

EU Membership as a Tool for Democratization

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1. Overview

The following paper briefly examines a key European method of democratization – EU membership. It starts by trying to understand the underlying attraction in this state option - why countries are indeed interested in joining the EU. After that, it contrasts these appeals to membership in other international organizations. It then attempts to review the potential of democratization aided from outside the country in principle. After reviewing basic democratization options that the EU employs, it finally reviews the weaknesses and strength of EU membership as a tool for democratization.

2. Attraction of EU membership

Following years of Soviet occupation and stifling, the West seemed very attractive to Central and Eastern European states. The European Union extended at first an informal invitation for them to join, a highly attractive option since it symbolized security, consumer prosperity, company wealth, prestige, and, last but not least, a clear break with the Soviets.

Given the economically lower level of development in comparison to the EU countries, new members would be eligible for colossal financial inflows in the form of structural funds and subsidies. This contrasted starkly with their previous membership in the alliance built around the Warsaw Pact, where they had virtually no say. Allowing them to join one of the most prestigious political clubs in the world - and get paid for it – as well as being able to influence some of the

decisions of their powerful western counterparts in return for giving up some of their sovereignty.

Membership was so attractive that individuals like Mr Iliescu of Romania, far from a pro-western integrationist in his early days, turned pro-european with the clear intention of having his country join the EU. This contrasts moves in the early 90s's where he was not allowing the Council of Europe to "interfere in internal matters" and debating the very idea of political party pluralism (Pippidi, 2006). Understanding why this conversion takes places is of critical importance in understanding the attraction, particularly for the powerful. One explanation is that the elites, as they do not need to fight over their business survival anymore, try to increase its value. Very quickly, they realize that their factories are worth more if they are standing in a lawful country than in a lawless one.

Unsurprisingly, the relations of countries in CEE and former Soviet Union with the EU are overwhelmingly positive - all are secretly – or not so secretly - hoping for membership!

3. Other International Organizations

To be sure, the EU is not the only international organization for the states under question that they could join. But it is by far the most promising for their economic and political development. NATO, which has significantly simpler membership criteria, also incorporates some political standards, including guaranteeing minority rights and civilian control of the military. And while many CEE countries have indeed pursued NATO membership, it was often seen as a first step toward joining the EU at a later stage. The political threshold for membership in the United Nations is sufficiently low that it required virtually no political reform for the newly independent states to join. Membership in the Council of Europe, the continent's Human Rights watchdog was initially seen as an achievement, but its lack of financial muscle, political clout and the

devaluation of its standards by accepting human rights offender states into its midst, significantly decreased the attractiveness of membership.

4. Effectiveness of democratization from without

Foreign Democratization is a contradictory term. Time and again, it can be seen that a foreign imposition of democratization, same as a violent imposition of democratization (*Freedom House Study*), do not produce lasting democracies. In this vein, the current process in Iraq underlines two wrong approaches: imposing democratization without supporting a viable political force that is striving toward it, and using violence to do so.

Even then, the most that foreign democratization can achieve is acting as a catalyst, which only increases the speed and quality of a country is already trying to become democratic. Foreign democratization can give consulting, guidelines, skills, and finances. But it cannot jump start something that does not already exist. the EU is a magnet, a vision for democratizing countries. NGO democratizers can transfer skills in party building, government monitoring activities, and advocacy. Both western government and NGOs can give financial means to encourage democratization, especially in economically weak countries (in Russia, this has rather little effect). They can also do trans-border cooperation – internships, fellowships, study tours and institutional relationships.

Looking at successful democratic transitions, it becomes apparent that foreign democratization support is most effective when it is a) based on a reasonably strong movement already in the country, b) only a contributing aspect to active in-country democratization forces (business, parties, NGOs, etc).

5. EU Democratization Activities

Actions undertaken by the EU can be divided broadly into two categories:

1) Non-membership assistance programs:

The EU runs assistance programs in many developing democracies of the world, including work with governments and the non-governmental sector. They span a vast field of work including Human rights, elections, small business development, accountability, anti-corruption, etc. These projects are effective to varying degrees, similar to the government assistance arms of various individual countries, such as USAID, CIDA, SIDA, the Swiss Development Agency, etc. The EU's programs under this category (most notably, EIDHR), have similar strength and shortcomings as their counterparts from national governments. Their limitations include: lack of funds, lack of access to local community, often over-bureaucratization, and dependence on the surrounding political environment, which makes democratization assistance programs so controversial, especially in countries where there is a sizeable opposition, in government or out, to western democracy building.

In addition, the EU also inserts democracy clauses in all aid agreements signed with non-member countries. These stipulate punitive measures in the case of violation, but have in practice rarely been used – in fact, there has only been one time this measure was used: in Uzbekistan in 2006 (Youngs, 1996, p. 55).

2) Membership related assistance: Legal framework amendment and monitoring

The EU does, however, have a unique tool for democratization: far more successful than other approaches is making the success of the domestic reform process in a country a prerequisite for joining the EU itself. The idea is based on the Maastricht Treaties, which clearly stipulate that

“any European state which respects the principles of liberty, democracy, human rights and fundamental freedoms, and the rule of law may apply to join the Union. (Europa website, 2006)”

As a result, this is a two-tiered process: the first step, more informal, is the gravitational aspect: countries strive toward EU membership due to the above-described benefits. While the country receives numerous assistance programs in democratization, connected to the membership process or not, the long-term perspective ensures that the governments stay on track. In a few cases, temporary backsliding was noticed, but quickly reigned in from inside the country by forces concerned about delaying the accession date or missing it altogether. There is thus an informal, internal self-criticism that ensures continued progress.

Upon establishing a democratic tradition and respect for human rights, among other criteria, they become eligible for EU membership negotiations.

During the negotiations, a process named conditionality eliminates numerous of the above democracy assistance concerns: given the enormous size of the “carrot” that is on offer, domestic opposition to reform is reduced to a pitiful amount. Furthermore, the “dirty” work of democratization is being conducted by the country’s government itself, rather than by outside actors. Last, but not least, the applicant countries, while undergoing a process of “negotiation” with the EU about the concrete standards they are to meet, have very little choice but to accept what is given to them if they want to join the Union. Demetropoulou states: “the Union’s influence has been clearly one of coercion by linking politico-economic conditions with the coveted membership prospects” (Demetropoulou, 2002)

While only few are directly related to democracy, the standards that the EU requires its potential members to meet are clearly positive for democratization. The Copenhagen Criteria’s political

requirements outline “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.” (Europa website, 2006) These transfer an enormous mass of laws that include specific requirements for ensuring the above values.

As a result, the key focus of this process is the adoption of thousands of pages of EU law into the national legislation, thereby ensuring that the legal standards for membership are being met by fulfilling so-called “chapters” on various topics including business regulatory policy, rule of law, freedom of speech, etc, etc. Essentially, the EU has put together a legal template that applicant countries have to adopt. But, especially for the later prospective members of the EU, Romania and Bulgaria, this template comes equipped with a “roadmap” which clearly outlines what work must be done in what area, thus not only telling states what needs to be done, but also how to do it. Countries are then subject to a monitoring process, where rapporteurs inform the EU on the process made of membership and eventually, eligibility for membership. A latter addition to this process have been cancellation clauses: while a hopeful membership date is set years in advance, the EU has the power to change that date when it sees that progress is not made fast enough.

6. Comparison to other democratization approaches

We have previously discussed the EU approach to democratization in some details. It contrasts starkly to the US approach in the degree of its formality. US democratization focuses less on government-to-government and legislation assistance and more on the non-state components – civil society, party building, etc. While this approach is limited through its numerous passing stages until finances reach the final recipient, it is highly effective in working on bottom-up reform, capacity-building, and supporting public demands for change. It is considerably weaker in reforming national law and the incentives are pale in comparison to EU membership.

To be sure, both the EU and the US use both approaches, but their strengths lie in different areas.

7. How effective is EU democratization?

The EU's membership model democratization is a highly effective tool to get countries to conduct top-down reform. Governments adopt laws and work on their enforcement. This process yields high results, again underlying the superiority of a sufficiently-sized carrot over even the most sophisticated stick.

The first wave of eastward expansion of the EU in 2004 concerned countries that were already western oriented – their revolutions were seen as a return to the political surroundings that they were illegitimately removed from for 40 years. Thus, the EU's gravitational model worked wonders with countries that were west-leaning and critical of Russia, harmonizing domestic reform process and EU integration.

However, those countries with somewhat less democratic ambition and history, and with closer relations to Russia are significantly slower in the integration process (Romania, Bulgaria, Serbia, Moldova, Ukraine). In these countries, there was a lack of reform in the early 90's, causing them to be unready to understand and accept the EU accession process. At the same time, curiously, the standards for the second group of eastward expansion dictated by the EU increase permanently, as the EU gains more experience with expansion and its laws increase as part of its own reform process. However, while the ride is clearly more rocky for the second-round states (which is likely to include Romania, Bulgaria, and, perhaps, Croatia), the positive impact on their level of democracy is unquestionable. Even such entrenched issues as corruption in Romania are being tackled as the result of this process.

There is a certain limitation of political discourse at the country-level during the time of the accession process: the agenda is set somewhere else. Peter Mair goes as far as saying that “European integration increasingly operates to constrain the freedom of movement of national governments, and hence encourages a hollowing out of competition among those parties with a governing aspiration. As such, it promotes a degree of consensus across the mainstream and an inevitable reduction in the range of policy alternatives available to voters.” (Mair, 2000, pp. 27-51)

The key concern, however, about the effectiveness of this process is its geographic limitation – it only works if countries believe that one day they will be able to join the EU. EU approaches are significantly less effective where membership is not possible or not realistic. One of Ukraine’s big disappointments since the orange revolution (there were a number), was the absence of a clear accession signal from the EU. Protesters had believed anything was possible when they brought the election falsifiers down, and believed – somewhat naively – that the EU will simply have to accept Ukrainians into their arms now that they had proven their adherence to democratic standards. The reform process in Ukraine is all but stalled and a large contributor to this (other than the ineffectiveness and infighting of government) is the fact that there are no clear set-out benefits that Ukrainians can see from these reforms. Options of cuddling up with Russia, requiring significantly less reforms, are being discussed again – promising significantly less economic and political benefit, but with a clear vision of what is possible.

This approach is probably the best tool around in democratic state-building. In fact, the EU proposes a package of laws that the country just has to adopt and follow and it shall be a democratic country. As a result, reforming countries can partake in the whole experience of democratic countries and be “plugged in” to the ongoing European democratic political process.

The process is similar to NATO requirements: weapons need to be brought to a certain standard before military integration is technically possible.

However, laws are only one side of the coin. Implementation is the other of the formal aspect of democracy. This implementation is ensured by the willingness of political actors - parties, NGOs, business, media, etc. – to abide by it. This requires for these groups to understand that they have more to gain from adhering to the rules. This process is long-term and requires that gathering of a crucial mass. Ukraine is currently undergoing the transition when more and more businesses (big business leading the way) is starting to understand the value of floating their shares on stock markets, which requires a certain degree of transparency previously unknown to them. At the same time, there is still a wide-spread usage of bribery and violence.

Alina Mingiu-Pippidi, a Romanian democracy scholar conducted a rather detailed study of the effect of EU membership on democratization, using FH data from its regional publication – Nations in Transit. Her research shows a smaller improvement of democratization in countries after the start of negotiations with the EU and concludes that “It seems therefore that the enlargement process itself has little bearing or none on democracy.” (Mingiu-Pippidi, 2006, p. 16)

One criticism of her position comes from Silviu Jora (Jora, 2006, p.3), who argues that while the relative change of democratization might not have increased, their solidification was ensured through legislation adopted through the accession process and that the leverage of the EU for getting countries to agree to critical and sometimes painful reform is at its height once the accession date was within reach.

While Pippidi's argument is probably correct in indicating that there is little additional process in democratization once negotiations commence, this does not account for the fact that most hopeful countries know of the EU requirements and only hope for serious negotiations after democratization is already underway – in Ukraine, for example, serious EU membership discussions took place after the so-called Orange revolution. Furthermore, fulfillment of the basic political requirements is actually a pre-requisite for the start of formal negotiations on membership. Thus, the influence of EU membership should be measured from the time CEE countries indicate an interest in joining Union. For most of them, this was 1993, the same year that the EU made it clear in Maastricht that membership was a possibility. This is the time when the gravitational effect kicks in. This measurement includes a majority of the period of democratization in most CEE countries.

8. Conclusion

This brief discussion leaves us with the following thoughts: the EU's gravitational force has tremendous impact on encouraging reform. While the conditionality model is extremely helpful to prepare countries for future EU membership by ensuring the necessary legislation is in place, its direct impacts on encouraging democratization are unclear. Its strength, however, lies in the cementation of democratic achievements reached through political will of progressive governments and safeguarding against future backsliding.

As a result, EU democratization activities have been highly effective at radiating an initial attraction and then cementing in democratic gains through legislation. The critical question that remains is how to use the lessons from EU expansion to encourage countries that are not likely to join the EU anytime soon. The publics and governments disappointed expectations and likely

disappointment will have to be well-managed to avoid a disillusionment with democracy and reforms in general, based on denied accession.

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