

EUROPEANIZATION AND DEVELOPMENT: USING OPEN REGIME THEORY TO ASSESS LITHUANIA'S POST-EU ACCESSION¹

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ABSTRACT

This article re-conceptualizes Europeanization with a development theory based approach to assess changes in Lithuania after the country's 2004 European Union (EU) accession. The authors use the development theory of Douglass North, John Wallis, and Barry Weingast as a conceptual framework to highlight the role of Lithuania's elite and to examine broader social transformations. This developmental framework focuses and complements the current theory of Europeanization and emphasizes the positive role of the EU in promoting Lithuania's long-term structural changes. A developmental approach also allows for an analysis of corruption and state capture, which are becoming important yardsticks for assessing change in Central and Eastern Europe. The results of this application (including a survey of the elite) demonstrate that, in Lithuania, change was more limited after joining the EU than during the pre-accession years and that the country's domestic actors have been slow to replace the EU's policy agenda with their own initiatives.

Key words: Lithuania, Europeanization, post-accession, development, state capture, open access regime.

INTRODUCTION

The aim of this article is to elaborate the Europeanization approach with development theory and to empirically test this approach by assessing the Europeanization of a member state that

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joined the EU in 2004, Lithuania. This article starts with conceptual support for complementing Europeanization approach with additional models to better account for domestic change. Recent attempts to analyse Europeanization (Featherstone and Papadimitriou, 2008; Bohle and Greskovits, 2012²; Epstein and Jacoby, 2014), employ insights, citations, and approaches from the broader political economic literature—such as types of capitalism, and Polanyi's approach to political and economic development. This article goes further down this road by placing Europeanization in the wider context of development studies to ask how the EU contributes—if at all—to broad political, economic, social and institutional change.

One recent notable theory of development, published by Douglass C. North, John Joseph Wallis and Barry R. Weingast (North, et al., 2009), serves as our theoretical framework. In this theory, long-term change is based on a given society's de-patrimonialization as it moves from the so-called natural state (characterized by the use of rents) into an open-access regime characterized by universal rights, market competition, easily accessed public goods, and a dense organization network. We claim that this theory provides an awaited opening of Europeanization theory that can also organize related empirical research.³

Empirically, we tested this approach in Lithuania—a one-country case of post-EU accession development. We started by assessing the level and direction of change in Lithuania after joining the EU. We used a number of comparative synthetic and statistical indicators to demonstrate trajectories of change. This testing also operationalized the developmental approach, particularly the North et al. approach, to Europeanization.

1. CONCEPTUAL FRAMEWORK: EUROPEANIZATION AND DEVELOPMENT

The recent tenth anniversary of EU accession, celebrated by the member states that joined the EU in 2004, provided an occasion to assess the actual impact of EU membership over the last ten years and to compare this impact with the new member states' membership expectations. Domestic change, which could be attributed to the EU, is particularly interesting in the context of pre-accession change. It is important to note that the EU pressured these countries to adopt the political, economic, and legal changes embodied in the Copenhagen criteria. Many claimed this had a transformative effect on the new member states (Grabbe, 2006). Has there been a transformative change in these countries? If yes, have these changes endured? Has a comparable degree of change occurred post-accession?

The ten-year jubilee prompted the publication of numerous studies regarding the post-accession Europeanization of Central and Eastern Europe. What were the conclusions of this research? Could they be compared to the conclusions of other Europeanization studies, especially in Southern Europe?

Many Europeanizationists are increasingly critical of the explanatory power of the Europeanization approach (Graziano and Vink, 2013). Moreover, this approach does not deal

² The latter is really about the comparative political economics of transition, but it provides a specific account on Europeanization.

³ This approach is quite similar to an approach of political development adopted in two recent volumes of Fukuyama (2011, 2014) as well.

with domestic determinants of change, which are increasingly important in the post-accession context. There were attempts to complement Europeanization with broader theories such as: political economy in general, and types of capitalisms in particular (Featherstone and Papadimitriou, 2008); economic and historical theories, and long-term political economic approaches to the region's development (Bohle and Greskovits, 2012; Epstein and Jacoby, 2014); and political development and party politics approaches, including notions of state capture (Gzymala-Busse, 2007; Innes, 2014). Complementing Europeanization with wider-reaching concepts seems to be a correct approach and this paper will explore and apply further extensions of the Europeanization approach to post-accession Lithuania.

A developmental perspective also enables wider geographical comparisons, making the concept of progress more relative. This is particularly important with respect to Europeanization in Central and Eastern Europe (CEE) as recent literature (Epstein and Jacoby, 2014; Mueller, 2014) tends to see the progress of these countries as mixed at best, especially in terms of their political developments. In literature on CEE, the concept of state capture becomes recurrent (Innes, 2014) and corruption is recognized as an eminent problem throughout the region (Mungiu-Pippidi, 2013).

The fiscal and competitiveness crisis in southern EU member states revealed striking similarities between Central and Southern Europe,⁴ which suggests Europeanization's limitations and makes questions about the EU and development even more pressing. Greece's fiscal crisis, in particular, demonstrates the persistence of domestic political arrangements—a persistence that has rendered the effects of EU membership, and of structural funds, shallow.

Tenacious corruption, clientelism, and low levels of social capital (as reflected in the low level of trust towards public institutions) are long-term trends—indicative of enduring social and political structures—that the EU seems unable to reverse. However, conceptualizing this inability is hardly possible given the limited toolbox of the current Europeanization literature, which offers mostly short-term, EU-centred approaches.

A transitology approach based on the perspective of political economy offers a more promising perspective. A study by Bohle and Greskovits (2012) is a good example of a recent attempt to place Europeanization in the broader context of transition in Central and Eastern Europe⁵.

2. THE NORTH, WALLIS, AND WEINGAST APPROACH, DEVELOPMENT, AND EUROPEANIZATION

The recently published North et al. approach to development combines insights from a broad range of social sciences. This approach distinguishes two societal models: natural order and open-access order societies. In the North et al. approach, the elites' ability to extract rents from members of a given society in exchange for protection from violence drives and

⁴ This is particularly evident when comparing such structural features as the level (or rather lack) of social capital in these countries. See Lyberaki and Paraskevolous, 2002; Sotiropoulos, 2011.

⁵ Note that it is limited to the current members of the EU. Reflection on the developments further East in the post-Soviet countries could have provided a good counterfactual.

shapes societal organization. Furthermore, North et. al hold that controlling violence is the fundamental function and organizing principle of all organizations. Patrimonial relationships characterized by elite privilege and a regime's reliance on private goods are linked organizing principles.

Open order develops when a credible force threatens to share the ruling elites' spoils. This order emerges as the regime gradually universalizes privileges into rights. The establishment of the rule of law—important to the accumulation of wealth—accompanies a second transition towards open order. The gradual move from an economy organized by monopolies to one organized by market competition occurs with the institutionalization of property rights. Finally, productivity and the accumulation of wealth accelerate rapidly as private good gradually become public goods, including roads, education, and social welfare.

Crucial to this transition from a natural to an open-access order is the de-personalization of social bonds. Making social bonds independent of blood relations allows for the transformation of: 1) elite privileges into universal rights, 2) monopoly dominated economies into competitive markets and 3) private goods to public goods. The number, nature, and lifespan of organizations is an observable accompanying trend indicating the de-personalization of social bonds and the movement from kin-based to merit-based relationships. This de-personalization of social bonds is also cited as a fundamental shift in the political development by other eminent political theorists, such as Fukuyama.⁶

3. OPERATIONALIZATION THROUGH ELITES, STATE CAPTURE, AND DEVELOPMENT

It is quite obvious that Europeanization is closely related to three dimensions of transition. During and after new member states' pre-accession period, the EU encouraged the rule of law and non-discrimination, emphasized market competition protections, and encouraged widening the use and accessibility of a larger and improved pool of public goods. However, the transitions emphasized differed in the pre-and post-accession periods. Before new member state's 2004 EU accession, two transitions—to the rule of law and to increased market competition, embodied by the Copenhagen criteria—dominated the candidate countries' agenda. After the accession, the EU's structural funds emerged as the factor that shifted the agenda towards expanding and enhancing public goods and economic infrastructure.

Elites, state capture, and development seem to be the three dimensions missing from the Europeanization approach. Integrating these dimensions makes the Europeanization approach more relevant and responsive to the trends of social change in the region.

Why should analysts integrate the role of elites into the Europeanization approach? The development and transition literature tends to emphasize the role of elites in inducing and managing social change. The role of elites, particularly that of administrative elites, tends to grow during times of social reform, such as during states' EU pre-accession period.⁷ The changing role of elites is a dominant feature of the North et al. approach. Has there been a

⁶ See his theory of political development in Fukuyama, 2011 and 2014.

⁷ See Lippert, Umbach and Wessels, 2001 on the role of the so-called core executives during EU-accession negotiations. The role of core-executives was explored in the case of Lithuania by Maniokas, Vilpišauskas and Žeruolis, 2005.

considerable change in the role of elites in CEE—and in Lithuania in particular? Are the elites in these countries different from their counterparts in other EU member states? The recent EU-wide comparative project on elites, IntUne has discovered that in terms of European elites' attitudes towards the EU, elites in Lithuania, and the region in particular, are not very different from their counterparts in other EU member states. In this respect, there is also no significant difference between the attitudes of the elites and the general public. However, these differences widen when attitudes towards the core issues of a democracy and the market economy are concerned (Steen, 2012). They show the lack of political and institutional consolidation.

The latest Lithuanian survey of the country's elite⁸ confirmed marked differences in opinion between the elite and the elite and the general public. Namely, the most evident gaps between these two groups are in their opinions about how well their democracy is functioning. They also differed in their confidence in others and in their trust in institutions. In 2014, 64 per cent of Lithuanian elites were satisfied with the democracy in the country, however only 39 per cent (Baltijos tyrimai, 2014) of the general public agreed with them— 50 per cent of the general public was dissatisfied with their democracy's functioning. The other important distinction revealed by the survey were the two groups' differing levels of confidence in other people. Whereas 82 per cent of the Lithuanian elite agreed that it is reasonable to trust the majority of other people, 72 per cent (Social Information Centre and ESTEP Vilnius, 2014) of the Lithuanian general public stated *the opposite*, that it is better to be cautious when dealing with others. The level of trust in institutions also varies greatly between these two groups (see Figure 1). Only the presidential institution received more positive attitudes than negative attitudes overall from the Lithuanian general public.

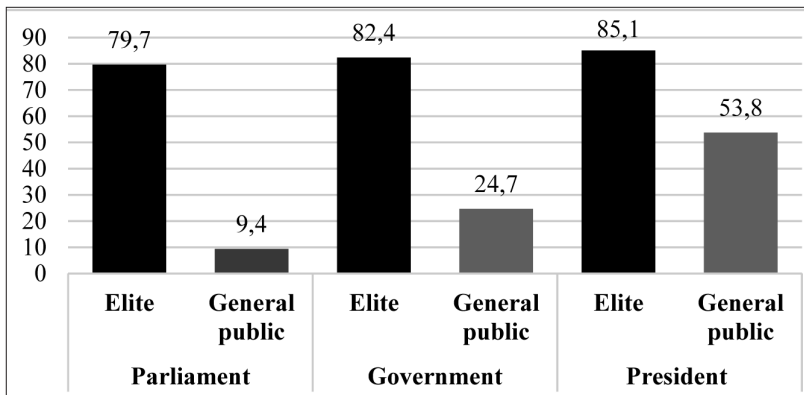


FIGURE 1: Per cent of Lithuanian elites and per cent of the general public in Lithuania who trust Lithuanian institutions

Source: Elite survey, 2014 and Vilmorus January 2015 population survey data.

⁸ The survey was conducted in May-June 2014 as a part of the project mentioned above, Lithuania in the EU: transformation or imitation? The sample of the survey was 74 persons out of which 54 were members of the Lithuanian Parliament (2012–2016 term) and 20 – other non-elected elite members. Empirical findings in this article draw heavily on this survey.

Why should analysts integrate state capture into a Europeanization approach? State capture and corruption are increasingly associated with the development of Central and Eastern Europe after the region's countries joined the EU (Mungiu-Pippidi, 2013; Innes, 2014; Mueller, 2014). The state capture and corruption dimensions can contribute to and operationalize the North et al. theory. Although the concept of state capture is not yet widely used in Europeanization literature, its application is relevant—state capture affects perceptions of the benefits and costs of Europeanization after accession.

Why should analysts integrate development into a Europeanization approach? Development literature provides post-accession change with both an extended temporal and a wider theoretical context. And, most importantly, development serves as a yardstick for measuring the relative value of Europeanization, as both the EU and the changes countries undergo upon joining the EU are put in the context of broader development goals. In this sense, the relationship between notions of Europeanization and development can be paralleled with a relationship between means and ends. While Europeanization can be perceived as a goal in itself, it rests on the assumption that it is closely related to and is a way towards development.

3.1. *Testing Ground: Logic and Results of Change After Accession*

Most of the Europeanization literature dealing with the pre-accession period in CEE countries focused on the issue of the logic of change and concluded that it was consequential: EU membership related incentives played a major role in bringing economic, political, regulatory and institutional change (Schimmelfennig and Sedelmeier, 2005). It was also argued that this change was transformational (Grabbe, 2006).⁹ However, there were few attempts to conceptualize a pattern of dominant change. Recently the change was reflected again in studies of Europeanization beyond the EU (Schimmelfennig, 2012) and explorations of the EU's projected values. Analysts concluded that the EU is promoting a self-image of good governance characterized by regionalism, liberal democratic values, and a (highly-regulated) neoliberal economic market.¹⁰

An increasing number of revisionists are questioning the success of Europeanization in CEE—a region that stands in sharp contrast with the Western Balkans and the European Union's Eastern neighbourhood,¹¹ as both are regarded as Europeanization failures. These authors use a wide range of reform indicators to demonstrate the real progress of countries in the CEE during the post-accession years (Mungiu-Pippidi, 2008; Börzel and Van Hüllen, 2011; Börzel, 2012). The limited change is particularly evident in the area of *quality of democracy*. It seems that the quality of these countries' democracies has hardly improved during the post-accession years (Börzel and Van Hüllen, 2011); the main transformations happened in the

⁹ Other literature provides a more nuanced picture. Most of the cases could cluster better around a partial adaption. The ousting of Meciar government in Slovakia remains probably the only case, which can be unequivocally qualified as a transformational impact of the EU.

¹⁰ There might be an argument regarding whether this image is the same inside the EU. Most of the markets of the EU member states are quite different from the images projected outside.

¹¹ The European Union's Eastern neighbourhood is defined by the Eastern partnership programme and consists of Ukraine, Moldova, Georgia, Azerbaijan, Armenia and Belarus.

early years of these countries' post-communist transitions. Therefore, the EU's power might be less 'transformative' than suggested earlier.

Regarding countries' pre-accession periods, the impact of the EU was particularly visible in Central and Eastern Europe: the EU gave these former candidate countries a very concentrated push, which their relatively weak domestic institutions hardly resisted. The EU has been conceptualized as a regulatory state¹² and its impact has been conceptualized as a non-majoritarian transformation of governance (Maniokas 2008). Analysts refer to a non-majoritarian revolution to describe the diminishing role of elected bodies and officials, such as national parliaments, and the growing clout of semi-autonomous agencies, such as regulators and inspectors in CEE new member states.¹³ Moreover, the EU also helped to make these countries' public administrations and courts more autonomous. It was argued (Maniokas, 2003) that the de-politization of public policy trend helped to prevent CEE states from experiencing the state captures occurring further east, in the countries of former Soviet Union.

3.2. *Main Trends in Lithuania After EU Accession: Limited Change*

In Lithuania, after accession, most relevant indicators demonstrate a rather limited change in Lithuania during the last eight years, with the exceptions of achieving economic convergence, improving healthy life expectancy, and increasing education attainment (see Table 1 for relevant data).

Most of the indicators provided above on the quality of democracy, governance effectiveness, and corruption have remained quite stable during Lithuania's EU membership. There were, however, some variations to this trend, including: a marked opening of the economy (reflected in the index of globalization), a considerable increase in tertiary education attainment, and a sizeable improvement in e-governance indicators. There were also two changes in the core indicators. The first change is the level of (nominal) economic convergence; Lithuania progressed from 52 in 2004 to 74 per cent of GDP in 2012.

Economic convergence was achieved despite the economic crisis. Lithuania's case confirms that though the EU contributed to its economic boom and property bubble, the EU also softened the impact of the economic crisis (Epstein and Jacoby 2014). In Lithuania, the GDP per capita in purchasing power standards during the EU membership period increased by 22 points and peaked at 74 in 2013 (see Figure 2).

Part of this convergence, however, is due to a statistical effect (there was a higher EU average in 2004, before the accession of Romania and Bulgaria and a drop in the GDP in Southern Europe) and due to considerable emigration from Lithuania. Since 2004, the official number of Lithuanian emigrants has climbed to more than 440,000—nearly 13 per cent of Lithuania's population in 2004 (see Figure 3).

¹² *Regulatory state* describes public policy change from direct intervention in the economy towards the establishment of rules and their supervision.

¹³ See Vibert, 2007 for a review and analysis of the rise of the unelected as a global trend. This trend is featured in many current debates about democracy, including an essay in *The Economist* on March 1, 2014.

TABLE 1: Indices and indicators of Lithuania in 2004 and 2013¹⁴

INDICATORS	VALUE	
	2004	2013
Bertelsmann Index ¹⁵	9.02 (7/119) 2006	8.98 (7/129) 2014
Happiness Index ¹⁶ <i>UN World Happiness Report</i>	5.8	5.4 (71/156) 2012
Democracy Index ¹⁷ <i>Economist Intelligence Unit</i>	7.43 (39/167) 2006	7.24 (42/167) 2012
Sustainable Society Index ¹⁸ <i>Sustainable Society Foundation</i>	5.8 (7/EU-27) 2006	6.3 (8/EU-27) 2014
Global Competitiveness Index ¹⁹ <i>Global Competitiveness Report</i>	4.49 (39/122) 2006	4.41 (48/144) 2014
Globalization Index ²⁰ <i>KOF Globalization Index</i>	64.94 (46/187)	72.27 (34/187) 2014
SMART SOCIETY	VALUE	
	2004	2013
Bertelsmann Democracy Index	9.25 (8/119) 2006	9.25 (8/129) 2014
Tertiary education attainment among 30-34 year olds Eurostat	31.1 (11/EU-27)	51.3 (3/EU-27)
Life-long learning among 25-64 year olds, % <i>Eurostat</i>	5.9 (16/EU-27)	5.7 (21/EU-27)
Civic Empowerment Index ²¹ <i>Civil Society Institute</i>	33.9 2007	36
Income quintile share ratio (S80/S20) <i>Eurostat</i>	6.9 (26/EU-27) 2005	6.1 (22/EU-27)
Healthy life years Eurostat	54.6 (23/EU-27) 2005 (female)	61.6 (15/EU-27) (female)
	51.4 (25/EU-27) 2005 (male)	56.6 (23/EU-27) (male)
Life expectancy <i>Eurostat</i>	77.7 (23/EU-27) (female)	79.6 (23/EU-27) (female)
	66.2 (26/EU-27) (male)	68.4 (27/EU-27) 2012 (male)

¹⁴ If available, authors used 2014 data.

¹⁵ Methodology <<http://www.bti-project.org/index/methodology/>>.

¹⁶ Methodology <<http://unsdsn.org/resources/publications/world-happiness-report-2013/>>.

¹⁷ Methodology <<http://pages.eiu.com/rs/eiu2/images/Democracy-Index-2012.pdf>>.

¹⁸ Methodology <<http://www.ssfindex.com/ssi/calculation-methodology/>>.

¹⁹ Methodology <<http://www.weforum.org/reports/global-competitiveness-report-2013-2014>>.

²⁰ Methodology <http://globalization.kof.ethz.ch/media/filer_public/2013/03/25/method_2013.pdf>.

²¹ Methodology <<http://www.civitas.lt/lt/?pid=74&id=78>>.

SMART ECONOMY	VALUE	
	2004	2013
Bertelsmann Market Economy Status	8.79 (9/119) 2006	8.71 (8/129) 2014
Summary Innovation Index ²² <i>Innovation Union Scoreboard</i>	0.24 (25/EU-27) 2008	0.289 (23/EU-27)
Ease of Doing Business Rank ²³ <i>Doing Business</i>	6th place in the EU 2006	6th place in the EU
GDP per capita in Purchasing Power Standard Eurostat	52 (23/EU-27)	74 (21/EU-27)
Foreign direct investment (GDP %) ²⁴ <i>Eurostat</i>	2.3 (18/EU-27)	1.2 (16/EU-27)
Research and development expenditure (GDP %) <i>Eurostat</i>	0.75 (18/EU-27)	0.95 (19/EU-27)
University-industry collaboration <i>Global Competitiveness Report</i>	53/134 2008	4.6 (28/148)
SMART GOVERNANCE	VALUE	
	2004	2013
Bertelsmann Management Index	7.15 (9/119) 2006	7.08 (8/129) 2014
Bertelsmann Management Performance Index	8.54 (10/119) 2006	8.67 (6/129) 2014
Government Effectiveness ²⁵ <i>Worldwide Governance Indicators</i>	0.75 (76/215)	0.82 (56/210)
Regulatory Quality ²⁶ <i>Worldwide Governance Indicators</i>	1.14 (82/230)	1.13 (34/210)
Trust in state and municipalities institutions, % <i>Ministry of the Interior of the Republic of Lithuania</i>	48 2006	41
E-government development ²⁷ <i>UN e-Government Development Database</i>	0.53 (43/193)	0.73 (29/193) 2014
Corruption Perceptions Index ²⁸ <i>Transparency International</i>	4.6 (44/145)	57 (43/175. 17/EU-27)

Source: compiled by the authors.

²² Methodology <http://ec.europa.eu/enterprise/policies/innovation/files/ius/ius-2014_en.pdf>.

²³ Methodology <<http://www.doingbusiness.org/methodology>>.

²⁴ Methodology <<http://epp.eurostat.ec.europa.eu/tgm/web/table/description.jsp>>.

²⁵ Methodology <<http://info.worldbank.org/governance/wgi/index.aspx#doc>>.

²⁶ Methodology <<http://info.worldbank.org/governance/wgi/index.aspx#doc>>.

²⁷ Methodology <http://unpan3.un.org/egovkb/Portals/egovkb/Documents/un/2014-Survey/E-Gov_Complete_Survey-2014.pdf>.

²⁸ Methodology <http://www.transparency.org/files/content/pressrelease/2013_CPISourceDescription_EN.pdf>.

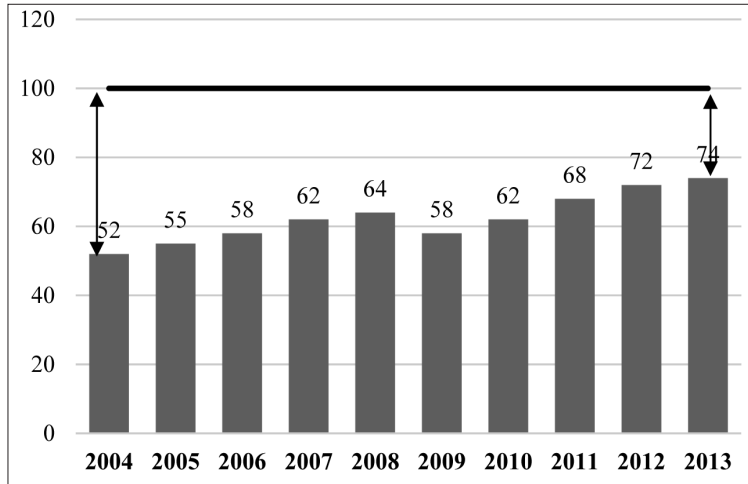


FIGURE 2: GDP per capita in purchasing power standard in Lithuania from 2004 to 2013

Source: compiled by the authors from Eurostat data.

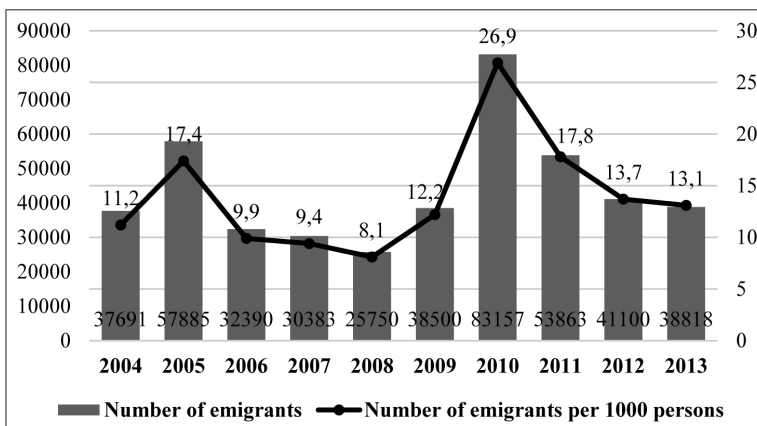


FIGURE 3: Lithuanian emigration from 2004 to 2013

Source: Statistics Lithuania.

Another significant change, an increase in average healthy life expectancy, is significant only among women in Lithuania, for whom healthy life years increased from 55 in 2005 and reached the EU average, 62, in 2012. Meanwhile the average healthy life expectancy of Lithuanian men remained below-average and was among the EU's lowest during the 2005 to 2012 period.

Lithuania is a leader in education in the EU; nearly half of 30-34 year-old Lithuanians have tertiary education.²⁹ In 2012, 93 per cent of 20- to 64-year-old Lithuanians had completed at least a secondary education (EU average was 74 per cent).

²⁹ However, its quality is rather poor by most of the assessments.

3.3. Rule of Law, Competition, and Organization Density

The theory offered by North et al. directly focuses on the rule of law, market competition, and the quantity and quality of organizations. Thorough assessments of these dimensions are well beyond the remit of this article, but some initial considerations of these three dimensions are provided below.

The rule of law is particularly important in the North et al. approach as the establishment of the rule of law is the best proxy of a state's transition to an open-access regime. In Lithuania, the development of the rule of law was closely connected with the country's accession to the EU. As an established rule of law was one of EU's membership conditions (part of the so-called Copenhagen criteria), Lithuania's judicial and legal sector had already underwent profound changes before Lithuania accepted EU membership in 2004. Thus in terms of the North et al. theory, Lithuania transformed *itself* by establishing the rule of law before 2004. The most significant of these changes enacted before 2004 occurred in the judiciary sector—at that time, the European Commission was still concerned about the professional competence of judges and prosecutors, the length of court proceedings, and the enforcement of verdicts (Infolex, 2003).

Lithuania's establishment of the rule of law is illustrated by Worldwide Governance Indicators data. According to this data, the rule of law in Lithuania has been increasing since 1996: from 0.36 points in 1996 to 0.79 in 2013 (see Figure 4). The most evident jump occurred during Lithuania's EU membership preparation period, between 2000 and 2004.

On the other hand, though Lithuania improved its rule of law scores, Lithuanians' perceptions of the rule of law have not correspondingly improved. Lithuanians' level of trust in their national legal system is among the lowest in the EU (see Table 2). This low level of trust correlates with the aforementioned sense of widespread corruption and contributes to a lack of trust in the state in general and low satisfaction with the democratic system.

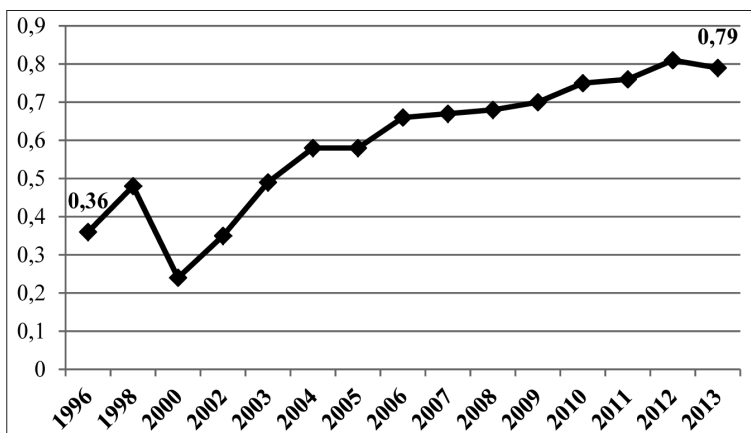


FIGURE 4: Assessment of the rule of law in Lithuania from 1996 to 2013

Source: Worldwide Governance Indicators data.

TABLE 2: Trust in the national legal system in 2004, 2007 and 2013, in per cent of those trusting

	2004	2007	2010	2013	Average
Denmark	79	85	84	85	83
Finland	73	77	77	85	78
EU-27	45	47	47	53	48
Romania	26	26	23	25	30
Slovakia	28	25	22	31	28
Lithuania	28	25	22	24	27
Slovenia	27	26	22	24	25
Bulgaria	20	12	16	35	21

Source: Eurobarometer.

Moreover, in 2012, 56 per cent of people did not agree with the statement that Lithuania's legal system was functioning independent of undue influence from politicians and interest groups (Gaidys 2013, p. 29). On the other hand, the implementation of the rule of law was perceived more favourably – 42 per cent of Lithuanian respondents agreed that the principle works (36 per cent did not agree). Current research (Dobryninas, 2012; Valickas, 2013) on trust in the Lithuanian courts is inconclusive: it is not clear, for example, whether the attitudes of respondents with direct experience in court proceedings are related to their assessment of judiciary performance. However, the latest findings of the EU Justice Scoreboard show that public opinion regarding the rule of law is not related to the actual delivery of judicial services. Lithuania is one of the top countries in the EU measured by such indicators as the speed and rate of case resolution, and the number of pending cases (European Commission, 2013a).

Therefore, according to North et al. approach, it could be argued that although the rule of law exists in Lithuania and its quality is incrementally improving, general social attitudes about the rule of law's functioning are not too optimistic.

Monopolies and market competition, before and after accession, are yet another important aspect of the transition to an open-access order regime as conceptualized by North et al. However, it is difficult to compare different market sectors or draw general conclusions about market competition in general. Moreover, Lithuania's economy, due to the country's small size, has a small number of consumers and has oligopolies in several market sectors (Stanikūnas, 2009). Because of this, even the current picture of competition in Lithuania (and other countries) greatly varies between market sectors. The current situation in the telecommunications market serves as an example of these variations. Although Lithuania's fixed-line telephone market is monopolized (by Teo), Lithuania's mobile communication market is the most competitive in the EU. The latest calculations of the European Commission revealed that there is a 774 per cent difference between the cheapest and most expensive mobile phone call prices across the EU. Lithuanians pay the least for mobile services (European Commission 2013b) (see Figure 5), indicating a high level of competition in the market. Because of liberal legal regulation of the Lithuanian mobile market, licenses are cheap. The Lithuanian

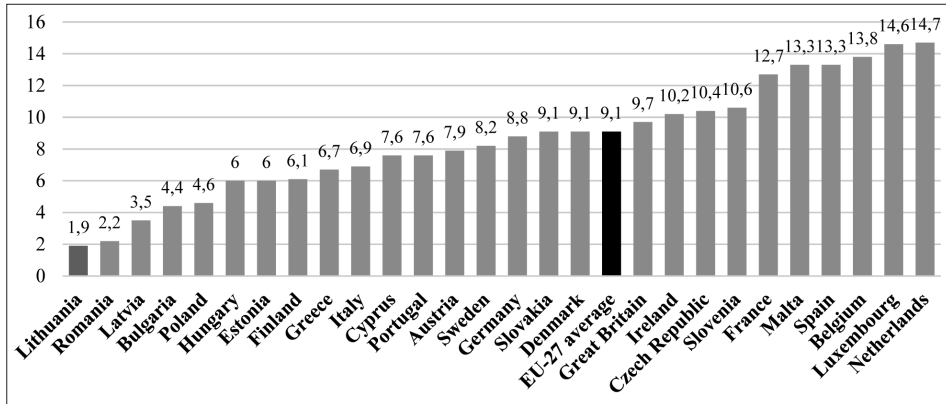


FIGURE 5: Average cost per minute in mobile communications in 2011, EUR cents

Source: European Commission.

Communications Regulatory Authority had already promoted inexpensive mobile services in 2004. However, some fear that competition in this market sector has gone too far and will be detrimental to long-term investments in the market’s new generation of infrastructure and technological upgrades (Degutis, 2013).

Again, for the reasons mentioned above, comparing or quantitatively measuring market competition is complex. There is no international comparative research regarding market competition in the EU or in the wider region.

Perceptions of market competition by country should also be taken into account. A recent Eurobarometer survey on competition policies in the EU demonstrated that most EU citizens experienced a problem resulting from a lack of market competition. Overall, within the EU, the energy sector was most commonly cited as a sector that lacked market competition (Eurobarometer 403). In responding to queries about markets lacking competition in their own country, Lithuanians first named the food supply sector (25 per cent) and then the energy sector (24 per cent). According to the survey, Lithuanians attributed the lack of market competition in Lithuania to high prices (62 per cent)—although, in fact, high prices are a result of ineffective competition. However, experts note that in Lithuania, competition in any market sector is not dependent on the number of players in a given market, but on their will to compete.³⁰ Thus, a market consisting of only of a few players could be also highly competitive.

To evaluate the Lithuanian economy’s shift from state-owned monopolies during its early period of independence in the 1990s to the current situation in the market, we used qualitative assessments. Experts confirmed, that the general economic trend in Lithuania—a movement towards market competition—is without a doubt, positive.³¹ The necessity to comply with EU regulations during the pre-accession stage forced Lithuania to withdraw tax exemptions and privileged treatment from some market players (in the telecommunications, alcohol, and

³⁰ Interview with Rimantas Stanikūnas, Chairman of the Lithuanian Competition Council from 1999 to 2009.

³¹ Interview with Rimantas Stanikūnas.

waste sectors). The Bertelsmann Stiftung's Transformation Index of the last 10 years confirms that Lithuania's economic shifts have been successful, both market-based competition and anti-monopoly policy indicators in Lithuania were evaluated with the highest marks, 9 and 10 respectively.

In the North et al. framework, **organization density** is the third element in the transition to an open-access regime. Considering transformations in organization density is reasonable, civil society forms the basis of a functioning democracy. Robert Putnam also highlighted the importance of voluntary organizations and social capital in this regard (Putnam, 1993; 2000). According to Putnam, civil society organizations (CSO) promote solidarity internally and are vitally significant, externally, to interest articulation. It is clear that the number of organizations in Lithuania has significantly increased, in both the private and NGO sectors (see Figure 6) since independence and over the last ten years.³² Yet, despite this growth, only 50 per cent of Lithuania's registered NGOs are *functioning* NGOs (Žiliukaitė, 2012; USAID, 2013).

However, the number of CSOs and the density of the CSO networks alone do not indicate a state's transition to an open-order regime. Functioning democratic institutions are also premised on engagement in the CSO network (indirectly through social capital). This engagement aspect is important to an analysis of organization density transitions in Lithuania. The number of Lithuanian citizens who participate in CSO activities remained small (Žiliukaitė, 2012). While 22 per cent of Lithuanians were actively involved in public organizations in 1990, Lithuanians' CSO engagement was 14 per cent in both 1999 and 2008 (European Value Studies data). Recent studies show a further decline: CSO participation, according to the Civic Empowerment Index, reached only 12 per cent in 2012 (Pilietinės

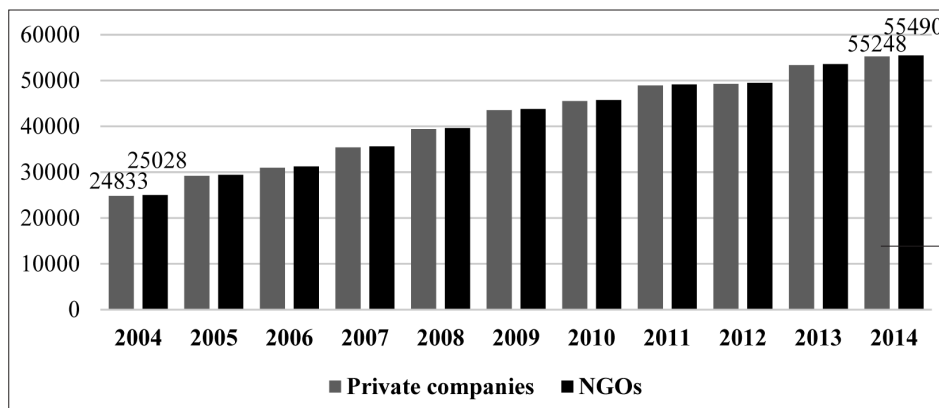


FIGURE 6: Number of organizations in Lithuania from 2004 to 2014

Source: Statistics Lithuania.

³² Because of the lack of accurate information, we presented statistics only for the last ten years. According to the Centre of Registers, in 1994 there were 1302 registered organizations, and in 2011, 22246. However, because of the complicated legal definition, the exact number of Lithuanian NGOs was never known. Each year around 1000 new CSOs register in Lithuania (USAID, 2013).

visuomenės institutas, 2013). These numbers correlate with poor civic empowerment in general—the Civic Empowerment Index’s calculations of Lithuanian civic engagement³³ have not changed significantly from 33.9 points in 2007 to 35 in 2012.³⁴

These low levels of CSO involvement are due to a combination of factors. While Lithuanians appear to lack the time for, interest in, and access to relevant networks, Lithuania’s low level of CSO engagement could be also attributed to the country’s recent history. During the decades of Soviet rule, there were negative attitudes towards public organizations and a general culture of distrust. Finally, NGO’s ineffective efforts to attract new members, low public visibility, limited financial capacities, and finite human resources also contributed to Lithuanians’ low CSO engagement levels (Žiliukaitė, 2012).

According to the USAID’s CSO Sustainability Index—which measures legal environment, organizational capacity, financial viability, advocacy, service provision, infrastructure, and public image—Lithuania’s CSO functioning was increasing from 1997 to 2001, but has remained stable over the last 10 years (see Figure 7). However, compared to other CEE countries, Lithuania does not show very well. In 2013, Lithuania (with an overall score of 2.7) fell behind Estonia (2.0), Poland (2.2), the Czech Republic (2.6) and Latvia (2.6). Lithuania’s CSO environment was evaluated best in the dimensions of advocacy (2.0) and legal environment (2.1) and worst in service provision (3.4) and financial viability (3.2).

To summarize the assessment of the North et al. dimension of organization density in Lithuania, there is a significant increase in the number of CSOs in Lithuania since the beginning

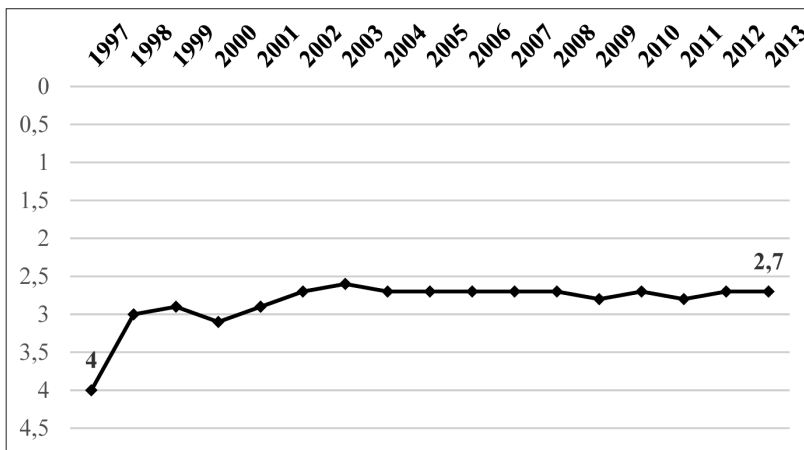


FIGURE 7: CSO sustainability index in Lithuania from 1997 to 2013*

Source: US Agency for International Development.

*Score A score of one indicates a very advanced civil society sector with a high level of sustainability, and a score of seven indicates a fragile, unsustainable sector with a low level of development.

³³ More about Civic Empowerment Index see Pilietinės visuomenės institutas, <<http://www.kuriamerespublika.lt/naujienos/85>>.

³⁴ Out of 100 points.

of the country's early independence period, more than 20 years ago. However, Lithuanians' low engagement in CSOs reveals a lack of trust in others, distrust of institutions, poor social capital, and a lack of lasting organizational traditions, all of which contribute to suspicions about CSO participation in general.

3.4. Public Goods, Services, and Europeanization

As mentioned in the description of the North et al. approach above, an important step in a state's transition from a closed to an open-access order, is the shift from private to public goods. This is also a substantial dimension of Europeanization and relates directly to the impact of the EU's structural funds.

The main instrument of the EU's impact on Lithuania (and other new member states) changed in the post-accession period. While the EU's single market and the consequential opportunities of open markets and foreign investments continued to be important factors (Epstein, 2014; Medve-Bálint, 2014), their transformative role and effect was more evident before Lithuania's EU accession. After accession, structural funds emerged as a new factor and have significantly contributed to investments in public goods.

The North et al. approach stresses the government's growth through expenditures on and a wider provision of public goods during the state's transition to an open-access regime, "Big government in open access orders is not an aberration but an integral feature of these societies," (North et al., 2009, p. 122). A wider provision of public goods is part of the principal logic of universalization occurring through the mass citizenry. The extension of public goods delivered on an objective, impersonal basis could extend the scope of and help sustain open-access regimes. These extensions also tend to increase productivity.³⁵

What has the EU contributed to Lithuania in terms of the delivery of public goods before and, especially, after Lithuania's EU accession? Undoubtedly, the EU has contributed significantly to Lithuania, particularly through the allocation of structural funds. The EU's total financial support to Lithuania per capita per year has been increasing since 2004.³⁶

The provision of the EU's structural funds considerably increased public and private investments in Lithuania and other CEE countries. From 2004 to 2012, the EU's structural funding comprised 54 per cent of Lithuania's total public capital expenditure.³⁷ This figure rose to 80 per cent in the years following the global financial crisis.

Most structural funds were spent on public infrastructure, such as transportation (26.6 per cent of all structural funds spending from 2007 to 2013), environmental services (mostly waste and water), and energy networks (particularly electric and heating, 24.9 per cent). A high proportion of structural funding went to research and development infrastructure, 23 per cent. Fifteen per cent of the funds were invested in so-called social infrastructure, including healthcare and social services. As a result, the main achievements of the EU's funding are

³⁵ An alternative view would be to see a level of public investment as a proxy of the level of corruption (Mungiu-Pippidi, 2013).

³⁶ But in comparative prices it will drop in the new financial perspective.

³⁷ Calculated on the basis of data from the Ministry of Finance of the Republic of Lithuania.

related to the creation or improvement of public infrastructures including: roads, railways, water and waste treatment facilities, electrical grids, heating networks, digital broadband networks, schools, hospitals, and social service institutions. Alongside investments in administrative capacity, this new infrastructure created the conditions for improved and more accessible public services.

There is a lack of data concerning the quality of public services in Lithuania. The available evaluations of specific services, however, indicate that the quality of public services is not high and has not changed considerably—regardless of the current EU structural investments and ongoing public service reforms.³⁸ Cases studies performed as part of thematic evaluations of structural funding interventions³⁹ indicated three factors, which might explain this puzzle. The first factor is systemic problems associated with a sub-optimal network of service providers. This is particularly relevant in the provision of social services. The second factor, quality issues caused by the poor use of infrastructure was related to service delivery and is due to deficits in client-need orientation, professional competence, and staff motivation, among other issues. Finally, the third factor is the low-awareness of and low-accessibility to some public services. Moreover, the newly built infrastructure requires maintenance, and this places pressure on public budgets. The infrastructure also has to be optimized to meet the demands of changing demographics.

Finally, in addition to changing new member state's public policies and widening their governance, the most controversial impact of the structural funds was the creation of an additional motivation for state capture. The emergence of new types of political parties in Lithuania is closely related to this phenomenon. Though new populist parties began to emerge before the provision of structural funding and is a feature seen throughout the CEE region (Innes, 2014), structural funds increased the state's available resources, thus motivating some of these parties to resemble business organizations with the sole aim of appropriating newly available resources⁴⁰.

CONCLUSIONS

We have placed Europeanization in the context of a broad developmental theory (North, et al., 2009) to see if a wider framework can compensate for the shortcomings of the Europeanization approach, particularly for this approach's shortfalls in capturing the new member states' post-accession experiences—when the EU's role in promoting change became less important. We tested this approach in Lithuania with a broad spectrum of development indicators. This proved useful. This developmental framework revealed an important EU contribution

³⁸ These evaluations can be accessed on the Ministry of Finance of Lithuania's website at <<http://www.esparama.lt/vertinimo-ataskaitos>>.

³⁹ See in particular evaluations on investment in e-government services, education, and innovation.

⁴⁰ The Labour Party in Lithuania could be an example of this kind of party behaviour similar to the behaviour documented in Innes, 2014 in the Czech Republic. The case of corruption against this party is currently in the Lithuanian courts, but it remains in the ruling coalition. Recent attempts of the same party to capture major structural funding management agencies are also widely reported in the Lithuanian media. There are also media reports on the involvement of other political parties in the micro-management of SF.

to wider developmental goals, both in Lithuania's pre-accession and post-accession phase, namely, to the country's threefold transformation as it establishes a universal rule of law, de-monopolizes markets, and moves from private to public goods. The EU's contribution to this process changed after Lithuania's EU accession though. The emphases on establishing a universal rule of law and protecting market competition dominated during Lithuania's pre-accession period, but the EU has eased its pressure on new member states to changes in these areas. In the post-accession phase, structural funds contributed to a focus on the wider dissemination of public goods.

The developmental approach's emphasis on the role of elites, state capture, and broader societal transformations complements the current theory of Europeanization and better accounts for post-accession trajectories of change. It also provides a framework for analysing issues of corruption and state capture—which, once considered a deviation, are now regarded as norms in many eastern and southern European member states.

The EU's role during the pre-accession period in preventing state capture could be regarded as one of its most important impacts on Lithuania. We have registered more visible attempts to capture the Lithuanian state after accession. Structural funds provided an additional incentive for state capture by increasing the resources and size of the state. However, whether this incentive has become an entrenched element of the Lithuanian polity is questionable.

Applying a broad developmental framework also allowed for a more focused comparison of Lithuania's post-accession and pre-accession trends. Available data on Lithuania demonstrated slower changes after the country's EU accession. Though the Lithuanian economy continued to converge, despite the global economic crisis, there was almost no progress made towards improving the quality of democracy, widening governance, or in making gains in the other dimensions reviewed. But the marked declines assumed in many recent evaluations of the post-accession climate in Central and Eastern Europe did not occur in Lithuania.

The quality of life in Lithuania, as demonstrated by the increase in the average healthy life expectancy, is rising—an increase that can be associated with the EU and with structural assistance in particular. The measureable improvement to the quality of life in Lithuania, however, is hardly reflected in the public's perception. While Lithuanians' pessimistic public outlook might be an idiosyncratic trace of Lithuania's history, it can also be due to high expectations and to the economic crisis in particular.

Lithuania is continuing its transition to an open-access regime, though more slowly than expected. This transition is far from being completed. The major gap between the Lithuanian elite and general public is in the perception of the rule of law. The weakness of the non-governmental organizations continues to persist. The EU's role in this transition was significant, but not conclusive.

The developmental framework also revealed major structural weaknesses that were not captured by the classic Europeanization approach. It seems that Lithuania, like other central and southern European countries need further investment to increase social capital and build social confidence.

This framework also has several weaknesses, as was demonstrated by the empirical testing. It is difficult to operationalize the structural changes postulated in the theory. For

example, the concept of the rule of law is elusive, and indicators of efficiency, such as the number of backlogged court cases, can hardly be associated with perceptions of justice. There were also fundamental difficulties in assessing the level of competition in any given market and in measuring the viability of organizations and their density. Further research is necessary to both operationalize the main hypotheses and to link a change with public perceptions of that particular change.

Further development of interdisciplinary research on the trajectories of change suggested by North, Wallis, and Weingast—the rule of law, market competition, public goods, and development organizations—would contribute to a better understanding of deep social changes in the European periphery. Limited knowledge about these changes is clearly related not only to the shortcomings of the Europeanization approach, but to the characteristics and difficulties of the post-communist transitions in these countries.

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