

Can the EU Clean Politics in Enlargement Countries? Turkey in Comparison

Dimitar Bechev*



**Stiftung
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IPC

ISTANBUL POLICY CENTER
SABANCI UNIVERSITY
STIFTUNG MERCATOR INITIATIVE

The fight against corruption is yet another fine example of the mismatch between EU expectations and capabilities. On the one hand, many regard the Union as capable of overhauling bad habits in member states and, to an even greater degree, in countries that have embarked on the accession journey. This belief in the EU's transformative mission is widely embraced by the discourse in Brussels. On the other hand, European integration works thanks to reasonably functioning states (take for instance the damage on the Eurozone caused by the shortcomings in Greece's statistical service). The rule of law is a precondition rather than a "deliverable." It is first and foremost up to national authorities – executive agencies, independent regulators and the judiciary – to scrutinise and enforce the law while safeguarding the public interest. After all, unlike the EU, member states enjoy the necessary legitimacy and resources to attain and secure such objectives. Unless freedom of movement is concerned, EU institutions such as the Commission and the European Court of Justice (ECJ) play a secondary role.

Expectations that the EU was capable of delivering clean governance increased in tandem with the Eastern enlargement. In all fairness, however, Brussels' track-record in tackling chronic challenges relating to state capture, dysfunctional judiciaries and the influence of organized crime on government is mixed at best. Soon after their accession in 2007 it was a foregone conclusion that such a mission had failed in Romania and Bulgaria. Pundits and bureaucrats have since explained that the reasons for this had to do with the duo's unwillingness to change and Brussels' lenience in imposing its own

standards. There is much truth in such accounts, yet, strikingly, few care to delve deeper into the meaning and contents of these standards. In fact, the story is riddled with complexity. For instance, the Commission has demanded a comprehensive overhaul of the judiciary but there is not one model in the EU of how courts and magistrates relate to the executive branch. The same is true with regards to the institutional design of specialised agencies dealing with political graft. There is variance across the EU, not an uniform mould to be replicated. Faced with this ambiguity, Brussels has by and large extrapolated some common benchmarks – for example on the need for an independent body charged with the administration of the judiciary. As far as the process is concerned, the Commission has decided to "frontload" negotiation chapters (23 and 24) on fundamental rights, judicial reform and home affairs in accession talks with Montenegro and now Serbia. The idea is to keep constant pressure on governments and close these chapters only at the end of the road.

Whether such "lessons learned" will suffice in the context of candidate countries from ex-Yugoslavia or elsewhere remains to be seen. Experience suggests that the rule of law cannot be built from outside and certainly not in the relatively short timeframe of accession talks. Societal and institutional change needs to be promoted by stakeholders amongst the political and professional elites, domestic institutions, NGOs and civil society at large. Box-ticking, formal adoption of legislation and the flurry of façade measures to please the European Commission – which continues to monitor post-accession Sofia

* Dimitar Bechev is visiting senior fellow at the London School of Economics and Political Science (LSE).

and Bucharest under the so-called Cooperation and Verification Mechanism (CVM) – cannot foster convergence in governance standards on transparency and accountability with “old” member states.

Bulgaria’s example is telling. After years of passing laws, regulations and national strategies on combatting high-level corruption and organised crime, the public perception is that not much has changed. To many, the appointment of Delyan Peevski, a controversial media mogul as head of the national security agency in June 2013 came to be seen as a token of everything that had gone wrong in Bulgarian politics since the early 1990s. The unholy nexus of unaccountable politicians, rent-seeking oligarchs and a corrupt media has perpetuated state capture and led to a deep erosion of public trust in state institutions and the democratic process as a whole. It prompted nothing short of a civic outburst in late 2013 as citizens marched for weeks and months in the streets of Sofia demanding the government to resign. The daily rallies proved that a vocal and growing minority of citizens has a clear set of demands to free state institutions from the vested interests of the elites. They followed in the footsteps of several previous protest waves over the past year on issues such as high electricity bills and changes to environmental laws brought about through lobby campaigns. But such civic mobilisations only confirm the point that cleaner, more transparent government is a long-term aspiration rather than a result of a technical process.

What do such experiences mean for a country like Turkey? For one, because of the stalled negotiations, EU institutions enjoy no similar legitimacy as in Bulgaria and Romania, nor is the Union expected to deliver solutions. As a result, elites in power face no need to cheat Brussels and fake efforts to uproot bribery and build transparency. They can simply dismiss any criticism and pressure from outside as deeply biased. What is striking however is the electorate’s unwillingness to punish the government for its alleged corrupt dealings. The large-scale scandal erupting on December 17 was successfully framed by the then Prime Minister Tayyip Erdoğan as a conspiracy concocted by the secretive Hizmet Movement and its adepts in the prosecution service and police to unseat a legitimate government. Elections in March and August demonstrated that support for the ruling Justice and Development Party (AKP) remains strong. Concerns over corruption in high places were swept aside thanks to robust growth figures and Erdoğan’s charisma appealing to large social strata. The steady improvement of living standards benefitting the AKP’s conservative constituents but also society at large prevail over concerns about good governance, transparency and the rule of law. A plurality of voters is happy with the status quo and is unwilling to punish Erdoğan and his associates for such corruption allegations.



It is safe to assume that these levels of tolerance will subside only if and when the economy suffers a setback and the equilibrium is upset. But even if the anti-corruption ethos takes hold over large swathes of society and the AKP comes under fire, it is doubtful whether the EU will be leading the charge. This does not mean that it will be irrelevant. Public opinion surveys show that Turkish citizens continue to see a gap between rule of law standards at home and in Western Europe, considerations that represent a source of legitimacy for the EU. Yet, for better or worse, Turkey has long been ticking according to its own clock and that applies to the politics of corruption too. That is clearly one of the “lessons learned” from the EU’s effort to project its transformative power abroad. Experience elsewhere in Southeast Europe suggests high-level corruption cannot be contained unless social consensus changes and there is a critical mass of citizens willing to hold governing elites accountable, through the court system, the media or, indeed, by bringing in outside actors such as EU institutions in Brussels. The opening of negotiations with Turkey on Chapters 23 and 24 is a necessary but certainly not a sufficient condition to transform the country along the EU’s own blueprint.