United or Divided We Stand? Perspectives on the EU's Challenges

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Norms Versus Interests: The European Union as a promoter of democracy and human rights in Georgia.

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Conceptualisations of the European Union as a Normative Power have become prominent when examining its increasing presence as a global actor. This understanding portrays the EU as a new type of actor on the international stage that emphasises non-material factors such as ideas and values in establishing the proper standards to which a state should subscribe. Such efforts were first made through the enlargement process; however, in recent years have been pursued through policies such as the European Neighbourhood Policy and Eastern Partnership, of which Georgia is part. This paper evaluates bilateral relations between the European Union and Georgia concerning the promotion of democracy and human rights, to establish the dynamics between norms/values and strategic/regional interests. Broadly this paper argues that the interconnectedness of norms and interests is clear when examining potential explanations for the advancement of bilateral relations between the European Union and Georgia. It is difficult to separate completely normative or strategic motivations for the European Union, or indeed Georgia, to be acting in the way it does.

Introduction

As the presence and influence of the European Union on the international stage has grown, so has the literature examining the role of the European Union in international affairs. Of extreme influence has been the conceptualisation of the European Union as a normative power that promotes those norms and values that have been intrinsic to its establishment and growth internally in its external policy also. However, there is a noticeable gap within this literature. Most studies have largely ignored both counter arguments of a realist nature, and, in fact, the interaction between these ideas of norms and interests. The literature has failed to examine what role the strategic interests of the EU play in the creation of an external policy that has the pursual of norms and values at its core.

This paper endeavours to engage with the apparent gap in the literature in an effort to examine the dynamics between the normative and interest based arguments. Are the European Union's external relations more reflective of a relationship based on EU exported norms and values, or strategic interests in the region? The framing of this questions suggests an either-or conception of this issue, however, this is not necessarily the case. This paper will use the case study of Georgia to examine these issues. Specifically it will examine bilateral relations between the European Union and Georgia concerning the promotion of democracy and human rights, to establish the dynamics between norms, values and strategic interests. As a partner in the European Neighbourhood Policy and the Eastern Partnership, Georgia offers an interesting third country, pro-European case to examine. Democracy and human rights are two core values of the European Union and are a core aspect of the ideals

that are promoted internally, and within their Enlargement policy, Neighbourhood policy, and in policy with third countries further abroad.

This paper will first give an overview of the conceptualisation of the European Union as a Normative Power; second, it will detail the vehicle of the EU's normative power; thirdly, before giving a brief background of the development of EU-Georgia relations. It will examine the EU rhetoric of democracy and human rights and Georgia's progress in this area. In the final section the dynamics of the norms-interest relationship will be examined with regard to the Georgian case. It argues that that the interconnectedness of norms and interests is clear when examining potential explanations for the advancement of bilateral relations between the European Union and Georgia. It is difficult to separate completely normative or strategic motivations for the European Union, or indeed Georgia to be acting in the way it does.

EU as a Normative Power

Following Ian Manners seminal article published in 2002 the concept of the European Union as a normative power has become influential within academic scholarship examining the role of the European Union in international affairs. The emergence of the concept of 'Normative Power Europe' (NPE) indicated a transition in the academic literature from examining whether or not the European Union could even be conceived as an international actor to what type of international actor it was. The introduction of 'Normative Power Europe' was largely constructed as a response to prior studies that perceived the EU to be either a 'civilian' or 'military' actor.[1] The particular distinction held by those who give credence to the concept of the European Union as a normative power is that, unlike civilian and military actors who place importance on material capabilities; the normative actor focuses on the non-material – that being ideas, values, identities, and norms.[2]

The 'NPE' concept rejects the state-centred view at the heart of traditional approaches to international relations; instead claiming that, "the most important factor shaping the international role of the EU is not what it does or what it says, but what it is."[3] By this, it is argued that the EU itself existing as a non-state entity unlike any other has changed what is 'normal' in international politics. There are, therefore, two aspects to the normative power of the European Union: the first is *being normative*; the second is *acting in a normative way*.[4]

With regards to the first – that is *being* normative – the normative power of the European Union is thought to derive from three sources. The first is the *historical context* of the EU. Particularly the experiences of its member-states in both World War One and Two and how this has influenced the development of the EU; specifically the role this has had in the internal reinforcement of the ideas of peace and liberty. The second is the *hybrid polity* of the European Union, specifically its existence as a post-Westphalian, or post-nation-state entity comprised of both

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[1] Ian Manners, "The European Union's Normative Power: Critical Perspectives and Perspectives on the Critical," in *Normative Power Europe: Empirical and Theoretical Perspectives*, ed. Richard Whitman (Basingstoke: Palgrave Macmillan, 2011), 226.

[2] Richard Whitman, "Norms, Power and Europe: A New Agenda for Study of the EU and International Relations," in *Normative Power Europe: Empirical and Theoretical Perspectives*, ed. Richard Whitman (Basingstoke: Palgrave Macmillan, 2011), 5.

[3] Ian Manners, "Normative Power Europe: A Contradiction in Terms?" *Journal of Common Market Studies* 40:2 (2002): 252.

[4] Richard Whitman, "The neo-normative turn in theorizing the EU's international presence," *Cooperation and Conflict* 48 (2013): 176.

supranational and intergovernmental institutions.[5] The final source of the European Union's normative power is its *political-legal constitution*; primarily, the influence of the *acquis communautaire* and the numerous policies and laws that comprise it.[6] It is the combination of these three conditions that has led to an understanding within the 'Normative Power Europe' literature that the European Union is not necessarily a normative power because of how it acts or what it says but is inherently a normative power because of what it is.[7]

With regards to the second – that is *acting in a normative* way - Manners conceptualised the normative power of the European Union as its ability to shape conceptions of 'normal' through its power over opinion or ideological force in contrast to the more material capabilities that notions of civilian and military power focus on.[8] Though Manners own conception of 'Normative Power Europe' has altered slightly over the years, the fundamentals have remained. More recently referred to as the nine substantive normative principles – *sustainable peace; social freedoms; consensual democracy; human rights; rule of law; equality; social solidarity; sustainable development; and, good governance* - it is claimed that these norms are both observable within the European Union and promoted by the European Union elsewhere. These norms are based on the founding ideas from which the European Union was established, historically setting Western Europe apart from the communist east, and later being key features for the transitioning eastern European countries to implement prior to joining the European Union. They can also be identified within the key laws and policies of the European Union that make up the *acquis communautaire* – the body of European Union law.[9]

These principles are promoted through the European Unions' external action with third party countries both through regional policies like the European Neighbourhood Policy, and development policy in general. A significant source of the 'power' in the NPE concept is that the EU promotes outside its borders those norms that are intrinsic to what it conceives itself to be. However, whilst promoting these normative principles abroad, the European Union must in turn ensure that these principles are upheld and promoted internally also. In promoting the rhetoric of being a 'force for good' in international affairs the European Union risks losing any influential or ideational power it may have if it does not hold itself to those norms and values that it is promoting and trying to enforce externally.

What has become clear is that through its own foreign policy rhetoric the European Union has established itself as a norm-maker in the international arena. By this it is meant that the EU has endeavoured to establish itself as a major actor that guides the ideas of what is considered legitimate behaviour through the promotion of particular norms.[10] How these norms are communicated to the norm-taker in the relationship may often depend on its own perception of the norm-maker. In the case of the European Union, there is a vast array of opinions, both positive and negative, on the role the EU takes in international affairs. This can be observed within the

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[5] See: Manners, "Normative Power Europe: A Contradiction in Terms?" 240-241; Whitman "Norms, Power and Europe: A New Agenda for Study of the EU and International Relations," 5; and, Whitman "The neo-normative turn in theorizing the EU's international presence," 175.

[6] Manners, "Normative Power Europe: A Contradiction in Terms?" 241.

[7] Whitman, "The neo-normative turn in theorizing the EU's international presence," 176.

[8] Manners, "Normative Power Europe: A Contradiction in Terms?"239-240.

[9] Manners, "Normative Power Europe: A Contradiction in Terms?" 242-243.

[10] Hiski Haukkala, "A Norm-Maker or a Norm-Taker? The Changing Normative Parameters of Russia's Place in Europe," in *Russia's European Choice*, ed. Ted Hopf (Basingstoke: Palgrave Macmillan, 2008), 40-41.

European Neighbourhood Policy, where key differences can be observed between both the Eastern and Sothern partners and even within the Eastern partners themselves.

However, whilst the conception of the European Union as a normative power has been incredibly influential within the academic literature, this concept is not without its critics. The effectiveness of the EU acting as a normative power is often critiqued, particularly with regard to its mixed success in projecting its power over opinion or ideological force. Where the most influence has been felt are those countries that have been, or are currently, part of the European Union's enlargement project, but further afield results are mixed. Even in the European Neighbourhood Policy countries where one might expect opinions to be most alike the EU has had varying degrees of success – in this case the failure of the EU to have a significant influence is often attributed to a lack of membership prospects and therefore a lack of incentive.[11]

A number of realists have taken issue with the concept of the European Union as a normative power. One claim is that the EU is no different from any other dominant power in the global system and any influencing power the EU may have is merely "based on its economic clout, the fear of exclusion from its markets and the promise of future membership."[12] Many structural-realists hold the view that the European Union cannot have any actorness separate from its member-states and therefore any actorness that may be perceived is merely the EU being used by its most influential and powerful member-states as another method for exercising power.[13] Whilst, there may be some validity to such a claim, there are a number of important factors it ignores. Particularly, looking at the European Neighbourhood Policy, where there is a lack of membership prospect, this claim ignores other influential factors such as the power of identity and culture as part of the European Union's influencing power.

The Vehicle of the EU's Normative Power

The democratic transformation of the Central and Eastern European Countries (CEEC) throughout the 1990's and early 2000's and the accession of these states into the European Union in 2004 and 2007 is often considered to be the European Union's most successful 'foreign policy' to date. Building off this platform of success, the EU has since attempted to apply this approach to its external policy more generally.

The European Neighbourhood Policy was introduced in 2003 as a programme through which the European Union could foster its relations with those countries who were within close proximity to the European Union, particularly with its new borders that would be established in the impending 2004 'Eastern Enlargement'. The strengthening of these relations across new borders was seen to be essential to the future security, stability and prosperity of the European Union.[14] The nine substantive principles that the EU is said to promote as a normative power can all be observed in the broad objectives of the European Neighbourhood Policy and the Action Plans or Association Agreements specific to the individual partner countries. These formal

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[11] Thomas Diez, "Normative power as hegemony," *Cooperation and Conflict* 48 (2013): 197-198.

[12] Tuomas Forsberg, "Normative Power Europe, Once Again: A Conceptual Analysis of an Ideal Type," *Journal of Common Market Studies* 49:6 (2011): 1188.

[13] Whitman, "The neo-normative turn in theorizing the EU's international presence," 177.

[14] "European Neighbourhood Policy," European Union External Action, accessed June 2 2015, http://eeas.europa.eu/enp/about-us/index_en.htm.

agreements are seen to be a declaration of commitment by partner countries "to democracy, human rights, rule of law, good governance, market economy principles, and sustainable development."[15]

Largely seen to be developed as the substitute to opening accession negotiations with countries other than those already agreed upon, the European Neighbourhood Policy appears to be the European Union's new vehicle through which it exercises its normative power.[16] While the European Union has previously used the enlargement process in order to establish stability in its neighbourhood as well as to advance the projection of 'European' norms and values, the development of the European Neighbourhood Policy is seen to be a project whereby the EU creates 'grey zones' in which it can attempt to create stability and project its norms and values without offering full membership and the rewards that come with that.[17] However, unlike with the enlargement process the ENP lacks the incentive of membership conditionality, which has been thought to potentially weaken the ability of the European Union to promote its normative narrative.[18]

The Eastern Partnership (EaP) was established in 2009, with membership extended to Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. The Eastern Partnership aims to deepen relations between the European Union and partner countries, bringing them closer to the EU through policy reform that aligns the partner countries more closely with the EU; particularly in the areas of "international law and fundamental values, including democracy, rule of law and respect for human rights and fundamental freedoms, as well as to a market economy, sustainable development and good governance."[19] These values are consistent with those normative values identified by Manners.

However, even within the Eastern Partnership programme success has been seen in varying degrees with countries like Ukraine, Moldova and Georgia being more receptive to the normative narrative projected by the EU and the incentives that are offered as a reward for increased convergence with the EU. This has been reflected in the signing of Association Agreements between the EU and each of the three individual countries in June 2014.[20] Progress with Armenia, Azerbaijan and Belarus has been less significant. Interestingly, these three countries share closer relations with Russia.

The Development of EU-Georgia Relations

Bilateral relations between the European Union and Georgia were established following recognition of Georgia's independence in 1992; however, prior to the establishment of the European Neighbourhood Policy these were minimal.[21] The primary basis for these bilateral relations - prior to the signing of an Association

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[15] "European Neighbourhood Policy."

[16] Esther Barbe and Elisabeth Johansson-Nogues, "The EU as a modest 'force or good': the European Neighbourhood Policy," *International Affairs* 84:1 (2008), 81.

[17] Haukkala, "A Norm-Maker or a Norm-Taker? The Changing Normative Parameters of Russia's Place in Europe," 1603-1604.

[18] Julia Langbein, "European Union Governance towards the Eastern Neighbourhood: Transcending or Redrawing Europe's East-West Divide?" *Journal of Common Market Studies* 52:1 (2014), 159.

[19] "European Neighbourhood Policy."

[20] "EU forges closer ties with Ukraine, Georgia and Moldova," European Union External Action, accessed June 2 2015, http://eeas.europa.eu/top_stories/2014/270614_association_agreement_en.htm.

[21] "Georgia-EU cooperation," Office of the State Minister of Georgia on European & Euro-Atlantic Integration, accessed May 31 2015, http://www.eu-nato.gov.ge/en/eu/cooperation.

Agreement in 2014 - was the Partnership and Cooperation Agreement (PCA) which was signed in 1996 and entered into force in 1999. It symbolised a commitment by the involved parties to strengthen bilateral links between Georgia and the European Union.[22] In its broadest sense the agreement sought to provide a basis for cooperation between the parties in a broad range of policy areas; with a particular emphasis on the consolidation of the Georgian nation-state through the promotion of political dialogue, support towards the consolidation of Georgian democracy and its transition to a market economy, and the promotion of trade and investment opportunities.[23] Politically, the focus of the agreement was for Georgia to progress towards convergence with the European Union through increased political dialogue.[24] Of significant importance to this agreement was the observance of the primary principles of democracy as well as respect and promotion of basic human rights.

In order to pursue the objectives of the Partnership and Cooperation Agreement a Country Strategy Paper was adopted on 27 December 2001, covering the 2002 to 2006 period. A more comprehensive report was adopted on 23 September 2003 in response to a deteriorating situation in Georgia as weak governance and rule of law continued to present major issues along with increased corruption, high levels of poverty, poor relations with Russia, internal conflict and a high level of external debt.[25] Further committing to the objectives of respect for democratic principles, rule of law, human rights and a market economy, the Country Strategy Paper detailed the framework from which financial assistance by the European Union in pursuit of these objectives would be based on. It was recognised by the EU that Georgia faced significant challenges, limited experience with democratic rule, compounded with a fairly corrupt state sector, poor relations with neighbouring Russia and two interethnic conflicts presented dramatic hindrances to the future development of an independent Georgian state with practices and policies convergent with the EU.[26]

Despite these efforts by the European Union, it became increasingly apparent that the progress, or lack of, within the Georgian state was inconsistent with those objectives expressed within the PCA. In response to this lack of progress, as well as considerable irregularities in the 2003 elections, major protests occurred in Georgia resulting in a transfer of power and the inauguration of a new President. Statements given by representatives of the European Union and its numerous institutions during this period commended the peaceful manner in which these protests took place and stressed the importance of restoring public trust in the political system. However it was also recognised that the stability of the countries in close proximity to the borders of the EU, described at being situated at the crossroads of Europe and Asia were of

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[22] "Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Georgia, of the other part," *Official Journal of the European Communities* (1999), 1, http://eur-lex.europa.eu/resource.html?uri=cellar:701910ef-7568-4c38-a197-567f1d536be6.0020.02/DOC_1&format=PDF (accessed May 31, 2015).
[23] "Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Georgia, of the other part," 3.
[24] "Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Georgia, of the other part," 4.
[25] "Country Strategy Paper 2003-2006, Tacis National Indicative Programme 2004-2006, Georgia," European External Action Service (2003), 3, http://eeas.europa.eu/georgia/csp/03_06_en.pdf (accessed May 31, 2015).
[26] "Country Strategy Paper 2002-2006, National Indicative Programme 2002-2003, Georgia," European External Action Service (2001), 5-8, http://www.eeas.europa.eu/georgia/csp/02_06_en.pdf (accessed May 31, 2015).

extreme importance to the future security and prosperity of the EU.[27] This prompted a number of interesting developments in terms of EU external policy with an emphasis on the development of common foreign, security and defence policies as well as the release of the European Security Strategy in 2003; all of which indicated increased attention being placed on the security of the region.

In conjunction with these general developments, the European Neighbourhood Policy (ENP) was established in 2003.[28] Under the ENP, negotiations took place between representatives of both Georgia and the European Union, culminating in the release of an Action Plan, which entered into force on 14 November 2006. Outlining the strategic objectives of Georgia-EU bilateral relations for the following five year period, it was hoped that the Action Plan would contribute to the fulfilment of the Partnership and Cooperation Agreement, further economic integration and deepened political cooperation advancing "the approximation of Georgian legislation, norms and standards to those of the European Union."[29] The Action Plan outlined the priority areas for action in future relations between Georgia and the European Union that would be consistent with the Partnership and Cooperation Agreement, and go beyond it.[30] In December 2008 a Communication by the European Commission was adopted establishing the Eastern Partnership (EaP), a policy that aims at bringing eastern members of the European Neighbourhood Policy closer to the European Union. This policy was seen, not to be something new, but instead a representation of the need for deepening relations between the EU and these Eastern countries under the European Neighbourhood Policy. With this was the goal of establishing new contractual relations between individual states and the European Union.[31]

Most recently in the development of Georgia-EU bilateral relations, the Association Agreement under the Eastern Partnership was signed and came into action. This Association Agreement included the implementation of a Deep and Comprehensive Trade Area, which is an integral part of the Eastern Partnership in furthering market integration within the European continent. The Association Agreement is a comprehensive document that has progressed far beyond the previous Partnership and Cooperation Agreement. Including terms for increased cooperation in over 28 policy areas, the agreement establishes a foundation from which future long-term bilateral relations between Georgia and the European Union can be based.[32] The Agreement places considerable emphasis on building upon what has already been achieved in recent years in order for Georgia to continue to progress towards convergence with the European Union and the approximation of its legislation to that of the EU.

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[27] "The European Union is prepared to support the reforms for stabilizing and democratizing the South Caucasus," European External Action Service, accessed May 31, 2015, http://eeas.europa.eu/delegations/georgia/press_corner/all_news/news/2005/20050415_01_en.htm.

[28] "2559th Council Meeting, External Relations, Brussels, 26 January 2004," European Council, accessed May 31, 2015, http://eeas.europa.eu/delegations/georgia/documents/eu_georgia/council_recommed_to_ec_on_the_relashionship_of_georgia_am_azer_to_enp.pdf.

[29] "European Union-Georgia Action Plan, European Neighborhood Policy," European External Action Service, accessed May 31, 2015, http://eeas.europa.eu/delegations/georgia/documents/eu_georgia/booklet_a4_2.pdf, 2.

[30] "European Union-Georgia Action Plan, European Neighborhood Policy," 7.

[31] "Eastern Partnership," Office of the State Minister of Georgia on European & Euro-Atlantic Integration, accessed May 31, 2015, http://www.eu-nato.gov.ge/en/eu/eastern-partnership.

[32] "EU-Georgia Association Agreement – What Does the Agreement offer?" European External Action Service, accessed May 31, 2015, http://eeas.europa.eu/georgia/pdf/quick_guide_ eu_ge_aa_en.pdf.

However there are still many steps to go until Georgia can be considered a fully functioning democracy with a consistent and ingrained respect for human rights. A critical aspect in the current environment is how Russia's agenda factors into this relationship. Former-President Saakashvili promoted a strong anti-Russia foreign policy rhetoric that focused solely on fostering relations with the West, resulting in significant deterioration of relations with Russia. While the new Georgian Dream lead government has taken a pragmatic approach when approaching relations with Russia, particularly in the area of economics and trade, bilateral relations remain heavily influenced by continuing disagreement over the future status of South Ossetia and Abkhazia and, the overall thrust of Georgian foreign policy still holds the ideas of European and Euro-Atlantic integration at its core. Recent advances by Russia against Georgian territorial integrity with the signing of "alliance and integration" treaties with South Ossetia and Abkhazia indicate that it is unlikely convergence of opinions shall come anytime in the near future.

EU Rhetoric on Democracy and Human Rights

From the outset of the European Union's official bilateral relations with Georgia, the establishment of democracy and adoption of international human rights standards has been a fundamental priority.

The concepts of democracy and human rights feature heavily in the rhetoric of the European Union with regards to both its internal and external policy agendas. Internally, these principles are written into the founding documents of the European Union and have since been reinforced and become legally binding with the entering into force of the Lisbon Treaty.[33] In terms of the European Union's promotion of these values externally, the Lisbon Treaty is also of significant importance, stating:

> "The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law."[34]

From the perspective of the European Union respect for human rights and rule of law are universal norms, and all state aspire to become democratic as "sustainable peace, development and prosperity are possible only when grounded upon respect for human rights, democracy and rule of law."[35] By this it is inferred that democracy and human rights are almost interchangeable, one cannot be fully functional without the other. It is notable then that emphasis placed on the establishment of 'proper' democratic and human rights practices in Georgia, appears to only take a position of dominance in EU-Georgia bilateral relations following the 'Rose Revolution' in 2003;

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[33] "Human Rights and Democracy," European External Action Service, accessed June 2, 2015, http://eeas.europa.eu/human_rights/about/index_en.htm.
[34] "The Treaty of Lisbon - Article 21," European Union, accessed August 4, 2015, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12007L%2FTXT.
[35] "EU Strategic Framework and Action Plan on Human Rights and Democracy," Council of the European Union, accessed August 4, 2015, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf

and, the establishment of the European Neighbourhood Policy and Georgia's admittance into it. Early documents such as the PCA and the Country Strategy Paper for the period 2003 to 2006 make limited references to the political aspect of the relationship, instead prioritising economic and security issues. However, it was noted that both Parties shall cooperate and promote those normative values of which have been discussed earlier in this thesis – democracy, rule of law, protection of human rights and fundamental freedoms – through conditionality mechanisms as well as TACIS assistance programmes focussed on civil society development.[36]

With the establishment of the European Neighbourhood Policy and its associated 'Action Plan' the strengthening of democratic institutions and respect for human rights in line with European and international best practice became a key priority area.[37] In part, this is in line with general statements in the European Security Strategy – also released in 2003 – which had linked the establishment of democratic countries in the 'neighbourhood' to the security and stability of the neighbourhood.[38] This emphasis has been further emphasised upon in the time following the establishment of the Eastern Partnership, democracy and human rights once again featuring as a key priority:

> "The expected long-term impact is the strengthening of democratic institutions and greater political pluralism, widespread acceptance of democratic values and lasting results in the democratisation of the country. Specific objectives include an improved division of powers, checks and balances, media freedom and respect for human rights and fundamental freedoms."[39]

Most recently, the European Union and Georgia established new contractual relations through the signing of an Association Agreement. With this came an Association Agenda that once more placed an emphasis on democracy and human rights and its core. Particularly detailed the Agenda highlights what have been the most notable points of concern for the EU in recent years:[40]

- All must be done to ensure that elections are 'democratic';
- Constitutional amendments must be subject to comprehensive overview and monitoring, particularly with the Council of Europe's Venice Commission in mind;
- A balance must be found between the flexibility and stability of the Constitution;
- The defined roles of President and Prime Minister as per the Constitution must be respected; and,

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[36] "Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Georgia, of the other part."; "Country Strategy Paper 2003-2006, Tacis National Indicative Programme 2004-2006, Georgia."

[37] "European Union-Georgia Action Plan, European Neighborhood Policy."

[38] "European Security Strategy: A Secure Europe in a Better World," European Council, accessed June 2, 2015, http://www.eeas.europa.eu/csdp/about-csdp/european-security-strategy/.

[39] "Georgia: National Indicative Programme (2011-2013)," European Commission, accessed June 2, 2015, http://www.enpi-info.eu/library/sites/default/files/attachments/2011_enpi_nip_georgia_en.pdf.

[40] "Association Agenda between the European Union and Georgia, June 2014," European External Action Service, accessed May 31, 2015, http://eeas.europa.eu/georgia/pdf/eu-georgia_association_agenda.pdf.

- Checks and balances must be put in place for Georgia's transition from a semi-presidential to a parliamentary system;

What is particularly notable within these most recent documents is a heavy emphasis placed on the Constitution, changes to the Constitution and the powers afforded to various positions and bodies by the Constitution. Throughout the European Union's engagement with Georgia through the European Neighbourhood Policy and later the Eastern Partnership various reports have expressed concerned over Constitutional changes and the type of democracy that Georgia appears to be forming. Which raises the question, when the European Union claims to encourage the establishment of democracies, the strengthening of democratic institutions and the promotion of human rights and fundamental freedoms; what is it exactly that they mean?

The EU's perspective on human rights is based upon the fact that these rights are universal and are inextricable from democracy. In terms of the EU it has adopted 11 guidelines over recent years that, though not legally binding, can be considered a political statement by the European Union of not only what it expects of itself but the standards it expects of those it engages with also. This is particularly pertinent for Georgia, who wishes to mould itself in the shadow of the European Union. These principles cover diverse rights such as protecting the rights of women, girls, and children, including children in armed conflicts; respect for international humanitarian law; protection from torture and other cruel, inhuman or degrading treatment or punishment; abolition of the death penalty; protection of the rights of all lesbian, gay, bisexual, transgender and intersex persons; and, freedom of expression online and offline.[41]

In terms the European Union's perspective on democracy, Haukenes and Freyberg-Anan have argued that the EU pushes a particular type of democracy in their external relations, which they argue can come with a price of failure if certain conditions are not established. Consensus democracy contends that instead of the majority governing as emphasised by majoritarian democracy; power should be placed in as many people as possible and it is these people that should govern. Manners has also previously contended that the European Union promotes this particular strain of democracy.[42] Consensus democracy views rule by a majority to the minimum requirement of a functioning democratic country and therefore "seeks to maximised the size of ruling majorities."[43]

This can be observed within the EU's relations with Georgia, particularly within ENP Action Plans, Progress Reports and the recent Association Agenda. The EU's recommendation and encouragement to shift from a semi-presidential to a parliamentary system can be seen as one example of such as shift. As can the gradual encouragement by the EU to decentralise the government and shift power away from the 'few' in the executive, particularly the President.

Whilst it now may, in part, be understood what the European Union is promoting and pushing for in its endeavours to establish a periphery of democratic states with respect for human rights and fundamental freedoms; it does not answer how the EU pushes and promotes these values? In the case of Georgia, the European

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[41] "Human Rights and Democracy."

[42] Katrine Haukenes and Annette Freyberg-Anan, "Enforcing consensus? The hidden bias in EU democracy promotion in Central and Eastern Europe," *Democratisation* 20:7 (2013), 1272-1275.

[43] Haukenes and Freyberg-Anan, "Enforcing consensus? The hidden bias in EU democracy promotion in Central and Eastern Europe," 1272-1275.

Union can primarily see to be engaging through the European Neighbourhood Policy and the Eastern Partnership particularly in terms of the promotion or formal or institutional aspect of democracy. There is said to be two underlying approaches to how the EU promotes democracy abroad. The first, formal or procedural democracy aims at establishing democratic institutions and procedures such as free and fair elections and correct election processes. [44] The second approach, substantive democracy is concern with what Casier labels as the "less tangible elements of democracy, most notably transparency, accountability and active citizen participation outside the formal election process."[45] It may be considered that formal democracy is concerned with the institutions, entities, and practices whereas substantive democracy could be seen to be concerned with a more personalised aspect most notably the belief of citizens in the system and express by their involvement and engagement in it.

What has been noted is that the EU appears to have found more success in the promotion of formal or procedural democracy. In a large part this can be attributed to the fact that these aspect are the major measures detailed in Action Plans and Progress Reports under the ENP, thus states that are seeking a favourable opinion and legitimacy with the EU are most likely to place an emphasis on the visible and more measurable aspects of democracy promotion.[46] This has also been combined with views that not only are measures of substantive democracy less important, but that they have little impact in legitimising the party to the European Union.[47]

Georgia's Progress

Despite at times being heralded as the leader of democratisation processes in the South Caucasus region, Georgia appears to have made limited progress since independence and in some aspects its movement towards becoming a fully functioning democratic state has become stagnant. Independent reports such as the Freedom House Report on Freedom in the World show Georgia to have never reached a standard better that 'partly free' with a freedom rating of 3 – where the best ranking is 1 and the worst 7.[48] Whilst these rankings do show a gradual improvement from a consistent score of 4 to a consistent score of 3 in both 'political rights' and 'civil liberties' there are still major concerns over the functioning of the Georgian Government and Rule of Law in the country.[49] The Fragile State Index displays a similar analysis. Whilst, there has been a gradual improvement in the state of affairs in Georgia, with its ranking improving from 33rd of 177 countries in 2009 to 70th of 178 countries in 2015 it still consistently holds a (high) warning title.[50] However, reports by the European Union, whilst critical at times, have tended to be more favourable to the 'democratising' state.

In part, this more favourable position with regards to progress has likely been taken in an effort to encourage Georgia for what progress they have made and through positive reinforcement encourage that efforts be furthered. Whilst the current situation

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[44] Tom Casier, "The EU's two-track approach to democracy promotion: the case of Ukraine," *Demcoratisation* 18:4 (2011), 959.

[45] Casier, "The EU's two-track approach to democracy promotion: the case of Ukraine," 959.

[46] Casier, "The EU's two-track approach to democracy promotion: the case of Ukraine," 970.

[47] Casier, "The EU's two-track approach to democracy promotion: the case of Ukraine," 971.

[48] "Freedom in the World: Georgia," Freedom House, accessed October 4, 2015, https://freedomhouse.org/report/freedom-world/2015/georgia.

[49] "Freedom in the World: Georgia."

[50] "Fragile States Index," Fund for Peace, accessed October 4, 2015, http://fsi.fundforpeace.org/rankings-2015.

in Georgia can be said to have greatly improved, in part due to the transition of new leadership into both Parliament and the role of President, there are still major limitations to the transition of Georgia into a democracy. A primary issue that has consistently been reported on by the European Union has been the constitutional make up of the government, which until recent amendments had resulted in a strong presidential system and a weak separation of institutional powers, where considerable power was placed in the executive over the Parliament.[51] In 2004, following the Rose Revolution, amendments were made to the 1995 Constitution that have since been widely criticised as giving too much power to the position of President, particularly in giving the President discretion to dissolve Parliament.[52] In part, this was allegedly overlooked by many in an effort to prioritise statebuilding efforts over the consolidation of proper democratic and human rights practices in Georgia.[53] However, the European Union has consistently emphasised these issues within its policies regarding Georgia and was positive towards the constitutional amendments adopted by Parliament in 2010 that largely entered into force in 2013 following the presidential election. These amendments went a considerable way towards introducing a more balanced separation of powers, reducing the power of the President in favour of Parliament and the Prime Minister, and emphasising the independence of the judiciary.[54] These amendments and the resultant shift away from a semi-presidential system towards a parliamentary system are consistent with the European Union's favoured consensus democracy that contends that political power should be placed is as many people as possible.

Another primary issue area with regards to Georgia's democratic progress surrounds issues of corruption particularly in relation to election procedures. Whilst the 2008 Presidential elections were considered to be Georgia's first 'competitive' elections there were still major issues recorded, not limited to misuse of state resources for campaign purposes, unbalanced media exposure of candidates, voter intimidation and irregularities in the counting and tabulation of votes.[55] A new election code was adopted in December 2011 taking on many recommendations of international bodies in an effort to introduce sufficient measures prior to the parliamentary elections of 2012 and presidential elections of 2013 however it has been made clear that further measures can be taken.[56] The parliamentary elections of 2012 were considered competitive, freedom of association, assembly and expression were observed however the International Election Observation Mission still observed that there were a number of key issues that needed to be addressed.

From the outset of the European Union's relations with Georgia it has highlighted the issues of human rights practices within the country. The most

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[51] "European Neighbourhood Policy Country Report: Georgia (2005)," European Commission, accessed June 2, 2015, http://www.eeas.europa.eu/delegations/georgia/documents/eu_georgia/georgia_cr_0503.pdf.
[52] "European Neighbourhood Policy Country Report: Georgia (2005),"
[53] Mariya Omelicheva, "Between Commitment and Pragmatism: Assessing International Influence on Human Rights Practices in Georgia," *Journal of Human Rights* 9:4 (2010), 445.
[54] "ENP Country Progress Report 2010 – Georgia, MEMO," European External Action Service, accessed May 31, 2015, http://eeas.europa.eu/delegations/georgia/documents/eu_georgia/memo_2011_georgia_en.pdf.
[55] "Implementation of the European Neighborhood Policy in 2007, Progress Report Georgia," European External Action Service, accessed May 31, 2015, http://eeas.europa.eu/delegations/georgia/documents/eu_georgia/georgia_clean1.doc.
[56] "Implementation of the European Neighbourhood Policy in Georgia Progress in 2011 and recommendations for action," European External Action Service, accessed May 31, 2015, http://eeas.europa.eu/delegations/georgia/documents/news/enpprogressreport_2011_en.pdf.

prominent issue area has been surrounded minority rights issues particularly with regard to those citizens belonging to the ethnic minorities of South Ossetia and Abkhazia.[57] Whilst Georgia has ratified the core Human Right Conventions of the United Nations and most of the core Council of Europe Conventions it remains that there are major issues with regard to the human rights situation in Georgia. Of particularly note is the continued maltreatment and on occasion torture of those held in the custody of law enforcement and the penitentiary system.[58] Overall, it appears that little real progress has been made in this area.

Discussion

This interconnectedness of norms and interests is clear when examining potential explanations for the advancement of bilateral relations between the European Union and Georgia. Does the European Union pursue its normative values to the detriment of its own interests? Or, does it pursue it interests without serious reference to the normative values it is supposedly promoting? This paper contends that it is too simplistic to make the argument that the European Union is pursuing either an interests based or norms based external policy. Much of the literature addressing the European Union as a normative power has refrained from engaging with the notion of interests despite the fact that norms and interests are interlinked and as such very difficult to separate.[59] One may argue that the EU acts as a normative power and pursues an interests-based foreign policy concurrently, but that the direction it prioritises will potentially differ dependent on the policy area and therefore the 'interests' involved. This is said to be clearer in policy areas where there is a distinct separation between interests and norms such as energy security and migration.[60] The fact that the European Union acts to differing degrees of the normative ideal in different circumstances lends credence to the claim that the EU only acts normatively, or prioritises norms over interests, when the interests of the EU coincide or depend upon the implementation of EU exported norms in those third party countries.

There is clear evidence that the European Union places the promotion of normative values such as democracy and human rights at the core of its bilateral relations with Georgia. However, the EU has struggled to bridge the gap between rhetoric and actions, Georgia remaining in a relatively stagnant position since the implementation of the European Neighbourhood Policy. This raises questions as to why the European Union, continues to make an effort in not only Georgia, but also the Eastern Neighbourhood as a whole. Security and stability are often prioritised over the implementation of proper democratic and human rights practices and there has been a continuation of efforts along the same lines despite lack of effectiveness. Any changes in Georgia have been minimal, a fact that seems to be ignored in the Progress Reports on the Implementation of the European Neighbourhood Policy which seem to have a more favourable view that independent reports coming from those such and Freedom House and Fund for Peace.

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[57] "Country Strategy Paper 2003-2006, Tacis National Indicative Programme 2004-2006, Georgia."

[58] "Georgia: National Indicative Programme (2011-2013)."

[59] Lisbeth Aggestam, "The World in Our Mind: Normative Power in a Multi-Polar World," in *Normativ Power Europe in a Changing World: A Discussion*, ed. Andre Gerrits (Clingendael: Netherlands Institute of International Relations, 2009), 33.

[60] Aggestam, "The World in Our Mind: Normative Power in a Multi-Polar World," 33.

However, it is not surprising that the European Union has continued to make attempts to have a strong presence in the Eastern Neighbourhood. The current dynamics within the South Caucasus region, and Eastern Europe more generally have highlighted an increased realisation of the relevance of power politics. The increasingly aggressive nature of Russia's foreign policy under Putin has caused concern in the region; Russia's ambitions in the region continue to have a domineering effect on smaller states like Georgia and have the potential to challenge the EU's normative agenda and the promotion of security and stability in the region. Where the EU previously used enlargement in order to establish stability in its neighbourhood and advance the projection of European norms and values the development of the ENP can be seen as an effort by the EU to create zones where it offers all but the institutions attempting to create stability and project its norms without offering full membership and the rewards that come with that. Georgia's own policy towards both the European Union and Russia arguably reflects a response to such an environment. In turn with historic precedent, there is reason to suggest that Georgia's endeavours to establish closer relations with the European Union are simply another example of looking to the wast for 'patron and protector'.[61]

Overall, it is too simplistic to be thinking of the European Union as either a normative actor or and strategic actor. Does the EU act normatively if we compare its actions with the definition provided by Manners? Yes, but it is doing so within the strategic context of the international environment. The ideology of the European Union was founded on the idea that the way to peace and cooperation is through the pursual of these norms and values it integrates into its foreign policy because that was how peace was brought to Europe.

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[61] Donnacha O Beachain and Feberik Coene, "Go West: Georgia's European identity and its role in domestic politics and foreign policy objectives," *Nationalities Papers* 42:6 (2014): 933.

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