

The Influence of the European Union on the  
Democratisation Process in Central Europe –  
The case of the Czech Republic

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I start my paper by focusing on the EU as a normative actor. After examining the evolution of this concept, more attention is paid to the norms and values the EU tried to impose on the Central and East European countries (CEEC).

In a second chapter I focus on the relation between Europeanisation and democratisation. The democratisation of the EU candidate countries and member states is often linked to their process of integration in the European Union.

Chapter three outlines the possible scope and limits of the EU's democratic conditionality.

In a final part, I focus on the case of the Czech Republic, with some tentative remarks on the role the EU has played in its democratisation process.

# **I. The European Union: an international actor promoting democracy**

## **1.1. Evolution of the democratisation concept**

In recent years the European Union has made several efforts to transform itself from primarily a trading bloc into an important international actor in the political arena. Among changes in the EU's foreign relations an increased emphasis has been put on democratisation, human rights, genuine pluralism, and the rule of law (Kubicek, 2003).

The first real example of EC/EU activity in the sphere of democracy promotion was found in its relations to Southern Europe. Already in February 1962 the Spanish Foreign Ministry applied for association status with the European Economic Community. Spain - at that time still ruled by the Franco regime - appeared to hope that the issue of political conditions would somehow be circumvented by the EU. But Franco's Spain was judged not democratic enough to join the European Union. Even the idea of an association with the Community was dropped for these same political reasons.

The refusal of Spain's application entailed a shock in the EEC. But now at least – and for the first time in the history of the EU - it was officially realised that political incompatibility with European democracies prevented association, not to mention full membership of the EEC. Arguments that integration - including its associated version - was primarily, if not essentially, economic were weakened (Pridham, 2005).

About two decades later integration in the European Union helped to put a definite end to the different authoritarian regimes of Greece, Spain and Portugal. Although the democracy results are known as positive (with a part played by the EU which can be debatable), the southern accessions revealed to the Union the important fact that it was facing a lack of a coordination over its democratic conditions. The European Community's democratic conditionality at this time was marked by a distinct lack of procedure and its operation by ad hoc approaches and a continuing tendency to react to events rather than trying to determine their outcome. This situation remained basically unchanged until the fall of Communism (Pridham, 2005).

Incrementally the EU would introduce democratic conditions – in Brussels nowadays known as the 'political conditions' – into its policy towards member states and candidate countries. This is reflected in the successive Treaties adopted by the EU and its member states. Already the Single European Act of 1987 included a reference to the promotion of democracy on the basis of fundamental rights. The Maastricht Treaty moved the issue along by incorporating as a general principle of European law respect for fundamental rights, as guaranteed by the European Convention of Human Rights and Fundamental Freedoms of 1950. But it was the Amsterdam Treaty which constituted a real change in the EU's role in this area. The Treaty strengthened the Maastricht provision by stating that the EU was 'founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law - principles which are common to the member states'. It also provided for 'more effective action' to be taken to combat all forms of discrimination. Characteristic of this treaty was the greater detailed attention to the area of democracy. Also new was the procedure laid down for dealing with a 'serious and persistent' breach of the EU's principles by a member state. From now on member states were formally subject to a democracy test since the Amsterdam Treaty provides for suspension of those which violate the EU's principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law (Pridham, 2002, 2005).

The formulation of democratic conditionality has undergone considerable evolution over time, expanding to include substantive democratic requirements. But it has also become a more central and proactive part of the overall enlargement process, as was already evident in the case of the Central and East European Countries (CEECs). In the first years after the collapse of the Berlin Wall, international pressure over democratic conditions in the very new post-Communist democracies was expressed mainly by way of principles rather than exerted through institutional procedures that required timed and specific responses. Incrementally, and especially when these CEECs showed interest in EU association status and later even applied for membership, the European Union evolved a more comprehensive political policy towards the accession countries, in detailing democratic criteria. The political conditions have also been tied in with EU programmes of financial assistance, the accession partnerships and the whole pre-accession strategy. At the same time this comprehensive policy distinguishes the European Union from other international bodies.

The first mention of democratic conditionality applied for candidate countries can be found in the early 1990s. In January 1992 the European Parliament approved a report, named after the Member of European Parliament who presented it, Willi Birkelbach, which stated: ‘Only states which guarantee on their territories truly democratic practices and respect for fundamental rights and freedoms can become members of the Community’ (Pridham, 2005).

The political conditions the EU currently implements for its candidate countries originated in the requirements which were decided by the European council at the Copenhagen Summit in June 1993. These criteria – hence known as the Copenhagen criteria - stipulate as follows:

“Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and 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”<sup>1</sup>.

For the first time in its history the EU presented clear and comprehensive political conditions to its candidate countries. Characteristic for the recent and current enlargement policy of the Union is the fact that the Commission requires the conditions to be met before the accession takes place. This demand above all marked of the Eastern enlargement from previous enlargements when Brussels had been more relaxed about their implementation after accession (Grabbe, 2003; Pridham, 2005).

The Copenhagen Criteria already stipulate an impressive move beyond the formal democracy criteria utilised initially with respect to Single European Act. After some enlargement experiences, the EU cautiously stepped into areas of substantive democracy, which it continued to elaborate. While the Copenhagen Criteria as defined in 1993 covered the stability of democratic institutions, the rule of law and human and minority rights – mainly conditions of formal democracy – these criteria have moved to include also criteria of substantive democracy, such as the independence of judiciaries, the pursuit of anti-corruption measures, the pluralism of the media, the importance of local government and an involved civil society; but also economic, social and cultural rights such as those relating to trafficking

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<sup>1</sup> [http://europa.eu.int/information\\_society/activities/atwork/\\_documents/dgenlargementbrochure/sld005.htm](http://europa.eu.int/information_society/activities/atwork/_documents/dgenlargementbrochure/sld005.htm)

in women and children and gender equality. More recently, other issues have been added, notably the handing over to the Hague tribunal of war criminals from the Balkan conflicts of the earlier 1990s, with respect to Croatia and Serbia-Montenegro as well as Bosnia-Herzegovina (Pridham, 2005, 2006).

It is clear that the content of EU's democratic conditionality has, compared with the Southern European accessions, certainly broadened in scope. It has moved decisively from the then essentially formal criteria, concentrating on institutional matters, to embrace areas of substantive democracy involving political society. The EU provides a consistent and direct pressure for the introduction and elaboration of democratic rules and procedures but also civil and other rights (Pridham, 2002, 2005).

## **1.2. Mechanisms of democratisation**

The EU – as an international actor – disposes of several mechanisms for the promotion of democracy. In recent literature one can find an extensive list of methods, of which are the most common: diffusion, contagion, demonstration effect, incorporation, consent, adaptation, complex interdependence, Zeitgeist, convergence, emulation, socialization, learning, and conditionality (Kubicek, 2003; Pridham, 2005).

One can generally point to four, broad categories of democratisation mechanisms: control, contagion, convergence, and conditionality. The description of these categories as follows is based on the works of Paul J. Kubicek (2003) and Geoffrey Pridham (2002, 2005, 2006).

### **a. Control**

This mechanism is normally associated with foreign occupation. It implies directly taking control over a state's political institutions and in this way determining its domestic politics, including democratic conditions.

It is clear that EU membership may help to “underwrite” democracy, but that there is no direct control mechanism by which the EU can impose democracy on any state.

### **b. Contagion**

The notion here is that events or systems in one country or group of countries, to the extent that they are seen to be attractive or achievable, can spread across borders.

Many have pointed to the Western democracies, and the countries of the European Union in particular, as a source of inspiration, given their wealth, security, and stability. These attributes, of course, might be quite attractive to states and motivate their efforts for EU association and/or membership.

### **c. Convergence**

Convergence constitutes the gradual movement in system conformity based upon established democracies that have the power and institutional mechanisms to attract and assist transiting regimes and to help secure their democratic outcomes.

The European Union is the most ambitious example of this kind of democracies, all the more as its promise of incorporation (i.e. EU membership) gives a direction and purpose to convergence and, of course, it reinforces significantly its power to attract. Convergence in this

context of European integration moves through a series of stages involving policy orientation towards Brussels leading to a membership application, the formalisation of links (notably with an Association agreement), various pre-negotiation consultation procedures and, then finally, negotiations for entry.

Incorporation is one manifestation of convergence, but democratic principles can also “converge” due to socialization through the growth of transnational networks, involvement of EU agencies in political, legal, and economic reform efforts, the internalization of democratic norms, as well as more impersonal changes fostered by globalisation. The key difference between contagion and convergence is that convergence explanations identify causal mechanisms.

There are two main ways by which convergence can occur. Firstly, through a rational, instrumental calculation of domestic elites, responding to either *objective* political or economic pressures or those purposefully applied by external actors. The other is more *ideational*, constructivist, based upon learning, consciousness-raising, socialisation, and the internalisation of democratic norms. The difference is thus in the motivation to change. Instrumental convergence can be understood as “Do X to get Y”, whereas convergence through socialisation would occur when actors accept that “Good people do X”.

#### d. Conditionality

This last category refers to the linking of perceived benefits (e.g. political support, economic aid, membership in an organisation) to the fulfilment of a certain program, in this case the advancement of democratic principles and institutions in a “target” state. Conditionality thus works on a cost/benefit analysis, and democracy results from a rational calculation. It is likely to produce, at least initially, instrumental adaptation of policy and not an internalization of norms.

Of all the transnational concepts, conditionality is the most suggestive of deliberate efforts to determine from outside the course and outcome of regime change (excepting of course ‘control’ through foreign occupation). It usually requires regular political monitoring of domestic developments in the countries under discussion.

The most striking use of democratic conditionality by the European Union can be found in the Copenhagen Criteria. Accession provides the EU with its greatest incentive to carry democratic conditionality into practice because the ultimate prize is no less than membership. Once this is granted, new members become locked into a permanent integration process that makes it increasingly difficult to reverse democratisation. During this whole process, the idea of democratisation is closely linked to the concept of Europeanisation.

## **II. The link between Europeanisation and democratisation**

It is widely expected that European integration has a distinct impact on the democratisation of its member states. Not only in the long term – by promoting regime consolidation – but already in the accession process the EU nowadays helps to establish and improve the democratic conditions of its applicant states.

One of the main reasons for the recent re-emerging of Europeanisation and democratisation questions into the intellectual debate is the process of EU enlargement of May 2004. The European Union was, for the first time in its history, trying not only to export the *acquis communautaire*, but additionally it was making an effort to transfer EU norms and values to its new member states. The breadth of this process left the EU with considerable scope for influencing domestic politics by processes of Europeanisation.

## **2.1. The concept of Europeanisation**

When you take a closer look at the recent literature on the European Union and its member states, you come across an ever extended use of the concept of 'Europeanisation'. The term is used to cover a wide range of processes and changes, but lacks a clear and unambiguous definition of what it really implies. In general, scholars distinguish two key concepts in the Europeanisation process – one centred on the processes in the Union, the other centred on processes in the member states:

1. *The 'Bottom-up' dimension: developing institutions at the European level.* Used in this way, Europeanisation refers to the evolution of European institutions as a set of new norms, rules and practices. It signifies developing the collective action capacity of the Union and providing some degree of co-ordination and coherence at the European level (Olsen, 2002, pp 923-924; Börzel, 2002, pp 193-194).
2. *The 'Top-down' dimension: central penetration of national systems of governance.* On the other hand, Europeanisation refers to the impact of the EU institutions on the political structures and processes of the member states. This phenomenon of Europeanisation implies adapting national and sub-national systems of governance to a European political centre and European-wide norms (Olsen, 2002, pp 923-924; Börzel, 2002, pp 193-194).

The most elaborated and often used description of the concept of Europeanisation is given by Bulmer & Radaelli:

“Europeanisation consists of processes of a) construction, b) diffusion and c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’ and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structures and public policies” (Bulmer & Radaelli, 2004).<sup>2</sup>

An important aspect of Europeanisation that Bulmer & Radaelli do not fail to refer to, is the fact that Europeanisation not only entails changes in formal policy rules, but also generates an effect on less visible processes as beliefs and values. From the point of democratisation, this influence is not to be underestimated. As mentioned before, this was especially noticeable in the EU's last enlargement round: the Union imposed on the candidate countries not only the entire *acquis*, but it also tried to disperse the values and norms which are valid in European civilisation.

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<sup>2</sup> Bulmer S. J. & Radaelli C. M. (2005), 'The Europeanisation of National Policy?', in Bulmer S. J. & Lequesne C. (eds.), *The Member States of the European Union*, Oxford: Oxford University Press.

It is clear that, when we try to examine the democratisation of the EU member states, we have to focus on the second process of Europeanisation as described above: *The 'Top-down' dimension* or the impact of the EU institutions on the political structures, processes and norms of the member states.

Since the processes of democratisation and Europeanisation have most clearly been interlinked in the last EU enlargement of May 2004, I will focus in my description of the link between the two processes on the conditions in the Central and East European enlargement.

## **2.2. Democratisation as part of Europeanisation**

A significant relationship is likely to develop between the two simultaneous processes of democratic consolidation and EU accession. This is not only a result of the fact that the two processes are often simultaneous, for several other mechanisms and processes are involved. The most important of them constitute the rigorous demands from Brussels about political conditions, the indirect political effects from candidate countries and later member states participating in the EU system and the wide-ranging and in some instances profound effects from implementing European legislation (Pridham, 2006).

It was the dynamics of enlargement and the promise of actual membership that prompted post-Communist new democracies to agree unquestioningly to the various conditions of Brussels relating to politics, economics and state capacity and to pursue them diligently. These conditions were monitored rigorously by the European Commission in the half-decade before they joined the EU. This unrelenting procedure distinguishes the EU from other regional organisations where acquiring membership is not nearly such an elaborate, lengthy and testing business and where democratic conditionality is not exercised in such a strict way (Pridham, 2006).

By and large the EU's influence has pointed towards reinforcing and promoting consolidation, both directly through its conditionality and indirectly through the closer engagement of these new democracies with integration matters and policy-making institutions and procedures. The common thought is that of locking still relatively new democracies into an institutionalised international framework. For full membership of the European Union, as summarised by Whitehead in Geoffrey Pridham (2002),

“Generates powerful, broad-based and long-term support for the establishment of democratic institutions because it is irreversible, and sets in train a cumulative process of economic and political integration that offers incentives and reassurances to a very wide array of social forces ... it sets in motion a very complex and profound set of mutual adjustment processes, both within the incipient democracy and in its interactions with the rest of the Community, nearly all of which tend to favour democratic consolidation ... in the long run such 'democracy by convergence' may well prove the most decisive international dimension of democratisation, but the EU has yet to prove that case fully.”

The potential of the European Union for impacting on democratisation varies between three broad stages in the enlargement process:

1. Pre-negotiations, when the Copenhagen Criteria have to be satisfied before negotiations commence

2. Actual negotiations, when political conditions as updated are monitored regularly
3. Once membership begins, when the EU's direct leverage over new entrants begins to weaken, but at the same time the indirect effects of European integration in helping to consolidate democracy increase through the very intensification of networking that goes with membership (Pridham, 2002).

The decisive stages when direct effects are most effective remain the pre-negotiation-phase and the period when actual negotiations take place. The effect of the Copenhagen Criteria is rather straightforward: the political conditions have to be implemented before negotiations can even start. By moving on to the second period of actual negotiations for EU membership, some differences may already be noted with respect to democratic conditionality. First, starting negotiations represents a major shift in the balance between Europeanisation and democratisation. This comes from the fact that accession government efforts are now overwhelmingly focussed on taking over the European legislation as described in the roughly thirty negotiation chapters. One may say that high-political perspectives as evident at times in the first period become subordinated now to micro-political and administrative concerns. Secondly, the democratic conditionality is less dramatically related to accession prospects now that the cherished invitation to negotiate has arrived. Accession governments now have less reason to feel nervous that the state of their democracies could jeopardise their progress towards membership. Violations of the political conditions would no longer lead to an immediate decision – as was the decision of starting negotiations or not - but rather a lengthy procedure within the EU involving different institutions over whether to break off negotiations; a procedure that has never in fact been utilised (Pridham, 2005).

This does not imply that the political conditions, once negotiations have started, may be swept under the carpet. The EU's possibility of threatening to stop the negotiations works as a stick, which keeps on motivating the politics of the candidate countries. There is literally a parallel process between democratic conditionality and other integration developments, where the political conditions are monitored annually alongside membership negotiations. There were some occasions, for example in the case of the Czech Republics lingering in the judicial reforms, when the two processes interact: failings in implementing the conditionality were threatening the continuation of negotiations. These might harm the countries prospect of an eventual membership of the European Union. It is true however that in general the procedure for halting negotiations is somewhat lengthy and time-consuming, allowing offending candidate countries suitable time for rectifying matters (Pridham, 2006).

It is not the case that the moment of EU entry automatically represents the final point of democratic consolidation. What accession does is to proclaim new members' success with democratisation through granting this much-coveted international status, to transmit thereby some political confidence at least to their political elites and, most importantly, to provide a framework that increasingly makes it difficult for democratisation to go wrong. In short, accession makes consolidation probable and in the best circumstances acts as a virtual guarantee that it will be achieved (Pridham, 2006).

On questions of parallel processes, it is important to recall that post-Communist countries have been undergoing different simultaneous transformations in which the European Union has played some role. Brussels requires, for instance, that candidate countries become functioning market economies, in this way adding momentum to their economic transformation.

Some scholars (e.g. Lippert et al., 2001, p 985) point to the fact that it is sometimes impossible to determine which changes are the direct effect of EU integration and which can be attributed to other processes of e.g. transition, democratisation or globalisation. Especially in a context of transformation – as was/is the context in the CEECs – it is a tricky game to determine which force is at work.

### **III. Scope and Limits of EU Democratic Conditionality**

#### **3.1. Limitations on EU as democratiser**

If one focuses on the role of the European Union in countries as Poland, Spain, Portugal and Hungary - countries where a consolidated democracy emerged without any serious trouble - one could easily claim the EU plays an important role in the democratisation process. There are however considerable limitations to the range of the European Union as a democratising actor. These limitations may be inherent to the domestic situation of the target state, to the working of the European Union, or they may be directly linked to the process of European integration.

##### **3.1.1. Limitations inherent to the domestic situation**

EU democratising efforts interact closely with the domestic situation of the target state. It is debatable to what extent one can see any of the democratising categories as described above as truly catalysts or “independent” variables. In many circumstances they may depend upon a domestic opening or crisis in order to be of any significance. This leads some to claim that international factors may only play a supportive role in democratisation efforts, as the more crucial factors would be the will of political elites, political cleavages in a given state, and public support for democratic norms and institutions (Kubicek, 2003).

Implementing democratic conditions may be complicated or side-tracked by domestic political problems. This complicates the task of untangling the various domestic and international factors that work for and against democratisation. Singling out the precise role of international factors is therefore difficult. They cannot be treated in isolation from home grown phenomena (Kubicek, 2003).

It is obvious that the role of the EU depends particularly on the engagement of the national government of the target state and its will to democratise the country. In case a government decides it will not engage in the democratisation process, there is very little the European Union can do. In this way the will to democratise is closely linked to the will to integrate in the EU. Once a country is convincingly eager to join, the Union disposes of greater leverage and scope for the implication of its democratic conditionality. If a state has alternatives to the EU – as is the case with Turkey, Ukraine and Belarus – it is harder to use this conditionality. Since accession governments are the central and pivotal domestic actors, it follows that their commitment to the processes of democratisation and Europeanisation is crucial.

A second limitation on the democratising impact of the EU relates to the timing of conditionality impacts in relation to democratisation. This was particularly noticeable in the last EU enlargement round. The new democracies in Central and Eastern Europe established

their new institutions well before the political conditions began to be applied methodically and annually as from 1997. Therefore, the EU conditionality had little to say about macro-institutional choice just as it did not engage with types of liberal democratic regimes. As the Copenhagen criteria stressed, the EU concern was about the ‘stability of institutions guaranteeing democracy’ – whatever they are (Pridham, 2006).

This interacts with the fact that the scope for EU conditionality differs significantly during the several levels of democratisation<sup>3</sup>. When Central and Eastern Europe started the phase of democratic transition its relation with the EU was mainly a commercial one. During the early opening of the Eastern Bloc there was no sign of EU democratic conditionality towards the region. This means that different Central and East European governments took their decisions concerning regime change independently from any EU interference. They started their democratisation process before the EU got politically involved. Constitutional decisions – as the main task of transition – lie usually outside the scope of EU impacts, which considerably constrains the scope of its influence.

However, the subsequent institutionalisation of democratic procedures – a central feature of consolidation – is undoubtedly open to EU influences. The focus of EU conditionality lies on ensuring that democratic institutions are really accountable and stable, that the rule of law becomes entrenched and that political pluralism and minority positions are fully tolerated. In other words, EU conditionality was really concerned with requirements of democratic consolidation rather than the more pioneering tasks of democratic transition (Pridham, 2006). In this way the EU also serves as a guardrail, “underwriting democracy” in states where democratic progress, for a variety of reasons, has already been substantial (Kubicek, 2003).

### 3.1.2. Limitations inherent to the EU

Further limitations on EU conditionality derive from the institutional weakness of the European Commission, which emerged as the protagonist of EU conditionality in the 1990s. Clearly, it thereby acquired important powers but at the same time the commission showed more often than not that its approach to democratic conditionality was bureaucratic rather than straightforwardly political.

The European Commission takes the view that the moment of entry to the EU in effect represents the end point of democratic consolidation. But striking is the fact it has never reached any conceptual clarity on what constitutes a newly consolidated democracy. The Commission avoids adopting any model of democracy. Instead the EU conditions have been pragmatically handled and incrementally developed without this involving any comprehensive view of liberal democracy (Pridham, 2006).

The fact that the EU has been very slow in developing a definition of its political values has been pertinent during its last enlargement round. The Copenhagen Criteria required the

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<sup>3</sup> As an ideal type, one can break democratisation into three stages. *Liberalisation* is the initial period when political restrictions are relaxed and alternative voices and groups are given freedoms to express themselves and organise. *Transition* can be understood as the process of regime change itself, when the authoritarian system gives way to new democratic institutions and procedures. *Consolidation* refers to an often lengthier and in certain sense always ongoing process. It involves in the first instance the gradual removal of the remaining uncertainties surrounding transition (e.g. the constitutional ones, elite behaviour, the resolution of civil-military relations). The way is then opened for stabilising and institutionalising democratic institutions and practices, as well as for the internalising of democratic norms by elites and masses through a ‘remaking’ of the political culture (Kubicek, 2003; Pridham, 2005).

candidate countries to achieve the rule of law, human rights and respect for and protection of minorities. But the European Union itself had/has no institutional template for any of these conditions, because they remain outside EU-level responsibilities. The Union has set conditions for the candidates, but there is no Community competence for them (Grabbe, 2001, p 1024-1025; Olsen, 2002; Bulmer & Radaelli, 2005).

EU democratic conditionality furthermore is not all-inclusive in its scope. Limitations are shown in some important gaps in the commission's attention to democratic actors, for political parties are completely omitted (although their activity is catered for by the European transnational parties), while civil society is narrowly defined as the development of NGO's (which is covered more via the Phare Programme than the political conditions properly speaking) (Pridham, 2006).

Even though the conditionality policy the Commission has developed in the later 1990s and beyond is the most ambitious both in the EU's history and in comparison with other international organisations, certain limitations on its conditionality stay pertinent and striking.

### 3.1.3. Limitations inherent to the process of Europeanisation

Several limitations are inherent to the direct link between the processes of democratisation and Europeanisation. When talking about the democratisation process in the European Union, less attention is usually paid to the possible impact of EU integration on democracy at the national level. Some effects of European integration might hamper or even reverse the democratisation process. These negative effects are described hereafter.

#### The *second democratic deficit*

A first negative implication of European integration on democratisation is referred to by *the second dimension of the democratic deficit of the EU*. This implies to the transfer of competences to the EU level which leads to a diminishing policy performance of national governments. The shift of functions to the EU and an increase in its supranational authority have been weakening the ability of national governments to respond to the demands of their citizens and hence have been leading to a decline in the legitimacy of these governments (Binnema, 2005).

This problem of legitimacy - and hence democracy - is even more pertinent when we take a look at the national parliaments. According to the concept of the *second democratic deficit*, the development of the EU has led to an erosion of parliamentary power to executive office-holders (Dieringer & Stuchlík, 2003). Already during their accession process, it is clear that executives and civil servants dominate the contact and negotiations with EU institutions. But also once a member of the Union, national governments are the key decision-makers on EU issues. While the executive branch – the Prime Minister, individual cabinet ministers, regulatory agencies, and bureaucrats - has strengthened its leverage in agenda-setting, policy preparation and implementation, the national legislatures have not only lost politically – by the dominance of the executive - but also constitutionally (Raunio & Hix, 2000).

Constitutionally, the issue is relatively straightforward. Powers that previously were under the jurisdiction of national legislatures have been shifted upwards to the European institutions, with monetary policy, agriculture, fisheries, internal market, external trade, and segments of environmental and consumer legislation the most important policy areas in this respect. A

wide array of policy competencies has shifted to the European level, and the allocation and delegation of executive, legislative and judicial powers at that European level are decided by a collective agreement between the national governments. Moreover, these agreements are usually presented as a 'take-it-or-leave-it' package to national parliaments, where the only options for domestic legislatures are to accept the constitutional bargains without amendment or to reject the packages and plunge the EU into constitutional crisis (Raunio & Hix, 2000).

At the European level, the European Parliament is only gradually gaining powers normally held by national parliaments and – despite the extended application of the co-decision procedure introduced by the Maastricht Treaty – it is still far from becoming an equal partner with the Council of Ministers in every field of Community legislation.

The above described implication of EU integration can be applied to countries during their accession process, but is equally applicable once a country is member of the European Union. Traces of the effect can on top be found in all current members states of the Union. Nevertheless, several other negative effects have been most pertinent during the EU enlargement rounds, and some can mainly be applied to the last enlargement process of May 2004.

#### Democratic implications of the accession process

As described above, once a country has received the precious invitation of the EU to start negotiations on accession, we can witness a considerable shift from democratisation to Europeanisation. The political conditions remain an important component of the accession process but there are other priorities which may not always harmonise well with the process of democratisation.

The advance of negotiations for membership create a certain dynamic, but at the same time, negative effects may be present, coming from the intense pressure to join. They include increased government overload deriving from the burden of managing accession with its 30 policy chapters. This concern arises over the sheer immensity of the accession business with the acceding countries having to accommodate the whole *acquis communautaire* of some 80.000 pages, which have to be implemented under great pressure with insufficient time or effort to consult where necessary.

The danger comes thus from the bureaucratisation of relations with Brussels and the effect this might have on the domestic political process through the possible distortion of decision making at the cost of political involvement and consultation. So much change coming from Europeanisation, conducted invariably at a rapid pace creates enormous governmental if not systemic overload at a time when new democracies are not yet settled or perhaps robust enough to withstand such pressures (Pridham, 2005).

As mentioned earlier, signs have been evident of the EU strengthening executive and bureaucratic power without active popular engagement. When applied to accession countries, this creates a potential for widening the gap between political elites and masses, already a problem in many post-communist democracies. The pre-existing problem of elite/mass relations and public mistrust towards the political elites in CEECs derived essentially from the legacy of Communist rule in the form of mistrust towards state authority, but also drew on public awareness of corrupt practices among political circles since the advent of democracy. The fear is that this gap of political credibility could worsen with accession's over-

concentration on executive power, which would create public disillusionment when democratic attitudes have not fully taken root (Pridham, 2002, 2006).

The strengthening of the executive also constitutes some implications for the democratisation of the different levels of the consolidation process. The accession project was distinctly top-down and elite-driven, whether from Brussels or from the various CEE national capitals. As a result conditionality matters have far more direct impact with political elites than they do either in the political arena of parties, the media and the public or in the socio-economic arena of interests and NGOs. As a consequence EU democratisation effects will occur in the first instance at the institutional level, but they will be least evident at the level of civil society. The weakest arena for conditionality is clearly at deeper or societal levels. Effects at these last levels take much longer, stretching into early EU membership, and even then remain somewhat limited, judging by previous EU enlargements (Pridham, 2002, 2006).

Similarly, conditionality has been more successful in formal terms (i.e. institutional and legislative) than in concrete terms (i.e. with respect to implementation). The fact that the conditionality policy effects are greater on the institutional compared with the intermediary and societal levels might on top suggests a lack of depth to conditionality impacts and hence a basic limit to the possibilities of integration affecting democratic consolidation (Pridham, 2006).

It is clear there are some aspects of Europeanisation that pose particular problems for democratic consolidation. However, in most cases it is necessary to withhold judgement and wait on further developments in early EU membership.

### **3.2. Central and Eastern Europe: a wider scope for democratic conditionality?**

If one looks at the state of democracy in the new members of the European Union which joined in 2004, one might come to the conclusion that EU conditionality has been relatively successful. It has often been argued by scholars (e.g. Grabbe, 2001, p 1014) that the conditions the EU has set in her last enlargement round were causing a greater level of democratisation in the states of Central and Eastern Europe, than was the case in preceding enlargements. Due to several singularities of the region, the argument goes, the scope of EU democratic conditionality was considerably greater than those on previous applicants.

An important factor which largely influenced and enhanced the democratisation process in Central and Eastern Europe is the changed international scene. The post-communist democratisations have taken place when international relations themselves have been in the process of being reconfigured. International factors have for certain reasons had a more pervasive and diverse impact but also enjoyed more institutionalised channels in the 1990's and beyond than they did before. They tend to be more interventionist in the post-Cold War context, especially with reference to good governance and democratic standards. One significant feature to note in this respect is the changed balance between hard security interests and the promotion of democracy. The former enjoyed greater priority during the Cold War especially on the part of the USA, but the collapse of Communist systems has relaxed somewhat security policy considerations allowing greater scope for the latter (Pridham, 2005).

One obvious reason for the increased EU influence on Central and Eastern Europe is the expanding of the democratisation mechanisms at its disposal. During the 1990's the European

Union and its member states developed an extensive portfolio of support mechanisms for the new democracies to the East, while articulating a more precise and persistent form of democratic conditionality. As described above, the criteria applied moved from mainly procedural conditions of formal democracy to include criteria of substantive democracy, as the importance of local government, the pluralism of the media and the involvement of a civil society. It follows that EU enlargement to the East, compared with accessions during previous decades, is both more demanding and more likely to affect profoundly countries seeking membership (Pridham, 2005).

When a country chooses to walk down the path of European integration, there are four imperatives which lay at the root of this external policy redirection (Pridham, 2005):

1. The historical imperative: the idea of starting all over again and taking a distance of the past
2. The security imperative
3. The democratic imperative: the idea that the European Union and other Euro-Atlantic organisations provide a structure for guaranteeing the chances for new democracies, and
4. The modernising imperative, which is mainly economic

It is clear that democratisation is not an exclusive concern. It is also obvious that the democratic imperative applies to new democracies but cannot do so to established ones. As for the CEE political elites, they all shared the widespread perception that the EU and its ongoing enlargement were central in their process of democratisation if not crucial to its successful outcome. The democratic imperative was thus present in their move towards the European Union.

But the historical imperative was equally important in the motivation of the CEECs to join the Union. This imperative allowed them to draw a line under the discredited past and to seek a brighter future within European integration. In the post-communist states of CEE, the dominant theme has been of a 'return to Europe'. This credo implied a rejection of the recent Communist past and at the same time excluded alternative orientations. This alternative policy preference was either present in the form of political sympathy which looked East or it featured in an emphasis on economic links with Russia, this with an EU-unfriendly undertone. Significantly, however, the consensual rhetoric about the 'return to Europe', the international credibility of the European Union and the widespread discredit attached to the former Communist regimes prevented such policy alternatives from being voiced strongly and openly. Remaining uncertainty over the geopolitical intentions of Moscow also compelled these newly released countries to look westwards. However, the growing sense that there was no real alternative to the European option often discouraged reflection over the consequences (Pridham, 2005, Kubicek, 2003).

The openness of Central and Eastern Europe to EU influence, owing to the process of post-communist transformation, is an other element which considerably enlarged the chances for Europeanisation and EU democratisation. The EU has been able to push the CEE policy reforms faster than they would otherwise have done because of the priority accorded to accession by their governments and because of the institutional lacunae resulting from the communist era. The CEE applicants were working from a different (lower) starting-point in terms of institutional development, with gaps left by communist systems (Batt & Wolczuk in Grabbe, 2001, p 1014). They did not start with an institutional tabula rasa, but the communist legacy entailed that some EU policies met with less institutional resistance than in the then

member states. The candidates were in the process of throwing off communist-era legislative frameworks and creating new ones for a capitalist market economy. This process has made them more receptive to regulatory paradigms than the EU's member states were, because EU models were being presented at the same time as CEE policy-makers were seeking a model to implement (Grabbe, 2001, p 1014).

## **IV. The Czech Republic**

In this last section I focus on the democratic situation in one of the Central European countries that joined the EU in 2004, namely the Czech Republic. After a short description of the Czech democratic tradition, I take a closer look at the elaboration of the democratic concept since the end of the Communist dominance. Striking is the cleavage in the Czech society between adherents of a pluralist and those of majoritarian democracy. In a final outline I take a closer look at the specific democratic problems of the Czech Republic, in which some of them EU influence has been fruitful. It is important to note here that this section presents an outline of a part of my dissertation project. Further theoretical and empirical research will be needed.

### **4.1. Democracy in the Czech Republic**

The Czech Republic is generally considered to be an example of a successful transition. Already in the late 90's – less than a decade after the collapse of the communist regime – the country showed to be remarkably stable (Kavan & Palouš, 1999). In Central Europe, the Czech Republic - together with Poland and Hungary - ranks as a democratic “leader”, a state where democratic consolidation is well under way and where no significant threat to democracy has emerged since the end of the previous communist regime (Kubicek, 2003).

The Czech Republic presents in general terms an established parliamentary democracy. The basic democratic institutions have been reconstructed and the principle of the rule of law has been reintroduced. The country acquired at high pace a wide range of democratic features: opposition is free to organise; elections are free and fair, the media is basically free, operating without any political control by the state and openly criticising the government (Kavan & Palouš, 1999); trade unions and professional associations function freely; the government generally respects freedom of expression, freedom of religion and academic freedom; Czech citizens may assemble peacefully, form associations, and petition the government (freedomhouse, 2005); the Charter of Fundamental Rights and Freedoms represents a part of the Czech constitutional system; the Czech Republic is a party to the European Convention for the Protection of Human Rights and its additional protocols, it became a member of the Council of Europe in 1993 and acknowledges jurisdiction of the European Court (Handl, 2001).

The country shares however a number of problems with some democratic states and especially with the transition countries of the former Eastern Block – low efficiency and functioning of some public institutions, distortions of their politico-economic co-ordination, low performance level of civil service, ... (Handl, 2001). At the same time, the Czech Republic obviously faces a number of specific problems, related to corruption, justice, ... These and others will be considered below.

#### 4.1.1. The Czech democratic tradition

Unlike most of the former communist states, Czechoslovakia had a certain amount of experience with democracy. As a matter of fact, egalitarianism – the lack of hierarchical structures, the building up of a society ‘from below’ – belongs to the natural, ‘genetic’ equipment of small central European Slavonic nations. The First Republic, an independent Czechoslovak state which appeared on the map of Europe after the dismemberment of Austria-Hungary at the end of World War I, was essentially democratic, with a well-functioning economy, pluralistic party political system and the rule of law. Its weaknesses included the failure to resolve successfully the problem of national relations within the country, which, in the deteriorating international situation, contributed to the eventual demise of the state (Kavan & Palouš, 1999).

A more limited form of democracy was established after World War II and functioned between 1945 and 1948. It involved a curtailed form of pluralism – the right and the centre-right were excluded – and the Communist Party assumed a dominant position in the government. The intensification of the Cold War and the increasing radicalism of the Communist Party resulted in the demise of ‘democracy’ in February 1948.

Last, but not least, the 1960s saw a gradual thaw of the Stalinist variety of socialism, culminating in the radical reforms of the Prague Spring of 1968. The termination of this democratic experiment by the Soviet red army intervention confirmed the perception that threats to Czechoslovak democracy were largely external.

Although these historical experiences with democracy were limited in time and scope, and represent, for the majority of the population, a distant historical memory rather than any actual experience with democracy, they provide an enduring myth of democratic national culture (Kavan & Palouš, 1999).

#### 4.1.2. Democracy after the fall of the iron curtain

The meaning of democracy continues to be a controversial issue in the present day Czech Republic. Differences of perception can be noticed in political speeches (which often provoke open controversy) as well as in the practice of politics (Hadjiisky, 2001). Moreover, there is a difference in opinion about the role of political parties in the new democracy. After 40 years of the Soviet system one issue appears crucial and has yet to be resolved: what type of relationship should a democracy establish between the state and the citizenry?

There are two alternative and quite different perceptions of democracy that explain today’s debates. Reflecting Arend Lijphart’s models of majoritarian and consensus democracies, the first may be called a ‘participatory’ conception of democracy and the second a ‘majoritarian’ conception (Hadjiisky, 2001). The origins of these divergent perspectives on democracy go back to the founding period of Czech contemporary democracy, and emerged during the competition between the democratic forces of the first Czech democratic organisation, the Civic Forum.

The conception of democracy that was dominant after 1989, and defended by the founders of the Civic Forum, placed the citizen at the centre of political life by promoting various kinds of civic participation in public affairs. The concept can be summarised in two main ideas: the need for a reinforced state of law, and the need for the citizen to play a central role in

democracy. It favoured a vision of democracy where the traditional aspects of representative government (multi-party system, democratic and regular elections) were enhanced by the importance given to counter-powers whether juridical (control of conformity of laws to the constitution), institutional (parliamentary opposition, the existence of a second chamber) or territorial (federal structure, protection of ethnic minorities, regional decentralisation). In the political life, this participatory conception aimed towards the creation of different types of intermediate organisations between the government and the citizenry in order to allow various kinds of civic involvement (Hadjiisky, 2001).

This participatory model of democracy proved dominant during the first period of democratisation largely because it was promoted by Václav Havel and some other former dissidents who, shortly after 1989, gained important positions in the political arena. Havel, who was seen as the embodiment of the 'first Czech democratisation' (1989-92), argued that "anti-political politics" was possible. He was a defender of "politics from the bottom up" with its credo "the politics of man and not of the apparatus". Havel himself criticised fiercely political parties for their tendency to monopolise political power to the detriment of their voters. For Havel and the other founders of the Civic Forum, Czech democracy had to become a regime where political parties would not enjoy the monopoly of political representation.

Despite their dominant position in 1990-92, the former dissidents did not manage to spread their vision of democracy. A cleavage was forming in the Prague leadership, separating the representatives of the Civic Forum who were devoted to building new democratic institutions and others who wanted, above all, quickly to initiate a radical transition to a market economy.

The years 1991-92 may be considered a turning point in the re-installation of Czech democracy. It was then that Václav Klaus appeared as a leader and who presented himself as the most important instigator of a double evolution: promoting a radical shift to a market economy and pleading for a well-organised and well-balanced party able to meet the requirements of a classic parliamentary democracy. Klaus is regarded as the instigator of the 'second Czech democratisation' (1992-96).

Klaus – himself an economist - has always placed the introduction of a market economy at the heart of the transition to democracy. For him the question of the nature of political organisations in transitional periods was of little or no importance, in that the way out of socialism was seen as purely economic. He was convinced of the idea that economic liberty formed the basis of civic liberty (Hadjiisky, 2001).

Klaus favoured the adoption of a model of democracy and of a political party that its new leader often describes as 'classical' or 'standard'. According to him the Czech Republic was in need for a real political party with a precise programme, of which the major factor is the economic market reform. What was necessary, in other words, was to put into place a political structure on which could be based the economic reforms that he wished to undertake (Hadjiisky, 2001).

These and other differences of opinion rapidly provoked a split in the Civic Forum. In March 1990 three different political actors emerged out of the former democratic movement: the ODA (Civic Democratic Alliance) and the ODS (Civic Democratic Party), which both claimed an adherence to the right-wing, and the Civic Movement, which described itself as a centrist group defending the legacy of the Forum's civic politics. In the next parliamentary

elections of 1992, the Civic Movement won only 4,4% of the vote, whereas ODS gained 33,9%<sup>4</sup>.

Throughout the entire period of what can be called the 'second Czech democratisation' (1992-96), the ODS was the vector of a majoritarian conception of democracy. This model was a genuinely representative one in which elections represented a clear delegation of power to the winning parties during the whole term of their office. The ODS vision of Czech democracy referred explicitly to the British example, considered this to be the 'classic' model of democracy. Contrary to the multi-actor polity stated by the Constitution, the ODS considered that, after being elected, the main political party had to assume as much responsibility and power as possible – thus following the well-known 'winner takes all' logic of the majoritarian model.

For ODS democracy represents above all an imported product which needs to be interpreted in the most suitable way for the purposes of the party: that is, as a representative government with as weak counter-power as possible whose pillars are formed by strong and stable political parties (Hadjiisky, 2001).

#### 4.1.3. The Klaus Government of 1992-1996

Following the results of the May 1992 elections, a coalition government was formed by ODS (33,9 %), ODA (5,0%) and the coalition party KDU/CSL (Christian Democratic Union/Czech People's Party) (6,0%)<sup>5</sup>. Václav Klaus was appointed Czech Prime Minister. The governmental coalition held a comfortable majority in parliament, especially as the opposition was fragmented and heterogeneous. But despite this stable parliamentary situation, the ODS nevertheless tried to concentrate political power within central government and opposed the application of the system of checks and balances that was provided for in the Constitution (Hadjiisky, 2001). Important for the process of democratisation is that the political constellation of 1992-1996 postponed the implementation of some provisions of the Czech constitutional order. ODS made its final step on the path towards the majoritarian conception of democracy by opposing to both bicameralism and decentralisation (Handl, 2001; Hadjiisky, 2001).

A first event that raised some serious questions about the democratic nature of the new government was the split of the Czechoslovak Federation. At a high pace at the end of 1992 the decision was made to divide the country in the Czech and Slovak Republics. Both countries became independent on the 1<sup>st</sup> of January 1993.

The whole process of splitting up the country was taken without the prior and explicit consent of the people. They did not vote for it in an election – none of the political parties advocated the dissolution of the state in their election campaigns - or in a referendum. Opinion polls

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<sup>4</sup> Český Statistický Úřad (Czech Statistical Office), *Volby do Sněmovny lidu Federálního shromáždění konané ve dnech 5. - 6.6.1992 na území České republiky (Parliamentary Elections of the Federal Assembly held on 5 – 6 June 1992 on the lands of the Czech Republic)*, <http://www.volby.cz/pls/sl1992/u4>, website consulted on 25<sup>th</sup> of July 2006.

<sup>5</sup> Český Statistický Úřad (Czech Statistical Office), *Volby do Sněmovny lidu Federálního shromáždění konané ve dnech 5. - 6.6.1992 na území České republiky (Parliamentary Elections of the Federal Assembly held on 5 – 6 June 1992 on the lands of the Czech Republic)*, <http://www.volby.cz/pls/sl1992/u4>, website consulted on 25<sup>th</sup> of July 2006.

taken at the time showed that the majority of the electorate in both parts of the country even favoured preserving the common state (Kavan & Palouš, 1999).

Whereas President Havel and other political actors proposed holding a referendum on the issue, separation was in fact decided during a set of meetings between both Prime Ministers – Klaus and Meciar – in November-December 1992. This episode is still criticised as an example of how power can become concentrated in the hands of victorious parties without any popular or institutional control, even when that power concerns dealing with such a fundamental question as the future of the state itself (Hadjiisky, 2001).

As mentioned above, an equally important problem stemmed from the fact that the government lacked the will to implement fully the constitution, thus weakening elementary legal awareness and respect for law (Kavan & Palouš, 1999). In particular, the ODS cabinet prevented the creation of the Senate and of the regional communities.

The Czech Constitution provides the implementation of a bicameral system. While the Chamber of Deputies (200 members) had already been elected in 1990, 1992, 1996 and 1998, the creation of the upper Chamber – the Senate (81 members), equipped with much less powers, was for a long time obstructed by the ODS (Handl, 2001). The second house of the Parliament was finally created in November 1996, almost four years after the Czech constitution was adopted and just before the legislative elections of 1996.

The coalition government showed to be equally reluctant in implementing the law on regional communities. Territorial decentralisation had an important part to play in the Czech Constitution, which provided for two levels of self-administration: regions and councils. Local self-government - defined as ‘communities of citizens, benefiting from the right to self-administration’, being administered in an ‘autonomous way’ by elected councils and having their own resources and budgets - was considered to be a ‘fundamental constitutional rule’. Seen as an independent branch of power, local governments were conceived at this period as an important part of the checks and balances system (Hadjiisky, 2001).

The Czech Constitution provided for the establishment of regional bodies. As was the case with the Senate, ODS strongly opposed their creation, for they meant a devolution of the central power. It was not until 1997, when Klaus’ government came to an end, that the law on regional communities could again be discussed and finally approved (Hadjiisky, 2001). Pressure resulting from the changed political configuration after the 1996 elections, and pressure created by the Czech wish to comply with EU requirements, forced the leading governing party (ODS) to agree to their establishment. The Czech Parliament accepted the government’s proposal for the establishment of 14 such bodies in October 1997. Their power and competence were yet to be agreed and the implementation of the arrangement was not envisaged until 1<sup>st</sup> of January 2000 (Kavan & Palouš, 1999). In November 2000 Czechs finally had the chance to select delegates to sit in 14 regional assemblies, which formally opened their doors on 1 January 2001. Almost a decade after their constitutional provision, the 14 regional bodies added the third, intermediary tier of government between the local and national level (Beckmann, 1999).

A final but important remark to make concerns the election results of the recent Czech Parliamentary elections of June 2006. Regardless the democratic shortcomings of the party as described above, ODS won again the elections with 35,38% of the votes. The party is closely

followed by the second winner, the social democratic party CSSD, with 32,32% of the votes<sup>6</sup>. The division of power will thus most likely be of great influence on the further democratisation process of the Czech Republic.

## **4.2. The EU democratising influence on the Czech Republic**

In this final part I focus on the influence of the EU in some aspects of the Czech democratisation process. The influence of the Union has forced the Czech Republic to make some structural changes which favoured its democratisation.

The Czechoslovak government decided unilaterally to approximate national law to EU standards as early as 1991. The approximation of its laws proved, as it did for many other applicant countries, to be one of the most complex and difficult tasks to fulfil (Handl, 2001). Although the government of 1992-1996 had made adherence to the EU one of its priorities, its actions did not always favour a smooth interaction with the Union. The government proved very hostile to criticism from foreign governments and international organisations and NGOs. Several times in 1995 the Czech government dismissed such critics as incompetent or insufficiently aware of specific Czech conditions (Kavan & Palouš, 1999). It was however demonstrated that international pressure can have some impact. I hereafter focus on reforms in the field of justice, corruption & minorities. Many other areas however are left to be examined.

### **4.2.1. Justice**

The EU political criteria, imposed on the candidate countries, were, together with their integration progress, evaluated by the Commission in its annual reports. The 1999 report for the Czech Republic severely criticised its judicial apparatus. For the first time the Czech Republic felt considerable pressure to make systemic changes - and thus reform its judiciary - in order to safeguard its move towards EU membership.

By securing the independence of the judiciary and making it a really professional body, this reform is one of the vital EU political conditions, for it is fundamental to the rule of law which is central to the functioning of liberal democracies. Judicial reform involved overcoming the legacy of the Communist period when judges were closely linked with the old regime. This usually presented problems concerning their understanding of their role in a democratic society for which their past training was not suitable (Pridham, 2005).

The Czech Republic was in the Commission's progress report of 1999 strongly criticised for its failure to make any progress in judicial reform over the previous year. This had the intended shock effect and resulted in the government adopting a reform programme for the judiciary to rectify the situation. Following the criticisms a whole range of further measures were planned under different headings: short-term priorities (e.g. improving the qualifications of judges and training them in the application of European law); medium-term priorities (e.g. modernizing public administration in the field of justice and measures to promote judicial self-administration); and institution-building needs (e.g. rationalising the court workload and simplifying proceedings in court). The 2000 report on the CR acknowledged this ambitious

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<sup>6</sup> Český Statistický Úřad (Czech Statistical Office) (2006), *Výsledky voleb do PS 2006 v České Republice (Results of the elections for Chamber of Deputies 2006 in the Czech Republic)*, [http://vdb.czso.cz/vdbtab/tabdetail.jsp?cislotab=VOLPS\\_04CR&stranka=0&kapitola\\_id=283](http://vdb.czso.cz/vdbtab/tabdetail.jsp?cislotab=VOLPS_04CR&stranka=0&kapitola_id=283), website consulted on the 30<sup>th</sup> of July 2006.

programme, but noted that ‘certain key parts of the reform remain to be adopted’ (Pridham, 2002). It took some time and further pressures from the Commission to effect the promised improvements in judicial reform in the country.

For the first time however the Czech Republic experienced genuine fears that its accession could go wrong. This process made clear to the country that the connection between failures in its democratic conditions and the prospects for negotiations were closely linked.

#### 4.2.2. Corruption

The Czech Republic continues to confront some difficult remnants of the Soviet legacy, including significant corruption that affects many sectors of Czech society. The republic was ranked 51 out of 146 countries surveyed in the 2004 Transparency International Corruption Perceptions Index. One year later the Czech Republic ranked 47 out of 159 countries<sup>7</sup>.

Fighting corruption is very likely to be another long process of change but one where the scope for the EU by itself to force the pace is much less than with the judicial reform. This is because, whatever complexities of judicial reform, there are clear ways forward which given time are likely to produce some success, through establishing new professional structures and through personnel and especially generational turnover. With corruption, special agencies may be created and anti-corruption laws passed but with the best political will governments continue to confront practices which are long-standing, fairly widespread and somewhat deep-rooted (Pridham, 2005).

Corruption is regularly monitored by different international sources. Besides the EU, an interest is taken by the World Bank, the European Bank for Reconstruction and Development, sometimes the IMF, the Open Society Institute and of course Transparency International.

Despite the problems in fighting corruption, the impact of the European Union is not minimal. It is important not only because it forces to make institutional changes and without institutional changes you can’t fight corruption, but also as the EU much more than other international organisations compels implementation and enforcement. In the Czech case, EU pressure helped to break the ‘corrupt triangle’ between politics, finance and the media because it was EU pressure that persuaded newspaper owners to overcome their reluctance to cover and even campaign against corruption in high political places, including the Klaus government whose fall in 1997 owed much to exposure of its corrupt behaviour. It goes without saying that media exposure also promotes public disquiet about corruption (Pridham, 2005).

Although the Czech Republic performs relatively well in the field of corruption – this compared to other post-communist countries more East (Miller, 2006) - much work is left to be done. An index published by Transparency International in 2004 compared the state of fighting corruption in the four capitals of the Višegrad countries: Prague, Bratislava, Budapest and Warsaw (Transparency International, 2004). The objective of the research was to find out which of the selected anti-corruption tools are used in the public administration of the capital cities of the four countries, while also aiming at comparing how effective they are in preventing corruption. The results showed that Budapest is best equipped to fight public sector corruption; Prague had the worst standing of the Višegrad four capitals.

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<sup>7</sup> Transparency International, *Corruption Perceptions Index 2004*, *Corruption Perceptions Index 2005*, [www.transparency.org](http://www.transparency.org), website consulted on 24<sup>th</sup> of July 2006

### 4.2.3. Roma

After the End of the Communist rule and after the split of the Czechoslovak Federation, the Czech Republic was left with several ethnic minorities on its territory. In the past decennia the country has made considerable progress in implementing internationally guaranteed legal standards for the protection of minorities. In 1995 the Czech government joined the Council of Europe's Framework Convention for the Protection of National Minorities. The government pledged not only to protect the rights of minorities but also to enforce a policy leading to the elimination of ethnic inequalities in social, economic, cultural and political life.

Notwithstanding the approved situation of the Polish, Slovak and German minorities, the treatment of the Roma keeps on posing serious problems. Despite several good intentions, the segregation of the Roma in Czech society is deepening. Their participation in educational, healthcare and housing systems is declining, while their poverty is growing. In the last years intentional, violent and racially motivated attacks by nationalist groups increased, as well as open, non-violent discrimination of the Roma. Such acts went often unpunished because the necessary direct legal instruments were inadequate and the will to use indirect instruments was lacking. public opinion is invariably indifferent if not hostile towards this minority (Kavan & Palouš, 1999; Pridham, 2005).

Already before the entry negotiations started, the Czech Republic experienced some international pressure relating its minority treatment. This influence was particularly evident relating its citizenship law. The law has been severely criticized both at home and abroad for one of its provisions and for its implementation. The criticized provision set two years' residence and five years with a clean criminal record as conditions for citizenship. It was impossible for a number of people to fulfil these conditions within the period specified for application for citizenship following the dissolution of the Czechoslovak state. Further, the demand for a five-year clean criminal record was perceived to be anti-Roma (given the high numbers of Roma of Slovak origin with criminal records). In April 1996 the Czech government finally responded to international pressure and the Parliament amended this provision by giving the Ministry of the Interior discretion to waive this condition for Slovak citizens residing permanently in the Czech Republic since the dissolution of Czechoslovakia (Kavan & Palouš, 1999).

The problems with the Roma minority have been common to several Central and Eastern European countries seeking admission to the EU. Considering the scope of the problem, the EU has made the improvement of the living conditions of the Roma minority one of its priorities. During its last enlargement round, the EU characterised itself as the driving force on the matter and not just the Commission but also the European Parliament that has, among other things, made a cause of their situation as evident at regular meetings with CEE representatives of the Joint Parliamentary Committees (Pridham, 2005).

Besides the lack of judiciary improvements, the Czech Republic was in the 1999 Commission Report also seriously judged over its Roma segregation. More specific, the situation in the town of Ústi nad Labem attracted the attention of the Union. This city in the northern region of the Czech Republic has a high level of Roma population. The city reached the headlines in 1999 when it started with the construction of a wall which had to separate the Roma apartments of non-Roma houses. Under severe pressure of the EU, some time later the wall was taken down again (Pridham, 2002).

The problems with the judiciary, the fight against corruption and the segregation of the Roma are just several aspects where the EU exerted considerable influence in democratising the

Czech Republic. Several other domains of democratic consolidation remain open to the influence of the Union. In this framework, further research is required.

## **V. Conclusion**

In the years that past, the EU has transformed itself from a purely economic bloc into an international actor, which increasingly tries to disperse some political achievements. Its stress on democratic conditions has been particularly salient during its last enlargement round with the Central and Eastern European countries.

The EU – as any international actor – disposes of several mechanisms to promote democracy. Of the four main concepts – control, contagion, convergence and conditionality – political conditionality has proven to be most suitable and influential.

Despite these mechanisms, the EU faces several limits in its promotion of democratisation. Some of them are inherent to the domestic situation of member states and applicant countries, others are related to the EU policies themselves. Also the process of Europeanisation – to which the democratisation process is closely linked – generates some specific limits and even negative effects on the democratisation of a country. Despite these limitations, the EU disposed of considerable scope to influence the democratisation process of the post-communist countries.

The Czech Republic is one of the Central and Eastern European countries that joined the EU in 2004. Proud of its democratic tradition, the country developed two different concepts of democracy after 1989. In the 1990s the promoters of the majoritarian concept not always proved to be as democratic as they claimed to be.

The impact of the European Union on the Czech democratic conditions has been influential. This has been obvious in its judicial reforms, in its fight against corruption, and in its treatment of the Roma minority. However, further theoretical and empirical research on the question of EU influence on the Czech democratisation process is needed.

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