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The European Neighbourhood Policy in the South Caucasus: involvement of NGO's in the democratisation process.

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ABSTRACT – The European Neighbourhood Policy, introduced by the European Union in 2004, aimed to strengthen prosperity, stability and security in countries neighbouring the EU without offering them membership. These ambitious aims collided with political reality; EU members quarrelled about which countries to include, the EU itself faced enlargement fatigue and developing a framework different from enlargement proved to be arduous. In this paper these findings serve as a starting point to assess the role and impact of democratisation in the wider ENP framework. Although democratisation is at the core of the ENP, the direct impact on democratisation in the countries concerned seems to be rather limited. In this paper, the ‘second order’ effects of the ENP on democratisation are taken into account. Next to the direct impact, the ENP could also open up opportunities for local NGO's working on democratisation to strengthen their position towards government. The lip service paid to democratisation in the official documents of the ENP could become a point of reference in the interaction between domestic NGO's and the government. The aim of this paper is to analyse the incidence of this mechanism in the three South Caucasian republics (Armenia, Azerbaijan and Georgia).

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Introduction

The accession of 10 new member states, of which 8 were former Eastern Bloc countries, in 2004 marked a turning point for the EU. The integration of these countries symbolised the end of the dividing line of the Cold War in Europe. The strengthening of democratic institutions and free market principles in these Eastern and Central European countries carried out through the accession talks was considered by many politicians and observers as furnishing proof that the EU had succeeded in responding to the post Cold War challenges. At the same time this optimistic account was questioned from the inside as well as from the outside of the EU. Internally the EU had not adapted to the new institutional reality of 25, and eventually 27, member states. Externally the EU had to balance between the increasingly loud demand for accession from a number of states from Eastern Europe and growing domestic enlargement fatigue. The policy developed to tackle this situation is the European Neighbourhood Policy. Central in this policy is the aim to avoid new dividing lines in Europe through diffusing the norms and values propagated by the EU without offering membership perspectives to the partner countries.

Democracy and the rule of law are at the top of the agenda of the ENP as was the case in the accession process. Through the introduction of the Copenhagen criteria and a comprehensive system of conditionality and monitoring, the EU developed a powerful toolkit for assisting democratisation. In the case of the ENP these mechanisms lose their power as membership is no longer an option and adhering to conditionality becomes less attractive for the partner countries. This greatly reduces the scope for action for the EU to support and foster democratic changes in the ENP countries. This paper seeks to explore how far the EU is still capable promoting democracy through the ENP. As a starting point the ENP will be analysed with regards to the potential weaknesses impairing the prospects for democratisation. The first part of the paper covers the general assessment of the ENP whereas the second part focuses on the role and place of democracy in the ENP. This is complemented in the third part by an overview on the current state of literature and debate on democracy promotion. This serves as a starting point for analysing the role of the EU and the ENP in the case of the South Caucasian republics. Finally, we suggest that this analysis of democracy promotion as a one way mechanism of EU influence on the process of democratisation in the partner country is too limited. By focussing on a more active role of civil society and its utilisation of the commitments made in the ENP Action Plans we suggest a more comprehensive review of the ENP.

Assessing the ENP

The process leading to the ENP has started with a letter from the British Foreign Secretary at that time Jack Straw in May 2002. In the following months policy drafting on EU level led to the May 2004 Strategy Paper on the ENP by the Commission. The EU was keen to point out that this policy was of both great importance and novelty¹ and opened up a new framework and new tools. The rationale for the policy was avoiding new dividing lines now the enlargement process drew to an end. By opening up in a number of policy fields towards neighbouring states, the EU hoped to diffuse its policies without including new member states. The envisaged result of this was a ring of friends,² with close and cooperative relations with the EU which would lead to a stable and prosperous Europe. The policy itself is

¹ Edwards, Geoffrey: The construction of ambiguity and the limits of attraction: Europe and its Neighbourhood Policy in *Journal of European Integration*, 2008, No. 30, pp. 45-62.

² European Council: A secure Europe in a better world; European Security Strategy, 12 December 2003.

comprehensive and covers all three pillars of the Maastricht Treaty and is funded through one single ENP Instrument. The EU extols the virtues of the ENP as follows:

“The EU offers our neighbours a privileged relationship, building upon a mutual commitment to common values (democracy and human rights, rule of law, good governance, market economy principles and sustainable development). The ENP goes beyond existing relationships to offer a deeper political relationship and economic integration. The level of ambition of the relationship will depend on the extent to which these values are shared. The ENP remains distinct from the process of enlargement although it does not prejudge, for European neighbours, how their relationship with the EU may develop in future, in accordance with Treaty provisions.”³

Despite these attempts of the EU to stress the innovative nature and the far-reaching extent of the ENP, the policy has attracted extensive criticisms. These have exposed the weaknesses of the policy and limit its effectiveness. This also has its effects on the aspect of democratisation and before we focus specifically on the role of democratisation in the ENP, these general points of criticism will be outlined.

As mentioned above, the EU is keen to stress that the ENP is distinct from the process of enlargement. However, when the two policies are compared to each other, a number of recurring characteristics can be perceived. The two policies are also not disconnected from each other: the rationale behind the ENP was the need to develop a coherent policy once the enlargement process drew to an end. One could consider the ENP as a spin-off of the enlargement process and thus a case in point of path dependency.⁴ Many of those responsible for developing the ENP had been formerly active in the enlargement negotiations. Initial preparations for the policy were carried out in the DG Enlargement before it was transferred to the external relations DG. This continuation of enlargement policy in the ENP reflected the increased importance of the Commission in the field of foreign policy. As the Commission had become a central actor during the enlargement negotiations, the ENP offered a possibility to retain this position and even widen the Commission's area of action. The kinship between the two policies is clearly reflected in their similar operating procedures. Action Plans, the key documents listing the issues need to be tackled are modelled on the Association Agreements used during the accession talks. Successive Country Reports will monitor the progress made in these areas and resemble the Progress Reports produced for the accession countries.

Despite these parallels between the enlargement process and the ENP there is one crucial difference between the two policies and that is their respective finalité. Whereas accession talks had membership as a fixed set goal, the ultimate objective of the ENP is less clear. This reduces the leverage the EU has over the partner countries as it no longer is able, or willing, to offer the golden carrot of membership. The mechanism of conditionality, which was at the centre of the accession negotiations, thus loses its effect to a great extent. The point of criticism here is that mimicking the mechanism without offering the same reward weakens the ENP. If the EU has nothing attractive to offer the ENP countries in the short run, the appeal to invest in potential painful reforms required in the Action Plan is very faint. This highlights the

³ European Commission: The Policy: What is the European Neighbourhood Policy http://ec.europa.eu/world/enp/policy_en.htm [accessed 7 July 2007].

⁴ Kelly, Judith: New Wine in Old Wineskins: promoting reforms through the new ENP in *Journal of Common Market Studies*, 2006, No. 1, Vol. 44, p29-55.

limits of what Roland Dannreuther calls the transformative capacity of the EU.⁵ In the past, the EU applied a logic of generosity by offering countries membership in order to promote democratisation and other reforms. Now that the ENP openly dismisses the possibility of membership, the reliance on conditionality needs to be replaced or at least enhanced. The extensive borrowing from accession experience and its heavy reliance on conditionality does not fit this observation.

A second ambiguity undermining the credibility of the ENP during the phase of conception was the discussion on which countries to include in the policy. The initial impetus for the first steps taken towards what was to become the ENP was the need for a coherent approach towards the new neighbours in the East. Demands for EU membership in countries such as Ukraine and Georgia were increasing while at the same time the EU still needed to adapt to the new institutional reality of 25 and later 27 member states. The initial thinking on the ENP targeted this problem: how to come up with a policy for Eastern Europe without further enlargements? The geographical and topical scope of the programme became the subject of dispute between different member states⁶. France and Spain actively sought to counterbalance this Eastern European focus by pushing the incorporation of the countries around the Mediterranean. Both countries had traditionally been more oriented towards this region which now risked to become of secondary importance for the EU's foreign policy. This led to the compromise where the countries from the Barcelona process were incorporated into the ENP. A third, and until now last, geographical expansion of the ENP took place in 2005 when Armenia, Azerbaijan and Georgia were included. This decision was triggered by the Rose Revolution in Georgia in 2003 when the new regime of Saakashvili openly declared its intention to join the EU. Next to this incremental expansion of the policy, the self-chosen exclusion of Russia and the absence of constructive dialogue between the EU and Belarus, Syria, Algeria and Libya create a patchy end result.

As a consequence, the ENP in its final outcome does not reflect the initial aims of the policy. The bottom line is whether this is a policy about the neighbourhood around Europe or about the European neighbourhood. Does the EU acknowledge the aspirations of its Eastern European neighbours or is the ENP merely an eternal waiting room? Lumping together countries that openly strive for membership with countries that do not share this aim created resentment among countries such as Georgia and Ukraine. The initial almost unconditional (re)turn to Europe has withered away and with that the leverage the EU has over these countries. Next to this, recent evolutions have shown that the internal EU battle about which area is the EU's priority is still raging on. The Euro-Med initiative led by France and the strong condemnation of the Russian actions in South Ossetia by Poland and the Baltic states show that the ENP is still not the unambiguous EU's regional policy framework. This undercuts the credibility of the policy in the partner countries and the political bickering between member states diverts energy away from the actual policy itself.

A third critique is the lack of appropriate funding for the ENP. The policy is financed through a dedicated European Neighbourhood and Partnership Instrument that brings together previously separate TACIS (for Eastern Europe) and MEDA (Barcelona process) programmes. The Commission's initial proposal of 15 billion for the period 2007-2013 was reduced by the Council to 12 billion. This amount is higher than the sum of the previous

⁵ Dannreuther, Roland: Developing the alternative to enlargement: the European Neighbourhood Policy in *European Foreign Affairs Review*, 2006, 11, pp. 183-201.

⁶ Tulmets, Elsa: Adapting the experience of enlargement to the neighbourhood policy: the enp as a substitute to enlargement? In *The EU and its neighbourhood: policies, problems and priorities*, Prague: Institute of International Relations, 2006, p. 30.

TACIS and MEDA budget lines but does not reflect the EU's high rhetoric on the commitment to the ENP. Although it far from a watertight analysis, a comparison with the budget allocated to enlargement demonstrates this lack of financial commitment. The PHARE budget assigned to the 10 candidate countries for the period 2000-2006 consisted of a total of 22 billion. The Pre-Accession Instrument for 2007-2013 amounts to 12 billion, but only for a total number of 8 countries compared to the 17 countries under the ENPI budget⁷. Furthermore, dissimilarities between the policy and the Instrument intended to finance it further undermine the robustness of the ENP. Relations with Russia, although not included in the ENP at its own insistence, are also covered by the ENPI. Next to this, the originally intended idea of one unified funding instrument for all aspects of the ENP has become diluted as the actions regarding democracy promotion are not incorporated into the ENPI. The thematic European Instrument for Democracy and Human Rights (EIDHR) that covers all EU actions with regards to democracy promotion world wide also covers the countries included in the ENP. By the exclusion of democracy promotion out of the ENPI, the use of conditionality with regards to rewarding democratising reforms becomes more difficult. The relatively small budget and the exclusion of financing democratisation within the ENPI do not create favourable conditions for inciting reforms in the countries concerned. The budget covers a number of demanding programmes such as cross-border cooperation and twinning which have shown their usefulness during the accession process. However without proper funding, the impact of these programmes will not reach the same levels as was the case in the accession countries. The commission has responded to this criticism declaring that indeed the countries cannot look upon the ENP as a source of infinite donation by the EU. The true incentives for the countries, still according to the commission, lay in the harmonisation of local political and economical standards to EU standards. The benefits reaped by these adjustments should be the main incentives for governments to introduce the changes required under the ENP Strategy Papers. However, if the external financing is not high enough to tip over the cost-benefit analysis of these governments, they will avoid introducing these costly adjustments. Next to this, the potential for benefits for the ENP partner countries is greatly reduced by not opening up certain areas, as for example the agricultural market. This strengthens the notion in the partner countries that the EU is only willing to open up in policy areas where they have nothing to lose. During negotiations on the Action Plan for Georgia, the Georgian government pleaded for access to the EU internal market as the best way to boost economy⁸. As this was not incorporated into the Action Plan, the appeal of the ENP has waned.

The ENP and democracy promotion

The EU has been a organisation for and of democratic states from the outset, but it did not make political conditionality with regards to democracy a cornerstone of its external relations until the membership applications from Greece, Spain and Portugal in the seventies. The successful democratic consolidation of these countries seemed to confirm the pivotal role the EU can play in promoting democracy. The fall of communism would provide a rich opportunity to test this hypothesis. The EU responded with the establishment of tailor made institutions as the EBRD, TACIS and PHARE and the signing of Association Agreements between the post Soviet states and the EU; all of them contained elements of conditionality and democratisation. The next step of offering actual membership went further with the

⁷ Chilosi, Alberto: The Challenges of European Neighbourhood Policy. Rome, Ministry of Foreign Affairs, 26-27 November 2004.

⁸ Interview with Georgian government official, Tbilisi, November 2007.

explicit criterion of democracy enshrined in the Copenhagen criteria. At the end of the process, the new member states joined the EU and their political systems were classified as consolidated democracies. This apparent success story could be harder to achieve in the future for the EU.⁹

In order to determine the exact significance and place of norms and values in the ENP, the incidence of references in official ENP texts needs to be examined. In the 2004 ENP Strategy Paper “commitment to specific actions which confirm or reinforce adherence to shared values”¹⁰ is stated as the first of two priority areas for the ENP. Further on in the text these values are listed as strengthening democracy, respect for human rights, support for the development of civil society, cooperation with the International Criminal Court and cooperation with regards to the EU’s external action.¹¹ Democratisation thus has got a prominent place from the onset, but in order to take effect this should trickle down to the Country Reports and Action Plans which serve as basis for actual policy making. In the country reports emphasis is on legislative reform and liberalisation; judicial and economic sectors dominate the texts. However, the Reports also contain two fairly extensive sections on democracy and human rights which appear fairly direct and concrete. Although these Commission produced Reports served as a starting point for the Action Plans, these seem to miss the rigour and details in which value gaps were identified in the initial Reports.¹² The Action Plan for Georgia for example, mentions eight priority areas and only lists democratisation as a complementary action.¹³ This shows how the stress being put on democratisation on the highest level of policy making is not translated into concrete terms. Next to this, the intergovernmental nature of the negotiations of the Action Plans also led to the absence of involvement from NGO’s and civil society in general. This has prevented that this negotiating process could have become an opening for civil society from countries which did not have the tradition of doing so. Not only does this non-participative approach mean a loss of potential involvement of civil society, it contradicts the stated aims of the ENP as mentioned above to support the development of civil society. After fierce protesting from civil society organisations, the EU has put effort into including civil society into the ENP in a more active way. Meetings between EU officials and NGO representatives are organised in ENP countries to strengthen ties and civil society representatives were invited to the European Commission ENP conference in September 2007.¹⁴ Although these are first steps to improve dialogue, civil society remains a secondary actor in the mainly bilateral ENP process.

Democracy promotion reassessed?

Initial literature on the subject of democratisation focussed on the procedural aspect. Holding elections is considered as the centrepiece of democracy; spill over to deepened political participation and democratic accountability would lead to a self-sustaining democratic system. This optimistic view did not materialise in reality and this reflected in the literature. Fareed

⁹ Kubicek, Paul J.: *The European Union and democratization*, London: Routledge, 2003, p. 10.

¹⁰ European Commission: *Communication from the Commission “European Neighbourhood Policy” Strategy Paper*, COM(2004) 373 final, 12 May 2004, p. 9.

¹¹ European Commission: *Communication from the Commission “European Neighbourhood Policy” Strategy Paper*, COM(2004) 373 final, 12 May 2004, p. 13.

¹² Bosse, Giselle: *Values in the EU’s Neighbourhood Policy in European Political Economy Review*, 2007, No. 7, pp. 38-62.

¹³ EUROPEAN COMMISSION, *EU/Georgia Action Plan*, November 2006.

¹⁴ *Reflections from Civil Society representatives, European Commission ENP Conference*, 3 September 2007, p.7.

Zakaria studied the growing number of states with elections but lacking any other democratic aspects and labelled these countries as illiberal democracies.¹⁵ The research agenda was broadened and other dimensions as a free market, the rule of law and civil society came to the front. Civil society plays a vital role in this more comprehensive view on democratisation as it has the potential to serve as a bridge between politics and the society at large. In this way, the civil society bundles and expresses interests, demands and values in a bottom-up manner independently from the state. The existence of a robust and performing civil society strengthens both the performance and the credibility of government and helps creating a sustainable democracy. Civil society provides government with expertise on problems, expectations and needs of society and if tapped, this could increase legitimacy of government. Civil society and democracy are thus intertwined to a great extent. Civil society requires a democratic political system guaranteeing civic freedoms while the strength of democracy is partly defined by the level of civil society at the same time.¹⁶ This symbiotic existence reflects the situation in established democracies; key to democratisation is to foster such interaction.

Western democracy aid has met systematic and forceful resistance in recent years, what Thomas Carothers calls the “backlash against democracy promotion”.¹⁷ The rise of the semi authoritarian political systems as mentioned before meant a change from the environment democracy promotion was situated in until the late nineties. Then, activists found themselves in either a rigid authoritarian system where they had to fight against government or either in a democratising country where their activity was warmly welcomed. In countries in the ‘grey zone’, the exact role and operating procedures had to be redefined and it took some time before civil society organisations and their international partners came to grips with this situation. The international, and mainly US, aid to democratisation has played a vital role in a successive number of democratisation efforts in Croatia, Serbia, and most prominently the coloured revolutions in Ukraine, Georgia and Kyrgyzstan¹⁸. However, this success caused a backlash for democracy promotion and an increasing number of authoritarian leaders have criticised international interference in national politics. The judicial crackdown on NGO’s in Russia has inspired other leaders in Zimbabwe, Venezuela, China and Uzbekistan. The original positive assessment of the impact of international actors on democratisation gave way to a less clear cut picture. Countries such as the US and international organisations as the World Bank and the EU were intensively involved in promoting democracy world wide. The impact of international actors has been mainly assumed, but rather rarely proven.¹⁹ Sceptics argue that international actors are only of secondary importance and that regime change is primarily a dynamic process which is internally motivated. Interregional comparative research reveals that the importance of international actors has been the most influential in the post-Soviet democratisation in Central- and Eastern Europe. A mere dichotomous analysis does not fit the reality of the complex dynamic process of interaction between international factors and domestic processes.

More subtle ways of influencing democratisation from outside that take into account both international and domestic elements have been brought to the fore by researchers and policymakers. This has led to the beginnings of a literature that can both explain external

¹⁵ Zakaria, Fareed: *The future of freedom, illiberal democracy at home and abroad*, London: W.W. Norton and Company, 2004, p.17.

¹⁶ Raik, Kristi: *Promoting democracy through civil society*, CEPS Working Document, 2006, No. 237, p. 4.

¹⁷ Carothers, Thomas: *The backlash against democracy promotion*, in: *Foreign Affairs*, 2006, (vol. 85), No. 2, pp. 55-68.

¹⁸ Areshidze, Irakly: *Democracy and autocracy in Eurasia : Georgia in transition*, Michigan : Michigan state university press, 2007, 360p.

¹⁹ Pridham, Geoffrey: *Building democracy? The international dimension of democratisation in Eastern Europe*, London: Leicester university press, 1997, p. 9.

influences on institutions and connect these influences to broader debates in international relations and comparative politics. Different theoretical models have emerged on the topic of external influence on democratisation. W. Jacoby²⁰ offers an overview of these strands of theorising on the subject. A first mode is 'inspiration' in which ideas flow from outside to the inside, a method often used in the post communist world. The idea behind it is that domestic reformers look abroad to find best practices and try to emulate experiences from other countries. Another mode is 'substitution' where external actors attempt to promote and implement their programme directly regardless of the internal preferences or balance of power. This is often observed in post-conflict settlements; a case in point is the international influence on Bosnia-Herzegovina after 1995. The third method, called the 'coalition' mode, fits between these two extremes and leaves an active role for both the insider as the outsider actors. In this approach outsiders strive to influence the choices of existing domestic actors with whom they can form a coalition. The precondition is then that at least a minority tradition already exists in the country that fits the programme of the external actor. The exact mechanisms through which this external support is channelled are diverse and cover more than mere subsidies and financial backing. By actively interfering in the domestic political sphere, the external actor can alter time horizons and incentives and thus improve the conditions for changes it favours. This mode is arguably the least easy to see with the naked eye, yet it has become the most prominent mode of international democracy promotion. It implies that when studying democratisation one needs to take into account both domestic and international actors. The process is not reducible to the actions of actors on one of the two levels, but rather on the extent of successful cooperation between insiders and outsiders.

The ENP in the South Caucasus

First relations between the EU and the South Caucasian countries were fostered immediately after their respective declarations of independence in the beginning of the nineties. All three countries were eligible for TACIS, with energy, nuclear safety and ethnic conflicts as the focus of the programme. In 1999 three Partnership and Cooperation Agreements were signed and these still serve as the legal basis for relations between the governments and the EU.²¹ Initially the South Caucasus was not included into the ENP. Taking in the South Caucasian countries was mainly driven by the Rose Revolution in Georgia in 2003 where the call for democratisation and a turn towards Europe were the mainstay of the promised new approach of president Saakashvili. The ENP offers possibilities for more far reaching cooperation and reflects in a way the changing relationship between the South Caucasus and the EU. Whereas in the beginning of the nineties this region was seen as conflict prone with failed states that needed humanitarian aid, the EU now mainly sees this area as an important source for energy, a growing economic market, a strategically located area between Russia and the Middle East and a bridgehead for democratisation in the region.

The EU is a fairly latecomer on the scene of democracy promotion in the South Caucasus. It is only since the beginning of 2008 that a EU delegation is active in all three countries. The main instrument the EU uses to encourage civil society and democratisation is EIDHR, which has five general objectives of which the second one is the strengthening of civil society. Through dedicated members of staff at the local delegations, the EU supports a number of

²⁰ Jacoby, Wade: Inspiration, Coalition, and substitution, external influences on postcommunist transformation, in: *World Politics*, 58, 2006, pp. 623-651.

²¹ Mayer, Sebastian: *Die Europäische Union im Südkaukasus. Interessen und Institutionen in der Auswärtigen Politikgestaltung*, Berlin, Nomos Verlag, 2005, p. 107.

projects run by NGO's. In Georgia a total of about 30 projects was going on in 2007 for a total sum of 1 million euro.²² The contacts between the EU and civil society have increased since the introduction of the ENP. A first conference on the role of civil society has been organised in June 2007 with officials from the EU Commission and the Delegation and members from Georgian NGO's attending. As a result, the EU has managed to foster closer links with Georgian civil society during the last years.

Has the EU and the ENP managed to attract attention from local civil society apart from being a source of funding? In general society, the EU is not considered the most important international actor, nor the most pressing issue. In Georgia, membership to NATO is priority number one of the foreign policy agenda and the US is seen the main guarantor against possible Russian aggression. Azerbaijan conducts a multi vector foreign policy and does not openly apply for EU membership. With regards to human rights and civil society, the Council of Europe has the most significant leverage.

This relative low attention for the ENP resonates in civil society. A low number of domestic NGO's is working on the topic. This can be explained by a number of factors already touched upon. The vagueness of the programme makes benchmarking and monitoring difficult. The vagueness of the European level is also noticeable on the domestic level. Georgian government worked out a detailed matrix covering all necessary action, but this was rejected as too detailed and a working paper of 8 pages replaced it. NGO's also do not have much experience with dealing with the EU as it is only recently becoming involved in democracy promotion. The multilevel constitution of the ENP adds a EU-level, complicating working on this topic for NGO's that still struggle to survive on a pure national level.

International linkages between internal civil society and international actors have been thriving in the region since the fall of communism. Out of the international actors the most active ones had a US background; the National Democratic Initiative and the International Republican Institute have a loose connection with the two main parties in the US and the Open Society and Soros Foundations. German foundations also evolved into an important actor on the respective national scenes with regards to supporting local civil society and international organisations such as the UN and the OSCE and a number of national aid agencies too.

The results of these programmes have known a different outcome in the different countries. The role of civil society in Azerbaijan is still very limited. Most of the NGO's completely rely on foreign donors. Recently there have been suggestions to use part of the gains from the gas and oil sector for funding civil society. There is not much room for civil society to have an input in politics, and government is also not inclined to increase this. The lack of a free press and an independent judicial branch make it difficult for civil society to get their voice heard and create a solid basis for action.²³ In spite of international links, civil society in Azerbaijan has a relative small role to play, which shows that national factors have to be taken into account and that merely hoping for inspiration to work will not produce the desired outcome. Georgia is widely put forward as textbook example of a successful civil society that has been able to induce political change. The Rose Revolution and the coming to power of Saakashvili were greatly supported by a large number of NGO's. Linkages between local actors such as NGO's, political parties and individuals from Georgia and international, mainly US, actors were plentiful. US government also was actively involved in the pre Rose Revolution attempts to democratise the political system. As said, the general assessment is that this proves that international support for democratisation can lead to the desired results. Sceptics

²² Interview with EU Delegation member Tbilisi, November 2007.

²³ USAID, 2006 NGO Sustainability Index for Central and Eastern Europe and Eurasia, Washington: USAID, 2007.

argue if it is the task of people in civil society to actually take over political power. It undermines the credibility of civil society as some observe this as a career move where NGO's are merely used to promote an own political programme, which is strictly not the task of civil society. It also leaves civil society robbed of a number of key personalities that now are active in government. The extensive US link also creates ground for opponents to discredit these NGO's as puppets, controlled by the realistic calculus of the US.²⁴ International empowerment of civil society can thus lead to bringing down regimes, but it is not self-evident this automatically leads to further democratisation.

The relative low impact of the ENP on domestic NGO's in the South Caucasus is also a result of the state of civil society itself. Literature on the role of civil society in post communist societies often stresses its relative weakness compared to other regions. Although civil society in all three South Caucasian republics has its distinctive characteristics, in general the same assessment can be made. The heritage of Soviet times still influences the image of civil society organisations. Another cause for the relatively less vibrant civil society is disappointment; people who were active in promoting democracy have been confronted by the sometimes sobering experiences of the first post-communist years. Although there is no causal relation between the two elements, democratisation and the deterioration of living standard have led to a diminishing credibility of democratisation.²⁵

Besides the historical lack of trust in NGO's there is also a number of flaws and issues that originate from within civil society itself. The ideal of civil society as a bottom-up conceived process translating needs from the larger population onto the political field does not seem to fit the situation in the South Caucasus. The link between society and organisations active in civil society is not strong and sometimes completely lacking. Organisations tend to be professionally organised instead of more or less organically originating out of societal needs. Many NGO's seem to defend the interests of people working for them than the common good of society. Another issue is large donor dependency with organisations focussing on ensuring income rather than implementing policies and a competition between NGO's for the same available funds causing competition instead of cooperation between different organisations. There is also the risk that organisations which eventually lose funding are not financially viable on their own.²⁶ However, a large portion of NGO's is conducting useful work and is addressing important problems, but this is often not visible for the public and it does not receive the same attention in media as the cases of misuse of money or other scandals.

Civil society organisations do not operate in a political vacuum and as relative new actors have to position themselves in order to get heard and gain credibility. In the case of the South Caucasus this is aggravated because certain security related topics tend to dominate the political debate. This leaves little room for organisations to challenge certain societal problems without being discredited by political opponents. In Georgia, inequality and poverty are rising and are becoming a more pressing issue, however there is no growing number of civil society organisations working on this topic as one would expect. Organisations which do tackle these issues have been branded as communist in the past which still has connotations with Russian rule. In a country that has tense relations with Russia over the last years, being labelled Russian is not considered a positive thing and could ruin your status and links to authorities.²⁷ In Armenia and Azerbaijan a similar curtailing of the room for manoeuvring for NGO's exists in the form of the Nagorno-Karabach conflict. Organisations working on human

²⁴ Interview with EU Delegation member Tbilisi, November 2007.

²⁵ Howard, Marc M.: The weakness of post communist civil society in *Journal of Democracy*, 2002, 13, No. 1, pp. 157-169.

²⁶ Interview with representative Böll Stiftung, November 2007.

²⁷ Interview with Georgian NGO staff member, November 2007.

rights or conflict settlement run the risk of being called unpatriotic or traitors. Opponents can also use these rhetoric to slander NGO's and weaken them, a tactic which is also visible in other countries, Russia being the most manifest example.

'Second order' effects?

The above leads to a rather bleak outlook for the chances for the ENP to have any impact at all on democratisation in the region. The EU does not manage to disseminate the values of democracy and the rule of law through the ENP. The familiar tool of conditionality has lost most of its potential in the setting of the ENP which is further undermined due to the internal inconsistencies and weaknesses of the policy. Civil society organisations were not included during the conception and drawing up of the Action Plans, partly due to the weakness of the sector itself.

This analysis however only focuses on the one-sided direct influence the ENP has on democratisation. Compared to the unequivocal process of enlargement and its ostensible correlation with democratisation the ENP is a much more ambiguous process. When analysing the results and prospects for democratisation in this case, the results will undoubtedly be less obvious and latent. It is important to take into account what we will call here 'second order' effects of the ENP. How has the introduction of the ENP changed the political sphere and the opportunities of different actors? The idea here is that the ENP could, intended or not, shift power balances and empower actors which use the ENP with as a final result the strengthening of democracy. A proper framework for analysis should not merely copy the research made on democratisation during the recent rounds of enlargement. If conditionality is of less significance, the logic of consequence is presumably less determining. The relative higher importance of norms and values, socialisation and emphasis on the ideational create more room for the logic of appropriateness.

A second adaptation to the ENP context is a shift of focus on NGO's as the main driving actor for democratisation. In general, the EU is seen as the pushing factor through the use of conditionality to force national governments to accept often painful democratisation. This is no longer the case with the ENP, but this does not rule out other actors and mechanisms that will lead to democratisation. As already cited in this text, democratisation literature is focussing on more subtle ways of interplay between civil society and international actors.²⁸ However, most analysis retains the mechanism of an international actor influencing the domestic NGO's. In the context of the ENP, with a less committed and credible EU, this relationship could be reversed: domestic NGO's could use the ENP in order to empower themselves. The potential of civil society to bring about democratisation is widely acknowledged²⁹, and assigning them a vital role in democratisation in the ENP could have a two-fold effect. It could compensate for the less prominent role of the EU and provide the ENP related democratisation process with a domestic supporter.

This shift from a logic of consequence to a logic of appropriateness is the subject of Frank Schimmelfennig's research on rhetorical action³⁰. Schimmelfennig developed the theory in the context of the EU and NATO enlargements: why did Western European states agree on these enlargements? He starts his analysis comparing the preferences of the Western

²⁸ Jacoby, Wade: Inspiration, Coalition, and substitution, external influences on postcommunist transformation, in: *World Politics*, 58, 2006, pp. 623-651.

²⁹ Raik, Kristi: Promoting democracy through civil society, CEPS Working Document, 2006, No. 237, p. 27.

³⁰ Schimmelfennig, Frank: The community trap: Liberal norms, rhetorical action, and the eastern enlargement of the EU in *International Organization*, 2001, 55, No. 1, pp. 47-80.

European states at the beginning of the negotiation process with the eventual outcome of the accession talks. The outcome of the process does not match the initial predictions based on the interests of the member states. The enlargement preferences and initial enlargement decision-making process correspond to rationalist expectations (logic of consequence) which attribute actor preferences and behaviour as well as collective outcomes to egoistic calculations of material interest and differential bargaining power. The outcome of the process fits sociological institutionalism (logic of appropriateness) which explains why the two organisations finally admitted new member states from Central and Eastern Europe and the reasons for their selection. Yet, it is unable to tell us how this outcome was produced. The analytical problem to be solved is to explain how a process initially determined by egoistic preferences and strategic action resulted in a rule-conforming outcome.

Schimmelfennig brings in the mechanism of rhetorical action as the causal link between the egoistic point of departure to arrive at the rule-based final outcome. Rhetorical action draws on a strategic conception of rules that combines a social, ideational ontology with the assumption of rational action. It postulates that social actors use and exchange arguments based on identities, values and norms institutionalised in their environment to defend their political claims and persuade their opponents and the audience to accept these claims and to act accordingly.³¹ Applied to the case of EU enlargement, proponents of enlargements did not have sufficient bargaining power to overcome the reluctant states. However, by referring to the founding myth of the EU and pointing out the inconsistencies between the rhetoric of democracy and the unwillingness to incorporate the new democracies in East and Central Europe, they succeeded in silencing their opponents and persuading them to accept Eastern enlargement.

As mentioned above, in case of the ENP, official documents explicitly mention shared values as the number one priority and the neighbouring countries are also tied to these principles. Thus, there is potential for the use of rhetorical action as the agreements between the EU and the countries do not only touch upon material or institutional aspects. These commitments made between national governments and the EU serve as a potential source to refer to which opens up room for the use of rhetorical action.

The crucial divergence from the original theory are the actors involved. Whereas the original theory of Schimmelfennig covers relations between member states and applicants, the focus here lays with NGO's and their eventual use of commitment made in the ENP. The declared pledge to strengthen democracy formulated in the ENP Action Plans for external use can resonate in domestic politics. It may not be in the interest of autocratic regimes to do so themselves, but there is a possibility that NGO's will take up that promise and translate it to the domestic political arena. NGO's working on democracy could refer to the ENP to strengthen their own position. In this setting, rhetorical action is situated between government and the NGO's; governments become entrapped in the domestic arena because of the promises with regards to democratisation made in the framework of the ENP. Relegating to the theory on democracy promotion mentioned above: is the ENP a successful example of the coalition approach?

Due to the limited capacity of domestic NGO's and their established strong links with international organisations, the analysis would not be complete without taking into account the international dimension. The cluster of domestic NGO's and international organisations working together with or supporting them closely resembles what Margaret Keck and Kathryn Sikkink have called transnational advocacy networks. Through the establishment of links

³¹ Schimmelfennig, Frank: *The EU, NATO and the integration of Europe: rules and rhetoric*, Cambridge: Cambridge University Press, 2003, p. 193.

among actors in civil society, states, and international organisation they multiply the channels of access to the international system and make international resources available to new actors in domestic political and social struggles. Their goal is to change the behaviour of states and international organisations by influencing discourse, procedures and policy. Activists engaged in these networks become part of larger communities of actors working on an issue from a variety of institutional and values perspectives. They can be understood as a political space in which different actors negotiate the meanings and outcome of their joint enterprise.³²

Such a dynamic is indeed developing around the ENP in the South Caucasian republics. Both in Azerbaijan as in Georgia consortia have come into existence that bring local civil society organisations and international organisations together to observe the implementation of the ENP. During the different stages of drafting, signing and implementing the Action Plan a number of reports and recommendations were published.³³ Through regular follow-up of the topic, these organisations try to get the voice of civil society heard. In Georgia some 70 civil society organisations produced a list of recommendation for the Georgian government in 2005 with support from Open Society, Heinrich Böll Stiftung and the Eurasia Foundation. Although this list did not directly materialise into formal involvement of civil society in the ENP Action Plan policy drafting, it raised interest and responsibility in the subject. The aims set for the future of the organisation are further cooperation between civil society, the political elite, the media and other interest groups through intensifying debates and discussions about the ENP. A similar initiative has been developed in Azerbaijan; under the auspices of Open Society, the National Committee for European Integration has been set up. The Committee brings together 54 organisations, scholars, business representatives and journalists and aims to raise awareness through campaigning, policy papers and civic participation.³⁴ In both examples, international organisations contribute through financing and sharing their knowledge experience and bring into play their international linkages to their offices in Brussels and other ENP. These two initiatives fit the description of transnational advocacy networks and show that the ENP is having an impact on local civil society.

Conclusion

The direct impact of the ENP on democratisation in the republics of the South Caucasus may be limited, there are more complex and oblique effects. These so called 'second order' effects strengthen democratisation in a more indirect way. Through changes in power relations and the introduction of the rhetoric of democratisation the ENP opens up room for the use of rhetorical action. Combined with the international dimension of emerging transnational advocacy networks around the ENP a more comprehensive assessment of the potential for democratisation the ENP is formulated.

This evaluation could be used by the EU as a starting point for further action strengthening democracy in the region. As the traditional mechanism of conditionality no longer applies, tapping into this potential could partly make up for this loss. If the EU could develop a coherent strategy to include these networks in ENP monitoring and policy drafting it could continue to promote democracy and strengthen its image of soft power.

³² Keck, Margaret E & Sikkink, Kathryn: *Activists beyond borders*, Ithaca and London: Cornell University Press, 1998, p. 1.

³³ Open Society Georgia Foundation/For Transparency of Public Finances: *Georgia and the European Neighbourhood Policy perspectives and challenges*, Tbilisi, 2007.

³⁴ Azerbaijan National Committee for European Integration: *About Committee* http://www.aamik.az/ts_gen/eng/komite_haqqinda.htm [accessed 13 July 2007].