



The Reluctant Debutante

The European Union as Promoter of Democracy in its Neighbourhood

**Michael Emerson, Senem Aydın, Gergana Noutcheva,
Nathalie Tocci, Marius Vahl and Richard Youngs**

Abstract

In its discourse the EU places democracy and the rule of law as number one. This paper examines the extent to which the EU is a coherent actor in pursuing this goal in practice, especially in its wider neighbourhood. Case studies are presented, covering much of the neighbourhood: Balkans, Turkey, Russia and Ukraine, Maghreb and Israel-Palestine. The distinction is made between the enlargement-related sphere, which is an extension of EU internal policies and the foreign policy sphere beyond. In the enlargement process, the EU has worked powerfully as a promoter of democracy both through its gravitational attraction and explicit political conditionality. In the foreign policy sphere, a whole set of institutional and historical inhibitions and partly conflicting priorities muffle the outcome for democracy promotion. However, these two spheres, the internal and external, are in practice overlapping. The EU's official neighbourhood policy, which sets democratisation as the number one priority, is subject to ambiguous interpretations, between the EU that claims it is a foreign policy, whereas various partner states view it as a pre-accession strategy. Recent developments see new dynamics. On the one hand, the Constitutional ratification crisis will shatter some pre-accession illusions, yet on the other, this may drive the EU to give greater substance to its neighbourhood policy in order to mitigate discouragement. Moreover, in the neighbouring regions from former Soviet Union states to the north and the Arab world to the south, there develops a fresh momentum to the democratic transition, with apparent contagion of ideas and revolutionary behaviour that is even reminiscent of some of the major historical episodes preceding political liberalism on the European continent.

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CEPS WORKING DOCUMENT No. 223/JULY 2005

**MICHAEL EMERSON, SENEM AYDIN, GERGANA NOUTCHEVA,
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Executive Summary and Conclusions

In less than a year, the name of the game seems to have changed. A year ago, as the EU made its massive enlargement, the impression was one of a wider European area that divided neatly into three parts: first, the new EU member states and other candidate states that had become serious members of the democracy club; second, the European CIS states that had become entrenched as deeply corrupted phoney democracies; and third the Arab/Muslim states from the Mediterranean to Central Asia which for the most part were not even pretending to appear to be democracies.

In the space of one year this landscape has begun to change, as some of the European CIS states resolved to clean up their phoney democracies, and the Arab/Muslim world is seeing either advances in the formal institutions of democracy or signs of popular uprisings against the incumbent authoritarian regimes. This leads to the idea that the European neighbourhood may now be witnessing a far wider movement of democratic revolution, with contagion on the scale of earlier historic episodes known by the dates 1789, 1848, 1917, 1945 and now 1989-[2005].

Yet what has been the role of the European Union in the current episode? Has it been a driving force for democracy promotion in its neighbourhood? It has been present, but often as a 'reluctant debutante', given the immature development of the EU as foreign policy actor. This paper was stimulated by an earlier paper,¹ which dissected the inter-agency tensions and contradictions in Washington's efforts to formulate a democratisation strategy. Institutional structures and roles are of course totally different in the EU, both between and within the EU institutions – European Commission, Council and Parliament – and between the member states. Yet there are similarities in that while democracy always comes top in the speeches, in practice it has to find a more modest place in a complex set of often competing and sometimes contradictory interests.

This paper begins with a review of some paradigms and syndromes that seem to characterise the roles currently being played by the EU institutions and member states. This provides the setting for a series of case studies of current EU policies from Russia round Europe's eastern and southern periphery to Morocco. In a final section we attempt to draw together general findings from this detailed material.

¹ Mathew Spence, "Policy Coherence and Incoherence: The Domestic Politics of Democracy Promotion", working paper, CDDRL, Stanford, 4-5 October 2004.

Our conclusions are:

1. The EU has undoubtedly become important as a presence, integration model and democratic reference in the wider European neighbourhood. This flows from the fact that the EU is now an integrated space for almost 500 million people encompassing virtually the whole of Western and Central Europe, with high standards of democracy as the priority criterion for membership. At this level the EU does not need to try actively to shape its neighbourhood. It simply exists, and is an object of gravitational attraction for its neighbours.² However when neighbouring states seek accession, then the EU sets democracy as the *sine qua non* test, and a hugely powerful political conditionality machine is deployed. The relative coherence with which EU actors have pursued political conditionality in the case of its would-be members follows from the objective of transforming these countries from outsiders to insiders. Here democracy is number 1.
2. By comparison with this enlargement game, the EU's performance as a foreign policy actor aiming at the promotion of democracy is very mixed. The distinction between enlargement and foreign policy, or between the internal and the external is thus crucial. The enlargement process sees the EU play to its legal and institutional strengths, whereas its foreign policy activity sees the EU and its member states reveal a whole set of divergent preferences, ambiguities and institutional cleavages. Clarity and strength of purpose with respect to democracy promotion in the neighbourhood suffer as a result. The case studies illustrate how the objective of democracy promotion can be trumped by several other priorities, such as strategic security, energy supply security, strategic diplomacy, conflicting visions for the future of Europe and world views. Here democracy is not so often, or so clearly number 1. Several of these competing priorities are similar to those found in the case of the US.³
3. However the distinction between internal and external, while categorical in principle, is in practice a fuzzy affair, since the EU's neighbourhood policy is inviting convergence on EU norms and standards, and using ambiguous phrases, such as deeper integration, without quite specifying what they mean. Quite a number of neighbouring states are declaring their long-term accession ambitions, without this being acknowledged by the EU. Indeed there is mounting evidence of resistance to continuing enlargement, which the very recent French and Dutch referenda results now dramatically confirm, and which should in principle weaken the credibility of the EU's political conditionality at least for states with long-run aspirations for membership. On the other hand, this weakening of enlargement prospects could induce the EU to invest more heavily in its neighbourhood policy, precisely because the automatic gravity model may otherwise run out of steam.
4. As executor of technical assistance for democracy promotion, the EU's performance is seriously hampered by cumbersome management procedures, which nevertheless amount to more than a merely technical matter, and more fundamentally reflect awkward and immature inter-institutional relationships. The fact that the EU is only an emerging foreign policy actor, with seriously constrained mandates accorded to the executive Commission, turns out to be far from a benign state of affairs, but one that impedes executive effectiveness.

² As set out in Michael Emerson and Gergana Noutcheva, "Europeanisation as a Gravity Model of Democratisation", paper presented at the CEPS-Stanford Conference on Democracy and the Rule of Law, 4-5 October 2004, and published as CEPS Working Document No. 214, November 2004.

³ Spence, *op. cit.*

Summary Features of the Case Studies

Balkans. Bulgaria – Standard accession case. The Commission was mandated to negotiate tough and credible political conditions, which after awhile became effective. The EU institutions and member states were coherent, keeping to unified positions.

Croatia – Alternative accession case. The Commission is mandated to negotiate tough political conditions, but the closest neighbours (Austria, Slovenia, Hungary) are willing to settle for softer conditions (concerning an indicted war criminal). The rest of the member states stick to a principled line, and the unanimity rule for accession procedures means that the highest standard prevails.

Bosnia – Protectorate case. There has been a strongly unified position of all the external actors – Special Representative, Commission, EU member states and the US. However the protectorate regime still gives precedence to security and state-building over democracy. The gubernatorial powers of the Special Representative crowd out domestic democracy.

Serbia & Montenegro – State-building case. Solana was mandated to exercise a strong mediation role to prevent state disintegration, but at the cost of imposing a dysfunctional state union. Strategic security has been the priority. The Commission was then confronted with the uphill task of trying to make the Union work.

Turkey. Once candidate status was granted in 1999, the Commission was empowered to play a strong and effective political conditionality role. But underlying divergences persist among member states (over religion and the desirability of continuing the enlargement process), which casts a shadow over the credibility of the forthcoming accession negotiations. However the recent years of EU political conditionality seem to have the effect of ratcheting up the quality of Turkish democracy, to the point of leaving now little chance of reversal.

Russia. Unified EU positions during the Yeltsin period give way to divergences under a de-democratising Putin. The egregious case of Berlusconi standing as Putin's advocate over Chechnya led the Commission and Parliament to push for a more principled position. But this was undermined by Chirac's priority for having Putin as a diplomatic ally. The four 'common spaces' documents agreed in May 2005 are almost silent on matters of democratic principles.

Ukraine. New member states pushed the EU (Solana) into a mediating role during the Ukrainian orange revolution. Parliament warmly endorses Ukraine's EU aspirations, but the Commission and Solana do not go beyond minor revision of 'neighbourhood policy' Action Plan, and so the EU's political conditionality may not develop strongly.

Maghreb. Southern member states initially favoured aid on politically soft terms, but over time there has been some convergence of positions among member states and with the Commission in favour of a cautiously more assertive line on democracy. Disappointment over lack of progress in many Arab partner states has led to some rising interest in 'positive conditionality'.

Israel-Palestine. A principled doctrine about human rights and international law has been reasonably coherent as between the EU institutions and member states, and the instruments of action have been considerable. But institutional immaturity, the inhibitions of several member states, and the collective tendency in practice to view higher-order priorities (the peace process) as incompatible with genuine democracy and international law have often undermined the EU's own objectives.

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1. Some paradigms and syndromes

The role of the European Union in the promotion of democracy in its wider neighbourhood can be assessed at different levels, from the broad sweep of the history of Europe through the centuries, to the contemporary history of the European Union as a set of norms, values and institutions, and finally down to the technicalities of democracy promotion programmes. The substance of the EU's role is bound up with the paradigm of 'Europeanisation', which has a strong normative democratic content, and at the same time relates to the empowerment of the EU institutions.

There are certainly inhibitions in the system holding back this EU role, which come from particular sensitivities of individual member states. These reflect a whole collection of syndromes, ranging from different proximities and historical experiences in relation to the various neighbours, to different European visions and world views. The divergences represented by these syndromes sometimes make it difficult or impossible for the EU institutions to pursue active foreign policies, including democracy promotion.

Historical perspectives

Europe has a long tradition of contagion of ideas and revolutionary political movements: from the Renaissance and Reformation of the 15th to 17th centuries, to the republicanism of 1789, the liberalism of 1848, the communism of 1917, the post-fascist democracy of 1945, and the post-communist democracy of 1989-91, which is receiving a new boost in 2004-05.

Starting with 1789, there have been well-defined starting points to several revolutionary episodes. As one tries to assess whether the Rose, Orange and Cedar revolutions of the last year have the real hallmarks of revolution, it is worth remembering that the maturing of most of the earlier revolutionary episodes took decades. The regime changes were often long and drawn out processes, especially when they were not introduced by war, as in the case of 1848, and this seems to be true also of the current episode from 1989 onwards.

Should the 1989-91 episode of collapse of the Berlin Wall and the Soviet Union be seen as part and parcel of the current episode, beginning in 2004? Yes and no. 1989-91 was an episode of demolition of a flawed system. 2004 onwards marks the ratification of solid new democracies centred on the enlargement of the European Union. As a stylised simplification, one may view the wider Europe as having entered a two-stage democratic revolution in 1989-91. In the first stage, from 1989 to 2004, one group of states – the EU accession candidates – locked onto a fast track for becoming real democracies. Meanwhile the rest of Europe only became phoney democracies, adopting the institutional forms of democracy, but with deeply corrupted and

unaccountable regimes that neglected the rule of law. For them, the second stage of democratisation may have begun in 2004.

More precisely, three things happened in 2004, all more or less at the same time.

First, 10 states acceded to the EU, of which eight were former communist countries of central and eastern Europe, with two more to follow in 2007.

Second, the peoples of some of the phoney democracies, who were close to the new member states of the EU, showed that they were ready to protest. Both new governments (Georgia, Ukraine) and the continuing old ones (Moldova, Armenia) have stressed the long-run objective of EU membership, seemingly as part of their campaigns to gain credibility and legitimacy as democratic regimes. For these states the second part of a two-stage democratic transition seems to have begun, after a sufficient number of years of phoney democracy for the public to be ready to demand a second revolution.

Third, is the possibility that the movement may be extending beyond Europe to the Arab/Muslim wider European neighbourhood, from Morocco to Central Asia. The post-war government of Iraq is presented by the US as herald of its drive to transform the region. Whatever the impact of the Iraq war, which is surely too recent for one to know, the Arab world on the whole, and with great variations, seems to be moving towards at least the first stage of setting up the formal institutions and electoral mechanisms of democracy. Even the most authoritarian regimes are under pressure, from Egypt to Uzbekistan, while the Cedar revolution and the case of Kyrgyzstan have already shown the power of street democracy. Is the contagious democracy virus now spreading from Tbilisi and Kiev to Central Asia and the Mediterranean? In the Arab Mediterranean states the EU offers a different political concept compared to its European neighbours, but still an important one. This may be described as fashioning a sense of Euro-Mediterranean identity, with partial penetration of EU norms and standards into the economies and societies of the southern neighbours, and with the important Arab and Turkish diasporas within the EU being also party to the process of demonstrating the compatibility of Islam and democracy.

On balance it seems that 2004-2005 is acquiring some claims for becoming a landmark date in the political history of the wider European neighbourhood.

Institutional perspectives

The EU has been progressively mandated to take up certain responsibilities for foreign policy. It started from a near zero role in foreign policy in its early days to something that has been on an accelerating curve of significance in the last 15 years following the collapse of the communist regimes of Central and Eastern Europe. The early developments were firmly cast in the institutional setting of inter-governmentalism at the EU level. The principals were the member states, and the EU was assigned agency roles with strictly limited mandates.⁴

In the early days of the EU, the institutional structure consisted of the European Economic Community (EEC), which had no foreign policy competence at all. Outside this institutional framework however there began to develop some 'political cooperation' over foreign policy matters through the so-called Davignon Committee, named after Viscount Davignon, whose legendary diplomatic charms successfully persuaded jealous foreign ministries to dare to sit together to discuss some foreign policy matters in a forum that was emphatically not part of the EEC. The member states met together as principals, but they hardly appointed any person or

⁴ Paul Pierson, "The Path to European Integration – An Historical Institutionalist Analysis", *Comparative Political Studies*, Vol. 29, No. 2, April 1996, pp. 123-163.

institution to be their agent.⁵ The EEC was not a foreign policy actor, except in the strictly circumscribed role as trade policy negotiator. The member states were on their guard to prevent the horrifying prospect that the mandates accorded to the EEC or later EU as foreign policy agent might ever become so substantial that the agent would turn into a principal actor in its own right.

Since those early days, there have been major systemic developments in all three EU institutions in the foreign policy field.

The Commission has acquired huge increases in its instruments of economic aid and technical assistance, especially after the collapse of communism in Central Europe through to the Soviet Union. These instruments were first intended to help consolidate the transition to democracy and market economics. It soon led to the Commission's major institutional role in the enlargement process for the former communist states of Central and Eastern Europe – perhaps the most spectacular democratisation policy ever seen.

The European Parliament has gradually grown in stature and developed a certain voice in foreign policy matters, particularly on matters of democracy and human rights, using its budgetary powers to push through the creation of a special budget line for democracy promotion – the European Initiative for Democracy and Human Rights (EIDHR). It also harasses the Commission over any suspicions of financial irregularity, at the price of user-friendly effectiveness of the instruments of democracy promotion, a subject to which we return below.

The Council enhanced its own institutional role with designation of a High Representative for Foreign and Security Policy in the person of Javier Solana, who also acquires responsibility for executive capabilities in security and military domains. A climax to this institutional development is the intended creation of the post of EU Foreign Minister in the Constitution, which would double-hat the roles of High Representative of the Council and Vice-President of the Commission. This would involve a consequential integration of the staff resource of the Council and Commission in a European diplomatic service. At the time of writing, Javier Solana has already been designated for the post of Foreign Minister and various schemes are under consideration for the common diplomatic service.⁶ This fusion of resources and partial institutional merger in themselves raise itself interesting issues regarding principals and agents. Certainly there will be a greater single power centre over EU foreign and security policy. But it is ambiguous at this point, and much discussed, whether this will be a reverse takeover by the principals in the Council over the Commission as an agent that was seen as becoming too powerful; or whether the new Foreign Minister will embody the EU as an increasingly powerful actor in its own right.

The outcome should in principle see enhanced synergies and credibility from the integrated use of the EU's many instruments of action. An enhanced credibility should become manifest in the words or speeches of the EU Foreign Minister being taken very seriously by partner states in the neighbourhood. But there are risks that the complexities of the EU's inter-institutional power struggles will for years crowd out efficient focus on the substantive objectives of these systemic developments.

⁵ There was the egregious incident in 1973 when foreign ministers were meeting in Copenhagen to discuss internal EEC matters. They wished then to turn to some foreign policy matters, whereupon the French foreign minister, Michel Jobert, insisted that they could not do so without flying all together to Brussels before treating this topic, since otherwise there would have been an unacceptable slide towards the institutionalisation of foreign policy.

⁶ The failure of the Constitution to be ratified does not necessarily mean an end to these proposals, since it is considered legally possible to introduce these particular innovations by inter-institutional agreement without requiring treaty ratification.

Europeanisation

Democracy and Europeanisation are overlapping categories but not the same thing. Both have both been the subject of many definitions.⁷ Europeanisation embraces democracy for sure, but is a wider concept. For the EU the Copenhagen criteria, adopted in the conclusions of the European Council meeting in Copenhagen in June 1993, provide an official reference on democracy:

Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.

Europeanisation on the other hand may be understood as a process of convergence on modern European norms and values through the interaction of three dynamics:

- first the legally binding norms of the EU (and of the Council of Europe) for democracy and human rights,
- secondly the transformation of objective interests of enterprises and individuals as a result of increasing integration and
- third the transformation of subjective values and identities at the societal level.

The mechanisms for setting into motion these complex processes are summarily divided into two categories: conditionality and socialisation.

Under the conditionality model, the EU offers advantages to the neighbour, ranging from full membership to graduated economic, political and institutional incentives under neighbourhood

⁷ Thomas Risse, Maria Green Cowles and James Caporaso define Europeanisation as the emergence and development of distinct structures of governance at the European level [Thomas Risse, Maria Green Cowles and James Caporaso (eds), *Europeanization and Domestic Change*, Ithaca, NY: Cornell University Press, 2001, p. 1]. Robert Ladrech understands Europeanisation as an “incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making” [Robert Ladrech, “Europeanization of Democratic Politics and Institutions: The Case of France”, *Journal of Common Market Studies*, Vol. 32, No. 1, 1994, p. 70]. Johan P. Olsen differentiates between five possible meanings of Europeanisation. According to him, Europeanisation may refer to changes in the external territorial boundaries of the EU, to the development of institutions of governance at EU level, to central penetration of national and sub-national systems of governance, to the export of forms of distinctively European political organisation and governance beyond the territory of the EU, and to a political project aiming at a unified and politically stronger EU [Johan P. Olsen, “The Many Faces of Europeanization”, *ARENA Working Papers*, 2002, WP 01/2, http://www.arena.uio.no/publications/wp02_2.htm]. Claudio M. Radaelli defines Europeanisation as a process of “(a) construction (b) diffusion and (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’ and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated into the logic of domestic discourse, identities, political structures and public policies” [Claudio M. Radaelli, “The Europeanization of Public Policy”, in K. Featherstone and C. Radaelli (eds), *The Politics of Europeanization*, Oxford: Oxford University Press, 2003, p. 30]. Most studies of Europeanisation have an explicit emphasis on the EU policy process and limit Europeanisation effects to the EU member states. Olsen suggests a possible transfer of EU rules, procedures and paradigms to third countries, but it is Heather Grabbe who offers a systematic analysis of the EU’s impact on the applicant countries from Central and Eastern Europe in the context of the EU accession process [Heather Grabbe, “Europeanization Goes East: Power and Uncertainty in the EU Accession Process”, in K. Featherstone and C. Radaelli (eds), *The Politics of Europeanization*, Oxford: Oxford University Press, 2003, pp. 309-310].

policy, on the condition that economic and/or political conditions are met. Sanctions may be undertaken in very negative cases.

Under the socialisation model, the proximity and attractiveness of the EU model of democracy, governance and the rule of law are of the essence. The EU does not pursue a forceful policy, but stands as an example, engaging the neighbours with multiple personal and institutional contacts and joint activities.

The conditionality model requires that the EU institutions really act, whereas the socialisation model relies more on demonstration effects and endogenous processes at the level of society. In both cases, however, Europeanisation relies upon the neighbours perceiving the EU to be a strong role model.

The EU has now constructed a set of policies for its neighbourhood as a well-defined geopolitical space. This consists of the whole of Europe and the Mediterranean basin. The states in this area come in three categories for the EU policy-maker: first the acknowledged accession candidates, second the Western Balkan states for whom accession is acknowledged as a long-term goal (grouped in the Stabilisation and Association Agreement Process – SAP), and third the official ‘neighbours’ of the former Soviet Union and the Mediterranean (now grouped under the European Neighbourhood Policy – ENP).

All three policies – Accession, SAP and ENP – have the same normative foundations, with only differences in the intensity of pressures and incentives for compliance with EU values, norms and standards. In all cases the policy documents give first place to the objective of convergence on democratic values and the rule of law. For accession full compliance is mandatory. The SAP states are set on a course that makes full compliance necessary in due course, but with much more flexibility on the time sequence. For the ENP states the same broad objectives are endorsed, but compliance can be still more flexible, or selective. Nonetheless the Commission has followed the same comprehensive normative framework for all three categories. The SAP process is a first derivative of the Accession process, and the ENP a second derivative, even if accession prospects are not acknowledged in this case.

The EU’s democracy promotion policies have emerged through a process of path-dependency. The Commission learned first how to fashion a negotiation and monitoring model to bring the accession candidates into full compliance with EU norms. In so doing it built on its unique expertise in the complex field of EU law and developed very important mechanisms of economic and technical aid to help the candidates. When the Commission was mandated to devise the SAP policy, it adapted the accession process. When it had next to design the ENP, the task was given to the Enlargement Directorate General, which produced something that was again based on the accession model with the same comprehensive list of chapters covering all EU policy concerns. This extension of the accession methodology into the SAP and ENP also represented an important institutional ‘mission creep’. The Commission’s strengths are its executive powers based on EU internal laws and policies, whereas it has very limited room for manoeuvre in traditional foreign policy, which the member states and Council jealously keep out of the Commission’s hands. A comment that can be heard in the Brussels institutions is that the member states have been worried about the way the ENP was developing, because the Commission was taking too much into its own hands.

The EU’s new neighbourhood policy is a somewhat ambiguous attempt to set in motion the Europeanisation of its partner states. The idea of Europeanisation fits well the current political objectives of Ukraine. For the Arab states of the Mediterranean, one may aim at notions of a Euro-Mediterranean identity, which already has some resonance in countries such as Morocco or Tunisia. The EU’s power to influence its neighbours is clearly strongest for those European states that have membership aspirations, even when this is not reciprocated for the time being by

the EU. It is less obvious whether the same logic can work in the much weaker setting of close neighbourly relations, and this lies at the heart of the case studies below.

Syndromes among the member states

The individual member states of the EU are naturally inclined to give priority to neighbours that they are closest to geographically. This will also relate often to historical experiences that resonate in the foreign policy reflexes of national capitals. Thus France, Spain and Italy always put the Mediterranean high on the agenda; Germany, the Baltic and Central European states are most interested in their northern neighbours, while the UK still looks across the Atlantic.

Nevertheless, these obvious interests implied by geographical, historical and cultural proximities provide no simple indicator of whether the member states in question will be harder or softer, or more or less vigorous in democracy promotion in various areas of the neighbourhood. The historical colour of these close relationships has to be brought into play. Former colonial powers have tended to be hesitant to intervene politically in their former colonies, as perhaps in the case of France and Spain in the Maghreb. The legacy of World War II makes Germany very reluctant to see the EU take strong positions towards Israel over issues of international law, and also this may partly explain a rather soft line towards Putin's de-democratising Russia. On the other hand, the Baltic and Central European states, after their occupation by the Soviet Union, show the same logic turned around, with a much greater inclination to make points of political principle towards Russia. Different world views of the EU's two permanent UN Security Council members may also come into play at times. Certainly it was in evidence over Iraq, with some collateral impact on relations with Russia, when France and Germany made common cause with Russia against the US-UK.

Some syndromes and cleavages among the EU's member states

Preferences from geography:

- North prefers north
- South prefers south

Sensitivities of former colonial powers:

- France and Spain towards the Maghreb
- Austria towards the Balkans

Sensitivities of the formerly colonised or occupied:

- Baltic and Central European states towards Russia

Sensitivities from World War II:

- Germany towards Israel and Russia

Alternative European visions:

- A united, democratic Europe
- A powerful, controllable core Europe

Alternative world views:

- New Europe Atlanticism
- Old Europe Gaullism

These cleavages may on occasion undercut the EU's declared democracy promotion objectives, but not necessarily so. Some rather subtle blends of national and EU roles are possible. There

have been repeated examples of member states promoting deeper EU relations with their favourite neighbours, using their comparative advantages in relations with these states to the EU's advantage. Another type of situation is where the member state may be politically inhibited from championing a strong democracy promotion policy in a former colony, but sees an advantage in the EU exploiting its historical innocence to pursue such policies more freely. There can even be subtle examples in the complementarity of EU and member state actions in the 'good cop, bad cop' category, where the intimately friendly national leader may persuade the partner state's leader to understand better the case for the EU's harsher conditionality. We shall see examples in practice below.

2. Case studies

Balkans

The EU has advanced its relations with the Balkan countries within the framework of two separate policies – the enlargement process and the stabilisation and association process (SAP). Both policies aim at domestic political and economic transformation of the target countries in preparation for full integration in the EU. Bulgaria and Romania are part of the Central and Eastern European group for which the enlargement strategy was devised shortly after the fall of the Berlin Wall. The five Western Balkan countries received the conditional offer of EU membership in 2000 shortly after peace had been restored in the region and the member states had decided to secure the long-term stability in the former Yugoslav republics by bringing them into the European mainstream.

The EU policy vis-à-vis the Balkan candidates and potential candidates can be described as conditional support for reforms in the direction of Europeanisation. The recipe is encoded in the Copenhagen accession criteria demanding a prospective member to endorse the community values of democracy and rule of law in order to be admitted as an equal member of the club. The EU membership conditionality touches on the core of the political systems of would-be members and affects a wide spectrum of policy domains through legal harmonisation with the *acquis communautaire*. The ultimate objective is diffusion of the European norms and governance practices prior to a country's accession to the EU. Democracy-building features high on the enlargement agenda.

In the Western Balkans, however, the democracy goal is coupled with and complicated by the process of state-building and state consolidation. The EU conditionality in the Western Balkan context has a double objective of building viable states and steering the transition to democratic governance and rule of law. The former Yugoslav republics of the Western Balkans have an extra layer of problems to address as a consequence of the wars of secession in former Yugoslavia in the 1990s and the fragile state structures that emerged as a result of the peace settlements. The EU conditions vis-à-vis these former war adversaries intervene in these highly sensitive political matters, suggesting a vision for the map of the region and the internal state structures against the promise of EU membership.

In the Western Balkan region, therefore, the driving forces behind the EU policy are the security concerns of the member states, and the goal of maintaining peace and building viable states comes first. The democracy objective is not less important but it becomes a matter of highest priority only after a stable security environment is put in place and the outstanding statehood questions are resolved. The Stabilisation and Association process is especially designed to stabilise and strengthen the Western Balkan states in order to make them credible accession candidates to which the full range of democracy requirements will then be applied.

The EU's involvement in the Western Balkans has an important security dimension which is absent as an emphasis in the enlargement context. The EU has taken over various security tasks in the Western Balkans through both military and civilian means. The EU military operation 'Concordia' in Macedonia and the replacement of NATO's SFOR in Bosnia-Herzegovina (BiH) with an EU military mission at the end of 2004 are both examples of the EU's interest in maintaining peace in the region as a first step toward creating the necessary conditions for good governance. The EU police missions in Macedonia and BiH constitute further attempts to strengthen the capacity of the Balkan states and help them enforce law and order in their societies.

Both interests and values converge in the Balkans context to produce a strong consensus in the EU on the goals and methods of the EU policy. While coherent in principle, the EU can still appear inconsistent in the execution of its policy. In the enlargement cases of the Eastern Balkans, this tendency is less pronounced. There, the European Commission is the sole agent of democracy conditionality. As a manager of the enlargement process, the Commission is the institutional player evaluating the state of democracy in each candidate and enjoys large discretion in demanding aspiring governments to improve democratic practices and human rights provisions in their countries. In the Western Balkans, the EU security missions have required the involvement of the High Representative for the CFSP and/or his special envoys representing directly the member states. The split of the EU mandate between the European Commission and the Council has, however, not always played out well in practice and at times the two institutional agents have been perceived as speaking with two different voices instead of complementing each other to achieve the EU policy goals.

Bulgaria is a country where the EU classical enlargement recipe is applied. The European Commission has been the main EU actor executing conditionality in the pre-enlargement period, with the member states acting in agreement with the Commission and in support of the common values of democracy and rule of law.

The concrete political conditionality vis-à-vis Bulgaria evolved in the context of the European Commission's monitoring of the reform process in the country and reporting to the Council of inadequate practices registered by it. The first assessment of the state of democracy in Bulgaria measured against the broadly defined Copenhagen political criteria was made in the Commission's opinion on Bulgaria's application for membership in the EU in July 1997. The Commission concluded in this evaluation that Bulgaria "was on the way to meeting the political conditions".⁸ Formal institutions of democratic governance were not in question but the quality of governance and the rule of law was judged unsatisfactory. More seriously, the country lagged behind in economic reform and was deemed economically unprepared to fully integrate in the single market. As a result, Bulgaria was not invited to start accession negotiations at the Luxembourg European Council in December 1997 together with the first five front-runners from Central and Eastern Europe.⁹

The overall positive assessment of Bulgaria's democratic practice was gradually followed by sharp criticism of various institutional shortcomings and practices by the European Commission. The more the Commission learned about the institutional structure and the legal basis of Bulgaria, the more deficiencies it saw in them. Among the Commission's concerns, the weak capacity of the Bulgarian judiciary featured high and Bulgaria's progress in the accession process became dependent on reform in this area. The Commission saw deep structural

⁸ See Commission Opinion on Bulgaria's Application for Membership in the EU, DOC/97/11, Brussels, 15 July 1997.

⁹ The Luxembourg European Council invited Poland, Hungary, the Czech Republic, Slovenia and Estonia to start accession negotiations with the EU.

problems, ranging from excessive immunity from criminal prosecution to the responsibility of judges for pre-trial investigation. The member states fully supported the Commission's criticism of the inefficiency of the Bulgarian judicial system and joined forces with the Brussels bureaucracy in putting pressure on the political establishment in Sofia to reform the judiciary.

The delayed accession timetable for Bulgaria, considered not ready to join the EU with the first wave of 10 countries in May 2004, sent a strong signal to Sofia to step up its efforts. As a result, important constitutional amendments and legislative changes were made in Bulgaria, facilitating substantial reform of the judicial system. In order to ensure full implementation of the commitments the Bulgarian authorities undertook during the closing phase of the accession negotiations, the EU included a special safeguard clause in the accession treaty with Bulgaria explicitly linking the completion of judiciary reform with the accession date of 2007 and envisaging a delay of one year in case of failure to reform.

Croatia is officially part of the Stabilisation and Association Process, although an EU candidacy status was conferred upon it in 2004 after the Commission judged that the country has substantially fulfilled the Copenhagen political and economic criteria. Yet, Croatia has been subject to some specific conditionality, a consequence of the Yugoslav wars of 1990s. A core element of the international community's strategy in the Western Balkans has been ensuring that those indicted as war criminals are transferred to the International Criminal Tribunal for former Yugoslavia (ICTY) and that domestic authorities cooperate fully with The Hague. There is a strong agreement in the EU and the international community at large that cooperation with the ICTY constitutes a key element in building a state based on the rule of law where crime, including war crime, is prosecuted and punished. There is also a strong consensus that dealing with the issue of war crimes in war-divided societies is part of the societal process of coming to terms with the past and reconciliation. The EU has insisted on ICTY cooperation since 1997, when the General Affairs Council identified it as a specific requirement for all countries from the Western Balkans.¹⁰ Progressively, the EU has tightened the conditionality in this area.

Yet, regardless of the agreement in principle on the importance of ensuring full cooperation with the ICTY, the member states were sharply divided on how strict the EU should be in evaluating Croatia's compliance with this condition. The dividing line proved geographical with Croatia's direct neighbours Austria, Slovenia and Hungary taking a more lenient line on the issue whereas the rest of the member states insisted on firm application of the conditionality principle, not least to send a signal to the other countries in the region that the EU is serious about cooperation with The Hague. In March 2005, however, the EU decided to postpone the opening of accession negotiations with Croatia because of Croatia's failure to hand over General Gotovina to the war crimes tribunal in The Hague. The member states that were arguing for immediate start of accession talks could not block this punitive EU position, since the decision to open negotiations required unanimity. This case is illustrative of the EU unanimity rule resulting in the highest standards of political conditionality being effectively applied, rather than the reverse. It also illustrates divergences among the member states at the operational level, despite the overall agreement and support for Croatia's bid to join the EU ahead of the rest of the Western Balkans group.

In *Bosnia and Herzegovina* (BiH), the EU has demanded a long-term transformation process in a number of areas that form an intrinsic part of the democratisation agenda, including the building of democratic institutions, securing guarantees for the rule of law, encouraging the creation of a professional public administration, stimulating the reform of the judiciary, etc. Yet, in the Bosnian context, the goal of state-building and state consolidation is paramount in all spheres of reform.

¹⁰ See General Affairs Council Conclusions, April 1997, Brussels.

More importantly, the protectorate status of BiH and the presence of external actors in its domestic authority structures have important consequences for the democratic process in the country. Since the end of the war in 1995, international military troops have been stationed in BiH to maintain peace and prevent further eruption of ethnic conflict. The civilian aspects of peace implementation have been formally supervised by a High Representative of the international community (HR) who enjoys large discretion in dismissing elected politicians and imposing legislation where and when he considers it appropriate. While these extraordinary powers have been justified in the immediate aftermath of the conflict to get the reconstruction and transformation processes going, they have progressively become a brake on autonomous decision-making and domestic political bargaining and coalition-building. BiH political leaders have used the HR's mandate as a cover or an excuse to avoid taking responsibility for unpopular but necessary measures. The advances in many reform areas have happened so far due to external interventions and local actors have had limited ownership over the process. The more the HR issues decrees, the less the domestic space for self-governance which is at the heart of a democratically-functioning system.

From the point of view of coordination of external action, the EU-demanded institutional and legislative changes have been in line with the policy of the rest of the international community present in the country. There are numerous international organisations in BiH with different priorities, but they are all united in their objective to build a functioning multi-ethnic state in BiH where minority protection and government efficiency co-exist. The EU conditionality in this sense enjoys the consensual support of all other external actors.

The EU institutional actors themselves coordinate their activities on the ground in an effective manner. The EU and its member states are partly represented by the HR after his appointment to also serve as an EU Special Representative in 2002. The HR can be viewed therefore as an EU foreign policy player too, and he can use the instruments of the CFSP to the extent that all Solana's special envoys can. He is linked institutionally to the Council's foreign policy establishment and can mobilise the political support of the EU member states when he needs their political weight to push through specific reforms. And even though his tasks go beyond the strictly-defined EU mandate, he has fully supported the EU conditionality and has actively pursued the reforms prescribed by Brussels.

The European Commission is the other EU actor in the Bosnian context that has a special mandate to manage the SAP conditionality policy on behalf of the EU. Its specific demands have intervened in a critical moment of the post-conflict transformation to steer BiH's transition from a protectorate to an EU member candidate. Regardless of the many other external actors in BiH, the EU has managed to speak with one voice, and to deliver a consistent message compatible with the one of the rest of the international community.

The EU institutional coherence in the Bosnian context is not the norm in the conduct of the EU policy towards *Serbia and Montenegro* even though the objectives are similar – state-building as a matter of most urgent priority and democratisation as an equally important but long-term goal. All EU efforts have been oriented towards preventing further state disintegration and fragmentation of the region into micro-states. Not only does the EU fear recurrence of violence and further conflict, but it also has a structural problem of institutionally integrating many smaller entities from a region to which it has promised membership. The State Union of Serbia and Montenegro came into existence as a result of these profound security concerns of the EU member states and naturally the emphasis in the EU early conditionality vis-à-vis Serbia and Montenegro has been on setting up the common state institutions and making them function.

Solana's mediation in the constitutional impasse between the two republics in 2002 was a solo act of the EU but an act fully supported by the rest of the international community. Above all, it was the consensus among the EU member states that empowered Solana to use the levers of

power assigned to him as High Representative for the CFSP and to compel the two sides to stick to a common state constitutional formula. Widespread agreement that the EU interest in the stability of the Balkans was at stake backed Solana's active search for a political deal. The technical details of the settlement did not matter that much as long as the geopolitical objective of keeping the common state together was fulfilled.

The technicalities, however, matter a great deal to the European Commission since it is the EU institution that has to assess the capacity of the State Union to conclude a Stabilisation and Association Agreement (SAA) and to take up the obligations under a contractual relationship with the EU. As a manager of the SAP, the Commission is interested in having a credible partner at the State Union level sufficiently empowered for efficient decision-making concerning the EU accession process. Because the Commission is driven by a different set of objectives, its view on the workability and even desirability of the thin common state structure does not necessarily coincide with that of the member states.

Indeed, the member states have set the EU foreign policy line in Serbia and Montenegro, and the European Commission is in no position to reverse the EU policy orientation. The Commission, however, finds itself in a difficult position to combine its technocratic responsibility to measure objectively the compliance of potential candidates with the objectives of EU foreign policy, retaining its own levers of power in the SAP process while remaining junior partner to Solana politically. On the one hand, it has to deliver on Solana's promise for faster European integration of the State Union and, on the other hand, it has to deal on a daily basis with what it sees as a weak and non-functional common state which is incapable of being integrated into the EU structures in its present shape.

The EU is therefore not a unitary actor in the Serbia-Montenegro political context, notwithstanding the fact that it is the only external actor deploying influence on the statehood disagreements between the two republics. The voice of Solana has focused on the security interests of the EU member states, while the voice of the European Commission has focused on technical aspects of compliance with pre-accession conditionality and ultimately progress towards EU membership. Domestic actors are well aware of this division in the foreign policy portfolio in the Serbia-Montenegro case, and it affects how they respond to EU conditionality. The EU's incoherent message has hampered the effectiveness of its conditionality policy.

Turkey

Despite the fact that the issue of Turkish accession has always been on and off the table of EU policy-makers since 1963, a serious debate on the subject only took off recently with the granting of candidacy status to Turkey and the possibility of the start of accession negotiations. The late 1980s were the years after the coup d'état in which the Turkish application for membership was rejected outright unanimously. The rejection was justified on the grounds that Turkey lacked a functioning democratic political system.

In the 1990s, there was almost a tacit alliance between the member states on the Turkey question. The dominance of Christian Democrat parties in Europe also helped the emergence of an almost unanimous rejection of any prospects for accession. The CDU/CSU-led German government at the time had the most unequivocal position against Turkish membership, as often demonstrated in the speeches of Helmut Kohl, the Chancellor and Klaus Kinkel, the Foreign Minister. Meanwhile the Commission viewed Turkey as a valuable 'partner' or a 'neighbour' rather than a future member. Relations with Turkey were often discussed together with relations with Israel and Morocco while the emphasis was on countries of Eastern Europe that had priority, belonging to the 'European family of nations'. The President of the Commission,

Jacques Santer, openly stated in July 1997 that Turkey did not have a serious chance of joining the European Union.

A similar attitude could also be observed at the European Parliament. Here, the discussion never even reached the point of membership but focused mainly on the human rights problems which were quite severe in the 1990s amidst the ongoing armed conflict of the Turkish military with the Kurdish terrorist organisation, the PKK. Turkey was harshly criticised for its human rights violations and even the customs union agreement barely managed to obtain the approval of the European Parliament.

As discourse and action are inseparable variables, it did not come as a surprise to many when Turkey was excluded from the enlargement lists at the Luxembourg Summit of 1997. However, the strong reactions of the Turkish government, the changing international climate after the Kosovo War and the rapprochement with Greece started leading to shifts in European positions in the following two years. Turkey was eventually granted candidacy status at the Helsinki Summit of 1999, with the new Social Democrat government in Germany playing a leading role. Turkey was now subject to the same formal mechanisms used for the Central and Eastern European countries to guide and measure progress on the Copenhagen criteria. This implied that Annual Progress Reports would be prepared by the EU to monitor progress on EU criteria. After the Summit, the European Commission published the first Accession Partnership document in March 2000, which was followed by the preparation of the Turkish ‘National Programme for the Adoption of the Acquis’ by the Turkish authorities in March 2001.

These first signs of EU conditionality provided the initial trigger for change. Immediately following the approval of the National Programme, the silence on political reform was broken with a record number of 34 constitutional amendments in October 2001, a new Civil Code in January 2002 and three ‘harmonisation packages’¹¹ adopted in the follow-up to the Copenhagen summit of 2002. The legislative changes introduced significant reforms, particularly in the fields of human rights/protection of minorities, freedom of expression and freedom of association. These reforms were the first crucial responses to EU conditionality, passed under a fragile three-party coalition government that included the highly Eurosceptic right-wing nationalist party in Turkey.

As Turkey began to reform itself internally, the objective factors that stood in the way between Turkey and the EU, such as human rights, the protection of minorities and the excessive role of the military in political life, began to dissipate. The Copenhagen Summit of 2002, at which the EU decided to open accession negotiations with Turkey as and when it fulfilled the Copenhagen political criteria reinforced the EU’s commitments. The Copenhagen summit fostered a ‘sense of certainty’ in EU-Turkish relations by giving a specific date for the beginning of accession negotiations.¹² Even though 2004 was a conditional date, it was nevertheless a significant step forward, as “it has provided Turkey with the prospect that full EU membership is a real possibility”.¹³ Meanwhile, the EU also decided to significantly increase the amount of financial assistance to Turkey. Hence, EU impact was not only confined to pure conditionality but extended to cover technical and financial assistance. Pre-accession financial assistance would

¹¹ A term of reference for a draft law consisting of a collection of amendments to different laws designed to amend more than one code or law at a time, which was approved or rejected in a single voting session in the parliament.

¹² See Ziya Öniş and E. Fuat Keyman, “Turkey at the Polls: A New Path Emerges”, *Journal of Democracy*, Vol. 14, No. 2, 2003, pp. 95-107.

¹³ See E. Fuat Keyman and Ziya Öniş, “Helsinki, Copenhagen and Beyond: Challenges to the New Europe and the Turkish State”, in Mehmet Uğur and Nergis Caneffe (eds), *Turkey and European Integration: Accession Prospects and Issues*, London: Routledge, 2004.

reach €250 million in 2004, €300 million in 2005 and €500 million in 2006 to “help Turkey prepare to join the EU as quickly as possible”.¹⁴ Similarly, administrative and judicial capacity-building mechanisms, the most prominent of which is the Twinning instrument, was now employed to make EU member states’ expertise available to Turkey through the long-term secondment of civil servants as well as short-term expert measures and training. The strengthening of the credibility of conditionality was immediately reflected in the four subsequent reform packages adopted by the Turkish government (AKP) and two sets of constitutional amendments, leading up to the decision to open accession negotiations at the Brussels Summit of 2004.

The single-party rule of AKP, following their electoral victory in November 2002 elections, was very effective in translating the strengthening of conditionality into real change in the domestic sphere by deepening the reform process initiated by the previous coalition government. In fact, the advocates of a previously religious-based anti-establishment party played a significant role behind political reforms due to a combination of interests and ideological concerns. First and foremost, the AKP viewed EU accession and the necessary reform process as a tool to increase its legitimacy and guarantee its political survival vis-à-vis the secular establishment in Turkey. In a similar sense, the EU also provided increasing legitimacy for the AKP’s heavy emphasis on democracy and the protection of individual rights and freedoms in its political ideology. Hence, democracy as advocated by the EU became the “catchword and the strategy through which the former Islamists seek to change the system at the same time as they change themselves”.¹⁵ In fact, the reforms were often justified to the public on the grounds that the reforms themselves were more important for the country than eventual EU accession. Questioned on the possibility of a negative outcome at the December 2004 European Council Summit, Prime Minister Erdoğan frequently stated that in such a case, Turkey would continue pursuing the path of reform regardless of accession perspectives, arguing that the Copenhagen criteria would then be named the ‘Ankara criteria’.¹⁶

Civil society also had a prominent role in promoting political reform in the country. The profound political and economic transformation initiated in the 1980s, especially de-ruralisation coupled with the failed policies of the strong state and the increasingly corrupt parties of the centre, had already paved the way for the emergence of a stronger civil society and identity-related politics in Turkey, most notably regarding political Islam and the Kurdish identity. By helping to create a strong language of rights in the country, the EU started to play an important role in furthering the change in state-societal relations and provided legitimacy for a vast amount of civil society organisations calling for a more democratic Turkey and demanding recognition of cultural/civil rights and freedoms.¹⁷ For example, while civil society organisations have for long years demanded a reform of the Law on Associations, change on this front has been brought by the momentum of EU accession on the previous groundwork prepared by the domestic actors.¹⁸

¹⁴ European Commission Representation to Turkey, *EU-Funded Programmes in Turkey: 2003-2004*, December 2003 (retrievable from <http://www.deltur.cec.eu.int/english/eufunded2004/01eufp04.pdf>).

¹⁵ See Duygu Bazoğlu Sezer, “The Electoral Victory of Reformist Islamists in Secular Turkey”, *International Spectator*, Vol. 37, No. 4, 2002, pp. 7-21.

¹⁶ “Ankara Kriterleri der, Devam Ederiz” (We Would Continue along the Ankara Criteria), *Milliyet*, 8 November 2004.

¹⁷ See E. Fuat Keyman and Ahmet İçduygu, “Globalization, Civil Society and Citizenship in Turkey: Actors, Boundaries and Discourses”, *Citizenship Studies*, Vol. 7, No. 2, 2003, pp. 219-33.

¹⁸ See Nathalie Tocci, “Europeanization in Turkey: Trigger or Anchor for Reform?”, *South European Society and Politics*, Vol. 10, No. 1, April 2005, p. 81.

Reforms were also made possible by the decrease in adoption costs for traditional veto players such as the Turkish military and security establishment after the defeat of the terrorist organisation, the PKK, by the Turkish military. This significantly helped create a more conducive environment for political reform, particularly in the area of human rights and minority rights as well as freedom of expression and association.

While domestic change in Turkey was made possible through the interaction between domestic actors and the European Union, in the post-1999 period, EU actors did not have a coherent view on how EU relations with Turkey should develop. The scope of debate on the future of Europe was being widened by the European Convention, which raised issues on the future of Europe and European identity, and in this context the case of Turkey provoked widely divergent positions. Amidst these debates, the actors of EU policy-making started taking their positions. The biggest divisions occurred within and between the member states themselves.

Germany under SPD/Greens supported the Turkish bid on the grounds of Turkey's strategic importance in the post-9/11 world and its role model for the harmony between Islam and the West as well as the compatibility between Islam and democracy. The high number of Turks in Germany, traditionally supportive of the SPD and the Greens, was another important factor behind this support. This position, however, was strongly attacked by the CDU/CSU opposition that rejected Turkish accession on mainly cultural-religious grounds and argued instead for a 'privileged partnership' with Turkey.

Britain was firmly supportive of Turkish membership. Tony Blair put forward similar arguments to Schroeder and Fischer on the strategic importance of Turkey in general and its potential as a role model for the Middle East in particular. The Conservatives also argued along the same lines, although expectedly more explicit in their emphasis on the possible reinforcing effects of Turkish accession upon the intergovernmentalist structure of the EU.

France on the other hand was the most negative, among the core three. Despite his rhetorical support for Turkish membership, President Chirac repeatedly asserted that the accession negotiations might fail and that alternative scenarios for such a case have to be devised. He insisted on a referendum to be held in France on Turkish membership upon the completion of negotiations, which was subsequently entrenched as an amendment to the French Constitution. His party, UMP, was more open in their rejection of Turkey in the EU, particularly through the speeches of its new leader, Nicolas Sarkozy who is seen by many as the major challenger to Chirac's post. His arguments focused on the identity issue as well as certain threat perceptions. According to Sarkozy and the centre-right in France, an EU with Turkey would not resemble anything more than a free trade area. This widespread perception was triggered by two major concerns. One was the fear of a decrease in French influence in the EU after Turkish accession, and the other was the fear of a 'no' vote on the Constitution. Hence Chirac strived to play the middle ground between the strong 'no' camp in his own party and the pro-Turkey camp of the other decision-makers in the core of Europe, namely Britain and Germany.

Other countries in the EU were also divided on the issue. While Spain, Belgium and Greece sided with the 'yes' camp, Austria remained strongly opposed. The Netherlands was ambivalent whereas the Scandinavian countries were generally in favour, despite strong opposition particularly by the extreme right that is strong in some member states such as Denmark.

The Commission, on the other hand, has in general been cautiously supportive of Turkish accession. The former enlargement Commissioner Verheugen often emphasised that there is no alternative to full membership for Turkey so long as the country fulfils the Copenhagen political criteria. Responding to questions regarding a 'privileged partnership' with Turkey, he stated that "Turkey is eligible for membership. It does not matter that Turkey is so big, that Turkey is so

far, that Turkey is so poor and that Turkey is a country with a Muslim population”.¹⁹ As the reform process gained momentum after the strengthening of conditionality by the Copenhagen Summit of 2002, the Commission’s role as a monitoring body of reform has increased and its support became more than a mere rhetorical entrapment. The changeover at the Commission does not seem to be reversing this trend. Olli Rehn, speaking before the Brussels Summit 2004 where the decision to start accession negotiations with Turkey was taken, stated that “there is no Plan B for Turkey...we have the responsibility to accept the country as a member if it fulfils the criteria”.²⁰

The position of the European Parliament was more mixed than that of the Commission. Although some party groups in the EP had a more or less coherent and united position on the issue, many continued to voice discordant views due to the differences in the opinions of national party delegations. The debates over Turkey intensified prior to the EP elections in June 2004²¹ and the general position of the EP became clearer with the reactions to the Oostlander Report which was adopted in April 2004. With 211 votes in favour, 84 against and 46 abstentions, the Parliament rejected a ‘privileged partnership’ with Turkey, but stated that the political reform process in legislation and in practice is the absolutely necessary condition for membership. In a similar fashion, in the wake of the crucial Brussels Summit, the Parliament adopted the Eurlings Report in December 2004. With 50 votes in favour, 18 against and 6 abstentions, the EP recommended the opening of accession negotiations with Turkey, so long as in the first phase of negotiations, priority is given to the full implementation of the political criteria.

Hence the positions of the major policy-makers in Europe were hardly coherent on the issue of Turkish membership. The Commission was by far the most positive, followed by the Parliament who put the most emphasis, as expected, on the political criteria. The member states on the other hand were deeply divided on the issue between those who argued for a ‘privileged partnership’ and others who emphasised the virtues of the Turkish accession which would come after a long time. Such divisions were overcome in the long-awaited December Brussels European Council summit of 2004 that gave concessions to all parties concerned. Pressure particularly from the German and the British governments, Turkey’s progress along the political criteria and the prevalent fears of radical Islam were highly influential in the decision taken in the Summit to start accession negotiations with Turkey. Provisions were also there to satisfy those who were against full membership. The conclusions of the Brussels summit referred to “The Union’s capacity to absorb new members” as an important consideration was emphasised alongside those measures that are perceived as running contrary to the EU spirit, such as “permanent safeguard clauses in areas such as the freedom of movement of persons, structural policies or agriculture”. The term ‘privileged partnership’, as used by German CDU leaders was not used in the European Council conclusions, but the text said as much in other words: “negotiations are an open-ended process, the outcome of which can not be guaranteed beforehand...if it (the candidate state) cannot assume the full obligations of membership, it must be ensured that the candidate state concerned is fully anchored in the European structures through the strongest possible bond”.

¹⁹ Interview with Gunther Verheugen, 16 April 2004 (see www.edition.cnn.com/2004/world/europe/04/16/eu.verheugen).

²⁰ “Rehn: No ‘Plan B’ for Turkey”, 7 December 2004 (see www.euractiv.com).

²¹ For an in-depth analysis of the debates among the parliamentary groups prior to EP elections, see *Turkey in Europe Monitor*, April 2004 (CEPS EU-Turkey Working Paper No. 14, downloadable at www.ceps.be).

The prospects of Turkish accession seem to be less bright in 2005, the year in which accession negotiations are scheduled to start. The widely-predicted negative outcome of the long-scheduled 29 May referendum on the European Constitution in France as well as the largely unexpected election defeat of the ruling Social Democrats in North Rhine-Westphalia on 22 May appear to have cast shadows over the prospect of Turkey's accession to the EU. Such developments are not expected to prevent the formation of a superficial unity to open accession negotiations in October 2005. The Commission has recently confirmed that accession talks with Turkey will begin as scheduled.²² However, these developments signal that the negotiation process will indeed prove to be difficult with the possibility of resulting in a privileged partnership, as accommodated in the Brussels Summit conclusions.

Any outcome that falls short of full membership would be a deep disappointment to Turkey. Yet it seems that the dramatic wave of political reform achieved in 1999 to 2005 pushed by strong EU conditionality has become essentially irreversible. Domestic factors, both at political levels and in society as a whole, seem to be ratifying this ratcheting up of Turkey's democracy to an impressively high qualitative level. The EU's intervention, very strong during a very specific period of a few years in Turkey's political history, was instrumental in this ratchet effect, which surely enters into the category of an unanticipated consequence of the EU's own complex political dynamics coinciding with a particular stage of Turkey's own development. On the other hand, further change without the EU anchor is expected to occur at a slower pace than witnessed between 1999 and 2005.

Russia and Ukraine

During the early post-Soviet period, EU policy towards the former Soviet Union was rather coherent. The 'Russia first' policy was at first quite uncontroversial and justified on grounds both of interests (Russia as geo-political and energy power) and political values, since Yeltsin's Russia had led the way towards both democracy at home and the peaceful dismemberment of the Soviet Union. During the 1990s, EU policy towards the Commonwealth of Independent States (CIS) was otherwise graduated on the basis of size and proximity. Relations with Russia came first, followed by relations with Ukraine, then the other Western CIS states and lastly Central Asia. Also Putin was much appreciated in his first term for reversing the chaotic unpredictability of Russian politics.

Political transition towards democracy, the rule of law and human rights has been a central feature of EU policy towards all the former Soviet Union in the early post-Soviet period. Yet by the early 2000s, and with the important exception of the situation in Chechnya, there was hardly a categorical difference in the apparent quality of democracy, the rule of law and human rights between Russia and Ukraine. The South Caucasus states were regarded as small dysfunctional democracies, whereas the Central Asians revealed early on that they were not inclined at all towards democracy.

There were some differences in priorities among EU member states, but this was more often a question of geography than debate over 'values' versus 'interests', with the usual north-south differences in emphasis.²³ Those in favour of a stronger policy towards the Northern European neighbours were able to placate Southern member states by simultaneously agreeing to

²² "Turkey Reiterates Bid for Full EU Membership, Names Chief Negotiator", 25 May 2005 (see www.euractiv.com).

²³ See Gianni Bonvicini and Tapani Vaahtoranta, "Conclusions: The Northern Security Dimension", in Gianni Bonvicini, Tapani Vaahtoranta and Wolfgang Wessels (eds), *The Northern EU – National Views on the Emerging Security Dimension*, UPI and FIIA No. 9, 2000, p. 259.

strengthen EU policy with the Southern neighbours. The decision to enlarge to Central and Eastern Europe in the early to mid-1990s was thus followed by the creation of the Barcelona process. The geographic factor was also evident in the Finnish 'Northern Dimension' initiative in the late 1990s. However the expansion of the scope of the European Neighbourhood Policy in late 2002 to include the Southern Mediterranean partners as well as the new European neighbours (Ukraine, Moldova and Belarus) was another example of how these mild north-south tensions could be reconciled.

It has taken the de-democratising trends in Russia under Putin's second term in office, followed by the renewal of Ukraine's democratic transition with the Orange Revolution in late 2004, for more serious divergences within the EU to emerge. It is tempting to regard this as a result of the May 2004 enlargement, which brought in new members from Central and Eastern Europe with strong views on EU policy towards all the European CIS states.²⁴ Many of the new member states, with Poland and Lithuania in the lead, have actively supported a greater EU engagement with Ukraine, including acknowledging Ukraine as a potential member of the EU, as well as calling for a tougher line vis-à-vis an increasingly authoritarian Russia.

However, growing internal disagreements on policy towards the European CIS states, and Russia and Ukraine especially, predate the May 2004 enlargement. There developed considerable support in 2003 among the 15 member states, as well as in the Commission, Council Secretariat and European Parliament, for a more critical line towards Russia on matters of political values. During the review of policy towards Russia in early 2004, there was broad agreement in the Council on a tougher approach proposed by the Commission and the Council Secretariat with regard to Putin's de-democratising tendencies. This immediately followed and had been provoked by Berlusconi's astonishing (and generally considered shameful) performance as President of the European Council, when he concluded the December 2003 EU-Russia summit with remarks at a press conference about volunteering to be Putin's advocate over Chechnya. In autumn 2004, the Nordic member states and Austria joined with seven new Central and Eastern European member states calling for a greater engagement with Ukraine and a growing reluctance to support enhanced cooperation with Russia.²⁵

Several big 'old' member states were, however, soon critical of this call for a tougher line towards Russia. France and Italy had already earlier found themselves opposing a common EU position during tensions over Kaliningrad in 2002, with both favouring a more conciliatory approach towards Russia.²⁶ Both President Chirac and Chancellor Schroeder criticised the 'new' position on Russia agreed by the Council in early 2004. Most recently, in 2005, France and Italy supported the Russian position that the four 'road maps' developing 'common spaces' with Russia should be adopted separately, rather than the common EU position of adopting them as one package.²⁷ A large majority of member states were, however, against the proposal to

²⁴ Heather Grabbe, *The Constellations of Europe – How enlargement will transform the EU*, CER pamphlet, Centre for European Reform, London, April 2004; Grzegorz Gromadzki and Olaf Osica, *Pro-European Atlanticist: Poland and Other Countries of Central and Eastern Europe after Accession to the European Union*, Stefan Batory Policy Paper No. 3, June 2001, and Alexander Duleba et al., *Eastern Policy of the EU: The Visegrad Countries' Perspective*, Center for Eastern Studies Policy Brief, February 2003.

²⁵ In October 2004, Lithuania initiated informal discussions among 11 EU foreign ministers ahead of Council meetings aimed at closer relations with Ukraine and a more 'uniform' EU policy towards Russia. This 'caucus' was dissolved in early 2005 following criticism by the Commission and the Luxembourg EU Presidency.

²⁶ Chirac stated during a visit to Moscow in July 2002 that visas would be unacceptable.

²⁷ Ahto Lobjakas, "EU: Foreign Ministers to Discuss Iraq, Iran, Russia, Belarus", 2 November 2004, Radio Free Europe (RFE) newswire. France and Italy wanted to move ahead with the spaces on economics

implement the common economic space while leaving other common spaces, such as the one on freedom, security and justice, to be agreed upon at some later date. It was only in this latter document that adherence to common values such as democracy, the rule of law and human rights featured, and even so only in a token manner.

The idea of a more active EU policy towards ‘new neighbours’ other than Russia, such as Ukraine and Moldova, was first proposed by the British and Swedish foreign ministers in early 2002, and this eventually led to the European Neighbourhood Policy.²⁸ Net contributors to the EU budget, such as Germany and the Netherlands, were cautious, however, being loathe to undertake costly new commitments towards Ukraine. On the other hand, there later emerged increasing cooperation between Germany and the pro-Ukrainian camp in the Council, with joint policy papers with Poland in October 2004, and with Poland and Lithuania in January 2005, calling for stronger engagement with Ukraine.

It should also be noted that the positions of several EU member states concerning EU policy towards Russia and the role of ‘common values’ in this policy appear to have changed considerably over the last few years. Finland, France and Britain provide three examples of such changes. Upon its accession to the EU in 1995, Finland soon became a leading advocate of a stronger and more pro-active EU policy towards Russia, seen most notably with its Northern Dimension initiative from 1997 onwards. During the Putin presidency, Finland has become increasingly sceptical of developments in Russia, and is now calling for a tougher EU policy line vis-à-vis Russia, for instance concerning the issue of visas. British Prime Minister Blair was also in the forefront in courting Putin early in his first term. Since then, however, Blair has gradually distanced himself from Putin, and bilateral British-Russian relations have become strained due to Britain’s granting of asylum to oligarchs and Chechen leaders and the refusal by British courts to extradite these individuals to Russia.²⁹ The story seems to be one of Britain and Finland tilting towards values, versus France tilting towards geo-strategic and diplomatic interests.

Indeed, President Chirac has changed his position radically since the beginning of Putin’s presidency. France was among the hardest critics of the second Russian military campaign in Chechnya from late 1999.³⁰ A variety of arguments are used in favour of rapprochement with a non-democratic Russia. A geopolitical argument, used mainly by Chirac, calls for an EU-Russian strategic partnership as a key building block towards the creation of a global multi-polar order. The geopolitical argument has a lighter version, where Russia’s unique role as the only direct EU neighbour that is also a global power is emphasised. This is supported to a greater or lesser extent by most EU actors. A ‘geo-economic’ argument focuses on the EU’s growing reliance on external sources of energy and the crucial role of Russia as a supplier of oil and natural gas. This argument is emphasised by Germany under Chancellor Schroeder, although it must be noted that the new member states calling for a tougher line on Russia are

and education, and defer the ones on internal and external security. Disagreement on the space on internal security revolves around the question of human rights, and treating the four spaces as a package thus becomes an example of conditionality.

²⁸ Ahto Lobjakas, RFE/RL, April 2003.

²⁹ The EU-Russian summit during the Danish presidency in November 2002 had to move due to the Chechen World Congress taking place in Copenhagen and the refusal of Danish courts to extradite Chechen leader Zakaev to Russia. Denmark has for a long time been more critical of Russia than most member states; see *I Spidsen for Europa* (Leading Europe).

³⁰ Indeed, Putin emphasised that he went to Paris for the EU-Russia summit solely for the purpose of the EU-Russia summit, and not for a bilateral Russia-France summit.

even more dependent on Russian energy supplies than Germany.³¹ Other economic issues related to trade, investment and debt can also partially explain the position of some of the bigger EU member states, with Germany and Italy being Russia's two largest creditors.

A recurrent argument of those in favour of a more conciliatory line vis-à-vis Moscow are varieties of 'better the devil you know'. In spite of the partial failure of the transition process under Yeltsin and the first war in Chechnya, the EU, led by the big member states, provided support for Yeltsin ahead of the 1996 presidential campaign. Leaders of big EU member states such as France, UK, Germany and Italy, have spent considerable time and energy in courting President Putin. The most prominent example is perhaps Italy's policy towards Russia under Prime Minister Berlusconi. The Italian premier has forged a close relationship with Putin, and has become one of his and Russia's greatest supporters within the EU. While Italy had little interest in Kaliningrad, Berlusconi was highly critical of EU proposals (which were eventually adopted in Berlusconi's absence). The most egregious example came during the Italian presidency in November 2003 over Chechnya (as already noted) and similarly with Berlusconi support to Putin over the Yukos affair. Russia also made common cause with France and Germany against the US-led invasion of Iraq.

While EU actors can broadly agree in their analysis of the growing authoritarianism in Russia and the importance of putting democratisation at the top of the EU's agenda vis-à-vis the Eastern neighbours, current divisions could be interpreted as disagreement over means. The announced purpose of the March 2005 Paris Quartet summit (of France, Germany, Spain and Russia) was to encourage democratisation of Russia, based on the argument that this can be better achieved through high-level dialogue. Similar arguments have been voiced regarding Schroeder's bilateral dialogue with Putin.

The stance of EU member states is often coloured by their bilateral relations with Russia. In the cases of the UK, Denmark and to a lesser extent Greece, tensions with Moscow have emerged due to asylum granted to Russian oligarchs and/or Chechen leaders whom Russia wanted extradited. The EU-Russia summit in November 2002 had to be moved from Copenhagen to Brussels, following the holding of a conference on Chechnya in autumn 2002.

As between the institutions, the Ukrainian Orange Revolution saw initially Solana and the Commission taking cautious positions. However as the crisis developed and the heads of state of Poland and Lithuania headed for Kiev to mediate a peaceful solution, Solana was brought to accompany them and ultimately played an active role in persuading Leonid Kuchman to abstain from the use of force. But still the Council and Commission were loathe to encourage Ukraine's EU aspirations. The European Parliament could find allies in only a minority of member states in support of acknowledging Ukraine as a potential member of the EU. The European Parliament has also been quite consistent in its calls for a greater emphasis on 'common values' vis-à-vis Russia and the other Eastern neighbours, with further cooperation conditional on progress towards democracy, the rule of law and respect for human and minority rights in Russia. This can be seen in its numerous recommendations, statements and reports on Russia, for instance the 1998 Lalumiere report, the 2000 Oostlander report and the 2004 Bender report.³² On Ukraine, the evolution in the position of the European Parliament on Ukraine has been dramatic following the Orange Revolution. Their support spans across the political

³¹ Carl B. Hamilton, *Russia's European Economic Integration. Escapism and Realities*, CEPR Discussion Paper No. 3840, Centre for Economic Policy Research, London, March 2003.

³² The Lalumiere report: *The Future of Relations between the EU and Russia*, A4-0060/98, 12 February 1998; the Oostlander report: *Report on the Implementation of the Common Strategy of the EU on Russia*, A5-0363/2000, 29 November 2000; and the Bender report: *European Parliament Recommendation to the Council on EU-Russia Relations*, A5-0053/2004, 26 February 2004.

spectrum. However with Yuschenko's affiliation with the centre-right EPP, this party group took the initiative on the Ukrainian declaration, while the Socialists were less outspoken.

To summarise, the evolution of EU policies towards Russia and Ukraine has seen a distinct 'democracy twist' in recent years compared to the early post-Soviet period. In the first period in the 1990s, a 'Russia first' policy was justified both on geo-strategic and democracy arguments. As a result the Partnership and Cooperation Agreement with Ukraine was a paler version of that for Russia. In the last year, as Russia's de-democratising trends contrasted with the dramatic Orange Revolution in Ukraine, this state of relations with the two large neighbours was reversed. The Action Plan for Ukraine is the most developed example of the European Neighbourhood Policy, and contains a strong emphasis on democracy. Meanwhile the four common spaces agreed with Russia a few months later in May 2005 can be viewed as a weaker derivative of the Neighbourhood Action Plans, notably lacking any substantial commitments on democracy, rule of law and human rights. The EU institutions and its member states have taken a somewhat fractious and bumpy route in the course of moulding this 'democracy twist', but the outcome is fairly clear. Democratic political criteria have been heavily influencing the policy evolution.

Maghreb

Arguably to a greater extent than in some other regions, European democracy and human rights policy in the Maghreb has exhibited some degree of convergence between different EU member states and institutions. While the traditional differences between European governments persist in this region, these look less overwhelming today than ten years ago when the Barcelona Process was established.

The Euro-Mediterranean Partnership (EMP) represents one of the most strongly institutionalised of the EU's foreign policy partnerships. During the decade since the EMP's creation, a network of cooperation has developed with state and non-state actors in the Maghreb across a notably comprehensive range of policy areas. This cooperation has included a focus on democracy and human rights. The attention given to democracy and human rights under the EMP has slowly become less timid and subject to a greater degree of agreement amongst EU member states, the Commission and the European Parliament.

In 1995, the Barcelona Declaration enshrined a formal commitment to encouraging human rights improvements and democratic values. While this appeared to represent an early agreement between member states on the linkage between human rights and 'soft security' challenges, strong consensus remained elusive on any significant implementation of this commitment. However, in the intervening years, some genuine convergence has taken place. Against an historical context of major European rivalries and differences in the Maghreb, the absence of fundamental substantive disagreement on general strategic goals now appears significant.

On the one hand, the engagement of northern EU member states in southern Mediterranean challenges has undoubtedly intensified. This evolution has represented both cause and effect of the Europeanisation of policy under the EMP. On the other hand, southern member states previously drawn almost exclusively to policies of 'pro-regime stability' have gradually adopted a focus on democracy and human rights. This change was initially unashamedly tactical: something of a quid pro quo for northern member states' acquiescence to increased EU funding for the Maghreb. A decade on from the creation of the Barcelona Process, southern member states' recognition of the desirability of encouraging political 'modernisation' appears slightly more deeply rooted. In this sense, the EMP represents a clear example of 'socialisation'

dynamics being generated through incrementally ratcheted-up commitments to institutionalised cooperation.

The very ‘thickness’ of formalised EU cooperation with the Maghreb has produced an identifiable community of EMP experts in both Brussels and national capitals. The plethora of committees and dialogue forums responsible for managing the EMP does appear to have helped generate a greater degree of shared understanding around human rights and democratic reform concerns. If an ‘epistemic community’ can be said to exist anywhere within the EU’s own internal procedures of foreign policy cooperation, this must be one of the most convincing candidates for such a label. The routinely asserted problem of poor linkage between different elements of the EU machinery looks less marked under the EMP than in most other areas of European foreign policy.

In part as a response to the 9/11 attacks, in 2003 the EU established new guidelines designed to enhance support for democracy and human rights in the Southern Mediterranean. It was acknowledged that agreement on this strengthened commitment would not have been possible some years previously. The new guidelines reflected notable activism on the part of the European Commission, and particularly of the then-external relations Commissioner, Chris Patten. Initial support came from the Dutch, Danes, Swedes and British governments, but it was agreed that real significance could be attached to the assent of the French and Spanish governments.

France has increasingly seen merit in the pursuit of political reform initiatives in Algeria through the EU dimension; and even Paris has become increasingly exasperated with Tunisian president Bin Ali for resisting any degree of political opening. Notable similarities have become apparent in the human rights and good governance projects funded by different national donors and the European Commission in the Maghreb. There is a shared agreement on exploring ways of increasing the operationalisation of human rights and democracy strictures through the new Neighbourhood Action Plans, which includes broad agreement on the need to focus efforts more on a country-specific basis in the future. There also appears to be a degree of convergence around the notion of ‘positive conditionality’, through which additional rewards would be offered to states willing to cooperate on political reform. It is still the case that southern member states remain more cautious on the firm benchmarking of aid and trade benefits against specific reforms, but recent debates over the ENP have revealed a broad willingness on their part to support the basic principle of rewards-based conditionality – certainly to a greater extent than in the past. Spain sees the provision of such ‘rewards’ as a means of ensuring that reformist Morocco – an increasing strategic focus for Madrid since the 11 March 2004 bombings – receives additional funding.

While elements of a more unified focus on democracy and human rights have developed in policy towards the Maghreb, there is also a commonality in the advocacy of very gradual political change. European speeches, from different national sources and from the Brussels institutions, are littered with similar references to the need for incremental ‘modernisation’; the need not to ‘impose’ democratic change; the need to respect differences; and the need for change to ‘come from within’, to be ‘home grown’. On this point, there has been little to distinguish the discourse of one member state from another, or Commissioners Patten and Ferrero-Waldner from Javier Solana, in the last three or four years. There has been a shared hesitancy on the part of all EU member states and the Commission to engage with Islamist organisations not formally sanctioned by incumbent regimes. In light of the sensitivities of democracy and human rights promotion in this region, member states have shared a desire to encourage the Commission to take lead role, to a greater degree than in most other areas of EU foreign policy.

This seems to be reflected in a recent proposal sketched by the Commission in its assessment for the 10th anniversary of the Barcelona Process to introduce:

... a Democracy Facility that will serve to promote, support and reward those partners that also show a clear commitment to common values and to agreed political reform priorities. This facility, within the European Neighbourhood and Partnership Instrument (ENPI), would go beyond the specific support that may be mobilised under regional or national action plan.³³

Consonant with this, convergence between member states also applies to the post-9/11 prioritisation of counter-terrorist cooperation and increased controls on migrants. In 2002, joint UK-Spanish proposals were forthcoming on these issues. In 2003, the UK joined forces with France, Spain, Portugal and Italy in a project aimed at enhancing the capacity and effectiveness of border guards and patrol vessels in the Mediterranean.

During the 1990s, intra-European differences over Libya were one of the most commonly-cited cases of EU strategic disarray. Since the 1999 agreement on trial conditions for the Lockerbie suspects, a broad commonality of approach to Colonel Qaddafi's regime has taken shape. This appears for the moment to have involved all member states accepting that the prize of progress on non-proliferation with Libya justifies an absence of pressure on internal democratic reform and human rights concerns.

Notwithstanding such convergence, differences naturally remain. These can be said to divide along a number of cleavages.

Firstly, geography still plays a causal role. If variation between northern and southern EU member states is not quite as marked as previously, significant differences remain over the tactics advocated to advance human rights and democracy in the Maghreb. While all member states espouse a philosophy of gradual political change, northern states – in particular, Sweden, Denmark, the Netherlands and the UK – advocate more 'forward-leaning' policy options in this field.

This is seen in debates over the critical language used in EU responses to human rights abuses and democratic shortfalls. Southern member states have fought to dilute the critical tone of EU reaction to human rights abuses in the Maghreb. Their argument is that EU statements should refer to concerns of southern Mediterranean governments' hindering the EU's own cooperation, rather than broadening criticism to more general concerns over democratic reversals. The first is seen by them as offering the potential for positive EU leverage, the latter as counter-productive. While supporting the policy of positive engagement with Colonel Q'adafi, Denmark, Sweden and the Netherlands have pushed for more critical language in response to human rights concerns in Libya. These differences are probably less marked in the case of Morocco, where there remains a desire common across all EU actors to work with King Mohammed VI in deepening reforms – this despite signs that the King's commitment to political liberalisation in some areas is accompanied by a firm unwillingness to allow reform in other areas.

Arguably the main 'tactical' difference between member states still relates to economic liberalisation, with southern EU member states more reluctant to open their markets to, particularly agricultural competition from the Maghreb. These states often complain that northern member states disingenuously present themselves as paragons of economic virtue on this issue, in the comfortable position of simply not competing in the same sectors as Maghreb producers. Northern member states refer most commonly to this issue when lamenting southern

³³ European Commission, "Tenth Anniversary of the Euro-Mediterranean Partnership: A Work Programme to Meet the Challenges of the Next Five Years", 14 April 2005 (available at http://europa.eu.int/comm/external_relations/euromed/publication.htm).

member states' preference for grand rhetoric rather than concrete substantive improvements that would really offer concrete benefit to the Maghreb. This economic variation is of relevance to the issue of democracy and human rights in so far as it reflects one difference in philosophy: the northern liberal states often place more stress on the value of economic reform as a tool for engendering political liberalisation; southern member states, and in particular France adhere rather more to a notion of cultural cooperation being more important in breeding consensual support for democratic norms. This difference should not be overstated; all member states would commonly espouse an element of both logics. The variation is rather one of onus: northern member states would often qualify market reforms as the most potent area of EU political leverage; southern states would qualify EMP cultural dialogue as the EU's really valuable tool in efforts to remould political values in the Maghreb.

More recently, tactical differences can be seen in a north/east vs. south split over the essential aim of the European Neighbourhood Policy (ENP). Northern and the new Eastern European member states conceived the ENP primarily as a framework for boosting cooperation and political reform work in the eastern European states left out of the accession process. While southern member states pushed successfully to ensure the inclusion of the southern Mediterranean, differences remain over the allocation of resources between the eastern and southern dimensions of the Neighbourhood. Indeed, since May 2004, an east-south cleavage has been added to the longstanding north-south division within the EU – even if most observers judge the new Eastern European members to have adopted relatively low profile positions within the CFSP so far. Under the ENP action plans, the issue of benchmarking has become a source of difference. A number of northern member states, in particular the UK, have more firmly pushed for commitments to benchmark political reform; Spain and other more cautious states have sought to retain more discretion in decisions over the allocation of future resources to – and crucially, between – Maghrebi states.

These debates also relate to the general level of commitment shown towards the Maghreb. The '5+5' dialogue – grouping France, Spain, Italy, Portugal and Malta with Algeria, Libya, Morocco, Tunisia and Mauritania – has been relaunched, indicating a determination on the part of southern EU member states to push forward with deeper cooperation on controlling migration outside the scope of the European Union and the EMP. Northern member states may be engaged partners in the EMP now, but it is France, Spain and Italy who channel the significant shares of their bilateral development aid to the Maghreb. French aid remains oriented towards the francophone states of the EMP. Within debates over the EU's 2007-13 financial perspectives, the UK, Denmark and the Netherlands have so far resisted the prospect of significant increases to middle-income Maghreb states and have pressed instead for a larger share of resources to be directed at the poorest developing states. In this sense, despite their 'softer' approaches, southern EU member states argue their quantitative commitment to supporting political modernisation in the Maghreb is greater than that of northern member states, and hindered by the latter's insistence on prioritising EU funding elsewhere.

Significantly, in the case of the Maghreb, the differences explained by geography compound those of ideological choice. In most places of the world, southern member states are more cautious on human rights issues by ideological inclination; in the Maghreb, they cite geographical proximity as a factor that compounds this standard difference. Thus, if Denmark were situated where Italy is, its policies in the Maghreb might be slightly more Italian, but not entirely so. An official view positing the opposite logic, namely that geography should give southern member states a more urgent interest in Maghreb political reform, has not been heard.

A second cleavage relates to *institutional function*, and often cuts across national differences. A number of policy communities can be detected – functional groupings incorporating the respective *responsables* from different member states and the Commission – with common

perspectives on EU approaches to the Maghreb. The trade policy community has been wary of political pressure and conditionality. The development policy community in a majority of member states has been wary of funding industrial restructuring work in middle-income states. Geographical desk officers remain more wary of undercutting diplomatic ties through ‘horizontal’ democracy and human rights initiatives that they judge to be insensitive to national specificities. The Middle East peace process policy community has been wary of the political dimensions of the EMP cutting across the primacy of peace process initiatives and negotiations. In all these cases, a balance of nationally- and functionally-rooted perspectives co-exist.

A third cleavage is structured around the contrasting ways in which different actors have interpreted the relationship between EU democracy and human rights policies in the Maghreb, on the one hand, and a number of exogenous *contextual influences*, on the other. Differences have deepened over the nature of the link between the EMP and the Arab-Israeli conflict; the impact of the Iraqi conflict on the rightful approach to human rights and democracy elsewhere in the Middle East; and the implications for European policies in the Maghreb of new US initiatives, from the Middle East Partnership Initiative, through the ill-fated (and apparently, European-scuppered) Greater Middle East Initiative, to the Broader Middle East and North Africa Initiative now developing under the auspices of the G8. Significantly, differing perspectives on relations with the US have sometimes cut across the north-south division within the EU. This is perhaps most notably the case in respect of Spanish policy under the 1996-2004 Aznar government – which most dramatically conditioned the French decision even to support Mohammed VI rather than Aznar in response to Morocco’s occupation of Spain’s El Perejil island! The significant point here is that internal socialisation in the field of democracy and human rights has to some extent been offset by the way that differences over other issues have woven themselves into this area of policy.

To summarise, a trend can be observed towards a somewhat greater harmonisation of EU policy objectives in the Maghreb. The significance of well-known and historically-rooted intra-European differences should not be understated. However, after a decade of gradual socialisation within the EMP, the underlying direction is towards a greater willingness to accept mutual compromise between the EU and its Maghreb partners with a view to gradually extending and deepening the application of EU economic and political norms in the Maghreb.

Israel and Palestine

EU aims and objectives vis-à-vis Israel and Palestine have been defined progressively over the decades. By the turn of the century, EU positions crystallised into a well-defined position in support of a two-state solution in the Middle East. Yet the Union has also articulated in detail its aims and preferences with respect to the internal and external conduct of both Israel and the Palestinians.

A fundamental pillar of EU goals has been the importance of respecting human rights, democracy and international humanitarian law. Most EU declarations on the Middle East conflict since the 1970s have condemned Palestinian violence and terrorism, pointing to the violations of rights and law that such acts entailed. The member states have also condemned Israeli settlements in the occupied territories (OTs), whose construction contravenes the Fourth Geneva Convention governing the laws of occupation. With the collapse of the Oslo Process, the Union intensified its calls to halt and reverse the construction of settlements and the wall in the West Bank. The Union has also denounced the whole array of human rights and humanitarian law violations, ranging from Palestinian suicide bombings, to Israeli incursions, extra-judicial killings and forms of collective punishment. It repeatedly affirmed that Israeli security and Palestinian self-determination should be pursued only within the confines of international law. Since the late 1990s and increasingly over the course of the intifada, the

Union has made frequent declarations on Palestinian reform in the areas of democracy, good governance and the rule of the law.

In principle, a two-state solution on the one hand, and the respect for democracy, human rights and international law on the other are fully compatible. The respect for rights and law could and should be the necessary means to achieve a viable two-state solution. But has the EU's pursuit of these goals been complementary or competing? If these goals have been competing, what are the Union's priorities? Have short-term diplomatic victories on the conflict settlement front trumped democracy, human rights and international law objectives, hindering also the long-term goal of conflict resolution?

The means by which the Union has pursued its goals in Israel-Palestine have not relied on historical processes. European history has left a highly complex legacy in the region. It has created a degree of affinity amongst former European Israelis. Yet it has left deep scars and traumas in the region, ranging from memories of European anti-Semitism and the holocaust in Israel to the British colonial betrayal in Palestine.

Relative to Eastern Europe and the Balkans, the EU cannot rely on its magnetic presence and power of attraction either. Neither Israel nor Palestine has ever seriously engaged with the idea of entering the EU. In the case of the Palestinians, the question is clear-cut. Neither have Palestinian elites nor the public ever expressed the desire to join the Union. The Palestinians would welcome a more active EU role in the region. But this role is viewed exclusively within the domain of foreign policy and is linked to their prime objective of securing viable statehood. As far as Israel is concerned, the picture is far more nuanced. At first glance it appears that the prospect of EU accession could have a strong hold amongst Israelis. A recent poll revealed that 85% of Israelis would back an application for EU membership.³⁴ In recent years, prominent Israeli politicians, including Likud members such as Binyamin Netanyahu have aired the possibility of Israel's inclusion in the Union. Yet scratching beneath the surface, these statements appear to stem more from a general desire to exit the turbulent Middle East and enter a European security community, than from a thorough realisation of what membership would entail. Most Israeli analysts are well aware that full EU accession would not be in Israel's political interests, in so far as it would require a radical transformation of the Zionist project (through the adoption of the Copenhagen political criteria). Hence, even in the hypothetical situation in which EU membership were on offer, it seems unlikely that Israel could be mobilized to pursue actively this goal.

Other forms of passive EU influence have also had limited impact on the parties. The Union can only have a limited socialisation effect on the parties. Due to its aid-dependent relation with the Palestinians and the Palestinians' restricted movement in view of their status, the likelihood of Palestine being socialised into EU structures, processes and norms is low. The potential for socialisation vis-à-vis Israel is much higher. Israel's inclusion in a wide array of EU activities and programmes, its developed trade links with Europe, its visa-free travel to Europe and the high proportion of Israelis holding EU citizenship could have cumulative effects on Israeli society. However, these social processes remain too thin to have a strong discernible effect on Israeli politics.

EU influence has instead relied primarily on its foreign policy instruments in the fields of aid, trade and cooperation, articulated through the EU's contractual ties with the parties. Most recently, the Union has held out the promise of enhanced relations through the European Neighbourhood Policy (ENP).

³⁴ Poll conducted by the Dahaf Institute of the EC Delegation in Tel Aviv, February 2004, p. 8.

A close look at the EU's relations with Israel and Palestine highlights an increasing divergence between rhetorical goals and conduct in practice. The spiralling violence on the ground during the second intifada could neither have been halted nor substantially ameliorated by the EU alone. However, while being unable to halt the violence, EU policy instruments at times deviated from the fulfilment of the Union's stated goals. More specifically, alleged conflict settlement goals have trumped long-term goals aimed at democracy, human rights and conflict resolution.

What explains these results? One hypothesis concerns the possible divisions within the Commission itself, coupled with the institutional immaturity of the Commission, as illustrated in the dispute with Israel over the preferential export of Israeli goods produced in settlements. The preferential export of settlement products and the Union's failure to rectify the ensuing breach of Israel's association agreement has put the Commission in contravention with its obligations under EC Law. Former External Relations Commissioner Chris Patten and DG External Relations have been well aware of this fact, clarifying that the preferential treatment of settlement products is illegal. However, in an attempt to settle the matter expediently and in a non-adversarial matter, former Internal Market Commissioner Fritz Bolkenstein agreed in early 2004 with Israeli Trade Minister Ehud Olmert that the matter could be resolved through a 'technical arrangement'. Under the arrangement (that came into force in February 2005) Israel would name the locality of final substantial or partial transformation on the origin certificates of Israeli exports. In principle, this would allow member state customs to detect fraudulent exports and deny preferences. Yet unknowingly, the arrangement and its possible consequences could irreparably compromise the EU's position towards Israel. Under the arrangement, the EU would entitle Israel to represent all localities as situated within the State of Israel. If the Community considered the arrangement as legally binding (or acted to that effect) the meaning of the association agreement would be reversed. If Israel can legally issue proof of origin for settlement products, then the EU would have recognised that these territories legally fall within Israel's territorial scope. No EU political declaration to the contrary would alter this fact. Indeed, Israel's occupation would have become enshrined in Community Law, which in turn, would have become inconsistent with the member states' duties under international law.

Other important causes of EU ineffectiveness vis-à-vis Israel and Palestine concern the differences between the Commission, the Council and the Parliament. The EP has typically called for extreme remedies against the violations of democracy, human rights and the rule of law by the parties. These have included the suspension of aid to the PA in view of the corruption within the Authority and the fear that EU money was being channelled to terrorist groups. It has also called for the imposition of sanctions and arms embargoes on Israel in 2002. Yet its calls have gone largely unheard. Particularly in its appeals for sanctions on Israel, the EP has contributed to obfuscating the fundamental EU dilemma, which concerns less the use of sticks and carrots and more the respect for international law in its bilateral relations with Israel.

The Council has instead focused on the primary importance of the peace process over and above the prerogatives of human rights and international law, as if these two goals were not compatible. Over the Oslo years, this entailed refraining from excessive criticism of the parties, fearing that these could upset the process. Hence, despite the growing internal complaints within the Palestinian territories, the Council (unlike the Commission) only began paying attention to Palestinian reform after the outbreak of the intifada. Since the end of the peace process, the Union can certainly report important successes in promoting Palestinian reform. However, its effective impact remains below potential. This is in part due to the *sui generis* context in Palestine. However, it is also linked to the inadequate or incomplete specification of EU conditions. In particular, while some areas have received disproportionate EU attention (such as the security sector, or the creation and empowerment of a prime minister), others have received none at all. The questions that arguably lie at the fore of Palestinian democracy have been

largely neglected by EU actors. Two key issues are at stake: the relationship between the PLO and the PA and the persistent exclusion of Islamic parties from both organisations, despite the fact that they represent the only credible opposition forces in Palestine. This (deliberate) neglect opens issues of fundamental importance concerning the extent to which the Union genuinely prioritises democracy promotion in Palestine. Likewise, Israel's ongoing expansion of settlements received only rare and soft-worded criticisms by the Council up until 2000. Yet both the inattention to Palestinian governance as well as to Israel's conduct in the occupied territories ultimately hindered the very peace process that the EU attempted to foster.

Since the eruption of the intifada, the Council and the EU Special Representative on the Middle East Peace Process have instead been preoccupied with day-to-day crisis management, and have prioritised efforts aimed at resuming the peace process. This has meant a primary focus on the reform of the security sector in Palestine. While security sector reform is certainly welcome, other areas of reform could have benefited from the same levels of attention by the Council. The EU's reluctance to engage and support Islamic civil society, as well as non-violent groups and activities which however do not correspond to their concept of the peace process also demonstrates how the peace process has trumped democracy and human rights goals in Palestine. Also vis-à-vis Israel, the Council's ambiguous attitude towards the disengagement plan may be hindering effective action. Viewing disengagement as an opportunity to re-launch the moribund peace process, the Council's support for Sharon's plan has diminished its criticisms of Israel's expansion of settlements in the West Bank and its re-routing of the wall to encompass these.

Instead, the Commission has focused on its bilateral relations with Israel and the PA. Compared to other EU institutions, the Commission has borne the brunt of the deterioration of relations with Israel since 2000, and has therefore been adamant to use the opportunity of the ENP to expand and deepen bilateral ties with Israel. However, its pursuit of (and ultimate agreement on) an Israel Action Plan occurred alongside the Council's criticisms of Israel's raids in the Gaza Strip in the autumn of 2004, casting a cloud over the EU's overall political message to Israel. As put by a German diplomat: "imagine if disproportionate use of force is being condemned by everyone, and at the same time the EU offers this magic plan to move Israel and the EU closer to each other – a plan which benefits the Israelis... at the bottom of this is how we can use for the best our leverage with Israel. After all, they will get everything but institutions".³⁵

Likewise the Commission agreed on the 'technical arrangement' on the origin rules dispute, wishing to shelve the headache that has poisoned its ties with the Israeli government. In December 2004, the Commission called upon the Council to endorse the arrangement and expressed the intent to proceed with Israel's inclusion in the system of pan-Euro-Mediterranean cumulation of origin rules. Proceeding with these measures prior to an effective legal solution to the rules of origin dispute would not only magnify exponentially the problem in practice, but would also poison the EU's rights to take legal remedies to halt Israel's malpractice. Ultimately the Commission's moves were halted by several member states in the Council. It remains to be seen how this ongoing saga will resolve itself.

A third explanation of EU ineffectiveness, often flagged in the literature on EU foreign policy, is the division between the member states. It is a well known and oft-mentioned fact that member states such as Germany, Holland, Denmark and the UK have typically taken more pro-Israeli positions, whereas member states such as France Italy, Spain and Greece have been more sympathetic towards the Palestinians. The accession of the eastern members also triggered a debate in Israel, raising the expectation that the eastern enlargement would tilt internal EU

³⁵ Quoted in Sebastian Alison, "EU Faces Row over Neighbourhood Pact with Israel", 7 October 2004, Reuters.

balances towards Israel. Indeed, there are some important differences between member states. Members such as Germany and Austria have been particularly sensitive to Israeli accusations of anti-Semitism in view of their historical legacies. Members such as the UK, Holland and Denmark have instead tended to view the Middle East through transatlantic lenses, and have thus been reluctant to excessively criticise Israel (as well as moderate actors in the PA) and harm, in their view, the peace process. Members such as France, Italy and Spain have instead been associated more closely with the Arab world, rendering the states more sympathetic to the Palestinian cause.

But without underestimating the importance of these differences, which have hindered effective EU action on several key occasions, member states have ultimately converged on their vision in the Middle East as well as on the policy instruments to pursue their objectives. All however, have been constrained politically in their pursuit of these objectives. To different degrees, all member states have been sensitive to criticisms of anti-Semitism, all have valued political as well as economic ties with Israel and no member state has been willing to withhold financial, let alone humanitarian assistance to the Palestinians. With respect to the Palestinians, the priority to be 'seen as doing something' and to support the peace process at any price has often induced an outpouring of funds without prioritised attention to the goals of furthering democracy and good governance as ends in themselves.

In conclusion, the nature of the EU's credibility problem in the Middle East has principally stemmed neither from its inadequate instruments nor from its internal divisions. Rather, it has derived from the manner in which EU actors collectively have chosen to deploy the policy resources at their disposal.

3. Findings

Can this mass of detail be distilled into some structured conclusions? Has the EU become a real driver of democracy promotion in the last decade, through building up its instruments of action and extending the reach of Europeanisation into its wider neighbourhood? Or have the cleavages among its member states and between its institutions remained so important that its performance as promoter of democracy has been substantially curtailed?

We structure our findings in the following order:

- Is the doctrine and discourse of the EU for democracy promotion as a common purpose clear and coherent at least in theory?
- How does practice vary in function of the relationship between the EU and the partner?
- How damaging to the common purpose are the cleavages between member states?
- How are the traits of the different EU institutions to be characterised, and what are the consequences of the complex and immature inter-institutional relationships?

Doctrine and discourse

Here there is no problem. The EU puts the values and norms of democracy and the rule of law at the top of its agenda for speeches and official documents. As a result of the accession process, it has had to work out how to apply these ideas in practice. The Copenhagen political criteria have been given pride of place, and the very detailed conditionality and monitoring of the accession process have meant that the institutions have learned how to establish effective norms judgements even where the mechanisms of democracy are notoriously varied. The Copenhagen political criteria are carried over at the normative level from the accession process

into the relationships with the non-candidate states of the wider European neighbourhood with varying degrees of intensity.

By category of partner state

In the wider neighbourhood, there is a hierarchy of categories, qualified by the nature of the relationship with the EU: the accession candidates, the future candidates of the Balkans that are nevertheless still engaged in post-conflict state-building, the European neighbours that have membership aspirations, the Mediterranean neighbours and finally Russia with its geo-strategic and inter-continental dimensions.

For the accession candidates, the Copenhagen political criteria are clearly dominating the game. The role of the Commission is also pre-eminent once the negotiation process has begun. The great conditionality machine is switched on. It becomes difficult for member states then to intervene in the process, given that the legal basis or other objective foundations for the Commission's work are very solid (but we return to the ratification process with a qualification later).

For the post-conflict cases in the Balkans, the game becomes less straightforward, even though the Copenhagen criteria still apply and the Commission has an important role as tutor in EU norms and executor of the conditionality machine. In this region, the post-conflict task of state-building, as in Bosnia, Serbia and Montenegro and Kosovo, brings the Council, the High Representative Javier Solana and his special representatives into play. This sees roles ranging from heavy mediation in creating the State Union of Serbia and Montenegro to governing a protectorate with Paddy Ashdown exercising his position's Dayton powers in Bosnia. These two functions – of Commission-led conditionality and Solana/Ashdown-led state-building – have led to unintended contradictions with respect to democracy promotion, or at the very least serious sequencing issues. The picture that emerges is that the security-driven state-building processes may either stultify the development of democratic institutions in Bosnia, or unfortunately empower the 'wrong' domestic political actors, as in Serbia and Montenegro, where the State Union is most liked by the old-guard Yugoslav nationalists. Security trumps democracy for an interim period at least.

For the European neighbours with unrecognised accession aspirations (Ukraine, Georgia, etc.), the EU has not been in the forefront of the recent democratic revolutions as actor. If anything, the EU has tended to be a little behind the game, welcoming the results but being studiously cautious in not promoting them. Of course the various official documents all laud democratic principles, but hints of deference to Moscow on the part of the Council and various member states have coloured the atmosphere. Even if this deference to Moscow seems now somewhat muted, another restraining factor rises in importance, namely the reluctance to the EU to contemplate continuing enlargement. The vital synergy between the goals of democracy and joining the EU risks being undermined by the unencouraging declarations of the Commissioner for external relations such as to Ukraine ("the door is neither open nor shut"). It may be that the drive for democracy in these states will be sustained because the cause is itself so strongly desired, and because the EU remains there as a presence and a model. But the Commission's neighbourhood policy is weak in the specificity of the Action Plans so far, and especially so in the nature of the incentives on offer (with membership clearly not on offer). Enlargement fatigue risks trumping democracy.

For the Mediterranean states, the neighbourhood policy brings the possibility that democracy promotion will achieve a higher standing than under the last decade's Barcelona Process, when regime stability clearly trumped democracy as the priority. The discourse in the official documents has already tilted towards a more leading place for democracy, human rights and the

rule of law. There are timid indications that some positive conditionality with respect to political criteria may be introduced in practice in the workings of the neighbourhood policy.³⁶ The most reluctant member states seem to have become more open to the idea. This re-calibration of EU policy comes of course at a time of other more dramatic changes in the region, partly driven by increasing disappointment of the lack of economic and social progress in the Arab world, and partly the response of the United States to 9/11. EU policy may therefore be moving with the tide. The EU is not demanding democracy with a strident voice, armed with massive sticks and carrots. Instead its most important and unique contribution may be in the very subjective quest for some kind of Euro-Mediterranean identity, and for a modern place for Islamic culture inside the democratic EU, which in turn may feed back through diaspora connections to the domestic politics of the Arab world.

Finally comes the case of Russia in a class of its own, with the de-democratising leadership of President Putin. The EU would like to see an ordered renaissance of democratic tendencies in Russia, and tends to believe that it is only a matter of time before this will happen. Russian democracy is seen as Europe's security. But in the meantime Russia is still the big neighbour with strategic capabilities. These range from being the key to Europe's energy supply security, through to its role as permanent member of the UN Security Council, and more broadly still as a strategic actor on the world scene, albeit a diminished one. EU criticisms of Russia's non-democratic behaviour are muffled and mixed, so the conclusion has to be that strategic considerations trump democracy for the EU in its policies, as now evidenced by the May 10th agreement on four common spaces, with democracy receiving no more than a token mention. Yet the role of the EU as civilisational model and reference for Russian elites and civil society has considerable resonance, and perhaps this may become sharper as they watch what is happening in Ukraine.

Cleavage damage

Not all the traditional cleavages between member states are so damaging. The cleavage between north and south over their natural priorities based on geography seems to be fading away. More precisely the EU is repeatedly seeing the north and south taking leading positions in favour of their respective geographic neighbours, but succeeding also in persuading the EU as a whole to embrace their concerns in extensions to prior EU external policies. For example, Finland led the Nordic member states in persuading the EU as a whole to embrace its idea of a northern dimension policy. When the idea of a neighbourhood policy was first advanced by some northern member states for some northern neighbours, the south easily sustained the case for the Mediterranean to be similarly included. In addition, the post 9/11 situation has meant that the security threats emanating from the Arab neighbourhood now transcend their regional origins.

The syndrome of post-colonial sensitivities translating into reluctance to impose political conditionality towards the neighbours seems also to be fading away. France and Spain seem to be ready for the EU to be more assertive in the Med, after a decade of disappointing experience with the Barcelona Process. The case of Austria taking a softer line over its Croatian neighbour and former Hapsburg territory has been noted, although this has not been a constraint on EU conditionality because of the unanimity rule as explained below. In the Balkans, special representatives in the protectorates such as Paddy Ashdown in Bosnia have not been inhibited from exercising neo-colonial gubernatorial powers with gusto, which nevertheless has meant prioritising security over the fostering of Bosnian democracy.

³⁶ Michael Emerson and Gergana Noutcheva, *From the Barcelona Process to Neighbourhood Policy: Assessments and Open Issues*, CEPS Working Document No. 220, March 2005.

The reverse syndrome of the former occupied states taking a harder line over the democratic shortcomings of the former hegemon is more sharply in evidence in the Baltic states and the former Comecon states now in the EU. All these states attach the highest importance to sound relations with Russia, but they also take a much less benign attitude to Russian political behaviour that is deemed to be out of line with European norms. These states are typically saying words to the effect: “we know Russia, and the only language it understands is that of power”. Their representatives in the European Parliament are notably vocal in criticising Russia, compared to France and Germany who are at the other extreme in stressing their understanding for President Putin over Russia’s internal difficulties. This has resulted in manifest confusion of messages from the EU to Russia over whether the development of cooperation between the two parties will be harmed by Putin’s de-democratising tendencies.

The cleavages left still by World War II may also enter the picture here, with Germany taking an exceptionally friendly line towards Russia, and personally so at the level of Chancellor Schroeder towards President Putin. The shadow of World War II is perhaps now only in the background, whereas strategic energy security is in the foreground, with current plans for a further major gas pipeline to go directly from Russia to Germany under the Baltic Sea. The gas pipelines become an umbilical cord between Russia and Germany, but this links significantly to the entire EU gas network. Gas seems to trump democracy. Germany has consistently taken the line in the EU foreign ministers meetings of softening or avoiding criticisms of Putin. It may be speculated that Schroeder’s special relationship with Putin translates into a unique political influence. Certainly they can socialise together in the German language and because Putin knows Germany from his DDR/KGB days. Could this mean Putin turning to adopt political positions at home and abroad more in line with democratic norms? The evidence is not there so far.

The legacy of World War II is more clear cut in the case of EU policy towards Israel over its infringements of international law in the expansion of settlements. As noted above, the EU has a strong legal obligation to hold Israel accountable for its illegal trade practices, claiming preferences for products originating in settlements. Yet most member states, first and foremost Germany and Austria (as well as the UK and Denmark), have rejected any measure that is remotely perceived as being confrontational. Concern for a propaganda barrage from Jerusalem over alleged anti-Semitism has trumped concern for international law and human rights.

The deepest cleavages affecting the foreign policies of the EU come from divergent visions for the EU itself as well as divergent world views. The ongoing drama of the ratification of the Constitution, alongside the issue of Turkey’s candidacy, has brought to the surface a semi-dormant issue of fundamental importance. Is the EU to remain open to any European democracy, and thus go on enlarging to 35 or even 40 member states? Or is the whistle going to be blown, to say stop at some much earlier point, for example after the Bulgarian and Romanian accessions in 2007. The arguments favouring a stop are basically twofold. The first is about the possible institutional ungovernability of an over-enlarged EU. The second is about Europe’s cultural identity (even if God and Christianity were left out of the Constitution, there are still those who would veto Turkey’s accession on grounds of religious culture). These arguments have a special flavour in France, where they combine with a concern that France has less and less influence and control over the European construction. The French position is further special in that these various considerations have led the government to pass an amendment to the French Constitution, requiring that all further enlargements of the EU (beyond Bulgaria and Romania) be ratified by popular referendum. What is going to be the staying power of the EU’s political conditionality in negotiations with Turkey, if at the end there would probably be a simple ‘non’ from France? How will this affect also the European motivation of Ukraine? The credibility of the EU’s conditionality becomes dependent on the non-credibility of the opposition to further enlargement. As pointed out above, Commissioner Ferrero Waldner has

explicitly discouraged the accession aspirations of Ukraine, Moldova and Georgia. The alternative vision of the EU is that it should strive for a united and democratic Europe. The UK, for example, supports Turkish candidacy with the supplementary argument about Turkey's role model as a secular democracy of Muslim culture. Poland supports Ukraine's aspirations similarly as a factor to consolidate democracy in the whole of Eastern Europe. The jury is still out in the contest between these two visions of Europe, to prioritise Europe's power and identity or the extension of European democracy.

The cleavage in world views was dramatically highlighted by the Iraq war. While the argument of principle was about whether this was a just war or not, there were collateral impacts on the EU's relations with Russia. Of course the divide over Iraq was such that the EU had no position at all. However the collateral diplomacy saw France enjoining first Germany and then Russia in its opposition to the war. For France strategic diplomacy trumped concern over Putin's de-democratising tendencies.

Institutions and decision-making rules

The member states have remained the principals. The Commission and the Council's High representative for foreign and security policy, Javier Solana, have been the agents. Of the two, Solana has remained the most closely controlled of the agents, since he has few institutional powers of his own. He belongs to the world of foreign ministers and diplomats, which gives first priority to immediate matters of strategic security. Democracy and values always feature in the discourse, and in the long-run security and democracy are viewed as being almost synonymous. Yet in terms of how day-to-day energies are expended, democracy promotion is often in the background.

The Commission, on the other hand, is an agent that has been acquiring such extensive mandates and instruments of action that it partly turns into a principal in its own right. This is certainly relevant to democracy promotion where the huge conditionality machine of the *acquis* and related incentives is seriously deployed, as in the accession process, or wherever in the neighbourhood where the partner states have serious accession aspirations. In the latter case, even though the Commission may be discouraging future membership candidates from applying, it has still designed a neighbourhood policy as a derivative of the accession process. This results in the whole package of EU political norms being placed at the top of the agenda in the Action Plans of the neighbourhood policy. The determined neighbour, for example Ukraine, that wants indeed to be more than a 'neighbour', has therefore a system to work with, which facilitates its voluntary compliance with the Copenhagen political criteria.

This leads on to the question whether Ukraine's Orange revolution stands to influence political developments in either Russia, or Belarus, or both. For Belarus this question is indeed being asked.³⁷ Conversations with some Russian politicians today reveal cautionary sentiments, such as the following: if Ukraine's new experiment with democracy succeeds, this will indeed have an impact on Russia in due course; if it fails this will also have an impact in consolidating non-democratic practice.³⁸ Civil society in Russia and Belarus will surely be encouraged. The political elites who think in more geo-strategic terms will be reflecting on the loneliness of their last remaining non-democratic regimes. A recent report by the Russian Council of Foreign and Security Policy concluded that most if not all of the Western CIS space (Ukraine, Moldova,

³⁷ Uladzimir Rouda, "Belarus: Analyzing Chances for Democratic Revolution", paper presented at the CEPS-Stanford workshop on Democracy and the Rule of Law – American and European Strategies and Instruments, 20-21 June 2005.

³⁸ Conversation with Boris Nemtsov, a leading liberal Russian politician.

Belarus, South Caucasus states) would aspire to membership of the EU in the foreseeable future.³⁹ It went on to conclude that it was not a viable option for Russia to go it alone, and let its Western frontier become the border of European civilisation, and that if Russia was therefore to aim at some kind of more integrationist model with the EU, it would have to converge on the EU model of democracy. At this level of thinking, it is of little consequence whether EU leaders get their speeches towards Russia precisely in line. Russian society and elites are thinking about deeper and longer trends in the mapping of European society and politics. For this exercise, the EU is an inescapable reference, whether or not it is an ‘actor’.

Does the unanimity rule in important matters of foreign policy, which severely constrains the actions of the institutions, have the effect of limiting or strengthening the objective of democracy promotion in the neighbourhood? Interestingly the case studies show that it can work both ways, either to impose a lowest common denominator, or a highest common factor. It depends essentially on who is the *demandeur*, the EU itself or the partner state, or more concretely, whether it is the EU wanting to impose punitive measures or the partner state seeking to gain accession or a breakthrough in negotiations.

Where the EU or a group of member states wants to impose punitive sanctions, but with some member states resisting such action, then the unanimity requirement yields a lowest common denominator result (i.e. the actions of the partner states will have to be uncontroversially and gravely reprehensible to achieve unanimous support for sanctions, as for Libya in the days when it was supporting terrorist acts). Where however the partner state regimes are less strongly criticised, it will be difficult to achieve unanimity to impose sanctions. This has been the case with the Barcelona Process in general, where the southern member states were unwilling to try to play the political conditionality card, although this position may begin to change now. It has been specifically visible over Israel’s settlement policy, which led to discussion of sanctions in the Council of foreign ministers through possible suspension of the Association Agreement. This was blocked by a group of member states, especially Germany.

In the contrary case of accession aspirations of states such as Turkey and Croatia, where these states are the *demandeur*, the negotiations only proceed beyond vital checkpoints (opening of negotiations, or actual accession) if the highest demands from among the member states are met. This was seen in 2004 as Turkey was obliged to deliver on sufficiently impressive conditions to overcome the reluctance of the least enthusiastic member states. More recently this model was clearly at work over Croatia, where the arrest and surrender to The Hague of an indicted war criminal was the condition imposed by some member states. Croatia’s best friends and neighbours, Austria and Slovenia, were prepared to be more lenient on this condition, but they could not prevail because of the unanimity rule.

However, strong conditionality policies can overreach themselves and turn counterproductive. In the Croatian case, public opinion is seriously divided over whether the indicted war criminal is a hero or a villain, and the tough EU line may re-empower the very same nationalist politicians that the Europeanisation process is supposed to disempower. In the Turkish case the decision by the French president to subject the final ratification of accession to approval by referendum may cast doubt in Turkish minds as to whether any reasonable conditions could satisfy the French. In this way the credibility of EU conditionality bargaining may be undermined.

³⁹ Sergei Karaganov (ed.), “Otnoshenia Rossii y Evropeiskovo Soyuzu: Sovremennaya Situatsia in Perspektivi” [Russia-EU Relations: The Present Situation and Prospects], forthcoming CEPS Working Document.

Dysfunctional instruments

One of the unintended consequences – and indeed casualties – of the EU’s institutional tensions and immaturity is the emergence of serious bureaucratic constraints on the effectiveness of the technical instruments of democracy promotion. The Commission has since the early 1990s been endowed with huge increases in programmes of technical assistance to all the neighbours – the accession candidates, association agreement partners of the CIS or Balkans or the Mediterranean partner states of the Barcelona process. These instruments have suffered from a combination of high and low politics between the institutions. In line with their concern to restrain the entry of the Commission into the domain of high politics, the Council has typically responded to new needs for the EU to act with big budgetary allocations for technical assistance grants. Yet at the same time it has been very reticent in granting the Commission staff resources at the level of these programmes, while also imposing on the Commission onerous tendering and management committee procedures.⁴⁰ The motives here have been a mix of concern to restrain the growth of the Commission’s institutional role, and commercial concerns over the award of contracts between member states. At the same time the European Parliament, anxious to enter the foreign policy field from which it was initially totally excluded, had to build on its partial powers in the budgetary domain, where it has made common cause with the Court of Auditors over matters of financial control. The European Parliament ‘succeeded’ in sacking the entire Commission of President Santer in 2000 over allegations of financial irregularity. The findings were in the event of trivial proportions,⁴¹ yet this led to ever-increasing severity of financial procedures, and highly risk-averse management behaviour on the part of Commission civil servants, with the overall result of severely hampering operational effectiveness of democracy promotion actions. By contrast, comparable programmes of the US and bilateral EU programmes such as those of Denmark, Sweden and the UK are seen as positive models of their kind.

The problems that have arisen are multiple: slow disbursement, high costs of administration for the EU institutions and even more serious problems of imposing burdens for project preparation and reporting that deter applicants. It is common knowledge within the EU and the partner states that many potential project managers (consulting companies, research institutes, NGOs) will look to the EU programmes as a last resort, after trying more user-friendly sources of funding first after European or US bilateral programmes. Whereas the rationale of EU action is to exploit synergies and economies of scale, the EU’s financial regulations go in the opposite direction, leading to diseconomies of scale.

These issues involve much technical detail and so should not be pursued here. Other sources have documented the problems thoroughly.⁴² Yet there is an issue of systemic importance. The EU has been emerging as foreign policy actor quite rapidly over the last decade. It might be

⁴⁰ For example, to help Gorbachev, the European Council decided in December 1990 to commit €500 million for technical assistance to aid reform of the USSR. This was to be the biggest technical assistance package in the world, for which the Commission had to try and start with zero management resources, and it took years after the collapse of the Soviet Union for the Tacis programme to reach a low cruising speed.

⁴¹ The most celebrated and only hard piece of evidence was the case of the Commissioner for scientific research, Mme Cresson, who was found not to have followed routine procedures in appointing her dentist to a part-time advisory position. Should Mme Cresson’s dentist stand between the EU and the historic advance of democracy in the wider European neighbourhood?

⁴² *Striking a Balance – Efficiency, Effectiveness and Accountability: The Impact of the EU Financial Regulation on the Relationship between the European Commission and NGOs*, report of F.M. Partners Limited on behalf of a group of NGOs: Open Society Institute (Brussels), Concord, The Platform of European Social NGOs and the European Women’s Lobby, April 2005.

supposed that this evolutionary process was a benign one with regard to the efficiency of the instruments of action gradually accruing to the EU. Closer inspection shows the process to be more problematic. Partial or heavily constrained transfers of competences from member states to new and immaturely formed institutions can turn out to be seriously dysfunctional. The rational solution might be a maturing of the institutions in the sense of giving the executive wider room for manoeuvre, but this would mean that the member state principals would lose even more control over their agent. When the choice is between loss of power by the member states and enhanced efficiency of an EU programme, such as for democracy promotion, or the winning of power by the European Parliament through imposing overwhelming burdens of financial control procedures, the priority seems to be power.

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About CEPS

Founded in 1983, the Centre for European Policy Studies is an independent policy research institute dedicated to producing sound policy research leading to constructive solutions to the challenges facing Europe today. Funding is obtained from membership fees, contributions from official institutions (European Commission, other international and multilateral institutions, and national bodies), foundation grants, project research, conferences fees and publication sales.

Goals

- To achieve high standards of academic excellence and maintain unqualified independence.
- To provide a forum for discussion among all stakeholders in the European policy process.
- To build collaborative networks of researchers, policy-makers and business across the whole of Europe.
- To disseminate our findings and views through a regular flow of publications and public events.

Assets and Achievements

- Complete independence to set its own priorities and freedom from any outside influence.
- Authoritative research by an international staff with a demonstrated capability to analyse policy questions and anticipate trends well before they become topics of general public discussion.
- Formation of seven different research networks, comprising some 140 research institutes from throughout Europe and beyond, to complement and consolidate our research expertise and to greatly extend our reach in a wide range of areas from agricultural and security policy to climate change, JHA and economic analysis.
- An extensive network of external collaborators, including some 35 senior associates with extensive working experience in EU affairs.

Programme Structure

CEPS is a place where creative and authoritative specialists reflect and comment on the problems and opportunities facing Europe today. This is evidenced by the depth and originality of its publications and the talent and prescience of its expanding research staff. The CEPS research programme is organised under two major headings:

Economic Policy

Macroeconomic Policy
 European Network of Economic Policy
 Research Institutes (ENEPRI)
 Financial Markets, Company Law & Taxation
 European Credit Research Institute (ECRI)
 Trade Developments & Policy
 Energy, Environment & Climate Change
 Agricultural Policy

Politics, Institutions and Security

The Future of Europe
 Justice and Home Affairs
 The Wider Europe
 South East Europe
 Caucasus & Black Sea
 EU-Russian/Ukraine Relations
 Mediterranean & Middle East
 CEPS-IISS European Security Forum

In addition to these two sets of research programmes, the Centre organises a variety of activities within the CEPS Policy Forum. These include CEPS task forces, lunchtime membership meetings, network meetings abroad, board-level briefings for CEPS corporate members, conferences, training seminars, major annual events (e.g. the CEPS Annual Conference) and internet and media relations.