

**Panel 12: The Future of EU external governance: Comparing experiences in Central and Eastern Europe**

**Friday, 26 November, 9.30-13.00**

1. **The Planning and Implementation of the Rule of Law Mission of the European Union in Kosovo** (Hylke Dijkstra)
2. **Awakening from Ismail Kadare's Dream of the Authentic Life: The Europeanization of the Kosovo State** (Ringo Ossewaarde)
3. **The EU's Eastern Partnership: Governance through Partnership?** (Giselle Bosse)
4. **The Impact of European Democracy Promotion on Party Financing in the East European Neighborhood** (Natalia Timuş)
5. **EU Accession and democratization: which is which in the mind of Eastern Europe's citizens?** (Veronica Junjan, Ariana Need, Geoffrey Evans)

Session 1	Session 2	Session 3
Hylke Dijkstra (15min)	Giselle Bosse (15min)	Veronica Junjan et al. (15min)
Ringo Ossewaarde (15 min)	Natalia Timuş (15min)	
Discussant: Michiel de Vries	Discussant: Ariana Need	Discussant: Giselle Bosse
Deadline for sending papers: 15 November 2010		

**"The Future of EU external governance: Comparing experiences in Central and Eastern Europe"**

This panel explores the effectiveness with which the EU has promoted democratisation and public administration reforms in Central and Eastern Europe (CEE) during the past decades. It aims specifically at comparing the impact of the EU on those countries in CEE who have recently joined the EU (such as Romania and Bulgaria), with countries located further East, constituting the new neighbourhood of the European Union (Ukraine, Moldova and Belarus), and other countries in the Union's vicinity. Whereas enlargement is generally seen as the EU's most effective and successful foreign policy for the promotion of democracy, the Union's efforts to impact on political reforms in the neighbourhood through the European Neighbourhood Policy (ENP) and Eastern Partnership (EaP) have yielded very little effects to date. In order to account for the differences of the EU's impact on CEE and ENP partners, papers in this panel will also analyse and compare the mechanisms through which the EU promotes democratisation, as well as the determinants for the successful adaptation and implementation of reforms in CEE and ENP partners.

The panel therefore aims to attract papers which examine the impact of the EU on democratisation in CEE and ENP partners, with a focus on particular areas (i.e. human rights, rule of law) as well as

institutional reform (electoral system, separation of powers, good governance, judiciary). Paper contributions with a focus on public sector/ administrative reforms are particularly welcome.

The papers of this panel will draw on the External Governance approach, as a theoretical framework to analyse the effectiveness of the EU's democratisation efforts (and especially public sector reform) through 'rule transfer', which is applicable to examining EU rule transfer under conditions of enlargement, as well as exploring (partial) EU rule transfer through ENP and EaP. According to Lavenex and Schimmelfennig 'the notion of governance is particularly suitable to grasp [the] process of rule expansion beyond formal membership in the EU polity' (Lavenex and Schimmelfennig 2009, p. 795) and occurs when 'parts of the European Community (EC) EU legal order or the *acquis communautaire* are transposed upon non-member states' (Lavenex 2004, p. 683). External governance can be characterised by a 'highly asymmetrical relationship between insiders and outsiders; the imposition of predetermined formal rules, the exclusive participation of bureaucratic actors; and top-down communication structures' (Lavenex 2004, p. 682; Schimmelfennig and Sedelmeier 2004). At the same time, external governance can also take place through 'new governance' based on 'more horizontal forms of network governance and communication in which rule expansion progresses in a more participatory manner' (Lavenex and Schimmelfennig 2009, p. 796). These institutional settings (as independent variables) in turn impact on the effectiveness with which EU rules are being transferred to non-members: "The more precise, binding, and enforceable EU rules are (...) the more likely they will be selected, adopted, and implemented beyond EU border. This entails the hierarchical mode of governance being the most likely to lead to the effective transfer of EU rules, because rules are normally more legalised in this mode than in the network or market modes." (Lavenex and Schimmelfennig 2009, p. 802). Apart from the institutionalist explanations of the effectiveness of the EU's democratisation efforts in CEE and EaP, however, papers may also want to explore alternate propositions, such as power-based explanations/ conditionality, domestic factors, or historical and sociological explanations/ understandings. As such, papers can draw on a mix of methodologies, including comparative qualitative and quantitative analysis, focus groups and discourse analysis.

The panel will contribute significantly to the NIG's central theme of 'Citizens and Governance'. Democratisation and public sector reform in CEE and ENP partner states is inherently linked to fundamental changes in the relationship between citizens and the institutions governing the public sphere of these countries. It is therefore essential to explore the effectiveness with which the EU has managed the political reform process in CEE (in comparison to ENP partners) to gain a better understanding of how and why public sector reforms in some countries are being implemented better and faster than in others. The effectiveness with which democratisation and public sector reforms take place directly impacts on individual citizens. For Benita Ferrero-Waldner, former European Commissioner for External Relations and European Neighbourhood Policy, the ENP signifies not only the 'latest addition to our democratization toolbox' to 'encourage the spirit of democracy' via strengthening the rule of law, democracy and respect for human rights' (Ferrero-Waldner, 2006a: 1) but also 'human security – putting individuals at the heart of security concerns' (Ferrero-Waldner, 2007: 3).

The panel will also contribute to the theme of 'Public management in a joint-up world', by placing a particular focus on the EU's efforts to promote public sector reforms in CEE and ENP partner countries. The EU has made 'good governance' a leading principle in its efforts to promote political reforms in Central and Eastern Europe. The administrations in CEE, however, face a significant challenges adopting and developing the EU's rules for high quality public management. By focusing on the different mechanisms through which these rules can be transferred and/or negotiated, this panel will also highlight new approaches to achieve high quality of public management in CEE and ENP countries, such as hybrid solutions and reciprocal learning.

## **Paper contributions:**

### **1. The Planning and Implementation of the Rule of Law Mission of the European Union in Kosovo**

Hylke Dijkstra

This article evaluates the planning process and initial implementation of the Rule of Law Mission of the European Union in Kosovo (EULEX). It shows that the original intention was to have a smaller presence than the predecessor United Nations Mission in Kosovo (UNMIK). Yet as a result of a lack of settlement on the international status of Kosovo, the European Union ended up with a robust mission and it was unable to make a fresh start in order to distinguish itself from the United Nations. Despite these setbacks, it has had a relatively good first year of operations.

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### **2. Awakening from Ismail Kadare's Dream of the Authentic Life: The Europeanization of the Kosovo State**

Ringo Ossewaarde

The EU has developed a wide array of external relations with its neighbouring states. Without offering full membership, the EU nevertheless attempts to transfer its rules and policies to non-member countries. In this paper, the extension of EU rules beyond EU borders in Kosovo is analyzed, with specific attention being paid to the European Union Rule of Law Mission (EULEX). The aim of the paper is to find out what sort of state is under development in Kosovo and how Kosovo is subject to Europeanization. The specific questions that this paper seeks to address are (1) what are the theoretical presuppositions (e.g., subsidiarity, sovereignty, semi-sovereignty, post-sovereignty, etc.) of Kosovo statehood as articulated by the EU?; (2) how does the EU seek to effectuate its state theory in Kosovo through its EULEX mission?; (3) what are the implications (e.g., compliance, resistance, etc.) of the EU's state building tactics in Kosovo?

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### **3. The EU's Eastern Partnership: Governance through Partnership?**

Giselle Bosse

In May 2009 the EU launched a new policy towards its Eastern neighbours, the Eastern Partnership (EaP), including inter alia Ukraine, Moldova and Belarus. The EaP constitutes yet another attempt by the EU to replicate the success of its previous enlargement, and to project and extend its model of governance across its Eastern borders. Neither of its 'new' neighbours in the East will, however, qualify for EU membership in the foreseeable future. As a result of the lack of membership perspective, the Union has struggled to find an appropriate and effective method to transfer its rules and norms to its Eastern neighbours. Unlike the European Neighbourhood Policy (ENP) which built heavily on the idea of rule transfer and conditionality, the EaP promised partners a policy based on 'joined governance', including more 'ownership', joint projects and partnership-based cooperation in their relations with the EU. This paper aims to compare and contrast the Union's traditional top-down approach to external governance of the ENP with the recent promise of 'joint governance' in the Eastern Partnership towards Ukraine, Moldova and Belarus. The first part of the paper outlines the different facets of the external governance approach and introduces the notion of 'joint governance'. I then examine the official rhetoric and policy documents of the EaP in the second part, followed by an analysis of the political reality and practice of the EaP - one year after its launch - in the third part of the paper.

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### **4. The Impact of European Democracy Promotion on Party Financing in the East European Neighborhood**

Natalia Timuş

This paper investigates how the cooperation of European institutions (the EU, the Council of Europe, and the OSCE) in democracy promotion affects the success of European conditionality on party financing in the East European Neighbourhood. It examines the two major European-level factors, the determinacy of requirements and the rewards, based on the Ukrainian, Moldovan and Georgian case studies and a cross-case comparative analysis before and during Action Plans' period. The paper shows that there exists a European-level influence on party financing changes in line with the European standards set by the Venice Commission. Also, the cooperation of European institutions in democracy promotion contributes to the success of the common European leverage in the field of party financing. Although the EU lacks a specific party financing conditionality in Action Plans, the reference to the standards set by the Council of Europe and the OSCE increases indirectly the determinacy of its requirements and offers domestic elites a clearer picture of its demands. At the same time, the EU's merit in the joint European influence on party financing lies in its increased leverage on aspiring European members, even in the case of low credibility of EU membership.

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## **5. EU Accession and democratization: which is which in the mind of Eastern Europe's citizens?**

Veronica Junjan, Ariana Need, Geoffrey Evans

The research on EU accession as a process of socialisation of CEE countries in a multi-level governance environment focused on different aspects. Modernization, institution development (political institutions as well as economic and administrative ones), and transfer (democratic deficit, policy) are few of such directions where research has been so far published.

This paper will especially address the developments in Central and Eastern Europe before and after accession to EU (2004, respectively 2007). There are relatively few studies investigating time and reactions pre-and post accession (Levitz and Pop-Eleches, 2010; Meyer-Sahling and Goetz, 2009). In addition, studies using first hand empirical data are even fewer. The availability of data collected both before and after accession, together with Eurostat data permit us to investigate whether the timing of EU entry did reflect in the attitudes of CEE citizens towards the tasks of government in a governance setting. The central question of our investigation sounds as follows:

“How could the differences between the CEE countries concerning the tasks of government be explained and (b) how is this affected by the social economic circumstances under which people live?”

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