

ECSA Sixth Biennial International Conference
University of Pittsburgh
2-5 June 1999

**The Quest for the Grail: The Political Conditionality of European Union
Aid to Central and Eastern European Countries**

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Introduction

The European Union openly conditions its economic assistance to Central and Eastern European Countries (CEECs) with political and economic reform by the recipient countries. Within the wider framework of the PHARE aid program, the European Union (EU) has concluded a series of 'Europe' Association Agreements with each of the CEECs.¹ These treaties set explicit goals for the transition of these formerly communist countries to a 'civil society' and a market economy.

Although the Lomé IV treaty explicitly permits EU development assistance to be suspended for human rights violations by partner developing countries, the aid conditionality imposed by the Europe Agreements goes further to intrude upon the actual structure of the CEECs' domestic economies and political systems. Nevertheless, the Europe Agreements have proved an highly successful application of aid conditionality by the European Union. It is this paper's contention that this notable success of EU aid conditionality is directly correlated to the CEECs' aspirations to membership of the European Union itself. Accordingly, this paper will examine the EU's Europe Agreements within the context of the European Union's ongoing consideration of the CEECs' applications for EU membership. However, this paper focuses on the issue of political conditionality, without substantial consideration of the specific details of the EU's parallel set of economic conditionality criteria.

The paper begins with a brief survey of the application of political conditionality in the EU's foreign relations. As political conditionality is also feature of the EU's structured relationship with the developing world, the EU's Lomé framework also will be examined. The paper continues to examine the evolution of EU-CEEC relations from the initial PHARE agreements to the present consideration of CEEC accession to the EU. The specific case-study of EU relations with the Slovak Republic explores the particulars of the implementation of the EU's political conditionality with the CEECs.

¹ Created on 1 November 1993, the European Union is composed of the pre-existing supranational European Community (EC) framework with the additional intergovernmental 'pillars' of a Common Foreign and Security Policy (CFSP) and Member-State coordination in the areas of Justice and Home Affairs.

I. Conditionality of Community Assistance

In the 1980s the EC Member-States gradually moved to a policy of open advocacy of human rights and conditionality of assistance within the intergovernmental framework of European Political Cooperation (EPC).² The first major statement was the 1986 Declaration on Human Rights.³ Meeting in both the framework of EPC and the EC, Member-State foreign ministers identified human rights as a 'cornerstone' of European cooperation. The Community became committed to promoting human rights in all its international relations, including its aid programs. Such conditionality was not considered to be an interference in the domestic affairs of foreign countries.

The critical milestone, however, was the 1991 Declaration of the European Council on Human Rights.⁴ Coming from the highest political level, the 1991 Declaration elevated the priority given to human rights issues and serves as the basis for all subsequent EU initiatives in this area. The Declaration also enumerates a set of specific goals of particular significance, including: the protection of minorities, democracy, pluralism, and the protection of human dignity. The Declaration's principles subsequently have been incorporated 'constitutionally' into the Treaties. The Treaty on European Union's provision for a Community development policy specifically denotes the objectives of 'developing and consolidating democracy and the rule of law, and... respecting human rights and fundamental freedoms'.⁵ These same principles also resurfaces among the general objectives of the Union's CFSP.⁶

Practical implementation of these ideals has two levels of consideration. As a general consideration, support for democracy and respect for human rights are reflected in

² EPC was established in the 1970s as a consensus-based framework for collective foreign policy-making by the EC Member-States outside the normal EC framework. Gradually, links were established between EPC and the EC institutions, especially the European Commission, but purposefully kept weak.

The present CFSP framework, replacing the EPC, widens the scope of the Union's external dimension to the military/security sphere, strengthens the linkage between Community and Union frameworks, and improves the effectiveness of the decision-making process. See generally, D. Dinan, *Ever Closer Union?* (London, 1994), pp. 467-473.

³ Document 86/230, *European Political Cooperation Documentation Bulletin*, 2:2 (1986), pp. 57-58.

⁴ Document 91/194, *European Political Cooperation Documentation Bulletin*, 7 (1986), pp. 322-325.

⁵ Article 130u.2, EC Treaty

all EU activities. Even before the promulgation of the 1986 Declaration, the Presidency has issued an annual report on the human rights activities of the Union.⁷ These reports record a considerable concern for the human rights implications in all of the Union's activities at all levels of discussion within the institutions of the Community and Union. The Member-States have also incorporated these concerns into their discussions and other interaction within international fora, primarily the UN and the Organization for Security and Cooperation in Europe.

On a second level, the Union undertakes proactive measures to promote its human rights agenda. The Community specifically devotes EC budget lines for the positive promotion of these ideals as goals in of themselves, and supports the activities of international organizations or locally-based agencies which directly serve the public interest.⁸ Additionally, the Union proactively utilizes rhetoric and criticism to steer partner countries towards political and economic reform. Member-States within the CFSP framework issue collective diplomatic pronouncements, either declarations or statements, to express discontent with the behavior of foreign governments.

Acting through its local delegations, the Union may voice its concern through employment of a *démarche*. The Presidency's representative normally presents these formal diplomatic communications confidentially to the recipient government. However, *démarches* are on occasion publicly acknowledged by the EU to bolster the strength of the

⁶ Article J.1.2, Treaty on European Union.

⁷ The first such report arose in response to a 1985 EP resolution requesting greater information about EC activities in this area. See Document 86/137, European Political Cooperation Documentation Bulletin, 2:1 (1986), pp. 157-160.

⁸ In addition to an application to the European Development Fund (the financial basis for the Lomé Conventions) and other related development funding, five specific EC budget lines have been designated for promotion of human rights and democracy in developing countries. See European Commission, 'Human Rights, Democracy and Development', DGVIII Homepage - Europa Internet Server, (<http://www.europa.eu.int/en/comm/dg08/psi/democ-en.htm>) (February 1997). All the EC budget lines were unified in 1994 under a single budget chapter heading entitled 'European Initiative for Democracy and the Protection of Human Rights'. The total allocation in 1998 was 97.4 MECUs. EU Bulletin, 4 (1998), p. 76. (1ECU=US\$1.25)

Although uncertain to continue at 1998 levels, this budget line has steadily increased over the past five years from the 45.1 MECUs devoted in 1993. See generally European Commission, Report on the Implementation of Measures Intended to Promote Observance of Human Rights and Democratic Principles (for 1994), (COM(95) 191 fin) (12 July 1995), p. 3.

Union's discontent.⁹ More rarely, public criticisms by the Union can be further escalated to denouncements by visiting ministers on mission in a partner country.¹⁰

The Community also manifests its concern for human rights in its contractual relations with third nations. All Development Cooperation agreements, Association agreements, and Partnership agreements concluded since 1992 have contained a 'human rights clause' elevating observance of human rights and democratic principles to the status of an essential treaty element.¹¹ Inclusion of these clauses permits a legal basis for the suspension of an agreement in response to one party's non-observance of human rights.¹² Short of an actual suspension of aid, the Community also employs the less debilitating penalties of altering the content of cooperation programs or delaying the conclusion of implementing measures.¹³

A. The Lomé Convention Framework

The EU maintains a structured aid assistance and trade relationship with the developing world through the Lomé Conventions.¹⁴ The EC's long-standing rhetoric of equal partnership with the ACP Group was implicitly incorporated into the non-political terms of the original Lomé Convention. The EC could not unilaterally introduce new

⁹ See Document 86/137, European Political Cooperation Documentation Bulletin, p. 159. The exact number of démarches carried out in a given year varies, but is consistently (and unfortunately) a considerable number. 70 démarches were presented in 1995, somewhat lower than the 150 démarches on human rights issues presented in 1991. See European Commission, General Report on the Activities of the European Union, 1995, p. 21, and Document 91/436, European Political Cooperation Documentation Bulletin, 7 (1991), 735-736, p. 735.

¹⁰ A recent example of this device was the denouncements made in 1993 by the Troika of Development Ministers visiting the Sudan. See Secretariat-General of the Council, 41st Review of the Council's Work (The Secretary-General's Report) 1 January - 31 December 1993 (Brussels, 1994), pp. 200-201.

¹¹ D. Napoli, 'The European Union's Foreign Policy and Human Rights', in N.A. Neuwahl and A. Rosas (eds.), The European Union and Human Rights (The Hague, 1995), 297-312, p. 308.

¹² See European Commission, Report on the Implementation of Measures Intended to Promote Observance of Human Rights and Democratic Principles (for 1994), p. 24.

¹³ See European Commission, 'The European Union and the External Dimension of Human Rights Policy: From Rome to Maastricht and Beyond', Communication to the Council and the European Parliament, (COM(95) 567 fin) (22 November 1995), p. 16.

¹⁴ The 70 Lomé Convention partner countries are known as the Africa, Caribbean and Pacific (ACP) Group. First concluded in 1975 in Lomé, the five-year framework convention was renewed twice prior to the current 10-year Lomé IV Convention entering into force in 1990. EU funding for the second

conditions on its aid on the basis of human rights concerns without breaching its contractual obligation of performance. Nevertheless, ad hoc instances of Community action based upon considerations of human rights were evident even under Lomé I.¹⁵

The inability of the EC to challenge human rights' violations overtly led to an attempt to incorporate the consideration of human rights into the provisions of Lomé II. Although ACP unity during the renegotiation of Lomé was much less cohesive than the original negotiations, all proposed references to human rights were left out of the Convention after being rejected out of hand by the ACP group.¹⁶ Although no formal linkage was made to the observance of human rights, the Commission announced it would more closely scrutinize EC aid to ensure it is used exclusively for the benefit of the recipient populations.¹⁷

It was not until the negotiation of Lomé III that a concrete advance was made on introducing wider political issues to the Lomé framework. Fundamental human rights are cited as a concern in the preamble to the convention. Article 4 of the convention mentions political concerns of the signatory countries but only Annex 1, a joint declaration on Article 4, refers to the importance of 'human dignity'.¹⁸ Effectively, only a tangential linkage between human rights and development was evoked in the body of the convention, as the more explicit definitions remained outside the legally operative provisions of the

semester of Lomé IV (1996-2000) was set at 14.625 billion ECUs. See European Commission, 'Lomé IV Revised Changes and Challenges', Development Publication, DE89 (December 1996).

¹⁵ The outstanding case concerned Uganda during the Amin regime. Within the EC framework, the Member-States in the Council issued a rebuke of the Amin regime in the 'Ugandan Guidelines' which promised to withhold any Lomé Convention assistance which would support the continued denial of human rights in Uganda. See EC Bulletin, 6 (1977), pp. 77-78. See also M.K. Addo, 'Some Issues in European Community Aid Policy and Human Rights', Legal Issues in European Integration, 1 (1988), 55-85, p. 68.

Concretely, the Community suspended all development assistance but not humanitarian relief to the Amin regime 6.7 MECUs of STABEX transfers were also unaffected by the aid blockage. 'EEC Uganda Cooperation', The Courier, p. 23. The resources earmarked for Uganda were eventually disbursed after 1979, delaying up to 1984 the fulfillment of the original Lomé commitments. See G-M Andre, 'Uganda-European Community: 20 years of cooperation over four Conventions', p. 40.

¹⁶ See C.C. Twitchett, A Framework for Development: The EEC and the ACP (London, 1981), pp. 102-103 & 126.

¹⁷ K. Meyer, 'The second Lomé Convention, the European Community and the North-South Dialogue', The Courier, 61 (May-June 1980), 8-12, p. 9.

¹⁸ See The Courier, 89 (January-February 1985) (Text of Lomé III Convention).

convention. However, it was an initial step in bridging the political and economic aspects of Community aid.¹⁹

Full acceptance of human rights as an obligation within the Lomé framework finally arrived with Lomé IV. Article 5 of the convention explicitly affirms the importance of the observance of human rights to economic development.²⁰ Human rights is also widely defined to include civil, political, economic, social and cultural rights, thereby eliminating any and all reservation by the contracting parties to the application of these principles to the cooperation relationship.

Because punitive action can be taken on the basis of the Lomé Convention itself, it remains legally unresolved whether the Commission may enact sanctions on its own authority without recourse to the normal legislative process utilizing Council action. Nevertheless, alterations by the Commission in the cooperation relationship are normally linked with a Council declaration authorizing the action, as in the case of the Rwandan sanctions following the massacre at Kibeho in 1995.²¹ However, in that same case, cooperation was resumed by the Commission acting on its own initiative, leaving the Member-States only 'informed' prior to the lifting of sanctions.²² Additionally, the suspensions of Nigerian aid of the same year were imposed by the Commission prior to the adoption of the Council's common position calling for sanctions in the framework of CFSP.²³ In essence, the Commission's actions were unsanctioned by the Council in these two cases, but still in general concurrence with Council policy. Accordingly, it remains far from certain whether the Commission's policy would prevail in a case of direct opposition to the Council's directives.

Responsibility for independent instruments of assistance has permitted the Commission to move beyond mere coordination of Member-State policies to formulate its own strategy and approach to development which is complementary, but not identical to

¹⁹ Addo, 'Some Issues in European Community Aid Policy and Human Rights', p. 84.

²⁰ See The Courier, 120 (March-April 1990) (Text of Lomé IV Convention). See also ACP-EC Council of Ministers, Agreement Amending the Fourth ACP-EC Convention of Lomé, signed in Mauritius on 4 November 1995 (Brussels, 1996), pp. 33-35 (Amended Article 5).

²¹ Non-emergency development assistance was suspended between 12 May and 12 July 1995. See European Commission, General Report on the Activities of the European Union, 1995, p. 373.

²² *Ibid.*

that of the Member-States. It is important to recall that the Community contributes a substantial 15 per cent of the combined total of Member-State and Community assistance.²⁴ The Union is unwilling to completely withdraw all assistance from a partner country; the suspension of humanitarian assistance is not an option. Although the Union is also reluctant to suspend ongoing projects, it has proven capable of taking that step and any intermediate measures to reinforce the rhetorical content of its human rights policy.

II. PHARE

PHARE is the primary economic assistance framework between the EU and the CEECs. The dramatic collapse of Soviet influence in Central and Eastern Europe in 1989 forced the West to reconsider its relations with the CEECs. The EC's immediate response was to establish an economic aid program for Poland and Hungary, Poland-Hungary Assistance for the Restructuring of the Economy - PHARE.²⁵ The 'first generation' agreements under this framework were EC Trade and Cooperation Agreements concluded under Article 235 of the EC Treaties.²⁶

The economic framework was gradually widened as the EC was delegated responsibility for coordinating and administering the G-24's economic aid to the CEECs.²⁷ This represented a major elevation in the diplomatic standing of the Commission, and the EC in general as it was the first assignment of responsibility by non-member countries. From the reverse angle, the CEECs were now receiving aid from an organization which

²³ Ibid., p. 374.

²⁴ See S. Christopoulos, '1995 - a watershed between two eras', The Courier, 154 (November-December 1995), 73-77, p. 73.

²⁵ Regulation 3906/89, [1989] OJ L375/11.

²⁶ The citations for the various 'first generation' agreements are as follows: Hungary [1988] OJ L327/1, Poland [1989] OJ L339/1, Czechoslovakia [1990] OJ L291/28, Bulgaria [1990] OJ L291/8, Romania [1991] OJ L79/12, Slovenia [1993] OJ L287/1, Albania [1992] OJ L343/2, Estonia (1992) OJ L430/2, Latvia [1992] OJ L403/10, Lithuania [1992] OJ L403/20. See I. MacLeod, I.D. Hendry & S. Hyett, The External Relations of the European Communities, (Oxford, 1996), p.287.

See also Regs. 2698/90 ([1990] OJ L257/1), 3800/91 ([1991] OJ L357/10), 2334/92 ([1992] OJ L227/1), 1764/93 ([1993] OJ L162/1). I. MacLeod, I.D. Hendry & S. Hyett, The External Relations of the European Communities, p. 375.

²⁷ The Commission was initially delegated responsibility for G-7 assistance to Poland and Hungary at the 1989 Paris Summit. See D. Dinan, Ever Closer Union?, pp. 475-476.

had been diplomatically rejected and denounced by the Soviet Union and these former Warsaw Pact nations throughout the Cold War as a economic appendage of NATO.

PHARE distributed 495.1 MECUs in its first year of operation to 5 CEECs. By 1995, the sixth year of operation, the distributions had substantially increased to 5.4169 BECUs. Country shares are officially assigned on a formula derived from population, GDP, and qualitative factors.²⁸

The 'second generation' of bilateral agreements between the EU and the CEECs identify PHARE funds as the source of the economic assistance required for the CEECs' preparation for accession to the EU. These are the so-called 'Europe' Association Agreements which are legally distinct under the EC legal system.²⁹ The Edinburgh Conclusions, December 1992 identified the Europe Agreements 'as the means by which the Community intends to support and encourage political stability and economic growth in Central and Eastern Europe.'³⁰

PHARE assistance is administered in a similar manner to Lomé assistance. A three-year Multiannual Indicative Programme is prepared in conjunction between the European Commission, DGIA and each CEEC. Specific projects are proposed to a Member-State oversight committee, the PHARE Management Committee.³¹ Approved projects are compiled in each participant's Country Operational Programme and implemented by the participant country itself. Each CEEC has a ministerial-level National

²⁸ Poland, Hungary, and Romania receive the largest national shares of PHARE aid. 'What is Phare', DGIA internet website, europa.eu.int/comm/dg1a/phare/what_is_phare/largest_grant.htm (April 1999).

²⁹ Association Agreements are legally distinct from Trade & Cooperation Agreements being concluded under Articles 238 & 228. EC Treaty.

The citations for the various Europe Agreements are as follows: Hungary [1993] OJ L347/1 and Poland [1993] OJ L348/1 signed 12/16/91, eff. 2/1/94. Slovak [1994] OJ L359/1 and Czech [1994] OJ L360/1, signed originally 12/16/91, separate agreements signed 10/4/93, eff. 2/1/95. Romania [1994] OJ L 357/1 signed 2/1/93 & Bulgaria [1994] OJ L358/1, signed 3/8/94 - eff. 2/1/95.

³⁰ European Council. Conclusions of the Presidency, Edinburgh, December 1992. Part D, para.8.

³¹ The Oversight Committee is comprised of Member-State representatives and chaired by the Commission. Proposals approved by the Committee are implemented with Commission approval. Rejected proposals may be submitted to the Council for an approval vote. See Article 9. Regulation 3906/89, [1989] OJ L375/11.

Coordinator who manages project implementation through a Programme Management Unit staff usually comprised of national civil servants.³²

The majority of projects are oriented towards supporting the economic transition of the CEECs. The Democracy Programme, a 1992 initiative of the European Parliament, has promoted projects which support the political transition of the recipient countries.³³

III. Enlargement

Joining the EU as a Member-State, formally known as 'accession' to the EU is an intergovernmental process. Essentially, this translates to mean that enlargement of the EU's membership is controlled by the national governments and requires the unanimous approval of the present Member-States.³⁴ Nevertheless, the EU institutions, especially the European Commission, play a significant role throughout the process of enlargement.

The EU consistently has emphasized the important of political conditionality in its relations with the CEECs. The Lisbon Conclusions, June 1992, reaffirmed that 'any European State whose system of government is founded on democracy', may apply for EU membership.³⁵ The Commission, presenting its own views at Lisbon, enlarged this criterion's meaning to include satisfying the 'three basic conditions of European identity, democratic status and respect of human rights'.³⁶

The Copenhagen Conclusions, June 1993 famously set the basic conditions required of the CEECs to be considered for EU membership which broadly divided into political and economic conditionality criteria.

'Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union'.³⁷

³² See 'What is Phare', DGIA internet website, europa.eu.int/comm/dg1a/phare/what_is_phare/organisation_management.htm (April 1999).

³³ 'What is Phare', DGIA internet website, europa.eu.int/comm/dg1a/phare/what_is_phare/programmes.htm (April 1999)

³⁴ Article O, Treaty on European Union.

³⁵ European Council, Conclusions of the Presidency, Lisbon, June 1992, pt.I.2.A.

³⁶ European Commission, 'Europe and the Challenge of Enlargement', para. 8.

³⁷ European Council, Conclusions of the Presidency, Copenhagen, June 1993, Pt.7.A.1.

The Essen Conclusions, December 1994 introduced the EU's 'pre-accession strategy' to 'narrow the gap' between the EU and the CEECs by preparing the CEECs for integration into the EU's internal market.³⁸ A key mechanism for implementation of this strategy was to be 'structured relations' between the CEECs and the EU *institutions* which would 'encourage mutual trust and will provide a framework for addressing topics of common interest.'³⁹ As a practical matter, structured relations involves an annual cycle of CEEC participation in EU ministerial meetings on nearly every major policy subject.⁴⁰ Structured relations are conducted in addition to the EU's bilateral dialogue with each CEEC maintained through the standard Association structures: an annual ministerial-level Association Council, a senior-civil service level Association Committee, and an Association Parliamentary Committee.⁴¹

Further progress on the issue of enlargement was postponed during the pendency of the EU's Intergovernmental Conference. It was hoped that the IGC would reach some agreement on the budgetary and institutional reforms necessary for the EU to practically contemplate a further enlargement. The 1996 IGC culminated in the Amsterdam Treaty of 1997.

During the interim, the European Commission was instructed to prepare formal Opinions regarding each applicant's potential for EU membership. The Commission's Opinion is a constitutional prerequisite for accession set out in the Treaties.⁴² The Opinions were released in July 1997 together with the Commission's proposals for further reform of the EU's institutional structure, known as 'Agenda 2000'.

Following the dissemination of the Opinions, the Commission began a process of 'screening' the CEECs for their potential preparedness for adoption of the EU's *acquis*

³⁸ European Council, Conclusions of the Presidency, Essen, December 1994, 'The European Union's External Relations', Pt. I.

³⁹ Ibid.

⁴⁰ Specifically, there is an annual joint heads of government and state summit, annual joint ministerials on Finance, Economics, Agriculture, Transport, Telecommunications, Research, Environment, Culture, Education, and semi-annual meetings on Foreign affairs and Justice and Home Affairs. Ibid., Annex IV, Pt. II.

⁴¹ I. MacLeod, I.D. Hendry & S. Hyett, The External Relations of the European Communities. (Oxford, 1996), p.377. See Title I (Articles 2-5) and Title IX (Articles 104-112), EU-Slovakia Europe Agreement, [1994] OJ L359/3.

⁴² Article O. Treaty on European Union.

communautaire. (Acquis).⁴³ Screening is a process whereby the applicant's national legislation is analyzed in the context of its compatibility to the Acquis in over 20 economic sectors.

Surprisingly, the screening process was begun although the EU had not officially decided on its own procedure for considering enlargement. Ultimately, the political decision taken by the Member-States at the Luxembourg European Council, December 1997 to separate the applicant pool into a group of five fast-track applicants plus Cyprus, and a second pool of potential applicants and Turkey. Accession negotiations with the favored six would begin immediately, with the remaining five, except Turkey being offered the start of 'preparatory' talks. Both sets of preliminary accession negotiations were opened formally on March 30, 1998.

As the negotiation process was clearly expected to be an extended endeavor, the European Council requested that the Commission issue annual progress reports on the applicants. The first series of reports were issued in November 1998. At that time, no further progress was considered sufficient to permit any more countries to be added to the list of fast-track candidates at the Vienna European Council of December 1998.⁴⁴ Presently in mid-1999, these reports underlie the conduct of current negotiations. Formal accession negotiations were opened with the fast-track countries in November 1998 and are expected to continue for some time.⁴⁵

The Commission began the process of 'screening' the five non-fast track countries on April 3, 1998. By early 1999, the first stage of multilateral screening on 29 essential sectors of the *acquis* was complete. The second stage of bilateral screening is projected to be essentially completed between March and July 1999.⁴⁶

⁴³ The *Acquis* represents the total sum of EU legislation, practice and rules applicable to the Member-States.

⁴⁴ See generally Janet McEvoy, 'EU Commission dashes hopes of wider EU expansion', [Reuters on AOL News-World-Europe website](#), November 4, 1998.

⁴⁵ See generally 'EU Opens Formal Enlargement Talks', [Associated Press on AOL News-World-Europe website](#), November 10, 1998.

⁴⁶ Chapter 7 (CAP) screening is projected to be completed in the Autumn 1999. [DGIA internet website](#), europa.eu.int/comm/dg1a/enlarge/screening/intro/index.htm (April 1999).

IV. Slovakia Case-Study

Slovakia was the only applicant country to outright fail the Commission's political conditionality evaluation in the set of Opinions issued in 1997. Unsurprisingly, the Slovak Republic disagreed with the Commission's evaluation and charged that the Commission 'overestimated the significance of certain partial problems within the framework of the ongoing process of transformation.'⁴⁷

The EU-Slovakia Europe Agreement explicitly conditions the continuation of the bilateral relationship on common political and economic standards.⁴⁸ The Commission's detailed survey of various political issues noted many shortcomings which continued to prevent Slovakia's fulfillment of the political conditionality criteria.⁴⁹ Of more immediate concern, Slovakia failed to make progress in fulfilling the goals set for action in 1998.⁵⁰

Nevertheless, the Commission noted the change in circumstances for Slovakia with the fall of PM Meciar from power following the parliamentary elections of September

⁴⁷ Ministry of Foreign Affairs of the Slovak Republic, 'Official Response to the European Community', annexed to P. Hamžík, 'Slovakia and the European Union', in W. Nicoll and R. Schoenberg (eds.), Europe Beyond 2000. (London, 1998), 213-220, p. 219.

⁴⁸ See [1994] OJ L359/1. The political conditionality of the Europe Agreements, although explicit, is not plainly set out in a single article and requires reference to multiple linked provisions.

Article 6 of the EU-Slovak Europe Agreement states that 'Respect for the democratic principles and human rights established by the Helsinki Final Act and the Charter of Paris for a new Europe, as well as the principles of market economy inspire the domestic and external policies of the Parties and constitute essential elements of the present association.'

Article 117 permits either party to take 'appropriate measures' in the event of a failure by the other party to fulfill their treaty obligations. Article 117 is clarified by Joint Declaration 13 which recognizes violations of Article 6 to be sufficient grounds for immediate recourse to Article 117 remedies.

Unilateral declaration of the European Community (1) notes the Council Declaration of 11 May 1992 as the basis of its inclusion of Article 6 and related provisions to the Europe Agreement.

⁴⁹ 'During the period July 1997 to end September 1998 there has been a lack of stability in the institutions guaranteeing democracy, the rule of law and protection of human rights, as reflected by the inability to elect a President, the controversial use of the transferred presidential powers, the unsatisfactory functioning of the parliamentary committees and the disregard for the Constitutional Court rulings. There have been problems in the treatment of minorities and a lack of progress concerning the adoption of legislation on minority languages.' European Commission, Regular Report of the Commission on Slovakia's Progress Towards Accession, pt. D.1.

⁵⁰ 'Slovakia has not adequately addressed any of the short term Accession Partnership priorities. In regard to the political priorities, while free and fair elections were held, a President has not been elected, the parliamentary oversight committees cannot be considered to have functioned optimally and there was no progress in the adoption of legislative provisions on minority languages.' European Commission, Regular Report of the Commission on Slovakia's Progress Towards Accession, pt. D.1.