

EFPO: The EU's role in the Eastern neighbourhood – Addressing the decline of democracy
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Bleak prospects for 'deeper democracy'? A critical reflection on the EU's role as a democracy promoter in (semi-) autocratic Eastern Partnership countries

Since the EU's eastward enlargements in 2004 and 2007, policy makers in Brussels have struggled to develop an effective democracy promotion strategy for the Union's new neighbours in Eastern Europe. This report briefly outlines the current state of play in EU relations with its Eastern neighbours, and evaluates the effectiveness of the EU's democracy promotion efforts in the framework of the Eastern Partnership (EaP) since spring 2009. The report recommends that the EU should avoid too obvious double-standards and inconsistent application of conditionality in its relations with (semi-) autocratic regimes in its Eastern neighbourhood. The report also highlights the political and geopolitical realities facing the EaP countries and the increasingly limited leverage of the EU over the EaP region. In order to remain a credible actor in the region, the EU should be more modest in its official rhetoric and acknowledge the limitations of its role as a 'successful democratiser' in the EaP countries.

How autocratic are the EU's Eastern Neighbours?

It would be a gross simplification to classify all the six countries in the EU's Eastern Partnership as (semi-) autocratic regimes. First and foremost, none of them could be described as outright autocratic or authoritarian. The governments of Belarus and Azerbaijan certainly feature many elements of autocratic regimes, though both are populist presidential monarchies (if only by formal constitution) and should therefore be regarded as so-called 'mixed regimes'.¹

President Lukashenka of Belarus has effectively ruled the country 'by decree' since 1994, and an independent judiciary or media do *de facto* not exist. Likewise, President Ilham Aliyev of Azerbaijan has not allowed any formal opposition to his rule over decades, and elections have been 'managed' from above. Both Aliyev and Lukashenka have not hesitated to crack down on peaceful opposition protests in the past. Hundreds of demonstrators were imprisoned in the aftermath of the 2005 presidential elections in Azerbaijan, and over 20 were killed by Aliyev's security forces. Lukashenka ordered the violent crackdown of opposition protests after the 2010 presidential elections, over 700 protestors were arrested and many were sentenced to long prison sentences.

¹ For an exhaustive classification of 'hybrid' and 'mixed' regimes in the EU's neighbourhood, see Baracani, E. (2010) (ed) *Democratization and Hybrid Regimes. International Anchoring and Domestic Dynamics in European post-Soviet states*, European Press Academic Publishing.

Armenia, too, saw the violent crackdown of opposition movements during and after the 2008 presidential election which was essentially a 'planned succession'. Nevertheless, the presidential term has been respected by the Armenian political elites and a formal opposition does exist. In this sense, the Armenian government has many but somewhat fewer autocratic elements than the regimes in Belarus and Azerbaijan.

Georgia, Ukraine and Moldova appear on the other end of the continuum of 'mixed regimes', in which democratic elements clearly outweigh autocratic tendencies – but with a somewhat uncertain future. All three countries have vested strong powers into the office of the president, though with varied outcomes for liberalization and democratization. Georgia embarked on ambitious political and economic reforms after the 2003 Rose Revolution. Yet, President Mikheil Saakashvili has adopted a rather autocratic style as president and many questions remain over his election victory in 2008. Still, numerous opposition parties exist in Georgia, elections have been conducted according to OSCE standards, and political reforms are being implemented. Post-Orange Revolution Ukraine saw substantial adjustments to the balance of power between executive and legislature, though the constitutional reforms caused a rather awkward cohabitation between the President and the Prime Minister, eventually leading to a stand-still of political and economic reform efforts. Following the election of Viktor Yanukovich as president in 2010, civil society has heavily criticized the increasingly autocratic style of Yanukovich and his close relationship with Ukrainian oligarchs. Moldova, too, saw a concentration of presidential power after the communist party came to power in 2001. Opposition parties were oppressed and the media brought under government control. The situation improved dramatically following the victory of the Alliance for European Integration in the 2009 elections. The ruling coalition has embarked on promising democratic reforms, though the government is partially deadlocked since 2009 due to the fact that no parliamentary majority has emerged to elect a new president.

All in all, the political landscape in the six Eastern Partnership countries is very complex and very dissimilar. All six countries can be classified as 'mixed regimes' with some governments displaying more autocratic than democratic leanings (Belarus, Azerbaijan and in parts Armenia), whereas democratic elements clearly prevail over autocratic leanings in other countries (Ukraine, Moldova and in parts Georgia).

EU Neighbourhood Policy: Treating some neighbours 'more equal than others'?

Throughout the past decades, the EU's relations with its Eastern neighbours have not followed a coherent approach or policy paradigm. Just after the end of the Cold War, the Union offered Partnership and Cooperation Agreements (PCAs) to all six countries (with the Belarusian PCA having remained 'frozen' since 1996) which contained very few references to democratic reform or the conditionality of democratic reform for enhanced economic and trade relations with the EU. Just after the historic Eastward enlargement of the Union in 2004, then Commission President Romano Prodi famously announced the ambition to integrate the new neighbours of the EU into 'everything but institutions' and offered them a stake in the internal market. The basic logic behind the first initiatives linked to the 'Wider Europe-New Neighbours' policy was therefore to apply EU enlargement policy, yet without the actual prospect of EU enlargement. The EU seemed to offer a lot (i.e. a stake in the internal market would imply significant trade concessions on behalf of the EU as well as, eventually, visa-free movement of labour and persons), though no precise timetables,

roadmaps or conditionality for the integration of the new neighbours into the EU's policies or markets. Moreover, the EU quickly enlarged its European Neighbourhood Policy (ENP) to include the entire Euro-Mediterranean Partnership and embarked on a 'one size fits all' policy, with very little concern for the types of government in the different countries and different stages in their democratization.

In fact, the ENP was also a 'catch all' policy in its aims: the EU wanted the ENP to be a policy to 'avoid new dividing lines in Europe', and at the same time 'protect EU citizens from the challenges arising on the new borders'; it wanted to offer 'everything but institutions' but already hesitated to make the smallest concessions in liberalizing trade in key areas, such as agriculture. And it wanted the EaP countries to democratize, but offered few financial incentives for democratic reforms and civil society. Yet, the EU applied double standards. Belarus was not included in the ENP due to the authoritarian nature of the Lukashenka regime. Instead, the Commission prepared a Non-Paper in 2006, which outlined 12 points for essential political reforms with which Lukashenka had to comply with in order for Belarus to be able to join the ENP. At the same time, the EU pledged extensive support for civil society in Belarus to 'win the hearts and minds' of the Belarusian population. Azerbaijan (and Armenia), on the other hand, were included into the ENP without further questions (as were the autocratic regimes in North Africa, for example Egypt, Tunisia and Yemen). The conditionality of democratic reform in exchange for enhanced relations with the EU therefore varied from country to country, not on the basis of their democratic credentials, but mainly according to their relevance for the pursuit of the interests of the member states of the EU. Unlike Azerbaijan, for example, Belarus was not a key energy supplier and few of the 'old' EU member states had a particular (economic) interest in the country. Belarus could therefore be stigmatized more easily as the 'last dictatorship in Europe' than other countries in the region in which the EU had a vested interest.

EU support for democratic reforms was also just one among several priorities of the European Neighbourhood and Partnership Instrument (ENPI) which is the main financial assistance tool for the implementation of the Neighbourhood Policy. Assistance for border-management and direct budget support for good governance reforms clearly dominated over democracy promotion and especially bottom-up funding for civil society. ENPI funds took years to reach the stage of program implementation and not a single project was completed by early 2010 (almost three years after the ENPI had become operative). Civil society groups repeatedly criticized the lack of information on available funds and the overwhelming complexity of the application procedures.² Also within the European Commission, officials conceded that most funding geared towards civil society was in fact distributed to very large organizations (mostly located in EU member states) with an established track record of funding implementation.³ ENPI funding also relies on the consent of the respective government (or government agency) of the neighbouring country and have to follow strict auditing procedures. Independent NGOs in Belarus and Azerbaijan are often refused registration and/or permission to participate in ENPI funding projects from government agencies, and therefore do not fulfill the auditing rules of the European Commission. Only the European Instrument for Democracy and Human Rights (EIDHR) can finance NGO activity without prior consent of the respective governments. The support

² Jarabik, B. and S. Silitski (2008) 'Belarus', in: Youngs, R. (ed) *Is the European Union Supporting Democracy in its Neighbourhood?*, FRIDE, Madrid.

³ Interview by the author with EU official, Brussels, March 2008.

there is, however, rather small (between EUR 1.200.000 for Ukraine and EUR 500.000 for Belarus in 2011).⁴

It was only after the 2004 Orange Revolution that the EU was willing to invest more substantial funds in Ukraine. Nevertheless, EU support here primarily took the form of direct budget support which was only loosely coupled to democratic reforms. As a result, the EU lost millions of Euro to corruption under the Tymoshenko premiership. This rather unpleasant experience led to even greater reluctance on behalf of the EU's member states to invest significant funds into the Eastern neighbourhood. Yet, Ukraine did become the 'frontrunner' among the Eastern partners participating in the ENP. The Union opened negotiations with Ukraine on a new Association Agreement (AA) in 2007 and started the negotiations for a Deep and Comprehensive Free Trade Agreement (DCFTA) in 2008. In addition, Ukraine was offered a roadmap towards visa-free travel. No other country in the ENP East was offered similar incentives to continue and step-up its efforts to implement political democratic and economic reforms. This incentive structure for democratization did, however, change following the introduction of the Eastern Partnership policy in spring 2009.

The Eastern Partnership: Encouraging 'reluctant democratisers' whilst frustrating the 'willing democratisers'?

The Eastern Partnership was officially launched in Prague in May 2009. The EaP was designed to add value to the ENP by significantly enhancing the relations between the Union and its partners in the East (Ukraine, Moldova, Belarus, Armenia, Azerbaijan, Georgia). The new framework was also in parts a response to the lacking passive and active leverage of the EU over the six countries. The EaP was a pragmatic policy from the start. On the one hand, it sought to exploit the EU's leverage over those countries which were most interested in closer relations by applying strict economic and political conditionality. Where the EU's leverage was lacking or non-existent, on the other hand, the EaP facilitated pragmatic engagement without much conditionality.

Belarus, for example, was included in the multilateral dimension of the EaP. Belarusian government representatives were invited to take part in the meetings of the four thematic platforms, and could apply for joint projects with other EaP partners. Belarusian representatives could also participate in the EaP summit and ministerial meetings, as well as in the so-called Flagship initiatives for border management or small and medium sized businesses, or indeed for regional energy markets. It was the Polish government in particular, which had pushed for the EU to recalibrate its policy towards Belarus, and many officials in the Commission (especially in the Eastern Partnership Task Force) seemed convinced that closer relations with the regime on technical matters would eventually lead to a gradual opening of the country.⁵ The Belarusian government was indeed keen to participate in the multilateral activities, though it largely used the improved relations with the EU to 'balance' Russian influence over the country rather than for embarking on a process of socialization towards European norms and standards. The violent crackdown of

⁴ Delegation of the European Union to Ukraine and Belarus, Annual Workprogramme for Grants, European Instrument for Democracy and Human Rights:

http://ec.europa.eu/europeaid/documents/awp/2011/awp_2011_blr_en.pdf (accessed June 2011).

⁵ Interview by the author with EU official, Brussels, September 2010.

the opposition protests following the fraudulent presidential elections in Belarus in December 2010 then considerably embarrassed the supporters of the EU's new engagement policy with the country. Nevertheless, the engagement (though now referred to as 'critical engagement' by the EU) with Belarus in the EaP was not discontinued after the elections. Some new political conditionality applies to bilateral relations, but on the multilateral level, funds continue to flow for projects involving the Belarusian regime.

Whereas the EaP was rather promising for Belarus, the policy significantly frustrated other Eastern partners, and specifically Ukraine. The EaP seemed like a step backward for Ukraine, as it was now pushed back into one basket together with the other EaP countries. In 2010, Moldova, Armenia, Azerbaijan and Georgia started negotiations for Association Agreements with the EU and in the second half of 2011, negotiations for a DCFTA are very likely to be launched with Moldova. Action Plans for Visa Free travel were agreed for Ukraine in late 2010 but also, in early 2011, for Moldova. In other words, Ukraine's 'front runner' status in relations with the EU had effectively been eroded with the introduction of the EaP. Subsequently, the negotiations for a DCFTA with the EU became tougher and the new Ukrainian government quickly resorted to a pragmatic 'wait and see' attitude in relations with the EU, and adopted a more pragmatic stance towards further economic and political reforms for convergence with the EU's *acquis* more generally.

The EaP had also few new caveats on offer for the three republics in the South Caucasus. The EU plays hardly any role in addressing the geopolitical and economic challenges facing Armenia and Azerbaijan. The EU has effectively excluded the Nagorno-Karabakh conflict from the EaP and has a very minor impact on both countries in terms of trade, which is dominated by Russia. Georgia's main interest in the ENP and EaP was to get the EU involved in the resolution of the frozen conflicts in South Ossetia and Abkhazia, but the EaP deliberately excluded the conflict resolution dimension. As a result, Georgia remains deeply attached to the support of the United States, which also leaves the EU with few opportunities to increase its leverage over the country.

Many of the other 'new' incentives of the EaP also seem too limited to significantly improve the leverage of the EU and its ability to foster democratic reforms in the EaP region. The DCFTAs contain a strict economic conditionality in exchange for lower trade tariffs, though the EU is not willing to lower its tariffs in most of the sectors which are relevant for EaP partners (i.e. in agriculture or food products). In addition, the Action Plans on visa-free travel contain many safeguards, and even if the Actions Plans have been implemented successfully, the member states of the EU may still decide not to offer visa-free travel to EaP partners. Also in other areas of interest to Eastern partners, for example in transport or energy policy, the EU still lacks the competences to engage in cooperation with third countries, which also significantly limits its ability to engage with partners to gain some leverage (for example with Azerbaijan through the Baku Energy Initiative).

The EaP also created the Civil Society Forum (CSF), as well as the EURONEST parliamentary assembly, mainly in order to add 'public' legitimacy to the policy by involving civil society and parliamentary representatives, and also to support the EU's democracy promotion efforts in the region. The CSF met twice since 2009, and many activists have welcomed the forum as a platform to meet and network. Nevertheless, the CSF has little powers or rights to influence decision-making in the EaP. As one civil society activist summarized, the CSF was little more

than the 'kinder-garden' of the 'adults' in the multilateral thematic platforms.⁶ Nevertheless, it did, for example, indirectly help Belarusian civil society to organize itself strategically. The EURONEST assembly was paralyzed for many years because of a lack of consensus over including Belarusian parliamentarians into the Assembly. In 2011, the Assembly met for the first time, yet without the Belarusian delegation. It therefore remains to be seen if and how the Assembly can support democratic reform efforts in EaP countries.

Conclusion and recommendations

Overall, democracy promotion through the EaP had a rather bumpy start, and it is doubtful if the EU can gain significant active and/or passive leverage with the policy to encourage democratic reforms in the six partner countries. The prevailing mood and current relations suggest a rather 'sober' pragmatic engagement strategy on behalf of the EU and, at best, a 'wait and see' attitude among most Eastern partners. As I argued in this report, the current political climate in the EU, and the geopolitical and economic challenges facing EaP partners, are not particularly conducive for increasing the EU's leverage in the region. On the contrary, the EU's leverage is decreasing. As a result, the EU's role as a democracy promoter is also rather limited.

Taking into account the political realities, the EU should refrain from artificially building up expectations about its role as a democracy promoter through the EaP. The recent review of the ENP published by the Commission introduces 'deep democracy' as a new goal for EU relations with its neighbours. The concept is, however, not explained in any more detail and, given the constraints of EU leverage in Eastern Europe, the new concept is already in danger of remaining little more than an empty metaphor. The EU has and is implementing important democracy promotion projects, for example through the European Instrument for Democracy and Human Rights (EIDHR). Yet, these activities are too limited in scale and impact to lead to a successful promotion of 'deep democracy' in the region. A certain modesty about its own abilities in its official rhetoric may very well help the Union to keep expectations about its role as a democracy promoter in check. Realistic goals can be fulfilled, whereas unrealistic goals are rarely met and therefore become easy targets for criticism.

At the same time, the EU should be more consistent in its application of conditionality, or at least do more to justify the uneven application of conditionality. It is clear that the EU has used double-standards in relations with (semi-) autocratic regimes (i.e. different policies towards Belarus and Azerbaijan) and that it almost abandoned conditionality in relations with Belarus in the EaP, after having applied very strict conditionality towards the regime in the preceding years. If there are too many double-standards and radical shifts in its conditionality towards Eastern partners, the EU's credibility will decrease in the eyes of third countries. It seems also counter-productive to use very strict political conditionality in relations with those countries willing to integrate into the EU, and to apply very light conditionality vis-à-vis 'reluctant democratisers' in its neighbourhood – at least under the banner of democracy promotion. It is not necessarily surprising to find selective engagement and conditionality in a pragmatic foreign policy, but then the EU's image as a 'normative power' and 'pure' democracy promoter ought to be revised.

⁶ Interview by the author with an independent expert, Minsk, June 2010.