

**The EU's mission (im)possible?  
Bringing the judiciary on the right track  
- A theoretical perspective**

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# The EU's democracy promotion in IR

- **Phase 1:** Bringing the 'forgotten dimension' of international politics back in the comparative research
- **Phase 2:** The EU's 'transformative power'!
- **Phase 3:** The EU's 'transformative power'?

## 2004: ‚Big-Bang‘: Returning to Europe



- The EU's impact on democracy promotion not a question of IF but WHEN and HOW“ (Börzel/Risse 2003).

## 2007: The EU's transformative power!?



# The EU's reaction

## Hard sanctions

- Monitoring reports
- Gate-keeping
- Safeguards clauses
- Cooperation and Verification Mechanism (CVM)
- Schengen (not part of the EU's initial conditionalities set-but tied by FR/GER to the CVM)

## Soft sanctions

- Naming, Blaming and Shaming

## **TOP-DOWN: Asymmetry of powers**

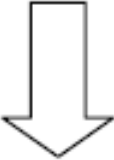
**Rational choice: power/costs and benefits**

**Social constructivism: Socialization**

**Differential empowerment (DE)**

- **DE-** new opportunities and constraints will be created: some individual or group actors are likely to “win”, others are likely to “lose”.

# Explaining democratic change

Trigger	Concepts	Mechanisms	Record of compliance
<b>Conditionality</b>    <b>Functional Justice</b>  <b>Effective Anti-corruption institutions</b>	<b>Rational institutionalism</b>	<b>Hard:</b> Monitoring Sanctions	(+) Legislative packages  (+) Institutional consolidation
		<b>Soft:</b> (+) Rewards Know-how (-) Naming, Blaming, Shaming	(-) Perverse effects
	<b>Social Constructivism</b>	<b>Socialization</b> -identity/match - networking -expert groups -loose connection between aid and outcomes	(+) Internalization (+) Behavioral change (respect for institutions) (+) Strengthening of the civil society

## **Scope Conditions: Top-down**

- Legitimacy/Credibility of the external actor
- Possibility of punishment
- Knowledge (R. K. Merton)

## **Scope conditions: Domestic level**

- Awareness of the possibility of being punished
- Conflicting Interests
- Immediate interests
- Domestic opposition
- Informal institutions /mentalities

## **Domestic Outcomes**

- Inertia (lack of change)
- Transformation (change, intended)
- Unintended consequences (negative, perverse)

# External Outcomes

- EU's learning curve?
- No CVM for Croatia
- Tailor –made
- **COMMISSION DECISION of 6.6.2011**
- **Establishing an EU Anti-corruption reporting mechanism for periodic assessment**

## Pitfalls and recommendations

- Power asymmetries'!?! Top-down perspective is misleading
- More in-depth research on 'reluctant democratizers'
- Political actors not to be reduced to a homogenous group of 'recipients'/weak socializee
- Embeddedness/ informal institutions

THE BATTLE AGAINST EU CORRUPTION



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- **Hvala**
- **Hvala lepa**
- **Mnogo blagodarya**