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Elections in the Eastern Neighbourhood after the renewed European Neighbourhood Policy

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ELECTIONS IN THE EASTERN NEIGHBOURHOOD AFTER THE RENEWED EUROPEAN NEIGHBOURHOOD POLICY

ABSTRACT

In 2012, parliamentary elections took place in four out of six Eastern neighbourhood countries. The EU referred to the elections in Armenia, Georgia and Ukraine as "litmus tests" for the quality of democracy in these countries, and maintained its standard rhetoric of "seizing the opportunity" with Belarus. However, the outcomes of the elections were extremely varied (compared to both other neighbouring countries in the region and previous elections), which indicates that the Eastern neighbourhood is still in flux and in some cases casts doubt even on the past political achievements. The paper examines the EU's response to this course of events, treating the EU as a normative power in the neighbourhood. Analysing the EU's behaviour is especially relevant in the context of the renewed European Neighbourhood Policy (ENP) in which the idea of "more for more" has been reiterated. The EU continues to face challenges in the Eastern neighbourhood due to the lack of consistency in its policy. The analysis shows that despite normative motives underlying the ENP, the EU is inconsistent in the ENP, still preferring to keep the relations with most of the neighbours on an equal level even if the developments in these countries are heterogeneous and would deserve deeper engagement with the EU.

INTRODUCTION

Democracy, rule of law and respect for human rights are key values of the European Union (EU) to which the member states adhere and which are central, both as a guideline as well as an aim, in the EU's foreign policy. One of the policies where the EU's commitment to "shared" norms and values has especially been underscored is the European Neighbourhood Policy (ENP). The main aims of the ENP have been "to create a ring of countries, sharing the EU's fundamental values and objectives"[1] and, as emphasised more recently, "to build and consolidate healthy democracies"[2]. This particular foreign policy vision has often led to the characterisation of the EU as a "normative power", an actor promoting democratic values through its own example.[3] Although the concept of normative power Europe (NPE) has found its

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1   European Commission (2004) European Neighbourhood Policy Strategy Paper. Communication from the Commission, COM(2004) 373 final, Brussels, 12.5.2004, p 5

2   European Commission (2011a) A new response to a changing Neighbourhood. Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions, COM(2011) 303, Brussels, 25/05/2011, p 1

3   Manners, I. (2002) Normative power Europe: a contradiction in terms? *Journal of Common Market Studies*, 40:2, pp 235–58; Manners, I. (2006) Normative power Europe reconsidered: beyond the crossroads, *Journal of European Public Policy*, 13:2, pp 182–199

place in the field of EU studies, it has also received significant criticism, calling for reconsideration and referring to the EU as "a normal power"[4] or as "a realist actor in normative clothes"[5]. The developments in the Eastern neighbourhood give us the opportunity to come back to the NPE debate and examine the extent to which NPE can be used as an explanation in the case of EU's policies towards the neighbourhood in 2012.

After the outbreak of the Arab uprisings in 2011, the criticism of the EU foreign policy (also expressed in the NPE debate) needed to be particularly addressed. The EU recognised, with regard to the ENP, that the policy "has not always been right"[6] and that radical changes in the neighbourhood require "a change in the EU's approach to the region"[7]. Although the statement was at the time specifically targeted at the Southern neighbourhood countries, the renewed neighbourhood policy[8] with which the EU came up was still aimed at both Eastern and Southern neighbourhoods. One of the central tenets in the reviewed policy was the concept of building "deep democracy" in partner countries, in which the primary element listed was "free and fair elections". The renewed approach was complemented with the promise of "more for more" (essentially meaning more support from the EU in return for more progress with reforms in a partner country).

It is in this context that the EU started to operate in the neighbourhood in 2011. It is also in this context that parliamentary elections took place in Armenia, Belarus, Georgia and Ukraine – four out of six Eastern neighbourhood countries[9] in 2012. The outcomes of these elections were extremely varied, ranging from "neither free nor fair" in Belarus to first successful peaceful transition of power in Georgia. This paper seeks to analyse comparatively the EU responses to the parliamentary elections in Armenia, Belarus, Georgia and Ukraine in order to evaluate the coherence and consistency of the EU's approach in the Eastern neighbourhood with the ENP.

The occurrence of regular, free and fair elections is usually regarded as one of the fundamental aspects of democracy. The conduct of an election can be a useful mirror for analysing the domestic situation in a country and for assessing

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4   E.g Wood, S. (2009) The European Union: A Normative or Normal Power? *European Foreign Affairs Review* 14: 113–128; Pardo, R. P. (2011) Normal Power Europe: Non-Proliferation and the Normalization of EU's Foreign Policy, *Journal of European Integration*, 34:1, pp 1–18

5   Seeberg, P. (2009) The EU as a realist actor in normative clothes: EU democracy promotion in Lebanon and the European Neighbourhood policy, *Democratization*, 16:1, pp 81–99

6   Füle, Š. (2012a) Speech at the Conference EU-Nachbarschaft – Der Arabische Frühling ein Jahr danach Munich, 3 February, SPEECH/12/66

7   European Commission (2011b) A Partnership for Democracy and Shared Prosperity with Southern Mediterranean, Joint Communication, Brussels, 8.03.2011, COM(2011) 200 final, p 3

8   European Commission (2011a)

9   Six countries that belong to the ENP Eastern neighbourhood are Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine

its level of democratic governance. The elections in the Eastern neighbourhood provide an appropriate occasion for the EU to assess the possible effect of its norm promotion policies, especially in light of the recent amendments to the ENP and to give impetus for further policy steps. The focus of this paper, however, is not on the assessment of the possible effect of the ENP on election outcomes in the Eastern neighbourhood, but instead, as mentioned above, on the EU's response to the conduct of the elections in the neighbourhood countries. For example, the paper looks at the kind of messages the EU was sending to its partners with regard to democratic principles in elections. Could any specific policy action be considered as a response to how the elections were conducted? Did the statements and actions of the EU in reality support the "more for more" approach written down on paper?

Due to the limits of the paper, this research only focuses on parliamentary elections of 2012 in four Eastern neighbourhood countries. Although in 2013 there were also presidential elections in several countries (Armenia, Azerbaijan, Georgia), the focus on parliamentary elections during 2012 is justified for several reasons. First, this enables us to compare the same type of elections in different neighbourhood countries in order to assess the political developments in these countries. Although it might be argued that all elections need to be evaluated on their own grounds, it is still relevant to establish a broader picture of the situation in the neighbourhood. For this reason, even if the role and powers of the parliaments in all four countries would be different, it would not diminish the value of the comparison. Second, the fact that all elections under scrutiny took place from May 2012 in Armenia to October 2012 in Ukraine gives an opportunity to contrast the EU's reactions to these elections in extremely narrow time frame. It can be expected that, given the short time period, there is a lesser likelihood of significant EU policy change between the elections, which in turn enables us to compare the EU's reaction in each case equally to the ENP, and also take into account the first fruits of the policy changes of 2011.

In analysing the election situation and the EU's reaction, the paper relies mostly on document analysis of various resources, such as a number of EU and other documents (ENP Progress Reports, press releases, memos, Council conclusions, OSCE/ODIHR election observation mission reports) as well as on secondary sources like analytical papers from several think tanks and articles from online news portals such as RFE/RL and EurActiv. By including a variety of sources the paper attempts to give a more complete picture of the EU's reactions to the conduct of elections in the Eastern neighbourhood.

The paper is organised as follows. First, a brief overview of the concept of NPE is given and then discussed in the context of the EU neighbourhood. The paper continues with describing the role of elections in the ENP, with particular focus on the four Eastern neighbourhood countries. Next, the case studies of parliamentary elections in Armenia, Belarus, Georgia and Ukraine follow. The case studies give a summary of the election processes in each country, present the main results from OSCE/ODIHR election observation mission reports and then go on to discuss the EU's reactions. Finally, the paper attempts to draw some general conclusions based on the cases analysed about the EU's policy in the Eastern neighbourhood. As the main conclusion derived from the analysis is that the EU lacked consistency in its actions towards the neighbourhood by exercising different levels of pressure and incentivization for unclear reasons, thus causing confusion among the neighbours, the conclusion also offers some suggestions for possible policy changes.

NORMATIVE POWER EUROPE

The concept of normative power Europe (NPE) introduced by Ian Manners is widespread in the research of the EU's identity and actorness in international relations. NPE describes the EU as an actor who adheres to and promotes in its policies a specific set of values and norms which it considers universal, such as peace, liberty, democracy, the rule of law and respect for human rights and fundamental freedoms.[10] A normative power is someone who has the "ability to shape conceptions of "normal""[11], someone who changes "the norms, standards and prescriptions of world politics away from the bounded expectations of state-centricity"[12]. As such, this differentiated between the EU and other actors in world politics, making the EU a different type of foreign policy actor. As a normative power, the norms and values are diffused by the EU via three propositions: first, by "living by example", second, by "being reasonable" in one's actions, and third, by "doing the least harm".[13] These are central to the EU's normative policy approach in its relations to the rest of the world.

Manners distinguishes between being normative and acting normatively. When the former is derived from the nature of the EU and/or historical development of

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10   Manners (2002) , p 242

11   Manners (2002), p 240

12   Manners, I. (2008), The normative ethics of the European Union, *International Affairs*, 84:1, p 65

13   Manners (2008), p 66

the EU, the latter means behaving in an ethically good manner.[14] In response to Manners, Aggestam has developed the notion of "ethical power Europe" to call for looking at what the EU "does" rather than what the EU "is". For her, it does not suffice to treat the EU only as a role model, the EU should also be actively working towards promoting its model.[15] Diez, on the other hand, has seen the EU's normative power in the context of constructing its identity as well as the identity of the EU's "Others".[16] Several authors see the EU's impact on emphasising the importance of the cosmopolitan aspect of international law.[17]

When looking at the mechanisms with which the EU is promoting its policies (also the ENP), the NPE sees that the EU must follow three principles: legitimacy, coherence and consistency (also summarised in Table 1 below). Legitimacy in the ENP is achieved through external sources, such as through referring to pre-existing commitments to non-EU organisations, treaties and agreements. For example, in the case of the Eastern neighbourhood, the EU refers to the membership of the Council of Europe and OSCE and the ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms as well as the UN human rights conventions. Legitimacy is also closely related to the principles of coherence and consistency. Coherence is understood as "ensuring that the EU is not simply pragmatically promoting its own norms, but that the principles are part of more international commitments", for example of the UN. Consistency refers to "ensuring that the EU is not promoting norms with which it does itself not comply".[18] Although all three principles in the ENP have received criticism, consistency has often been seen as the most problematic one.[19]

14 Whitman, R. G. (2011) Norms, Power and Europe: A New Agenda for Study of the EU and International Relations, in Whitman, R. G (Ed.) Normative Power Europe, Empirical and Theoretical Perspectives, Palgrave Macmillan, p 6

15 Aggestam, L. (2008) Introduction: ethical power Europe? *International Affairs*, 84:1, p 1

16 Diez, T. (2005) Constructing the Self and Changing Others: Reconsidering 'Normative Power Europe', *Millennium – Journal of International Studies*, 33:3, pp 613–639

17 E.g Sjursen, H. (2006) The EU as a "Normative Power": How Can This Be?, *Journal of European Public Policy*, 13:2, pp 235–251; Eriksen, E. (2006) The EU – A Cosmopolitan Polity?, *Journal of European Public Policy*, 13:2, pp 252–269

18 Manners, I. (2010) As You Like It: European Union Normative Power in the European Neighbourhood Policy, in Whitman, R. G & Wolff, S. (eds) *The European Neighbourhood Policy in Perspective. Contect, Implementation and Impact*, Palgrave MacMillan, pp 36–39

19 See, e.g Manners (2010), p 40; Pace, M. (2009) Paradoxes and contradictions in EU democracy promotion in the Mediterranean: the limits of EU normative power, *Democratization*, 16:1, pp 39-58; Noutcheva, G. (2009) Fake, partial and imposed compliance: the limits of the EU's normative power in the Western Balkans, *Journal of European Public Policy*, 16:7, pp 1065–1084

Table 1. EU principles and sources in the ENP (Eastern neighbourhood).

Principle	Legitimacy	Coherence	Consistency
Source(s)	External, such as pre-existing commitments to non-EU organisations, agreements and treaties	Integration with international commitments	Compliance with the principles the EU follows internally
Examples of the sources for the ENP	Council of Europe, OSCE, European Convention for the Protection of Human Rights and Fundamental Freedoms	Principles promoted by the ENP (democracy, human rights, rule of law) all part of the UN system	Democratic values; (in the future possibly a stake at the internal market, visa free travel)

Based on Manners (2010), pp 36–39.

The most important means through which EU normative power principles are put into practice in the ENP are the processes of persuasion, engagement and differentiation. As Manners points out, persuasion (through argumentation) is important in shaping communication between different actors, however, it has little meaning without engagement and an ability to differentiate by attributing shame or prestige.[20] In the ENP framework such tools are, for example, the use of rhetoric, communications, conditionality, all kinds of partnership institutionalizations which enable dialogue such as action plans, progress reports and association agreements, bilateral councils, bilateral and multilateral summits etc. Table 2 summarises these means in the ENP.

Table 2. The means the EU uses to promote its normative principles in the Eastern neighbourhood.

Means	Persuasion	Engagement	Differentiation
Examples of EU tools in the ENP	Rhetoric, communications	Communications, action plans, progress reports, association agreements, bilateral and multilateral summits	Conditionality, action plans, association agreements, financial support

Based on Manners (2010), pp 40–41, and examples of EU's tools in the neighbourhood, compiled by the author.

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20   Manners (2010), p 40; Manners (2008), p 78

The literature has remained relatively critical on how the EU has been able to promote its normative principles and achieve its aims in the neighbourhood. With respect to the same principles, the EU's approach has often been seen as inconsistent and/or limited. The EU has been seen to promote principles for different or unclear motivations, and/or using the means that are ineffective or even undermining the normative principles it has declared to follow. The variety of tools has been considered contradictory or simply inappropriate.[21] As such, the past record of the EU in the neighbourhood is mixed. In what follows, another attempt is made to analyse the EU's record by the example of elections in the EU's Eastern neighbourhood.

ENP IN THE EASTERN NEIGHBOURHOOD: PROMOTING "SHARED" VALUES

ENP constitutes a significant part of the EU foreign policy framework. The neighbours involved in the policy are 16 countries behind the EU's immediate borders in the East, South-East and South.[22] ENP was developed as a response to the EU enlargement rounds of 2004 and 2007, aiming to "develop a zone of prosperity and a friendly neighbourhood – a 'ring of friends' – with whom the EU enjoys close, peaceful and co-operative relations"[23]. The relations are based on bilateral Action Plans that consist of a set of priorities to bring the neighbours closer to the EU. In return for reforms the EU would offer more political support, share of the internal market, financial aid, different opportunities for educational, environmental and other sectoral cooperation. The Eastern Partnership (EaP, adopted in 2009) initiative aimed at deepening bilateral relations and at the same time creating a formula for multilateral cooperation. The EaP was referred to as "a more ambitious partnership"[24] and it set forth several new updates, among them Association Agreements, deep and comprehensive free trade areas (DCFTA), visa facilitation and visa-free travel, border management, energy security etc. The EU's

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21 E.g, Seeberg, P. (2009); Johansson-Nogués, E. (2007) The (Non-)Normative Power EU and the European Neighbourhood Policy: An Exceptional Policy for an Exceptional Actor? *European Political Economy Review*, No. 7, pp 181–14; Youngs, R. (2004), Normative dynamics and strategic interests in the EU's external identity", *Journal of Common Market Studies*, 42:2, pp. 415–435; Nielsen, K. L., Vilson, M. (2014) The Eastern Partnership: Soft Power or Policy Failure? *European Foreign Affairs Review*, 19:2, pp 243–262.

22 ENP covers Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Occupied Palestinian Territory, Syria, Tunisia and Ukraine.

23 European Commission (2003) Wider Europe – Neighbourhood: A New Framework for Relations with out Eastern and Souther Neighbours, COM(2003) 104 final, Brussels, 11.3.2003, p 4

24 European Commission (2008) Communication from the Commission to the European Parliament and the Council. Eastern Partnership. COM(2008) 823 final, Brussels, 3 December, p 2

aim to shape the environment in the neighbourhood by transforming it into more democratic, stable, prosperous and secure has been guiding the policy from the beginning and has not lost relevance. This corresponds also to the NPE principles outlined above.

In 2011, as a result of the Arab Spring, the EU once again called for a renewal of the ENP, resulting in the strategy paper *A New Response to a Changing Neighbourhood* that sought to renew the overall EU take on its neighbourhood, offered a "new approach" in terms of deep democracy, sustainable economic and social development, strengthening regional dimensions of the ENP as well as a more coherent EU policy framework through deepened differentiation.[25] The EU recognised that partnerships with each neighbour would develop "on the basis of its needs"[26] but that the EU support to its neighbours will be conditional: "the more and the faster a country progresses in its internal reforms, the more support it will get from the EU"[27]. The "more for more" approach was significant as it signalled the EU's attempt to distinguish between neighbours according to individual progress and not on geographical location as had been the case before. As the EU has attempted to apply differentiation in the ENP framework already since 2005, although with less determination[28], it remains to be seen how the EU would be implementing the "more for more" now.

When looking at the ENP documents with a focus on elections, all five Action Plans (APs)[29] have emphasised the "democratic conduct of elections" in accordance with international standards, usually under the sections "priorities for action" or "priority area 1" in AP jargon. These are mostly very general, calling for the partner countries to implement OSCE/ODIHR and Council of Europe recommendations regarding the election process. Considering that the APs were drawn up in the mid-2000s with a five-year perspective (and most of them have been prolonged ever since), this level of abstraction can be seen as controversial, not least due to the fact that the democratic conduct of elections has remained disputed in most countries in the neighbourhood and the annual Progress Reports measuring advancement towards goals listed in the APs have continued to enumerate more specific actions to be taken by the partner country.

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25 European Commission (2011a)

26 European Commission (2011a), p 2

27 European Commission (2011a), p 3

28 Tömmel, I. (2013) The New Neighbourhood Policy of the EU: An Appropriate Response to the Arab Spring?, *Democracy and Security*, 9:1–2, p 30

29 Out of the six neighbourhood countries, Action Plans have been signed with all except Belarus. The second generation of Action Plans are Association Agreements, expected to be adopted with Georgia, Moldova and Ukraine in short-term perspective

For example, the most recent Progress Reports discuss in relative detail Georgia's progress with electoral reform and the successes and shortcomings of 2012 parliamentary and 2013 presidential elections[30] (more on each country's elections will follow in the next section); or, in the case of Armenia, devote significant volume to the concerns about "the integrity of the electoral process"[31]. Similar elements are in place in the Association Agreement (AA) for Ukraine[32], and the Progress Reports adopted a fairly critical stance towards Ukrainian parliamentary elections, continuously emphasising that addressing "electoral shortcomings" was one of the three areas were progress was needed in order for the AA to be signed.[33] Although there is no AP with Belarus, the EU still annually prepares a memo documenting progress in relations and elections have featured regularly in this overview. It is exactly due to the grave violations in the election process that the EU has twice (2006-2008, reactivated in 2011) adopted restrictive measures against Belarusian officials.[34]

Aside of APs and country-specific progress reports, there are several other EU strategy and progress documents that are relevant in this context. Most importantly, the renewed ENP strategy document *A New Response to a Changing Neighbourhood* (2011) introduced the concept of "deep democracy", stating that in order to support progress towards deep democracy, the EU shall "adapt levels of EU support to partners according to progress on political reform and building deep democracy"[35], where the first the key element is "free and fair elections". The overview document, accompanying the annual progress reports, *ENP: Working towards a stronger partnership* (2013) also has a section on elections, stating the following: "Democratic structures are getting ever stronger though not all of these elections [Armenia, Georgia, Ukraine, Moldova] have fully met all international standards. Belarussians were called to elect their parliament as well. However,

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30 European Commission (2013a) Implementation of the European Neighbourhood Policy in Georgia, Progress in 2012 and recommendations for action, Brussels, 20.3.2013, SWD(2013) 90 final; European Commission (2014a) Implementation of the European Neighbourhood Policy in Georgia, Progress in 2013 and recommendations for action, Brussels, 27.3.2014, SWD(2014) 72 final

31 European Commission (2014b) Implementation of the European Neighbourhood Policy in Armenia, Progress in 2013 and recommendations for action, Brussels, 27.3.2014, SWD(2014) 69 final

32 EU-Ukraine Cooperation Council (2013) EU-Ukraine Association Agenda to prepare and facilitate the implementation of the Association Agreement, Luxembourg, 24 June, p 2

33 European Commission (2013b) Implementation of the European Neighbourhood Policy in Ukraine, Progress in 2012 and recommendations for action, Brussels, 20.3.2013, SWD(2013) 84 final; European Commission (2014c) Implementation of the European Neighbourhood Policy in Ukraine, Progress in 2013 and recommendations for action, Brussels, 27.3.2014, SWD(2014) 96 final

34 European Commission (2013c) ENP Package – Belarus, MEMO/13/244, Brussels, 20 March; European Commission (2014d) ENP Package – Belarus, MEMO/14/222, Brussels, 27 March

35 European Commission (2011a), p 3

elections fell short of OSCE and international standards."[36] The document continues by noting that "in many neighbourhood countries, progress has been made on the key recommendations on elections, often with financial and logistical support from the EU" but also that "many of the recommendations are as valid today as they were in 2012"[37].

CASE STUDIES: PARLIAMENTARY ELECTIONS IN THE EASTERN NEIGHBOURHOOD IN 2012

The next sections will each give an overview of the parliamentary election processes in Armenia, Belarus, Georgia and Ukraine, present the main results from OSCE/ODIHR election observation mission reports and then go on to discuss the EU's reactions.

Armenia

The election in Armenia took place on 6 May 2012 and was described by the OSCE/ODIHR as "competitive, vibrant and largely peaceful" although with „a low level of confidence in the integrity of the process".[38] The majority (44.02% of the proportional vote) was won by the ruling Republican Party of Armenia, followed by their former coalition partner, the Prosperous Armenia Party (slightly over 30%), leaving four more parties just enough votes to pass the threshold.[39] The elections were remarkable because for the first time Armenia earned a positive assessment from most international observers, as a result of the adoption of the new Electoral Code and relatively extensive freedom of assembly, speech and media.[40] Armenia had taken these and other steps listed in the Progress Reports (e. g the release of political prisoners) in order to demonstrate its determination to improve the elections process in the context of (potential) cooperation with the EU (e.g gain financial aid[41]). The elections were also a test case for Armenia, to show whether

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36 European Commission (2013d) Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, European Neighbourhood Policy: Working towards a Stronger Partnership, Brussels, 20.3.2013, JOIN(2013) 4 final, p 2

37 European Commission (2013d), p 4

38 OSCE/ODIHR (2012a) Republic of Armenia. Parliamentary Elections 6 May 2012. Election Observation Mission Final Report, Warsaw, 26 June, p 1

39 Iskandaryan, A. (2012) Armenian Elections: Technology vs Ideology, *Caucasus Analytical Digest* 39, 23 May, p 2

40 Iskandaryan (2012), p 3

41 Zolyan, M. (2012) Armenia's Parliamentary Elections: A Step Forward or a Wasted Opportunity? *Caucasus Analytical Digest* 39, 23 May, p 5

a clear line had been drawn since the election of 2008 when the post-election violence by government forces was never investigated.[42]

At the same time, the process was criticised both by the international observers and domestic opposition, referring above all to extensive vote buying and dismissing complaints without examining the cases.[43] The tactics of providing "gifts" for the votes by at least two of the main parties also explains why on the election day "fraud was not on the agenda".[44] These examples support the general consensus that despite positive appearances, they should be seen as casting doubt on the genuine progress of Armenia, an opinion also emphasised by the local opposition which was left with the impression that the Western observers had not realised that.[45]

In line with international observers, the EU's response was generally positive. It welcomed "progress towards more transparent and competitive elections"[46], however, mentioning "substantive" shortcomings identified by OSCE/ODIHR to be addressed "as a matter of priority", as a presidential election was scheduled for February 2013.[47] The EU's support for the results of the elections met with public discontent inside Armenia[48], which altogether put the EU in a difficult position: on the one hand, acknowledging progress could encourage Armenia to continue with reforms (to see it as "the beginning of the process, not the end"[49]) and keep Armenia away from Russian influence, on the other hand, the EU could be risking with its image as a upholder of democratic values in the eyes of Armenian society and undermining its strategy towards Armenia, making unclear what the EU really wanted from the country. It might be argued that this was further enforced by the EU High Representative for Foreign Affairs and Security Policy (HR) Catherine Ashton, who stressed "the need for further reforms in … areas such as human rights and

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42 Kempe, I. (2013) Armenia's European Choice After the 2012–13 Elections, *Caucasus Analytical Digest* 53–54, 17 July, p 32

43 OSCE/ODIHR (2012a), p 2; Iskandaryan, A. (2012), p 3; Navasardian, B. (2012), Parliamentary Elections in Armenia: From Decorative to Genuine Democracy? Friedrich Ebert Stiftung, June 2012, p 3

44 Iskandaryan (2012), p 3

45 LINKS Analysis (2012) Armenian Elections: International Monitors look at the bright side, leaving the Armenians to deal with the dark side, *Caucasus Elections Watch*, May 12, available at: http://electionswatch.org/2012/05/12/armenian-elections-international-monitors-look-at-the-bright-side-leaving-the-armenians-to-deal-with-the-dark-side/#more-6 (09.09.2013)

46 European Commission (2012a) Statement by the High Representative Catherine Ashton and Commissioner Štefan Füle on the Parliamentary elections in Armenia on 6 May 2012, A 212/12, Brussels, 8 May

47 European Commission (2012a)

48 Kempe (2013), p 33

49 OSCE/ODIHR (2012b) Armenian elections competitive and largely peaceful, but shortcomings undermined confidence in the process, observers say, 7 May, available at: http://www.osce.org/odihr/elections/90334 (09.09.2013)

fundamental freedoms" but at the same time noting "with pleasure that Armenia had recently launched DCFTA negotiations with the EU".[50] Armenia also received additional funding of €25 million from the EU in 2013 from the EaPIC programme, designed to provide incentives for deep democracy and human rights.[51] Although the EU could be said to have acted as a normative power by calling for free and fair elections in Armenia, the way its official messages were sent out to the political elites and perceived by the wider public were two different things, raising the issue of EU's consistency with the ENP.

In the course of 2013, the Armenians re-elected Serzh Sargsyan as their President. The EU and Armenia had already had three rounds of DCFTA negotiations and signed a visa facilitation agreement when Armenia announced its decision (after Armenia-Russia heads-of-state meeting) to join the Russia-led Eurasian Economic Union.[52] All these developments illustrated well how questionable the EU's achievements in the case of Armenia really were. Although it might be that Armenia's decision had little to do with the EU, this is certainly a warning sign for the ENP.

Belarus

The result of September 23, 2012 parliamentary election in Belarus hardly surprised anyone. The elections in Belarus have not been free or fair since 1995 and the last one was no exception. The election, or what the Economist termed as "non-election"[53], was declared by the OSCE/ODIHR as "not competitive from the start".[54] No opposition member won a seat in the parliament, which was filled with three major parties loyal to President Lukashenka. The opposition largely boycotted the election, without any clear strategy or even a specific message from them to the wider audience – illustrating well the widespread indifference towards politics. The election was to a certain extent measured against the presidential election of 2010 which had been characterised by violent crackdowns on the opposition, thus it

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50 European Commission (2012b) Statement by the spokesperson of High Representative Catherine Ashton following her meeting with President of Armenia, A 295/12, Brussels, 27 June

51 European Commission (2014e) Implementation of the European Neighbourhood Policy in 2013, regional report: Eastern Partnership, Brussels, 27.3.2014, SWD(2014) 99 final, p 9

52 Eurasian Economic Union (or Eurasian Union) was launched in the end of May 2014 (enters into force on 1 January 2015) between Russia, Belarus and Kazakhstan, aimed at economic integration between members. Armenia and Central Asian countries have announced their decision to join in the future. The EU has ruled out the possibility for EaP countries to belong to both the DCFTA and Eurasian Union simultaneously, thus making the partner countries choose between the two. This has not only economic but also political consequences for countries involved.

53 *The Economist Online* (2012) Belarus's non-election, 21 September, available at: http://www.economist.com/blogs/easternapproaches/2012/09/belarus (09.09.2013)

54 OSCE/ODIHR (2012c) Competition limited in Belarus elections as many democratic rights not respected, international observers say, 24 September, available at: http://www.osce.org/odihr/93974 (09.09.2013)

can be understandable that the OSCE/ODIHR described the election environment as "generally calm".[55] To name just a few of the criticisms, the OSCE/ODIHR listed the intimidation and harassment of candidates, no respect for the right of association or freedom of expression, the imprisonment of potential candidates, and the irregularities during the vote count. In total, one in four nominees were not registered.[56]

Although the EU did not have illusions regarding the quality of the parliamentary election in Belarus, it remained persistent in its rhetoric regarding the possible "breakthrough" for EU-Belarus relations, had there been any advancements in meeting the international standards. EU HR Catherine Ashton and Commissioner for Enlargement and European Neighbourhood Policy Štefan Füle saw the developments as "yet another missed opportunity" for Belarus.[57] A couple of weeks later the Council of the EU decided to renew sanctions against the officials of the Belarusian regime.[58] The European Parliament declared it would not recognise the result of the election.[59]

In the Belarussian election the EU was more normative than in the case of Armenia, as it made no concessions to Belarus due to the unfree and unfair election process. Although sanctions should be seen as a significant action from the EU, their ineffectiveness, combined with the EU rhetoric, shows well the limits of EU influence in the case of Belarus. Although upholding normative principles, the EU has done little else but maintained the status quo.

Georgia

Georgian parliamentary election took place on October 1, 2012 and was in the spotlight already long before the election day. The results were to demonstrate the state of Georgian democracy to the world and as such the "stakes could not [have] be[en] higher"[60]. As the transition of power to the hands of the opposition

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55 OSCE/ODIHR (2012d) Belarus, parliamentary elections, 23 September 2012. Election Observation Mission Final Report, p 1, available at: http://www.osce.org/odihr/elections/98146 (09.09.2013)

56 OSCE/ODIHR (2012d), p 1-2

57 European Commission (2012c) Statement by the High Representative Catherine Ashton and Commissioner Štefan Füle on the parliamentary elections in Belarus, MEMO/12/706, 24 September

58 Council of the EU (2012a) Council Conclusions on Belarus, 3191st Foreign Affairs Council meeting, Luxembourg, 15 October

59 European Parliament (2012) Resolution of 26 October 2012 on the situation in Belarus after the parliamentary elections of 23 September 2012, Strasbourg, 26 October, available at: http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2012-410 (09.09.2013)

60 RFE/RL (2012a) Stakes Could Not Be Higher In Georgian Parliamentary Elections, September 28, available at: http://www.rferl.org/content/stakes-could-not-be-higher-in-georgian-parliamentary-elections/24723413.html (09.09.2013)

was peaceful, it did mark a watershed in the history of Georgian politics. The main opposition coalition, Georgian Dream, led by the billionaire Bidzina Ivanishvili, gained 54.97% of votes, followed by President Saakashvili's United National Movement by 40.34 per cent of votes.[61] None of the other opposition parties gained enough votes to pass the threshold to receive any seats in the Parliament. What Wall Street Journal framed as "A Russian victory in Georgia's parliamentary election"[62] was declared by the OSCE/ODIHR to be "an important step in consolidating the conduct of democratic elections"[63].

Despite the mostly free election and peaceful transition of power the pre-election period and the campaign had been tense and polarised with severe rhetoric and instances of violence and intimidation. The incumbent United National Movement attempted to take advantage of its position, by, for example, changing the Election Code and campaign funding legislation shortly before the elections and imposing fines and detentions to opposition-affiliated party activists.[64] The opposition replied with disclosing a footage from Tbilisi prisons, depicting the abuse of prisoners which had a significant effect on the Saakashvili party election results.[65] The OSCE/ODIHR criticised among other things the disparity of the population size among single mandate constituencies and post-election disqualification of candidates. Some opposition supporters also protested against the election results but their complaints were not satisfied.

The EU on their behalf paid extensive attention to the developments in Georgia. Commissioner Füle expressed concerns about the "growing political tensions and polarisation" in the pre-election period[66] and HR Ashton's spokesperson emphasised that the EU had "made it very clear that the expectations of these elections are extremely high and that they will determine that pace and intensity

61 Central Election Commission of Georgia (2012) Summary Protocol of the Elections of the Parliament of Georgia of October 1, 2012, Tbilisi, 19 October, p 1-2, available at: http://cesko.ge/files/2012/SUMMARY_PROTOCOL_2012.pdf (09.09.2013)

62 Kirchik, J. (2012) A Russian victory in Georgia's Parliamentary Elections, *Wall Street Journal*, October 2, available at: http://online.wsj.com/article/SB10000872396390444592404578032293439999654.html (09.09.2013)

63 OSCE/ODIHR (2012e) Georgia Parliamentary elections, 1 October 2012. Election Observation Mission Final Report, Warsaw, 21 December, p 1, available at: http://www.osce.org/odihr/98399 (09.09.2013)

64 OSCE/ODIHR (2012e), p 1; Caucasus Elections Watch (2012) Georgian Elections: Mostly Free but Largely Unfair, October 2, available at: http://electionswatch.org/2012/10/02/georgian-elections-mainly-free-but-largely-unfair/ (09.09.2013)

65 Kldiashvili, G. (2012) The President in Opposition: Georgia's 2012 Parliamentary Elections, *Caucasus Analytical Digest* 43, 15 October, p 3-5

66 European Commission (2012d) EU-Georgia: Meeting of Commissioner Fule with President Saakashvili, IP/12/719, Brussels, 28 June

of our [EU] relations with Georgia."[67] The importance assigned to the Georgian elections was also illustrated by the fact that five EU Foreign Ministers were tasked with monitoring preparations for the election.[68] After the elections HR Ashton and Commissioner Füle declared that "the Georgian people have now spoken". Their statement, unlike the EU Council's or the OSCE/ODIHR's, maintained a positive tone throughout, stressing the "healthy respect for fundamental freedoms at the heart of democratic elections".[69] The Council of the EU, which also referred to the OSCE/ODIHR report, maintained its standard rhetoric towards Georgia. The election was seen as demonstrating "a significant step towards the consolidation of democracy" in Georgia and the EU continued to repeat the promises given out already earlier, including visa free travel (provided that the conditions are in place), negotiations towards political association and economic integration, and recognising Georgia's "European aspirations and European choice".[70] Contrary to some expectations, there was nothing in the EU's offer that had not been given out by the EU already long ago. The ENP Progress Report for 2012 is more open in its assessments: although the elections were "the most free and fair ever in Georgia", the complaints made about irregularities tended to overshadow discussion on political programmes.[71] Regarding funding (which could be interpreted as additional EU support) – the first additional project, aimed at supporting comprehensive institution building with €20 million, was signed only in February 2013, but this was part of a previous agreement.[72] However, one must take into account the length of the ENP policy-making process, and Georgia has received additional funding also in 2014.[73] The parliamentary election of 2012 must be seen as part of a bigger picture of Georgia's integration with Europe. EU's normative power is having a strong effect in Georgia,

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67 Maja Kocijancic, cited in RFE/RL (2012b) Liveblog: Parliamentary Elections in Georgia, October 1, available at: http://www.rferl.org/contentlive/liveblog-georgia-elections/24724791.html (09.09.2013)

68 RFE/RL (2012c) EU FMs To Monitor Preparations For Georgia Vote, September 14, available at: http://www.rferl.org/content/eu-ministers-to-monitor-preparations-for-georgia-parliamentary-elections/24708917.html (09.09.2013)

69 European Commission (2012e) Joint Statement by the EU High Representative Catherine Ashton and Commissioner Štefan Füle on the results of Georgia's parliamentary elections, A 433/12, Brussels, 2 October

70 Council of the EU (2012b) Council conclusions on Georgia, 3191st Foreign Affairs Council meeting, Luxembourg, 15 October, p 1

71 European Commission (2013a), p 2

72 European Commission (2013e) EU and Georgia signed financing agreement to support reform process, IP/13/110, 12 February

73 For additional funding in 2013, Georgia received altogether €27 million, European Commission (2014e), p 9; Georgia has also received additional funding of €21 million in 2014, see European Commission (2014f) EU-Georgia: Financial support to strengthen democratic institutions, press release IP/14/211, Tbilisi, 4 March

despite the fact that in comparison to Armenia and Belarus, the EU's "reward" to Georgia for fulfilling these normative expectations could have been higher.

After the election there were many concerns about how the two main political forces would be able to accommodate, since the strong presidential powers (Saakashvili) (diminished after the next presidential election) were juxtaposed to the increased powers of the Parliament and the Prime Minister (Ivanishvili). However, the peaceful change of the President after the election in October 2013 has, despite complicated domestic politics, confirmed the vision of Georgia's integration with NATO and the EU as the main aims for the future. In line with these goals, Georgia has finalised the negotiations over Association Agreement and DCFTA and it is expected that the agreements will be signed in the course of 2014.

Ukraine

The "litmus test of Ukraine's democratic credentials"[74] took place on October 28, 2012. Although the democratic record in Ukraine had been deteriorating ever since President Yanukovich came to power, the election was especially revealing. The ruling Party of Regions gained 30% of votes, followed by United Opposition *Batkivshchyna* by 25.54%. Three more parties to enter the parliament were opposition parties UDAR and *Svoboda* with 13.96% and 10.44 % respectively and the Communist Party of Ukraine with 13.18%.[75] Altogether the opposition parties collected 49.9% of the votes, indicating a significant rise from previous election and this even in the context of government's activities.

The general consensus of the observers was that the election constituted "a step backwards" compared with previous elections, characterised by a variety of shortcomings such as the abuse of administrative resources, unbalanced media coverage, a lack of transparency in all aspects of the process, jailing the opposition leaders, vote manipulations and the unwillingness of the authorities to address electoral violations, despite new electoral law.[76] International observers were talking about the "oligarchization" of the election and the reversal of democratic progress in Ukraine.[77] After the election, the opposition supporters organised protests and demonstrations against the victory of Yanukovich but these remained

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74 European Commission (2012f) Joint Statement by EU High Representative Catherine Ashton and Commissioner Štefan Füle on the upcoming parliamentary elections in Ukraine, A 453/12, Brussels, 12 October

75 OSCE/ODIHR (2012f) Ukraine Parliamentary elections, 28 October 2012. Election Observation Mission Final Report, p 38, available at: http://www.osce.org/odihr/98578 (09.09.2013)

76 OSCE/ODIHR (2012f), p 1

77 OSCE/ODIHR (2012g) Ukrainian elections marred by lack of level playing field, say international observers, press release, 29 October, available at: http://www.osce.org/odihr/elections/96673 (09.09.2013)

largely without attention, repeat election was organised in five contentious single-mandate constituencies on December 15, 2013.[78]

On the day after the election the EU announced that "the turnout shows the Ukrainian citizen's attachment to a democratic and pluralistic society" although conceding that the election was "a mixed picture with several shortcomings".[79] Two weeks later, after the completion of the count, the EU was significantly more critical, listing the main observed irregularities one by one and warning Ukraine that the EU's engagement with Ukraine requires "determined action" of the Ukrainian authorities.[80] The EU's pressure also continued in other ways. The annual EU-Ukraine summit seemed to have been postponed without any specification on the possible date.[81] The Council of the EU adopted conclusions that consisted of a number of concrete benchmarks where Ukrainian progress was expected, including the issues of selective justice and shortcomings of the parliamentary election and implementing reforms defined in the jointly agreed Association Agreement (AA).[82] As Commissioner Füle summed it up in his speech to the European Parliament, "the ball is clearly in Ukraine's court – if it wants to score by the time of the Eastern Partnership Summit [in November 2013 in Vilnius], it needs to play well and keep an eye on the clock".[83] The decision to hold the summit with Ukraine on February 25, 2013 came only on December 20, 2012.[84] From the NPE perspective, the EU was acting relatively consistent with its own rhetoric during the election of 2012 but when this is compared against the EU's (re)actions in the case of other elections discussed above, the EU's behaviour becomes less clear-cut.

Since the election and events shortly after, Ukrainian domestic politics has changed dramatically. Tensions escalated in November 2013 when Yanukovich refused to sign the AA with the EU, resulting in months of mass protests on Kyiv

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78 Deynega, T. (2013) Verkhovna Rada scheduled the elections in five troubled districts, *Ukrainian National News*, 5 September, available at: http://www.unn.com.ua/en/news/1246707-vibori-u-5-problemnikh-okrugakh-vidbudutsya-15-grudnya-dopovneno (09.09.2013)

79 European Commission (2012g) Joint Statement by High Representative/Vice President Catherine Ashton and Commissioner Štefan Füle, on the parliamentary elections in Ukraine, IP/12/1162, 29 October

80 European Commission (2012h) Joint statement by High Representative/Vice-President Catherine Ashton and Commissioner Štefan Füle, on the parliamentary elections in Ukraine (28 October 2012), MEMO/12/857, 12 November

81 EurActiv.com (2012a) Füle pours cold water on Ukraine's EU hopes, 30 November/ 3 December, available at: http://www.euractiv.com/europes-east/fuele-pours-cold-water-ukraine-e-news-516374 (09.09.2013)

82 Council of the EU (2012c) Council conclusions on Ukraine, 3209th Foreign Affairs Council Meeting, Brussels, 10 December

83 Füle, Š. (2012b) Speech on Ukraine in the Plenary Session of the European Parliament, SPEECH/12/944, 12 December

84 EurActiv.com (2012b) EU-Ukraine summit set for 25 February, 20/21 December, available at: http://www.euractiv.com/europes-east/eu-ukraine-summit-confirmed-25-f-news-516802 (09.09.2013)

streets, which, after turning violent, culminated with the introduction of an interim government as Yanukovich fled Ukraine in the end of February 2014, and the disputed referendum to join the Russian Federation in the Autonomous Republic of Crimea. Ukraine was the first Eastern neighbourhood country to open the AA and DCFTA negotiations with the EU and the great hopes that Ukraine would become the success story of the ENP have not come true, however, now might be the best time for the EU to make the most of this situation, both in Ukraine as well as in other neighbourhood countries.

CONCLUSION

The case studies have demonstrated that no country in the Eastern neighbourhood is free from the struggle to establish main democratic principles, one of the main aims set by the EU and promoted by the ENP. The analysis of the elections gives a mixed picture of the EU's actorness in the neighbourhood from the normative power perspective, as the cases demonstrate the EU lacks consistency in its policy application.

The elections in Armenia were largely considered flawed and unfair (despite improvements) by a significant part of the society but the EU was willing to move on with the AA nevertheless. The progress was hardly that significant and thus suggests that the EU used the "more for more" approach to convince Armenia to sign the AA rather than praise the country for successful reform efforts. The EU's inconsistencies were furthermore revealed with Ukraine where the EU was relatively critical about signing the AA, citing the deteriorating election record as one of the main reasons. The EU stuck with its rhetoric until the end of the Yanukovich regime but this might have had more to do with the mass protests resulting from Yanukovich's decision not to sign the AA rather than actual EU decision not to go forward with the AA before the improvement of political conditions. Today, one must admit that the dramatic events in Ukraine have changed the playing field to an extent that including the process and aftermath of the election of 2012 do not enter into the analysis of the current relations between the EU and Ukraine.

The case of Georgia – the most positive of the four elections – was highly acclaimed but the EU could have reacted in line with the "more for more" approach. Georgia did receive additional funding (although significant €27 million) but it was the same measure used by the EU to lure Armenia, thus undermining the meaning of "more for more" for Georgia. And considering that there was no other additional benefit or "prize" for Georgia, the EU's policy in this case seems to have been too weak. Lastly, the elections in Belarus saw no change at all. Since there is little formal

engagement with Belarus in the ENP, the EU has fewer options to work with. Belarus is the only country in the Eastern neighbourhood against whom the EU has applied sanctions for several years without nearly any change in the bilateral relations. Thus one cannot even talk about "less for less" in the case of Belarus.

A summary of the analysis from the case studies is presented in the table below.

Table 3. A summary of the case studies.

	Election process (incl. comparison to previous elections)	Main conclusions from OSCE/ ODIHR report	EU's reaction	Compatibility of EU's actions with NPE
Armenia	New Electoral Code; no significant restrictions to media or free speech; less violence. Extensive vote buying and several other violations resulted in no change of power. Little trust in society in the integrity of the process.	First positive assessment according to international standards ("competitive, vibrant and largely peaceful") despite violations, received with disappointment by local (opposition) forces.	Overall message positive. Despite stating the need for further democratic reform, the EU also provided additional funding, not enough communication to the wider public for whom the EU's message remained mixed.	Lack of consistency – some but not significant reform progress but strong reward (as a tool). Inconsistency of sticks and carrots between different countries.
Belarus	Significant restrictions by authorities but not violent, opposition boycott. Only parties loyal to Lukashenka elected to the parliament.	"Not competitive from the start", "neither free nor fair" with major violations.	Maintained the standard rhetoric about waiting for the "breakthrough", continued with sanctions towards the regime.	Stronger consistency with normative principles. The use of sanctions as a tool but no effect.
Georgia	Tense and polarised pre-election environment with some pressure exercised by the incumbent party. Generally free and fair; peaceful transfer of power into the hands of the opposition.	"An important step in consolidating the conduct of democratic elections", but also addressed the shortcomings.	High expectations emphasised, reaction ranged from neutral-supportive to overtly positive. Standard promise of AA and DCFTA repeated, additional funding.	Use of praise as a tool but little other means. Could be seen as inconsistency of sticks and carrots between different countries.

	Election process (incl. comparison to previous elections)	Main conclusions from OSCE/ ODIHR report	EU's reaction	Compatibility of EU's actions with NPE
Ukraine	Election characterised by significant support to opposition parties, although the ruling party won. Vote manipulation and other irregularities common. A step backwards compared to previous elections.	Numerous deficiencies, new electoral law remains declarative.	Relatively critical position, using strong rhetoric, postponing the annual summit etc. Reforms addressing election shortcomings were required for the AA agreement.	Consistency with normative principles. The use of rhetoric as a tool. Could be seen as inconsistency of sticks and carrots between different countries.

By author, based on the analysis above.

The lessons of the parliamentary elections in these four countries teach the EU that the neighbourhood is still in transition phase where any gain can be turned over on the next corner. The EU is seeking to apply its normative principles through the ENP on Armenia, Belarus, Georgia and Ukraine but the extent of their success differs from country to country and probably also from one sector to the other. One, although not the only, reason for this is the lack of consistency in EU's relations with these countries. It derived clearly from the analysis that the EU can reward one country with dissatisfying democratic record (Armenia), while at the same time punishing another one for same reasons (Ukraine). While the third country (Georgia) is showing significant improvement, little reward is left for them. In the long-term perspective, this is not a sustainable policy. The EU risks with the ENP becoming irrelevant and implausible for the neighbourhood countries, and, should this happen, this will have consequences for the EU's normative principles and for the EU as normative role model.

To uphold its normative power, the EU will have to step up its policies, most of all addressing the issue of inconsistency in relations with its neighbours. This is tightly connected with the already advocated principle of "more for more" which the EU should fully enforce in the case of all neighbourhood countries demonstrating progress on reforms. Ideally, this would also mean further approximation between the EU and these neighbours, including internal market and free movement of people (something similar to Prodi's "everything but institutions"). A strong element in the EU's policy should definitely be engagement with the society not only with the governments because, as evident from this paper, lack of communication can bring along confrontation with the societies the EU is trying to shape and educate.

The lack of consistency in promoting normative principles is of course not a new critique but it is one that the EU can address and improve.

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