Thinking ahead for Europe

Europeanisation as a Gravity Model of Democratisation

Michael Emerson & Gergana Noutcheva

Abstract

Much analysis of trends in democratisation in the world nowadays gives a rather pessimistic message, with such sweeping notions as the end of the third wave of democratisation, or of the democratic transition paradigm. A closer look at what has been happening in Europe, however, suggests that such analyses have often overlooked an important explanatory variable, captured in what we may call a 'gravity model', borrowing here a term from trade theory in economics. The gravity model of democratisation joins up with the mechanisms of Europeanisation, with democratisation progressing fast and deeply in 20 European states that were recently non-democratic, and which have various integrative relationships with the European Union. The trends and levels in the democracy scorecard in Europe as a whole show a clear correlation with the degrees of strength of these integrative relationships, and the results can be seen to be linked to the political conditionality and socialisation mechanisms of Europeanisation. Unfortunately for the advocates of universal democracy, other continents are presently unable to organise or access something similar, even Latin America where the US might have been expected to play more of an analogous role, and even less the Arab/Islamic world. This is not to argue that the values and mechanisms of democracy do not have universal plausibility, at least in the long run. But in the absence of the gravity variable in other continents, there should be soberly realistic expectations over the prospects for fast and deep democratisation. The EU may itself be reaching the outer limits of its gravitational power, but this is an ongoing story.

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EUROPEANISATION AS A GRAVITY MODEL OF DEMOCRATISATION

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1. A gravity model of democratisation

Landmark contributions by political scientists theorising the processes of global democratisation were until recently positive in message. From the late 1980s and early 1990s, we had Sam Huntington writing about a Third Wave of democratisation in the late twentieth century, with the paradigm of Democratic Transition advanced by Guillermo O'Donnell and Phillippe Schmitter.[1] These visions were taken up with alacrity by Western aid agencies, and boosted dramatically upon the collapse of the Soviet Union.

But more recently the contributions have turned in a decidedly negative direction, with Larry Diamond writing about the End of the Third Wave, and Thomas Caruthers about the End of the Transition Paradigm.[2]

What was going on here?

To be fair to Huntington, his thesis all along was that the advance of democracy in the world – from a first wave in the 19th century, to a second wave after the Second World War, and a third wave since the mid 1970s – was about a succession of long cycles of advances and partial reversals.

Caruthers, writing in 2002, identified the transition paradigm as having been based on five common assumptions, all of which have proved mistaken: first, that any country moving away from dictatorship would be moving towards democracy; second, that democratisation was a sequence of stages; third, that elections equal democracy; fourth, that initial conditions such as economic development, history, and socio-cultural traditions would not be major factors; and fifth, that democratisation would be building on coherent, functioning states. He then delivered a devastating and, in my view largely convincing, critique of this set of assumptions, which had created false expectations and distorted policies of external aid to democratisation.

Testifying to the alleged failure of the transition paradigm there was a proliferation of terminology, as political scientists tried to capture the essence of regimes that were neither full democracies, nor in transition, and were variously named to be 'qualified', or 'semi-', or 'weak', or 'illiberal', or 'façade', or 'pseudo-', or 'delegative' democracies.

These writers were then singularly disarmed by the question of what the policy-maker should now do. For Huntington the recipe was to emphasise the need for economic development and political leadership. For Caruthers there was the case for differentiating the standard aid toolkit. For Diamond the imperative was to consolidate the democratic territory, while waiting for more

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[1] Samuel Huntington, *The Third Wave: Democratisation in the Late Twentieth Century*, Norman, OK: University of Oklahoma Press, 1991; Guillermo O'Donnell and Philippe Schmitter, *Transitions from Authoritarian Regimes: Tentative Conclusions about Uncertain Democracies*, Baltimore, MD: Johns Hopkins University Press, 1986.

[2] Larry Diamond, "Is the Third Wave Over?", *Journal of Democracy,* 7.3, 1996; Thomas Caruthers, "The End of the Transition Paradigm", *Journal of Democracy*, 13.1, 2002.

propitious conditions to trigger a fourth wave, maybe in a decade or two. This all sounds quite reasonable, yet not very convincing or credible as real strategy.

Analytically these writings from the US are missing an important explanatory variable, with strategic policy implications, both as a matter of theory and empirical evidence. The theory is the gravity model, and the empirical evidence is Europe. This is not to suggest extrapolating the European model to the rest of the world, which is hardly feasible. But it is to suggest that the European gravity model of democratisation captures an essential feature of *fast track democratisation*. Its presence or absence in the different continents of the world goes far in explaining success or failure in securing fast, deep and lasting democratisation. In the absence of the gravity model factor, the processes of democratisation are not lost or hopeless. They just take longer, maybe decades or generations, with indeed the now observable cycles and learning experiences of advance and retreat.

The gravity model is a very simple and basic idea, and draws on its cousin theory in economics, which is already well established. In trade theory the gravity model explains different intensities of trade integration as a function of the size of GDP and proximity of the trade partners.[3] These trade intensities can be either actual or potential. The actual and potential come close to each other when markets are entirely open, and indeed integrated into a single market. But if the markets are relatively closed it is possible to show how much potential trade is foregone. There are a few major centres of trade gravity in the world, such as the EU and US.

The democracy gravity model may be described as follows. There are some centres of democratic gravity, meaning some big democracies that are references in the world. Again the EU and US are the examples. The tendency for other states to converge on the democratic model of the centre depends on the reputational quality and attractiveness of that democracy, its geographic and cultural-historical proximity, and its openness to the periphery. Openness may be defined first in terms of freedom for the movement of persons as determined by visa and migration rules, and, second and more deeply, by the opportunities for political integration of the periphery into the centre. When political integration is in principle possible, the process can become one of conditionality. When the incentive is one of full political integration, the transitional conditionality can become extremely strong and intrusive, yet still democratically legitimate and therefore acceptable. The frontiers between the external and internal are being broken down, and the conclusion of the process – with recognition of full compliance with high standards of liberal democracy and full inclusion in the institutions of democratic governance – will be ratified, for example by popular referendum. Beyond such voting mechanisms is the underlying sense of common identity, relying on emotive, historical and cultural fields of gravitational attraction, where to be 'joining Europe', or 'rejoining Europe' means something fundamental.

The economic and democracy gravity models can plausibly be set in motion to work alongside each other, and in the ideal case generate synergetic benefits. Gains from trade and inward investment may ease the politics of the democratic transition. The credibility of the ongoing democratic transition should enhance the quality and perceived reliability of the investment climate. This becomes then a double, interactive, politico-economic gravity model. The concept of transition is validated here, because it is a voyage to a known destination, and further strengthened by the notion of anchorage.

Something like this has manifestly been happening in contemporary Europe, and it concerns a significant number of states and mass of populations. Operations lying clearly within the European gravity field have so far involved a group of 20 states with a total population of 250

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[3] The gravity model of trade theory is capable of formal specification and econometric estimation, as for example is done for European transition countries in Daniel Gros and Alfred Steinherr, *Economic Transition in Central and Eastern Europe*, Cambridge University Press, 2004.

million,[4] which counts only states that have either acceded to the EU from prior conditions of non-democracy or have the prospect of doing so. A further 16 states with a total population of 400 million people are being embraced by the European Neighbourhood Policy, which seeks to extend the logic of Europeanisation without the prospect of EU accession.[5] However, whether the Neighbourhood Policy can succeed in democratising the outer European periphery is itself an important but unanswered question.

By comparison we may first consider the Americas, where the US plays the role of regional centre of gravity, and is relatively open for the movement of the Latin American peoples. However only with Mexico have the US and Canada moved significantly in an integrative direction under the aegis of the North America Free Trade Area (NAFTA). Maybe this has resulted in a degree of anchorage and consolidation for Mexican democracy. There have been other pan-American initiatives, notably the Organization of American States (OAS), the Summits of the Americas and the Free Trade Area of the Americas. The OAS in particular has long worked on the democracy agenda, passing the America Democracy Charter in September 2001.[6] The US and its Latin American partners have never contemplated European-style integration. The democracy efforts of the OAS actually seem to be somewhat analogous to the work of the Council of Europe, with similar dilemmas over how to deal with member states that fail to respect established democratic norms. However neither the United States nor Canada has accepted the right of jurisdiction over their territory of the Inter-American Court of Human Rights, based in San Jose, Costa Rica, which therefore suffers in authority compared to the European Court of Human Rights.

US policy has an old history of intervening militarily in the Americas (20 times between 1898 and 1921). Since the end of World War I, the US intervened only a few times, but usually with multilateral blessing. The CIA was engaged actively in covert operations in many Latin American countries in the 1960s, and in Central America in the 1980s. As a result the idea of external intervention is hugely sensitive. As observed by Robert Pastor, "the two contradictory norms – of democracy and non-intervention – stalemated the OAS for decades".[7]The US in the Americas is thus an intermediate case of the gravity model at work, with mixed results. Interestingly some comparisons may be made now between patterns of politics in Latin America and the European CIS states, with semi-democratic regimes of various types, and uncertain ebbs and flows of democratic reform. This fits with our uncertainty whether a thin European Neighbourhood Policy, as now underway, is going to be strong enough in its incentive and conditionality mechanisms to secure the transition to full democratisation.

However, by comparison with these intermediate cases in the wider Europe and Latin America, the other continents seem to be light years away. Africa has no democratic political centre of gravity, even if South Africa has been impressive politically in the last decade, and the former colonial powers can hardly be more than references. The only conceivable partial exception is in North Africa, and indeed here the European Neighbourhood Policy which refreshes the Barcelona Process of cooperation tries to do this. Countries such as Morocco could conceivably find encouragement if not anchorage for progressive democratic reform from Europe.

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[4] These 20 states include all that have been acceding, or have perspectives of acceding to the EU from initial conditions that were not fully democratic (Greece, Portugal, Spain, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia, Bulgaria, Romania, Turkey, Croatia, Albania, Bosnia, Macedonia, Serbia & Montenegro and Kosovo).

[5] These 16 states include the European CIS states and the south and east Mediterranean countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russia, Ukraine, Morocco, Algeria, Libya, Egypt, Israel, Palestine, Lebanon, Syria and Jordan).

[6] For a review of these efforts see Robert Pastor, "A Community of Democracies in the Americas – Instilling Substance into a Wondrous Phrase", *Canadian Foreign Policy*, Vol. 10, No. 3, 2003.

[7] Ibid.

The Arab-Islamic Greater Middle East is of course the most dramatic example of a vast region that has no reference, or field of democratic gravity to enter, and on the contrary the magnetic impulses these days are more negative than positive. It has no leader amongst its midst. The US has been the most powerful external actor, and it has attempted to promote the democratisation of the region in the wake of the Iraq war. But for now, the scene is one of a dreadful cocktail of civil war mixed up with guerilla war against the occupying power, with the reputation of the US as global leader seriously damaged. Europe edges into the Middle East with the accession candidacy of Turkey and the Neighbourhood Policy. But it is nowhere near getting leverage on the Gulf states, Afghanistan or Central Asia.

Finally as regards Asia too, there is an absence of any dominant field of democratic gravity. China stands as the most colossal counter to the argument that democracy needs to be promoted to achieve a rapid exit from economic poverty. Japan has become a virtual Western democracy, but cannot be the leader of the region. And so there is no pattern or dominant trend there.

This quick detour into the rest of the world serves only to reinforce the pertinence of the gravity model in the search for explanatory variables for rapid, deep and durable democratisation. Without it there are problems with the standard methods of cross-section (cross-country) analysis as tool of empirical research, where up to 200 identified sovereign states are the observations – from Albania to Zimbabwe. They lead political scientists to the conclusions quoted above, about the end of the third wave, or of transition. The point here is to bring the dynamics and mechanisms of democratisation in contemporary Europe into focus, particularly since many American writers seem to be Europe-blind. With the gravity model explanatory variable, present or absent, the trends become much clearer. Where the gravity variable is strongly present, the trend towards full democratisation is alive, and transition is indeed a transit. Where the gravity variable is absent, the story is a long and uncertain one.

2.   Europeanisation defined

The term 'Europeanisation' has gained currency in political science literature over the past decade or so, as scholars tried to understand the politico-economic-societal transformation involved in European integration, and especially in the cases of states acceding to the European Union after exiting from non-democratic (fascist or communist) regimes, and in some cases after violent conflict (outright war or ethno-secessionist conflict). Europeanisation may be seen as working through three kinds of mechanisms, which interact synergetically:

- *legal obligations* in political and economic domains flowing from the requirements for accession to the EU, and/or from Council of Europe membership and accession to its Convention on Human Rights and Fundamental Freedom;

- *objective changes* in economic structures and the interests of individuals as a result of integration with Europe; and

- *subjective changes* in the beliefs, expectations and identity of the individual, feeding political will to adopt European norms of business, politics and civil society.

The mechanisms of Europeanisation can be otherwise described as combining rational institutionalism through policies of *conditionality,* and sociological institutionalism through norm diffusion and *social learning*. Changes through policies of conditionality may occur in the short to medium run. The more deep-rooted changes, which occur through the actual transformation of identity and interests, may only be expected in the longer run. There may be early change in political discourse, which over time is internalised and results in genuine identity and interest change. While in the initial phases of Europeanisation a rational institutional account may better capture the mechanism of change, over the longer term endogenous processes may become the

main motors of domestic transformation. This phasing of the process supposes that political leaders are actually willing and able to lead. However this may not be so, in which case the reverse sequence can prevail. The people may tend towards socialising with modern Europe, for example partly as a result of diaspora experiences. The leadership may only enter into negotiations with the European institutions later.

In the EU context, Europeanisation is an interactive process in which member states affected by the process of European integration are at the same time the players who initiate and shape the process. There is thus a two-way process between s*tructure and agency*. In the European periphery, however, the dynamics of Europeanisation are different. States affected by the process do not have the institutional means to co-determine decisions of the EU that affect them. In this context Europeanisation takes on the aspect of an EU foreign policy instrument.

Europeanisation has a further specific application in the pursuit of conflict settlement and resolution in the European periphery. The interdependency between democratisation and conflict settlement is an important issue in its own right. In a recent study of several unresolved conflicts of South East Europe we have defined Europeanisation in the field of secessionist conflict settlement and resolution as "a process that is activated and encouraged by European institutions, primarily the European Union, by linking the outcome of the conflict to a certain degree of integration of the parties involved in nit into European structures. This link is made operational by means of specific conditionality and socialisation measures, which are built into the process of Europeanisation".[8]

If Europeanisation is defined principally as EU-isation, other organisations and players must be borne in mind. For democracy and human rights the Council of Europe is important as a norm-setting organisation and codifier of law. Membership of the Council of Europe requires adherence to the European Convention on Human Rights and Fundamental Freedoms, supported by the European Court of Human Rights in Strasbourg – which scholars must not confuse with the European Union Court of Justice in Luxembourg, even if politicians are doing their best to confuse the two. In its new Constitution, the European Union will itself accede to the European Convention on Human Rights and Fundamental Freedoms, thus establishing formal identity between the human right codes of the two organisations. This institutional overlap between the European Union and the Council of Europe also becomes a valuable construction in the context of democratisation and human rights reform of the European periphery, especially those states of the former Soviet Union that have no prospect at present of acceding to the EU. These non-EU states are at least now co-owners of the Council of Europe and the Strasbourg Court of Human Rights, which confers a certain degree of legitimacy to its proceedings and judgements. We return to this later. The OSCE and UN also complement the Council of Europe with their norm-setting roles and security mandates.

In addition the United States and Russia have important geo-strategic interests in parts of the European periphery. The United States and the European Union can work together fairly comfortably with the same normative rule-book and complementarity of roles in the Balkans and Caucasus, since here Europeanisation and Westernisation are perceived to be one and the same thing. On the other hand Russia, while a Council of Europe member state, still pursues an overtly *realpolitik* approach to its 'near abroad', and seems to have no interest in promoting democratic and human rights values, which actually impedes conflict resolution.

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[8] See Gergana Noutcheva, Nathalie Tocci, Bruno Coppieters, Tamara Kovziridze, Michael Emerson and Michel Huysseune, "Europeanization and Secessionist Conflicts: Concepts and Theories" (Ch. 1), in Bruno Coppieters, Michael Emerson, Michel Huysseune, Tamara Kovziridze, Gergana Noutcheva, Nathalie Tocci and Marius Vahl, *Europeanization and Conflict Resolution: Case Studies from the European Periphery*, Academia Press, 2004 (downloadable from the website of the Journal of Ethnopolitics and Minority Issues in Europe – http://www.ecmi.de/jemie).

Europeanisation may also be understood to embrace a certain broad model of multi-tier democratic governance, which is part of the post-modern European solution to the world wars of the early 20th century. The particularity of European multi-tier governance is that it has introduced the practice of three-tier federalism, with the EU tier as the third tier to add to the federal state and the federated entities, first invented to anchor Germany in a durable post-war political structure. This three-tier federalism is also relevant however for much of Europe's complex ethnic mosaic, with ethno-federations or federative structures in Belgium, Finland, Spain and the United Kingdom, as opposed to the ethnically homogenous federations such as Austria and Germany. The Belgian case is notable for its hybrid combination of territorial federalism with personalised (i.e. de-territorialised) federalism, which is interesting for parts of the Balkans. More generally the European experience is that ethno-secessionist pressures in various cases have been dampened when placed in a three-tier EU structure, since the sub-state entities find room for more self-identity in a framework that gives them a place in the European structures alongside rather than below the sovereign states.

3. Democracy ratings in the European peripheries

Freedom House has supplied us with invaluable data on the evolution of democratic institutions and practice. For reading its democracy scorecard, it offers the following guide:[9]

Democracy score	Regime type
1-2	Consolidated democracy
3	Semi-consolidated democracy
4	Transitional government or hybrid type
5	Semi-consolidated authoritarian regime
6-7	Consolidated authoritarian regime

Table 1 regroups the data on democratic performance from 1997 to 2003 by categories of relationship with the European institutions. The picture that emerges sees Europe grouping into five categories (see also Figure 1).

The first category consists of the newly acceding member states of the EU, which have undergone a decade-long political conditionality and monitoring process. All now fit comfortably into the consolidated democracy ratings. The principles were established at the European Council meeting in June 1993, and became known as the 'Copenhagen criteria', notably that:

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

Most of the candidates achieved credible democratic ratings very early on in the transition after the end of the communist regimes. These were initially overnight regime changes in 1989-90, which then saw a more gradual deepening of democratic practice beyond the parliamentary institutions into the judiciary and civil society. The laggard in the class was Slovakia, where former Prime Minister Meciar seriously abused his exercise of power, for example with manipulation of the Constitution. By 1997, with a democracy score of 3.80, Slovakia was well on the way to ruining its chances of EU accession with the rest of Central Europe. EU conditionality on this point was entirely credible. The people got the message, and in due course elected another government that could slip into European normality within the life of a single parliament, and Slovakia was able to join the rest on accession day in May 2004. The general conclusion from the EU's 'big bang' accession of 10 new member states also became clear. The intensity of the

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[9] Retrievable from the Freedom House website (www.freedomhouse.org/media/pressrel/05552404b.htm).

competitiveness of the accession process, with the Commission's half-yearly monitoring reports implicitly looking for grounds to differentiate between front-runners and laggards, was so strong that all arrived at the finishing line bunched closely together, to the point that there could be no discrimination between the candidates in the final political judgement. This even took the EU itself by surprise. Initially the 'regatta' image was used, with 12 competitors sailing forth on accession negotiations together, with the expectation and even the (diplomatically unspoken) hope that the sorting process would leave the EU obliged to accept a less enormous expansion all in one go. In the end it was more like the 'Tour de France', with a dense pack of 10 arriving all together.

Table 1. Democracy scores in Europe and Central Asia, 1997-2003

Country	1997	1999	2001	2003
New EU member states	**2.09**	**1.94**	**1.90**	**1.83**
Czech. Rep.	1.50	1.75	1.81	2.00
Estonia	2.10	2.06	2.00	1.94
Hungary	1.50	1.75	1.94	1.81
Latvia	2.15	2.06	1.94	1.94
Lithuania	2.15	2.00	1.94	1.88
Poland	1.50	1.44	1.44	1.63
Slovakia	3.80	2.50	2.25	1.81
Slovenia	2.00	1.94	1.94	1.75
EU candidate states	**4.14**	**3.80**	**3.53**	**3.33**
Bulgaria	3.90	3.31	3.06	3.13
Romania	3.95	3.19	3.31	3.25
Turkey	4.50	4.50	4.50	3.50
Croatia	4.20	4.19	3.25	3.44
Balkan SAA states[a]	**4.77**	**4.61**	**4.36**	**3.92**
Albania	4.55	4.38	4.13	3.94
Bosnia	5.13	5.13	4.94	4.31
Macedonia	3.90	3.44	3.75	3.94
Yugoslavia[b]	(5.50)	5.50	4.63	3.50
Kosovo	..	..	..	5.50
CIS – Council of Europe states	**4.38**	**4.70**	**4.84**	**5.04**
Armenia	4.70	4.50	4.56	4.69
Azerbaijan	5.60	5.50	5.56	5.31
(Belarus)	5.90	6.44	6.56	6.63
Georgia	4.70	4.00	4.19	4.69
Moldova	3.90	3.88	3.94	4.38
Russia	3.80	4.25	4.63	4.88
Ukraine	4.00	4.31	4.44	4.50
Central Asian states	**5.88**	**5.87**	**5.91**	**6.15**
Kazakhstan	5.30	5.38	5.56	6.13
Kyrgyzstan	4.65	4.88	5.13	5.63
Tajikistan	6.20	5.69	5.44	5.50
Turkmenistan	6.94	6.94	6.94	6.94
Uzbekistan	6.35	6.44	6.50	6.56
Average	**3.97**	**3.96**	**3.92**	**3.93**

[a] Average for region without Kosovo.
[b] Serbia and Montenegro.

Source: Freedom House website (www.freedomhouse.org/media/pressrel/05552404b.htm).

Figure 1. Democracy scores in Europe and Central Asia
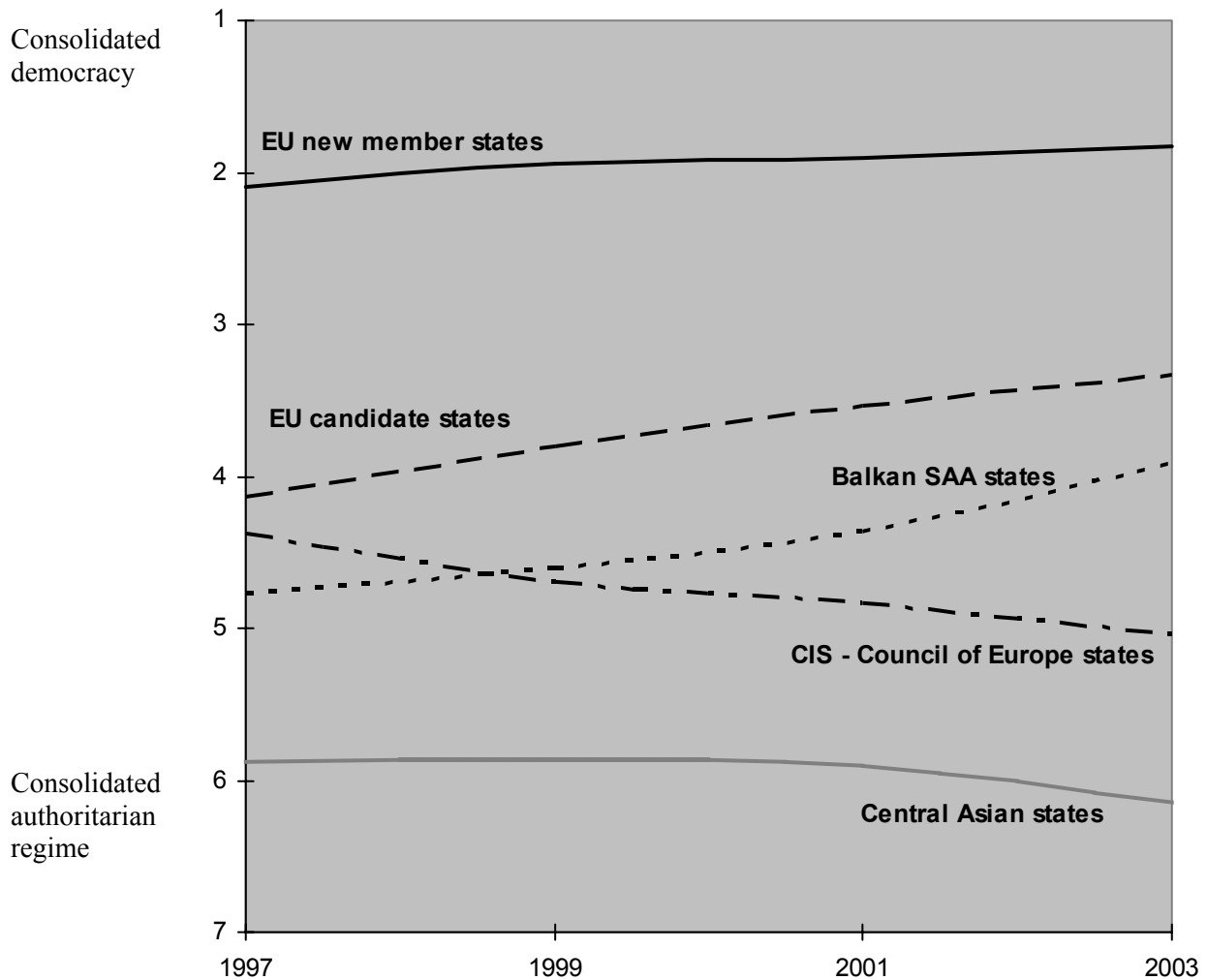
In the second category are the remaining accession candidates. Only Bulgaria and Romania could not keep up with the pack. However they have not given up. According to the data Bulgaria and Romania have been progressing from almost 4 to almost 3, thus becoming semi-consolidated democracies. The EU has agreed to a 2007 target accession date, thus sharpening the edge of the conditionality process. Problems of governance remain pervasive in Romania, to the point that early in 2004 negative evaluations in the European Parliament began to open up the question whether Romania might be detached from Bulgaria, and miss the 2007 target date. The Romanian government was stung into action, removing several ministers and adopting a huge number of decisions to attempt to improve its score. Romania may be back on track – it will be for the EU to decide officially at the end of 2004 whether to confirm the 2007 as accession date.

At this point Croatia enters the stage as a new candidate for accession negotiations. Its democracy score has been improving steadily from an awful starting point under the Tudjman regime, whose ethnic cleansing of Serbs reciprocated Milosevic's genocidal assaults against Croats, Bosniacs and Kosovars. The new Croatia wants to accede to the EU as fast as possible. It has understood that all the Copenhagen criteria have to be fulfilled without delay, starting by handing over indicted war criminals to the Hague, where they will join Milosevic. Although this is the most difficult pill for Croatian nationalists to swallow, it turns out that only Tudjman's successor to the leadership of the HDZ party, Prime Minister Sanader, has the political legitimacy to do just this. Croatia is

trying to accelerate, and to join Bulgaria and Romania in 2007. This is surely too fast, yet the leverage of EU conditionality is now of overriding strength.

Croatia also now enjoys a special conditionality bonus from the EU, by positioning itself as a case model for the still politically equivocal Belgrade to take notice of. The EU now says openly and explicitly that it has put Croatia onto a fast track to serve as a credible incentive to Serbia and others in the Balkans, for them to get the message too. The same conditionality is being applied in one go, both explicitly and directly to Croatia, but indirectly to Serbia and the others. It seems that even this indirect conditionality has had some effect, with the election of a new President of Serbia in July 2004, which was a very hard contest between a radical Serb nationalist versus a pro-European democrat. The EU intervened very clearly in the election campaigning, calling upon the Serb people to understand that one choice would bring them closer to Europe, and the other would leave them isolated. This is case study material for researchers into the often elusive phenomenon of domino effects – we return to EU conditionality in the Balkans in more depth below, together with the case of Turkey.

Our third category consists of the remaining Balkan states and entities that are not yet accepted as accession candidates by the EU, but do have officially acknowledged 'perspectives of full membership' in the long run, and are partners in the EU in preparing and executing Stabilisation and Association Agreements (SAA), which involves a specific conditionality method. The SAA process is a derivative of the accession negotiation process, but with less-demanding criteria, involving a large landscape of political, economic and increasingly also security policies. We shall go into the detail in the next section, since there are interesting variants here, both in the nature of the political conditionality adopted, and the issues of coordination with the US. The Freedom House scorecard shows a gradually improving record, with the group average trending down from 4.38 to 3.92 in the period 1997 to 2003. The story is one of increasing convergence on democratic norms from the end of the authoritarian Milosevic regime, but through war into the protectorate regimes from Bosnia and Kosovo, and with struggles to become functioning democracies in Serbia, Montenegro, Macedonia and Bosnia. The general story becomes recognisably one of Europeanisation underway, albeit from a very rough start.

Our fourth category consists of the European CIS states, all except Belarus members of the Council of Europe, but which as a group exhibit some reversal of the process of democratic reform. They started in 1997 with a better average position of 4.38 on the Freedom House scorecard than the Balkan SAA states, yet they have relapsed to an average of 5.04 by 2003, thus entering the category now of semi-consolidated authoritarian regimes. This is most obviously the case with Russia, and one may expect the next readings there to continue to mark the Putin regime's slide towards increasing authoritarianism. While Lukashenko's Belarus is in a class of its own among European states as a consolidated authoritarian regime, the other states of the group (Ukraine, Moldova and South Caucasus) are mainly characterised by an absence of progress and the deepening of state corruption as the privatisation process 'progressed'. However this latter group become now target states for the EU's new European Neighbourhood Policy (ENP), which puts democracy and human rights issues up front on the agenda. The ENP may be described as another cousin of the EU accession process, or a weaker derivative of the SAA model for the Balkan states. The issue here is whether the balance between obligations and incentives, demanded and offered by the EU, will become powerful enough to have a material impact of reform trends in these states. For the moment the conclusion would seem to be at best dubious. The states of this group have all been asking for a long-term perspective of EU membership, which the EU has refused out of concern of raising premature or totally unrealistic expectations. Yet this may prove to be precisely the litmus test for how far the workings of the Europeanisation model can extend. Yet the aspirations of these countries to have a European future, rather than one of re-integration with a hegemonic Russia, is fairly clear, so the potential for conditionality leverage exists. The membership of the Council of Europe for all bar Belarus also means at least a

small mooring, if not quite anchorage, in European democracy. We return to the work of the European Court of Human Rights for the rule of law later.

The fifth and last category, consisting of the Central Asian states, shows also a clear picture of reversion to outright authoritarianism. The early post-Soviet period saw experiments in formal democracy accompany sovereign independence. But the process never took root. The group average returned by 2003 to 6.15, thus classified as consolidated authoritarian regimes, after some uncertainties over whether these states were in transition towards democracy or not. The answer for the time being is clearly negative. The President of Turkmenistan apparently has the distinction of having got as close to absolute authoritarianism as is humanly possible. It is equally clear that the notion of Europeanisation is alien to these states. How long matters stay like this is not obvious, but renewed democratising tendencies seem a remote prospect. One interesting issue for the EU nonetheless is how Turkish accession might affect this process. Already one can discuss whether the EU and Turkey should combine forces for foreign policy purposes early in the pre-accession period, for example to exploit Turkish assets in regions such as Central Asia where there are cultural affinities.[10] If Turkey becomes so strongly Europeanised, what message might this come to represent for Central Asians? Turkey's pan-Turkic policy experiment in Central Asia in the early 1990s ended in failure, partly because it was marketed as pan-Turkism, which collided with these states' newly-won independence and their wish to retain close links with Russia. A fully democratised Turkey, integrating with the EU, could present itself differently in Central Asia. Maybe this becomes an issue for the 2010s.

The bottom line in Table 1 gives the average score for all 29 countries, suggesting a picture of the region stuck in transition with steady average scores of nearly 4. This is a perfect example of nonsensical empiricism. There is no meaningful story in the average, since it hides two stories, as the three groups integrating with the EU achieve high or rising scores, whereas the two other groups of CIS states reveal poor and deteriorating trends. The 'end of transition' is indeed the story here, since some are making the grade as real democracies, others are back into real authoritarianism, with no group left in transition limbo.

4.   Democratisation in the former Ottoman Empire

It is not usual these days for cross-country analyses to take the states of the former Ottoman empire as a group, but their collective history together was much longer if not quite so recent as that of the former Soviet Union, to which we turn later. The former Ottoman empire is of course of relevance in marking out one of the major cultural-religious-historical fault lines on the map of Europe. Dalmatia belonged to the Doge in Venice and Zagreb to the Austro-Hungarian Empire, but from Sarajevo and Belgrade on to the East were the territories of the Sultan in Constantinople. The reshaping of the post-Ottoman map of Europe is not yet one hundred years old. The EU and the states of the region, seemingly obeying laws of historical determinism, have quickly seen to the accession of the former Austro-Hungarian Slovenia and soon next Croatia, while taking their time over the former Ottoman Empire. Yet the former Ottoman Empire is undoubtedly now Europeanising faster and more surely than the former Soviet Union. The mechanisms of European political conditionality are now compared for four states of this historical region – Turkey, Bulgaria, Serbia-Montenegro and Bosnia.

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[10] M. Emerson and N. Tocci, *Turkey as Bridgehead and Spearhead – Integrating EU and Turkish Foreign Policy*, EU-Turkey Working Paper No. 1, Centre for European Policy Studies, Brussels, August 2004.

The current Europeanisation and democratisation of *Turkey* is the most dramatic movement now on the European frontline.[11] What is underway is nothing less than a transformation of the nature of the Kemalist state, which in turn had marked rupture and reform upon the collapse of the Ottoman Empire. Kemalism got as far as thoroughly secularising and partly Westernising the new Turkish Republic. In the early post-Second World War period, the formal mechanisms of multi-party parliamentary democracy were established. Yet Turkish democracy did not readily deepen and stabilise. There were military coups seemingly once a decade, in 1960, 1970 and 1980. There was pervasive corruption of the strong state and its business links. The failings of Turkey's secular democracy were serious enough to see the rise in the 1990s of the politics of Islam, thus threatening to overthrow the secularism as the first principle of Turkish politics. There was lingering resentment at the EU that refused to take its long-standing candidacy seriously.

Since the Helsinki decision of 1999, however, the Turkish candidacy has been taken seriously, but conditioned on the Copenhagen political criteria. This has acted as the catalyst for what Turkish political scientist Fuad Keyman calls the "will to civilisation", which was the original driving force epitomised and led by Kemal Ataturk, and which now sees a renewal of comparable historical importance. This is precisely because the imperfectly democratic Turkey of the last several decades was found to be incapable of completing Turkey's economic and societal modernisation, to the point of risking a degeneration into Islamism. It was also recognised that Turkey could not achieve this full Western-standard democratisation without anchorage in the European Union. Turkey has thus engaged in the most powerful conceivable process of sequential conditionalities and reforms with the EU, with six so-called 'Harmonisation Packages' of measures ranging from changes in the constitution to detailed policy reforms in relation to human rights, the role of the military, the quality of the judiciary and the treatment of minorities (in particular but not only the Kurds). The last three years have seen sufficient progress towards meeting the Copenhagen criteria to warrant the opening of accession negotiations, with a positive decision by the EU expected at the end of 2004. As and when negotiations begin in 2005, it is expected that the whole agenda of political and economic reform in line with EU standards will be deepened and accelerated.

But no one realistically expects full accession for many years, maybe a decade. Nor is the outcome a foregone conclusion, as the very recent (September) political drama on whether to re-criminalise adultery has illustrated. The EU should not be considered to be bluffing. There will have to be a full democratic transformation of the Turkish state and society for it to have a chance of EU accession. The Turkish leadership more or less understands this, and indeed wants the conditionality to be deeply intrusive as long as it is fair and sincere. The US is in principle most happy to see the EU and Turkey here seriously at work, although not so many people in Washington seem to understand the difference between NATO and EU membership, and there comes a price for this sub-contracting arrangement, as Turkey's refusal to join the Iraq war showed. Democratising Turkey, as one of Europe's largest countries, may be compared now to Russia, with its stalled democratisation. For those inclined towards cultural-historical essentialism in interpreting aptitude for Europeanisation and democratisation, Turkey is coming arguably from further away than Russia. But nowadays it is joining Europe, whereas Russia is both insisting on its difference from Europe while pretending to be part of it.

Bulgaria became perhaps the most Sovietised of the former communist states of Central and Eastern Europe, after the communist regime replaced the independent Kingdom of Bulgaria of the interwar period, which followed the centuries of Ottoman domination. In the post-communist period, however, Bulgaria opted as clearly and quickly as any other of Central and Eastern Europe

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[11] This section on Turkey draws heavily on Fuad Keyman and Senem Aydin, *European Integration and the Transformation of Turkish Democracy*, EU-Turkey Working Paper No. 2, Centre for European Policy Studies, Brussels, August 2004 (available at www.ceps.be).

to claim its place as an EU accession candidate, but it needed more time to reach Copenhagen criteria standards. The Commission's first assessment of Bulgaria's conformity with the Copenhagen criteria in 1997 was generally positive, since the main mechanisms of parliamentary democracy and government were seen to be functioning smoothly. However the more the Commission then delved into governance structures and their legal basis, the more deficiencies they saw. Four major areas of concern then emerged as the targets of EU conditionality – reform of the judiciary, reform of public administration, corruption and treatment of the Roma minority.

For the judiciary, the Commission saw deep structural problems, ranging from excessive immunity from criminal prosecution to the responsibility of judges for pre-trial investigation. Since there is no EU legal basis for standards in this area, the task of the Commission prescribing reform was difficult, and a large leeway was left to the Bulgarian authorities on how to reform. In the end, however, important constitutional amendments were made, facilitating substantial reform. Even more so, the problem of administrative reform could rely on no EU code or law. Commission criticisms led to a 1998 government Strategy for Building a Modern Administrative System, with subsequent legislation that was sufficient to get a *satisfecit* mark from the Commission. Even more difficult was the corruption problem, since Bulgaria's ranking in the Transparency International scorecard was quite poor, but not so much worse than that of Greece and Italy. Commission pressures produced a national Anti-Corruption Strategy in 2001, whose real effectiveness is extremely difficult to assess. Finally of the minorities, the legacy of the Ottoman empire, which left a Turkish minority of 9.4% of the population, has not been a problem. Their place in Bulgarian society has not been criticised after the post-Communist government quickly reversed the expulsion of Turks at the end of the 1980s. However the situation of the Roma minority was severely criticised, which led to the government's adoption of a Framework Programme for Equal Integration of Roma into Bulgarian Society in 1999, and which was praised by the Commission. The Bulgarian case may thus be summarised as one where EU political conditionality was very real, resulting in a delayed Bulgarian accession timetable, where the formal institutions of democratic governance were not in question, but where the quality of governance and the rule of law was judged unsatisfactory by the EU, until a set of remedial measures were taken.

While for Turkey and Bulgaria, the EU was acting entirely autonomously in relation to the rest of the international community, in the cases of Bosnia and Serbia and Montenegro the stories are of sequential coordination with the international community, and in particular the US, given its decisive leadership in the military interventions to stop the war in Bosnia, the ethnic cleansing in Kosovo, and ultimately to overthrow the Milosevic regime. While there have been tensions between the EU and US over the former Yugoslavia during the past decade, the essence is that these have been the most successful examples of EU-US coordination for regime change and democratisation operations in the world. While these stories are not yet over by any means, they have reached a point where there is some substance to the model types often discussed – for the complementarity of US hard power and EU soft power, or of the 'good cop-bad cop' act (and chief bad cop, Richard Holbrook, could soon be back on the beat).

For *Bosnia* the political ground rules flow still from the Dayton Peace Agreement of 1995, which guarantees Bosnia's international status as a single sovereign state. The EU was party to the making of this Agreement, but the US (and Richard Holbrook in person) was the driving force. The High Representative, currently Paddy Ashdown, has huge powers of political intervention, consistent with the general description of Bosnia living under an international protectorate regime. However in recent years a crucial political role by the European Union for the reform and democratisation of Bosnia has emerged, as the country has joined the SAA process. In addition Paddy Ashdown now carries a double mandate as EU as well as International High Representative. The EU's role became significant in 2000 when the Commission drew up a Roadmap with 18 minimalist conditions for undertaking a feasibility study for the possible

negotiation of a Stabilisation and Association Agreement with Bosnia, whose content is summarised in Box 1.

Box 1. Bosnia – European Commission political conditionality for establishing the feasibility of proceeding towards a Stabilisation and Association Agreement (selected conditions)

… initial political conditions in the March 2000 Roadmap:
- Permanent secretariat for the Presidency and Chair of the Council of Ministers
- Introduction of rules of procedure in the Parliamentary Assembly
- Adoption of a Civil Service Law and a Civil Service Agency
- Introduction of a single passport
- Introduction of a State Border Service
- Ensuring sufficient resources for the functioning of the Constitutional Court
- Adoption of an Election Law, with election financing from the state budget
- Adoption of property laws
- Ensuring adequate conditions for refugee returns
- Improving the functioning and resources for Human Rights institutions
- Adoption of Laws on Judicial and Prosecution Services in the entities
- Implementation of the Public Broadcasting Service.

… further political conditions in November 2003:
- Full implementation of the Law on the Council of Ministers
- Ensuring that the new State ministries become properly operational
- Establishment from 2004 of a consolidated state-level government work plan
- Development of an Action Plan for public administration reform
- Ensuring the proper coordinating role of the Directorate for European Integration
- Legislation and implementation on the Refugee Return Fund
- Legislation for a single High Judicial and Prosecutorial Council
- Resources for the State Information and Protection Agency, and Ministry of Security
- Legislation and resources for an independent single public broadcasting system.

When devising the Roadmap, the objective of the Commission was minimalist – to put the European integration issue on the BiH domestic agenda. This early pre-accession conditionality is in content linked to the Copenhagen political criteria for accession. It demands the start of a long-term transformation process in a number of areas that form an intrinsic part of the democratisation agenda pursued by the EU in Central and Eastern Europe, with the intent of building democratic institutions, securing guarantees for the rule of law, encouraging the creation of a professional public administration, stimulating the reform of the judiciary, etc. Yet, in the Bosnian context the goal of state-building and state consolidation is paramount in all spheres of reform. It took Bosnia two and a half years to comply. The political conditions set by the European Commission are not entirely its own initiative or specialty. Some of the requirements are closely linked to the High Representative's own agenda and stem from reform plans he has pursued himself.

In November 2003, the European Commission issued a partially positive Feasibility Study,[12] acknowledging Bosnia's compliance with the 18 conditions from the Roadmap. However the Commission judged that more was needed to keep the reform and Europeanisation momentum moving.[13] In the same Feasibility Study, the Commission therefore set 16 additional conditions for a fully positive assessment – see also Box 1. The EU has also been increasing its pressure for

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[12] Report of the Commission to the Council on the preparedness of Bosnia and Herzegovina to negotiate a Stabilisation and Association Agreement, COM(2003)692 final.

[13] Author's interview with a Commission official.

Bosnian compliance with the International Criminal Tribunal for former Yugoslavia in The Hague, which the US was first in pushing forcefully as part of NATO conditionality.

While many Roadmap political reforms have resulted from interventions of the High Representative, there has been a progressive shift towards domestically-driven compliance. However, this has not been the case for the expected cooperation of the Republika Srpska with the Tribunal in The Hague. As a result the High Representative took the extraordinary step in June 2004 of sacking 59 leading politicians and officials from their functions in the Republika Srpska, for which he was wholeheartedly congratulated by the EU and US.

For *Serbia and Montenegro*, the core of EU political conditionality has been the re-creation of a common state between the two republics, and the State Union of Serbia and Montenegro was established in February 2003 as a direct result of EU mediation and pressure, in the person of Javier Solana – to the point that local media refer to their new state as 'Solania' for short. The Belgrade Agreement brokered by Solana in March 2002 had laid out the principles for restructuring the relations between the two republics with a thin common state structure.

The Belgrade Agreement left many institutional and policy questions open, but it committed the two republics to agreeing on the specific issues in a Constitutional Charter and an Economic Harmonisation Action Plan, to be worked out by them in the course of 2002. It laid the foundations for a two-entity State Union with single international representation and a number of joint institutions – a unicameral parliament, a president, a ministerial council and a court. The common state layer of government is responsible for defence, foreign affairs, foreign economic policy, internal economic relations and the protection of human and minority rights. A joint army, controlled by a common Supreme Defence Council consisting of three presidents (those of the two republics and of the State Union), is in charge of the territorial security of the State Union. All other competences are the exclusive prerogative of the republics.

The Constitutional Charter of the State Union – adopted in February 2003, eight months later than the deadline envisaged by the Belgrade Agreement – was the result of intensive discussions among politicians and experts in Serbia and Montenegro about the nature of the common state. The Montenegrin side maintained that this was a union of two sovereign states in which authority rested with the republican governments and decision-making at central level was limited to coordination with the consent of the republics' authorities. The Serbian side preferred a federation in which decision-making power for certain policy areas resided with the central authorities and there was a clear division of competences between the federal and republican levels of government.

EU standards and EU integration are the key reference points in defining the main goals of the State Union. In addition to respect for human rights, the promotion of rule of law and the introduction of a market economy, Article 3 of the Constitutional Charter defines the *raison d'être* of the State Union as "integration in European structures, the European Union in particular; harmonisation of its legislation and practices with European and international standards; and establishment and insurance of an unhindered operation of the common market on its territory through the coordination and harmonisation of the economic systems of the member states in line with the principles and standards of the European Union".

The two parties agreed to a transition period of three years, after which there could be recourse to legal procedures for possible secession from the Union, which would be dissolved. Solana reluctantly approved this with his signature under the Belgrade Agreement. Solana did make this important concession to the Montenegrin side, which indicated his priority in getting a political deal, at the risk of putting in place an unsustainable institutional structure.

Solana's meditation was a solo act, but one fully supported by the rest of the international community. The EU's incentive of membership in the long run was the main leverage factor

bearing upon the negotiation strategies of the two principal parties. Having abstained from direct participation in the process, the US was relieved to see the EU taking this more active role in the former Yugoslavia and wanted it to succeed.

Space does not permit that we also go at any length into the cases of Macedonia and Kosovo, which are also rich in case study material. In Macedonia, Solana was again the main international actor, helping broker a new constitution that better embedded the rights of the Albanian minority, with support from a first military mission by the EU, taking over there from NATO in 2003. The Kosovo case bears some comparison with that of Bosnia, by virtue of its international protectorate regime, born of US military intervention, but with the EU taking large responsibility for the post-war state-building process. However, both the EU and the US remain stuck in a state of dangerous uncertainty over how to handle the final status question, with a renewed outbreak of inter-communal violence in the spring of 2004 warning that the status quo is not sustainable.

The general conclusion can nonetheless be that Europeanisation is at work in these states of the former Ottoman Empire. It is a rough process, but it seems to be working.

5.   Democratisation in the former Soviet Union

The decline of Russian semi-democracy. So much is being written about trends towards renewed authoritarianism in Russia that I will not here give any detailed description. The litany of Western criticisms is familiar: lack of effective parliamentary opposition parties, lack of effective electoral competition for the presidency, increasing state control or influence over the media, lack of transparency and independence in the rule of law (Khodorkovsky case), etc.

Yet Putin's presidential regime manifestly enjoys public legitimacy, and the demise of political personalities deemed to be truly democratic by Western observers is devastating. Opinion polls consistently confirm the results of the presidential election of the spring of 2004. Putin continues to command an overwhelming majority support. The next three most popular politicians are the unreconstructed communists Kharitanov and Zyuganov, and the ultra-nationalist court jester figure of Zhirinovsky (all under 10%). The ranking democrats Khakamada and Yavlinsky are humiliatingly down to 2 or 1% support ratings.

What do Russians think they are doing politically? One interpretation is that Russians are not only accustomed to strong personalised leadership from the Tsars to the Communists, but have also observed the perils of chaotic democracy with weak leadership. The Russia of President Yeltsin was perceived to be risking political disintegration at the level of the regions, and the manifest chaos in the government had become laughable at times, to the point of loss of national pride. Sergei Ivanov, head of the Russian National Security Council, recently interviewed by a Western journalist about perceived failings in Russian democracy, answered:

> You must be talking about your model, your idea of Western democracy, but if Western democracy exists, there should be Eastern and Southern democracies.

More explicit and analytical is Ivan Ivanov, former deputy foreign minister, who has offered a vivid Russian self-perception in relation to the processes of European integration:

> Our country is not in need of affiliation with the EU. This would entail loss of its unique Euro-Asian specifics, the role of the centre of attraction of the re-integration of the CIS, independence in foreign economic and defence policies, and complete restructuring (once more) of all Russian statehood based on the requirements of the European Union. Finally, great powers (and it is too soon to abandon calling

ourselves such) do not dissolve in integration unions – they create them around themselves.[14]

To say the least, Russia is not yearning to attach itself to the Europeanisation train. In response the EU is itself discouraged or confused about whether it should try to exert leverage on Russian political and human rights tendencies. The EU understands that the kind of intrusive political conditionality it is engaged upon in much of the European periphery cannot work against the political current. In the last year there were revealing episodes with Russia, in which the EU institutions and national leaders tried to define their position on Russian politics. There was the now-notorious Italian Presidency of the EU in the second half of 2003, which saw Prime Minister Berlusconi at a summit press conference with President Putin volunteering to serve as Putin's advocate in response to critical questions about Chechnya. The European Commission, supported certainly by a good number of member states, followed a few months later with a policy paper proposing a return to order by the EU as a whole, with due emphasis on values and principles of democracy and human rights in its dealings with Russia. As soon as the EU Council of Foreign Ministers had broadly endorsed such a position, President Chirac made a speech the day after recommending that the EU should show more respect towards Russia. Here the EU was putting itself by default in virtual alliance with President Bush, whose position on Russia and Chechnya was, as ever, defined through the prism of the 'war on terror'. Terrrorists are the enemy wherever, from Al Qaida to Chechya, and the enemies of terrorism are my allies. Thus President Putin has had a not-uncomfortable ride in international relations even with respect to the manifest, sustained and large-scale abuses of human rights by his security forces in Chechnya, let alone the progressive withering of Russian democracy.

An historian of Russian philosophy, seeking to take a longer view of these tendencies, recently wrote in terms that were still entirely consistent with that of Ivanov's quoted above:

> Russia is not an enigma. Against the background of the Russian Idea, Putin's increasing authoritarianism is no mystery; nor is its acceptability to most Russians. Russia has a strong need to believe it is morally right to hold out against total westernisation. National pride is not only, not even largely, built on military strength. Moral self-belief is the key.

> Russia can probably now look to a longer period of stability precisely because it has re-established an official national discourse that Russians feel at home with. Putin's authority has been boosted by unprecedented economic growth, but it is also rooted in the moral tradition – moral as Russians understand it – he has helped revive. [15]

My own inclination is still to view Russia as an enigma, in the sense that profound changes in politics there seem to be constantly happening and constantly unpredictable. While the above quotations have Russia installed solidly in its role of the not-so-democratic 'other', a contrary view is that Putin's present ascendancy will weaken as his personal rule fails to solve terrible problems, first of all that of Chechnya. At present the Chechnyan tragedy is poison for Russian democracy, as loyalty to the war against terror suppresses opposition voices, Russian society becomes even more intolerant towards its Caucasian and Islamic minorities, and abuses of human rights by Russian security forces go unchecked by the judiciary. In this sense, Dmitri Trenin is arguing that Chechnya will determine the future of Russian democracy,[16] and indeed for the time being more violence from Chechnya means less democracy for Russia. Others are arguing, for

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[14] I. Ivanov, "Covremennaya Europa", Institut Europi, 2001.

[15] Lesley Chamberlain, "Holding a key to the Otherland", *Financial Times*, 17-18 July 2004, based on the book *Motherland: A Philosophical History of Russia*, London: Atlantic Books, 2004.

[16] D. Trenin, *The End of Eurasia,* Carnegie Moscow Center, Moscow, 2001.

example Anders Aslund,[17] that Putin's second term is going to run into big trouble, with falling popular support, and that the very recent aggravation of Chechnyan suicide bombing and hostage-taking will lead to the realisation that his policies and indeed regime are not working. This could lead to a swing in the pendulum back in favour of a more democratic regime, Latin American style. Who knows?

It may be that the EU will be part of the background to the next tendencies in Russia. For the moment Russia plays the part of being above EU's neighbourhood policy and its sermonising about democracy and human rights. But if the other CIS countries of the now-overlapping near abroads turn increasing towards Europe, a message will begin to sink into the internal debate of Russia's governmental elite about their geo-political attitudes. The people for their part may be steadily normalising, westernising, globalising and Europeanising in their attitudes. Here it becomes important, however, whether the enlarging EU, of 25 to 30 member states, shows it can still function and indeed build up its political, economic and foreign policy strengths, and in particular develop a real neighbourhood policy.

The EU's new neighbours. The essential point here is that the present political regimes of Ukraine, Moldova, Georgia and Armenia may be potentially fluid, in the direction of renewed moves towards democratic and governance reform. All these states have fallen into a condition of deeply corrupted democracy, with linkages between newly privatised ownership structures in the economy and the interests of the political leaderships. The new political economy of these states has created vicious circles of resistance to economic and political reform. But this is not the same type of resistance or disinterest in democracy observed in Russia. If Russian non-democracy is supported by the politics of difference and identity compared to Western Europe, there is no such antibody in the system of these other European CIS states. On the contrary Ukraine, Moldova, Georgia and Armenia are all asking the EU for a 'perspective' membership in the long-term. While Russia has a powerful geo-political position (especially energy and military aspects) in its near abroad, it has no normative political appeal for its neighbours. On the contrary, the more Russia makes non-democracy part of its politics of difference and identity, the more the neighbours want Europeanisation.

The Georgian 'rose revolution' is one example from the last year. This signalled some salient factors. Poorly performing corrupt democracies in the Russian near abroad may resist collapse for a while because of certain political equilibrium factors already referred to, but when they do collapse, the reference becomes Europe, meaning the EU. A related factor was the US-EU interrelation in the Saakashvili regime change. US diplomacy was certainly by far the most active in the run up to the overthrow of Shervarnadse. Yet when his moment of triumph came, Saakashvili thanked Secretary of State Powell, and waved the EU flag. European integration is a distant but conceivable prospect, integration with the US is not. Saakashvili became instantly the darling of the West, his Europeanising credentials boosted by his Dutch wife, and choice of a French diplomat (of Georgian origin) as his foreign minister. His credibility was enhanced when he pulled off without bloodshed the collapse of the Abashidse local dictatorship in Ajara. The virus of popular uprising against rotten leadership was spreading. But at the time of writing, his attempt to move on into regaining secessionist Southern Ossetia and Abkhazia, presumably hoping for the virus to spread there too, seems now to encounter firmer resistance from the local leaderships that enjoy explicit backing, and indeed protection from Russia.[18]

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[17] A. Aslund, *Moscow Times*, 13 July 2004.

[18] In particular his threat in August 2004 to sink any ship trying to break the Georgian blockade of Sukhumi harbour, possibly carrying Russian tourists, seems to have been a major tactical mistake. It immediately provoked Russian parliamentarian Vladimir Zhirinovsky to hire a ship in the Black Sea and head for Sukhumi with a boatload of Russian political figures and journalists. Georgia did not dare sink his ship, and Zhirinovsky received a hero's welcome.

There is an Armenian analogue waiting to happen. The current regime there is one of the most egregious examples of the corrupted democracy equilibrium, in which the business interests and monopolistic controls of the ruling class stifle all chances of true economic reform and renaissance. Impoverished Armenia, holding on to Nagorno Karabakh and other Azeri territories, is desperately dependent on US diaspora money and Russian security guarantees. Yet the common perception is that neither the US nor Russia is their nation's future, except for among the emigrants. "Europe is the only light at the end of the tunnel", as an Armenian commentator said recently. A cleaning up of Armenian democracy is indispensable for economic recovery. This is why the potential of European Neighbourhood Policy here too is considerable.

For Moldova the Europeanising prospect seems inevitable, given their geographical and cultural-linguistic proximity to Romania, which could accede to the EU in a few years time. Since most Romanian-speaking Moldovans can obtain Romanian citizenship, they will have access also to EU citizenship. A substantial proportion of the population has already emigrated to Western Europe. If Moldova does not improve its domestic governance and economic performance in the next years, a further catastrophic emigration seems inevitable. The people will be voting with their feet. There is even the conceivable scenario of Moldova at some point after Romania's accession returning to the idea of re-unifying with Romania in a common state, drawing on the precedent of the DDR acceding to the EU automatically upon German re-unification. This would be a special model for the weak state to secure anchorage into the EU, without having passed the Copenhagen criteria and undergone the usual negotiation process. The EU has begun to apply its politically conventional Neighbourhood Policy in Moldova. The incentives provided under this policy may well be insufficient to motivate and drive Moldova's Europeanisation, in which case, a different integration logic will take over, for example the politically incorrect DDR model idea. This would trigger some final solution to the annoying little Transniestria problem, either for it to confirm a vocation as a mini-Russian protectorate, for which there are no democracy conditions, or for it too to vote with its feet into Europe.

This leaves Ukraine as the biggest open question for democracy in Europe. President Kuchma's reputation has not been able to recover from the lurid Gongadze affair. His succession will be decided in an election in October 2004, in a contest between Yushenko, who is styled as a Westerniser and Europeaniser, versus Yanukovitch, who belongs to the new oligarch class from Donetsk. Ukraine is the interesting question, in the sense that the other two big non-EU states today, Russia and Turkey, point in clearly opposite directions. One is definitely not a candidate for the EU and is not trying to become a Western democracy, whereas the other is decidedly the reverse on both accounts. Where does Ukraine position itself? Maybe an eternal buffer zone and compromise between Russia and the EU, matching its internal regional divisions of interest and culture? Maybe the perpetual player of the game of playing one off against the other? It does seem clear that Ukrainian independent statehood is established. The resistance to renewed union with Russia seems strong. It is now the direct neighbour of the EU, and it has already suffered some negative consequences of exclusion, notably visa restrictions on cross-border movements. So maybe the 'eternal compromise' will not be so sustainable in due course. Could Ukraine under new leadership put itself into a modernisation and democratisation drive with the same energy as Turkey, but without a credible incentive of long-term EU accession? This looks unlikely today, but the impact of the Polish and Baltic accession to the EU may build up, and help turn the trend, especially if Turkey also sustains its convergence on EU norms.

A smaller but still interesting question for the future is what will happen in Belarus after Lukashenko's departure some day. Belarus is sufficiently small that all possibilities seem open, from becoming functionally integrated with Russia, with some kind of special association status, through to the opposite of submitting a clear application for EU membership, volunteering to embark on the pre-accession conditionality and harmonisation process. The latter course would of course mean full Europeanisation politically, and the Polish and Baltic models would be there to

provide vivid inspiration. If the Ukrainian model might more likely remain in the compromise mode, Belarus could more easily – because it is smaller, more unified and potentially agile – make a categorical choice.

The last footnote here belongs to Azerbaijan, whose political regime under the Aliev dynasty seems to trend more towards the authoritarianism of contemporary Central Asia, than towards the norms of the Council of Europe of which it is a member. The Central Asian states themselves are now, as noted above, nowhere on the map even of democratic transition. This is confirming our underlying argument that the processes of democratisation in the wider European neighbourhood are obeying something of a cultural-societal gravity model.

The European Court of Human Rights in the former Soviet Union. In their first years of post-communist independence, all the European CIS states except Belarus joined the Council of Europe, entailing as conditions that they subscribe not only to general principles of democracy, but also to the precise and legally binding European Convention on Fundamental Freedoms and Human Rights, and thence to the jurisdiction of the European Court of Human Rights in Strasbourg. This has meant at least a toehold, if not anchor, for democracy, human rights and the rule of law in a permanent European institution. All the new member states – Russia, Ukraine, Moldova, Georgia, Armenia, Azerbaijan – were admitted when they were making their first experiments in democratic practice. There was at the time a difficult and controversial debate among the old member states whether these countries met the conditions for membership, and if not whether they should be admitted on a probationary basis, expecting that the encouragement factor would prevail, whereas exclusion would be a recipe for the early collapse of their democratic openings. In the event all the above states were given the benefit of the doubt, and only Belarus ruled itself out.

While the continuing monitoring and conditionality of the Council of Europe is a loose affair for the general conditions of democracy in terms of definitions, criteria and above all in not being directly legally binding, the reverse holds on all accounts for the Convention and Court of Human Rights. The new member states of the Council of Europe stepped quickly into this remarkable mechanism of supranational jurisdiction, probably with little awareness of what it would mean. The reality is that the Convention and Court of Human Rights represents the highest degree of political and legal integration, which might normally be expected to be found only among the strongest features of a system like the EU, and not of a marginal and otherwise weak organisation for regional cooperation.

Students of the rule of law in transition states may not yet have readily available a digest of the work of the European Court of Human Rights (Strasbourg) as it now begins to grapple with cases submitted from the former Soviet Union states that are now member states of the Council of Europe. There are time lags in the process, since the Court cannot accept cases arising before accession, and domestic remedies have to be exhausted before Strasbourg can have jurisdiction. Given the dimensions of this new responsibility for the Court in terms of population and presumed incidence of human right abuses in this group of states, there has been serious concern that either the Court would be overwhelmed by an avalanche of cases that it could not possibly handle, or that the states concerned would refuse to respect its judgements.

For Russia alone, 18,500 complaints have been lodged since ratification of the European Convention for Human Rights by Russia on 5 May 1998. Of these about 9,000 were not admitted on preliminary examination by the panel of three judges. Another 9,000 have not yet been processed. 270 cases have been communicated to the Russian Government, marking that the procedure of admissibility by the Grand Chamber of judges has started. 40 cases have been accepted by the Grand Chamber for trial, and 10 judgements have been made so far.

In the Annex we document all 21 cases of final judgements by the Court so far from these CIS states.[19] These number 10 from Russia, 6 from Moldova, 4 from Ukraine and 1 from Georgia. The following statistics[20] show which were the specific human rights on which the cases were founded:

Article 3 - Prohibition of torture and degrading treatment	3 cases
Article 5 - Right to liberty (includes conditions of detention)	5 cases
Article 6 - Right to fair trial/hearing/legal certainty	9 cases
Article 8 - Right to respect for private life	1 case
Article 9 – Right to freedom of religion	1 case
Article 10 – Right to freedom of expression	1 case
Article 13 – Right to effective remedy	3 cases
Protocol 1 – Right to protection of private property	3 cases

The most recent case of Ilascu and others v. Moldova and Russia is of special international interest, since it concerns plaintiffs from the non-recognised secessionist Transniestria. Mr Ilascu in particular had been sentenced to death for anti-Soviet activity in 1992, before Russia's ratification of the Convention, but the conditions of inhuman detention on death row continued even until Russia's ratification in 1998. Who is responsible for the rule of law in a failed, unrecognised, secessionist, non-state entity? The Court deemed that Russia was responsible since their forces had been responsible for the original arrest, and their continued presence in Transniestria, in denial of OSCE agreements to withdraw, had supported the continued existence of the non-recognised regime. This bears comparison with the Loizdou case in Northern Cyprus, where Turkey as occupying power in this non-recognised secessionist entity was in multiple rulings (1995, 1996, 1998) judged to be responsible for the denial of property rights to the Greek Cypriot plaintiff. Russia has been ordered to pay €180,000 in compensation to Mr Ilascu. The Russian judge in Strasbourg wrote a lengthy dissenting position, but was overruled by 16 votes to one. Consensus or unanimity is not required for the Court's judgements, whose acceptance is unconditionally obligatory upon the guilty party. The Russian foreign ministry issued criticisms of the judgement, but has not refused to comply.

Six complaints against Russia 'concerning events in Chechnya' were declared admissible in January 2003, and the Court will hear these cases on 14 October 2004. The complaints concern allegations of torture and extra-judicial executions, and indiscriminate bombing causing loss of life and destruction or private property.[21] The forthcoming judgements on these cases will be taken against the background of serious tensions within Russia, and between Russia and the EU, in the aftermath of the Beslan tragedy of early September.

What is to be made of these first years' experience of the Court of Human Rights, which is demanding high compliance from states that are otherwise either not progressing in terms of the quality of their democracies, or relapsing either into semi-failed state or semi-authoritarian regimes? Pessimistic interpretations would dismiss these few judged cases as being mere specks of dust compared to the main functioning of legal institutions in these states. A more optimistic interpretation would be that this European supreme court for human rights, at the top of the legal pyramids of each these states, has become a permanent feature of their systems. It has provided also an institutional and normative basis for judges, prosecutors and lawyers in these states to value as part of their system. The case law moreover is all the richer for the multilateral quality of the Convention and Court, and the 21 cases documented here all become of course valid case law for all member states. The Court offers to the legal profession an independent axis for

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[19] The authors are grateful to Natalia Loguinova for research assistance in assembling this digest.

[20] Several cases involved more than one human right, hence the total number exceeds 21.

[21] See European Court of Human Rights, Press Release 16 January 2003 (available at www.echr.coe.int).

development of the rule of law, and one that cannot be touched by domestic politicians. Associated training and seminar activities in Strasbourg are drawing in considerable numbers of legal practitioners, to learn more deeply about European norms and practices. One extraordinary quality and chance has been for these new member states to become politically equal owners of the system, which means that the chances of this foothold for international standards becoming the anchor in due course should be quite good. By comparison, this is light years ahead of whatever Europe's Arab/Islamic neighbours might today be willing to contemplate, for example for some Arab or Central Asian Convention and Court of Human Rights, or what Latin and North America might consider together.

6. Conclusions

We conclude with a handful of principal ideas.

First, the remarkable success of democratisation in much but far from all of Europe since the beginning of the post-communist period is undoubtedly linked to the processes of European integration centred on the EU. The fit between democratisation and the strength of the EU connection leads to the idea of a gravity model of democratisation, according to which fast and deep democratisation is explained to a significant degree by the proximity and possibility of anchorage and integration with a major world centre of democracy. Where there are no such gravitational forces, the process of democratisation may still be a universal tendency going with economic and social advance, but the timing and smoothness of the process may be much longer and more drawn out, and subject to reverses and huge uncertainties as to sequencing. Within Europe, while the EU is now the leading driver of democratisation, overall the US finds it quite easy to encourage this process, and aid it at critical moments when some extra hard power is needed (e.g. Balkans), so here there is complementarity of roles, and no real dispute over principles or methods. The NATO enlargement process led by the US has also been perfectly complementary to the EU enlargement processes in reinforcing the mechanisms of democracy conditionality.

Second, the absence of this integration dimension to the role of the US in the Americas has meant that the gravity model could not really work in Latin America, except maybe to a degree in the case of direct neighbour Mexico, with the OAS remaining a thin international organisation. This also connects to a wider structural difference in the roles of the EU and the US as the two pillars of world democracy. The US does not have a regional integration dimension largely because it is such a huge and mature modern state structure, compared to Europe where the EU is still a collection of integrating states without a hegemonic power centre. The distinction between internal and external for the US is clear, all the more so after September 11th, whereas for Europe this distinction is blurred. Part of the same package is the huge military power of the US, and limited means of the EU. All this has led to a different culture or philosophy of democratisation regarding the rest of the world. The EU has been able to employ extremely intrusive political conditionality as levers to secure democratic practice, but only in its field of gravity, where the integration prospect legitimises the conditionality. The US on the other hand seeks to project its huge power and influence globally. However, in the present post-September 11th environment, this has led to a disastrous mingling of three distinct matters: democratisation, the war against terror and the axis of evil. In particular it has seen the US' military intervention in Iraq ('shock and awe' in the words of the Pentagon) as an intended instrument of democratisation in default for the WMD rationale, which has had negative consequences for the reputation of the US as world leader of democratic values.

Third, on the other hand the European gravity model of democratisation is itself not without problems. Where does the gravitational pull end, and what happens in the territories next beyond? An attempted answer to these questions is seen in the efforts of the enlarged and still further

enlarging EU to develop a neighbourhood policy for its new neighbours. This brings together two theatres of operation: the CIS states of the former Soviet Union states and the Arab states of the Mediterranean and Israel.

As regards the former FSU states, Russia now seeks as a matter of foreign policy priority to reconsolidate the CIS space with its own gravity model, based on history, military presence and energy geo-economics, as well as disinclination to follow anything like EU political criteria and conditionality. On the contrary, exclusion from perspectives of EU accession seems to lead as a matter of political psychology into wanting to be the 'other', which means inter alia being not-so-democratic. The EU's positive democracy gravity model may then have the unintended effect of stimulating on the other side of the field a contrary gravity model, actually stimulating undemocratic practise. Russia's power of attraction for its neighbours is nonetheless damaged by a lack of normative appeal and the tragic brutalities of Chechnya, yet still one can observe the plusses and minuses of the two alternative centres of gravity being weighed in the discourse of Ukrainian leaders, for example.

As regards the Mediterranean countries, the EU's attempt to build on its Barcelona partnership to make a new Neighbourhood relationship is certainly worth a try. Countries such as Morocco are possibly showing the way for gradual modernisation and democratisation, encouraged by close proximity to Europe. The EU hopes to encourage the set of progressive and moderate Arab states, but the issue of how far or fast political conditionality can be brought into the process is a highly delicate and as yet unresolved issue. The Mediterranean countries, together with Turkey as accession candidates, could conceivably become an increasingly solid bulwark of moderate and modernising Muslim states that favour the harmony of civilisations. Beyond this possible bulwark lies the hard core of the problem: Iraq, Iran, Saudi Arabia and Afghanistan (which lie outside the scope of this paper).

Fourth, and finally, is the big European question. Through its new 'neighbourhood policy' idea, the EU sets out in principle to extend its gravitational field in favour of democracy and human rights, but without the incentive of accession perspectives it seems most uncertain whether this can work. This reluctance to extend further the perspectives for EU enlargement is driven by concern that the EU itself would become ungovernable, which would in turn destroy the magnetism of its field of gravity. In this sense the EU may tend to move towards the US model, which does not offer political integration to its neighbours. So there may be some kind of equilibrium underlying the world's current governance structures, in which the EU and US may remain the only two major continental centres of democracy for longer than our leaders hope. The other possibility is that Europe will continue to devise further dimensions to its complex of regional and partly integrative governance structures in its wider neighbourhood. This would emphasise that Europe does not become a binary regime of 'in' or 'out' of the EU, but one in which European values, policies and integration dynamics can be extended beyond the core, maybe on into the Arab/Islamic neighbourhood, starting with the moderate Mediterranean Arab states, leading on to a positive civilisational influence at some later stage in the more difficult parts of the Greater Middle East.

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Annex

Judgements of the European Court of Human Rights: Cases Involving CIS Member States of the Council of Europe

Russia

1. Gusinskiy v. Russia (19.05.2004)

Mr Gusinskiy, a Russian and Israeli national, was arrested on 13 of June on suspicion that he had fraudulently transferred broadcasting functions from the state-owned company to the private one. ECHR held that Mr Gusinskiy's detention was in breach of the Amnesty Act which gives him protection against imprisonment. ECHR found that the Russian Code of Criminal Procedure on detention does not attain the quality of law requirements in Article 5 (right to liberty and security) of the European Convention on Human Rights. No non-pecuniary damage was awarded by the Court.

2. Plaksin v. Russia (29.04.2004)

ECHR awarded victory and €2,500 for non-pecuniary damage to Mr Plaksin, a Russian national, born in 1965. The applicant sued the Russian government over the length of the civil proceedings he brought after a fire in his flat left his daughter severely injured and his possessions destroyed. The proceedings lasted five and a half years and are still pending. Furthermore there was no court in Russia to complain about the excessive length of the proceedings. The Court held that there had been a violation of Articles 6 § 1 (right to a hearing within a reasonable time) and 13 (right to an effective remedy) of the Convention.

3. Kormacheva v. Russia (29.01.04)

Ms Kormacheva, a Russian national, born in 1952, issued proceedings against a former employer for the recovery of sums due to her dismissal. ECHR held that the proceedings which had lasted more than 5 years were in violation of Article 6 (right to a trial within a reasonable time) and also in breach of Article 13 (right to an effective remedy) in that no remedy was available in Russia which would have enabled the applicant to enforce her right to a hearing within a reasonable time. The Court awarded the applicant €3,000 for non-pecuniary damage.

4. Rakevich v. Russia (28.10.2003)

The applicant, Ms Rakevich, a Russian national, born in 1961, was taken to a psychiatric hospital in September 1999. Two days later the medical commission diagnosed her as suffering from paranoid schizophrenia and applied for the court order authorising her detention. The matter came before the court 40 days later, instead of 5 days as required by law. ECHR held that there was violation of Article 5 §§ 1, 4 (right to liberty and security) and awarded the applicant €3,000 for non-pecuniary measures.

5. Timofeyev v. Russia (23.10.2003)

ECHR held that there had been a violation of Article 6 § 1 (right to fair trial) of the Convention and Article 1 of Protocol No. 1 (protection of property) in the case of Mr Timovfeyev, a Russian national, born in 1948. The applicant tried to recover his confiscated property after the unlawful persecution by the State in 1981 for dissemination of anti-Soviet propaganda. The 3-year delay in the execution of the final judgement of 8 December 1998 was due to the intervention of the supervisory-review authorities, and lack of clarity in the judgement.

6. Ryabykh v. Russia (24.07.2003)

In 1998 Ms Ryabykh, a Russian national, born in 1949, sued the Saving Bank of Russia and the State for the drop in value of her personal savings after economic reforms in 1991. The District Court awarded her 133,936 roubles. This judgement was set aside by the Regional Court The applicant was neither informed that her claims had been dismissed nor invited to attend the hearing. ECHR found that supervisory-review procedure had infringed the principle of legal certainty and the applicant's right to a fair hearing under Article 6 § 1 of the Convention.

7. Smirnova v. Russia (24.07.2003)

On 5 February 1993 criminal proceedings were brought against two Russian nationals, Yelena Smirnova and Irina Smirnova, twin sisters born in 1967, on suspicion of having defrauded a Moscow bank by obtaining a loan on false pretences. ECHR held that repeated detention in the course of one criminal investigation, and the length of the proceedings (over 9 years in case of Elena Smirnova) amounted to a violation of Article 5 (right to liberty and security) and 6 (right to a fair trial within a reasonable time). Yelena Smirnova's national identity paper ('internal passport') was taken away from her when she was arrested in 1995 and withheld over 4 years. There had accordingly been a violation of Article 8 (right to respect for private life). ECHR awarded the first applicant €3,500 and the second applicant €2,000 for non-pecuniary damage.

8. Posokhov v. Russia (04.03.2003)

On 22 May 2000 Mr Posokhov, a Russian national, born in 1966, who worked for a Taganrog Customs Board, was held guilty in criminal proceedings brought against him for being an accessory in the avoidance of customs duties and of abuse of office. ECHR held that there had been a violation of Article 6 § 1 (right to fair hearing by an independent and impartial tribunal) of the Convention. The applicant was convicted by a court composed with no legal grounds for the participation of the two lay judges in the administration of justice on the day of the trial.

9. Kalashnikov v. Russia (15.7.2002)

Mr Kalashnikov, a Russian national born in 1955 and president of the Northeast Commercial Bank was charged in 1995 with embezzlement. ECHR found that the applicant's conditions of detention, in particular the severely overcrowded and unhealthy environment (there was 0.9 -1.9 m² of space per inmate in the cell) and its detrimental effect on the applicant's health, had been in violation of Article 3 (prohibition of inhuman or degrading treatment) of the Convention. The period spent by the applicant in detention pending trial (over four years) exceeded a 'reasonable time'. The applicant was awarded by ECHR €5,000 for non-pecuniary damage and €3,000 for costs and expenses.

10. Burdov v. Russia (07.05.2002) First judgement concerning Russia

In 1986-87 Mr Burdov, a Russian national, took part in emergency operations at the site of the Chernobyl nuclear disaster in 1986-87 and, as the result suffered from extensive exposure to radioactive emissions. In 1991 he was awarded compensation by the State. Mr Burdov sued the Russian government in 2000 over its failure for years to enforce the national court decision to pay him the compensation. ECHR held that Article 6 § 1 (right to a fair trial) and Article 1 of Protocol No 1 (protection of property) were violated.

Moldova

1. Ilascu and Others v. Moldova and Russia (08.07.04)

The applicants, all Moldovan nationals at the time of application, were arrested in 1992 and accused of anti-Soviet activities and combating the government of the State of Transdniestria, and also charged with two murders. Mr Ilascu was sentenced to death, while the applicants Lesco, Ivantoc, Petrov-Popa were sentenced to terms of 12 to 15 years' imprisonment. ECHR ruled that both states Moldova and Russia were in violation of Article 3 (prohibition of torture and inhuman or degrading treatment), excluding Moldova in the case of Ilescu, as well as Article 5 (right to liberty and security) and Article 34 (right of individual petition). ECHR established a link of responsibility of Russia for the applicants' fate on the grounds that the Russian authorities have contributed both militarily and politically to the creation of a separatist regime in Transdniestria. Having failed to withdraw its army from the region in accordance with 1999 and 2001 OSCE summit decisions, Russia virtually assured the survival of the Transniestria regime. Fines between €120,000 to 180,000 have to be paid by Russia to all the applicant, and of €60,000 by Moldova to some of them.

2. Luntre and Others v. Moldova, Pasteli and Others v. Moldova, Sîrbu and Others v. Moldova (15.06.2004)

The applicants, all Moldovan nationals living in the Republic of Moldova, complained about the non-enforcement of various judgments (for between 20 months and 5.5 years) due to lack of State funds. ECHR did not recognise the lack of funds as an excuse for not honouring a judgment. The Court held that the Moldovan authorities violated the provisions of Article 6 § 1 (access to a court) and Article 1 of Protocol No. 1 (protection of property). The amounts between €700 and €1,000 were awarded to the applicants in respect of non-pecuniary damage

4. Prodan v. Moldova (18.05.2004)

ECHR held that the Moldovian government's failure to enforce the national court ruling on restitution to Ms Prodan of her parent's home, nationalised in 1946, had violated Article 6 §1 (right to a fair hearing) of the Convention.The impossibility for the applicant to obtain the execution of the final judgement had also to be regarded as an interference with her rights to peaceful enjoyment of her possessions guaranteed by Article 1 of Protocol No. 1. ECHR awarded the applicant €14,000 for pecuniary and non-pecuniary damage.

5. Amihalachioaie v. Moldova (20.04.2004)

In 2000 Mr Amihalachioaie, a Moldovan national, born in 1949, criticised the decision of the Constitutional Court in the interview published in the "Economic Analysis" journal. The Constitutional Court imposed on the applicant an administrative fine of €36 for being disrespectful towards it. ECHR held that there had not been a "pressing social need" to restrict Mr Amihalachioaie's right to freedom of expression, guaranteed under Article 10 of the Convention, and that the domestic authorities had not provided "relevant and sufficient" grounds justifying the interference.

6. Metropolitan Church of Bessarabia and Others v. Moldova (13.12.2001)

ECHR held that the Moldovan government's refusal to recognise the Metropolitan Church of Bessarabia constituted interference with the right of that church and other applicants to freedom of religion as guaranteed by Article 9 §1 of the Convention. Moreover, the denial of the recognition had deprived the applicants of the right of access to a court to defend their rights and protect their property, given that only denominations recognised by the State enjoy legal protection.

Ukraine

1. Merit v. Ukraine (30.03.2004)

The applicant, Sam Merit, an Israeli national born in 1939, is the main owner of the enterprise registered in Ukraine. In 1997 a criminal investigation was opened against him on charges of smuggling and fraud. The criminal proceedings lodged against Mr Merit have lasted more than six years and are still pending. ECHR held that the Ukrainian government had violated Article 6 § 1 (right to a fair trial within a reasonable length of time) and Article 13 (right to an effective remedy). The Court awarded the applicant €2,500 for non-pecuniary damage and €1,500 for costs.

2. Naumenko v. Ukraine (10.02.2004)

The applicant, Mr Naumenko, a Ukrainian national born in 1964, is currently serving a life sentence in Zhytomyr Prison. In 1996 the Kharkiv Regional Court convicted him of two counts of murder, one attempt to murder and one count of rape. ECHR held that there was no violation of Article 3 (prohibition of torture or inhuman or degrading treatment) and Article 13 (right to an effective remedy) of the Convention in connection with the complaints about ill-treatment and torture lodged by Mr Naumenko.

3. Poltoratskiy, Kuznetsov, Nazarenko, Dankevich, Aliev, and Khokhlich v. Ukraine (29.04.2003)

The applicants were convicted of murder and attempt of murder and sentenced to death. A moratorium on executions was declared on 11 March 1997 and the death penalty was abolished on 22 February 2000. ECHR held that in all cases (excluding Aliev) there was violation of Article 3 (prohibition of

inhuman and degrading treatment or punishment) of the Convention as regards the conditions of detentions to which the applicants had been subjected on death row. ECHR awarded the applicants in each of the cases €2,000 for non-pecuniary damage.

4. Kaysin and others v. Ukraine (03.5.2001)

A friendly settlement was reached over a case brought to ECHR by the 13 applicants, all Ukrainian nationals, who worked for a state-owned company and complained about the non-execution of a domestic court ruling recognising their right to an invalidity pension. The Ukrainian Government has agreed to pay each applicant the equivalent of the invalidity pension plus 5,000 Ukrainian hryvnas in compensation.

Georgia

1. Assanidze v. Georgia (03.04.2004)

In 1994 Mr Assanidze, a Georgian national, a former mayor of Batumi and a member of the Ajarian Supreme Council, was accused of illegal financial dealings, and of unlawfully possessing and handling firearms. Later in 2000 he was accused of kidnapping. In both cases Mr Assanidze was acquitted, but he still remains in custody. ECHR held that there had been a violation of Article 5 § 1 (right to liberty and security) of the Convention on the account of the applicant's detention three years after having been acquitted.

Stratagen - Strategic Agenda for the Greater European Neighbourhood

A Programme of the Centre for European Policy Studies (CEPS), for 2005-2010

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CEPS has decided to build on and strengthen its work in this broad area through the *Stratagen* programme over the five-year period 2005-2010. The rationale for this initiative follows from both the EU's historic enlargement on 1 May 2004, which now leads the EU to define a new neighbourhood policy, and the unprecedented turmoil in the Middle East in the aftermath of September 11th and the Iraq war, with its consequences for transatlantic relations.

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- EU-Russian relations
- Southern neighbourhood policy, covering Mediterranean states, but reaching also into what is now officially called the Broader Middle East and North Africa (BMENA)
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