

Forschungsstelle Osteuropa an der Universität Bremen

Research Centre for East European Studies at the University of Bremen

Changing Europe Summer School III Central and Eastern Europe in a Globalized World

Bremen, 28 July – 2 August 2008

sponsored by the Volkswagen Foundation

www.changing-europe.org

Thijs Rommens: The Impact of the European Neighbourhood Policy on Democratisation in the South Caucasus

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Language editing: Hilary Abuhove and Christopher Gilley

Abstract

The fall of a considerable number of dictatorial or authoritarian regimes across the globe starting in the 1970s has sparked off a lively debate and a string of academic research. Initial contributions to this field of research were positive in message. The concept of democratic transition suggested a fixed path for any country that was moving away from authoritarianism towards democracy. By the end of the twentieth century, however, these optimistic reports were challenged by sceptical or even outright negative theses about democratisation. This paper focuses on two aspects of the democratisation debate: the inclusion of civil society and the role of international actors, in this case the EU.

The cases covered in this research are the three Republics of the South Caucasus: Armenia, Azerbaijan and Georgia. The EU has become a prominent actor in these three countries with respect to democratisation since the inception of the European Neighbourhood Policy (ENP) in 2004. As with the enlargement process, democratisation is an essential point in the ENP. However, the nature of the concept differs considerably across policy documents and academic papers making research on the topic interesting and indispensable. Since the ENP no longer offers membership, the tool of conditionality extensively employed during the enlargement process is no longer as powerful. Other modes of democracy promotion will have to gain importance in order for the EU to make an impact. This research is centred on the question of whether the ENP has an impact on the rhetoric and priorities of local civil society organisations in terms of democratisation. The focus is not on the direct impact the ENP has on the policy of the countries concerned, but on the tools and opportunities it offers to civil society to promote democratisation.

In the first section of this paper, the wider theoretical debate on democracy promotion will be outlined briefly. The second and third parts cover the policies of the EU in this field. Finally, the paper discusses the actual research, covering both the theoretical framework, which is based on Frank Schimmelfennig's concept of rhetorical action, and the preliminary research results of my fieldwork in Azerbaijan and Georgia.

1. Background

The initial literature on the subject of democratisation focussed on the procedural aspects. Holding elections is considered the centrepiece of democracy and is expected to lead to deepened political participation and democratic accountability, ultimately resulting in a self-sustaining democratic system. This optimistic view did not materialise in reality and this fact is reflected in the literature. Fareed Zakaria has studied the growing number of states that hold elections but lack any other democratic aspects and labelled these countries as illiberal democracies.¹ The research agenda has been broadened and other dimensions, such as a free market, the rule of law and civil society, have come to the fore. Civil society plays a vital role in this more comprehensive view on democratisation in that it could potentially serve as a bridge between politics and society at large. In this capacity, civil society bundles and expresses interests, demands and values in a bottom-up manner independently of the state. The existence of a robust and functioning civil society strengthens both the performance and credibility of the government and helps to create a sustainable democracy. Civil society provides the government with expertise on problems, informs it of public expectations and needs, and, if tapped, could boost the government's legitimacy. Civil society and democracy are thus intertwined to a great extent. The former requires a democratic political system guaranteeing civic freedoms; at the same time, the strength of a democracy is partly defined by the level of civil society.² This symbiotic existence reflects the situation in established democracies. The key to democratisation is thus to foster this kind of interaction.

International aid, especially from the US, has played a vital role in a successive number of democratisation efforts in Croatia, Serbia, and most prominently, the "coloured" revolutions in Ukraine, Georgia and Kyrgyzstan. However, this success has paradoxically triggered a backlash against democracy promotion³ and an increasing number of authoritarian leaders have criticised international interference in national politics. The original positive assessment of the impact of international actors on democratisation has given way to a less clear-cut picture. The impact of international actors has been assumed, but rarely proven.⁴ Sceptics argue that international actors are only of secondary importance and that regime change is primarily a dynamic process that is internally motivated. A mere dichotomous analysis does not reflect the reality of the complex, dynamic process of interaction between international factors and domestic elements.

More subtle forms of influencing democratisation from the outside that take into account both international and domestic elements have been brought to the fore by researchers and policymakers. Different theoretical models have emerged on the topic of external influence on democratisation. W. Jacoby⁵ offers an overview of these models. One mode is 'inspiration', in which ideas flow from the outside to the inside, a method often used in the post-communist world. The idea behind it is that domestic reformers look abroad to find best practices and try to emulate experiences from other countries. Another mode is 'substitution', whereby external actors attempt to promote and implement their programme directly regardless of the internal preferences or balance of power. This approach is often observed in post-conflict settlements; a case in point is the international influence on Bosnia-Herzegovina after 1995. A third method, called the 'coalition' mode, falls between these two extremes and leaves an active role for both the inside and outside actors. In this approach outsiders strive to influence the choices of existing domestic actors with whom they can form a coalition. The exact mechanisms through which this external support is channelled are diverse and cover more than mere subsidies and financial backing. By actively interfering in the domestic political sphere, the external actor can alter time horizons and incentives and thus improve the

1 Zakaria, Fareed: *The future of freedom, illiberal democracy at home and abroad*, London: W.W. Norton and Company, 2004, p. 17.

2 Raik, Kristi: *Promoting democracy through civil society*, CEPS Working Document, 2006, No. 237, p. 4.

3 Carothers, Thomas: *The backlash against democracy promotion*, in: *Foreign Affairs*, 2006, (vol. 85), No. 2, pp. 55–68.

4 Pridham, Geoffrey: *Building democracy? The international dimension of democratisation in Eastern Europe*, London: Leicester university press, 1997, p. 9.

5 Jacoby, Wade: *Inspiration, Coalition, and substitution, external influences on postcommunist transformation*, in: *World Politics*, 58, 2006, pp. 623–651.

conditions for changes it favours. This mode is arguably the least easy to see with the naked eye, yet it has become the most prominent mode of international democracy promotion. It implies that when studying democratisation, one needs to take into account both domestic and international actors as well as cooperation between insiders and outsiders.

2. The EU as Democracy Promoter

The EU has been an organisation for and of democratic states from the outset, but it did not make political conditionality with respect to democracy a cornerstone of its external relations until Greece, Spain and Portugal applied for membership in the 1970s. The successful democratic consolidation of these countries seemed to confirm the pivotal role that the EU can play in promoting democracy. The fall of communism would eventually provide a rich opportunity to test this hypothesis. Every policy initiative since, such as PHARE or the Association Agreements, has contained elements of conditionality and democratisation. This was formalised during the accession talks when democratic norms were explicitly enshrined in the Copenhagen criteria. At the end of the process, various post-communist countries joined the EU and their political systems were classified as consolidated democracies. This apparent success story could be harder for the EU to achieve in the future.⁶

In the ENP, the golden carrot of membership is not an option, which makes the use of conditionality less implementable. Because the EU has less leverage over the partner countries, it will have to come up with other ways of promoting democratisation. Critical authors claim that due to its sui generis nature, the EU does not have other instruments at its disposal and that it has therefore incorporated conditionality into all of its external relations programmes from accession to the ACP-process.⁷ The current shift of attention away from conditionality will deeply affect the future of the EU's democracy promotion and assistance. Research on democratisation will also certainly be impacted.

The use of conditionality is closely linked to the logic of consequence; actors are incited to act according to the wishes of another actor via the linking of compliance to rewards. The rationale behind this conditionality is that behaviour is driven by rational choice; actors act the way they do because they want to maximise their own profits according to their own preferences and interests.

The more complex and fundamental logic of appropriateness complements this means of democratisation. This perspective is so named because it asserts that actors tend to conform to rules of appropriate behaviour. Its logic is rooted in the assumptions of social constructivism. Actors do not merely act in their own interest, but they are also motivated by social interaction, which they use to construct their identity.⁸ Socialisation is the key process here: actors who are surrounded by the values and norms of democracy can internalise these after a certain amount of time. As conditionality plays a lesser role in the ENP, the potential importance for the logic of appropriateness has increased.

3. The ENP and Democratisation

When developing the ENP, the EU was keen to point out the policy's great importance and novelty⁹, and introduced a new framework and new tools to implement it. The rationale for the policy was to avoid the creation of new dividing lines by the time the enlargement process had drawn to a close. By opening up in a number of policy fields towards neighbouring states, the EU hoped to diffuse its policies without includ-

6 Kubicek, Paul J.: *The European Union and democratization*, London: Routledge, 2003, p. 10.

7 Börzel, Thomas A./ Risse, Tanja: *One size fits all ! EU Policies for the promotion of human rights, democracy and the rule of law*: paper presented to the Workshop on Democracy Promotion at Stanford University, 4–5.10.2004, 32p.

8 Risse Thomas: "Let's argue!": communicative action in world politics: in *International Organization*, 2000, 54, 1, pp. 1–39.

9 Edwards, Geoffrey: *The construction of ambiguity and the limits of attraction: Europe and its Neighbourhood Policy in Journal of European Integration*, 2008, No. 30, pp. 45–62.

ing new member states. The envisaged result of this was a ring of friends¹⁰ enjoying close and cooperative relations with the EU; this in turn was expected to lead to a stable and prosperous Europe. The policy itself is comprehensive, covering all three pillars of the Maastricht Treaty and funded through a single ENP Instrument.

The first relations between the EU and the South Caucasus countries were fostered immediately after their respective declarations of independence in the beginning of the nineties. In 1999 three Partnership and Cooperation Agreements were signed; these still serve as the legal basis for relations between the governments and the EU.¹¹ Initially, the South Caucasus countries were not included in the ENP. The decision to incorporate them was mainly driven by the Rose Revolution in Georgia in 2003, where the call for democratisation and a turn towards Europe were the leitmotifs of President Saakashvili's promised new approach. The ENP offers possibilities for more far-reaching cooperation and somewhat reflects the changing relationship between the South Caucasus and the EU. In the early nineties, this region was seen as a conflict-prone zone riddled with failed states in need of humanitarian aid. Now, however, the EU perceives the area as an important source for energy, a growing economic market, a strategically located area between Russia and the Middle East and a bridgehead for democratisation in the region. It remains to be seen whether the ENP will be able to cope with these divergent issues and if the norms and values on the ENP agenda will triumph over more material interests.

In order to determine the exact significance and place of norms and values in the ENP, the incidence of references in official ENP texts needs to be examined. In the 2004 ENP Strategy Paper, "commitment to specific actions which confirm or reinforce adherence to shared values"¹² is cited as the first of two priority areas for the ENP. Further on in the text these values are extolled as strengthening not only democracy, but also respect for human rights, support for the development of civil society, cooperation with the International Criminal Court and cooperation with the EU's external actions.¹³ Democratisation thus has top billing, but in order for it to take effect, it has to trickle down to the Country Reports and Action Plans, which serve as basis for actual policy-making. In the Country Reports, the emphasis is on legislative reform and liberalisation; the judicial and economic sectors dominate the texts. However, the Reports also contain two fairly extensive sections on democracy and human rights that appear fairly direct and concrete. Although these Commission-produced Reports served as a starting point for the Action Plans, they seem to lack the rigour and details of the initial Reports, in which value gaps were identified.¹⁴ The Action Plan for Georgia, for example, mentions eight priority areas and only lists democratisation as a complementary action.¹⁵ This illustrates that democratisation has not been translated into concrete terms on the highest level of policy-making.

In addition, the intergovernmental nature of the negotiations of the Action Plans has also served to shut out NGOs and civil society in general. Not only does this exclusionary approach mean a loss of potential civil society involvement, but it contradicts the stated aims of the ENP as mentioned above to support the development of civil society. After fierce protesting from civil society organisations, the EU has made efforts to include civil society in the ENP in a more active way. Meetings between EU officials and NGO representatives are organised in ENP countries to strengthen ties and civil society representatives were invited to the European Commission ENP conference in September 2007.¹⁶ Although these are laudable first steps to improve dialogue, civil society remains a secondary actor in the mainly bilateral ENP process.

10 European Council: A secure Europe in a better world; European Security Strategy, 12 December 2003.

11 Mayer, Sebastian: Die Europäische Union im Südkaukasus. Interessen und Institutionen in der Auswärtigen Politikgestaltung, Berlin:, Nomos Verlag, 2005, p. 107.

12 European Commission: Communication from the Commission "European Neighbourhood Policy" Strategy Paper, COM(2004) 373 final, 12 May 2004, p. 9.

13 Ibid., p. 13.

14 Bosse, Giselle: Values in the EU's Neighbourhood Policy in European Political Economy Review, 2007, No. 7, pp. 38–62.

15 EUROPEAN COMMISSION, EU/Georgia Action Plan, November 2006.

16 Reflections from Civil Society representatives, European Commission ENP Conference, 3 September 2007, p.7.

4. Theoretical Approach

Research on the impact of the ENP on democratisation needs to build upon a theoretical foundation. The concept of rhetorical action coined by Frank Schimmelfennig¹⁷ is applied in this research and adapted to fit the specific case. Schimmelfennig developed the theory in the context of the EU and NATO enlargements: why did Western European states agree to these enlargements? He starts his analysis by comparing the preferences of the Western European states at the beginning of the negotiation process with the eventual outcome of the accession talks. The outcome of the process does not match the initial predictions based on the interests of the member states. The enlargement preferences and initial enlargement decision-making process correspond to rationalist expectations (logic of consequence), which attribute actor preferences and behaviour as well as collective outcomes to egoistic calculations of material interest and differential bargaining power. The outcome of the process, however, follows the rationale of sociological institutionalism (logic of appropriateness), which explains why the two organisations finally admitted new member states from Central and Eastern Europe and the reasons for their selection. Yet, this theory is unable to tell us how this outcome was produced. The analytical problem to be solved is to explain how a process initially determined by egoistic preferences and strategic action resulted in a rule-conforming outcome.

Schimmelfennig brings in the mechanism of rhetorical action as the causal link between the egoistic point of departure and the rule-based final outcome. Rhetorical action draws on a strategic conception of rules that combines a social, ideational ontology with the assumption of rational action. It postulates that social actors use and exchange arguments based on identities, values and norms institutionalised in their environment to defend their political claims and persuade their opponents and their audience to accept these claims and to act accordingly.¹⁸ In this research we transplant and adapt Schimmelfennig's mechanism to the context of the ENP and its potential for internal democratisation in the three Caucasus Republics.

As mentioned above, in case of the ENP, official documents explicitly mention shared values as the number one priority and the neighbouring countries are also tied to these principles. Because the agreements between the EU and the countries do not only touch upon material or institutional aspects, but also upon norms and values, rhetorical action can be applied. The commitments made between national governments and the EU serve as a potential source to refer to, which opens up the possibility for the use of this mechanism in our analysis.

The crucial divergence from the original theory rests in the actors involved. Whereas Schimmelfennig's paradigm covers relations between member states and applicants, the focus here is on NGOs and their eventual use of commitments made in the ENP. The declared pledge to strengthen democracy formulated in the ENP Action Plans for external use can resonate in domestic politics. It may not be in the interest of autocratic regimes to do so themselves, but there is a possibility that NGOs will take up that promise and usher it into the domestic political arena. NGOs working on democracy could refer to the ENP to strengthen their own position. In this setting, rhetorical action is situated between the government and the NGOs. Returning to the theory on democracy promotion mentioned above: is the ENP a successful example of the coalition approach?

5. Tentative Results

Literature on the role of civil society in post-communist societies often stresses its relative weakness compared to other regions. The legacy of Soviet times still influences the image of civil society organisations. During the communist era, autonomous organisations were not only repressed, but also supplanted by

17 Schimmelfennig, Frank: The community trap: Liberal norms, rhetorical action, and the eastern enlargement of the EU in *International Organization*, 2001, 55, No. 1, pp. 47–80.

18 Schimmelfennig, Frank: *The EU, NATO and the integration of Europe: rules and rhetoric*, Cambridge: Cambridge University Press, 2003, p. 193.

state-run counterparts. In response to this, an extensive network of personal relations and informal connections developed. Today's relatively less vibrant civil society stems in part from disappointment; people who were active in promoting democracy before the fall have been disheartened by the sometimes sobering events of the first post-communist years.¹⁹

Besides the historical lack of trust in NGOs, there are also a number of flaws and issues that originate from within civil society itself. The ideal of civil society as an entity working from the bottom up to communicate the larger population's needs to the political field does not seem to fit the situation in the South Caucasus. Organisations tend to be professionally organised rather than more or less organically emerging from societal needs. Many NGOs seem more interested in defending the interests of their employees instead of furthering the common good of society. Moreover, because they tend to be personality-driven rather than issue-driven, NGOs are often dependent on the activities of one or several key figures. Another issue is their substantial dependence on donors; organisations often scramble in competition with other NGOs for income instead of focussing on implementing policies.²⁰ However, many NGOs conduct useful work and address important problems, even if their efforts are often not visible to the public. Their good deeds do not receive the same degree of media attention as cases involving misappropriated funds or other scandals.

Civil society organisations do not operate in a political vacuum and as relatively new actors, they have to position themselves in order to get heard and gain credibility. In the case of the South Caucasus, this is not so easy to achieve because certain security-related topics tend to dominate the political debate. This leaves little room for organisations to challenge certain societal problems without being discredited by political opponents. In Georgia, inequality and poverty are rising and are thus becoming more pressing issues; however, there are fewer civil society organisations working on these topics than one would expect. Organisations that do tackle these issues have been branded as communist, a label that is still negatively associated with Russian rule. In a country that has had tense relations with Russia over the last several years, joining an organisation with communist overtones could ruin one's status and sever links to authorities.²¹ In Armenia and Azerbaijan, the NGOs' room for manoeuvre is similarly squeezed by the Nagorno-Karabach conflict.

International linkages between internal civil society and international actors have been thriving in the region since the fall of communism. The most active organisations were from the US, such as the Soros Foundation and the International Republican Institute, German foundations and international organisations such as the UN and the OSCE.

These programmes have witnessed different outcomes in the different countries. In Azerbaijan, there is not much room for civil society to participate in politics and the government is also not inclined to increase this. The lack of a free press and of an independent judicial branch makes it difficult for civil society to make itself heard and create a solid basis for action.²² In spite of its international links, civil society in Azerbaijan plays a relatively small role, which shows that national factors have to be taken into account and that mere inspiration will not produce the desired outcome.

Georgia is widely touted as a textbook example of a successful civil society that has been able to induce political change. The Rose Revolution and Saakashvili's rise to power were greatly supported by a large number of NGOs. Linkages between local actors such as NGOs, political parties and individuals from Georgia and international (mainly US) actors were plentiful. Once the Shevernadze regime fell, opposition forces assumed power and a substantial number of people from civil society took up positions in the new government.

19 Howard, Marc M.: The weakness of post communist civil society in *Journal of Democracy*, 2002, 13, No. 1, pp. 157–169.

20 Interview with Böll Stiftung representative, November 2007.

21 Interview with Georgian NGO staff member, November 2007.

22 USAID, 2006 NGO Sustainability Index for Central and Eastern Europe and Eurasia, Washington: USAID, 2007.

The main question in this instance is if it is appropriate for civil society to actually take political power. Assuming office tends to undermine its credibility, because in retrospect, it can appear that civil society members merely used NGOs to promote their own political agendas, which is antithetical to the concept of civil society. And when civil society members join the government, the public is robbed of key actors. The extensive link to the US that some NGOs have also creates grounds for opponents to discredit them as puppets controlled by America. The Georgian case also is an example of 'where you stand is where you sit' in that the same people who opposed strong centralisation did not change the status quo once they came to power.²³ International empowerment of civil society can thus lead to bringing down regimes, but it is not self-evident that it automatically leads to further democratisation.

The EU is a relative latecomer on the democracy promotion scene in the South Caucasus. It is only since the beginning of 2008 that an EU delegation has been active in all three countries. The main instrument the EU uses to encourage civil society and democratisation is EIDHR, whose second general objective (out of 5) is the strengthening of civil society. Through dedicated members of staff at the local delegations, the EU supports a number of projects run by NGOs. In Georgia about 30 projects were going on in 2007 for a total sum of 1 million euros.²⁴ The contacts between the EU and civil society have increased since the introduction of the ENP. A first conference on the role of civil society was organised in June 2007 with officials from the EU Commission and the Delegation as well as members from Georgian NGOs attending. In recent years, the EU has managed to foster links with Georgian civil society.

Have the EU and the ENP managed to attract the attention of local civil society apart from being a source of funding? Among the general public, the EU is neither considered the most important international actor nor the ENP the most pressing issue. In Georgia, membership in NATO is priority number one on the foreign policy agenda and the US rather than the EU is seen the main guarantor against possible Russian aggression. Azerbaijan conducts a multi-vector foreign policy and has not openly applied for EU membership. With regards to human rights and civil society, the Council of Europe has the most significant leverage.

The relatively meagre attention paid to the ENP extends to civil society. A small number of domestic NGOs is working on the topic. This can be explained by a number of factors already touched upon. The vagueness of the programme makes benchmarking and monitoring difficult. The vagueness of the European level is also noticeable on the domestic level. The Georgian government worked out a detailed matrix covering all necessary actions, but this was rejected as too detailed and a working paper of 8 pages replaced it. NGOs also do not have much experience in dealing with the EU, as it has only recently become involved in democracy promotion. The multilevel constitution of the ENP adds an EU-level, complicating things for NGOs that still struggle to survive just on the national level.

This rather bleak outlook for the chances for the ENP to have any impact at all on democratisation in the region has to be tempered. International actors such as the Open Society Institute and the Böll Stiftung have been actively supporting ENP monitoring initiatives. Both in Georgia and Azerbaijan a consortium of local NGOs supported by these organisations has been set up. During the different stages of drafting, signing and implementing the Action Plan, a number of reports and recommendations were published.²⁵ Through regular follow-up of the topic, these organisations try to make the voice of civil society heard. This dynamic is very interesting because it furnishes proof of an even more complex setup. Not only do we have international linkages between the EU and local civil society, but international NGOs are also involved. Local NGOs are now acting upon the agreements between national governments and the EU on democratisation because international NGOs have encouraged them to do so. This preliminary conclusion leads us to the question of whether this will turn into a stable nexus of actors that will succeed in creating a sustainable dynamic concerning the implementation of democratisation as envisioned by the ENP.

23 Interview with EU Delegation member Tbilisi, November 2007.

24 Interview with EU Delegation member Tbilisi, November 2007.

25 Open Society Georgia Foundation/For Transparency of Public Finances: Georgia and the European Neighbourhood Policy perspectives and challenges, Tbilisi, 2007.