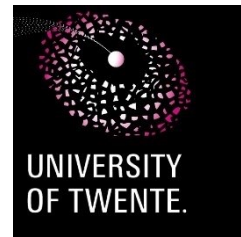


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The effectiveness of EU democratic and acquis conditionality

*A multiple case study on the fight against corruption in
the Western Balkans*

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"Any European State which respects (...) the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights (...) and is committed to promoting them may apply to become a member of the Union."

Legal basis EU-accession, article 2 and 49 of the Treaty on the European Union (European Union, 2013a, p.5)

Abstract

The topic of EU conditionality is widely discussed in today's literature in varying contexts across different countries and policy areas. In several studies it is concluded that the external incentives model (EIM) best explains compliance with EU conditionality, (Schimmelfennig, 2008; Schimmelfennig, 2005; Schimmelfennig and Sedelmeier, 2004; Böhmelt and Freyburg, 2012; Schimmelfennig, Engert and Knobel, 2003) which according to Schimmelfennig and Sedelmeier (2004, p.664) and Steunenberg and Dimitrova (2007, p.4) consists out of four factors; "the credibility of threats and promises, the size of adoption costs, the determinacy of conditions and the size and speed of rewards". Schimmelfennig and Sedelmeier (2004) concluded in their study that the size of domestic adoption costs was the most determinant factor for compliance during democratic conditionality and that the credibility of EU conditionality was the most determinant factor during acquis conditionality in Central and Eastern European Countries (CEEC). The improved EIM, consisting of solely the abovementioned two determinant factors, aimed to test general rather than policy specific compliance with EU conditions (Schimmelfennig and Sedelmeier, 2004).

The rule of law including the fight against corruption, is nowadays the most difficult field to comply with as EU conditions became stricter over time. In 2005, the EU increased the priority on the fight against corruption by establishing Chapter 23 Judiciary and Fundamental Rights in order to deal with the rule of law including corruption, next to the existing Chapter 24 Justice, Freedom and Security (Nozar, 2012). Moreover, the EU adopted a new approach to membership negotiations by deciding that Chapters 23 and 24 of the EU acquis will become the opening and closing chapters of EU negotiations for candidate member states (Tomovic, 2013; Nozar, 2012). This new approach that is currently applied to (potential) candidate countries including Bosnia and Herzegovina (BiH), the Former Yugoslav Republic of Macedonia (FYROM), Montenegro and Serbia, was not in place during Croatia's EU-accession process (Key informant European Commission, 2014). Corruption is a common problem in all five countries from the Western Balkans (Berenschot and Imagos, 2013).

To the best of my knowledge, the improved EIM was not tested yet in these former Yugoslav countries in a specific policy field. For this reason and the higher importance attributed by the European Commission to the rule of law especially after the 2004 enlargement, this case study aims to find out to what extent the effectiveness of EU democratic and acquis conditionality in the fight against corruption in former Yugoslav countries can be explained according to the improved EIM, identified in CEEC studies. In order to answer this question, this thesis analyses to what extent changes in the domestic adoption costs during democratic conditionality and changes in the credibility of EU conditionality during acquis conditionality influenced indicators of corruption, in the five selected countries.

The analytical results from this thesis indicate that compliance with EU conditions in the fight against corruption in former Yugoslav countries can be explained by the domestic adoption costs during democratic conditionality. Compliance during acquis conditionality in Croatia can be explained as a result of the subjectivity of Chapter 23 to EU conditionality. For the remaining former Yugoslav countries it is too early to draw any definite conclusions yet, although it seems so far that the higher priority attached to the Chapter 23 by the Commission is effective for compliance with EU conditions.

Abbreviations

BiH: Bosnia and Herzegovina

CEEC: Central and Eastern European Countries

CoC: Control of Corruption

CPI: Corruption Perception Index

EC: European Commission

EIM: External Incentives Model

EP: European Parliament

EU: European Union

FYROM: Former Yugoslav Republic of Macedonia

GRECO: Group of States against Corruption

TI: Transparency International

WB: World Bank

WGI: World Governance Indicators

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1. Introduction

The legal basis of the EU conditionality principle was introduced with the establishment of Council Regulation No. 622/98, which made the allocation of financial assistance subject to the commitment and fulfillment of conditions by (potential) candidate countries (European Union, 1998).

Conditionality entails at least two actors whereby one actor requires change from the other actor in return for assistance or benefits. The two actors involved with EU Enlargement, the EU and the (potential) candidate country, form an unequal partnership because the EU has the power to set nonnegotiable rules or conditions (Schimmelfennig and Sedelmeier, 2004), can withhold or suspend demands in case of insufficient or non-compliance (Abusara, 2009; Steunenberg and Dimitrova, 2007) and because eventual membership is more important to the candidate state than to the EU (Schimmelfennig and Sedelmeier, 2004; Böhmelt and Freyburg, 2012). Examples of nonnegotiable rules and conditions include the Copenhagen criteria during democratic conditionality and the EU *acquis communautaire* during *acquis* conditionality. The candidate states are however free to decide how the adoption and implementation of rules is going to take place and at what pace (European Commission, 2014a).

All five countries including BiH, Croatia, FYROM, Serbia and Montenegro belonged to Yugoslavia in the past and faced sudden regime break-downs (Glüpker, 2013). Corruption was and is a common problem in the countries of the Western Balkans (Berenschot and Imagos, 2013). In fact, former Yugoslav countries have one of the worst corruption ratings in Europe. The situation on corruption within these countries is being described as one with a lack of anti-corruption laws, a lack of political will to combat corruption and insufficient data on corruption (van Duyne, Stocco and Milenovic, 2009). In 2000, all five former Yugoslav countries obtained a green light for the potential candidate status from the EC (Noutcheva, 2009). Since obtaining this status, all countries have made progress with their compliance with EU conditions, however the extent to which achievements were made differ a lot. Croatia recently joined the EU at the end of 2013. In contrast, BiH is still a potential candidate country and the FYROM, Montenegro and Serbia are candidate countries (European Commission, 2014b).

Rather than testing the EIM, which according to several studies is concluded as the model that best explains compliance with EU conditionality, (Schimmelfennig, 2008; Schimmelfennig, 2005; Schimmelfennig and Sedelmeier, 2004; Böhmelt and Freyburg, 2012; Schimmelfennig, Engert and Knobel, 2003) in this thesis the improved version of this model is tested. The improved EIM consists of solely two causal factors: domestic adoption costs during EU democratic conditionality and the credibility of EU conditionality during *acquis* conditionality. Although the domestic adoption costs still matter during *acquis* conditionality, this causal factor is less determinant for compliance after the countries become official EU candidate countries (Schimmelfennig and Sedelmeier, 2004). The improved model is further discussed in the theoretical chapter however, based on this model I formulated my research question:

To what extent can compliance with EU democratic and *acquis* conditionality concerning the fight against corruption be explained in the countries of the Western Balkans since 2000, according to the improved external incentives model identified in CEEC studies?

In order to answer the research question, four sub-research questions are formulated:

1. What are the most prominent causal variables for compliance during EU democratic and acquis conditionality according to improved external incentives model?
2. Since obtaining the potential candidate status, how did the fight against corruption evolve in the five countries of the Western Balkans according to the statistical data from the World Bank and the qualitative data the European Commission and GRECO?
3. To what extent can compliance with EU democratic conditionality in the fight against corruption in each former Yugoslav country be explained by the causal factor of domestic adoption costs?
4. To what extent can compliance with EU acquis conditionality in the fight against corruption in each former Yugoslav country be explained by the causal factor of the credibility of EU conditionality?

The fight against corruption in certain former Yugoslav countries was already analyzed in several studies (Glüpker, 2013; Hardy 2010; Vachudova, 2009) but not in all five simultaneously with a focus on the policy area of the fight against corruption. By using three sources for the analysis of corruption of which the implementation rates from the Group of States against Corruption (GRECO) are rarely used in current literature, and by including five former Yugoslav countries, this research is going to distinguish itself from existing literature on this specific policy area. By using comparable data over time from the EC, GRECO and the World Bank (WB), the analysis of corruption is going to be more extensive than most analyses made in the existing literature, which in most cases relies solely on the Corruption Perception Index (CPI) established by Transparency International (TI) (see for example: Glüpker, 2013; Hardy, 2010; Vachudova, 2009). The CPI from TI is not taken into account in this theses because due to a change in methodology in 2012, TI acknowledges that the CPI is not comparable over time prior to 2012 (Key informant Transparency International, 2014).

Distinguishing the research of the effectiveness of EU conditionality into two different statuses of potential candidate and candidate country is a relatively new approach. By doing so, it becomes possible to assess to what extent compliance with EU conditions can be explained at each accession status, according to the causal factors of the improved EIM. There are several reasons why it is interesting to research the effectiveness of EU conditionality at these two different accession stages. First, the conditions during democratic conditionality including the Copenhagen Criteria, differ to a large extent from the conditions included in the *acquis communautaire* during acquis conditionality. The former consists of largely broad and general democratic conditions, aimed to prepare the political system in a potential candidate country for the EU enlargement process and the implementation of EU legislation (Schimmelfennig and Sedelmeier, 2005), and to strengthen the relationship between the potential candidate and the EU (Kollmar, 2010). The latter consists of more than 170000 pages (Nechev, 2013) of specific EU rules and laws divided over more than 30 policy specific chapters that need to be implemented by the candidate country. As a result, both types of conditionality include different "processes and factors of Europeanization" (Schimmelfennig and Sedelmeier, 2005). Second, according to Schimmelfennig and Sedelmeier (2005), the conditions included in the EU acquis are supposed to have a bigger effect on candidate countries since these are more closely linked to EU membership than democratic conditions during the potential candidate status (Stewart, 2013). In sum, the two conditionality types differ as a result of the differences in content, importance and timing of conditionality and hence, compliance with each conditionality type can be explained by its own causal variable. Third, and perhaps the most important reason is that the EIM is based on the CEEC enlargement from 2004 and that both democratic and acquis

conditionality in former Yugoslav countries differ from the conditionality employed in CEEC, including the Stabilisation and Association process during democratic conditionality and the higher importance attributed to the fight against corruption by the Commission during *acquis* conditionality. Precisely because of these different conditions compared to CEEC it is interesting to find out whether and if so, to what extent the improved EIM can explain compliance in a specific policy field and in a different set of countries.

Two authors that compared the effectiveness of EU conditionality during democratic and *acquis* conditionality are Schimmelfennig and Sedelmeier (2004). According to their study in CEEC, the effectiveness of EU democratic conditionality was mostly dependent on domestic factors. The most determinant domestic factor is the domestic adoption costs in a potential candidate country. These costs are higher for authoritarian or nationalist governments than for democratic and reform oriented governments. As a consequence, if the government is democratic and reform oriented, effectiveness of EU conditionality increases substantially (Schimmelfennig and Sedelmeier, 2004). If the government in a potential candidate country is more authoritarian and is required by the EU to comply with democratic conditions that harm or threaten its regime, or to give up and change "the instruments on which their political power is rested" (Schimmelfennig and Sedelmeier, 2004, p.678) domestic adoption costs are higher. As a result, the effectiveness of EU conditionality will be lower. Domestic adoption costs for realizing rule transfer becomes less determinant the further a candidate country proceeds in the EU accession process and is least determinant during the final phases of negotiations with the EU (Schimmelfennig, 2008).

After securing the official candidate status, the domestic adoption costs still matter however they are no longer determinant for compliance. By approving the efforts made by candidate countries during EU democratic conditionality and by rewarding these efforts with the official candidate status, the credibility of EU conditionality increases with the opening of the EU *acquis communautaire* (Schimmelfennig and Sedelmeier, 2004), because this affirms the candidates that the EU is willing to proceed the accession process (Böhmelt and Freyburg, 2012). Conditions in specific policy areas that are incorporated in the *acquis communautaire* affect the political system less than during democratic conditionality, which decreases the chance that complying with EU conditions will result in a loss of office of a government. Second, in case of a high credibility of EU conditionality, governments do not only calculate the adoption costs of a specific policy area against the benefits of complying with the conditions within this area, but also against the overall benefits of EU membership. As a result, the domestic adoption costs play a less decisive role during *acquis* conditionality. During *acquis* conditionality, the question is thus no longer if the government is going to adopt the EU rules, but rather at what pace. Therefore, the most effective determinant for rule adoption during EU *acquis* conditionality are not domestic costs but rather a high credibility of EU conditionality (Schimmelfennig and Sedelmeier, 2004).

This thesis has a different approach in assessing corruption than most other studies, because it combines both comparable statistical data and qualitative sources. By using the World Governance Indicator (WGI) 'control of corruption' (CoC), provided by the WB for statistical data, the assessment of CoC is at least based on 2 sources and the most on 13 sources. The progress reports from the EC provide qualitative data about the severity of corruption in (potential) candidate countries. The implementation reports from GRECO provide qualitative data about efforts from national governments to fight corruption. The data on corruption from GRECO and the WB are quantified into

percentages. The aim of converting statistical and qualitative data into percentages is to make progress and declines in corruption and the fight against corruption better measurable. The strengths and weaknesses of this method are further explained in the methodological chapter.

The thesis is structured as following. The second chapter provides information about EU-enlargement and the fight against corruption and discusses the scientific literature about the effectiveness of European conditionality. The second chapter concludes with a theoretical framework, an explanation of the theoretical model and the formulation of hypotheses. The third chapter explains the methodology applied in this thesis, and elaborates the research design, case selection, the research method and the research strategy and explains how the dependent variable corruption and the independent variables derived from the improved EIM are operationalized. In the fourth chapter, corruption data from the three sources is presented and the hypotheses are tested in the five countries. The fifth chapter summarizes the findings from each of the five cases in order to draw cross-case conclusions about the effectiveness of the improved EIM on compliance with EU conditions on corruption. The conclusion and the answering of the sub-research questions and the main research question are included in the fifth chapter. Furthermore, advice is provided for future research on the topic of EU conditionality.

2. Theoretical framework: EU enlargement, EU conditionality and the fight against corruption in former Yugoslav countries

The first part of this chapter describes the evolution of the fight against corruption both in the EU and in the (potential) candidate countries, as a result of the higher priority given to the fight against corruption by the EU. The conditions for the fight against corruption as part of EU conditionality are described in the second part. The scientific literature about the effectiveness of European conditionality is discussed in the third part. The chapter concludes with a theoretical framework, an explanation of the theoretical model and the formulation of hypotheses.

2.1 The fight against corruption in the EU

This sub-chapter explains what corruption entails, the complexity of the measurement of corruption and what the identified causal factors of corruption are in today's scientific literature. The main results from the 2014 report about perceived corruption in Croatia is moreover briefly described.

Both the EC and TI describe corruption as "the abuse of entrusted power for private gain" (European Commission, 2014c; Transparency International, 2014). It is impossible to examine exact levels of corruption in a country as corruption often takes place behind closed doors. One of the problems of corruption is that it has become more refined over time, both in its set up and linkages. Modern techniques are used by corrupt criminals to hide their activities and to prevent their assets from seizure. Examples include institutionalised corruption and clientelism, where corruption is often intermittent, which makes it hard to measure, define and identify corruption. This means that monitoring practices of the EU and the Council of Europe for measuring corruption by using external sources such as statistics and surveys, can be questioned in terms of coverage, representation and the nature of corruption. In general, there is insufficient research available on corruption (Berenschot and Imagos, 2012). Van Duyne, Stocco and Milenovic (2009) tried to conduct an in-depth research on corruption in Serbia but concluded after gaining access to incomplete and biased information from the Republic Prosecution Office, the Statistical Bureau and the Beograd District Court, that "an in-depth research in Serbia is effectively impossible" (Van Duyne, Stocco and Milenovic 2009, p.42) and that "the (corrupt) reality proves to be unassessable" (Van Duyne, Stocco and Milenovic, 2009, p.53).

Just in the EU, costs resulting from corruption are estimated around €120 billion per year, an amount that is comparable to the annual budget of the Union. Since 2005 the EC publicizes every two years a special Eurobarometer, a public opinion report in the EU Member States, on corruption. In general, corruption is a major concern among the European citizens (European Commission, 2014). In 2010 it was decided at the European level that the Commission should have the possibility to monitor the fight against corruption in its Member States and to establish an EU-anti corruption policy together with GRECO (Council of Europe, 2012a). As a result, a mechanism was set up for measuring anti-corruption efforts in the Member States. This mechanism aims also at strengthening political commitment, improving the fight against corruption, increasing compliance with organizations like GRECO, the United Nations and the OECD, and enhancing mutual trust and cooperation between the EU members. Moreover, the EU started to link corruption to other policy fields such as organized crime. European organizations including Europol, CEPOL and Eurojust are directly cooperating with the EC in order to trace corruption cases within the European borders. This year the first EU anti-corruption report was published, in which solely includes the situation on corruption in the current EU Member States (European Commission 2014c).

In 2014 the results from the Eurobarometer indicated that more than three quarters of the correspondents believed that "corruption is widespread in their own country" (European Commission, 2014d). In Croatia this rate was 94% although it had just become a Member State a few months before. 17% of the Croatian respondents believed that corruption had decreased over the past three years. This might be a result of the actions taken by the government as a result of EU-conditionality during the accession process because of all the EU Member States, Croatian citizens were most positive about the influence of EU institutions in fighting corruption (51%). On the other hand, 36% of the Croatian respondents said that it was "acceptable to perform a favour in return for something they want from the public administration or public services" or to give a gift (43%) (European Commission, 2014d).

What causes corruption? According to Shleifer and Vishny (1993) the severity of corruption does not only depend on the level of democracy or autocracy of a government (Börzel et al, 2010; Shleifer and Vishny, 1993; Tegin and Czap, 2012), but also on the presence of political competition (Shleifer and Vishny, 1993; Chang and Golden, 2010) within the ruling and opposition parties, which influences public resistance towards corruption. The presence of political competition is depending on the freedom of the press, the fairness of elections and on national legislation. Moreover the authors claim that corruption is higher in poorer countries, (Shleifer and Vishny, 1993; Chang and Golden, 2010) as a result of low investments which in return hampers development. Börzel et al. (2010, p.124-125) refer to several other possible causal variables for corruption. These include political ones, such as the "political freedom, the organizational structure of the state and its administrative capacities", economical ones including state interventions and the level of transparency of regulations, and cultural ones such as "religion, culturally determined attitudes or gender issues". Especially political and economic reforms tend to positively influence the fight against corruption (Börzel et al., 2010). Tegin and Czap (2012) emphasize next to democracy also the level of political stability as a causal variable on corruption in their study. Although these causal factors are very interesting to include, this thesis focuses specifically on the effect of the causal variables from the improved EIM on compliance with EU corruption conditions, which allows me to study a single hypothesis for each accession stage (Rohlfing, 2012). Moreover, it is very likely that not only corruption but also most of the abovementioned factors are influenced by EU conditionality, as these also aim to improve the economic situation, increase democracy and strengthen political stability in the (potential) candidate countries. As a result, the abovementioned causal factors can be better tested in countries that are not in the process of becoming EU Member States, because changes in the political, democratic and economic factors cannot be effected by EU conditionality.

2.2 The conditionality principle and the fight against corruption

The following sub-chapter summarizes the decisions taken by the EU in the past years to increase the priority of the fight against corruption in (potential) candidate countries. Moreover, the importance of the fight against corruption within EU conditionality is described and illustrated with examples from previous enlargements and the current enlargement procedure with the remaining former Yugoslav candidate countries.

The diversity among candidate states and the increasing complexity of European legislation were the main reasons for the establishment of the EU-conditionality principle. The fight against corruption is one of the policy areas that is included in both democratic and acquis conditionality. Fighting corruption is important for candidate countries not only for joining the EU in the future, but also

because it harms the level of "democracy, economic development, the rule of law, human rights, good governance, social justice, competition, the stability of democratic institutions and the moral foundations of society" (Council of Europe, 2014a). Countries from recent enlargements were subject to broader and more stringent requirements and a greater scrutiny by the EC throughout the accession process (Grabbe, 2002; Veebel, 2001). The (potential) candidate countries are expected to meet the standards and requirements set by the EU in order to proceed in the EU-accession process. In order to do so, support is being offered to these countries in case of positive evaluations, conducted by the EC (Glöpker, 2013). In case the Commission observes that results are lacking, it has the power to withdraw rewards or to suspend existing agreements. This happened for example to Serbia with the accession negotiations between 2006 and 2007 and to Croatia with the accession negotiations in 2005 (Schimmelfennig, 2008). These decisions from the Commission were not a matter of discrimination or normative inconsistency and neither were they a consequence of a decline in democracy in these countries but rather resulted from "historical legacies of ethnic conflicts" (Schimmelfennig, 2008, p.927-928, 932-933).

In 1997 the EC published the agenda 2000 report (European Commission, 1997) in which the criteria for future accessions was further elaborated, including the fight against corruption under the political criteria. Nowadays the political criteria within the progress reports is divided into a 'democracy and the rule of law' section and a 'human rights and the protection of minorities' section. The fight against corruption belongs to the former section (European Commission, 2014g). In 2000 accession conditionality was again adapted following from the European Council Helsinki meeting in 1999 where it was decided that EU conditionality would become more country specific, allowing to open negotiations with different chapters and to proceed on different paces depending on the candidate country. This made it possible for candidates to make faster progress during the process in case of compliance with EU laws and conditions (Grabbe, 2002). In 2005 the EU increased the priority on the fight against corruption by establishing Chapter 23 Judiciary and Fundamental Rights in order to deal with the rule of law including corruption, next to the existing Chapter 24 Justice, Freedom and Security (Nozar, 2012). This decision was applicable to the negotiating frameworks of both Croatia and Turkey in 2005. In 2007, when Bulgaria and Romania became EU Member States, the Cooperation and Verification Mechanism was established in order to continue the monitoring of reforms made by both countries after EU-accession (Steunenberg and Dimitrova, 2007).

The EU has adopted a new approach to membership negotiations by deciding that Chapters 23 and 24 of the EU acquis will become the opening and closing chapters of EU negotiations for candidate member states (Tomovic, 2013). This already applied to Montenegro (Tomovic, 2013; European Commission, 2013a) and to Serbia (Ristic, 2013) and will apply to BiH (Nozar, 2012) as soon as it becomes a candidate country, and to the FYROM once the accession negotiations are opened (Macedonian Information Agency, 2013). With this decision the aim of the EC is to extend the time frame to monitor the progress of candidate countries within these chapters, to go in-depth early on, and to give the countries time to proof that reforms of laws and institutions generate results. This way, the Commission has a better guarantee that candidate countries have systems that are effective before EU-accession, which lowers the chance that these systems will become undermined or dissolved after accession. Within this new approach, candidate countries are expected to keep a solid track record of reform implementations during the accession process with the aim to increase transparency, involvement of relevant stakeholders, focus on results (Key informant European

Commission, 2014) and to ensure "inclusiveness in the accession process" (European Commission, 2012a, p.6).

Awareness on the consequences of corruption was raised during the economic crisis. The EC responded to this increasing awareness by promoting the fight against corruption in other policy fields as well, including in public procurement, privatizations and economic governance (Key informant European Commission, 2014). The combination of EU funds for institution building and a fierce governmental willingness proved not to be sufficient for a successful anti-corruption framework. As a result, the dialogue on the rule of law was strengthened in 2010, based on the high effectiveness of benchmarks that were employed by the Commission in the visa liberalization process for realizing reforms in candidate countries. As a result of strengthened dialogue, such benchmarks are nowadays employed in the fight against corruption immediately after the opening of Chapter 23. Next to the establishment of benchmarks, EU experts visit candidate countries once a year with the purpose to increase the involvement of the EU during the candidates accession process. Moreover, the monitoring of anti-corruption policies starts nowadays simultaneously with the setting of benchmarks. By prolonging the monitoring process, the Commission aims to secure "guarantees for the sustainability of reforms" (European Union, 2012b, p.16). Another example of the increased importance of the fight against corruption by the EC is the "strict pre-accession monitoring regime" (European Commission, 2013c) that was employed in Croatia after the signing of the accession treaty in 2003, for the first time in the enlargement history. The EU decided that before acceding the EU, Croatia still had to continue reforms in the field of the judiciary and fundamental rights (European Commission, 2013d). Two conditions were set in order to continue the fight against corruption. The country was monitored in April and October 2012 and in March 2013 before Croatia joined the EU in July 2013.

2.3 Theories about the effectiveness of EU-conditionality

Today's literature about the effectiveness EU conditionality is discussed in this sub-chapter. In many studies it is concluded that the EIM is the most effective model for realizing compliance with EU-conditionality and why. Moreover, I explain the reasoning for choosing the policy area, the countries and the relevance of this thesis based on the gaps found in the existing literature.

The topic of EU conditionality is widely discussed in today's literature and studies in varying contexts across different countries and policy areas. Due to the extensive development of EU conditionality during the past decade, it is argued that the EU employed "a new enlargement method" (Steunenberg and Dimitrova, 2007, p.4). Questions are raised whether EU conditionality will continue to be successful after the 2004 enlargement (Schimmelfennig, 2008; Freyburg and Richter, 2010). Reasons for this doubt include the enlargement fatigue in the EU Member States that resulted when the ten CEEC joined the EU, the EC's statement from 2006 that included some reluctance towards further enlargement (Schimmelfennig, 2008; Steunenberg and Dimitrova, 2007), the EC's decision to take the EU's integration capacity into account before deciding whether a country can become a potential candidate state, the inclusion of exit options in its agreements with Turkey and finally the possibility of holding referendums in Member States on future enlargements. These developments and decisions from the past years may harm the credibility of EU conditionality. There are also doubts about the capability and political will of current (potential) candidate countries on the fulfillment of EU conditions as a result of "widespread corruption and the legacies of ethnic conflict" (Schimmelfennig, 2008, p.919).

A causality between EU-conditionality and the effectiveness of rule adoption in (potential) candidate countries was found by several authors (Sedelmeier, 2011; Moravcsik and Vachudova, 2003; Böhmelt and Freyburg, 2012). Domestic factors as well as EU strategies affect the level of effectiveness of EU-conditionality (Glüpker, 2013; Schimmelfennig, 2008). Domestic factors include for example; the level of competitiveness of a political system, support of national politics for EU membership (Schimmelfennig, Engert and Knobel, 2003), the sensitivity of the required policy changes (Glüpker, 2013) and domestic adoption costs (Schimmelfennig, 2008). EU strategies include pressure exercised in the relevant documents of the Commission (Geršl, 2006; Glüpker, 2013; Steunenberg and Dimitrova, 2007), the size and kind of (financial) assistance allocated by the Commission (Glüpker, 2013; Schimmelfennig, 2008) and the credibility of EU conditionality (Schimmelfennig, 2008; Schimmelfennig and Sedelmeier, 2004). According to Glüpker (2013) the decision made by the Commission to allocate benefits to its candidates was decisive for the effectiveness of EU-conditionality.

So far, according to existing literature, there is a gap in the literature on the topic of corruption (Berenschot and Imagos, 2013) that includes all former Yugoslav countries. Other authors confirm this, by stating that most available research on the effectiveness of EU conditionality is applied to past enlargements (Schimmelfennig, 2008, p.920) and Turkey (Glüpker, 2013). Moreover, Böhmelt and Freyburg (2012) claim that existing literature and research on the effectiveness of EU conditionality is limited due to a focus on only a limited number of countries, a focus on certain policy sectors, a short time period coverage and descriptive research, factors which all harm the extent to which generalization and explanation can take place. Most research on this topic includes:

- a) only several former Yugoslav countries (Glüpker, 2013; Haughton, 2007; Szarek-Mason, 2010; Grubiša, 2010; Pop-Eleches 2007; Trauner, 2009; Böhmelt and Freyburg, 2012; Schimmelfennig, 2008; Noutcheva, 2009).
- b) countries of past enlargements (Pridham, 2007; Spendzharova and Vachudova, 2011; Levitz and Pop-Eleches, 2009; Börzel et al., 2000; Gugiu, 2012; Geršl, 2006; Grabbe, 2002; Schimmelfennig, 2005; Schimmelfennig, Engert and Knobel, 2003; Steunenberg and Dimitrova, 2007).
- c) assessments of EU conditionality in former Yugoslav countries without a specific focus on the fight against corruption (Anastasakis, 2008; Noutcheva and Aydin-Düzgit, 2012; Vachudova, 2014; Pridham, 2008; Calic, 2003).

In several studies it is argued that the EIM is the most effective model of EU-conditionality for rule transfer in (potential) candidate member states (Schimmelfennig, 2008; Schimmelfennig, 2005; Pridham, 2007; Schimmelfennig and Sedelmeier, 2004; Böhmelt and Freyburg, 2012; Steunenberg and Dimitrova, 2007; Schimmelfennig, Engert and Knobel, 2003). According to Steunenberg and Dimitrova (2007, p.4) and Schimmelfennig and Sedelmeier (2004, p.664) the EIM consists of four factors; "the credibility of threats and promises, the size of adoption costs, the determinacy of conditions and the size and speed of rewards". Included in this model is the political/bargaining strategy, used by the EU to encourage (potential) candidate countries to realize rule transfer by offering rewards in case of compliance and to withhold rewards in case of non-compliance. Potential candidate countries will become rewarded with "assistance, institutional ties" and finally membership after fulfilling the conditions and rules set by the EU (Schimmelfennig and Sedelmeier, 2004, p.671). Papadimitriou and Gateva (2009, p.22-23) underline the causality between "rewards and threats" and EU conditionality but argue that it may produce different effects in different countries, depending on how, when and what kind of EU conditionality is applied by the Commission.

It is doubtful whether a democratic and reform oriented government is enough to realize rule transfer in former Yugoslav countries during democratic conditionality. Freyburg and Richter (2010, p.264) state that this was not the case as "even pro-democratic governments have rejected the EU's policy recommendations" which resulted in varying compliance results. Instead, these authors argue that national identity is a crucial factor for compliance in former Yugoslav countries. National identity is directly related to national interest and it identifies behavior that is (in-) appropriate in a country. Effectiveness of EU conditionality is expected to be lower if national governments are required by an outsider to adapt certain rules that are considered as inappropriate or problematic for the national identity. If the required adoptions are considered as appropriate by the national government, then the effectiveness of conditionality can be best explained by the rationalist causal mechanism, which means that conditionality will only be effective if the benefits offered by the EU exceed national adoption costs. If the required adoptions are considered as inappropriate or contradicting by the national government, the result will be non-compliance or inconsistent compliance because of the higher priority of national identity. In the latter case, compliance will only be achieved as a result of national identity change (Freyburg and Richter, 2010).

Noutcheva (2009, p.1074) agrees that domestic political actors play a major role in whether or not rule adoption will take place in former Yugoslav countries. She argues that the variation in compliance with EU conditions in former Yugoslav countries is mainly caused by the dubious legitimacy of the conditions set by the EU as perceived by domestic political actors. Moreover, the author argues that reform-minded political forces cause national resistance to the EU conditions as well, because the conditions cause divisions between the national political parties which prevents these countries from reaching political consensus about the EU agenda. Noutcheva (2009) claims therefore that differences in compliance in the former Yugoslav countries cannot be explained solely by the EIM. There are two good examples of this dubious legitimacy of EU conditions. First is the opposing stance of the EU to the breakup of Serbia and Montenegro. The country had met several institutional and policy conditions but these were reversed after Montenegro became independent in 2006. The EU favored a state union of the two countries, backing up the most nationalist and reform opposing political parties in both countries and discouraging the pro-independence and reform oriented political parties. As a result of the Yugoslav war, the Montenegrin citizens favored pro-independence political parties that were striving for democracy and liberal economies rather than the nationalist and reform opposing parties that reminded the citizens of the past. Moreover, the EU did not manage to convince the Serbian and Montenegrin pro-independence political parties that European integration would be more effective if the countries would remain united. As a consequence of the EU's shortcomings in the justification of the EU's policy stance, Serbian and Montenegrin political leaders used rational arguments against EU-conditionality aiming to lower if not change the conditions (Noutcheva, 2009).

The second example is the EU's stance on the issue of the independence of Kosovo. This issue is linked to the perspectives of both Serbia's and Kosovo's EU integration paths. The issue about Kosovo is perceived by the Serbian public as a choice between EU membership and sovereignty (Noutcheva, 2009; Steunenberg and Dimitrova; 2007). In contrast, EU membership and independence go hand in hand for Kosovars. Because the majority of EU Member States supported the independence of Kosovo, the EU backed up the political power in Kosovo and discouraged the ones in Serbia by supporting Kosovo's decisions for territorial change, thereby harming identity elements of the Serbian public. Strong resistance from the Serbian public about the legitimacy of the EU's

intervention on the matter of Kosovo caused restrictions to the 'domestic maneuvering space' of the Serbian political power. Moreover, from all political parties located in Serbia, the only party that encourages Kosovo's independence is the Liberal Democratic Party (Noutcheva, 2009) which currently holds only 3.4% of the national votes (Nordsieck, 2014).

Although national identity is an interesting factor for analyzing the effectiveness of EU conditionality, it is less likely that a political party will perceive conditions for the fight against corruption as inappropriate, illegitimate or problematic. Glüpker (2013, p.227) confirms this as she states that: "It is difficult to evaluate party positions on corruption because an, at least rhetorical, consensus on corruption's turpitude is to be expected". If conditions that affect the national identity prevent EU-conditionality to be effective in a (potential) candidate country, then it is likely that the entire accession process will be put on hold or will be postponed. Serbia is one of the country's that is a great example of this. A major condition related to the national identity was set by the EC before the country would be able to climb the accession ladder and become an official candidate country. Serbia needed to extradite its war criminals, including Karadzic who was arrested in 2008 (Al Arabiya News Channel, 2008) and Mladic and Hadzic, who were arrested in 2011 (Spiegel Online, 2011). After the final arrest of Hadzic in 2011, Serbia's president at the time Boris Tadic expected immediate reward from the EU, by pointing to the candidate status and a starting date for the accession talks. Considering that Serbia obtained its candidate status only a year later, Tadic was "calling Brussel's bluff" (Tisdall, 2011). Professor of politics J.A. Tucker from the US emphasized the importance of the credibility of EU conditionality by stating after the arrest of Mladic and in the absence of immediate rewards by the EU that: "Now, with Bosnia, Macedonia, Montenegro (...) still eagerly waiting in line behind Serbia, it is not the time to find out what might happen in the Balkans if EU membership is no longer seen as a possibility" (Tucker, 2011).

The second chapter explained so far that former Yugoslav countries were subject to more conditions than countries from previous enlargements. Moreover, the conditions on the fight against corruption became continually more stringent after the 2004 enlargement and its importance increased substantially. As stated before, it is practically impossible to identify the political stance on corruption. Therefore the theory from Schimmelfennig and Sedelmeier (2004) about the causal factors of domestic adoption costs during democratic conditionality and the credibility of EU conditionality during acquis conditionality is tested in former Yugoslav countries, in order to find out to what extent these factors can explain compliance with EU conditions on the fight against corruption and why. Not only does this thesis test this improved EIM in different countries, but also in a specific policy field whereas Schimmelfennig and Sedelmeier (2004) and Böhmelt and Freyburg (2012) tested the model on general compliance with EU conditions in CEEC. Böhmelt and Freyburg (2012, p.263) concluded correctly in their study that: "we may need a more comprehensive analysis disentangling different policy fields".

2.4 Theoretical framework, theoretical model and hypotheses

The theoretical framework for compliance with EU conditionality is discussed in this sub-chapter and the theoretical model based on this framework is provided. Last, the hypotheses are formulated at the end of this last sub-chapter.

Two authors that compared the effectiveness of EU conditionality during democratic and acquis conditionality are Schimmelfennig and Sedelmeier (2004). According to their study in CEEC, in which they conclude that compliance with EU conditionality is best explained by the EIM, two out of the four factors that shape the EIM proved to be the most determinant causal factors for compliance. The effectiveness of EU democratic conditionality is mostly dependent on the size of domestic adoption costs in a potential candidate country. If the government is democratic and reform oriented, effectiveness of EU democratic conditionality will increase substantially (Schimmelfennig and Sedelmeier, 2004). These costs are higher for authoritarian or nationalist governments than for democratic and reform oriented governments. As a consequence, if the government is democratic and reform oriented, effectiveness of EU conditionality increases substantially (Schimmelfennig and Sedelmeier, 2004). If the government in a potential candidate country is more authoritarian or nationalist and is required by the EU to comply with democratic conditions that harm or threaten its regime, or to give up and change "the instruments on which their political power is rested" (Schimmelfennig and Sedelmeier, 2004, p.678) domestic adoption costs are higher. As a result, the effectiveness of EU conditionality will be lower.

The government in a potential candidate country has to adopt and implement EU conditions. Whether or not conditionality is effective relies on the "preferences of the government" who has to balance the costs of implementation against the benefits that compliance will bring. Schimmelfennig and Sedelmeier (2004) make a distinction between nationalist and authoritarian governments on the one hand, who face high domestic adoption costs when complying with EU conditions because their national political stances do not always align with EU democratic conditions, and democratic and reform-oriented governments on the other, who face low costs because these governments can identify themselves more with democratic conditions. In countries with authoritarian or nationalist governments, democratic conditionality will not be effective until a change occurs in the political ruling power that encourages democracy and reforms. However, if an authoritarian or nationalist government returns to power after a reform minded or democratic government complied with the democratic conditions, compliance is nevertheless expected to continue, as a result of a 'lock-in effect' created after the positive results achieved by the democratic or reform minded government (Schimmelfennig and Sedelmeier, 2004).

Schimmelfennig (2005, p.835-836) adds that the causal variable of party constellation in a country influences the domestic adoption costs and thus compliance with EU conditions. The author distinguishes between "liberal, mixed and anti-liberal constellations" and describes liberal constellations as parties that are liberal, reform oriented and in favor of EU integration, whereas anti-liberal constellations are described as parties that are "nationalistic, communist, populist or authoritarian". The anti-liberal party constellations are expected to face higher domestic adoption costs, as it would be more costly for these parties to comply with democratic conditions that are not in line with their political orientation. Compliance is thus expected in liberal party constellations and even in mixed party constellations, although compliance tends to be lower in the anti-liberal constellations. In Böhmelt and Freyburg's (2012, p. 261) study about the domestic adoption costs, the authors do not take the political parties into account, but instead determine the adoption costs based on the level of political and economic liberalization by using the Polity IV data and the Index of Economic Freedom from the Heritage Index. They argue that "more democratic and economically liberalized countries are more likely to fulfil the demands made by, and the obligations of, EU law".

Adoption costs as a determinant factor for realizing rule transfer becomes less determinant the further a candidate country proceeds in the EU accession process and is least determinant during the final phases of negotiations with the EU (Schimmelfennig, 2008). Schimmelfennig and Sedelmeier (2004) argue that the amount of domestic adoption costs seem to lose its decisive role once the prospect of EU-membership becomes closer to the candidate countries. By approving the efforts made by candidate countries during EU democratic conditionality and by rewarding these efforts with the official candidate status, the credibility of EU conditionality increases with the opening of the EU *acquis communautaire* (Schimmelfennig and Sedelmeier, 2004), because this affirms the candidates that the EU is willing to proceed the accession process (Böhmelt and Freyburg, 2012).

Glüpker (2013) affirms this statement as she concludes in her research that domestic costs of compliance were specifically crucial for compliance with democratic conditionality and less crucial for compliance with *acquis* conditionality. Conditions in specific policy areas that are incorporated in the *acquis communautaire* affect the political system less than during democratic conditionality, which decreases the chance that complying with EU conditions will result in a loss of office of a government. Second, in case of a high credibility of EU conditionality, governments do not only calculate the adoption costs of a specific policy area against the benefits of complying with the conditions within this area, but also against the overall benefits of EU membership. As a result, during *acquis* conditionality, EU factors influence the effectiveness of EU conditionality more. The most determinant EU factor is a high credibility of EU conditionality (Schimmelfennig and Sedelmeier, 2004; Schimmelfennig and Scholtz, 2010; Menz, 2014; Hardy, 2010). It is argued by Böhmelt and Freyburg (2012, p.5) and Schimmelfennig and Sedelmeier (2004, p.666) that "the credibility of the EU's promises continuously increases and the credibility of threats decreases". It would be costly for the EU to stop or postpone the accession process as a result of the investments made earlier in the process (Schimmelfennig and Sedelmeier, 2004; Böhmelt and Freyburg, 2012). This results in a positive change in bargaining power of candidate countries over time.

Additionally, candidates have little or no bargaining power because the EU has the power to set nonnegotiable rules or conditions. The candidates can choose to not comply during the accession process with the goal to lower the domestic adoption costs, they will however never risk non-compliance to the extent that exclusion from the process becomes likely (Schimmelfennig and Sedelmeier, 2004). Moreover, Schimmelfennig and Sedelmeier (2005, p.215) concluded in their study about CEEC that "once a given issue area became subject of the EU's conditionality, rule adoption increased dramatically and became a consistent feature across countries and issue areas". What really determines the credibility of EU conditionality and thus whether rule transfer will be successful, is not just the stage of accession negotiations, but the importance that the EC attaches to a specific policy area. Candidate countries are well aware of the fact that rule transfer is closely monitored by the EC and that the progress on the accession ladder depends on the compliance achieved (Schimmelfennig and Sedelmeier, 2004). During *acquis* conditionality, the question is thus no longer if the government is going to adopt the EU rules, but rather at what pace. Therefore, the most effective determinant for rule adoption during EU *acquis* conditionality are not domestic adoption costs but rather a high credibility of EU conditionality.

The conditions during democratic conditionality differ from the conditions during *acquis* conditionality. Next to the Copenhagen criteria during democratic conditionality, the Stabilisation and Association Agreement was especially designed for the countries in the Western Balkans. The

acquis communautaire developed after the enlargement of 2004, more chapters were established and nowadays the accession negotiations open with Chapters 23 and 24. With such changes in the conditions to which the former Yugoslav countries have to comply, it is interesting to find out whether the same causal factors identified in CEEC studies can explain compliance in the five former Yugoslav countries as well. Another major change compared to CEEC studies is that some of the EU conditions affected the national identity of the former Yugoslav countries. After the war, the countries were required to extradite war criminals, to keep good neighborly relations and in case of Serbia, to reach an agreement concerning its territory: Kosovo. Such additional conditions raise the domestic adoption costs because in some of these cases, governments have to choose between satisfying the voters, who prefer national identity matters over EU Membership, or complying with EU conditions. Because of these additional requirements, I believe that the domestic adoption costs are determining for compliance in former Yugoslav countries during democratic conditionality. The second causal factor, the credibility of EU conditionality during EU acquis conditionality, is one that needs to be further explored. Several studies confirmed that this was a causal factor for overall compliance in CEEC during acquis conditionality. Böhmelt and Freyburg (2012) confirmed in their study that this causal factor needs to be further tested in more policy specific studies. Based on the above reasoning, I include the theoretical model that is tested in this thesis:

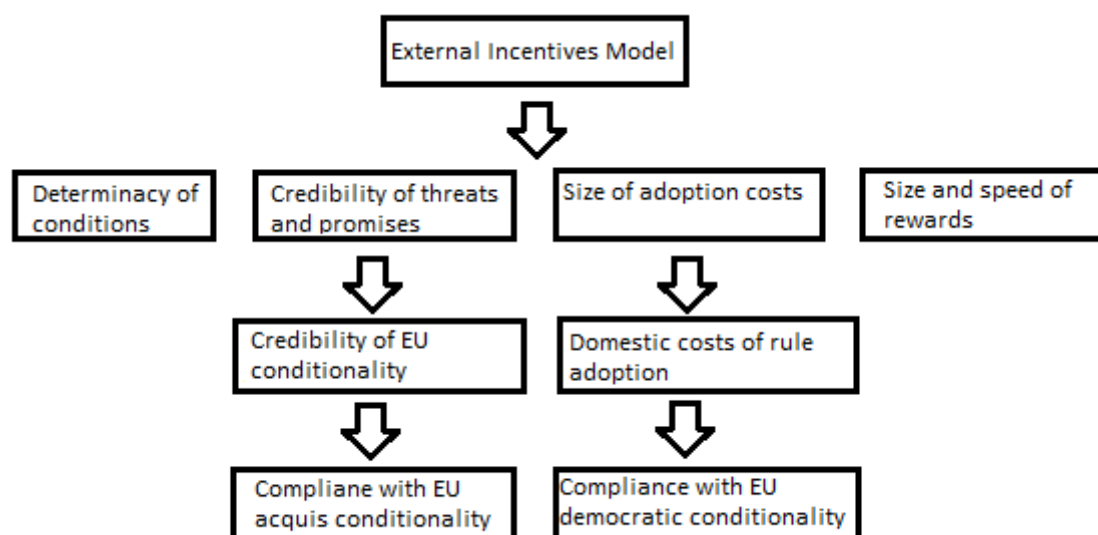


Figure 1. Theoretical model: the improved EIM. Source: Schimmelfennig and Sedelmeier, 2004.

Based on this model, I formulate the first hypothesis for compliance during EU democratic conditionality and the second hypothesis for compliance during EU acquis conditionality:

Hypothesis 1: The higher the domestic adoption costs are for a potential candidate country, the lower the effectiveness of EU democratic conditionality will be.

Hypothesis 2: The higher the credibility of EU conditionality is for a candidate country, the higher the effectiveness of EU-acquis conditionality on corruption will be.

EU conditionality is applicable to a country from the moment it obtains the potential candidate status from the EC. Because all five former Yugoslav countries obtained this status in 2000 (European Union, 2011), this year is the starting point for this thesis. The status that follows from the potential

candidate status is the candidate status, which a country obtains after complying with EU conditions during the potential candidate status. When a country becomes a candidate, it has to start complying with the EU acquis (Glöpker, 2013). All five former Yugoslav countries became independent prior to 2000, except for Montenegro because the country became independent from Serbia in June 2006. Table 1. below provides an overview of important years of EU enlargement that are important for the analysis of corruption as part of Chapter 23 for both hypotheses.

	BiH	Croatia	FYROM	Montenegro	Serbia	Hypothesis
Potential candidate	2000	2000	2000	2000	2000	1
Candidate	X	2004	2005	2010	2012	2
Opening accession negotiations	X	2005	X	2012	2014	2
Opening Benchmarks Chapter 23 set	X	2007	x	2013	2014	2
Opening Chapter 23	X	2010	X	2013	X	2
Interim Benchmarks Chapter 23 set	X	X	X	2014	x	2
Closing Benchmarks Chapter 23 set	x	2010	X	2014	x	2
Closing Chapter 23	X	2011	X	X	X	2
Closing accession negotiations		2011				
Signature EU accession treaty	X	2011	X	X	X	2
EU Member State	X	2013	X	X	X	2

Table 1. Overview EU-accession stages. Sources: European Commission (2013n; 2014b; 2014k), Nozar (2012), Füle (2011), Council of the European Union (2011).

Potential candidate countries have to comply with the Copenhagen criteria, which includes three conditions (European Commission, 2014a). For the Western Balkan countries, specific conditions for membership were set up by the EU that were primarily related to regional cooperation and good neighborly relations. These conditions are included in the Stabilisation and Association process (SAP). While being an EU candidate, countries have to start adopting, implementing and enforcing the rules that are laid down in the EU acquis, which is divided into 35 non-negotiable policy fields (Glöpker, 2013). The EU adopts per chapter a common position and since Croatia's EU accession, an opening and closing benchmark that a candidate country needs to fulfil before the chapter can become opened or closed. The current candidates are also subject to interim benchmarks (European Commission, 2013b). If a country fails to maintain the progress made after a chapter is closed, a chapter can become re-opened by the EU or the negotiations/chapter may become suspended in case of violations of the EU founding principles (Varadi, 2008). Applicable to this thesis is the proposal from the EC to open Chapter 23 of the acquis, without setting closing benchmarks, but with the setting of opening and interim benchmarks (European Commission, 2013b). Another new development in the accession process is the exclusion of target dates for ending accession negotiations with the former Yugoslav countries except Croatia, whereby the nature of the enlargement strategy shifted from one with a 'pre-determined outcome' into an 'open-ended' process (Papadimitriou and Gateva, 2009).

Before these hypotheses are tested by analyzing the evolution of corruption and the fight against corruption in former Yugoslav countries, the next chapter is first going to explain the methodology

applied in this thesis and explains the operationalization of the causal variables that are included in the hypotheses.

3. Methodology

This third chapter explains the methodology. First in sub-chapter 3.1 the research design and case selection are introduced. The second sub-chapter explains the research method and the strategy applied in this thesis. A distinction is made between the variables and the measuring moments. The measuring moments explain which hypothesis applies to which time frame. In the last sub-chapter, the operationalization of the variables is elucidated.

3.1 Research design and case selection

This sub-chapter explains why the policy field of the fight against corruption is studied in the former Yugoslav countries. Moreover, the strengths of this multiple case study are explained and the weaknesses are addressed.

This thesis is a multiple case study aiming to test the improved EIM for compliance in the fight against corruption in five countries during their EU-accession paths. Employing a theoretical model upfront in a case study can be useful (Eisenhardt, 1989; Yin, 2009) because it helps to determine which data should be employed and how it should be analyzed afterwards (Yin, 2009). Although the research questions are employed in the same policy field in five different countries, the varying factors such as EU conditions on corruption, different enlargement rounds, and varying corruption ratings prevent the possibility to employ a comparative design. Moreover, analyzing and explaining the presumed causal link between the causal variables included in the improved EIM and corruption cannot be done by employing surveys and experiments (Yin, 2009). Because of the complexity and limitations of studying corruption, the first step after the establishment of the theoretical framework was to collect data from sources that included all five former Yugoslav countries and that covered the period between 2000 and 2014 as much as possible, for the purpose to analyze the fight against corruption over time while these countries were subject to EU democratic and acquis conditionality.

The case study design allows a researcher to analyze case specific characteristics, which can be done in a single case study or a multiple case study (Eisenhardt, 1989; Yin, 2009). The aim of a case study can differ, some researchers aim to describe the findings, others want to test theories and some have the ambition to generate theory (Eisenhardt, 1989; Alaranta, 2006), i.e. to describe, to explain or to explore (Yin, 2009). Instead of describing, Rohlfing (2012) points to the third possibility of the goal to refine hypotheses. This thesis is a multiple case study and the goal is to test the theory behind the improved external incentives model and to explain why (Rohlfing, 2012) the model can or cannot explain compliance with EU conditions. The case study is specifically appropriate to answer 'why questions' because these in-depth studies provide the possibility to work with operational links over a longer period of time and to study contemporary subjects that cannot be influenced by the researcher (Yin, 2009). Corruption is a real life phenomena that cannot be manipulated by the researcher studying this subject. As a result of explaining why the improved EIM can or cannot explain compliance with EU conditions on corruption, this case study is an adjunct (Yin, 2009) to the statistical relationships found in today's literature between compliance with EU conditionality and the EIM.

Case selection in a case study is very important (Eisenhardt, 1989, Rohlfsing, 2012), because it sets the limit to what extent generalizations of the conclusions can take place, and if properly selected, it reduces extraneous variation (Eisenhardt, 1989). Three scope conditions were set for the selection of the cases in order to limit the problems of internal and external validity (Rohlfsing, 2012). The first territorial condition is that the study should include current or former EU (potential) candidate countries other than the CEEC. The second temporal condition is that the countries became subject to EU conditionality in 2000 to ensure equal and sufficient measuring moments to test compliance over time and third, the substantive condition that the severity of corruption was similar in all countries at the starting point of the analysis. Based on these conditions I selected five countries and thus five cases, because all countries were or are EU (potential) candidate countries other than CEEC, all became subject to EU conditionality in 2000 and corruption is a common problem in all countries. Moreover, although these countries used to belong to one country in the past, their paths towards EU-accession vary highly. Since the improved EIM was derived from CEEC studies, based on general compliance, I chose a different set of cases and a specific policy field in order to replicate the model and to possibly extend the generalizability of the theory and to strengthen the internal validity of the model in case the evidence in this thesis is in line with the theory of the model. In case the evidence in this thesis is not in line with the theory from the model, the generalizability of the model can be limited (Eisenhardt, 1989; Yin, 2009). Analytic generalization, i.e. generalizing the cross-case conclusions from a multiple case study and comparing them with the employed theory, provides the possibility to claim replication if more than one case is in line with the theory, and strengthens the external validity of the thesis (Yin, 2009).

The level of analysis is cross-case rather than within-case because although two hypotheses are tested in each case, (except in the case of BiH that is the only potential candidate to date) the outcomes of all these within-cases offer the possibility to draw cross-case conclusions about the causal effect of the improved EIM on compliance with EU corruption conditions in former Yugoslav countries. Moreover the study focuses on frequentist rather than Bayesian modes of causal inference, thereby focusing only on whether the outcome of the tested variables align with the predictions made in the hypotheses. Both hypotheses are symmetric, however the first hypothesis tests a negative correlation; the higher the domestic adoption costs are for a potential candidate country, the lower the effectiveness of EU democratic conditionality, whereas the second hypothesis tests a positive correlation; the higher the credibility of EU conditionality, the higher the effectiveness of EU-acquis conditionality on corruption in a candidate country. As a result of the symmetrical hypotheses, the study aims to test correlations between multi-categorical causal effects and outcomes (Rohlfsing, 2012).

The multi-categorical causes of low, medium and high domestic adoption costs and credibility of EU conditionality are compared next to the corruption data. As a result, the analysis between the dependent and independent variables aim to conclude on the correlation between different kinds of variables, and not on the degree (Rohlfsing, 2012). This is because adoption costs and credibility cannot be measured in exact numbers, and thus the correlation cannot be measured in degree. The benchmarks that define low, medium and high domestic adoption costs and credibility of EU conditionality are defined in the next sub-chapter. According to Rohlfsing (2012, p.32) "a correlation captures the change in the outcome as a result of a change in the cause and the causal effect can be assigned if one observes a theoretically intelligible and systematic cause-effect relationship". This means thus that in order to claim a claim causality, high domestic adoption costs should result in low

compliance with EU corruption conditions whereas a high credibility of EU conditionality should result in high compliance with EU corruption conditions, and the other way around. Because the phenomenon of primary interest is the effect of a specific cause; the causal variables included in the improved EIM, on the outcome; compliance with EU conditions on corruption, the thesis is "effect of causes" (Rohlfing, 2012, p. 40) oriented. Based on this orientation, only inferences can be made about the effect of the causal variables "domestic adoption costs" and "credibility of EU conditionality" and not about other possible causes for compliance with EU conditionality.

In order to limit the chance that the relationship found between the variables is spurious or caused by third variables, the use of qualitative data can help by explaining why the relationship exists between the variables or what causes the conflict when the relationship between the variables is absent (Eisenhardt, 1989). However it is not possible to make level two inferences based on the conclusions, because the absence of third variables limits the internal validity (Yin, 2009) and "may bias and limit the findings" (Eisenhardt, 1989, p.536) by overlooking possible alternative causal factors for the changes in corruption. Since the specific aim in this thesis is to find out to what extent and why the improved EIM, identified in CEEC studies, can explain compliance with EU conditions in former Yugoslav countries, no further alternative causal factors are employed. As a result, this study limits itself to making level one inferences (Yin, 2009). The next chapter explains which data is employed in this thesis and includes the documentation of procedures and concepts in order to reduce the chance of spurious relationships and to increase the construct validity and reliability of the study.

3.2 Research method and research strategy

This sub-chapter provides an overview of research method and research strategies applied in this study for the analyses of the dependent and independent variables. Because the analysis of the dependent variable consist of several sources, the data from each source is analyzed by using a source-specific strategy. The strengths and weaknesses of the data collection for each variable are furthermore explained.

The strategy employed in this research is based on theoretical propositions derived from Schimmelfennig and Sedelmeier (2004) about the causal influence of the improved EIM on compliance with EU conditionality. The research goal and design, as well as the research questions and hypotheses are established based on the work of the abovementioned researchers. In order to answer the research question in this thesis, the relationship between two independent variables; domestic costs of adoption and the credibility of EU conditionality and one dependent variable; corruption, is tested in this thesis. Each independent variable is tested during a specific EU accession status. The first is the relationship between the independent variable 'domestic adoption costs' and the dependent variable 'corruption' is tested during the status of potential candidate country while the countries are or were subject to democratic conditionality. The second relationship between the independent variable 'the credibility of EU conditionality' and the dependent variable 'corruption' is tested during the status of candidate country, while the countries are or were subject to EU acquis conditionality.

It is very common in case studies to use both qualitative data collection methods and quantitative ones (Yin, 1984). Data collection for the dependent variable 'corruption' is based on three sources; the statistical data from the WB 'control of corruption', the qualitative data from the EC 'conclusions

on the fight against corruption' and the implementation reports from GRECO. Corruption is very hard to measure because it takes place behind closed doors. Although three sources are employed to evaluate the evolution of corruption in these countries, these corruption indicators are never exact and mostly based on citizens' perceptions of corruption in their countries, which might harm the validity of corruption data because the chance exists that the data is biased. This is especially the case for the European sources (EC and GRECO) and possibly even the interview with my key-informant of the EC, who could have "deliberately included information while leaving out other, sensitive information" (Rohlfing, 2012 p.170) as a result of their partnership with the (potential) candidate country. However, employing several complementary sources of evidence (Rohlfing, 2012) with each a specific strategy "to investigate the same phenomenon so that findings or insights from one strategy can be corroborated by the other" (Lor, 2011, p.7), better known as triangulation (Yin, 2009), does limit the possibility that the analysis of corruption is too weak (Cousin, 2005) and strengthens the construct validity (Yin, 2009). Moreover, collecting different kinds of data about corruption increases the accuracy of analyzing the fight against corruption in a country.

By taking only one source into account for the measurement of corruption, it would be impossible to detect unique variance. It is the combination of different sources that increases the possibility to analyze corruption from different perspectives to get a full picture of corruption (Rohlfing, 2012) and to create a deeper understanding of this broad topic. Statistical data from the WB is helpful for identifying possible relationships that were not notable at first sight based on solely the qualitative data of the EC and GRECO. Moreover, it can strengthen the evidence found based on the qualitative data. In order to strengthen the construct validity further, all data about corruption is included both throughout the thesis and in the appendices (Yin, 2009). However, even with triangulation one can never be certain that the sources employed will cover all information about corruption and thus, bias will still remain present to a certain extent (Rohlfing, 2012). In order to ensure that the triangulation is effective, it is important that the weakness of one source is compensated by the strength of the other (Jick, 1979). Chapter 3.2.1 describes the weaknesses and strengths of all three sources in detail and explains how corruption is measured by each source and how these sources complement each other.

The advantage of using secondary data is first that loads of time and expenses are saved (Johnson and Christensen, 2010) because corruption is not an easy measurable phenomena (Thompson, 2012). Moreover, the sources that I employed were the only ones that included enough accessible historical data so that examination of corruption could take place between 2000 and 2014. The strength in the analysis of corruption and the fight against corruption in this thesis is the combination of European and international sources. Candidate countries are likely to face more consequences from negative assessments of corruption indicators by GRECO and the EC as a result of their 'partnership' than from the WB. On the other hand, negative assessments from these international organizations can possibly have other negative consequences, for example lower foreign direct investments. The disadvantage of using secondary data is that information is collected by third parties, data of which the reliability, completeness and accuracy can be questioned (Thompson, 2012).

The choice for these three sources is based on the criteria set for this analysis. First, the sources have to include all five countries. Second, the data needs to start around the year 2000 and end in either 2013 or 2014 in order to cover the entire accession process of the countries as much as possible. Third, the data has to be comparable over time and reliable (Glückler, 2013). Fourth the data has to

include as many as possible measuring moments between the start and end, in order to be able to measure the evolution of corruption and the fight against corruption during the EU-accession process and to include as many causal process observations as possible (Rohlfing, 2012). This criteria is employed in order to strengthen the construct equivalence. This equivalence is based on the "instance where the instrument measures the same latent trait across all groups, or nations, or cultures" (Mills, Van de Bunt and de Bruijn, 2006, p.623). The data from the WB, the EC and GRECO meet this criteria. In order to get more insight and obtain more in-depth knowledge about corruption, the fight against corruption, and the assessments of corruption, I conducted an interview with Mrs. Palstra, EU Policy Officer at Transparency International and established a questionnaire for a senior employee within the DG Enlargement at the EC. For privacy reasons, the name of this person is kept anonymous. Information obtained from these two key informants are used throughout the thesis. The interview is included in Appendix. 1 and the questionnaire in Appendix 2.

Data collection for the measurement of the independent variables 'domestic adoption costs' and 'the credibility of EU conditionality' is also based on secondary data. The strategy for determining the domestic costs of adoption and the credibility of EU conditionality is derived from study of Schimmelfennig and Sedelmeier (2004). As explained in the theoretical chapter, adoption costs to comply with conditions during democratic conditionality are higher for authoritarian or nationalist governments than for democratic and reform-oriented governments. For this reason, all possible secondary information about the political orientation of the governments that were in power during the potential candidate status is collected. The second independent variable, the credibility of EU conditionality depends on two factors. First, it depends on the importance that the EC attaches to a specific policy area and second, on the timing of Chapter 23 to EU conditionality. Schimmelfennig and Sedelmeier (2005, p.215) concluded in their study about CEEC that "once a given issue area became subject of the EU's conditionality, rule adoption increased dramatically and became a consistent feature across countries and issue areas". In sum, the credibility of EU conditions on corruption will thus be determined by both the salience of the EC attached to this policy area in each country and the steps taken by the Commission concerning Chapter 23. The salience attached to Chapter 23 is based on the overall importance attributed to Chapter 23 throughout the EU-enlargement history.

Data sources

A number of organizations and institutions are involved in measuring corruption, either via questionnaires or by collecting data from several secondary sources. Several sources included research about certain former Yugoslav countries but not all of them (Global Integrity, IMD, CMS, Sigma, UNDP, UNODC, UNCAC, Pricehouse Watercoopers, Milkeninstitute, International Social Survey Program, Global Integrity, OECD, Bertelsmann Foundation, Transparency International, PRS Group, World Justice Project, Task Justice Network, International Budget Partnership, International Chamber of Commerce, Global Reporting Initiative). Other sources required a paid subscription (Gallup Balkan Monitor, Economic Intelligence Unit, Global Insight, Centre for the study of Public Policy). Data from the World Economic Forum, Freedom House and the Bertelsmann foundation are not taken into account independently because their data on corruption is included in the index established by the WB. BEEPS established by the WB and the EBRD are not comparable over time, due to insufficiencies in the methodology prior to the changes made in 2008 (World Bank, 2013). Although in many scientific papers on corruption, the CPI from TI is used for comparative research over time, it is methodologically incorrect. The indicators for assessing corruption differed over time

so by comparing the CPI over time, a researcher would "compare apples with pears" (Key informant Transparency International, 2014). The organization admits that this methodology had major constraints for the comparability of the data and therefore decided to change the methodology in 2012. Therefore, the data conducted in 2012 and afterwards is suitable for comparison over time. Nevertheless, this makes Transparency International an unsuitable source of information for this thesis, because the CPI cannot be used for comparison between 2000 and 2012.

It is important that the different sources of evidence complement each other. The three sources included in the thesis are documents, archival records and interviews. Both documents and archival data are "stable, unobtrusive, exact and have a broad coverage" (Yin, 2009, p. 102). Archival data is however more detailed than documents. The interviews with key informants from the EC and TI allowed me to gain more in-depth knowledge about (the fight against) corruption. Both the data from the EC and GRECO are derived from administrative documents (Yin, 2009) and the data from the WB is statistical. Although administrative documents and statistical data have a chance to be biased and to lack accuracy, the bias from the WB is expected to be lower than from the European sources because the candidate countries are likely to face more consequences from negative assessments of corruption indicators by GRECO and the EC as a results of their 'partnership'. The strengths and weaknesses of the three selected sources for the measurement of corruption is further elaborated below.

European Commission – progress and regular reports

Reporting by the Commission takes place on a yearly base until the year that a candidate country and the EU sign the accession treaty. In 2007 when Bulgaria and Romania became EU Member States, the Cooperation and Verification Mechanism was established in order to continue the monitoring of reforms made by both countries after EU-accession (Steunenbergh and Dimitrova, 2007). This did not apply to Croatia because the country was exempted from post EU-accession monitoring (Hipper, 2013). According to my key informant from the EC (2014), Croatia was exempted from the mechanism because of the different enlargement approach that applied to Croatia, which included two chapters related to corruption instead of one and by setting opening and closing benchmarks for these chapters. This approach was especially designed and applied to avoid that the mechanism had to become installed after EU-accession. Moreover, Croatia had better anti-corruption results than Romania and certainly Bulgaria and so far, no evidence was found that corruption worsened in Croatia after EU-accession. Another reason to exclude Croatia from the mechanism is the new EU Anti-Corruption report, which includes Croatia as well (Key informant European Commission, 2014). The Cooperation and Verification Mechanism is not expected to become employed in future enlargement countries (Vachudova and Spendzharova, 2012).

The EC does not assess corruption in the progress reports of enlargement countries by using indicators, but rather by looking how "the standards", which are included in Appendix 2., are being implemented. Data is furthermore being gathered on investigations, prosecutions and convictions of corruption. The focus is especially put on "high level corruption, number of cases dealt with by the conflict of interest commission, number of investigations launched on the basis of asset declarations, wrong and false declarations, disciplinary sanctions in the public administrations and against magistrates for corruption related offences and value of assets confiscated in cases of corruption" (Key informant European Commission, 2014). These standards are not country specific but may be

adapted or extended in specific situations. The list of standards that was applied in Croatia is currently applied in current potential and candidate countries. The standards are applied during every accession stage but the focus shifts from alignment and institution building in the beginning of the accession procedure to a focus on results as a country proceeds in this procedure. The standards do not serve solely as monitoring tools to measure efficiency but also to assess the political will within a (potential) candidate country to fight corruption (Key informant European Commission, 2014).

The main sources for the qualitative analysis in progress reports include: in-house assessments of official information, including information, reports and monitoring results from reliable, specialized organizations at local, national and international level. Sources that are taken into account are for example Transparency International, UNCAC, UNODC, GRECO, World Economic Forum, the Freedom House, peer-review reports from member states, experts and to a lesser extent the media and citizen complaints. Consultations with the Council of Europe including GRECO take place regularly. Other international organizations such as the WB and the OECD are consulted during the establishments of progress reports in case these organizations are active in enlargement countries (Key informant European Commission, 2014). The Open Society Institute (2002) concluded however that these secondary sources have not been applied consistently in the assessment reports from the Commission. Civil Society Organizations are being consulted on a regular basis via EU delegations and during missions of the EC to the enlargement countries. The major source of input for assessing corruption are the European Delegations located in the candidate countries and other secondary sources (Key informant European Commission, 2014). Prior to the progress reports, all potential candidate countries were irregularly assessed on corruption in stabilization and association reports. Based on the availability, these reports are used in this thesis to assess corruption prior to the progress reports. For the other former Yugoslav countries, stabilization and accession reports are used from 2002 because these were the first reports established by the EC in which corruption was assessed. Corruption was not assessed by the commission in the five countries in 2000 and 2001.

Due to the difficulty of measuring corruption, the EC acknowledges "to focus on anti-corruption policies rather than corruption itself" (Open Society Institute, 2002, p.45). Critics argue that this approach causes bad matches between policies and national circumstances. The Copenhagen accession criteria excludes details on the criteria of anti-corruption policy to which candidate member states have to comply. With unclear benchmarks for evaluating corruption, for achievements made in combatting corruption and for the amount of progress made in fighting corruption or on the establishment and the implementation of anti-corruption policies that would be regarded as sufficient by the EC, it can be stated that reviewing is done without coherent criteria and without clearly binding *acquis* on corruption. These problems lead to insufficient monitoring, the exclusion of important corruption related indicators, ineffective anti-corruption policies (Open Society Institute, 2002) and inequalities in anti-corruption policies between existing and candidate Member States (European Commission, 2011a). The best example of the last mentioned problem is the Council of Europe Criminal Law Convention on Corruption. Candidate member states are expected to sign and ratify the Convention, whereas less than half of the existing Member States has signed the Convention. The corruption related conventions are moreover excluded from the evaluation reports established by the EC on its candidates. This indicates that the EC has some shortcomings concerning its capability to ensure the implementation of an EU-wide anti-corruption policy, to sufficiently integrate anti-corruption goals in the framework of EU-accession and to cover

all necessary measures and institutional practices in the anti-corruption policy within the EU acquis that are necessary to effectively combat corruption (Open Society Institute, 2002).

If the EU is unable to tackle corruption problems in existing and future Member States because of an unsuitable framework and mechanism, it can cause harm to the quality and functioning of democratic institutions and it may lead to an insufficient implementation of the acquis which will damage the core value on which the EU is built. Moreover, the EU anti-corruption framework remains "diffuse and non-binding" to a large extent (Open Society Institute, 2002, p.34), and is mainly caused due to three reasons; the diversity in corruption in European countries, the historical, internal problems of corruption within the Commission and the refusal from the Commission to acknowledge the problem of corruption within its Member States. Although efforts are made, the Commission did still succeed to realize full harmonization of anti-corruption standards and policies among its Member States and candidate countries (Open Society Institute, 2002). Despite these shortcomings, the EC acknowledges its shortcomings concerning the fight against corruption and a step forward was made with the introduction of a new mechanism, the EU Anti-Corruption report in 2013, in which Member States are being assessed every second year on "the enforcement of legislation, the implementation of international agreements and the coherence of anti-corruption policies and actions" (European Commission, 2011a).

A positive evaluation of the Commission on the political criteria does not indicate that corruption is not a problem in a certain country, because "corruption is a peripheral concern in the overall enlargement process, that is not a decisive factor one way or the other" (Sandholz and Gray, 2003, p.794). The studies from Böhmelt and Freyburg (2012) and Steunenberg and Dimitrova (2007) use solely the progress reports from the EC to assess compliance with EU conditions. I decided to include two other sources next to the progress reports from the EC is because of the abovementioned shortcomings in the assessments from the Commission about corruption.

World Bank – World Governance Indicators: control of corruption

The WB published data on six different WGI on almost a yearly base since 1996. One of these indicators is CoC. The only year in which measurement did not take place is 2001. Data on the WGI can be compared over time, but is more useful to compare over longer periods of time than year-to-year comparisons (World Bank, 2014a). The data on corruption is being established by using several sources including "surveys of households and firms, commercial business information providers, non-governmental organizations and public sector organizations" (World Bank, 2014b). As is shown in Appendix 3, the amount of sources for the assessment of corruption increased over time and the standard error decreased, leading to more reliable indicators of corruption. The sources that are used for the calculation of the WGI in the former Yugoslav countries include: Business Enterprise Environment Survey, Economist Intelligence Unit, Freedom House, Global Insight Business Conditions and Risk Indicators, Bertelsmann Transformation Index, IFAD Rural Sector Performance Assessments, Transparency International Global Corruption Barometer, World Economic Forum Global Competitiveness Report, World Bank Country Policy and Institutional Assessments, Gallup World Poll, Global Integrity Index, Institutional Profiles Database, World Justice Project, Political Risk Services International Country Risk Guide, and Institute for Management and Development World Competitiveness Yearbook (World Bank, 2014c).

From all 15 sources, five sources rely on surveys and the other ten sources on experts. The number of sources used depends on the availability of information in each country and therefore not all countries are covered by all sources. Appendix 4. shows that 11 out of 15 sources are applied to 4 or more countries. Only the sources: IFAD Rural Sector Performance Assessments, World Bank Country Policy and Institutional Assessments, Political Risk Services International Country Risk Guide, and Institute for Management and Development World Competitiveness Yearbook, were used in 3 or less former Yugoslav countries. Although WGI on corruption is very useful for the assessment of corruption, there is one limitation. The latest available data is from 2013. For the countries that are still potential candidates (BiH) and candidates (Serbia, the FYROM and Montenegro), the most recent data from 2013 is used to show the evolution of corruption since obtaining their latest potential candidate or candidate status. Although this limitation, the WGI on corruption is a very useful source for comparing CoC at the several EU-accession stages, because of the broad coverage between 2000 and 2013.

The Group of States against Corruption (GRECO) – evaluation reports: conclusions

GRECO was established by 17 countries in 1999 (Council of Europe, 2014b) and has grown to 49 member states, including all five former Yugoslav countries. Bosnia, Croatia and FYROM joined GRECO in 2000. Serbia and Montenegro became a member in 2003 and Montenegro finally joined in 2006 after its independence (Council of Europe, 2014c). The aim of GRECO is to fight corruption by monitoring its member states on compliance with anti-corruption standards and norms that are employed by the organization and by encouraging capacity building through technical co-operation programs (Council of Europe, 2014a). Monitoring practices include mutual evaluation and peer pressure and aim to detect shortcomings in national anti-corruption policies, at encouraging national reforms and at exchanging information about best practices in preventing and detecting corruption (Council of Europe, 2014d).

GRECO has a total of six legal instruments consisting of two conventions, a protocol, a set of guiding principles and two recommendations, which are being monitored by the organization. These six legal instruments include the "Criminal Law Convention on Corruption, the Civil Law Convention on Corruption, the additional protocol to the Criminal Law Convention on Corruption, the Twenty Guiding Principles against Corruption, the Recommendation on Codes of Conduct for Public Officials and the Recommendation on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns" (Council of Europe, 2014a). The former three are all ratified and entered into force in each of the former Yugoslav countries (Council of Europe, 2014e; Council of Europe, 2014f; Council of Europe, 2014g). The latter three are non-binding and voluntarily instruments (Council of Europe, 1997; Council of Europe, 2000; Council of Europe, 2003).

Since 2000, three evaluation rounds took place and the fourth is currently ongoing. The first round, which took place between 2000 and 2002, addressed two themes: "independence, specialization and means available to national bodies engaged in the prevention and fight against corruption; and the extent and scope of immunities" (Council of Europe, 2014h). The second round started in 2003 and lasted until 2006 and examined five themes: "identification, seizure and confiscation of corruption proceeds; public administration and corruption; prevention of legal persons being used as shields for corruption; tax and financial legislation to country corruption; and links between corruption, organized crime and money laundering" (Council of Europe, 2014h). The third round took place

between 2007 and 2011 and covered two themes: "incriminations provided for in the Criminal Law Convention on Corruption, its Additional Protocol and Guiding Principle 2; and transparency of Party Funding with reference to the Recommendations of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns" (Council of Europe, 2014h). The fourth round started in 2012 and is to date ongoing. The compliance reports of the fourth round are not available yet and neither are the compliance reports, which is a limitation for the analysis. The theme that is being addressed during the fourth round is: "prevention of corruption in respect of members of Parliament, judges and prosecutors" (Council of Europe, 2014h) and is divided over six indicators: "ethical principles and rules of conduct; conflict of interest; prohibition or restriction of certain activities; declaration of assets, income, liabilities and interests; enforcement of the rules regarding conflicts of interest; and awareness" (Council of Europe, 2014h).

After recommendations are made by GRECO during the evaluation round, a first compliance check on the implementation of the recommendations takes place after two or three years. During this compliance check, GRECO emphasizes the shortcomings in the implementation of the recommendations that were established during the evaluation round. The implementation of each recommendation is being assessed in the compliance report as: "a) has been implemented satisfactorily or otherwise been dealt with in a satisfactory manner; b) has been partly implemented or c) has not been implemented" (Council of Europe, 2012b). The recommendations from the compliance report reassessed an addendum compliance report. This reassessment takes place two or three years after the publication of the compliance report. In case insufficient measures are taken after this second compliance check, a new assessment takes place within 18 months. If GRECO concludes that its recommendations are 'globally unsatisfactory' taken into account in a country, then the organization has the possibility to start a special procedure (Council of Europe, 2014i; Council of Europe, 2012b). By combining the roles of establishing guidelines and monitoring them, the Council of Europe is nowadays seen as the one in charge of the corruption section within the Copenhagen criteria. Its framework has some particular advantages, including principles that are open to country specific priorities and that are adaptable to developments based on the input from other stakeholders. Moreover, the evaluation process of GRECO are very extensive, and include peer reviewing, cooperation with national governments and the inclusion of national evaluation team representatives. Implementation of the recommendations provided by GRECO are monitored every two or three years (Open Society Institute, 2002).

The evaluations of GRECO have some shortcomings. First, the reports often lack assessments on performance. Second, assessments rounds do not take place on a regular base but only once every four years on average. Third, the themes that are included in the assessments are limited in scope due to the cycles employed by GRECO that assess specific themes over time (Berenschot and Imagos, 2013). The fourth limitation is that the implementation rates are based on specific evaluation rounds with each a specific theme. It is possible to compare the efforts taken by governments to implement the recommendations during a certain year but after two compliance checks the evaluation round stops and a new evaluation round is started. Because the evaluation rounds are not on-going, progress cannot be measures more than twice. The strength of GRECO's assessments is that compliance with recommendations from the evaluation report are monitored and assessed in compliance reports. This makes it possible to assess to what extent a country has put effort into improving the indicated national shortcomings in the evaluation reports and thereby in fighting corruption. Another strength of GRECO is that its framework is flexible and that its recommendations

are tailor made. As a result, countries have different priorities with varying policies. Third, the principles change over time as a result of dialogues between the members and fourth, all members are equal within GRECO and evaluation is carried out by country representatives of these members which strengthens the objectivity of the assessments (Berenschot and Imagos, 2013). In order to assess the implementation of GRECO's recommendations, all conclusions on compliance are taken into account from each evaluation round.

3.3 Operationalization of the variables

This sub-chapter explains how the dependent variable corruption and independent variables 'domestic adoption costs' and 'the credibility of EU conditionality' are operationalized.

Because only a single subject is studied over many years, the dependent variable corruption, the study employs a cross-section strategy at the same theoretical moments of time, which are during the temporal dimensions democratic and acquis conditionality on the within-case level (Rohlfing, 2012). This type of analysis allows me to study intricate patterns of corruption indicators in detail and the evolution of corruption over time and to research whether and how the independent and dependent variable are related to each other via causal process tracing (Rohlfing, 2012). The predicted pattern is that high compliance with EU democratic conditions on corruption will result from low domestic adoption costs and the other way around. The predicted pattern for EU acquis conditions on corruption is that compliance will result from a high credibility of EU conditionality and the other way around (Yin, 2009). If the observed trend in the analysis of a case aligns with the predicted pattern, then the hypothesis is accepted.

3.3.1 Dependent variable

Compliance with EU conditions on corruption is operationalized into lowering corruption indicators from the WB, higher implementation rates from GRECO and improved conclusions on corruption by the EC. Corruption is assessed by using both statistical data and qualitative data. In order to develop a rank-ordering and to make progress and declines better measurable, the data from the WB and GRECO is converted into percentages. The qualitative data from the EC is not converted into percentages, but solely the conclusions on corruption are taken into account. The converting of data from the WB and GRECO into percentages is explained below.

European Commission

In order to assess corruption within the reports established by the EC between 2002 and 2013 in Croatia, and between 2002 and 2014 for the other former Yugoslav countries, the focus in the reports is on the chapter corruption, together with Chapter 23. All conclusions from the EC on corruption are included in the country specific sub-chapters of the analysis chapter. The assessment of the EC on corruption ranges from a " 'relatively limited problem' through an 'area of concern' and to 'a very serious problem' " (Open Society Institute, 2002, p.46). The conclusions from the EC are taken into account that indicate the severity of corruption, such as: corruption is a serious problem and corruption is a very serious problem. A change in the severity of corruption will thus indicate compliance or non-compliance. In order to illustrate this change, the conclusions from the EC about corruption in Bosnia will serve as an example. Corruption was concluded to be a serious problem in 2005, a serious issue in 2006, a serious problem in 2007, 2008, 2009, 2010, 2011 and 2012, and widespread in 2013. In 2014 the EC concluded that: "Bosnia and Herzegovina has made little progress in advancing reforms to reduce corruption" (European Commission, 2014e). Based on these

conclusions from the EC, I conclude that corruption did not improve according to the EC since 2005 and thus, no change in corruption is noted with a 0. An improvement in the conclusion of corruption, for example if corruption went from a very serious issue to a serious issue, then the number 1 is assigned. If the severity increased, for example if corruption went from a problem to a serious problem, then the number -1 is assigned. All conclusions on corruption from the EC are included in the country specific analyses in Chapter 4.

World Bank

The corruption index from the WB ranges from -2,5 to +2,5 whereby the former indicates the highest corruption score and the latter indicates the lowest corruption score. The index employs two decimals. All corruption indexes from the former Yugoslav countries are included in Appendix 5. In order to operationalize the data, the scores from the index are first collected from the website from the WB and afterwards converted into percentages. I assign 100% corruption to the score -2,5 and 0% corruption to the score +2,5. The score 0 is thus 50%. This means that the higher the percentage, the higher corruption was in a certain year.

GRECO

The qualitative data about the implementation rates of the recommendations from GRECO indicate the efforts made by national governments to fight corruption in their countries. The number of recommendations provided by GRECO to a country per evaluation round serve as 100%. Between 2000 and 2014, four evaluations rounds were initiated by GRECO. From each evaluation round, the implementation of the recommendations is checked in a first and second implementation report. GRECO distinguishes its conclusions between satisfactorily implemented recommendations, partly implemented recommendations and recommendations that are not implemented. First, all the qualitative data is collected from all four evaluations rounds, from both the first and second implementation reports. Second, the number of recommendations are counted and divided over the three types of implementation conclusions. Third, these numbers per type of conclusion are calculated into percentages.

In order to measure the implementation rates, all satisfactorily implemented recommendations are taken into account together with half of the partly implemented recommendations. The reason why half of the partly implemented recommendations is included is because it means that the recommendations was $\frac{1}{2}$ implemented satisfactorily and $\frac{1}{2}$ not implemented. In order to illustrate this operationalization, an example is provided. In 2003, BiH received 18 recommendations (100%) from GRECO. GRECO concluded that BiH implemented 15 recommendations satisfactorily and 3 recommendations partly during the first implementation check in 2005. The 15 satisfactorily implemented recommendations are added up with $\frac{1}{2}$ of the partly implemented recommendations, which is 1,5. The total of the partly and satisfactorily implemented recommendations (16,5) are then divided by the total of recommendations (18) in order to calculate the implementation percentage (92%). Appendix 6. provides a complete overview of all the recommendations provided by GRECO in the former Yugoslav countries.

Although converting the numbers of the three types of recommendations into percentages improves the possibility to detect inclines and declines in the fight against corruption, it has a limitation as well. Including half of the partly implemented recommendations next to the satisfactorily

implemented recommendations for the calculation of the implementation rate might be dubious. On the one hand, one might argue that including half of the partly implemented recommendations increases the actual implementation rate, since these recommendations were not fully implemented. On the other hand, one might argue that including only half of these recommendations decreases the actual implementation rate because partly implemented can also mean that these recommendations were implemented more than 50%. However, partly implemented recommendations mean that these recommendations were not fully implemented and neither not implemented. For that reason, I decided to divide the partly implemented recommendations by two and allocate half of them to the 'not implemented recommendations' and half of them to the 'satisfactorily implemented recommendations'. The possibility remains that the actual implementation rates were slightly higher or lower, depending on how much these recommendations were partly implemented. In general, scores from the second implementation reports are substantially higher than the scores from the first implementation reports. After GRECO concluded that a recommendation was satisfactorily implemented in the first implementation report, a country has on average two to three years to improve the implementation of the partly implemented recommendations and the recommendations that were not implemented according to GRECO. As a result, the implementation from the first and second round are separately calculated. The ranking of the implementation rates is based on a scale of 0 to 10, whereby 100% implementation is assigned with 10 and 0% implementation is assigned with 0.

3.3.2 Independent variables

Domestic adoption costs

Data for the independent variable 'domestic adoption costs' is collected from all different types of secondary sources. The operationalization of the domestic adoption costs is based on the theory from Schimmelfennig and Sedelmeier (2004) who differentiate between authoritarian or nationalist governments that face high costs, and democratic and reform oriented governments that face low costs. First the political systems are analyzed in each country to find out how the government is compromised. The second step is to identify which political parties were in power between 2000 and 2014 and where necessary, which parties the president and prime minister represented. The third step is to collect information about the political orientation of the political parties in power. The fourth step is to assign either high, medium or low domestic adoption costs to the political parties, prime minister and president, based on their political orientation. Low domestic adoption costs are assigned to governments consisting of a majority of democratic and reform oriented political parties, medium costs to mixed governments consisting of (almost equally) both democratic, reform oriented and nationalist, authoritarian political parties. Governments that are majored by nationalist, authoritarian political parties are assigned with high domestic adoption costs (Rohlfing, 2012).

On the temporal dimension (Rohlfing, 2012), the units of analysis are all years including and in between the years of becoming a potential candidate country and the year in which the countries became official EU candidates. All countries are analyzed during this accession status. Bosnia has been fifteen years subject to EU democratic conditionality. Croatia was five years, the FYROM was six years, Montenegro was eleven years, and Serbia was thirteen years subject to EU democratic conditionality. This means that in total, 50 years are analyzed.

The credibility of EU Conditionality

A high credibility is assigned to the years in which Chapter 23 was subject to EU conditionality because "once a given issue area became subject of the EU's conditionality, rule adoption increased dramatically and became a consistent feature across countries and issue areas" (Schimmelfennig and Sedelmeier, 2005, p.215). This means that a high credibility is attached to, and in between the years that the chapter was opened and closed. All the years before and after these years will be assigned as low credibility. The years in which the credibility of EU conditions on corruption was high differs per country as a result of their different EU paths. Table 2. indicates for each country when the credibility was high as a result of the approach from the Commission concerning Chapter 23, which is based on the data gathered in Table 1. in sub-chapter 2.4. The high credibility is extended in the case of Croatia to 2013, because although Chapter 23 was closed in 2011, the country still had to fulfill conditions concerning the fight against corruption. These conditions were strictly monitored by the EC after the country signed the Accession Treaty in 2011.

Moreover, the credibility of EU conditionality also depends on the salience attached to Chapter 23 by the EC. The salience is based on the evolution of Chapter 23 throughout the history of EU enlargement which is described in the second chapter of this thesis. The salience of Chapter 23 is assigned as medium in case of Croatia because the fight against corruption already obtained more attention from the Commission compared to countries that were candidates prior to Croatia, which is explicitly noticeable with the employment of opening and closing benchmarks and the strict pre-accession monitoring regime. High salience of Chapter 23 is assigned to the FYROM, Montenegro and Serbia, because the conditions on corruption for these countries are even stricter compared to Croatia. Chapter 23 became the opening and closing chapter for these countries, which prolongs the subjectivity of Chapter 23 to the entire process of EU conditionality. Additionally, next to the opening and closing benchmarks, interim benchmarks are employed in these countries as well.

<u>Credibility EU conditionality</u>	BiH	Croatia	FYROM	Montenegro	Serbia
<i>Chapter 23 subject to EU conditionality</i>	-	2010-2013	-	2012 - 2014	2014
<i>Chapter 23 not subject to EU conditionality</i>	-	2004 - 2009	2005 - 2014	2010, 2011	2012, 2013
<i>Salience</i>	-	Medium	High	High	High

Table 2. The credibility of EU conditionality in the former Yugoslav countries.

On the temporal dimension, (Rohlfing, 2012) the units of analysis are all years including and in between the years of candidate status and the year in which a country became an EU Member State. Croatia is analyzed during all years, and Serbia, FYROM and Montenegro during some years because neither of these countries is a Member State yet. Croatia was eight years subject to acquis conditionality during the EU-enlargement process, and the FYROM, Montenegro and Serbia have been ten, five and three years subject to acquis conditionality so far. This means that in total, 26 years are analyzed. The independent variable is the credibility of EU conditionality and the dependent variable is compliance with EU conditionality on corruption.

3.3.3 Cross-case analysis

This sub-chapter explains how the data from the independent variables and dependent variables is analyzed in the cross-case analysis in order to draw conclusions to what extent the improved EIM can explain compliance with EU conditionality on corruption.

In order to conclude whether compliance with EU democratic conditions can be explained as a result of low domestic costs and non-compliance as a result of high domestic costs, first an average yearly calculation is made in each country about the degree that corruption increased or decreased according to the WB, GRECO and the EC during the years in which each government was in power. These average scores are assigned to the benchmarks of low, medium or high domestic adoption costs. In order to illustrate this operationalization, an example is provided. Croatia was subject to EU democratic conditionality between 2000 and 2004. Between 2000 and 2003, domestic adoption costs were low as a result of democratic and reform oriented political parties and prime minister that dominated the political scene. According to the WB, corruption decreased with 7,4% between 2000 and 2003, which is an average decrease of -2,47% per measuring moment. According to the EC, corruption improved in 2002, when it was decided that 'significant efforts were made to fight corruption', thus the number +1 is assigned. In 2003, it was decided that 'corruption remains a problem', thus the number 0 is assigned. As a result, the average improvement of +0,5 is assigned, based on these two measuring moments. This data is assigned to the low domestic adoption costs between 2000 and 2003. The same measuring strategy is applied to each benchmark of low, medium and high domestic adoption costs in each country, to find out how much corruption increased or decreased on average per measuring moment according the WB, EC and GRECO. The average percentage from the WB, the average number from the EC and the average implementation rates are subsequently calculated for each benchmark. All data and measurements are included in appendices 7 and 8.

The same strategy is applied to compliance with EU acquis conditionality, however this analysis is more detailed because of the inclusion of both the salience attached to Chapter 23 and the (non) subjectivity of Chapter 23 to EU conditionality, which together determine the credibility of EU conditionality. This cross-case analysis provides the possibility to draw conclusions on whether both conditions must be high in order to ensure compliance or if one conditions is more important than the other. When both conditions must be high to ensure compliance, then conclusions are drawn on the conjunctural causation (Rohlfing, 2012), whereas if only one condition has to be high to ensure compliance, then it is concluded that only one condition correlates with compliance.

4. Analysis

In this chapter, the hypotheses are tested in each former Yugoslav country. First, all data from the WB, EC and GRECO about corruption is collected for each year in every country since becoming an EU potential candidate country. The second part tests each hypothesis that can be tested in a former Yugoslav country, depending on its status and the available data on corruption. BiH is still a potential candidate country, so only the first hypothesis is tested. Croatia recently became an EU member state in 2013, so both hypotheses are tested. The FYROM, Montenegro and Serbia are all candidate countries, so the first hypothesis is completely tested in these countries and the second hypothesis is tested on the progress made since becoming an EU candidate country.

4.1 Bosnia and Herzegovina

BiH is the only former Yugoslav country that is still a potential candidate country. In this sub-chapter statistical data from the WB and qualitative data from GRECO and the EC about corruption and the fight against corruption is analyzed. First, available data is collected between 2000 and 2014. Second, the data of the WB and GRECO is converted into percentages. Third, the evolution of corruption is analyzed in order to determine to what extent the situation improved between 2000 and 2014. Last, the first hypothesis about democratic conditionality is tested on the country's fight against corruption.

4.1.1. Corruption data

	WB	EC	GRECO
2000	59,8%		
2001			
2002	57%	Corruption continues (Commission of the European Communities, 2002a)	
2003	56%	Corruption remains deeply rooted in public and business life (Commission of the European Communities, 2003a)	
2004	56,2%	Problems of corruption continue (...) (Commission of the European Communities, 2004a)	
2005	54%	Corruption remains a serious and widespread problem (European Commission, 2005a)	92%
2006	55,8%	Corruption remains a serious issue (Commission of the European Communities, 2006a)	
2007	57,6%	Corruption (...) remains a serious problem (Commission of the European Communities, 2007a)	92%
2008	57,2%	Corruption (...) remains a serious problem (Commission of the European Communities, 2008a)	
2009	57,4%	Corruption (...) continues to be a serious problem (Commission of the European Communities, 2009a)	53%
2010	56,4%	Corruption (...) remains a serious problem (European Commission, 2010a)	
2011	56,2%	Corruption (...) is a serious problem (European Commission, 2011b)	72%
2012	56%	Corruption (...) is a serious problem (European Commission, 2012c)	
2013	54,4%	Corruption remains widespread (European Commission, 2013e)	
2014		Bosnia and Herzegovina has made little progress in advancing reforms to reduce corruption (European Commission, 2014e)	32% - 42%

Table 3. Corruption data Bosnia and Herzegovina from the WB, EC, and GRECO. Data derived from appendices 5 and 6.

4.1.2. The effectiveness of EU-conditionality

In the case of BiH, the question is whether the lack of progress in the fight against corruption in the country during the fourteen years that it has been subject to EU conditionality can be explained as a result of high domestic adoption costs. In this sub-chapter the hypothesis about democratic conditionality is tested in the case of BiH, in the fight against corruption. Even though the country is still a potential candidate country and thus no definite conclusions can be drawn yet about this accession stage, the hypothesis is tested on the progress made so far.

The higher the domestic adoption costs are for a potential candidate country, the lower the effectiveness of EU democratic conditionality will be.

The Bosnian constitution is based on the Dayton Peace Agreement which was signed in 1995 thereby ending the Yugoslav war in the country. The political system is complicated because three nationalities (Bosnians, Croats and Serbs) are represented in the government, divided over two political entities, the republic of Serbia and federation of Bosnians and Croats. The Bosnian parliament consists of a house of peoples and a house of representatives in which the members are divided over the three nationalities. Three persons, one from each nationality, form together the presidency who are elected every four years (European Forum for Democracy and Solidarity, 2014a). The prime minister is nominated by the presidents and must be approved by the House of Representatives. After appointment, he becomes the head of the Council of Ministers (Jukic, 2014). For the analysis of the Bosnian government, the parties that held presidency between 2000 and 2014 and the prime ministers are analyzed to determine the domestic adoption costs.

Various nationalist parties dominated the government in BiH between 2000 and 2014 (van Willigen, 2013; Puhalo, 2008; Lansford, 2014; Eralp, 2012; Rašević et al, 2013; Avdić and Međedović, 2006; European Forum for Democracy and Solidarity, 2014a). This is also confirmed by Brljavac (2011, p.411) as he states that: "the entire Europeanization process is characterized by widespread ethnic nationalisms and the radical positions of nationalist politicians." According to Eralp (2012), the SDA, SDS and HDZ are the main nationalist political parties in BiH. Although located on the left, the SNSD is nationalist too (Nardelli, Dzidic and Jukic, 2014). Between 2001 and 2002, the "SDP and SBIH formed a minority government with 8 small, moderate, ethnic nationalistic parties" (van Willigen, 2013, p. 123), but had to cooperate with four parties from the Serb republic resulting from a minority of the seats in the House of Representatives. The Peace Implementation Council concluded in 2002 that this coalition lowered nationalism and strengthened multi-ethnicity. After 2002, ethnic nationalist parties (Eralp, 2012) returned to power and dominated the coalitions until 2014. The only reform oriented party that came to power was the SDP BiH in 2001 and 2010 (Avdić and Međedović, 2006). However, this party had to govern with two nationalist parties during both periods (Eralp 2012), resulting in a continuing domination of nationalist political parties in the government of BiH. Brljavac (2011) concludes that the EU wrongly linked the benefits of compliance with EU conditionality to the Europeanization reform process in BiH and that this situation will not change unless democratic political parties will come to power that will develop proper domestic policy-making structures.

Year(s)	Domestic Adoption Costs				Corruption indicators			
	Presidency + Adoption costs		Prime Minister + Adoption costs		WB	EC	GRECO ER 1	GRECO ER 2
2000	SDA SPRS HDZ	High High High	Bicakcic (SDA)	High	59,8%	-		
2001-2002	SBIH SPRS SDP	Low High High	Behmen (SDP BiH)	High	57%	0		
2003-2006	SDA SDS HDZ	High High High	Hadzipasic (SDA)	High	56% 56,2% 54% 55,8%	0 0 0 0	9,2	
2007-2010	SBIH SNSD HDZ	Low High High	Brankovic (SDA) Mujezinovic (SDA)	High High	57,6% 57,2% 57,4% 56,4%	0 0 0 0	5,3	9,2

2011-2014	SDA SNSD SDP	High High High	Niksic (SDP BiH)	High	56,2% 56% 54,4%	0 0 0 0	3,2 4,1	7,2
	High				-5,4% / 13 = -0,41	0	5,45	8,2

Table 4. Overview domestic adoption costs - BiH

Based on this comparison between the political orientation and corruption between 2000 and 2013, I conclude that the domestic adoption costs have been continuously high between 2000 and 2014. Not even one coalition was dominated by democratic and reform minded political parties. The country lowered corruption with only 5% in a time span of 14 years, according to the data from the WB. There was no improve in the conclusions from the EC about corruption in Bosnia, although it was concluded for the first time since becoming a potential candidate that Bosnia made little progress in the fight against corruption in 2014. Implementation rates from GRECO were high in 2005 and 2007 but continued to lower afterwards with the lowest rate of 32% in 2014. All presidencies in 2000, 2002 and 2010 were able to lower corruption with approximately 2% while in power. The presidency that was elected in October 2006, consisting of the moderate nationalist party SBiH, the nationalist SNSD (European Forum for Democracy and Solidarity, 2014a) and the reform oriented, SDP (Avdić and Međedović, 2006), neither managed to fight corruption more successfully compared to other presidencies.

Because of the continuous nationalist dominance in the Bosnian presidencies and prime ministers, combined with the low decrease of corruption of 5,4% after 14 years, I confirm the theory of Schimmelfennig and Sedelmeier (2004) in the case of BiH. Since obtaining the candidate status in 2000, nationalist parties were continuously in power and dominated the government in BiH, which indicates that these governments faced high domestic adoption costs. The fight against corruption was continuously low, which resulted in lowering implementation rates from GRECO, continuous conclusions from the EC that corruption is a serious problem and a decrease of only 5,4% CoC according to the WB between 2000 and 2013. It is yet to be seen whether compliance with EU conditionality will improve if reform oriented and more democratic political parties dominate the government in BiH, which means that in order to form a majority, at least two out of three presidencies should be reform minded and democratic in combination with a democratic and reform oriented prime minister. Only in such a constellation the domestic adoption costs will be low.

4.2 Croatia

Croatia became an EU Member State in 2013. In this sub-chapter statistical data from the WB and qualitative data from GRECO and the EC about corruption and the fight against corruption is analyzed. First, available data is collected between 2000 and 2014. Second, the data of the WB and GRECO is converted into percentages. Third, the evolution of corruption and the fight against it is analyzed in order to determine to what extent the situation improved between 2000 and 2014. Fourth, both hypotheses are tested on the country's fight against corruption.

4.2.1. Corruption data

	WB	EC	GRECO
2000	54,2%		

2001			
2002	45%	Significant efforts have been made to fight corruption (Commission of the European Communities, 2002b)	-
2003	46,8	Corruption remains a problem (Commission of the European Communities, 2003b)	
2004	46%	Corruption in Croatia continues to be a problem (Commission of the European Communities, 2004b)	69%
2005	47,2%	Corruption continues to be a serious problem (...) (European Commission, 2005b)	
2006	48,2%	Corruption remains a serious problem (Commission of the European Communities, 2006b)	94%
2007	48,4%	Corruption remains widespread (Commission of the European Communities, 2007b)	68%
2008	50,8%	Corruption still remains widespread (Commission of the European Communities, 2008b)	
2009	52%	Corruption is still prevalent in many areas (Commission of the European Communities, 2009b)	100%
2010	50,6%	Corruption is still prevalent in many areas (European Commission, 2010b)	
2011	49,8%	Coordination of anti-corruption efforts needs to be further strengthened (European Commission, 2011c)	82%
2012	50,8%	Further efforts are necessary in preventing and fighting corruption effectively (European Commission, 2012d)	
2013	47,8%	-	100%

Table 5. Corruption data Croatia from the WB, EC, and GRECO. Data derived from appendices 5 and 6.

4.2.2. The effectiveness of EU-conditionality

In this sub-chapter both hypotheses about democratic and acquis conditionality are tested in the case of Croatia, in the fight against corruption.

The higher the domestic adoption costs are for a potential candidate country, the lower the effectiveness of EU democratic conditionality will be.

Since 2000, every four years national elections in Croatia are held according to a proportional representation system in which seats of a single Parliament are divided over twelve constituencies. The president is directly elected by the citizens. The elections can be divided over two rounds in case none of the candidates is elected by a simple majority. In that case, during the second round elections will take place to determine which of the two candidates that obtained the most votes during the first round, will become president (The Miroslav Krleža Institute of Lexicography, 2015). Croatia was subject to EU democratic conditionality between 2000 and 2004 because it obtained the official candidate status from the EU in 2004. Ivica Račan formed a reformist coalition together with five other political parties in 2000 and with 4 other parties in 2002 when he was re-appointed (Lansford, 2014). The political scene changed greatly during the elections of 2000, which were held soon after Tudjman passed away in 1999. Until then, Tudjman was the head of the HDZ, described as both nationalist and authoritarian (Levitsky and Way, 2010). The coalition headed by SDP that took over in 2000, is described as center-left (International Chamber of Commerce, 2003) and as a party that was willing to push democratization forward and to implement reforms (Global Security, 2015). According to Glüpker (2013) the coalition headed by Račan was the first in Croatian history that made efforts to fight corruption. The media started to include the issue of corruption more often.

Transparency International opened an office in 2000, and got actively involved in informing the public about corruption. According to Glüpker, positive national changes made in 2000 resulted from an "emerging EU-membership perspective" (Glüpker 2013, p.232). In 2001, the awareness on corruption by citizens increased substantially (Glüpker, 2013). At the end of the same year, the SAA agreement with the EU was signed (International Chamber of Commerce, 2003).

Racan found himself in a dilemma between cooperating with the ICTY and pleasing nationalist opponents of the ICTY who called Racan a national traitor. As a result of insufficient cooperation with the ICTY, being reluctant towards the arrest of war criminal Gotovina and refusing to extradite war criminal Bobetko, Racan was criticized by the ICTY which led to a postponement of the ratification of the SAA with the EU. In February 2003, the SDP leader applied for EU membership. Although he was criticized on the missed opportunities, he did put EU membership on the Croatian agenda. Racan finally called for early elections in 2003 (International Chamber of Commerce, 2003), which were won by the former nationalist party HDZ. After passing away in 2007, president Mesic said the following about Racan: "[He] will be remembered as a man who enabled democratic changes in Croatia and a prime minister who steered Croatia onto its European path" (European Stability Initiative, 2012). Ivo Sanader became head of the HDZ and formed a coalition in 2003 with the HSU, HSLS-DC (HSLS, 2015) and ethnic minority groups (Stallaerts, 2010). Instead of continuing a nationalist orientation, the coalition built on the achievements made in the years before by the SDP and continued on the road towards EU membership (European Stability Initiative, 2013). Sanader promised full cooperation with the ICTY although the party remained divided between reform-oriented and traditionalist fractions (Global Security, 2015). War criminals continued to be arrested. Sanader his goal was to obtain membership of NATO and the EU. This distancing of the party from its former nationalist orientation under Tudjman did lower the domestic adoption costs of the HDZ but nevertheless remained high because the party is described as the one "with the largest portfolio of authoritarian acts and secret deals of any political party in Croatia" (Freedom House, 2007, p.216). Vesna Puzic, Croatia's foreign minister concludes on Sanader his leadership; "Without that we could not have advanced, we could not have made progress on this road towards Europe, and in particular we could not have made progress towards these reforms that we have undertaken in the meantime" (European Stability Initiative, 2013).

Year	Domestic Adoption Costs				Corruption indicators			
	Coalition + Adoption costs		Prime Minister + Adoption costs		WB	EC	GRECO ER 1	GRECO ER2
2000	SDP HSLS LS HSS HNS IDS	Low Low Low Low Low Low	Ivica Racan (SDP)	Low	54,2%	-		
2001	SDP HSLS LS HNS	Low Low Low Low	Ivica Racan (SDP)	Low		-		
2002-2003	SDP LS HNS HSS	Low Low Low Low	Ivica Racan (SDP)	Low	45% 46,8%	+1 0		

	LIBRA	Low						
	Low				-7,4% / 3 = -2,47	+0,5	-	-
2004	HDZ HSS HSLs Independent Deputies	High Low Low Low	Ivo Sanader (HDZ)	High	46%	0	6,9	
	Medium				-0,8%	0	6,9	-

Table 6. Overview domestic adoption costs - Croatia

Altogether, between 2000 and 2003 Croatia was not dominated by an authoritarian or nationalist political party. Rather, the democratic SDP managed to dominate the political scene until 2003. Corruption lowered strongly with 9,2% between 2000 and 2002, which was acknowledged by the EC in its annual report of Croatia in 2002. Domestic adoption costs played a major role in 2002, when Račan preferred to please the nationalist citizens instead of extraditing war criminals to ensure full cooperation with the ICTY and complying with EU conditions. Račan decided to please its voters and therefore avoided the domestic adoption costs of complying with EU conditions. This had an immediate effect on the relation between the country and the EU as the ratification of the SAA was postponed soon afterwards. This is also reflected in the corruption indicators of the WB, which increased between 2002 and 2003, although they strongly decreased since 2000. Although he did not succeed in extraditing two war criminals, Račan applied for EU membership during the final year of his cabinet.

When Ivo Sanader became prime minister at the end of 2003, the authoritarian and nationalist orientation of the HDZ during the 1990s moved slowly towards a pro-EU orientation in the twentieth century. He formed a coalition with the more democratic HSS, HSLs and Independent Deputies (Čular, 2004). Although Sanader was willing to continue Croatia's EU path, the party is still seen as the most authoritative political party in Croatia. EU conditions were balanced against the party positions and democratic reforms that were implemented by the party seem to have resulted from EU threats rather than the party's willingness for implementation of reforms (Freedom House, 2007). Compliance with EU conditions continued and in June 2004, the country obtained the candidate status of the EU. Glöpker (2013) claims that domestic adoption costs lowered in Croatia as a result of inter alia, the reorientation of the political party by favoring of EU membership. I argue that, although the domestic costs were higher for the HDZ than for the SDP, the party did not threaten Croatia's candidate status during its final year as a potential candidate. Corruption did lower again slightly between 2003 and 2004 and Croatia had an implementation rate of 70% during the first evaluation round of GRECO, which is relatively high. After analyzing the evolution of corruption between 2000 and 2004, and concluding that these improved with 8,2% over a time period of four years primarily under the leadership of the liberal reform oriented SDP, a party that overall faced low domestic adoption costs, I confirm the first hypothesis. Even with medium domestic adoption costs in 2004 because of the division between democratic and nationalist political parties, compliance continued.

Hypothesis 2: The higher the credibility of EU conditionality is for a candidate country, the higher the effectiveness of EU-acquis conditionality on corruption will be.

Croatia became an EU candidate in June 2004 and opened accession negotiations in October 2005 after the EU decided to postpone the opening in March 2005 because of insufficient cooperation with the ICTY. The EU started to assess the country's progress in 2005, and published an opinion about Croatia in 2004 (Commission of the European Communities, 2004b). In 2006, Chapter 23 was screened for the first time by the EU and in 2007 it was decided that the country had to fulfill three opening benchmarks on Chapter 23 before the chapter could become opened (European Parliament, 2010). Croatia was the first country in the history of EU-enlargement that had to fulfill opening benchmarks before opening EU acquis chapters (Grubiša, 2010).

In 2010 the EU concluded that Croatia had met the opening benchmarks for Chapter 23 of the EU acquis and therefore opened the accession negotiations for this chapter and adopted two closing benchmarks for the fight against corruption. These closing benchmarks included "Croatia establishes a track record of substantial results based on efficient, effective and unbiased investigation, prosecution and court rulings in organised crime and corruption cases at all levels including high level corruption, and in vulnerable sectors such as public procurement, and, Croatia establishes a track record of strengthened prevention measures in the fight against corruption and conflict of interest" (European Commission, 2011d, p.4-5). Chapter 23 and the accession negotiations were closed in June 2011 and in December 2011 the accession treaty was signed (European Commission, 2013f). In 2013, the country became an EU Member State. The high credibility of EU conditionality lasts up until 2013 as a result of the additional pre-accession conditions employed by the Commission after the county signed the accession treaty in 2011.

Year	Salience attached to Chapter 23	Chapter 23 subject to EU conditionality	Corruption			
			WB	EC	GRECO ER 1	GRECO ER 2
2004	Medium	No (Low)	46%	0	6,9	
2005	Medium	No (Low)	47,2%	0		
2006	Medium	No (Low)	48,2%	-1		9,4
2007	Medium	No (Low)	48,4%	0	6,8	
2008	Medium	No (Low)	50,8%	0		
2009	Medium	No (Low)	52%	0		10
	Medium	Low	+6% / 6 = +1	-0,17	6,85	9,7
2010	Medium	Yes (High)	50,6%	0		
2011	Medium	Yes (High)	49,8%	+1	82%	
2012	Medium	Yes (High)	50,8%	0		
2013	Medium	Yes (High)	47,8%			100%
	Medium	High	-2,8% / 4 = -0,7	+0,33	8,2	10

Table 7. Overview credibility EU conditionality - Croatia

According to the data of the WB corruption did not lower prior to 2010. Only after Chapter 23 was officially opened and the closing benchmarks were set in 2010, CoC started to lower. Governmental willingness to fight corruption increased in 2009, with the change in prime minister (Cučković, 2010). This is in line with the corruption indicators from the WB, which started to decrease in 2010, for the first time since becoming a candidate member state in 2004, and the 100% implementation rate from GRECO in 2009. After the closing of Chapter 23 and the signing of the accession treaty in 2011, there was a slight fall back in 2012, after which CoC lowered again in 2013. Based on the conclusions

from the EC on corruption in Croatia, corruption worsened between 2004 and 2005, but then remained stable up until 2010. Afterwards, the Commission did not conclude on the severity of corruption anymore. Croatia did have high implementation rates of GRECO, with all second evaluation rounds resulting in percentages ranging between 90% and 100%. Although being subject to EU acquis conditionality, Croatia did not manage to lower corruption according to the data of the WB between 2004 and 2013.

Based on the results from the above table I confirm the hypothesis because corruption continuously increased between 2004 and 2010 when Chapter 23 was still closed. Only after the opening of the chapter did corruption lower according to the WB and implementation rates from GRECO started to increase shortly before in 2009. This also means that the setting of opening benchmarks for Chapter 23 in 2007 did not have a positive effect on the fight against corruption in Croatia. Croatia continued to lower and fight corruption after the accession treaty was signed. I conclude that the pre-accession monitoring regime was the reason behind the high implementation results from GRECO and the decrease in corruption according the WB between 2012 and 2013, which prolonged the salience attached to the fight against corruption by the Commission after 2011. Additionally I conclude that compliance resulted from the subjectivity of Chapter 23 to EU conditionality.

4.3 The former Yugoslav Republic of Macedonia (FYROM)

The FYROM became an official candidate of the EU in December 2005. In this sub-chapter statistical data from the WB and qualitative data from GRECO and the EC about corruption and the fight against corruption is analyzed. First, available data is collected between 2000 and 2014. Second, this data is converted in percentages. Third, the evolution of corruption is analyzed in order to determine to what extent the situation improved between 2000 and 2014. Last, two hypotheses about conditionality and its effectiveness during varying accession stages is tested on the country's fight against corruption.

4.3.1. Corruption data

	WB	EC	GRECO
2000	63,2%		
2001			
2002	67,6%	Corruption is a serious cause for concern (Commission of the European Communities, 2002c)	
2003	63,2%	Corruption (...) is still a widespread problem (Commission of the European Communities, 2003c)	
2004	59,8%	High level of corruption (Commission of the European Communities, 2004c)	76%
2005	58,8%	There is a high level of corruption. Corruption is a serious and widespread problem (Commission of the European Communities, 2005a)	
2006	57,4%	Corruption remains widespread (Commission of the European Communities (2006c)	
2007	57%	Corruption is widespread and constitutes a very serious problem (Commission of the European Communities, 2007c)	91% - 79%
2008	53,4%	Corruption remains a particularly serious problem (Commission of the European Communities, 2008c)	

2009	52%	Corruption remains prevalent and continues to be a serious problem in many areas (Commission of the European Communities, 2009c)	96%
2010	51,2%	Corruption remains prevalent in many areas and continues to be a serious problem (European Commission, 2010c)	
2011	50,8%	Corruption remains prevalent in many areas and continues to be a serious problem. Corruption remains a serious concern (European Commission, 2011e)	
2012	49,6%	Corruption remains prevalent in many areas and continues to be a serious problem (European Commission, 2012e)	69%
2013	49,6%	Corruption remains prevalent in many areas and continues to be a serious problem (European Commission, 2013g)	
2014		Corruption remains prevalent in many areas and continues to be a serious problem (European Commission, 2014f)	88%

Table 8. Corruption data Former Yugoslav Republic of Macedonia from the WB, EC, and GRECO. Data derived from appendices 5 and 6..

4.3.2. The effectiveness of EU-conditionality

In this sub-chapter the two hypotheses about democratic and acquis conditionality are tested in the case of the FYROM, in the fight against corruption. Even though the country is still a candidate country and thus no definite conclusions can be drawn yet about this accession stage, the hypothesis is tested on the progress made so far.

The higher the domestic adoption costs are for a potential candidate country, the lower the effectiveness of EU democratic conditionality will be.

The FYROM is a parliamentary democracy and the prime minister is the head of government (Central Intelligence Agency, 2014). As of April 2014, when elections for the president and parliament took place, the country is in a difficult political situation. The coalition prior to the elections, which consisted of two political parties, disagreed on the presidential candidate and thus nominated Gorge Ivanov, who already was president of the FYROM. DUI, a coalition member and the opposition party of SDSM disagreed and favored Stevo Pendarovski as their presidential candidate and called therefore for early elections. Ivanov won the elections and his party the VMRO DPMNE won elections as well. The SDSM became the second biggest party. The opposition disagreed again, refused the elections results, decided to not take seat in the parliament and called for fresh polls. This difficult political situation is mirrored on the EU level where accession negotiations are blocked by Greece (European Forum for Democracy and Solidarity, 2014b) as a result of a dispute over the country's name Macedonia.

The FYROM was subject to EU democratic conditionality between 2000 and 2005 and became a candidate country in 2005. In 2000, prime minister Georgievski from the VMRO-DPMNE formed a coalition with two other political parties DA and DPA/DPSH. The coalition was described as a more nationalist coalition (Willemsen, 2006). Especially the VMRO-DPMNE is described as a (ultra)nationalist (Andreassen, 2011; Levitsky and Way, 2010; Pickering, 2009; Glüpker, 2013), radical (Pickering, 2009) party in today's literature. The DPA is also described as a radical (Bugajski, 2002; Jeffries 2002), ethnic (Stojarova and Emerson, 2010a), ultranationalist (Freedom House, 2003), nationalist Albanian catch-all party (Stojarova and Emerson, 2010a). Countriesquest (2014) describes the party DA as multi-ethnic and liberal. This means that the coalition was dominated by (ultra)nationalist political parties. Nevertheless, the coalition did sign the SAA agreement in 2001

(European Commission 2012f). The VMRO was notorious among the public for being corrupt (Willemsen, 2006). Between 2000 and 2002, corruption increased with 4,4%.

Between September 2002 and May 2004, the SDSM formed a government with ten small political parties. The coalition was named 'coalition for Macedonia together' (Lansford, 2014) and is described as a 'centre-left government of guns and roses' (Bideleux and Jeffries, 2007). In today's literature, the party is described as non-nationalist, social democratic (Pickering, 2009; Stojarova and Emerson, 2010a) and leftist (Maleska, 2014). The SDSM was also linked to corruption and knew that the Macedonian public was opposed to the corrupt VMRO. As a result, the SDSM committed itself to the fight against governmental fraud and corruption in order to win the public's trust and acknowledged the seriousness of the problem within the FYROM. Fighting corruption and fraud became the top priority for the new established coalition in 2002 and within the same year, an anti-corruption commission was introduced. In 2002 a governmental program followed in which broad measures were included in order to fight corruption, to increase transparency and to pursue constitutional changes (Willemsen, 2006). The coalition for Macedonia together applied for EU membership in 2004. Between 2002 and 2004, corruption decreased with 7,8%. During the first implementation check by GRECO in 2004, the FYROM had a relatively high implementation rate of 76%.

In 2004, the SDSM was re-elected and formed a government with the DUI (BDI) (Lansford, 2014). The coalition is described as a left-wing government coalition (Stojarova and Emerson, 2010a), committed to the EU accession process (Glöpker, 2013). The SDSM is described as reform minded and non-nationalist (Willemsen, 2006). Until June 2004, Kostov was the prime minister but was replaced by Bucovski. Both prime ministers belonged to the SDSM. The DUI is described as an ethnic (Freedom House, 2005), 'nationalist Albanian catch-all party' (Stojarova and Emerson, 2010a, p.177). Ethnic Macedonian citizens were not pleased about the coalition formed by the SDSM together with the ethnic Albanian political party with the mediation from the EU and USA in 2001, when serious ethnic tensions were taking place in the FYROM. As a result of dissatisfied citizens who claimed that a ruling ethnic Albanian party equaled injustice, domestic adoption costs rose for the SDSM. The coalition managed to obtain the candidate status in 2005, but the SDSM lost elections in 2006 (Maleska, 2014). Corruption decreased between 2004 and 2005 with 1%.

Year	Domestic Adoption Costs				Corruption			
	Coalition + Adoption costs		Prime Minister + Adoption costs		WB	EC	GRECO ER 1	GRECO ER 2
2000-2002	VMRO-DPMNE DA DPA/PDSh	High Low High	Georgievski (VMRO-DPMNE)	High	63,2% 67,6%	 0		
	High				+4,4% / 2 = + 2,2	0	-	-
2003	SDSM Ten party alliance	Low Low	Crvenkovski (SDSM)	Low	63,2%	0		
2004-2005	SDSM DUI (BDI)	Low High	Kostov (SDSM)	Low	59,8%	0	7,6	
			Bucovski (SDSM)	Low	58,8%	0		
	Low				-4,4% / 3 = -1.47	0	7,6	-

Table 9. Overview domestic adoption costs - FYROM

In sum the coalition from 2000-2002 was dominated by (ultra-) nationalist political parties with high adoption costs, led by prime minister Georgievski of the VMRO-DPMNE. During these years corruption increased with 4,4% according to the WB. As a result of the public dissatisfaction about the corrupt VMRO and link to corruption from its own political party in the past, the SDSM decided to put the fight against fraud and corruption as one of its top priorities. Both coalitions between 2002-2004 and 2004-2006 were headed by prime ministers from the SDSM. The majority of the latter two coalitions were reform oriented and willing to fight corruption, which aligns with low domestic adoption costs. Many measures were taken to combat corruption. This is also reflected in the data about corruption. According to the WB, corruption continuously decreased with 8,8% under the leadership of Crvenkovski, Kostov and Bucovski, who all belonged to the SDSM. Due to this switch at the political scene in 2002 in combination with the statistical data on corruption from the WB, I confirm the hypothesis. Compliance with EU-conditions on the fight against corruption seems to have been fruitful since the switch in ruling political parties that occurred in 2002.

Hypothesis 2: The higher the credibility of EU conditionality is for a candidate country, the higher the effectiveness of EU-acquis conditionality on corruption will be.

The FYROM became an EU candidate in December 2005 but has not opened accession negotiations until today although since 2009 the EC continuously recommended to do so (European Commission 2012f). Greece has been blocking the accession negotiations between the EU and the FYROM since 2009 as a result of bilateral issues over the country's name. Whereas the FYROM wants to rename its country into Macedonia, Greece does not approve this because its northern province is named Macedonia. In 2012, British MEP Richard Howett proposed a resolution on the FYRM and proposed to start the accession negotiations, which was approved by the European Parliament (Euractiv, 2012). However until today the accession negotiations are not opened yet and Greece stated that it will continue to use its veto until an agreement is reached about the country's name. Since 2008, an agreement about the name dispute is included as a precondition for the opening of accession negotiations (Euractiv, 2008; Bugajski, 2010). Foreign ministers from both countries showed willingness to reach an agreement in 2012. Initiated by Greece, a Memorandum of Understanding was established in order to solve the dispute, which was accepted by the FYROM (Azizi, 2013; European Parliament, 2013). Because the NATO membership request from the FYROM is also blocked by Greece, the UN tried to mediate between the two countries. Unfortunately neither this nor the 13 rounds of talks resulted in a solution (Reka, 2014).

Since 2006, the VMRO-DPMNE has returned to power and is still in power today. It failed several times to settle the dispute with Greece (Balkan Insight, 2014) and claimed this year that a settlement or agreement should not be expected. In 2011, the International Court of Justice decided that the name dispute was a matter of national identity and that it should not block memberships in international organizations (Pajaziti, 2014). Ethnic Albanian political party DUI, coalition partner of VMRO-DPMNE, does not agree about the name dispute with Greece and is more willing to find a solution on the issue (Freedom House, 2013). In 2012 another country vetoed against the accession talks with the FYROM next to Greece. Bulgaria claimed that the FYROM did not respect neighboring relations as a result of anti-Bulgarian campaigns and by distorting historical facts (Euractiv, 2012). In 2013, an agreement was reached on the name dispute with the FYROM (European Commission, 2013h). Both the EC (European Commission, 2013i) and the EP support the opening of accession

negotiations and the EP (European Parliament, 2013) urged to set a date in 2013 for the opening of the accession negotiations with the FYROM. In the 2013 Council conclusions, it was indicated that accession negotiations with the FYROM might be opened in case the political agreement from March 2013 is implemented at the national level (Council of the European Union, 2013). However, against the urge from the EP no fixed date was set, which according to president Ivanov further undermined the credibility of EU conditionality (President of the Republic of Macedonia DR Gjorge Ivanov, 2013).

Year	Domestic Adoption Costs		Corruption			
	Saliency attached to Chapter 23	Chapter 23 subject to EU conditionality	WB	EC	GRECO ER 1	GRECO ER 2
2005	High	No (Low)	58,8%	0		
2006	High	No (Low)	57,4%	0		
2007	High	No (Low)	57%	-1	7,9	9,1
2008	High	No (Low)	53,4%	0		
2009	High	No (Low)	52%	+1		9,6
2010	High	No (Low)	51,2%	0		
2011	High	No (Low)	50,8%	0		
2012	High	No (Low)	49,6%	0	6,9	
2013	High	No (Low)	49,6%	0		
2014	High	No (Low)		0		8,8
	High	Low	-9,2% / 9 = -1,02	0	7,4	9,2

Table 10. Overview credibility EU conditionality – FYROM

Schimmelfennig and Sedelmeier (2004) argue that compliance within a policy field is dependent on both the subjectivity of Chapter 23/24 to EU conditionality and on a high saliency attached to policy specific chapter from the EC. The evolution of corruption in the FYROM proves to be in line with this statement. Although Chapter 23 has not been subject to EU conditionality ever since the country became an EU member state in 2005 because the accession negotiations have not been opened yet, the saliency on corruption is high. The FYROM will become subject to the same procedures concerning Chapter 23 as Montenegro and Serbia, once the accession negotiations are opened. The fight against corruption continued in the FYROM. Between 2005 and 2013, corruption decreased with 9,2%. In 2013, corruption stagnated for the first time after a continuous decrease between 2005 and 2012. This improvement is also recognized by the EC because its assessment of the fight against corruption went from a very serious problem in 2007 and 2008, to a serious problem in the years after 2008. According to the statistical data from the WB, corruption is nowadays lower in the FYROM than in Croatia. The data from GRECO also shows that implementation continued, with a 91% implementation rate in 2007 after the first round, 96% in 2009 after the second round and 88% in 2014 after the third round.

The high saliency attached to the fight against corruption together with the continuous recommendation from the EC since 2009 to open accession negotiations with the FYROM, a recommendation that is supported by the EP, resulted in a fierce fight against corruption. The support from both European bodies show a strong EU willingness to continue the EU accession path with the FYROM. Also between 2006 and 2008, the EU continued cooperation with the FYROM by adopting the European Partnership in 2006 and updating it in 2008, by enforcing the Visa facilitation and readmission agreement in 2008, and by adopting benchmarks for the accession negotiations in 2008 (European Commission, 2013m). It is even very likely that if there was no name dispute, the

FYROM would have been an official EU candidate since 2009, because Greece was the only country blocking FYROM accession path in 2009. Although membership seems far away at this point, especially if no agreement can be reached with Greece about the name dispute, the EC and EP have continuously shown willingness to proceed with the FYROM on its EU accession path. As a result, the fight against corruption continued in the FYROM since 2005. The support from the EC and the EP could be a strong motive to continue reforms and to ensure compliance so that, once the name dispute with Greece is settled, EU membership can be realized in a short(er) period of time. Another possible explanation could be that the government in the FYROM wants to show its continuing efforts and strong willingness of EU membership in order to gain more support at the EU-level for the opening of accession negotiations. Based on this reasoning I claim that although the credibility of EU conditionality was low because the accession negotiations are still not opened, compliance with EU conditions on corruption can be best explained by both the high salience attached to Chapter 23 by the Commission and the continuous support from the EC and EP to open accession negotiations.

4.4 Montenegro

Montenegro became an official EU candidate in December 2010. In this sub-chapter statistical data from the WB and qualitative data from GRECO and the EC about corruption and the fight against corruption is analyzed. First, available data is collected between 2000 and 2014. Second, this data is converted into percentages. Third, the evolution of corruption is analyzed in order to determine to what extent the situation improved between 2000 and 2014. Fourth, two hypotheses about conditionality and its effectiveness during varying accession stages is tested on the country's fight against corruption.

4.4.1. Corruption data

	WB	EC	GRECO
2000	72,4%		
2001			
2002	68,2%	The high incidence of corruption is one of the legacies of the past decade in FRY (Commission of the European Communities, 2002d)	
2003	60,2%	Corruption remains a serious problem in Montenegro (Commission of the European Communities, 2003d)	
2004	61,6%	Corruption is an area of major concern (Commission of the European Communities, 2004d)	
2005	58,4%	Serbia and Montenegro suffers from a high level of corruption (European Commission, 2005c)	
2006	57,6%	Corruption continues to be a widespread problem (Commission of the European Communities, 2006d)	
2007	56,2%	Corruption is widespread and is a very serious problem (Commission of the European Communities, 2007d)	
2008	53,8%	Corruption continues to be a widespread and particularly serious problem in Montenegro (Commission of the European Communities, 2008d)	83%
2009	53,2%	Corruption continues to be a cause of concern in Montenegro (Commission of the European Communities, 2009d)	
2010	54,8%	Corruption remains prevalent in many areas and constitutes a particularly serious problem (European Commission, 2010d)	96%
2011	54,2%	Corruption remains a serious concern (European Commission, 2011f)	

2012	52%	Corruption remains widespread and continues to be a serious cause for concern (European Commission, 2012g)	86%
2013	55%	Corruption remains prevalent in many areas and continues to be a serious problem (European Commission, 2013l)	
2014		Corruption remains prevalent in many areas and continues to be a serious problem (European Commission, 2014g)	93%

Table 11. Corruption data Montenegro from the WB, EC, and GRECO. Data derived from appendices 5 and 6..

4.4.2. The effectiveness of EU-conditionality

In this sub-chapter the two hypotheses about democratic and acquis conditionality are tested in the case of Montenegro, in the fight against corruption. Even though the country is still a candidate country and thus no definite conclusions can be drawn yet about this accession stage, the hypothesis is tested on the progress made so far.

The higher the domestic adoption costs are for a potential candidate country, the lower the effectiveness of EU democratic conditionality will be.

In June 2006, Montenegro became an independent country. Between 1992 and 2003, the country belonged together with Serbia to the Federal Republic of Yugoslavia (FRY), and between 2003 and 2006 it was part of the State Union of Serbia and Montenegro (Hudson and Bowman, 2012). Between 2000 and 2003 the executive power of the FRY was divided over the president and the federal government. The former was elected directly, had a term of four years and could not be re-elected more than once. The latter was elected by the federal assembly, which consisted of two chambers. The president nominated a prime minister which had to be approved by the parliamentary groups of the federal assembly. The parliamentary chambers voted on the nomination of prime minister, after he proposed the new composition of the federal government and its program (Lukic, 2002; Borovac, Mohorovic and Stankovic, 2001). After 2003, when the FYR changed into a State Union, the executive power shifted to the president of Serbia and Montenegro and the Council of Ministers, which consisted of five ministries. The assembly decided on the president and the candidates for the council of Ministers, as proposed by the president. The Assembly consisted of 126 members of Serbian and Montenegrin parliaments, who were directly elected in each republic (European Commission, 2014h). Although the countries belonged together between 2000 and 2006, the real authority was in the hands of each republic instead of at central level (International Crisis Group, 2006).

Since 2006, Montenegro is independent and since the new constitution of 2007, it is a parliamentary representative democratic republic that employs a multi-party system. The executive power is in the hands of the government and its head, the prime minister. Since 2000, the EU opposed to Montenegro's independence for a long time because it would delay the EU-integration process of both Serbia and Montenegro (International Crisis Group, 2006). Montenegro did not oppose to the advice from the EU in order to prevent risking the financial subsidies and membership perspective that resulted from compliance with the EU conditions (Schimmelfennig, 2004; International Chamber of Commerce, 2003).

Since 1998, all prime ministers in Montenegro belonged to the Democratic Party of Socialists (DPS). The DPS has been represented in all coalitions since 1998, however their coalition partners differed. The SDP was the main coalition partner of the DPS between 2000 and 2010. The coalition of DPS was accompanied by the SDP and NS in 2000, by the SDP and Liberal Alliance in 2001, by the SDP in 2003

(Lamb and Docherty, 2006), 2006 and in 2008 and by the three minority political parties HGI, BS and DUA in 2010 (Stojarova and Emerson, 2010a). This means that there were no major changes in government while (Serbia and) Montenegro was subject to democratic conditionality. The DPS is described as a political party that was the initiator of reforms and liberalization (Stojarova and Emerson, 2010a) and as democratic and a supporter of free market reform (Nichol, 2007). The SDP is described as a political party that is reformist, critic of Serb nationalist policies and liberal (Stojarova and Emerson, 2010a). The NS is the Montenegro's People's Party, described as a nationalist and populist party (Strmiska, 2000) that was against the independence of Montenegro and left the coalition at the end of 2000 when both the SDP and DPS publicly favored independence (Bieber, 2003). The Liberal Alliance favored independence and left the coalition in 2001 as a result of the agreement established between Serbia and Montenegro (Bideleux and Jeffries, 2007). The HGI is a political party that represents the Croat minority in Montenegro and had one seat in 2010 and the BS represents the Bosniak minority in Montenegro and had two seats in 2010. The Democratic Union of Albanians (DUA) had one seat in 2010 (Stojarova and Emerson, 2010a). This means that only in 2000 a nationalist political party was part of the coalition but it was in minority compared to the liberal and democratic DPS and the liberal and reformist SDP.

Year	Domestic Adoption Costs				Corruption			
	Coalition + Adoption costs		Prime Minister + Adoption costs		WB	EC	GRECO ER 1	GRECO ER 2
2000	DPS SDP NS	Low Low High	Vujanovic (DPS)	Low	72,4%	-		
2001	DPS SDP Liberal Alliance (LSCG)	Low Low Low	Vujanovic (DPS)	Low	-	-		
2002-2005	DPS SDP	Low Low	Djukanovic (DPS)	Low	68,2% 60,2% 61,6% 58,4%	0 0 0 0		
2006-2008	DPS SDP	Low Low	Sturanovic (DPS)	Low	57,6% 56,2% 53,8%	0 -1 0	8,3	
2009-2010	DPS HGI BS DUA	Low Low Low Low	Djukanovic (DPS)	Low	53,2% 54,8%	+1 -1		9,6
	Low				-17,6% / 10 = -1,76	-0,11	8,3	9,6

Table 12. Overview domestic adoption costs - Montenegro

This democratic, liberal and reformist dominance in the government of Montenegro between 2000 and 2010 is reflected in the compliance with EU-conditions in the fight against corruption. Corruption decreased with 17,6% according to the data of the WB. Only in 2004 and 2010 corruption increased slightly with 1,4% and 1,6%, but decreased again in the 2005 and 2011. A possible explanation for the increase of corruption in 2004 could be the first public recognition of corruption problems by the Montenegrin government during this year. As explained before, the WGI score from the WB is based

on several sources, including sources that measure corruption via questionnaires. In 2004, the WGI was based on only one source, the Freedom House, an organization that ranked countries based on surveys (Freedom House, 2004a). The citizens perceived corruption to be the biggest national problem in 2004 (Lipton Galbraith, 2006). A possible explanation for the increase of corruption in 2010 could be the criticized anti-corruption strategy and action for the fight against corruption by non-governmental organizations (Rudovic, 2010). Again, these are possible but no definite explanations for the increase of corruption in these two years.

The conclusions about corruption in Montenegro from the European Commission seem to deviate from the other two data sources. In 2006 the EC concluded at a corruption rate of 60,2% that corruption was a serious problem. In 2007 corruption was 4% lower according to the WB, but the conclusion from the EC indicated that corruption had increased, by concluding that corruption was a very serious problem. Between 2007 and 2008, corruption decreased further with 2,4% according to the WB, but the severity of corruption did not change according to the conclusion from the EC in 2008, but only in 2009 when corruption decreased 0,6% further according to the WB. In 2009 the EC concluded that corruption was a cause of concern in Montenegro. Between 2009 and 2010 corruption increased, for the second time since 2000, with 1,6%, which was immediately confirmed in the conclusion from the EC because corruption was again concluded to be, just like in 2008, a particularly serious problem. Although the deviations from the EC compared to the other two data sources and as a result of the (almost) continuous decrease of corruption according to the WB, high implementation rates of 83% and 96% in 2008 and 2010 according to GRECO in combination with the dominance of pro-reform, democratic and liberal political parties and presidents in the Montenegrin government, I confirm the first hypothesis.

Hypothesis 2: The higher the credibility of EU conditionality is for a candidate country, the higher the effectiveness of EU-acquis conditionality on corruption will be.

In December 2010 Montenegro became an official EU candidate and opened accession negotiations in June 2012. In 2013, the opening benchmarks for Chapter 23 were set and later that year, Chapter 23 Judiciary and fundamental rights was opened. The interim and closing benchmarks for Chapter 23 were set in 2014. Chapter 23 thus became subject to EU conditionality in 2013. The salience attached to Chapter 23 by the Commission is, just like in the FYROM and Serbia, high. Although no definite conclusions can be drawn about this accession stage, temporarily conclusions can be drawn based on the data so far.

Year	Domestic Adoption Costs		Corruption			
	Salience attached to Chapter 23	Chapter 23 subject to EU conditionality	WB	EC	GRECO ER 1	GRECO ER 2
2010	High	No (Low)	54,8%	0		9,6
2011	High	No (Low)	54,2%	+1		
2012	High	No (Low)	52%	0	8,6	
	High	Low	-2,8% / 3 = -0,93	+0,33	8,6	9,6
2013	High	Yes (High)	55%	0		
2014	High	Yes (High)		0		9,3
	High	High	+3%	0	-	9,3

Table 13. Overview credibility EU conditionality – Montenegro

Corruption decreased with 2,8% between 2010 and 2012 according to the data of the WB, although the accession negotiations were not even opened yet. According to the European Commission, the severity of corruption lowered between 2010 and 2011, when conclusions on corruption went from a particularly serious problem to a serious concern. Since 2011, the conclusions on the severity of corruption from the EC have remained stable. In 2010, 2012 and 2014, Montenegro had high implementation rates of GRECO. In 2013, corruption increased with 3%, thus returning to even higher corruption than in 2010 according to the WB. Although this relatively high increase according to the WB, conclusions of the severity of corruption by the EC remained the same. Montenegro did have a high willingness to fight corruption in 2014, resulting in an implementation rate of GRECO above 90%.

Opening benchmarks were set in 2013 and Chapter 23 was opened in the same year. In 2014, interim and closing benchmarks were set for Chapter 23. It is yet to be seen whether the opening and employed benchmarks for Chapter 23 resulted in lower corruption indicators from the WB in 2014 because this data is not available yet. According to the conclusions from Commission, the severity of corruption remained the same in 2014 compared to 2013. My temporarily conclusion is that the hypothesis does not hold in the case of Montenegro. Although credibility concerning Chapter 23 was low in Montenegro prior to 2013 when the chapter was still closed, corruption continued to lower. In contrast, once the chapter was opened and the credibility subsequently increased, CoC increased as well, which is not in line with the theory. Although no definite conclusions can be drawn because it is simply too early, I do temporarily reject the hypothesis based on the progress made so far by Montenegro. It is yet to be seen whether the new approach of the Commission by setting Chapter 23 as an opening chapter will result in higher compliance and thus in lower corruption in the coming years.

4.5 Serbia

Serbia became an official EU candidate in March 2012. In this sub-chapter statistical data from the WB and qualitative data from GRECO and the EC about corruption and the fight against corruption is analyzed. First, available data is collected between 2000 and 2014. Second, the data is converted into percentages. Third, the evolution of corruption is analyzed in order to determine to what extent the situation improved between 2000 and 2014. Last, two hypotheses about conditionality and its effectiveness during varying accession stages is tested on the country's fight against corruption.

4.5.1. Corruption data

	WB	EC	GRECO
2000	72,4%		
2001			
2002	69,2%	The high incidence of corruption is one of the legacies of the past decade in FRY (Commission of the European Communities, 2002d)	
2003	59,4%	Corruption remains a serious problem (Commission of the European Communities, 2003d)	
2004	59,6%	Corruption is an area of major concern (Commission of the European Communities, 2004d)	
2005	57,6%	Serbia and Montenegro suffers from a high level of corruption (European Commission, 2005c)	

2006	55,6%	Corruption is perceived as widespread in Serbia (Commission of the European Communities, 2006e)	
2007	57%	Corruption is widespread and remains a serious problem in Serbia (Commission of the European Communities, 2007e)	
2008	56,2%	Corruption continues to be widespread and to pose a serious problem in Serbia (Commission of the European Communities, 2008e)	75%
2009	56,2%	Corruption remains prevalent in many areas and continues to be a serious problem (Commission of the European Communities, 2009e)	
2010	55,8%	Corruption remains prevalent in many areas and continues to be a serious problem (European Commission, 2010e)	90%
2011	55%	Corruption remains prevalent in many areas and continues to be a serious problem (European Commission, 2011g)	
2012	56,2%	Corruption remains prevalent in many areas and continues to be a serious problem (European Commission, 2012h)	
2013	55,4%	Among the key challenges it faces, Serbia will need to pay particular attention to (...) the fight against corruption (European Commission, 2013k)	67%
2014		Corruption in Serbia is prevalent in many areas of public life and continues to be a serious cause of concern (European Commission, 2014i)	97%

Table 14. Corruption data Serbia from the WB, EC, and GRECO. Data derived from appendices 5 and 6.

4.5.2. The effectiveness of EU-conditionality

In this sub-chapter the two hypotheses about democratic and acquis conditionality are tested in the case of Serbia, in the fight against corruption. Even though the country is still a candidate country and thus no definite conclusions can be drawn yet about this accession stage, the hypothesis is tested on the progress made so far.

The higher the domestic adoption costs are for a potential candidate country, the lower the effectiveness of EU democratic conditionality will be.

In June 2006, Serbia became an independent country. Between 1992 and 2003, the country belonged together with Montenegro to the Federal Republic of Yugoslavia (FRY), and between 2003 and 2006 it was part of the State Union of Serbia and Montenegro (Hudson and Bowman, 2012). Between 2000 and 2003, the executive power of the FRY was divided over the president and the federal government. The former was elected directly, had a term of four years and could not be re-elected more than once. The latter was elected by the federal assembly, which consisted of two chambers. The president nominated a prime minister which had to be approved by the parliamentary groups of the federal assembly. The parliamentary chambers voted on the nomination of prime minister, after he proposed the new composition of the federal government and its program (Lukic, 2002; Borovac, Mohorovic and Stankovic, 2001). After 2003, when the FYR changed into a State Union, the executive power shifted to the president of Serbia and Montenegro and the Council of Ministers, which consisted of five ministries. The assembly decided on the president and on the candidates for the council of Ministers, proposed by the president. The Assembly consisted of 126 members of Serbian and Montenegrin parliaments, who were directly elected in each republic (European Commission, 2014h). Although the countries belonged together between 2000 and 2006, the real authority was in the hands of each republic instead of at central level (International Crisis Group, 2006).

Since 2006, Serbia is independent and with the establishment of the new constitution in 2006, the country became a mix of both a presidential and a parliamentary system. The president, as well as the national assembly have a five year term. The legislature and the cabinet decide on the proposed candidate for prime minister by the president. The president is elected by the Serbian people. Although he has the power to veto laws, the parliament has the power to dismiss this decision (Lansford, 2014). Until the elections in the end of 2000, Serbia's national government remained dominated by the SPS. The SPS under FYR's president Milosevic employed a "program of international isolation, hatred, and authoritarianism" (Stojarova and Emerson, 2010b, p.16).

After the elections of 2000, the political scene changed when the DOS, a coalition of 18 political parties, obtained a majority in the government in 2001. The coalition was a mix of "liberals, nationalists and socialists" (Goati, 2003, p.3), although only two political parties shared nationalist positions (Stojarova and Emerson, 2010b) and the other 16 parties were in favor of democracy (Burnell and Gerrits, 2012), reforms and liberal stands (Stojarova and Emerson, 2010b). The coalition put extra efforts into fighting corruption (Freedom House, 2004b). Due to invalid elections, the country was left without a president until July 2004 (Stojarova and Emerson, 2010b). Zoran Đinđić, head of the democratic party DS, became Serbia's prime minister in 2001 and kept his position until he was assassinated in 2003 (Bugajski, 2002). The DS was against the independence of Kosovo but nevertheless claimed to be against nationalism (Barlovac, 2012). The party aimed to turn its country into a "non-nationalist civic-liberal state" (Stojarova and Emerson, 2010b, p.6). After his assassination, Zoran Živković from the same political party took over as prime minister (Stratulat, 2014). Between 2001 and 2003 the political scene was dominated by democratic and liberal parties and the presidents belonged both to the democratic political party DS. Between 2002 and 2003, corruption decreased with almost 10%, the strongest overall decrease during the period 2000-2014, according to the data of the WB.

Boris Tadić, head of the DS, became Serbia's president in 2004 and was re-elected in 2008. Vojislav Kostunica, a nationalist and ideological (European Stability Initiative, 2013) representative of the political party DSS, became prime minister and formed a government together with G17 and with the support of SPS. The DSS was rather a nationalist (Barlovac, 2012) political party that opposed to the independence of Kosovo and EU and NATO membership (Barlovac, 2012), especially after Kosovo was recognized as an independent country by most of the EU Member States in 2008 (Stojarova and Emerson, 2010b). G17 was a reformist political party (Stojarova and Emerson, 2010b) that was pro-EU and favored a liberal economy in Serbia (Barlovac, 2012). The SPS started to break with its ultra-nationalist past under leadership of Đacić in 2004. The party started to advocate EU integration although Đacić remained to have nationalist and populist stances on certain issues (Stojarova, 2007).

Since 2008, Đacić became fully committed to EU-integration and even held a liberal speech in which he indicated to prefer EU membership over the territorial possession of Kosovo. At the same time he had conservative and occasionally homophobic stances on other topics. The SPS took a left stance on socio-economic topics. In 2007, a new coalition was formed between the DS, the DSS and the G17. Kostunica remained prime minister until July 2008 until he was replaced by Mirko Cvetković (Stratulat, 2014) who was, just like Tadić, member of the DS. Cvetković had a clear pro-European stance although he was against the independence of Kosovo. Fighting crime and corruption became one of his priorities as prime minister (Southeast European Times, 2014). He formed a coalition between with the G17 and the SPS in 2008. Since 2006, the SPS shifted from an ultra-nationalist

political party into a party that aimed at EU-integration (Barlovac, 2012). In 2012, president Boris Tadic was defeated by Tomislav Nikolic, representative of the political party SNS. Ivica Dacic head of the SPS became prime minister (Stratulat, 2014). A coalition was formed in 2012 between the SNS, the SPS and the URS (former G17). Although the SNS was known for its radical, authoritarian and nationalist stance, the political party shifted its stance and started to favor EU membership, reforms and economic privatizations. Nevertheless the political party remains a "moderately nationalistic and conservative party" (Stratulat, 2014, p.55). Aleksandar Vucic, deputy prime minister and member of the SNS, increased the priority of fighting corruption in 2012 and succeeded to arrest several high profiles (Lansford, 2014).

Year	Domestic Adoption Costs						Corruption			
	Presidency + Adoption costs		Prime Minister + Adoption costs		Coalition + Adoption costs		WB	EC	GRECO ER 1	GRECO ER 2
2000	Milutinovic (SPS)	High	Interim Government	-	Ad hoc majority	-	72,4%	-		
	High						-	-	-	-
2001-2003	Invalid elections	-	Đindić (DS) Živkovic (DS)	Low Low	DOS (18 party coalition)	Low	69,2% 59,4%	0 0		
	Low						-9,8% / 3 = -3,27	0	-	-
2004-2005	Tadic (DS)	Low	Kostunica (DSS)	High	DSS G17 SPS	High Low High	59,6% 57,6%	0 0		
2006-2007	Tadic (DS)	Low	Kostunica (DSS)	High	DSS DS G17	High Low Low	55,6% 57%	0 0		
	Medium						-2,6% / 4 = -0,65	0	-	-
2008-2011	Tadic (DS)	Low	Cvetkovic (DS)	Low	DS G17 SPS	Low Low High	56,2% 56,2% 55,8% 55%	0 0 0 0	7,4	9,0
	Low						-1,2% / 4 = -0,3	0	7,4	9,0
2012	Nikolic (SNS)	High	Dacic (SPS)	High	SPS SNS URS (former G17)	High High Low	56,2%	0		
	High						+1,2%	0	-	-

Table 15. Overview domestic adoption costs - Serbia

Corruption in Serbia continuously decreased, except in 2004, 2007 and 2012 according to the data of the WB. The increase in corruption between 2003 and 2004 and 2006 and 2007 can be partly explained by the nationalist and conservative political party DSS. During both years, Vojislav Kostunica was prime minister in Serbia and his party was part of the coalition in 2004 and 2007. The

coalition from 2004 consisted furthermore of the SPS under leadership of Dacic who, although he started to advocate EU integration, remained to have nationalist and populist stances on certain issues, including the refusal to extradite war criminals to the ICTY, and the democratic G17. This means that the political power was strongly divided between the democratic DS and G17 on the one side and the more nationalist DSS and SPS. The increase of corruption was also acknowledged in the conclusion from the EC, when corruption went from a serious problem to an area of major concern in 2004. The 2007 coalition consisted of the same division, although the SPS was no longer represented. Because of these divisions between the democratic and nationalist political parties between 2004 and 2007, domestic adoption costs were medium. Since 2007 the EC continuously concluded that corruption was a serious problem in Serbia. Implementation rates from GRECO were 75% and 90%, which is high. In 2012 both the president Tomislav Nikolic represented the moderately nationalist and conservative SNS. Moreover, prime minister Dacic remained to have nationalist and populist stances on certain issues in 2012. The coalition from 2012 was therefore dominated by more nationalist political parties including the SPS and SNS, whereas only URS (former G17) remained a liberal party. In that year, corruption also increased again with 1,2%.

This means that in all three years when corruption increased, the Serbian government was either divided or dominated by moderately nationalist political parties. Between 2008 and 2010, when president Boris Tadic, prime minister Mirko Cvetkovic and the coalition was dominated by more reform oriented political parties, corruption continuously decreased. Moreover, the coalition of 2001-2003 that was dominated by more democratic political parties and represented by prime Ministers Đindić and Zivkovic from the democratic DS, also managed to decrease corruption according to the WB. Based on the above alignment between on the one hand, decreases in the CoC and the domination of more democratic parties resulting in low domestic adoption costs and on the other hand, increases in the CoC and the domination of more nationalist political parties and strong divisions between democratic and nationalist political parties resulting in medium and high domestic adoption costs, I confirm the first hypothesis.

Hypothesis 2: The higher the credibility of EU conditionality is for a candidate country, the higher the effectiveness of EU-acquis conditionality on corruption will be.

In March 2012 Serbia became an official EU candidate (European Commission, 2014j) and opened accession negotiations in January 2014 (Lopandić, 2014). The opening benchmarks for Chapter 23 were set in 2014 (European Commission, 2014i). Chapter 23 has not been opened yet (Lopandić, 2014). As in the cases of the FYROM and Montenegro the salience attached to the fight against corruption by the EC is high. Although no definite conclusions can be drawn about this accession stage, temporarily conclusions can be drawn based on the data so far.

Year	Domestic Adoption Costs		Corruption			
	Salience attached to Chapter 23	Chapter 23 subject to EU conditionality	WB	EC	GRECO ER 1	GRECO EV 2
2012	High	No (Low)	56,2%	0		
2013	High	No (Low)	55,4%	0	6,7	
2014	High	No (Low)		0		9,7
	High	Low	-0,8%	0	6,7	9,7

Table 16. Overview credibility EU conditionality – Serbia

Corruption decreased slightly between 2012 and 2013 according to the data of the WB, although the chapter is not subject to EU conditionality yet. In 2014 Serbia made major efforts in the implementation of GRECO's recommendations which resulted in a 30% increase of implementation between 2013 and 2014. The conclusions about corruption from the EC remained the same between 2012 and 2014. Data from the WB about CoC in 2014 is not available yet. Just as in the case of Montenegro, it is thus yet to be seen whether the opening of Chapter 23 will result in an increase of compliance with EU-conditions and will lower corruption. As a result of insufficient data from the WB in 2014, as well as the early stage of the subjectivity to EU acquis conditionality, I deter myself from making any temporarily conclusions yet.

5. Cross-case analysis

Based on the results of the above within-case analyses, this chapter summarizes the findings in order to draw conclusions on to what extent compliance with EU conditionality in former Yugoslav countries can be explained by the improved EIM, in the policy field of the fight against corruption.

The results about democratic conditionality are summarized in Appendix 7 and analyzed in Appendix 8. What I conclude from Appendix 8. is that compliance with EU conditions can be explained by the domestic adoption costs. According to the data from the WB, low domestic adoption costs resulted in an average decrease of -1,85%, medium costs in an average decrease of -0,73% and high costs in an average increase of 1% per measuring moment. According to the conclusions from the EC, compliance with EU conditions improved on average with 0,078% in case of low costs, and remained stable in case of medium and high costs (0). Implementation results from GRECO also underline the differences between low, medium and high domestic adoption costs. During the first evaluation round, low costs resulted in an average of 7,77, medium costs in an average of 6,9 and high costs in an average of 5,45 implementation rate. During the second evaluation round, implementation rates were on average 9,3 in case of low costs and on average 8,2 in case of high costs.

The results about acquis conditionality are summarized in Appendix 9. It is far too early to draw definite conclusions concerning this hypothesis because three out of four countries are still candidate countries and either only recently opened Chapter 23 or not even yet. BiH could not be analyzed because the country is still an EU potential candidate. What I temporarily conclude from the overview is that both a high salience attached to Chapter 23 by the EC and subjectivity of Chapter 23 to EU conditionality result in compliance. According to the data of the WB, compliance resulted from a high salience attached to Chapter 23 without the chapter being subject to EU conditionality and from a medium salience while the chapter was subject to EU conditionality. The combination of both a high salience and the chapter being subject to EU conditionality did not result in compliance however one remark has to be made. The increase of 3% is based on the analysis from Montenegro, a case about which no definite conclusions can be drawn yet, because the country opened Chapter 23 only in 2013 and thus the 3% increase is solely based on one measuring moment. The same conclusion can be drawn based on the conclusions from the EC, because improvements in the conclusions aligned with both a high salience without Chapter 23 being subject to EU conditionality and medium salience with the chapter being subject to EU conditionality. The implementation rates of the first evaluation round from GRECO are in line with the conclusions from the WB and EC whereas the implementation rates of the second evaluation round from GRECO indicate that all

implementation rates were high whether salience was medium or high and whether Chapter 23 was subject to EU conditionality or not.

6. Conclusion

This chapter provides the answers of the sub-research questions and the main research question. In this chapter the contribution of the results from this thesis for studies about the effectiveness of EU conditionality in former Yugoslav countries is provided. Suggestions are provided for further academic research that includes the topic of EU conditionality.

The rule of law has become the most difficult field to comply with as conditions became stricter over time. Not only was the priority of the fight against corruption increased with the establishment of Chapter 23 Judiciary and Fundamental Rights in the EU acquis in order to deal with the rule of law including corruption, next to the existing Chapter 24 Justice, Freedom and Security (Nozar, 2012), but the EC adopted a new approach to membership as well by deciding that Chapters 23 and 24 of the EU acquis will become the opening and closing chapters of EU negotiations for candidate member states (Tomovic, 2013). The conditions under the New Approach methodology that are currently applied to (potential) candidate countries in the Western-Balkans, were not in place during the fifth enlargement and neither during Croatia's EU-accession process (Key informant European Commission, 2014). The improved EIM was based on the countries belonging to the 2004 EU enlargement. Resulting from these changes related to Chapter 23, I raised a question: To what extent can the effectiveness of EU democratic and acquis conditionality in the fight against corruption in former Yugoslav countries be explained according to the improved EIM identified in CEEC studies?

In order to answer the above mentioned research question, this multiple case study tested the improved external incentives model in five former Yugoslav countries; BiH, Croatia, the FYROM, Montenegro and Serbia. This model is derived from the work of Schimmelfennig and Sedelmeier (2004, 2005) who concluded from their study in CEEC that two out of the four causal variables from the EIM proved to explain compliance with EU conditions the best. According to the improved EIM, compliance with EU democratic conditionality can be best explained by low domestic adoption costs and compliance with EU acquis conditionality can be best explained by a high credibility of EU conditionality, which answers the first sub-research question: *What are the most prominent causal variables for compliance during EU democratic and acquis conditionality according to improved external incentives model?*

In order to answer the second sub-research question: *Since obtaining the potential candidate status, how did the fight against corruption evolve in the countries of former Yugoslavia?*, data from the EC, WB and GRECO was collected and analyzed. In BiH, CoC only decreased with 5,4% between 2000 and 2013 and between 2005 and 2012 the EC continuously concluded that corruption is a serious problem in BiH. Although BiH had high implementation rates of GRECO in 2005 and 2007, implementation rates continued to lower in 2009 and 2014. Based on this data, I conclude that corruption only slightly lowered between 2000 and 2014. In Croatia, CoC decreased with 6,4% between 2000 and 2013, with the strongest decrease of 9,2% noted between 2000 and 2002. Although some implementation rates from the first evaluations were low, all second evaluations from GRECO were above 90% which indicates that major efforts were made to fight corruption. Conclusions from the EC indicate that corruption went from a problem until 2004, to a serious

problem until 2006, to widespread or prevalent in many areas until 2010, whereas in 2011 and 2012, further efforts were necessary to fight corruption. Based on this data, I conclude that serious efforts were made to fight corruption in Croatia but these efforts were not necessarily effective, because Croatia did not manage to lower corruption beyond the CoC percentage of 2002. Between 2000 and 2013, corruption lowered in the FYROM with 13,6%, with the lowest CoC percentage of 49,6% in 2012 and 2013. The FYROM had the most continuous decrease of CoC from all former Yugoslav countries. Although the increase of 4,4% between 2000 and 2002, corruption lowered continuously since 2002. The EC affirmed this decrease of corruption, when the conclusion changed from a very serious problem to a serious problem between 2008 and 2009. All second evaluations from GRECO resulted in implementation rates above 80%. Based on this data I conclude that the fight against corruption was highly effective in the FYROM. In Montenegro, corruption lowered with 17,4% between 2000 and 2013. Implementation rates from the second evaluations were all above 90% according to GRECO. Conclusions from the EC align highly with the data from the WB. A positive change occurred between 2008 and 2009, when the conclusions changed from a particularly serious problem to a cause of concern. The increase of corruption after 2009 was recognized as well, when corruption was concluded to be a particularly serious problem again in 2010. Since 2011, corruption remains a serious problem/concern. I conclude that the fight against corruption was very effective until 2009 but less effective afterwards. Between 2000 and 2013, corruption in Serbia lowered with 17% according to the WB. Although some slight fall backs in 2004, 2007 and 2010, major improvements were made. All second evaluations from GRECO resulted in high implementation rates of at least 90%. Since 2007, the conclusions from the EC remained stable because in all years it was concluded that corruption was a serious problem in Serbia. Based on this data I conclude that the fight against corruption was highly effective in spite of the small fall backs in 2004, 2007 and 2010.

In order to answer the third sub-research question, *to what extent can compliance with EU democratic conditionality on the fight against corruption in each former Yugoslav country be explained by the causal factor of domestic adoption costs?*, the political orientation of the former Yugoslav governments in power was analyzed in order to determine the domestic adoption costs. According to Schimmelfennig and Sedelmeier (2004), authoritarian or nationalist governments face higher costs than democratic and reform-oriented governments. In BiH, nationalist parties dominated the political scene between 2000 and 2014, which indicates that they faced high domestic adoption costs. All coalitions were dominated by authoritarian and nationalist political parties. Together with the conclusions from the first sub-research questions about the low decrease of corruption, I conclude that low compliance with EU democratic conditionality on the fight against corruption in BiH can be explained by the high domestic adoption costs. In Croatia, the democratic and reform-oriented political party SDP dominated the political scene between 2000 and 2004. The domination of the SDP aligns with low domestic adoption costs until 2003. In November 2003, the political party HDZ headed by Sanader won the elections. Although Sanader aimed to step away from the nationalist orientation of the HDZ under Tudjman, the party is still described as the one "with the largest portfolio of authoritarian acts and secret deals of any political party in Croatia" (Freedom House, 2007, p.216). Although the re-orientation of the HDZ resulted in lower domestic costs, they remained higher than for the reform-oriented SDP. Corruption improved with 8,2% over a time period of four years primarily under the leadership of the liberal reform oriented SDP. For that reason I conclude that high compliance with EU democratic conditionality on the fight against corruption in Croatia can be explained by the low domestic adoption costs.

In the FYROM, the coalition from 2000-2002 was dominated by (ultra) nationalist political parties with high domestic adoption costs. During these years, corruption increased with 4,4%. Both coalitions between 2002-2004 and 2004-2006 were headed by prime ministers from the SDSM. The majority of the latter two coalitions were reform oriented and willing to fight corruption, which aligns with low domestic adoption costs. Corruption lowered continuously with 8,8% between 2002 and 2006. As a result of high adoption costs together with an increase in corruption until 2002 and low costs together with a decrease in corruption between 2002 and 2006, I conclude that compliance with EU democratic conditionality on the fight against corruption in the FYROM can be explained by domestic adoption costs. In Montenegro, the democratic and reform-oriented political party DPS dominated the political scene since 1998. The reform-oriented political party SDP was the main coalition partner of the DPS between 2000 and 2010, a period during which corruption lowered with 17,6%. As a result of the dominance of democratic and reform-oriented political parties, the domestic adoption costs were low. I conclude therefore that the high compliance with EU democratic conditionality on the fight against corruption in the Montenegro can be explained by low domestic adoption costs. In Serbia, during all three years when corruption increased, the Serbian government was either divided or dominated by moderately nationalist political parties, which faced medium to high domestic costs. Between 2001-2003 and 2008-2010 when the coalitions were dominated by more democratic political parties which faced low domestic costs, corruption continuously decreased. As a result of high adoption costs together with an increase in corruption and low costs together with a decrease in corruption, I conclude that compliance with EU democratic conditionality on the fight against corruption in Serbia can be explained by domestic adoption costs.

The cross-case analysis also shows that compliance is higher in case of low domestic adoption costs and lower in case of high domestic adoption costs, which is shown in the table below:

	Low	Medium	High
WB	-1,85%	-0,73%	+1%
EC	+0,078	0	0
GRECO ER 1	7,77	6,9	5,45
GRECO ER 2	9,3	-	8,2

Table 17. Results cross-case analysis domestic adoption costs

Based on the above findings, I conclude that compliance with EU conditions on the fight against corruption can be explained by domestic adoption costs in all five former Yugoslav countries. In order to answer the fourth sub-research question: *To what extent can compliance with EU acquis conditionality on the fight against corruption in each former Yugoslav country be explained by the causal factor of a high credibility of EU conditionality?*, I determined the credibility of EU conditionality based on the salience attached by the EC to the fight against corruption and based on the years when the fight against corruption was subject to EU conditionality. According to Schimmelfennig and Sedelmeier (2004) compliance with EU conditionality should increase as a result of a higher the credibility of EU conditionality.

Based on the analysis of Croatia, compliance of corruption did result from the subjectivity of Chapter 23 to EU conditionality because CoC lowered with the opening of Chapter 23 in 2010. Prior to 2010, CoC continuously increased. Croatia continued to lower and fight corruption after the accession treaty was signed because the implementation rates from GRECO were very high and also according to the CoC, corruption continued to lower between 2012 and 2013. I conclude that this was because

of the pre-accession monitoring regime that was adopted by the EC, which prolonged the salience attached to the fight against corruption by the Commission after 2011. The medium salience attached to the fight against corruption did not result in compliance without the chapter being subject to EU conditionality. For that reason I conclude that compliance in Croatia resulted from the subjectivity of Chapter 23 to EU conditionality. Although the accession negotiations have not been opened ever since the FYROM became an EU member state in 2005, the salience on corruption is high. The FYROM will become subject to the same procedures concerning Chapter 23 as Montenegro and Serbia, once the accession negotiations are opened. CoC continuously lowered in the FYROM with 9,2% between 2005 and 2013. In 2013, corruption stagnated for the first time. The high salience attached to the fight against corruption together with the continuous recommendation from the EC since 2009 to open accession negotiations with the FYROM, a recommendation that is supported by the EP, resulted in a fierce fight against corruption. Based on this reasoning I argue that because Chapter 23 has not become subject to EU conditionality yet, compliance with EU conditions on corruption can be best explained by both the high salience attached to Chapter 23 by the Commission and the continuous support from the EC and EP to open accession negotiations. It is yet to be seen whether the subjectivity of Chapter 23 will result in compliance with EU conditions on corruption.

The results from Montenegro are different, although the no definite conclusions can be made because the country is just like the FYROM and Serbia, still a candidate country. Although the EC attached a high salience to the fight against corruption, compliance cannot be explained so far by a high credibility of EU conditionality. This is because in 2013, when Chapter 23 was opened corruption increased, leading to even higher corruption indicators than in 2010 according to the WB, although both the salience was high and the chapter was subject to EU conditionality. If the high salience would have been the reason for the continuing fight against corruption between 2010 and 2012, then corruption should have especially lowered in 2013 when Chapter 23 was opened. However, this was not the case. It must be mentioned that this observation is only based on one measuring moment and thus that no definite conclusions can be drawn based on this analysis. As a result, I conclude temporarily that compliance with EU conditionality cannot be explained by a high credibility of EU conditionality. It is yet to be seen whether the subjectivity of Chapter 23 to EU conditionality will result in higher compliance. In Serbia Chapter 23 is not opened yet but the salience attached to Chapter 23 is also high. The country had high implementation rates of GRECO, which indicates a strong willingness to fight corruption. Conclusions from the EC remained the same and data from the WB about the CoC in 2014 is not available yet. Just as in the case of Montenegro, it is thus yet to be seen whether the subjectivity of Chapter 23 to EU conditionality will increase compliance with EU-conditions. As a result of insufficient data from the WB in 2014, in combination with the early stage of acquis conditionality, I deter myself from making any temporarily conclusions yet in the case of Serbia.

Based on these findings I conclude that compliance with EU conditionality in Croatia can be explained by the subjectivity of Chapter 23 to EU conditionality, in the FYROM by the high salience attached by the EC to Chapter 23 and the continuous support for opening accession negotiations, but not yet in Montenegro, although this temporarily conclusion is solely based on one measuring moment. For Serbia it is too early to make any conclusions yet. The cross-case analysis indicates that compliance resulted from either a medium salience when Chapter 23 was subject to EU conditionality (resulted from the Croatian case) and from a high salience when Chapter 23 was not subject to EU

conditionality (based on case of FYROM, Montenegro and Serbia). Based on the one measuring moment from Montenegro when corruption increased although the salience was high and Chapter 23 was subject to EU conditionality, the combination of the two factors had a negative impact.

The answers of the sub-research questions allow me to answer the main research question: *To what extent can the effectiveness of EU democratic and acquis conditionality in the fight against corruption in former Yugoslav countries be explained between 2000 and 2014, according to the improved external incentives model identified in CEEC studies?* The causal variable of domestic adoption costs can explain compliance with EU democratic conditionality in all former Yugoslav countries. Overall there is a strong link between positive corruption indicators and low domestic adoption costs on the one hand and either negative or less positive corruption indicators and high domestic costs and the other. However, the case of Croatia showed us that, although the domestic adoption costs were medium in 2004 resulting from a mixed government between democratic and nationalist political parties, compliance continued whereas in Serbia, these medium costs did not always result in compliance. For this reason I conclude that governments need to be dominated by democratic and reform oriented political parties to ensure low adoption costs in order for compliance to continue. As a result, I conclude that compliance with EU conditions on corruption can be explained by domestic adoption costs, however I do not claim that this is the only explanation, since no third variables were controlled in this thesis.

Compliance with EU conditions on corruption in Croatia resulted when Chapter 23 was subject to EU acquis conditionality. In the FYROM, a high salience attached to Chapter 23 resulted in compliance, even though Chapter 23 was not subject to EU conditionality. In Montenegro compliance could so far not be explained by a high credibility of EU conditionality because corruption indicators lowered prior to the opening of Chapter 23 whereas they increased after the opening, although the salience attached to the chapter was high. This means that, based on the employed strategy, no causal effect was present between the credibility of EU conditionality and compliance with EU corruption conditions in Montenegro, but that this effect was present in Croatia and the FYROM. In all three countries, the FYROM, Montenegro and Serbia, it is yet to be seen whether the subjectivity of Chapter 23 to EU conditionality will result in compliance. So far it seems that the increased salience attached to Chapter 23 by the EC is enough to ensure compliance prior to the opening of Chapter 23, although it is too early to draw any definite conclusions yet about this accession stage because the FYROM, Montenegro and Serbia are still very distant from EU membership.

The findings from this thesis, provides us new insight in the link between compliance with EU democratic conditionality as a result of domestic adoption costs and compliance with EU acquis conditionality as a result of the credibility of EU conditionality in former Yugoslav countries. It shows that the improved EIM identified in CEEC studies, can explain compliance with democratic conditionality in the former Yugoslav countries to a large extent however compliance with acquis conditionality to a lesser extent, although it is too early to draw any definite conclusions yet. There is a strong alignment between domestic adoption costs and the fight against corruption during democratic conditionality in BiH, Croatia, FYROM, Montenegro and Serbia, as well as between the credibility of EU conditionality and the fight against corruption during acquis conditionality in Croatia and the FYROM, but yet not in Montenegro. In the case of Croatia the subjectivity of the fight against corruption included in Chapter 23 to EU conditionality was a causal factor. As a result of the even higher salience attached to Chapter 23 in the FYROM, Montenegro and Serbia compared to Croatia, I

expect this causal factor to explain compliance even better in the current candidate countries in the coming years. So far I conclude that the generalizability of the importance of domestic adoption costs for compliance with EU democratic conditionality can be expanded beyond CEEC. Whether the same conclusion can be drawn for the generalizability of the importance of EU conditionality for compliance with EU acquis conditionality is yet to be seen because it is too early to draw conclusions yet with the majority of countries still being candidate countries.

Moreover, the findings shed light on different compliance behavior in the fight against corruption in the five former Yugoslav countries, resulting from the different approaches and procedures employed by the Commission in this specific policy field, and the varying importance attributed to the fight against corruption by the EC. Different enlargement rounds employed different criteria, importance and approaches in the fight against corruption in candidate countries, which had a strong impact on compliance behavior in the different countries. Especially the analysis of Croatia shows that the new employed strategy by the EC to employ opening benchmarks for Chapter 23 proved not to increase the credibility of EU conditionality as much as the opening of Chapter 23 to ensure compliance. The EC changed this strategy again because the current candidates open accession negotiations with Chapter 23 and 24, a strategy that was not applied in case of Croatia. I claim, based on the results from this thesis, that this was a wise decision given the fact that corruption in Croatia only started to decrease with the opening of Chapter 23. The analysis also shows that the employment of accession conditions in combination with the pre-accession monitoring regime ensured compliance even after the signature of the EU treaty in 2011.

Although this study provides new insight in the causal factors for compliance in former Yugoslav countries, it also has some limitations. Corruption is very hard to measure because it often takes place behind closed doors and the data from the WB is largely based on surveys and expert opinions. In order to get a fuller picture of the fight against corruption and to minimize that chance of low data reliability, completeness and accuracy, data about the implementation of recommendations from GRECO was included as well as the conclusions from the Commission about corruption. Although both European and international sources were combined, there is still a possibility that the data is not completely accurate. Moreover, as a result of the different enlargement rounds, different conditions, different strategies, different priorities attributed to the fight against corruption by the Commission and the varying severity of corruption in the five countries, a case study design was needed to study the countries more in-depth. Possible other causal factors that affect corruption, including GDP, level of democracy, political stability and political competitiveness among others, were not controlled because the focus was on the effect of a cause, in this thesis the causal factors included in the improved EMI on compliance with EU corruption conditions. This results in the limitation that only first level causal inferences can be made about the improved EIM given the fact that second level inferences can only be made when third variables are controlled.

As a result, I advise future research about corruption in former Yugoslav countries to include these control causal factors of corruption which would be possible in combination with a different research design. Second, I advise to research this policy area again, once all the current (potential) candidates included in this thesis are EU Member States, so that more can be said about EU acquis conditionality in BiH, the FYROM, Montenegro and Serbia. By conducting such a research, it would also become possible to examine the effectiveness of the new employed strategies of the Commission in the different countries concerning Chapter 23, especially the effectiveness of the early subjectivity of

Chapter 23 to EU conditionality. These new strategies include the setting of opening, interim and closing benchmarks, the setting of Chapter 23 and 24 as opening and closing chapters of the EU acquis and the employment of the pre-accession monitoring regime, although it is not sure yet whether this regime will be employed again in BiH, the FYROM, Montenegro and Serbia.

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Appendices

Appendix 1. Interview Transparency International

Mrs. Palstra - EU Policy Officer
10-07-2014

Q1: Are the 13 sources that the TI mentions on the website the same as during previous years? Who are TI's sources in former Yugoslav countries that contribute to the CPI?

A: The sources can change, depending on whether a survey was conducted by a source and its quality. These sources vary over time. Please check the CPI information package on this website: http://cpi.transparency.org/cpi2013/in_detail/. An excel file is included in the package that provides an overview with all sources, additional information about the CPI and the methodology.

Q2: The methodology of assessing corruption changed in 2012. TI mentions on the website that prior to 2012, the CPI cannot be used for comparing data over time. Does this mean that rankings provided by TI prior to 2012 should not be used internationally for comparative research?

A: Prior to 2012, the CPI was more a snapshot of corruption in a country. These rankings are not representative for perceptions of corruption because different data was used. They should not be used for comparisons. By comparing data prior to 2012, wrong conclusions can be drawn. Because of this shortcoming, the methodology was changed in 2012.

Q3: Can you explain why the CPI was used for comparisons over time in reports written by TI, such as the report "Corruption and the EU Accession Process" (Transparency International, 2006).

A: This should not have been done.

Q4: Does TI provide information about corruption to the European Commission, GRECO or other European institutions?

A: TI does provide information to GRECO. TI is involved on the national level, via national chapters (shadow reports). Our head office does cooperate with the European Commission. Our national chapters have more influence within GRECO. We also provide input for the progress reports from UNCAC.

Q5: Can you explain the cooperation between the EU and Transparency International in detail?

A: TI is registered at the lobby register in Brussels and TI is also part of expert groups. TI is for example represented within the expert group of the EU anti-corruption report. Occasionally TI is invited to provide its point of view about corruption in a country for the progress reports of the European Commission. In the past, the office in Brussels collected written information from its chapters and representatives in the countries and then passed this information through to the European Commission. Nowadays this information is collected by the chapters and representatives and passed through directly to the European delegations in the countries. TI in Brussels only

participates in regional meetings nowadays. Sometimes TI cooperates together with several NGO's for the establishment of a common position. This common position can be very influential, especially at crucial moments when the European Commission deliberates whether a country should be given a green light or not. TI also provides its point of view politically, to permanent representations for example. In case of doubt about the legitimacy of national decisions, TI informs the EU as well. The EU requests information concerning specific topics including the progress and developments on these topics from TI, which is used for the progress reports. When TI or its chapters are dissatisfied with the content in the progress reports from the European Commission then TI reports this dissatisfaction. The explanations that TI obtains in return from the Commission are often vague. The progress reports are more political documents than objective observations. The European Commission is going to start a new study, the national integrity system assessment which addresses corruption risks within a governmental system. The European Commission aims to obtain a baseline assessment from TI in enlargement countries which consists of twelve pillars about the integrity and the identified gaps in the governmental systems. Based on the baseline, a tracking system is carried out so that the progress reports can include the results on a yearly base.

Q6: From one of TI's reports I understood that since 2001, TI advises the European Commission on the progress made in the fight against corruption in candidate countries. I understood that advice is provided during the Commission its annual civil society consultations on the state of preparedness of acceding countries. To what extent is this advice taken into account by the European Commission and which civil society organisations are invited during these consultations?

A: TI is always invited to participate during civil society consultations. The input that is provided during these consultations is not ignored by the Commission however, it seems that the European Commission does not always take the positions from civil society organisations, think tanks and NGO's literally into account. Especially the articulation in which comments are made differs from those provided by civil society organisations, think tanks, local advisory groups and NGO's. Included are for example the CEP, the European Policy Centre, SEPI, Open Society Institute and Friends of Europe.

Q7: Compared to other major institutions and organisations that measure corruption, what underestimates TI?

A: There is a difference between measuring corruption and measuring the perception of corruption. TI does not perform any surveys for the CPI but combines data from existing sources. For the Global Corruption Barometer TI does perform its own research.

Q8: For the analysis of corruption in a country, would you consider using data from TI in combination with other major institutions and organisations that assess corruption using statistical or quantitative data, like the World Bank, the World Economic Forum, Freedom House and Bertelsmann Foundation, as bias?

A: Yes, a combination could cause bias in the results. Because TI is not usable for making comparisons over time, it would be best to check if the above sources are comparable over time and then use (one of) these sources.

Q9: For the analysis of corruption in a country, would you consider using data from TI in combination with other major institutions and organisations that assess corruption using qualitative data, like GRECO and the European Commission, as bias?

A: Personally I do not know much about the methodology of these sources. The European Commission does have its own methodology. You can make comparisons by mentioning that you recognize that TI provides information to the European Commission. The same goes for the other quantitative and statistical sources because they provide information to the European Commission as well. The European Commission consults these organisations as well. There is however a lack of information in the progress reports about which sources provided the data to the European Commission. There is also no information available about which organizations participated during the consultation days. All in all, there are some shortcomings in the transparency of the progress reports from European Commission.

Q10: Why are certain countries, for example Montenegro, not included in the global corruption barometer?

A: This depends on the funds. There is often insufficient money to perform research in all countries. This also depends on the reliability and the representativeness of the data that TI obtained in the countries. TI determines, based on priority, in which countries research is done. Thereby it is also important that the barometer research continues so that comparisons in certain countries can be made.

Q11: Why are the former Yugoslav countries not included in the Bribe Payers Index?

A: I cannot give an exact reason. It could be that the focus is on the US and Western European countries because these countries are more interested in foreign investments and on the emerging economies because their influence is growing worldwide.

Q12: Why is data missing from Serbia, Montenegro, BiH and FYROM in 2000, 2001, 2002 in the CPI?

A: Most likely this is because of the national developments and the shortage of sources for the calculation of the index. We have partnerships with all sources so that we can establish the index without additional costs. Probably TI did not have enough sources in these countries between 2000 and 2002.

Q13: Does TI lobby on the European level in order to bring corruption on the political agenda or to put more emphasis on the fight against corruption?

A: Yes. In Croatia the TI has, together with other NGO's, formulated a joint opinion about the shortcomings in Chapter 23. Please see:

<http://gong.hr/media/uploads/dokumenti/Clanci/20110511MAY2011-JOINTOPINIONOFCSOsONCHAPTER23.pdf>.

Moreover, MANS found irregularities during the local elections in Montenegro. MANS wanted to pass the information through to the authorities but the authorities did not accept the information. MANS even got intimidated by politicians, which confirmed the speculation that not much has changed on high level corruption in Montenegro. Consequently TI informed the European Commission about the incident.

TI always acknowledged that corruption is one of the most difficult problems to fight and that it is

way too short to fight corruption during one or two years in order to realize legislative results and to establish a track record. Romania and Bulgaria are a good example of this. An enhanced monitoring system was recommended after EU-accession. It takes time before the reforms become "deep-rooted" and countries can return to old habits after some years. Backsliding of reforms are common after EU-accession because the pressure from the EU disappears after accession and often only general advice is provided. TI strongly favors enhanced monitoring of corruption that is more thoroughly, more transparent and includes more input from CSO's.

Q14: Could you explain the monitoring of anti-corruption efforts by TI National Chapters in accession countries more in detail?

A: The National Chapters obtain funds for monitoring certain accession conditions. Some Chapters already performed a National Integrity System and other Chapters perform daily monitoring tasks. Via regional programs the chapters obtain the capacity to monitor but this depends on the national funds and the requirements for the funds. TI gathers once a year worldwide and once a year regionally to exchange peer reviews and best practices.

Q15: Does TI provide input to the European Commission on EU anti-corruption criteria in candidate countries and on post-accession monitoring via the cooperation and verification mechanism?

A: We do share our research including our most important indicators, and provide recommendations on several areas. The interim benchmarks need to become more transparent. If TI would know what the interim benchmarks are, then TI would be able to exert more pressure. However, the European Commission is sometimes limited in its actions because they only have the EU-acquis as a guide which is not completely comprehensive either. Consequently TI can influence the European Commission only indirectly.

Q16: You say that the EU accession process enables TI to advocate for and work with governments on the adoption and implementation of anti-corruption legislation in order to qualify for membership. Can you provide details about this relationship and the extent to which TI is in the position to positively influence governments?

A: This differs per country. In some countries this is very difficult, for example in BiH. However, Croatia has a special department for CSO's for the creation of an institutional relationship. It was actually one of the recommendations from the European Commission to improve the environment for CSO's in Croatia. However, being represented during consultations does not always guarantee that the advice from TI is taken into account.

Appendix 2. Questionnaire European Commission

Senior employee within the European Commission - DG Enlargement
17-07-2014

Q1: What are the exact indicators for assessing corruption in enlargement countries in the progress reports?

A: There is no list of indicators but we look how "standards" (see your list) are being implemented and gather data on e.g. investigations/prosecution/convictions for corruption with special focus on high level corruption, number of cases dealt with by the conflict of interest commission, number of investigations launched on the basis of asset declarations/wrong declarations/false declarations; disciplinary sanctions in the public administration and against magistrates for corruption related offences; value of assets confiscated in cases of corruption etc.

Q2: If these indicators are country specific, what were the indicators and requirements for Croatia and what are they for Serbia, Bosnia and Herzegovina, Montenegro and Macedonia?

A: They apply for all countries but may be fine-tuned/adapted and extended according to the specific situation. We did not gather such data for SL.

Q3: If the indicators and requirements differ per status (potential candidate – candidate – signature of accession treaty – post eu accession), what are the specific requirements and indicators per status?

A: They do not differ per status, only the further we get in the negotiation process, the more we focus on results and less on alignment or institution building. Hence the above data are used as monitoring tools to measure efficiency and but also indirectly political will.

Q4: To what extent is this list of anti-corruption standards from the EU-acquis up to date?

- "1995 Convention on Protection of EC Financial Interests
- 1997 Convention on the Fight against Corruption involving officials of EC or member states
- Council Framework Decision on Combating Corruption in the Private Sector
- Strong High-level political commitment to tackling corruption
- Develop and improve investigative tools
- Allocated specialised staff to the fight against corruption
- Pursue training and specialisation of anti-corruption staff
- Implement strategies and legislation effectively
- Full alignment with relevant international instruments

Standards articulated in the other Accession process documents:

- Implementation and enforcement of legal framework for tackling corruption, including through use of adequate statistics
- Comprehensive anti-corruption Strategy and Action Plan detailing resources and timeline for its implementation, as well as coordination between relevant authorities. Efficient monitoring of strategies implementation
- Demonstration of coordinated and proactive efforts to prevent, detect and prosecute corruption,

especially at high-level, but also in relevant law enforcement agencies

- Establishment of an Anti-Corruption agency with sufficient budget and staff, clear responsibilities, and sufficient competence for monitoring activities etc.
- Establishment of supreme audit institution with adequate resources to conduct public external audits, reporting to Parliament, and with its independence established in law
- Implementation of GRECO recommendations and other international standards
- Effective implementation of a law on Conflict of Interest, ensuring officials make asset declarations; assessment of asset declarations by an independent body; follow up on suspicious declarations
- Establishment of Public Prosecutor's Office, with adequate capacities
- Investigators, Inspection boards, use of special investigative measures
- Legal obligation for public officials and civil servants to submit asset declarations, and effective implementation
- Effective implementation of legislation providing for whistleblower protection
- Conducting of public awareness campaigns on corruption
- Regular consultation of civil society
- Enforcement of anti-money laundering legislation in terms of prevention, convictions, confiscations, seizures and freezing assets" (Lyle, 2010, p.19-20).

A: Some of these have been further detailed. Other standards include:

- Criminalisation of illicit wealth (UNCAC art 20 – optional) is strongly encouraged.
- Robust legislation on the regular funding of political parties as well as the funding of election campaigns.
- Provisions on immunity, for example covering politicians or judicial office do not stand in the way of criminal investigations. There are clear procedures for lifting immunities in line with EU standards and they are being used when needed.
- There is a law on access to information which is implemented satisfactorily. The implementation is regularly evaluated.
- a dedicated action plan(s) or focus on vulnerable areas such as judiciary, customs, police, health care, education, justice, Public procurement, privatisation, large budgetary expenditure, construction, land-use planning, health, education etc... etc.;
- Code of ethics are adopted and implemented; Disciplinary procedures are carried out and sanctions are effectively applied;
- Internal control and audit bodies are in place and regularly perform checks and report on these.
- The country has aligned its legislation with the Financial Task Force (FATF)
- There is a good level of specialisation / Specialised departments/bodies are in place and enjoy the necessary independence when conducting investigations, their competencies are clear and they enjoy the necessary resources (financial, staff and material).
- There is a legal basis for cooperation between police and prosecution as well as with other relevant bodies.
- There is a safe platform for communicating and the access to the necessary data bases is ensured (or there are other arrangements to exchange information).
- There is a relevant number of final convictions in corruption cases, including high level cases corresponding to the overall corruption situation in the country.
- Financial investigations are being conducted resulting among others in a systematic confiscation of assets in corruption related cases and systematic trainings are provided to all those involved in financial investigations and assets recovery.

Q5: How does the Commission assess progress in qualitative analysis? Which methodology is being used?

A: The main tools are: In-house assessment of official information (in close co-operation with DG HOME), information/reports/monitoring results from specialized organization, be it at international level or local NGOs, and peer-review reports (Member states/private experts invited to accompany the European Commission for a mission to the country concerned on the basis of very precise terms of reference. To a lesser extent: media monitoring, citizen complaints etc.

Q6: Next to Transparency International, who are the exact national and international sources for obtaining information about corruption in enlargement countries?

A: UNCAC evaluations (if available), UNODC reports (sometimes funded by the EC), Council of Europe/GRECO, World Economic Forum (Global Competitiveness Report) and Freedom House. At the national level we judge on a case by case basis which NGOs are proven to be reliable. This list does not formally exist and information is always cross checked.

Q7. To what extent do the Commission and GRECO cooperate in the assessment of corruption and to what extent do the progress reports overlap? What about cooperation with other international organizations such as the World Bank and the OECD?

A: We have regular consultations with all CoE bodies, including GRECO. The WB and OECD are consulted in the run-up to the progress reports and occasionally if they are active in a specific country.

Q8: To what extent does the European Commission take the advice from Civil Society Organisations, experts and other secondary sources into account when assessing corruption in the progress reports?

A: There is an in-depth and systematic consultation of civil society in the run-up to the progress report but on a continuous basis through our EU Delegations and when we visit the countries

Q9: To what extent can the progress reports issued by the Commission, be used over time for a qualitative analysis?

A: That is in any case the aim of these reports and will become even more in the future as we aim to systematize our assessments and make them more comparable among countries.

Q10: Is corruption solely being assessed in Chapter 23 or Chapter 24 as well?

A: Where relevant in CH 24 as well in the context of the fight against organized crime, corruption is a major facilitator, so anti- corruption requirements and efforts of police and customs are assessed in the context of fighting cross border organized crime and alignment with relevant standards in the field of border management.

Q11: Based on the evidence from past enlargements on the increase of corruption after EU-accession, why was Croatia excepted from the cooperation and verification mechanism?

A: The methodology applied to accession negotiations with Croatia (two chapters instead of one and opening and closing benchmarks) was fundamentally different from that for Romania and Bulgaria.

This methodology was meant to avoid exactly that a CVM should be installed after accession as the COM has anyhow most leverage before accession. In terms of anti-corruption results achieved HR was in a better shape than Romania (where the track record further developed under the CVM) and certainly Bulgaria. There is so far no evidence that the corruption situation in Croatia has substantially worsened over the past year. Finally, there is a new EU Anti-Corruption report assessing ALL EU MS and HR is not left off the hook.

Q12: To what extent does EU conditionality improve the fight against corruption?

A: With the new approach in place (a negotiation methodology which is putting the focus on actual results before accession), the conditionalities have been substantially increased. EU accession remains an attractive carrot and there is substantial leverage before accession. We remain confident that we have the best possible tools in place to make a difference. The economic crises has helped raising the awareness that fighting corruption also helps to foster economic growth and make the countries more attractive for foreign investment if they effectively fight corruption. Corruption has moved away from being seen as a "niche" problem to something which affects whole societies and their economies. We are thus promoting the fight against corruption also in other policy fields (economic governance, public procurement, privatization etc...) , herewith somewhat extending conditionalities to other policy areas too.

Q13: During which stage does the European Commission believe that EU conditionality is most effective (potential candidate – candidate - signature of accession treaty - post EU accession)?

A: There are different stages during which one feels there is more leverage: (1) in the run up to getting candidate status, (2) in the run up to opening the accession negotiations in CH 23/24; (3) in the run up to assessing the fulfillment of the interim benchmarks and (4) in the run up to fulfilling the closing benchmarks/final decision to close the accession negotiations in CH 23/24. Leverage fades away once the date of accession is clearly set and becomes even more difficult after accession, although political pressure through instruments like CVM has shown that in some areas further progress was made or at least that substantial regression was prevented. However, this is not enough to speak of a success story.

Q14: To what extent has the EU enlargement strategy changed over time?

A: The rule of law has become more than ever the most difficult field to comply with and also central to the accession process (see Strategy Paper 2013 and its successor on 8 October 2014). Conditionalities now are not comparable to what was in place under the fifth enlargement and even in the case of Croatia it was an easier ride than under the new Approach methodology, which we are rolling out with MNE and SR for the time being.

Q15: To what extent does the Commission expect greater compliance on corruption by setting Chapter 23 and 24 as opening and closing chapters of EU negotiations?

A: Leaving a maximum time to monitor the progress of countries in CH 23 and 24 allows us to go in-depth early on and to leave the countries time to proof that reforms of laws and institutions also actually generate results in the field. We have now a better guarantee that at least they have a system that works. What they do with it after accession remains to be seen but if we can make it work before accession and it has proven so, it will become more difficult to completely undermine

and dissolve it after accession, especially now that there is an EU Anti-corruption report that monitors EU MS.

Appendix 3. Number of sources World Bank – WGI – Control of Corruption

	BiH	Croatia	FYROM	Montenegro	Serbia
2000	5	6	5	5	5
2002	5	7	5	6	6
2003	6	8	7	1	8
2004	9	10	9	1	8
2005	9	10	9	2	9
2006	10	11	10	5	11
2007	11	11	10	6	11
2008	11	11	11	8	11
2009	11	11	10	8	12
2010	11	11	10	9	12
2011	10	12	9	8	12
2012	13	13	10	8	13
2013					

Source: World Bank 2014b

Appendix 4. Sources World Bank – WGI – Control of Corruption

	BiH	Croatia	FYROM	Montenegro	Serbia
Business Enterprise Environment Survey	X	X	X	X	X
Economist Intelligence Unit	X	X	X	X	X
Freedom House	X	X	X	X	X
Global Insight Business Conditions and Risk Indicators	X	X	X	X	X
Bertelsmann Transformation Index	X	X	X	X	X
IFAD Rural Sector Performance Assessments	X	X	X		
Transparency International Global Corruption Barometer	X	X	X		X
World Economic Forum Global	X	X	X	X	X
World Bank Country Policy and Institutional Assessments	X				
Gallup World Poll	X	X	X	X	X
Global Integrity Index	X		X	X	X
Institutional Profiles Database	X	X			X
World Justice Project	X	X	X		X
Political Risk Services International Country Risk Guide		X			X
Institute for Management and Development World Competitiveness Yearbook		X			

Source: World Bank, 2014c

Appendix 5. World Bank – World Governance Indicators – Control of Corruption

2000	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Bosnia and Herzegovina												
-0.49	-0.35	-0.3	-0.31	-0.2	-0.29	-0.38	-0.36	-0.37	-0.32	-0.31	-0.3	-0.22
59,8%	57%	56%	56,2%	54%	55,8%	57,6%	57,2%	57,4%	56,4%	56,2%	56%	54,4%
Croatia												
-0.21	+0.25	+0.16	+0.2	+0.14	+0.09	+0.08	-0.04	-0.10	-0.03	+0.01	-0.04	+0.11
54,2%	45%	46,8%	46%	47,2%	48,2%	48,4%	50,8%	52%	50,6%	49,8%	50,8%	47,8%
The Former Yugoslav Republic of												
-0.66	-0.88	-0.66	-0.49	-0.44	-0.37	-0.35	-0.17	-0.10	-0.06	-0.04	+0.02	+0.02
63,2%	67,6%	63,2%	59,8%	58,8%	57,4%	57%	53,4%	52%	51,2%	50,8%	49,6%	49,6%
Montenegro												
-1.12	-0.91	-0.51	-0.58	-0.42	-0.38	-0.31	-0.19	-0.16	-0.24	-0.21	-0.10	-0.25
72,4%	68,2%	60,2%	61,6%	58,4%	57,6%	56,2%	53,8%	53,2%	54,8%	54,2%	52%	55%
Serbia												
-1.12	-0.91	-0.47	-0.48	-0.38	-0.28	-0.35	-0.31	-0.31	-0.29	-0.25	-0.31	-0.27
72,4%	69,2%	59,4%	59,6%	57,6%	55,6%	57%	56,2%	56,2%	55,8%	55%	56,2%	55,4%

Source: World Bank, 2014c

Appendix 6. Implementation of recommendations – GRECO – evaluation reports

	Evaluation round 1 2002-2002	Evaluation round 2 2003- 2006	Evaluation round 3 2007-2011		Evaluation round 4 2012-today
Bosnia and Herzegovina					
Number of Recommendations	18 (2003)	16 (2006)	22 (2011)		NA
Recommendations implemented satisfactorily or otherwise been dealt with in a satisfactory manner (S)	15	4	4	5	NA
Recommendation has been partly implemented (P)	3	9	6	8	NA
Recommendation has not been implemented (N)	0 (2005) (Council of Europe, 2005a)	3 (2009) (Council of Europe, 2009a)	12 (2014) (Council of Europe, 2014j)	9 (2014) (Council of Europe, 2014jk)	NA
Implementation % S + ½ P	92%	53%	32%	41%	NA
Second compliance: S	15	7	NA		NA
Second compliance: P	3	9	NA		NA
Second compliance: N	0 (2007) (Council of Europe, 2007a)	0 (2011) (Council of Europe, 2011a)	NA		NA
Implementation % S + ½ P	92%	72%	NA		NA
Croatia					
Number of Recommendations	16 (2002)	11 (2005)	11 (2009)		11 (2014) (Council of Europe, 2014l)
Recommendations implemented satisfactorily or otherwise been dealt with in a satisfactory manner (S)	8	6	7		NA
Recommendation has been partly implemented (P)	6	3	4		NA
Recommendation has not been implemented (N)	2 (2004) (Council of Europe, 2004a)	2 (2007) (Council of Europe, 2007b)	0 (2011) (Council of Europe, 2011b)		NA
Implementation % S + ½ P	69%	68%	82%		NA
Second compliance: S	14	11	11		NA
Second compliance: P	2	0	0		NA

Second compliance: N	0 (2006) (Council of Europe, 2006a)	0 (2009) (Council of Europe, 2009b)	0 (2013) (Council of Europe, 2013a)	NA
Implementation % S + ½ P	94%	100%	100%	NA
FYROM				
Number of Recommendations	17 (2002)	14 (2005)	13 (2010)	19 (2014) (Council of Europe, 2014m)
Recommendations implemented satisfactorily or otherwise been dealt with in a satisfactory manner (S)	11	9	7	NA
Recommendation has been partly implemented (P)	4	4	4	NA
Recommendation has not been implemented (N)	2 (2004) (Council of Europe, 2004b)	1 (2007) (Council of Europe, 2007c)	2 (2012) (Council of Europe, 2012c)	NA
Implementation % S + ½ P	76%	79%	69%	NA
Second compliance: S	15	13	10	NA
Second compliance: P	1	1	1	NA
Second compliance: N	1 (2007) (Council of Europe, 2007d)	1 (2009) (Council of Europe, 2009c)	1 (2014) (Council of Europe, 2014n)	NA
Implementation % S + ½ P	91%	96%	88%	NA
Montenegro				
Number of Recommendations	NA	24 (2006)	14 (2010)	NA
Recommendations implemented satisfactorily or otherwise been dealt with in a satisfactory manner (S)	NA	16	10	NA
Recommendation has been partly implemented (P)	NA	8	4	NA
Recommendation has not been implemented (N)	NA	0 (2008) (Council of Europe, 2008a)	0 (2012) (Council of Europe, 2012d)	NA
Implementation % S + ½ P	NA	83%	86%	NA
Second compliance: S	NA	22	12	NA
Second compliance: P	NA	2	2	NA
Second compliance: N	NA	0 (2010) (Council of Europe, 2010a)	0 (Council of Europe, 2015)	NA
Implementation % S + ½ P	NA	96%	93%	NA

Serbia				
Number of Recommendations	NA	25 (2006)	15 (2010)	NA
Recommendations implemented satisfactorily or otherwise been dealt with in a satisfactory manner (S)	NA	12	10	NA
Recommendation has been partly implemented (P)	NA	13	0	NA
Recommendation has not been implemented (N)	NA	0 (2008) (Council of Europe, 2008b)	5 (2013) (Council of Europe, 2013b)	NA
Implementation % S + ½ P	NA	74%	67%	NA
Second compliance: S	NA	20	14	NA
Second compliance: P	NA	5	1	NA
Second compliance: N	NA	0 (2010) (Council of Europe, 2010b)	0 (2014) (Council of Europe, 2014o)	NA
Implementation % S + ½ P	NA	90%	97%	NA

Source: GRECO (2014h)

Appendix 7. Results domestic adoption costs and average corruption indicators per measuring moment

	Domestic adoption costs	WB	EC	GRECO – ER 1	GRECO – ER 2
BiH	<i>High</i>	-0,41%	0	5,45	8,2
Croatia	<i>Low</i>	-2,47%	+0,5	-	-
	<i>Medium</i>	-0,8%	0	6,9	-
FYROM	<i>High</i>	+2,2%	0	-	-
	<i>Low</i>	-1,47%	0	7,6	0
Montenegro	<i>Low</i>	-1,76%	-0,11	8,3	9,6
Serbia	<i>High</i>	-	-	-	-
	<i>Low</i>	-3,27%	0	-	-
	<i>Medium</i>	-0,65%	0	-	-
	<i>Low</i>	-0,3%	0	7,4	9,0
	<i>High</i>	+1,2%	0	-	-

Appendix 8. Analysis of average domestic adoption costs per benchmark

	Domestic Adoption Costs per year		
	<i>Low</i>	<i>Medium</i>	<i>High</i>
<i>World Bank</i> <i>Control of Corruption</i> <i>0% / 100%</i>	-2,47%	-0,8%	-0,41%
	-1,47%	-0,65%	+2,2%
	-1,76%		+1,2%
	-3,27%		
	-0,3%		
	Average		
	-1,85%	-0,73%	+1%
<i>European Commission</i> <i>Conclusions on corruption</i> <i>-1 / 0 / +1</i>	0	0	0
	+0,5	0	0
	0	0	
	-0,11		
	0		
	Average		
	+0,078	0	0
<i>GRECO ER 1</i>	7,6	6,9	5,45
	8,3		
	7,4		
	Average		
	7,77	6,9	5,45
<i>GRECO 2</i>	9,6		8,2
	9,0		
	Average		
	9,3	-	8,2

Appendix 9. Analysis credibility EU conditionality

WB	Chapter 23 subject to EU conditionality		
		No	Yes
Salience	Low		
	Medium	+1%	-0,7%
	High	-1,02%	+3%
		-0,93%	
		-0,8%	
			-0,97

EC	Chapter 23 subject to EU conditionality		
		No	Yes
Salience	Low		
	Medium	-0,17	+0,33
	High	0	0
		+0,33	
		0	
			+0,11

GRECO ER 1	Chapter 23 subject to EU conditionality		
		No	Yes
Salience	Low		
	Medium	6,85	8,2
	High	7,4	7,6
		8,6	
		6,7	

GRECO ER 2	Chapter 23 subject to EU conditionality		
		No	Yes
Salience	Low		
	Medium	9,7	10
	High	9,2	9,3

			9,5	
		9,6		
		9,7		