

**"THE IMPACT OF EU INTEGRATION ON DEMOCRACY AND
CONSTITUTION",**

Sarajevo, 09. Dezember 2010

Rede von Frau Dr. RUMIANA JELEVA, Vizepräsidentin der EVP

Dear Mr. Schwarz-Schilling,

Excellences,

Ladies and gentlemen,

To begin with, I too wish to express my due esteem for Mr. Schwarz-Schilling, former EU High Representative for Bosnia and Herzegovina. I wish to thank him for his great contribution to consolidating the independence and democratic institutions in that country, to its pro-European development, which has created the required preconditions for its future integration into United Europe.

If we had to characterize the notion of a “United Europe” by a simple epitome, that would have to be the word “peace”. It is a matter of common knowledge that true democracies do not war with one another. But that is only the outward aspect of the matter. The other dimension of peace relates to internal politics. I come from a country where the communist regime during the 1980s attempted to set against each other the Bulgarian majority and the Turkish ethnic minority of the population and even to carry out a campaign to change the Muslim names of this minority. Against the backdrop of the Cold War, all this created high tension in the Balkans. At that point Bulgaria might well have found itself on the verge of “civil war”. Happily, those events are far behind us. We ourselves find it astonishing today that such a thing has at all happened. It was just an episode in the history of the Balkans but I mention it as an illustration of the apt saying that we people in the Balkans are connected with one another through an all too heavy load of history.

But the truth is that, until comparatively recently, other European nations also generally suffered from the **predominance of their historical legacy**. In Strasburg there is a famous

bridge named after our continent Europe. It connects the French and German banks of the Rhine river. It is a material symbol but also a very real, practical communication link in the new, integrated Europe. It was probably not easy for the citizens of Strasburg to put behind them the recent past and, as it were, traditional French-German hostility. But it is a fact that today the friendship and integration between these two key countries are the fundament of the European Union. Now, the EU is a political, economic, and cultural community in which ethnic and religious differences come together only to enrich the cultural panorama of the whole, instead of leading to political clashes. Civil society and the liberties that are at the core of the liberal democratic model are available to, and a commitment of, all ethnic and religious communities in the EU. Of course, there are exceptions and challenges, but, as such, they only confirm what has become the rule in practices established over several decades.

Ladies and Gentlemen,

I am here most of all to tell you about how Bulgaria took its place in United Europe and what this membership in the EU meant and means to us as a country. Of course, I am not inclined to make trite comparisons with the situation in the multi-ethnic Bosnia and Herzegovina. But some of the **lessons Bulgaria learned on the path to European membership and since our accession to the European Union** might be useful for this country as well.

Joining united Europe after 45 years of isolation was not an easy process for Bulgaria either. The democratic changes that began the year the Berlin Wall fell, reached all spheres of society and eventually made it possible for us Bulgarians to rediscover the path to Europe after those long 45 years of the communist regime. But behind this simple summary lie **twenty years of political struggle, crises, and hardships**. At the beginning, Bulgarians too felt they were living in a void of international strategy and were seemingly forgotten by the whole world. Fortunately for us, that period of bewilderment and confusion did not last long.

In talking about the process of our country's accession to the democratic family of Europe, we can distinguish at least **three phases**:

In logical, and also chronological, terms, we should **first** highlight the role of our democratic allies of Western Europe, but also of the organization of which Bosnia and Herzegovina is likewise a member, the **Council of Europe**. Bulgaria's transformation into a modern democracy was facilitated by the principles and high standards of this oldest of pan-European organizations, which assisted us, and still does, to strengthen our democratic institutions, affirm the rule of law, and implement European guarantees and practices for the protection of human rights.

But what we finally learned is that we ourselves must translate the "European democratic charter" into our own language, muster up our own strength, in order to lay the foundation of our new home. This foundation consists in the concept of ethnic-religious tolerance, traditional norms and practices of coexistence, and reliance on the emerging zones of consensus in deciding the fate of a democratic Bulgaria. **The process of successfully overcoming the initial chaos and ethnic hostilities was promoted above all by the political integration of the minorities within the new democratic system**, despite all the problems and challenges that this process came up against, and still does, in places. During the 1990s this course made it possible for us to become an "island of peace and stability" which contrasted favourably with events in former Yugoslavia at that time. Our parting ways with nationalism stimulated us to lead a pro-European foreign policy and, specifically, to support the democratic processes in the western Balkans. As part of this new course we were the first country to recognize the independence of Bosnia and Herzegovina.

The **second phase** was connected with achieving **consensus on strategy**; this national agreement was meant to define the future and place of our country in the changing international panorama. The consensus was finally reached in the second half of the 1990s, when all the main political parties aimed their activity at Bulgarian membership in the European and Transatlantic community. Here we should give its due to the political elites, which, at that time, served to a great extent as leaders of public opinion. Thank to this consensus on the strategy to join the EU and NATO in only a few years, public opinion, which was mostly negatively inclined regarding our possible **membership in NATO**, was veered to support our country's European and Transatlantic orientation.

I mention NATO, because, apart from its purely military-defensive aspect, our joining this alliance was also a very important factor accelerating our accession to the European Union.

In taking this step, my country put an end to hesitations and doubts as to whether we were part of Europe or of Eurasia. Here I will remind you that, historically, we owe much to Russia, whose war with the Ottoman Empire brought about the appearance of Bulgaria on the map of Europe in 1878. But today the opposition between, on one hand, Europe and the North Atlantic community, and, on the other, Russia, is not perceived as an inevitable fate. As a nation, we are restoring Bulgaria to the family of European countries without thereby contributing to the East-West antagonism in its new dimensions, if there is such an antagonism.

Ladies and Gentlemen,

I will not occupy you any more with distant historical aspects, even though they are interesting and instructive. More important for the Balkans today is the concrete process of **incorporating the countries of this region in NATO and especially in the European Union**. The European People's Party actively supports the European perspective of the western Balkans and specifically of Bosnia and Herzegovina. To the best of my knowledge EU membership is currently a topic of wide discussion in your country and the kind of comfortable agreement on the issue that we enjoyed in Bulgaria is still lacking here. That is why I will take the liberty of pointing to the fact that **accession to the European Union is inevitably part of an internal political process**; it is a focus of different interests, but the prospect inevitably provokes concerns and preconceptions. Our past experience, however, has definitely shown that the advantages outweigh the disadvantages. And this goes not only for the status and functions of the country as member of the alliance, but also for the long process of preparation for membership. The future historians of the post-communist period in my country will very probably point out the **enormous importance and the disciplining effect of preparation for European membership**. I will only briefly outline its basic dimensions.

Above all, our country had to align itself with the basic requirements and **European standards of a functioning democracy**, which include:

- (1) Consolidating the institutions of representative democracy;
- (2) Guaranteeing the rule of law;
- (3) Respect for human rights and the equality of different ethnic and religious communities;

- (4) Development of a modern market economy as guarantor of the freedom of private initiative and free competition;
- (5) Guaranteed freedom of speech and independence of the media.

As you all know, **the negotiation process itself is a complicated procedure**, involving the opening and closing of different chapters in the different spheres of social and political life. For all those chapters, considerable progress had to be made, which led to the gradual **harmonization of legislation, principles, and practices**. The lessons learned so far show that the road to adopting the European *acquis*, the European standards, policies and practices, is a hard one and requires, at the very least, **political will but also administrative and institutional capacity**, and effective laws and rules.

Also especially important were **changes in the constitution of the country**, which were discussed with the European Commission. These changes served a clear purpose: they tended to be a corrective of some points in which, so to say, democracy had gotten carried away in the earlier stages of the transition. Here I should specify that, bent on emancipating the judiciary from the influence of the communist party, the fathers of our new constitution went to the opposite extreme with respect to guaranteeing immunity and immovability of the judicial corps. That is why a number of recommendations for change were made to us, including:

1. Revoking what practically amounted to impunity of magistrates and members of parliament;
2. Making provisions for **premature dismissal of magistrates before their term is completed**, which limits the possibility for reproducing faulty practices in the judicial system;
3. Introducing **fixed terms of office for leading positions in the judiciary**, which makes it possible to advance judges who have proven their professional qualities and vice versa, to enable the judicial system to free itself of people who compromise it.

These changes became a fact when the National Assembly enacted amendments to the constitution in 2006, just months before the country became an EU member on January 1, 2007.

A preliminary assessment of these amendments of the constitution would show that they were not only predominantly in the interest of Bulgarian society, but were imperatively needed in view of the corruption and unaccountability of the Bulgarian judicial system. This only illustrates the **positive effect of the pre-accession processes on the reform of the judiciary**, a reform that will guarantee the more complete supremacy of the law and, thereby, better protection of the rights and interests of citizens.

Ladies and Gentlemen,

The third phase of Bulgaria's integration process within the EU took place while Bulgaria was a member both of NATO and of the EU. As we have come to see now, the amendment of the constitution was only the start of a process that is far from complete. That is why, even under the conditions of European membership, the European Commission has set up a **Co-operation and Verification Mechanism to verify the progress of Bulgaria (and Rumania)** in fulfilling the concrete benchmarks set for judiciary reform, for the fight against corruption and organized crime. The periodical checks and assessments of the European Commission continue to indicate weaknesses and slowness in carrying out reforms in these key areas. As we all know, a matter of particular concern for Brussels is the misappropriation of pre-accession and structural funds. Such practices led to the Commission's freezing some of the European resources allotted in this area to our country and to our loss of certain other European funding.

The latest Report, from July of this year, of the European Commission to the European Parliament and to the Council on Bulgaria's progress under the Co-operation and Verification Mechanism, finds for the first time that **political will has been shown by the Bulgarian authorities for reform in the judiciary, for fighting corruption and organized crime**. Here we should point out that the report of progress was due to the effected improvements in penal procedures and the increased number of charges related to high-level corruption and organized crime. But we have no illusions about it: our problems have not all been solved.

Ladies and Gentlemen,

I am going into some detail concerning these problems in order to illustrate the role of the EU in the development of Bulgarian democracy but also to highlight the importance of **counteraction** against seemingly non-political phenomena such as **bribery and organized crime**; fighting these is a condition for further progress of countries and economies in transition. It is obvious that such phenomena, which occur in countries with well-established democracy as well, are especially harmful amidst on-going political and economic reforms that involve dismantling the former repressive services of the past regime. Regrettably, in this respect, all former communist countries in the Balkans resemble one another. They are also alike in that, not uncommonly, **criminal behaviour and crime factors make use of ethnic solidarity and capsulation**, while corruption mechanisms lead to mafiotization of local governments.

The topic of corruption and organized crime has a follow-up in the context of EU expansion. **Integration and the abolishment of border control**, tend, regrettably, to facilitate not only our economies and the free movement of citizens, but also those who would take advantage of their new status in order to **export crime and expand criminal business**. This negative trend overshadows the relations between Western democracies and the new East European members of EU.

Ladies and Gentlemen,

I would not like to go further into the negative aspects of the extensive and generally positive transformations in our region, in Europe, and throughout the world, which resulted from the end of the Cold War.

To conclude, I would like to point out something that I consider exceptionally important. The Balkans, including the western Balkans, which used to be a “powder keg”, a zone of confronted geo-political interests and imperial ambitions, the “backyard” of Europe, are now in course of regaining their place among the civilized nations and becoming part of the rich traditions and culture of a United Europe. This trend is happening at the **internal regional level** as well. Although at a timid pace, we are beginning to throw bridges of co-operation, to rediscover forgotten good traditions and a legacy of good neighbourly relations, and to seek our common Balkan roots, as we shake off the past history of hostility and confrontation. I

know it is hard to tear ourselves away from everyday concerns, fears, and prejudices, but we must clearly realize that at the beginning of the 21st century democracy requires from all of us, who live in the Balkans and in Europe, to have a European vision and make consistent constructive efforts that will open new horizons for our children and grandchildren.

I thank you for your attention and for the opportunity provided me to address the participants of this conference, devoted to an issue of such great current importance to all of us. All of us Europeans.