



## **Geo-Security, Liberal Institutions and Regional Integration: The Horizontal Expansion of the European Union**

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### **Abstract:**

This paper will examine the evolution of the accession process in the European Union (EU) over the past 25 years looking specifically at the case of Romania. It will be argued that through its period of liberal structural changes the EU and the member states still hold a disproportionate say within the process of horizontal integration. The paper will first outline a brief history of the EU pre-1989 and post the fall of the Berlin wall followed by an expansion on Romania's accession within the historical and political contexts. It will further be argued that Romania's shift in foreign policy has led to relative gains.

### **Résumé :**

Ce travail examinera l'évolution du processus d'accèsion à l'Union Européenne (UE) au cours des 25 dernières années en analysant spécifiquement le cas de la Roumanie. Il sera soutenu qu'à travers la période de changements structureux libéraux l'UE et ses états membres détiennent toujours un pouvoir disproportionné à l'intérieur du processus d'intégration horizontale. Ce travail délimitera d'abord une brève histoire de l'UE avant 1989 et après la tombée du mur de Berlin suivi d'une expansion sur l'accèsion de la Roumanie dans les contextes historique et politique spécifiques. Il sera soutenu plus loin que le changement dans la politique étrangère de la Roumanie a mené à des gains relatifs.

## **Introduction**

The evolution of the European Union (EU) accession process over the past 25 years will be examined in this paper. It will chart the evolution of this process from the reliance on multilateral agreements to a more liberal structure. I will argue that through its period of liberal structural changes the EU and the member states still held a disproportionate say within the process of horizontal integration. I will specifically look to the case of Romania in its accession proceedings to better understand this new process and outcomes. The Romanian accession is interesting because it is one of the most recent members to join, with a lengthy period of “negotiations” and geopolitical developments shaped its accession process. Despite Romania’s struggles in achieving accession targets it joined but was subjected to post-accession agreements. In this paper I will argue that geostrategic political interests, instead of economic determinants dominated the accession process. I will also explore the precedent setting phenomenon of post-accession monitoring and conditionality and its relation to the conceptuality of geo-strategic influence within the EU.

## **Process**

### *Pre-1989*

The horizontal expansion of the European Union has been one of its most effective tools in achieving economic and political success. A horizontal expansion from an “inner six” to twenty-seven member-states has helped drive the vertical process of economic integration along with the development of institutional and judicial integration. Just as each new stage of economic and institutional integration has brought both new levels of co-operation and challenges, every new addition to the EU has facilitated its shortcomings and successes.

Before the Treaty on the European Union enlargement proceedings were largely conducted on a strictly multilateral basis with decision making power in accession proceedings given to the existing member states. This method worked to preserve the stability of the internal market systems, as well as the institutions, as potential members were heavily vetted and existing members were given a veto over negotiations. There were, however, some systemic drawbacks in this non-institutionalized setting of multilateral negotiations, as potential applicants could be vetted through non-economic or institutional factors contained in the policy of the government of one member state (e.g. France vetoed Britain's entry).<sup>1</sup> For the most part the EU member states were able to chart expansionary efforts to coincide with each new geopolitical and economic turn of events in the pre-1989 world.

### *The Fall of the Berlin Wall*

De-Stalinization and the transitional democracies that emerged in Eastern Europe post-1989 presented the European Union with a geopolitical dilemma. EU leaders had to ask themselves: What to do with these new and/or emerging market democratic states next door? How do we ensure economic and military security in the region? How can our institutions function to stabilize the region? And what is the best measure to take to facilitate stabilization?

As we know, through the blessings of hindsight, EU policy makers opted to ensure stabilization through a process of inclusion, exhibited through the Council's declaration "that the associated countries in Central and Eastern Europe that so desire shall become members of the

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<sup>1</sup> Ginsberg, Roy. *Demystifying the European Union The Enduring logic of Regional integration*. 2nd ed. Rowman & Littlefield Publishers, Inc., 2010: 68-70.

European Union.”<sup>2</sup> The concept of expansion equals stabilization was reiterated when the Prodi Commission claimed in 1999 that “enlargement was the ‘best way’ to achieve ‘peace and security, democracy and rule of law, growth and the foundations of prosperity throughout Europe’.”<sup>3</sup> Although these comments exemplify the desire of many of the leaders of the EU to facilitate stability on the continent through integration, they do not show us how this happened in a technical sense.

The Maastricht Treaty established the framework by which Eastern European states could be integrated. It accomplished this by re-configuring and solidifying the process by which states would join and integrate into the EU. This treaty reworked the process of integration where the European Commission would act in an evaluative capacity to the European Parliament and the European Council. However, the Council would still assert a final say in membership negotiations, with a consensus needed to accept any new members, and the Parliament was given a say as any accession treaty required the Parliament’s approval.<sup>4</sup> This scheme appears to build further on the liberal aspects of institutionalization within the EU by deepening the accession process through the development of checks and balances at a supranational level and implementing a process of external evaluations to measure prospective candidates for accession.

In 1993, the Council, comprising of the EU12 states, convened in Copenhagen where it “held a thorough discussion of the relations between the Community and the countries of Central and Eastern Europe.”<sup>5</sup> The outcome of this meeting was the production of an accession criterion. This criterion acted as a blue print for the Commission to put together progress reports on the

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<sup>2</sup> Phinnemore, David. "And We'd Like to Thank... Romania's Integration into the European Union, 1989-2007." *European Integration*. 32.2 (2010): 229.

<sup>3</sup> Howell, Chris. "Rethinking Institutions and Institutional Change in European Industrial Relations." *British Journal Of Industrial Relations*. 49.2 (2011): 231-255.

<sup>4</sup> European Union. The Council of the European Union. *Treaty on the European Union*. Maastricht, 1993.

<sup>5</sup> European Union. The European Council. *Presidency Conclusions Copenhagen European Council*. 1993.

development of states seeking accession; therefore, gave weight to the new powers the Commission gained through the Maastricht treaty. It would also give prospective candidates a glimpse of the figurative hoops they would need to go through to accede.

The outline of the Copenhagen membership-criteria state:

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.<sup>6</sup>

However, as much as these reforms catered to an interconnecting web of international institutions, executive decision making remained, first and foremost, in the hands of the member states; thus, the conceptualization of geostrategic decisions still remain the most pertinent factor in the accession.

## **The Agreements in Motion**

### *Introduction*

The European Union cemented its stance 1993, following the Copenhagen meetings, and began negotiations with prospective member states. Sweden, Austria and Finland were the first states to enter the Union under the Copenhagen criteria in the Fourth Enlargement. They were followed by Malta, Cyprus, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Slovenia, and Hungary as the first part of the Fifth Enlargement who were then followed by Romania and Bulgaria in the second part. In the span of twelve years the Union more than doubled in size. Each of these states joined for their respective reasons and had their own difficulties in integrating.

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<sup>6</sup> Ibid

### *The Blunders of Expansion*

The two areas of pre-accession treaty agreements and post-accession coping difficulties among newer member-states included areas of political and economic reforms. When referring to economics, it is the process of market integration and financial reforms to better integrate within the Union. Political refers to the adoption of the *aquis communautaire*, the legal stipulations of the rights of minorities, an enshrinement of human rights domestically, and the creation of a fair electoral process with free elections and a multi party system. Each nation state that joined post-accession faced its own problems in these two areas.

In the area of economics, it is rather overt to remark subtle economic sliding faced by newer member-states. Sweden, for example, was mid-recession with a protracted and vicious fight between labour and capital as it concluded negotiations, membership in the Union.<sup>7</sup> Many of Central Eastern European countries (i.e. Poland, Hungary, Czech Republic, etc) had no market track record, a limited labour relations scheme; horrible fiscal records, and massive international debt.<sup>8</sup> Moreover since these states had a limited capacity for capitalistic production upon entry their only competitive advantage was a cheap labour force.<sup>9</sup> This was worrying for EU12 states as single market expansion eastwards could cause capital flight and put strain on the scope of union.

It is also worthy of mention that the financial crash of 2007 and the subsequent sovereign debt crises has plunged these CEE states into near bankruptcy. Many of these states have turned to the World Bank and IMF for bailouts (i.e. Hungary) and others are suffering through some of

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<sup>7</sup> Howell, Chris. "Rethinking Institutions and Institutional Change in European Industrial Relations." *British Journal Of Industrial Relations*. 49.2 (2011): 231-255.

<sup>8</sup> Levitz, Phillip, and Pop-Eleches Grigore. "Monitoring, Money and Migrants: Countering Post-Accession Backsliding in Bulgaria and Romania." *Europe-Asia Studies*. 62.3 (2010): 461-479.

<sup>9</sup> Ginsberg, Roy. *Demystifying the European Union The Enduring logic of Regional integration*. 2nd ed. Rowman & Littlefield Publishers, Inc., 2010: 68-70.

the worst austerity measures implemented in their histories (Romania, Bulgaria, etc).<sup>10</sup> This speaks miles of the need for an EU financial and monetary crises management system so that generally smaller economies will not fall victim to severe recessional backlash.

The proper implementation of the *acquis* and the establishment of fully functioning representative democratic regimes with fair elections along with a noted respect for human rights were the distinctive feature of the political criterion to join the Union.<sup>11</sup> Initially many CEE countries were on pact with Commission set targets and made required progress in subsequent monitoring efforts. However, public perception polls show that in the eyes of the citizenship many CEE states, after attaining accession into the Union, halted, slowed down and in some cases even reversed of the reform policies that got them into the Union.<sup>12</sup> Furthermore, there was much concern over the rise of the far-right in many of the new CEE states. The inclusion of the Austrian Freedom Party in Austrian Government in the 1999–2000 elections, just 5 years after accession, sent a bit of a ‘white scare’ through the ranks of western leaders provoking subversive “sanctions” against that member-state.<sup>13</sup> Recently Hungary has encountered larger trouble with its constitutional reforms and censorship of the press.<sup>14</sup> Also, former Croatian ultra-nationalists endorsing Croatian accession is demonstrative that the threat of the nationalism is a persistent problem in the CEE region and in Europe as a whole.<sup>15</sup> In the cases where treaty law is under threat of being in violation, the EU needs to have regulating measures in place to enforce compliance among its member-states, but this topic and its difficulties are for another discourse.

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<sup>10</sup> International Monetary Fund. IMF Survey Magazine . *IMF Agrees \$15.7 Billion Loan to Bolster Hungary's Finances.*; Ionita, Sorin. "Viewpoint: Romania protests a warning from the street." *BBC News* 18 Jan 2012, n. pag.

<sup>11</sup> European Union. The European Council. *Presidency Conclusions Copenhagen European Council*. 1993.

<sup>12</sup> Levitz, Phillip, and Pop-Eleches Grigore. "Monitoring, Money and Migrants: Countering Post-Accession Backsliding in Bulgaria and Romania." *Europe-Asia Studies*. 62.3 (2010): 368.

<sup>13</sup> Tran, Mark. "Austria's Freedom Party." *Guardian* 28 Jan 2000, n. pag.

<sup>14</sup> Krugman, Paul. "The Unconstitutional Constitution." *New York Times* 02 Jan 2012, n. pag.

<sup>15</sup> "General jailed for war crimes back Croatia EU entry." *EUbusiness* [Zagreb] 21 Jan 2012, n. pag.

### *Road to Romanian Accession*

Unlike the transitions in Poland or Czechoslovakia, where pro-democracy activists rose to power, a coup of low level Communist Party elites took control of the state in 1989. They called themselves the National Salvation Front (FSN) and governed in the interim, under the auspices of restoring democracy and implementing market economic reforms. Romania signed a first generation (Trade and Cooperation) agreement in 1990; it was included into the PHARE transition program in 1990 (which brought 607.7 million European currency units into the country by 1995); it signed a Europe Agreement in 1993; and submitted its official application to join the European Union in 2004. From 2004 to 2007, it has been the directive of every major government within Romania to conclude negotiations and accede to the EU.<sup>16</sup> Romania is a key case to demonstrate the geopolitical underpinnings of the integration process.

### *“Revolution” to Negotiations (1989-2004)*

The period of 1989 to 1996 cast doubt on the seriousness of the Romanian government’s attempt to accede. Moreover, as previously discussed, the period marked a shift in EU policy aimed at expansion. The FSN sparked immediate national controversy by declaring its participation in the presidential and parliamentary election to be held in May 1990, which caused civil unrest with students and opposition members began protesting in Bucharest. These protests were subsequently crushed by FSN backed miners. Miners from the Jiu Valley would be repeatedly called in to quell instances of civil unrest; in fact the intervention of the miners into political

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<sup>16</sup> Noutcheva, Gergana, and Dimitar Bechev. "The Successful Laggards: Bulgaria and Romania's Accession to the EU." *East European Politics and Societies*. 22.1 (2008): 117-120.



affairs became so frequent that a new word to describe the events has come into the Romanian language: *Mineriades*.<sup>17</sup>

Although the May 1990 elections were considered valid by many international observers they were heavily critiqued. The International Foundation for Electoral Systems notes that:

[T]he delegation was concerned with 1) flaws in election day procedures, 2) a lack of understanding and appreciation of the electoral process among the electorate and 3) the violent character of the campaign period. Because of the magnitude of these latter two concerns, most in the delegation departed Romania with serious reservations about viability of the electoral process as a whole.<sup>18</sup>

In monitoring the 1992 elections the International Republican Institute and the National Democratic Institute for International Affairs concluded that:

The government [of Romania] used elections for an exercise in legitimacy rather than an exercise in choice, opening the political process just enough to gain the valuable approval of western powers<sup>19</sup>

Free and democratic election were missing in this early period of post-communist development, but it is very important to understand that the domestic elites maintained the image of transparency and democratic freedom in order to facilitate their entry into preliminary agreements with the West and especially the EU.

Romania, during this period and onwards, was also subject to the rise of an ultranationalist movement. Factions like the Greater Romania Party, headed by noted anti-Semite Corneliu Tudor, and the Party of Romanian National Unity attained seats in the national legislature and were outspoken in the national discourse in advocating explicit expansion and

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<sup>17</sup> Phinnemore, David. "And We'd Like to Thank... Romania's Integration into the European Union, 1989-2007." *European Integration*. 32.2 (2010): 294-5.

<sup>18</sup> Dorosin, Joshua. "Romania: A Dream Deferred - The 1990 Elections and Prospects for Future Democracy." 1990.

<sup>19</sup> International Republican Institute, , and National Democratic Institute for International Affairs. "Report on Romania." 1-2.

minority suppression rose (at the loss of existing EU member-states).<sup>20</sup> This rhetoric was also a factor in the ethnic riots that erupted in Transylvania in 1990.<sup>21</sup> The involvement of these parties in the national legislature along with the failure of the government and judiciary in maintaining independence in the aftermath of the ethnic clashes gave rise to multiple questions of the commitment of the state's responsibility to respect human rights and protect minorities, a covenant. Yet despite the aforementioned events Romania signed a Europe Agreement with the EU. Strangely enough, it signed this agreement—a prerequisite before negotiations— before it joined the Council of Europe, which is the institution that safeguards and administers the treaties and agreements of the human rights regime on the continent.<sup>22</sup> In this period, it is fairly evident that the Romanian state was not meeting basic standards of democracy and human rights set out by the Maastricht and Copenhagen criteria yet it was still being fast tracked into the EU framework.

Besides a questionable record on human rights and electoral freedoms in the Romanian post-communist transition, corruption remains a systemic problem. Corruption stems from many elements of transitional society but high level corruption stems from the way in which state companies were broken down to the employees and management. Political elite often broke up companies and privatized them to their associates or families. In many cases, the situation grew to be so bad that profiteering occurred. For example, a huge pyramid scheme was unveiled in 1996 involving a company called Caritas who promised poor Romanians an eightfold increase on their initial investment. As a testament to the interconnectedness of societal corruption, the mayor of Cluj-Napoca, one of Romania's largest cities and the 2008 European capital of culture,

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<sup>20</sup> Pop, Valentina. "Romania's far right MEPs to stay home." *euobserver* [Brussels] 10 Jun 2009, n. pag.

<sup>21</sup> Phinnemore, David. "And We'd Like to Thank... Romania's Integration into the European Union, 1989-2007." *European Integration*. 32.2 (2010): 295.

<sup>22</sup> Council of Europe. *Romania*.

endorsed Caritas and gave them office space in the city's administrative buildings.<sup>23</sup> This is only but one example of the omnipresent culture of corruption in Romania which, despite ongoing EU criticism, still went through to accede.

### *Geopolitical Interplay*

Despite these very serious domestic flaws Romania was rapidly signing pre-accession target agreements all while receiving EU aid. An explanation for the rapid pace of negotiations continuing while the applicant showed little progress to EU and third party observers was the geopolitical needs at play. Taking the timeframe into account Romania signed a Europe Agreement as civil war in Yugoslavia raged and tanks were rolling into Red Square. These events brought regional security risks for the West to the forefront of the West's security concerns. Romania played a key role in assuring the west of not only a non-hostile and relatively stable state in the Balkans and Eastern Europe but an active partner in assuring western interests in the region. Romania has been recognized as "a helpful partner to the allied forces during the first Gulf War, particularly during its service as president of the UN Security Council." Additionally, Romania has actively supported missions "in Afghanistan, UNAVEM in Angola, IFOR/SFOR in Bosnia, KFOR and EULEX in Kosovo."<sup>24</sup>

The involvement of Romania in these western-led missions is more than just a unilateral show of support for stabilization in the region. According to authors like David Phinnemore, the governments of "France, Greece and Italy, were actively encouraging positive treatment" toward

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<sup>23</sup> Perlez, Jane. "Pyramid Scheme a Trap for Many Romanians." *New York Times* 13 Nov 1993, n. pag.

<sup>24</sup> "ROMANIA." *American Logistics University*. American Logistics University.

Romania as to not “risk stability in south-eastern Europe.”<sup>25</sup> Romania’s commitment to regional stability and closeness with the foreign policies of Western Europe worked for them in their negotiations with the EU bearing the aforementioned of integration/stabilization via an accession process that is largely state centric.

## **Negotiations and Post-Accession Treaty Romania**

### *Negotiations*

Although the FSN would rebrand itself multiple times it fell from power in the parliamentary and presidential elections in 1996 and in 2004.<sup>26</sup> Negotiations took place in 2004 with the Commission presenting unflattering reports on the pace of reforms while the European Parliament was very vocal in their hesitancy to conclude negotiations. In early 2004, The Commission presented the Romanian Government with a “To Do List” of needed reforms to be completed before July 2004. However, with the slow pace of reforms internally and the accelerated timetable externally, negotiations were only able to be concluded after the adoption of many safeguard clauses in the accession treaty enabling post-accession monitoring by the EU institutional framework.<sup>27</sup> Although Romania acceded to the Union on January 1<sup>st</sup> 2007 many of these safeguards were still in effect and the EC could act in a capacity to discipline Romania should reforms slow down or halt.

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<sup>25</sup> Phinnemore, David. "And We'd Like to Thank... Romania's Integration into the European Union, 1989-2007." *European Integration*. 32.2 (2010): 300.

<sup>26</sup> Dorosin, Joshua. "Romania: A Dream Deferred - The 1990 Elections and Prospects for Future Democracy." 1990.

<sup>27</sup> Pridham, Geoffrey. "The Effects of the European Union's Democratic Conditionality: The Case of Romania during Accession." *Journal of Communist Studies and Transition Politics*. 23.2 (2007): 233-258

### *Monitoring & Austerity*

Romania was subjected to several safeguard conditions outlined by the EU in the framework of the Treaty of Accession. One such condition was the postponement of the date of accession to 2008 instead of 2007 should Romania not implement desired reforms by the initial date.<sup>28</sup> The EU was taking Romania into the fold due to geopolitical reasons and was exerting as much pressure as possible so that the pace of domestic reforms would not slow down post-accession, so as not to engender EU economic slowdown.

Postponement of accession was not the only trick the EU had up its sleeve, it chose to subject Romanian “to continued EU monitoring” for three years after accession, with “respect to corruption, organized crime and judicial function”.<sup>29</sup> Penalties for slow progress, as Phillip Levitz and Pop-Eleches Grigore claim, included “sanctions (cuts in EU aid) or non-recognition of judicial decisions.”<sup>30</sup> The three safeguard clauses however are more generally written in the annexes of the treaty by simply mentioning that the EU could instil sanctions in the “areas of the economy, single market, and justice and home affairs” should Romania not take serious steps in reforms.<sup>31</sup> These sanctions, if invoked could “be applied beyond the [initial three year] period” until “the shortcomings are remedied.”<sup>32</sup> These were serious measures not placed upon any country before, but they were put in place to “facilitate and support [a] smooth accession...while

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<sup>28</sup> European Union. The European Commission. *Official Journal of the European Union Protocol Concerning the conditions and arrangements for admission of the republic of Bulgaria and Romania to the European Union*. 2005..

<sup>29</sup> Levitz, Phillip, and Pop-Eleches Grigore. "Monitoring, Money and Migrants: Countering Post-Accession Backsliding in Bulgaria and Romania." *Europe-Asia Studies*. 62.3 (2010): 470.

<sup>30</sup> Ibid

<sup>31</sup> Noutcheva, Gergana, and Dimitar Bechev. "The Successful Laggards: Bulgaria and Romania`s Accession to the EU." *East European Politics and Societies*. 22.1 (2008): 125.

<sup>32</sup> European Union. The European Commission. *Official Journal of the European Union Protocol Concerning the conditions and arrangements for admission of the republic of Bulgaria and Romania to the European Union*. 2005.

safeguarding the proper functioning of EU policies and institutions.”<sup>33</sup> With regards to the wording of the Treaty of Accession, Romania was to be subjected to external decision making in domestic affairs, as they put it indefinitely.

Although some may suppose this sanction to be “toothless,” the simple threat of implementation has often spurred the Romanian government into action. Moreover, empirical economic data demonstrates that Romania was significantly poorer than its comparable CEE-8 counterparts with GDP per capita in those countries roughly 80% higher than that of Romania which continuously ranks in the bottom three economies within the European Union.<sup>34</sup> EU aid agencies such as the European Regional Development Fund, the Cohesions Fund, the European Social Fund, and the European Agricultural Fund for Rural Development have all had significant impacts in Romania. Annual EU funding commitments to Romania between 2007 and 2013 are projected to total 5% of EU GDP.<sup>35</sup> The loss of these capital investments through sanctions present a very real threat to Romania’s domestic economy.

These sanctions soon became real in 2008 when the Commission implemented its first cuts to Bulgarian aid due to slow progress in combating corruption.<sup>36</sup> These cuts to Romania’s neighbour, who was in a similar post-communist socio-economic situation, made the continuing threats by the EU a reality and continued to spur forward commitments for reform. In Romania’s “Return to Europe,” the real threat of sanctions combined with the longevity of the monitoring amounts to a loss of sovereignty to Brussels for domestic policy makers.

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<sup>33</sup> Levitz, Phillip, and Pop-Eleches Grigore. "Monitoring, Money and Migrants: Countering Post-Accession Backsliding in Bulgaria and Romania." *Europe-Asia Studies*. 62.3 (2010): 470.

<sup>34</sup> *Ibid.*, 461-4.

<sup>35</sup> *Ibid.*, 471-2.

<sup>36</sup> Levitz, Phillip, and Pop-Eleches Grigore. "Monitoring, Money and Migrants: Countering Post-Accession Backsliding in Bulgaria and Romania." *Europe-Asia Studies*. 62.3 (2010): 470.

### **Concluding Thoughts**

Romania's accession to the EU was not so much a testament to the strength of the Copenhagen and Maastricht reforms, but rather an example of how strategic shift in foreign policy for a economically weaker nation leads to relative gains vis-à-vis entry into a perceivably beneficial regional integration agreement. Romania was able to maneuver its foreign policy in such a way as to aid the Western powers during several periods of regional and global crises to aid their efforts. In this paper I have demonstrated that the aforementioned factors were the primary reasons that lead up to Romanian accession, rather than the, much touted reforms in the treaty arrangement that supposedly streamlined entry based on an economic and legal criterion.

Furthermore, the post accession monitoring, imposed by the Euro-troika, was used to discipline and deter a relatively weak partner in following through with prescribed reforms. In threatening domestic policy makers with real sanctions in key areas of domestic policy such as homeland affairs, justice, and economy, the monitoring regime cemented Romania's place in the EU as a periphery nation among great powers.

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