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Partnership Policy Brief

The ENP and the “democracy bug”¹

The recent upheaval sweeping the EU’s Southern neighborhood and Brussels’ handling of the crisis in North Africa and the Middle East carry far-reaching and severe repercussions for the European Neighborhood Policy. The Jasmine Revolution and the series of protests in Egypt, Yemen, Bahrain, and Syria explicitly reflected the existing disparity between a well-designed institutional framework for EU’s sustained engagement in its neighborhood and the unaddressed fundamental challenges on the ground. In a deliberate attempt to address this challenge, the EU and authoritarian regimes in the Eastern neighborhood have engaged in a radical rethinking of their policies and existing integration strategies. The EU is determined to adjust its policies as the world order evolves and its capacity to project force beyond its borders and exert influence on a range of pressing international issues becomes limited. Meanwhile, the eastern neighborhood political elites seem to have been focusing on examining flaws in authoritarian standards of behavior rather than making major policy shifts in order to democratize the domestic political landscape. Evidently, the revolutionary uprisings in the Arab world have threatened other authoritarian regimes that continue to ignore the need for fundamental change tightening the monopoly of power and intensifying efforts to maintain state capture. Against this background, there is a considerable debate about what the implications of the ongoing revolts in the Middle East could be for equally authoritarian countries, such as Armenia, and whether the EU is ready institutionally and diplomatically to respond to such developments appropriately. Understanding this issue is critical – before the EU embarks on a more energetic reshaping of the policies towards Armenia.

There is little doubt that the Armenian government has become increasingly sophisticated in the way it resists pressures over human rights and political reforms. Looking back over the five years of EU-Armenia relations, the 2010 ENP monitoring report produced by the Partnership for Open Society continuously exposed inconsistencies in the authorities approach to the formal aspects of democracy – elections, political pluralism, or a constitution - explicitly suggesting that the regime has learned to manipulate the institutions of democracy so that they give the appearance of a

¹ The Economist coined term

genuine political openness without its substance. Fundamentally, the Armenian government retains the formal trappings of democracy emphasizing that they are pursuing its key principles like accountability and pluralism in their own way. However, in the face of the events in the South, and against the background of alarming political trends in Armenia, the EU needs to rethink entirely its policies towards the Eastern neighborhood and recommit to conditional engagement, while the Armenian government should hinder the bandwagoning behavior and put more weight on revising its foreign policy priorities.

2010 was the fourth consecutive year in which the ENP has underperformed in Armenia both in terms of its political reforms and economic development objectives. Paradoxically, the Armenian government seems to be moving towards authoritarian consolidation and the elites continue prioritizing the status quo of partial reform over tangible political transition. With lack of commitment and political will to pursue effective reformist steps, the Armenian policy makers are placing an increased priority on legislative-drafting activities, particularly, illusory box-ticking reforms that in practice fail to transform the domestic political landscape. According to the Monitoring Report's findings, there were few, if any, improvements in 2010 both in terms of fulfilling the Action Plan objectives and inducing political change. In fact, the country seems to be moving in the opposite direction given the persistence of anti-democratic practices and the efforts of the highly consolidated authoritarian leaders to tighten their grip on power. The government's strategy for digital switchover that will potentially facilitate the authorities' efforts to control most of the broadcast media, as well as the amendments to the Law on Radio and TV are good examples of this general negative trend. Freedom of assembly, access to justice and the right to fair trial, independence of judiciary, systemic corruption, along with extreme monopolization remain issues of concern. Amid this unhealthy political environment and worsening economic situation, the country saw a stark and extremely worrisome increase in the emigration and the poverty rates, which is a bleak reminder of the cost the Armenian society bears while the political elites get the benefits of state capture. These alarming developments should prompt a radical reexamination of the strategic priorities within the framework of the ENP Action Plan and comprehensive debates on the foreign policy course in general. The Armenian government will have to drastically improve its ENP implementation if it hopes to continue qualifying for EU funding. With the MCA development assistance looming, the leaders need to recognize that their bandwagoning strategy to win resources can no longer serve as an acceptable excuse for the lack of reforms, and to articulate a more assertive and sustainable development course and start laying the groundwork for a democratic transition.

Although since the launch of the ENP the EU has become more engaged in Armenia than ever before aspiring to anchor political and economic transition, in the course of the past four years it has failed to achieve most of the Action Plan objectives and the current strategy is proving ineffective and costly. Recent stormy discussions in Brussels that have shifted the ENP review process from the margins to the centre of the EU foreign policy agenda reflect the EU's struggle to preserve its status in the neighborhood. Evidently, the EU's sustained engagement has not significantly influenced political developments in the region, nor has it prevented authoritarian consolidation on the ground. In this environment, the EU taxpayer's money is being redirected from

democracy and human rights related initiatives to supporting and strengthening the corrupt local elites. As cries for change gain momentum in the Southern neighborhood and as protesters challenge their authoritarian leaders, many of who were indirectly supported and strengthened by EU funding, the need for a fundamental revision of the existing policies has become clearer.

Having set the stage for the ideological debates, policymakers in Brussels should recognize that the ENP might become politically irrelevant unless progress is made towards implementation of key Action Plan promises. Although the idea of “more for more” – more financial and political support to more reformist and democratic countries, seems to be central in the ENP debates at the moment, the EU still needs to address methodological and ideological questions surrounding this approach before formulating a clear and consistent policy. Fundamentally, for the EU to engineer a successful neighborhood policy, it needs to vigorously pursue the ENP objectives, include more assertive language condemning inaction or failure, use more sticks, and be stricter about the political conditions in Association Agreement and their DFCTA and Visa components negotiations. But, ultimately, to have a chance at impacting political reform process in Armenia under the present circumstances, the EU should develop a more articulate and consistent neighborhood strategy.

Recommendations for the Armenian policy makers

- Ensure genuine safeguards for the independence of judges, by restricting the President’s discretionary power in endorsing the list of judges, and by removing the test of “acceptability of the candidacy of the judge for the President” from the text of the Law
- Implement the new Anti-corruption Strategy and 2009-2012 Action Plan, as well as laws aimed at curbing corruption
- Design a comprehensive document envisaging the main activities to be undertaken in the course of digital switchover and develop independence guarantees for the media regulatory bodies by ensuring civil society’s participation in the order of formation, development of member selection criteria, etc.
- Guarantee a healthy political environment for holding free and fair elections by resolving the root-causes of the strongly problematic 2008 elections and pending issues with extensive restrictions on freedom of assembly, continued harassment of the press, opposition supporters and activists, as well as the existence of political prisoners
- Investigate each death in the army and provide a complete and full account for public information. End the atmosphere of impunity by ensuring transparent and independent investigation of cases, as well as fair trial standards
- Ensure proper and thorough investigation of torture cases and hold perpetrators accountable. Make the investigation accountable to Armenian public by reporting on the results of each such case (without opening the process and jeopardizing the investigative process)

Recommendations for EU policy makers

- Engineer a consistent neighborhood policy by initiating a fundamental transformation of both objectives and dominant strategies
- Match progress with the ambitions expressed in the ENP Action Plan in order to regain the place as a respected, trusted, and influential ally of democracy around the world
- Be less diplomatic and more assertive in Association Agreement dialogues by stressing the importance of the human rights dimension of the cooperation
- Put conditions on funding and ensure consistent monitoring and follow up
- Focus on the results rather than processes while developing or evaluating the neighborhood policy
- Engage with the civil society extensively and support their watchdogging activities and grass-roots initiatives in order to ensure the civil society participation in the decision-making and reform process