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The 2007 accession of Bulgaria and Romania: ritual and reality

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For both objective and subjective reasons, the European Union devoted unprecedented attention to the problem of corruption in Bulgaria and Romania. The European Union (EU) faced a complex challenge in wielding its arsenal of carrots and sticks to encourage reform in the two countries. Conditionality was further complicated by rivalries between Sofia and Bucharest. Despite its limits, EU pressure presented a rare opportunity to politicise anti-corruption policy. After accession, Romania regressed from its previous achievements against corruption, and Bulgaria remained reluctant to prosecute senior officials or confront organised crime. Nevertheless, the European Commission continued its monitoring activities, and its ability to freeze funds maintained a modicum of pressure for reform. More effective anti-corruption efforts are possible if a domestic constituency for reform gains sufficient momentum to replace the EU's waning influence.

Keywords: conditionality; anti-corruption; European Union; accession; Bulgaria; Romania

Rite of passage?

Like pilgrims who must wash their feet before entering a temple, Bulgaria and Romania were commanded to clean up corruption before entering the European Union. With what level of seriousness was the ritual ablution performed? And what could the temple's high priests do if the entrants soiled the floor? This article analyses the impact of EU anti-corruption conditionality on Bulgaria and Romania before and after their accession on 1 January 2007. Varying Bulgarian and Romanian responses to EU demands reflect two forces: the conditionality of the European Union and the local 'politics of anticorruption' in each country, with roots in history, culture and the peculiarities of transition. This article analyses the motivations, opportunities and limits of EU policy. It then explores the two countries' uneven records against corruption before and after accession. Instead of motivating greater progress, rivalry between Bulgaria and Romania revealed scepticism about the objectivity of enlargement policy. More effective anti-corruption efforts would require domestic mobilisation to compensate for diminishing EU influence. A domestic constituency for reform has already sprouted but faces hurdles in both countries. Complementing a trend in the literature towards quantification, this article seeks to situate (anti)corruption in context.¹

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1. Regarding the dominance and limits of statistical research on corruption, see Ivan Krastev, 'The Strange (Re)Discovery of Corruption', in *The Paradoxes of Unintended Consequences*, eds. Ralf Dahrendorf, Yehuda Elkana, Aryeh Neier, William Newton-Smith, and István Rév (Budapest: CEU Press, 2000), 23–41.

Unprecedented focus on corruption

Bulgarian and Romanian corruption – and organised crime in the case of Bulgaria – evolved into an extraordinary problem in relation with the European Union, overshadowing other issues and threatening to impede accession. The EU's progressively stern warnings over corruption in Bulgaria and Romania represented the pinnacle in a complex landscape of domestic and international calculation and accusation, complicity and misunderstanding. In the European Union and in the two candidate countries, politicians promised, journalists exaggerated and citizens complained.

The European Union had virtually ignored corruption in previous enlargement rounds dating back to 1973. Ahead of the 2004 enlargement, the European Union did scrutinise and condemn corruption but without raising the stakes as high as it did in the lead-up to 2007. One reason for the special attention was that Bulgaria and Romania did suffer from serious corruption, combined with conspicuous organised crime in Bulgaria (exemplified by mafia-style contract killings that remained unresolved). A confluence of other factors included the growing confidence of the European Commission in addressing corruption, the onset of enlargement fatigue in the old member states and the ambiguous identity of the two Balkan countries as Europe's 'others within'.² Opprobrium and anxiety regarding Bulgarian and Romanian corruption – while often justified – were sometimes couched in terms reminiscent of historical stereotypes about the Balkans as inherently corrupt and unreliable.

In addition, growing attention towards corruption in the candidate countries was the result of a learning process within the European Commission, which was initially unsure how to tackle the issue. Upon stepping into office in September 1999, the Prodi team needed to restore the Commission's credibility, dented by a corruption scandal that had led to the resignation of the Santer Commission. Over time, the Commission's regular reports tended to become more detailed, differentiated and nuanced. This development was partly the result of candidates' efforts to 'pin down' the conditions and request more detailed targets.³ Formulaic statements in early reports were followed by more specific recommendations, including an anti-corruption policy.⁴ The Commission monitored the implementation (or otherwise) of action plans drafted by the candidates themselves, listing detailed anti-corruption measures.

The delay in the accession of Bulgaria and Romania meant that they faced EU conditionality at a stage when it included informal pressure for the prosecution of high-level corruption cases – a pressure experienced only weakly, if at all, by the cohort that joined in May 2004. By the same token, future entrants such as Croatia will deal with a Commission even better prepared to handle anti-corruption policy and even stricter in demanding evidence of results. The perception that the European Union made an error by admitting Bulgaria and Romania, because they were corrupt and unprepared, may raise the bar even higher for subsequent entrants.⁵

2. See Maria N. Todorova, *Imagining the Balkans* (New York: Oxford University Press, 1997).

3. Heather Grabbe, *The EU's Transformative Power: Europeanization through Conditionality in Central and Eastern Europe* (Basingstoke: Palgrave Macmillan, 2006), 195.

4. James Hughes, Gwendolyn Sasse, and Claire E. Gordon, *Europeanization and Regionalization in the EU's Enlargement to Central and Eastern Europe: The Myth of Conditionality* (Basingstoke: Palgrave Macmillan, 2004), 86–7.

5. George Parker, Sarah Laitner, and Kerin Hope, '“Serious” Corruption Sparks EU Rift', *Financial Times*, April 26, 2007.

Corruption in Bulgaria and Romania topped political agendas and media headlines in the European Union as well as within the two countries. A safeguard clause in the accession treaty allowed the European Union to postpone the accession of Bulgaria and Romania by one year if they failed to tackle corruption to a satisfactory extent. Romania, initially considered to be behind Bulgaria in its preparations for membership, proved more responsive to the threat of postponement. In addition, after the 2004 elections, Romania's new government had an incentive to expose the corruption of its predecessors. Bulgaria's government found it difficult to follow suit, as virtually the same parties had been sharing power since 2001.⁶ The weeks preceding the publication of Commission reports or important Council decisions were characterised by a rush of activity by both governments to demonstrate compliance. The local press exposed such efforts as belated ploys to impress the European Union when confronted with a looming deadline. Observers with a longer memory recalled the communist-era tradition of 'storming'.⁷

Lacklustre progress against corruption led some West Europeans to regard as premature the conclusion of negotiations with Bulgaria and Romania in June and December 2004, respectively. The 'rush' is often attributed to the desire of the then enlargement commissioner Günter Verheugen to complete the negotiations with at least one of the countries before his term expired. The Irish presidency in the first half of 2004 is also blamed for wishing to claim the achievement of closing accession talks with Sofia. Responding to such criticism, Verheugen later claimed that reforms often accelerate after accession and that Bulgaria and Romania were being unjustly held responsible for the French and Dutch 'No' votes to the draft Constitutional Treaty.⁸ Such debates illustrate the complexity of EU decision-making on enlargement, which cannot be reduced to reward for compliance and punishment for non-compliance.

The policy and politics of anticorruption

Effective anti-corruption policy needs to be (seen as) impartial and even-handed. Without such credibility, it can easily be hijacked for partisan ends, breeding popular cynicism about the ulterior motives of corruption fighters. EU requirements provided an opportunity to rescue anti-corruption policy in Bulgaria and Romania from the depths of politicisation. The attendant risk was that candidate governments could become more accountable to the European Union than to their own electorate. However, candidate country citizens largely supported EU pressure for anti-corruption reform, even if not always for the same reasons.⁹ Local citizens and EU officials did not always have the same goals in pursuing an anti-corruption agenda, but in the end both demanded high-level prosecutions, a rare concurrence of foreign pressure and domestic action.

One of the paradoxes of anticorruption conditionality is that to be effective, the European Union had to closely tailor its approach to domestic circumstances while remaining disinterested and neutral. Sometimes the European Union strengthened the hand of

6. After the 2005 elections, the Socialists joined the National Movement Simeon II and the Movement for Rights and Freedoms.

7. On 'storming', see William A. Clark, *Crime and Punishment in Soviet Officialdom: Combating Corruption in the Political Elite, 1965–1990* (Armonk, NY: M.E. Sharpe, 1993), 27.

8. George Parker, 'EU Expansion May Have Reached Its High-Water Mark', *Financial Times*, May 15, 2006.

9. On the discrepancy between popular sentiment and the international agenda against corruption, see Kalin Ivanov, 'Fighting Corruption Globally and Locally', in *Ethics and Integrity in Public Administration: Concepts and Cases*, ed. Raymond W. Cox III (Armonk, NY: M.E. Sharpe, 2009), 146–54.

domestic reformers such as Romanian justice minister Monica Macovei (2004–2007). At other times the European Commission's competing priorities, its formal approach and interest in bringing the enlargement process to a successful conclusion entangled the European Union into apparent alliances with officials whose anticorruption credentials were dubious.

The nature of the Commission's work requires it both to appear detached and to keep its finger on the pulse of domestic politics in member, candidate and even third countries.¹⁰ It was difficult to remain above the fray when every action – or inaction – on the Commission's part was scrutinised through the lens of domestic politics. The process of negotiations created a mutual dependency between candidate country leaders and Commission officials whose own performance depended on the performance of the candidate country. According to Mungiu-Pippidi, the Commission's country teams came to hold a 'vested interest in the continuity of political and bureaucratic elites with whom they worked closely and to fear that elections might upset negotiations'.¹¹ In any event, the Commission had no option but to rely 'for both policy initiation and implementation on the very elites who can be expected to undermine' policies against high-level corruption.¹² This unavoidable reliance, even if tempered by Non-Governmental Organization (NGO) involvement, constrained the effectiveness of EU conditionality.

Romanian pro-reform groups frowned upon what appeared to them an unduly friendly relationship between enlargement commissioner Günter Verheugen and Prime Minister Adrian Năstase, hardly an anticorruption reformer.¹³ A similar friendship between Bulgarian interior minister Rumen Petkov and justice commissioner Franco Frattini attracted domestic and even international censure after the two took a skiing holiday together in January 2007.¹⁴ The European Union also risked being identified with another Bulgarian official who obstructed reform when a Bavarian EU twinning adviser publicly spoke out in favour of chief prosecutor Nikola Filchev in 2003.¹⁵ Reformers greeted with open relief the end of Filchev's scandal-ridden reign in 2006.

At other times, EU officials and politicians defended reforms in domestic political struggles, going to unprecedented lengths to defend Romania's reformist justice minister Macovei from attempts to unseat her. In so doing they helped – even if provisionally – to prevent anticorruption policy from falling hostage to the feud between President Băsescu and Prime Minister Popescu-Tăriceanu. Measures against corruption had a greater chance of succeeding if they were couched in terms of a national effort to join the European Union rather than as an extension of domestic party politics by other means. The accession process could potentially anchor anticorruption policy from (perceived) partisan abuse. To understand the extent to which EU conditionality helped depoliticise anticorruption policy in Bulgaria and Romania, one must reach beyond the technicalities of 'anticorruption policy' and into the broader context.

10. An example is the 2002 steel tariff dispute with Washington, when Brussels threatened sanctions on goods from politically sensitive US regions, such as citrus products from Florida.

11. Alina Mungiu-Pippidi, 'EU Enlargement and Democracy Progress', in *Democratisation in the European Neighbourhood*, ed. Michael Emerson (Brussels: Centre for European Policy Studies, 2005), 15–37.

12. Open Society Institute, *Monitoring the EU Accession Process: Corruption and Anti-Corruption Policy* (Budapest: CEU Press, 2002), 71.

13. Such criticism echoed opposition disgruntlement at Western legitimization of Iliescu's regime in the early 1990s.

14. Parker et al., '“Serious” Corruption Sparks EU Rift'.

15. Doroteya Dachkova, 'Filchev se hvali s podkrepa ot Briuksel', *Sega*, November 8, 2005.

Rivalry between Bulgaria and Romania

The European Union grouped Bulgaria and Romania together in 2001 when it excluded them from preparations for the ‘Big Bang’ wave of enlargement. Previously the two Balkan candidates had belonged to a larger cluster (along with Slovakia, Latvia and Lithuania) who began negotiating for EU accession in March 2000. The other members of this cluster managed to catch up with the frontrunners (who had started negotiating in 1998). Bulgaria and Romania now found themselves alone in the second-wave pool of candidates, and this isolation fostered the brewing rivalry between the two. Bulgaria’s government publicly protested against being ‘coupled’ with Romania, then perceived as lagging behind.¹⁶ Bulgarians took pride in closing negotiating chapters faster than Romania, in a vain attempt to join the frontrunners and leave Romania behind as the sole laggard. In a gesture loaded with symbolism for ordinary citizens, the European Union removed Bulgaria from the Schengen visa blacklist in December 2000. Romanians had to wait another year for visa-free travel to the European Union.

Ironically, as the accession process evolved Romania came to be seen as more effective at addressing corruption and better prepared to join the European Union. It was now Romania’s turn to worry that its accession might be delayed because of being tied to Bulgaria. Minister Macovei even visited Bulgaria in May 2006 to urge faster reforms for fear that Bulgaria might hold back Romania’s entry into the Union.

Potentially, jealousy between the two neighbours may have provided additional motivation for fulfilling EU requirements. However, longstanding mutual disdain meant that neither government was prepared to accept that the other could be truly more advanced. In the run-up to accession, Bulgarian officials privately attributed EU praise for Romania to a devious public relations campaign run by Bucharest. Such remarks reflected underlying scepticism about conditionality as an objective evaluation.

Romanians and Bulgarians have long used pejorative nicknames for each other.¹⁷ When Bulgarians drive through Romania (or vice versa), they traditionally avoid stopping. (Romanians have increasingly bucked this trend by spending their summer holidays on Bulgaria’s Black Sea coast.) Journalists from one country routinely adopted a superior attitude, referring to the other as the most corrupt, poor and backward country in Europe. By doing so, they were externalising the stereotypes that ‘Europe’ held about both countries. A peripheral location inspires, in the words of Romanian literary critic Matei Călinescu, feelings of envy, inferiority and ‘frustration or distress at the marginality or belatedness’ of one’s culture. Conversely, Călinescu observed, peripheral inferiority could also trigger a compensatory ‘superiority complex.’¹⁸ Indeed, Balkan nations have long endeavoured to surpass their neighbours in being more European. Such competition forms a pattern of ‘nesting orientalisms’, reproducing the original dichotomy upon which Orientalism is premised.¹⁹ The national historiographies of Balkan nations tend to ignore each other or even to belittle or negate each other’s achievements.²⁰ This

16. As the *Financial Times* generalized, ‘There is little doubt that as surely as Bulgaria moves towards integration and EU membership, Romania is virtually standing still and getting left further behind.’ Phelim McAleer and Theodor Troev, ‘When Just Desire Is Not Enough’, *Financial Times*, October 24, 2000, 5.

17. Albena Shkodrova and Marian Chiriac, ‘Special Report: Europe Heals Old Divide Between Bulgaria and Romania,’ *Balkan Crisis Report*, 2005.

18. Matei Calinescu, ‘How Can One Be a Romanian’, *Southeastern Europe* 10, no. 1 (1983): 25–36.

19. Milica Bakic-Hayden, ‘Nesting Orientalisms: The Case of Former Yugoslavia’, *Slavic Review* 54, no. 4 (1995): 917–31.

20. Maria, *Todorova, Imagining the Balkans*, 183.

history of mutual disparagement provides a context for the rivalry – sometimes quiet, sometimes outspoken – between Bulgaria and Romania as they fought corruption to join the European Union.

At the same time, Sofia and Bucharest needed to maintain at least an appearance of partnership because the European Union required good neighbourliness. For similar reasons the two countries set aside their history of environmental and commercial disputes and made a joint effort for NATO membership. Occasionally, Romanians and Bulgarians even assumed that the grass was greener on the other side of the Danube. Such perceptions are linked to Jacoby's observation that 'familiarity often breeds contempt' when comparing Central and East European countries. Scholars (or citizens) closely familiar with one country tend to skewer its performance in comparison with 'some alternative CEE case where things supposedly have been done much better'.²¹ In one such example, Romanian activist and academic Alina Mungiu-Pippidi lauded Bulgaria's 'massive grassroots anticorruption campaign', followed by the 'new and considerably cleaner government' of Saxe-Coburg-Gotha.²²

After accession

The celebrations marking the entry of Bulgaria and Romania lacked the sparkle of May 2004, reflecting the onset of 'enlargement fatigue' in the old member states. Under the terms of the accession treaties, a 'cooperation and verification mechanism' was intended to ensure that both countries complied with their commitments. The Commission continued to publish reports on Bulgaria and Romania, now drawn up by the secretariat general under the authority of Commission President José Manuel Barroso and Vice-President Jacques Barrot. Bulgaria and Romania had their own commissioners who could potentially try to soften criticism in the reports drafted by the Commission's civil servants. As Bulgarian and Romanian authorities took control over remaining pre-accession funds, suspicions of wrongdoing deepened.

In Bulgaria, the Commission's pressure for results in the fight against corruption continued to impact domestic politics but not sufficiently to achieve a breakthrough. Two major corruption scandals shook the government, ending with the replacement of two powerful Socialist ministers. The first scandal erupted only 4 months after accession with a public exchange of recriminations between minister of economy and energy Roumen Ovcharov (deputy leader of the Socialists) and National Investigative Service (NIS) chief Angel Alexandrov. In an effort to avoid embarrassing the ruling parties ahead of European Parliament elections, both went on compulsory leave, never to return to their prior jobs. The government trumpeted its handling of the affair as evidence of its commitment not to tolerate corruption even at the highest levels. Sofia even invited Brussels to send experts to monitor the case – an invitation that was declined. However, instead of facing justice, Ovcharov went on to head the Bulgarian parliament's budget and finance committee.

The scandal tipped the balance of power within the Socialist party in favour of Interior Minister Roumen Petkov, accused by both European and domestic observers of thwarting reform. In a bid to limit Petkov's power and to step up efforts against corruption, Prime Minister Stanishev proposed an ambitious 'FBI-style' agency that would assemble elements of a fragmented security apparatus, including the interior ministry's counter-intelligence

21. Wade Jacoby, *The Enlargement of the European Union and NATO: Ordering from the Menu in Central Europe* (Cambridge: Cambridge University Press, 2004), 13.

22. Mungiu-Pippidi, 'EU Enlargement and Democracy Progress', 27.

unit. When the new agency was finally created, amid wrangling within the fractious coalition government, it failed to meet high expectations and became embroiled in scandals of its own.

The other powerful Socialist minister forced to resign, in April 2008, was Petkov, after it emerged that he had secretly met with organised crime bosses. According to Petkov's own interpretation, the meetings were intended to persuade organised criminal groups to desist from contract killings on the eve of accession in order not to jeopardise Bulgaria's chances. Petkov retained his post within the Socialist party and did not appear in danger of facing serious consequences.

In January 2008, the Commission cut off Bulgaria's funding for road construction after two road agency officials were arrested for bribery. The investigation was prompted by an article in the *Kapital* weekly.²³ In late February, the Commission froze further Phare funding over concerns about corruption at two agencies within Bulgaria's ministries of finance and regional development. Director-general for enlargement Michael Leigh demanded 25 'corrective actions' from the Bulgarian government to avoid irregularities. In March, the freeze extended to SAPARD agricultural funds, raising the total frozen resources above 30 million euro. Serious concerns over SAPARD dated from early 2007, when OLAF uncovered a scheme whereby old meat-processing equipment was exported from Bulgaria to Germany and then reassembled and re-imported as 'new'. The Bulgarian members of the scheme (including a donor to the Socialist party) faced protracted judicial proceedings, whereas Germany sentenced the German accomplices as early as October 2008.

In late November 2008, the Commission confirmed its decision to revoke the accreditation of two Bulgarian government agencies from disbursing Phare funds, resulting in the irreversible loss for Bulgaria of 220 million euro of pre-accession funding. A further 340 million euro remained frozen. The Commission charged that Bulgaria had failed to follow up on its commitments. Bulgarian government officials countered that the Commission had not taken into account recent progress and that the decision reflected double standards. These arguments were further developed by a Brussels-based lobbyist hired by the Bulgarian government. The lobbyist argued that the Commission was unfairly singling out Bulgaria for criticism whereas the corruption situation was no better in Romania or some of the 2004 entrants. As an example, the lobbyist pointed out that the Commission had interpreted the resignation of Romania's justice minister (Chiuariu) as a sign of progress against corruption whereas it had taken the resignation of Bulgaria's interior minister (Petkov) as a sign of rampant corruption.²⁴ The negative portrayal was allegedly due to miscommunication between Bulgarian and Commission officials. While this line of argument was not entirely devoid of substance, it reflected defensiveness and reluctance to implement anticorruption commitments. Bulgarian arguments regarding double standards also cited Transparency International's Corruption Perception Index – in which Bulgaria scored better than some 2004 entrants and Romania. Such arguments raised more general questions about the measurability and comparability of (perceived) corruption across countries and over time.²⁵

23. Ivan Mihalev, '120 Milliona ot Batko', *Kapital*, January 11, 2008.

24. 'Lawyer: Bulgaria Wrongly Portrayed as EU's Bogeyman', *EurActiv.com*, November 18, 2008.

25. For a critical overview of CPI methodology, see Fredrik Galtung, 'Measuring the Immeasurable: Boundaries and Functions of (Macro) Corruption Indices', in *Measuring Corruption*, ed. Charles Sampford, Arthur Shacklock, Carmel Connors, and Fredrik Galtung (London: Ashgate, 2006), 101–30. See also Jens Christopher Andvig, 'The Challenge of Poor Governance and Corruption', Copenhagen Consensus Opponent Paper, (Copenhagen, April 2004).

The Commission's ability to freeze funds, and the attendant embarrassment for the government, maintained a degree of conditionality. On the other hand, the fact that Sofia replaced frozen EU funds with its own created the impression that corruption was somehow more tolerable at the expense of Bulgarian taxpayers. The episode highlighted the danger that the government might become accountable more to the European Commission than to its own citizens. The domestic constituency for reform remained patchy despite the efforts of investigative journalists at *Kapital* and elsewhere.

By contrast, Romania's Coalition for a Clean Parliament was a more decisive, if controversial, home-grown effort to curb corruption among the political class. The coalition of NGOs took matters into its own hands, publishing a list of politicians unfit for a clean parliament ahead of the 2004 elections. Such activism did not rely on EU funding or the formal framework of anticorruption strategies agreed between the government and the Commission. The coalition did make use of instruments available thanks to EU pressure – such as assets declarations – but also pushed for additional instruments such as freedom of information laws.

After the elections, coalition member Monica Macovei, head of the Helsinki Committee (APADOR-CH) became justice minister. In alliance with the Commission, she worked tirelessly to challenge the corrupt business as usual in Romania, even if she faced accusations of being partial to president Băsescu to whom she owed her appointment. Inevitably Macovei made enemies among Romanian politicians. The Commission and member states went to unprecedented lengths to keep Macovei at her post, which she ultimately lost in April 2007 when premier Popescu-Tăriceanu dismissed ministers backed by Băsescu. The dismissal heralded regression in Romania's anticorruption policy. Soon after accession, an emergency ordinance exempted 28 specific companies from anticorruption measures previously passed under EU pressure, which barred bankrupt companies from state aid. Băsescu himself was in danger of being impeached but remained in office, thanks to popular support at a referendum. In October 2007, the Commission threatened to freeze agricultural funds if Romania did not reform its payments system. Two months later, justice minister Tudor Chiuariu resigned over allegations of corruption in the sale of a plot of land in the centre of Bucharest.

In March 2008, the Romanian constitutional court ruled, to the dismay of Băsescu and the European Union, that parliament must give its approval before any investigation into high-ranking politicians.²⁶ To make things worse, parliament also amended the criminal code to require that senior politicians be warned in advance of judicial searches. Swift progress in the prosecutions of the former Prime Minister Adrian Năstase and the former Transport Minister Miron Mîtreă seemed increasingly unlikely after the parliament refused to strip them of their immunity. However, in September 2008, the senate did give its assent to an investigation into Labour Minister Paul Păcuraru who was subsequently dismissed by Băsescu. Păcuraru stood accused of soliciting bribes and of arranging business contracts for his son's company.

The Romanian government undermined its credibility by attempting to sideline Daniel Morar, head of the national anticorruption directorate (DNA) appointed by Macovei. Morar was widely respected for his determination and integrity, even if he remained open to domestic accusations that the DNA was investigating mainly opponents to President Băsescu.²⁷

26. 'Romania Angers EU over Corruption "Haven"', *Euractiv.com*, July 4, 2008.

27. Judith Crosbie, 'Beacon of Hope', *European Voice*, December 11, 2008, 12.

These developments in Bulgaria and Romania were covered by a series of carefully crafted monitoring reports by the European Commission in June 2007, February 2008 and July 2008. Judging progress on a number of interlinked benchmarks, the Commission noted a lack of concrete results despite both governments' political commitment to reform the judicial system and to fight corruption. While Bulgaria and Romania readily adopted legislation and action plans, the Commission noted, implementation was lagging behind and progress against high-level corruption was insufficient. Likewise, the Council welcomed commitments undertaken by Bulgaria and Romania but repeatedly called on both countries to intensify their efforts without delay and to demonstrate tangible and lasting results.²⁸ Such statements appeared to fall largely on deaf ears. The Commission's ability to withhold funds was potentially more effective. In this respect the Commission made a clearer distinction between Romania and Bulgaria whereas reports assiduously avoided direct comparisons. The Commission did not propose triggering the safeguard clauses foreseen in the accession treaty in either country because such measures of last resort could be counterproductive.

Conclusion

The European Union addressed candidate country corruption with growing assertiveness and precision. Nonetheless, anticorruption advice remained patchy because of the lack of *acquis* in this area. The absence of clear benchmarks and consistent advice hampered the effectiveness of EU anticorruption conditionality. Principles sometimes gave way to practical considerations as in the case of EU preference for continuity of elites. The EU's greatest potential contribution was to help frame anticorruption measures in a non-partisan manner domestically. However, it was not always possible to do so because enlargement decisions depended on complex compromises.

The results on the ground in Bulgaria and Romania were mixed. Many anticorruption measures are to be credited to the European Union, even if their implementation requires further efforts. However, after accession Bulgaria continued to shy away from prosecuting high-level corruption, whereas Romania regressed from previous achievements. Any reversal of this trend would require the mobilisation of an effective domestic constituency for reform. The potential has already been demonstrated by investigative journalism, NGO activism and the May 2007 referendum against Băsescu's impeachment.

However, 'civil society' has its limits, especially in post-communist Europe.²⁹ In both Bulgaria and Romania, popular outrage at corruption is mixed with cynical resignation. Bulgarians and Romanians have elected too many leaders on an anticorruption ticket, only to see those leaders face corruption allegations themselves. Protests outside the parliament in Sofia in January 2009 failed to articulate an alternative to the corrupt *status quo*, indicating that domestic pressure for reform is difficult to focus and sustain.

With delays and variations, events in one country mirrored events in the other. As Bulgaria and Romania took turns playing laggard and frontrunner, their rivalry exposed doubts about the EU's professed policy of judging each candidate on its own merits. West European journalists and politicians did stereotype the two Balkan candidates. However,

28. See Council conclusions on the cooperation and verification mechanism with Bulgaria and Romania adopted on October 17, 2006, July 23, 2007, March 10, 2008, and September 15, 2008.

29. Marc Morjé Howard, *The Weakness of Civil Society in Post-Communist Europe* (Cambridge: Cambridge University Press, 2003).

Bulgarian attempts to justify lack of progress with complaints about double standards failed to cut ice.

In other policy areas, the European Union was more successful in encouraging reforms in candidate countries. For candidate governments, fighting corruption entailed a particularly high domestic cost of compliance, especially in cases like Bulgaria's, with no convenient predecessor to accuse of corruption. After 1 January 2007, the European Union no longer yielded its most crucial weapon – the carrot of accession. The Commission retained its ability to embarrass Sofia and Bucharest through critical monitoring reports or by freezing funds. Nonetheless, Romanian reformists lost ground while Bulgaria continued to frustrate EU officials by tolerating high-level corruption and organised crime. As a result, the European Union may well require future applicants to show tangible anticorruption results before accession, instead of giving them the benefit of the doubt.

Accession and the preparations for it were clearly not a panacea against corruption in Bulgaria and Romania. However, absent the prospect of EU membership, the situation is likely to have been worse. The ceremonial cleansing exercise may have left much of the dirt untouched on the two pilgrims' feet. Yet, the ritual fulfilled its symbolic functions. It channelled anxieties about 'Europe' being corrupted by the Balkans. It was also a rite of passage in the sense used by anthropologists to denote a ritual that begins by exclusion, proceeds with a liminal stage and ideally concludes with incorporation into the community on new terms.

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Notes on contributor

Kalin Ivanov is completing a doctoral thesis in international relations at Oxford University, exploring the European Union's impact on the politics of anticorruption in Bulgaria and Romania. The thesis builds on over 60 interviews in Bucharest, Sofia and Brussels.