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Building Good Governance in Greece, a European Missed Opportunity?

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Abstract[1]

Corruption has risen on the European agenda considerably from the last European elections and is likely to play a prominent role in the 2019 campaign for European Parliament. But while pro-European parties will advocate for a stronger Europe and populist parties might try to blame all corruption on Brussels and mainstream parties, a deeper understanding on the linkage EU-national government in curbing corruption becomes imperative. This paper uses the case of Greece to discuss the impact of Europe about governance quality in EU Member States and asks if the new European elections find both Greece and Brussels more prepared to deal with corruption. The conclusion is that EU driven reforms in Greece remain scattered, fragmented, not locally "owned" or driven by any group whose interest good governance would serve. Meanwhile, the groups opposing change are well articulated. Greece's genuine good governance congregation has yet to coalesce, and the 2019 European and legislative elections are a good opportunity, especially if civil society would not allow parties to instrumentalize anticorruption but engage them to promise the still missing good governance reforms during electoral campaign and then monitor them.

Keywords: corruption, trust in Europe, elites, austerity, Greece, Italy, mezzogiorno syndrome, Santer, euro, Clean Hands

[1] The paper is based on a book chapter in *Europe's Burden. Promoting Good Governance across Borders* by Alina Mungiu-Pippidi, forthcoming, Cambridge University Press, 2019. The book covers entities from old member states to developing countries which receive aid conditional to good governance from the EU.

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Greece, a European Missed Opportunity?

In the summer of 2018, Donald Tusk, President of the European Council, tweeted to the Greek citizens: "You did it! Congratulations Greece and its people on ending the program of financial assistance. With huge efforts and European solidarity you seized the day" (*The Guardian*, 2018). For many Greeks and external observers, the message was quite cryptic. What day did the Greeks seize? What does this success consist in? Leaving aside the partial repayment of debts (many contracted to repay the original debts), have the inbuilt structural problems in the eurozone, for which Greece has only limited responsibility, really gone away (Rodrik, 2010)? Have the Greek institutions – for which Greeks were shamed in the eyes of the entire world as an irresponsible people who nearly brought down all of Europe – really improved? Has Europe managed – at the price of Greek GDP dropping to a level of fifty years ago – to "modernize" and "Europeanize" the Greek state? Was it Greece that was saved, or only the euro?

To answer these questions, we need to return in time considerably. For instance, to the year 2000, when Greece, an EU member since 1991, was preparing to join the eurozone and was busy organizing the forthcoming Olympic Games. It used lavish EU funds (as well as its own) to build subways, airports and soccer stadiums. In 2000, a deposit of 250,000 German marks was made into a Swiss bank account to support the reelection of the Greek Minister for Transport and Communications, a member of PASOK (the **Panhellenic Socialist Movement party)**. It was just part of a payment scheme by the German technology company Siemens to get public contracts in Greece in the run-up to the 2004 Olympics. This was no isolated incident. According to the German media, even Deutsche Bahn had to bribe to have a share in the infrastructure preparations in Athens (*Spiegel,* 2010). The transportation minister and the local Siemens representatives were among the few sentenced (years later), after acknowledgement of their faults, a guilty plea and a legal settlement by Siemens. In reference to the same year, 2000, the European Anti-Fraud Office's activity report mentions Greece only once in 51 pages and 19769 words. The phrase runs like this: "Bananas mainly entered the Community via Belgian and Italian ports, although similar operations have been identified in Spain, Portugal, Greece and Germany." Nothing else from Greece was deemed reporting by OLAF in 2000–1.

And yet the warning signs were there. An economist, educated in a top American university, held for one term a top management job with a government agency distributing lavish EU funds and discovered that preferential contracts were the rule and not the exception: There were no rules against conflict of interest altogether, and a few known party brokers intermediated all the contracts.[1] At about the same time, a young lawyer at a publicly owned company received a handwritten note from the wife of a top government official, indicating who should win a public contract[2]. The economist even tried to call OLAF, which flatly refused to investigate. Being Greek, however, he remembered he knew a countryman who was in the international anticorruption

1 Interview with anonymous source, Athens, March 12, 2018. Confirmed from two additional sources.

2 Interview with anonymous source, Athens, March 9, 2018. Evidence was shown to the author.

business and called him. The latter called the then boss of OLAF, who finally obliged by opening an investigation. By the time the investigation had been completed, the whistleblower was no longer in charge of the agency. OLAF made no conclusions on the operating mode and only recommended that the brokers be pursued by local prosecutors. A long domestic investigation started. Meanwhile, the whistleblower found a bomb under his car, and the police proved unable to find the culprit. He became completely isolated as the person who tried – unsuccessfully – to denounce a lucrative system, which had met with no local complaints before. He sold his properties to pay for his family's security as years went by and the investigation dragged on. Eventually, Greek prosecutors decided that the systemic character of the problem required that more people needed to be pursued. So, they extended the investigation to the entire boards of the agency during the suspected years, including the whistleblower himself. As of 2018, the by then enormous investigation has stalled.

This story may seem more coherent with hindsight than it looked for its actors in its early days, and yet again a timely warning existed. Writing in the first round of the GRECO evaluation report in 2001, the Council of Europe found less than five final sentences for corruption-related crimes in a year, and argued that "implementation of the relevant international instruments [e.g., OECD Anti-Bribery Convention] cannot *per se* constitute an effective strategy for fighting corruption" in Greece. The GRECO experts found that little indeed was known or could have been known about corruption in a country where court statistics were not transparent and no evidence existed on how many corruption offences had been prosecuted, investigated or sentenced, let alone on how many took place (GrecoEval1Rep[2001]15E). Furthermore, not even the number of civil servants were known, let alone those working in the areas of control, auditing or handling corruption in any way.

But it was not only the Greek authorities who were unconvinced of the existence of systemic governance problems in 2000. The European authorities also turned a blind eye to the warning that Greek statistics showing the country's readiness to join the newly introduced common currency, the euro, were improving a bit too spectacularly. As the BBC reported in 2012, some magic had made inflation and public deficit vanish away, raising the alarm among well-informed bank analysts, for instance. How did it work? For instance, "the Greek state railway … was losing a billion euros a year [and] had more employees than passengers. A former minister, Stefanos Manos, had said publicly at the time that it would be cheaper to send everyone around by taxi … The [railway] company would issue shares that the government would buy. So it was counted not as expenditure, but as a financial transaction" (*BBC News*, 2012). As such, it did not appear on the budget balance sheet, so Greece fulfilled the Maastricht Criteria and was admitted to the eurozone on January 1, 2001.

In 2016, I asked one expert in charge of good governance in the "troika" – the informal name by which the international intervention into the Greek crisis is known (including the European Commission (EC), the International Monetary Fund (IMF) and the European Central Bank (ECB) if *the Greek quality of governance has improved during the bailout years, and specifically, if corruption had gone down*.[3] As the main integrity-related activity consisted mostly in organizing ethics training for public servants (as if their ethical ignorance was to blame for Greece's corruption), and since no indicators on public integrity had been monitored from year one of troika's intervention, nobody could answer if Greece had changed for the better or not. Yet EUR 288.7 billion later (the cost of the bailout) we should be able to answer this.

3 Focus group in Athens organized by ELIAMEP and conducted by the author, March 2016.

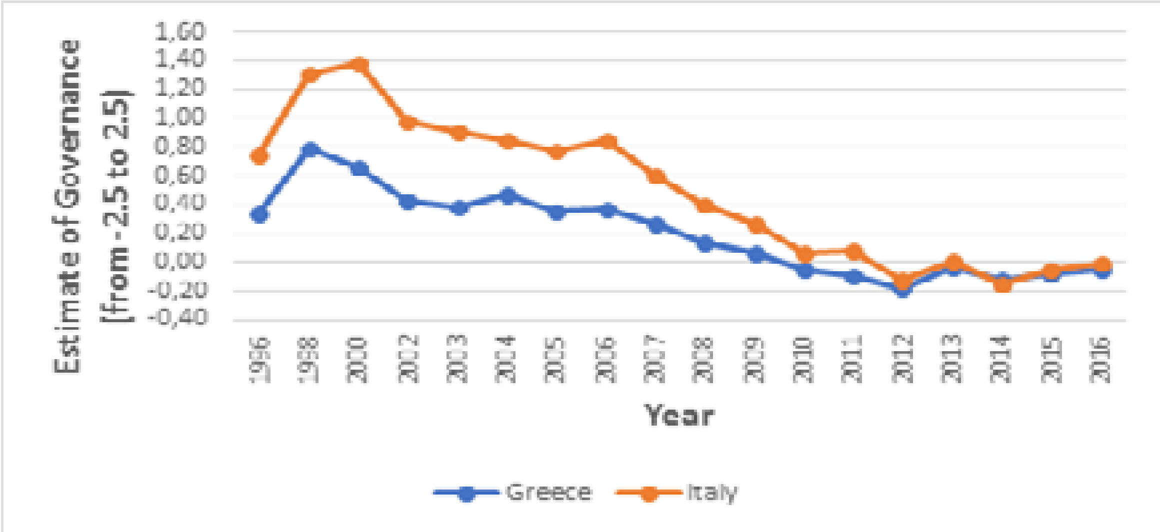
To understand the impact of the EU's intervention in Greece, three elements need being considered:

1. The first is to understand the nature and extent of the corruption problem in Greece before its joining the EU and the eurozone.
2. The second is to understand the EU influence in full, with its intended and unintended consequences, of which the EU intervention on good governance and the quality of institutions is only a small part.
3. The third is to assess to what extent Greece had changed by the time of Mr. Tusk's congratulations at the conclusion of the Greek bailout.

How Corrupt Was Greece, Actually?

By the time of its eurozone accession, Greece had passed six on the 1–10 recoded CoC scale (>0.50 in the original scoring), so it was a borderline country approaching good governance (see Figure 1). From 1998 to 2000 it was even upgraded. But then with the scandals related to its statistics manipulation, the mishandling of public contracts in the run up to Olympics and finally the crisis, the score only went down. To be certain, the Greek case shows how much perception indicators lag. Neither experts nor politicians complained about Greek corruption loudly, despite anecdotal evidence abounding prior to 2000. But when the crisis hit, it was like an overestimated boxer whose entourage thrives on fixed matches bets, and who, wanting to keep his rating high, one day picks a non-fixed game against a far stronger opponent. That was the eurozone entry, which could still have worked had the global crisis not exacerbated the euro structural problem of large differences in competitiveness across members. It was knock out for Greece, and afterwards post factum over-explaining flooded the world. The experts who gave good marks to the PASOK government in 2000 were quick to slash them, exactly when better governments were trying to fix the mess. Many experts recalled Greece had defaulted five times in modern history, starting with 1826 – so it must have been doomed to fail. But Spain had defaulted twice as many times, as had many other countries. The independent Greek state had indeed been born indebted to foreign powers who had supported Greek independence, but only with an interest. Such loans plagued the small country all through the nineteenth century, when other explanations than corruption were far more plausible for its economic difficulties (Clogg, 2013). Greece had poor modernization goodness of fit from the onset, as it became independent with the poorest rural areas inhabited by Greeks, but leaving the great Greek trade cities in the Ottoman Empire. Had the situation been otherwise, its economic development might have been an altogether different story. However, as Barrington Moore Jr. remarked, the explanation for the politics of small states in South Eastern Europe lies mostly outside their own boundaries (1966). Nevertheless, the literature on Greece, including by the Greeks, abound in historical determinist explanations which trace the contemporary default back to the 1826 one and see everything in between as a consequence of poor governance. As Loukas Tsoukalis reasoned: "Nobody can seriously argue that Greece was caught in the storm as an innocent victim. Its vulnerability has been the product of numerous mistakes and failings. And perhaps unavoidably, Greece has received a great deal of international attention, much of it negative and often undeserved" (2016, p. 4).

Figure 1: Evolution of control of corruption in Italy and Greece (1996-2016)



Source: World Bank Control of Corruption indicator 1996–2016.

In 2000 the Eurobarometer still did not deal with corruption at all. It was perceived largely as a non-European problem, confined to the developing world. Transparency International Greece, however, had commissioned a survey that the first GRECO review report quoted at length. Their February 2001 opinion poll showed that 45% of the 920 respondents admitted to having given a bribe or "backhander" and 18% to having taken advantage of "connections." Forty-two percent (42%) of the former said that if they had not bribed, their application or request would have been unsuccessful; 39% claimed to have answered a solicitation for a bribe; 23% claimed they had bribed out of fear of adverse consequences; 38% said they conformed to what they were told was common practice or a "certain form of obligation." The practice affected hospitals and the tax department mostly, but no sector was free from bribery. People bribed utilities, general administration and law enforcement as well. GRECO commented that the "backhander" was quite universally perceived as an indispensable element of cutting through excessive red tape.

Being deprived of data and defining corruption mostly as bribing, the GRECO report grasped only the tip of the iceberg (the Greek government refuted the TI survey as non-scientific). Illegal corruption of this type was grounded in particularism as practically a general behavior, in an economy with extensive rent creation and a society which was far from open. For example, nepotism penetrated politics and the administration to a very high degree. It appeared as normal that political parties were often run by dynasties, and the political class was nearly a caste, "an oligarchy in all but name" (Eleftheriadis, 2014). For another, the administration was so severely politicized that one could hardly speak of an autonomous bureaucracy. In 2010, the share of party-led collateral organizations in ADEDY, Greece's single confederation of civil services unions was of 45% for PASOK, 28% for center-right New Democracy, 11% for Syriza and 10% for KKE (Communists), which leaves practically nobody independent (Sotiropoulos, 2018, Table 4). No private competition was allowed for the notoriously closed and nepotistic higher public education system (Mitsopoulos and Pelagidis, 2007) and needless restrictive regulation created an abundance of rents, benefiting such diverse groups as taxi owners, university professors, manicurists, lawyers and truck drivers. These gatekeepers and rent seekers enjoying legal "privileges" were accused of Viking-like behavior, predating the budget for their own short-term benefit and associating in ad-hoc alliances to resist any change (Mitsopoulos and Pelagidis, 2009). Getting a building permit took more time in Greece than anywhere else in Europe (198 days) and paying taxes required 19 payments per year and 264 hours, according to World Bank's Doing Business survey.[4] The government was notoriously opaque: Despite widespread Internet use, there was no public disclosure of government spending on procurement. Information on the allocation of EU funds was not accessible online either, and, due to the absence of effective freedom of information legislation, it was difficult to obtain it even on paper. Courts did not publish any motivation and public audits were confidential, not public. As in all societies where particularism reigned, the state functioned mostly for the benefit of those who had connections or money to bribe (Mungiu-Pippidi, 2015) – the rest took refuge in the shadow economy, where Greece has always been an outlier among the EU-15. The dark side of the economy was therefore in the same time a substitute for corruption and a complement, limiting the development of the official economy (Katsios, 2006). Estimations showed that the Greek shadow economy *rose* from 22.6% of the official GDP in 1990 to 28.2% in 2004, the highest among OECD countries. Next highest, Italy's shadow economy was at 22.2% and Spain's 19.8%. By comparison, the United States had 7.8% and Switzerland 8.3% among developed countries (Schneider, 2010). The link between quality of institutions and shadow economy is very strong. Poor regulation, abundant red tape and high tax burden, on top of discriminative treatment by the state authorities are the main determinants for individual entrepreneurs to decide to engage outside the official economy (ibid.).

On top of the above, huge EU funds and the boom created by the Olympics made resources for corruption around Greece's euro accession very high. Greece in 2000 was atypical for a corrupt country, as it had been growing and apparently catching up to the EU average despite its poor governance and maintaining significant rents. Drivers of its growth were easy access to credit and EU inflows, which financed consumption, but productivity did not catch up and Greece did not become more competitive. The rapid growth of the nineties "has made the extraction of rents even more lucrative in this environment of weak institutions and weak governance" and may ultimately explain why the interest groups did not try to obstruct the credit market reforms for euro accession: They did not perceive the changes as fundamentally threatening their rents (Mitsopoulos and Pelagidis, 2011).

The Greek economy therefore represented a paradoxical environment of strong crony capitalism where government regulations shaped the rents but without social loss, due to economic growth and in-coming EU funds. Does it also mean there were no losers from economic privilege? This is hardly possible. Obviously, the losers should have been many, as access to so many opportunities was strictly controlled. But the patterns of protest in Greece never displayed a universalist agenda. Rather, the protests both before and after 2000, and in particular after 2009 when they reached a climax, were associated with the preservation of group rents and not the universalization of some public good. In other words, the society has always been structured on the particularistic lines of interest groups who were vertically integrated by means of mass patronage parties, PASOK primarily since its advent to power in 1981 (Mouzelis, 1986). Party patronage today is no longer the benign means of increasing political participation as it was in the nineteenth century. It is now the core structuring device for particularistic allocation of public resources. It is also the main factor for subversion of administrative capacity, by preventing meritocracy in the selection and careers of personnel. Societies structured as competitive groups of clients do not enjoy the advantage of elections, because here only the winners change but not the rules of the particularistic game (Mungiu-Pippidi, 2006; Piattoni, 2001). Greece is particular in that the main constraint to corruption – civil society and enlightened voters – did not work, as patronage delivered the goods to the base and kept voters mobilized within pyramidal structures based on self-interest. In the words of a top intellectual, "civil society in this country has always been about gaining more for oneself"[5], with consideration of public interest coming second. A broad alliance has never ma-

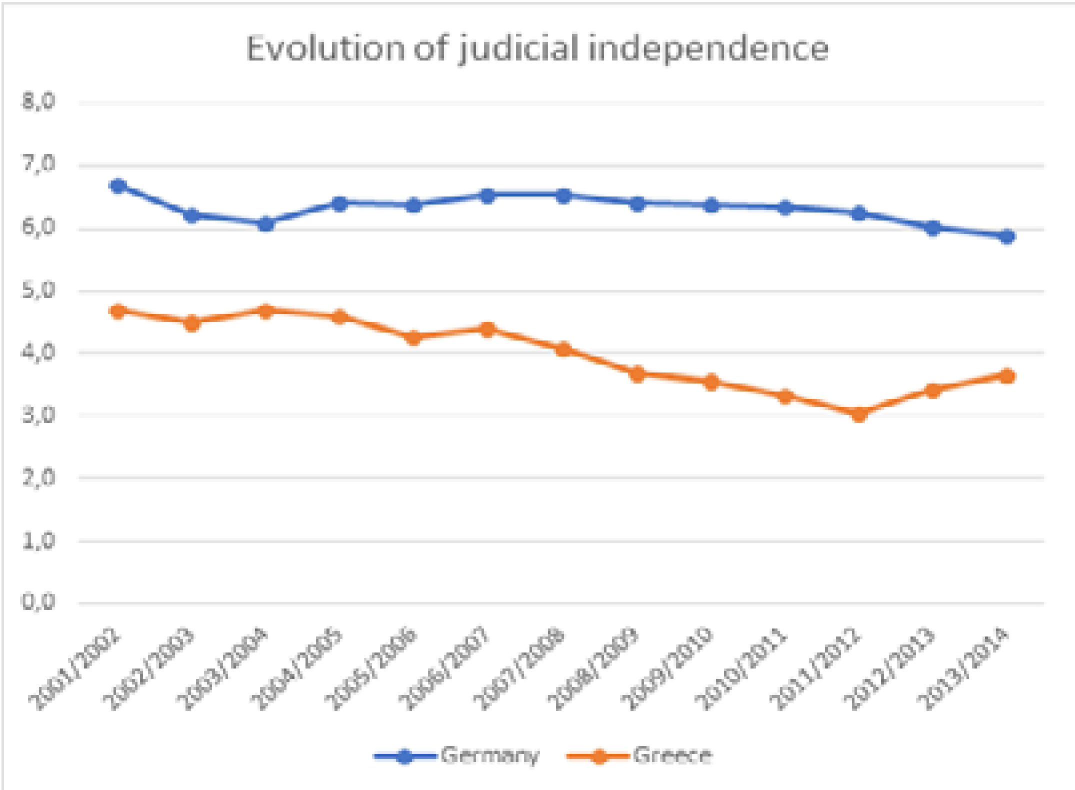
4 Historical data for Doing Business, results aggregated 2004–8 (World Bank, 2018).

5 Interview with Law Professor Maria Gavouneli, University of Athens, member of the European Commission DG Home expert group, March 9, 2018.

terialized around an ethical universalism agenda, despite instances of brave reforms (merit based civil service reform bill in 1994 by Minister Anastasios Peponis, later spoiled by tens of amendments; creation of an Ombudsman office). Those seeking change either lost morale or chose the "exit option" of the best and brightest: Greece has always had very high brain drain. "Civil society in the Western sense does not exist here because there is no market for it," a Greek economist told me. "We have a lot of protests because people have learned that direct bargaining in one's own interest works better than changing the rules of the game for everybody. There are no successful examples of the latter.[6]"

Mass media looks very much captive to this particularistic setting: Freedom House rates it as free, but the dominant approach is hardly the objective information according to the Anglo-Saxon business model. The Greek media strictly covers the interest of its owners and the groups sponsoring them, among whom are individuals whose fortunes came from the usual mix of privileged access to energy market, golden concessions and public contracts (Eleftheriadis, 2014). Media outlets offer support for governments who protect their privileged access. The Greek media "trade their ability to guide the opinion of the uninformed public in exchange for favors they receive from the executive, legislature, and administration" (Mitsoupoulos and Pelagidis, 2009, p. 409). One of the key constraints needed for control of corruption, the judiciary is deemed free in general but its freedom is severely limited by the magistrates' partisanship, corruption and *de facto* immunity for top politicians. It has also been highly non-transparent. The GCR rates Greece's judicial independence the lowest among the EU-15, with a score of 5.5 on scale of 1–10, in line with its corruption control (see Figure 2). In its first round from 2001, GRECO's reported that lifting immunity for government members by Parliament (since they used to be also members of parliament) does not really work. Few convictions for corruption existed as well.

Figure 2: The evolution of the Greek judiciary against Germany as a benchmark



Source: Global Competitiveness Report, World Economic Forum

6 Interview with Michael Mitsopoulous, Brookings Institution, Athens, March 11, 2018.

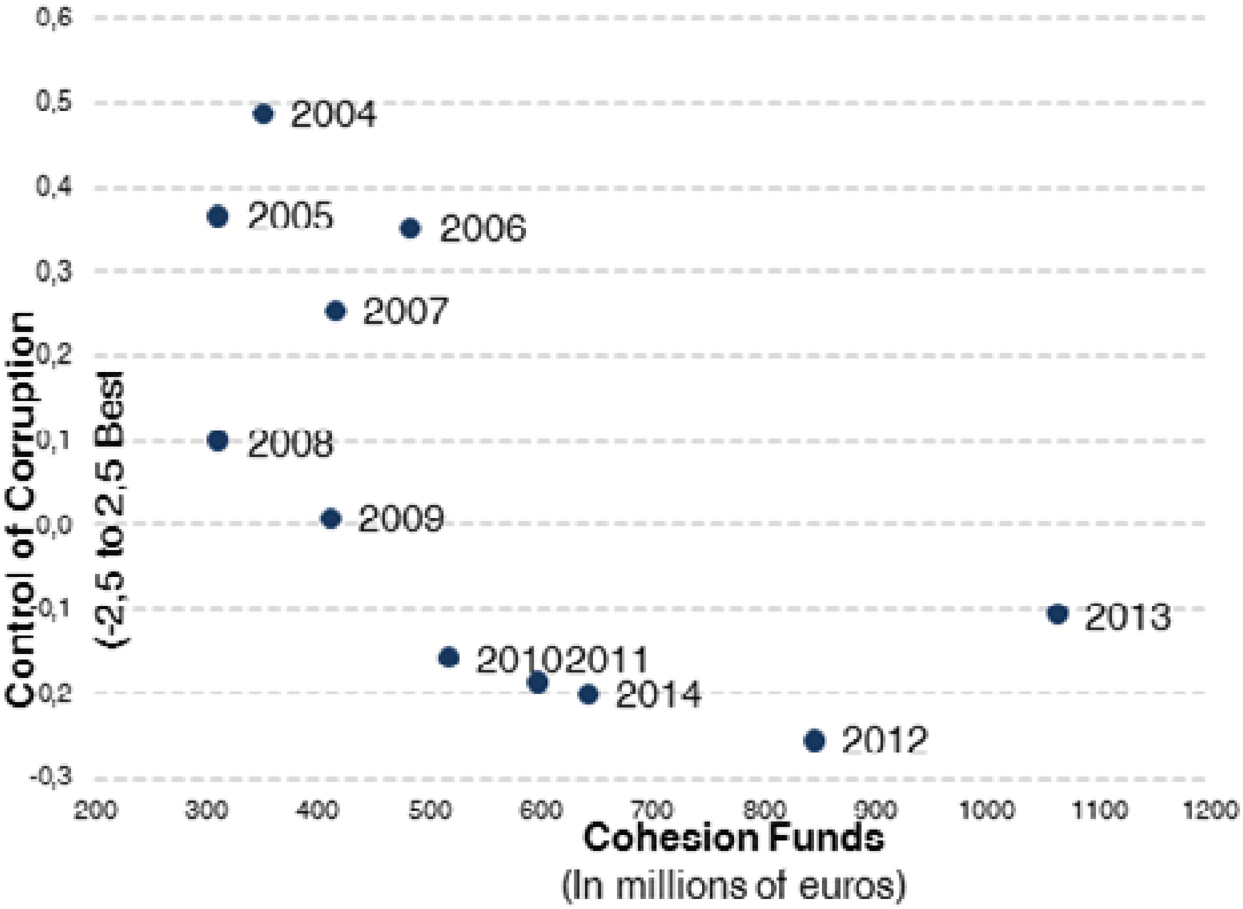
The final diagnosis of Greece by 2000 was therefore of a country where particularism was the norm, rife with connections and legal rents (privileges) that even outweighed bribery. Most corruption was "legal", as laws abounded with rules that in fact restricted competition and granted privileged access to the beneficiary interest group. Illegal corruption functioned mostly as a way to facilitate access or equalize market advantage. Greece's good control of corruption score in CPI or CoC was based on a restrictive definition of corruption as mere bribery. This was revised only after the crisis, when it turned out that particularism itself could generate social loss of catastrophic proportions. The system was a suboptimal equilibrium, fairly stable and non-contentious, as high economic growth and EU funds prevented those marginalized from perceiving great loss due to constant political intervention in social allocations. While gains were very unequal and generally not merit based, the losers did receive some compensation (for instance, no crackdown on taxation of small businesses/professions or subcontracting of EU funds to SMEs from connected big companies). And henceforth Greece seemed to do well and even converge with developed Europe. It was all based on a complete misunderstanding of what corruption is (a frequent reductionist view to just illegal bribes) and how it manifested itself in Greece in particular, a paradigmatic case of competitive particularism.

How Did the EU Contribute?

The EU good governance intervention in Greece was partial and belated, and it must be understood in the context of overall EU influence over Greece. A donor-dependent country since its creation through loans from the great European powers, Greece is the center of a vast body of literature dealing with "Europeanization." The best of it has always discussed in earnest the fact that the Greek society needs to "catch up" with modern Western Europe and that governance remained a challenge even after joining EU (Mouzelis, 1986; Featherstone and Papadimitriou, 2008). Still, no proper EU "intervention" for good governance would have existed had Greece not joined the *Economic and Monetary Union (EMU)* in 2000, based on a number of criteria such as inflation rate, budget deficit, public debt, long-term interest rates and exchange rate, using 1999 as the reference year. Joining the EU, but not the eurozone would have probably spared Greece from confronting its particularistic governance. In principle, adopting the EMU comes with some quality of governance requirements as well (on the fiscal and financial management side). But because all the legislation related to the EMU shortcuts regular channels (e.g., consultation, feasibility and impact studies), such requirements went almost unnoticed – so they would have never managed to change much.[7] Aware of the difficulties of respecting the criteria even after adopting the euro, the incoming *New Democracy* government, commissioned an audit in 2004. It revealed that differences in methodology with Eurostat as well as some cheating practices (pioneered in Italy and other countries by Goldman Sachs and other banks) had beefed up the indicators, showing Greece fitter for the euro than it actually was (Eurostat, 2004; Piga, 2001).

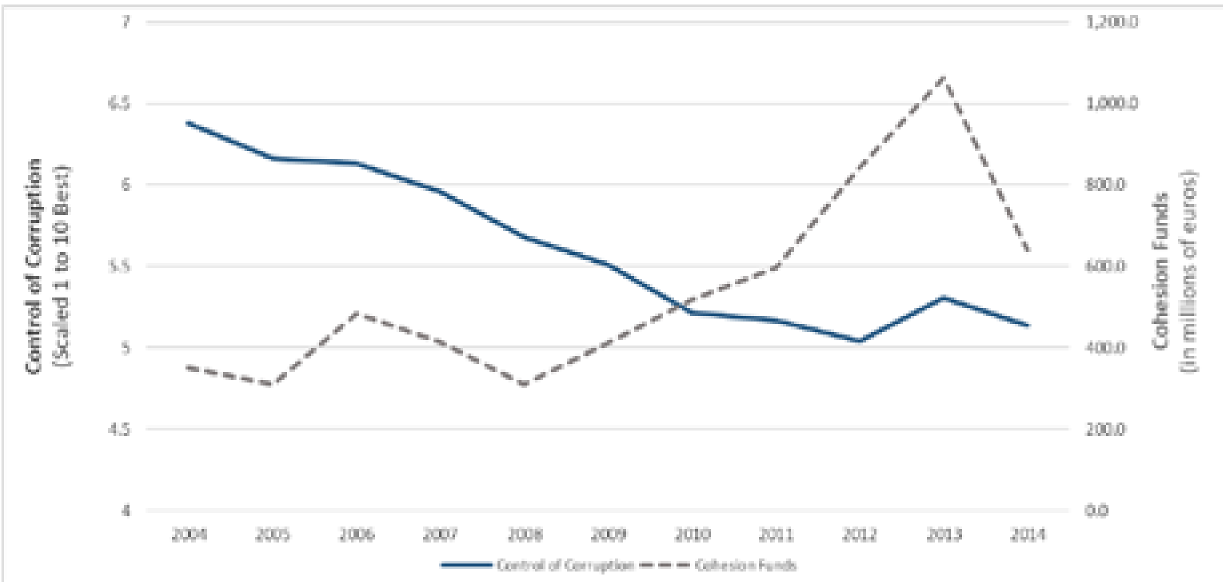
7 Interview with Michael Mitsopoulous, Athens, March 11, 2018.

Figure 3: European funds and control of corruption
Sources: European Commission Budget Data & Control of Corruption WGI World Bank



Joining the EMU was not the first strain on Greece's capacity since the entry into the European Union. The absorption of EU funds has also been a major hurdle, to such an extent that the impact of the funds was relegated on the second plan for many years (ELIAMEP, 2013). For decades, average EU transfers ranged from 2.4–3.3% of the country's annual GDP (see Figure 3). Since 1981, Greece has been a major beneficiary of EU funds (European Regional Development Fund, European Social Fund, Cohesion Fund and structural support for agriculture). The EU's structural aid – about EUR 15.3 billion for 2014–20 has financed thousands of projects all over the country in almost every sector, from road infrastructure to human resource training (Konrad Adenauer Stiftung, 2016). And yet the funds and their management were a mixed blessing at best. Greece's institutional framework could hardly absorb funds that had very high bureaucratic requirements, not all of them unnecessary – environment or geological evaluations, for instance. Since the structural fund's fundamental objective is to support economic and social cohesion across and within the member states, the EU's evaluations have generally been positive, finding that the Greek projects do lead to job creation and other palpable benefits. A policy and administrative network within the Greek administration was created to absorb the funds. It has evolved due to various policy shifts at the European level and improved impact with the help of Brussels. But these structures never managed to change the Greek administration, improve its transparency, planning or management capacity. Instead, they functioned in parallel as an archipelago of superior capacity islands within traditional administrative behavior (Andreou, 2010). To manage absorption, a lot of corners were cut (e.g., having a fair and meaningful process for awarding building permits), and those corners represented exactly the governance areas in need of reforms. OLAF has never had much impact (a handful of investigations in total) in a country where the wife of the top party leader passed slips of paper designating winners of major public works contracts. In fact, evidence abounds that OLAF deliberately refrained from intervening, even when whistleblowers did everything to push for it (*Spiegel Online*, 2013). Corruption schemes with EU funds in Greece took both legal forms (preferential "public" contracts) and illegal guises (fake research, for instance, or politicians' wives teaching hundreds of well-paid hours of "vocational" training during their holidays). The European Court of Auditors produced some occasional, critical reports on wasted money. But these were all in line with its mission focusing on individual cases, so it could not compensate for the absence of a systemic approach. "First there was boom, and nobody in Brussels wanted to hear about governance, absorption and catch up were the problem," a local analyst explains. "And then the bust came, and the recovery of the debt became the priority, with governance completely sidelined again." The lavish spending of EU funds also meant that "Everybody got a rent, who was not connected enough to get a public contract got a sub-contract from somebody who was connected, or a job, or a consultancy. It was not raining, but pouring with EU money, and that the money was distributed on the old system of connections did not seem important to anybody.[8]" "Europe is fed up with Greece" one of the regulars from the Greek counterpart of the troika told me. "Now when the final bailout term is up, what they want to do is call it a success, unplug the life supporting systems and show that the person who came on a stretcher to the emergency room now walks out on her own legs. We're not going to look more closely, because the goal is to release her from the hospital to her own care."[9]

Figure 4: EU cohesion funds and control of corruption across years



Source: OECD – QWIDS Official Development Aid and WGI Control of Corruption.

The European funds, in conclusion, were a tremendous resource for corruption in Greece, and the modernization of the administration that they were supposed to provide pales by comparison with all the wrong incentives created by the regulatory shortcuts, the excessive red tape and the lack of transparency in their allocation. An illustration of the perverse relationship between EU funds and the quality of governance can be seen in Figure 4 above.

8 Focus group in Athens organized by ELIAMEP and conducted by the author, March 2016.
9 Interview on March 12, 2018; source chose to remain anonymous.

The economic crisis, however, should have brought important opportunities for reform, by boosting constraints and cutting resources for corruption. The twofold intervention – of the crisis itself, causing resources to dry up, and then of the troika, through the bailout program, – was massive. The first Economic Adjustment Program for Greece laid out detailed conditions in the form of a full economic and financial program in exchange for the stability support to Greece via bilateral loans centrally pooled by the European Commission (EC, 2010). The main goals of the program were, as expected, to restore confidence and maintain financial stability, to enhance fiscal consolidation and reassure markets on the determination of the authorities to do whatever it takes to secure medium- and long-term fiscal sustainability. Consolidation, the EC appreciated, should rely on measures that generated savings in public sector expenditure and improved the government's revenue-raising capacity. It was also clearly stated that the program should also address the *causes* of the crisis, by dealing with public administration reforms and measures to fight against corruption and tax evasion, under the title of "structural policies." The original document had 104 pages and mentioned the word "corruption" only twice. The following memorandum of understanding went deeper to include important reforms against not only narrowly defined corruption but also to prevent rent creation and rationalize the government. For instance, take its words on the "modernization" of public administration: "Fragmented employment practices will be reformed by reorganizing recruitment procedures and finalizing the single payment authority for wages. A simplified remuneration system will be introduced, in a cost saving manner that will cover basic wages and all allowances which apply to all public sector employees. Procurement practices would be strengthened to generate efficiency gains and ensure transparency" (ibid. p. 48) The health care system, which had major expenditure overruns, was supposed to be overhauled through reforms in management, accounting and financial systems. Below the central government level, a reorganization was planned to reduce the number of local administrations and elected/appointed officials. The government and the EC pledged to launch an independent external functional review of the public administration at the central government level. These reforms aimed at prioritizing government activities and strengthen the fight against waste and corruption throughout the public administration. Furthermore, another objective was "[i]mproving the business environment and bolstering competitive markets." This objective asks that "[t]he government will shortly adopt legislation establishing one-stop shops for starting new enterprises to cut procedures, costs and delays. Legislation will be introduced to cut licensing and other costs for industry. The government will fully implement key steps of the EU Services Directive in 2010, especially in priority areas such as tourism, education and retail.

Over the course of next year, restricted professions will be opened by reducing fixed tariffs and other restrictions in the legal, pharmacy, notary, engineering, architect, road haulage, and auditing professions. The role of the Hellenic Competition Commission (HCC) will also be strengthened. Network industries will be progressively liberalized, especially in the transport and energy sector while strengthening regulators in these sectors in line with EU policies." And finally, for another crucial area, state owned enterprises, the document stated that "these need to be subject to greater transparency to increase efficiency and reduce losses. As a first step, 2009 financial statements audited by chartered accountants of the ten largest loss makers will be published on the internet. A time table and action plan for improving the financial performance of main loss-makers, most notably in the railway and public transportation companies will be produced" (ibid., pp. 48–9). European Funds were not forgotten, although the stress was, as usual, on absorption: "The government will work closely with the EC to raise the absorption rate of Structural and Cohesion Funds" (IMF, 2010).

These provisions made a great deal of sense. They went to the root cause of problems and could have, if implemented, reduced opportunities for corruption considerably. But how many of them were implemented in fact? Since this document, Greece had four rounds of reviews, compliance reports and renewed commitments. While some local analysts have voiced criticism for the marginalization of structural reforms in favor of fiscal policies and tax collection (to pay debts), several reforms should have had a quickly noticeable impact: a central digital procurement page, an automatic invalidation of non- published tenders, a centralization of procurement and of competitions for jobs in the public service, some administrative simplification cooperating with OECD, etc. What the troika soon learned, however, was that "the most corrupt republics have the most laws," as the Latin saying goes, and that changing Greece fast would be impossible – if any change could be affected at all. Important reforms required more legislative changes by parliament. Constitutional reforms were needed, ministerial orders and even lower tier regulation or implementation decisions. For instance, going after the "Vikings" by liberalizing entry into certain semi-closed professions proved to be a very complicated legal affair. One law was passed – and nothing changed. More specific legislation was needed. And then again, a more specific one. Year after year passed and nothing was really implemented. To the merit of the European Commission, its experts followed the topic. Nevertheless, on this and most essential reforms, the Commission had to adopt a decision to activate an "enhanced surveillance framework" for Greece after the "successful" conclusion of the ESM stability support program on 21 August 2018. In the end most of the reforms, even those enacted, were at best at their very first steps.

In the latest (third) compliance report of March 2018, only one activity in a list of 110 (activity 108) referred specifically to corruption. It refers on political finance: "The authorities will amend legislation to fulfil all GRECO's recommendations on the funding of political parties and electoral campaigns in light of its October 2017 report." The report states this as completed, as authorities amended the legislation on political party financing with article 65 of law 4509/2017. But most activities in Section V "A modern State and Public Administration" were either packed into an "omnibus bill" or still in the stage of launching calls or passing regulation. The organization of the fight against financial crime (prosecutor orders) asking that the new system of cooperation between justice and tax administration is made fully operational (activity 12) was reported as "done," although the Greek government had barely passed legislation (law 4512/2018). So in reality, there was no way the system could be operational. Activities 59–62: liberalizing of professions (from private medical clinics and engineers to manicurists and chauffeur services, as everything had been restricted before) were also wrapped up in the omnibus bill to be passed at the very end. So by 2018, nothing had been implemented. The impact of reforms of key institutions, such as revenue administration and the Hellenic Statistical Authority (ELSTAT), was also still up in the air. The situation was better on the reduction of administrative burden, as there was a special section dedicated to it. As part of the comprehensive agreement reached in the Eurogroup statement of 22 June 2018, the Greek authorities made commitments to continue the implementation of all key reforms adopted under the ESM program and sustain their objectives, as well as complete certain key structural reforms initiated under the ESM program against agreed deadlines. On this occasion, Greece returned to the European Semester framework of economic and social policy coordination and therefore reentered a system of normal monitoring alongside the other EU member states signatories of the fiscal compact.

Due mostly to the unpopularity of the austerity policies, the troika operated in an environment of great hostility and massive protests, from street rallies to paralyzing strikes. Despite attention growing around language stressing the Greek "ownership" of reforms, Europeans did not enjoy any mass support for their intervention. Furthermore, they relied on the old establishment – the one blamed for the crisis – whose response was nevertheless more rational and less populist. Then came the backlash. The direct political consequence of the crisis and the European intervention in the end wiped out the old political establishment and brought to power a populist party, *Syriza*. Afterwards, pushed by bare necessities, the new party has gradually turned less anti-European and came around agreeing to play the European game in the end. But not to change in-depth governance practices.

How Corrupt Does Greece Remain after EU Intervention?

The crisis and its management both strongly raised awareness of corruption in Greece. Both citizens in the Eurobarometer and experts whose assessments are averaged in the CoC or CPI rate Greece presently worse off than in 2000. But from the height of the crisis to 2017 some redress is also felt by the respondents. Those who claim that they are personally affected by corruption decreased by 17 points, making those unaffected the majority (46 to 53 in EB 470). Only 9% of Greeks now claim to have personally witnessed or experienced a corrupt act. Seven percent (7%) of Greeks, versus the European average 4%, say that they have been asked or expected to pay a bribe in the past year (EC, 2017#).
A systematic review of the objective indicators in our model through the Index for Public Integrity allows us to investigate more in depth, however (see Table 1).

Table 1: Greece's Public Integrity Framework compared

Components	Compnent Score	World Rank	Regional Rank	Income
RESOURCES				
Administrative Burden	9.06	24/109	16/30	20/40
Trade Openness	9.28	33/109	27/30	25/40
Budget Transparency	6.54	77/109	27/30	33/40
CONSTRAINTS				
Judicial Independence	5.34	52/109	23/30	31/40
E-Citizenship	7.18	29/109	22/30	28/40
Freedom of the Press	5.21	63/109	30/30	35/40

Source: Index for Public Integrity

Greece ranks 38th of 109 countries in the world in the Index for Public Integrity, on a par with Croatia and Bulgaria, so well behind the rest of the EU–28 (see Table 3.5). Its worst performance is on freedom of the press, which started to decline in 2005 and collapsed after 2011, and for which it ranks last among EU member states. Greece's media is still captive to private interest and unable to fulfill its role of objectively informing public opinion. Alongside the various private interests are those of the government. Among the means of controlling the media are hidden ownership, preferential advertising and legal harassment due to poor regulatory quality. The attempts to correct this, in particular through regulation, never went all the way and therefore did not achieve much effect. This does not mean that among the media and the journalist profession some do not exist to perform as they should. The falsification of the whole media landscape, though, as is often the case in particularistic countries, reduces the impact of objective voices. The media can hardly mobilize people following corruption investigations, for instance. An evolution of press freedom in Greece during the stabilization reforms can be observed in Figure 5 against the European average.

Figure 5: Evolution of media freedom in Greece with economic adjustment marked

Source: Freedom House

Judicial independence has also regressed, with Greece being surpassed by Romania in South-Eastern Europe by 2017 and ranking 23 out of 30 European countries covered by the index (including Norway and Switzerland). Anecdotal stories on the Greek judiciary are altogether scary, like judges who lose trials at EHCR on Article 10 (freedom of expression) and then go on to a promotion in management positions at the Greek Supreme Court. Two former top judges went into politics; the union of magistrates closed ranks against EU during the crisis. The government enjoys the constitutional privilege to have the final say on top judicial appointments, and there was little to no European reaction to the quality of nominations, (including from the European media, which prefers to focus on Poland or Romania, for instance). Top prosecutors in charge of anticorruption have recently stepped down, while prosecutions of top officials have not really progressed. As the third round of GRECO review reports, between 2001 and 2010 demands were made to parliament to lift immunity for 137 ministers and 137 deputies. For ministers, five demands were discussed but none granted. For MPs, 108 were discussed and 15 were granted (GRECO 2010, p. 20).

The Greek Parliament has continued to defend its legislation, claiming it does not grant immunity. What it does grant is discretion to a committee in the Parliament which has always endorsed a very narrow definition of corruption to prevent cases from being investigated and going to justice. In a response to GRECO, the Greek authorities explained that under Article 83 Paragraph 3 of the Standing Orders the only reason for not lifting parliamentary immunity is in case the conduct attributed to the MP was carried out in the course of his/her parliamentary or political conduct (or if it is deemed that the prosecution has political motivation) (GrecoRC4[2017]20). According to them, the Committee on Parliamentary Ethics, which handles petitions to lift immunity, established the practice of not considering acts of corruption to lie within parliamentary or political conduct. The committee does not debate the substance of the political or financial implications of alleged conduct, but only whether criminal conduct is alleged (ibid., p. 8). If this is the case, the MP's immunity gets lifted. Accordingly, in the period 2015–17, the committee received one request to lift parliamentary immunity regarding unjustified pecuniary benefit, which was granted. Another seven requests concerned political decisions and their economic effects or repercussions. The committee then debated the detrimental consequences of these decisions over the public finances. Two requests were granted and five were denied. The authorities stress that in some of these cases, the MPs concerned were members of collegiate administrative bodies issuing decisions challenged as detrimental to public finance. Since October 2015 to 2018, a total of 44 requests for lifting immunity have been discussed and 14 were granted. In the previous legislature (February 2015 – August 2015), 11 requests were discussed and four were granted (ibid.). The risk of political harassment through corruption prosecutions without merit is evoked frequently. The whistleblower case reported here is enough to show how prosecution can be highly inefficient, even on the pretext to investigate more in depth. The result can be gross injustice. Also, the case of indictment of EC Home and Justice Commissioner Dimitris Avramopoulos and other former ministers was widely seen as a political investigation orchestrated by the Syriza government, especially after PM Alexis Tsipras called for the lifting of his immunity. According to several sources, the case refers to favors traded between Novartis and individual public physicians, who had great latitude over orders. In the FPCA file on Novartis, the Greek politicians are not even mentioned (SEC, 2016).

Finally, *civil society* still does not manage to exercise sufficient constraints in Greece, because too few ethical universalism-driven civil society institutions exist in the face of too many particularistic interests. The country ranks 22 out of 30 European states from the EU on e-users of government services according to Eurostat. But that simply means that there should be enough economic autonomy for Greek civil society to exercise some constraints on rent seeking groups. But that does not seem to be the case. There are very few NGOs dealing with corruption; Transparency International had no office in Athens by 2018, just in Thessaloniki. No recent, fact-based TI report exists on either corruption or integrity. While the foreign media widely covered a website reporting bribes, bribery are not and have never been the core corruption issue in Greece. There are no associations within professions to promote ethical universalism, like alternative Bar, journalists or medical associations. Austerity measures and the anti-Greek stereotypes that spread across Europe and the United States only served to demoralize Greek civil society even further. The scarce attempts at reform or denunciation of corruption go unacknowledged. The governments ruling Greece after the demise of the military regime have not been equally corrupt, and some of them had members who tried in earnest to solve the problems. But the European Union had no strategy help integrity champions in Greece to maintain power (in both establishment parties, there were a few). Rather, the EU treated the Greek ruling class as entirely responsible for the disaster. "They were only interested that whoever comes to power respects the signature of the previous government and pays the debts" a man familiar with troika business told me in Athens. "And this is how they ended up with partners who did not even tell them that it's not enough to pass a law to kill the Vikings, who *de facto* dragged their feet on most reforms, waiting for it all to pass, even subverting them." In other words, the European Union never took the political economy approach, and so it has never sought to empower those whose best interest was to change Greece. By 2018, DG Just was promoting a European directive on whistleblowing, but the troika could have installed a mechanism to encourage and protect Greek whistleblowers long ago. The media has not managed to distinguish even a few integrity champions. Therefore, Greece lacks much of what you can find in other countries where corruption is a problem: national or at least city-based civil society anticorruption coalitions on the likes of Ukraine, Romania or Brazil. The anticorruption discourse was confiscated by populists, who used it during the last elections against the old ruling elites. But it stopped there, insulating the "people" from the critics.

In Greece, however, not only elites profit from rents. Most of the elite respondents to my questionnaire on how did the crisis change the winners and the losers of particularistic arrangements were very pessimistic. Some top politicians paid the bill, with a handful going to jail, but the patronage structure remained intact (Eleftheriadis, 2014). A process of gradual transfer to the new political winners ensued. Some new oligarchs managed to catch up with the old, but the structure of opportunities has not opened enough. Greek society after the crisis has not significantly progressed on openness. On the contrary, the crisis and the following austerity drove away hundreds of thousands of well-trained young people and replaced old bribes for privilege to doctors (for instance,

to get in front of the queue) with bribes for access, as access sunk[10].
By 2018, Syriza was accepting in its ranks many of the old PASOK cadres who originally had been part of the vertical pyramids of patronage. So the odds are down that a culture of austerity, even if painted in some excessive red, might become the new norm of Greek political elites. On the contrary, the Syriza dominated parliament was gradually reinstating the old privileges by 2018, removing some of the barriers to public sector growth put up during the crisis (since the new parties also have clients hungry for public employment), and allowing the relaxation of some harsh oversight spending measures (like digital prescription mechanism for doctors). Greece was the EU champion of reforms from 2014 to 2015 in the Index for Public Integrity (1.50 progress on a 1–10 scale), but from 2015 to 2017 the progress lurched (7.25 up from 7.10, with the same global rank, 38) (see: https://integrity-index.org/).

An examination of the Greece's public accountability equipment (see europam.eu), which is only a partial sample of the reforms needed brings further insight. It shows that Greece is now doing better than the European average on political finance legislation (where GRECO efforts were concentrated). It is close to average on public procurement and financial disclosures for politicians (behind East European countries), but only scores 26 of an average of 40 in Europe on conflict of interest, and 37 from an average of 56 on freedom of information (ibid.).
Constraints to corruption may not have really taken off after the crisis, but we should expect resources for corruption to have been cut, since the crisis itself should have dried up unaccountable funds used for patronage. The evidence is paradoxical, however. First, the World Bank Regulatory Quality expert average assessment shows a constant *decrease* of regulatory quality, not an increase. This should have raised a red flag for the troika: It decreased on a par with the closely correlated control of corruption. The administrative burden, the target of so many reforms, has raised to 7.9 against the EU-28 average of 8, but is still behind the reform poster country, Estonia. Following the impressive rise on IPI prior to 2015 (in Figure 1), the progress slowed down. In 2017, Greece still ranked 16 out of 30 on administrative burden, 27 out of 30 European countries on import-export red tape (trade openness), and 27 out of 30 on budget transparency. This is not a good performance by any account, and these areas are directly and closely correlated with control of corruption. Nominally, many have been addressed, but in practice they need secondary legislation to be implemented and many reforms have not been. It took Estonia under PM Mart Laar less than two years to move from the cumbersome Soviet legislation to a modern one, fully reorganizing the state in the early nineties. For Greece, the years since 2000 have not sufficed due to entrenched aspects of the Greek legalism and formalism, with informal practices nearly always violating or ignoring formal rules and often-conflicting regulations resulting from client–patron relations (Spanou, 1996, 2008; Sotiropoulos, 2004). It was bound to be difficult for the troika to navigate this regulatory labyrinth without any guiding thread.

The European Commission through its spokespersons sometimes expresses concern for too much backtracking from agreed-upon policies in the politically correct formulation of weaker "ownership" of reforms (Chrysolora, 2018). No "ownership" of good governance reforms seems to have materialized in the bailout years, although traces could be found during a few previous Nea Demokratia governments and even PASOK ones (under Costas Simitis and George Papandreou). And here lies the core of the problem: the human agency behind these reforms. As in the Balkan countries, the real driver of reform in Greece has been the EU itself, but its good governance interventions on record are poorly connected with real local political agendas. The interventions occur in a parallel existence of their own. The question arises as to whether EU intervention does not actually depress and disincentivize instead of supporting the domestic agency, by imposing a formal, top-down and bureaucratic good governance agenda, which becomes the sole official agenda. The few countries that have been successful in progressing towards good governance in

10 Interview with Maria Gavouneli, op cit note 20.

our times have their own political dynamics and own good governance entrepreneurs: politicians, lawyers doing strategic litigations, investigative journalists and finally good governance coalitions that win elections on such programs. A good governance alliance in Greece would have written its own good governance "omnibus bill" by now, like the one into where unkept promises to the EU were squeezed at the very last moment. There is no indication of such a bill sponsored either by business associations or new opposition parties, or even better, by a broad civil society coalition. In its absence, reforms remain scattered, fragmented, not locally "owned" or driven by any group whose interest good governance would serve. Meanwhile, the groups opposing change are well articulated. Such a situation largely misses potential tipping points when maximum impact could be had. This is because those who have the relevant knowledge either do not seem to cooperate or complain there is nobody to cooperate with. Greece's genuine good governance congregation has yet to coalesce, and the 2019 elections are a good opportunity, especially if civil society would not allow parties to instrumentalize anticorruption but engage them to promise the still missing good governance reforms during electoral campaign and then monitor them.

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