the others” (Maxwell 2013: 2). That indeed describes well how this study has been conducted.

This project started through a growing conviction that the EU approach towards the Western Balkans did not produce the expected effects, and that the analytical tools at hand were not catching sufficiently how and why the conditionality in the region worked differently from that expected. It was thus a matter of both empirical and theoretical curiosity which put this project in motion. But as both theory and empirical conclusions were questioned, I needed to take an inductive approach as just described.

At the onset of the research, I could only make a qualified hypothesis on how events would develop and what I would find, with the possibility that dynamics would be completely unexpected on deeper inspection. It has been a fruitful approach, yet daring as I made the choices early on and I have studied the politics as they have unfolded rather than as a passed event. In fact, I faced the possibility that my case selection would over time and through deeper research turn out to be something completely different from my initial thoughts. It is not uncommon, and as Flyvbjerg put it: “as a case researcher charting new terrain, one must be prepared for such incidents, I believe” (Flyvbjerg 2006: 231).

Studying politics as it unfolds is good in the sense that all the relevant actors are easily detectable and reachable for requesting interviews. On the other hand, the researcher never knows what will happen next: a plausible theoretical model could be put in doubt during a research trip trying to confirm the model. This turned out to be one of the consequences with my inductive research design. When I started, I chose to contrast Albania and Macedonia regarding EU influence along the lines of the Europeanisation literature, in order to contrast their relationship with the EU and to draw conclusions about how the EU's transformative power played out in two different cases. However, over time, it has turned out that the parameters given by the Europeanisation literature not only did not fit my cases, but also left me without guidance once I was investigating compliance beyond rule transfer. I did not stumble in darkness, but I did not know where my empirical investigations would bring me theoretically. That was at times frustrating, but the result was both enlightening and surprising.

But if my studies on Albania and Macedonia had some theoretical guidance, in the shape of the Europeanisation literature, I had much less support when studying the EU. I began by going through literature on foreign policy, but as already discussed, that tends to stay on a higher level, and does not necessarily deal with the everyday handling of policy. When doing my field studies, I soon realised that the literature did not help me very much, and I had to start at one end to see what the results would be. In this sense the study on the EU is highly inductive and I have needed to rethink my approaches on several occasions.

Indeed it turned out that I had to rethink the empirical relationship between the EU and the applicant states completely, and with it the theoretical aspects of my study. That did not force me to re-design the study, as the inductive character of the design is rather flexible, but it did urge me to rethink the theoretical conclusions, arriving at the model presented in chapter three. As already stressed, the theoretical framework presented in chapter three represents the conclusions drawn from my empirical studies. It is based on a long empirical process of extracting insights and conclusions in relation to the existing literature on EU enlargement and conditionality. It is the empirical findings that have driven this study to theoretical conclusions, not the other way around.

## Case selection

As can be deduced from the design and inductive character of my study, my curiosity has been mainly empirically driven. I had, through studies and work, already observed that the established thinking on EU conditionality and even transition and democratisation fitted poorly into the Western Balkan setting, and I wanted to investigate further. In particular, I wanted to understand how the Western Balkans was different, and wanted to be able to explain why the established thinking on EU conditionality did not fully fit. I have chosen the two cases which initially raised my curiosity on these issues, and where I had already begun to question the ways in which the transformative power of the EU was supposed to work: Albania and Macedonia. But I chose these two countries fully aware of the dynamics in the neighbouring countries at the same time.

As I have already stressed, my focus is more on non-compliance than on compliance, and I therefore needed a case where non-compliance was almost expected, or at least where it would be difficult to achieve full compliance with the rules introduced under EU influences. Albania is such a case. Albania experienced a harsh type of authoritarian communist regime until the death of the dictator Enver Hoxha in 1985. It had little or no contact with the rest of the world, and no dissidents knowingly challenged the established order openly. The first post-communist decade was very difficult with the state almost collapsing twice and with a difficult political transition from party state to a more liberal version of democracy. To be true, the post-communist governments of Albania have all been sternly pro- EU and NATO integration, as has the population. That has not, however, necessarily translated into strong and arduous reform momentum, rather the opposite. From the beginning of the Stabilisation and Association process, Albania proved already to be a difficult case. Indeed, the negotiations for a Stabilisation and Association Agreement, the first contractual relationship between the EU and the applicant states in the Western Balkans, took several years,

and the EU even had to invent a pre-negotiations process to arrive at a point where the proper negotiations could start.

In addition, Albania is a country with little or only symbolical interest to the EU. The EU in Albania has actually been quite invisible, at least initially, with the OSCE being the most important international player in the country (Kajsiu et al 2003: 136). As such, we could expect the push for reform and for compliance with rules to be weak, and almost fully in the hands of the domestic political and social elite, as well as difficulties and non-compliance with the deeper and more complex aspects of EU conditionality.

As a contrast, Macedonia is a country which nicely exemplifies a curiosity of mine: at a glance it resembles much of Central and Eastern European countries but below the surface the reality is quite different. Macedonia is, at least at first glance, a much easier case than Albania. For several years it was a high profile case for the EU, undergoing some painful changes in order to live up to EU conditionality. Macedonia has not only accepted the difficult process of granting more minority rights to the ethnic Albanian community, it has also been a good student when it comes to implementing the *Acquis Communautaire*. It has continued to adopt legislation in line with the *Acquis*, despite the questions about future membership posed by the dispute with Greece about its name, and effective blocking of further progress, including opening membership negotiations (see chapter six).

Step by step the country has improved minority rights, the rule of law, democratic institutions, and some aspects of the *Acquis* have, to a large extent, been fulfilled already before negotiations have even started. But at the same time, this process has been far from easy. As discussed in chapter six, it was far from clear that the EU would grant the country candidate status in 2005, based mainly on difficulties with the Copenhagen Criteria, and that the process of granting minority rights, in particular to the ethnic Albanians in the country, has been difficult and painful to accept. When choosing to study Macedonia, I expected that this mix would bring me enlightening views on compliance and non-compliance with EU membership conditionality.

A particular advantage with these two countries is that neither of them demonstrates a significant political party which has actively argued against joining the EU, or can easily be labelled “illiberal”. As discussed throughout this thesis, much of the Europeanisation literature divides political parties into those pro and those against the EU (Vachudova 2014), or in liberal and illiberal regimes (Schimmelfennig 2005), where conditionality is seen as successful in countries ruled by a liberal regime or indeed pro-EU parties. Based on conclusions from the Europeanisation literature, and on the experience from the countries in the CEE, we could thus have expected a smoother path than the very mixed picture that we actually do observe, with all sorts of partial and mixed compliance. As such, Macedonia and Albania have provided much insight into the transformative power of the EU.

Other countries in the region were candidates in the choice for this study. Serbia is key to Western Balkan tranquillity and the EU has put a lot of work into the country, but domestic resistance to EU influence has continued to be tough. This has centred mainly on the issue of Kosovo, a decisive aspect of Serbia's national and religious identity. Recent developments have also opened up the discussion on stronger ties with Russia (The Economist 2014b). In addition to that, the political scene has been quite complex, with strong political movements against the EU, and with illiberal traits. The illiberal regime of Slobodan Milošević was driven from power as late as in 2000. Given the complex political situation, I decided not to include Serbia at this early stage of theory building

Montenegro is developing nicely, but has had some difficult issues with organised crime and corruption, even having connections to the very top of politics (BBC 2010), and could thus have been a good case. However, it was in a federal union with Serbia until its independence in 2006, and has thus not been an independent country for the whole period under study.

Croatia was not chosen because of its good pace with EU integration. Yes, they did pose some difficulties with implementation and the Copenhagen Criteria, but all in all it was not a case where I expected to find the non-compliance I was interested in, but compliance.

Bosnia and Herzegovina is not yet a fully independent country, partly because the political elite resist important reforms. The country is still dealing with difficult post-war reconstruction and is still under UN supervision as defined under the Dayton Agreement. As such, it “remains at a standstill in the European integration process” (Commission 2014e) and it would not make sense to investigate compliance with EU membership conditionality under such circumstances.

## Elections as an indicator of norm transfer

Elections are good indicators for norm transfer beyond formal rules for a number of reasons. First and foremost, elections are at the core of democracy, and are central to the quality of the democracy of a country. In this sense, elections are a good test for whether democratic norms are entering a previously non-democratic country. Elections are also the largest peace time mobilisation in a country (Mozaffar and Schedler 2002: 5) and, as such, and a test of state capacities in general and how different aspects of state administration work together in an air of cooperation and democratic standards. Elections involve the judiciary to some extent, in particular in young democracies where complaints are likely. If complaints indeed are numerous, the judiciary becomes important, and any attempts to interfere politically with the judicial process would be indications of a disregard for broader democratic norms.

Elections are at the core of the distribution of political power, and are thus subject to careful analysis and preparation by political parties in order to maximise the number of votes by any means acceptable to the respective political parties. But as elections are also at the very core of democracy, it is necessary to demonstrate that they are in line with international standards for legitimate elections. In short, elections represent a process which is particularly interesting when it comes to external influences, norm transfer and domestic interests. This is particularly true when it comes to EU accession. Stable institutions guaranteeing democracy and the rule of law are a core requisite for opening EU membership negotiations, as defined by the Copenhagen Criteria, of which elections are a central aspect. As elections are well defined and thoroughly monitored events, they easily lend themselves to portray the motives for certain behaviour at moments when there is very much at stake.

But at the same time actors would be likely to behave in line with their preferences and convictions, and as such, they are a good testing ground for detecting whether EU transformative power manages to penetrate the domestic norms on elections. Given the central role and transparency of modern elections, being monitored by highly experienced international missions and local observers, we could expect elections to be an area where international norms on best practice and respect for democracy would be openly demonstrated and perhaps even a certain level of role play in order to demonstrate compliance with the legitimate norms (Checkel 2005).

It is precisely because of this transparency, produced by thorough monitoring by domestic and international observers, and the need to demonstrate electoral integrity for international legitimacy, elections become a most likely case for external influences. Political parties aspiring to EU membership would at least be likely to try and produce legitimate elections in the eyes of the international community.

In this sense, elections are not necessarily the end of transition and the beginning of democratic consolidation, they may be part of the transition itself, and may even contribute to democratic stalemate and backsliding. Post-authoritarian elections are not an endpoint, but a process, where each election is a step towards democracy, towards autocracy, or indeed preserving the status quo. Democratic norms and procedures do not enter at once; they are more or less rapidly introduced. As such, elections function as stepping stones for the future: how they shape what is possible and acceptable in the next round of elections (Lindberg 2009a).

Actors play a key role in the electoral game: “the crucial point is that when the reformers *speak and act* in such a way as to strive for democracy, the struggle in effect becomes one of democratization, at least for the moment” (Lindberg 2009b: 319, emphasis in original). Opposition groups can through their actions “increase costs of oppression and decrease the cost of toleration” (Lindberg 2009b: 321-322). In short, the actors involved do con-

tribute to establishing what is or is not legitimate and possible, and their compliance with the rules is an important factor in that process.

The core insight here is that democratisation could be reached through several pathways and stages, and that it is reversible at any point, and elections are both core indicators and good indicators of this process. A country can move from one of these stages to any of the others, but of course they can also remain where they are and reproduce the regime they have (Lindberg 2009b). The point is that what happens at one election shapes the possibilities and opportunities for change or status quo at the next elections. An election thus sets the agenda for what is acceptable or not in the next.

In contrast to a process where analysts may assume that, once a transition is over, consolidation of democracy, including improving elections, is almost a set development, post-transition elections could be seen as a battle about “stretching, redefining, and changing the parameters of the costs and benefits for the metagame” (Lindberg 2009b: 318), changing the costs for either using violence and fraud, or playing by the rules. As such, elections represent a playing field where material interests meet with normative conviction, where pro-democracy actors struggle with those who are more power-inclined. Elections become a process where each single one is a stepping stone, defining what is and is not acceptable, whether international norms on elections and democracy officially, at least, define legitimate elections. It becomes a matter of complying or not complying with these norms, in a more or less convincing manner.

When studying elections as a component of democratic transition, it is therefore important to identify components which “contribute to the regimes capacity to defend and enhance its power” (Bunce and Wolchick 2011) as well as notions of norm transfer and acceptance of democratic values. In fact, I argue, and also show, that change of power from one party or coalition to the opposition does not necessarily mean that democracy progresses, although the winning opposition is not openly anti-democratic or pro-authoritarian. Although different political alternatives fight a fierce battle for power, they may not be interested in introducing better democratic rules, rather they prefer to preserve a semi-democratic arrangement.

We see clear examples of this in both Albania and Macedonia, as for example the costs for using violence as a means in elections rose dramatically after the catastrophic elections in Macedonia in 2008, while voter intimidation became an issue after that. Both violence and voter intimidation did occur before, but did not have such a dramatic effect on the following round of elections until it really got out of hand. We notice the same with tactical voting in Albania: from having been criticised but used, it developed into a situation where not only the electoral code but the whole electoral system was changed in order to rebuild trust and legitimacy in the system. However, as this thesis will show, these positive steps forward towards liberal democracy were not unambiguous and the power struggle to win elections is fierce

each time. The subgame, which concentrates on keeping or changing political leadership, and what happens in each election, has a direct impact on regime replication or change. In this sense, elections are a key aspect of democratisation: it is more than just allocating political power; it is about shaping the future. And as such, elections are also an important indicator of the compliance with the Copenhagen Criteria for EU membership.

### *Additional indicators*

In order to put my results from elections into a broader context, to show that what we observe is not limited to elections only, in each case study I also discuss some other markers of transformation in Albanian and Macedonian society and political life. These additional indicators are presented in order to evaluate whether what we observe is confined to elections only. Given the fact that research on enlargement conditionality tends to stress the differential impact of EU leverage, I wish to give the opportunity to broaden the picture to other fields of the Copenhagen criteria as well. It is also a matter of being able to discuss aspects of society closely related to elections, but which lie somewhat outside the direct focus of electoral performance. The issues chosen are related to elections, but are indeed aspects of state and society which are also independent from elections, and follow their own logic and dynamics.

Here I have chosen media freedom, public administration and the independence of the judiciary as indicators of progress in line with EU conditionality, and indeed the norms it claims to spread. I rely on second and third hand sources, indicators which are intended as such: to give the reader a broader view of each country and to be able to relate elections to other developments in each country.

*Media freedom* is chosen as an aspect of human and political rights, in particular freedom of speech. Information is an important aspect of a modern democratic society, and printed media and television stand for the vast majority of sources on information and opinion making. Ownership is important, especially in politically divided and clientelistic societies, as media outlets can become instruments for propaganda. In this sense a government could attack media outlets leaning towards the opposition through extra tax inspections, avoiding spending state advertising money in those outlets, and even by attacking the owners themselves.

The situation for journalists gives an indication of the level of democracy and general liberty in a country. Journalists may need to register officially, according to certain criteria, in order to be accredited to official meetings, press conferences, or to get access to public information. Journalists, or even the media outlet they are working for, may get into difficulties of various kinds if they run strong criticism of the government, even legitimate as such. Here we notice tax inspections, journalists being blocked from interviewing

public officials, or even asking questions at press conferences. In short, media freedom gives an indication of the overall climate regarding freedom of speech, and the acceptance of scrutinising power in society.

*Public administration* is crucial when it comes to designing and implementing all the necessary reforms for EU integration, and indeed reform of any kind. Public administration capacities rest to a large extent on the staff themselves: their professionalism, creativity and even independence. Public administration in former communist countries often struggles with clientelistic structures or other types of political exploitation (Grzymała-Busse 2007). Civil servants and other public employees may be hired on purely political grounds, and although new legislation is introduced, there may be a heavy political hand involved in the hiring and firing of staff. An indication of this is high turnover of staff at moments of power shifts, or indeed a change of minister for one with the same political colour.

If the society is clientelistic, we will be able to observe at least accusations that public employees are being subjected to political pressure to vote for the incumbent, and perhaps even to participate in the campaign to seek and convince voters to vote for the incumbent.

A politically dependent public administration would mean that party membership goes before merit, which has implications for the quality of the work. Knowing that the contract is politically dependent, it also impedes long term planning, creativity and perhaps even the willingness to be corrupted.

*Judicial independence* is another good indicator of how a country abides by the Copenhagen criteria. It is also a core indicator of the actual separation of the judiciary from the executive. During the communist period, the judiciary often functioned as a power tool of the state, and the judiciary was integrated with political power rather than separated from it. Its separation from the state and politics is therefore an important step in guaranteeing the fundamental rule of law. But here we have to be observant about what we call internal independence, meaning formally from the state and its institutions, externally from threats and pressures, mainly from political parties and persons, also from economic powers such as large companies.

Judicial independence means that the courts, and in particular the judges are free to apply both the letter and the spirit of the law, not needing to be under any political or economic obligation to distort either aspect of the law. Judicial independence is thus a corner stone of the rule of law, which in turn is an important aspect of a modern state. The EU, to a large extent being a judicial actor acting through legislation and decrees, relies on the rule of law in its member states.

## Conducting the study

It is widely recognised that within-case analysis, and especially process tracing, is a fruitful way forward when it comes to case studies, including path dependence like processes (Bennet and Elman 2006, George and Bennet 2005, Checkel 2006, Steinmo 2008). Most within-case analyses follow a similar outline: they are a tool to uncover more than one path, more than one mechanism, and to understand how they all affect the observed outcome. Such a study “requires close attention to detail and requires the researcher to identify the key actors (...). Once the case has been mastered sufficiently to identify the key actors, their strategies and constraints, then it is possible to begin the process of developing explanations and testing hypothesis” (Levi 1997a: 31).

“For phenomena on which there is little prior knowledge and for cases that are not well-explained by extant theories, process tracing proceeds primarily through inductive study” (Bennet and Checkel 2012: 21). In fact, my three studies, and in particular that on EU decision making, are inductive studies as I needed to not only put events into a context and sketch a theoretical model, but I also needed to map the empirical context itself. As discussed above, this study was inductive, with all its implications, and it was a consequence of the lack of previous research, as well as my critical approach to how the EU conditionality works in the applicant states. As such, I needed to take a deep penetrating approach, trying to unearth as many relevant empirical facts as possible, meaning taking a within-case approach.

Going beyond the control of whether a change in the independent variable produces change in the dependent variable is a factor common to all within-case methods (Panke 2012: 129), or when a controlled comparison would be difficult or impossible (George and Bennet 2005: 214). This type of within-case analysis often goes under the label of process tracing, and is particularly useful when developing theories as the “observations must be linked in particular ways to constitute an explanation of the case” (George and Bennet 2005: 207). Here I apply what George and Bennet label a “more general explanation”, which does not require a detailed sequence of events closely connected to each other, but rather constructs a broader, more general explanation based on detailed analysis of each case study (2005: 211). I apply that approach to all three studies, but whereas the studies on Albania and Macedonia follow a similar design, that on the EU is different due to the different characteristics of the two levels. Common to all three studies, as discussed above, is that I search for actors, how they relate to institutions, and the effects over time of their behaviour. An important aspect of the research, design and methodology of this study in general is to bring the actors out into the open. All three studies have been conducted with the aim of revealing how enlargement policy affects the opportunities for the principal actors to act, their preferences and how the EU struggles to make an impact in the

very field where it would like to make a change: the values regarding democracy, the rule of law and human rights.

Investigating compliance with EU political criteria, I have had to unveil domestic structures regarding state society relations, and the structure of decision making, the change that agents/norm entrepreneurs present, and the tools available to them (Checkel 1999). A key aspect is to try to reveal whether the observed behaviour depends on norms or on more instrumental factors (Risse and Sikkink 1999:7). It is thus important to stress that I do not *a priori* decide to focus on whether the actors follow mainly a logic of consequence or of appropriateness, but leave that to be determined by the empirical studies. In addition, I also establish how the EU functions as a player in the region through establishing its interests, tools and willingness to act. As such, the EU becomes one actor among many, but one whose possibilities to impose leverage are known and shown in analytical light.

By giving attention to the political struggle over institutions and their outcome, we will be able to detect the actors and how they relate to institutional constraints and the opportunities deriving from EU membership conditionality. As a result we will be able to say something concrete about the transformative power of the EU.

This is a very actor driven perspective, where their actions are based not only upon resources and preferences, but also in close relation to the opportunities given by the structures and the broader context. This is a perspective which has often been missing in studies on EU enlargement. A typical example would be the standard work on conditionality by Schimmelfennig and Sedelmeier (2005), where actors exist in the shape of anonymous veto-players in the domestic political elite, without any references to their preferences, structural or material limitations or possibilities to act. Veto players stop change, but for change to come about, actors promoting change are also needed. I specifically search for these types of actors, their role, their possibilities to act, and how they stand in relation to others, as discussed in chapter five, six, seven and eight. By bringing the actor back into the calculation and identifying the change agents (Mahoney and Thelen 2010), the spoilers (Stedman 1997) and policy entrepreneurs (Roberts and King 1991), it is possible to detect how and why political change comes about, or why it does not. The EU is one of those actors, and far from alone in having an impact on domestic political dynamics.

Another important aspect is to acknowledge that political parties are not necessarily either pro-EU working in concert with the EU, or anti-EU working directly against external incentives, as many seem to assume (see for example Vachudova 2014). This picture is very much nuanced in both my studies on the applicant states, where I can show that although no party is actively against joining the EU or actively working to overturn democracy, there are nevertheless doubts about their commitment towards democracy and a further EU integration. This nuances the view on veto players and ac-

tors who are trying to preserve the status quo without openly and actively opposing the changes to formal rules and institutions.

### *Identifying norm transfer through actors' compliance*

As discussed above, an important aspect of EU enlargement is to spread its core values to other countries through the process of conditionality. The established literature in the field of conditionality normally focuses on laws, also when they claim to investigate norms (Kelley 2004, Schimmelfennig et al 2005, Björkdahl 2005). But to achieve a self-sustaining process of respect for democracy, a deeper change has to take root, a change that touches upon the normative aspects of society, including political culture (Diamond 1997). The best scenario for the EU as a strategic actor and a normative power would be if the Western Balkan states would transform into something very close to the ideal type of liberal democracy, with full respect for the rule of law and human rights. That would require a full internalisation of the norms and values which are at the core of EU identity by the domestic actors.

Norms are fully internalised and taken for granted when actors have become *persuaded* that the new norms represent the “right thing to do”, (Checkel 2005: 804). Norm entrepreneurs frame norms in order to convince the presumptive norm taker of the legitimacy and adaptability to the domestic context (Payne 2001: 43). This is a complex process where the “agent being socialized must identify positively” with the socialising agent (Flockhart 2006: 97). When an agent actively takes up new norms because he or she is convinced by the arguments of a norm entrepreneur, “the switch from a logic of consequence to a logic of appropriateness is complete” as “agents actively and reflectively internalize new understandings of appropriateness” (Checkel 2005: 812). If the EU had the power to “shape the values” of the applicant states (Diez 2005: 616), to shape what is considered normal (Manners 2002), it would be a true normative power. The process of socialization would be complete, and we could expect the actors to be convinced by and to act in accordance with the new norms.

A second best scenario for the EU would be if the domestic actors were *socially influenced* to live up to the expected behaviour in accordance with the norms, even though the “private acceptance” of “public conformity” to the rules is lacking (Johnston 2001: 499). External incentives and pressures demonstrate what would be considered legitimate international norms, and the domestic actors adapt to that. This behavioural adaptation means that a logic of consequence is still prevailing, rather than a full change to a logic of appropriateness, as actors follow the prevailing international norms but still respond to a cost-benefit calculation, (Checkel 2005). Also a selective adoption of international norms would be acceptable, allowing domestic actors to import parts of the norms which fit particularly well to the domestic normative setting (Acharya 2004).

The introduction of new norms and the strategic behavioural adaptation to them could be a beginning for changing cost-benefit calculation and to start a process of full norm internalisation (Checkel 2001: 558). Adoption of new laws in line with international norms may be a first step to reach this process provided that the law is gaining legitimacy in the domestic context (Cortell and Davis 1996). In this case, socialisation is calculated, rather than completed, and observed compliance could be reversed if the cost-benefit calculation changes dramatically (Dimitrakopoulos 2005).

A worst case scenario for the EU would be if politicians used and abused democratic rules at will and for their own material benefit. They may adopt laws and institutions in line with international norms, such as a modern electoral code and an independent election committee, but knowingly violate the law, trying to politically influence the institutions upholding and implementing the law. In such cases international norms are not respected and it is questionable whether even a good law may provoke a pathway where norms are increasingly respected so that eventually a shift takes place. Here, no socialisation with the international norms is present at all, and any observed compliance would be incomplete, with actors showing little respect for international norms.

To conclude: the EU would be a successful normative power if we could observe compliance and behaviour in accordance with international norms and to show that this is provoked by EU conditionality.

International norms enter the domestic context through one of two socialization mechanisms: persuasion or social influence. Formal rules are an important first step to associate with international norms, but norms “do not float freely”, as Risse-Kappen (1994) put it, but have to be framed, pursued, promoted and sustained (Acharya 2004, Finnemore and Sikkink 1998). These processes are mainly located “at the agent level” (Flockhart 2006: 93), stressing the need to identify the agents involved, and the context within which they move, in order to be able to explain how and why the EU has had apparent trouble in promoting deeper normative changes in relation to formal rule transfer. That brings us to the question of compliance or non-compliance with formal rules and informal norms and values.

### *Compliance and non-compliance in accordance with norms*

Compliance “represents a behavioural response” by citizens to rules (Levi 1997b: 17). And as behaviour is most likely to be in accordance with the prevailing norms, as they create expectations on behaviour (Jepperson et al 1996, Finnemore 1993), it could be taken as an indicator of which norms are salient in a certain environment. But we have to recognise that “[a]ll compliance is not consent”, indicating that compliance could be based on opportunism and strategic adaptation rather than norm internalisation (Checkel 2005, Johnston 2001).

There are some methodological challenges involved in studying compliance with political criteria. Firstly, as both scholars from the Europeanisation and international relations literature stress, it is important to look beyond correlation (Radaelli 2012, Checkel 1999), and to take domestic constraints seriously (Brusis 2005, Elbasani 2013a, Flockhart 2006, Acharya 2004). Secondly, it is important to try to detect where a change of norms has or has not taken place, and through which mechanisms (Checkel 2006).

There is little methodological discussion on how to distinguish deliberate from serendipitous or “fake” compliance (Haas 1998 and 2003) with the sole advice to use process tracing “identifying whether credible causal mechanisms affect the choice by which compliance occurs” (Haas 2003: 45).

To establish whether compliance is sincere or not, a natural starting point is to investigate whether behaviour is or is not in line with international norms, as norms create expectations on the behaviour of actors (Jepperson et al 1996, Finnemore 1993). So far we could talk about “rule compliance”. But as compliance could be “fake” (Noutcheva 2009), or “creative” (Simmons 1998) we have also to go beyond behaviour to get further insights on norm socialization and the prospect for sustained compliance.

In order to avoid too strong a reliance on behaviour, one method is to ask the involved actors for the reason behind their behaviour, why they comply or not with a new rule, and to draw conclusions from the answers (Checkel 2005). However, that is also precarious, as rhetorical compliance does not necessarily mean full norm internalization. Actors learn to “talk the talk” (Risse and Sikkink 1999). In a certain sense it is up to the researcher to carefully analyse the reasons given for actors’ behaviour, balancing statements, behaviour and complementary data to come to a plausible conclusion. Investigating and analysing compliance, and to establish whether it was based on a logic of appropriateness, consequence or both has indeed been a difficult task.

What did help me greatly however, was the longer time line, where many elections, one after another, have been analysed, and where it has been possible to detect what has changed and what has not. By drawing on results from a longer process, I have been able to come to more solid conclusions than I would have if only one or a few elections, had been included. And the analysis has always centred on the behaviour of the actors. I have used behaviour over time as a proxy, in combination with statements and responses in interviews as additional indicators. It has very much been a process of the subjective interpretation of events and statements over time. The time component here is very important: if behaviour (compliance or non-compliance with rules and norms introduced) is sustained over time, I take that as a strong indicator that the behaviour is supported by a set of norms confirming its legitimacy. Sustained and loud criticism of certain behaviour would mean that those actors voicing the criticism hold that the behaviour and norms behind it are wrong and illegitimate.

It has been a difficult process to draw conclusions from the material on this matter, and the results could naturally be discussed. But in order to show that my conclusions are not just sensational, or biased by my wishes to see patterns that do not necessarily exist, I have included additional indicators to show that what we can observe regarding respect for democratic procedures during elections, is part of a general trend in the countries under study. Those indicators are there to give context to each study, and to show that my interpretation of my data is reliable and valid.

### *Actors*

If compliance can be identified through behaviour, then a reconstruction of actor behaviour is needed (Levi 1997b, Brusis 2005: 294). EU policy and domestic adaptation to EU conditionality are in fact processes driven by actors. These actors are embedded in a complex political, social and legal context, giving them different incentives to act. As a good number of studies investigate macro-level correlation between EU conditionality and levels of reform in the shape of democratisation and marketisation (Radaelli 2012), the actors are often lost in the process. They may turn up as veto-players (Bågenholm 2008, Schimmelfennig and Sedelmeier 2005), but we know little or nothing about their reasons for acting in a certain way, or how they interact with each other and the context in which they find themselves. The typical Europeanisation study “concerns a relationship between a cause located at the EU level and the change at the domestic level”, which in fact means searching for correlation, rather than actual causality (Radaelli 2012: 3). In that sense the actors are invisible, and structures and incentives seemingly take on an almost automatic dynamic. And as discussed in chapter three, actors actions, preferences and ultimate goals may not necessarily go hand in hand, but are only detected after careful and deep analysis of events (Mahoney and Thelen 2010).

Re-emphasizing the actors is thus of high methodological relevance. Firstly, because at EU level, the quite fixed institutional setting is constantly reproduced. A diplomatic environment such as the EU means that a high percentage of people are changed every year, and they have to be socialised into the system in order for path dependence to be really stable. Member state policies may be fairly fixed, but there is nonetheless an important socialisation process on-going at EU level for each policy area (Sedelmeier 2005). But exploring the actors in their context is perhaps more important in a more fluid institutional environment such as Albania and Macedonia. Formal rules are changing as more and more are amended and re-written to suit EU conditionality. A weak, but nonetheless present, socialisation process is also changing aspects of informal institutions although we could assume that those informal institutions are firmer than the formal ones (O'Donnell 1996). Actors constantly have to relate to changes in formal rules, and adapt their

behaviour accordingly. If there is a gap between formal and informal institutions, meaning between the law and what is considered to be just and appropriate behaviour, the actors have to make the choice to lean towards one or the other. As different actors have different preferences, there will most likely be some sort of battle over how to interpret the rules and implement them, as discussed in chapter three. This battle is laid bare in chapter five and six.

Researchers miss out on an important aspect of how conditionality causes or doesn't cause the observed change when actors are kept anonymous and their importance in actually carrying out the expected transposition or implementation of EU rules is not recognised. Correlation studies over a large number of countries and/or cases helps to identify trends, but it is only through a careful within-case analysis of each case, with focus on actors, that can tell us what happened and why.

### *Time, context and path dependence*

Time is a central concept for this study. Time is behind the unintended consequences that I argue have changed the relationship between the EU and the applicant states, provoking a weaker transformative power of the EU.

Time provides context, as over time, a relationship between two or more variables will change due to a number of other contextual changes. "A particular moment in time is part of broader temporal processes. Events are parts of various sequences of events. Their place in those sequences may play a critical role in determining their meaning" (Pierson 2004: 171), meaning that a relationship may look similar at two points in time, but in reality may be very different. My model on transformative power is just one example that makes this point: a number of changes in the broader context have over time changed the relationship between the EU and the applicant states.

However, it is a methodological challenge to show how time affects relationships, institutions and the outcome under study. Just as with norm transfer, there is little methodological guidance on exactly how to find, and ascertain, that changing context over time has not just had an effect, but that it is the effect that the researcher claims to have found.

My historical institutional approach means that my method of demonstrating effects and unintended consequences over time involves path dependence and case specific feedback mechanisms. Much has been written about mechanisms, what they are and how they work (see for example Hedström and Swedberg 1998, Elster 1989, Tilly 2001) but little on how to actually identify them. The strength of a mechanism approach is that it provides an elegant way to connect macro level events with micro level aspects of events, as Coleman's widely cited boat model illustrates (Coleman 1990).

Based on that simple yet elegant connection between micro and macro levels, feedback mechanisms would therefore show how actors relate to

broader macro levels of politics in their micro level actions, and how a set path is upheld, reconfirmed and even strengthened over time.

This would mean that to establish the path dependent pattern upon which I partly base my theoretical model, I would need to find evidence which demonstrates that the EU and its member states follow a certain path, and that certain available policy options are not chosen because of their inappropriateness or incompatibility with the taken path. I would also need to demonstrate that this path is continuously reconfirmed and strengthened.

It is important to stress that I do not seek to describe how the path came about, but to see its effects. A part of the study is dedicated to showing that there is indeed a path dependent pattern, but the focus is on the effect. It is the effects of the path and the adjustment of the policy options in accordance with that path, which makes it possible to draw conclusions about any unintended consequences developing over time.

Given the very few previous studies on EU decision making regarding enlargement issues, much of that chapter has been a matter of fact finding on a purely inductive basis. I certainly did not know what to expect, and studies on foreign policy gave me little guidance.

Realising that the material I needed for my analysis did not exist, I had to start from scratch. I used a similar approach to that of snowballing when finding interlocutors for interviews: I started with a well-defined event, and asked my interlocutors how that decision had come about, despite certain hesitation and obstacles. My first choice was that of granting Macedonia candidate status (see chapter six). On analysing my interviews, a pattern became clear: that of the path dependent character of EU enlargement policy, and that the member states felt the need to respect both their previous commitments and their image as a foreign policy actor.

Continuing my research, I was more specific with my questions, seeking to confirm what I had found, and trying to understand the effects of this path dependency. The quotations given in chapter seven provide a clear picture, allowing me to draw the conclusions found in chapter seven and chapter three: that the EU is caught in a path dependent pattern based on previous commitments and foreign policy role as a normative, benign actor.

## Data collection and interviews

All three cases in this study share a relative lack of previous research so there is little other empirical data to rely on and to give a broader background. This means that, to a large extent, I have needed to rely on interviews, in order to get access to the information needed.

The interviews were conducted on different occasions between 2007 and 2014. I was able to follow the cases both closely and at a distance over many years, to discover trends and aspects that stand out. I also tried to collect

other types of information during my field studies, in particular in Albania and Macedonia, where speeches, newspaper articles and public data are not readily available on line. In fact, I spent a considerable amount of time and effort identifying reliable alternative sources to balance my interviews and to get a broader picture of events and how to interpret them.

First, there are a good number of reports from the EU itself on the political situation in the countries, and the OSCE on elections specifically. But as I show in the chapter on the EU, these reports may be full of good and solid facts, but they are carefully worded and based on political evaluations. There may be a political will to present a country in a certain light, which should be kept in mind. However, knowing that, I have considered these reports as almost-neutral providers of facts.

Secondly, I have used some reports from respected international think tanks. Again, it is perfectly possible that they have a political agenda or indeed are poor analysts, but I have used them as being among the more neutral and reliable sources.

Domestic think tanks and media outlets are acknowledged to be biased, as discussed in the chapters on Albania and Macedonia. Both countries are clientelistic, and media freedom is of growing concern, in particular in Macedonia, which makes it difficult to use domestic media as sources. Think tanks have to be seen as being more or less politically affiliated and therefore used with care. Unfortunately, the Macedonian scene is not well served by independent think tanks on elections and broader political analysis, especially not in English. In Albania there are some interesting analysts publishing on the political scene, and doing some insightful surveys which are published in both Albanian and English. I have used them, though fully aware that polling in the former totalitarian Albania is inherently difficult, and may be grossly misleading.

The interviews for these studies have served two purposes: to collect data that is not otherwise obtainable and to hear the respondent's view and understanding of the subject of study. Given their central role for this thesis, I elaborate quite extensively on how I have proceeded, and how I have related to the pitfalls a researcher could come across.

### *Selection of interlocutors*

Selecting relevant interlocutors was a challenge as “this is very much a hit and miss area” (Richards 1996: 201). My choice of interlocutors was nevertheless straightforward: in Brussels I contacted as many Permanent Representations as possible, taking great care to form a mix of small and big countries, pro-enlargement countries, those who are more hesitant, and also a geographical spread. All countries that responded were interviewed. I visited Brussels on several occasions, and a number of countries never answered my requests for an interview, while others were forthcoming more than once

when I needed to come back to the more important players. The same pattern was repeated when I contacted the embassies of member states in Macedonia and Albania: those countries that do not answer in Brussels do not answer at a local level either.

I also interviewed people at the Commission and the EEAS: here I targeted country experts and people with a broader view over planning and strategy. As a PhD candidate it has been very difficult to secure meetings with people of higher ranking, even heads of units. They are very busy and receive a lot of requests. Nonetheless, at times I succeeded, but only after their checking that I had a good grasp of the matter to be discussed.

The choice of interlocutors was more complicated in Albania and Macedonia. In both countries I have been interested in the “testimony of individuals who were most closely involved in the process of interest”, rather than the possibility to generalise from my sample. That, of course, follows upon my research questions and the need to find empirical material to build a narrative as a basis for my analysis. In fact, a probability based selection may not only possibly, but even almost certainly, exclude a number of the relevant actors. (Tansey 2007: 769).

I have used a snowballing approach, where I have contacted a number of key people and asked for further contacts. I carefully selected the initial interlocutors based on their position within each political party or electoral administration, and then asked them for further contacts. I also approached former politicians and former members of the electoral administration, as they are more often freer to give their opinion than those who are still active. In this way I was able to discover actors that are otherwise difficult for a researcher to identify as being important in the first place. This approach also makes it possible to come across actors that are seen as important by other actors involved in the process, and to expand the list of relevant interlocutors.

During the phase of selection and initial contacts I browsed party web pages, articles, and consulted my interpreters. In fact, the role of the interpreter is much broader than just translating during an interview, as will be discussed below. A carefully selected interpreter often has a good network, especially in small countries such as Albania and Macedonia. This network is useful in many ways. It is indeed much easier to secure an interview if the interlocutor is approached by a familiar person. At times friends of friends have been involved in the snowballing, in particular when contacting the DPA in Macedonia, a party to which blame was widely attributed for the violence during the elections in 2008, as discussed in depth in the chapter on Macedonia. It was very difficult to find someone in that party who was willing to be interviewed, and friends of my interpreter proved to be instrumental at that point.

Sometimes the interlocutor approached for further contacts took the initiative and secured an interview personally, on the spot, in immediate connec-

tion to the interview. Not only does such generosity open doors, but it also gives a sort of guarantee that I, the outsider, am trusted by a friend or superior, and that the approached interlocutor may feel equally safe in at least accepting the interview.

Often one ends up interviewing too few or too many respondents (Kvale 2007: 43) as it is difficult to know when to stop snowballing. This is particularly true when researching a field with a limited number of people really involved such as the Albanian and Macedonian political elites. When names were being repeated, and no further interlocutors of importance were suggested, I stopped my snowballing (Tansey 2007: 770). All in all, it was not been an easy task to find relevant interlocutors willing to be interviewed, but the search itself taught me much about how Macedonian and Albanian political elites are organised and function, which indeed has proven to be important knowledge in itself.

### *Conducting the interviews*

Having secured an interview, conducting it and securing good, trustworthy and perhaps even quotable information is a methodological challenge in itself. The researcher wants to build an environment where the interlocutor feels safe enough to elaborate on topics which perhaps he or she would not normally talk about openly, or indeed, to a stranger. The challenge is even greater when doing it in a politicised and clientelistic environment such as the Western Balkans, where jobs and benefits may rely on tight fidelity to a political party, or at least in not being caught criticising the incumbents.

In order to arrive at a creative and productive interview, I started at the very moment of contacting the interlocutors, as discussed above. I always accepted their suggestion of meeting place, be it their own office, a hotel lobby, or a noisy bar. Interlocutors with large, comfortable offices normally wished to meet there. At times an up-market hotel lobby was suggested, in particular in Tirana, Albania, where Hotel Rogner is the preferred watering hole. On other occasions an ordinary, but very noisy bar was suggested. All three places say something about the interview. The most neutral ground is the office, which is efficient for the interlocutor and on his or her home turf. This is normally where I met higher ranking politicians or diplomats and representatives of the international community; efficient and rather straightforward. A hotel lobby or bigger restaurant means that there is a certain element of showing off, both in front of me, a relatively young woman from a prestigious university, and to be able to show others in that hotel lobby that an important meeting was ongoing. Noisy bar meetings are decidedly the most interesting. Here the meeting is rather anonymous, as other important people would most likely not visit by chance. And the noise from other guests and a loud radio transmission effectively makes overhearing impossible, giving the interlocutor the possibility to share thoughts more freely. The

disadvantage with such a setting is that recording, if accepted, becomes very difficult. These meetings, accompanied by much coffee and cigarette smoke, have been the most interesting when it comes to inside information and out-spoken interlocutors. On the other hand, it was also in this setting that some of the interviews failed utterly, as the interlocutor was obviously nervous to be seen with an unknown person in an undefined meeting and did not really dare to give any information of consequence.

To create a relaxed atmosphere, I took care to dress in a non-threatening way, meaning casually and neutral, choosing feminine colours and style. This might seem a detail, but I have noted that it does make a difference, especially when meeting very powerful men. I simply looked harmless. I have never played stupid as an interview trick (Leech 2002), but often taken the role as an “apprentice” needing to learn how politics are done in their specific setting (Bjarnegård 2009:65). This gave some very good results, as at times interlocutors were very detailed and really made an effort to explain to me how some dirty moves had been done (but by their political opponent, obviously).

My interviews were all semi-structured, in the sense that I had a number of topics I wanted to discuss, but did not necessarily have fixed questions to ask according to a set scheme. My experience tells me that a fluid interview based on a conversation is the most fruitful way forward. More often than not interlocutors had been interviewed on a number of occasions by researchers and representatives of international organisations, think tanks, and the like, and were very familiar with the format, and spoke readily and independently on the topics I presented to them at the start of the interview.

I started with questions that I believed were neutral, and got to the slightly more sensitive questions after a while, when some sort of relationship had been established. How I actually formulated the questions depended very much on the dynamics of each single interview, but I used a common approach. I knew what I wanted the interlocutor to talk about, and, depending on the sensitivity of the question, I asked for a statement made by someone else to be confirmed or denied, or for an explanation on how certain things were done, or indeed to understand how others may have thought during a certain event. In this way I tried to make the interlocutor elaborate on his or her views on appropriate behaviour, whether an event could be interpreted in a certain way, or to get a view of what for example the relationship between a political party and its voters actually look like. I tried to avoid direct questions, but rather approach a topic, in particular on values and norms, in an indirect manner. Sensitive topics were approached through making the interlocutor comment on a statement by or information from someone else. In this sense I made the interlocutor understand that I did not make up that question, but I rather reacted to rumours that were already around. A typical question where I wanted to be a little provocative and produce a stronger reaction could be formulated like this: *“Because I was told that the DPA was*

given a “green card” by the VMRO before the 2008 elections, to “do whatever you want, we don’t care”. And then in the end they realised that this was a pretext to kick them out of government”, provoking a strong denial by the interlocutor and making him explain events and reasons for action in detail to me from his point of view, and in a less guarded manner, which was exactly what I had wished him to do.

Quite often I did not need to ask specifically about how the interlocutor or his/her party had reasoned on a certain topic, they explained that voluntarily and without the need of specific questions. Sometimes a simple follow up question in the shape of “why?” was all that was needed.

Conducting interviews with diplomats, mainly in Brussels, but also in the applicant states, has been quite a different experience from that of interviewing local politicians and opinion makers. Diplomats are by profession used to talking to a wide range of people and it has been quite a straightforward affair, particularly in Brussels. We met in their office; they tried to answer my questions in a comprehensible way, but at times without giving much substantial information. I felt much less need to put diplomats at ease, by dressing carefully, or seeming harmless. Rather the opposite, here I needed to show them with a few introductory sentences that I knew the topic of conversation, that I knew how the EU worked, and that it was not a waste of their time to talk to me.

When interviewing politicians in Skopje and Tirana, I often felt the need to give the impression that I needed the interlocutors to explain basic politics to me whilst here I needed to demonstrate knowledge and intellectual sharpness. From that point of view, these interviews were easier to conduct, yet challenging at the same time as diplomats are very good with words, making you feel welcome and relaxed, but not giving away any information that they do not need to.

To summarise, I have tried to keep to a more fluid conversation with a number of questions that I knew I wanted to have answered, but I adapted them to the situation of each interview, trying to make it more like a conversation on politics rather than a question-and-answer session. In the greater majority of the cases, this has been a very fruitful approach.

### *Working with an interpreter*

Little more than half of my interviews in Albania and Macedonia were conducted with an interpreter. I had already had a good experience working with an interpreter, and knew about the practical advantages and disadvantages.

I have to stress the importance of a good interpreter, who actually becomes a valuable assistant if a relationship built on trust is established. He or she could help finding newspaper articles, think tank reports and other valuable information about which a foreigner would not necessarily have knowledge. Equally, a poor interpreter may not only ruin an interview, but also leave the

researcher with false information and angering potential interlocutors. Most often, the interpreters in the Western Balkans have little or no education in translation. They are normally young, well-educated people with a good command of English, and quite often have some experience of working with international organisations on a long or a short term basis. This means that they are part of society, and may be known to have certain political interests and connections, or indeed for being judged by interlocutors as belonging to a certain ethnicity (Edwards 1998: 199). The ethnic aspect was particularly sensitive in Macedonia, where I needed one person who spoke both Albanian and Macedonian, and with the ability to create trust in both ethnic groups. Macedonians don't normally speak Albanian. Albanians, on the other hand often speak both languages well, but are most often mistrusted by the Macedonians. For these reasons, international organisations often have different interpreters for the two groups. Amongst the three interpreters I worked with, I was lucky enough to find a Turkish girl who is fluent in four languages and ethnically relatively neutral for both main ethnic groups.

An important lesson to learn is to give the interpreter the opportunity to translate as accurately as possible, which means speaking in short phrases and making frequent pauses for translation. Otherwise important aspects of the conversation might be lost due to an overload of information that the interpreter must recall. Secondly, the time gap between a question or an answer and its full translation, may provoke reactions that the interviewer had not foreseen. Sometimes that needs to be clarified by the interpreter and the interview may glide into a different direction from the one intended. It is also difficult at times to know why an interlocutor is smiling, frowning, or otherwise reacting to what the researcher thought was a neutral question (Kapborg and Berterö 2002: 54). If the interlocutor needs more explanation, he or she might turn directly to the interpreter, and in this sense the interpreter may become much more than a neutral translator, but in fact an important carrier of messages, even shaping the interview itself (Davidson 2000: 387).

Doing research in a foreign country without personal connections necessarily gives a certain amount of power to the interpreter, as he or she becomes not only a translator, but also a door opener, or indeed a gatekeeper to the society, social codes, and even interlocutors (Edwards 2013). It is often the interpreter who makes the phone calls to secure an interview, who finds the phone number in the first place, and who does the formal introduction at the meeting. In this sense, a certain level of trust needs to be built up, where I as a researcher trust that my interpreter is polite and correct, yet bold enough to secure interviews with people who would otherwise be difficult to catch.

To conclude, an interpreter is a valuable colleague with the power to completely derail a field trip if a certain level of trust and a good working relationship are not established. But when a good, sensible, well connected and active interpreter is found, he or she is very an appreciated assistant.

However, the researcher has to be alert and realise that the interpreter may have a political agenda of his/her own, which may or may not influence the work of the researcher.

### *Analysing and presenting the results*

As just discussed, the relationship with the interpreter is important when it comes to judging the information given by the interlocutors as there is a risk of it becoming clouded by the narrative given by the respondents, and “swallowing the agreed-upon or taken-for-granted version of local events” (Miles and Huberman 1994: 265). An interpreter could help to broaden the understanding of what was said during the interview. But that has to be done with some caution as well. It is too easy to be carried away by interesting statements made by a sympathetic interlocutor and to believe everything he or she says, so the “interviewers must always keep in mind that it is not the obligation of the subject to be objective and to tell us the truth” (Berry 2002: 680). It is therefore of the utmost importance to try to include critical voices, such as ethnic minorities, analysts outside the context or actors with diametrically different interests from the mainstream political elite. And most importantly: to remember that the interlocutor wants to send a message, and that he or she may see the researcher as part of for example “the opponent” or “the international community” (Berry 2002: 680, Woliver 2002: 677).

I have made an effort to find information from many angles. Interviews with diplomats have been helpful as they have fewer interests invested in a particular political process, and can give a rather different point of view. Diplomats are not neutral, which is important to remember, but are a fairly reliable source for facts and the reliability of the interpretations of the scenarios given by some interlocutors.

I conducted 101 interviews for this thesis. Not all are quoted or even referred to, either because they did not result in information strictly relevant to the thesis, or they did not provide statements that were short and clear enough for quoting. However, they have all given me an understanding of the topic under study, and what is and is not sensitive information. Interviews resulting in poor information have often been an indication that the topic itself was indeed too sensitive for that person to discuss, important knowledge in itself and a lesson for the next interview. There is thus a significant amount of background knowledge which cannot be represented in quotations, even if I should wish to do so.

In addition, some interlocutors have been extensively quoted, whilst some only once or not at all, even though they have provided good first-hand information. The simple reason is that some express themselves in a clear and easily quotable way, while others don't. Some interlocutors have, despite agreeing to the interview, been “awkward, obstructive, unforthcoming, or even deceitful” (Richards 1996: 204), turning the answers to “mush” (Leech

2002:667). Often it comes down to luck, not only in whether the person is talkative or not, but also in gaining access to environments that would otherwise be closed, or interlocutors who are difficult to reach (Woliver 2002: 678). Just as Bjarnegård points out “the interviews cited should thus rather be seen as those interviews that best illustrate the present line of reasoning” (2009: 63), and that there are more interviews backing up the argument but which do not lend themselves to be quoted.

Making interviews on sensitive topics or with diplomats and representatives of the international community in general, means that many interlocutors have specifically asked not to have their identity revealed, which is not uncommon (Bjarnegård 2009, p 61, Lilleker 2003). Some have been very outspoken and could risk their jobs and more if they are quoted publicly, others are simply not allowed to give interviews but do so frequently anyway. A typical example of the second type would be a first secretary at an embassy or a desk officer at the Commission. I have chosen a mixed approach when referring to my interviews, to try to accommodate both academic transparency but at the same time keeping those who wish so anonymous. I have decided to number all my interviews and to refer to the anonymous ones as numbers only. I have listed all the interviews referred to at the end of the thesis, with only a limited few truly anonymous. I have the full list of interlocutors and key archived and available upon legitimate request.

## Summary

This chapter has discussed the design and operationalisation of this inductive case based study. The study is designed to investigate the research gaps identified in chapter one, where I have searched to explain some empirical and theoretical anomalies, and used them as stepping stones to arrive at a more inclusive, generalisable analytical framework. My inductive research design has presented me with a number of methodological challenges, both when it comes to formal aspects such as classifying my cases, and with how to identify norm transfer and different types of compliance with rules and norms. It has indeed been a challenge, but a rewarding one.

Lastly, I have discussed my interviews in detail, which in themselves posed some interesting challenges. Not only have I wished to discuss politically sensitive topics where a good number of my interlocutors have been more or less involved in electoral malpractice at one point in time or another, but I have also been a foreigner with no one to recommend me. Some of my interviews have been very disappointing, but a very large majority have revealed aspects that I suspected but never thought anyone would admit to in front of a tape recorder.

Bearing these challenges in mind, I now turn to the empirical investigation of the cases for this study.

## 5. Electoral reform in Albania: change, stability and the battle over domestic power structures

In this chapter I uncover the long term process of implementing a core aspect of democracy and EU membership conditionality: holding elections in accordance with international standards in Albania, and how the EU conditionality could possibly make a difference. The study is an important piece of the aim of this thesis, to answer the questions of the shape of the transformative power of the EU and how we can explain the weaker performance in the Western Balkans in comparison with Central and Eastern Europe. As discussed in chapter four, by penetrating a specific policy process, it becomes possible to see the behaviour of political parties during elections, as an indicator of norm transfer (Checkel 2001, 2005). It also becomes possible to follow the process of improving and amending the electoral code, which defines the formal rules of the game, and how rules become more or less democratic over time. Compliance with formal rules and respect for international best practice on elections over time is an additional indicator of norm transfer. Furthermore, this case study identifies the role of different actors, which ones promote change and which promote the status quo.

Through this investigation of change agents, preservers of the status quo, opportunity structures and the perception of external actors and the norms they carry, I lay bare how two systems of organisation of power meet: that of traditional paternalistic structures and of a “responsible party-government” (Kitschelt and Wilkinson 2007: 1) based on a programmatic relationship between voter and politicians. This is nothing new in democratisation studies, but has not been given much attention in EU enlargement studies and gives a different angle on the relationship between the EU and applicant states.

Albanian elections and electoral reform represent a constant incremental process of changes and amendments to the law and slow improvements of the criticised aspects. At times there is political momentum for deeper changes, such as the new electoral system from 2008 which also included constitutional change. In this sense, democratisation is slowly pushed towards formal democracy. But at the same time there are some criticised aspects that remain virtually untouched, having a big effect on both the quality

of the elections and also the quality of Albanian democracy. In this sense, the status quo is reproduced.

Each election opens and closes the opportunities to act in the next, and shapes tolerance for electoral malpractice or respect for international best practice, as discussed in chapter three. This process is very clear in Albania, as electoral malpractice has indeed moved the boundaries for what is and is not acceptable regarding elections. Despite being decisively the most backward of all the applicant states in the early 2000's for socialisation and deep penetrating EU reforms, the country moves slowly ahead on a number of issues, and there are few signs of backsliding. In parallel, there are other aspects of electoral irregularities, which are actively sustained and protected, leaving question marks about the commitment to fully adhere to democracy, EU norms and values, and the strength of the EU as a normative power.

Thus, as the empirical analysis will show, there is change and no change side by side on the same issue. It is also obvious that those pushing for change are not always domestic actors, but rather the international community. But when deep change does come about, the two main parties largely agree and work together. The guiding question for this chapter is: *How can we understand this paradox of partial reform, and what holds reform back?*

### *Hypothesis and argument*

The hypothesis for this chapter is that there is a political battle over the implementation of international best practice in elections, where Albanian political parties, the Central Election Commission, other domestic actors and international actors try to influence both the legislation, the organisation of the electoral administration, and their outcome. In essence it is about introducing norms of international best practice in elections into a country where elections are a relatively new phenomenon, and where international best practice challenges the organisation of political power and the relationship between voter and politician. In this battle, I argue that the EU does not really have the means to tackle the clientelistic organisation and power structures of Albanian society. This means that there are some aspects of reform, especially related to the Copenhagen Criteria, which are very difficult to have leverage over, as they are outside the formal, legal, aspects of reform which the EU normally focuses on.

This political battle has some important components that define the struggle. First, it is a matter of transferring external values and norms into a domestic context. This process may be far from smooth, and even actively about "pruning" external norms to fit into the local context (Acharya 2004).

Second, it is about stability and what should be changed. As already noted, formal and informal aspects of democracy do not necessarily correspond (O'Donnell 1996), and where external democracy promoters and others seek to make the informal aspects correspond to the formal ones, the domestic

actors may be very comfortable with this mix of systems and instead try to preserve it.

Third, there is also the aspect of expectations on who does what in the reform process. The EU to some extent takes for granted that states applying for membership have the political will to take on the conditions and requirements for membership, and have the domestic momentum to reform if needed. When needed, the EU is willing to help with this process, but the momentum has to be domestic. If the actual reform agents are external, the reform process follows a different pattern than that previously taken for granted.

A key assumption is that the clientelistic structures of Albanian society represent a type of society where EU conditionality has few instruments to penetrate. As I will argue, Albania is a so called party state, where the governing party and state structures are to a large extent merged, and the party in power see the state apparatus as its own fiefdom. In a non-authoritarian state, this may easily lead to a clientelistic system, or indeed feed it, where the state employs party members based on loyalty rather than by merit. Change of power obviously means a big turn-over of staff in public administration. I hypothesise that the clientelistic structure of Albanian society to a large extent defines the power interests and the relationships between different actors. All the change that we do see is the result of the need to live up to external incentives, while what is left unchanged depends on the actors' interests, here to protect the clientelistic system which provides them with power.

#### *A model on power struggles and incremental change*

I take a decisively historical institutional approach to help me analyse this power battle, and to identify the actors, as discussed in chapter three. As EU integration is a process of change, it is exactly change that has to be at the centre of the explanation, and change as a process rather than the endpoint.

Where path dependence is a rather passive concept, focusing on limitations and boundaries for actions, and how mechanisms keep actors from certain decisions and actions (Pierson 2004, Thelen 1999), in this chapter I focus on the active sustenance of certain structures, and how agents actively work to achieve change or status quo.

If wishing to prove that clientelism offers a positive feedback mechanism keeping Albanian politicians from implementing certain change, I would need to show how clientelism narrows down the policy options for Albanian politicians. Here I argue that it is rather the opposite: Albanian politicians actively sustain the clientelistic system through its protection by legal means. They resist all advice to change key details of the legislation in order to be able to continue with their practices, and actually took the opportunity to strengthen their influence over the electoral administration when the constitution was amended as a result of the introduction of a new electoral system.

As discussed in chapter three, Mahoney's and Thelen's model of incremental institutional change fits the long term process of complying, or not, with EU conditionality. For my purpose in this chapter, their main contribution is their emphasis on agency, how change agents function in different types of environments, and how the battle over compliance is an important source for shifts in the allocation of resources and power. If we view institutions as key factors of power distribution rather than as self-reinforcing through feedback mechanisms (as advocates of path dependence would), compliance emerges as a variable important for both stability and change (Mahoney and Thelen 2010: p 10). That in turn has a number of consequences.

First, as rules are never exact, and the interpretation of how to apply the rules and which behaviour would be accepted, is always the subject of debate and contention. Albanian elections are no exception.

Secondly, it is also impossible for the rule makers to accommodate all possible scenarios. The electoral experts, national and international, that wrote the Albanian electoral code in 2000 could hardly have imagined how it would be used for tactical voting, or they would most certainly not have separated the ballot into two (see below).

Thirdly, related to the last point, there are always assumptions about behaviour and interpretation that are only implicit. The understanding of a rule or context may be more or less shared, which explains why the electoral code, written under strong external influence was widely "exploited to the letter while its spirit was violated". These are not only the words of Mahoney and Thelen (2010: 13), but they are repeated by international observers in their assessment of Albanian elections.

The fourth consequence of viewing compliance as a variable, according to Mahoney and Thelen, is a focus on the enforcement of the rules, which is often done by others rather than those designing them. The Albanian political parties which were regulated by the law and also to some extent responsible for its proper implementation, interpreted the law in a way that was different from what international experts and advisers would have intended.

It is these soft spots or gaps between rule and its interpretation that provide the source for partial non-compliance. This process of layering of rules and norms is then getting its momentum from the changes in distribution of power between the different actors, and the battle of power which comes on its heels.

But before analysing how the actors react in relation to the structures and gaps between rules and their interpretation, I first start with an overview of Albania's modern history, to understand the difficulties the country confronts, and how certain features of today's Albania have some deep historical roots.

## Albania: from authoritarianism to EU integration

Albania has indeed had a difficult modern history, with direct effects on the possibilities for a smooth transition to democracy and further modernisation. The Communist dictator Enver Hoxha was an authoritarian hardliner, who brought the country to complete isolation and extreme poverty. His rule has had a profound effect on post-communist Albania when it comes to trust in public institutions, power structures, and society at large.

When the Communists under Enver Hoxha took power after the Second World War, Albania was Europe's most backward country. The attempt to transform Albania into a socialist utopia started early, and showed the road ahead. Albania was at first aligned with Yugoslavia, but due to some differences on how to treat Kosovo, or indeed the independence of Albania itself, and the fact that Yugoslavia was not invited to the Cominform in 1948, Hoxha broke with Tito and aligned himself with the Soviet Union instead. The subsequent purge of the party elite was the beginning of a reign of terror which was to continue up until the death of Hoxha in 1985 (Crampton 2002: 157).

Having broken with Belgrade, and having no friendly neighbours, Hoxha was highly sensitive to external threats. Just as the reign of terror started early on during his rule, also the isolationism of his regime was grounded early. This was increased after Stalin's death, as Hoxha had no interest in following Krushchev's more relaxed line. After the Hungarian revolution in 1956, Hoxha took the opportunity to tighten his grip and to "[purge] those who had been unwise enough to put their heads above the parapet" (Crampton 2002: 159).

The ties between Moscow and Tirana were further strained as Moscow tried to micro-manage agricultural production and attempted to strangle Albanian oil production (Crampton 2002: 159) and in June 1960 Tirana broke with Moscow, leaning towards China, now its only ally in the world.

The isolation and ideological breaks with the rest of the Communist bloc meant that Hoxha grew increasingly suspicious about both external and internal threats. The borders were sealed and a large number of bunkers were built around the country, in particular along the borders. Listening to foreign radio transmissions was prohibited, and the security apparatus, *Sigurimi*, "operated a reign of terror", where even children were involved in spying on their own parents (Vickers 1999: 189).

Albania's own cultural revolution worked on many fronts. The most well-known aspect is the virtual extinction of religious belief and the conversion of religious buildings into cultural centres, theatres or storage depots, or more often simply destroyed. No pockets of alternative thought were left in Albanian society in parallel with the nationalistic Albanianism promoted by Hoxha. In addition, the collectivisation of the land in combination with a rapidly growing population meant increasing food shortages. The collectivi-

sation also meant that the system of large patriarchal families, joined in a clan system, was shaken, and the leaders of these families lost power and prestige. The party, or indeed Hoxha himself, took the role as the patron, merging the party with the state and society (Vickers 1999: 197).

When Enver Hoxha died in 1985, the new leader, Ramiz Alia, slowly started to distance himself from Hoxha's legacy and soften the hard foreign policy. By 1991 "Albania had returned to the international community" and restored diplomatic ties with a number of countries, including Moscow and Washington. Alia was more reluctant to give up internal power, but felt it necessary to ease the pressure on such matters as censorship and religious worship, and even granted passports for travelling abroad.

At this point in time, Albania had no civil society, and no dissidents of the type that overthrew communism in Hungary or Poland. The political elite and intelligentsia were "closely integrated" with the ruling communist party, demonstrating a "blind loyalty to even the most absurd elements of hoxhaist dogma" (Vicker and Pettifer 1997: 16). In fact, political opposition to challenge the ruling communist party came from within, and from a very unexpected direction.

Alia's somewhat more relaxed rule had given the population an understanding that the days of terror perhaps were numbered. In addition, it became increasingly possible to learn about what was happening in other parts of Eastern and Central Europe, giving an impetus for sporadic protest also in Albania. 1990 was a very turbulent year with strikes and seemingly spontaneous protest over the country. The party leadership reluctantly agreed to allow alternative political parties and multiparty elections.

The most important opposition party was born in December 1990, after students' strikes at the university. Alia sent a trusted man, Sali Berisha, to negotiate with the students, and perhaps even to put his own man at the head of the protesters. Berisha had been Hoxha's personal doctor, although he himself denies that, and he belonged to the inner circle of the ruling party. Berisha apparently saw the opportunity and took it to create his own political platform. He became leader of this new movement which quickly transformed into a political party, the Democratic Party (DP). The DP was only one among other political parties born at this time, but it would become the second pillar of Albanian politics and has been ever since, in parallel with the Albanian Party of Labour (PLA), which later transformed into the Socialist Party of Albania (SP) (Vickers and Pettifer 1997: 35.37).

That winter was "the time of dark forces", with a tense atmosphere over the country, coupled with protests and almost anarchy. Elections had been announced to be held in March and April 1991, and although the situation was tense and based partly on fear, the elections were peaceful. The ruling Communist party won a landslide victory, but it turned out to be a pyrrhic victory in the sense that the PLA had little political innovation, no plan on

how to treat the protests, and was plagued by internal battles on the road ahead. They had the power but did not know what to do with it.

The situation was unbearable, with rapidly rising poverty and anarchy, large numbers of people fleeing the country, and people taking such extreme measures against the government as destroying the collective farms, only adding to an already grave situation. In 1992 new elections were called, and this time the DP under Berisha won. The transfer of power was surprisingly smooth (Vickers and Pettifer 1997: 81) but it was no guarantee of a democratic development. The DP and Berisha went to the elections promising Euro-Atlantic integration and democracy, but that proved easier said than done. In fact, the first non-communist constitution proposed by the DP in 1994 intended to increase the powers of the President, Mr Berisha himself. The constitution was turned down in a referendum, an important defeat for the DP, and an extraordinary demonstration of strength and independence by the Albanian electorate. In parallel Berisha showed other authoritarian tendencies, as the 1996 general elections were seriously tampered with, both legally and through government interference in the electoral procedure, including intimidation of voters (Vickers and Pettifer 1997: 280ff).

As if that were not enough, shortly afterwards huge Ponzi schemes collapsed, with a large part of the population losing all their savings. The country was thrown into almost complete anarchy and civil war, based on desperation and political animosity. Police stations and army barracks were looted, with a good number of the weapons finding their way into Kosovo, feeding the upcoming Kosovo crisis with weapons. Albania was really on the road to nowhere. In April 1996 an international force under Italian command came and restored order, with the OSCE in its heels. The DP had been swept from power during the turmoil, and the now reformed Socialist Party won the elections.

It was however a matter of out of the ashes into the fire, as Albania had hardly regained pace when the Kosovo crisis erupted. Not only was the country awash with refugees but it could barely afford to help; at a certain point it was also an important corridor into Kosovo, as the other land routes went through Milošević's Yugoslavia or Greece which did not participate in the NATO intervention but allowed transport over its territory. Albanian infrastructure, from the port in Durres to the telephone lines, was not at all prepared for the influx of military personnel and material, nor the journalists arriving. In addition, the political situation was very delicate, with strong nationalistic feelings towards the Kosovars and against the Serbs.

The Albanian political elite played a surprisingly constructive role during the crisis and was praised for it, and was even promised to be able to sign a Stabilisation and Association agreement with the EU very soon, a promise which was backtracked almost immediately after the crisis had calmed down (Crampton 2002: 307).

However, the Kosovo crisis meant a qualitative shift in the relationship between the EU and the Western Balkans, as the Stabilisation and Association process was launched, with the explicit mentioning of a membership perspective for the region. This offer also included Albania, despite its difficulties and shortcomings. During the last ten years, Albania had witness two almost complete state collapses, first in 1991-92, and later in 1997. The newly elected “democratic” president had been accused of trying to regain authoritarian means of power, giving little room for the opposition, and even less to stimulate a civil society. Power had then been given to the barely reformed former communist party. Poverty was rife, with mainly small, subsistence farming, crumbling industry and a substantial brain drain and exodus of the young. The political situation was highly unconstructive with little communication between the two main parties. Corruption was on the rise and there were even reports about politicians involved in organised crime (ICG 2000: 19).

It was in this climate that the EU integration process for Albania started. No previous experience of democracy, almost directly from a totalitarian regime, being the poorest country in Europe with a shattered infrastructure and a highly politicised political, judicial and administrative system rife with corruption. The road ahead could hardly have been more difficult.

## Elections in Albania

Albanian elections do not pose any dramatic events but rather it is a slow evolution of incremental changes which have no clear beginning or end. In this sense it is a matter of working in relative tranquillity, without specific political crises or emergencies which upset the reform pace and the equilibria established. The process of producing internationally acceptable elections has been a long and difficult journey, where Albania is improving, but not yet there. Albania has held regular local and parliamentary elections according to schedule, without early elections or significant political drama. Despite suffering political stalemate and blockings, there has not been any need for early elections at any point in time. Here I focus on parliamentary elections, mainly because they are more important than the local elections in the sense that the real power rests at the central level. Decentralisation is slow, and most of the local power rests with the ministry of Local Government. Few, if any, mayors are strong enough to keep a personal line rather than following orders from the central party. Local politics and elections may at times add to the national political dynamics, but are most often repeating or confirming patterns from parliamentary elections.

The electoral system has changed from a mixed system introduced with the electoral code in 2000, where parliament was composed of 140 MPs, 100 elected through a direct ballot, and the remaining 40 through a proportional

system. These two votes were on different ballots, so it was possible to vote for one party and a candidate from another party. This created some fundamental problems, as will be discussed below. In 2008 the system was changed into a fully proportional system based on the Spanish model since the mixed system had caused a number of electoral irregularities.

Albania has a large number of political parties. For the 2013 elections as many as 66 parties were registered, and that in a country with about 3.2 million registered voters (OSCE/ODIHR 2013). But despite this large number of parties, the political scene is dominated by two, the Democratic Party and the Socialist party. They align themselves with smaller satellite parties with or without the possibility to win seats in parliament along a clientelistic logic: a patron with many clients tied up in a mutually beneficial relationship.

The main political parties on the left are the Socialist Party, *Partia Socialiste e Shqipërisë*, (SP), the transformed communist party. The Socialist Movement for Integration, *Lëvizja Socialiste për Integritim*, (SMI), founded in 2004, a splinter party from the SP led by Mr Ilir Meta, a former SP Prime Minister. Christian Democratic Party of Albania, *Partia Kristiandemokrate e Shqipërisë*, (CDP), a minor party affiliated with the SP.

The main political parties on the right are: The Democratic Party, *Partia Demokratike e Shqipërisë*, (DP), founded in 1990. The Republican Party, *Partia Republikane e Shqipërisë*, (RP), founded in 1991, affiliated with the DP. Unity for Human Rights Party, *Partia Bashkimi për të Drejtat e Njeriut*, (HRUP), founded in 1992, representing minorities, in particular the Greek minority. Party for Justice, Integration and Unity, *Partia për Drejtësi, Integritim dhe Unitet*, (PDUI), founded in 2011, pursuing a nationalistic agenda.

Since the SAP took effect Albania has held regular parliamentary elections in 2001, 2005, 2009 and 2013. The Socialist Party won in 2001, the Democratic Party in 2005. The 2009 elections were won by the DP which entered into a coalition with the Socialist Movement for Democratic Integration. The SP took back power in 2013.

The SP and the DP have always worked closely each with a broader coalition, although the majority of these coalition parties do not get a single mandate. This practice of binding small and even insignificant parties to the big party is a way to build patronage and to tie up persons in relations based on clientelism. The leaders of these smaller parties may be important business partners, or in other ways good connections. It is a way of keeping allies and broadening their influence over political movements. As will be clear below, it is almost impossible to enter politics without affiliating a party to one of the two main political parties, with the SMI as a possible third.

Albanian elections have been a constant problem, both politically and technically. Most aspects are contested, from the voter list, to the final result. The opposition, regardless of political colour, has demonstrated, boycotted Parliament and Commune Councils, and obstructed the political process to protest against election results they do not recognise. When power changes

hands, there is little change of behaviour, only that the roles are reversed. The two main political parties, the SP and the DP hold a heavy and dominating hand over the electoral process, from the process of amending the law, to the counting, complaints procedure and announcement of the results. It is obvious that when the political will to actually come to a consensus is present, improvements are substantial. This has been particularly the case when important decisions are to be made about Albania, such as when NATO was about to invite Albania in 2008, or when visa liberalisation was about to be reality in 2010.

The international community in Albania have in many different ways tried to impose both better laws, better electoral infrastructure and to force better political commitment to a democratic electoral process. The OSCE is perhaps the organisation most strongly involved, as it has to a large extent been a process of hands-on guiding political parties and electoral stakeholders through what is considered best international practice. The EU has always kept elections as a high priority on the reform agenda, making comments in Progress Reports, European Partnerships and diplomatic communications. Other organisations such as the IFES and UNDP have contributed with money, experts and even taken up some of the tasks such as printing manuals and ballot paper, even trying to produce a legitimate voter registration process.

#### *Influence over the voter: clientelism and the party state*

Albanians are well known for their tight clan system where family ties are utterly important and the clan members are loyal to their leaders. The clans have to a large extent been rendered obsolete and political parties have taken their place in modern Albania, providing patronage and benefits. This strong loyalty to power structures has had strong implications for modern Albanian democracy, and one could argue that Albania to some extent is a party-state where “the political elite, once in power, identify their party with the state, behaving as if they own the latter” (Kajsiu et al 2003: 134). In addition, party bosses “behave as if they ‘own’ the parties” (Bogdani and Loughlin 2007: 143) and the members are indeed very loyal, tied in tight clientelistic relationships based on access to work, benefits and the possibility to do business. The connection between voter and politician has been rather direct, especially during the mixed system with 100 directly elected MPs. The direct relationship between party and voter is demonstrated through the “Dushk-incident” in 2001 and 2005 (see below), where the parties could steer their members to actually vote for other parties for the sake of an electoral game. This tactic would not be possible if party supporters were not particularly loyal and receptive to political instructions.

Since this direct relationship between citizens and politicians is so ingrained, it rarely comes to the surface to be observed by outsiders. It works

smoothly. However, the “Dushk-incident” and similar happenings show us that the parties have extensive means to control the voters. This is especially true in rural areas where each polling station has few voters, and people are poor and dependent on the state for pensions and benefits. The fact that mobile phones are prohibited in the polling station is an indication of previous attempts to control the individual voter (by taking a photo to prove that the vote was for the “correct” party, (Interview 89, CEC). It has been reported by international observers that civil servants, students and other groups have been forced to participate in government rallies (OSCE/ODIHR 2009a). Civil servants have been threatened with losing their jobs, and students with failing exams. Such allegations were present also in 2005, but seem to have increased significantly with time. Similar accusations, some deemed credible, circulated as late as for the 2013 parliamentary elections (OSCE/ODIHR 2013: 14).

Albania is also a country with a heavily politicised public administration. The EU Commission writes that “appointments have continued along political party lines in contravention of the Civil Service Law” (Commission 2008, p 8). Reshuffles are frequent and the norm after a change of power, or a change of minister (Elbasani 2013c, Interview 1, Senior legal expert). There are even tricks to circumvent the Civil Service law when hiring staff, through recruiting “temporary” staff (Elbasani 2013c: 98). There are also indications that clientelism is growing, with vote buying and connection between the vote and job in public administration. The SMI has been particularly linked to such behaviour, but it is safe to assume that it is a common practice (Kajsiu 2014: 119).

An indication of this relationship between political party and voters comes with an anecdote from the elections in 2009, given by a representative of the newly formed party G99, which had campaigned to change the basics of Albania’s politics and society. One of the founders of the G99 said that one of the first things they told people at their rallies was that if the audience were there to seek a job, they could just leave (Interview 70, Kojdheli). That would be a new thing in Albanian politics, and in fact the G99 got a very small percentage of the vote and have since the 2009 elections virtually evaporated.

Albania does fit into the description of a clientelistic state. There is a *contingent direct exchange* between voters and politicians (Kitschelt and Wilkinson 2007: 10). Interlocutors testify without being specifically asked about a direct link between promises to voters or public employees by politicians and political parties. Such promises are contingent, i.e., directly linked to the vote.

The voters respond by a *predictable, elastic and voluntary compliance* to the offers made by the politicians (Kitschelt and Wilkinson 2007: 12), otherwise they would not continue to offer them. Perhaps the seemingly rising complaints by citizens about the pressure to show up at government rallies,

for example, is a sign that this voluntary compliance is slowly growing to be less voluntary. But the complaints are a sign that the direct link between specific benefits for voters and politicians does exist.

Lastly, there is also an important component of monitoring, both *monitoring individuals and groups* (Kitschelt and Wilkinson 2007:14ff). Again, the interlocutors spontaneously give evidence of both. The fact that the CEC has felt the need to forbid mobile phones in the polling stations to prevent voters taking photos of the ballots means that there is such a practice, and that voters are later paid either in cash or in other benefits upon proof of voting for the “correct” party. This violation of the secrecy of the ballot is different from that of family and proxy voting, and is a sign of political control over the voters. But there is also group control, which actually is more efficient, as voters control each other through networks of social relations (Kitschelt and Wilkinson 2007: 18). The Albanian interlocutors did not give direct evidence of such practices, but as Albania to a large extent is politically divided also geographically, where entire villages vote for a single party, it is difficult to break such habits. A few voters who suddenly vote for another party will be noted and perhaps also identified.

### *2001 parliamentary elections*

The Albanian elections of 2001 were held in a tense political climate following the strongly contested local elections in 2000. These elections were the first to be held under the new electoral code, which in turn was based on the new first post-communist constitution from 1998. The legal framework was thus completely new, and although Albania had held elections before, these elections were held for the first time in a climate which was not under national emergency or turmoil.

There were two major problems with these elections which were both related to the behaviour of the political parties and their will to respect the international norms on elections. First there were the independent candidates, and secondly the tactical voting.

Of the 140 seats in parliament 100 were distributed through a majority vote, the other 40 through a proportional formula. These two votes were on two different ballots. It was thus possible to vote for one party with the proportional vote and a candidate from another party with the direct vote. The electoral code was written to somewhat penalise the party with the majority of direct votes when it came to the distribution of proportional seats. Here both the main parties decided to play with independent candidates that were in reality affiliated with one or other of the majority parties in order not to lose out on the proportional vote. This had already been criticised by the observers and commentators when the scheme was discovered before election day, and the CEC did managed to block 114 such fake independent candidates before the elections (ICG 2001a: 3, OSCE/ODIHR 2001: 8)

But the most worrying event was of that in zone 60, which was later called “the Dushk incident”. In this electoral zone the voting was cancelled due to technical irregularities, and postponed until the second round two weeks later, after the results of the proportional vote was made public for the rest of the country. That would not have been a big problem if it hadn't been for the division of votes and the game with independent candidates. When Zone 60 turned out to vote in their first round, two weeks after the rest of the country and at the time of the second round, even after the proportional vote had been counted and made public, the possibility opened up to calculate how to maximise the distribution of votes among the coalition partners in order to support them and make sure they entered into parliament. This opportunity was taken by the SP, which organised a door-to-door operation to instruct their voters how to vote. Indeed, the SP voters turned out to be very loyal followers ready to follow party orders and the scheme succeeded. The SP was criticised for this, but the general assessment was that the impact was not big enough to have made a difference (OSCE/ODIHR 2001).

However, these two problems were not the only ones observed. There were some serious irregularities which were deemed to be isolated incidents, but nevertheless needed to be addressed (OSCE/ODIHR 2001: 20). Here we can identify interference and pressure from the police and local authorities on voters, and there were also a few reports on the police being involved in the manipulation of election material, including ballot box stuffing (p 14). The counting process was at times tenuous than the voting, and technical procedures were often not followed correctly (p15). The following tabulation of votes raised serious concerns, since protocols at times had dubious origins, and different versions from the same polling station showed different results (p 16). These technical related irregularities are partly a reflection of poor training. Most of these irregularities were aggravated during the second round and all the repeated rounds that were the result of annulment of voting due to irregularities.

We could thus conclude that there was some political tinkering with the ballot, tactical voting if you like, where parties used and abused the law without explicitly violating it. In addition there were a number of technical irregularities which show poor knowledge and experience with arranging elections. That is partly acceptable for a country with a history like Albania. But as we will see, these irregularities continue from election to election, and take an increasingly more political flavour.

### *2005 parliamentary elections*

The 2001 elections triggered an important review of the electoral code, with a large number of amendments and the old code had actually to be revoked and replaced because of the substantial change. However, those improvements did not prevent the political parties from partly playing foul. Already

during the local elections in 2003 it was obvious that it takes more than a good electoral code to provide good quality elections. The OSCE/ODIHR observation mission final report provides some harsh words, claiming that the “local government elections were a missed opportunity for significant progress towards compliance with OSCE commitments and other international standards for democratic elections”, and that “more political will was required from both parties to ensure an effective and credible election process” (OSCE/ODIHR 2004a: 1).

Already here we notice a trend that will follow in further Albanian elections: that parties extensively use the possibility to replace their nominated representatives in electoral commissions (OSCE/ODIHR 2004a; 8). This behaviour obviously causes trouble in each affected commission as new members most often have not gone through the official CEC training programme.

We see the same problems for the 2005 parliamentary elections, where procedural irregularities were common, and seemed to be aggravated through counting and tabulation of results. A significant change was the introduction of counting centres, one in each region, where votes were counted centrally rather than in each polling station. This was done to avoid the possibility of obstructing proper tabulation of votes in the polling station, and to give a more centralised control over the counting process. This did not, however, prevent problems, and the counting and tabulation took several days in some areas, mainly because the two main parties obstructed the process through “walk outs”, putting party interests before that of the general process (OSCE/ODIHR 2005a: 20).

But perhaps the most important irregularity was not mentioned in the observation report: the so called “Mega Dushk” scheme implemented by both the SP and the DP on a national level. Despite the substantial overhaul of the electoral code, the divided ballot had been left intact for the 2005 elections. Both the SP and the DP took the opportunity to apply the zone 60 scheme from the 2001 elections, and simply told their supporters to vote for other specific parties rather than themselves in order to minimise the proportional vote and to boost important allies (Interview 33, Bylykbashi). Both parties were obviously fully aware that the other was implementing the same scheme, but no one raised their voice to make it public.

There were also direct observations of how the vote was manipulated during counting, all in line with this scheme of transferring votes from the bigger parties to their allies in order to safeguard their entrance in Parliament. One observer told me how he had witnessed numbers being crossed out and transferred on the tabulation sheets, which in effect meant that DP proportional votes were transferred to the Republican Party, in order to make sure that the DP coalition partners became as strong as possible (Interview 1, Senior legal expert). In fact, the Republican Party and the Social Democratic Party resulted in being the biggest parties during that election, despite being

medium sized satellite parties to the DP and SP respectively (OSCE/ODIHR 2005a, Annex 1). In reality, however, the SP and the DP were the biggest parties as they held direct mandate seats.

This “Mega Dushk” tactical voting is not mentioned in the OSCE/ODIHR election monitoring report. It was only with time, as long as almost a year after the elections, that the extent of the manipulations became known and acknowledged by international observers (Interview 1, Senior legal expert). What it does tell us however, is that first Albanian political parties do not necessarily try to uncover irregularities committed by a political opponent.

Secondly, to manage such an endeavour as “Mega Dushk” there is a need not only for a big party apparatus, but also for known and loyal supporters willing to follow orders. This electoral scheme thus reveals that both SP and DP have the possibility to mobilise a large amount of supporters to spread the information on how to vote. It also reveals that party supporters are indeed well known by the parties, and that they are willing to do as they are told.

The 2005 elections were won by the opposition DP and its coalition allies. The transfer of power was surprisingly smooth and the result was respected by the SP. This was a significant moment in Albanian political history, given the strong animosity between the two main parties, and it was acclaimed as such by international observers and diplomats.

### *2009 parliamentary elections*

The elections in 2009 were held under a completely new electoral code and electoral system (see below). The mixed system had been replaced by a regional proportional system, where the “Dushk”-scheme was no longer possible as the divided ballot and the single member zones were gone. That contributed significantly to an improved conduct and overall assessment of the elections, but the OSCE/ODIHR observation mission felt the need to point out that the overall quality of elections largely depends on the commitment of Albanian political parties to “respect the letter and the purpose of the law” (OSCE/ODIHR 2009a: 1), indicating that this had not always been the case.

Now when other aspects of elections had significantly improved, the international observers seem to have been able to focus on more technical details in more depth, and here the ODIHR criticise quite heavily the “unrestricted right of political parties to replace members of mid-level and lower-level election commissions at will and without any legal cause” (OSCE/ODIHR 2009a: 7). As will be evident below, this is a feature which has been criticised by the international community, and defended by Albanian political parties. This behaviour had already been mentioned for the 2005 elections, and continues to be a source of disruption for the electoral commissions as they do not know who will arrive or when. The delicate voting balance between the parties may also be disturbed when key members, in-

cluding at times the chairman, are withdrawn, even on election day. In effect, this behaviour is a means to keep full control over the electoral administration, confirming their central role for both the result of and trust in the process.

In general, the election was deemed to be good, but not realizing Albania's full potential to comply with international best practice. There were numerous allegations of public sector employees being threatened with losing their jobs if they did not support the incumbent DP rallies, or attended opposition rallies. Also university students received similar threats related to their studies and passing of exams (OSCE/ODIHR 2009a: 13).

Election day was calm with the now returning procedural irregularities of proxy voting, failure to check or to apply invisible ink, serial numbers not corresponding with the seals on ballot boxes, etc. Having almost eliminated the possibilities for pre-election fraud, the focus now centred on post-election counting and acceptance of the results.

The vote count was again troublesome, and the CEC had installed cameras to be able to monitor each person counting the vote to make sure that the votes were put on the right stack. This turned out to be difficult as the image was not very clear, but it was an important attempt to improve the transparency of the voting.

The race was very close, with the DP winning 70 seats and the SP 66, leaving the SMI as kingmaker with four seats. To form a government, 71 seats are needed. During the vote count, there were frequent discussions and debates on whether to open and count certain ballot boxes or not, referring to some technical flaws regarding the serial number on the box, or signs that someone had tampered with it, depending on the relative result at the moment, and which party seemed to be leading (OSCE/ODIHR 2009a: 23). These problems were often resolved as soon as it became clear that one party was heading for a clear victory, and all concerns on technical flaws were disregarded.

But given the tight race, the result was bound to be contested. The DP made an unexpected move and invited the SMI to form a government. This was indeed a surprise given the poor relationship between Berisha and the former PM Ilir Meta. The SP claimed that the vote had been rigged and decided to boycott Parliament. They decided to return only days before their mandates were about to expire, but did not participate in the work of the Parliament for some time (Biberaj 2010: 51), including the participation of five by-elections in November 2009 (Gjipali 2010: 56). This political standstill was an important reason for the delay in granting candidate status for Albania (see chapter seven). In fact, relating to the release of Opinion on the Albanian membership application, the elections were specifically mentioned as a priority to be dealt with:

“The effectiveness and stability of Albania's democratic institutions, notably parliament, is not sufficiently achieved. Political dialogue is confrontational and does not respect the democratic spirit, not least because of the political stalemate since the June 2009 elections. Shortcomings identified in the last elections have not yet been translated into an electoral reform, needed for upcoming elections” (Commission 2010)

### *2013 parliamentary elections*

The 2013 elections were deemed to be perhaps the best ever held, but with returning technical irregularities and voter intimidation casting a shadow over the results. These elections were considered as a key test for Albania's development and readiness to progress with EU integration, and much was at stake. All in all, the preparations went well, the campaign was calm, and the voting mainly orderly. Counting was delayed due to procedural irregularities, but overall went well once started. As always, partisan behaviour was noted throughout election day, in particular during vote counting.

The law had significantly improved in many senses, as the now returning round of pre-electoral amendments had taken place in 2012. However, the OSCE/ODIHR point out that “implementation and enforcement by all main stakeholders fell short in a number of respects” (OSCE/ODIHR 2013: 1). The OSCE/ODIHR plays down some incidents, but it should be noted that there was an attempt to shoot a local commission chairperson, an explosion at the home of a candidate, and some party offices were vandalised during the campaign (ibid: 13).

The clientelistic aspects of Albanian society were rather visible through allegations of public-sector workers having to participate in rallies or to engage in gaining support for the governing party. There were even credible reports about opposition supporters and activists losing their public sector jobs on political grounds (ibid: 14). The OSCE observation mission noted schools closed and teachers and pupils participating in both SP and DP rallies (Ibid: 14).

A rare incident of a violent clash with a deadly outcome happened on election day, where one candidate was even injured. This was criticised by the EU ambassador at the time (Huffington Post 2013), and proves how tense the political climate was during the elections.

The elections were won by the SP, with surprising support from the SMI, which had left the DP coalition earlier the same year. Berisha, the outgoing prime minister, also left the post as Chairman of the DP, in effect leaving the Albanian political front lines. Despite the long wait to announce the results, due to complaints and a somewhat difficult judicial process, there was an orderly and smooth handover of power (Stratulat and Vurmo 2013).

## What does change?

Despite a number of problems, there has been some substantial change, especially when it comes to the electoral code. Every election so far has been followed by a number of recommendations by international experts to be implemented as amendments to the electoral code. This process has been more or less smooth. At times it has been protracted and led to a broad standstill in parliament. However, a couple of times, this process has reached an unusual consensus leading to great improvements of the code.

The 2001 elections were such an occasion, where, in a climate of cooperation, it was widely acknowledged that the electoral code needed thorough revision. It was obvious that there were “intentional lacunae” within the law which provided the possibility for improper application of the law, and that the electoral code “gave ample room for the misuse of the electoral system” (Interview 33, Bylykbashi). This assessment points to the conclusion that the electoral code was designed to give the possibility to the political parties to abuse it. Despite having been drafted by international experts, the political parties had put in some changes whose effects, at the time of their adoption, could not have been imagined by the international observers. In fact, the international community was taken a little by surprise when they discovered a high number of apparently fake independent candidates, on the pre-election schemes, and the “Mega Dushk” scheme from 2005 went virtually unnoticed.

Given the strong international critique and the stalemate in the discussions with the EU on the Stabilisation and Association Agreement, the politicians came to the conclusion that a bi-partisan commission was a good way forward for finding consensus on important aspects of the electoral code.

This bi-partisan commission of 2001 was indeed an important step in Albanian politics, as both main parties started a constructive dialogue and worked towards solving a problem (Imholz 2001). The result was a large number of amendments to the electoral code. In fact, it was indeed necessary to revoke the old code and replace it with a new version. A well placed electoral expert, claims that the imminent decision to open negotiations for an SAA with Albania was key in coming to a consensual agreement with the opposition at this point in time (Interview 33, Bylykbashi). This consensus contributed to an orderly election of a new President by Parliament, and it was a rather constructive period in Albanian politics.

The new electoral code was ready in time for the local elections in 2003, and was generally deemed as “a substantive basis for the conduct of democratic elections” (OSCE/ODIHR 2004a:1), but with the proviso that the SP and the DP in effect control the electoral administration and that both parties each have the possibility to block the decision making process in each commission. This was indeed what happened in a number of instances (OSCE/ODIHR 2004a: 5).

Each following election meant a new round of amendments to the electoral code, to improve details and to address shortcomings in such differing areas as party finance and how to deal with complaints. After the 2003 local elections and 2005 parliamentary elections this process was difficult and characterised by tension, poor political dialogue and boycotts. In fact, “the country was almost left without framework for elections” for the local elections in 2007 because of political tension and lack of cooperation (Interview 33, Bylykbashi). Changes were at times pushed through parliament based on government majority rather than a broad agreement, adding to the political tension.

However, in 2008 Albania was about to be invited to join NATO, which helped to promote political will to confront elections in a broad sense and to tackle the sources of some of the worst irregularities. In addition both the main political parties had understood that the Dushk and Mega-Dushk schemes were seriously damaging not only Albania’s reputation but also their legitimacy in the eyes of the people. Here the parties got really engaged and actively searched for a new electoral system and worked to get a consensus on the parts that needed change, including constitutional change. This was a surprisingly smooth affair, where international electoral experts were asked for help to try to find already existing systems which could be easily transferred to Albania.

A new bi-partisan commission was set up, co-chaired by the SP and the DP, supported by electoral experts. The two electoral experts from each major party which drew up the code were unanimous in their conclusions about the need to reform the code. “We tried to address the main criticism on the Albanian elections, which was the phenomenon of attacking the vote” (Interview 31, Gjikhuri). “So the important thing of this electoral reform process was the vision, so that it was not another quick fix but it was with an ample vision: where do we want this process to go” (Interview 33, Bylykbashi). One of the co-chairs of the bi-partisan commission summed it up as “because of the Dushk incident, our system had lost trust” and there was the need for a completely new system rather than amending the old code (Interview 62, Islami). In essence these men were saying that the political parties had accepted that the value of the vote had been the subject of a sort of inflation. The value had diminished and was tradable for others. And it was not as in vote buying, but as in transferable by political parties during elections. The will of the voter was transferable in the interest of the main political party within each coalition, without the respect of the voter’s wish. The trust of the citizens in that their vote was respected needed to be regained.

The reform process started well, with a clear sense of ownership of the process:

“it was the first time we had a serious discussion on these various options [of advantages and disadvantages of different electoral systems] and it was agreed to have a regional proportional [system]” (Interview 33, Bylykbashi).

“It was the first time the law was written by Albanians itself. (...) Of course many of the recommendations from the OSCE and the ODIHR were respected in the new draft, but we also tried to find a compromise with the political parties and also the small parties, but above all to find a compromise within the conditions of the Albanian context” (Interview 31, Gjiknuri).

The parties focused on a number of important aspects. First, to decide whether to have a proportional or majoritarian system. The previous experience with a mixed system made them opt for a proportional system as the majoritarian component had

“brought with it into the process many negative consequences, especially this clash between candidates, money which was being spent more and more without having clear indication of the source of the funding (...) All that money was spent to buy individual candidates.

Anybody with some interest or money could create their own turf or interests. (...) Many people with dubious background were entering politics or tried to enter politics based on their financial activities” (Interview 31, Gjiknuri).

The arguments to adopt a fully proportional system were thus easily acceptable. This also helped to remove the possibility for tactical voting that we had seen in 2001 and 2005 as the option to vote for both a party and a candidate was not there any longer.

The bi-partisan commission also decided to lift the CEC out of the constitution and make it a political body, dependent on the political parties. The old code and the old constitutions put the CEC as a constitutional body, an independent body, to be staffed by persons nominated by the political parties, but not representing the party which nominated them. However, the Albanian reality is extremely politicised, where “people say that civil servants belong to the government” (Interview 31, Gjiknuri), and “there is still no such thing [as independent members of the electoral commission], at least in this country” (Interview 33, Bylykbashi). One former member of the CEC even claimed that “there is a high political component in the [electoral] administration (...) the two parties administer all levels of elections” (Interview no 53, anonymous). In short, given the strongly clientelistic structure of Albanian society, at least when it comes to political parties and public employment, it is virtually impossible to ask politically nominated persons to act neutrally. This is a problem which has been acknowledged all along, both by locals and by the international community. The proposed recipe was in a move to keep the CEC and its lower level commissions legally independent and to give them the right to be so and, in theory, also to give them protec-

tion from political interference. But that has always been acknowledged as fake: “everything in the past has been a fake, a fake independent CEC, fake independent members” (interview 33, Bylykbashi). A former CEC chairman confirmed this by saying that “we had a big problem with the political parties” and that the CEC “suffered to have control over the electoral... local electoral commission officials (...) sometimes they used to act on behalf of their political parties” (Interview 16, Celibashi).

So, in 2008 with the changes to the constitution on electoral matters, it was decided to also change this status of the CEC. The argument was to get rid of this feeling of fake independence (Interview 33, Bylykbashi) but, rather than working on the core problem, the politicised and clientelistically organised Albanian society and public administration, preferred to cement these structures in the law. In effect the parties took full legal control over the electoral administration by establishing a direct link between the party and the members of the electoral commissions. Now each member in the electoral administration, from the CEC down to the polling stations, has a clear political mandate to represent their party, rather than the Albanian electorate at large.

The law is in fact written to mirror the sitting parliament, so that any changes in government and opposition combinations (for example one party leaving the governing coalition) means that the electoral administration has to be recomposed. The text on the election of members of the Central Election Commission shows this clearly:

“a) 2 members are proposed by the party that has the *largest number of seats among the parties of the parliamentary majority* and 2 members by the party of the *parliamentary opposition that has the largest number of seats* in the Assembly of Albania

ç) the fifth member of the CEC is elected from among the candidacies proposed by *groupings of deputies of parliamentary majority parties* other than the largest party of the majority grouping. The sixth member of the CEC is elected from among the candidacies proposed by *groupings of deputies of the parliamentary opposition parties*, with the exception of the largest party of the opposition. The proposing grouping presents a list with no less than two candidacies for the respective vacancy” (Albanian electoral code 2012, Article 14, emphasis added)

Article 29 on the composition of the Commissions of Electoral Administration Zones (CEAZ) follows a similar outline, with an emphasis on finding a political balance between the two major blocks. This gives testimony of the importance of a politically balanced electoral administration, where the parties can keep checks and balances on each other. Add this to the fact that the parties can withdraw their representatives at any moment, as will be discussed below, and we realise that the electoral administration plays a central role in Albanian elections.

The composition of the lower levels of the electoral administration, as well as that of the CEC, has always been on the agenda, and subsequently criticised by international experts (Venice Commission 2004, 2009a and 2011a). The parties take great care in finding a balance between the opposition and the incumbent in the commissions and over the country, regulating in detail how this balance should be kept when nominating and electing members of the electoral administration. Whilst the composition itself may change, the control and influence over the electoral administration by the two main political parties does not; rather, it is intensified. This confirms the central role of the electoral administration for the outcome of the election in the eyes of the political parties.

## What does not change?

Despite these important changes, and the number of continuous amendments of the electoral code after each election, there are some important aspects that remain more or less intact. First, reading the OSCE election reports, it is easy to conclude that procedural problems continue to be present: proxy voting, problems with the number of ballots cast, and the number of registered voters that do not correspond, etc. The tabulation and counting are particularly problematic. This could be seen as a problem of poor understanding of procedures, but closer inspection shows that it is not. It is rather an aspect of the clientelistic system in combination with extremely poor trust between the political parties.

Despite the incremental process of electoral change through amendments after each election, plus the big leap with the new electoral system in 2008, the law has been curiously untouched in some key areas. It is especially visible when it comes to a fraction of the paragraph which allows political parties, at any time for any reason, to withdraw the persons they nominated for the electoral administration:

2. The members and the secretary of the CEAZ shall be released from duty by a CEC decision when they:  
[...]  
d) the electoral subject that has proposed them requests their substitution.  
(Albanian electoral code 2012, article 32)

A similar writing was in place also for the Voting Centre Commissions (VCC), but that was removed in the 2012 electoral code, indicating the diminished importance for the VCC in relation to the CEAZs (Albanian electoral code 2008, paragraph 32: 2d and 39:2c).

The paradox here is that, despite having an obviously loyal cadre of followers, there is a high level of mistrust within the parties. This forces the

political parties to control their own representatives in the electoral administration. The commissioners are to a certain extent “responsible” delivering a good result to the political boss. Good results for the party produce jobs and other advantages for the commissioners and their families (Interview 16, Celibashi).

One experienced member of the electoral administration explained that “Specific commissioners have to respect political orders that they receive, it is part of the ‘culture’”, and they receive training not only from the CEC, but also from the political parties which “is not always very technical but also an extra measure to take against manipulation, to be ‘immune’, to not be ‘bought off’”. When asked to clarify, he explained that “each member is under political influence”, and that this practice of the party training the members of the electoral administration had started sporadically in 2005 by the SP but became a full party scheme for the local elections in 2007 (Interview no 54, anonymous). One of the electoral experts summed up the opinion echoed by all electoral stakeholders as “it is the only way to have impartial behaviour (...) there is the risk that parties still perceive a serious risk that their members could be still bought off from the other side” (Interview 33, Bylykbashi).

The case is centred around the possibility for the political parties to change their representatives in the electoral commissions at any time and for any reason, something that is not possible for the CEC to do. This possibility is rooted in the fear that political opponents will try to buy the loyalty of the respective member of the commission, meaning that the nominated person will no longer defend the vote of the party that nominated them. First, Albanian politicians admit the problem: “All commissions are filled with ‘militants’ due to the lack of trust”, and that “at the end, everybody try to win the elections” (Interview 62, Islami), meaning that an important part of the competition is fought in the commissions themselves and that it is important to have almost ruthless representatives in each commission willing to commit all sorts of irregularities for their party.

The international community strongly advises against this behaviour and that this opportunity in the code should be taken away (Venice Commission 2009a, 2011a). However, during the big overhaul of the electoral code in 2008, when the electoral system was changed, which even required a change in the constitution, this was not done and was defended with the explanation that:

“We discussed it, there is a need of the stability of election commissions’ membership and the training that they receive, and stability often leads to more professionalism and independence. In the meantime, it is the only way to have an impartial behaviour. *We are not talking about impartial commissions, but impartial behaviour*, that is the important thing, because that is the outcome of the commission, how they behave, the acts that they issue, the way they manage the process. That is on the other side, that is the, ... there is

the risk that parties still perceive a serious risk that their members could be still bought off from the other side, by ... in this way impacting not only on the balance, but on the confidence of the parties in the process and the ... lack of confidence will lead to lack of confidence of those who vote for these parties, that goes to the public opinion.

**Question:** so in a way it is process also to create let's say, let's call it an institution, a code, that provides trust in the system?

**Answer:** Yes, so, we want an election, that everybody, we Albanians first, feel that it is democratic, because it is our election, we don't do it only for the EU. The EU may decide tomorrow not to accept any more members, but we need democratic elections for the rest of our history, so it is our process, we need to believe in that, and if we believe in that also others will trust them" (Interview 33, Bylykbashi, emphasis added).

All this indicates that what happens in each polling station and in each regional electoral commission is highly important for the outcome of the elections. These bodies are just as central to the result as the voters themselves. The parties put a lot of effort into controlling their representatives, even training them on a wide scale. It must be noted, however, that the possibility to remove the members of the commissions running the polling stations was taken away in 2012, but was preserved for the members of the electoral zone commissions (which oversee the counting of the ballots and tabulation of the results in the counting centres).

## Change agents and preservers of status quo

It is obvious that the political parties are acting as preservers of the status quo until the moment they accept change, and then reform is relatively smooth. But as could be expected of actors within this institutional context, it is important to appear to comply with rules and international norms, and oppose them discreetly. In fact, despite constant international advice and partly even by shaming, key aspects of the electoral code have not been changed, nor the behaviour associated with them. Instead, the parties are actively working to sustain the clientelistic system, where not only the electoral law is kept to protect clientelistic relations, but it is actually strengthened, as the political parties gain direct influence over the electoral administration.

The political parties act as change agents when their interests are not challenged by the requirements and conditions of international experts. The change of the electoral system is an important reminder of the fact that parties do commit themselves to change when they have an interest in doing so. It was unanimously decided to change the opportunity for tactical voting and replaced it with a completely new proportional electoral system. However, equally unanimously, and not only kept but defended were those aspects of the law which make a clientelistic organisation of elections still possible.

International observers and domestic commentators agree that when politicians want to defend a less than democratic practice, they do so without such an otherwise fierce political battle. In fact, they seem to avoid getting discovered, such as with the “Mega-Dushk” when it took up to a year for international observers and diplomats to understand what had actually happened.

There are few other change agents to count on, as NGOs are generally weak, with little legitimacy in society, so new political parties face a steep uphill battle to register for elections and, in order to have their interests protected during the election period are, more or less, forced to join one or other of the two main parties. Thus, the parties in power also try to force political newcomers into the established clientelistic relationship between the main parties as patrons and the smaller parties as clients.

### *Political parties as preservers of status quo*

There is no doubt about the animosity between the SP and the DP, which goes back to the very moment of transition, where the DP was born out of defectors from the inner circles of the communist party (Vickers and Pettifer 1997). They really do try to keep each other out of power, or rather to cling to power at any cost. However, Albania is a clientelistically organised society, where being in charge of the spoils means having access to a number of advantages, such as making sure your business is not unfairly attacked by the state, or even being able to continue to operate undisturbed in the black market (Interview 1, Senior legal expert). The ruling party (still) has a strong tendency to identify the government, the state and the party as the same, blurring the differences and regarding the state as its own property, feeding corruption and clientelism (Kajsiu et al 2003).

However, despite this fierce political competition, there are few, if any signs that the political parties try to build an institutional framework with safeguards and access to political influence for the opposition. This is in order to protect themselves in case they by any chance end up in opposition, nor does the opposition really press for more transparent procedures. There is also a hesitation to take on fully the international norms on democracy and electoral best practice. Although the political parties “[tried] to make a system which is more transparent for the political parties in the way how the votes are administered to create confidence in the system and to avoid any discretion on the officials on who control the main institutions in order to rig elections in their favour” (interview 33, Bylykbashi) there was a certain level of “pruning” of these norms to fit into the Albanian context (Acharya 2004): “We tried to get the best and adapt it to the Albanian context. Which I don’t know how successful, we tried to adopt it *with an Albanian flavour*. Because you have to take into account the realities of this country” (Interview 31, Gjikhuri, emphasis added).

The true change agent is in fact the international community, where a mix of diplomatic pressure, external incentives and expert advice result in partial solutions to the problems identified. The constant process of new proposals for amendments of the electoral code is an expression of this: how the Albanian political elite is pushed, not by domestic actors or internal commitment, but by the international community to create change. Also when the political parties do express a strong willingness to change and to improve, some of the key sources of criticism are still kept intact. There is little willingness demonstrated to take on the difficult aspects of and to build a modern electoral code. Rather, the two main political parties seem to collude in order to maintain the possibility to manipulate elections.

On the direct question: “This would indicate that they actually cooperate on the cheating, and try to build a façade together. Would you say that is true?” a former member of the CEC answered:

“Yes, and it happened during the recent elections. (...) They try to give the air of free and fair elections through hiding. But if the hiding chain is interrupted, there will be strong allegations and claims for recounting the votes. All this to give an air of free and fair elections” (Interview no 53, anonymous).

He said therefore, that as long as political parties can hide their schemes, nothing will be done about it, but if outside observers come with questions, they are forced to act and to start demanding investigations. This is exactly what happened with the “Dushk” and “Mega Dushk” incidents. Unfortunately this answer did not come as any surprise, since many commentators come to the same conclusion, and that strong allegations of corruption and exploitation of state resources seldom result in trials. One senior legal expert summed it up as:

“Every once in a while it looks [as if] they really are opposing each other, and every once in a while it looks like it is a show. And I would say that maybe the answer is that they oppose each other within their own scheme of things, but they work together whenever anything threatens the system. And they don’t really ever do anything too bad to each other. You don’t see high level politicians going to prison for corruption. And you very often see that if something happens they would try to go after lower level people in order to scapegoat and perhaps protect the higher level people.” (Interview 1, Senior legal expert)

Thus, Albanian political parties have little interest in breaking this power over the electoral administration, or indeed to initiate a change in order to reform the electoral framework. The two main political parties have in fact rather functioned as protectors of the status quo rather than as change agents when it comes to elections, compliance with international best standards, and respect of the Copenhagen Criteria.

### *The role of NGOs and new political movements*

But if the Albanian political elite are unwilling to promote change, the second natural change agent would be civil society. Researchers have shown how important civil society was under illiberal regimes in the CEE countries; as these organisations were boosted through EU support, they represented an important factor for democratic resistance, as well as being promoters of change when a pro-democracy government had been voted in. Many organisations received support from, for example, the EU, and this managed to create a force which was ready to come into power for example when Mečiar's government fell in Slovakia in 1998. This could thus be an important source for change, provided there are the resources and opportunities to act.

Albanian civil society is seen as weak, disorganised and fragmented by the population (NDI 2012). It has been difficult to build a civil society in an environment where initiatives, not deriving from or approved by the state, have been efficiently cracked down, and where the communist regime was so tight that there was not even one single public dissident. The emerging civil society has typically been weak, and donor driven without deep roots in society, even said to be "incapable to put voice to popular concerns (Kajsiu et al 2003: 119, Imholz 2008). This picture is shared by the Commission to some extent, and the EU is helping organisations to increase their capacities, but nevertheless civil society remains rather weak and fragmented (Interview no 5, Commission). It has also been concluded that important parts of civil society avoid political debates in order not to appear politicised "in order to receive international funds" (Kajsiu 2005: 161), which are their main source of income.

In fact, people believe that NGOs either work for the government, and thus don't make a difference, or that citizens, who join NGOs in order to raise awareness of and to highlight a cause, and work "against" the government, will be negatively treated by the authorities. In this sense, also, engaged citizens are effectively afraid to raise their voices (NDI 2012: 45). The National Democratic Institute arranged focus groups in October 2012, and the participants were very negative towards the civil society:

"Most of these organisations are funded by the government and thus work for it."

"Civil Society is disorganised and has no influence"

"At the beginning people like them (NGOs), but when they acquire political colours people get disappointed".

"I have worked with a few NGOs (...). Their only goal was to use the funds coming from abroad for their own salaries". (NDI 2012: 45-46)

However, there are growing numbers of organisations who are starting to have an impact. The organisation Mjaft! (Enough!) was both popular and

respected, but turned into the political party G99 losing some of its social visibility. But although NGOs are getting an increasingly louder voice, an electoral expert and former CEC chairman, who is also head of an NGO involved in election monitoring and in giving expert advice, claimed that even though political parties ask for his advice and he gives it with great care, they do not listen, and even consider his ideas as too foreign: they would say “don’t listen to him, he is from Sweden” (indicating that he is carrying foreign ideas that do not fit the Albanian context) (Interview 16, Celibashi). In fact, he was very clear that the government or the bi-partisan commission(s) never asked for advice or expertise from the CEC on electoral matters. “No. Never, never” was his answer.

The role of NGOs is thus very limited in Albanian political life, in particular when it comes to labour unions and other civic groups, whilst the more active among them are analysts and members of think tanks, often funded by international donors and, in order to survive, are strongly donor driven (Kajsiu 2005: 157).

However, the NGO *Mjaft!* managed to gain enough credibility to form a new party in 2009, the G99. Their short story is a significant testimony to the difficulties in trying to come in and break the predominance of the two main political parties, as well as how difficult it is for any political group that is reform-minded to challenge the established system.

First, a new party is not represented in the electoral administration. The members of the lower tiers of the electoral administration all come from established political parties with seats in parliament. This means that they can only be accredited with observer status, but if they observe, for example, vote transfer there is little they can do about it as they are not part of any electoral body, and complaints by voters or observers are generally not taken into consideration by the CEC.

In addition to that, there is a severe limitation on how much they can be seen in the media. There is a formula in the electoral code which defines the exact number of minutes the parties should be given, in both paid advertisement and news reporting. The code is heavily biased towards the established parties in parliament (also when it comes to local elections). In addition, it is not clear whether fines should be paid for each day during which these quotas are not respected, or once for the whole campaign period which could result in a TV channel having to pay fines for every day on which they broadcast a quota of minutes of paid advertisement different from that allowed by the electoral code. It is thus extremely difficult to get a political message through such a regulated media environment which, to a large extent, is also owned by political interests.

In fact, a representative of the G99 told me before the 2009 elections that “there is some institutional hampering” when registering and introducing a new party. He said that, for example, their paid advertisement had resulted in fines for the broadcasters, as they had overstretched their limited air time. He

also explained that his party had aligned itself with the SP, partly for ideological reasons, but also because the electoral code requires “9000 signatures in each region [to register a party], which in effect are more signatures than to win a mandate! (...) But the truth is that without the access to commission etc, our chances would be destroyed. We need someone to supervise and protect our vote” (Interview 70, Kojdheli).

The conclusion is that there are few possibilities for new political movements to truly challenge established parties. With the current system and electoral code they will always be disadvantaged, and, in order to be able to be represented in the electoral commissions, encouraged to join a coalition which is led by one of the two main parties. Even if there were strong NGOs and other civil society movements wishing to take the step and create a political party, they would face immense organisational difficulties, not to mention political resistance.

#### *The perception and legitimacy of the EU and the international community*

The international community has played an important and interesting role in Albania since the fall of communism. In particular, this was accentuated after the introduction of the EU integration perspective in 2001. Analysts point to the fact that the international community has been transformed into a mediator from being an arbitrator, with the Albanian political elite “devoting more time and efforts to winning the sympathy of important international actors and institutions” (Kajsiu et al 2003: 144). In fact, quite often the international community is suggested as the only true opposition in the country, or at least as a third party with an important role to play (ibid).

In a survey carried out during the autumn of 2010, 49% of the respondents claimed that the international community played the most important role in the Albanian democratization process, with 28% mentioning the citizens. Only 13% claimed the same for the political parties and 9% for the government (AIIS nd: 59). This is quite a telling picture in a country where the support for EU accession is steadily over 90% (93,4% in 2010), 50% do not believe that Albania is yet ready to join the EU, but 42% believe that Albania should join before it is ready (AIIS 2010). The Albanian population does not really trust the political leadership when it comes to transforming and preparing Albania for EU membership, but rather looks to the international community. This is also reflected in the levels of general trust in different institutions, where about 70% Albanians trust NATO and the EU institutions, but only 25-30% trust the government, the local civil society and the political parties, (Gallup 2008: 26) and hope that they would become members without needing to fulfil the required reforms in which the politicians are not engaged.

Although enjoying strong trust and legitimacy by the population, the EU as an agent for change has a surprisingly low level of legitimacy among Al-

banian top politicians. This is indeed a troublesome position if the EU wishes to diffuse its values amongst the Albanian political elite and the population. The domestic momentum for change is very weak in Albania if we are to believe the politicians interviewed, and it is obvious that they have not really accepted what they themselves have to forfeit in this process of EU integration, what their role is and the role of the EU. On the direct question of what they deem to be the EU's involvement in EU politics, one politician claimed that "there is nothing serious happening" and that the EU "would need a broader discussion in society", "to come and talk to society, such as students and others" (Interview 58, Dule). His remarks demonstrated clear disappointment for the EU's lack of responsibility in Albania. He showed no sign at all of thinking that he and his fellow party officials and MPs have any responsibility in debating EU related matters publicly. And he is far from alone.

Some of the politicians echoed what you hear on the streets of Tirana: that if Bulgaria and Romania could become members, why not Albania? "Albania is actually more developed in some areas, and a standard family in Albania is better off than the Romanian equivalent" (Interview 56, Zogaj). "We know that Romania and Bulgaria did not fulfil the requirements when they became members. I have heard and seen things clearly in Council of Europe" (Interview 79, Biberaj). A full 37% of the population were of such an opinion in 2012, and 42% in 2010 (AIIS 2012: 34 and 2010). One conclusion to draw from this is that neither politicians nor the population has a clear idea of what EU membership requires and why the EU insists on certain conditions for joining the Union. They simply seem not to fully accept or understand what the integration process is about or that they are expected to do the job by themselves, with some assistance by the EU.

In fact, there is always the question of "what has to be done more precisely, more concretely?" (Interview 65, Klosi), indicating that at least segments of the political elite feel lost and have difficulties in understanding what has to be done and how. The typical complaint is that "standards are different, they change a little [...] and the EU itself is anyway incoherent" (Interview 65, Klosi), and that is given as a pretext for themselves to tinker a little bit with standards.

Most Albanians, citizens and politicians alike, hope for a quick accession process, even membership "maybe in five years, not ten, that would be too far away", even expressing a "risk that Albania might opt out" (Interview 79, Biberaj) if membership does not come quickly enough, either turning towards the US, or even towards "an 'eastern' way" (Interview 56, Zogaj), as if Albania would need to belong to a pole, or a stronger power, in short a patron in international affairs. What such swings would actually consist of is unclear. But rather it is a clear expression of how both Albanian politicians and the population see power and influence: loyalty goes before quality.

This spills over into the relationship with a regional power such as the EU, where they expect the stronger power to show them support and action in exchange for their loyalty in international affairs as well as in their reforms in line with EU conditionality. In fact, it is painfully clear that they see the EU as the stronger change agent, both when it comes to actual project design and management, and as a norm entrepreneur. But they are not happy with the fact that the EU expects change to come from within. An experienced DP politician claimed that “the EU is not deeply involved in the reform process in Albania”, as the EU has “a routine mission in Albania, it is done without passion” (Interview 56, Zogaj). An SP politician claimed that “projects coming from them are never deep, it is always about building a road or a hospital, but we never receive [sic!] anything that is finished properly” (Interview 65, Klosi). Despite being young and well educated, this politician clearly saw the situation as Albania passively receiving projects, money and resources from the EU without making much effort themselves. One former SP minister summed up the general attitude, and the contradictions within it, clearly:

“Integration has become a bureaucratic process, and the reality is different from what is being reported. We have to bring EU closer to our citizens and farmers. They are lost! They need cooperation. Frequently we don't see progress in EU projects. They need to be outside the capital and areas of priority. The EU is also overlapping with initiatives and programmes. The money is everywhere, but without visible results (Interview 60, Dade).

What these politicians are in fact saying is clear enough: the EU should take an active role in the political debate in society, it should design, execute and deliver projects which Albanian politicians receive and, to some extent, take the credit for. They are expecting the EU to take a very active role in the transformation of Albanian society because they themselves do not know what to do or how to do it. But this very active role is more than just being more visible and delivering more money and technical expertise. It is about being a norm entrepreneur:

“Here we have a failure of the EU – following the interests of the EU. They are expecting everyone to follow their policies. The EU has to be harder in negotiations, to work intensively with Albania. The EU needs a different method, need to involve people.

But the EU should not impose, it should persuade. It is a process. I am not satisfied with EU in the country. We do not need bureaucrats, we need personalities [who can participate in the public debate]” (Interview 58, Dule).

With such attitudes it is not difficult to understand why the reform process is sluggish and why important aspects of so-called European values have difficulties in penetrating Albanian political life. The politicians leave the important value based discussions to someone else. They want to join the EU,

but do not share EU values, and expect the EU to explain to the citizens how they should act and even think.

Albanians in general consider themselves to be an integrated part of “the European family”, but there is also the acknowledgement that Albania is very different from the rest of Europe and that introducing “recipes from other countries, countries with different mentality and traditions” will only lead to “artificial adoption, and that Albania should not be imitating other countries” (Interview 58, Dule). Not only are Albanian politicians not particularly interested in being norm entrepreneurs, they also function as effective normative veto players.

These quotations by central Albanian politicians show first that there is a sense of “us” and “them”. Although (educated) Albanians in general insist on being a part of the European cultural hemisphere, with “European” values at the core, there is also a clear sense of having to import what the EU stands for. This is particularly true when it comes to elections and international best practice. But the most striking conclusion is that central Albanian politicians across the political spectra do not really see the EU as an efficient agent for change in the country. Or rather: they expect the EU to take concrete measures and to function as both an active political change agent in the sense of drawing up priorities and designing and executing reform projects, as well as being an opinion maker, almost a pro-democracy NGO. They also look to the EU for approval and support for their programmes and statements, as if the EU and the wider international community were a patron with Albanian political parties as their clients, who in their turn, need to show international support for their clients: the Albanian population. But as the EU works through different channels, mainly through diplomacy and technocratic expert advice, Albanian politicians do not view the EU as a legitimate player, but rather as a weak actor which does not live up to expectations.

However, the EU is not at all interested in such relationships with political parties in Albania. All interlocutors from EU member states and the Commission stress that the will to change must “come from within” (Interview 5, Commission), and that there is the need for a certain level of trust between the EU and the applicant states where the EU trusts that those applying for membership actually want it (Interview 4, Swedish Ministry for Foreign Affairs). In the CEE, EU conditionality functioned in order to level the playing field, especially in the more illiberal states such as Slovakia under Mečiar, where pro-democracy groups enjoyed moral and even financial support by the EU and could thus grow and extend their zone of influence. The EU does not go into a country and give more or less overt support to a political party unless it is a matter of great urgency. This reveals two important conclusions about how the Albanian political elite see the process of formal and informal aspects of reform: first that they do not necessarily have to drive this change as politicians and representatives of political parties, it is something that should come from others. Secondly, this external change

agent should be the EU itself, but that the EU is a weak change agent and does not do its job properly.

These features expressed here help us understand why the electoral process is going so slowly: there is little domestic momentum coming from the political elite, to tackle difficult aspects of changes in values and behaviour as they expect this to be done by outsiders. But as the outsiders, including the EU, with its carrot of possible membership, work through different channels from those expected by Albanian politicians, transformative power is weaker than could be assumed given present incentives.

## Anchoring arguments

Albanian elections give a picture of a clientelistic society where politicians try to show that they both play by the rules set by international experts and organisations, whilst protecting their traditional power structures. Therefore, it is a challenge for the EU to be able to exercise leverage over informal aspects of the reform work underway in Albania. In order to give a broader picture, to show that these trends are not only confined to elections as discussed in chapter four, I put the findings from elections in the context of a brief discussion about three other aspects of compliance with the normative aspects of membership criteria.

### *Media freedom*

Media freedom in Albania demonstrates “noticeable problems”, to quote the words of Reporters Without Borders. In 2015, the country was ranked 82 out of 180, the best ranking being in 2003, at 34 out of 158, but as late as 2013 it was ranked 102 (Reporters Without Borders nd a). These figures do indeed give an indication that media freedom is of concern in Albania.

First of all we should notice that there is a big number of newspapers in relation to the population: 26 for a population of just over 3 million (Kronholm 2013: 13). Some of them are very small, and many of them are “owned by tycoons or MPs who use them to advance their businesses and political careers” (BalkanInsight 2013a).

A report from 2002 claims that Albanian journalists were frequently harassed, even physically injured, whilst conducting their work, and that, in public awareness campaigns, the government widely used advertising and subsidising to fund pro-government outlets and punish critics (Human Rights Watch 2002).

Unfortunately, as with many aspects of Balkan society, there are not many investigative reports on media freedom in Albania, but a student essay, which is quite widely cited, shows that Albanian media is politically polarised and even controlled, that state advertising goes to pro-government outlets, and that self-censorship is common (Kronholm 2013). In a direct ques-

tion, one of his interlocutors responded that “I don’t believe that more legislation is actually going to fix anything when you cannot even apply the rules that are already there” (Kronholm 2013: 15).

This picture is confirmed by the EU Commission, writing that “Editorial independence continues to be hampered by political and business interests, which also leads to self-censorship” (Commission 2011a: 16). But on a more positive note, it is apparent that harassment and physical threats to journalists have sharply diminished, if we are to believe EU reporting on the matter.

Journalists face a difficult situation, caught between political pressure and the need to attract financial backing for their employers. They are not physically threatened as they were at the beginning of the 2000’s, but it is still almost impossible to have the freedom to report on what they find important and in an independent manner. The editorial situation is in fact so controlled by political parties, that TV stations routinely broadcast “pre-packed tapes of political events” which have been produced by political parties, rather than in-house journalistic products, in particular during election campaigns. This in fact, shows that media is anything but free in Albania (BalkanInsight 2013b).

### *Public administration*

Just as discussed above, the Albanian public administration has faced a revolutionary remake, from being an integral part of the party-state, to becoming a body with some similarities to an independent professional Weberian-style of organisation.

Albania has built a rather good system of laws protecting the civil service and introducing a career based system in 1999 and 2000. However, this was not enough to stop an already normalised practice. In fact, when the law took effect, the members of the public administration were, to a large extent, hired on the basis of their political affiliation (Elbasani 2009). That means that when power changes hands, the incoming government will find itself with an administration staffed by persons hired for their loyalty to their political opponents. It takes a lot of courage to resist the temptation to replace them and not live up to clientelistic promises towards one’s own electorate.

The big test came in 2005 as the DP won the general elections and took power from the SP. Although transfer of power was generally smooth, as many as half of the 4,500 people employed in state administration, and 1,300 civil servants, lost their jobs, effectively replaced by DP affiliated staff (Elbasani 2013c: 98). Such a move has a profound impact on the quality of public administration. The Commission reported that “Albania has made progress in improving the oversight, recruitment and training of the civil service and taken steps to enhance its legal framework”, but at the same time, the “civil service remains hindered by a pervasive lack of understanding of the need for, or will to implement, a real separation between the polit-

ical and administrative levels. Political appointments, down to Director level in most central ministries, are still the norm” (Commission 2005b: 11 and 12).

In 2009, just before the elections, an international observer gave testimony to the clash between law and practice:

[we will probably see]“after elections, even though there is a civil service law, that probably everybody is replaced. In the case of the last elections they replaced thousands of people almost all of whom won their court cases or their civil service commission cases, many of whom have had even appeals going through the courts, appeals of the government, which the government has generally lost, and yet, none of these people have been given their jobs back” (Interview 1, Senior legal expert).

It is obvious that the law is in place and actually functions, as these employees have won their court cases, but that the government is not willing to take them back. In addition, that would mean that the people taking the place after the mass dismissals would lose their jobs, and would most likely go to court also. This is a vicious spiral, and difficult to break. But not only that, it is actively upheld by the party in power, irrespective of political colour:

“as of 2012, the ruling party had placed members of its inner circle in key state positions. (...) While the work of these new individuals can’t yet be judged, the appointments themselves share some of the worrying trends in the country’s institutional development: namely the replacement of majority party politicians in key state positions, often amid a contested process where only majority party members are voting” (Bertelsmann Stiftung 2014: 10).

The Commission confirms these findings, that although the legal framework is being strengthened, mass replacements after elections are still the norm, violating contracts, the law, and even significantly slowing down the work of the public administration: “The drafting of the new public administration reform strategy resumed in January, with the aim of broadening the strategic framework for public administration reform. [...] But at the same time, after the reshuffling of functions and staff under the new government, the administration is still trying to achieve its full capacity” (Commission 2014f: 8).

Thus, we could draw the conclusion that the law is functioning, and being strengthened, but the practice of politicised hiring remains, despite the government losing in court. That means that the government not only lost in court for breaking the law, but also refrained from respecting the verdict. These findings support the conclusions drawn from elections: that the political elite, and with it the state apparatus, whilst actively challenging the core norms of political criteria, continues to improve laws that they neglect to implement and respect.

### *Judicial independence*

“The judiciary is the weakest link in Albania’s fragile system of separation of powers. The principle of an independent judiciary is provided for in the constitution and in relevant legislation.” However, “[t]he effective independence of the judiciary is hampered by political nominations and other forms of political inference” (Bertelsmann Stiftung 2014: 11). These are heavy words, indeed, and give testimony to the difficulty in creating a truly independent judiciary.

The EU funds a rule of law-mission in Albania, Euralius, and its director, somewhat frustrated, confirmed that the work to improve the Albanian judiciary is indeed an uphill battle, where already in the phase of drafting new laws and reform programmes: “there is no reaction from the ministry [on our proposals], they don’t react at all.” In addition, there is a significant number of “political appointees on a high level, like the General Director of prisons, who comes from the civil aviation body” (Interview 83, Head of Euralius).

“Albania has made some progress towards improving the functioning of its judicial system, in terms of its organisation and transparency, the functioning of the High Council of Justice, developing legislative tools for criminal and juvenile justice, and training” the Commission reported in 2005 (Commission 2005b: 13), but in reality a number of judges who had only six months legal training were found in the courts as late as 2008 (Interview 83, Head of Euralius), indicating that the professionalism of Albanian judges is debatable. In the same year, the American Bar Association reported in an assessment that “Although a legal framework is in place to protect the judiciary from outside influence, undue influence upon the judiciary remains a serious concern. Perceptions of judicial corruption are widespread” (ABA 2008: 45).

And evaluations by various organisations follow the same line: “judicial reform in Albania remains at an early stage. Key pieces of legislation needed to complete the legal framework have not been adopted.” And as a result, “[t]he justice system continues to function poorly due to shortcomings in independence, transparency and efficiency, which are key European Partnership priorities to be addressed (Commission 2009: 11).

As late as January 2014, the Council of Europe Commissioner on Human Rights expressed his concerns on a number of issues regarding the Albanian judiciary, among those: the reportedly high level of corruption in the judiciary and that the current system of appointment of Supreme Court judges and the General Prosecutor poses a serious risk of improper political influence (CoE 2014: 2). The whole report shows that the rule of law and the functioning of the judicial system in Albania are of concern. There are indeed laws and regulations, but when it comes to the judiciary, the pace of reform is very slow, resulting in a corrupt, politicised and inefficient judiciary. The lack of strong measures in coming to terms with this fundamental corner

stone for the rule of law indeed indicates that certain key values of a modern state and EU membership criteria will face strong difficulties before taking root in Albania.

## Conclusions

Albanian elections represent an important arena for political battle, not only as an exercise to gain enough votes to win access to the government, but also as a battle field in itself. Certain events have in fact shaped what is possible in the next round of elections. As the “Dushk” incident shows, it was first accepted by electoral stakeholders as quite a good idea, although it was criticised by the international community. But in 2005 they overdid it completely, and to such degree that the electoral system had to be completely redesigned, this time to stop that sort of behaviour efficiently. In this sense, democratisation moved forward. However, we can also see that some elements have indeed been kept as they are, reproducing at least the clientelistic aspects of Albanian society, and in fact, bit by bit, codifying it into law.

The two main political parties have efficiently ensured that they have full control over the electoral administration, and indeed the individual members of all the commissions at the middle- and lower levels. They use this control to be able to micro-manage events in each polling station, and voting centre, to check that their votes are not tampered with, and that the other party does not try any foul play in the polling station. Given the expressed need to “protect the vote”, it is tempting to conclude that it is not only a matter of protection, but also to pro-actively engage in illicit behaviour in the commissions. The Albanian electoral administration proves to be an important arena for the battle over political power.

The Albanian electoral arena also proves to be an important battle ground when it comes to some of the core values defining not only the European Union but also democracy. The EU has on several occasions closely connected electoral performance to possible progress with EU integration, and that is well understood by electoral stakeholders. Political parties have committed themselves to improving the electoral code after each election, even changing the whole electoral system in order to hold better elections and to do away with some of the most pressing concerns regarding elections. Thus there is a willingness to change in order to improve.

However, we can also detect a trend to avoid change in some key areas of the legislation which serves to sustain the clientelistic aspects of Albanian society. In fact, the electoral stakeholders have actively defended these loopholes and done their utmost to keep full control over the electoral administration, even strengthening it.

In this sense Albanian politicians are formalising the informal system of clientelism, which in effect is contrary to what the EU and other internation-

al organisations are working to achieve. In this sense they are strengthening the layers of old and new, to use the vocabulary of Mahoney and Thelen (2010).

We could thus conclude that the political parties are actively trying to resist change which would mean that the electoral administration becomes more independent, and thus more likely to resist the pressure to manage electoral irregularities. Even though many aspects of Albanian elections do change, the informal, clientelistic aspects are kept remarkably intact. That is a sign that international norms on electoral best practice find difficulty in taking root in this environment, and that the political parties continue to intimidate voters and cause irregularities even when an election is seen as key to the country's further progression to EU integration, such as in 2013. We see similar trends from other aspects of Albanian society and state structures: political influence over the media, public administration and the judiciary.

The paradox of change and inertia can thus be explained with the willingness to partly reform according to international standards, but that these changes have not necessarily resulted in a changed allocation of power and resources, since the political parties still manage to keep tight control over what they see as important: the control over the electoral administration. The underlying normative framework is not only intact, but also strengthened.

The EU's role in this is that of an indirect change agent, having to work through domestic agents of various kinds. The political parties are difficult to charm, and seemingly do not even pretend to do more than what is necessary to play by international best practice, demonstrating a low or, even at times, absence of socialisation with international norms on elections. What we do see is that substantial change towards improved compliance with the Copenhagen criteria, broadly speaking, comes when domestic political parties are ready to make that change.

Here we can see that the EU is a rather bounded change agent when it comes to direct influence over procedures. It is also obvious that the normative power of the EU is particularly weak. Although the EU is clear on the importance of complying with the Copenhagen criteria, and member states are equally clear that the rule of law is a fundamental prerequisite for membership if the union is not to deteriorate with time, Albanian political parties actively protect what the EU wants to change, and even express scepticism about the need to change in the first place.

## 6. Deliberate or Serendipitous Compliance with EU Political Criteria: Explaining shifts in Macedonian electoral conduct.

This chapter shows how the EU acts in a high priority country, where the EU is a high profile actor, and actively engages in the society. This chapter also shows how the EU acts under crisis, when it is forced to show strength and rapid activity. In that sense it contrasts with Albania, where the EU did not intervene to solve a political crisis. Naturally, the interesting aspect is how the domestic actors react to EU crisis management, what they respect and what they do not. Just as in the chapter on Albania, behaviour, compliance and traces of norm transfer stand at the centre of the analysis. This study reveals how important different types of actors are to the dynamics we observe. As discussed in chapters one and three, veto players may not be the only types of actors which oppose a certain type of change. When it comes to norm transfer and behaviour, other types of actors play a role in pruning norms or indeed spoiling an election. Focusing on how electoral stakeholders function as change agents (both positive and negative) reveals how the absence or presence of a certain type of change agent can dramatically alter the dynamics.

This study also reveals how domestic actors react to intensive EU diplomacy: how messages are spread by the EU, how they are received and how this affects compliance with international best practice on elections, which is a core aspect of the Copenhagen Criteria for EU membership. In short, it shows how the EU works hands on with norm transfer in an applicant state.

The chapter is centred around the contrast between two elections in Macedonia: the very violent elections in 2008 and the peaceful elections in 2009, but includes a broader picture of all post SAP elections in order to be able to draw conclusions over a longer period of time and validate whether actions are specific to the two central elections, or if they belong to a broader trend.

In 2008 Macedonia held catastrophic parliamentary elections which were marred by violence. During the election campaign one person was shot dead and a party leader was the object of an armed attack, in addition to numerous attacks on party premises in the ethnic Albanian inhabited north east of the country. The Police were passive to a large extent and an official of the Ministry of the Interior was pointed out as one of the masterminds behind the

violence (OSCE/ODIHR 2008). Voters and observers were abhorred and the democratic commitments of the political elite were seriously questioned.

Less than one year later, local and presidential elections were held, which proved to be calm and well administered (OSCE/ODIHR 2009b), and even deemed to be perhaps the best elections ever held in the country. As the electoral administration is normally seen as doing a good job, Macedonia apparently has the state capacity to conduct proper elections, as demonstrated in 2009 (Giandomenico 2013a). Why then was there such a difference between two elections within twelve months? Did the heavy EU involvement before the 2009 elections, including elevating free and fair elections as a benchmark for opening membership negotiations, make the difference? Or were there domestic factors behind the change?

This stark contrast between two elections in an EU candidate country, which had been deemed to fulfil the political criteria of stable institutions guaranteeing democracy, pose important questions on the state of democratic reforms, norm transfer, and EU influence in the Western Balkans, both empirically and theoretically. Macedonia was considered to be one of the fore-runners when the Stabilisation and Association process (SAP) for the Western Balkans was launched in 2000, and the first country to sign the Stabilisation and Association Agreement (SAA) accompanying the SAP. An armed ethnic crisis in 2001 where the largest ethnic minority, the Albanians, protested against their perception of being second class citizens, only deepened EU engagement in the country (Madunic 2003), and made it a show case for the EU and for the capacity of its emerging foreign and security policy (Sahlin 2007). Macedonia has gone through deep and painful reforms, in order to come closer to an EU membership, in particular regarding minority rights which touch upon the very core of their national identity (Pettifer 2001, Poulton 2000), and it was granted candidate status in 2005 (Giandomenico 2009). The commitment to becoming an EU member and to conduct difficult reforms has thus been proved on several occasions, and Macedonia was in all considered to be a Balkans success.

Given this background, why do key political players take to violence during elections and why does the state remain to a large extent passive towards it in a country that is eagerly waiting to open EU membership negotiations? This behaviour not only threatens Euro-Atlantic integration but also challenges some influential thinking on EU conditionality. In this context, it is legitimate to ask: *does the EU have the power and legitimacy not only to introduce the formal changes of the democratic structures, but also to secure further, deeper changes of the normative framework regarding democracy and the rule of law?*

My hypotheses and arguments are essentially the same as in chapter five: that there is a political battle over the implementation of international best practice on elections, where the main electoral stakeholders use any means considered legitimate to influence the vote. I assume that the clientelistic

structures of Macedonian society play an important role in shaping the preferences, values and behaviour of political parties. Clientelism shapes the relationship between the voter and the politician, where direct control and rewards are a central feature. I argue that this direct relationship between the voters and politicians is key to understanding the developments in Macedonian electoral dynamics,

Just as in chapter five, I rely on the historical institutional approach to incremental institutional change, as discussed in chapter three. The battle over how to implement electoral rules and what is considered legitimate behaviour reveals both how the actors involved think and hold to be legitimate, and which role they play in this process. This study reveals a number of different types of actors and their role in the electoral process: both spoilers and norm entrepreneurs. This study shows clearly that the domestic context is very important for which type of actor will be successful, and which behaviour is accepted. This context can change quite rapidly, with some profound effects on the possibilities for certain actors to thrive or even make any impact at all.

Just as in chapter five, I begin with an overview of recent modern history, without which it is difficult to fully understand the domestic dynamics observed in this study.

## Macedonian identity, history and its prospect for the future

Macedonia's modern history, in essence, represents the Balkans to a large extent: it is a mixture of cultures and religions, and the territory and people of today's state have been contested and questioned for centuries. Political and ethnic tension has flared up and calmed down, and for a while stabilisation and association was of the highest priority. Three features define Macedonia's modern history: its search for a firm national identity, the external and the internal security situation, all three of which have an important effect on EU integration and further democratisation.

First, and perhaps fundamentally, modern Macedonia has a complicated identity puzzle to solve. Macedonia lies on the fault lines of several cultural, religious and national divisions (Pettifer 2001). To put it frankly, the ethnicity of the Macedonian people is questioned by their Greek, Bulgarian and Serbian neighbours, all of whom claim that the people living in today's Macedonia originate from there (Drezov 2001). The language is contested by both the Serbs and the Bulgarians as being a dialect of both of those languages (Poulton 2000: 116). The autocephaly of the Orthodox Macedonian church is questioned by its orthodox neighbours Bulgaria, Greece and Serbia (Poulton 2000: 181). The territory has in pre-ottoman times been claimed by

all of these three (see Hupchick and Cox 2001 for good overviews), as well as the north-west crescent, inhabited by Albanians, being closely watched at least by Albanian nationalists. Complicating matters further is the fact that the name of the country coincides with the broader geographical region of Macedonia which stretches well into Greece and Bulgaria.

Today's Macedonia is the creation of Tito, the former Yugoslav dictator. He gave the go-ahead to the explicit creation, or recognition, of a Macedonian nation, with its own written language just after the Second World War. In 1967 the church was given autocephaly, an important step in underpinning a Balkan nation (Mønnesland 1992: 207). The Macedonian nation, language and church are thus rather modern phenomena, judging by formal criteria. Given that, it has been an important aspect of post-communist state- and nation building to further define, confirm and establish Macedonian identity both externally and internally. Indeed, much of post-communist politics and events are understandable only if this perspective is applied.

Macedonia's four neighbours are sometimes referred to as "wolves" (Petifer 2001), and although the situation is not as hostile as it was during the first "Macedonian question" in the late 19<sup>th</sup> century, or indeed the 1990s, they still pose some problems. The main troubled relationship is that between Macedonia and Greece. There is a region in northern Greece called Macedonia. When Macedonia became an independent state, Greece was of the opinion that the creation of a country named *Republic of Macedonia* would pose a threat to Greek integrity, and opposed the name of the country, not the country itself. It did not help that Macedonia adopted national symbols closely connected to Alexander the Great and Philip of Macedon, including the Star of Vergina found in Philip's grave. Greece claims that these two figures belong to ancient Greek culture, and should not be symbols of another country.

The conflict between Greece and Macedonia reached a new level when Greece closed the border in August 1992 and imposed an oil embargo. With the Federal Republic of Yugoslavia to the north involved in war, Albania to the west dirt poor and under internal turmoil, it was only Bulgaria's border to the east which was open for import and export. But, in reality, all the natural economic ties were cut, and the country was virtually isolated.

In 1995 the embargo came to an end with an agreement in which Macedonia would drop the Star of Vergina from its flag, and Greece would stop vetoing Macedonia's entry into international institutions (Crampton 2002: 295). Macedonia is now taken up in international organisations such as the UN and others under the name Former Yugoslav Republic of Macedonia (FYROM), which is also the name used in EU institutions. The final say in this conflict is far from over, as Greece still does not recognise Macedonia under its constitutional name and, based on this so called "name issue", has vetoed Macedonia's entrance into NATO and, on several occasions, the opening of EU membership negotiations. Macedonia, on the other hand does

not want to change its name any more than necessary, and has rejected Greek proposals. This is an important backdrop to political developments in the country which is unlikely to be solved soon.

The second important part in the quest for a solid Macedonian identity is the relationship between the majority Slav population and the big Albanian minority. The exact size of the ethnic Albanian minority is disputed, but 20-25% of the population is a figure most often mentioned and broadly accepted. Given the fragile situation of both international security and the identity of the state and people, it has been very difficult for Macedonian leadership and indeed the population to accept giving at least minority rights and even equal status as a state-bearing people to the ethnic Albanians, leading to some serious problems. As nationalism spread over SFR Yugoslavia during the 1970s and 80s, the ethnic Albanians also woke up. The Albanian awakening was concentrated mainly in Kosovo, but the Albanians in Macedonia also demanded equal language rights and the right to higher education at an Albanian speaking university in Tetovo (see Hislope 2003 for a good overview of the Albanian claims).

Macedonia was the poorest republic within the Socialist Federation of Yugoslavia and quite far away from the political tension mainly between the Croats and Belgrade, but the growing ethnic tension between the Serbs and Albanians in Kosovo also agitated the Albanians in north-western Macedonia (Vickers 1999: 192 and 205).

While Macedonia stayed clear of the wars which broke up Yugoslavia, the 1990s saw ethnic tension rise, suddenly almost imploding with the creation of a government which was based on the two nationalistic parties of both ethnicities, the VMRO-DPMNE and the DPA (Crampton 2002: 297). But that was only to be a short truce. The Kosovo crisis in 1999 deeply affected the country, with Albanian refugees pouring into it, thus threatening the delicate ethnic and political balance.

In the shadow of these troubles, Macedonia managed to slowly and quietly transform itself towards an increasingly improving democracy. Despite the ethnic tension in the country, the two political opposites, the two nationalistic parties in each ethnic group, managed to form a government together in 1998 and started to create a dialogue on how to approach the issues of Albanian minority rights regarding symbols, language and education. But the Kosovo crisis and the armed crisis in Macedonia between the government and the ethnic Albanian rebels changed that radically.

To some extent, "conflict in Macedonia had been long overcast" when the hostilities began in early 2001 (Pettifer and Vickers 2007: 242), but at the same time the international community was taken somewhat by surprise (Interview 13, Commission). To a certain extent, it was the Kosovo crisis which spread to Preshevo in Southern Serbia, and later spilled over into Macedonia in 2001, threatening not only domestic stability and peace, but also the EU integration process. Ethnic Albanian fighters took up arms

against the state, claiming to fight for the minority rights of the ethnic Albanians in Macedonia. While there may have been other reasons for the fighting to begin (such as turf wars over smuggling routes), as time passed, minority rights became the only motive, and also the only reason for popular backing among the ethnic Albanians (ICG 2001b). As the government was the main target, the majority Slav population firmly identified with it against the ethnic Albanian fighters.

All this happened just after the official launch of the Stabilisation and Association process, where Macedonia was the country which had most rapidly negotiated a Stabilisation and Association Agreement, and was the first country to be invited to sign the agreement. It had been decided that this agreement should be signed in April 2001, but when that time came, Macedonia was involved in this armed crisis.

The EU, under Swedish presidency, took the opportunity to closely connect the signing of the SAA with peace in the country (Madunic 2003). The EU High Representative of the CFSP, Javier Solana, was heavily engaged in negotiating the peace agreement between the Albanian rebels and the government which was signed in August 2001. Here the EU disentangled a sensitive part of the Copenhagen criteria: minority rights, and put it in an agreement of its own. This agreement was signed in August 2001, and got the name the Ohrid Framework Agreement (OFA). It brought together the EU, NATO, USA and the OSCE as guarantors of the agreement, and created the “security principals”, which are particularly well coordinated in Macedonia because of this agreement.

Macedonia did play an important role not only for the image of the EU’s capacity for crisis management, but also for the general development of the CFSP, as discussed in chapter two. One of the EU’s first EU Special Representatives (EUSR) was appointed with the mandate to oversee the implementation of the peace agreement. After that a number of CFSP and European Security and Defence Policy (ESDP) instruments have been employed for the first time in Macedonia, and the EU continued to be strongly involved in political developments in the country. The former EUSR Michael Sahlin has pointed out that “Macedonia’s crisis and post-crisis experience (...) coincides generically and in time with important steps in the evolution of the EU’s policies of enlargement and of crisis management institutional and capacity enhancement”, and that there is a “curious, remarkable interdependence” between them (Sahlin 2007: 108). Macedonia thus became a test case for the efficiency of enlargement as a foreign policy tool and it has become important to show at least some success regarding this country, or as Sahlin expressed it: “EU accession of Macedonia [has] become a prestige matter for the EU” (Sahlin 2007: 104).

Macedonia respected the OFA, albeit reluctantly. The Constitution was amended, giving ethnic minorities bigger than 20% special rights to the use of language, education, and representation. A number of subsequent laws

have been adopted, such as decentralisation, redrawing of communes in order to collect minorities together (in reality ethnic Albanians) so they can exert local self-government, and the use of language and flags. The process has not been smooth, yet it has been steady, despite the strong disliking of the majority population. It took time, but eventually the OFA was implemented, respected, and considered a closed chapter.

The EU integration process has to be understood against this background, where the building of a national identity has come to take centre stage, where ethnic division is part of that identity construction, and where it also has a profound effect on the relationship with a number of international organisations in which Greece is already a member.

## Macedonian elections

### *Political parties and their role in society*

The Macedonian political scene is ethnically divided into two separate arenas. Since independence in 1991 the two parties VMRO-DPMNE (*Vnatrešna makedonska revolucionerna organizacija – Demokratska partija za makedonsko nacionalno edinstvo*), centre-right, and SDSM (*Socijaldemokratski sojuz na Makedonija*), centre-left, and secessionists to the former communist party have dominated the Macedonian majority arena. The Albanian arena was dominated by the DPA (*Partia Demokratike Shqiptare*) and the PDP (*Partia për Prosperitet Demokratik*) until the crisis in 2001 when the DUI (*Bashkimi Demokratik për Integrim*) grew out of the armed groups that had challenged the Macedonian government. DUI has in effect replaced PDP and is now the biggest ethnic Albanian party in Macedonia.

All political competition is held within each ethnic arena, with smaller ethnically based parties, such as those representing Turks and Serbs, participating in the Macedonian arena, allying themselves to one or other of the two main Macedonian parties. The competition is often harsh between the two main parties in each arena, with verbal abuse and at times tense electoral campaigns. There are few or no attempts to reach out to the voters of the other ethnic group.

The political parties are very centralised, with “oligarchic tendencies within internal party life” (Siljanovska-Davkova 2005), and the party leader often has full control over the party MPs, even what they are allowed to say to the press. “It is worse than during the communist period. So the boss has to tell you what you will say to the journalist. If you say something wrong... you get expelled or you are in trouble anyway” (Interview 45, former DPA MP). Local party districts participate in theory in the selection of candidates and the preparation of electoral strategies, but in the end it is the central party leadership, even the party leader himself, that makes the final decisions

(Interviews 45, former DPA MP; no 22, Petrov; no 39, SDSM election organiser). Nothing happens within the parties unless it is sanctioned from the very highest echelons.

Macedonian society is highly clientelistic. There are few academic sources to refer to, but much more anecdotal evidence, as will be clear throughout this chapter (BalkanInsight 2012). Whilst it is not the purpose of this chapter to prove that Macedonia is clientelistic, it is however an underlying assumption which guides my conclusions. The clientelistic structures mean that power is organised along patron-client lines, and evidence of this relationship is given by the interlocutors, as will be evident below. It also means that elections are highly important, as only those with political power will be able to control the spoils. This is also evident throughout this chapter.

This clientelistic structure of power and the society means that the issues at stake in different elections vary greatly. This was spontaneously acknowledged, and even at times stressed, by most interlocutors, including political party representatives, the international community, and local analysts. Macedonia is a country which is decentralising and handing over power and financial resources to the communes and municipalities, but this process is slow and incomplete. Local government budgets are all controlled by the Ministry for Local Government and there are in effect few spoils to distribute. The same goes for the President, who is mainly a ceremonial figure in Macedonia. Thus, there is very little to really fight for in local and presidential elections, as the actual political power in both cases is limited. It is the parliamentary elections that, if won, give the real power to a party.

Having control over a ministry means having control of the spoils. A party wants to remain in government to be able to keep a certain control over the judiciary, to be able to “change and control the judges”, to be able to “steal in peace” (Interview 45, former DPA MP). The stakes in the parliamentary elections are simply very much higher than in local and presidential elections. This of course also affects electoral dynamics.

### *Organising and conducting elections*

The Macedonian electoral administration is in general deemed by international observers as doing a good job, and constantly improving, albeit with room for improvement (OSCE/ODIHR 2006: 8, 2008: 1, 2009b: 2). Legal experts tend to have comments on each set of amendments to the electoral law, but they do in general deem it to be a sound basis for elections in line with OSCE commitments (Venice Commission 2011b). The collection of electoral laws into one electoral code and the overhaul of the electoral system in 2006 were done directly under the influence of the EU, with support from the OSCE (Interview 18, Shekerinska). Formal structures for elections are therefore complete and in accordance with the OSCE recommendations.

When it comes to the administration of elections such as ballot box stuffing and poor control of voter identity, the problems noted seem to lie with the political parties participating in elections, and at times with state institutions. Electoral problems are thus not about formal rule compliance, but about implementing and respecting democratic values (Venice Commission 2009b, OSCE/ODIHR 2004b: 25).

Elections in Macedonia are always politically tense and have a history of procedural irregularities and even occasional incidents of violence during periods of particular political tension (Škarić 2005, Szajkowski 1999, OSCE/ODIHR 1998, 2002, 2004b, 2005b). That might be understandable during the first period of transition, but similar and even worse problems with elections can also be observed after most of the problems in the region had been addressed and calm started to settle.

In 2005 Macedonia was granted status as candidate country for EU membership. The Commission's Opinion on Macedonia's membership application states that democratic institutions are stable, but that elections have to be improved, both on legal matters and in political commitment (Commission 2005b). This was understood by the SDSM-led government, which initiated a revision of the electoral laws in line with international recommendations (Interview 18, Shekerinska).

After the armed crisis in 2001 Macedonia was governed by the socialist party SDSM in coalition with the ethnic Albanian DUI. Regular parliamentary elections were held in 2006, where SDSM lost. VMRO-DPMNE entered into coalition with the ethnic Albanian party DPA, reviving the partnership from 1998, despite DUI winning a higher amount of Albanian votes.

### *Elections 2002: a stability test*

The Ohrid Framework Agreement stipulated that elections should be held in January 2002. The actual time to produce a new constitution and electoral law meant that the elections were somewhat postponed and held in September the same year. These elections were to a large extent seen as a test of the return to normality after the crisis. Overall, the preparations were efficient and transparent, but "the international community provided an extraordinary level of material and expert support to the election process, including complete equipment kits for polling stations, voter education and information programs, voter outreach programs, logistics officers for election commissions, and training and procedures manuals for election administration personnel" (OSCE/ODIHR 2002: 6). In short, the international community gave strong logistical support relieving the State Election Commission (SEC).

Unfortunately these elections showed a certain level of violence. Not only were there acts of vandalism towards party premises, but also hostage taking on the Skopje-Tetovo highway, and on two separate occasions as many as three police officers were killed (OSCE/ODIHR 2002: 9). These are just

some of the reported incidents, and in addition the Ministry of Interior threatened to arrest the DUI leader, to file charges against journalists who would “diminish the reputation of the government” and similar other accusations. The OSCE pointed out that neither violence nor such “selective application of law enforcement proceedings” had a place in a democracy (OSCE/ODIHR 2002: 10).

The elections were won by the former socialists SDSM, taking power from the right-wing nationalistic VMRO-DPMNE. The Albanian vote was won by the DUI, the party growing out of the rebel group NLA. Although the Prime Minister accepted the defeat and graciously handed over power, the Minister of the Interior started to behave anything but graciously, launching “several investigations, which appeared to be motivated by partisan interest rather than evidence or reasonable suspicion” (OSCE/ODIHR 2002: 16), including investigating the printing house in charge of printing the ballots, with the accusation that they had printed too many which had then been used to distort the vote. The Minister also participated in direct pressure on the State Election Commission (SEC) with allegations of their involvement in fraud, bias and misconduct, charges for which international observers found no substantial evidence (OSCE/ODIHR 2002).

But all in all, the elections were administered as well as the situation could allow, and a certain level of violence was expected and, although detestable, somewhat accepted.

#### *After OFA, but before candidate status: a season of unexpected elections*

The parliamentary elections of 2006 were the fourth elections to be held since the previous parliamentary elections in 2002. The early death of the President in an accident in 2004 provoked Presidential elections, which were in general good, but with procedural shortcomings. Later the same year a referendum was held opposing the decentralisation process, a provision in the OFA, where the municipalities should be redrawn in order to give more local self-governance to the ethnic Albanian minority. This referendum was politically very sensitive, but overall held in an acceptable manner. There were not enough voters to meet a quorum, which meant that the referendum failed, and the controversial changes to the law could be passed.

The local elections in 2005 were however a sign that things were slowly worsening. They were generally well organised and executed in an orderly manner, but “serious irregularities were observed in a significant number of municipalities,” and “the authorities failed to take adequate steps to safeguard the rule of law between rounds” (OSCE/ODIHR 2005b: 1). What we see here is the beginning of a trend: that the organisation of elections is good, done in a transparent and professional manner by the SEC and the electoral administration. However, violence was slowly becoming something

to contend with in elections, and the state did not necessarily go after the culprits.

*2006 parliamentary elections: growing violence*

The 2006 elections were held just after the country had been granted EU candidate status. The SDSM were in a situation to “decide whether we would have elections in the normal timing which would be in the second half of 2006, or if we should go for early elections in for example January 2006” as electoral tactics and ride the wave of the candidate status (Interview 18, Shekerinska). The government decided to respect the original electoral calendar and to make the much needed overhaul of the electoral laws and to collect them into an electoral code. With this move the SEC was transformed into a full time body with a secretariat, although the funding would not be adequate until many years later, and initially, it only functioned with about half the foreseen staff (Giandomenico 2013a). Up until then the SEC had worked on an ad hoc basis for each election, and without a secretariat. And in a bold move, the members of the lower levels of the electoral administration were set to be drawn randomly from the civil servants in order to avoid political interference in the administration of the elections. That was initially seen as a good step, as civil servants are used to administration, and would not need to defend the standpoints and interests of the political parties. However, after the change of government, the “situation in the administration deteriorated dramatically” with staff hired solely on political grounds rather than merit, according to an opposition politician, and the opposition tried to delay the full transition to this new scheme (Interview 18, Shekerinska). In fact, a representative of the SEC testified that, during subsequent elections, he had seen how this random selection of civil servants for duty in the electoral administration was manipulated and distorted (Interview 25, CEC).

The campaign was harsh and in a few places even violent, with attacks on party premises, even grenades used in a Skopje municipality. The OSCE/ODIHR election observation mission wrote that most of the attacks on campaign offices and party activists were DPA attacking DUI. The DUI apparently responded by calling for calm, but at times also through retaliation (OSCE/ODIHR 2006: 12). The troublemakers on the ethnic Albanian side were not duly prosecuted, despite being well known, which left a feeling of impunity for electoral disturbance (Interview 27, EU Delegation, OSCE/ODIHR 2006). That proved to be devastating for the 2008 elections, as the main culprits were still at large, free to continue along the same lines as in 2006.

There were not only allegations of voter intimidation, especially towards vulnerable minority communities, but also that public employees would lose benefits and even their employment if they would not vote for a certain party, but the OSCE refrained from mentioning the parties who were ac-

cused(OSCE/ODIHR 2006: 12). There were reports about vote buying involving Roma, and the employees of a textile plant were apparently told to vote for the governing (SDSM) party. These are not new phenomena, and were recorded already in the first OSCE/ODIHR monitoring report from 1998 (OSCE/ODIHR 1998), but nevertheless a disturbing sign of voter intimidation and electoral malpractice.

The elections were won by the VMRO-DPMNE on the Macedonian side, and the DUI on the Albanian side. However, the nationalist VMRO-DPMNE would not enter into a coalition with the DUI, which represented the ethnic Albanian rebels from 2001, and which still had a number of its former soldiers in its ranks. VMRO-DPMNE decided instead to call DPA to form a governing coalition. This upset the DUI which claimed it had the right to be in government as they had won the largest number of votes among the ethnic Albanian voters. Instead, they decided to boycott Parliament, hampering its work as OFA-related issues require a double majority, which means winning a majority among the parties of both ethnic communities.

The 2006 elections “largely met OSCE commitments” (OSCE/ODIHR 2006: 1), and the EU concluded that “there was some progress in strengthening the electoral process, despite irregularities and incidents which will have to be fully addressed” (Commission 2006b: 7). The conclusions we can draw from this are that the process of producing a legally sound electoral code went well, and that international advice was largely listened to. However, when it comes to electoral performance, the picture is quite disturbing. Not only did two parties attack each other with violence, but we can also notice that pressure was put on voters to vote in exchange for benefits, or indeed keeping a job. These observations were in fact the beginning, rather than isolated events.

### *2008 early parliamentary elections: Shock and devastation*

The coalition that came out of the 2006 elections soon proved to be fragile, with little dialogue between the two main parties, the right-wing/nationalist VMRO-DPMNE and their partner DPA. This lack of dialogue caused political tension and severely hampered the work of the Parliament. During the spring of 2007 VMRO-DPMNE was forced into an agreement with the DUI on a number of issues to break the DUI’s boycott of Parliament (Ilievski 2008: 11). This agreement only heightened tensions on all fronts. The tension between the DPA and the DUI was constantly raised and even produced a brawl in Parliament in September 2007 (South East European Times 2007, Commission 2007: 7).

General political tension in Macedonia was again aggravated by the Greek veto during the NATO summit in Bucharest in early April 2008, where Albania and Croatia were invited to become NATO members, but not Macedonia. This veto, based on the conflict over the name “Macedonia” was

at the same time a severe blow to the prospects of further EU integration, as Greece was clear it would not change policy regarding Macedonia from one organisation to the other.

Soon afterwards snap elections were called for 1 June. The international community in Skopje was very clear with Macedonia that early elections were not conducive to the situation, as a focus on the name issue would be more appropriate. The subsequent message was that if elections were to be held, they had to be spotless in order not to further interrupt the Euro-Atlantic integration process. The EU started early to convey messages that the elections had to be free and fair, they even “pleaded with [the Prime Minister] to calm the atmosphere” (Interview 30, Fouéré) as the pre-electoral period was becoming increasingly worse. The EU was “very active” during the pre-election period, visiting candidates and holding workshops all over the country (Interview 27, EU Delegation), and they worked together with other international organisations in the country.

The campaign period was marred by violent acts in the ethnic Albanian inhabited north-west. There were armed attacks against party premises, party activists were abducted, there were nightly shooting sprees in towns, and the DUI party leader Ali Ahmeti was the subject of an apparent assassination attempt on 15 May. It was soon evident that most of the violence was DPA attacks on DUI premises and activists, although the opposite was also observed (OSCE/ODIHR 2008).

The violent electoral campaign worried many observers. The EU kept a logbook on the incidents, which makes for “hair-raising” reading (Interview 27, EU Delegation). It soon also became evident to the State Election Commission that trouble was brewing, and that the organisation and logistics of the elections were in danger (Interview 67, SEC).

Violent acts were not sufficiently brought under control by the police forces (OSCE/ODIHR 2008), but rather the opposite: they were completely ignored by the government and the Prime Minister (Interview 30, Fouéré, OSCE/ODIHR 2008). In a rare action, the OSCE report points out the recently resigned but still functioning Deputy Minister of Interior, a well-known DPA supporter, as the main culprit behind the problems. The leader of the DPA, Mr Menduh Thaci, had even warned ahead of the elections that they were going to be “a butchery” (Interview 26, Head of DUI election office, and no 43 Mehmeti), and sources completely independent of each other have reported that there were rumours about a sort of deal between the DPA and VMRO-DPMNE, that the DPA would be able to harass the DUI without outside involvement (Interviews 30, Fouéré, and no 17, Musliu). All evidence thus far points in the direction that VMRO-DPMNE was well aware of the violence, that they had perhaps even given their consent, and most importantly, that the government did nothing to try to stop it despite international pressure to do so (see also below).

Election day was very tense with several incidents. In Aracinovo just outside Skopje one person was killed and several were wounded. Violence against the DUI prompted them to contemplate withdrawing from the election on election day. As soon as this was known, a chain was put in motion from DUI headquarters via the EC Delegation in Skopje, to Brussels, ending in a phone call from Javier Solana to Ali Ahmeti to plead with him to stay in the elections. That phone call, in combination with a secure promise from the Prime Minister of re-runs in all troubled polling stations, convinced Mr Ahmeti to remain in the electoral contest (Interview 26, Head of DUI election office). This anecdote, which is not widely known, shows that when the EU wants to get involved in details, it does, and that its involvement may have the desired effects, or being ignored, as discussed above.

Because of the violence and other electoral irregularities the State Election Commission decided to annul the voting in 197 polling stations out of the total of 2976 (OSCE/ODIHR 2008: 21). Reruns were held on 15 and 29 June. The government had understood that many voters were afraid of the violence and reluctant to vote again; therefore, it decided to do its utmost to hold spotless reruns, and ordered ministers, party officials and others to be election observers, and the police presence was heavy. Naturally the re-runs were calm and orderly. The elections were eventually won by the VMRO-DPMNE and the DUI, which entered into coalition together. The DPA “hated the fact that the elections were repeated everywhere” since they saw themselves as winners and could not really see what they had done wrong (Interview 14, Bocevski). The DPA claimed that the re-runs were a direct attack on their party since it was mainly the polling stations where they had won the majority of votes that were the subject of re-runs (Interview 69, DPA representative). The DPA lost heavily, being virtually reduced to a local party based in Tetovo, losing all its former influence at national level.

### *2009 local and presidential elections: calm but contested*

The effect of the disastrous elections of 2008 was that the EU and the rest of the international community reacted very strongly. First of all, the EU added elections to the already established eight benchmarks to be fulfilled in order to open up membership negotiations. Olli Rehn, the Commissioner for enlargement, had already stated in March, and had repeated many times, that in order for Macedonia to open membership negotiations, not only had the eight benchmarks already set to be fulfilled, but that “[t]he key outstanding condition is the ability to meet international standards for the conduct of free and fair elections. This is a core requirement to comply with the Copenhagen political criteria. The presidential and municipal elections in March and April will be a moment of truth” (Rehn 2009). Secondly, the so called security principals (EU, OSCE, NATO and the US Embassy) in Skopje coordinated themselves and started a campaign to deliver messages of the im-

portance of holding the upcoming local and presidential elections according to international standards.

The spring of 2009, before the local and presidential elections, was busy for all. International representatives came “almost on a daily basis” to visit not only central electoral headquarters, but also local ones. The Head of the EC Delegation, Erwan Fouéré, for example, personally visited a large number of candidates for the mayoral office. EU representatives “were constantly on tour, arranging meetings and roundtable discussions on elections” just as they had done before the 2008 elections (Interview 27, EU Delegation) but maybe even a little more intensively than the year before. Even politicians already used to intensive international courting deemed the action “a little too much” (Interview 14, Bocevski). However, the message was crisp and clear: problematic elections would not only hamper further EU integration, but also produce illegitimate results, both domestically and internationally.

These elections represent a qualitative step towards norm transfer and adoption, as discussed in chapter four. Violence was no longer accepted as a means of influencing the elections, neither by the population, if it ever had, nor by the political elite in charge. But although the violence was gone, no longer acceptable either to the international community, politicians or voters, elections were however far from flawless. The electoral campaign was heated, especially between the VMRO-DPMNE and SDSM, which resulted in harsh allegations from SDSM of voter intimidation by the VMRO-DPMNE. Attempts to buy voters collectively with hand-outs of flour and cooking oil, or individually through the offer of money, have always been present according to politicians and analysts (Interviews 43 Mehmeti; no 45, former DPA MP; and 90, Ordanoski), but it appears that, since the rise of the VMRO-DPMNE to power in 2006, another type of intimidation had become very much stronger: that of pressuring public administration and those in receipt of benefits, such as pensions, to vote for the governing VMRO-DPMNE in order to keep their jobs or benefits. This type of intimidation is notoriously difficult to prove, but there is an abundance of anecdotal evidence, some even published in the press, much of which is credible (OSCE/ODIHR 2009b, OSCE/ODIHR 2011, BalkanInsight 2011, MOST 2009).

The accusation was that VMRO-DPMNE political appointees in the public administration were making the civil servants present lists with 15-30 names who would vote for the party. Civil servants were then sent to convince these people, even during office hours, and later the people on the lists were being called by a VMRO-DPMNE call centre to make sure that they had been visited by the civil servant and that they would indeed vote for the VMRO-DPMNE. In 2011 one of these lists became public, and the VMRO-DPMNE person in charge of the whole operation explained that these lists were not for all Public Administration staff but rather only for party activists or even “people who got into the public administration thanks to their party

affiliation” ... “and that they could risk losing “party privileges” but not their jobs if they did not fill their quota (Interview 24, Bičkliski). Such connections between politics and privileges were readily admitted by many interlocutors, and confirm the clientelistic structures of Macedonian society as discussed above.

The international community was a little unprepared for these strong allegations during the 2009 elections and had little systematisation in their investigations. It was also difficult to know which allegations or explanations were closest to the truth. For sure is that the OSCE commitments for democratic elections point out that there has to be a clear line between party activity and public activity and that voters have to be able to cast their vote “free of fear of retribution” (OSCE 2003, paragraph 7.2). All the facts point in the direction of an increasing voter intimidation, which is not in line with what one could expect from a candidate country (Interview 30, Fouéré).

In short, for the 2009 elections the violence was not only gone, but unthinkable to the major players. But that does not mean that elections were clean, only that fraud “was more sophisticated” (Interview 45, former DPA MP 2012). The so called “Bulgarian train”, where a voter is provided with a pre-marked ballot and urged to take out the clean one given in the polling station is apparently still present (Interviews 18, Shekerinska; and 90, Ordaniski), but is being replaced by the habit of asking voters to verify their vote by taking a photo of the ballot with the mobile telephone. That is penalised with heavy fines in the electoral code, but it is extremely difficult to detect and to prove, as the commissioners are not allowed to control the voters behind the screen, and no-one asks the voters to hand over the mobile telephone before voting (Interview 45, former DPA MP). Such control of the voter means that political parties have some power over parts of the electorate and have opportunities to give rewards or withdraw privileges from the voters, adding to the picture of Macedonia as a clientelistic society.

The elections resulted in an almost complete landslide victory for the VMRO-DPMNE, which won 56 positions as mayor, against 6 from the SDSM. DUI took 14 communes, and the former trouble makers DPA only one, in Tetovo where they have their stronghold.

The presidential elections were won by the VMRO-DPMNE candidate Gjorge Ivanov with 63% of the votes in the second round (OSCE/ODIHR 2009b: annex I).

### *2011 early parliamentary elections: still calm, but contested*

In 2011 the Prime Minister decided to call early elections after the opposition SDSM had boycotted Parliament for almost two months following a dispute where the government had brought criminal charges against the owner of A1 TV, perhaps the most critical media outlet of the government (see discussion below). The political situation in the country was very tense,

where the governing VMRO-DPMNE and the main opposition party SDSM distrusted each other deeply. The criminal charges against the A1 TV became proof to the opposition that the government was trying to silence the few big media outlets openly critical of it, while the government presented it as a case of a business needing to pay its taxes according to the law.

Although the situation towards violence during elections was completely different from that in 2008, there was still a worry that the campaign would be tense.

The Albanian Ambassador to Macedonia was instrumental in facilitating a pre-election agreement between the ethnic Albanian leaders, encouraged by the rest of the international community, and he continued to play a role both during the elections and afterwards (Interview 28, Albanian Embassy and 63 Greek Liaison Office).

The elections were in general very calm, also within the ethnic Albanian community. However, the big issue was again voter intimidation, and the international community this time was not only better prepared to detect it but also to collect the bits and pieces of evidence available (Interview 27, EU Delegation; OSCE/ODIHR 2011: 10). The scheme was the same as in 2009 and as described above, where the ruling VMRO-DPMNE allegedly kept control over public employees, threatening them with losing their jobs or other benefits if they did not provide enough votes for the party. It was made public through the publication of an e-mail sent from the central VMRO-DPMNE with directions to VMRO-DPMNE party activists. VMRO-DPMNE denied all wrong-doing claiming that it was perfectly legitimate, but the international community was not equally convinced (Interview 27, EU Delegation). However, with the difficulty to detect this type of electoral malpractice and to gather reliable evidence, a job that is chiefly for local organisations, media and, at the extreme, even law enforcement, there is always the benefit of the doubt about the exact extent and character of the phenomenon. But the fact remains that the international community, as in the EU, OSCE and a good number of foreign embassies in Skopje, have expressed their worries about the reported voter intimidation and that it is not acceptable for an EU candidate country.

In parallel to this, the OSCE/ODIHR monitoring mission points out that media freedom is of growing concern, which was one of the major reasons for the SDSM boycott of Parliament, thus the early elections (see also below). At the Centre stood the A1 TV-station, but the broader picture reveals that many private media outlets, in particular TV stations, are owned by relatives to party leaders, which is against the law (OSCE/ODIHR 2011: 13). They were also able to note an editorial trend along these political lines. But perhaps the most flagrant breach of media freedom discussed by the electoral monitors was that of government advertisement in exchange for “loyal editorial policies” (OSCE/ODIHR 2011: 13). The same trend has been noticed by other commentators, including Freedom House (2012b), and a report from

the EU commission notes that the government is by far the biggest advertiser in the country, indeed giving it the weight to influence the media landscape (Commission 2013a: 23).

The elections were won by the VMRO-DPMNE winning 56 seats out of 123, the SDSM 42, DUI 15 and DPA 2. Two seats were allocated to the small National Democratic Revival.

### *2014 Presidential and parliamentary elections*

Macedonia held its third consecutive early parliamentary elections in 2014, in combination with the regular presidential elections. Again, political tension and mistrust was behind this decision. The governing VMRO-DPMNE and DUI could not agree on a common candidate for president, where VMRO-DPMNE backed the outgoing president, and the DUI wanted a common candidate but could not accept the incumbent (MOST 2014: 6). Instead, the DUI asked for parliament to be dissolved, a request which was backed by VMRO-DPMNE, and early elections were announced in early March 2014.

These elections confirmed a now quite visible trend: that election day itself is rather calm and well administered, but that the campaign and aspects of the pre-election period demonstrate some disturbing signs.

As with the earlier elections, the intimidation of voters, in particular those with public employment, was noticeable, and the OSCE/ODIHR election observation mission received “a large number of credible reports” about voters being requested to participate in rallies, or not to participate in opposition rallies, and even to provide lists of voters who would vote for the governing party, including their personal identification numbers (OSCE/ODIHR 2014: 14). Such reports indicate that the separation of party and state is poor, and that voters are not free to cast their vote free from fear of retribution, which in turn goes directly against OSCE Copenhagen Document from 1990 (OSCE 1990 paragraph 5.4 and 7.7). In fact, a local NGO reports that representatives of political parties were outside the polling stations keeping records of voters and even reading aloud their names (MOST 2014: 7). Interlocutors had confirmed that it is normal practice for political parties to keep a close eye on polling stations during the elections, and keep records of party members and known supporters:

**Interlocutor:** So we have observers that are counting the voters

**Interviewer:** In the polling station, or at the municipal level?

**Interlocutor:** At the polling stations, in the polling stations. All around we have let's say which is... something unofficial but we have silent observers let's say round the polling stations. But they are just for our safety [NB he is choosing his words carefully]. Let's say there are people that just count the voters, and we get results on an hourly basis about the percentage who went to vote (Interview 39, SDSM election organiser).

Thus, this is a measure by which the political parties have an idea of how the results in the polling stations are faring relative to the number of voters entering the polling stations. It is also a testimony to the large number of people a party is able to gather for the elections, people who are looking for patronage of some kind, most often a job. One interlocutor said that he had about 500 people coming and going on a daily basis in his electoral office during the campaign period (Interview 45, former DPA MP).

Another phenomenon raising concern during these elections was heavy pro-government bias in the media. The OSCE/ODIHR monitoring mission reports that their media monitoring “showed that the majority of monitored media was largely biased in favour of one ruling party and its presidential candidate and mainly negative against the main opposition party and its candidate”. Media outlets did not necessarily differentiate between a minister’s legitimate work, and when that same person acted as a candidate (OSCE/ODIHR 2014: 19). In addition, a few officials, including the minister of internal affairs, are not allowed by law to keep office whilst at the same time running as candidates. However, the very same minister kept her office during the whole campaign thereby flagrantly disregarding the law (OSCE/ODIHR 2014: 6).

The opposition SDSM felt that these elections had been rigged, and that the prime minister was "abusing the entire state system" with extensive vote buying and threatening of the voters (Al Jazeera 2014) and they decided to boycott Parliament, a boycott which continued long after the six months of accepted absence for MPs had passed (CoE 2015).

These elections and the aftermath have contributed strongly to the political crisis gripping Macedonia at the time of writing, parts of which will be discussed under anchoring arguments. These elections were part of a general trend towards political polarisation, increasing disregard for democratic safeguards and rules, and control of the citizens, showing that, although a country may be a most likely case for EU influences, it may indeed turn into the opposite.

## Actors influencing electoral behaviour

What we can see from this series of elections is that electoral problems are more complex than just a matter of not understanding how democratically sound elections should be held. It is not a matter of the inexperience of the electoral administration, but a matter of behaviour by the political parties.

First, it becomes obvious that actors and their interests and opportunities are central. As opportunities come and go, so do certain types of behaviour. Context is thus very important. Secondly, it also becomes clear that direct EU influence is only one factor among many. Giving precedence by default

to the EU as a factor when explaining certain processes risks painting an incorrect picture, as discussed in chapter one.

The following discussion analyses the key actors and their behaviour. It shows that actors, just as discussed in chapter three, have different roles, and that the context in which they act strengthens or weakens a specific type of actor.

### *The European Union in cooperation with other international actors*

The EU is, as discussed above, only an indirect actor. It has the power to withhold and deliver rewards within the enlargement policy. It also has the capability to make its demands clear through communication with a broad spectre of domestic actors. The centrality of political criteria gives strong signals of what is expected of a candidate country. The EU communicated this on several occasions: in their Opinion on Macedonia's membership application; after the elections in 2006; intensively in the period before the 2008 elections; and as benchmarks for opening membership negotiations in 2009.

Before both the 2008 and 2009 elections, the EC Delegation in Skopje worked hard. Candidates were visited in all the major towns, workshops on political dialogue were organised and, at the highest level, party leaders were worked on to improve political dialogue and to publically denounce violence (Interview 27, EU Delegation). The Prime Minister's reaction was apparently lukewarm to the pleadings from the EU, but the ambassadors of the EC Delegation and the US managed to arrange a meeting between the leaders of the DUI and the DPA after the apparent assassination attempt on Ahmeti where the "language was very tough" (Interview30, Fouéré) and both leaders were forced to publically denounce violence. The EU continued to be very active also during election day and in fact were crucial when the DUI wanted to withdraw, as discussed above.

For the 2009 elections, the EU Commission had raised the stakes by adding elections as a specific benchmark for recommending a date for opening membership negotiations. Besides these messages of the need for calm (which were given in concert with the OSCE, NATO and US Embassy), the EU had also insisted on the need for calm for the sake of domestic and international legitimacy and not only to fulfil EU standards (Interview 27, EU Delegation). In parallel with that, the Albanian Ambassador worked discreetly on Albanian political leaders to get them to come to an agreement on elections. Also he insisted on legitimacy being more important than a seat or two more in parliament (Interview 28, Albanian Embassy).

### *Spoilers: Albanian power battle at the core of the electoral violence*

The problems with the 2008 elections had a very simple basis according to all interlocutors: "what we saw in 2008 was a battle to maintain power which

went to the extremes” (Interview 43, Mehmeti), and “it was only power interests,” behind the violence in 2008 (Interview 45, former DPA MP).

The rivalry between the ethnic Albanian parties has always been fierce, and the use of militants is common. People have been joking since before the crisis in 2001 that soon voters would be obsolete, militants would stuff the ballot boxes and the strongest party would win a majority of the votes (Interview 47, Musliu). The fact that electoral violence in 2006 between the DPA and the DUI was to a large extent left unprosecuted gave approval, especially for the DPA in 2008 to continue along the same lines. One of the most well-known trouble makers, for example, was wanted already in 2004, but “could not be found by the police”, despite being a candidate for the DPA in the 2006 elections (Ilievski 2008: 10, New York Times 2006)

In 2006 the VMRO-DPMNE decided to enter into coalition with DPA despite the fact that DUI won the majority of the Albanian votes, an action that many view as the spark for the tension that led up to the 2008 elections. This rivalry, coupled with poor dialogue between VMRO-DPMNE and DPA, created a difficult situation which led to tension not only between the two ethnic Albanian parties but also within the government (Interview 69, DPA representative).

The DPA has not been willing to discuss electoral matters other than apportioning blame to the DUI, or how they were betrayed by the VMRO-DPMNE after the 2008 elections. They claim that the victory was theirs and that it was stolen from them by the order of re-runs in the polling stations where they had won the majority of votes (Interview 69, DPA representative). The great unwillingness of the DPA to talk to a researcher, in combination with the avoidance of discussing elections and relationships with the EU indicates that these are very sensitive issues, where they are fully aware of having faltered in the eyes of the international community.

A former DPA politician has however spoken much more freely, and claimed that as the DPA knew they were going to lose not only the vote but also very likely their place in the governing coalition in 2008, they did their utmost to “protect the vote,” even with violence. They simply wanted to be able to stuff as many ballot boxes as possible and prevent the DUI from doing the same. And as politics is “the only way to become someone, to get rich, to get employed”, it is extremely important to win elections and to control the spoils (Interview 51, former DPA MP).

That the vote needs protection was echoed by another political party, in the sense that it is “the way the political system works here. In order to have a party here, you need an army, you know. You need an army of thugs to protect the votes, even to institute violence and like that.” Obviously he claimed that “our party doesn’t rely on thugs you know, I don’t know hard core militants which are willing to kill and shoot for the party. We don’t have them” but he readily admitted that they are very common among at

least the ethnic Albanian political parties (Interview 52, RDK representative).

The power struggle between the DPA and the DUI was an affair where one party had the opportunity to use state structures and many party militants to disturb the vote. One analyst put it as the DPA doing it because they could, and because they could afford the militants (Interview 17, Musliu). It is important to add that they obviously felt free to act with impunity and were sure that they would neither be stopped, nor punished for their actions. It was not the first time that political rivalry on the ethnic Albanian side spilled over into violent acts between the contenders. And since the trouble making DPA left government after the 2008 elections, they had little or no opportunity to use state structures to back up and protect their party militants. DUI representatives claimed, naturally, that their commitment to democracy prevented them from using force during the 2009 elections, or indeed during the 2011 parliamentary elections (Interviews 26, Head of DUI election office; and 15, DUI Secretary General). That may be true, but as we will see, the political and institutional situation has changed in Macedonia, leaving little room for such actions.

#### *Facilitators of violence and security: government and Ministry of Interior*

Perhaps the best weapon at the DPA's disposal was the deputy Minister of the Interior and his connection to important parts of the police structure. He could let important trouble makers not only work without interference, but also keep them from being arrested. In fact, the begging question is why the government, in the shape of the Police, did not intervene early, or indeed at all, until the catastrophe was a fact. The EU ambassador together with the American ambassador "pleaded with [the Prime Minister] to calm the atmosphere" during the electoral campaign but he "did not do enough". And the EU ambassador had to convey "very strong messages" from the EU, but the Prime Minister "well, he wouldn't ignore them, but he would try to explain certain things", meaning that he was not particularly interested in keeping control of the security situation solely in order to please the international community. "There were obviously other things on his mind" (Interview 30, Fouéré).

According to centrally placed internationals, the Police were allowed almost to function as the DPA's private little army (Interview 27, EU Delegation). Also the DUI shares this assessment: that the DPA and VMRO-DPMNE collaborated, their motive being to "destabilise the DUI party". A high ranking DUI representative insisted on the fact that the VMRO-DPMNE was deeply involved, as "it is not possible in 2008 that just the Albanian parties have all these accidents, all these clashes" (Interview 26, Head of DUI election office). The main problem, from his point of view, was the way the VMRO-DPMNE led government (referred to as "he", as in Nicola

Gruevski, the Prime Minister) did not arrest the the DPA activists first in 2006 and then during the electoral campaign in 2008. He insisted several times that the DPA and VMRO-DPMNE were in it together, to make the DPA win and to “destroy” the DUI as a party. In fact, quite a lot of interlocutors hinted at such a conclusion, that the DPA, DUI and VMRO had a silent agreement between them to leave the DPA and DUI to battle it out between themselves: “they agreed, even VMRO agreed back then agreed, they knew what was going to happen, you know” (Interview 52, RDK representative).

This collusion between the DPA and the VMRO-DPMNE was naturally strongly dismissed by VMRO-representatives as pure nonsense. The explanation offered as to why they did not interfere during the election campaign in 2008 was that they had “been a little bit oblivious” to the violence going on between the DPA and DUI (Interview 14, Bocevski), despite the attack on the DUI leader and other high profile incidents, and the strong messages already given by the international community early in the campaign.

The government had the possibility to take control if it wanted to. A former minister claimed that in 2009 “[the VMRO-DPMNE] didn’t want to spoil this victory by anything strange happening in the nation. So this is why the recommendations by ODIHR were met fully, so to speak” (Interview 14, Bocevski), indicating that when the government wants to, it is entirely possible to gain full control over the territory.

The VMRO-DPMNE spokesperson readily gave the explanation as to why the 2009 elections were so calm as “we put the police on every critical point” to control the matters. And since that is the same police force that were supporting the trouble makers less than a year earlier, the level of political control over the police is indirectly confirmed. He continued by saying that “the leaders of the political parties are responsible for changing the people’s mind, so if they say something, the people do it, they are in charge of the people” (Interview 24, Bičikliski). Again, what he was really saying was that the party leaders have full control over their parties and activists/militants.

The conclusion is that the 2008 elections gave institutional opportunities to the troublemakers, as they were protected by elements in the Ministry of the Interior, and that they even possibly were protected by a silent agreement between the VMRO-DPMNE and the DPA. The fact is that the government did not intervene, nor did it even feel that it was a priority to prevent it, despite obviously being in a position to do so, and following pressure from the international community. Rather, they tried to justify their inaction during the campaign to the international community and to this interviewing researcher.

And as the main, well known, troublemakers from 2006 were still at large, the DPA probably felt it rather safe to continue with what they had started. They had motive, opportunity, and silent support from the govern-

ment. But with strong reaction from both the voters and the international community in 2009, and the change of governing partner by the VMRO-DPMNE, the institutional opportunities for the DPA were no longer there, and the government was no longer willing to sit silently and allow Albanian parties fight without intervention. Even if a political party had wanted to cause violent trouble after the 2008 elections, it would have been very much more difficult as the legitimacy of such means had vanished even among the militants of the political parties.

## Traces of norm internalisation? Electoral legitimacy and selected compliance

The VMRO-DPMNE won a big victory in 2008, and wanted to consolidate its power in the local and presidential elections in 2009. In addition, they didn't want to have any shadow over the results, so they needed legitimate elections, in the eyes of both the electorate and the international community (Interview 14, Bocevski). In 2008 all parties had lost votes not only due to violence, but also in perfectly calm areas far away from the hot spots (Interview 39, SDSM election organiser) because people stayed home, and it was important to regain the confidence of both the voters and the international community.

The Prime Minister knew that he was going to win convincingly again and “did not want to spoil this victory by anything strange happening in the nation” as he felt that legitimate elections were absolutely necessary in order to avoid rumours about the VMRO-DPMNE not winning by their own means (Interview 14, Bocevski). The VMRO-DPMNE even went to extremes by stating that any other party making trouble “will be banned” from any governing coalition (Interview 24, Bičikliski), a clear signal to the DUI and the DPA.

The VMRO-DPMNE clearly demonstrated a cost-benefit calculation, and played a game with very high stakes in 2008. During that election they showed no evidence of wanting to play by democratic rules, not even to appear to do so. In 2009, on the other hand, they needed to regain the confidence of the voters to bring them out to vote, and then produce a perfectly safe environment in which to do so.

The VMRO-DPMNE did the “correct” things in 2009, providing security and calm elections, but almost overdid it (Interview 14, Bocevski). At the same time they organised a big scheme in order to influence people in public administration to vote for them under some sort of pressure. It is debatable whether this behaviour broke the electoral law, but it was clearly against democratic standards, best electoral practice and what could be expected of an EU candidate country. There remains doubt as to whether EU pressure in

2009 was the source of the changed attitudes and behaviour, as it was overtly evident to the political parties that voters wanted peace and calm in the whole country in order to go out and vote. The VMRO-DPMNE understood that if elections were to be legitimate in the eyes of the population, they had to be calm from a security point of view.

The official DPA does not accept that they have done anything wrong, rather that they themselves are being the victims of an unjust institutional attack on their party. They give no sign of wanting to respect democratic rules for the sake of democracy, but rather to use every means available to win votes and gain power. The outcome of the 2008 elections meant that their means were severely restricted, as they lost access to the Ministry of Interior, and they were reduced to a local party mainly present in Tetovo. There are no traces coming from the DPA of even the beginnings of following a logic of appropriateness of appropriate in line with international norms on democracy.

The DUI, in opposition in 2008 and in government 2009, stressed that their democratic conviction prevented them from retaliating violently in 2008 (Interview 26, Head of DUI election office), and that they were not interested at all in using foul play against the DPA in 2009, “and because of this we lost Tetovo and Gostivar” (Interview 43, Mehmeti). The DUI did not have to explain their behaviour to the same extent as the VMRO-DPMNE or the DPA, and could thus repeatedly refer to their belief in democracy. However, as they also knew they had the majority of the Albanian votes year after year (Interview 26, Head of DUI election office), they did not need to even try to steal votes violently. They demonstrate at least a willingness to appear to respect international norms on elections even aspects of a “noncalculative behavioural adaptation” (Checkel 2005: 810).

The SDSM, in opposition during both elections under investigation, had the easy situation of criticising the VMRO-DPMNE’s behaviour. They were the ones complaining loudly about voter intimidation, irregular party financing and political pressure on media, all issues with normative character. However, on a direct question about the violence during the 2008 elections, the SDSM General Secretary did not mention any possible involvement of VMRO-DPMNE, or indeed the reasons behind the violence at all. For him, it was obviously an Albanian issue, and none of his concern (Interview 22, Petrov). Another SDSM interlocutor stressed their democratic credentials, and how they struggled to play by the book, actually losing in 2006 for this reason (Interview 18, Shekerinska). To what extent the SDSM is willing to fully respect democratic norms is still to be seen in an election where they are in government, but they do show strong indications of at least appearing to comply with the rules, and even partly full norm internalisation.

However unwilling the political players were to listen to the messages coming from the EU and other international players in 2008, there was a lasting effect in the sense that violence was no longer thinkable after that

electoral campaign and election day. In this sense elections took a qualitative step towards elections in accordance with democratic standards. An important reason was of course the reaction of the electorate as well as the material and human damage done, also the fact that many voters stayed at home. But it also became evident that a logic of appropriateness had entered the calculation. No one “wanted to be blamed for spoiling the elections” in 2009 (Interview 94, EU delegation), and the “fear of getting caught by the international community” played a decisive role (Interview 45, former DPA MP).

However, it is very interesting to notice that “legitimate elections” translated into “elections free from violence”. The government obviously overperformed in response to the criticism from 2008: where they had been virtually absent a year earlier, they were now present everywhere. Given the new political constellation, it should have been clear to the government that there was little risk of renewed violence, and that such a massive operation was perhaps not necessary other than for the appearance of taking security seriously. It certainly catered to the frightened voters and the image in the eyes of the international community.

But at the same time as we observe the vanishing of violence, we also observe what seems to be an upsurge in voter intimidation, a phenomenon which remains despite strong criticism. How can we explain these two phenomena: the sudden upsurge and disappearance of violence, and the apparent rise of voter intimidation? I would argue that in the case of these Macedonian elections, the EU has had a mainly pacifying effect, to discipline the actors into proper behaviour. The EU has shown strongly which norms are legitimate in the international community, and that violent elections are not among those. However, direct influence over the core of political power distribution is not strong enough to induce perfectly clean electoral behaviour. The clientelistic structures of Macedonian society remain, and apparently become more important to the political parties during elections, as other means to influence the vote are becoming increasingly off limit. These clientelistic structures are not necessarily directly approached by the EU through its instruments of conditionality, as will be discussed in chapter seven.

The opposition is also pointing out that free and fair elections are far more than a peaceful election day; they claim that serious election issues were neglected in 2008 because of the violence, and were also neglected in 2009 because of the feeling of relief after a tranquil election process. “Somehow the bar has been lowered” (Interview 18, Shekerinska) meaning that as long as elections are peaceful, other activities can go on largely without strong responses by the EU and the broader international community.

## Compliance: beyond EU conditionality

It may come as a surprise that, what from a distance may appear to be observed compliance, on a closer inspection is actually a correlation that is however largely serendipitous. With serendipitous I mean that the correlation between conditionality and compliance is a “pleasant and unexpected” compliance produced “by chance”, to use the words of *The Oxford Dictionary* (1995). Domestic factors were the main reasons behind the difference in electoral conduct between the 2008 and 2009 elections, despite heavy EU involvement. The main actors, the DPA and the VMRO-DPMNE faced completely different situations from one year to the next regarding institutional resources and political interests. It is true that the EU contributed to a sense of shame in 2009, but that was not the case during the campaign in 2008, when the Prime Minister practically refused to act in order to stop violence.

The DPA had acted as spoilers during the 2008 elections as they had the means to do so when the opportunity opened up for them. In the intensive power battle with the DUI, the DPA found the opportunity to take up arms at a relatively low cost, and used it extensively. Strong international criticism was part of the reason why the government prevented the DPA from using violence, but equally important was the fact that the DPA were not able to use and abuse the structures anymore. The previous apparent collaboration with the governing VMRO-DPMNE was definitely over, and violence would have been seen as wrong by all involved.

But at the same time as we observe this largely serendipitous compliance, there was substantial non-compliance with electoral best practice, which was in reality contrary to the benchmark the EU had set up. Voter intimidation has been present for a long period in Macedonia, and also in the region, but with an apparent increase and sophistication during the last elections.

The repetition of this phenomenon is a sign that the VMRO-DPMNE is deliberately non-compliant with a criticised aspect of international standards. This type of non-compliance could be labelled “opportunistic non-compliance” where actors are “indifferent to the collective good to which they are asked to contribute”, and are motivated by “expectations of net gains from law breaking” (Levi 1997b: 30). This is in line with strategic norm calculation where actors follow the norms, but for reasons of material gains only (Checkel 2005: 809).

If we had observed only serendipitous compliance correlating to the efforts to live up to certain norms of electoral tranquillity, we could have drawn the conclusion that the EU does have a significant impact on elections. But, as we can also observe repeated voter intimidation, we have to conclude that improved behaviour in one area does not necessarily mean improved electoral behaviour over all. In our case, with the Macedonian elections, there is a selected impact in an area which has been particularly

singled out, while other less highlighted areas are not given the same importance by local political forces.

This double standard in elections, where rules are improved and certain aspects of the democratic game are respected but not others can be made comprehensible through the concept of institutional layering, as discussed in chapter three. The EU as an external change agent has the power to initiate formal rule transfer through its increasingly detailed and strengthened conditionality. However, being an indirect force in the applicant countries, there is tension between the EU and domestic actors when implementing the new rules. This is particularly true when it comes to the political criteria, as they touch upon key aspects of the organisation of the state and, as such, are deliberately left open by the EU.

Here we could draw the conclusions that while the EU seeks to introduce a new set of rules and norms overall on elections and governing, political parties show a somewhat mixed picture. It is obvious that the governing party, which has gained in strength over time, is not particularly interested either in further democratisation or in securing the deeper rooting of liberal democratic practices and values. But at the same time, it is also obvious that the government wants to give the impression of legitimate action. In this sense the governing party, the VMRO-DPMNE functions as a symbiotic type of change agent: it is in effect a preserver of the status quo, but the fact that it does need to live up to expectations on at least the changes to the formal rules, some sort of change does occur. The combined effect of the actions by the government, the EU and the larger international community, plus the other political parties is that certain aspects of the legal framework is rewritten, but the underlying normative aspects are not necessarily changed.

EU conditionality has meant that layers of formal rules are added to existing ones, quite often replacing the old rules, but not necessarily resulting in full implementation or in touching upon the informal institutional framework. Although the introduction of new laws is one important way for new norms to enter into a society, norm internalisation is no guarantee. In the case of Macedonia we can observe two political parties which demonstrate at least an appearance of wanting to respect the democratic norms, and two others that do not. Neither long term exposure to international norms on democracy, nor heavy EU pressure on these two parties seems to produce behaviour which respects the rules of democratic elections.

The process of incremental institutional change regarding elections, where the EU and the wider international community challenge domestic actors over the interpretation and implementation of electoral rules and norms on electoral behaviour, moves ahead with events such as the 2008 elections. The electoral stakeholders learn that some behaviour is not accepted either by the international community or by the electorate. Election reports have claimed that neglect of electoral irregularities leads to a sense of impunity (OSCE/ODIHR 2005b), sanctioning further malpractice. There is

in fact growing evidence that increased and more sophisticated election monitoring pushes incumbents to more sophisticated types of fraud (Sjöberg 2012, Simpser and Donno 2012). A change from stuffing ballot boxes to influencing potentially vulnerable voters long before election day would be a step in such a direction. At the same time the government could show that it takes elections seriously, but still continue its efforts to distort the vote.

Complying with international rules and norms on elections is a process where actors relate to each other, to their relative power and to the reaction of the electorate. Strong reactions may provoke compliance, but may also push non-compliance into a new area. The EU has an effect on formal rule compliance, but does not necessarily have the power or the arguments to kick-start a process of norm internalisation. In the absence of strong domestic allies, the EU remains a weak norm entrepreneur.

## Additional indicators

### *Media freedom*

Media freedom in Macedonia has deteriorated sharply since 2009, when the country ranked as number 34 on Reporters Without Borders' media freedom index, to number 123 out of 180 in 2014 (Reporters Without Borders, nd b). The main reasons for this downgrading are the growing hostility towards media outlets critical of the government, including strong state advertising in pro-government outlets, the questionable reform on the Broadcasting Council and the closure of leading outlets on dubious grounds. In addition Macedonia is the only country in the Western Balkans holding a journalist in prison (BalkanInsight 2013c, The Guardian 2015). In 2014 a UN rapporteur expressed concerns over "the information he received on recent cases of alleged intimidation by the authorities, through multiple legal procedures, of media and journalists critical of them" (United Nations 2014).

Macedonia has a large number of media outlets, but in a country with only just over 2 million inhabitants, their financial situation is delicate. The vast majority of media outlets live off advertising, which makes them very vulnerable to political pressure. In fact, the government is among the main advertisers in the country, and has repeatedly been criticised for "liberal use of promotional advertising" (Freedom House 2013), where observers, including the EU, express "concerns that funds are directed to television channels which are supportive of the government" (Commission 2011b: 16).

The government has also been accused of being tough on openly critical media outlets. The most well-known case is the closing of the media company *Plus Produkcija*, owning the A1 TV station and three newspapers, including Macedonia's biggest newspaper *Vreme*. The owner of *Plus Produkcija* was put under intense tax inspection after he changed from being strongly

pro-government to being a strong criticiser of the same. He was found guilty of tax fraud and his company was closed, an action producing “shockwaves” in Macedonia, (Reporters without Borders 2011) and criticism from the international community.

Adding to this picture of increasing government control of the media landscape is the situation of the Broadcasting Council. In 2011, in close association with the A1 TV-case, the Broadcasting Council was reformed with an increased number of members, all appointed by state agencies under the control of the ruling VMRO-DPMNE (Reporters Without Borders 2011), creating concerns about “weakening of the independence of the body and increasing bureaucratisation” also in Brussels (Commission 2011b: 17).

Journalists are increasingly facing a difficult working environment. Freedom House reported in 2007 that “Macedonian journalists have been relatively free from physical harassment and abuse since 2001” (Freedom House 2007). This picture has worsened to “occasional cases of physical harassment or intimidation of journalists and media outlets” in 2011 (Freedom House 2011). In 2014 they report that journalists “sometimes face physical violence and harassment” (Freedom House 2014). But that is not the full picture. In early 2015 a scandal broke in Skopje where the opposition SDSM claimed that the government had wire tapped “hundreds of journalists” including very respected journalists (BalkanInsight 2015c, Reuters 2015), a development which has been strongly criticised by international observers, including Erwan Fouéré, the former EUSR in the country, (Fouéré 2015), even drawing the attention of the High Representative of EU foreign policy, Federica Mogherini and the Commissioner for enlargement, Johannes Hahn (Commission 2015).

We could unfortunately, thus draw the conclusion that media freedom in the country has dramatically worsened during the last six years, and that the government does have an important role in these developments. These developments have raised “serious concerns about government control over public institutions and media” (Commission 2014d: 5), challenging the Copenhagen criteria for EU membership and democratic standards.

### *Public Administration*

In Macedonia, public administration reform has been slow and struggling. The government’s own reform strategy between 2010 and 2015 has recognised on several occasions that the time of legislative improvement has passed, and that implementation and operationalisation should be the focus (MioA 2010). The situation could be summed up as Macedonian “public administration remains fragmented and subject to political influence, despite progress on legislation” (Commission 2014d: 9).

Macedonia adopted a law on the civil service in 2000, but its implementation has taken some time (Commission 2007). It is overly recognised that

Macedonia has a politicised civil service and public administration where the division of public and private spheres is not always respected: “Further improvements to the key laws are necessary in order to ensure that the principles of transparent, apolitical, merit-based recruitments and promotions are embedded in the legal framework” (Commission 2011a: 9). The accusations of voter intimidation as discussed above are typical expressions of this phenomenon.

The public administration has in general been a source for extending clientelism in the country. Unemployment stood at 31% in 2011 after a peak of 37% in 2007 (State Statistical Office, nd), and the state is the main employer. This means that the easiest way to produce employment in Macedonia is to create new public employees, which the government indeed has done, “artificially [inflating] the public service” (Commission 2014d: 8). Indeed, there is such a shortage of office space and tasks, that “home employment” has been created: contracts where people are paid to stay at home and do nothing where “those that benefit from the ‘mass employment’ opportunities are exclusively party loyalists and close ones of party officials, making the administration a reflection of a loyal electorate of the governing coalition” (Analytika 2011:4, and Interview 52, RDK representative). None of these practices has a place in a modern democracy aspiring for EU membership.

### *Judicial independence*

Macedonia has indeed done its homework on strengthening the legal independence of the judiciary. The constitution states that courts are autonomous and independent in their work, their independence having been substantially strengthened in 2005 (Nechev 2014, Venice Commission 2005: 10). However, as good as the law can be in formally securing independence from ties to government and political bodies, it does not guarantee, in reality, independence from political pressure. A rather unique report on judicial independence by the OSCE, conducted in 2009 and based on questionnaires, shows quite a disturbing picture. As many as 33% answered “I agree” on the question: *Judges in the court where I work are facing external influences and pressure on the independence in their adjudication*, and as many as 11% answered “I totally agree”. 25% and 11% respectively answered “I disagree” and “I completely disagree”. This means that as many as 44% of the Macedonian judges know of colleagues who have, or have themselves, been under some sort of external pressure while doing their job (OSCE 2009: 25). The same report concludes that 19% of judges face pressure from political parties and 24% by executive powers (government and/or specific ministries) (Ibid: 26).

These figures are remarkably high, considering that it is hard to imagine such a large number of cases where politicians, and indeed government and ministries, would not only have a direct interest, but also a strong enough interest to try to influence the judges. Even more remarkable are the findings

that “the vast majority (60%) of the respondents does not believe that mechanisms [against attempts to influence their work] are in place in the current framework” (OSCE 2009: 27), and as many as 73% of the judges have never even tried to rely on such mechanisms.

From this report we can conclude that not only are judges the subjects of external pressure, but they also seem to feel rather vulnerable and alone when facing such attempts at influence.

Unfortunately, judicial independence in Macedonia has not been the subject of many reports, either from think tanks or researchers. It is therefore difficult to draw solid conclusions about developments and the respect for judicial independence by the political and economic elite of Macedonia. However, the EU concludes in its 2014 Progress Report that “Questions continue to be raised both inside and outside the country about possible political influence over certain court proceedings” (Commission 2014d: 11), indicating that the problem is still present, and not necessarily approached with vigour.

## Conclusions

Putting the elections of 2008 and 2009 in their political context, it becomes evident that the impact of EU pressure was only at best a partial reason for the absence of violence in 2009. EU involvement before both elections was almost equally intensive, with the addition of elevating free and fair elections as a benchmark for giving a date to open membership negotiations. However, the local political dynamic meant that there was very much at stake for the early elections in 2008 and very much less for local and presidential elections in 2009. So, the absence of violence was not primarily a compliance with EU conditionality or giving in to EU pressure, but serendipitous compliance, as other domestic factors produced a result that seemed to correspond to EU conditionality at a first glance. The identification of this serendipitous compliance is in itself a testimony to the criticism of the Europeanisation literature in chapter one: that if you look for cases where the EU conditionality has had an effect, you will find it. Only a deeper penetration of a case, with focus on actors and behavioural compliance in detail, will be able to detect the underlying dynamics, and sketch the layers of compliance and non-compliance.

A detailed investigation of compliance and non-compliance also shows the importance of identifying the actors and their actions. This study shows that the government, to a certain extent, has protected the trouble makers, that the Prime Minister has neglected strong advice from the EU, preferring to act upon other incentives. In this sense the government manages to resist EU influence in areas over which they want to have control, but chose to

abide by international best practice in others where an air of compliance is given.

That domestic factors produce change in electoral conduct, both when it comes to violence and voter intimidation, confirms that discretion over implementation is enjoyed by domestic actors. As discussed above, much of the compliance with conditionality is measured in terms of formal rule adoption. Implementation is growing in importance, especially regarding political criteria, but there is ample room for interpretation on what is or is not considered to be respecting democratic rules. This discretion was tested in 2008 but received strong international and domestic criticism. It was again tested in 2009, and although it met with strong domestic and less vocal international criticism, it was in fact sanctioned as the Commission accepted voter intimidation and recommended the opening of membership negotiations with Macedonia. The governing coalition has managed to set the standards on this particular issue, creating some more room and the opportunity to abuse electoral standards if it wishes to. Here it becomes very clear how one election shapes what is possible in the next, just as discussed in chapter four, and thus becomes a good indicator on norm transfer and norm internalisation.

Violence, as a means in the electoral battle, was accepted until it was used too heavily, with the effect that it even became an issue of pride to produce a completely calm election day. However, what we do see in parallel is a slowly increasing level of voter intimidation and less and less separation of state and party in the electoral process. More sophisticated, less violent intimidation has taken the place of guns. And backed by anchoring arguments, conclusions drawn from electoral conduct thus show that while the formal legal framework improves, the internalisation of norms supporting a democratic political culture is not taking root among the governing Macedonian political elite.

These conclusions show that while compliance may be satisfactory in the short term, it needs to be anchored within institutions and society through safeguarding the new behaviour and through sanctioning deviation by institutions and organisations. Perhaps the strongest such mechanism is norm internalisation, where behaviour in accordance with international norms on democracy and elections creates a self-regulation of behaviour, and formal control mechanisms become less important and maybe even redundant.

However, we can observe only at best a differential internalisation of international norms on elections. Differential because the different parties demonstrate widely varied approaches to what is considered acceptable and legitimate during elections. Some actors claim to consider elections in accordance with OSCE standards to be the only option, while others do not show any remorse over past irregularities and violence.

With only weak normative foundations for internationally acceptable electoral behaviour, there is a clear risk of less obvious electoral misconduct. The electoral code may be constantly improved, and behaviour on election

day may be spotless, but if the normative underpinning is lacking or weak, there is always the risk of distorting the electoral battle. Given the indirect power of the EU in applicant states, and the limited number of influential partners available, we can draw the conclusion that the EU is a rather weak normative power. It is to a large extent dependent on domestic actors to achieve its foreign policy goals of stabilisation and democratisation in the Western Balkans.

## 7. Crafting EU enlargement conditionality: Responding to needs, preferences and institutional frames

Why does the EU seemingly have weaker transformative power in the Western Balkans than in Central and Eastern Europe? As we have been able to see from the examples of Albanian and Macedonian elections, the instruments used by the EU when it comes to influencing electoral behaviour are somewhat weak, where the EU manages to provoke layering but not full replacement of rules and norms. That brings the spotlight back on the EU: how do the member states and the EU institutions work with conditionality? How do they design the instruments of conditionality to address the problems they meet? How do they reason about priorities between broader foreign policy goals and technical standards? In short, *how is the enlargement policy handled on an everyday basis, and how are the instruments of conditionality designed and adjusted in order to learn lessons and meet new challenges?*

This chapter shows that the EU is caught in a path-dependent like pattern defined by its foreign policy role and the commitments towards the region which strongly affects its choice of actions towards the Western Balkans, and in this sense diminishes the possibilities to act. It also shows that when it comes to dealing with non-compliance with or disregard of key aspects of democracy and the rule of law, the EU has little or no preparation or strategy. In short, the nature of the political context surrounding EU enlargement policy renders it a somewhat weak actor.

There is a vast amount of research on how EU membership conditions and standards in the applicant states have been received since the launch of the post-communist wave(s) of EU enlargement. But there is little research on the “supply side of enlargement”, meaning how the EU member states handle enlargement, the shifts in preferences of member states over time, and how they respond to the more challenging environment in the Western Balkans in comparison to Central and Eastern European states. The research that has been published on the matter is most often focused on the question *why* the EU enlarges (O’Brennan 2006, Schimmelfennig 2001, Moravcsik and Vachudova 2003) or on the *effect* of conditionality in the applicant states (Schimmelfennig and Sedelmeier 2005, Vachudova 2005, Dimitrova 2004,

Elbasani 2013a), while the question of *how* the enlargement policy is being crafted, implemented and treated is left unanswered.

Lacking such research, there is an underlying assumption that the EU responds to events in the Western Balkans with a sort of plan, “a *strategy* of reinforcement by reward” (Schimmelfennig and Sedelmeier 2005: 11, emphasis added) as expressed by the authors of the widely cited external incentives model.

Also the broader Europeanisation literature assumes that instruments and mechanisms are used instrumentally by the EU (Grabbe 2006: 76). One rare exemption is the study by Hughes et al drawing the conclusion that “the Commission applied informal pressures to shape the regionalization in the CEEs in an ad hoc and erratic manner” (Hughes et al 2004: 174).

This assumption of an instrumental and rational use of conditionality is particularly true when it comes to the Western Balkans, as enlargement policy is specifically portrayed as a foreign policy tool for the transformation of the region, creating expectations of a strategy (Elbasani 2013b, Papadimitriou 2001). Even criticism of EU tools such as on state building, or even the inconsistent use of conditionality reveal such an assumption (Börzel 2013: 183, Huges and Sasse 2003: 21, Bieber 2011). The expectations that conditionality is used in a more or less coherent way to advance and set back, with rewards or threats of withholding them is, however, an assumption that lacks firm empirical backing.

The purpose of this chapter is to lay bare how, some 20 years after the development of this post-communist enlargement wave started, the EU actually works with its conditionality. The aim is to be able to see how the *modus operandi*, maintained by the EU, has had possible effects on the transformative power and active leverage over applicant states. The issue at hand here is to explain how to accommodate low level political “muddling through” (Richardson 2006: 26, Lindblom 1959) with high level political bargaining. The high political game at minister level produces not only the agenda, but also important initiatives and statements to respect and to relate to. In between such important statements, declarations and communications, there may be periods of considerable time without any further guidance and where lower level diplomats in Council working groups deal with upcoming issues, based on member state preferences and the expert assessments of relevant EU institutions. This process of administration and decision making is central to this chapter: to understand how the EU functions in between bigger, broader decisions, and the effects they may or may not have on the ability to act.

The supply side of enlargement has mainly been taken for granted according to the lines of the external incentives model, as outlined by Schimmelfennig and Sedelmeier (2005) and discussed in chapter one. Also the researchers leaning towards the Europeanisation literature tend to take EU policy-making processes and EU behaviour for granted. Rather, they are

focused on “what happened after the conditions had been set” (Grabbe 2006: 6) and have been centred on the effects of conditionality on applicant states, just as with that of the Europeanisation literature on EU member states. Where studies at EU level have been undertaken, they mainly focus on the Commission: how it has applied conditionality (Hughes et al 2004), and how policy-makers within the Commission become socialised, even taking the applicant states’ cause as a “special responsibility” (Sedelmeier 2005). The member states have been completely neglected in this process, although they are making all the decisions, including the regulative instruments, both positive and negative.

Here I will show that the EU is far from simply doing a technical evaluation of events in applicant countries regarding EU membership conditions, and applying instruments and conditions rationally in order to steer the countries towards desired results. It is in fact, the opposite: a very political process, both for the Commission and member states, which is defined by political considerations, the broader foreign policy goals and the vision of the EU itself which it would like to portray to the rest of the world.

Hence, here, I challenge the predominant assumption within enlargement studies that EU policy is based on plans, ideas, preferences and calculations for the future. Although it is recognised that EU policy making is especially “messy” with a particularly complex institutional set-up and a large number of stakeholders involved (Richardson 2006), there is still an underlying assumption that policy is crafted with some sort of (bounded) rational plan for the future: “EU conditions have been partially designed to address transformation problems and weaknesses of the candidates” (Dimitrova 2004: 9). The EU uses the term “pre-accession strategy”, which is repeated by researchers, contributing to this assumption (Grabbe and Hughes 1998, ch 3). In fact, setting conditions is in itself a highly deliberate action to determine the course of action in applicant states (Pridham 2005: 9) and it comes as no surprise that an assumption of a rational plan follows in its footsteps.

### *Hypothesis and arguments*

The guiding hypothesis for this chapter is that the EU is not as free to act upon developments in the Western Balkans as the established literature assumes. The EU is limited in its choice of steering instruments and actions, and cannot be as swift, or indeed as strong as the rationalistic model based on bargaining has portrayed it. Instead, I argue that the EU is caught in a loose path dependent pattern, defined in particular by its foreign policy role as a benign normative power, and with roots in its institutional set up and decision making process.

The hypothesis that the EU is not fully free to use any available means at their disposal obviously means that its transformative power is limited for a number of reasons. Institutional, organisational and normative reasons may

be behind it. This hypothesis, when confirmed, gives important insights and pieces of the jigsaw puzzle when building a theoretical model for the transformative power of the EU.

I argue that this limited possibility to use available means is a product of a path dependent process, where the member states are not free to act upon their preferences but rather have to respect the commitments made towards the region, and also the foreign policy role as a normative actor doing good which the EU has created for itself, as discussed in chapters one and three. These features keep the EU on a path where perhaps the endpoint will not be reached, but the momentum of the process is maintained. It has to give positive signs and keep momentum, which means that commitment is upheld and the foreign policy role confirmed. It also means that the EU does indeed have difficulties to act strongly at times when it might perhaps be needed. The threat to withdraw funding or even the whole enlargement perspective is simply not on the agenda. The point here is that this has an important impact on the transformative power of the EU. It means that the EU actively refrains from using its most efficient tools, but instead uses softer steering instruments when trying to shape the reforms and course of action in the Western Balkans. I argue that this path dependency is key to our understanding of the transformative power of the EU today, and why it is seemingly weaker today than that which would be expected.

## The enlargement policy in context: actors and issues

The enlargement policy is a peculiar mixture, as it contains both elements of internal EU policy and foreign policy. The inclusion of a new member state has effects on agricultural quotas, seats in the European Parliament, etc, therefore is profoundly about the functioning of the union. It is also a foreign policy affair, in particular as it is an expression of the EU's role in the world and its wish to spread its values in the neighbourhood using the enlargement dynamics as a foreign policy tool. Applicant states are covered by the Foreign Affairs Council until they open membership negotiations, when they are moved to the General Affairs Council. However, this is not a fixed rule; it is even a matter of debate when setting the agenda (Interview 6, Hungarian Embassy, Skopje). Thus, there is an inherent tension in enlargement policy between foreign policy goals and internal matters to which the member states and EU institutions have to relate, and which does have an effect on the policy and its instruments.

This close relation to foreign policy means that this logic is relevant in order for us to understand external aspects of enlargement policy. This is particularly so since the "CFSP tend to use enlargement tools for political goals" (Interview 55, Commission). EU foreign policy is acknowledged to be weak on ideas and common broad policy preferences. In fact, "the EU is

not always able to translate its presence into “actorness”, or the ability to function actively and deliberately in relation to other actors in the international system” (Smith 2003: 105). This may be equally true for the enlargement policy and needs to be investigated.

### *Actors*

Although the CFSP is most often being centred around high politics, it is very often also a matter of low politics, as the aggregated foreign policy is expressed through a myriad of small decisions made in many of the established council working groups (Smith 2004: 751, Richardson 2006: 8). The Council working group on enlargement (COELA), which covers the countries currently negotiating for membership, manages the enlargement policy. It is here that membership negotiations are being monitored and decided upon. But also the working group on the Western Balkans (COWEB) is important, as that includes the non-negotiating countries covered by the present enlargement policy. The COWEB handles all the pre-negotiations relations between the applicant states and the EU, plus all the other aspects, including direct foreign policy and security policy. This working group has thus to handle this delicate balance between foreign policy and enlargement. These two groups serve the General Affairs Council and the Foreign Affairs Council respectively and meet at least once a week. It is in these working groups the bulk of the work leading up to decisions is done. Very often they discuss and manage to reach agreements at this level, but some more sensitive issues, such as Kosovo, for example, most often to go to the ambassadors’ level (COREPER) or indeed to the ministers themselves.

Although foreign policy, including enlargement matters, is profoundly intergovernmental, where the very vast majority of the decisions are taken by unanimity (Piris 2010: 261) the environment is less of intergovernmental bargaining and more of consensus seeking that may be the first impression (Smith 2004). There is a certain level of elite socialisation which means that national preferences are held back at times to the advantage of common EU goals (Sedelmeier 2005). Also domestic foreign policy structures have been adapted to be more streamlined in relation to those of the EU (Smith 2004: 747). But at the same time the Commission, which has a very important role as it is handling pre-accession support, supplies the member states with detailed information, producing annual assessments of all applicant countries in the shape of Progress Reports within the Enlargement Package. The importance of the Commission is reflected in research, as the studies done on the EU tend to focus specifically and entirely on the Commission (Hughes et al 2004, Sedelmeier 2005). It is the Commission that brings proposals to the member states, and what a desk officer writes may go unchanged to Ministers level (Interview 36, EU Delegation, Skopje).

The Commission has had a steep learning curve on how to write and define conditions, benchmarks and evaluations. Although they do not study the decision making per se, Hughes et al point to an ambiguous process where Commission preferences have changed over time, and where tensions exist both within the Commission and between the Commission and applicant states over the form and institutional environment of different parts of enlargement policy (Hughes et al 2004).

Despite the overwhelmingly central role of the Commission for post-communist enlargements, member states have played an important, but largely neglected role, also in the daily handling and implementation of enlargement policy. The decisions are taken unanimously, and they have the power to stop or change Commission initiatives. They have made strategic decisions to open negotiations with countries, including that of putting an increasing emphasis on democracy as a condition for membership (Pridham 2005: ch 2).

### *Issues*

A central discussion has been whether the enlargement policy follows a supranational or intergovernmental logic. For a long time, the integration of the EU, including its widening through enlargement, was explained either through rational choice based neo-functionalist or liberal intergovernmentalist models. These perspectives were, given with time, complemented with a constructivist model, stressing the endogenous shaping of preferences where member states may alter their preferences through the interaction with other member states. But while these two perspectives have offered important insights both into EU high level decision making and the decision to enlarge, important subsequent decisions made throughout the process, or the usage of conditionality have not been covered.

Students of enlargement are aware of the fact that the rhetoric surrounding enlargement has changed substantially over time, where the idea of “uniting” Europe has given space to arguments based on security, as discussed in chapter one and two. The former Commissioner for Enlargement, Olli Rehn, was for example very clear on this when stating that “While the 2004 enlargement sealed the peaceful *reunification* between Western and Eastern Europe, now we focus our energy on the peaceful *unification* in Southeast Europe” (Rehn 2006a, emphasis added). On a later occasion he stated that “Enlargement has proven to be one of the most important instruments for European security. It reflects the essence of the EU as a civilian power; by extending the area of peace and stability, democracy and the rule of law, the EU has achieved far more through its gravitational pull than it could ever have done with a stick or a sword” (Rehn 2006b).

It is no secret that there is a rather widespread “enlargement fatigue”, representing a shift in member states' preferences on enlargement (Phinnemore

2013: 31, Giandomenico 2013b), although Olli Rehn's successor claimed this to be "a myth, like the yeti – it is often discussed, but never seen" (Füle 2011). However, it has been established not only by analysts (Rupnik 2011, Szolucha 2010), but also diplomats and EU politicians. Already in 2007 a diplomat put it as: "there is now much less support for enlargement, but some still think that enlargement is strategically necessary. It is also an enormous change in public opinion, which is more distanced than before. In effect what was EU's priority number one has become more controversial and less of a priority" (Interview 13, Commission). And since then it has only worsened (Interview 11, Member of COWEB).

Despite ambiguous understanding of EU enlargement and the decision making surrounding it, there has been no systematic discussion on how the EU approach to enlargement has changed over time, nor the possible consequences of these changes. In fact, studies of EU enlargement and conditionality continue to take the assumed power asymmetry for granted (Noutcheva 2012), and with that continue to take a functional view on conditionality: technical evaluation and a rational process of learning and adjustment are the basis for applying EU conditionality (Schimmelfennig and Sedelmeier 2005). This approach reflects the view of power as a given, not needing to be explained. However, as this chapter shows, there is nothing given with the transformative power of the EU. The translation of potential power into real leverage and choice of instruments is indeed a matter of decisions which are defined by constraints, preferences and opportunities to shape the actual transformative power of the EU.

## EU decision making

EU decision making could be divided into three levels: history making decisions at the super-systemic level, policy-setting decisions at the systemic level, and policy-shaping decisions at the sub-systemic or meso level (Petersen 1995). Normally, the two first levels are the ones that attract the attention of scholars, while the third is much less scrutinised. This is particularly true regarding enlargement policy, where the first two, and in particular the highest level, have attracted some interest, while the third has not.

### *High level policy making: rationalist or...*

As discussed above, the highest levels of policy making have been researched, but with a focus on how to explain the decision to enlarge to the Central and Eastern Europe. The concluding remarks in that debate convincingly combined rationalist and constructivist accounts in a mix where rational actors behave strategically in a community environment (Schimmelfennig 2003). The decision to start membership negotiations with Central and east-

ern countries, according to this model, was based on the preference to associate the CEES with the EU for geo-political and economic reasons, in combination with a rhetorical action based on identity and previous commitments towards the region.

Aggregated national interest would, according to Schimmelfennig's reasoning, explain the association with the EU, as there were member states hesitating about further integration beyond association (Schimmelfennig 2001). Why did these countries not veto a decision to enlarge?

The answer lies in the rhetorical action of pro-enlargement countries, in conjunction with the applicant states themselves. They acted as norm entrepreneurs to a certain extent, twisting the previous statements, made during the Cold War into obligations to live up to: the idea of a "return to Europe" and a collective European identity (Schimmelfennig 2001: 70, 71). Hesitant member states didn't necessarily change their preferences, but were strategically pushed into a corner where their arguments against an enlargement of the EU made them argue also against core aspects of common EU identity. This shows that what the EU *says* is an inherently important aspect of how its priorities are played off against each other, and how policy is shaped.

This model of rhetorical action is firmly rationalist, as it assumes exogenous preferences and strategic action, but takes structure, norms and identity into consideration, as it considers rational state behaviour as being constrained by norms on proper conduct and other aspects of appropriateness for an EU member state (Schimmelfennig 2001). EU member states cannot act upon their preferences only. And more importantly: Schimmelfennig's account of rhetorical action as a mechanism to reach a desired policy outcome shows that there are two important pillars of the EU enlargement policy which have to be respected in order to be perceived as legitimate: commitments and the broader foreign policy role as a benign actor, as will be further discussed below. These two pillars do play a role in enlargement policy, and different actors within the EU continue to use speech and rhetoric as important tools in having an impact on enlargement policy.

*... a garbage can?*

However, there is another way to interpret high and mid-level decision making: as everything but a rational process. More than one interlocutor spontaneously called the policy process and its implementation ad hoc. Although the Western Balkans is a much calmer region than it has been recently, member states and EU institutions are at times forced to react more than act, and do that very rapidly. In this sense, certain streams of problems, available solutions, eligible choices and indeed even the amount of energy of the participants coincide, creating policy windows rather than building up well thought-through proposals and solutions.

In this sense policy making resembles the garbage can model as elaborated by Cohen et al (1972) and adapted to (American) policy making by King-

don (2013). Kingdon identifies three slightly different, but corresponding streams, which coincide and generate decisions: problem recognition, formation and refining of policy proposals, and politics (Kingdon 2013: 87).

At times these streams come together and produce new policies. The decision to offer an EU membership perspective to the Western Balkans is a case in point. The EU had been very reluctant to treat the Western Balkans in enlargement terms, but the Kosovo crisis changed that profoundly. During a Council meeting in May 1999, the German presidency suggested that Western Balkan countries could indeed become members even without specific membership criteria as a way to manage the ethnic and armed crises in the region. The idea was reluctantly accepted by the other member states, but with the important addition of specific, more defined, membership criteria for the Western Balkans and no fast track as was initially proposed. This decision was taken during a narrow policy window where neither politics nor preferences worked against the proposed solution to an identified problem, although the member states had earlier been reluctant to treat the Western Balkans within the framework of enlargement. Given the renewed conflict on ethnic grounds, EU member states were more than willing to take on any suggested solution to the ethnic tensions in the region, and jumped at the German proposal without much further thought for the future (Gori 2007: 44, Friis and Murphy 2000).

This decision, somewhat made in haste, defined a strategic moment for the EU and steered the EU down a path to which it now needs to remain committed. In fact, as discussed in chapter one and two, success in the Western Balkans is closely connected to the image of the EU as a strong, successful international actor and an attractive international partner. Decisions like these define the future for low politics and the daily handling of a policy or region, and if they are not well thought through, then the crafting of the details fall to the lower levels. Also decisions made in haste contribute to the collection of commitments to be respected, likewise if and when key actors have second thoughts. It is now to these lower levels we turn.

### *“Low politics”, a matter of muddling through*

To analyse the low politics of enlargement, we need to be open to the possibility that, just as with higher policy making, the policy process may not be a rational haven with clear means-end analyses and a well-informed learning curve.

The enlargement policy and the policy towards the applicant states, under the umbrella of the Stabilisation and Association process, are dealt with by the two Council working groups COWEB and COELA. The only Western Balkan country under the COELA has in reality been Croatia, which opened membership negotiations in 2005 and closed them in 2011, which means that the COWEB is the working group directly dealing with all the other coun-

tries. It is here that all the decisions to grant candidate status, to stop negotiations on the Stabilisation and Association Agreement, etc have been taken. In parallel, much of the actual design of programmes and incentives is done within the Commission, either on initiatives coming from the Council, or from the Commission itself.

The enlargement policy has slowly evolved over time (O'Brennan 2006, Gori 2007, Sedelmeier 2010, Vachudova 2005). The fall of the Berlin Wall forced the EU to take a more coherent grip on enlargement, and the set of criteria and standards have been refined and developed ever since. This has not evolved through grand design but rather through incremental steps where member states and the Commission have responded to political developments both in their own countries and in the applicant states.

An incremental style of decision making challenges the idea of policy being based on clear goals, preferences and means-end analysis. It is characterised firstly by the fact that values and goals are not well defined a priori, but are defined rather through the choices made during the decision making process (Lindblom 1959: 82).

Secondly, since means and ends are not well defined, the means-end analysis is often limited. Here Lindblom (1959: 83) assumes that the administrators are almost completely without goals. That is however not the case for EU enlargement policy. What is true, however, is that the preferences upon which to act are not clear, as they are to a certain extent changing from case to case and over time, as will be clear below. In this sense, the goals and values are not fixed, which in turn contributes to a more myopic type of analysis and decision making.

Thirdly, "good" policy is what the actors can agree upon rather than what will actually lead to the goals defined. This is particularly true when it comes to the EU, where member state preferences are defined to a varying degree, and where the accumulated preferences of the EU are set through decision making rather than through a coherently debated policy, as will be discussed below.

Fourthly, the actual analysis is naturally limited according to our intellectual capacities. Analysts limit their analysis to comparisons with policies which are relatively close to the ones already in hand (Lindblom 1959: 84). That means that a certain level of accumulation or even path dependence is present.

This type of policy making means that the policy makers and those in charge of its implementation respond reactively to events, rather than proactively. Although perhaps every single problem of significance is analysed thoroughly and dealt with seriously, it will always be somewhat myopic only looking at problems and solutions close by. The policy makers need to relate to something, and in the absence of a detailed clear forward plan, they will relate to something else: structures and what is considered appropriate, or

indeed what has been done in the past. And we now turn to these frames and structures to which the actors relate.

## Structures, actors and constraints

Whilst realising that decisions, design, and learning could be based on either a purely rationalist logic, or that of a more bounded one, we also need to have a broader framework for putting it all in context. I apply a historical institutionalist model to explain how different aspects of EU enlargement policy can be both “sticky” and fluid at the same time. It is by no means controversial to apply an institutional approach to public administration, policy research, or Europeanisation, and the historical institutionalist branch is as common as its sister branches of rational or sociological institutionalism (Knill 2001, Bulmer 2007). It is however quite novel to apply this to EU enlargement policy making. This approach is particularly useful as it allows us to put decisions and dynamics in a temporal context, and how contexts, preferences and power relations change over time. Historical institutionalism also helps to bridge the divide between rationalist and constructivist approaches, as it can accommodate aspects of both through its focus on mechanisms and the interplay between actors and institutions.

I argue that historical institutionalism not only helps us to understand policy formulation but also how broad, history making decisions at the very highest level affect the possibilities for member states to act on their national preferences at the lower, technical levels of policy shaping. I take this a step further and argue that output at this lower level also affects the possibilities for implementing the policy: shaping the Western Balkans.

To start with, it is important to show that public policies also function as institutions: “the influence of policies on social actors-on who they are, on what they want, on how and with whom they organize-is such that it changes the way these actors engage in politics” (Pierson 2006: 116). And that is exactly what I show in this chapter: that enlargement policy does have an effect on member state aggregated preferences, how they act, and engage in enlargement politics.

As discussed in chapter three, institutions function as “independent or intervening variables” between the actors and the policy (Pollack 1996: 431). Thelen and Steinmo expressed it as institutions “*can shape and constrain political strategies* in important ways, but they are *themselves also the outcome* (conscious or unintended) of deliberate political strategies, of political conflict, and of choice” (1992: 10, emphasis added). This means that the relationship between actors and institutions is not static but changes over time as adaptations to events and possible path dependent patterns distort the initial relationship.

## The frames and the path

The broad institutional setting of the EU, and in particular that of enlargement and foreign policy, shows most of the features Pierson claims make path dependence conducive in politics (2004), as discussed in chapter three. The EU has to respond rapidly to international crises and political developments that are practically impossible to foresee. This is true also for the enlargement policy, although the intensity of the crises is weaker and increasingly less frequent. But in general the work load is simply so high and the number of interests to accommodate so many, that there is a significant amount of ad hoc decision making. More often than not, the time to reflect and plan ahead is not available, and quite often it is about an on the spot solution, not one for the longer term. It is all about what “flies for the moment” as one EU diplomat put it, adding that the EU “has always been driven by events”, and while that is “an unfortunate Modus Operandi”, things tend to speed up whenever there’s a crisis on the ground (Interview 97, European Council Secretariat). Others have confessed that events move “so damn fast” (Interview 8, Swedish Embassy, Skopje) and because of that there is “enlargement without thinking ahead”, and “frankly beyond the road map, there is no real policy towards the countries, no political perspective beyond the SA process” and that “enlargement goes on without thinking ahead” (Interview 29, member of COWEB). This means that policy makers have a rather *short time horizon*, as they simply do not have the time to plan too far ahead. And even if they do have a longer time horizon, politics is full of happenings, meaning that plans and decisions have to be modified. A short time horizon contributes to the path dependent character of politics (Pierson 2004), and with it comes an incremental type of decision making.

Another aspect of the EU enlargement policy process which contributes to a short time horizon is the increasing absence of broader visions. The bigger foreign policy related issues of enlargement are dealt with in the capitals, (Interview 6, Hungarian Embassy, Skopje) and are never really discussed, other than privately over a coffee, by those people in the COWEB who deal with everyday enlargement issues. Broader enlargement issues such as the need to keep a regional coherence among countries, or EU credibility, may be discussed in the Ministries of Foreign Affairs, but rarely at EU level, and then perhaps only at informal ministers’ meetings (Interview 57, member of COWEB). One of the last times ministers sat down to discuss it thoroughly was during the Austrian presidency in 2006 (Council conclusions 2006), and after that in Thessaloniki in 2014.

Since then, member states have responded, on an annual basis, to the Commission Enlargement Package, including the enlargement strategy, but not on their own initiative (See for example Council conclusions 2013). The Greeks planned to refresh the Thessaloniki Agenda during their presidency in 2014 (Interview 20, member of COWEB), but that was downgraded to a

Ministerial Conference, reconfirming commitment to the Western Balkans and discussing transport and energy connectivity (Greek Ministry of Foreign Affairs 2014). The incoming head of Commission Jean-Claude Juncker said before his accession that there would be no further enlargement for the following five years (Juncker 2014), against which member states rapidly reacted (Bildt 2014, The Economist 2014c), showing that there was indeed little planning and coordination between member states and the Commission on this issue and on the possible effects of such statements.

The EU is a rather complex organisation where several parts interact, and many of the policies have sub policies which are based on them thereby increasing *institutional density* where policies and institutions build on each other (Pierson 2004: 150). The more sub-institutions and policies there are attached to a policy, the more expensive will be the removal or substantial change of that policy. There is a significant institutional interlinkage when it comes to the enlargement policy, as a number of complementary arrangements have been added to it, creating an interdependent web of institutions. The Stabilisation and Association process, which is the formal framework for the Western Balkans, consists of several components, such as the Stabilisation and Association Agreements, the financial aid package IPA, European Partnerships, and several twinning projects over the region. This adds to the “stickiness” of the established enlargement policy. In fact, interlocutors tend to stress that “When the machinery gets going, then it is not that easy to stop the enlargement” (Interview 8 Swedish Embassy, Skopje, and 13, Commission). “There is a sort of pressure to move on, and it is very difficult for the EU to say ‘no’. And enlargement is portrayed as a success, which creates its own dynamics” (Interview 68, member of COWEB). One diplomat expressed it very clearly: “Let there be no misunderstanding: as long as there is a DG Enlargement, as long as there is a Commission dealing with enlargement, the Commission will always push for enlargement. [...] We created the DG Enlargement; there will be enlargement” (Interview 10, member of COELA).

The *collective action character* of politics is particularly felt within the EU with its 28 members who have to agree and feel that they gain something from the negotiations. As discussed above by Lindblom, it also contributes to an incremental policy making process, as it becomes difficult to design big policy changes or leaps. Start-up costs are high for any new instrument or indeed change of policy, as all 28 members have to agree.

When Pierson sets *complexity and opacity of politics* as a fourth feature, making politics conducive to path dependence, he wants to make the point that learning from mistakes is difficult. This is especially difficult when it comes to collective understanding, as “mental maps” are quite firm, as discussed also by Lindblom above. There may be a trial-and-error process, but in a complex organisation such as the EU, there is not space enough to try drastically new things. Instead, keeping it within its framework is a some-

what incremental process. The entire post-communist enlargement project actually fits in here, as the EU has slowly but constantly learned from its mistakes, always within its pre-defined framework.

The enlargement policy, being only a part of broader foreign policy, is thus conducive to path dependence. But that does not bring path dependence by default, as discussed in chapter three. While the mechanisms discussed above make it difficult and costly in general to change course, enlargement policy is being reinforced by two other case specific feedback mechanisms: the foreign policy role and commitments.

Given the apparent sense of ad hoc character of EU enlargement policy management, it may appear that decision making and problem solving is totally independent from case to case, but a closer inspection shows that although it may be *perceived* as an ad hoc process, it is so “within a firm structure” and “never arbitrary” (Interview 8, Swedish Embassy, Skopje). Indeed, as the path dependent character shows, there are certain aspects that are extremely difficult to change, even though certain member states or a new incoming head of Commission would like it to be.

#### *Case specific feedback mechanisms: The foreign policy role and commitments*

Since the beginning, the EU has adopted a decisively “civilian” or “soft” approach to foreign and security policy, stressing diplomatic and economic means to reach goals based on norms and values (Manners 2002, Lucarelli 2006). The academic debate has by and large agreed with this “image of the EU as a rather benign actor” (Pace 2007: 1042), where the member states tried “portraying western Europe as a model of peaceful diplomacy, operating through economic instruments” (Giegerich and Wallace 2010: 434). As discussed in the introduction, the EU actively portrays itself as a normative power in speeches, statements and policy papers. Although the EU has engaged in military might (Treacher 2004), and at times is far from normative (Wood 2009) this self-image continues to be crucial in defining its actions.

The diplomats involved acknowledge that this role is indeed an integrated part of their thinking. A slightly critical diplomat put it as “We should not do things because ‘we have to do it’ or to give ‘good news’” but instead be strict on conditions and true to meritocracy (Interview 68, member of COWEB).

In addition to respecting a foreign policy role, the EU has tied itself to enlarging the Western Balkans through a number of *commitments*. These commitments are self-reinforcing in the sense that they lead to raised costs when the commitment is not kept, but boost the benefits from continuing with it. Commitments are being reinforced if these costs or boosts are large enough, making actors wish to honour them (Morrow 1999:93).

The passive binding to a commitment is exemplified by Schimmelfennig through the concept of rhetorical action (Schimmelfennig 2001). While the rhetorical action in itself is perfectly active, it has the effect of tying other actors to a process. "Actors whose self-interested preferences are in line with the community norms have the opportunity to add cheap legitimacy to their position" (Schimmelfennig 2001: 63). And most importantly, actors who would like to deviate from the commitment can be shamed by other members of the community "by exposing the inconsistency between their declarations and their current behaviour" (Schimmelfennig 2001: 64).

The commitment towards the Western Balkans has been reconfirmed several times in speeches, statements and documents, but most importantly on three separate occasions, starting with the Zagreb summit of 2000, via the Thessaloniki Agenda in 2003 (Council Conclusions 2003), and the last formal declaration in 2006 as discussed in the introduction. This last repetition of the EU's commitment towards the Western Balkans was made against the backdrop of the big bang enlargement of 2004 and creeping enlargement fatigue. While it was, in effect, a downgrading of commitment, it was balanced by Macedonia being granted candidate status (Gori 2007: 92, Council Conclusions 2006).

These commitments are still valid, especially judging by references to the 2006 renewed consensus and the Thessaloniki Agenda by interlocutors as late as the spring 2014 (Interview 20, and 42, members of COWEB and 12, member of COELA). In fact, it has been suggested that "it would be disastrous for the EU if we retreated from this" (interview 8, Swedish Embassy, Skopje), confirming that commitment towards the Western Balkans is valid, and from which retreat is not possible, even though some member states perhaps wish it so. "There are those who would like to stop the train [of enlargement], maybe not to derail it, but they have already committed themselves through the treaties. We could theoretically stop the enlargement, but this is not an option, it would cost too much political leverage" (Interview 64, member of COWEB). In the end, keeping enlargement momentum is all about leverage, in other words key EU strategic interests in the region: "We need to keep the kettle brewing, otherwise the EU will not have leverage. [...] I mean that the EU has a shrinking impact in the world. If we are to play a role we cannot stop the enlargement. We cannot close ourselves, we have to open up" (Interview 8, Swedish Embassy, Skopje).

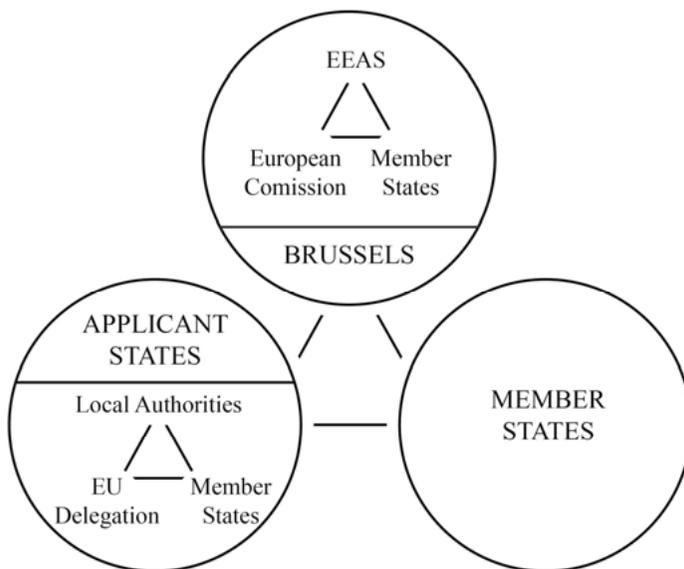
Roles and respect for previous commitments are therefore important mechanisms which continuously re-define and strengthen the way the EU acts towards the Western Balkans both when it comes to enlargement and to broader foreign policy.

## From Brussels to applicant states: conditions and politics

Having established that there is a sort of path dependence at play regarding enlargement policy, and identified the case specific mechanisms that uphold it, the next concern is to establish how the actors behave within this path dependency. That is: how do they respond to the institutional framework that, to some extent, they have erected for themselves?

There is a sort of triangle of actors here, with Brussels in one corner, where member states and the Commission (and to some extent the EEAS) interact in order to craft decisions and a common policy. As discussed above, this is an incremental process taken one step at the time. The member state capitals stand in a second corner, defining member state interests, communicating with local embassies as well as with their permanent representations in Brussels. In the third corner is the local scene in each country, where delegation and embassies cooperate and communicate with their respective headquarters, try to implement EU policies and issues of bilateral interest. This triangle is strongly interlinked when it comes to defining and executing conditionality. But it also represents three rather different realities. For our purpose, the most interesting and relevant actors are the member states and the different EU institutions, in particular the Commission and the rather newly established EEAS. The dynamics in the member states themselves are not specifically under study here.

Figure 3: The triangle of EU actors



## Brussels level: a delicately balanced power battle

The EU is predominantly a Brussels based organisation. It is there that all the political action takes place, in the working groups and in the Council meetings. It is in Brussels that the Commission writes its final reports and makes all the political evaluations of conditionality. The workload is heavy, and a certain amount of turf war goes on, where member states and institutions defend their interests and level of influence. The interviews show rather clearly that institutional, bureaucratic and political framework is clearly Brussels based, to which the actors react and move within. To some extent, Brussels is a "bit of a bubble, [which] generates its own reality" (Interview 68, member of COWEB).

There are obviously a couple of different groupings among the member states, where some are strongly pro-enlargement, and some are more hesitant. Some member states argue for very strict conditionality, while others are somewhat more forgiving. This is particularly true when it comes to potential candidate states and candidate states which are not negotiating. Although conditionality is very much about strict conditions, the political criteria are open to interpretation on such sensitive issues such as the rule of law, the fight against corruption and organised crime. This is regulated through the recently established chapter 23 on the rule of law and fundamental rights, where "the big divergences of opinions appear" (Interview 10, member of COELA).

The dividing line between the member states is between that of being strict on technical conditions and that of being more politically creative. To start with, "there is no quarrel about what should there be as a condition. Copenhagen criteria etc, those are clear. I think that the discussion comes a little bit later, I mean, how do you judge whether conditions have been fulfilled or not, and how ... strict you are and how much you insist on certain things" (Interview 42, member of COWEB). The big difference between the member states, and to some extent also the Commission, is the matter of interpreting and judging compliance against the conditions. "How do you interpret, do you interpret this as almost fulfilled, or completely fulfilled, 100%, 95%, 75%, how do you tell?" (Interview 49, member of COWEB). There is quite a margin for interpretation and to steer the policy discreetly in one direction or the other without creating too many ripples. More often than not, they arrive at a solution which represents "the highest common denominator" between the member states, where the more critical and hesitant ones are comfortable as well, and can accept the interpretation (Interview 10, member of COELA), but this is not always the case. A Commission representative confirmed that standards are in constant need of definition, and indeed are a compromise: "We often have meetings to discuss what are the European standards, for example on corruption. It is not the lowest common denominator. Member states want the highest common denominator, at least

the toughest ones, but they often need to adapt” (Interview 55, Commission). This judgement is an inherently political decision, which could be clad in technical terms:

What I am trying to say, is whether or not they call it a political question or a technical question, it is always, it is a question of what you want, what you want to be the outcome. If your political position is we want the process to go on very quickly, you will call it today a technical question; you will call it a political question tomorrow because it’s the argument that fits in the very situation. I don’t think it makes sense to say this is political and this is technical. I mean it is always your political position that determines how you treat things and how you in a very specific situation argue. (Interview 42, member of COWEB).

The interviewed diplomats, including those in the Commission, all come to the same conclusions: "We think everything is politics, but done through technical things. Not everything is arbitrary, but extremely political" (Interview 55, Commission). Such arguments between member states obviously play a role in the policy, as the willingness to oversee some flaws in conditionality may vary from case to case.

One typical such decision was when Macedonia was granted candidate status despite perhaps not being perfectly fit to receive it (Giandomenico 2009). It was very important for member states to give a positive sign, not only to Macedonia but, at the time of the Macedonian membership application, to the whole region as well. Despite demonstrating some serious problems regarding central political criteria, EU member states decided to give a sort of "political discount" to encourage Macedonia to take on the bitter and difficult reforms which were close to the core of their state identity (Interview 4, Swedish Ministry for Foreign Affairs). In fact, the then Commissioner for enlargement, Olli Rehn illustrated this political discount in a speech:

“The assessment on the economy and the Acquis give grounds for our conclusion that the country is not ready to start accession negotiations. However, the section on the political criteria reports the remarkable success of the country in implementing the Ohrid Framework Agreement. (...) Candidate status does not lead automatically to accession negotiations. (...) Moreover, this status does not have budgetary implications in the [country]” (Rehn 2005)

Here the EU respected their commitments towards Macedonia, and at the same time lived up to its foreign policy role as a benign actor. Although some member states would have preferred to be a little more cautious, they were satisfied with the introduction of the road map separating candidate status from negotiations (Commission 2005a, Giandomenico 2009). In this way the EU could clad a political decision in technical terms, whilst at the

same time unconsciously adding to path dependent behaviour by keeping to its commitment of being a benign foreign policy actor, and moving the integration process further on through political rather than technical means.

Another such difficult decision was to grant Albania candidate status, where again political considerations were balanced against technical realities. Albania was recommended candidate status by the Commission in October 2012, but was rejected twice by the Council before agreeing with the Commission in June 2014. The first recommendation was based on Albania meeting four out of 12 key priorities set out in 2010. This was not enough for the Council, which politely but firmly sent the recommendation back for further work to both the Commission and Albania (Council Conclusions 2012).

After the 2013 elections, which were calm, largely responsibly conducted, and which led to a change of power, the Commission again recommended that the Council grant Albania candidate status. This time the Dutch Parliament voted against the recommendation, impeding the Council's ability to act upon it (Euractive 2013), and the Council again declined, citing among other things, a poor track record and full compliance with key priorities (Council Conclusions 2013). One member state diplomat expressed as a "pity" that Albania had not already been granted candidate status in 2013, directly after the elections, as that would have given the EU the opportunity to acknowledge the efforts of the former government, now opposition, and to give a generally positive sign after the newly held elections (Interview 57, member of COWEB). Another diplomat held the diametrically opposite opinion that such a move, to grant candidate status prematurely, would only lead to an immediate request to open membership negotiations which would be sooner than they would be ready (Interview 77, member of COWEB). That is indeed a valid objection, as Albania applied for membership rather prematurely in 2009, despite being advised against it, and was clearly not ready to start negotiations (Balkaninsight 2009).

But just as with the Macedonian case, Albania's candidate status was partly connected to the broader political context, in particular the commitments towards the region, as repeated by the former Commissioner Füle: "To conclude, the granting of candidate status to Albania is a clear testimony that the enlargement process is credible and dynamic, and that the EU sticks to its promises and commitments once the partners deliver on their reform homework" (Commission 2014g). As such, these two cases illustrate the difficult balancing acts of keeping to standards and conditions, whilst at the same time remaining true to commitments, broader foreign policy interests and identities, as well as finding common ground upon which to agree.

Such a discrepancy makes for an interesting power battle which may have effects on leverage and transformative power: who will be in the driving seat when it comes to policy formulation? At times the positions shine through overwhelmingly clearly, for example, that "there is an element of jealousy

too. I mean that the Commission does all the negotiations. This is an element that upsets some of the member states” (Interview 36, EU Delegation, Skopje). The argument from the Commission is then that “the real leverage comes with the start of the negotiations”, where the EU gains more “direct involvement in their decisions and scrutiny of the legislation and whatever they are doing” (Interview 36, EU delegation, Skopje). An answer to that argument could be that since the DG Enlargement has an organisational interest in moving the process forward and opening negotiations, “so they may become a little irritated when the Council does not agree with that” and does not want to enter into negotiations prematurely (Interview 61, EEAS).

Another diplomat added to this power battle by stating that when it comes to the EEAS “we see a strong tendency to ... ‘land grab’, to get all these enlargement issues and questions (...) that is a fact that the EEAS wants to drag the enlargement issues from the General Affairs Council to the Foreign Affairs Council”, and that in the end it is a matter of “how much of an influence do they want to have on the enlargement issue, and the other question is how much do the member states allow them to get?” (Interview 42, member of COWEB). Yet another Brussels based diplomat confirmed that the EEAS, in other words, Lady Ashton, actively tried to gain influence over the more interesting, political cases, such as Bosnia and Serbia, while leaving less central countries such as Albania to Commissioner Füle and the Commission “The question is how much space there is for Füle in this” (Interview 61, EEAS). “Ashton uses enlargement as a cookie jar, to give away goodies. This creates conflict with Füle, since both want to show success” However, “it can actually be good as well, since they have different views of an issue, and they are politicians in the end” (Interview 68, member of COWEB).

Consequently, there is a sort of battle between the different actors, and because they are forced to produce policy proposals and action, they do have to find common ground. Even though a power battle of such low intensity may be cordial and result in quite an efficient working environment, it does not contribute to long term planning nor to common positions on how to divide the priorities and to tackle the actual issues at hand: how to gain leverage over the reform process in the applicant countries and to spread the values upon which the EU is based. This is particularly true as they give priority to accommodating each other’s positions rather than to long term solutions.

## Steering instruments: the means of the transformative power

The EU has a number of instruments which are available to steer the reform process in applicant states. These could be divided into three categories:

carrots, sticks, and sermons, to use the language of Bemelmans-Videc et al (1998). They are used in different ways and with varying intensity.

Whether the choice of instrument is based on a full rational calculation, or done in haste based on previous actions, gut feeling or perhaps even external pressure, it is perhaps the most central choice when it comes to steering a policy in one direction or the other (Bemelsman-Videc 1998: 4, 5). Intervening in the affairs of another state is a matter of political power, wielding the power “in attempting to ensure support and effect social change” (Vedung 1998: 50). This is the core of EU transformative power: its available instruments and the way in which it chooses to use them.

*Carrots* are subsidies which aim to influence the behaviour of the recipients “to undertake activities which will achieve the goals of the subsidy provider” (Leeuw 1998: 79). The main carrot for EU applicant states is obviously the membership itself. It is the wish to join the EU which drives them to comply with membership conditions in the first place, creating a passive leverage over the applicant states (Vachudova 2005). But since it is becoming obvious that, due to the deep changes needed and the time required to achieve them, this carrot is neither strong enough nor clear enough, the EU has added some intermediate carrots in order to give some more immediate rewards thereby maintaining momentum (Trauner 2009).

A typical such carrot is the visa liberalisation scheme, which addresses an issue greatly in demand by the citizens of the region. Through focusing on one issue at a time, for example visa-free travel, the EU manages to push specific key reform at specific moments. Such carrots are thus symbolically important but cost little for the EU to give away, despite the difficult process to come to an agreement to do so, as discussed above. There are also extra incentives such as the High Level Political Dialogue with Macedonia, which is a sort of “mock negotiations” (Interview 68, member of COWEB), to keep up the momentum in the reform process. The High Level Dialogue on key priorities between Albania and the EU is a similar initiative to keep up momentum at a critical moment in time (Commission 2013b).

*Sticks* are regulatory instruments “used to define norms, acceptable behaviour, or to limit activities in a given society” (Lemaire 1998: 59). As such, they are, potentially, vastly important for the normative power of the EU: to establish which norms are accepted and legitimate and which are not. In the context of EU enlargement, sticks normally come in the shape of withholding or withdrawing money, rather than exercising active sanctions towards a specific country. However, it is very clear that sticks are not the EU’s preferred option. “This is not something we, the EU, do like once a month, using the IPA means to steer the political developments” (Interview 57, member of COWEB). The Commission agrees: “Withholding money... well, it could be done, but we are not convinced it will have a big effect. [...] That being said: we withhold money if they are not used properly. These are technical issues. Political usage of the money exists but we don’t see it as

effective. We prefer a more constructive role rather than punitive ones (Interview 5, Commission). A key aspect here is that the EU is not necessarily interested into forcing countries into becoming members: "If we are talking sticks, then they are used very much less. They are mainly used because they are interested in our carrot" (Interview 61, EEAS).

It is important to stress that the EU "does not conduct a criminal investigation", looking for evidence of breaches of conditionality (Interview 57, member of COWEB). "It has to work the other way around: that the countries prove that they have done their homework" (Interview 19, Dutch Embassy, Skopje). Partly as a political motivation and partly because they themselves would then need to produce evidence of wrongdoing: "Conditionality, that can never be 100%, because we can never, we would never be able to do politics with these countries in such a case. To say that if you don't do a good election, then we will stop financing the rest of this financial perspective. That will never happen. And this is known, the countries know this as well [...] You should not threaten with things you cannot execute" (Interview 57, member of COWEB) as the deception will easily be discovered.

This means that the most widely used instrument in influencing applicant states is *sermons*, meaning diplomatic messages at all levels. Vedung and van der Doelen define sermons as information programmes attempting at "influencing people through transfer of knowledge, communication of reasoned argument and moral suasion in order to achieve policy result. (...) All in all, it is the softest and most lenient instrument in the government tool box" (Vedung and van der Doelen 1998: 103 and 104). The chapters on Albania, and in particular Macedonia, show that diplomatic messages are indeed a widely used tool for critique, during both times of crises and of calm. Such messages come from the higher levels in Brussels as well as from those in the host countries, and are delivered in general statements and in private meetings with politicians. Communications such as Progress reports and other official statements are an important means of giving the EU's point of view and to publicise messages to the political elite which are then also available to the general public. As stated below, diplomats do engage in dialogue with the citizens in the host countries in order to try to influence norms, opinions and knowledge. In this sense, sermons as a steering tool may be somewhat weak but nonetheless central to the normative power of the EU, in other words, to persuade and socialise the applicant states into legitimising the norms and values that the EU intends to spread. In fact, on the question "What do you do when a country does not fulfil the criteria on for example elections?" one answer was: "We send messages, normally on a much broader line, such as 'EU expects elections in accordance with international standards'" with the careful addition: "Whether all these messages have had effect on the pace of elections is difficult to tell" (Interview 5, Commission).

*Assessing the countries: a typical sermon.*

Perhaps the most important happening during the year is the launch of the Commission's Enlargement Package. This is a set of documents where the Commission presents its assessment of each country in addition to the strategy for the following year. This is "a very important document", and it is important firstly "because it gives an indication of how the commission (...) perceives development in all candidate and non-candidate countries. (...) It is a huge political value to that. Secondly, it is important because for the member states, it makes clear on how the Commission intends to proceed the coming year" (Interview 10, member of COELA).

One member state diplomat put its Enlargement Package with its Progress Reports:

"hold the countries to account for the progress or not that they have made over the year. They hold the commission to account as well, because you know the scrutiny of those reports and the scrutiny of the efforts of the commission, in assessing that country's progress. And of course we are held to account when we negotiate the subsequent conclusions, because we get to analyse what we think of what the Commission said. *But also set the political steer as a result of that*" (Interview 37, member of COWEB, emphasis added).

The main workload for the COWEB comes after the release of the Enlargement Package, which is the basis for the Council's conclusions and given in December each year, as the member states have to discuss whether or not they agree to the suggestions made in it as well as draft the council conclusions which are based on the Enlargement Package. The drafting of this document tells a lot about how the EU, in particular the Commission, works with the Western Balkans, whilst balancing politics and the evolving process of adhering to conditionality.

The Enlargement Package is carefully prepared first by each Delegation in the applicant states. There is clear guidance on how to write these reports, as they have to reflect the progress made during the last eleven months, and there is even a "certain guidance given to us to what sort of words we might use" (Interview 36, EU Delegation, Skopje). This very carefully worded assessment on each country is sent to the Commission in Brussels on a certain date which then takes full ownership of it. The Enlargement Package is not only for internal issues: "We have many audiences here: the member states and applicant states. We have to answer to concerns on both sides, and they are usually not the same. Member states are more prudent and careful, while the applicant states want to see that we stick to our commitment." (Interview 55, Commission). In order to achieve this delicate balance between satisfying the member states and not upsetting individual applicant states, or indeed the whole region, a difficult political process starts, where they have

to be very careful about not singling out one single country for too much criticism or too much praise,

“to make sure it is *harmonized between countries and over time*. (...) It is a complicated procedure. There is an enormous amount of text, and hundreds of political issues, as well as many contributors” (Interview 55, Commission, emphasis added).

Such strategic considerations are in fact an important part of the enlargement policy as a whole: “We must be careful not to upset the equilibrium between ethnic and national groups” to avoid importing chaos (Interview 13, Commission).

The Commission thus makes an effort to balance and equilibrate the wordings and judgements. This is an inherently political process which does not necessarily follow the assessments on the ground, but where broader political considerations have to be taken into account. In fact, it does happen that the Delegations remain somewhat disillusioned when certain aspects are toned down at Brussels level (Interview 30, Fouéré).

The last step is, first of all, the political approval of the responsible Commissioner, and lastly the cabinet of all Commissioners, where at times a tough debate on wording takes place. It is here that political aspects are fully revealed, and where different aspects from different DGs have to be harmonised. It has even happened that the press conference to launch the report has been delayed due to last minute changes (Interview 49, member of COWEB). After the distribution of the reports, a tough debates takes place among the member states in order to prepare the Council’s Conclusions in response to the Enlargement Package.

“There we have the real discussion when one country says “this text is too positive, we want it to be more negative because we consider the situation in the country not as positive as this criteria”, now another would say “this text is too negative, we consider the situation much better”. There you have this general discussion how is actually the situation on rule of law, or fight against organised crime and corruption, and on this and that” (Interview 42, member of COWEB).

Thus the report triggers a deeper discussion on progress among member states as well. The countries which have ambassadorial presence in the region may hold counter arguments against certain of the Commission’s assessments, but largely they are taken as a good, inclusive ones.

The Progress Reports are an important part of the “sermons” coming from the EU. These documents are for broad public use and cater to several audiences, but they do set the standards for the coming year. What can be seen is that those documents publically issued by the EU are carefully worded and written in order to balance a number of interests and to maintain equilibrium

in the region. As such they are a good illustration of how the EU works and how all players need to relate to both the commitments and to the foreign policy role which have been made towards the region.

*Learning by doing – using the steering instruments*

Learning is an important aspect in the process of improving and policy adjustment done in accordance with what does and does not work. It also shows how flexible an organisation is, how they seek to solve policy problems and handle setbacks.

First, we should remember that membership conditions are the Acquis and the Copenhagen criteria, where the Copenhagen Criteria are for potential candidate states and candidate states which are not in negotiation. Negotiating countries should implement the Acquis or at least reach levels of agreement on when the full Acquis should be implemented. That is what the negotiations are all about. In many cases this carrot has been enough for a country to take on the necessary reforms. It should however be remembered that each enlargement round has dealt with a specific political context, and that the union has evolved significantly since its launch.

A diplomat with experience from both negotiation processes said that it is obvious that the conditions have been tightened over time. During the process of negotiating with the CEES, it was “maybe not so strict, and with criteria as it is today, but they *wanted*, they wanted to join the EU. They had a sort of drive” (Interview 75, member of COWEB). The sharpening of conditionality is also in response to lessons learned and political considerations:

“[the sharpening of conditions] is to some extent the result of Romania and Bulgaria, and let’s say the many imperfections in their state of, state of play on these issues. But it is not only that, it is more in general that as the union grows larger, we are ... there is a certain fear (...) that if we add more and more countries with a weak track record on these types of issues, the union itself will become ... weakened and we will lose public support for the whole project” (Interview 10, member of COELA).

Instead of taking drastic measures and halting the enlargement process, reluctant countries could contribute to a process where member states “water down the commitments instead, and increase the conditions, this is the current state of the EU” (interview 64, member of COWEB). In fact, compared with countries in the 2004 enlargement, a number of criteria and conditions “have been invented in between” (Interview 75, member of COWEB) simply because “some member states want to slow down the enlargement process, more standards are introduced” (Interview 32, member of COWEB).

But how then does the EU react when a country does not respond positively to incentives and EU leverage? I pressed some diplomats on this issue, and the answer was often elegantly diverted to another topic, or answered

with a tired “Yes, what do we do then? That is a good question (...) I don't have a good answer. That is obviously something we are thinking about” (Interview 57, member of COWEB). Another answer was “Basically what you want to see is a mentality change. How do you do that? It is very wide” (Interview 10, member of COELA). This is where a road map and ideas for how to move forward is lacking, in the sense of “What can we do to support the democratic revolution, what do we concretely do?” (Interview 29, member of COWEB). One diplomat even dared to venture that “I think ... in some member states there is a growing realization that the very, very technical nature of enlargement doesn't always... have enough sway or have enough pull, you know, to solve, dismount domestic issues” (Interview 37, member of COWEB), meaning that political means need to be introduced along with technical aspects.

The important conclusion is that questions on the effect of conditionality in applicant states are seemingly without an answer. Although the EU does want “their societies to change, and we do want to spread our values, that is very clear” (Interview 75, member of COWEB), in the end, no one had a clear answer on how to achieve those goals. In fact, quite often the reaction was that “you are willing to enter into a club, so you have to play by the rules of the club. You cannot change the rules of the club when you are outside, so you have to comply with these rules” (Interview 20, member of COWEB). Meaning that the drive to change in order to fit into the EU family has to come from within the applicant state, it is not the responsibility of the EU to create that domestic momentum, notwithstanding how much the EU has a political or security interest in the region.

If it needs for a country or government or a population for that matter to, if they constantly need carrots to be stimulated and motivated to go on this path of changing their society and changing judicial sector, again, you know all these, everything that needs to become a member, I think that apparently there is no intrinsic willingness to become a member of the EU and abide by all its rules regulations and criteria and what have you. So then you can ask yourself at least as an EU member state, do we want to put a lot of effort into a country that has to be dragged to Brussels (Interview 19, Dutch Embassy Skopje)?

But as always, it is a matter of political choice, whether to be strict on conditionality or not: “We could say that the criteria are there: take it or leave it, but then there is the strategic thinking as well” (Interview 61, EEAS), and that is where politics enters the equation. The simple conclusion is that the EU has a number of strong tools coupled with substantial leverage, at least for the transposition of formal rules, but actively abstains from using them. The great regional power does not use its tools as potential leverage, but rather leaves it to the applicant states to decide whether to abide by the rules or not. This is indeed a delicate balance between different types of interests,

where the will to send positive messages and to achieve change has to be combined with the will to keep to a strict conditionality.

## Local level: hands on diplomacy and projects

The local level has been extensively discussed in the chapters about Albania and Macedonia, yet merits a return to focus specifically in order to discuss the EU and its actions. It is here that the normative power comes into the spotlight, and how the EU, in a broad sense, works to spread its norms and values.

This level has its own dynamics, based on the relationship between the member state embassies present in each country, and the EC/EU Delegation.<sup>8</sup> The Lisbon Treaty changed this relationship not only in Brussels, but also on the ground, as the rotating presidency now supports the presidency to the Delegation, having "a much more marginal role locally than it used to" (Interview 36, EU Delegation, Skopje). Where formerly the country holding the presidency chaired the Heads of Missions meetings, this is now done by the Delegation. In addition, the rotating presidency is now "required to come forward with initiatives, to share our assessments with the Delegation and consult regularly on issues. (...) They are fully in charge, and we cannot say anything" (Interview 6, Hungarian Embassy, Skopje). Compared with the member states, when it comes to expertise, the Delegations have many more resources and are backed by the entire Commission in Brussels. The Delegations collect information on the reform process, oversee EU funded projects, and have a close dialogue with various parts of society. In this sense they are much better informed than the embassies, but they all work in cooperation.

The Delegation and the member state embassies play both parallel and complementary roles. One member state diplomat put it as "we do not comment on the domestic political theatre, that is [the head of Delegation's] job". But at the same time, the member state embassies are far from inactive and silent, having their own priorities and agendas: "We [member states] don't speak with the same voice, but we sing the same tune, like a jazz band" (Interview 73, Slovak Embassy, Skopje).

One diplomat put it very clearly:

"I said that the delegation is very powerful as the analysis of legislation of the reform process is concerned, but that is one side. What do we do as diplomats, that is another thing. And there we are active, so with the delegation and the other EU embassies we have regular meetings and we see as the task of the ambassadors also to promote European standards and European values

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<sup>8</sup> Before the Lisbon Treaty, the delegations were representing the Commission and named European Community Delegations. With the introduction of the EEAS, the delegations are formally under the EEAS and are named European Union Delegations.

which is human rights and market economy and all that, rule of law, democracy, and that there are problematic developments on the domestic political scene. (...). So we as a group, we are of course individuals that share the common goal. And we promote this, and this is a big part of the work of the embassy. So we also, not only I but also my colleagues, many times we participate in conferences, we give speeches, we give lectures, I give lots of lectures (Interview 34, German Embassy, Skopje).

Apart from participation in public life, the embassies also “influence bilateral issues” through different projects, funded through the aid budget (Interview 100, Austrian Embassy, Skopje). But they do this by streamlining their work: “That is what has changed in our policy, we are focusing much more now to the EU conditions to help Macedonia to prepare for the EU membership. And then we focus particularly on those sectors where Macedonia has, I would, say still some way to go” (Interview 19, Dutch Embassy, Skopje). Bilateral exchange programmes are also designed to assist in broader norm transfer in the sense that “this helps broadening the minds of the younger generations [...], and transfer the so called European values” (Interview 34, German Embassy, Skopje). This means that it is not only EU institutions which function as norm entrepreneurs in applicant states; member state embassies are also part of that process, on their own terms, but in concert with the broader EU family.

## Conclusions

This chapter has brought to our attention some highly interesting aspects, which confirm that this is indeed a field which needs much more research. The purpose of this chapter has been to better understand how the EU at Brussels level actually works with enlargement, and its possibility to function as the change agent it claims it wants to be.

The first important conclusion is that the EU is caught in a very delicate balancing act between its interests to maintain a strong, efficient union (also after enlarging), its strategic interests to maintain reform momentum in the Western Balkans, and to be true to its commitments and foreign policy role as a benign normative power. This is indeed a complex juggling act, where the 28 member states as well as the EU institutions all have their own views and preferences. The member states and EU institutions are in constant debate over what is progress, what should be done at certain moments, and how to find solutions which are suitable for all. This process is often myopic in the sense that there are certain ad hoc arrangements, which lead to an incremental dynamic. A problem has to be solved, and a consensus has to be found for the solutions and the means to attain them. To a large extent, it is also a matter of following a pre-established policy cycle, without surprises

and inventions. Routine adds to this incremental handling of the policy process, and diminishes the possibilities to invent new approaches.

These aspects of EU decision making and policy define the actions which are appropriate and possible for the EU when dealing with applicant states. In this sense it resembles a path dependent process, where first the myopic style of decision making means that the factors discussed as making politics particularly prone to path dependence are present. Secondly, I argue that the foreign policy role, security interests and commitments towards the region function as additional positive feedback mechanisms which increasingly narrow down the possible options for action. This process has resulted in a situation where the EU actively refrains from using its most efficient tool for steering the reforms in the applicant states: to withhold or withdraw financial support for political reasons. The EU does claim that enlargement is its strongest foreign policy tool, and has actively used it as such, but avoids the negative aspects of this instrument. In fact, this chapter shows that representatives of the member states and EU institutions argue that using *any* kind of regulative tool would be wrong, as it has no interest in taking in members who are reluctant to respect the rules and values of the union. At the same time, member states that actually would like to end or at least temporarily halt the enlargement process simply cannot act upon those preferences. The alternatives are too difficult and too costly to consider as, not only the EU's internal institutional arrangements would be affected, but also its foreign policy and its role in South Eastern Europe and beyond.

This path dependent pattern also means that, when it comes to the tools which steer reforms and norm socialisation in applicant states, what is left for the EU to use are partly carrots in the shape of positive incentives, but mainly communication through a number of means and channels. Official statements and assessments from Brussels level, information campaigns, lectures and diplomatic messages locally, are what is mainly used by the EU to influence applicant states.

This chapter contributes important pieces to the relational model on transformative power as presented in chapter three. It shows that enlargement policy is indeed a subject with unintended consequences which diminish the possibility to act, and that the possibilities to act are embedded in a relationship between the EU and applicant states. As such, the transformative power of the EU is limited, and depends, to a certain extent, on the nature of this relationship.

## 8. Conclusions: arriving at a modified model of the transformative power of the EU

In this thesis I have made an attempt to answer the questions *what does EU transformative power look like, and how can we explain the weaker performance in the Western Balkans?* I do that through rethinking the transformative power of the EU against the background of changed power-relationships between the EU and applicant states in the Western Balkans. The thesis has been concerned with theorising these relationships and creating an analytical framework which can accommodate the fact that we see rather good progress on formal transposition of the EU Acquis, at the same time as there are distinct problems with implementation and normative – that is internalisation of values - aspects. Accommodated in this model of transformative power is the fact that the EU is still continuing the integration process, despite acknowledging some non-compliance with both the Copenhagen Criteria and the adoption of set benchmarks. The key concept of this modified model, in contrast to earlier research that has often presumed a static power asymmetry which benefits the EU, is power dynamics. In effect, I have questioned both the empirical conclusions that the EU has strong transformative power in the Western Balkans, and the manner in which this power has been theorised.

At the same time it is obvious, and was acknowledged early on, that the Western Balkan countries face bigger challenges than the countries in the CEE. War and destruction have brought the need for reconciliation within and between countries, as well as physical reconstruction and the need to deal with resettling refugees. In some of the Western Balkan countries, the transition to democracy, which began in Central and Eastern Europe almost immediately after the fall of the Berlin Wall, took up to a decade to begin, and the political climate has been far from stable during this process. In addition, the clientelistic structures of many Western Balkan societies pose a challenge all of its own: that the organisation of political power is based on relationships that are different from those in an ideal liberal democracy. This means that approaches to induce reforms and transfer the norms which worked in a non-clientelistic setting, may not work in a clientelistic one, since the power dynamics are different. In applicant states, we can observe a significant mix of EU rule transfer, difficulties with implementing certain aspects of reforms, and even disturbing signs of re-authoritisation in the region, which poses challenges to existing thinking on EU membership condi-

tionality and its transformative power. Research has tried, with variable success, to make this mixed picture intelligible but with little coherent theorising.

Therefore, the answers to my research questions are that the transformative power of the EU is based on a power relationship, which can change over time as an effect of changes in the political context rather than based on properties. As discussed in chapter three and recapitulated below, certain key changes, both at EU level and in applicant states, have affected the EU's transformative power, making it a weaker, less efficient, change agent in this region.

## From external incentives to power dynamics: the theoretical argument

Would the EU be as successful in the Western Balkans as it had been in Central and Eastern Europe? That was the hope when the EU extended the opportunity to join the Union to the Western Balkan states. However, transforming the Western Balkans has proved to be much more difficult than was perhaps anticipated, and research has struggled to find explanations for how both the CEE experience and that of the Western Balkans can be fitted into existing theoretical framework.

Enthusiasm was high when the current Stabilisation and Association process was launched for the Western Balkans in 2000. This was going to be a way forward to prevent further hostilities in the region, and to spread democracy, peace and human rights. This move, to use explicitly the enlargement of the EU as a foreign policy tool, however, had effects that no-one could foresee. I show that the EU developed both a clear interest in seeing the region making progress on stability and democracy, and an interest in *portraying progress as a proof of its own success as a normative foreign policy power*. These shifts have implied that the EU would no longer be able to demonstrate a reluctance to take in new members as had been the previous approach, but rather had become even more deeply engaged. The assumption in earlier literature of a strong power asymmetry between the EU and applicant states, in which the applicant states are seen to want to join the EU very much more than the EU wants to enlarge, is therefore considerably weakened.

EU enlargement has mainly been theorised through the Europeanisation literature, focusing on the *observable effect* of the transformative power of the EU. Although the Europeanisation literature was developed mainly for member states, it is assumed to be also applicable to applicant states, especially so since the incentives to conform are thought to be stronger than for the member states. The process of Europeanisation is thought to work

through the mechanisms *models, benchmarking and monitoring, advice and twinning, and gate-keeping*, as discussed in chapter one. In this sense, the model closely follows the way in which the EU actually works in practice.

The external incentives model, developed by, among others, Sedelmeier and Schimmelfennig (2005), has been explicitly developed for explaining the Europeanisation of applicant states, and is based on a model of bargaining, where the EU is seen as having the upper hand. The core argument of raising the likelihood of rule adoption is that a *clear and credible conditionality*, where the *reward is not very far away in time* is in combination with *few, if any, veto players and low adoption costs*. In this sense, the way in which EU conditionality works is very much through a top-down approach.

This model, based on the Europeanisation literature, has been important when investigating compliance with formal EU rules, in particular in the CEEs. But as I have argued in chapter one, it does have some important research gaps which need to be addressed. These research gaps, and my critique of the literature, are discussed and demonstrated in the empirical chapters, and summarised below.

This thesis, in contrast to the main approach in the Europeanisation literature, has focused on non-compliance and norm transfer, whereas EU influence is only one factor among many. In fact, more and more research shows that it is unsatisfactory to search for the domestic effects of variables which are defined at EU level, and that such research could be misleading. The answer has focused on the domestic setting in applicant states, in order to identify domestic factors challenging the adoption of EU membership conditions. A good number of case based factors have been identified, but usually are not put into a broader analytical light, resulting in a rich but increasingly analytically complex picture, and one which is difficult to overlook.

I take up the challenge of investigating domestic factors, as well as researching aspects of non-compliance. And I do that in combination with a key aspect which has largely been neglected by the Europeanisation literature: the actions of the EU itself. As I argued in chapter one, we could dare to conclude that most researchers assume that the actions of the EU are based on merit and technical evaluations, and that it does this directly, by both giving and withholding awards. However, there is very little empirical evidence for such behaviour. In fact, the EU level has been largely neglected in the research on EU conditionality, which complicates the picture and makes it difficult to establish whether EU actions actually are based on merit only, or indeed whether evaluations are based on a technical assessment.

I have argued here, that to understand and explain the mixed picture we observe today in the Western Balkans, where formal rule adoption in order to fulfil EU membership conditionality is coupled with mixed norm transfer, and even partial re-authoritarisation, we need to develop a model of the transformative power of the EU which is different from the established one

based on static power asymmetry between the EU and the applicant states and an unspoken view on power as a resource.

Such a new model needs to be able to accommodate shifts in interests and approaches by both the EU and by the applicant states. First and foremost, in order to make sense of what goes on in the Western Balkans, such a model needs to understand not only compliance but non-compliance as well. Existing understanding of transformative power is often based on weak empirical facts and theoretical discussion, and is in fact more of an assumption than a solidly built model, as discussed extensively in chapters one and three, where theoretical reasoning is laid out in more detail.

Usually, questions about the EU's transformative power are answered through studies of the applicant states, either investigating the strength, speed, and credibility of the awards offered, or the domestic constraints in the shape of structures and the cost of change. These studies assume that there is a strong power asymmetry between the EU and the applicant states, where the applicant states want to join the EU far more than the EU wants to enlarge. This research is indeed rich and interesting. However, it does not really capture the interdependent relationships generated by the enlargement process towards the Western Balkans, which I demonstrate in this thesis.

Based on my findings, I argue that the transformative power of the EU in the Western Balkans is weaker than previously assumed, and that the applicant states have gained the chance to resist certain aspects of EU conditionality whilst continuing with the integration process. The EU is not necessarily the normative power it claims to be. This relative weakness of the EU and the subsequent increased strength of applicant states has come about through changes at both EU level and the differing situation in the applicant states, in comparison with the CEEs, which previously stood as the empirical basis for thinking on EU enlargement. In fact, I argue that the assumed power asymmetry should actually be captured as a power *relationship*, in particular given the changes at EU level over time, where the EU explicitly has linked a progressing enlargement with its success as a normative foreign policy actor. These shifts in transformative power cannot be detected unless both levels are taken into consideration, and are done so over time. The conclusions for this thesis have been drawn from the explicit combination of election studies in relation to EU conditionality in two applicant states and on EU decision making regarding the everyday handling of EU enlargement matters. The two empirical examples from the Western Balkans have in themselves challenged some of the established thinking on how EU conditionality works. Rather than investigating compliance and the factors that support it, I concentrate on non-compliance. Where the Europeanisation literature focuses mainly on rule transfer, I focus on the implementation of the rules. Moreover, I embrace the challenge that avoids taking for granted the effect of EU conditionality. In summary: I approach important weaknesses and research gaps in the Europeanisation literature and, through my findings, arrive at a

model that offers to rethink the EU's transformative power. Previous thinking on EU enlargement dynamics has not specified in detail what the transformative power of the EU looks like, only through which mechanisms it works in applicant states. But the mechanisms at play have proven to be insufficient to answer the question of why the EU is not as strong a player in the Western Balkans as it was in the CEEs, demonstrated by previous studies. As discussed in chapter one, researchers have tried to find factors in the applicant states which could explain and help understanding of this weaker performance: historical legacies and structures, weaker state capacities, and lack of full sovereignty have been suggested. Others have pointed to the lack of legitimacy in EU conditionality or to political costs that are too high to pay for full reform.

In contrast, I have put the key actors in the limelight, revealing the complexity of reform dynamics over time, and that they are not easily condensed into just one or two factors or to costs. I argue that the transformative power of the EU has to be rethought and theorised specifically in order to understand why the EU is not as successful in the Western Balkans as was initially hoped for.

The Europeanisation literature seemingly tends to view power as a property: it is something that the EU has a lot of, whilst the applicant states have little. In line with such thinking, transformative power in the Western Balkans should be even stronger than in the CEEs, since the EU as an organisation has consolidated many aspects, and the Western Balkan countries are poorer, with weaker state capacities than the CEEs. They are thus less attractive as new members, and would then be more inclined to fulfil the conditions for EU membership, whilst for them, being part of the EU would boost economic growth, foreign investments, and the level of welfare in applicant states.

By contrast, the findings of this thesis show that transformative power is very much a product of how actors respond to institutions and roles over a period of time. Power lies in the relationship between actors, and what an actor wants and what an actor gets. A key insight here is that power could be analytically separated into positive and negative, as discussed in chapter three. Positive power is the power to make someone else do what it would (perhaps) not otherwise have done. Negative power is the power to resist influence. Actor A may have positive power to a certain point over B, while B may have negative power to resist A's influence. The EU may have the power to make the applicant states change a set of laws more or less in accordance with EU membership conditions. But applicant states may have the power to resist both full replacement of the laws or indeed the actual social changes that would be brought about by the new laws. The result would be a set of old and new layers, interpreted as a "mixed picture" by the observers.

The Europeanisation literature has failed to identify these aspects of power, thereby failing to see, or indeed theorise, how EU enlargement policy, as

an institution, has changed over time, resulting in a stronger negative power for the present applicant states. By not criticising certain aspects strongly, such as voter intimidation in Macedonia, the EU sets standards which are difficult to revisit later and denounce. The Europeanisation literature has also failed to bring the actors under sufficient, systematic scrutiny, and has therefore failed systematically to analyse the finding that it is not just a matter of the absence of veto players which makes the difference. Efficient and legitimate change agents also have to be present, actively working to achieve change and norm transfer. Finally, the Europeanisation literature fails to sufficiently theorise the empirical findings which criticise the top-down approach, in particular by the external incentives model.

By contrast, with this thesis, I offer a theoretical model of how to interpret the power relationship between the EU and its applicant states, where different factors do have a place but without complicating and fragmenting the analysis.

## Developing a model of transformative power: empirical building blocks

The insights gained from the three empirical studies in chapter five, six, and seven constitute the building-blocks of the modified model of transformative power developed in the thesis. An important conclusion coming from the two studies on Albania and Macedonia is that local actors have to be specifically brought into the spotlight, as they have been somewhat invisible in the Europeanisation literature. It is the actors who respond to incentives and regulations, and it is they upon whom we need to focus. And by bringing the actors to the forefront, we can detect how they respond to institutions, to roles and commitments, and how they do this over time.

### A focus on actors

The studies on elections in Albania and Macedonia demonstrate that the EU's transformative power is dependent on domestic change agents, which function as levers, when the EU and the domestic actors in the applicant states share the same agenda rather than having conflicting interests. These findings are contrary to the focus on veto players in the Europeanisation literature, and, explicitly, the external incentives model, as discussed in chapter one. Veto players may hamper or even stop certain changes, but an absence of veto players does not mean that change comes about, or that norms are spread automatically. Change is an active process and needs to be promoted by change agents and norm entrepreneurs, and these have to be identified and analysed. Without active change agents, a simple absence of

veto players will lead nowhere. Agency is central to achieve change, but this has been somewhat overlooked in the Europeanisation literature. But as I have shown, context is important for the type of change agent that will be successful. The mere presence of a civil society may not lead to interactions with government or any particular social movement for change. They have to be functioning in an environment where they are empowered and seen as legitimate. In short, able change agents are the key to change, not the absence of veto players.

It is also true, that a search for compliance, as in formal rule transfer, means that those who actively oppose change are visible. Those who do not actively, or indeed openly, oppose change remain invisible. The discussion on different types of change agents in chapter three shows that opposition to change does not necessarily mean a veto against a rule. It may appear as subversive, discreet opposition to the implementation of rules and to the introduction of certain norms and values. In this case, important veto players accept formal rule change, but oppose, delay or distort the implementation of the rules. Such non-compliance is not detected if a researcher is only focusing on formal rule transfer and possible vetoes against it in Parliament.

In many aspects, the EU functions as the most dominant norm entrepreneur in the Western Balkans, since civil society is weak, often donor driven, and, among the population, even seen as politicised and with poor legitimacy. The opposition is not necessarily either more pro-democratic or pro-change than a government playing foul or not wanting to listen to international advice. It is also obvious that actors can be partial change agents, with a different agenda, as discussed in chapter three. Formal change could come about, while the implementation of the new rules goes in another direction. Important details on legislation could be left untouched, distorting the effects of the new laws, and playing straight into the hands of political parties reluctant to change. It is also clear that the actors who were strengthened by EU conditionality in the CEEs are not strengthened in the same way in the Western Balkans, or are not in the same position to reach out with normative arguments as they are in the CEEs.

What can be seen here is that it is difficult for the EU to be an efficient norm entrepreneur and change agent in the applicant states. It tries, but at the same time it is a role which should be taken up by domestic actors. However, in both Macedonia and Albania, there are few, if any, strong and energetic change agents over and above the political parties, who have the possibilities to actually function as such.

## Providing context: specifying institutions, roles and time

Actors do not perform in a context-free environment. They respond to structures, values and norms. They are restricted in their actions by competence, knowledge, and resources. A key argument of this thesis relates to the fact that the important actors involved in the EU integration process are bound by institutions, both formal and informal. These institutions shape preferences, actions and opportunities. But at the same time actors continuously reproduce or change the institutions to which they respond. These processes may be drastic or incremental, conscious or unconscious. The importance of identifying and analysing how actors and institutions interact should not be underestimated.

Institutions are central to the conclusions drawn in this thesis. It is the combination of how institutions at one level are maintained and how institutions on another level are (partially) changed which represents the friction leading to the need for a rethink regarding the EU's transformative power. One level strengthens institutional frameworks, narrowing the opportunities to act, the other broadens institutional room to manoeuvre thereby gaining flexibility, when the actual assumption is the opposite.

Therefore, what we see are two realities which are developing differently, but yet always meet and interact. Firstly the possibility for the EU to act indifferently and to use its instruments as transformative tools is far from being without restrictions. Rather the opposite. As shown in the empirical study of the EU in chapter seven, only a few instruments are considered eligible and legitimate. This obviously has an effect on the transformative power of the EU.

Another central empirical conclusion, as developed in chapters three and seven, is that the EU is caught in a path dependent like pattern resulting in the EU actively refraining from using its most efficient tool for steering reforms in the applicant states: to withhold or withdraw financial support for political reasons, or indeed halt the integration process for one or more countries. The unintended consequences that have shifted the power balance in a direction which has turned the EU into a weaker transformative power (or change agent) have been produced by its growing role as a foreign policy actor, taking on a foreign policy role with specific responsibility for its "near abroad" in the Western Balkans. This foreign policy role has had a profound impact on the way the EU thinks and deals with enlargement. As discussed in chapter one, there was already a sense of moral obligation towards the CEEs, but this respect of earlier commitments has been both developed and very much strengthened by the pairing of EU enlargement with the efficiency of the EU as a foreign policy actor.

This foreign policy role, to act benignly and to promote peace, democracy and human rights has had important effects on enlargement policy. As dis-

cussed in chapter seven, EU diplomats give evidence that the EU does not *want* to use the more negative and punitive means available, but rather puts its faith in making membership attractive through the benefits that come with it, based on its role as a ‘positive’ transformative power. In this sense, the EU, in order to live up to its role as a positive, normative player, actively chooses not to use some of its most efficient instruments. In fact, it is this choice of instruments, and the way in which they are used, which represent the key power instruments available to the EU, and demonstrates the type of change agent it wishes to be: a force which, through its sheer attraction, induces change in those who wish to join. Its foreign policy role and image as a good player makes it extremely difficult for EU member states to agree on using harder means. In this sense foreign policy roles define institutional limits for enlargement policy and tie the EU’s hands.

In addition, the study shows that, in itself, the EU decision making process and dynamics add to this institutional stickiness, or path dependence. The speed and number of issues makes decision making quite myopic, taking one step at the time, without broader discussion on goals, means or the future. Chapter seven also shows that the evaluation of progress and the fulfilling of standards is a highly political process, which is often clad in technical terms. Judging whether a country has lived up to certain conditions is almost always a matter of political judgement. This goes against the assumption contained in the Europeanisation literature that the EU responds to technical issues based on merit. It is in fact a highly political process which positions itself relative to political urgency and the needs of the moment, combined with national interests and sensitivities.

Secondly, we can see that the work to achieve a core aspect of the Copenhagen Criteria: holding free and fair elections in accordance with best international practice, is far from straightforward. Yes, the formal aspects work rather well, the laws are improved constantly and elections, from an organisational point of view, are good. However, there are other aspects which show that the main electoral stakeholders do not respect the law, and in particular international norms on democratic elections.

Instead of full reform and norm transfer, we see a set of institutional layers composed of new rules and old practices, where the EU manages to influence the formal transposition of the Acquis, and to some extent also a legal framework for the Copenhagen criteria, but where the implementation of rules is more haphazard, and indeed norm transfer is at times even heavily opposed or pruned. This means that key domestic actors have found a way to resist full compliance with EU membership conditions, but without necessarily opposing the transposition which is measured and articulated by the EU.

An important explanation of this phenomenon is the clientelistic nature of Western Balkan societies. Clientelism in itself represents an institution to which domestic actors respond and which shapes their preferences and ac-

tions. A clientelistic society means that political power is organised in a manner which is different from that of how the EU works with membership conditionality. Where the latter is focused on the transposition of legal requirements, a clientelistic structure is, more often than not, informal, and power is distributed along the lines of votes and personal loyalty, aspects which normally are not touched upon by the laws. The clientelistic logic hampers reform and the willingness to accept new sets of values and norms, as shown in chapters five and six, but not necessarily the formal transposition of laws and rules. It is loyalty and not necessarily substance which is needed to reach the patrons' inner circle.

This logic is not only confined to domestic power structures, as is hinted at in the case of Albania. It may even be applied to international relations, where, in one or more aspects, loyalty to a stronger force may be seen as more important than is actually fulfilling EU membership standards. The self-proclaimed client would try to demonstrate loyalty in, for example, foreign policy issues, but not through fulfilling the actual task to change itself. We can see such a logic expressed by central politicians in Albania in chapter five. A clash of normative structures and values, centring on rule compliance, may be the result, if the nominally stronger actor, who is seen as a patron by the relatively weaker, requires certain changes before the self-proclaimed client can be seen as a reliable partner. The implementation of and respect for the rules then lies at the core of this relationship, demonstrating the power of the actors involved.

What we can see here is that time is of both methodological and theoretical importance. Few of my core empirical findings would have been detectable if a longer period of time had not been applied to these studies. Small, incremental changes are difficult to detect, but they accumulate over time. This is no methodological secret, yet many studies are conducted in a short in time and take more of a snap shot picture rather than a longer sequence. But time is also important theoretically, as stressed by historical institutionalists. It is only by applying a broader time frame that unintended consequences, like the effects that are not foreseen by decisions and institutional design, can be detected. Therefore, the conclusions from the three empirical studies challenge key aspects of the Europeanisation literature in several aspects. Most importantly, these conclusions, when put together, point to the need to rethink the transformative power, to accommodate institutions, and how actors relate to them. This re-thinking has resulted in the theoretical model of power-dynamics presented in chapter three.

## Challenges and future research

An immediate challenge stemming from my findings is that of how to incorporate the solid conclusions already drawn by research into this interpreta-

tion of the EU's transformative power. This would be far from difficult or even impossible, as much of the newer research challenges the top-down approach and investigates actors, interests and implementation beyond transposition, but does not necessarily do so in a cumulative manner (see for example Mendelski 2013 and Elbasani 2009).

My intention was never to try to replace the Europeanisation literature or the external incentives model with a model on transformative power. However, this thesis is my specific attempt to revisit the assumptions that transformative power is based on a strong asymmetry in power resources. My conclusions do not replace already drawn conclusions. Rather, my conclusions are drawn from investigating research gaps, in particular putting the more recent and critical research in a new light, and they offer a model which can put the findings in a broader, analytical context. The challenge is now to consolidate all this research and to define further the power relationship between the EU and its applicant states.

More countries and more policy fields have to be explored. Different types of change agent need to be detected and put into the relationship with the EU and others present in each case. Then it would be possible to elaborate further on the role of actors in different types of contexts when it comes to the power to pursue ones interests and policies. Transformative power itself, as a dependent variable to be empirically investigated instead of presumed, has to take centre stage.

A second challenge is to evaluate whether my findings would have any effect on actual EU policy towards the Western Balkans, or indeed enlargement as a foreign policy tool. The conclusion that the EU has a type of leverage over Western Balkan countries which is different from that in the CEEs, certainly would not come as a surprise for the EU and its member states. This is something that has been observed for quite some time. The nature of the road ahead is obviously a political decision, but there are two broad avenues of possible policy adjustment, depending on the ultimate goal the EU and its member states want to reach. If the priority is to transform Western Balkan societies into countries which are similar to core EU member states, and to make them efficient members of the union, then the decision to downgrade the normative aspects of foreign and security policy will be a difficult one to make. The EU, in all its forms, would need to become more of a democratising agent than a judicial one, with all the moral hazards that would follow in its footsteps.

A second option would be to keep the broader aspect of the EU as a normative power and to continue with a sort of dance where layers of rules are laid one on top of another, but where not all the countries in the region necessarily arrive at full EU membership. What is important is to tie countries close enough together in other types of cooperation in order for them to adhere to the broader foreign policy role and foreign policy interests.

The geopolitical interests of the EU have been truly highlighted by the ongoing conflict in the Ukraine and the diplomatic standoff with Russia, both of which are on normative and more realistic issues. It is not only a matter of oil pipes and political leverage, but also one that guarantees countries, including the larger part of the population, share the values and norms that the EU claims to represent. In this battle of hearts and minds, it is not at all given that, in the future, the EU will have the allies that it seeks to influence, in the applicant states or in the broader region. Serbia's ambivalent relationship with Russia means that the leverage and attraction offered by the EU cannot be taken for granted.

Obviously, neither I, nor my modest attempt to rethink the transformative power of the EU, can have an answer regarding what the EU should do. However, my model on the transformative power of the EU, and the road which led to that model, could help to sort out the policy makers' thinking. To be more technical or more political is a choice, as is that of focusing on the region of the Western Balkans or indeed the one to have a broader geographical scope. That choice would most probably have a long term effect, and knowing that may help to refine the arguments on the matter.

A third challenge is to bring my finding on the transformative power of the EU to other geographical areas. There is indeed a temptation to move the research on to other areas of the world and other areas of EU policy, where, perhaps for researchers on EU enlargement, the Eastern Partnership and Neighbourhood Policy are closest at hand. Given the recent growing tendencies of backsliding on media freedom, both in Macedonia and Serbia, and the new aggressive tone from Russia, the Western Balkans is today more interesting and important than for many years. The assumed normative power of the EU continues to be an important field of study both to understand, as well as to predict. What has not worked in the Western Balkans, with the still genuine membership perspective in the background, will most likely not work in the South Caucasus or in greater Eastern Europe either, unless very strong change agents are in place.

# Interviews

These are the interviews quoted or referred to in the text. Please note that some interlocutors have been interviewed on more than one occasion. Each interview has its unique number.

1. Senior Legal Expert, OSCE Tirana, 16 March 2009, Tirana
4. Balkan Expert, Swedish Ministry for Foreign Affairs, 30 August 2007, Stockholm
5. Albania Desk Officer, DG Enlargement, Commission, 11 April 2014, Brussels
6. Hungarian Embassy Skopje, 4 April 2011, Skopje
8. Swedish Embassy Skopje, 4 April 2011, Skopje
10. Member of COELA, July 2011, Brussels
11. Member of COWEB 14 July 2011, Brussels
13. Senior representative of DG Enlargement, 10 May 2007 Brussels (same as interview 55)
14. Ivica Bocevski, Government spokesperson Feb. 2007-July 2008, Deputy Prime Minister for European Integration July 2008-June 2009, 6 February 2012, Skopje
15. Abdilqim Ademi, Minister of Environment and Physical Planning, Secretary General for DUI, 5 March 2012 Skopje
16. Ilirjan Celibashi, Chairman of the CEC 2001-2006, 17 March 2009, Tirana
17. Albert Musliu, Executive Director of Association for Democratic Initiative, NGO, 31 March 2009, Gostivar (Same as interview no 47)
18. Radmila Shekerinska, Leader of SDSM 2006-2008, Deputy Prime Minister for European Integration 2002-2006, 5 April 2011, Skopje
19. Dutch Embassy Skopje, 5 April 2011, Skopje
20. Member of COWEB 12 July 2011 Brussels
22. Andrej Petrov, General Secretary of SDSM, 7 February 2012, Skopje
24. Aleksandar Bičikliski, VMRO-DPMNE spokesperson, 7 February 2012, Skopje
25. State Election Commission employee, 9 February 2012, Skopje (Same as interview 67)
26. Izet Mexhiti, Mayor of Čair, Head of DUI electoral HQ in 2008, 6 March 2012, Skopje
27. Political section, EU Delegation Skopje, 6 March 2012, Skopje
28. Albanian Embassy, Skopje, 9 March 2012, Skopje
29. Member of COWEB, 25 May 2007, Brussels
30. Erwan Fouéré, EURS in Skopje 2005-2011, 8 May 2012, Brussels
31. Damian Gjikhuri, SP electoral expert, 18 March 2009, Tirana
32. Italian Ministry for Foreign Affairs, 12 September 2007, Rome
33. Oerd Bylykbashi DP electoral expert, 18 March 2009, Tirana
34. German Embassy Skopje, 6 April 2011, Member State Embassy
36. Political section, EU Delegation Skopje, 6 April 2011, Skopje
37. Member of COWEB, 13 July 2011, Brussels

39. SDSM election organiser, 8 February 2012, Skopje
42. Member of COWEB 14 July 2011, Brussels
43. Ermira Mehmeti, DUI MP, 9 February 2012, Skopje
45. Former DPA MP, 9 February 2012, Gostivar (Same as interview No 51)
47. Albert Musliu, Executive Director of Association for Democratic Initiative, NGO based in Gostivar, Macedonia, 9 February 2012, Gostivar (Same as interview no 17)
49. Member of COWEB, 15 July 2011, Brussels
50. Zoran Petreski, VMRO-DPMNE MP, Head of election logistics for VMRO-DPMNE, 10 February, Skopje
51. Former DPA MP, 9 March 2012, Gostivar (Same as interview no 45)
52. Representative of RDK (Rilindja Demokratike Kombëtare, political party), 9 March 2012, Gostivar
53. Former member of the Central Election Commission 2003-2009, 17 March 2009, Tirana
54. Experienced member of electoral commissions, 19 March 2009, Tirana
55. Senior representative of DG Enlargement, Commission, 12 July 2011, Brussels (same as interview 13)
56. Prec Zogaj, DP MP, Chairman of Foreign Policy Committee, Albanian Parliament, 11 March 2008, Tirana
57. Member of COWEB, 11 April 2014, Brussels
58. Vangjel Dule, President of HRUP (Human Rights Union Party), 13 March 2008, Tirana
59. Member of COWEB, 11 April 2014, Brussels
60. Arta Dade, SP MP, former Minister for Foreign Affairs, 12 March 2008, Tirana
61. Senior EEAS representative, 9 April 2014, Brussels
62. Kastriot Islami, Co-chair of electoral bi-partisan commission 2008, 19 March 2009, Tirana
63. Greek Liaison Office, Skopje, 5 April 2011, Skopje
64. Member of COWEB, 8 May 2007, Brussels
65. Blendi Klosi, SP Organisation Secretary, 13 March 2008, Tirana
67. State Election Commission employee, 1 April 2009, Skopje (same as interview 25)
68. Member of COWEB, 15 July 2011, Brussels
69. Senior DPA representative, 7 March 2012, Tetovo
70. Genc Kojdheli, co-founder of G99, 16 March 2009, Tirana
73. Slovak Embassy Skopje, 5 April 2011, Skopje
75. Member of COWEB, 8 April 2014, Brussels
77. Member of COWEB, 8 April 2014, Brussels
79. Alexander Biberaj, DP MP, member of the Assembly of the Council of Europe, 10 March 2008, Tirana
83. Head of EURALIUS, 12 March 2008, Tirana
89. Central Election Commission employee, 19 March 2009, Tirana
90. Sašo Ordanoski, Journalist, political analyst and director of ALSAT-M TV, 30 March 2009, Skopje
94. Political section, EU Delegation Skopje, 1 April 2009, Skopje
97. Desk officer, European Council Secretariat, 23 May 2007, Brussels
100. Austrian Embassy Skopje, 6 April 2011 Skopje

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<sup>9</sup> See suggestions on how to refer to tweets here: [http://www.mla.org/style/handbook\\_faq/cite\\_a\\_tweet](http://www.mla.org/style/handbook_faq/cite_a_tweet)

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# Statsvetenskapliga föreningen i Uppsala

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