

**European Neighborhood Policy: a tool for Georgia's  
democratic transformation?**

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### **List of Abbreviations**

AA – Association Agreement

CEEC – Central and Eastern European Countries

CoE – Council of Europe

CPC – Criminal Procedure Code

DCFTA – Deep and Comprehensive Free Trade Agreement

EaP – Eastern Partnership

ENP AP – European Neighborhood Policy Action Plan

EU – European Union

MFN – Most Favored Nation

NSC –National Security Council

ODIHR – Office for Democratic Institutions and Human Rights

OSCE – Organization for Security and Cooperation in Europe

PCA – Partnership and Cooperation Agreement

UN – United Nations

UNOMIG – United Nations Monitoring Mission in Georgia

### Abstract

**This thesis traces the relationship between the European Union and Georgia. It looks at the instruments and strategies enshrined in the European Neighborhood Policy, which have reinforced and promoted the political reforms in the Country. This paper aims to study whether the ENP/EaP has had the democratizing impact on Georgia and if it did, what underlying factors facilitated the domestic change, in terms of implementing and consolidating the political agenda of the ENP Action Plan: democracy, human rights and rule of law. The thesis employs the concepts, ideas and methods from the Europeanization literature, which follow the pathways of the two logics of adaptation to Europe. Its findings are that, despite the absence of the ultimate carrot of membership, Georgia's commitment to the democratic reforms, while predominantly driven by the logic of consequences, rooted in the rational choice institutionalism, cannot be confined by the latter and consequently, consideration should be given to the presence of factors stemming from logic of appropriateness and the sociological institutionalism respectively, albeit to an limited extent. Despite the limits of conditionality and socialization potential of the ENP/EaP, the presence of facilitating factors at the domestic level and absence of more attractive transformative alternatives at the international level, can all be regarded to have streamlined the position of the Georgian government to stick to the Europeanization agenda under the framework of the ENP/EaP.**

## ***Introduction***

After the 2003 “Rose Revolution” in Georgia, which peacefully brought down Shevardnadze’s regime and its “managed democracy”<sup>1</sup>, the initial steps taken within the first two years by the new government had produced high expectations and hopes among the Georgian population and the international community alike. The new government seemed to be determined and have a strong motivation to undertake extensive reforms and transform Georgia into a modern liberal democratic state. At the same time, the sweeping reforms and the pace and manner at which they had been undertaken, had generated apprehension and concern that the power of Mikhail Saakashvili and his government could grow unchecked. Aware of the historical precedents of authoritarian modernizers, Ghia Nodia had a fair point in suggesting that the fertile ground for authoritarianism existed<sup>2</sup>. Against such a background and uncertainty, Nodia was right to propose that, in order to encourage further reforms and ensure sustainability of Georgia’s adherence to democratic values, the European Union had to use the Georgian project of unilateral integration with the EU as a constraint against an inherently authoritarian trend of accelerated modernization<sup>3</sup>. Moreover, the past experience of transformation of countries, and most notably of those of Central and Eastern European countries, had demonstrated that proper development required external support. As the study and research confirms external support alone cannot initiate development that does not yet exist; rather it can significantly reinforce processes that are already underway<sup>4</sup> and as Schimmelfennig suggests, EU’s influence, due to the limitation to the intergovernmental channel, can only be effective once favorable governments are in power<sup>5</sup>.

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<sup>1</sup> Nodia, G. – Dynamics and Sustainability of Rose revolution, Democratization in the European Neighborhood, p. 42 Center for European Policy, Studies, Brussels, 2005

<sup>2</sup> Ibid. p. 51

<sup>3</sup> Ibid. p. 52

<sup>4</sup> Weidenfeld, Werner – Shaping Change – Strategies of Transformation, p. 16. Bertelsmann Foundation Publisher, 2001

<sup>5</sup> Schimmelfennig, F. “Strategic calculation and international socialization: Membership incentives, party constellations, and sustained compliance in Central and Eastern Europe”, pp. 827–860, 59(4) International Organization, 2005

Consequently, given the process of Georgia's declarative Europeanization<sup>6</sup>, the essential purpose of this thesis is to demonstrate that the European Neighborhood Policy, and to a certain extent last year's Eastern Partnership initiative, have been and remain to be the principal instruments in endorsing the transformation and consolidation of Georgia's political agenda that is its commitments to democracy, the rule of law, and the respect for human rights. The paper starts by looking at the EU-Georgia relations from the point of conclusion of the Partnership and Cooperation Agreement and gives a short overview of the context, content, the concepts and principles of the European Neighborhood Policy and Eastern Partnership. With regard to the Eastern Partnership it needs to be said from the outset that, since it has only been a year from the moment of its launch, its potential in terms of inducing or reinforcing political reforms on Georgia remains to be seen. Nevertheless, the Eastern Partnership initiative, as it largely builds on the European Neighborhood Policy, is analyzed together with the latter. Moreover, Eastern Partnership program is particularly important for the analysis, as much as it contains quite specific conditionality elements that fit well with the rational choice perspective explanations of the adaptation to Europe developed in this thesis. In the second section, the paper proceeds by looking at the theoretical perspectives of the Europeanization approach, which though relate to the studies in the member and candidate states of the EU, are relevant in the given case study as well, and consequently, according to the new institutionalists, follow the pathways of the two logics of adaptation to Europe: logic of consequences of the rational institutionalists and the logic of appropriateness of the sociological institutionalist. In the final section of the paper, I provide an assessment of the ENP/EaP's impact on Georgia by examining the progress achieved so far, which are to be seen as the result of the operation of two logics of domestic change suggested above. The paper concludes that despite the legitimate criticism surrounding the ENP/EaP, being short of the membership perspective, and its ability to induce political reforms on Georgia, the analysis of the current state of art in terms of Georgia's democratic performance contains clear evidence of the progress achieved in this regard and this success, by and large, is to be attributable to the ENP/EaP.

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<sup>6</sup> The term belongs to Katarina Wolczuk, the director of the Center for Russian and Eastern European Studies

## Chapter 1: An upgrade of EU-Georgian relations: Encouraging Political Reforms

### *1.1 The substance and role of the Partnership and Cooperation Agreement*

The legal basis of the European Union (EU)-Georgian relation is the Partnership and Cooperation (PCA) agreement, which was concluded in 1996 and entered into force in 1999 for the initial period of ten years. Until the conclusion of a new agreement, the PCA is extended on a yearly basis.

The PCA provides for wide-ranging cooperation in the areas of political dialogue, trade, investment, economic, legislative and cultural cooperation. Through the PCA, which also eliminates trade quotas and the protection of intellectual, industrial and commercial property rights, the parties have accorded each other Most Favored Nation (MFN) treatment<sup>7</sup>.

Most importantly, the significance of the Partnership and Cooperation Agreement between the EU and Georgia lies in its establishment of the institutional framework of interaction between the EU institutions and the relevant Georgian authorities. The Cooperation Council consists of the members of the Council of the European Union, and the members of the Commission of the European Communities, on the one hand, and the members of the Government of Georgia, on the other<sup>8</sup>. The Cooperation council is the highest level meeting venue between the two parties, which meets once in a year at a ministerial level. It is charged with the function of supervising the overall implementation of the PCA. It is supported and assisted by the Cooperation Committee, which consists of the members of the Council and the Commission of the EU, on the one hand and the members of the government of Georgia, on the other, normally on the level of civil servants<sup>9</sup>. It prepares the meetings and ensures the continuity of work of the Cooperation Council. Another significant institution, which is established by the PCA, is the Parliamentary Cooperation Committee, which provides the members of the Georgian parliament and the parliament of the European Union

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<sup>7</sup> [http://ec.europa.eu/delegations/georgia/eu\\_georgia/political\\_relations/index\\_en.htm](http://ec.europa.eu/delegations/georgia/eu_georgia/political_relations/index_en.htm) (accessed on May 1, 2010)

<sup>8</sup> EU-Georgia PCA

<sup>9</sup> Ibid.



with the opportunity to meet and exchange views on issues pertaining to the implementation of the cooperation agreement. The Cooperation Committee is in a position to request any information regarding the implementation of the Agreement and to that end, it can make the recommendations as well<sup>10</sup>. Furthermore, to follow up to the positions agreed at the higher level and discuss issues pertaining to the strengthening and intensification of the cooperation between the two parties<sup>11</sup> relevant sub-committees have been established. Hence, the regular meetings and political dialogue within the institutional setting between the Parties feeds into the overall development of the political relations, which ultimately aim at supporting Georgia's efforts to consolidate its democracy and complete its transition into the market economy<sup>12</sup>. Meanwhile, it needs to be emphasized that despite the fact that PCA contained every provision that should have contributed to the development in Georgia of the full-fledged democratic processes - introduction of the reforms in the state structures conforming to those of the European standards; establishment of the pluralistic society; respect and promotion of human rights; strengthening of the rule of law – not only it had failed to deliver the desired results, conversely, at times, and particularly during the last years, the situation in the country had reversed to the extent that the only efficient remedy had turned out to be the “revolution” in 2003<sup>13</sup>. Moreover, as it was noted by the Commission in its 2003 revised Country Strategy Paper: “Georgia's political situation is dominated by widespread poverty, serious problems of governance and weak rule of law, including high levels of corruption, strained relations with Russia, and internal conflicts, involving in particular the breakaway republics of Abkhazia and South Ossetia, as well as a high level of external debt<sup>14</sup>.”

There are several reasons that seem to account for the failure of the PCA to achieve its intended goals. As argued by Kakha Gogolashvili, implementation of the reforms and progress had not been based on the conditionality principle; the absence of coherent,

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<sup>10</sup> EU-Georgia PCA

<sup>11</sup> EU-Georgia PCA

<sup>12</sup> EU-Georgia PCA, 1996

<sup>13</sup> Kakha Gogolashvili – EU-Georgia relations: From Partnership to Neighborhood, and beyond the ENP, p.4

<sup>14</sup> Communication from the Commission to the Council - European Neighborhood Policy, Recommendations for Armenia, Azerbaijan, Georgia and for Egypt and Lebanon, Brussels, 2.3.2005 COM(2005) 72 final

structured action plans on implementation of the reforms outlined in the PCA; as well as lack of monitoring and benchmarking instruments; hence are identified to constitute the reasons for the PCA's failure to deliver the results<sup>15</sup>.

## **1.2 European Neighborhood Policy: context, content and concepts**

### **1.2.1 Context**

Things had changed with the introduction by the EU of the European Neighborhood Policy (ENP). The 2004 historical enlargement of the EU to the Central and Eastern European Countries (CEEC) and the subsequent political changes in the neighborhood had rendered the existing instruments of cooperation with the partner countries obsolete<sup>16</sup>. Moreover, following the "Rose Revolution" and the Presidential Election of 2004, the Council of the European Union concluded on the need for an early action by the international community and reaffirmed its willingness to support and actively work with the new administration of Georgia<sup>17</sup>. In June 2004, on the basis of the Strategy Paper by the Commission, the Council decided to include Georgia in the ENP, opening up the prospect of a significantly enhanced partnership and thus marking an important step forward in the EU's engagement with the Southern Caucasus region<sup>18</sup>. The main goal of the ENP, as stated in the Strategy Paper, is "to share the benefits of the EU's 2004 enlargement with neighboring countries in strengthening stability, security and well-being for all concerned" and consequently "to prevent the emergence of new dividing lines between the enlarged EU and its neighbors and offer them the chance to participate in various activities, through greater political, security,

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<sup>15</sup> Kakha Gogolashvili – EU-Georgia relations: From Partnership to Neighborhood, and beyond the ENP, p.4

<sup>16</sup> Moia, M – The European Neighborhood Policy: A New Framework for Europeanization? p. 14, Working Papers Series, European Institute of Romania, 2005

<sup>17</sup> 2559th Council meeting - EXTERNAL RELATIONS - Brussels, 26 January 2004

<sup>18</sup> 2590th Council Meeting - General Affairs and External Relations - GENERAL AFFAIRS - Luxembourg, 14 June 2004

economic and cultural cooperation”<sup>19</sup>.

After being endorsed by the EU-Georgia Cooperation Council, the EU – Georgia ENP Action Plan was adopted on 14 November 2006. The EU-Georgia Action Plan is a political document laying out the strategic objectives of the cooperation between Georgia and the EU. It covers a timeframe of five years. Its implementation will also help fulfill the provisions of the PCA, build ties in new areas of cooperation and encourage and support Georgia's objective of further integration into European economic and social structures<sup>20</sup>.

### **1.2.2 Content: *Encouraging democratic reforms and conflict resolution***

Among the key priority areas in which the two sides reaffirmed their readiness to enhance cooperation through political dialogue and reform and agreed on the need to take specific actions thereof, is the strengthening of democratic institutions, the rule of law, the respect for human rights and fundamental freedoms in compliance with international commitments of Georgia (PCA, Council of Europe, OSCE, UN)<sup>21</sup>. In particular, under the ENP Action Plan Georgia undertook the commitment to take specific actions to reform its judicial system; continue development and modernization of civil service and public administration; strengthen the fight against corruption through acceding to the relevant international legal instruments within the framework of the United Nations (UN), Council of Europe and OSCE, and implement the recommendations thereof; Strengthen democratic institutions through strengthening of the Georgian parliament, particularly in the fulfillment of its oversight role; encourage greater political pluralism; strengthen the role and functioning of political parties in Georgia; ensure respect for human rights and fundamental freedoms, including of those belonging to national minorities; ensure freedom of media and freedom of speech and expression<sup>22</sup>.

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<sup>19</sup> COMMUNICATION FROM THE COMMISSION - European Neighborhood Policy STRATEGY PAPER, p.3. Brussels, 12.5.2004 COM(2004) 373

<sup>20</sup> EU-Georgia ENP Action Plan

<sup>21</sup> EU-Georgia Action plan

<sup>22</sup> Ibid. p. 13-14

The provisions related to the cooperation of the two sides on issues pertaining to the resolution of territorial conflicts of Georgia are listed in the Priority Area 6 of the Action Plan. Although, general and declaratory, the EU demonstrated its readiness “to contribute to the conflicts settlement in Abkhazia, Georgia and Tskinali Region/South Ossetia, Georgia, based on respect of the sovereignty and territorial integrity of Georgia”. To this end, the two parties agreed that there is a need “to increase the effectiveness of the negotiating mechanisms, to develop the role of the EUSR for the South Caucasus in conflict resolution, and to include the issue of settlement of Georgia’s conflicts in EU-Russia political dialogue”<sup>23</sup>.

### **1.2.3 Concepts; principles and stakes**

In order to encourage political reforms in the neighborhood countries, the EU has found its new policy on the “*conditionality-lite*”<sup>24</sup>, *joint ownership* and *differentiation*. Albeit, the practice and implementation of the policy so far bear witness to the fact that the EU has found itself in trouble or at least reluctant to develop relations with the partner countries in firm adherence to these principles. The *conditionality* within the ENP is rather vague and unstructured, which leaves its imprint on the partner country’s confusion in terms of awards it should expect for the fulfillment of the short terms objectives. As Kataryna Wolczuk contends, the ENP follows the enlargement strategy of the simultaneous application of polity conditionality, or reforms of political and economic structures and processes, such as democracy, minority rights, and policy-oriented conditionality, that is the adoption and implementation of the *acquis* during the enlargement process<sup>25</sup>. Meanwhile, as some contend, quite resembling the “conditionality system” undertaken by accession countries in their membership process, the latter system is entitled here “benchmarking” and is meant to

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<sup>23</sup> EU-Georgia ENP Action Plan

<sup>24</sup> Sasse, G. - The ENP Process and the EU’s Eastern Neighbors: ‘Conditionality-lite’, Socialization and ‘Procedural Entrapment’ p. 2, Global Europe Papers 2008/9, University of Nottingham.

<sup>25</sup> Wolczuk, K. - Implementation without Coordination: The Impact of EU Conditionality on Ukraine under the European Neighborhood Policy p. 189, EUROPE-ASIA STUDIES, Vol. 61, No. 2, March 2009, 187–211, Routledge

be the “stick” in EU’s hands to spur reforms in the desired by it direction<sup>26</sup>.

Another very important principle enshrined in the ENP Action Plan is the *joint ownership*, which is to be regarded as the stronger aspect of the ENP and a core principle of the socialization mechanism of Europeanization<sup>27</sup>. Joint ownership implies, at least in theory, that parties agree the agenda for reforms jointly. While true in many respects, it is worthwhile to look at the empirical findings suggested by Sedelmeier in his study on Europeanization in the CEE countries. According to him, *joint ownership* undermines the effectiveness of conditionality, in that “on the one hand, it reduces the likelihood that bilateral Action Plans reflect the EU’s objective precisely in relations with those countries which are furthest from conforming to the conditions preferred by the EU, that is for instance when governments that do not share the EU’s democracy and human rights agenda, can and do minimize the role of political conditionality in their Action Plans and on the other, it is at odds with the tough monitoring and reporting by EU institutions that was a precondition for reform-oriented forces to mobilize pressure against reform-adverse governments in East Central European accession governments<sup>28</sup>”. In short, according to Sedelmeier, the simultaneous presence of conditionality and socialization in the ENP has the chance to “undermine their respective potential”<sup>29</sup>.

Nevertheless, as Popescu argues, and the practice has demonstrated it, the bulk of the issues and requirements that the partner country is expected to meet are dictated by the EU<sup>30</sup>, which given the asymmetric nature of the relations, seems to be less of an issue *per se*, not least with regard to Georgia, as it is more in the interest of the partner country to enhance its relations with the EU, rather than vice versa.

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<sup>26</sup> Lessenski, M. – The EU Policy Towards its Black Sea Neighbors, p.8. IRIS 2005

<sup>27</sup> Schimmelfennig, F. - Europeanization beyond Europe, p. 17. Living Reviews in European Governance, Vol. 4, (2009), No. 3: <http://www.livingreviews.org/lreg-2009-3> (cited 24.06.2010)

<sup>28</sup> Weber, K., Smith, M.E., and Baun, M. - Governing Europe’s Neighborhood, p. 201. Manchester University Press, Manchester, 2007

<sup>29</sup> Ibid. p. 201

<sup>30</sup> Popescu, N - The EU and South Caucasus: Learning lessons from Moldova and Ukraine, p. 8. IPF Policy Brief, 2006

In terms of differentiation, which is thought of as another strong aspect of the ENP, at times, here as well, the EU has demonstrated to prefer the “one size fits all” approach<sup>31</sup>. This is particularly true with regard to the political conditionality of the EU, on which as Risse and Borzel suggest “One size fits all” appears to be the mantra of EU democracy promotion<sup>32</sup>.

All in all, in terms of EU's ability to bring about domestic change, the ENP appears to be situated between the “structured and disciplined accession approach and the weaker components of external relations, aid and fledging conflict management capabilities, whereby it aims to achieve the results in stabilization and development, similar (yet not identical) to those it has achieved with the enlargement process”<sup>33</sup>. Nevertheless, interestingly enough, Sasse looks with optimism at the ENP and contends that “any lasting institutional and policy change in the ENP countries requires a deeper grounding in domestic politics” and the fact that the ENP is structured in such a manner, in which the incentives are vague, makes a partner country's government rather than the EU the motor for change<sup>34</sup>. Accordingly, she concludes that “while the EU accession process in Central and Eastern Europe was by and large de-politicized, the ENP brings politics back into the adaptation to the EU's rules and norms and the process of reform more generally”<sup>35</sup>.

Despite all that, and to focus on what ENP does offer, as the EU-Georgia ENP Action Plan reads, “the level of ambition of the relationship will depend on the degree of Georgia's commitment to common values as well as its capacity to implement jointly agreed priorities, in compliance with international and European norms and principles. The pace of progress of

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<sup>31</sup> Ibid. p8 - The adoption of Moldova and Ukraine's ENP APs was delayed because of problematic negotiations on Action Plan between the EU and Israel. In the case of South Caucasus the European Commission had also to delay the start of negotiations on ENP AP because the Republic of Cyprus was questioning Azerbaijani links to the Turkish Republic of North Cyprus. Because of a single charter flight between Azerbaijan and North Cyprus months before the draft ENP AP was even put on table, all the countries of the South Caucasus could not start negotiations on the ENP AP in time. Thus the principle of differentiation and joint ownership was seriously undermined)

<sup>32</sup> Börzel, T.A. and Risse, T. - One Size Fits All! EU Policies for the Promotion of Human Rights, Democracy and the Rule of Law, p. 20. Prepared for the Workshop on Democracy Promotion, Oct. 4-5, 2004, Center for Development, Democracy, and the Rule of Law, Stanford University

<sup>33</sup> Lessenski, M. – The EU policy towards its black sea neighbors, P.9, IRIS 2005

<sup>34</sup> Sasse, G. - The ENP Process and the EU's Eastern Neighbors: 'Conditionality-lite', Socialization and 'Procedural Entrapment' p. 4, Global Europe Papers 2008/9, University of Nottingham

<sup>35</sup> Ibid. p. 4

the relationship will acknowledge fully Georgia's efforts and concrete achievements in meeting those commitments". As noted above, this new approach from the EU has been largely the result of the strategic adaptation and learning<sup>36</sup> within the European Commission. Consequently, the European Neighborhood Policy has been fairly called the "mechanical borrowing"<sup>37</sup> of the enlargement policy. Being modeled on the enlargement strategy<sup>38</sup>, the ENP employs action plans; benchmarking and monitoring instruments through regular reports. In terms of incentives from the EU the essential difference between the two policies is the lack of membership perspective for the new neighboring countries in the foreseeable future. Despite the policy being short of the ultimate goal of membership, together with the overall enhancement of relations both in bilateral and regional terms, the new perspectives for Georgia under the policy are the stake in the EU's internal market and gradual extension of the four freedoms, as well as possibility for Georgia to participate in key aspects of EU policies and programs; EU's continued commitment in the resolution of conflicts in Georgia and its readiness to further enhance its engagement thereof. The ENP also provides for the increased financial support to help the country achieve the goals outlined in the Action Plans. Taking into account the fulfillment of the aforementioned objectives, the new policy also allows for the consideration to be given to the possibility of the new enhanced contractual relationship<sup>39</sup> between the EU and Georgia.

### **1.3 A step up in relations: more incentives under the Eastern Partnership**

The proposals for the Eastern Partnership were put forward in the Commission communication in December 2008 following a request made by the European Council in June 2008. At its extraordinary meeting in September 2008, when discussing the post war situation in Georgia, which helped to galvanize the support for the Eastern Initiative of the Polish and Swedish Governments, the European Council reaffirmed its position and

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<sup>36</sup> Kelley, J. – New Wine in Old Wine Skins: Promoting Political Change through the European Neighborhood Policy, p.29. *Journal of Common Market Studies*, 2006, Volume 44, Number 1

<sup>37</sup> *Ibid.* p. 29

<sup>38</sup> *Ibid.* p. 30.

<sup>39</sup> EU-Georgia Action Plan

underlined the need to step up relations with the eastern countries<sup>40</sup>. After its adoption, the Eastern Partnership was launched at a summit meeting with the partner countries, hosted by the Czech presidency of the EU Council on 7 May 2009<sup>41</sup>.

The Eastern Partnership aims to 'accelerate political association and further economic integration between the Union and partner countries'. It aims to achieve this through supporting political and socio-economic reforms, facilitating approximation towards the European Union in bilateral engagement and multilateral cooperation<sup>42</sup>.

Eastern Partnership builds on the broader ENP and its main added value is that it significantly deepens the bilateral cooperation pursued by the EU and partner countries under the ENP, taking it to the newer level. Meanwhile, the main novelty of the EaP constitutes the introduction of the multilateral framework, which is designed exclusively for the ENP's Eastern partners<sup>43</sup>. This new novelty has not gone by without a fair amount of criticism. The point is that, with regard to the multilateralism, as argued by Kratochvil, "it is the EU that is more enthusiastic, while the partner countries have expressed some restraints" in this regard, which in turn have been based on two factors: 1) the fear that EaP might gradually become an alternative arrangement to full membership; 2) worry that multilateralism could decrease the so far prevalent country-specific differentiation and thus slow down the quickest reformers<sup>44</sup>.

Moreover, to deliver change the Eastern Partnership pursues two track strategy. It aims to increase the EU's geopolitical presence in the post-Soviet region by intensifying its engagement. However, the type of engagement is much the same as has been the case with the ENP and focuses on the promotion of domestic political and socio-economic reforms

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<sup>40</sup> European Council, Fact Sheet N 3, 19 and 20 March, 2009

<sup>41</sup> The Eastern Partnership is aimed at the Union's partners in Eastern Europe and the Southern Caucasus and concerns six countries: Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine.

<sup>42</sup> Wolczuk K. - Convergence without Finalité: EU strategy towards post-Soviet states in the wider Black S p.3 (forthcoming in K. Handerson and C. Weaver (eds.) 'The Black Sea Region and EU Policy: the challenge of divergent agendas' (Ashgate, September 2010).

<sup>43</sup> <http://cejiss.org/online/kratochvil/>

<sup>44</sup> <http://cejiss.org/online/kratochvil/>



through facilitating convergence towards the EU<sup>45</sup>. The Eastern Partnership expands the intensity and depth of EU's engagement with countries to speed up their alignment with the acquis. Under the ENP/Eastern Partnership, the neighboring states are to benefit from developing and modernizing their public policies and economies by anchoring them in the EU model of governance, regardless of their actual aspirations and capacity of achieving this<sup>46</sup>.

### **1.3.1. Principles same - conditionality strengthened**

The Eastern Partnership (EaP) as part of the broader ENP is based on the commitments to the principles of international law and fundamental values, including democracy, the rule of law and the respect for human rights and fundamental freedoms, as well as to, market economy, sustainable development and good governance<sup>47</sup>. As Kratochvil<sup>48</sup> argues, the most important aspect of the EaP is that it recovers the link between the EU's neighborhood policy and the policy of enlargement in that it transfers to EaP the instruments and mechanisms used during the enlargement policy<sup>49</sup>. The EaP upholds the principles of the ENP and is based on joint ownership and differentiation. The vague and unstructured use of conditionality in the ENP seems to have been addressed and now the EaP reinforces the principle of conditionality indicating that the progression path is subject to meeting explicit conditions<sup>50</sup>. The stronger focus on the conditionality is related to the strong bargaining power and the asymmetric nature of relations the EU exercises with its partners and which consequently allows it to offer or withhold rewards depending on the extent to which non-member states comply with the conditions set by the EU<sup>51</sup>. Given the uncertainty of

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<sup>45</sup> Wolczuk K. - Convergence without Finalité: EU strategy towards post-Soviet states in the wider Black S p.5 (forthcoming in K. Handerson and C. Weaver (eds.) 'The Black Sea Region and EU Policy: the challenge of divergent agendas' (Ashgate, September 2010).

<sup>46</sup> Ibid. p. 5

<sup>47</sup> Joint Declaration of the Prague Eastern Partnership Summit, p.5 May 7, 2009

<sup>48</sup> Petr Kratochvil is Deputy Director of the Institute of International Relations (IIR), Prague

<sup>49</sup> <http://cejiss.org/online/kratochvil/>

<sup>50</sup> Wolczuk K. - Convergence without Finalité: EU strategy towards post-Soviet states in the wider Black Sea p.5 (forthcoming in K. Handerson and C. Weaver (eds.) 'The Black Sea Region and EU Policy: the challenge of divergent agendas' (Ashgate, September 2010).

<sup>51</sup> Ibid. p. 5

the *finalite politique* and the distant nature of the rewards, Kataryna Wolczuk argues that in order for the application of the conditionality to be successful in keeping the non-member states to comply with the EU requirements, the provision of the intermediary rewards acquire particularly important role<sup>52</sup>. Conforming to that, the clear example of the strengthened conditionality and the presence of intermediary incentives in the EaP is the provision on the start of negotiations on the foundation of the Association Agreements, between the EU and those partner countries who are willing and able to comply with the resulting commitments<sup>53</sup>.

### **1.3.2. More incentives**

The Eastern Partnership creates better conditions for adopting and implementing concrete projects of cooperation and widens the framework of relations with the following key elements like Association Agreements (AA), deep and comprehensive free trade agreements (DCFTA), higher mobility, energy security, regional development, and transport and energy infrastructure, people to people contacts<sup>54</sup>. EaP provides for the possibility of gradual visa liberalization between the EU and partner countries on a case-by-case basis provided that conditions for well-managed and secure mobility are met. To that end, EaP will promote mobility of citizens of the partner countries through visa facilitation and readmission agreements.

The EaP also provides for the cooperation in the multilateral format. The EU and the six partner countries will have an additional opportunity to meet and conduct an open and free dialogue on the objectives pertaining to the partnership. The forum provides for an opportunity to share and exchange the information on the partner countries' steps towards transition, reform and modernization and will give the EU additional instrument to assist in these processes<sup>55</sup>.

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<sup>52</sup> Ibid. p. 6

<sup>53</sup> Joint Declaration of the Prague Eastern Partnership Summit, p.5 May 7, 2009

<sup>54</sup> Gogolashvili, K. – The EU policy towards the South Caucasus: a case study of Georgia, p. 9

<sup>55</sup> Joint Declaration of the Prague Eastern Partnership Summit, p.8 May 7, 2009

## Chapter 2: Theoretical Framework

### 2.1 “Europeanization” as an independent variable

The main idea of the Europeanization literature that has developed in the recent decades within the EU has been to study and research the effects, impact and influence the EU has had on its member states, rather than continuing work in the paths of intergovernmental – neofunctionalist dichotomy of trying to explain the emergence of the EU polity. As Radaelli elaborates it precisely, “having spent intellectual energy in seeking to understand the ‘nature of the beast’, that is, the nature of European integration, political scientists have now realized that a EU political system is in place, produces decisions, and impacts on domestic policies in various guises. Hence the focus has shifted to studying those impacts”<sup>56</sup>. To further simplify the discussion, what previously constituted the dependent variable of the European integration studies, has now become the independent variable<sup>57</sup>, which influences the politics of the member, candidate and the third countries, with which the EU has relations.

Bulk of the Europeanization research attention has been particularly directed towards the EU's enlargement to the Central and Eastern European (CEEC) and candidate countries, and only recently, albeit on a much limited scale, on the EU's relations with the countries beyond these groups. As Schimmelfennig suggests, while it is clear that the transfer of the whole *acquis communitarian* came to be at the core of the Europeanization in the former case, same is not true for the latter, where one needs to be cautious as the challenge persists as to what should constitute the “substance of Europeanization beyond Europe, and which ideas, norms, rules, organizational structures and procedures, behavioral patterns, etc.,

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<sup>56</sup> Bulmer, J.S. and Radaelli, M.C. - The Europeanization of National Policy? No 1/2004, Queen's Papers on Europeanization

<sup>57</sup> Jacquot, S. and Woll, C. - Usage of European Integration – Europeanization from a Sociological Perspective. European Integration online Papers (EIoP) Vol. 7 (2003) N° 12; <http://eiop.or.at/eiop/texte/2003-012a.htm>

spread intentionally or unintentionally beyond integrated Europe?”<sup>58</sup>. To put it simply, some have suggested the concept of “Europeanization beyond Europe” to consist of “external projection of the internal solutions”<sup>59</sup>. Meanwhile, according to Sedelmeier, as long as the Europeanization approach is mainly concerned with providing the theoretical framework and elaborating the factors which relate to the more general analysis of the domestic impact of international institutions and namely the EU, the ideas and insights of the Europeanization concept can be applied in relation to the non-members of the EU<sup>60</sup>. Consequently, for the purpose of this paper, *Europeanization of Georgia* is deliberately meant here to represent a generic concept, which implies studying the *EU's impact on Georgia*, and in particular its ability to induce democratic reforms, i.e. “constitutional norms of the EU”<sup>61</sup>, through various mechanisms and instruments under the ENP/EaP framework. As Schimmelfennig argues the “ENP can be seen as a most-likely case for Europeanization beyond Europe because it deals with close neighbors, covers a broad range of policies, and is based on the explicit commitment of the EU to extend its *acquis* beyond membership”<sup>62</sup>. One key empirical finding of the Europeanization literature is that the impact of the EU on candidate countries is differential across countries and issue areas<sup>63</sup>. Consequently, considering that the EU's overall impact on policies and issue areas in Georgia would be as diverse as it would be voluminous, practically making such a study beyond the scope of a single research, this paper is mainly concerned with the EU's impact on the polity and political order of Georgia that is its commitments to strengthening of democracy, human rights and the rule of law.

Furthermore, According to Radaelli and Bulmer, who provide an excellent definition of the concept, “Europeanization consists of processes of construction; diffusion and

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<sup>58</sup> Schimmelfennig, F. - “Europeanization beyond Europe”, p. 6, Living Reviews in European Governance, Vol. 4, (2009), No. 3: <http://www.livingreviews.org/lreg-2009-3> (cited [20.06.2010])

<sup>59</sup> Lavenex, S. - “EU External Governance in ‘Wider Europe’”, p. 695, Journal of European Public Policy, 11(4), 2004,

<sup>60</sup> Schimmelfennig, F. - “Europeanization beyond Europe”, p. 7, Living Reviews in European Governance, Vol. 4, (2009), No. 3: <http://www.livingreviews.org/lreg-2009-3> (cited [20.06.2010])

<sup>61</sup> Manners, I. - “Normative Power Europe: a Contradiction in Terms?” p. 240-241, Journal of Common Market Studies, 40(2): 2002,

<sup>62</sup> Schimmelfennig, F. - “Europeanization beyond Europe”, p. 6, Living Reviews in European Governance, Vol. 4, (2009), No. 3: <http://www.livingreviews.org/lreg-2009-3> (cited [20.06.2010])

<sup>63</sup> Sedelmeier, U. - “Europeanization in new member and candidate states”, p. 6, Living Rev. Euro. Gov. Vol. 1, (2006), No. 3. [Online Article]: cited June, 2010, <http://www.livingreviews.org/lreg-2006-3>

institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and sub-national) discourse, political structures and public policies<sup>64</sup>.

This should suggest that in case of Georgia, and as far as this paper is concerned, under the Europeanization of Georgia should be understood its firm adherence to the common values, shared beliefs and norms, and its fervent commitment to the reforms which aim at consolidating democracy, strengthening of the rule of law and respect for human rights. Empirically, the institutionalization of the political agenda of the EU-Georgia ENP Action Plan, and the implementation of the specific measures and reforms thereof, should be seen as an object of the EU's impact under the umbrella of Europeanization. In academic jargon, Georgia's democratic performance constitutes the dependent variable of the study, the conditions, factors, instruments and mechanisms enshrined in the ENP/EaP, which constitute the causal mechanism between the EU's pressure-ENP AP reforms and the domestic impact-Georgia's commitment to the political reforms, constitute the independent variables of the analysis.

## ***2.2. Conditions for the domestic change***

### ***Goodness to fit***

Elaborated by Borzel and Risse, in order to expect domestic change in a target country as the result of the adaptational pressure emanating from the EU, whether looking at the policies, politics, or polities, two conditions are important. As they argue, Europeanization must be "inconvenient," i.e., there must be some degree of "misfit" or incompatibility between European-level processes, policies and institutions, on the one hand, and domestic-level

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<sup>64</sup> Bulmer, J.S. and Radaelli, M.C. - The Europeanization of National Policy? p. 4, No 1/2004, Queen's Papers on Europeanization

processes, policies and institutions, on the other<sup>65</sup>. Moreover, the degree of fit or misfit leads to adaptational pressures, which constitute a necessary but not sufficient condition for expecting domestic change. Meanwhile, in order for the EU policy to have a domestic effect, it needs to be *somewhat difficult* to absorb at the domestic level<sup>66</sup>. Whereas, in country A, which fits well with the EU requirements, there will be no domestic impact and things will go on as before, in a country B, which is completely different from that of EU, it would be almost impossible to adapt to the EU and consequently, as argued by the authors, the existence of the moderate *goodness to fit* is a necessary pre-requisite for the effect to be pronounced<sup>67</sup>. The second condition is that various facilitating factors – be it actors or institutions – respond to the adaptational pressures, thus inducing the change<sup>68</sup>.

In this model, it is important to note that the Europeanization takes place as a result of EU's power of attraction and the target country's decision to adapt to the pressures emanating from the EU is voluntary<sup>69</sup>.

In light of the adaptational processes in the target counties in response to Europeanization as suggested above, the research on Europeanization and the theoretical insights it provides distinguishes between the two analytically distinctive approaches - rational institutionalism and sociological (or constructivist) institutionalism, which are explained below.

### **2.2.1 Rational Institutional perspective and the “logic of consequences”**

According to the rational institutionalist perspective, the EU's domestic impact follows the ‘logic of consequences’ rather than ‘logic of appropriateness’. From this perspective, the misfit between European and domestic processes, policies, and institutions is largely

<sup>65</sup> Borzel, T. and Risse, T. – Conceptualizing the domestic impact of Europe, p. 58, in Featherstone, K. and Radaelli, C. – The Politics of Europeanization, Oxford University Press, 2003

<sup>66</sup> Sedelmeier, U. - “Europeanization in new member and candidate states”, p. 8. Living Rev. Euro. Gov. Vol. 1, (2006), No.3 [Online Article]: cited June, 2010, <http://www.livingreviews.org/lreg-2006-3> p. 8.

<sup>67</sup> Ibid. p. 8

<sup>68</sup> Borzel, T. and Risse, T. – Conceptualizing the domestic impact of Europe, p. 58, in Featherstone, K. and Radaelli, C. – The Politics of Europeanization, Oxford University Press, 2003

<sup>69</sup> OLSEN, J.P., “Europeanization” in Michelle Cini, European Union Politics, Oxford University Press, Oxford, 2004.

conceived as an emerging political opportunity structure which offers some societal and/or political actors additional resources to exert influence, while severely constraining the ability of others to pursue their goals<sup>70</sup>. Rational institutionalism treats actors as rational, goal-oriented and purposeful. Actors engage in strategic interactions using their resources to maximize their utilities on the basis of given, fixed and ordered preferences. They follow an instrumental rationality by weighing the costs and benefits of different strategy options taking into account the (anticipated) behavior of other actors. Hence, the adaptational pressure from the EU changes the opportunity structure for utility-maximizing domestic actors; it empowers certain actors by offering legal and political resources to pursue domestic change. As a consequence, the two mediating factors, 1) formal domestic institutions providing actors with material and ideational resources and 2) the presence of multiple veto<sup>71</sup> points in country's institutional structure, are seen as the main domestic factors impeding or facilitating changes in response to EU adjustment pressures<sup>72</sup>. The two domestic factors and their respective role in facilitating changes in Georgia will be analyzed in the third section of this paper.

### ***External factor - Conditionality***

As Schimmelfennig and Sedelmeier argue, among the most prominent strategies and various instruments the EU employs to achieve domestic change or Europeanize the target countries, rational institutionalist refer to the *conditionality* or the use of conditional positive incentives<sup>73</sup>. Conditionality is based on the direct, sanctioning impact of the EU on the target government and subsumes the intergovernmental channel of external incentives, the compulsory impact and the compliance mode of governance. In the conditionality mode the EU provides non-member governments with incentives such as financial aid, market access

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<sup>70</sup> Borzel, T. and Risse, T. – Conceptualizing the domestic impact of Europe, p. 58, in Featherstone, K. and Radaelli, C. – The Politics of Europeanization, Oxford University Press, 2003

<sup>71</sup> Ibid. p. 58

<sup>72</sup> Sedelmeier, U. - "Europeanization in new member and candidate states" p. 10 Living Rev. Euro. Gov. Vol.1, (2006), No.3. [Online Article]: cited June, 2010, <http://www.livingreviews.org/lreg-2006-3>

<sup>73</sup> Schimmelfennig, F and Sedelmeier, U.-The Europeanization of Central and Eastern Europe, p. 12, Cornell University Press, NY, 2005

or institutional ties on the condition that they follow the EU's demands. In order for the conditionality to be effective, as the study shows, the factor of its *clarity* is important – meaning that the respective states need to know what they need to do if they decide to comply with the EU conditions<sup>74</sup>. Another factor is the *credibility* of conditionality, which means that the promised rewards have to be delivered after meeting the EU demands and at the same time maintaining that the rewards will follow only when the demands are met, hence relating credibility to the consistent, merit-based application of conditionality by the EU<sup>75</sup>. Moreover, the effective use of conditionality also means that it has to be accompanied by the use of *intermediary rewards*<sup>76</sup> by the EU and accordingly, the EU needs to have a *strong monitoring mechanism* to monitor the compliance of the respective states with its demands<sup>77</sup>.

### ***Other, domestic factors***

In order to facilitate the domestic compliance, depending on the polity or the policy dimension at case, the rational Institutionalist point to the important role of presence of various domestic factors. Namely, at the polity level - the democratic principles, human rights and the rule of law - the presence of *liberal democratic government*, for which the costs of meeting the EU's demands are unlikely to be prohibitively high - are seen as such a factor and here the authors emphasize on the quality of political competition at the moment of regime change, which in turn depends on a *strong opposition to communism and a reforming*

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<sup>74</sup> Schimmelfennig, F and Sedelmeier, U.-The Europeanization of Central and Eastern Europe, p. 12, Cornell University Press, NY, 2005

<sup>75</sup> Sedelmeier, U. - "Europeanization in new member and candidate states" p. 11 Living Rev. Euro. Gov. Vol.1 (2006), No.3. [Online Article]: cited June, 2010, <http://www.livingreviews.org/lreg-2006-3>

<sup>76</sup> Featherstone, K. & Radaelli, C.- The Politics of Europeanization, p.316, Oxford University Press, New York 2003

<sup>77</sup> Schimmelfennig, F. and Sedelmeier, U.-The Europeanization of Central and Eastern Europe, p. 15, , Cornell University Press, NY, 2005



*communist party*<sup>78</sup>. While at the policy level, a low 'actor density'<sup>79</sup> in a policy area or a low number of "veto players"<sup>80</sup> is regarded to be a key facilitating factor.

## **2.2.2 Sociological Institutional perspective and the "logic of appropriateness"**

Together with the rational institutionalist account on conditionality and the presence of various international and domestic factors as the mediating variables conducive to the EU's impact on the target countries, much of the Europeanization study has focused on the insights provided by the sociological institutionalism and the relevant factors both at the international and the domestic level.

As an alternative explanations of the EU's influence, according to the sociological institutionalists, responses from the target countries follow the 'logic of appropriateness' and the EU's domestic impact results from a process of *socialization and persuasion* in which domestic actors gradually adopt a view that the EU's rules have an intrinsic value, regardless of the material incentives for adopting them<sup>81</sup>. Elaborated by March and Olsen, the logic of appropriateness is a perspective on how human action is to be interpreted. Action, policy making included, is seen as driven by rules of appropriate or exemplary behavior, organized into institutions; the appropriateness of rules includes both cognitive and normative components and rules are followed because they are seen as natural, rightful, expected, and legitimate<sup>82</sup>. Actors seek to fulfill the obligations encapsulated in a role, an identity, a membership in a political community or group, and the ethos, practices and expectations of its institutions. Embedded in a social collectivity, they do what they see as appropriate for

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<sup>78</sup> Sedelmeier, U. - "Europeanization in new member and candidate states" p. 11 Living Rev. Euro. Gov. Vol.1 (2006), No.3. [Online Article]: cited June, 2010, <http://www.livingreviews.org/lreg-2006-3>

<sup>79</sup> Jacoby, W. - The Enlargement of the European Union and NATO: Ordering from the Menu in Central Europe, p. 9, Cambridge University Press, New York, 2004

<sup>80</sup> Schimmelfennig, F and Sedelmeier, U.-The Europeanization of Central and Eastern Europe, p. 17, Cornell University Press, NY, 2005

<sup>81</sup> Sedelmeier, U. - "Europeanization in new member and candidate states" p. 11 Living Rev. Euro. Gov. Vol.1, (2006), No.3. [Online Article]: cited June, 2010, <http://www.livingreviews.org/lreg-2006-3>

<sup>82</sup> March, J. and Olsen, J. – The logic of Appropriateness, p. 3 Arena Working Papers, N 04/09, 2006

themselves in a specific type of situation<sup>83</sup>.

Thus when speaking of democracy, rules of appropriateness have become embedded in modern democracies and came to mean those actions by a human being that are constitutive to processes of democratization and civilization; and legitimacy has come to depend on how things are done, not solely on substantive performance<sup>84</sup>.

### **Socialization**

According to Schimmelfennig, "socialization comprises all EU efforts to "teach" EU policies – as well as the ideas and norms behind them – to outsiders, to persuade outsiders that these policies are appropriate and, as a consequence, to motivate them to adopt EU policies. Socialization subsumes intergovernmental "social learning", "constructive impact" and "communication". All other mechanisms of EU impact are best seen as varieties of these two fundamental logics – varieties that work more indirectly and/or transnationally than conditionality and socialization<sup>85</sup>. As Youngs, quoted in Schimmelfennig's study, suggests, given the limits of positive and negative material measures, "EU strategy has been complemented and characterized by an aim to develop deeply institutionalized patterns of dialogue and co-operation as means of socializing political elites into a positive and consensual adherence to democratic norms"<sup>86</sup>.

It is suggested that if a target country – *both elites and public – positively identifies with the EU*, or holds it in high regard, the government is more likely to be open to persuasion and to consider the rules that the EU promotes as positive<sup>87</sup>. Moreover, the process of transfer of EU rules must be perceived as legitimate, which in turn grows with the use of soft tactics

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<sup>83</sup> March, J. and Olsen, J. – The logic of Appropriateness, p. 3 Arena Working Papers, N 04/09, 2006

<sup>84</sup> Ibid. p.6

<sup>85</sup> Schimmelfennig, F. - "Europeanization beyond Europe", p. 8, Living Reviews in European Governance, Vol. 4, (2009), No. 3: <http://www.livingreviews.org/lreg-2009-3> (cited [20.06.2010])

<sup>86</sup> Ibid. p. 12

<sup>87</sup> Schimmelfennig, F and Sedelmeier, U.-The Europeanization of Central and Eastern Europe, p.19,Cornell University Press, NY, 2005

rather than overt pressure<sup>88</sup> and a presence of 'low density of EU demands', allowing the domestic actors 'to engage in relatively unpressured "learning"<sup>89</sup>.

Sociological Institutionalists also argue that the EU's impact depends on the extent to which there is a 'cultural match' or 'resonance' between EU demands and domestic rules and political discourses<sup>90</sup>.

While the theoretical approaches of the rational and sociological institutionalisms are distinct, it is argued by various authors that the two perspectives are – at least partly – complementary and not necessarily mutually exclusive and that the EU's strategy and instruments employed in order to achieve domestic change, are the result of the "two track" diffusion models, in which both approaches work simultaneously on different domestic groups within the same issue area<sup>91</sup>.

To sum up, the two tables below provide for an excellent illustration of the additional Europeanization mechanisms from the rational and sociological institutional perspectives apart from those discussed above.

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<sup>88</sup> Kubicek, P. J. - *The European Union and Democratization*, p. 16, Routledge, London. 2003

<sup>89</sup> Jacoby, W. - *The Enlargement of the European Union and NATO: Ordering from the Menu in Central Europe*, p. 10, Cambridge University Press, New York, 2004

<sup>90</sup> Sedelmeier, U. - "Europeanization in new member and candidate states" p. 13. *Living Rev. Euro, Gov.* Vol.1, (2006), No.3. [Online Article]: cited June, 2010, <http://www.livingreviews.org/lreg-2006-3>

<sup>91</sup> Johnson, J. - "Two-track diffusion and central bank embeddedness: the politics of Euro adoption in Hungary and the Czech Republic". pp. 361–386; *Review of International Political Economy*, 13 (3) , 2006

**Table 1: Summary of Dyson and Goetz (2003) on the 'two generations of Europeanisation research'**

<i>First Generation (Historical Institutional)</i>	<i>Second Generation (Sociological Institutional)</i>
<ul style="list-style-type: none"> <li>• top-down perspective, seeking to explain domestic reactions to pressures from above</li> </ul>	<ul style="list-style-type: none"> <li>• emphasizes both top-down and bottom-up, vertical and horizontal dimensions</li> </ul>
<ul style="list-style-type: none"> <li>• assumed 'mismatch' between European and domestic levels – particularly legal, institutional and procedural</li> </ul>	<ul style="list-style-type: none"> <li>• greater emphasis on interests, beliefs, values and ideas: the 'political' dynamics of fit</li> </ul>
<ul style="list-style-type: none"> <li>• emphasized reactive and involuntary nature of adaptation</li> </ul>	<ul style="list-style-type: none"> <li>• greater emphasis on voluntary adaptation through policy transfer and learning</li> </ul>
<ul style="list-style-type: none"> <li>• focused on policy and polity dimensions</li> </ul>	<ul style="list-style-type: none"> <li>• greater emphasis on politics, e.g., identities, electoral behaviour, parties and party systems</li> </ul>
<ul style="list-style-type: none"> <li>• expected increasing cross-national convergence</li> </ul>	<ul style="list-style-type: none"> <li>• emphasizes differential impact of Europe</li> </ul>
<ul style="list-style-type: none"> <li>• defined Europeanisation in substantive terms – focus on the 'end state' effects</li> </ul>	<ul style="list-style-type: none"> <li>• emphasizes impact of Europeanisation on domestic political, institutional and policy dynamics</li> </ul>

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<sup>92</sup>Ian Bache and Adam Marshall – Europeanization and Domestic Change: A Governance Approach to Institutional Adaptation in Britain, p. 5 Queen's Papers on Europeanization, No 5/2004

**Table 1:** Mechanisms of EU impact beyond the member-states

	<i>Intergovernmental</i>		<i>Transnational</i>	
	<i>Direct</i>	<i>Indirect</i>	<i>Direct</i>	<i>Indirect</i>
<i>Logic of consequences</i>	(1) <b>Conditionality</b> Intergovernmental incentives Compulsory impact Compliance	(2) <b>Externalization</b> Competition Negative externality	(3) <b>Transnational incentives</b> Connective impact	(4) <b>Transnational externalization</b> Competition
<i>Logic of appropriateness</i>	(5) <b>Socialization</b> Intergovernmental social learning Constructive impact Communication	(6) <b>Imitation</b> Lesson-drawing Enabling impact Unilateral emulation	(7) <b>Transnational socialization</b> Transnational social learning	(8) <b>Societal imitation</b> Enabling impact

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<sup>93</sup> Schimmelfennig, F. - "Europeanization beyond Europe", Living Reviews in European Governance, Vol. 4, (2009), No. 3: <http://www.livingreviews.org/lreg-2009-3> (cited 05.07.2010)

## **Chapter 3: Assessing the impact of the ENP: Europeanization and domestic change**

As the year 2004 marked a new stage in the EU-Georgia relations, in particular when following the democratic processes Georgia was included in the European Neighborhood Policy and the two sides agreed the Action Plan towards the end of 2006, the Georgian Government undertook the commitment to continue and carry out political reforms, namely enhancing democracy, strengthening of the rule of law, respect for human rights, etc. Although the action plan is not a legally binding document, it nevertheless meant that for the next five years the Georgian government would be induced by the implementation of the commitments stemming from the ENP Action Plan in particular, and for that matter demonstrate the political will and determination to live up to the expectations and hopes produced by the “rose revolution” that is its democratic transformation in general. As the result, despite the great deal of criticism and uncertainty surrounding the ENP and the Eastern Partnership in terms of its ability to attain its set goals and bring about the democratic change and transformation of partner countries, the overall assessment of the nearly four years of work of the policy in Georgia, suffices to conclude that Georgia has been a “success story”. Largely due to the reasons provided below the implementation of the political reforms have been particularly accentuated during the last couple of years, when Georgia has made significant progress towards strengthening democracy and modernizing its institutions.

A brief look at the three years of dynamic process of the carried out reforms in Georgia, which have been identified and outlined in the European Commission's progress reports on the implementation of the ENP action plans in 2007, 2008 and 2009, contains an evidence of the specific actions and concrete reforms Georgian government has undertaken with regard to the democratization of the country. The commission has also identified the shortcomings and concerns and highlighted the need to inject new momentum into the reforms. It needs to be mentioned that while the first two years were marked with little progress, the implementation has gained its full spin in the last year and a half.

### **3.1. Progress Reports**

#### **3.1.1. Implementation of the ENP Action Plans in 2007**

In its report on the implementation of the political reforms in 2007, the commission noted that, although “increase of the confidence of Georgian citizens in the judiciary and in the rule of law, the independence and impartiality of the judiciary as well as strengthening the ombudsperson institution remains to be an objective, good progress on judiciary reform, improving state revenues and the fight against corruption was achieved”<sup>94</sup>. Moreover, the report noted that despite the important legislative improvements that were achieved in the area of democracy, the functioning of state and local administrative bodies, human rights and fundamental freedoms, events in the latter part of the reporting period demonstrate the need for a proper implementation of this legislation. The biggest concern of the EU side has been the introduction of a state of emergency in November 2007, as well as the conduct of the January 2008 Presidential elections, and noted on the need to address these issues<sup>95</sup>.

In 2007, Georgia has made progress in the reform of the judicial system, improving the access to justice and in fight against corruption. To this end, Georgian has elaborated and adopted specific legislative mechanisms, but the underlying problems remain in terms of the operationalization and enforcement of the legislation.

#### **3.1.2. Implementation of the ENP Action Plans in 2008**

As noted by the commission the year 2008 has been very difficult in terms of implementation of the reforms under the action plans. In particular, the war between Russia and Georgia and a global economic and financial crisis, which certainly affected Georgia as well, had all created very difficult conditions for the successful implementation of reforms. In its communication to the European Parliament and the Council, the Commission noted that

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<sup>94</sup> Progress Report Georgia - 'Implementation of the European Neighborhood Policy in 2007', Brussels, April 3, 2008, SEC (2008), 393

<sup>95</sup> Ibid. p.2

“implementation of the ENP Action Plan was seriously affected by exceptional events, when in the course of 2008 Russia took a number of unilateral steps aimed at strengthening its relations with Georgia's separatist regions Abkhazia and South Ossetia, notably building up its military presence. As the result of the sequence of military incidents and provocations culminating in August 2008, an armed conflict broke out with Russia over the control of South Ossetia”<sup>96</sup>.

As the Commission further noted, in spite of this difficult context, Georgia made some progress on implementation of the ENP Action Plan, with notable achievements in fighting corruption, facilitating access to justice and improving the business and investment climate and customs administration. Georgia continued to cooperate with the EU on trade-related issues, including preparations for a possible DCFTA. Georgia also continued cooperation in the area of justice, freedom and security. Dialogue with Georgia was strengthened with a view to conclude visa facilitation and readmission agreements and launching a Mobility Partnership to facilitate legal migration while combating illegal migration<sup>97</sup>.

Furthermore, the ENP continued to yield the results and was further deepened by the Eastern Partnership Initiative. As for the political cooperation, Georgia has aligned itself with the vast majority of the Common Foreign and Security Policy declarations with which it has been aligned, thus speaking with the EU in one voice on the matters of international concern<sup>98</sup>.

With regard to the January 2008 Presidential elections the commission referred to the observations made by the international community and noted that “the international election observation mission - including ODIHR, European Parliament and the Parliamentary Assemblies of the Council of Europe and the OSCE - stated that these were the first genuinely competitive presidential elections and were in essence consistent with most

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<sup>96</sup> Communication from the European Commission to the European Parliament and the Council, Implementation of the ENP in 2008, Brussels 23/04/2009 COM(2009) 188/3

<sup>97</sup> <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/625&format=HTML&aged=0&language=EN&guiLanguage=en>

<sup>98</sup> EU reinforces ties with its neighbors and continues to support their reforms – IP/09/625, Brussels, 23 April, 2009, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/625&format=HTML&aged=0&language=EN&guiLanguage=en>



international standards for democratic elections”, although it also underlined the existence of serious shortcomings.

A turning point in enhancing the democratic processes in Georgia, and consequently, reinforcing the implementation of the commitments under the ENP, has been the decision of the Georgian President Mikhail Saakashvili in September 2008, when recognizing the limitations that the “rose revolution” delivered in terms of democratic reforms, to launch a ‘new wave of democratic reforms’, which included the strengthening of Parliament’s control over the executive, enforcing the inviolability of private property, improving freedom of the media, increasing the independence of the judiciary, and resuming the financing of opposition parties which decided to boycott parliamentary work<sup>99</sup>.

As the commission noted, some of these reforms were initiated and partially enacted by the end of 2008. The role of the Parliamentary opposition was strengthened through increased representation in parliamentary committees (including the chair of the parliamentary commission on the August war), inclusion in the constitutional reform process, in the High Council of Justice, and in the parliamentary supervision over defense and security matters. Public funding of all eligible political parties was reinstated<sup>100</sup>.

The commission welcomed the President’s initiated amendments to the Constitution aimed at limiting President’s powers to dissolve Parliament and simplifying the process by which Parliament can express a lack of confidence in the government<sup>101</sup>.

Despite the controversial political developments of 2008, the commission highlighted the need to rapidly advance democratic reforms and to consolidate democratic institutions. To that end, the commission stressed on a specific commitment by the Government to inject new momentum in democratic reforms and included it in a package of political conditionality linked to increased EU post-conflict assistance which was discussed by the European Commission and Georgia in 2008, and eventually agreed in January 2009<sup>102</sup>.

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<sup>99</sup> Progress Report Georgia, COMMISSION STAFF WORKING DOCUMENT Accompanying the COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Implementation of the European Neighborhood Policy in 2008., Brussels, 23/04/2009 SEC (2009)513/2

<sup>100</sup> Ibid.p.4

<sup>101</sup> Ibid.p.4

<sup>102</sup> Ibid. p.4

Specific actions had been undertaken by the Government of Georgia with regard to the reform of the judicial system and the strengthening of the independence of judges. Training of judges, including on judicial ethics, has improved through the establishment of the High School of Justice.

In December 2008, the President established a Criminal Justice Reform Inter-Agency Coordinating Council to revise the reform strategy for the Criminal Justice System developed with the assistance of EUJUST Themis and adopted in 2005.

The commission noted the progress achieved with regard to the anti corruption measures. It noted that Georgia ratified the Council of Europe's Criminal Law Convention on Corruption in January 2008, which entered into force in May 2008; and acceded to the United Nations Convention on Corruption in November 2008. In March 2008, the Government amended the Law on Corruption and Conflict of Interest in Public Sector, which includes a code of conduct for public servants and prosecutors. The Anti-Corruption Interagency Coordinating Council was established under the responsibility of the Ministry of Justice. The customs code was simplified and clarified to tackle corruption in the areas of valuation, post-clearance audit and warehouse approvals. However, it stressed on the need to simplify public procurement procedures as foreseen in the National Anti corruption strategy Action Plan<sup>103</sup>.

In terms of human rights and fundamental freedoms, the commission noted on the lack of progress and stressed on need to strengthen the Public defender institution. It also noted the Limited progress in the implementation of the legal framework for criminalizing torture and ill treatment in Georgia. Nevertheless, the commission welcomed the new Action Plan for 2008-2009, presented by the Georgian Interagency Coordination Council for Actions against Torture, Inhuman and Degrading Treatment, which was welcomed by civil society as a good first step and was approved by the President in June 2008. The action plan takes into account a number of recommendations from the European Committee for the Prevention of Torture (CPT) and addresses concerns on excessive use of force<sup>104</sup>.

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<sup>103</sup> *ibid.*p.4

<sup>104</sup> *ibid.*p.6

The commission noted little progress with regard to the media freedom and pluralism, improvement of the minority rights, women's' rights and the juvenile justice.

### **3.1.3. Implementation of the ENP Action Plans in 2009**

During the last year and a half, due to the reasons provided in the previous section, namely the November, 2007 breakdown of demonstrators, the August 2008 Russia-Georgia war and the resulting conclusions of the extraordinary European Council, the international community's attention, and EU's in particular, has been particularly focused on the development of processes in Georgia. The support and assistance of the international community to the post war and post global financial crisis Georgia came largely dependent on the revitalizing of the democratic processes in the country.

In the year 2009, it has been noted by the commission that overall progress has been achieved and Georgia has stepped up its efforts to implement the action plan reforms<sup>105</sup>. In particular, it noted that Georgia made progress especially in the areas of rule of law, reform of the justice system, fight against petty corruption, trade facilitation and improvement of business climate. The Government increased its efforts for reforming the justice sector. The new criminal procedure code which was pending since 2007 has been adopted by the Government and will enter into force in 2010. It noted that continuous and effective implementation of related legislation will be the key in ensuring the long-term success of the reforms, thus meeting ENP Action Plan commitments. Also, Georgia will need to continue its democratic reform efforts and consolidation of democratic institutions, especially political pluralism and media freedom<sup>106</sup>.

With regard to the April demonstrations, the commission noted progress from the similar events in 2007, in that the authorities kept low profile and didn't attempt to break the

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<sup>105</sup> Implementation of the European Neighborhood Policy in 2009: Progress Report Georgia  
COMMISSION STAFF WORKING DOCUMENT Accompanying the COMMUNICATION FROM THE  
COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Taking stock of the European  
Neighborhood Policy (ENP)

<sup>106</sup> *ibid.*

demonstrators by using force.

In the year 2009, Georgia has embarked on the materialization of the ideas outlined in the 2008 president's initiative on the second wave of democratic reforms. In particular the election code had been amended, in which the parliamentary and extra parliamentary opposition parties had actively participated<sup>107</sup>.

In order to draft a new constitution, as outlined under the 'second wave of democratic reforms', a State Constitutional Commission was established. The Chair of the Commission - nominated by the opposition - is an impartial, respected scholar, one of the authors of the current Constitution of Georgia and a former chairman of the Constitutional Court. The Commission comprises representatives of all major political parties and state institutions, as well as academics, NGOs, and civil society. Each political party (including the ruling party) has one representative. The Commission seems to be composed in a balanced way which excludes any possibility to control majority of its members by any political party or state institution, while all decisions are made by 2/3 quorum<sup>108</sup>.

The aim of the Constitutional Commission is to prepare a new constitution, which would ensure further clear separation of powers, an improved system of checks and balances, a more independent court system and better protection of human rights. The commission noted on the progress achieved in terms of reform of the criminal justice system, strengthening of the independence of judiciary, better access to justice and decentralization<sup>109</sup>.

The European Commission particularly noted the progress achieved in the area of fight against corruption, whereas Georgia made significant efforts to comply with Council of Europe's GRECO recommendations, through legislative changes and reforms. The amendments to the Criminal Code included the criminal liability of legal persons; the law on the Chamber of Control was adopted in January 2009; and the Law on Conflicts of Interest and Corruption in Public Service was amended. The commission emphasized that the

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<sup>107</sup> *ibid.* p. 3

<sup>108</sup> *ibid.* p. 3

<sup>109</sup> *ibid.* p. 5

effective implementation of these amended laws will be crucial in consolidating the reform process.

The issue of detention conditions has been noted by the commission and underlined the need of further improvement thereof. With that aim, a new Ministry of Corrections and Legal Assistance was formed in 2009, following the merger of the Prosecution Service with the Ministry of Justice. This new Ministry is in charge of developing systematic actions to address problems in detention conditions, which made limited progress so far.

### **3.2. A state of Art - an update to July 2010**

This section contains empirical evidence and analysis of the measures undertaken by the government of Georgia, which are based on the international assessments and interviews with the relevant stakeholders on the substantiation of Georgia's continued commitment to political reforms since the last progress report of the Commission, which covers the time period until the December 2009. In particular, the reforms introduced include those that were envisaged by the second wave of democratic reforms, emphasizing the position of the Georgian Government's to keep the Commissions calls and concerns on the need to further the implementation of the political reforms under the ENP action plan high on the agenda. Moreover, I provide an evaluation and assessment made with regard to the local self-governance reform, which includes the reform of the electoral code of Georgia and the direct elections of the Tbilisi Mayor.

Before discussing the specific fields and measures, it would be useful to highlight some of the remarks made by the Council of Europe Parliamentary Assembly's Committee on Honoring the obligations and commitments by Georgia, which *inter alia* focused on the developments with regard to: constitutional reform; electoral reform and the local elections of May 2010 and media pluralism<sup>110</sup>. In particular, it noted that "it is clear that the reforms and

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<sup>110</sup> Honoring of obligations and commitments by Georgia, Committee on the Honoring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) AS/Mon(2010)24 rev. 24 June 2010 amondoc 24rev\_ 2010.

policies to further the modernization and democratic development of Georgia, despite some set-backs, have continued unabated, despite the war. In addition, it noted that the establishment of a second round of democratic reforms will help Georgia to further consolidate its democracy". It also emphasized that "the recent local elections were an important step in the democratization processes in Georgia"<sup>111</sup>.

### **3.2.1. Electoral Code Reform**

To increase the confidence towards the Electoral Code and electoral environment at large through an inclusive, participatory and transparent process and through sustaining dialogue between political parties, the Chairman of the Parliament has launched an initiative to establish a cross-party working group (EWG) with participation of the ruling party, parliamentary and non-parliamentary opposition, relevant international organizations and NGOs. The mandate of the group was to draft amendments to the electoral code in line with general political consensus and recommendations of relevant international organizations, taking into account the experience of the recent elections.

The group launched its activities by political parties signing code of conduct. The document enforces the following principles: Constructive cooperation; Consensus based decisions; No preconditions prior to discussions.

Non-governmental organizations, as well as international organizations such as the Council of Europe, Organization for Security and Cooperation in Europe, National Democratic Institute, International Republican Institute, embassies of the United States and EU countries, participated in the work of the group with Observer status. The Central Election Commission has been invited to group meetings. Council of Europe Venice Commission and OSCE Office for Democracy and Human Rights provided expert assistance.

The final document, which was agreed by the group, embodied the *Direct Elections of Tbilisi Mayor*, with the threshold reduced to 30 % and *Elections of Tbilisi Council*, composed

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<sup>111</sup> Ibid. p. 7.

of 25 single-mandate majoritarian and 25 proportional system seats, distributed among the election subject that overcome the 4 % threshold<sup>112</sup>.

### **3.2.2. Inter-fractional group on May 2010 local self-government elections**

With participation of parliamentary opposition parties inter-fractional group was created on initiative of Speaker of Parliament to monitor local self-government election. Its aim was to respond to possible shortcomings during campaign, voting day and vote counting process. Group consisted of nine members with a majority of five from the opposition and four from the ruling party and was chaired by representatives of parliamentary opposition. Non parliamentary oppositional parties and civil society representatives were invited to the group.

Overall, on the election code of Georgia and the subsequent amendments to it up to March 2010, the Venice Commission in its report noted that the code “is generally conducive to the conduct of democratic elections and addresses a number of previous recommendations”<sup>113</sup>. In particular as the opinion reads, the code takes steps to ensure that “elections are conducted in a transparent and open manner; media provisions allow for equitable access for candidates; voting is accessible to persons with disabilities and persons who cannot vote in their allotted polling station; and Ballots are available in minority languages”<sup>114</sup>.

Nevertheless, Venice Commission takes note of the shortcomings and incompatibilities and makes a number of recommendations in its opinion, the consideration of which remains to be seen by the Georgian Government.

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<sup>112</sup> Interview with the Georgian official, June 2010

<sup>113</sup> [http://civil.ge/eng/article.php?id=22425&search=May elections](http://civil.ge/eng/article.php?id=22425&search=May%20elections), (Last accessed in July, 2010)

<sup>114</sup> [http://www.venice.coe.int/docs/2010/CDL-AD\(2010\)013-e.asp#\\_ftn30](http://www.venice.coe.int/docs/2010/CDL-AD(2010)013-e.asp#_ftn30) (Last accessed in July 6, 2010)

### 3.2.3. Assessment of the May 2010 local self-governance elections

In his address to Parliament in July 2009, the President of Georgia, together with the reform of the local self-governance system, offered the direct elections of Tbilisi mayor (previously the Tbilisi mayor was elected by the elected city council). The May 30, 2010 local elections had been anticipated by the Georgian Government and the international community alike with much anxiety, as the elections constitute an important test and contain an ample evidence of the progress achieved in terms of development of the democratic processes and the political culture thereof. In clear contrast to the assessment made during the previous elections the May 2010 local elections had been evaluated by the international community as “having marked evident progress towards meeting OSCE and Council of Europe commitments”<sup>115</sup>. The report noted that despite “systemic irregularities” on the Election Day, in overall elections were well administered: “election administration managed these elections in a professional, transparent and inclusive manner and considerable efforts were made to improve the quality of the voters list. The transparency of the electoral process was enhanced by a large number of domestic observers”<sup>116</sup>. Moreover, as the report noted the Election Day was generally calm, and the process was well-managed and transparent in the large majority of polling stations visited by the international observers. Voting was assessed positively in 96 per cent of polling stations visited. International observers reported relatively few cases of voters not finding their names on the voter's list. Domestic observers and party proxies were present in the large majority of polling stations visited<sup>117</sup>. Furthermore, as the EU Special Representative to the South Caucasus, Peter Semneby noted in his interview with the local media “there is more of the focus on substantive issues, then I've seen in previous campaigns; there is less tension and I think that's very healthy for development of political culture in Georgia”<sup>118</sup>.

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<sup>115</sup> INTERNATIONAL ELECTION OBSERVATION MISSION, Georgia — Municipal Elections, 30 May 2010 [http://www.osce.org/documents/odihr/2010/05/44179\\_en.pdf](http://www.osce.org/documents/odihr/2010/05/44179_en.pdf)

<sup>116</sup> Ibid. p. 1

<sup>117</sup> Ibid. p. 2

<sup>118</sup> [http://www.civil.ge/eng/article.php?id=22302&search=more substance](http://www.civil.ge/eng/article.php?id=22302&search=more%20substance) (last accessed in July, 2010).



Overall, it needs to be said, that although irregularities and shortcomings persisted, the May , 2010 local elections, as concluded by the head of the international elections observation mission, ambassador Glover ” were marked by clear improvements and efforts by the authorities to address problems occurring during the process”.

### **3.2.4. Other institutional reforms**

#### ***The Text of the Draft Constitution of Georgia finalized***

The text of the draft constitution has now been finalized and sent to the Venice Commission of the Council of Europe (COE) for its expertise and legal analysis in order to examine its compliance with European principles and standards.

#### ***Institutional Strengthening of the Parliament***

Among the specific measures to strengthen the Parliament of Georgia was the incorporation of the provision in the draft constitution requiring an obligatory vote of confidence by the newly elected parliament for the cabinet of ministers. Furthermore, constitutional amendments in the draft constitution limit the right of the president to dissolve the parliament and call for the new parliamentary elections. According to amendments, President will have the power to dismiss Parliament only once within one term of Presidency. If the grounds of dismissal arise again during the same term, the issue will be resolved based on results of referendum - in case majority of voters vote against the dismissal of Parliament, extraordinary Presidential elections will be held<sup>119</sup>.

#### ***The reform of the Judicial System***

After extensive consultations with judiciary representatives, civil society and experts, amendments to the law on “Rules of Communication with Common Court Judges” and to the

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<sup>119</sup> Interview with the high Official in June 2010

criminal code were initiated in the Parliament. According to the amendments the fine for the violation of the rules of communication by public servant is increasing twofold, for state political officials the fine is increased threefold. Furthermore, the new amendment to the criminal code places stricter sanction upon state political officials who interfere with the judges of common courts.

Furthermore, in close cooperation with local and international NGOs, the new Criminal Procedure Code (CPC) has been drafted, initiated and adopted to fundamentally reform Georgia's criminal justice system. The Code, which has already been adopted by the Parliament, was discussed once again on 28-29 January 2009 in Paris under the auspices of the Council of Europe. According to the report of the CoE expert "*...In summary, my conclusion is that this [Georgian] CPC has a great deal to commend it, its terms are fully compliant with European human rights norms and it has many features which could, with advantage be adopted in other jurisdictions,*"<sup>120</sup>. The central philosophy of the criminal justice reform is to set up a democratic system of criminal justice based on the tenets of independence of judiciary, adversariality, equality of arms and strong emphasis on human rights. The Georgian CPC draft is based on the following principles:

- ✓ Introduction of trials by jurors;
- ✓ Full application of adversarial proceedings and speedy trial;
- ✓ In the process of pre-trial investigation, reinforcement of the role of the judge for the protection of the rights of the defendant;
- ✓ Strict time limit of 60 days for the investigation;
- ✓ New article is included in the new CPC (adopted in October 2009) guaranteeing a higher standard of protection for media institutions during the investigative proceedings.

The CPC is already adopted and will enter into force in October 2010.

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<sup>120</sup> Interview with the High Official in Georgia in June, 2010

## ***Facilitating Media Pluralism***

To facilitate the media pluralism and enhance the freedom of media a number of measures have been taken. In particular, the Public Broadcaster's Board has been extended and is now composed on the basis of the principle of parity; out of 15 members seven are nominated by opposition including extra parliamentary oppositional parties, seven by majority and one by civil society. Simultaneously, mandate and oversight authority of the Board has been strengthened.

Furthermore, legal amendments have been adopted that has enabled an opposition representative to be appointed to the Georgian National Communications Commission, allowing the opposition to become directly involved in decision-making that pertains to all media-related technical regulations.

In order to strengthen media freedom, new article has been included in the new Criminal Procedural Code guaranteeing a higher standard of protection for media institutions during the investigative proceedings. Namely, according to Article 123 of the code, a court can authorize the search, seizure or arrest only in a case, when there is an obvious and reasonable ground that the conduct of an investigative action would not violate right to freedom of speech guaranteed under the Georgian constitution<sup>121</sup>.

## ***Adopting the New Law on the Chamber of Control***

A new law on the Chamber of Control has been adopted to increase its independence, strengthen public oversight over budgetary expenses, bring existing regulations into line with EU standards, increase the transparency of Government activities, and establish new institutional mechanisms that enable the opposition to exercise greater control over the work of the Chamber, including appointment of an opposition MP to the special "council of disputes" that makes decisions on all disputable issues.

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<sup>121</sup> Interview with the High official of Georgia, June, 2010

***Opposition Participation in Work of the National Security Council (NSC):***

In his address to Parliament in July 2009, the President called for reform of the National Security Council and establishment of an extended NSC format. The aim of this new format, which enables the opposition to participate in NSC work, is to facilitate a wider debate on national security issues and to encourage opposition to be part of decisions concerning Georgia's security and foreign policy. On August 6, the first meeting of the National Security Council in an extended format took place. Representatives of seven parliamentary and four non-parliamentary political parties participated in the meeting. Second meeting was held on October 12, 2009. The last meeting of the National Security Council took place on June 29, 2010, where the issues pertaining to the implementation of the State Strategy on the Occupied Territories of Georgia and amendment to the electoral codes were discussed<sup>122</sup>.

***Other Institutional Guarantees for Opposition Participation in Governance***

Other measures that aim at strengthening the role of the opposition in the Governance process include increasing the opposition role in adopting constitutional amendments; increasing opposition participation in the civilian control of defense & security; strengthening its role in parliamentary governance & decision-making by granting it the right to nominate candidates for up to three vice chairmanships of parliament; allowing the individual factions and the parliamentary opposition the right to nominate the chair of *ad hoc* investigative commissions and simplifying the procedure for the establishment of parliamentary faction by reducing the number of the members need to form the faction from ten to six.<sup>123</sup>

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<sup>122</sup> <http://www.civil.ge/eng/article.php?id=22465> (last accessed in July, 2010)

<sup>123</sup> Interview with the high official in June, 2010

### 3.3. Explaining Georgia's commitment to political reforms

Having examined the evident progress achieved by Georgia in terms of the implementation of the political reform agenda, the essential purpose of this section is to explain how this change is attributable to the ENP/EaP and more specifically, which instruments and mediating factors, both domestic and international, have been principal in facilitating the adaptation to the EU requirements? Given the absence of membership perspective in the European Union in a near future, how can the commitment of the Georgian political elites to the reforms be explained?

The answer to this question is as complex and multifaceted as the instruments and the mechanisms enshrined in the ENP and the Eastern Partnership. The task is further exacerbated by the absence of the ultimate carrot of membership in the ENP, which allegedly has been of utmost importance in inducing transformation in the CEECs and a candidate states. Consequently, EU's use of similar to enlargement mechanism through ENP/EaP has produced a significant amount of doubt and criticism among the scholars and practitioners alike, as to whether the policy was well suited to achieve the results it envisaged.

Nevertheless, as some argue quite convincingly, the loose structure of the ENP, evident in its flexible use of mechanisms and instruments and absence of the intense, tightly scheduled timeframe for meeting the demands, have allowed the partner countries to pursue *Europeanization a la carte* or implement the agreed reforms gradually, depending on its ability, capacity and willingness to adapt. This type of approach to adaptation to Europe has undoubtedly provided a convenient framework especially for those countries that are harboring the eventual prospect of accession to the EU or were on the transformation track anyhow. As Schimmelfennig finds, "even though it is far from the common and systematic impact of accession negotiations on candidate countries, the ENP does produce selective rule export – above all where EU bargaining power is high and third countries harbor hopes of being considered for accession in the future"<sup>124</sup>. Hence, it should suggest that despite the absence of the explicit notion of membership in the ENP/EaP, it has been able to motivate

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<sup>124</sup> Schimmelfennig, F. - "Europeanization beyond Europe", p. 21, Living Reviews in European Governance, Vol. 4, (2009), No. 3: <http://www.livingreviews.org/lreg-2009-3> (cited 25.06.2010)

Georgia to undertake reforms stemming from the ENP action plan.

Analysis of the Georgia's commitments to the reforms and adaptation to Europe seems to be particularly convincing if examined through the theoretical perspectives and insights developed by the two institutional logics of adaptation – rational and sociological Institutionalism.

### **3.3.1. *Europeanization a la carte: conditionality - lite***

Against the background of significant criticism and doubt that has surrounded the use of conditionality and its ability to induce change on the partner countries, to explain the successful application of conditionality with regard to Georgia under the ENP is not a simple task. Nevertheless, some authors seem to have developed quite convincing arguments that help to explain how through the use of *conditionality-lite* under the ENP, the EU seems to be able to motivate partner countries to undertake reforms. The focus here is on Hughes's rather sketched definition of conditionality, who conceptualizes it as a "*process shaped by the interaction of multi-level actors, perceptions and interests, differentiated rewards and sanctions, temporal factors and different degrees of institutional or policy compliance*"<sup>125</sup>. Furthermore, according to Sasse, more open-ended nature of the conditionality, as demonstrated by the empirical and conceptual findings, allows for a more nuanced discussion of conditionality<sup>126</sup>. Hence, her suggestion to treat the presence of conditionality in the ENP as a *process* rather than clear-cut causal or intervening variable<sup>127</sup> is particularly helpful, as it seems to have allowed the Georgian government to approach the implementation of the reforms gradually and incrementally. Moreover, this type of approach to the adaptation, has accorded the ENP quite an important function, where it is seen by the Georgian political actors, both pro and anti EU, as an external reference point, which they can choose to utilize when it fits their agenda; and a loose framework for socialization – not only for the ENP

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<sup>125</sup> Sasse, G. - The ENP Process and the EU's Eastern Neighbors: 'Conditionality-lite', Socialization and 'Procedural Entrapment' p. 7, Global Europe Papers 2008/9, University of Nottingham

<sup>126</sup> Ibid.p.7

<sup>127</sup> Ibid p 3

countries, but also for the EU<sup>128</sup>.

Hence, paradoxically enough, what has been regarded by many as the shortfalls of the ENP, have been considered by some as its strong point. The point is that, as Sasse contends “the incentive structures, the consistency and credibility of the conditions, an underlying power asymmetry and the adoption costs – are all lower, weaker, vague and in flux within the ENP” and “that both the EU and Georgia Government, or individual political actors in Georgia, are aware of this constellation”, consequently, giving the Georgian government a room to maneuver in meeting the EU's demands and making ENP's emphasis on democracy or the rule of law or also easier to bypass, softening the notion of conditionality from both sides<sup>129</sup>. Thus, as suggested by the author, taking into account the absence of the explicit notion of membership perspective, the absence of “straight jacket” approach in the ENP seems to have a rather positive implication. *The absence of the former seems to be mitigated by the absence of the latter.*

Since the launch of the EaP, it needs to be said that the scenario has become somewhat different. While the conditionality has been made more specific and structured in the EaP, the intermediary rewards and incentives, referring to the readiness and ability of Georgia to meet them, have been duly accentuated as well. This has become particularly relevant when Georgia, having implemented the significant part of the ENP action plans political agenda, enjoys the degree of cooperation with the EU as never before and is even at a stage as to expect the start of the negotiations on the Association Agreements rather sooner, than later. Furthermore, considering the fact that negotiations will soon start on the conclusion of the Deep and Comprehensive Free Trade Agreement, Visa facilitation agreement is to enter into force towards the end of the year, and negotiations are about to begin on the replacement and upgrade of the bilateral contractual relations with the Association Agreements, the prospects of the success of the strengthened political conditionality inducing further reforms become even more grounded and convincing.

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<sup>128</sup> Ibid. p. 3

<sup>129</sup> Ibid. p.10

### 3.3.2. *Stability, security and prosperity*

Another important factor that seems to have streamlined the position of the Georgia government to meet the political demands under the ENP action plan is linked to the strategic objectives of Georgia, namely strengthening EU's role and support vis-à-vis Russia on the resolution of its territorial conflicts. Despite the fact that the EU's engagement in the resolution of conflicts in Georgia cannot be regarded as being directly linked to or conditioned by the democratic performance of Georgia, the same certainly is not true for the strengthening of the political ties and enhancing of economic integrative processes between the two sides. Furthermore, it seems to be in the interest of Georgia to stay loyal to the political reform agenda under the ENP and consequently exploit it as an additional layer of legitimate reference in its attempts to keep the EU engaged in the process. The underlying rationale of the ENP: Security and prosperity through reform and modernization<sup>130</sup> has been fully consistent and shared by the Georgia government. This very rationale, together with Russia's obvious attempts to rebuild its sphere of influence and undermine the sovereignty<sup>131</sup> of the Georgian state, seems to have naturally put Georgia, just as much as the EU, in a position to have the *stability, security and prosperity* of the country in particular, and the region in general, at the top of the list of priorities. As the commission stressed in its country strategy paper, "the EU wants Georgia to develop in the context of a politically stable and economically prosperous Southern Caucasus. In this respect, the conflicts in Abkhazia (Georgia) and Tskhinvali region/South Ossetia remain a major impediment" and "the resolution of internal conflicts also appears as a major condition for sustainable economic and social development of the country<sup>132</sup>." During the negotiations on the ENP action plans, the Georgian side in its draft version had stressed on the importance of the role EU could play in the resolution of Georgian-Ossetian and Georgian –Abkhaz conflicts. As Archil Gegeshidze

<sup>130</sup> Speech by Benita Ferrero-Waldner, Commissioner for External Relations and European Neighborhood Policy Parliamentary conference on the "European Neighbourhood Policy East" Brussels, 5 June 2008

<sup>131</sup> Popescu N. and Wilson, A. – The limits of Enlargement-lite: European and Russian Power in the Troubled Neighborhood, policy report, p.2. European Council of Foreign Relations, June, 2009

<sup>132</sup> Popescu, N – Europe's unrecognized Neighbors-The EU in Abkhazia and South Ossetia, p.4 CEPS working paper N206, march 2007. see also European Commission, Country Strategy Paper 2003-2006: Georgia, September 2003



argued, “the EU’s objectives are predominantly process-oriented and are aiming at long term perspective. The nature of these objectives is mainly related to strengthening democracy and building functional market economy. To that end, its efforts included the support of the Georgian government in its transformation and reforms that would make it more attractive to the secessionist entities. The EU has deployed EUJUST Themis Rule of Law Mission under the ESDP, and has assisted Georgia’s border management reform through a EUSR Border Support Team<sup>133</sup>. The EU efforts had been directed to the secessionist entities as well. The EUSR South Caucasus has been exploring ways for the EU to contribute to conflict resolution. The European Commission has been involved in conflict settlement talks on economic issues in South Ossetia. The EU has financed the rehabilitation of the conflict zones and from 2006 became the biggest international donor to South Ossetia and Abkhazia<sup>134</sup>.

In the meantime, Georgia’s priorities have been mostly short term and were focused on national security issues requiring immediate action<sup>135</sup>. The Georgian government wanted the conflict resolution issues to be the first priority in its ENP Action Plan with the EU and sought EU support for implementing the Georgian peace plan for settlement of the conflict in South Ossetia, including assistance in demilitarization, confidence-building, and economic development, and wanted to include in the Action Plan more instruments from the ESDP toolbox to promote regional stability and crisis management<sup>136</sup>. Since then Georgia has consistently asked to have the European Union more actively involved and sought support for Georgian positions vis-à-vis Russia<sup>137</sup>.

The *security and stability* considerations for both sides have become particularly pressing after the Russia-Georgia war in August 2008, which was brokered by the French EU presidency. This diplomatic intervention marked strengthening of the engagement and the

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<sup>133</sup> Ibid. p.2

<sup>134</sup> Popescu, N – Europe’s unrecognized Neighbors-The EU in Abkhazia and South Ossetia, p.2, CEPS working paper N206, march 2007

<sup>135</sup> Ibid. p. 9. see original Archil Gegeshidze, Georgia in the Wider Europe Context: Bridging Divergent Interpretations, Centre for Policy Studies/International Policy Fellowship, Budapest, 2006, p. 22

<sup>136</sup> Ibid. p.9

<sup>137</sup> Gogolashvili, K. – The EU policy towards the South Caucasus: a case study of Georgia, p. 8.

role EU is expected to play in the conflict resolution process. At the extraordinary European Council of 1 September 2008 expressed firm support for Georgia's territorial integrity and decided to provide substantial political, financial and practical support to Georgia, in order to stabilize the security and humanitarian situation. The Council has decided, on 15 September 2008, to establish an autonomous civilian monitoring mission in Georgia, in accordance with the Conclusions of the Extraordinary European Council on 1 September 2008. In only two weeks the EU deployed more than 200 monitors on the ground. This has been the fastest deployment of a mission ever carried out by the EU<sup>138</sup>. Moreover, Russia's decision to kill the two international monitoring missions of UNOMIG and OSCE MMO, operating along Georgia's administrative border line with Abkhazia and South Ossetia/Tskhinvali region respectively, had attached to the presence of the European Union Monitoring Mission in Georgia ever high profile. It is now the only international mechanism that despite being unable to access the conflict affected territories of Georgia plays an utmost stabilizing role. Moreover, EU has organized an international donors' conference; appointed a special representative for the crisis in Georgia; established an international mission of inquiry into the causes of the conflict and strengthened the overall EU-Georgia bilateral relations<sup>139</sup>.

As a result, the European Union is now perceived more as a power that is able to and interested in guaranteeing democratic freedoms, the sovereign rights of countries, peace and stability<sup>140</sup>, which consequently accords it a greater leverage and puts in a better position to demand from the Georgian government the further implementation of the political reforms.

Meanwhile, the EU supports the Georgian Governments state strategy on the occupied territories-Engagement through Cooperation, which aims at reintegrating the territories of Abkhazia and South Ossetia/ Tskhinvali region and their population into the constitutional ambit of Georgia<sup>141</sup>. The commission welcomed the adoption of the new "State strategy on Occupied Territories: Engagement through Cooperation in January 2010 by the Government

<sup>138</sup> [http://eumm.eu/en/about\\_eumm/facts\\_and\\_figures](http://eumm.eu/en/about_eumm/facts_and_figures) (accessed on June 13, 2010)

<sup>139</sup> Progress Report Georgia, COMMISSION STAFF WORKING DOCUMENT Accompanying the COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Implementation of the European Neighborhood Policy in 2008., Brussels, 23/04/2009 SEC (2009)513/2

<sup>140</sup> Gogolashvili, K. – The EU policy towards the South Caucasus: a case study of Georgia, p. 8.

<sup>141</sup> Georgia's State Strategy on the Occupied Territories of Georgia – Engagement through Cooperation, p.1

of Georgia. This strategy envisages a policy of engagement to complement the Government's efforts towards the peaceful resolution of conflicts. This is generally in line with the EU's non-recognition and engagement policy and Confidence Building approach and was welcomed by the international community as a positive development. In line with the aims of this strategy and the Venice Commission's opinion, the authorities announced their intention to amend the Law on Occupied Territories in the course of 2010<sup>142</sup>.

As regards the efforts of the EU in the conflict resolution process, international talks for consolidating the EU-sponsored ceasefire were launched in Geneva in October 2008, under the co-chairmanship of the EU, UN and OSCE. The talks are aimed at discussing security issues as well as the dignified and safe return, or resettlement, of IDPs, with all involved parties. The EU co-chair is led by the new EU special representative Pierre Morel, especially appointed for dealing with the consequences of the August 2008 conflict. The European Commission and the UNHCR act as co-moderators of the Working Group dealing with humanitarian and IDP issues. In spite of the difficulties linked to status issues and to the opposed positions of the sides involved, the Geneva discussions have allowed a number of concrete measures to advance that could contribute to defusing tensions and creating a better confidence climate<sup>143</sup>.

### **3.3.3. Factors facilitating domestic compliance**

It is important to bear in mind that ENP and Eastern Partnership are based on the common values of democracy, observance of the rule of law and the respect for human rights and that these values are consistent with those of the Georgian government.

Furthermore, among the crucial domestic factors that seem to have largely contributed to the implementation of the reforms under the ENP action plan is the presence of the governmental group in Georgia, for which the *domestic political costs* of implementing the political reforms, as opposed to the prohibitively high costs in the non-democratic countries,

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<sup>142</sup> Progress report 2009, p.8

<sup>143</sup> Progress report 2008, p.8

seem to be rather low, for the simple reason that it increasingly perceives itself as being democratic and loyal to the European norms and values. Hence, given the *moderate misfit* of the Georgian polity with that of the EU, that is its underdeveloped democracy, respect for human rights and the rule of law, coupled with the presence of the *Government that harbors hopes*<sup>144</sup> of eventual membership into the EU, should not in any manner suggest to underestimate the potential of the ENP/EaP in terms of motivating Georgia to adapt to Europe.

Moreover, there seems to be a general consensus among the governmental structures, as well as the wider public that the integration into the Euro-Atlantic structures is a *number one foreign policy priority* of Georgia. Top Georgian officials do not miss a chance to express their commitment to EU membership. For example, President Saakashvili has stated that: "Georgia is heading to return to the European family to which it belonged for ages. Georgia, as an integral part of European political, economic and cultural space, considers complete integration into European political and security systems as its main national priority. Georgia is already taking successful and important steps in this direction<sup>145</sup>. The overwhelming majority of the *domestic political spectrum* and the *absence of multiple veto points* in country's institutional structure with regard to the integration into the Euro-Atlantic space has been a crucial factor in facilitating the compliance with the EU norms. The "rose revolution" has once again proved the will of Georgian people to build the state based on the principles of democracy and rule of law. The link between the leadership's European vocation and its democratic orientation is the more evident. In fact, European integration enjoys full consensus among all political parties in Georgia<sup>146</sup>.

Meanwhile, there seems to be no *other more attractive alternative mechanism* of transformation and the Europeanization under the ENP/EaP is largely seen as the only viable mechanism and an intermediary step, which will bring Georgia closer to the EU. Among the

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<sup>144</sup> Tanja A. Börzel and Thomas Risse - One Size Fits All! EU Policies for the Promotion of Human Rights, Democracy and the Rule of Law, p. 21, Prepared for the Workshop on Democracy Promotion, Oct. 4-5, 2004, Center for Development, Democracy, and the Rule of Law, Stanford University

<sup>145</sup> Tangiashvili, N. and Kobaladze, M. - EU-Georgian neighborhood Relations, p. 32, CEU, 2006

<sup>146</sup> Tangiashvili, N. and Kobaladze, M. - EU-Georgian neighborhood Relations, p. 32, CEU, 2006

other international instruments that contain reference to Georgia's obligation to consolidate democracy and strengthen the rule of law are the Georgia's commitments in light of membership in the UN; Council of Europe; the OSCE; its commitments under the NATO-Georgia Annual National Program and the strategic partnership with the United States of America. While all these mechanisms are important as they all feed into the overall process of democratization of Georgia, none of them is explicit enough or reflect the similar degree of structurization of the reforms that Georgia is required to undertake, which leads us to another point under the ENP/EaP, that is the presence of the *strong monitoring mechanism* of the EU to evaluate progress.

The presence of the strong monitoring mechanism in the ENP, through the publication of the regular progress reports on the implementation of the action plans, is of utmost importance. As the study has shown, "the publication of progress reports created an atmosphere of permanent follow-up and contributed considerably to the enhancement in the candidate countries of awareness that the necessary measures must be taken, which has consequently, been a precondition to move forward in the accession negotiations"<sup>147</sup>. When the commitments under the ENP action plan are not adequately implemented by the Georgian government, the annually published progress report by the Commission ensue 'shaming', whereby the government would be embarrassed into complying with EU requirements by the international and domestic press coverage and political pressure. Criticisms made in EU reports can have a powerful impact on domestic debates about public policy and the government's political fortunes<sup>148</sup>. Hence, the existence of the strong monitoring mechanism in the ENP/EaP seems to have a particularly important value.

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<sup>147</sup> Maresceau, 2003 quoted in the Borzel, T. and Risse, T – One size fits all: EU Policies for the Promotion of Human Rights, Democracy and the Rule of Law, p. 9. Prepared for the Workshop on Democracy Promotion, Oct. 4-5, 2004, Center for Development, Democracy, and the Rule of Law, Stanford University

<sup>148</sup> Grabbe, H. – How Does Europeanization Affect CEE Governance? Conditionality, Diffusion and Diversity, p.6, Journal of European Public Policy Vol 8, Issue 4, pp. 1013-1031 (December 2001)

### ***The Role of the formal Institutions***

Apart from the rational choice calculations and the principle of conditionality, that has certainly played its part in inducing the reforms on the Georgian government and complying with the requirements under the ENP action plans, the complementary role of the intervening variables, such as the socializing and learning impact, albeit to a limited extent, played by the European Institutions within the framework of the ENP and EaP, should not be left without analysis.

According to March and Olsen, “an institution is a relatively stable collection of rules and practices, embedded in structures of resources that make action possible; Institutions are organizational arrangements that link roles/identities, accounts of situations, resources and prescriptive rules and practices; they create actors and meeting places and organize the relations and interactions among actors. Institutions, furthermore, allocate resources and empower and constrain actors differently and make them more or less capable of acting according to prescribed rules<sup>149</sup>.

As March and Olsen further argue institutions provide a framework for fashioning democrats by developing and transmitting democratic beliefs and in the institutional context continuous political discourse and change can take place and the roles, identities, accounts, rules, practices, and capabilities that construct political life can be crafted<sup>150</sup>. Moreover, “institutions provide parameters for action rather than dictate a specific action, and sometimes actors show considerable ability to accommodate shifting circumstances by changing behavior without changing core rules and structures”<sup>151</sup>. Most importantly, “within an institutional perspective, a core assumption is that institutions create elements of order and predictability. They fashion, enable and constrain political actors as they act within logic of appropriate action. *Institutions are carriers of identities and roles and they are markers of a*

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<sup>149</sup> James G. March & Johan P. Olsen - “Elaborating the New Institutionalism”, p.8, working paper N 11, March, 2005, Arena, University of Oslo

<sup>150</sup> James G. March and Johan P. Olsen - “The Logic of Appropriateness”, p. 7, ARENA Working Papers WP 04/09, University of Oslo

<sup>151</sup> Ibid. p.10

*polity's character, history and visions*<sup>152</sup>.

Hence, the institutional structures of cooperation and political dialogue, which have been found by the PCA, and then extended to the ENP/EaP programs, seem to have provided an excellent venue for the work of the complementary mechanism of socialization and learning. These institutional settings provide an opportunity for the respective Georgian and the EU interlocutors, who are engaged at the various levels, to meet and discuss issues through interaction, deliberation and reasoning. This is especially true in case of Georgia, where *both elites and public positively identifies with the EU*, or holds it in high regard, hence making the government more likely to be open to persuasion and to consider the rules that the EU promotes as positive<sup>153</sup>. Moreover, as the process of transfer of EU norms, especially those pertaining to democracy and human rights, are perceived as legitimate, which in turn grows with the use of soft tactics rather than overt pressure<sup>154</sup> and a presence of 'low density of EU demands', seems to allow the Georgian interlocutors 'to engage in relatively unpressured "learning"<sup>155</sup>. As it was noted at the press conference after the last EU-Georgian Cooperation Council meeting that took place last year, the Georgian Foreign Minister thanked the EU for its "ideas and suggestions" aimed at "increasing the quality of Georgia's democracy," and promised that Tbilisi will make "extensive" use of the bloc's expertise in the field<sup>156</sup>.

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<sup>152</sup> James G. March & Johan P. Olsen - "Elaborating the New Institutionalism", p.5, working paper N 11, March, 2005, Arena, University of Oslo

<sup>153</sup> Schimmelfennig, F and Sedelmeier, U.-The Europeanization of Central and Eastern Europe, p.19,Cornell University Press, NY, 2005

<sup>154</sup> Kubicek, Paul J. - The European Union and Democratization, p. 16, Routledge, London. 2003

<sup>155</sup> Jacoby, W. - The Enlargement of the European Union and NATO: Ordering from the Menu in Central Europe, p. 10, Cambridge University Press, New York, 2004

<sup>156</sup> <http://www.civil.ge/eng/article.php?id=21608>, (last accessed in July, 2010)

## Conclusion

This paper has tried to analyze the EU-Georgia relations from the perspective of the Europeanization approach and hence, study the European Union's impact on Georgia. It has particularly focused at the mechanisms and instruments that are enshrined in the ENP/EaP and which, together with the presence of the domestic facilitating factors have been successful in inducing political reforms on Georgia. Against the background of substantiated criticism and doubt, that has surrounded the ENP/EaP in terms of its potential to motivate the partner countries to implement the extensive amount of reforms given the absence of the ultimate carrot of membership perspective, this paper has argued that the Georgia's case study has been a success. It has found that the absence of the membership perspective in the ENP seems to be mitigated by the absence of the "straight jacket" approach to compliance, at least in the short run. In particular, the study has found that the very peculiarity of the ENP as a loose construction and an open-ended treatment of the EU conditionality as a *process* rather than a *clear-cut intervening or causal variable*, has provided both, the Georgian government and the EU, with the possibility to treat the ENP as convenient framework for *Europeanization a la carte* and approach the implementation of reforms gradually and incrementally, which seems to have largely determined the success of the policy. Moreover, this paper has found that with the launch of the EaP in May 2009, and subsequent strengthening of the conditionality, the fact that the intermediary rewards and incentives have been accentuated as well, seem to have been crucial in determining the success of conditionality. Furthermore, the existence of domestic facilitating factors, that is the presence of pro-European government, that *harbors the eventual hope of EU membership*; the presence of the general consensus on the integration into the Euro-Atlantic Structures among the wider public and the absence of the domestic veto players in the political structures of Georgia, complemented by the presence of the institutional framework of interaction between the EU and Georgian interlocutors at various levels, seem all to have



streamlined Georgia's strong commitment to pursue the implementation of the political reform agenda under the ENP/EaP, which, in the recent years, has gained its full spin.

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## ***Interviews***

Various Interviews have been conducted by the author with the officials in the Georgian government, e.g. from the Ministry of Foreign Affairs of Georgia and the State Ministry for European and Euro-Atlantic Integration.