

UNIVERSITY OF MILAN

Europeanization versus Democratization in Georgia, Moldova and Ukraine

Internal and External Challenges to Democratic Consolidation

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There is a growing disconnect between Europeanization and democratization in the immediate neighborhood of the European Union. Often overlooked by euro-centric academic research, Georgia, Moldova and Ukraine are a litmus test for the challenges facing democratic consolidation in a geopolitically contested region. The study dissects the relationship between Europeanization and Democratization processes in the three countries; scrutinizes the internal and external challenges to democratic consolidation and critically assesses the effectiveness of EU's normative power projection in the region. In the process, the author challenges Huntington's concept of 'snowballing', disconfirming his one directional democratic cascade theory in the specific condition of the countries comprising the case study. The unique condition of these countries is epitomized by the European Union's facilitation of democracy, on the one hand, and, on the other hand, Russia's facilitation of the status quo, while also encouraging undemocratic practices. This challenges the neofunctionalist democratic spillover expectation and accredits a path-dependent neo-institutionalist account of democratization in the region. Moreover, the author finds robust evidence in support of the modernization theory of democracy, while also confirming the negative effects of active geopolitical competition on the battleground countries. The study questions the efficacy of EU's democracy promotion efforts and argues in favor of anchoring the three countries on the European integration track as an imperative mechanism for boosting the chances of democratic consolidation.

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Introduction

Europeanization and democratization are often used as synonymous when it comes to the large-scale transformation of the immediate neighborhood of the European Union. On the example of Georgia, Moldova and Ukraine, the author examines the extent to which the incremental Europeanization of political and economic systems in these countries is connected to the process of democratization and democratic consolidation. After making a conceptual distinction between Europeanization and democratization, the study provides empirical evidence of a clear disconnect between the two processes. The three countries have been increasingly Europeanized, while becoming less democratic and presenting vivid examples of democratic backsliding or even state capture. This presents an interesting puzzle of an apparent disjuncture between Europeanization and democratization, despite their endogenous relationship.

In the past decades much research has focused on the Europeanization of Central and Eastern Europe, including from the perspective of democratization and democratic consolidation, but there is hardly any research on the disconnect between the two concepts that are often used interchangeably, particularly when it comes to non-candidate countries of Eastern Europe. Moreover, there is virtually no academic research on the democratic consolidation of the three countries analyzed in this study. This thesis aims to shine a light on an overlooked region and analyze the challenges the three countries face in their political and economic transition and attempts at democratic consolidation, while nurturing an ambition to return to Europe as full members of the European family of nations. Their tumultuous past and turbulent present offers a promising case study of the struggle for democracy in a geopolitically contested region.

The case selection is predicated on the fact that, from a geopolitical standpoint, these three countries stand out and are, de facto, a trio group when it comes to their relations with the European Union, and, to some extent, with the Russian Federation. They have the deepest level of relations with the EU, other than candidate countries or non-EU members of the European Economic Area. They are also the front runners of the Eastern Partnership. Given their geographical location and shared historical experience, these countries are facing similar challenges, including being the objects in a geopolitical and normative tug of war between the European Union and the Eurasian Economic Union. Moreover, all three countries have joint

aspirations for Euro-Atlantic integration, which is predicated, in part, on their progress in democratic consolidation. Yet, in recent years, these countries have been at the fore-front of democratic backsliding in the region. Therefore, they represent a good fit for a Most Similar System Design (MSSD) comparative research strategy. As the research focuses primarily on a systemic level of analysis, employing inductive as well as deductive reasoning and covers countries that appear to be similar in many background characteristics, the MSSD strategy provides the most utility in methodological terms. It allows the researcher to concentrate on the variation regarding the phenomenon (democratic consolidation), the effects of which are being scrutinized, without necessarily systematically matching all the cases on all the relevant explanatory factors (Anckar, 2008). This can lead to the problem to causal complexity, but by matching a small number of cases across the most significant explanatory factors we can sacrifice some factors to achieve parsimony. Particularly, as it is impossible to address all possible combinations of explanatory factors to fully remedy the issue of social complexity. Finally, the use of MSSD in medium case number research (given that the three countries represent half of the pool of six countries of the Eastern Partnership and almost 20% of the 16 members of the European Neighbourhood Policy (ENP), provides a viable and robust analytical tool for a comparative research agenda.

After presenting the puzzling reality of the disconnect between Europeanization and democratization in the three countries in the first chapter, the author engages in a validity exercise in the second chapter, proving the extent of democratic backsliding by means of political control over the judiciary. The literature on democratic backsliding indicates that the days of the classic military or executive coups have largely passed, particularly in Europe; instead we witness ‘executive aggrandizement’ and strategic electoral manipulations (Bermeo, 2016). Yet, court packing, media restrictions, intimidation of opposition as well as electoral engineering, gerrymandering and voter suppression is impossible without political control of the judiciary. Employing comparative analysis of four high profile court cases, the study provides a validity exercise of judicial politicization and the use of courts for political means – a litmus test for democratic backsliding. An expert survey is employed to uncover the main internal and external challenges to democratic consolidation in the three countries, evaluate the effectiveness of justice sector reforms promoted by the European Union and assess the expectations about the success or failure of EU and Russia’s power projections in the region. Thus, 52 experts from all

three countries provide insights to uncover the drivers of democratic backsliding and challenges to democratic consolidation. The findings suggest a clear trend of political elites undermining the independence of the justice system to eliminate political opponents and to ensure impunity for incumbents. This cycle of political recrimination is evidence of democratic backsliding and a major challenge for democratic consolidation.

The author then proceeds to examine the main internal and external drivers of democratic consolidation. In line with modernization theory, economic development is a major factor that influences democratization. A strong body of literature has demonstrated a robust and consistent relationship between growing income and democratization, democratic consolidation and survival of democracy in the medium to long term. However, in the short term, the relationship and the impact are not as clear cut. The third chapter analyses the evidence from the three countries that indicated that economic development, growing income and expanding middle class create demand for more fair distribution of resources, democratic accountability of elected representatives, which can only be done by institutional development. More specifically, economic development, though necessary, is not sufficient to ensure democratic consolidation and does not explain the democratic backsliding happening in these countries, despite relatively stable economic growth.

Given the modest economic and political standing and high security vulnerabilities; a major factor that impacts democratic consolidation in the region and in the three countries, is external influence, which is analyzed in the fourth chapter. Situated at the crossroads between the European Union and the Russia driven Eurasian Union, all three countries - Georgia, Moldova and Ukraine are exposed to a high degree of influence. The region is geopolitically contested as Russia wants to maintain its privileged sphere of influence as a self-described great power, while the European Union wants 'a ring of friends' that not only create a security buffer, but also reduce transaction costs, and validate EU's normative power ambitions. The competition between the two major actors has a significant impact on democratic consolidation in the three countries. Russian influence is highly pervasive and affects security, economic, political and social aspects. The EU influence is also extensive, particularly considering the respective Association Agreements, including the Deep and Comprehensive Free Trade Areas, between each of the three countries and the European Union. The effects of this geopolitical competition

have a significant impact on democratic reforms in each of the three countries, as Russia is promoting a model of neo-imperial control under the euphemism of “sovereign democracy”, which is contested by a large part of society in each of the respective countries. At the same time, the European Union is promoting liberal democracy, which, in turn, is also contested by a significant part of domestic audiences.

Finally, the fifth chapter examines the prospects of democratic consolidation in Georgia, Moldova and Ukraine considering the internal and external challenges as well as opportunities. Based on the research findings and insights, the author will recommend policy actions and offer predictions on democratic developments in the three countries, attempting to solve the buffer zone versus waiting room dilemma that these countries are facing in their relations with the European Union.

Literature Review

Europeanization is a multifaceted theoretical approach. It has become increasingly fashionable, but remains highly contested (Olsen, 2002). It may refer to such general notions as Westernization, democratization, ‘return to Europe’ or a narrower understanding of processes accompanying European integration. One of the first attempts to define Europeanization belongs to Robert Ladrech, who contended that “Europeanization is an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making” (1994: 69). Whereas, Risse, Cowles and Caporaso focused on distinct governance structures and institutions at the European level, which create authoritative European rules through the interaction of actor and policy networks (2001). H  ritier provides three successive elements of Europeanization: the European decisions, which trigger processes that, in turn, impact national policies and institutions (H  ritier et. al., 2001). Similarly, B  rzel (2002) points out a shift in the literature away from looking primarily at EU institutions, instead addressing both ‘bottom-up’ and ‘top-down’ dynamics between EU institutions and national political bodies. Thus, Europeanization becomes viewed increasingly as an interactive and multidimensional process. Borneman and Fowler (1997) offer an anthropological perspective on the EU, arguing that it works to solidify and subsidize processes of discrete nation-building, while Europeanization is viewed as an accelerated process and a set of effects that are reshaping forms of identification with territory

and people. To better understand what drives such an ‘export’ or ‘approximation’ from both the EU and domestic perspectives, Schimmelfennig (2009) provides a useful lens when employing the concept of ‘domestic analogy’. By making the outside world a mirror reflection of its internal dynamics, the EU legitimizes its domestic construction and ensures lower costs of interaction with the external world. This definition combines both a rationalist and a constructivist perspective.

Europeanization is widely linked to democratization and there is a large body of empirical evidence suggesting that the EU accession process has been an effective instrument in consolidating democracy in the Central and Eastern European region (Ágh and Kurtán, 1995; Keyman and Düzgit, 2007; Keil, 2013; Lewis, 2008; Obydenkova, 2006). Clearly, there are many competing theories that aim to explain the main drivers as well as challenges in the face of democratization and democratic consolidation. Economic modernization (Lipset 1959; Diamond and Linz, 1989; Huntington, 1991; Epstein, 2006), cultural affinity (Almond and Verba, 1963; Inglehart and Weizel, 2005; Djankov and Nikolova, 2018), individual agency (Downs, 1957; O’Donnell, 1993) and international influence (Pevehouse, 2002; Gleditsch and Ward, 2006) are among the key factors associated with the success or failure of democratization.

When it comes to the relationship between economic development and democratization, the contribution by Seymour Martin Lipset has started a vibrant academic debate that has been ongoing for over half a century. His 1959 essay entitled “Some Social Requisites of Democracy: Economic Development and Political Legitimacy” is both contested and acclaimed to this day, which is a testament to its scientific prowess. Lipset laid the groundwork for what came to be known, often unsympathetically, ‘modernization theory of democracy’. His research into countries in Latin America, Europe, North America, plus Australia and New Zealand, concluded that democracy is related to the state of economic development. “The more well-to-do a nation, the greater the chances that it will sustain democracy”, according to Lipset (1959). In line with the modernization theory of democracy (Lipset, 1959; Hannan and Carroll, 1981; Linz and Stepan, 1989; Przeworski, 1991; Burkhart and Lewis-Beck, 1994; Przeworski, 2005; Boix, 2011; Acemoglu and Restrepo, 2017), economic conditions are a major explanatory factor in democratization and democratic consolidation. Moreover, empirical evidence supports the notion that higher per capita income leads to higher probability of democracy, if there is an acceptable

level of income distribution, which again can be achieved via democratic institutions (Hannan and Carroll, 1981; Linz & Stepan, 1989; Burkhart and Lewis-Beck, 1994; Boix, 2011; Przeworski, 2005; Acemoglu and Restrepo, 2017). At the same time, Przeworski provides important insights into the chances of democracy taking root, concluding that it is conditional on the initial income distribution and the capacity of the poor and the wealthy to overthrow democracy in any particular country. Though, each country has a different threshold of income above which democracy has a higher chance of surviving. According to Przeworski (2005), the income threshold can be lower if two conditions are met: a more equal distribution of initial endowments in the society and a lower revolutionary propensity among the military. Still, the probability of a country slipping into dictatorship while having an income higher than that of Argentina in 1975 - \$6055, was 0% (Przeworski, 1993; 2005). Thus, no democracy collapsed after surpassing the \$6000 per capita income threshold.

Apart from the economy, the omnipresent geopolitics is inescapable in the countries under research, given their history and geography, but also the more recent legacy of separatist conflicts, colored revolutions and hybrid wars. Thus, another key explanatory factor of ongoing democratic consolidation is foreign influence and the geopolitical competition between the 'Russian World' of 'sovereign democracy' and the European liberal democracy models. The concept of the 'Russian World' was expanded under Putin to include anyone who feels a cultural-linguistic affinity for Russia (Kudors and Orttung, 2016; Tiido, 2018). Thus, the Russian model can only be effective if the Kremlin tries to inoculate the countries in its immediate neighborhood against what it saw as a virus of colored revolutions (Herd, 2005; Polese and Beacháin, 2011). The concept of 'sovereign democracy' was a response to western 'liberal democracy' promotion, which Russian elite, and particularly Vladimir Putin, saw as encroaching on Russia's interests and its ambitions of becoming a great power again (Okara, 2007; Surkov, 2007; Mäkinen, 2011; Tsygankov, 2015). At the same time, by supporting breakaway regions, Russia has also undermined Moldova, Ukraine and Georgia's 'effective power to rule', thereby indirectly affecting their capacity to conduct reforms, including democratization (Delcour and Wolczuk, 2015).

In contrast, the normative power projection of the EU in Georgia, Moldova and Ukraine is aimed at encouraging these countries to become socialized into the EU value system, to the

extent to which the EU could be viewed as a normative power, advocating multilateralism, human rights and democracy, rather than pursuing more narrow and pragmatic security interests (Lynch, 2005; Sjursen, 2006; Joenniemi, 2008; Jarábik and Kobzová, 2011; Kobzova, 2012; Kostanyan et al., 2017; Crombois, 2019). The rather modest success of the EU in promoting democracy in its neighborhood via conditionality and socialization is explained by the limited linkages and even lower leverage given the lack of a membership perspective that perpetuates the narrative of ‘neighbor’ and ‘otherness’. Despite major steps in the direction of economic integration, lack of a membership perspective leaves these countries in a geopolitical limbo that negatively affects their democratic consolidation. Being stranded in no man’s land leaves these countries exposed to the Kremlin’s attempt to rebuild ‘the empire’, which cannot leave these countries unscathed.

Scrutinizing the relationship between Europeanization and democratization in the context of EU’s normative power in the Eastern Partnership region provides a unique chance to take a more critical perspective on what is increasingly referred to in the literature as ‘Potemkin Europeanization’ (Agh, 2015; Mikulova, 2014). A democratic façade put up by local elites to obfuscate the democratic process, while maintaining an appearance of meeting the EU democratic conditionality. Empowering local ownership of the domestic pro-reform coalitions, coupled with robust EU monitoring can mitigate some of the shortcomings of the EU democracy promotion duality, encapsulated in the question: “Can the EU transform a country while keeping it at arm’s length?” (Lynch, 2005).

Methodology

The thesis answers three main research questions:

- 1. What is the relationship between Europeanization and Democratization processes in Georgia, Moldova and Ukraine?**

H1: Europeanization is more successful if democratization is well underway and countries are undergoing democratic consolidation.

- 2. What are the internal and external challenges to democratic consolidation in Georgia, Moldova and Ukraine?**

H1: Democratization and democratic consolidation are less successful if socio-economic conditions are poor.

H2: Democratization and democratic consolidation are less successful if there is undue foreign influence.

3. How can the EU improve the effectiveness of its normative power projection?

H1: Offering countries an EU membership perspective anchors them on the European integration track and bolsters the effectiveness of EU's normative power.

In the process of answering these questions, the author challenges the concept of 'snowballing,' defined by Samuel Huntington as "the demonstration effect of transitions earlier in the third wave in stimulating and providing models for subsequent efforts at democratization" (1991). The novelty of the research resides in disconfirming Huntington's one directional democratic cascade theory in the specific condition of the countries comprising the case study. The unique condition of these countries is epitomized by the European Union's facilitation of democracy, on the one hand, and, on the other hand, Russia's facilitation of the status quo, while also encouraging undemocratic practices. This challenges the somewhat geographically deterministic neo-functionalist democratic spillover narrative – that democratic norms will transcend borders from one country to another. Instead, the author finds robust evidence in support of the modernization theory of democracy, while also confirming the negative effects of active geopolitical competition on the countries that become the objects of this competition. The subjects being, on one side, the Euro-Atlantic community, more specifically the European Union, and, on the other side, the Eurasian Union, primarily represented by the ambitions of the Russian Federation to rebuild the 'empire'. The author relies on a neo-institutionalist account of the path dependent transformations that occurred in the region.

The study employs primarily qualitative analysis methodology in the form process tracing. Process tracing is used to determine causal pathways to outcomes, while also pointing out variables that could have been left out, verify for spuriousness, and allow causal inferences on the basis of a low number of cases. The benefits of process tracing rest not only on its potential for a robust account of causal mechanisms and causal inferences, but also on the windows of opportunity for policy interventions that open up as a result of applying this method (Bennett and George, 1997; Collier, 2011). However, the method is not a silver bullet. Limited access to data presents a major shortcoming. For a robust application, process tracing needs a large amount of data and a deliberate effort to combat confirmation and cognitive biases.

Underspecified theories pose a significant challenge as the elimination of plausible alternative explanations is hard to come by. Thus, internal and external validity pose a high standard. Both false positives and false negatives present a risk for internal validity. While the power of generalization on a low number of cases poses a challenge to external validity.

Nonetheless, a series of tests are applied to mitigate these challenges. These tests can help the researcher establish that: (1) a specific event or process took place, (2) a different event or process occurred after the initial event or process, and (3) the former was a cause of the latter (Mahoney, 2012). If diligently applied, process tracing is a powerful tool for generating and analyzing causal mechanisms within one case, several or even a large number of cases. The method reduces the risk of inferential error and is, indeed, the only observational tool of moving beyond covariation alone as a source of causal inference (Bennett and George, 1997; Vennesson, 2008; Beach and Pedersen, 2011). It can be used in a positivist as well as interpretivist perspective. Though this study is primarily deductive, process tracing is used both for establishing causal links and investigating them.

Another aim of this research is to offer some conceptual clarity to the democratization vs. Europeanization vs. Westernization debate when it comes to these three countries and their region. The rich insights of neo-institutionalism with a focus on historical institutionalism (Capoccia and Kelemen, 2007; Caramani, 2005; Hay, and Wincott, 1998; Peter et al., 1996; Peters, et al, 2005; Pierson and Skocpol, 2002; Steinmo, 2008; Thelen et. al, 1992; Thelen, 1999) and sociological (Checkel, 2004; Georgakakis and Weisbein, 2010; March and Olsen, 2004; Schmidt and Radaelli, 2004; Saurugger, 2013) strands inform the research agenda. Applying an exploratory research design allows testing the underlying assumptions about the disconnect between Europeanization and democratization on the one hand, and the challenges of democratic consolidation on the other hand. This innovative research agenda shines some light to an otherwise dim geographic area in terms of academic scholarship examining the complex reality of democratization and European aspirations of Georgia, Moldova and Ukraine.

Applying the tenets of modernization theory, predicated on a strong relationship between socio-economic development and political democracy (Lispet, 1959), the study critically examines the requisites for democracy in Georgia, Moldova and Ukraine. The author compares the initial economic conditions and the subsequent evolution, based on income, growth stability,

degree of inequality, revolutionary propensity, competitiveness, institutional capacity, state resilience and impact of corruption and mitigating strategies. The dilemma of local ownership vs. external governance in development and democracy promotion is analyzed, including through the prism of new public management reforms as well as the decentering perspective. Empirical evidence presented indicates that premature democracies, such as those of Georgia, Moldova and Ukraine, do possess the combination of economic factors necessary to continue the struggle for democratic consolidation. Economic growth may not be sufficient, but it remains a necessary requisite for maintaining the light of democracy alive in this contested region.

Empirically rich, the study collects data from published as well as unpublicized sources, relying on extensive knowledge of the countries comprising the case study. It employs both primary and secondary research methods. Primary data was gathered from an expert survey, with over fifty respondents from all three countries, among which are the leading scholars and practitioners in the field of public policy, governance, political, economic and security affairs. The primary data was used specifically to explore in-depth and to test the requisites of democracy and the challenges to democracy in each of the three countries and the region. Moreover, the analysis of key bilateral treaties, such as the Association Agreements presents a major set of primary sources. The author also relies on his years of experience in observing firsthand the economic troubles, geopolitical turbulences and the overall perils of democratic consolidation in the countries under consideration.

The study also relies heavily on secondary research, including online research, literature research and case study research. In assessing the degree of Europeanization and democratization, the author employs reputable indexes, such as the European Integration Index for Eastern Partnership Countries; Manifesto Project, the Freedom House Nations in Transit Democracy Score; the Economist Intelligence Unit Democracy Index; the Bertelsmann Stiftung Transformation Index Status of Democracy. Apart from scrutinizing the insights and robustness of each index, the author provides a Composite Average Democracy Score for Georgia, Moldova, Ukraine to present a clearer and more comprehensive picture, while mitigating some of the shortcomings of each of the above-mentioned indexes. The study also relies on a wealth of secondary data on economic, financial and trade statistics as well as opinion polls.

Extensive literature research has been carried out to increase the strength of the analytical scrutiny of the three case studies and the robustness of the respective conclusions. Given the scarcity of prior research on the topic in the specific geographical region, exploratory research design is best fit to answer the research questions precisely enough. The choice of this research design is also predicated on the importance of the subject and the avenues that it opens for further research. Some of the main limitations rest on the inclusion of primarily qualitative data, which can be interpretative, judgmental or even biased. Another relevant limitation is the small case section of just three countries, which limits the generalization capacity of the research. However, this is mitigated, in part, by the extensive and in-depth analysis and cross-country comparisons, especially considering the detailed explanation and clear motivation behind the case selection.

The paradoxical nature of the dilemma faced by the three countries under research consists in the following: The EU demands democratic reforms, but does not allow them into the EU club, projecting exclusiveness, while Russia does not demand any changes and is ready to accept Georgia, Moldova and Ukraine into its own regional integration structures, projecting inclusiveness. The perplexing reality of these countries is that local elites and the broader public appear committed, albeit to a varying degree, to engage in painful and costly democratic reforms without the promise of EU membership, while being unwilling, to a large degree, to accept the, presumably more generous, effortless and inclusive Russian offer. The research will analyze the historical, geopolitical and geoeconomic causes that make up this perplexing reality and how it impacts the process of democratization.

1: The Disconnect between Europeanization and Democratization in Georgia, Moldova and Ukraine

Europeanization and democratization are often used as synonymous when it comes to the political transformation of the European Union's immediate neighborhood. Certainly, this has been warranted considering the experience of countries such as Greece, Spain, and Portugal, but also the Central and Eastern European (CEE) countries of the former socialist block. For all these countries, the EU accession process, and the political negotiations it entailed, provided significant impetus for a democratic transformation and subsequent democratic consolidation. Yet, when it comes to countries in the EU's immediate vicinity, but lacking candidate status, such as Georgia, Moldova and Ukraine, the reality appears to be somewhat different. These countries are, in many ways, still in transition and, instead of democratic consolidation; it is democratic backsliding that seems to be taking hold. Yet, at the same time, these three countries enjoy ever deeper relations with the European Union under the auspices of the Eastern Partnership (EaP) initiative, which promises these countries political association and economic integration with the EU, without either offering a clear membership perspective, but also without ruling out such a prospect should these countries qualify.

The aim of this chapter is to demonstrate the highly intense level of relations between the EU and Georgia, Moldova and Ukraine, including the incremental Europeanization of entire policy sectors, public discourse, institutional adjustments, legal approximation, but also a general transformation of the entire political system more broadly in these countries. The second objective is to prove that these countries have a rather unstable democratization trajectory with evidence of democratic backsliding as evidenced by international democracy rankings. The aim of the subsequent research will be to provide explanations for the theoretical and practical conundrum of the apparent disjuncture between Europeanization and democratization.

There are many competing theories that aim to explain the challenges in the face of democratization and democratic consolidation. Economic modernization (Lipset 1959; Diamond and Linz, 1989; Huntington, 1991; Epstein, 2006), cultural affinity (Almond and Verba, 1963; Inglehart and Weizel, 2005; Djankov and Nikolova, 2018), individual agency (Downs, 1957; O'Donnell, 1993) and international influence (Pevehouse, 2002; Vachudova, 2005; Gleditsch

and Ward, 2006; Pridham, 2006; 2018) are among the key factors associated with the success or failure of democratization. Georgia, Moldova and Ukraine have transitioned from the one-party soviet system but are yet to achieve full-fledged liberal democracy. All three countries have been at times regarded as procedural democracies, electoral democracies, hybrid regimes or defective or flawed democracies (Merkel, 2004). At the same time, international democracy ranking institutions refer to them as hybrid regimes, flawed democracies or defective democracies (Freedom House, 2018; The Economist Intelligence Unit, 2017; Bertelsmann Stiftung 2017).

As these countries are only 30 years old, there is less long-term data available. Nonetheless, there are at least three prominent democracy ranking organizations that have been providing consistent data for these countries for over a decade: Freedom House, the Economist Intelligence Unit, and Bertelsmann Foundation. Bearing in mind methodological limitations of these rankings, one can still see that these three countries have a problem with democratic consolidation (Annex 8-12). In fact, there is evidence of a wave-like dynamic: regress, slight improvement and then backsliding again.

This chapter will first offer a brief account of Europeanization literature, before presenting the empirical case for Europeanization across sectors in these three countries. Then, a brief account of the democratization debate will be presented, followed by data-based evidence of anti-democratic tendencies and failure of democratic consolidation in these countries. The chapter will conclude with further research plans to address this seeming paradox of Europeanization without democratization.

1.1. Conceptualizing Europeanization within and beyond the European Union

Europeanization is a multifaceted theoretical approach. It has become increasingly fashionable, but remains highly contested (Olsen, 2002). It may refer to such general notions as Westernization, democratization, ‘return to Europe’ or a narrower understanding of processes accompanying European integration. Moreover, Europeanization is also used in the context of European identity. As a result, the literature abounds with definitions of Europeanization. However, it is not only member and candidate states, but also potential candidate countries, such as EaP members (Georgia, Moldova, Ukraine and less so Belarus, Armenia, and Azerbaijan) that fall under some of these broad concepts. Conditionality as well as the logic of appropriateness

can be applied to scrutinize Europeanization even in countries that lack a membership perspective, but where the EU is an integral part of the domestic political and policy debates.

One of the first attempts to define Europeanization belongs to Robert Ladrech, who contended that “Europeanization is an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making” (1994: 69). Whereas, Risse, Cowles and Caporaso focused on distinct governance structures and institutions at the European level, which create authoritative European rules through the interaction of actor and policy networks (2001). H  ritier provides three successive elements of Europeanization: the European decisions, which trigger processes that in turn impact national policies and institutions (H  ritier et. al., 2001). Similarly, B  rzel (2002) points out a shift in the literature away from looking primarily at EU institutions, instead addressing both ‘bottom-up’ and ‘top-down’ dynamics between EU institutions and national political bodies. Thus, Europeanization becomes viewed increasingly as an interactive and multidimensional process. Borneman and Fowler (1997) offer an anthropological perspective on the EU, arguing that it works to solidify and subsidize processes of discrete nation-building, while Europeanization is viewed as an accelerated process and a set of effects that are reshaping forms of identification with territory and people.

Radaelli provides a constructivist account of Europeanization, talking about three avenues of norm institutionalization by means of “(a) construction (b) diffusion and (c) 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 making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies” (2003). While rational choice institutionalism suggests that the EU facilitates domestic change through shifting opportunity structures for national actors (Borzel, 2011). All these perspectives are useful in analyzing the Europeanization of Georgia, Moldova and Ukraine, yet, for the purposes of this study, the author will rely primarily on the classic definition put forward by Ladrech.

Despite the vast array of viewpoints that has led some to question the usefulness of the concept altogether (Olsen, 2002), one should appreciate the richness of this research field particularly as a commonly accepted definition is unlikely, and no viable alternative is shaping

either. Europeanization is, after all, a heuristic tool and it may acquire rather different epistemological and ontological traits, depending on the specific research agenda it is being employed for. The term Europeanization is an umbrella concept (Blavoukos, 2013) and, therefore, the definitions listed above are not necessarily competing, but rather complementary. They generally tend to see Europeanization as a process of ‘rule export’ and/or ‘institutional approximation’. Even though they are seemingly designed to cover mostly member states and candidate countries, the Europeanization literature provides useful insights that can also be applied to nations aspiring to join the EU, particularly as Brussels becomes such a key fixture in domestic political processes of these countries. Certainly, national debates in Georgia, Moldova and Ukraine are often dominated by EU related agendas. Watershed events such as the “Twitter Revolution” in Moldova in 2009, “Orange Revolution” of 2004 and especially the Euromaidan revolt in Ukraine in 2014 all have had a significant pro-EU stance.

To better understand what drives such an ‘export’ or ‘approximation’ from both the EU and domestic perspectives, Schimmelfennig (2009) provides a useful lens when employing the concept of ‘domestic analogy’. By making the outside world a mirror reflection of its internal dynamics, the EU legitimizes its domestic construction and ensures lower costs of interaction with the external world. This definition combines both a rationalist and a constructivist perspective. The intensity of the legitimation and adaptation process depends on the applicability and compatibility of EU rules in foreign environments, better known as the ‘degree of misfit’. Another useful frame comes from the toolbox of sociological institutionalism. The notion of ‘institutional isomorphism’ can also be helpful in explaining certain domestic changes resulting from long term interactions between institutional structures (Börzel and Risse, 2003). The logic of path dependency, prominent in historical institutionalism, is also a prominent explanation for EU integration as well as Europeanization processes, while, from a methodological perspective, content analysis and process tracing can serve as a powerful tool for adjudicating causality, despite the notoriously hard to pinpoint causal links, particularly when it comes to non-binding EU stimuli (Moumoutzis and Zartaloudis, 2016).

Thus, Europeanization is an incredibly rich concept that helps us to better understand the complicated dynamics that appear because of interaction between the EU, which remains a *sui generis* international actor, and other political entities (policies, institutions, states etc.) both

within and beyond the EU. The Central and Eastern Europe (CEE) region has witnessed perhaps the most intensive level of Europeanization before as well as immediately after the ‘Big Bang’ EU Enlargement of 2004 and CEE is closely linked geographically and historically with the EaP countries. It is important to note that the Republic of Moldova not only borders Romania but used to be part of Romania during the interwar period. Similarly, large parts of today Ukraine and Belarus were part of Poland. Thus, the insights from the Europeanization of CEE regions may be of benefit when attempting to scrutinize the much less studied EaP region.

One of the basic tenets of this fertile research agenda is that the Europeanization process seems to be more intense in the immediate EU neighborhood, given the conditionality mechanisms implied by membership or potential membership perspective (Sedelmeier, 2011). Schimmelfennig emphasizes two important characteristics for the success of democratic conditionality in the pre-accession negotiation phase: a) a credible promise of eventual membership; b) a low cost of adopting democratic and human rights norms, therefore minimizing the threat to regime survival (2009).

The empirical evidence suggests that the EU accession process has been an effective instrument in consolidating democracy in the CEE region. Yet, economic transformation was equally powerful and has contributed to bolstering state capacity across the region. Thus, post socialist and post-soviet countries with a clear EU membership perspective experienced the fastest and most extensive consolidation of democracy, not least because of the external aid and oversight that the EU accession process entails, thus proving that political conditionality is indispensable for securing a successful process democratization and Europeanization (Ekiert, 2008). The relations of the three countries with the EU imply increasingly similar dynamics after their signing of the respective Association Agreements.

Yet, conditionality is not the only mechanism of Europeanization, particularly beyond the EU. Socialization and lesson-drawing can also contribute to the ‘export of rules and norms’ in the absence of EU driven conditionality. In some cases, such changes take place because countries perceive EU norms as appropriate and accurate solutions for domestic uncertainties (Schimmelfennig, 2009). Furthermore, the EU is proactive in ‘socializing’ outside entities by persuading them about the benefits of doing things the ‘European way’ by spearheading

multilateral platforms like the European Neighbourhood Policy (ENP) and, more specifically, the Eastern Partnership, albeit with mixed results.

The vast discrepancy in approximation can partially be explained by the different degrees of suitability between EU's policies, institutions and norms compared to those of third countries (Barbe et al., 2009; Burlyuk and Shapovalova, 2017; Börzel and Lebanidze, 2017). Rational choice theory suggests that approximation is possible when a cost-benefit analysis overcomes these high costs of 'misfit', particularly in more tangible areas like institutions and policies. However, the EU's normative attractiveness is not universal. Its role as a 'civilizing power' or even 'post-modern empire' might have worked in Central and Eastern Europe in the 1990's but has repeatedly failed in the Arab world (Zielonka, 2013:37). Thus, not everyone is equally enthused about the EU's credentials as a normative power. Some have pointed out the shortcoming of 'a one size fits all approach' (Bicchi, 2006), while others scrutinized its dominating tendencies (Merlingen, 2007) and hegemonic undertones (Diez, 2013), ultimately rendering Europeanization as ineffective and a semantically 'empty' notion (Pace, 2007). Yet, academic criticism makes the research field richer and advances the goals of scientific inquiry.

In the process of policy convergence, there are three important variables that determine the degree and the quality of change. Firstly, the structure of incentives determines the level of mutual interest of both the EU and the third country in moving towards convergence. Secondly, mutual perceptions and legitimacy contribute to the socialization dimension of the convergence process. Thirdly, the intra-EU coherence determines the capacity of power projection, which, in turn, boosts the likelihood of effective convergence (Barbe et al., 2009). All these variables indicate an EU-driven nature of convergence. Unsurprisingly, this model works in the context of asymmetric relations, defined in terms of political, economic and cultural power. The model, therefore, fits the pattern of relations between the EU and Eastern Partnership countries.

1.2. Empirical record of Europeanization in the European Union's Eastern Frontier

European Union relations with Eastern Partnership countries began in the early 1990's and were based on a framework of Partnership and Cooperation Agreements (PCA), stemming from articles 216-219 of the Treaty on the functioning of the European Union (TfEU), which cover relations with third countries, including those from former Soviet Union as well as Africa. The fact that Georgia, Moldova and Ukraine missed the opportunity of signing Association

Agreements (also known as European Agreements) with the EU in the early 1990's, locked them onto a separate trajectory that has kept them in a grey zone between the EU and Russia that these countries are yet to escape from. The initial Partnership and Cooperation Agreements presented merely a framework for political, economic and cultural dialog. The economic component prevailed over the rest; with trade, investment, intellectual property standards being at the core of the agreement aimed at shaping the economic transformation of these countries. Later, it morphed into an à la carte menu from which countries could choose the EU programs that fit their interests coupled with loosely worded democratic conditionality in exchange for economic assistance. Despite a rather weak enforcement mechanism in the form of a bilateral Cooperation Council, the PCA nonetheless laid the groundwork towards deeper economic Europeanization and an evolution towards a more 'external governance' driven approach (Annex 1).

By the mid-2000s, Georgia, Moldova and Ukraine entered a new stage of relations with the introduction of individual Action Plans between each country and the EU, under the European Neighborhood Policy launched in 2003. Still under the umbrella of PCAs, country tailored Action Plans provided Georgia, Moldova and Ukraine countries the opportunity “to enter into intensified political, security, economic and cultural relations with the EU,” while the “level of ambition of the relationship will depend on the degree of commitment to common values as well as on capacity to implement jointly agreed priorities” (EU-Moldova PCA, 2004). The Action Plans were still primarily economically oriented, aiming at boosting approximation with the EU rules in trade related and investment matters up to the point of promising a future integration into the EU's internal market. Much less emphasis is placed on the possibility of upgrading the scope and intensity of political cooperation by institutionalizing political dialog – a rather vague target with no clear deliverables. The same dynamic is maintained under the much more ambitious agreements that replaced PCA's – Association Agreement (AAs).

Georgia, Moldova and Ukraine each signed their respective documents on June 27, 2014, with Ukraine only signing the economic part, having signed the political part in March 2014. Though provisionally implemented since late 2014, the agreements with Moldova and Georgia went into force on July 1, 2016; while Ukraine struggled to see its agreement enter into force because of the negative Dutch referendum of April 2016. It was only on September 1, 2017 that the EU-Ukraine AA entered into effect. Ukraine being much larger than Georgia and Moldova

combined, faced more opposition from some EU members, despite having started negotiations much earlier than the other two countries (Annex 1). Indeed, the AAs for Georgia and Moldova were based on the document negotiated with Ukraine. All three documents are, therefore, very similar in terms of structure, with some notable differences in terms of content. The sheer volume differences stand out. Ukraine's over 2100 pages are explained not just by the much larger size of Ukraine's economy, but also by Ukraine pushing for transitional mechanisms and safeguards under the DCFTA component to protect its domestic market, while Georgia, to the contrary, was concerned with over-regulating its already highly liberalized economy, thus ended up with a slim agreement of just about 700 pages. Moldova was more eager to accept approximation regulations, thus it signed up to a somewhat larger package (about 1000 pages) of commitments under the AA/DCFTA (Van der Loo, 2017). All three agreements are embedded in the ENP and EaP framework, which implies bilateralism and further locks the countries out of the membership track.

Still, the Copenhagen criteria like language emphasizing not just market economy principles, but also democratic governance and human rights permeates the first two chapters on political dialog and reforms as well as justice, freedom and security. Emphasis is placed on rule of law, but also on democracy as founding principles of these agreements. Notably, a reference to democracy only appears in the preamble when it comes to Ukraine, while in Georgia and Moldova's cases it also features in the first clauses of the agreements.

Clearly, this new level of relations between the EU and Georgia, Moldova and Ukraine offer a pathway for economic integration even if the part regarding political association remains vague. Still, AAs currently under implementation phase present a much more advanced cooperation framework and offer much sought incentives such as visa liberalization, already granted to all three countries (Annex 1). On the economic front, these countries are already being anchored into the EU market as the EU has become the main trading partner for Georgia, Moldova and Ukraine (Annex 2), while trade with Russia is at an all-time low (Annex 3).

Yet, the complex implications of these agreements coupled with the increasingly tense geopolitical reality in the region make strengthening of democracy in these countries ever more dependent on several factors, including political, economic and institutional stability, which remains a tall order given the frozen conflict that each of these countries must face (Moldova –

Transnistria; Georgia – Abkhazia and South Ossetia; Ukraine – Crimea and Donbas). The EU has long played a leading role in supporting confidence building measures and promoting reconciliation in the conflict regions, thus contributing to the Europeanization of the settlement process (Emerson et al., 2004). Yet, Russia's support for the secessionist regions in Georgia, Moldova and Ukraine, coupled with the Kremlin's illiberal democracy narrative also plays a significant role in disincentivizing democratic transformations in these countries (Delcour and Wolczuk, 2015).

Thus, the ongoing evolution and institutionalization of partnership between the EU and EaP countries presents many challenges to both sides, ensuring problems of capacity and ownership remain. What Korosteleva refers to as “slips into the vicious circle of the unproductive and rigid governance approach” (2013:32) through top-down rule transfer remains, indeed, an inefficient foundation for partnership and, even less so, for potential membership talks, as evidenced by the rather critical Council conclusions on Moldova (Council of the EU, 2016) after yet another national political crisis. Reforms in Ukraine and Georgia are also stagnating (Cianciara, 2016). This explains the rather cold response from EU Commissioner Hahn to the joint declaration from parliament speakers from all three countries, urging the EU to grant the three countries some sort of membership perspective (Jurnal.md, 2017; Agenda.ge, 2017). Hahn suggested that further reforms are needed before there is any room for potential membership talk.

However, it is often argued that lack of membership perspective reduces the impetus for reforms as they imply political costs, which the elites are unwilling to incur without the reward of membership. Hence, a catch 22 ensues, unlike in the CEE countries that received the membership perspective in late 1990's. The EU tries to mitigate this dilemma by employing a “more for more” principle, offering further inducements to best performing countries.

At the same time, these three countries have undergone major transformation in their relations with the European Union. Starting from relatively simple yet tailor made Partnership and Cooperation Agreements between the EU and post-soviet countries in the mid-1990s. With the launch of ENP in 2004, a discussion began on a new and more ambitious legal framework for the EU's relations with its Eastern neighbors and the EU offered them the ENP Action Plans, resembling pre-accession policy, but without a clear membership perspective. Thus, without a

stronger enforcement mechanism, political priorities such as: strengthening the stability and effectiveness of institutions guaranteeing democracy and the rule of law; ensuring the democratic conduct of elections in accordance with European standards; ensuring respect for the freedom of the media and the freedom of expression have proven difficult to advance. Nonetheless, after the harmonization targets have been met targets, these countries moved to the so far most advanced stage in their relations with the EU by signing Association Agreements, including Deep and Comprehensive Free Trade Areas (DCFTAs), very similar to the Stabilization and Association Agreements signed earlier with the Western Balkans, but, again, this time without the membership perspective. At this stage, the EU employs stronger political conditionality to foster democratic consolidation in exchange for market access, visa liberalization and aid. Yet, despite more robust enforcement mechanisms such as political and economic leverage, the democratization output remains questionable.

All these developments have influenced the nature of the Europeanization process, introducing and strengthening conditionality mechanisms through the Association Agreements, while also further promoting socialization and lesson-drawing tools such as technical assistance, twinning projects, parliamentary diplomacy etc. In the absence of formal EU membership perspective, the case of EaP countries presents an interesting research opportunity as Europeanization process is underpinned by a strong, yet also dwindling, domestic support base (Annex 5) that could potentially replace or rather augment the weaker and less effective external conditionality with an even more potent domestic drive for approximation. This is where the national political system, party politics, bureaucracy and civil society and other veto players have a crucial role in shaping, prompting and adopting public policy.

Despite national parties still having only a limited impact on the EU policies (Mair, 2000, 2007), joining European party federations has been an important objective for parties from Georgia, Moldova and Ukraine (Shagina, 2017). Political parties from all three countries are increasingly integrated into the EU party federations. There are 18 parties from all three countries that are associated with European wide parties, including 6 with EPP and 5 with ALDE (Annex 4). Party manifestos have become increasingly Europeanized, promoting European integration and legislative approximation across all policy areas to the point that the ruling collations in Moldova from 2009-2016 always had the word “European” in its name: Alliance for

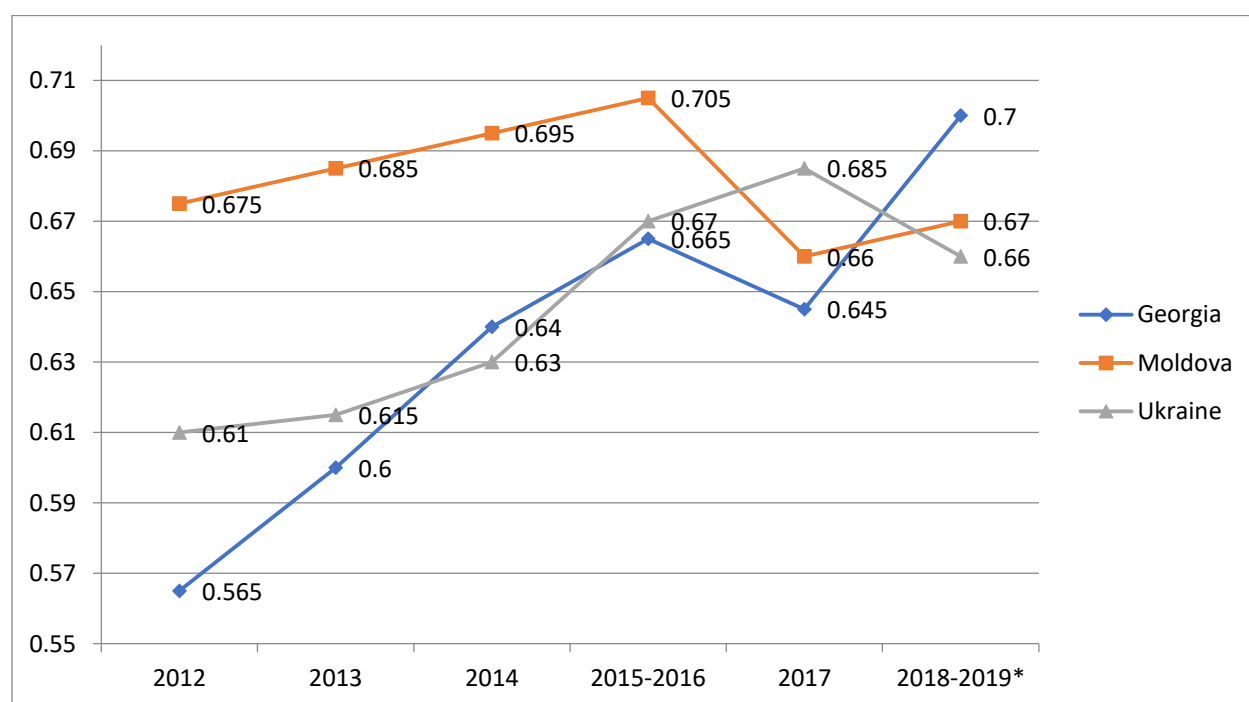
European Integration; Pro-European Coalition; Alliance for European Moldova (Manifesto Project, 2020).

Similarly, from 2014-2016, Ukraine was governed by a Coalition for European Ukraine. In Georgia, one of the leading opposition parties is named - European Georgia. Moreover, public institutions such as the Ministry of Foreign Affairs as well as the Parliamentary Committee on Foreign Affairs added “and European Integration” to their names in all three countries. Thus, public discourse is increasingly Europeanized, which is also reflected in opinion polls (Annex 5). Nonetheless, political socialization and internalization of EU norms and values is a rather slow process and Europeanization discourse is often used strategically as a legitimization device by local elites to win votes and stay in power. Moldova is a case in point. Despite unanimous public commitment by all leaders of Moldova’s ruling coalition to submit an EU membership application by the end of 2015, as voiced by then Prime Minister Iurie Leanca (Euronews, 2014), then Minister of Foreign Affairs and European Integration Natalia Gherman (Mediafax, 2014) and then President Nicolae Timofti (Teleradio-Moldova, 2014) prior to the 2014 parliamentary elections, the promise had to be later retracted as premature, after winning the elections. This case epitomized the strategic use of Europeanization discourse (Euronews, 2014; DW, 2015).

Therefore, studying to what extent Europeanization affects key elements of the national political system (Annex 6) and how Europeanized public discourse translates into actual policy actions and institutional adaptation may reveal important insights about the shortcomings in the Europeanization process and how it relates to democratic consolidation. The European Integration Index for Eastern Partnership Countries (EaP Index) is a useful tool in this regard. It provides in-depth analysis of the progress EaP countries made in their EU integration ambitions. It can thus be considered as a proxy Index of Europeanization, since the two criteria of evaluating EaP countries’ ties with the EU are linkage and approximation. Linkages is conceptualized as the growing political, economic and social ties between every EaP country and the EU, while Approximation is defined as structures and institutions in every EaP country converging according to EU requirements towards EU norms, rules and standards, which is in line with most cited definitions of Europeanization (Ladrech, 1994; Heritier, 2001; Radaelli 2003).

First published in 2012, The EaP Index uses primary as well as secondary data. Expert surveys are used to review over 700 questions and indicators, including “Yes” or “No” questions, coded as 1 and 0, with 0.5 for intermediate assessment. Peer review is employed to verify the assessment provided by local experts. Then, the data scores average as well as the country narrative reports are reviewed by the EaP Index core team. Even though, the Index only covers a short period of time and limits the capacity of making broad generalizations, nonetheless, the data for Georgia, Moldova and Ukraine (Annex 7) indicates a more linear, though incremental, positive transformation, when it comes to Europeanization of these countries, particularly in the first four years of the assessment, which is in stark contrast to the democracy indicators discussed in the following section.

Figure 1: EaP Index (2012-2019*)



Source: Eastern Partnership Civil Society Forum. EaP Index.

Note*: For the 2018-2019 EaP Index only Linkages data is presented. Approximation data is missing

As democratization is widely considered being an important part of the Europeanization process (Ágh and Kurtán, 1995; Keyman and Düzgit, 2007; Keil, 2013; Lewis, 2008; Obydenkova, 2006), comparing the data on Europeanization of Georgia, Moldova and Ukraine

to the data on democratic consolidation may provide important insights about the nature of both processes. One would expect that democratization in the three countries would be congruent with the Europeanization picture as described above. For that we need to address the democratization track record of these countries.

1.3. The Perils of Democratization and Democratic Consolidation in European Union's Eastern Neighborhood

Democracy is one of the most debated concepts in political science. Numerous competing definitions have been presented, capturing different aspects of this highly complex concept. Popular legitimacy stemming from electoral competition is the cornerstone of the concept as suggested by Schumpeter's definition, "The democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote" (1950: 269). Yet, electoral competition alone was not sufficient, and Dahl proposed his seminal concept of "polyarchy" – "regimes that are highly inclusive and extensively open to public contestation" (1971:8). Thus, citizens' participation and government responsiveness are important elements of democracy and can only be insured by institutional guarantees such as: free and fair election and the right to vote, freedom of assembly and association; freedom of speech as well as media freedom etc.

Still, Dahl's criteria have since been elaborated on by putting more emphasis on increasingly important institutions without which it would be impossible to ensure the fulfillment of Dahl's criteria. Thus, institutionalization of democracy implies a comprehensive set of formal rules that govern the relationship between individuals and institutions. Yet, O'Donnell, points out that Dahl conceptualization is missing informal structures, which can render a formally institutionalized democracy corrupted by clientelism (1996). Thus, a process of democratic consolidation "consists in transforming the accidental arrangements, prudential norms and contingent solutions that have emerged during the uncertain struggles of the transition into institutions, that is, into relationships that are reliably known, regularly practiced and normatively accepted by those persons or collectivities defined as the participants/citizens/subjects of such institutions" (Schneider and Schmitter, 2004:62). Ultimately, consolidation can be deemed successful, according to Linz, when democracy remains the only game in town (1990). How long it takes countries to reach that point depends on a lot of factors.

There is hardly an agreement on what factors are paramount as every country-case has specific circumstances that makes it somewhat unique. Still, Przeworski argued that self-interest is the rationale for obedience and that stability of a political system depends heavily on payoffs, especially on material once (1985). Yet, this positivist account downplays the importance of legitimacy as a stabilizing force in the system.

Another highly influential account points to the high correlation between economic development and democracy (Lipset, 1959; Dahl, 1971; Huntington, 1984; Przeworski, 1997), yet the direction of causation, if any, can be difficult to rigorously pinpoint. Still, from both Lipset's and Przeworski's influential accounts, neither of the three countries under research is even close to the GDP per capita threshold that makes democracy irreversible (Annex 7), but they are in the zone that certainly makes it possible, though not particularly likely. Furthermore, as Diamond and Linz (1989) cautioned about economic crisis representing one of the most common threats to democratic stability, these three countries are highly susceptible to democratic regress driven by economic shocks, as their economies still transition from the soviet system to fully fledged market economies, despite having gained WTO membership status. Soviet and even Tsarist legacies cannot be underestimated, as the democratic transformation process is geographically, historically, culturally and geopolitically embedded.

Unlike countries in the central European socialist bloc that experiences what Herbert Kitschelt (1995) called bureaucratic authoritarian communism (German Democratic Republic, Czechoslovakia) and national consensual communist (Poland, Hungary), Georgia, Moldova and Ukraine, along with the rest of the Soviet Union republics, as well as the Balkan countries, underwent patrimonial despotic communism. As pointed out by Kitschelt (1995), the latter was characterized by low intra elite contestation, low popular interest articulation, low rational bureaucratic institutionalization, strong hierarchical chains of personal dependence, extensive patronage and clientelist networks, which influenced to a large degree the democratic transformation process. In fact, the elites in patrimonial despotic communism countries were so powerful compared to the rest of society that they managed to employ preventive reforms, ensuring that their grip on power was not challenged.

It is, therefore, unsurprising that following the collapse of the Soviet Union in 1991, the fifteen constituent soviet republics, including Georgia, Moldova and Ukraine, would find it

difficult to transition to democracy and achieve democratic consolidation. Despite being part of what Huntington (1991) called the “third wave global democratic revolution” and what prompted Fukuyama (1992) to declare the “end of history” and the triumph of the liberal democratic model, subsequent developments proved these expectations overly optimistic. In the post-soviet space, transition from one-party state to liberal democracy proved complicated especially as it was also accompanied by economic transformation from command to market economy.

Many of the factors that improve the odds of democratization and democratic consolidation were missing in the case of Georgia, Moldova and Ukraine. With no previous democratic experience, ethnically divided, economically poor and culturally rooted in Russian orthodox religion, hardly makes these countries the most obvious candidates for democratic success (Djankov and Nikolova, 2018). Moreover, even though the Georgia, Moldova and Ukraine faced high political polarization and relatively weak elite networks, which, rather than leading to genuine pluralism and democracy, produced “pluralism by default” (Way, 2000), yet these very circumstances have, so far, kept outright authoritarianism away from the three countries under research, making democratic consolidation challenging, but not impossible.

Lucan Way later refined his concept and, together with Steven Levitsky, proposed a new regime type - ‘competitive authoritarianism,’ in which formal democratic institutions are maintained as a means of legitimation through elections that are free, but generally unfair (Levitsky and Way, 2010). This concept may sound just as contradictory as democratic monopoly on state power, but the authors have produced a persuasive account of 37 regimes, spanning from 1990 to 2005, that had been or became competitive authoritarian. The conceptualization of authoritarianism as being competitive is controversial, as with any hybrid regimes typology, but certain elements are reflecting the trajectories of Georgia, Moldova and Ukraine. For most of the thirty years since independence, opposition forces in the three countries could attempt to run in elections and occasionally win. The major distinctive element is the extent to which the playing field was not level. This can be summarized as real, but unfair competition. Clearly, this conceptualization views competitiveness as a spectrum, rather than a binary notion.

The authors provide a detailed account of what stops a regime from democratizing, while at the same time, failing to descend into outright dictatorship. The causal explanations focus on

both domestic and international factors. Levitsky and Way (2010) suggest two causal mechanisms for international influence: leverage and linkage. They define (western) leverage as “governments’ vulnerability to external democratizing pressure” (2010:27). A more detailed conceptualization includes, on the one hand, the probability that Western powers will retaliate against serious antidemocratic behavior, while encouraging political liberalization and, on the other hand, the vulnerability of the regimes to withstand such retaliation in terms of economy, security etc. Thus, in cases of an imminent and consequential response, leverage is high. Conversely, leverage is low in cases of unlikely or inconsequential response. The factors that determine the effectiveness of international leverage include: the size and economic power of the countries on the receiving end of western leverage; the degree to which western powers have competing foreign policy interests in the region (for example the interests of the United States in Egypt, Pakistan, Saudi Arabia preclude effective leverage in terms of democracy promotion); the extent to which there is a countervailing power in the region that balances the political, economic, military and diplomatic efforts encapsulated in western leverage.

The latter phenomenon was coined in the 1990s by Hufbauer et al. and was called “black knights” (1990: 12). The concept is widely applied in the literature on economic sanctions as well as in the context of countervailing influences to western democracy promotion (Hufbauer et al., 1990; Early, 2011; Tolstrup, 2015; Von Soest and Wahman, 2015). Russia is often referred to as ‘autocracy promoter’, ‘negative external actor’ and ‘black night’ for its support of authoritarian regimes in post-soviet space (Bader et al., 2010; Tolstrup, 2015; Chou, 2017). However, the countervailing influence of ‘black nights’ is even stronger in cases where, despite significant western leverage, there are limited linkages with the west. This is clearly the case in sub-Saharan Africa (Bratton and van de Walle 1997), but the same logic applies, albeit to a lesser extent, to the three countries under research, caught in the ‘no man’s land’ in between the European Union and Russia. Thus, Levitsky and Way (2010) indicate that leverage alone is not sufficient to induce democratization and, without strong linkages, was only enough to force autocrats to put up a democratic façade. The authors define linkage to the West as the intensity of economic, political, diplomatic, social, and institutional relations with the West. Therefore, it is a multidimensional concept that focuses on “the interdependence that connects individual polities, economies, and societies to Western democratic communities” (Levitsky and Way, 2010:32) and

rests on the ‘complex interdependence’ theorized by Keohane and Nye in their seminal 1989 work ‘Power and Interdependence’.

Just like leverage, linkage has several defining characteristics, which fit well to the post-soviet space, particularly in the case of Georgia, Moldova and Ukraine: it boosts the international repercussions of autocratic abuse, thus increasing the cost of abuse; builds domestic coalitions for defending and promoting democracy; reshapes the domestic power structures in favor of the opposition, thus isolating autocrats and further undermining their legitimacy. Thus, the lower the linkage level, the lower the probability that Western actors would punish autocrats for anti-democratic behavior. The higher the linkage level, the more likely it is that there would be repercussions for abuse. Still, compared to leverage, which is more tangible, linkages can be more abstract and, thus, more difficult to identify and evaluate. However, both leverage and linkage address the external pressure on the regime, while telling us little about the regime's capacity to withstand that pressure. Levitsky and Way (2010) also provide a mechanism for analyzing incumbent capacity to use state coercion for perpetuating the regime. The mechanism is relevant in the context of the three countries under analysis. The authors distinguish between ‘high intensity coercion’ - visible acts of violence or abuse and ‘low intensity coercion’ - less visible, but systematic harassment of the opposition by surveillance, blackmail, and threats of violence.

Coercive capacity is measured in terms of scope (effective reach of the state's coercive machine) and cohesion (level of compliance within the state system of coercion). Scope is very important in low intensity coercion and requires significant financial resources. Regimes with low economic potential cannot afford pervasive coercive apparatus that would carry out surveillance and harassment of the opposition, which reduces the chances of long-term survival of the regime. However, even relatively well funded security and police forces may not guarantee effective coercion. Cohesion among the security apparatus is crucial in making sure that orders are carried out, even illegal ones. Low cohesion reduces the compliance and allows the opposition to adjust. Low cohesion can be a result of underfunding, but also a byproduct of ethnic, linguistic, religious or political heterogeneity in the system. Measuring cohesion is difficult, until it is actually tested. Georgia, Moldova and Ukraine have had a mixed track record in terms of coercive capacity, with scope and cohesion evolving over time. While low coercive

capacity was one of the reasons for the success of the Rose Revolution in Georgia in 2003, higher coercive capacity was the reason behind violent crackdown against the protestors after Moldova's Twitter Revolution in April 2009, and especially the death toll of the Maidan Revolution in Ukraine in February 2014.

However, as the cases of Ukraine, Moldova and Georgia can attest to, coercion capacity is not sufficient for regime survival. Incumbent party organization is also important for regime stability and long term survival. Strong parties help incumbents not only in controlling the legislature, but also in mobilizing support, distributing clientelist goods, and rallying behind the party's agenda. Party strength may also be measured in terms of scope and cohesion. Scope can be viewed as the size of a party's infrastructure. While cohesion focuses on the incumbent's ability to ensure the allegiance of the party members, particularly the higher echelons in government, parliament and regional elites. Similarly to the coercive apparatus, party cohesion is tested in crisis. While high cohesion cements the elite, low cohesion leads to defections and the inevitable crumbling of the regime. Economic, political, ethnic, linguistic, religious and other differences can undermine party cohesion.

This framework that combines state and party capacity offers a glimpse into regime outcomes in post-soviet states. Clearly, stronger state coercive capacity and high party organization enhances incumbents' potential to suppress the opposition through intimidation or cooptation. Low state and party capacity leaves the incumbent vulnerable to even the slightest winds of change. Ultimately, coercive and organization capacity is, to a large extent, a product of availability of economic resources that can bolster significantly the scope and seriously mitigate the cohesion problem. The changing tides of western leverage and linkages, coupled with a turbulent track record in terms of economic development presents the very circumstances that have, so far, kept outright authoritarianism away from Georgia, Moldova and Ukraine, while making democratization and democratic consolidation challenging, but not impossible. In this context, empirical data presents a mixed picture that is both a reason for concern and a sign of hope.

1.4. Empirical Evidence of Democratic Backsliding in Georgia, Moldova and Ukraine

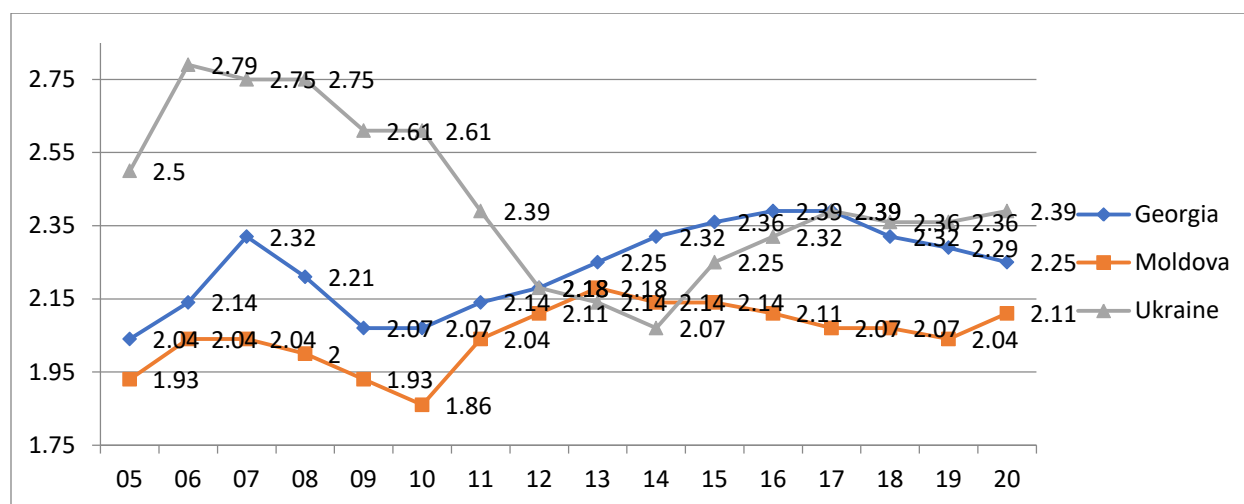
Just as defining democracy in a comprehensive way is a challenge, so is evaluating the level or quality of democracy. To evaluate the state of democracy in a given country, one needs to address a set of criteria or democratic indicators. This exercise is bound to be incomplete and somewhat subjective as no evaluation can include all possible indicators. Thus, depending on the conceptualization of democracy, only a certain number of indicators will be scrutinized. This limitation is a given, but it can be, in part, mitigated by considering several different indices that employ a different conceptualization of democracy. Some indices will have a thinner definition, while others will seek to cover a thicker set of indicators. Thus, some indices can be considered narrower, and others wider in their scope, but using them in conjecture as complementary only boosts the robustness of the findings. Some of the best known democracy indices/scores are provided by Freedom House, The Economist Intelligence Unit, Bertelsmann Foundation and Political Instability Task Force.

The US-based **Freedom House** provides several annual reports, including a flagship project on “Nations in Transit” - an annual survey of democratic reform that has been published since 1995, and with the same methodology since 2003. It covers 29 formerly communist countries from Central Europe to Central Asia. It measures a countries’ “Democracy Score” on a scale of 1 to 7, with 1 being the most democratic, and 7 the least. It uses seven categories: National Democratic Governance, Local Democratic Governance, Electoral Process, Independent Media, Civil Society, Judicial Framework and Independence, and Corruption. This is a moderately comprehensive conceptualization, even if the attributes are somewhat broad.

Category scoring is a straight-averaged of scores initially provided by independent researchers from academia, journalism, and civil society for each country. Freedom House then employs about three and six reviewers per country per year for comments on the country reports and initial score proposals provided by country experts. After country researchers have a chance to respond to the comments from reviewers, “Nations in Transit” advisors meet to discuss and finalize scores for each country. Being labeled as “hybrid regimes,” scores for Georgia, Moldova and Ukraine for the last decade indicate a wave-like dynamic (Annex 9). The graph indicates cycles of improvement and stagnation of even regress (Figure 1). Ukraine is worse off than a

decade ago, Georgia is slightly better, while Moldova is about the same, despite faring better during '12 - '16.

Figure 2: Freedom House, Nations in Transit, Democracy Score (2008-2020) – inverse, higher is better

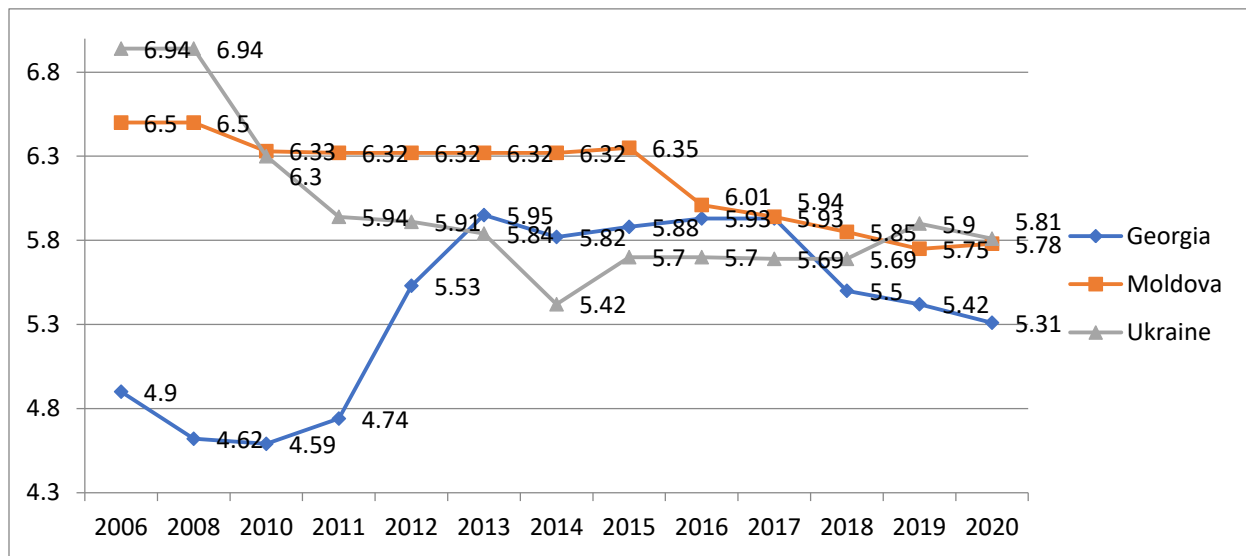


Source: Freedom House, Nations in Transit. Democracy Score.

Compared to Freedom House, the UK based **Economist Intelligence Unit** (EIU) provides a thicker conceptualization of democracy. EIU Democracy Index, first published in 2006, covers almost all the countries in the world and it has 60 indicators grouped in five categories measuring electoral process and pluralism, civil liberties, functioning of government, political participation, and political culture. It is also based on expert assessment, but without peer review. The five category indices, which are listed in the report, are then averaged to find the Democracy Index for a given country.

Finally, the Democracy Index, rounded to two decimals, decides the regime type classification of the country. The scores for Moldova and Ukraine are clearly on a downward trajectory (Annex 10), with Ukraine having a slight improvement in the last two years. Instead, Georgia is on a positive trajectory, but witnessed a slight regress during 2014-2015 when compared to 2013. All three countries fall under the “hybrid regime” category, despite Moldova (206-2016) and Ukraine (2006-1010) having ranked better earlier as “flawed democracies”.

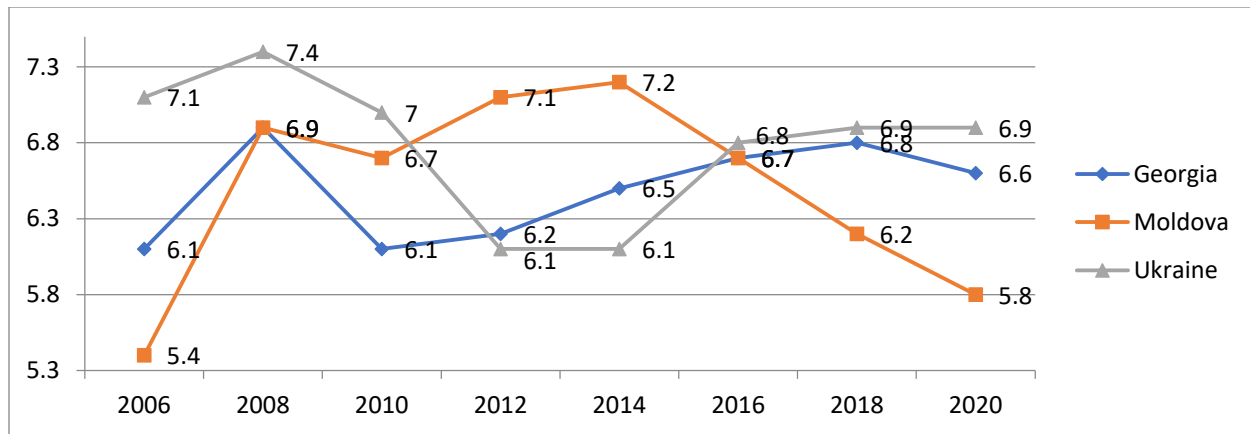
Figure 3: The Economist Intelligence Unit Democracy Index (2006-2020) – higher is better



Source: The Economist Intelligence Unit. Democracy Index

The German based **Bertelsmann Stiftung** provides a biannual Transformation Index (BTI) since 2004, including a Status of Democracy, describing where a country is on its way to consolidated democracy. The BTI combines text analysis and numerical assessments also provided by experts. The score for each of the five criteria is provided on a scale from 1 (worst) to 10 (best). There are five criteria: (Stateness, Political Participation, Rule of Law, Stability of Democratic Institutions, Political and Social Integration), and each has four attributes, except for Institutional Stability, which has only two. Each attribute is then operationalized in the form of a question answered in expert country reports. A series of threshold indicators are used to determine regime type. The results place Georgia, Moldova and Ukraine into the category of “defective democracies” (Annex 11).

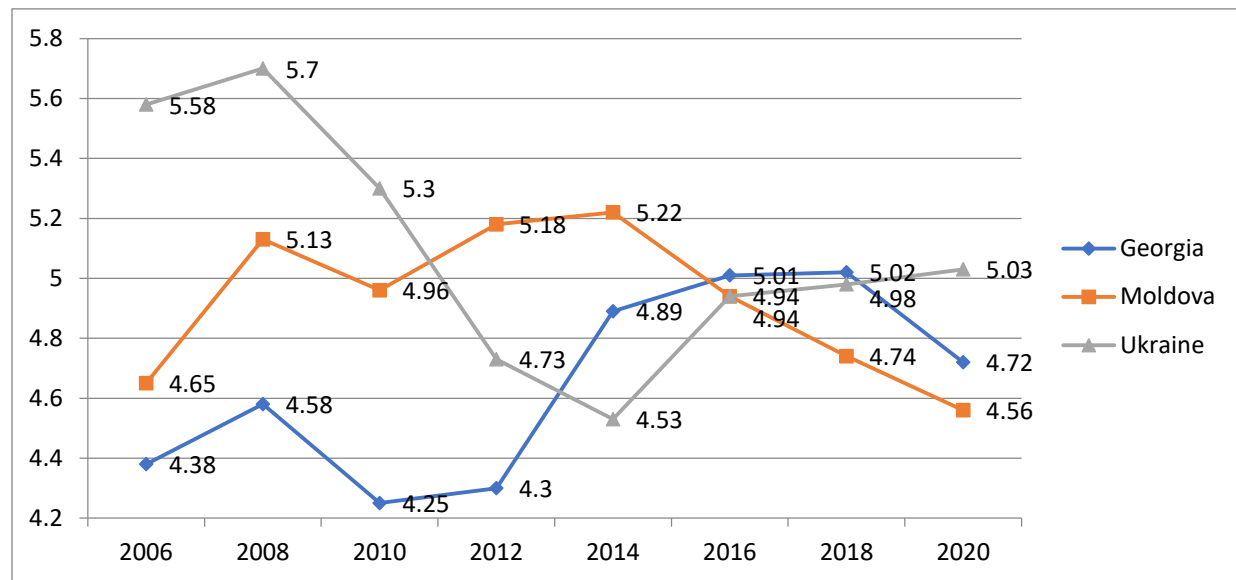
Figure 4: Bertelsmann Stiftung Transformation Index, Status of Democracy (2006-2020), higher is better



Source: Bertelsmann Stiftung Transformation Index. Status of Democracy.

Other rankings have also been considered but have not been included into this analysis. Political Instability Task Force's index Polity IV was deemed unsuitable as it uses only two criteria and provides almost no variation for the relevant time span. Polity IV conceptualization of democracy is too narrow for the purposes of this comparative effort. At the same time, the World Bank indicator was not included because it is geared more towards analyzing governance rather than democracy. Nonetheless, the three Democracy Scores that were included (Freedom House, EIU, BTI) offer a sound methodology, even if relying on what some are calling Euro-American standards of universalist democracy (Koelble and Lipuma, 2008). It may be impossible to satisfactorily reconcile all the challenges of conceptualization, measurement, and aggregation when it comes to a such a complex undertaking as ranking countries in terms of their level of democracy (Munck and Verkuilen, 2002), but this does not mean that those indexes are not a valuable tool for a comparative research effort. In fact, despite their limitations, they are indeed consistent, therefore, reliable, in providing a clear picture of a rather unstable path towards democratic consolidation in the three countries under research. This is best evidenced by a composite score, averaging the three scores (FH, BTI, EIU) for each country for each year. The graph below vividly shows a wave-like dynamic as democracy consolidation is suffering a setback in Moldova and Ukraine, with only Georgia doing better than a decade ago.

Figure 5: Composite Average Democracy Score for Georgia, Moldova, Ukraine (2008-2020)



Source: Compiled by the author from the three Indexes (Freedom House, The Economist, Bertelsmann Stiftung).

It appears that Georgia, Moldova and Ukraine are falling victim to backsliding before getting a chance to consolidate their democracies. The concept of “democratic backsliding” is increasingly used to describe governmental practices meant to undermine a country’s democratic achievements. A working definition is provided by Bermeo: “... is state-led debilitation or elimination of the political institutions sustaining an existing democracy” (2016). It has become apparent that the nature of anti-democratic behavior by democratically elected governments has changed a lot in the last quarter century. Outright coups d’états and blatant election rigging are less common, while so-called slow-moving coups and hollowing out of democratic institutions by democratically elected governments manipulating elections and electoral rules, harassing and pressuring the opposition to stay in power. This challenges the ‘snowballing’ effect, defined by Samuel Huntington as “the demonstration effect of transitions earlier in the third wave in stimulating and providing models for subsequent efforts at democratization” (1991). The reality in the three countries also casts doubt over Huntington’s one directional democratic cascade theory, given the uncertainty with regards to the direction of democratic consolidation in the specific condition of the countries comprising the case study.

Despite growing public frustration with democracy in Georgia, Moldova and Ukraine (IRI Poll, 2017-2018), the good news is that backsliding is not irreversible. The wave-like

dynamic could be an indication of weak democratic institutions, which fail to boost democratic consolidation much in the same way the lack of a robust institutional network undermined the early democratization process. Comprehensively addressing internal as well as external factors that affect the process of democratic consolidation in the three countries should provide an answer as to why full democratization is stalling, while Europeanization seems to be surging. In this context, attention needs to be paid to the way external factors interact with domestic ones. An important research avenue is scrutinizing how external forces are contributing to democratic consolidation or, to the contrary, to backsliding. Some authors are making a distinction between “responsive democratization,” on the one hand, and “imposed democratization” or “opportunistic democratization” on the other (Welzel, 2009). Similarly, others are pointing to the veneer of Europeanization, comparing it to a Potemkin village (Agh, 2015; Mikulova, 2014). Others yet, consider that, by relying solely on political and economic conditionality, the international community and the EU, only facilitate electoral aspects of democracy at best (Møller and Skaaning, 2010). This can in turn, lead to illiberal democracies taking root. The causal links need to be further explored to provide a persuasive account of democratization and Europeanization dynamics in Georgia, Moldova and Ukraine.

Conclusions

Europeanization has become a buzzword and continues to emerge as an increasingly popular subfield in EU studies. The concept, though still lacking a commonly accepted definition, has been widely applied to the analysis of political and economic transformation both within and beyond the European Union. Undeniably, Europeanization affects both the EU member states, candidate countries as well as others that fall under the ‘distinct structures of governance at the EU level’ by shaping domestic policies, practices and politics, altering the status quo (Gwiazda, 2002:12). However, the difference in the degree and quality of Europeanization is determined by domestic contexts, therefore, EU related adjustments remain nationally specific and path dependent, which explains, in part, the economic and democratic advances in some countries and backsliding in others (Ágh, 2016; Papadimitriou et al., 2017; Roch, 2017). Yet, the deeper understanding of these discrepancies requires more insights from comparative politics and political sociology. However, one aspect is certain – political leverage via conditionality is not a silver bullet and cannot ensure a successful path of Europeanization and, even less so, democratization.

Naturally, Europeanization has proven to be more potent in the EU's immediate vicinity, due to higher leverage and linkages, but there is a wide variation as to the depth and width of Europeanization, including among the EaP countries. EaP countries, particularly those committed to joining the EU (Georgia, Moldova and Ukraine), represent a highly fertile ground for Europeanization research, particularly as this chapter indicates that there is a clear disconnect between Europeanization and democratization in these countries. Indeed, the trend towards illiberalism is not confined to these countries, but the specific conditions of transition towards democracy in the three countries, while also aspiring to join the EU in a tense geopolitical environment, with the 'black knight' of the Kremlin acting as a countervailing force to democracy, makes their experience uniquely interesting.

The data regarding democratic backsliding in these countries indicates that the EU is failing to bring about democratic consolidation. This despite the governments of these countries appearing to be manifestly in favor of Europeanization as well as democratization considering their increasingly stronger aspirations for the EU membership voiced not just by the leadership of these countries, but also shared by most of the voters, albeit an oscillating majority at times. However, given the troubled history and today's complex regional context that these countries find themselves in; one needs to also address domestic vulnerabilities to undue foreign influence that may be exploiting clientelist networks to undermine democratic reforms and impede genuine Europeanization and democratic consolidation.

The contribution presented in this chapter uncovers the puzzling reality of these three countries appearing to become increasingly Europeanized, in the sense that they adopt EU values and norms into the national discourse, political structures and public policies (Radaelli, 2004), but this fails to produce a key expected outcome – democratization. Thus, there is vivid evidence of the disconnect between Europeanization and democratization in Georgia, Moldova and Ukraine when comparing the ever-deeper framework of bilateral political, economic and social relations with the EU and the worsening positions of Georgia, Moldova and Ukraine in international democracy rankings. All major democracy indices (FH, EIU, BTI) indicate a rather weak and unstable process of democratic consolidation at best and a trend towards anti-democratic consolidation of hybrid regimes at worst. This reality confirms the hypothesis that Europeanization is more likely to take root and be effective in countries that are more advanced

in their democratization process and are, indeed, undergoing a robust democratic consolidation. Furthermore, the findings question Huntington's 'snowballing' effect of democracy evolution and spill-over from third wave countries into their proximity or otherwise related countries (1991). It also casts doubt over Huntington's one directional democratic cascade theory, given the oscillations and retreat to the brink of autocracy witnessed in the specific condition of the three countries.

As judicial independence or, rather, lack thereof is regarded as a fundamental challenge to democratization and democratic consolidation, the author engages in a detailed exploration of the role political control of the judiciary plays in the democratic institutionalization in the three countries. The following chapter presents a validity exercise of the assumption that lack of judicial independence is a significant challenge to democratic consolidation - an assumption that is to be tested in the cross-case study of the three countries under consideration.

2: Judicial Independence and Democratic Backsliding in Georgia, Moldova and Ukraine

As the previous chapter has demonstrated, there is a clear democratic stagnation and even backsliding in Georgia, Moldova and Ukraine, despite their ever-closer ties with the European Union and deeper Europeanization across political, economic and social spheres. There are many factors that could explain democratic backsliding. Some of these factors are external, while others originate in the domestic realm. To paraphrase a common reference to all politics being local, so democracy is very much dependent on local contexts. As the democratization literature and the debates around democratic consolidation are increasingly centered on institutions, it is only natural to scrutinize the institutional dimension of these countries' political systems to uncover the causal mechanisms that influence the challenges these countries face in terms on democratic consolidation.

The literature on democratic backsliding indicates very clearly that the days of the classic military or executive coups have largely passed and even blatant election rigging is not as common as before, instead we witness 'executive aggrandizement' (slow undercutting of checks and balances by the incumbents to reduce the capacity of the opposition to challenge the regime) and strategic electoral manipulations (swaying the electoral playing field in favor of incumbents) (Bermeo, 2016). Yet, neither executive aggrandizement nor strategic electoral manipulations such as, on the one hand, court packing, media restrictions, and intimidation of the opposition, and on the other hand, electoral engineering, gerrymandering and voter suppression, are possible when there is a strong and independent judiciary. Judicial independence is, therefore, the bedrock of democracy. Moreover, the lack of judicial independence poses a major challenge to democratic consolidation - an assumption that is to be tested in the cross-case study of the three countries under consideration.

Indeed, the idea goes back to Ancient Greece and Rome, but it was first articulated in its modern sense by Baron de La Brède et de Montesquieu, who is credited with formulating the theory of distribution of power among the three branches of government. Montesquieu insisted that the independence of the judiciary must be real, and not only apparent, otherwise the people would not have trust in the judges and would rather go to the actual powerbroker that controls the courts (Przeworski and Maravall, 2003). This is exactly what is happening in the post-soviet

space, where low judicial independence and high levels of corruption provide undue influence to powerful individuals, thus undermining democratic consolidation. The problem is endemic in the entire region, including Georgia, Moldova and Ukraine. Thus, promotion of the rule of law focused on judicial independence has been a key recommendation from international experts, not just as an abstract goal, but also as a means of economic and political development (Haggard et al. 2008).

The most recent Global Competitiveness Report by the World Economic Forum ranks Georgia on 87th place, Ukraine on 129th and Moldova on 132nd of 137 countries assessed when it comes to judicial independence (The Global Competitiveness Report, 2017–2018). In fact, out of the 100+ components of the Competitiveness Index, Moldova ranks the lowest on the judicial independence score. Similarly, in Ukraine of all the indicators only the quality of road infrastructure is incrementally worse than the state of judicial independence, according to the same World Economic Forum report. Georgia is doing considerably better in terms of judicial independence when compared to the other two countries, but the trend is negative, according to the same report. It is also important to note that judicial independence features heavily in the European Union reports and statements with regards to these countries. The Council of Europe and the US State Department also regularly indicate that judicial independence and selective justice are a major concern with respect to democratic standards in Georgia, Moldova and Ukraine.

Domestic publics in all three countries have dangerously low levels of trust in the courts (International Republican Institute Poll, 2019). Only 8% of Ukrainians approve of the activities of their courts, which, along with the Prosecutor's Office and the Parliament, is the lowest score for any of the 17 main state institutions featured in the poll. Similarly, the courts are second only to the Parliament when it comes to disapproval among Moldovan respondents. In Georgia, the courts are also closer to the bottom of the list when it comes to public approval, witnessing a steep decrease from 2013 onwards, which coincides with a transition of power.

Therefore, this chapter will examine several case studies to scrutinize the degree of politicization of the judiciary, which is often used by political groups as a weapon against their opponents. By employing process tracing this chapter aims to provide a validity exercise that would prove and explain the challenges faced by these countries domestically in terms of consolidating their still feeble democracies. It will analyze a few prominent legal cases against

leading national politicians (primarily from the opposition) and judges (that engaged in on and off-bench resistance), which have raised numerous concerns among domestic and international community about selective justice and political influence over the judiciary in each of the three countries. The cases selected represent the most prominent prosecutions carried out in each country. Despite their small number they are representative of the entire system of cases of judicial politicization. As these are the only cases in which former presidents or prime-ministers have been tried, convicted and either served in prison or emigrated to avoid detention, these cases are influential in affecting the outlook of the system. Therefore, these cases have a significant impact on the political environment, electoral competition, democratic outlook of each country, perception of judicial independence etc. They represent crucial cases (Gerring, 2007) that offer useful variation on the dimensions of theoretical interest that underpin the research - judicial independence or lack thereof and its implications on democratic consolidation or, indeed, backsliding (Seawright et al., 2014). The author's approach combines cross-case and within-case evidence, which is central to the confirmation of the validity of initial theoretical assumptions about the lack of judicial independence posing a major challenge to democratic consolidation in the countries under consideration. Yet, before addressing the case studies in their depth, the author will first present the background on the three countries' judicial systems and their overall track records of independence or lack thereof.

2.1. Conceptualizing Judicial Independence in Georgia, Moldova and Ukraine

All modern judicial systems in democracies, and to some extent even in non-democracies as well, adhere to certain fundamental values such as: procedural fairness, efficiency, accessibility, public confidence in the courts and judicial independence (Shetreet, 2000). All these principles are highly consequential for the overall effective and legitimate functioning of a judicial system, yet perhaps the most fundamental, therefore, hotly debated, is the principle of independence, particularly in democratic and semi-democratic environments. A definition of judicial independence rests on the notion of eliminating political factors from judicial decisions “for example, the electoral strength of the people affected by a decision that would influence and, in most cases, control the decision were it to be made by a legislative body” (Landes and Posner, 1975). There is some empirical evidence to suggest that empowering courts serves as insurance to political elites, in the sense that judicial independence decreases the probability of

incumbent politicians being targeted by their successors once the former leave office (Epperly, 2013).

Thus, judicial independence is often associated with better post-tenure outcomes for leaders in autocracies and democracies alike, which, particularly in the latter, some explain by the strong association between electoral competition and judicial independence (Gryzmala-Busse, 2007; Frye 2010). It is known that strong political competition leads to more accountability on the incumbents by providing the opposition the means to expose corruption and abuse in the media (Gryzmala-Busse 2007). It has become common practice that judicial actors be it judges, prosecutors or lawyers, play a major role in the political process, since they are often becoming the arbiters of not just “legality” but also “morality” of political candidates or elected officials, causing an array of political scandals (Guarnieri, 2016). Indeed, in more extreme cases, a potential side effect of this dynamic is the “mediatic-judicial circus” arising from tactical use by media and political parties of court findings supplied by judges during the investigation (Soulez-Larivière, 1993). More substantially though, fierce political competition strengthens judicial independence by creating an environment in which both the courts find it easier to withstand political pressure from certain political interests and the citizens feel more empowered, both at the individual level as well as at group level, to demand that their rights be protected (Epperly, 2017). This is part of a longer trend that became more pronounced in the mid-20th century.

The evolution of judicial independence became particularly vivid following the decolonization era and amid the ‘third wave of democratization’ the power of the judiciary began to increase among the newly democratic countries, a trend that was described as the “judicialization of politics” (Tate and Vallinder, 1995). The judicialization of politics primarily implied the growing spread of judicial and constitutional review among new but also more established democracies, particularly in Europe. The significance of the judicialization process is rather intuitive, because when supreme courts or constitutional courts “announce legally binding interpretations of statutory provisions, they rewrite or amend legislation, to the extent that the court’s interpretation meaningfully differs from that of the government and parliament” (Sweet, 2000). This development empowers courts to act increasingly as veto players in national political systems. However, some remain skeptical about the veto potential of courts, arguing

that the judicial system largely reflects elite interests and, therefore, courts almost never constitute a separate veto player within a polity (Tsebelis, 2002). This different perspective is partially mitigated by the degree of democratic consolidation in a national political setting, as courts play a stronger veto player in more established democracies as opposed to flawed democracies or hybrid regimes. Undeniably, stronger judicial independence in democratic countries provides powerful checks on the political elite, thus increasing the protection afforded to ordinary citizens (Guarnieri, 2016).

In fact, Lijphart (1999) suggested a unit of measurement of the power of judicial review. The basis for this evaluation is the degree of difficulty with which a constitution of a country can be amended (by higher than 2/3 majority, by “2/3 or equivalent,” “between 2/3 and ordinary majorities,” and by ordinary majorities). By this measure, Moldova and Ukraine have a moderate strength of judicial review, as their constitutions can be amended with 2/3 of votes in parliament, while Georgia’s constitution requires a 3/4 majority. Similarly, the countries converge when it comes to the technical mechanism of judicial autonomy.

Much like most of the post-soviet region, these three newly independent countries adopted the western model of judicial autonomy, whereby all decisions affecting judges are taken by a collegial body (The High Council of Justice of Georgia, The Supreme Council of Magistracy of Moldova, The Supreme Council of Justice of Ukraine) primarily comprised of senior judges and with limited influence from the executive. However, the constitutional composition of these bodies in these countries allows for the executive to continue exerting significant influence, despite recent reforms to decrease the official representation of the executive in these self-governing bodies.

According to a newly passed law, Ukraine’s High Council of Justice is composed of twenty-one members (Interfax, 2017). The Verkhovna Rada (Parliament), the President, the Congress of Attorneys, the Congress of Representatives of Higher Legal Educational Establishments and Scientific Institutions, All-Ukrainian Conference of Employees of the Prosecution bodies each appoint two members, while the Chairperson of the Supreme Court is an ex officio member. The remaining ten members are appointed by the Congress of Judges of Ukraine. All members can serve a single four-year term.

While in Georgia the High Council of Justice is comprised of fifteen members, headed by the chairperson of the Supreme Court of Georgia. The Constitution mandates that more than half of the High Council of Justice must be composed of members elected by a self-government body of judges. Thus, the head of the legal committee of the Parliament is an ex-officio member and five other members come from the parliament, while one is appointed by the President, and the remaining eight are elected by the self-governing body of judges. Except for the ex-officio chairperson, members can only serve a single four-year term.

In Moldova, the Superior Council of Magistrates is composed of twelve members, including three ex-officio members: The President of the Supreme Court of Justice, the Minister of Justice and the Prosecutor General. Parliament appoints another three members from the ranks of prominent legal scholars, who can only serve one nonconsecutive term of four years, while the remaining six appointed by the General Assembly of Judges can serve more than one term.

Considering this comparison from a formal point of view, the main governing body of the justice system in Moldova is most susceptible to undue influence, because not only does it have the largest fraction of ex-officio members, but also a third of the members of Moldova's Superior Council of Magistrates are appointed by the ruling majority. Moreover, the association of judges appoints only half of the members. While, in Georgia there are only two ex-officio members and the proportion of members that are appointed by the ruling majority is six out of fifteen, including one appointed by the president, who currently represents an opposition party to the ruling majority; while, most importantly, the association of judges appoints an absolute majority of members – eight of fifteen. However, it is Ukraine that excels the most in terms of formal judicial independence, when it comes to the composition of the governing body of the justice system, following the newly adopted law. It mandates for just one ex-officio member, and only four out of 21 members are appointed directly by the political leadership, including two by the president, who could represent an opposition party to the ruling majority.

Yet, formal judicial independence is only a relatively small part of the story when discussing the systemic flaws undermining the independence of the judiciary. Because informal elite networks and clientelist relationships that are deeply ingrained in the post-communist societies, affect even the nominally independent judges nominated and appointed by an independent body such as the association of judges. This influence is much more difficult to

detect because political elites in hybrid regimes, such as those in the post-soviet space, including Georgia, Moldova and Ukraine, seek to co-opt judges, put strategic pressure on judges, employ selective justice, or, as a measure of last resort, engage in outright interference in the judiciary (Ginsburg and Moustafa, 2008; Levitsky and Way, 2010; Popova, 2012).

This sort of interference occurs because the social construction of judicial power is a highly complicated process, especially in unconsolidated democracies and hybrid political regimes. This complex web of relationships often obfuscates the extent of clientelist ties that link judges and politicians, leading to a highly dependent judiciary, while maintaining the appearance of independence. Thus, by maintaining the pretense of independence, this sort of stealthy interference decreases the political cost for the incumbent elites and creates fertile ground for selective justice at best and outright control of the judiciary at worst.

The author will analyze several high-profile case studies involving leading politicians prosecuted as soon as they lost power or while still in a coalition with an increasingly powerful political opponent. The author will also scrutinize a prominent case of off-bench resistance (when judges have to engage in bargaining, lobbying and campaign in the media, protesting outside the courtrooms etc.) to illustrate the difficulties faced by judges in resorting to this controversial tool used to protect judicial autonomy in the context of high stakes political interference (Trochev and Ellett, 2014; Diamond, 2002; Levitsky and Way, 2010). By employing process tracing and an expert survey the author will analyze the difference in the extent of political independence or lack thereof in the three countries, aiming to assess the impact of the challenges faced by these countries in terms of judicial independence on the process of democratic consolidation. The author will first provide a brief account of each country's political scene, before offering more in-depth analysis of each of the legal cases under analysis.

2.2. Case Studies of Judicial Politicization

As none of the three countries have a meaningful experience of an independent democratic state prior to the dissolution of the Soviet Union and all carry the legacy of the communist legal system, all three countries struggle with the politicization of their judicial systems. Moreover, this is also a result of what Kitschelt called patrimonial communism – the most severe form in Kitschelt's taxonomy. It was prevalent in all the former Soviet Union and South Eastern Europe and was described by low opportunities for intra-elite contestation and

very limited articulation of popular interests as well as a limited rational-bureaucratic institutionalization (1995). Such systems were dependent on hierarchical chains of personal dependence between party leaders and their subordinates and were perpetuated by extensive patronage and clientelist networks. Understandably, judges were part of the same patronage system. Yet, as Kitschelt keenly observed, patrimonial communism, including in Georgia, Moldova and Ukraine, was not immediately abandoned, as was the case in Central and Eastern Europe, instead there was a transition that has been negotiated largely on the terms of the old communist elites, which have initiated pre-emptive reforms, making the new regime largely a continuation of the old one, but under a new independent and democratic label (Kitschelt et al, 1999).

These shortcomings of democratic consolidation are, perhaps, best observed in the justice system in the way political opponents are treated by those controlling the hierarchical chains of political and legal systems. To assess the degree of politicization of the judiciary and the extent of selective justice, several high-profile court cases will be analyzed. These cases have been perceived by large parts of the domestic audiences as well as international observers as being politically motivated prosecutions. They stand out as these are the highest-ranking officials ever put on trial, convicted and sent to prison or exiled in the three countries. The case of judge Manole is emblematic as the most high-profile case of on-the-bench resistance. She resisted political pressure in a highly contentious legal battle over a national referendum aimed at introducing direct popular presidential elections. It is also made even more relevant as Domnica Manole, after she had been exonerated of all charges, became the chairwoman of Moldova's Constitutional Court – a position she still holds today. Yet, as long as their court cases remain politically sensitive, they require a close examination of each case in order to assess the degree of political inference, if any, and what implications such cases may have had or may still have for the process of democratic consolidation in these countries.

2.2.1. Ukraine: Yulia Tymoshenko Case

Yulia Tymoshenko (born 27 November 1960) is one of the most prominent Ukrainian politicians of the last two decades. He founded and has been leading the All-Ukrainian Union 'Fatherland' Party since 1999. Throughout the years, her personality has acquired an almost

mythological proportion as she is popularly known by the nicknames "Orange princess", "Gas princess", "Goddess of the Revolution", "Princess Leia of Ukrainian politics", "a Slavic Joan of Arc" (Westcott, 2007; Katchanovski, 2008; Zadorozhnii, 2016). Her popularity is largely a result of the fact that she, along with Viktor Yushchenko, led the mass protests against alleged electoral fraud in the November 2004 presidential elections won by the leader of the pro-Russian Party of Regions Viktor Yanukovich. The popular protest movement during November 2004 to January 2005, became known as the Orange Revolution, and prompted the Supreme Court to cancel the election results and order a revote, which was won by the pro-western leader of the 'Our Ukraine' electoral coalition Viktor Yushchenko, who then nominated Tymoshenko to become the first woman Prime Minister of Ukraine. However, infighting within the ruling coalition cost Tymoshenko her Prime Minister seat (Katchanovski, 2008). She only served from 24 January to 8 September 2005, when she lost a vote of confidence in Parliament.

Nonetheless, Yulia Tymoshenko was able to come back in force during the early parliamentary elections of September 2007. Yulia Tymoshenko Bloc came in second and formed a coalition with Yushchenko's 'Our Ukraine' Block that came in third, leaving the winners of the election the Party of Regions in opposition (Katchanovski, 2008; Zadorozhnii, 2016). As a senior coalition partner, Tymoshenko was appointed Prime Minister and served from 18 December 2007 to 4 March 2010. Yet, the second Tymoshenko government also could not avoid infighting with President Viktor Yushchenko. This can be explained in part, by the fact that the two former leaders of the Orange Revolution and then leaders of the ruling coalition were preparing to compete in the 2010 presidential election. Yet, it was the pro-Russian center left Party of Regions leader Viktor Yanukovich who ended up victorious in the presidential race with 48.95%, while Yulia Tymoshenko came in a close second with 45.47%, which made the 'Orange princess' a de facto uncontested leader of the opposition. She lost another vote of confidence on 3 March 2010 (Kyiv Post, 2010), and immediately began building a national coalition against Yanukovich composed of eight political parties (Kyiv Post, 2010). Given how unstable Ukrainian politics had been since 2004, this coalition led by Tymoshenko posed a serious threat to Yanukovich and his Party of Regions (Trochev, 2010).

Two months after losing the Prime Ministerial office, Tymoshenko was faced with several criminal investigations opened by the Prosecutor General under charges of abuse of

power and abuse of office. By November 2011, she was facing ten different charges (Kyiv Post, 2011). The most publicized charges against Tymoshenko accused her of causing significant loss to the state budget by converting the €380 million from the sale of the country's greenhouse gas quota to national currency (Hryvnias) to be deposited at the State Treasury to pay pensions, despite being earmarked for environmental purposes. Since the exchange rate and the commission paid to the National Bank of Ukraine led to a loss of about 2 million Hryvnias, this was considered abuse of office, under the allegation that the Prime Minister lacked the authority to order such an action. The other prominent charge centered on a late payment of customs duties for 1000 ambulances bought at allegedly inflated prices. Yet, Tymoshenko was only indicted on the third charge connected to a gas contract with Russia. She was accused of exceeding her authority when ordering a negotiator of the state owned joint-stock company Naftogaz to sign a gas import agreement with Russian state-owned Gazprom under what was perceived as too high of a price, which was deemed by the prosecution to have caused the state about \$194 million loss (Danish Helsinki Committee, 2011; Zadorozhnii, 2016).

The main problem with these charges was that abuse of power and office were very broadly defined in the Ukrainian Criminal Code and did not require any proof of criminal intent or component of personal benefit. Article 365 of the Criminal Code, establishing the punishment for abuse of power or office defined the crime as “a willful commission of acts, by an official, which patently exceed the rights and powers vested in him/her, where it caused any substantial damage to the legally protected rights and interest of individual citizens, or state and public interests, or interests of legal entities,” thus providing a loophole for almost any action undertaken in an official capacity that resulted in a material loss to the organization/government (Lazareva, 2012; Popova, 2013; Zadorozhnii, 2016). The fact that Ukrainian criminal law was rather ambiguous when it comes to the actions incriminated to Tymoshenko created room for ex post facto criminalization of day to day political decisions by the head of the cabinet, which lead many both at home and abroad, including the Council of Europe and the European Parliament, to invoke a violation of the rule of law principle (Joannin, 2012; P7_TA-PROV, 2011).

It is important to note that investigations into Yulia Tymoshenko's handling of the 2009 gas crisis was prompted by an inquiry sent by a lawmaker from the ruling Party of Regions to the Prosecutor General in April 2010 (Popova, 2013). Shortly after, the prosecutor opened an

investigation, which led into a criminal case in April 2011 and an indictment a month later. The case was assigned by the newly implemented independent case management system but ended up with a 31-year-old judge Rodion Kireyev with only two years of experience and still on the five-year probation period before getting life tenure. The judge's tenure was therefore yet to be decided in three years' time by the ruling majority in Parliament. Moreover, the judge was transferred from a provincial court to the central Kyiv Pechersk District Court (where many high-profile cases are tried due to the geographical location of all main government institutions) only two months before he took on the most prominent case in the country's history (Popova, 2013).

The court proceedings and earlier criminal investigation effectively prevented Tymoshenko from carrying out domestic political activities or traveling abroad, but she was not detained until August 5, 2011, when Judge Kireyev placed Tymoshenko in detention on grounds of potential tampering with the court process. On October 11, 2011, Judge Kireyev found Yulia Tymoshenko guilty of abuse of office in connection to the gas contract between Naftogaz and Gazprom in 2009 and convicted her to seven years in prison, with a three ban on holding public office. The verdict was upheld as the Appellate Court denied the appeal on December 23, 2011 (Reuters, 2011). The same happened at the newly created High Specialized Court for Civil and Criminal Cases on August 29, 2012 (RFE/RL, 2012). Thus, Tymoshenko could only count on the European Court for Human Rights (BBC, 2012).

Indeed, the European Court of Human Rights ruled on 30 April 2013 in the Tymoshenko v. Ukraine case that the former Prime Minister and opposition leader had been detained arbitrarily and unlawfully before trial but did not rule on the merits of the case or the verdict (Ditrych, 2013). It was only after the Revolution of Dignity, also known as Euromaidan protests (November 2013- February 2014), that the Supreme Court of Ukraine annulled the verdict of judge Kireyev on 14 April 2014, citing absence of a crime. Judge Kireyev ended up being investigated by the Prosecutor General, but escaped to Russia, where he gained a lawyers' license in 2018 at the Bar Association of Moscow (Strana.ua, 2018).

It is important to note that Tymoshenko was, until recently, only the most high-profile case, but many of her former colleagues from the government and fellow opposition politicians were also prosecuted and convicted during 2010-2012 (Danish Helsinki Committee, 2011). In

fact, during only two years there were another eight politicians tried, with just one case dismissed, compared to six cases of which three were dismissed during the entire previous decade 2000-2010 (Popova, 2013). All this raised legitimate concern about the politicization of justice and elimination of political opponents by judicial means (Zadorozhnii, 2016). This also perpetuated and bolstered the perception of weak judicial independence, further undermining trust in the country's judicial and political systems. This can only further entrench the perception of clientelist networks vying for power at the expense of consolidation of democratic institutions. The situation appears to repeat itself, with the prosecution of former Ukrainian President Petro Poroshenko (Reuters, 2020; Dickinson, 2020; Ukraine Crisis Media Center, 2020; Clark, 2021; Wilson, 2021).

2.2.2. Georgia: Mikhail Saakashvili Case

Mikhail Saakashvili (born 21 December 1967) has been a central figure in Georgian politics for the last two decades and, more recently, has had a brief yet tumultuous career in Ukrainian politics. Mikheil Saakashvili made a name for himself as the leader of the 2003 Rose Revolution that ousted then President Eduard Shevardnadze amid mass protests against an allegedly rigged parliamentary election. He quickly rose to the status of national icon after successfully carrying out a bloodless revolution but lost most of his political capital in the following years (Karatnycky, 2018; Zalmayev and Mitchell, 2018). He is the founder and leader of the United National Movement Party (UNM) since 2001 and has served two terms as President of Georgia from 25 January 2004 to 17 November 2013. His political party lost the 2012 parliamentary election to the opposition Georgian Dream bloc led by billionaire Bidzina Ivanishvili, which marked the first peaceful transition of power in the country's independent post-soviet history and was heralded as a chance for democratic consolidation in the country known for chronic political instability (Fairbanks and Gugushvili, 2013).

Nonetheless, after losing the parliamentary majority and the presidential office, a series of criminal cases were opened against Saakashvili and leading members of his team. He fled to Ukraine out of fear of prosecution by the new Georgian leadership and was soon granted citizenship by Ukrainian President Petro Poroshenko so that he could serve as Governor of Ukraine's Odessa region from May 2015 until November 2016 (RFE/RL, 2015). Saakashvili was

then stripped of his Georgian citizenship, since his native country did not allow double citizenship (Civil.ge, 2015). Yet, due to his unabashed anti-corruption crusade that drew thousands of people to his rallies and his overly competitive style that put him at odds with many other politicians, he soon became a threat to powerful interests in Ukraine, including President Poroshenko himself, who ended up accusing Saakashvili of ties with the exiled Ukrainian ex-President Viktor Yanukovich and stripped Saakashvili of his Ukrainian citizenship, leaving the two term President of Georgia a stateless person (Associated Press, 2017; Olearchyk, 2017; Tamkin, 2017; Kramer, 2018). Saakashvili was later arrested by Ukrainian authorities and deported to Poland (Bennetts, 2018). Before his return to Georgia in October 2021, he was residing in the Netherlands and was in the process of being granted citizenship, since his wife is a Dutch national (Xinhua, 2018). Interpol rejected repeatedly the Georgian government's request for an international arrest warrant against Saakashvili following calls from high profile American and European politicians, including Arizona Senator John McCain Chairman and the Chairman of the Foreign Affairs Committee of the European Parliament Elmar Brok, who cited reports of systematic violations of rule of law in Georgia when addressing the Secretary General of Interpol (Jvania, 2014; Rustavi2.ge, 2015; Sputnik, 2015)

On 5 January 2018, a Tbilisi City Court convicted Mikheil Saakashvili in absentia of abuse of power and sentenced him to three years in prison for pardoning four police officers in 2008 by circumventing the presidential commission on pardons. According to the prosecutors, the pardons were part of a cover-up of the murder of a Georgian banker, Sandro Girgvliani, while Saakashvili denied any wrongdoing and called the decision politically motivated (Kramer, 2018). On 28 June 2018, Saakashvili was convicted again in absentia and sentenced to six years in prison for having ordered the beating of a businessman and former lawmaker Valery Gelashvili and covering up evidence in the case (1TV.ge, 2018). Three of Saakashvili's former associates: ex-Prime Minister and Interior Minister, Ivane Merabishvili, ex-Head of the Special Operative Department, Erekle Kodua and ex-Head of a unit of the same department Gia Siradze had been convicted in the same case in 2016 (RFE/RL, 2016). In November 2017, the Grand Chamber of the European Court of Human Rights ruled that the detention of Merabishvili was only initially justified and was later used by the authorities to get information on unrelated cases, including the investigation into the former President Mikhail Saakashvili (Civil.ge, 2017; Merabishvili v. Georgia, 2017).

Another four criminal cases against the ex-president are still pending, leaving him facing eleven years in prison. One case deals with the violent crackdown on anti-government protesters of 7 November 2007; another one alleges Saakashvili ordered a police raid on an opposition TV station (Imedi) in February 2008. The third case incriminates an illegal take-over of property (ImediTV channel) belonging to media mogul Badri (Arkadi) Patarkatsishvili. In the fourth case, the prosecution is charging Saakashvili with appropriation and embezzlement of 2.4 million EUR in public funds. The defendant denies all charges, calling them politically motivated (Agenda.ge, 2018). Nonetheless, critics have questioned Saakashvili's lavish spending habits, despite having had his assets seized by the Georgian authorities in 2013, when he fled the country (Karatnycky, 2018).

Nonetheless, major questions remain whether Saakashvili has had a fair trial in Georgia and whether his deportation from Ukraine was lawful. Since the Constitution of Ukraine bans the extradition of Ukrainian citizens to other countries, despite the risk of making the ex-Georgian President a stateless person, he was nonetheless deprived of his Ukrainian citizenship on 26 July, 2017 by President Poroshenko, while the former was in the U.S., but Saakashvili managed to return to Ukraine on 10 September by crossing the Polish-Ukrainian border on foot surrounded by supporters (Saeed, 2017; Rudenko and Sukhov, 2017). Meanwhile, on 18 August 2017, Georgia requested Ukraine to extradite Saakashvili, a fact acknowledged by Ukrainian authorities on 5 September (RFE/RL, 2017). Finally, he was deported back to Poland on 12 February 2018 (Kovensky, 2018; Olearchyk, 2018).

It can be concluded that Ukrainian authorities had three options with regards to Saakashvili. They could arrest and imprison him, deport him to Georgia to face prison, or deport him to Poland and, thus, effectively, exile him to the west. The first two options would have likely caused large international condemnation, because Saakashvili would have been seen by many as another political prisoner akin to Timoshenko or Merabishvili. Thus, returning Saakashvili to Poland, from where he entered Ukraine without proper documents, seemed like a reasonable solution, but this also betrays the fact that Ukrainian authorities, de facto, acknowledged that their accusations against Saakashvili, but also those brought against him by the Georgian authorities were, at least to some extent, questionable. In an interview, Saakashvili alleged that the Georgian government asked Ukraine not to extradite him to Georgia (Aljazeera

News, 2018). This also seems plausible, because such a development could raise significant concerns in the EU about the rule of law in Georgia, echoing concerns raised by the U.S. State Department about the country's legal system being used as a tool of political retribution (Psaki, 2014). The fact that Saakashvili was charged in the summer of 2014 but was only convicted by the lower court in January 2018 (Girgvliani case), then in June 2018 (Gelashvili case), could be interpreted as stalling tactic on the part of the Georgian justice system and thus a violation of the principle of a speedy trial. Without a final conviction by the Highest Court in the country (which can take another several years), the defendant cannot proceed to file a complaint with the European Court of Human Rights.

Meanwhile, despite awaiting arrest in Georgia, after Proshenko lost the presidency to Zelensky, Saakashvili returned to Ukraine and was appointed by the latter to lead the Executive Committee of the National Reform Council of Ukraine (Olearchyk, 2020). Meanwhile in Georgia, the leader of the opposition Nika Melia was arrested on questionable charges on February 23, 2021 only to be released from pre-trial detention on May 11, 2021 after the European Union posted the 9500 Euro bail (Agence France-Presse in Tbilisi, 2021; Dartford and Euronews, 2021). The prosecution, arrest and pre-trial detention were heavily criticized by the local civil society and international community alike (Open Society Foundation Georgia, 2021; Transparency International Georgia, 2021; BBC, 2021; Euronews, 2021; The Guardian, 2021).

On October 1, 2021, Saakashvili returned to Georgia from eight years in exile, to support his political party in local elections, but was arrested shortly after arrival, while maintaining that the case was political in nature (New York Times, 2021; Euronews, 2021). The Prosecutor's Office of Georgia stated that Saakashvili would additionally be charged with illegal border crossing (Agenda.ge, 2021). The unresolved case of Mihail Saakashvili and new prosecutions of high-profile opposition leaders perpetuate the concerns about what many perceive as politically motivated prosecutions, which, in turn, raise major concerns about democratic backsliding.

2.2.3. Moldova: Vlad Filat Case

Vladimir Filat, referred to as Vlad Filat, born 6 May 1969, has been one of the most popular and most powerful political figures in Moldova in the early 2010's. He was sentenced to

a nine-year prison sentence for passive corruption and influence peddling, but was granted parole after four years based on a law that allowed early release because of poor detention conditions. Filat was a successful businessman in the early 1990's. He was a founding member of the center-left Democratic Party of Moldova (PDM) in 1997, only to defect in 2007, following a failed bid for the party's chairmanship. Filat created his own party the same year – the center-right Liberal Democratic Party of Moldova (PLDM). PLDM soon became a leading opposition force to the Party of Communists and President Vladimir Voronin, running the country from 2001-2009.

The year 2009 was a watershed event in Moldovan politics. Following election fraud allegations during the 5 April 2009 parliamentary elections, mass protests erupted that were labeled by the international media as “Moldova's Twitter Revolution” (Morozov, 2009), even though it had little to do with Twitter and was not actually a revolution (Kramer and Hill, 2009). Still, the protests crippled the ruling Communist Party and helped galvanize support for the opposition, which won the early elections on 29 July 2009. Snap elections occurred after the opposition boycotted the election of the President in Parliament, leaving the Party of Communists one vote short of the 3/5 majority (61 votes) required to elect a president.

Filat and his party benefited the most from the protests as it emerged as the main political force in the ruling coalition, with 18 seats (Table 1). This allowed PLDM to claim the chief executive position in the new cabinet. Thus, Vlad Filat served as the country's Prime Minister from 25 September 2009 to 25 April 2013. Ironically, the other major winner of the protests was Filat's old party PDM, which failed to reach the threshold in April, but after Marian Lupu, a leading member of the Communist Party defected and joined the Democratic Party in June, PDM was able to obtain 13 seats on July 29. Marian Lupu's departure was backed by another powerful businessman, Vladimir Plahotniuc, who also switched sides from the Communists to the Democrats. This will later prove to be a highly consequential development, because it is the fierce rivalry between PLDM (Filat) and PDM (Plahotniuc) that defined most of Moldova's politics in the following years, including Filat's downfall from Prime Minister and the subsequent arrest.

Table 1: Seats won by parties that passed the threshold in the April and July 2009 parliamentary elections

Party Election	Party of Communists (PCRM)	Liberal Democratic Party (PLDM)	Liberal Party (PL)	Our Moldova Alliance (AMN)	Democratic Party (PDM)
5 April, 2009	60	15	15	11	N/A
29 July, 2009	48	18	15	7	13

Source: Association for Participatory Democracy – ADEPT.

Vlad Filat's tenure as Prime Minister ended after PDM and PCRM voted to censure the cabinet on allegations of corruption on March 8, 2013 (Official Monitor, 2013). These allegations proved consequential as Filat would be then denied another bid for Prime Minister by the Constitutional Court on 22 April 2013 (Constitutional Court, 2013). The Court cited those (then unproven) allegations levied by the two parties (PDM and PCRM) in Parliament against the cabinet, as grounds for denying Filat another bid for Prime Minister, in effect, also denying the constitutional principle of presumption of innocence until proven guilty in a court of law. These dramatic developments were preceded by a political scandal and a partisan fight for political control over the General Prosecutor's Office (Europa Libera, 2013; Rizescu, 2013).

The politicization of nominally independent institutions, including prosecution and courts was formally decided by the coalition parties in a secret annex to their coalition agreement, which was later leaked (Publika, 2011). According to the secret annex, PLDM sought control over the Tax Office and the Customs Office, while PDM took charge of the Prosecutor's Office and the National Anti-Corruption Center (Inprofunzime, 2011; Publika, 2011). The parties went so far as to politicize the courts and divide the leadership positions in the judiciary among the parties, including the Supreme Court (Botan, 2011; Ciorici, 2011; Publika, 2011; Rosca, 2011). This clearly passes the smoking gun test and confirms the political control of the judiciary in Moldova. In fact, as soon as it came to power, the new coalition was instrumental in dismantling the legal provisions that shielded judges, prosecutors and heads of independent agencies from arbitrary dismissals, banning them from challenging their dismissals in courts, while also increasing governmental influence over the self-governing body of the judiciary (Botan, 2011;

Rosca, 2011). This qualifies as yet another smoking gun when it comes to political control of the judiciary in Moldova.

Filat lost the political struggle for the control of the Prosecutor General in 2013 and tried for a second time in 2015. On 15 October 2015, after having agreed the day before with the informal leader of the Democratic Party Vlad Plahotniuc to dismiss the Prosecutor General, instead Filat and the entire country was surprised when the Prosecutor arrested Filat on the Parliament floor. The prosecutor, known to be controlled by the Democratic Party, indicted Filat and, immediately, 79 lawmakers voted to strip the leader of the senior coalition partner Liberal Democratic Party and former prime minister Vlad Filat of his parliamentary immunity (Adevărul, 2015; Civirjic et. al, 2015; Paholnitski, 2015).

Vlad Filat was charged with passive corruption and influence peddling based on the deposition of controversial businessman Ilan Shor. Shor wrote in his deposition, which was immediately leaked to the press, that he had given Filat 250 million USD in bribes from the three banks that Shor owned, but bankrupted, allegedly, at Filat's command (Civirjic et. al, 2015). While Shor himself was at the center of the so-called "billion-dollar fraud" that forced the government to bail out his three banks to avoid the collapse of the country's banking system. The National (Central) Bank hired an U.S. based international financial forensics company Kroll Inc. to investigate the fraud and it identified Shor as the main culprit (Kroll, 2015; Kroll, 2017). Shor was first detained by the National Anti-Corruption Center on 6 May 2015 on charges of fraud and embezzlement. Yet, this likely happened only due to public pressure mounting in the aftermath of the publication of the first Kroll Report on 4 May 2015. Yet, while under investigation by the National Anti-Corruption Center (known to be politically controlled by the Democratic Party), Shor ran for mayor of a Moldovan town and won on June 14, 2015. Shor was finally convicted to seven and a half years in prison on 21 June 2017 by a first instance court, but he appealed the decision and remains free, which may seem like a double-standard compared to Filat's case. In June 2019, Shor fled to Israel to avoid prosecution.

Filat was arrested on 15 October 2015 and convicted by the first instance court on 27 June 2016. On 11 November 2016 his conviction was upheld by the Court of Appeals and the Supreme Court (known to be susceptible to influence by the leader of the Democratic Party) issued a final and irrevocable ruling on 22 February 2017 (Calus, 2016). The entire trial of the

most high-profile case in Moldova's history lasted one year and four months. Shor's case has been ongoing for six years and is yet to reach a final ruling in the Appellate Court. In fact, the lower court waited seven months to send the case to the higher court, citing lack of translators to translate the 120 pages from Romanian to Russian as the defendant speaks Russian (Grejdeanu, 2018). Moreover, Filat was in pre-trial detention all the time, while Shor stayed a few months under home arrest and later was put under judicial control and was even allowed to travel abroad repeatedly while facing seven years in prison.

It is important to note that, even though prosecutors have proven in court that Filat has taken bribes from Shor (cars, watches and trips abroad), though only amounting to about 10% of the \$250 million that had been initially incriminated, Filat pleaded not guilty. Therefore, on 10 August 2017, his defense team applied with the European Court of Human Rights (ECHR). His lawyers claim their client was unlawfully convicted. His defense team cites the violation of five articles of the European Convention for the Protection of Human Rights and Fundamental Freedoms: Articles 3, 6, 8, 13 and 18. The defense claims that Filat's parliamentary immunity was lifted in violation of Moldovan and international law. Another claim is that the defendant's right to a fair trial was infringed because the trial was carried behind closed doors and requests to examine defense witnesses have been rejected by the court without proper justification. The defense also cites the deliberate leaks to the media by the prosecution as violation of privacy rights. Moreover, defense complained about the fact that Filat always appeared in court handcuffed and surrounded by riot police, thus projecting an image of guilt to the public, which goes against ECHR case law (Popa and Associates, 2017; Vlas, 2017).

After serving half of his nine years sentence, on December 3, 2019, Filat was released on parole, the court citing "inhuman and degrading detention conditions" (Necsutu, 2019; RFERL, 2019). His case is still pending at the ECHR. No other high-level official has been prosecuted since, however accusations have been levied against former president Igor Dodon on illegal party finances (Necsutu, 2019), but the Prosecutor General stated that he lacked enough evidence and called upon the politicians to refrain from using the Prosecutor's Office as a political tool (Jardan, 2020). This is in stark contrast with developments in Ukraine or Georgia. At the same time, the Prosecutor's Office is also building a case to demand an extradition of Vladimir Plahotniuc (allegedly hiding in Turkey or in the Northern part of Cyprus) and Ilan Sor (allegedly

hiding in Israel), yet these cases are not, generally, perceived as politically motivated, but merely as high-profile criminal prosecutions.

2.2.4. Moldova: Domnica Manole Case

Judge Domnica Manole served on the Appellate Court of Moldova's capital Chisinau before being dismissed for a controversial ruling against the Central Electoral Commission and in favor of an opposition political party in a case regarding the initiation of a Constitutional referendum amid ongoing national political tensions between the government and the opposition.

On April 14, 2016, Judge Manole annulled the decision of the Central Electoral Commission (CEC) of 30 March 2016 that had rejected a national referendum proposed by the Dignity and Truth Platform Party (DTPP). In effect, the judge ordered the CEC to initiate the referendum disregarding the claim raised by the CEC that DTPP failed to present enough signatures in support for the referendum. The judge pointed to the ambiguity of the legal statute in this case and interpreted the law in the opposition party's favor. The constitutional referendum proponents wanted to elect the president directly, limit parliamentary immunity and reduce the number of lawmakers. The referendum would have had major political consequences. It would have changed the layout of the national political system and would have also bolstered the image of the political party that had proposed it. Thus, the ruling coalition opposed the initiative.

Therefore, on April 15, the CEC (in which six of nine members represented the ruling majority) challenged Judge Manole's ruling at the Supreme Court of Justice (SCJ). Only a week later, on April 22, 2016, a panel of five Supreme Court judges annulled Manole's ruling and deemed it "illegal". Afterwards, the CEC complained to the Prosecutor General and the Superior Council of Magistracy (SCM), requesting the investigation of the actions of Judge Manole, who ruled against the CEC. In a month, on May 23, 2016, Eduard Harunjen, acting Prosecutor General, asked the SCM to lift the judge's immunity in order to initiate criminal proceedings against her on the grounds that "she acted in bad faith" given the SCJ opinion that Judge Manole's decision had been taken by "misinterpreting a law which should not have been applied at all, because it had been abrogated, and by exceeding the limits of powers of an Appellate Court judge by engaging in interpretation of the Constitution" (Ciobanu, 2018). Days later, the

self-governing body of the judiciary, the SCM allowed the prosecutor to proceed with their investigation into Judge Domnica Manole's ruling (Rata, 2016). Moreover, on 4 July 2017, SCM dismissed the judge after examining a secret advisory opinion concerning Judge Manole, which had been provided by the Information and Security Service (SIS), also controlled via a political appointee by the ruling majority (Avasiloaie, 2017). The head of the intelligence service, Mihai Balan later explained that the notice against Judge Manole contained "evidence of legal non-compliance and risk factors" posed by the judge (Timpul, 2017).

The decision to accept such an opinion from SIS went against the established practice of the SCM that rejected the notion that SIS could evaluate judges exercising their intimate conviction in cases, because that would amount to the violation of separation of powers, if SIS could question the activity of judges on the merits of their rulings (CSM, 2011). The civil society, represented by the main legal and human rights NGOs condemned the dismissal of the judge because it failed to undergo the legally mandated disciplinary procedure and therefore seemed arbitrary (Timpul, 2017). Nonetheless, on July 21, President Igor Dodon signed the decree formalizing the dismissal of judge Manole, which went into effect three days later. Domnica Manole appealed the decision at the Supreme Court, but on 8 December 2017, the former judge lost her appeal against the self-governing body of the judiciary. The Supreme Court dismissed the appeal as unfounded and, therefore, the two decisions of the SCM to allow the investigation and to then dismiss the judge remained in place.

Domnica Manole was accused and charged with "willful issuance of an illegal decision" under article 307 of Moldova's Criminal Code. The decision to lift her immunity and initiate criminal proceedings was taken by the self-governing body of the judiciary behind closed doors, despite calls by the judge's lawyer for a public hearing. Moreover, SCM's consent to lift the immunity was one page long and lacked any reasoning (SCM, 2016). The decision was met with criticism not just domestically but also internationally, even the spokesperson of the EU High Representative for Foreign Affairs and Security Policy Federica Mogherini, criticized the decision saying that judges should not be held personally liable for decisions invalidated by higher courts unless there is proven criminal intent, because this jeopardizes judicial independence (Ziarul Național, 2016).

Moreover, the SCM decision to dismiss judge Manole makes a reference to an alleged violation by the judge in her communication with the press, which took the judge and many experts by surprise. Neither was the judge aware of such an accusation, nor was it legally spelled out in any law how judges need to communicate with the media (Cember, 2017). Even if one were to presuppose that judge Manole denied and interview to a pro-government media journalist or indeed committed some other unfair treatment of journalists, perhaps, to the contrary, was too friendly with opposition media, in her attempt to engage in ‘off-bench resistance’, this would hardly justify such a harsh penalty as dismissal without a proper disciplinary inquiry. The judge was indeed becoming a frequent guest on political talk shows, where she was pleading her case to the public to put pressure on the decision makers with regards to what she perceived to be a politically motivated prosecution.

Furthermore, in what seemed like an attempt to silence her, in July 2016, the Anticorruption Prosecutor’s Office restarted another investigation regarding Domnica Manole, accusing her of failing to disclose some real estate properties, despite the same investigation being dropped in February 2015 by the National Anticorruption Center (NAC) for lack of evidence (Transparency International, 2017).

After the Constitutional Court ruled on 5 December 2017 that the practice of judges being scrutinized by SIS was unconstitutional, the Superior Council of Magistracy did not reconsider their earlier decision to dismiss judge Manole, even though it was Manole’s legal team that brought up the case before the Constitutional Court. When Domnica Manole petitioned the Superior Council of Magistracy to cancel the decision taken on July 4, 2017 regarding her dismissal and reinstate her, the SCM refused the request as "unfounded" (Ciobanu, 2018; JurnalTV, 2018). Consequently, the Supreme Court resumed the case considering the Constitutional Court ruling, but hearings were repeatedly postponed until the change of political power in June 2019, when soon after prosecutors dropped charges. However, the Manole case is now pending at the European Court of Human Rights in Strasbourg. Meanwhile, Manole was appointed by Parliament to the Constitutional Court in August 2019 and was subsequently elected in April 2020 to serve as the chairwoman of the Highest Court in the country.

Nonetheless, the prosecution and harassment of judge Manole caused strong suspicions that the decision to dismiss her was questionable and, perhaps, politically motivated. This, in

turn, raised suspicion about the lack of independence of the Superior Council of Magistracy and undue influence from the executive. All these suspicions of selective justice and politicization of the judiciary further undermine public trust in the justice sector and undercut both domestic and international efforts to consolidate rule of law in the country. Lack of a public trial or even a transparent disciplinary procedure, use of controversial opinions from intelligence services as a sanctioning mechanism, reopening closed cases reinforces suspicion about a politically motivated prosecution. It sets a dangerous precedent when a judge takes a decision in favor of the opposition and is then immediately prosecuted and removed from office. Moreover, the fact that the judge engaged in “off-bench resistance” by pleading her case to the national and international audience, not only failed to reduce the pressure on her, but likely increased the pressure exercised by the legal system. It clearly sent a signal to the judiciary and the broader public that dissent against the government will not be tolerated. Such decisions undermine the independence of judges. Moreover, such conduct is inadmissible for the Superior Council of Magistracy, which, according to the law, must be the guarantor of the independence of all judges (Transparency International, 2017).

This section has clearly identified the problem of political control over the judiciary. The evidence documented in all four of these cases indicates serious concerns about political control over the judiciary in the three countries. Several pieces of evidence qualify as straw in the wind tests in the process tracing, while other pieces of evidence could be viewed as a hoop test and even a smoking gun. The fact that criminal charges originated from political statements/depositions by politicians supports the idea that these cases are politically motivated, but does not rule out that these individuals could have been convicted in a fair trial. The same is true when taking into account the fuzziness of the charges. However, the fact that inexperienced judges and/or prosecutors were specifically appointed for these cases presents a hoop test, as more experienced and, thus, more independent judges were less likely to issue such decisions in those circumstances. Finally, given that defendants' allies, who had nothing to do with the charges, were also targeted by prosecutors at the same time in a clearly orchestrated manner, represents a smoking gun, as it allows us to conclude that these cases are, indeed, political.

Tests	Straw in the wind	Straw in the wind	A hoop test	Smoking gun
Case	Political origin of charges	Ambiguous charges	Inexperienced judge/prosec.	Defendants' allies targeted
Yulia Timoshenko	yes	yes	yes	yes
Mihail Saakashvili	yes	yes	no	yes
Vlad Filat	yes	no	yes	yes
Domnica Manole	yes	yes	no	n/a

Source: Author compiled.

2.3. Assessing Judicial Independence and Justice Reform: Expert Survey Analysis

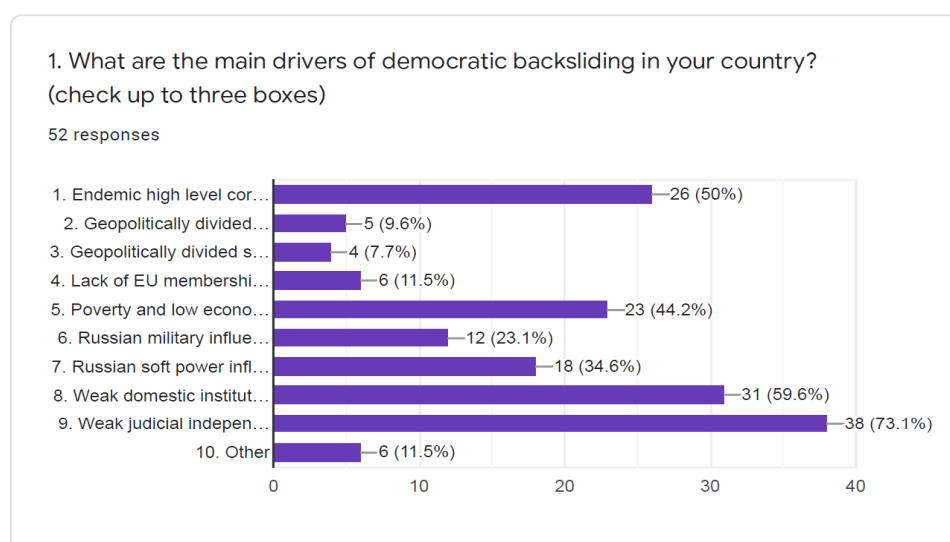
The author conducted an online survey of 52 experts (primarily from civil society (34), but also from public (15) and private sectors (3) as well as international development partners). The national distribution was as follows: Ukraine – 17 experts, Moldova – 15, Georgia – 15, other – 5. The survey contained 30 substantive questions: 16 multiple choice questions and 14 open-ended follow-up questions (Annex 2). It also had six demographic questions and one standard question requesting permission to use the data under the guarantee of anonymity. Despite its limitations (relatively low number of experts, mostly young to middle aged male civil society representatives with center-right political views), the respondents are prominent figures in the epistemic community of each country. Their expert assessment presents valuable insights into the topic and offers rich material for comparative analysis, both analytically and synthetically.

Havening conducted 52 expert surveys with respondents from all three countries and the region on the “current state of democratic consolidation or, perhaps, backsliding of each of the three countries in the context of their aspirations of joining the EU”, the data indicates towards a near consensus about “What are the main drivers of democratic backsliding” (respondents could choose up to three factors) as 73% of respondents identified “Weak judicial independence”. Similarly, 59% offered a more general categorization – “Weak domestic institutions”, while “Endemic high-level corruption” came in third with 50%. Undeniably, corruption is yet another indicator of institutional vulnerability to undue influence. Thus, the top three responses centered on the weakness of state institutions to act independently in implementing their statutory obligations. The economic factor – “Poverty and low economic progress” was mentioned by 44% of respondents. These four factors are primarily domestic.

An external factor – “Russian soft power influence” was mentioned by 34% of respondents, followed by another external factor “Russian military influence” – 23%. The external factor often used in the media as an explanation and justification for democratic backsliding in the region, namely “Lack of EU membership perspective” is only accepted by 11% of respondents. Similarly, popular explanations used by politicians that focus on the geopolitical divisions in these countries, be it at elite or public levels do not find support among the experts surveyed for this research, as fewer than 10% identified “Geopolitically divided elites” or “Geopolitically divided society” less than 8%, as a leading driver of democratic backsliding.

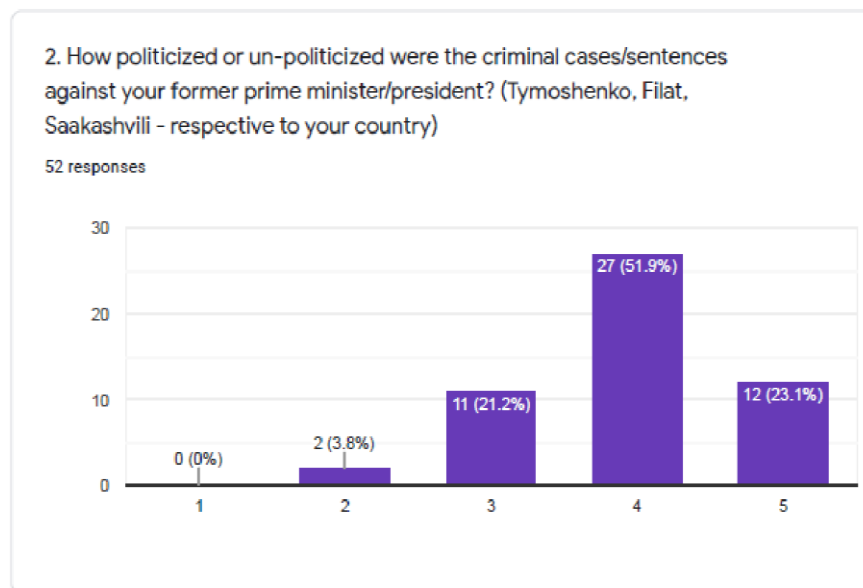
Finally, 11.5% of respondents pointed towards other factors that may be at play. Most respondents identified “Oligarchy”, “Deeply personalistic authoritarian political regime”, “Informal governance of oligarchic group/State Capture” as drivers of backsliding. Domestic political culture was mentioned twice: “conflictual, rather consensual, political culture” and “poor democratic education of the population.” Another factor was the “influence of the orthodox church on the politics”, which can be viewed as both a domestic, but also external factor as the Russian Orthodox Church is prevalent in Moldova, less so in Ukraine after the autocephaly received in January 2019. Public opinion polls indicate that 43.9% of the Ukrainian population adheres to the autocephalous Orthodox Church of Ukraine and 15.2% adheres to the Ukrainian Orthodox Church of the Moscow Patriarchate (SOCIS, 2019).

Figure 6: Survey responses – question 1.



To add more nuances to the criminal cases against leading politicians and assess the degree of politicization or lack thereof, respondents were asked “How politicized or un-politicized were the criminal cases/sentences against your former prime minister/president?” An overwhelming majority considered that the trials had been either somewhat (52%) or totally (23%) politicized. While 21% of respondents could not express a definite view, only 4% supported the claim that the trials were mostly un-politicized. Notably, not a single respondent considered the trials as being totally devoid of any political influence. This latter outcome is perhaps best encapsulated by one respondent’s explanation: „When sentencing former ministers or presidents, I think political influence is unavoidable”. This view displays the deeply rooted belief that judicial independence is largely impossible in high profile cases. This assessment lays bare the fact that even a generally well-informed expert cannot afford to entertain the idea of judicial independence being respected in such cases, which is a fundamental flaw of the system as evidenced by the responses.

Figure 7: Survey responses – question 2.



Respondents overwhelmingly pointed out that “Selective justice was applied” and that there was a double standard “in comparison with other cases” involving officials from the ruling party/coalition. One respondent from Georgia stated that “Charges were not substantiated, witnesses were under duress.” While another respondent from Ukraine pointed out that “Ukrainian legislation did not provide enough ground to legally substantiate whether

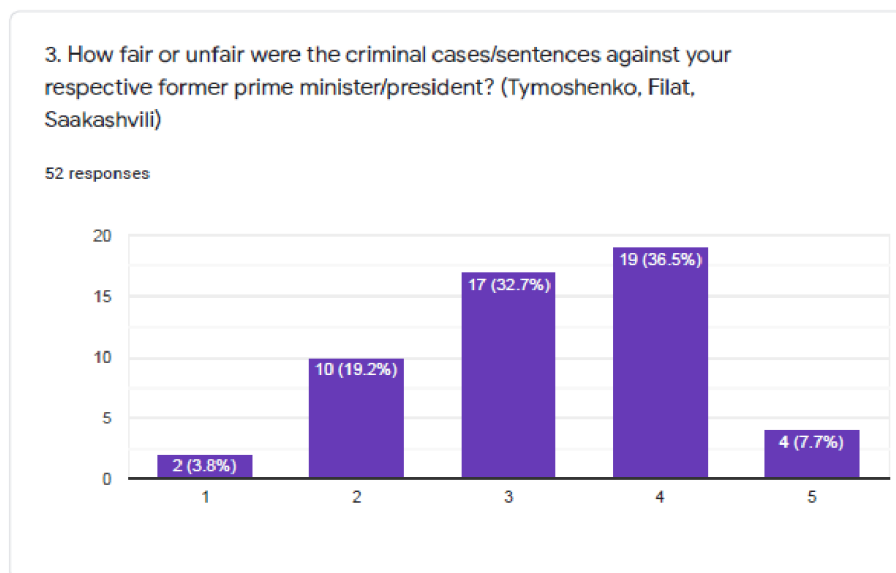
Tymoshenko exceeded her authority (no clear relevant provisions). So, the decision could only be political. Law enforcement agencies and the judiciary were too dependent on the government to make unbundled decisions. The critical response of Western democracies was also indicative.” A respondent from Moldova explained that “It was politicized because Filat was cut off from the public, no public trial, no possibilities to present his views; the immunity was lifted for his alleged involvement in the billion-dollar theft, while the case focused exclusively on bribery.” There is a near agreement among respondents that these trials represented a “clash between oligarchic interests” and were aimed at “eliminating partners/competitors.” Still, there are some who consider that not only was politicization unavoidable, but that it was somewhat justified given that “politicization is diluted due to general understanding that the sentenced rulers are not convicted without reason. They deserved punishment. So, politicization influenced the decision given by judges, but in the right direction.” This distinction between the ‘politicization of the trial’ and the ‘fairness of the ruling’ is explored by the following question in the survey.

When asked “How fair or unfair were the criminal cases/sentences against your respective former prime minister/president?” The responses were considerably different from the previous question regarding politicization. Thus, 44% said that the trials were either somewhat (36%) or totally (8%) unfair, while 33% could not state a definite position. Nonetheless, 19% considered that the trials were mostly fair, while 4% expressed complete confidence in the fairness of the criminal cases/sentences. However, one respondent pointed out that “If charges were politically motivated, it is obvious that sentences were not fair.” Still, this context was not evident to many. In fact, several respondents struggled with the distinction that the process/trial may have been politicized, but, in their view, the sentence was fair because the respective politician was guilty of a crime.

This dilemma is best encapsulated by one respondent: “It was fair because Filat deserved punishment. It was not totally fair because there is a general understanding that the punishment was selective.” A case study by a Moldovan legal think tank illustrates the degree of selective justice, by putting Filat’s case in perspective with other high-profile criminal cases, comparing the preventive measures, criminal proceedings, place of detention, indictment and court findings, incurred punishment etc. (LRCM, 2018). It concluded that the treatment was in stark contrast to the other cases, indicating a high likelihood of selective justice.

Another respondent emphasized that “Due to total lack of judicial independence, no fair trial was possible from a systemic point of view.” Furthermore, a respondent noted that from a “legal standpoint there were grounds for prosecuting these people, however, due to lack of proper justice mechanisms, these cases and resulting sentences could not be seen as fair.” This is perhaps the most vivid explanation for the predicament of these situations. There was significant evidence in the public domain to question the integrity of these politicians and, probably, even enough to convict them by an independent judiciary, but, in the absence of an independent judiciary, the prosecution of these leading political figures was largely seen as unfair or selective justice at best. This raises a rather philosophical question about whether selective justice can be considered just. A plurality of respondents appears to answer in the negative, but a significant minority seems undecided, while a smaller one is content with such an outcome, which renders politicized convictions of politicians more acceptable in comparison with no convictions at all. This is a dangerous side-effect of hybrid regimes, where politicized prosecutions of political opponents can, in fact, be viewed as legitimate by many observers, given that the only feasible alternative is complete impunity.

Figure 8: Survey responses – question 3.

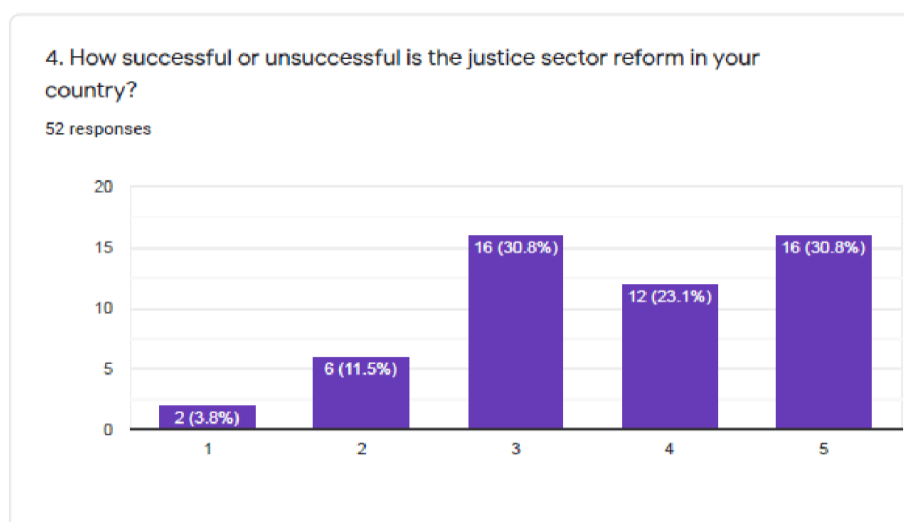


All the difficulties with judicial independence and rule of law in these three countries, as identified throughout the chapter, are an indication that justice sector reforms are stalling at best. Indeed, when asked “How successful or unsuccessful is the justice sector reform in your

country?” most respondents (54%) stated that the reforms were either somewhat unsuccessful (23%) or totally unsuccessful (31%). While (31%) of respondents struggled to provide a definite answer, only 15% had a positive view of the justice sector reforms.

One respondent from Ukraine warned that “Ukrainian justice sector is highly politicized. This is the main obstacle to building fair, transparent and accountable judicial institutions.” A respondent from Moldova cautioned that “some of the reforms were undone back and forth several times. I think the latter fact speaks for itself.” Indeed, the cycles of reforming the system do not produce sustainable outcomes due to lack of political will, according to several respondents. Others are more optimistic, viewing the current reform path as correct, but regretting the slow pace of reforms due to wavering political elites.

Figure 9: Survey responses – question 4.



A prominent Ukrainian expert describes the creation of Ukraine’s new Supreme Court as a failure, given that 80% of judges came from the previous system permeated with corruption and abuse, while 27 failed to meet basic integrity criteria (Zhernakov, 2018). While the Speaker of the Georgian Parliament Speaker Irakli Kobakhidze, speaking on TV Pirveli, expressed confidence that reforms are possible without necessarily replacing the judges that may have lost their integrity and credibility: “The [judicial] system has changed without changes being made to the composition, and the people who used to do bad things en masse, are now doing good things”

(Transparency International Georgia, 2019). This sentiment among top politicians can be interpreted as a veiled admission of political influence over the judiciary.

At the same time in neighboring Moldova, when Moldovan attorneys were asked in a large poll “Who is influencing the decisions of judges,” almost 90% pointed to the politicians, nearly 80% to prosecutors and almost 70% pointed to other judges, while 65% cited the self-governing body of the judiciary (Cantarji, 2019). The same poll indicates that most attorneys (51.7 %) disagree somewhat (29%) or totally (22.7%) with the statement that “justice reforms that began in 2011 had a positive effect on the judicial system. At the same time, 55% of lawyers disagreed with the statement that “in 2018 justice is better served than in 2011” while an alarming 81% disagreed with the statement that “judges are independent in 2018” (Cantarji, 2019).

Conclusion

The three cases against the most prominent national politicians in the three countries analyzed in this chapter, largely confirm the hypothesis about the politicization of the judiciary in all three countries, neighboring and aspiring to join the European Union. There is some variation among each specific situation, but it confirms the trend from the quantitative indicators discussed in chapter one. More precisely, the time when these cases were being decided in courts and were highly salient in national debates appears to correlate well with the steep worsening in the case of Moldova and Ukraine and stagnation in Georgia’s case of democratic indicators in the respective country (Figure 5, chapter 1). By comparatively aggregating the main factors that influence the politicization of these cases, it can be inferred that Timoshenko and Filat’s cases were most politicized, while Saakashvili and Manole’s cases were somewhat less politicized (Annex 1). Even though quantifying and ranking the cases in terms of politicization is challenging because some indicators are much more comprehensive than others. Nonetheless, this analysis is coherent with the overall picture of democracy backsliding demonstrated in the previous chapter. This adds further weight to the argument that judicial independence or lack thereof is a major driver of democratic consolidation or backsliding, respectively.

Clearly, these developments are not endemic to these countries, in fact similar trends, if less brazen, are increasingly present in the EU itself, namely in Hungary and Poland. Yet, the extent of ‘executive aggrandizement’ or the slow undercutting of checks and balances by the

incumbents to reduce the capacity of the opposition to challenge the regime (Bermeo, 2016) is observed rather convincingly in the three countries, given the questionable delivery of justice that is manifest in these three high profile cases, as well as the case displaying the consequences of attempting to engage in either on-bench or off-bench resistance. Moreover, interviewed experts agree that despite numerous iterations of reforms, politicians in Georgia, Moldova and Ukraine remain gatekeepers of the judicial system. Obfuscating the process by de facto hand-picking judges allows politicians to maintain political control over the judiciary.

In light of the democratic consolidation literature and given the empirical data from the three countries, it can be inferred that lack of judicial independence does indeed seriously undermine the chances of democratic consolidation in the EU's immediate neighborhood and is likely to be an important factor that undercuts both political and economic development in the region, because it limits the potential for a level playing field and, in turn, cements the power of incumbents from potential challengers, consequently ossifying the clientelist networks of power that obfuscate democratic accountability (Levitsky and Way, 2002; Popova 2013).

Furthermore, it raises both theoretical and empirical questions about the effectiveness of the EU's normative power projection in the region. It also casts doubt over the notion of the EU's hegemonic influence over its neighborhood (Haukkala, 2008), particularly in terms of the success of the value-based components of the Eastern Partnership initiative. It makes one question if the Europeanization process promoted by the EU in the region is mostly security and economy driven, rather than being based on values. The economic and security aspects and the broader geopolitical considerations will be explored in the next two chapters. In the next chapter the author analyses internal factors that undercut democratic consolidation in the three countries.

3: Economic Conditions and Democratic Consolidation in Georgia, Moldova and Ukraine

One of the most often cited causes or conditions for the emergence of democracy and subsequent democratic consolidation is economic development, usually operationalized in terms of income growth (GDP per capita). However, despite the empirically proven relationship, albeit with many caveats, between democracy and economic development, the strong correlation is not necessarily proof of causation. Nonetheless, if we dig deeper into the multiple facets of economic development, we can indeed uncover why this relationship is so potent. There is a broad literature on the link between democracy and development, or perhaps between development and democracy. The debate has endured for over half a century. This chapter will analyze the literature on modernization theory and put it in perspective when it comes to the three countries under scrutiny. In answering the research question regarding internal challenges to democratic consolidation, this chapter will test the hypothesis that: Democratization and democratic consolidation are less successful if socio-economic conditions are poor: low GDP per capita, high inequality, small middle class, high corruption etc. Thus, the main tenets of the modernization theory of democratization will be analyzed through the prism of democratic evolution of Georgia, Moldova and Ukraine. The economic reality of each country will be examined to assess if the economic requisites for democracy are there and to what extent they are contributing to the democratization process along with the nature of economic development and political stability.

The chapter will also address the extent to which institutions can act independently, in line with New Public Management reforms advocated by international donors with the aim of democracy promotion. Finally, state resilience to state capture and susceptibility to corruption will be scrutinized, while at the same time looking into the effectiveness of democracy promotion by international donors, particularly in the field of combating corruption, which has significant implications in attracting investments, creating jobs, growing the economy and increasing the incomes of citizens, so that a strong enough middle class can emerge that, in turn, can promote, support and defend democracy in these countries.

3.1. Economic Development and Democratization

When it comes to the relationship between economic development and democratization, the contribution by Seymour Martin Lipset is fundamental, as it started a vibrant academic debate that has been ongoing for over half a century. His 1959 essay entitled “Some Social Requisites of Democracy: Economic Development and Political Legitimacy” is both contested and acclaimed to this day, which is a testament to its scientific prowess. Lipset laid the groundwork for what came to be known, often unsympathetically, ‘modernization theory of democracy’. His research into countries in Latin America, Europe, North America, plus Australia and New Zealand, concluded that democracy is related to the state of economic development. “The more well-to-do a nation, the greater the chances that it will sustain democracy”, according to Lipset (1959). Furthermore, Lipset (1959) argued that “If there is enough wealth in the country, so that it does not make too much difference whether some redistribution takes place, it is easier to accept the idea that it does not matter greatly which side is in power. But if loss of office means serious losses for major groups, they will seek to retain office by any means available.” He also argued that a larger middle class makes the society less prone to conflict, as voters tend to gravitate to moderate parties rather than extremist ones. Przeworski addressed the same issue from a different angle (1991), arguing that democracy is sustained when the losers in any round of the electoral competition have enough chances to win in the future to make it attractive for them to wait rather than to rebel against the current electoral defeat. Thus, the idea of the middle class being a moderate force, as many more people have a lot to lose from conflict, is persuasive. Empirical evidence supports the notion that higher per capita income leads to higher probability of democracy, if there is an acceptable level of income distribution, which again can be achieved via democratic institutions (Hannan and Carroll, 1981; Linz and Stepan, 1989; Burkhart and Lewis-Beck, 1994; Boix, 2011; Przeworski, 2005; Acemoglu and Restrepo, 2017).

It has been observed that 94% of the countries with a per capita income above \$10,000 (in constant dollars of 1996) held free and competitive elections in 1999, while only 18% of countries with a per capita income lower than \$2,000 did so. This empirical relationship between income and democracy appears to be quite strong. According to Boix, (2011) per capita income alone, can successfully predict 76% of the annual observations of political regimes in sovereign countries after World War Two. Whereas for the interwar period the share of cases that are

predicted correctly is 85% and 91% before World War One. The higher percentage is likely to be caused, in part, by a lower sample size, as there were fewer countries and even fewer democracies as we go back in time. Further empirical evidence suggests that as incomes grow, so do the chances of a democracy to survive. Between 1950 and 1999, the probability of a democracy collapsing into dictatorship during any year in countries with per capita income under \$1,000 (1985 PPP dollars) was 8.4%. In countries with incomes between \$1,001 and \$3,000, this probability was 3.6%. Between \$3,001 and \$6,055, this probability was 1.6%. The probability of a country slipping into dictatorship while having an income higher than that of Argentina in 1975 (that is \$6,055) was 0% (Przeworski, 1993; 2005). Thus, no democracy collapsed after surpassing the \$6,000 per capita income threshold. This is quite shocking, given how often poor countries see their democracies crumble, while wealthy countries with historically consolidated democracies never fall into authoritarianism or dictatorship.

Przeworski gives a good insight into the chances of democracy taking root, concluding that it is conditional on the initial income distribution and the capacity of the poor and the wealthy to overthrow democracy in any particular country. Therefore, each country has a different threshold of income above which democracy has a higher chance of surviving. According to Przeworski (2005), the income threshold can be lower if two conditions are met: a more equal distribution of initial endowments in the society and a lower revolutionary propensity among the military. Thus, even poor countries can achieve and sustain democracy if they are sufficiently egalitarian or if their military forces are not known for habitually overthrowing the government. This is the case of Georgia, Moldova and Ukraine. The extent to which these countries meet these two criteria will be explored further in this chapter.

In such conditions, the main element of instability remains the lack of a commonly accepted redistribution scheme. In poor countries the struggle between the poor and the wealthy is a constant threat to democracy. As the general welfare of the society increases, redistribution schemes become more institutionalized and can be more acceptable to both the poor and the wealthy. As a society becomes wealthier and as incomes grow, the wealthy tend to tolerate more redistribution, while the poor can accept less redistribution, thus the number of alternative redistribution schemes becomes larger. Therefore, it can be concluded that the median voter would prefer one such scheme and the democracy it sustains to the dictatorship of the proletariat

or the oligarchy. Finally, the outcome of electoral competition is obeyed by everyone and democracy survives.

Another important aspect debated in the literature is the relationship between democracy and economic growth. Some have argued that democracy undermines economic growth. Walter Galenson and Karl de Schweinitz argued in 1959 that democracy in a poor country tends to create pressure on ruling elites to promote consumption, rather than investments. Therefore, economic growth can suffer. This seems intuitive, as welfare spending ahead of major elections, which can happen in every other year in a democratic country; can lead to overspending on consumption. Politicians are often inclined to choose immediate gains from boosting consumption, rather than weighing in on the side of strategic vision and patience to invest in infrastructure, healthcare and education that have a multiplier effect and present long-term societal benefits. Thus, elected officials tend to have a short-term horizon, measured in electoral cycles. This discrepancy seems to be a potent argument in support of the thesis that democracy is bad for economic growth and that non-democracies should be expected to constantly outperform democracies when it comes to economic growth. Yet, this is hardly the case.

Empirical evidence suggests that political regimes have little to no effect on average rates of growth when it comes to income (Arat, 1988; Przeworski and Limongi, 1993; Robinson, 2006). While an array of researchers argues that democracy has a significant and robust positive effect on GDP per capita (Muller, 1995; Barro 1999; Boix and Stokes 2003; Acemoglu and Restrepo, 2017). Even though some may be tempted to showcase China or Singapore as examples of high growth without democracy; at the same time Hong Kong, India, Poland, Romania and most of the European, Latin American and African countries are examples of democracies sustaining enviable income growth indicators. Therefore, researchers have looked for other explanatory factors. Samuel Huntington (1968) argued that economic development is highly dependent on the level of political stability in a country, rather than the political regime. This narrative suggests that any system of government promotes development if it maintains political order. The main threat to economic and income growth is considered political turmoil. This idea will also be explored in the context of the three countries that are the focus of this research. Though, defining political stability is a challenge. Government instability does not

necessarily imply political turmoil. Thus, stability of institutions and norms, such as respect for electoral outcomes and constitutional provisions is a more astute account of political instability.

Another avenue that explores the concept of stability pertains to the stability of economic growth in the context of development and democratization (Mobarak, 2005). This objective is very important as leaps in development require increases in income to avoid public discontent. Economic volatility disproportionately affects the poor and it can lead to a growth damaging spiral. Thus, it is reasonable to suggest that stability of growth is highly important for young democracies as economic shocks can quickly wash away democratic achievements if populist politicians or military leaders exploit public discontent to capture power undemocratically. These concerns are closely connected to the strand of literature dealing with the link between democracy and income inequality. According to Muller, continuous and qualitative measures of years of democratic experience are estimated to have a significant negative impact on income inequality regardless of economic development and other control variables for a sample of 55 countries (1988). A very strong inverse correlation is also observed between income inequality and regime stability for a sample of 33 democracies (Muller, 1988). Moreover, income inequality can negate the positive achievements of economic development. For instance, during the 1960s and 1970s, middle-income countries were more likely to register declines in democracy, which has been attributed by some to limited schemes of income redistribution (Muller, 1995). This is the case even though multiple quantitative cross-national studies indicate that the highest achievements in terms of democracy are experienced by countries at intermediate levels of development. This is yet another iteration of the importance of reducing income inequality for regime stability and that income inequality affects democracy, most severely in poor and middle-income countries. The bottom line is that income inequality may counteract the positive influence of economic development on democracy consolidation.

Yet, the causal relationship between higher income and more democracy is not so clear cut. The general assumption, underpinned by numerous empirical studies, that higher income per capita caused democracy, is often a result of a cross-sectional relationship, particularly when analyzing data from the previous century (Robinson, 2006). It has been argued that such an estimated relationship is particularly prone to omitted-variables bias. It has been suggested that a better way to address this issue is to look for exogenous sources of variation in income per

capita. According to Robinson, research along these lines indicates no robust evidence that income per capita has a causal effect on democracy (2006). Instead, these two variables are believed to be correlated largely because the same factors that tend to make a society more prosperous also tend to make it more democratic. This sentiment is present in prior accounts by Diamond (1992) and is also echoed in subsequent contributions by Inglehart and Welzel (2009). The former pointed out that the relationship was not entirely predictive, nor was it necessarily linear. While the latter not only agrees that modernization is not linear, but also points out that history matters, meaning that socio-cultural change is path dependent and that culture and religion have a lasting effect on societal development. One more insight that Inglehart and Welzel bring to the table is that modernization, from their view, is not Westernization, cautioning against ethnocentric and Anglo-Saxon centric interpretations.

Finally, modernization does not automatically guarantee democracy. The conclusion, often presented as a criticism of modernization theory, is that economic and technological advancements trigger a coherent set of social and political changes. From a constructivist perspective, economic development becomes strongly intertwined with persistent changes in people's beliefs, cultural traditions, gender roles, norms, ways of doing things etc. While from a more rationalist account, people's interests, motivations and utility structures change along with economic advancements. Ultimately, increased economic well being leads to increased public demands for democratic institutions. If this is accompanied by responsive behavior on the part of a country's elites, democracy becomes increasingly likely. If the public and the elites are increasingly invested in the stability of democratic institutions and the cost of undermining this equilibrium is high enough for all sides, democracy can take root and flourish.

Yet, one needs to be aware that this historic transformation from dictatorship to democracy in many developing countries, including Georgia, Moldova and Ukraine, may lead to excessive expectations about what these newly emerging democracies could and should accomplish. These feeble premature democracies are largely a result of watershed events accompanying the collapse of the USSR. After the fall of the USSR, democracy promotion became more prominent. Curiously, it was not development that was a requisite of democracy, but increasingly the other way around. Modernization theory was being turned on its head and a new orthodoxy was becoming apparent, primarily among the international donor community,

suggesting that it was not democracy that was an outcome of economic development, but rather that democracy was a prerequisite for economic development (Menocal, 2007). This voice became prevalent in the 1990 among the United Nations system (Leftwich 2000) and led to a new governance agenda promoted by the UNDP, WB, and IMF etc. Poverty Reduction Strategy Papers have been heavily criticized for being too donor driven and for lack of local ownership, leading to formal rather than substantive local participation and, therefore, often having very limited impact (Rocha Menocal and Rogerson, 2006).

Another important aspect of democracy and development promotion, often missed by policymakers and international donors, who follow dogmatically the prescription of modernization theory, is that promoting economic growth in the developing world is not always an effective a tool for ensuring democracy as they may have been taught (Mesquita and Downs, 2005). Authoritarian rulers, particularly in hybrid regimes, have adapted to the risks that economic development posts to their power. They have learnt to mitigate those risks by becoming gatekeepers of public goods and by hollowing out democratic institutions, narrowing the political space, weakening their opposition to eliminate any checks on executive power and rule of law. The trend of authoritarian backsliding can be observed not just in poor, but in middle income countries as well (Kaufman and Haggard, 2019). This process creates a façade of a democratic system in which electoral competition survives, but democratic norms are hollowed out. That is why donors and the international community need to be more proactive in attaching democratic conditionality to developmental loans and grants. Political conditionality should force autocratic leaders seeking international aid to make significant, albeit incremental, concessions. Autocrats should be forced to open up their political space by allowing more media freedom, more freedom of assembly and speech, boost education and tolerate critical voices in civil society.

Arguably the most difficult to address are the countries stuck in incomplete democratization processes, including the three post-soviet countries under consideration. Poverty, coupled with state and, often nation building processes, are a big challenge in the way of fostering effective democratic institutions. Poor state capacity and inadequate provision of basic social services leads to deficits in attainment of basic human needs. Lack of a basic welfare system produces patronage systems that replace state functions and therefore create massive

challenges to the emergence of democracy and to further democratic consolidation. Low state capacity and low human development undermines external efforts for safeguarding basic democratic norms against backsliding. Building political and civic culture amid widespread poverty is a major challenge (Menocal, 2007).

Despite the bleak image of democracy in the world nowadays, the inescapable dilemma of authoritarianism articulated by Diamond and Huntington is a reason for hope. They argued that if authoritarian regimes “do not perform; they lose legitimacy because performance is their only justification for holding power. However, if they do perform in delivering socio economic progress, they tend to refocus popular aspirations around political goals for voice and participation that they cannot satisfy without terminating their existence (Diamond, 1989; Huntington, 1991)”. Thus, the dilemma of authoritarianism, based largely on the tenets of modernization theory, appears to make democracy unavoidable in the long-run.

Still, excessive optimism about the proliferation of democracy, in line with the modernization theory, is problematic to say the least. Francis Fukuyama’s 1992 enthusiastic pronouncement about ‘the end of history’ is yet to become true. Experience has shown that waves of democratization give way to democratic recessions. Democratic backsliding is increasingly prevalent even among established democracies (Kaufman and Haggard, 2019), but this is not an indictment of democracy either. Statements about democracy having reached its peak and not being able to expand further in the world are equally misplaced. To paraphrase a quote by Martin Luther King Jr. - the arc of history is long, but it bends towards democracy.

The actual requisites for democracy in Georgia, Moldova and Ukraine will be explored in the following sections. The analysis will focus on the initial conditions for democracy at the time of the collapse of the Soviet Union. The main tenets of modernization theory will be applied to compare and contrast the initial economic conditions and their subsequent evolution. Each country will be assessed based on initial economic and institutional capacity, subsequent economic development record, income growth, growth stability, degree of inequality, revolutionary propensity, track record of development and democracy promotion by international donors as well as institutional capacity, state resilience and impact of corruption and mitigating strategies.

3.2. Economic Conditions in Georgia, Moldova and Ukraine since Independence

A Soviet past and hopes for a European future encapsulate a tumultuous history and high aspirations for Georgia, Moldova and Ukraine. These countries have had an awfully similar fate during the last two centuries. In the early 19th century, an expansionist Russian Empire encompassed all three of them, only to briefly lose them after the First World War, when Moldova merged into Romania, while Georgia and Ukraine had a three-year glimpse at independence before being incorporated into the Soviet Union. Following World War Two, Moldova also found itself in the iron grip of the Union of Soviet Socialist Republic (USSR). This is where the three nations began sharing, what is now referred to, often disparagingly, as Soviet legacy. Apart from the horrors of collectivization, the economic foundations of the new soviet system were shaken by the deportation to the Far East of wealthier peasants (who own a farm and can hire labor) known as ‘kulaks’. Having arrested, exiled or killed millions of entrepreneurially minded people, undermined the economic productivity and, therefore, the economic potential of the USSR, including the three countries under research.

Yet, the economic consequences of purging wealthier peasants went far beyond the loss of life and immediate loss of economic output. These actions created a fear, mistrust and even hatred towards the capitalist incentive-based free-market that is reverberating to these days in the post-soviet space. The Soviet planned economy was highly inefficient, given the lack of information about the actual needs of the people that would be offered by the price fluctuations of goods and services in the free market. Highly distorted output numbers further increased the inefficiency of the system, as did the lack of innovation (Nove, 1977). Central planners chronically lacked the right information and the tools to make the right calls to sustain the system for long. The scarcity of basic products became evident in the 1980s. The clientelist system of trading favors was becoming a proto market that was attempting to correct the failures of the soviet system, but inevitably lead to its collapse.

Following the dissolution of the USSR, the fifteen former subjects of the soviet empire faced a crude reality of having to grapple with the soviet legacy on their own. Naturally, some were more successful than others. Thanks to closer economic and cultural linkages to Nordic and continental Europe, the Baltic countries were quick to implement market reforms and democratic governance, surging ahead without nostalgia, whereas Georgia, Moldova and Ukraine kept

looking back. It is only now that these three countries have seemingly committed themselves to European integration to turn together the page on their shared past. Yet, hardly any of the soviet ills turned out to be more resilient than corruption and mistrust of entrepreneurship. To make things worse, apart from the enormous task of adjusting to the market economy, the process of privatization, often flawed or outright illegal, only deepened the mistrust towards entrepreneurially minded people. Thus, in the early 1990s the weaknesses of the state were exploited by a handful of well-connected individuals, who amassed large fortunes by privatizing state-owned assets. This reduced the competitiveness of the three countries' economies in the short term, but also, in the long run, cast a shadow of illegitimacy on wealth even when in those cases then it was, in fact, achieved fairly. This, coupled with weak protection for private property, has large negative implications. Corruption becomes endemic and regulatory capture can evolve into state capture, jeopardizing the modest democratic achievements that these countries may have acquired. Thus, the following sections will explore to what extent the economic conditions in the three countries were favorable or, indeed, detrimental to the establishment of democracy and democratic consolidation in Georgia, Moldova and Ukraine.

3.2.1. Georgia: an economic overview

Georgia is strategically located between Asia and Europe, bordering on the Black Sea to the west, Turkey to the southwest, Azerbaijan to the east, Russia to the north, and Armenia to the south. Administratively, Georgia is divided into nine regions and two autonomous republics. The population of Georgia is about 3.7 million and 1.2 million live in the capital city - Tbilisi. Georgia's currency, the lari (GEL) has been relatively stable during the last decade. After the collapse of the USSR, Georgia was among the most corrupt countries in the post-soviet space and was infamous for high levels of criminal activity. Major transformations in the country are associated with the Rose Revolution of 2003, when the country embarked on a course of radical reforms. Under the leadership of the new President Mihail Saakashvili, the country has undertaken a series of progressive reforms in combating anti-corruption, reforms of labor and tax codes, and improvements to the essential infrastructure of the country, building numerous landmarks. These reforms have led to large flow of foreign direct investment and steady growth of GDP (Annex 2). Georgia also witnessed a steady rise in GDP per capita, reaching \$4,405, and ranking 96th in the world, according to the latest IMF data (2020). It is the closest of the three countries to the \$6,000 threshold that could lead to democratic consolidation. The country also

has the highest Human Development Index (HDI) among the three. But Georgia is most unequal among the three, according to its GINI Coefficient, which ranks the country as medium in terms of income inequality (Annex 1). The country is well known for its former Prime Minister Bidzina Ivanishvili being the richest person in the country. When his party won the elections in 2012, Ivanishvili ranked 153rd on Forbes Magazine annual world billionaires list, worth an estimated \$6.4 billion. His current net worth is \$4.8 billion, 349th globally, according to Forbes Billionaires (2020). Bidzina Ivanishvili amassed his fortune in the banking and metals sector in Russia in the 1990s. He often is portrayed as a symbol for the country's wealth disparity.

Nonetheless, thanks to the anti-corruption efforts implemented since 2003, the country has significantly improved its Corruption Perception Index, ranking 44th in the world, according to Transparency International (2019). This is a highly respectable position, particularly in comparison to the other two countries. The country also does best in terms of Global Competitiveness Index by World Economic Forum, ranking 74th.

Still, as a small open economy, the country is vulnerable to external shocks. Moreover, the country has a chronic current account deficit; largely due to its negative trade balance. Georgia's main exports are: agricultural products such as citrus fruits, tea, grapes, and hazelnuts. Georgia industrial capacity centers on mining of manganese and copper, aircraft manufacturing, bottled water and wine production, chemicals, machinery and textiles. From an energy security standpoint, Georgia is almost totally dependent on imports of natural gas and oil. Yet, the country has large hydropower production in the mountains. Georgia is an important corridor for transit of oil and gas from the Caspian region to the Black Sea. Three pipelines transit Georgian territory: Baku-Supsa pipeline, Baku-Tbilisi-Ceyhan, and the South Caucasus Pipeline System.

According to the World Bank, Georgia has established a strong record of reforming its economy and raising the living standards of its citizens. The robust and resilient growth, along with better conditions for entrepreneurship has improved living standards. In line with modernization theory, this is a sound foundation for democratic consolidation. Moreover, economic growth in GDP per capita has been averaging 4.8% during the past decade. Thus, growth stability serves as a catalyst for economic and democratic development. Another important aspect is sustained movements to reduce income inequality and alleviate poverty via targeted social transfers. Thanks to redistribution schemes, the poverty rate has fallen from

37.4% to 20% during the last decade, according to World Bank data (2019). The World Bank's World Governance Indicators consistently place Georgia among top performers in Europe when it comes to combating corruption. Georgia is also consistently among the best when it comes to the World Bank's Doing Business Report. The country is one of the most business-friendly countries in the world, ranked 7th out of 190 countries (2020).

Also, the country has a shared strategic vision when it comes to national priorities. Euro-Atlantic integration is widely supported by the population, as is the drive for combating corruption and building resilient institutions and an effective welfare state. Just like Moldova and Ukraine, Georgia has signed an Association Agreement with the European Union, which includes a Deep and Comprehensive Free Trade Area. This agreement helps to anchor the country into the European market and boosts political linkages with the European Union. Georgia also has a free trade agreement with China, which makes the country a good destination for foreign direct investment (FDI). Compared to Moldova and even the much larger Ukraine, Georgia has quite a robust level of FDI flow as well as stock, including a respectable number of Greenfield investments (Annex 3). The value of Greenfield investments in Georgia (\$1.38 bn) is almost equal to that of Ukraine (\$1.4 bn), while Moldova is lagging far behind with (\$0.13 bn), according to UNCTAD data (2019).

The other element of Euro-Atlantic integration – NATO is also a key strategic priority for Georgia. Despite only hoping to become a NATO member and not even being a candidate, Georgia spends 2% of GDP for defense, ranking in the middle among the three countries analyzed. The country's military is under civilian control and undergoes continuous interoperability with NATO. It is important to note that Georgia has a history of military coups, but it is associated with the first years of independence. Thus, relatively high military spending as part of GDP need not be interpreted as a cause for concern when it comes to the propensity of the military to overthrow the government. Finally, all these indicators discussed in this overview serve as good requisites for democratic consolidation, but economic data is only part of the story as oligarchs and geopolitics often complicate the picture, which will be explored in depth in the following chapter.

3.2.2. Moldova: an economic overview

Republic of Moldova is a small densely populated country. It neighbors Romania to the west and Ukraine to the north, east and south. According to the latest national statistics, Moldova has a population of 2.7 million, excluding about one million living and working abroad (BNS, 2019). The economic and political center is the capital Chisinau with a population of around 700,000 people. The national currency is the leu (MDL). The currency has been relatively stable, only suffering steeper depreciation because of the 1998 Russian default and collapse of the ruble. Another steep depreciation resulted from the infamous billion-dollar theft (12% of GDP) from the banking system in 2014. Still the currency rate stabilized and is slightly overvalued.

Despite being the most politically stable among the three countries, Moldova only ranks 130th among 195 countries, according to the World Bank (Annex 1). Though political instability has been chronic, it has also been low to moderate, compared to the other two countries. Moldova generally muddled through and avoided large scale revolutions or wars since 1992, but the rate of FDI in Moldova has been lower when compared to Ukraine and, especially, Georgia. Moldova's FDI average has been a meager \$0.2 bn/year since independence, with a peak of \$0.74 bn in 2008, compared to Georgia's \$1.9 bn in 2017. Moldova's FDI stock is at only \$4.8 bn, while Georgia attracted over \$19 bn, which is impressive even compared to Ukraine's \$ 49 bn, given the seven times larger Ukrainian economy (Annex 3).

When it comes to incomes, Moldova is slightly behind Georgia. Moldova's GDP per capita is \$4,268, which puts the country within reach of the \$6000 threshold, established in the literature as the democratic point of no return. The country also has a high Human Development Index, though only ranks 107th in the world, according to UNDP data. Moldova has the lowest income inequality among the three countries, with a GINI coefficient of 25.7. Yet, given that GINI measures relative wealth, it obfuscates the fact that Moldova is the poorest country in Europe in absolute terms and many basic needs of the population are not provided for. It is even more deceptive, given the high Corruption Perception Index (120th in the world) and the implications of the billion-dollar scandal analyzed in chapter 2. This leaves Moldova much less competitive than Georgia and, virtually, on par with Ukraine. Moldova is ranked 86th of 141 countries in the Global Competitiveness Index by the World Economic Forum. The main challenges to competitiveness reside not only in corruption and poor infrastructure, but also in

Moldova's large-scale emigration and falling birth rates, which have led to a significant decline in the working population. The alarming increase in the share of elderly people creates large problems for the country's pension system. Shortages of both qualified and unqualified labor force severely undermine Moldova's long-term competitiveness.

Still, Moldova has managed to produce sustained economic growth, averaging about 3% annually in the past 24 years. Though modest, compared to Georgia, the growth is more stable compared to Ukraine, which still has a negative average growth since independence. Moldova remains a small open economy that is very vulnerable to external shocks. This is exacerbated by a chronic current account deficit, stemming from a chronic trade deficit (Annex 2). Moldova has the highest current account deficit as percentage of GDP (-10%) among the three countries. Moldova has been struggling to boost its exports, particularly after suffering successive embargoes imposed by Russia. Moldova's main industries are: financial services, energy, agriculture, utilities, mining, pharmaceuticals, retail and consumer products, information technology, communications and entertainment. Moldova is highly dependent on Russia in terms of energy resources, as 80% of electricity and 100% of gas come from Russia or Russian controlled entities. This presents a major vulnerability to the country's energy and, therefore, national security. Still, despite being among the poorest countries in Europe, Moldova improved a lot when it comes to reducing poverty in the last two decades. Still, the economic growth was mainly driven by consumption resulting from remittances, which account for 10 % of GDP. This further makes Moldova's economy vulnerable to economic shocks imported from the countries where most Moldovans work (Italy, Russia, the UK, Ireland, Greece, Spain etc.). Though, Moldovan guest workers (many became diaspora) are bringing back home not just money, but also skills, experience, technologies, values, which have a positive effect not just on the economy, but also on the democratic process. It also serves as a catalyst for Moldova's European aspirations.

Republic of Moldova ratified the Association Agreement (including the Deep and Comprehensive Free Trade Area) with the European Union in June 2014. It fully entered into force on 1 July 2016. Since then Moldova has been gradually harmonizing its legislation with the European acquis. This anchoring onto the European integration path has been the goal of successive governments of the last decade. However, these reforms were generally devoid of real

commitment to change the status quo, especially when it comes to judiciary and anti-corruption reforms. To address these implementation challenges, the EU has introduced political/democratic conditionality for the first time in its relations with Moldova in 2016. These new conditions were initially taken in strides by the corrupt local elites, but in time they have paid off as they have signaled that the EU is not helping corrupt officials to siphon money away from the budget but is very serious about making sure that the funds provided by the EU as assistance make their way to the beneficiaries. The carrot and stick tactic has proven worthwhile, but its long-term effectiveness remains yet to be assessed.

Another aspect from the economic modernization literature that, in this context, is favorable to Moldova's democratic consolidation is the low military spending, and, more broadly, little to no history of military intervention in politics. Moldova only spends 0.4% of GDP on defense, which is problematic in terms of ensuring a credible deterrent to external threats but can be interpreted as favorable to democratic consolidation. Though, a stronger army need not be perceived as a threat to democracy, only that in unconsolidated democracies and hybrid regimes this may indeed present an element of risk, as empirical evidence suggests (Przeworski, 2005). Especially in a country with a divided society along ethnic and linguistic lines, politically polarized public, rampant corruption, weak state institutions, high demographic challenges, low economic productivity, major climate change vulnerability, high susceptibility to external shocks make Moldova an unlikely candidate for democratic consolidation. Still, to a large extent some of these vulnerabilities have served as a damper on authoritarian tendencies. Coupled, with relatively stable income growth, high level of education, low income inequality, low propensity for military coups, growing EU political conditionality and high influx of "democratic" remittances make Moldova an unlikely, but, nonetheless, a modest success in terms of democratic consolidation.

3.2.3. Ukraine: an economic overview

Ukraine is the second largest country in Europe. However, its economic potential remains untapped. It has a population of 42 million, including almost three million in the capital Kyiv – by far the largest city in the country and the seventh in Europe. The currency of Ukraine is the hryvnia (UAH). It has fluctuated a lot in recent years, losing more than half of its value compared to a decade ago. Despite economic difficulties originating from domestic as well as

external factors, thanks to its size and population, but also participation in the Deep and Comprehensive Free Trade Area with the EU as well Commonwealth of Independent States Free Trade Area, which includes Russia and Kazakhstan; Ukraine presents a large growth potential. Apart from land size and location, the quality of the country's human capital, given its young and well-educated labor force, gives the country an extra competitive edge.

Yet, its challenges are even more pronounced. Despite having recovered quickly from the double-digit contraction following the 2008-2009 financial crisis, Ukraine suffered even more from a significant decline in GDP in 2014 (-6.5%) and 2015 (-9.7%). In fact, Ukraine still has a negative average GDP growth since independence, with a record drop of -23% in 1994 and a maximum gain of 12% in 2004. This growth volatility is made worse by the chronic political instability. Ukraine is currently by far the most politically unstable country of the three, with a score of -1.52 (Annex 1). This high political instability is largely a reflection of the ongoing conflict in Eastern Ukraine and the stalemate with Russia over the annexation of Crimea. In years following the conflict, Ukraine has faced numerous economic, political and social challenges. Having lost control over the industrial region of Donbas, rich in coal and other minerals, only in 2019 Ukraine surpassed the GDP per capita that it had prior to the 2014 conflict with Russia. Despite its incomparable economic potential, Ukraine's GDP per capita is lower than that of Georgia and Moldova. In 2008 Ukraine had the highest GDP per capita among the three. In 2013, it was second. Globally, Ukraine is currently ranked 117th with a GDP per capita of \$3,425. Though Georgia and Moldova have a GDP per capita over \$4,000, the economic and political volatility makes all these countries equally likely to struggle before they reach the coveted \$6,000 threshold. At the same time, the fact that this volatility is moderate, except for Ukraine, is a reason for optimism. Also, Ukraine has a relatively high human development index, and relatively low-income inequality (Annex 1), though the Gini index could be skewed because of Ukraine's dire population ageing. Still, very high corruption and political volatility reduces the competitiveness of the country, ranking 85th, one place ahead of Moldova and eleven places behind Georgia, according to the World Economic Forum Global Competitiveness index.

In fact, prior to the conflict with Russia, Ukraine was the most politically stable and economically well positioned to lead the group. Even though the government implemented important and difficult reforms, receiving large scale technical and financial assistance from the

international donor community, the results were mixed to say the least. Though, fiscal consolidation, flexible exchange rate, better targeted social assistance, more transparency of public procurement, cutting red tape, restructuring the banking sector, progress on health and pension reforms, and establishing of anti-corruption agencies was beneficial to the country's overall competitiveness, but the modest progress, compared to the high expectations of the public following the 2014 Maidan Revolution, lead to disillusioned. The most troublesome was the endemic corruption that permeated all state institutions. In fact, corruption perception index improved in the years since the revolution, with a maximum of 32 points in 2018, followed by two points decline in 2019. Still, Ukraine ranks worse than the other two countries and is only 126th in the world. Therefore, these modest improvements in recent years are likely a result of more public exposure and higher salience of corruption, rather than any effective measures of combating it. According to the Word Bank (2020), "powerful oligarchs still dominated and "captured" the economy." This reality is a major stumbling block in terms of capitalizing on the country's economic potential and democratic consolidation. Oligarchs are, de facto, feudal lords, economic and political gatekeepers and veto players, obfuscating both the market forces and the democratic process.

Democratic outlook of Ukraine is also helped by its historically weak military propensity for coup d'états. In 1993, Ukraine's military spending was a meager \$120 million (0.35% of GDP). Thus, immediately after the collapse of the USSR, Ukraine's military was in disarray. The very next year, spending picked up and oscillated around the 2% of GDP threshold until the 2014 conflict with Russia, when military spending jumped to 3.25% of GDP in 2015 and reached a record of 3.36% of GDP in 2019. This indicator is almost ten times higher than that of Moldova and almost double that of Georgia. However, this need not be interpreted as an equally high risk of military overthrow of the government. In fact, civilian control of the military increased as of January 1, 2019 only civilians can lead the ministry of defense of Ukraine (Unian, 2018). This is in line with NATO standards, where Ukraine aspires, but is not yet a candidate. Though, thanks to Ukraine's political association and economic integration with the European Union via the Association Agreement that entered into force on 1 September 2017, Ukraine is becoming increasingly anchored into the European market. Harmonization of national legislation to the European body of law is ongoing.

However, structural reforms and major changes in local legislation, as well as increased capacity in implementation, are required for Ukraine to meet the business standards and principles familiar to the EU investors. Meanwhile, Ukraine's investment potential remains untapped. With an average of \$3.3bn foreign direct investment per year since independence, Ukraine has witnessed a steady, albeit modest, growth in recent years, reaching \$5.8bn in 2019 (1.98% of GDP). The total FDI stock was at \$49bn in 2019, with 48 Greenfield investments, valued at \$1.4bn. These are modest figures even compared to Georgia, which has a similar value of Greenfield investments, but with only 19 such investments of parent companies, starting new ventures abroad by building new operational facilities from the ground up. This is an indicator of Ukraine's economic and political volatility, but most of all, its limited success in combating corruption, that is reducing the drive of investors.

Nonetheless, Ukraine remains firmly on the path to democratic consolidation. The shortcomings discussed above are not strong enough to throw Ukraine off the path towards democracy. Growing economic indicators and decreasing political volatility, coupled with low propensity of the army to overthrow the government are sound requisites for democratic consolidation. Considering the robust civil society, proximity to the European Union, including economic integration and political association with the EU, active EU role in the reform process provides good prospects to Ukraine, particularly if the ongoing conflict with Russia is resolved or the economic, political, and social effects are better mitigated. Yet, perhaps even more stringent than the external pressures, are the domestic challenges with building capacity and resilience in state apparatus and implementing robust anti-corruption measures that could increase both the trust of domestic public as well as that of international markets and donor community in the Ukrainian state. These concerns will be explored in the following section.

3.3. Institutional Capacity and Corruption in Georgia, Moldova and Ukraine

This section will examine why the three countries have had such a different anti-corruption record in the last decade, focusing on the different institutional set-up of anti-corruption bodies underpinning the efforts to combat and prevent corruption. The section will explore the premises behind Georgia's perceived success and scrutinize the causes leading to Moldova and Ukraine having much more modest outcomes. Ultimately, the author will compare the cases to identify key elements that increase the chances of successful reforms or indeed lead

to failure. The analysis will also focus on what are the main challenges to boosting institutional capacity in the three countries. The institutional innovations and democratic oversight over these institutions will be explored through the prism of New Public Management (NPM) reforms, part and parcel of democracy promotion and good governance reforms advocated by the western donor community and supported by a growing coalition of stakeholders in each respective country.

Moldova, Georgia and Ukraine, along with the rest of the post-soviet space, have witnessed several rounds of New Public Management reforms. The early stages of reforms were introduced as soon as the countries gained independence from the Soviet Union and started the long and strenuous process of moving from a centralized planned economy and a one-party authoritarian police state towards market economy and a pluralist political system. The major reforms of this period focused on de-collectivization and privatization of state-owned enterprises based on a voucher issuing system (Estrin et. al, 2004). This experience leads many to question the gains made by a handful of wealthy and well-connected elites, at the expense of the rest of the society, thus, leaving the early privatization era in an acute deficit of legitimacy.

The second phase of NPM centered on the infamous land ownership reform program of the mid-1990s. The third stage, spanning from late 1990s to mid-2000s, could be described as the institutionalization of NPM as numerous state agencies were created with specific goals and targets aimed at building an efficient public management system. In Moldova, the National Agency for Energy Regulation was created in 1997, Centre for Combating Economic Crimes and Corruption was founded in 2002, State Agency for Intellectual Property was established in 2004, while National Agency for Competition Protection emerged in 2007.

In Georgia, the Georgian National Energy and Water Supply Commission was established in 1997, the Georgian National Communications Commission came into existence in 2000 and the Anticorruption Bureau appeared in 2001. The first Anti-monopoly body emerged in 1996 during the presidency of Eduard Shevardnadze. It was abolished after the Rose Revolution but reappeared in 2014 under the new name - Competition Agency - in the context of the commitments taken under the EU-Georgia approximation process.

In Ukraine, the Anti-Monopoly Committee was founded in 1993. The National Agency of Ukraine for Civil Service was formed in 1994. The State Committee for Television and Radio-Broadcasting of Ukraine was created in 2003. The National Commission for State Regulation of Energy and Public Utilities was created in 2014. The commission was created to combine the previously separate National Commission for State Regulation of Public Utilities and National Commission for State Regulation of Energy and Utilities. When it comes to anti-corruption bodies in Ukraine, the National Agency on Corruption Prevention (NACP) is responsible for the development of anti-corruption policy and prevention of corruption. It was established in 2015. While NACP focuses on monitoring and prevention, the function to prosecute corruption cases rests with the National Anti-Corruption Bureau of Ukraine. It was also created in 2015 after the Revolution of Dignity upon the requirements set by the IMF and the European Commission as part of the visa liberalization talks between Ukraine and the European Union. In 2018, Ukraine established a High Anti-Corruption Court (HACC). The HACC's most distinctive institutional feature is the role of international experts in the judicial selection process, intended to safeguard against the capture of the HACC by corrupt elites (Kuz and Stephenson, 2020). The success of this specialized anti-corruption court has been rather mixed. The Constitutional Court of Ukraine has largely deprived the NACP of most of its powers by destroying the asset declaration system for officials after a ruling issued on October 28, 2020 (Chernichkin, 2020).

Regulatory agencies and anti-corruption bodies have become more interconnected with civil society; increasingly relying on civil oversight councils. This is yet another defining characteristic of NPM - private sector practices make their ways into the state bureaucracy, introduced by executive managers who migrated to the public sector. There is increasing emphasis on decentralization, transparency and accountability, while at the same time performance indicators are being introduced as part of the larger public sector reforms. The anti-corruption sector is very much part of this trend as well.

Nonetheless, the results of the three countries are rather mixed. In Moldova, corruption remains a key issue for the public as well as the private sector, undermining reform efforts, leaving Moldova in a catch-22. In the Global Corruption Perception Index, the country ranks 120 out of 198 countries, declining continuously from 2010 onwards, indicating a widespread problem with perceptions of public sector corruption, defined by Transparency International as

“abuse of power for private gain” (2019). At the same time, Georgia is doing remarkably better, ranked 44 of 198 countries (Transparency International, 2019). Ukraine scored slightly worse than Moldova. It lost two points in 2019, retreating to its 2017 level, and ranking 126th on par with Kyrgyzstan, Azerbaijan and Djibouti (Transparency International, 2019).

In order to identify the underlying causes that led to this large discrepancy, the author will suggest that in the case of Moldova and Ukraine, the implementation of NPM and the pluralization of policy making process, not only failed to preclude, but may have, inadvertently, contributed to regulatory capture, while in the case of Georgia, these reforms, first and foremost in anti-corruption policy, have been indeed a moderate success. This is even more surprising, considering the similar adverse effects stemming from the communist legacy that all three countries have experienced: comparable (low) level of economic development, decreasing human capital and, up to a point, limited political will for meaningful implementation of reforms.

Another explanation for this discrepancy is often referred to as one of the major causes of anti-corruption policy failure - lack of agent independence (regulatory and law enforcement bodies) from the principle (government/parliament/public) as well as constant reshuffling of prerogatives and lines of accountability and control (Sappington, 1991). This lack of agent independence and blurred lines of accountability ensue an acrimonious blame game, not only between institutions but also among political parties, both within and beyond the ruling coalition, which makes both policy-making and policy delivery more difficult. This is something that has been manifest in all three countries in the past decades.

It is all the more puzzling, as the centralization of power, under successive Ukrainian, Moldovan and Georgian presidents, has been accompanied by a pluralization of policy making, with a whole host of new agencies being created. Much like any other post-soviet country, Moldova, Georgia and Ukraine started off from a rather closed policy-making process environment after communism and opened up gradually throughout the 1990's under the normative pressure from the overarching neo-liberal paradigm. Also, development partners (donor countries and international organizations) have supported the growth of local civil society, which led to increased citizen participation and, therefore, a less hierarchical governing process. It indicated the beginning of a slow shift from a government type approach to one based on governance.

By the mid to late 2000's, bureaucrats and politicians in both countries partially renounced their monopoly on policy making as think-tanks and citizens' groups became more resourceful and engaged. This trend was further accelerated following the Rose Revolution in 2003, the Orange Revolution of 2005 and the Twitter Revolution of 2009. The adverse effect was a brain drain from civil society sector to the government. As a result, NGO sector was weakened, especially in the context of a strong executive branch. Nonetheless, the benefit was that policy decisions were starting to become somewhat less politicized and increasingly based on evidence. Closer relations with and policy transfer from the European Union, including via twinning projects and high-level European advisers also contributed to a more open policy making process.

However, after Communists were defeated and a pro-European coalition took charge in 2009 in Moldova, the drive to democratization, openness and genuine policy pluralization was short lived (Popescu, 2012). Coalition parties soon succumbed to infighting and corruption (Roman, 2014), culminating in the infamous billion dollars scandal. Initially, party competition, independent media and active civil society did prevent a single party/personal interest from dominating. However, the growing influence of one businessman turned politician – Vlad Plahotniuc, who entered the public space in 2010 and quickly succeeded in eliminating his main rival the ex-Prime Minister Vlad Filat from public life, ultimately led to increased concentration of power (Kostanyan, 2016). Plahotniuc managed to build a powerful media empire and a lenient expert community which, at one point, create the illusion of policy pluralization, that, in turn, represents a legitimization device for the public and the international donor community alike (Gogu, 2016). A somewhat similar trend occurred in Georgia, when businessman Bidzina Ivanishvili first created the Georgian Dream Party and then led it to victory together with other coalition partners, becoming Prime Minister only to then step back and turn into the unofficial decision maker in the country, obfuscating the legal lines of accountability. The situation is even more complex in Ukraine, where there are several competing oligarchic clans, each with its own media, NGOs and political parties. Thus, the tactic of obfuscating policy pluralization and creating an appearance of economic and political competition is common across the three cases.

Hence, the experience of these countries suggests that pluralization of policy making processes has a mixed track record. On the one hand, it boosts capacity, transparency and

efficiency; while on the other hand, it exacerbates some of the existing flaws of the local political and administrative systems, rather than mitigating them. The fact that one individual in a country has so much influence that he can effectively serve as a gatekeeper of the pluralization process, deciding which individuals and groups get access to key resources and valuable information, ends up defeating the purpose of policy pluralization. Lines of accountability are, therefore, blurred as key actors in all three branches report to this informal center of power, leading researchers to describe such circumstances, particularly in the case of Moldova, as a form of state capture (Calus, 2015). These lines of accountability are also shifting as an agency is transferred from one branch to another (from Parliament to Government control, or vice versa), often based on political expediency. Even so, a drive for central control that would be predicated on better policy implementation akin to the Prime Minister's Delivery Unit in the United Kingdom (Richards and Smith, 2006) is yet to occur. In effect, policy making remains highly centralized as state institutions are autonomous in name only, which undermines their effectiveness.

Moldova's National Anti-Corruption Centre (CNA) is a case in point. It was established in 2002 under the name: the Centre for Combating Economic Crimes and Corruption (CCCEC). It has been reformed several times since then. Its competences have been expanded and then reduced, depending on political expediency at the time, but also in line with policy delivery specialization aimed at effectiveness and avoidance of mega-structures. Currently, the institution's mandate only covers corruption, as the power to investigate economic crimes has been transferred to police and tax authorities. The institution is well funded, for Moldovan standards, and has received considerable support from the European Union, as evidenced by the 2011-2015 National Anti-Corruption Strategy approved by Parliament considering Moldova's visa liberalization agreement with the European Union.

Despite that, one major problem that undermines all efforts for meaningful change has not yet been addressed effectively. A case in point is the ex-director of the Anti-corruption Centre Chetaru Viorel - appointed as a result of a public contest in 2012. He was a controversial figure because he had been first appointed director of the anti-corruption body, then the CCCEC, in 2009 and then won the public contest while being the incumbent. Meanwhile, his father was a prominent local politician in the Democratic Party, which nominated Chetaru for the job in

2009, prompting media speculation about political control of the institution. Indeed, Chetaru himself acknowledged publicly that he had encountered political pressure while carrying out his duties (Unimedia, 2013), but he reassured the public that once he had been put in charge as a result of a public contest he would be able to better withstand that kind of undue pressure, (Unimedia, 2015) despite the fact that his ties to the Democratic Party remained in place. Later scandals, including the billion-dollar heist, prompted numerous accusations and even attempts to dismiss Chetaru, but he was shielded by the Democratic Party's faction in Parliament and its ministers in the cabinet.

The problem with nominally independent state institutions being politically controlled is so pervasive that even the Parliament Speaker Andrian Candu, a leading member of the Democratic Party, stated in a TV appearance that, "When we talk about the Prosecution Office, about the Anti-Corruption Centre, Tax Authority or Customs Office etc. all of them encounter some sort of political influence" (Unimedia, 2015). In theoretical terms, it means that the agent is not independent from the principle, which, on the one hand, does not allow the agent to act based on its legal mandate, but rather plays in accordance to the way the strings are being pulled, while, on the other hand, it leads to 'blame games' between the agent (anti-corruption body) and the principle, either Government or Parliament, deepening on the legal framework at any particular time.

The experience of Ukraine is somewhat similar to that of Moldova. An independent Commissioner for anti-corruption policy was established in 2009. Later in 2011, vowing to put an end to corruption, President Viktor Yanukovich became head of the National Anti-Corruption Committee, which laid out the strategic vision for combating corruption. Then, in 2014 Former investigative journalist Tetiana Chornovol became the Commissioner for anti-corruption policy. Yet, she resigned after five months, citing lack of political will in Ukraine "to carry out a hard-edged, large-scale war against corruption" (Interfax-Ukraine, 2014). Despite these challenges, both domestic actors from civil society and international actors, first and foremost the IMF and the EU conditioned their financial support and visa liberalization policy with the establishment of an independent institution, endowed with enough resources and prerogatives to combat corruption.

Thus, the National Anti-Corruption Bureau (NABU) law was adopted in 2014. It works in lockstep with the Specialized Anti-Corruption Prosecutor's Office created at the same time to bring indictments before courts. In 2015 the bureau became operational once its leadership was selected in open contest – a first of its kind in modern Ukraine, and fully in line with NPM rule-book. Artem Sytnyk was selected and appointed to lead the new institution. On August 28, 2020 the Constitutional Court of Ukraine ruled that the decree of President Petro Poroshenko, appointing Artem Sytnyk in 2015 to lead NABU was unconstitutional. A month prior, the Constitutional Court cut some prerogatives from NABU, declaring them unconstitutional. Political pressure was being applied on Sytnyk to resign and it led to allegations that the new President Volodymyr Zelensky wanted to replace him with a loyalist (Sukhov, 2020).

On October 28, 2020, the Constitutional Court has severely undermined Ukraine's asset declaration system for officials when it deprived the National Agency for Preventing Corruption (NAPC) of its crucial powers, which amounts to a large-scale attack aimed at dismantling Ukraine's anti-corruption system or making it completely irrelevant so that high level offenders can escape prosecution. Thus, the agent (NABU) independence from the principle (government/political elite) is being indirectly curtailed by the political/oligarchic/judicial establishment to reduce its zeal and capacity. This led to an outcry among legal experts and anti-corruption activists as well as international development partners. Credibility of the highest court and its head Oleksandr Tupitsky, linked to the fugitive former President Victor Yanukovych, is increasingly called into question (Sukhov, 2020; Leshchenko, 2020).

In the case of Georgia, the history of specialized anti-corruption institutions starts with the establishment of the Anti-corruption Coordination Council in 2001 by the decree of President Shevardnadze. The Council was the President's consultative body tasked with the preparation of the National Anticorruption Program and coordination of its implementation. Later the same year, to facilitate the work of the Council, the Anticorruption Bureau of Georgia was launched. Neither of these bodies possessed investigative and prosecutorial powers and were largely limited to analytical, monitoring and policy coordination functions (OECD, 2004). Due to the absence of political will and the lack of effective instruments the Bureau failed to accomplish anything tangible.

After the Rose Revolution, namely in 2004, both entities were abolished, and the respective powers were transferred to the National Security Council of Georgia. In 2005 the National Anticorruption Strategy and its action plan were adopted. From the start, the fight against corruption became a top priority of Saakashvili's administration as he himself promised to confront the issue well before winning the office. Contrary to the previous experience, the government showed determination and strong political will to eliminate corrupt practices through deregulating the economy, removal of red tape and enforcement of criminal responsibility for corrupt practices. The results were astounding as the public perception of corruption continued to steadily decrease starting from 2004 through 2012. As a result, Georgia improved its standing from 124th in 2004 to 51st in 2012 among 175 countries in the Corruption Perceptions Index.

Unlike Moldova or Ukraine, Georgia adopted the so called 'the whole-of-government approach' to fight corruption instead of relying on specialized anti corruption bodies with specific powers of tackling corruption. Another defining characteristic of Georgia's approach was the so-called holistic take based on three pillars: deregulation and removal of red tape, introduction of integrity systems and robust enforcement of criminal responsibility. The deregulation and elimination of red tape aimed to decrease limitations to conducting business activities (for example: removal licenses), as well as to streamline procedures for obtaining services offered by the state. Introduction of integrity systems included such activities as the launch of an online public procurement platform and asset declaration arrangements. The above-mentioned efforts were complemented by a vigorous prosecution of corruption-related crimes.

Later, in 2008 the Inter-agency Anticorruption Council was established by the presidential decree, which was devised to develop anti corruption policy and coordinate interagency efforts. Since 2013, the Council has been responsible before the Government of Georgia and is headed by the Minister of Justice. It brings together 55 members from designated government agencies, parliament, judiciary as well as representatives of NGOs, businesses and international organizations. The Council is a formal body in charge of developing general policy directions (Strategy) and a gamut of anti corruption measures encapsulated in action plans for particular periods. The role of the Council is symbolic, and it does not wield any political power.

As mentioned, Georgia did not adopt a model of a single specialized anti corruption body with investigative and prosecutorial powers. Nowadays the powers of fighting corrupt acts are

dispersed among various state agencies. There are seven government bodies invested with powers to investigate corruption related crimes with different jurisdictions: Anticorruption Agency of State Security Service, State Prosecutor's Service, State Audit Service, Investigative Department of the Ministry of Finance, General Inspection Units at Ministry of Defense and Justice and Investigative Department of the Ministry of Corrections. These bodies are not subordinated to the Council and therefore they are not responsible before it.

While in the case of Moldova, the specialized National Anti-Corruption Centre (CNA) was initially put under Parliament control, but then moved under the oversight of the Government, only to now end up back under legislative scrutiny. While, in Ukraine there is an ongoing struggle to dismiss the head of NABU. In rationalist terms, principals are interested in minimizing costs related to policy implementation (corruption prevention, control) as well as policy failure costs, while agents are interested in power maximization relying on information asymmetry (Groenendijk, 1997). This leads to major concerns about 'agency costs' associated with avoiding 'agency drift', yet, ironically, political control over agents, as indicated in the case of Moldova and attempts in Ukraine, appear to be addressing these issues quite "effectively", in the sense that the agents hardly ever go against the principle, hence, there are minimal institutional 'agency costs'. This is, of course, at the expense of agent independence, and, as a result, at the expense of meaningful anti-corruption policy implementation that would serve the public interest.

The problem is further exacerbated by the concentration of power within the executive branch, populated by proxies of a single influential politician, party or interest group, reinforcing power asymmetries, undermining political pluralism as well as the prospects of genuine policy pluralization. It is largely because of these negative tendencies that the European Union had to step out of its traditional role of benign observer and issue a stern warning to the Moldovan political class in the Council Conclusions on Moldova of 15 February 2016. The foreign ministers of the European Union member states insisted that the government "priorities reforms aimed at addressing the politicization of state institutions, systemic corruption, public administration reform aimed inter alia at enhancing the effectiveness of regulatory bodies, transparency and accountability in the management of public finances as well as with regard to policy making" (EU Council Conclusions on Moldova, 2016).

Anti-corruption investigators and prosecutors can only do so much if the judges are not independent from any undue influence. Thus, rule of law, judicial independence and fighting corruption are among the concerns most often raised by the European Union, the Council of Europe and the US State Department in their reports and statements with regards to Georgia, and especially Moldova and Ukraine. These are also the main challenges precluding these countries from reaching their economic development potential and democratic consolidation.

It is clear that there is a significant difference between Georgia, Moldova and Ukraine when it comes to international rankings of judicial independence, corruption perception, ease of doing business etc., but it is worthwhile examining if there is any convergence when it comes to the technical aspects of judicial autonomy, because, just like most of the post-soviet states, Ukraine, Georgia and Moldova adopted the western model, predicating that all decisions pertaining to judges must be taken by an independent collegial body (the Supreme Council of Magistracy of Moldova, the High Council of Justice of Georgia, the Supreme Council of Justice of Ukraine). These bodies primarily consist of senior judges and, ideally, should not be influenced by the executive branch. Nonetheless, formal judicial autonomy, as spelled out in the constitution of these countries, does allow for the executive and parliamentary branches to have some say over this independent body via government representatives or parliament appointees.

Yet, under domestic and international pressure, reforms are underway to reduce the number of officials representing the executive or the parliament in the self-governing bodies of the justice system. Yet, this is hardly the full picture, because formal judicial independence does not account for the informal elite networks and clientelist relationships that run deep in the state bureaucracies of the post-soviet countries, and, therefore, only tells a part of the story. In comparison with its Moldovan analogue, the High Council of Justice of Georgia might have a higher degree of nominal independence due to its institutional set up, but formal institutional independence does not protect it from internal and external malign influence.

Namely, the judiciary in Georgia suffers from unduly control of internal clans, shady and unmerited appointments, as well as behind the door deals (Sheramdani and Kakhidze, 2018). All these result in low public trust in the judiciary. Thus, when discussing the systemic challenges that undermine the independence of the judiciary and stifle the efforts to combat corruption, one has to look beyond the nominally independent bodies and the formal appointment process,

despite the fact that this informal influence networks are much more difficult to detect, particularly in hybrid regimes (Levitsky and Way, 2010), such as those in the post-soviet space, including Georgia, Moldova, and Ukraine, where some in the political leadership try to put pressure on nominally independent institutions, such as the courts or the anti-corruption watchdogs, to advance or protect their political or business interests (Ginsburg and Moustafa, 2008). This highly intertwined web or clientelist relationships can disguise the degree of undue influence that politicians exert on the juridical system and law enforcement bodies, while maintaining the pretense of autonomy and independence. This is a key challenge in crafting a robust anti-corruption policy, because the socially constructed networks of influence are rather difficult to address in traditional policy documents.

Conclusion

The empirical evidence put forward in the first chapter, validated, in part, in the second one, are now corroborated with the theoretical insights and tested against the tenets of modernization theory. The analysis ends up validating the hypothesis that democratization and democratic consolidation are less successful if socio-economic conditions are poor: low GDP per capita, high inequality, small middle class. This is evidenced by the challenging nature of democratic consolidation when faced with low income, high inequality, small middle class, and high corruption. Lack of a vibrant middle class that would have disposable income and time to invest in the community and strongly defend its rights against executive overreach, coupled with limited awareness and assertiveness about the taxpayer's rights and the government's obligations under the social-contract, makes consolidated participatory democracy, at this point, only a distant goal for the future, but one that can be achieved under the right circumstances.

Given the numerous challenges, such as poverty, weak state capacity, decreasing human capital, mass emigration, corruption, the tenets of modernization theory hold true in the case of Moldova, Georgia and Ukraine. Even if these countries have been struggling with democratic consolidation with limited success, this need not be a final verdict. Indeed, as Przeworski (2005) predicted, democracy can survive in poor countries if certain conditions are met. He emphasized the distribution of income as a crucial condition. Thus, in a more egalitarian society, even if poor, neither the rich nor the poor have the overwhelming upper hand to overthrow the system. Therefore, democracies, even if imperfect, can appear and slowly consolidate even in poor

countries. Yet they, of course, run the risk of slipping back into authoritarianism at any time. If the institutions are weak the democratic equilibrium is very unstable. Yet, at the same time, a weaker institution of the military can be a condition that creates fertile ground for democracy, as it makes it less likely for a populist politician, an oligarch, or a military general to use the army against the democratic system. Another important condition is the stability of economic growth and the expectation that comes with it that everyone benefits from this growth enough to feel invested into the process and the costs of turning against this system are high enough to deter potential disruptors from acting against the democratic system. All these conditions are present in the three countries, albeit to a varying degree.

Ever since they regained independence from the Soviet Union in 1991, Georgia and Moldova and Ukraine have been struggling with both nation and state building with limited success. However, they embarked on this path from a system that prided itself on egalitarianism – the socialist system. Though, economically it proved to be unsustainable, the fact that most people were equal, even if equally poor, to some extent, helped to nurture and sustain democratic institutions. No unified group was strong enough to subdue the rest and establish a dictatorship, akin to those that emerged in the Central Asian republics of the former USSR. Over a quarter century has passed and the three countries are not yet close to unified nations or successful consolidated democracies. But despite their many problems, Georgia, Moldova, and Ukraine remain firmly on the path towards democratic consolidation. Their economic indicators are not stellar, but they are just good enough to maintain the promise of democracy alive. Not even conflicts with Russia can throw these countries off their track. Their economic and political stability suffers, but not to the extent of losing faith in democracy. Based on the evidence from the last thirty years, it can be concluded that, as long as citizens' incomes continue to grow, even if at a slow rate, these countries will continue to muddle through towards democratic consolidation.

Yet, geopolitical tension, external and internal economic shocks as well as corruption, weak state capacity and poor resilience to withstand state capture and democratic backsliding, can quickly undermine the modest achievements gained since independence. In this context, building effective state institutions and implementing sound public policy to reduce poverty and endemic corruption must be at the forefront of governments, citizens and international partners'

agendas. Building a pro-reform coalition in these post-soviet countries has proven difficult, but the tools of democratic conditionality employed recently by the European Union appear to provide some hope.

Still, the interests of the middle class remain the most powerful force behind the craving for democracy, as Lipset, Przeworski and others so eloquently explained. If these countries remain on a positive economic development trajectory towards the coveted \$6,000 GDP per capita, it can be expected that these countries will strive towards democracy and the temporary upsets and upheavals will not deter them from this path. Of course, this is not so saying that democratic stagnation or even backsliding is unlikely; to the contrary, empirical evidence suggests that it is, in fact, part of the journey. Only catastrophic economic shocks or devastating wars can throw these countries off their path towards democracy. This conclusion is supported by the fact that the citizens of these countries have repeatedly corrected their respective elites when the latter drifted away from the will of the majority of the people. The collective awareness of the citizens that they can exercise power directly is a strong correction mechanism against authoritarian tendencies of the elites. As long as citizens are not disillusioned with democracy and the promise of wellbeing, they will remain invested in the process of defending it. That is why it is crucial to maintain trust in institutions and combat corruption that destroyed this trust.

In the past few years, all three countries have been rocked by major scandals. In the case of Georgia, large protests against arbitrary searches and police brutality, against alleged police cover-ups of a murder case and against corrupt clientelist networks in the law enforcement and high-level state apparatus brought many to the streets. At the same time, in Moldova, the so-called billion-dollar scandal “unveiled the frightening magnitude of Moldovan high-level corruption and state capture” (Tudoroiu, 2014). This led General Philip Breedlove, then NATO’s Supreme Allied Commander Europe, to declare that corruption is the biggest threat to Moldova’s national security (Maftei, 2016). Similarly, in Ukraine the assault on anti corruption institutions by vested political and economic interests is an indication that powerful actors are not willing to concede power to increasingly more independent, resilient and trustworthy institutions. It can be discouraging, perhaps even astounding, that after successive revolutions, conflicts that took a large economic toll, there is little evidence to suggest that ruling elites have committed themselves to implementing meaningful reforms, even in the face of pluralization of policy

making process and a robust public pressure for change both domestically and externally. Yet, evidence suggests that incremental progress is being made and that path dependency is fostering slow but steady democratic consolidation rooted in imperfect, insufficient, but, nonetheless, growing economic wellbeing of citizens.

Finally, it must become apparent to domestic stakeholders and development partners alike that one cannot continue with this sort of reform implementation that these countries have been witnessing for some time. Reforms need to move beyond focusing on specialized institutions alone and move towards a ‘the whole-of-government approach’. Moreover, one still needs to move beyond ‘the principal agent model’ and look at collective action problems, which also play a crucial role in the endemic corruption, similar to other developing nations, particularly in Africa (Persson et al, 2013). The assumption of incorruptibility of the principle often proves flawed in real life situations, as evidenced by the recent history of these three countries. Advocates of collective action approach (Diamond, 2007) warn that endemic corruption is not something that can be addressed with a technical fix or a political will alone. A systemic problem that is deeply embedded in the fabric of a society, serving as a replacement for dysfunctional welfare state and feeble rule of law, can only be mitigated in part. In such scenarios, realistically, corruption can only be reduced, so that it no longer poses a critical threat to national security and economic stability or growth.

This can only be achieved and maintained either via enforcement by revolutionary means (undemocratic) or via generational evolution of attitudes and ways of doing things leading to institutionalization of democratic practices. The best strategy for these countries to consolidate their democracies rests on their capacity to deliver economic wellbeing to their citizens. This, in turn, is predicated on reducing corruption, attracting more investments and moving away from the post-soviet clientelist system and towards a European system based on rule of law. This process takes time, but it can only be successful if the right requisites exist. Empirical evidence presented in this chapter indicates that premature democracies, such as those of Georgia, Moldova and Ukraine, do have the combination of factors necessary to continue to struggle for democratic consolidation. At the end of the day, higher income and economic growth may not be sufficient, but it remains a necessary requisite for maintaining the light of democracy alive.

4: Foreign Influence and Democratic Consolidation in Georgia, Moldova and Ukraine

This chapter answers the research question addressing external challenges to democratic consolidation by testing the hypothesis that democratization and democratic consolidation are less successful in contexts of undue foreign influence. Because Georgia, Moldova and Ukraine have all been part of the Russian Empire and have later been encompassed by the Soviet Union, they share numerous domestic constraints on their path to democratic consolidation. These countries all experienced the most severe form of communist system - patrimonial communism (Kitschelt, 1995), which provided very little space for articulation of popular interests and did not facilitate rational-bureaucratic institutionalization in contrast to a more permissive environments in the socialist bloc countries and in even starker contrast to the western European democracies. Thus, not only did these countries inherit a rather weak institutional capacity to articulate, promote and defend public interests, but the nature of the transition from one party state to a pluralist democracy reduced the state's capacity to resist capture, particularly in the judicial sector. Moreover, the elites did not change in these countries to the extent that it happened in the case of the Central and Eastern European countries, including the Baltic States in particular, where robust lustration policies were implemented (Ellis, 1996; Appel, 2005; Zake, 2010).

Instead, the same old local communist elites in Georgia, Moldova and Ukraine have morphed into the new democratic elites after the collapse of the USSR. These elites have maintained largely intact the previous clientelist networks and corrupt practices of political control over the judiciary and politicization of the bureaucracy and moved on to asset stripping and state capture. These old communist elites have negotiated the transition on their terms and based on pre-emptive reforms that make the new regime merely a continuation of the old one, but under a new independent and democratic banner (Kitschelt et al, 1999; Karklins, 2005). The domestic repercussion of this sort of transition on democratic consolidation, particularly in the realm of judicial independence, was explored in the previous chapter.

Yet, given their history and geographical location, these countries face serious external challenges as well. Understandably, these countries share deep political, economic and social ties with the Russian Federation – the legal successor of the USSR. In the hyper-centralized Soviet

Union, Moscow was much more than just a federal capital – it was the neuralgic center of all-important processes in all sectors of public life happening in all the soviet republics. Therefore, this chapter will analyze the nature of the constraints that this legacy brings and the ways in which these constraints act as a vulnerability that is hampering democratic consolidation in Georgia, Moldova and Ukraine. In this chapter the author will scrutinize if and how Russia supports authoritarian regimes in post-soviet space. While answering the research question the author will analyse the concept of “black knights” (Hufbauer et al., 1990: 12) – widely applied in the literature on economic sanctions as well as in the context of undermining western democratic influences (Hufbauer et al., 1990; Early, 2011; Tolstrup, 2015; Von Soest and Wahman, 2015). Apart from ‘black night,’ Russia’s actions of countering western democracy promotion in the region have earned her the label of ‘autocracy promoter’, ‘negative external actor’ (Bader et al., 2010; Tolstrup, 2015; Chou, 2017). This chapter will assess to what extent Russia falls under these categories.

At the same time, the European Union and the west more broadly, including, first and foremost, the United States of America, have been playing an important role in the region ever since the collapse of the USSR. Notably, the level of trust that the public has in the European Union has been consistently high, as 73% of respondents in Georgia and about two thirds (65%) of Moldovans and Ukrainians trust the EU. By another metric, 49% of Georgians and Ukrainians, and 48% of Moldovans have a positive perception of the EU, all above the Eastern Partnership average of 46%, while the average negative opinion was at 13% (ECORYS, 2018).

All three countries have signed Association Agreements (AAs) with the EU in 2014, including Deep and Comprehensive Free Trade Areas (DCFTAs). The AAs were modeled after the Association and Stabilization Agreements signed with the Balkan countries. At the same time, Moldova remains a member of the Commonwealth of Independent States (CIS), including the Free Trade Agreement (CISFTA) ratified in 2012, while Georgia withdrew its membership in 2008 following the conflict with Russia, and Ukraine, which never ratified the CIS Charter, froze its cooperation in 2014 and formally withdrew in 2018, in the aftermath of the conflict with Russia over Crimea and Donbas. Whereas Moldova, despite having tense relations with Russia over its refusal to withdraw troops from the separatist region of Transnistria, and despite several attempts to denounce the CIS founding documents (Bill 122, Bill 125, 2014; Bill 5, 2018),

Moldova remains a member of the organization. In fact, the Deputy Prime Minister for European Integration Iurie Leanca stated that Moldova would only leave the CIS after it would have joined the European Union (RFE/RL's Moldovan Service, 2018), which means that there are no immediate plans to leave the organization, widely viewed as an institutional setting legitimizing the Russian sphere of influence over the post-soviet space.

Even though, when compared to public aspirations about joining the European Union, in Moldova there is somewhat less support for joining the Russia-backed Eurasian Union (46% vs. 36%), much less in Ukraine (52% vs. 15%), while in Georgia the pro-Russian option is not even part of the survey given the overwhelming (85%) support for the EU (IRI Polls, 2018). Nonetheless, geopolitical polarization is constantly a major theme of electoral campaigns in all three countries. This may serve as an effective way for political parties to galvanize their base and increase turnout, but it can also have lasting effects on the citizens and institutions via public policy, including economic development and national security strategies. The omnipresent geopolitics is inescapable in these countries, given their history and geography, but also the recent legacy of separatist conflicts, colored revolutions and hybrid wars.

4.1. Russian Sovereign Democracy Model in Georgia, Moldova and Ukraine

The concept of ‘sovereign democracy’ was a response to western ‘liberal democracy’ promotion, which the Russian elite, and particularly Vladimir Putin, saw as encroaching on Russia’s interests and its ambitions of becoming a great power again. Following NATO intervention in the Balkans, American Intervention in Iraq and, especially, after the Rose Revolution in Georgia in 2003 and the Orange Revolution in Ukraine in 2004, the Kremlin needed an ideological framework in order, on the one hand, to legitimize its efforts to insulate itself from a colored revolution and, on the other hand, to counterbalance the western normative advances, primarily in the post-soviet space.

This responsibility fell on the shoulders of a senior advisor to President Vladimir Putin, then Deputy Head of the Russian Presidential Administration Vladislav Surkov, who first used the term in a speech on February 7, 2006 at a training center of the ruling United Russia Party (Mäkinen, 2011). Surkov later polished his speech into a manifesto-like article ominously titled ‘The Nationalization of the Future’ published in Expert Magazine on 20 November 2006 ahead of the United Russia congress. The time of the publication and the status of the author indicates

that the concept of ‘sovereign democracy’ was meant to project and augment Putin’s discourse to the point where it takes the form of a political quintessence of his vision, and not a mere narrative or ideological party platform (Okara, 2007). Thus, the concept and the vision behind it had significant implications both domestically and internationally, particularly in Russia’s immediate neighborhood.

Surkov built the ‘sovereign democracy’ concept with the aim of allowing Russia to reassert itself. Though he was self-conscious about Russia’s weaknesses, acknowledging that “whether Russia is great today is open to dispute”, he emphasized Russia’s mission to carry on its “great civilizing work” without the “need to idealize Europe” (Surkov, 2007). Nonetheless, the concept was not necessarily anti-western. At the time of publication Surkov was convinced that Russia must “not to fall out of Europe, to hold on to the West is an important element in building Russia” (Surkov, 2007).

Yet critics were quick to point out that “as a concept, slogan, national idea, or ideological point of reference, ‘sovereign democracy’ represents a comprehensive multi-tier political and ideological project that calls for an equally multi-tier interpretation. Its nonlinear nature implies that, given certain circumstances, this project will awaken to an independent life regardless of the contents its authors wanted to impart to it” (Okara, 2007). Despite resting on the same traditional dogmas of ‘orthodoxy, autocracy, and nationality’ (Pravoslávie, samoderzhávie, národnost) that defined the dominant ideology of the Russian Empire, the vagueness of this new concept indeed allows for it to adjust to the current needs of the Kremlin. The definition provided by Surkov only strengthens this suspicion: “sovereign democracy as a mode of the political life of society in which the state authorities, their bodies and actions are elected, formed, and directed exclusively by the Russian nation in all its unity and diversity for the sake of achieving material well-being, freedom, and justice for all the citizens, social groups, and peoples that constitute it” (Surkov, 2009). This could be interpreted as Russia’s own version of ‘American exceptionalism’ or a pre-emptive defense against ‘proto-European exceptionalism’ encapsulated in European Commission President José Manuel Barroso remark about the EU being “one of the most important, if not the most important, normative power in the world” (Barroso, 2007 in Peterson).

Despite its neo-liberal foundations, Surkov’s narrative is ultimately conservative as it promotes individual responsibility, albeit recognizing that Russian citizens may not be ready for

it, thus justifying a larger role for the elites in ruling the country (Mäkinen, 2011), hereby uncovering its profoundly anti-democratic nature. President Dmitry Medvedev was seemingly leaning more on the liberal side of the Surkovian narrative, compared to President Vladimir Putin's more conservative stance.

Despite its rather fuzzy ontology, the concept was clearly meant as a defense against colored revolutions. This aspect is well captured in Surkov's own words, "sovereign democracy is distinguished from other kinds of democracy by its intellectual leadership, its united elite, its nationally oriented open economy, and its ability to defend itself. Its absolute priorities are: civic solidarity as a force that prevents social and military clashes" (2009). Surkov, as a keen observer of revolutionary trends in the neighborhood, was looking to insulate Russia and Putin's regime from this existential threat. Yet, this can only be effective if the Kremlin acts not only within its borders, but also tries to inoculate the countries in its immediate neighborhood against, what it saw, as a virus of colored revolutions (Herd, 2005; Polese and Beacháin, 2011). Russia had a large toolbox to immunize Georgia, Moldova and Ukraine against revolutionary tendencies, ranging from soft power mechanisms to hard power military pressure. The separatist enclaves served as perhaps the most effective tools in the Kremlin's toolkit. Initially only Moldova and Georgia were exposed to this vulnerability, but after a second revolutionary wave in Ukraine in 2013, Crimea and Donbas became conflict zones in 2014 and remain contentious to this day.

4.1.1. Russian Hard Power: Military Interventions, Frozen Conflicts and Revolutions

Since the glasnost (gradual opening of the political sphere) and perestroika (restructuring of the Soviet political and economic systems) enacted by Mikhail Gorbachev, soviet republics gained more leeway in terms of local political activity. It led to a flurry of nationalist groups that articulated a strong craving for independence, which ultimately contributed to the collapse of the Soviet Union in 1991. But centripetal forces were powerful enough that Moscow ran the risk of losing all its influence over the former soviet republics if they completely realigned their foreign policy and geo-economic priorities away from Russia. During these turbulent times, several conflicts erupted in the soviet republics that were about to become independent or had just done so. One of the main drivers of conflict was ethnic and linguistic strife, as the newly established international borders among the former soviet republics did not match well the ethnic identity of local populations.

Yet, these frictions were augmented by the political conflict between those who favored the dissolution of the Soviet Union and those who opposed it. Oftentimes, Russian speaking minorities in the soviet republics felt threatened by the nationalistic fervor and the demands for more rights and benefits coming from the local populations. Thus, Russian speakers tended to condemn the collapse of the USSR, while local majority populations welcomed it. Hence, the two powerful drives of conflict - material and ideational – could be exploited for advancing the geopolitical interests of the Kremlin. This is largely what happened in the soviet republics, as Armenia went to war with Azerbaijan over ethnically Armenian autonomous region of Nagorno-Karabakh, while Moldova and Georgia faced separatist movements that escalated into ethno-political conflict, which ultimately led to several wars. Of the three countries analyzed in this study, only Ukraine was initially spared from a fully-fledged war in the early 1990s, but the ethno-political conflict lingered and was instrumentalized by the Kremlin in 2014, after Euromaidan protests presented such a window of opportunity. Immediately, Kyiv was faced with the Crimean Crisis and the War in Donbas, triggered by Ukraine's geopolitical direction towards the European Union, embodied in the decision to sign an Association Agreement, including a Deep and Comprehensive Free Trade Area with the European Union.

Table 2: Conflicts in Georgia, Moldova, and Ukraine since independence

Conflict	Dates	Belligerents	Outcome/Status
South Ossetian War	5 January 1991 – 24 June 1992	South Ossetia, USSR/Russia vs. Georgian SSR, Georgia	Ossetian victory. Russian-brokered ceasefire, joint peacekeeping force. South Ossetia - de facto independent republic, but internationally recognized as part of Georgia.
War in Abkhazia	14 August 1992 – 27 September 1993	Abkhazia, USSR/Russia vs. Georgian SSR, Georgia	Abkhazian victory. Russian-brokered ceasefire, joint peacekeeping force. Abkhazia - de facto independent republic, but internationally recognized as part of Georgia.
Transnistrian War	2 March – 21 July 1992	Transnistria, Russia vs. Moldova	Russian/Transnistrian victory. Russian-brokered ceasefire. Joint peacekeeping force. Transnistria - de facto independent, but internationally recognized as part of Moldova.
Russo-Georgian War	7–12 August 2008	Russia, Abkhazia, South Ossetia vs. Georgia	Russian, South Ossetian and Abkhaz victory. Recognition of South Ossetia and Abkhazia by Russia, Nauru, Syria, Venezuela,

			Nicaragua. Russian military bases established in Abkhazia and South Ossetia.
Crimean Crisis, Annexation of Crimea	20 February – 26 March 2014	Russia vs. Ukraine	Russian victory. Crimea – de facto part of Russia, but internationally recognized as part of Ukraine, except for Afghanistan, Cuba, the Democratic People's Republic of Korea, Kyrgyzstan, Nicaragua, Sudan, Syria, and Zimbabwe that recognized the results of the 2014 referendum in Crimea.
War in Donbass	6 April 2014 – ongoing	Russia, Donetsk People's Republic, Luhansk People's Republic vs. Ukraine	Minsk Protocol ceasefire - 5 September 2014, Minsk II ceasefire - 15 February 2015, but were violated soon after. Donetsk People's Republic, Luhansk People's Republic under de facto Russian administration.

Source: Author compiled.

Thus, there are two separate phases in the strenuous relations between Russia and its former sister republics. The first phase was linked to the dissolution of the USSR. The main drivers of conflict were the reactions the USSR collapse triggered among local nationalist elites, who wanted to distance themselves from Russia, and elites in Moscow, who wanted to maintain a degree of control over the post-soviet space. The second phase of this antagonism between Russia and post-soviet countries, first and foremost, Georgia, Moldova and Ukraine, is related, on the one hand, with Vladimir Putin's assertive policies to make Russia great again, and, on the other hand, with the colored revolutions in the three countries.

Those colored revolutions were aimed at establishing closer ties with the European Union and, by extension, integration into the EU's normative sphere, which implies free and fair democratic elections at a minimum and fully-fledged democratic consolidation as a maximum. The Kremlin could not accept Ukraine's commitment to democracy and Europe, because that would seriously challenge Russia's own authoritarian identity (Tsygankov, 2015).

Table 3: Revolutions in Georgia, Moldova, and Ukraine since independence

Revolution	Date	Causes	Objectives // Outcomes
Rose Revolution	3–23 November 2003	Electoral fraud; Political corruption; Poverty; State failure;	Closer ties to the EU; Free elections; Resignation of President Eduard Shevardnadze. // Revolution triggered new presidential and parliamentary elections, won by Mikhail Saakashvili and his United National Movement Party.
Orange Revolution	22 November 2004 – 23 January 2005	Electoral fraud; Political corruption	Free elections; stop the attempt to rig the 2004 presidential elections in favor of Viktor Yanukovich // Supreme Court ordered a revote; Viktor Yushchenko was elected president.
Twitter Revolution	6–12 April 2009	Electoral fraud; Political corruption	Closer ties to the EU; Free elections; stop the attempt to rig the 2009 parliamentary elections in favor of Vladimir Voronin's Party of Communists // Protests contributed to early parliamentary elections won by the opposition
Euromaidan Revolution, Revolution of Dignity	21 November 2013 – 23 February 2014	President Viktor Yanukovich's decision not to sign the Association Agreement with the EU; Government corruption; police brutality; authoritarian presidency of Viktor Yanukovich	Signing of the Association Agreement; Impeachment of President Viktor Yanukovich Early elections // Viktor Yanukovich fled the country to Russia; Ukraine returned to the 2004 Constitution; Crimean Crisis and Donbass War; Petro Poroshenko elected president in snap elections.

Source: Author compiled.

Ukrainian Euromaidan and the Russian reaction to it became a turning point to a degree that the Orange Revolution had not. In fact, the Euromaidan revolution was a watershed event in Ukraine's relations with Russia. The scope became over time much more encompassing than the

initial trigger – the backtracking by President Yanukovych on the Association Agreement with the EU. It soon became quintessentially about the future of Ukrainian society. It was acquiring a multifaceted nature, being not just about ousting Yanukovych and his corrupt clientelist regime, but, more so, about “guiding Ukraine away from its 200-year-long, deeply intertwined and painful relationship with Russia; and standing up for basic human rights to protest, speak and think freely and to act peacefully without the threat of punishment” (Bushak, 2014). Thus, the revolution was an attempt to escape the historical determinism that doomed Ukraine to a never-ending transition towards democratic self-government and away from the watchful eye of Moscow. However, in some ways, Ukraine is now anchored even deeper in the Russian sphere of influence, given that the country no longer controls Crimea and Donbas regions.

Despite a stronger sense of national identity and the cutting of many institutional ties with Moscow, the Russian backed separatist movements in Donbas and the annexation of Crimea make Ukraine much more vulnerable than before. This asymmetric response by the Kremlin is indicative that Russian ruling elites will try to impede democratic consolidation in its immediate neighborhood, because they perceive it as a threat to their own power. Also, Putin’s vision of ‘sovereign democracy’ does not allow for truly sovereign countries in the post-soviet space. Putin famously regretted the collapse of the USSR, calling it “the major geopolitical disaster of the 20th century” (Putin, 2005). In his manifesto-like 2021 article, Putin attempts to justify the annexation of Crimea by delegitimizing the current borders left in the aftermath of the collapse of the URSR. “The Bolsheviks treated the Russian people as inexhaustible material for their social experiments. They dreamt of a world revolution that would wipe out national states. That is why they were so generous in drawing borders and bestowing territorial gifts. It is no longer important what exactly the idea of the Bolshevik leaders who were chopping the country into pieces was. We can disagree about minor details, background and logics behind certain decisions. One fact is crystal clear: Russia was robbed, indeed” (Putin, 2021). This is a crucial recurring element in the Kremlin’s official attitude towards the post-soviet countries. In fact, the term ‘post-soviet’ is also indicative of the hegemonic discursive inertia that these countries still operate under, given the heavy influence of Russian media. This term attempts to inextricably link these independent countries to their former metropolis. Ironically, the annexation of Crimea led to a purge of such discursive elements from the Ukrainian public domain.

Still, Ukraine ended up on the same path as Georgia and Moldova in terms of becoming exposed to separatist conflicts that morph into frozen conflicts, aimed at cementing Russian regional influence. Therefore, not even revolutions can break the mold of post-soviet path dependency, quite the opposite; the unintended consequence of such watershed events can end up increasing the gravitational pull of Moscow. Though it must be noted that, initially, rather than coercing and applying pressures, Russia planned to co-opt Yushchenko by mobilizing Russia's soft power and the two nations' economic, cultural, and institutional interdependence (Tsygankov, 2015). Yet, this strategy failed as did the hard power push to break the will of Georgia, Moldova and Ukraine for sovereignty and independence.

Instead of bringing Ukraine and Georgia back into the fold, the use of force made them ever more mindful of the threat presented by Russia and, as a result, ever more determined to integrate with the Western structures (Delcour and Wolczuk, 2015). By undermining their statehood and violating their territorial integrity, illiberal powers inadvertently push the target countries toward the West, increasing the influence of democracy promoters and, thereby, strengthening the prospects for democratization. Illiberal powers countervail democracy promotion through empowering illiberal groups in neighboring countries. Supporting authoritarian incumbent elites through political, economic, and security means is indeed the simplest and most effective way to secure loyalty. At the same time, by supporting breakaway regions, Russia has also undermined Ukraine, Georgia and Moldova's "effective power to rule", thereby indirectly affecting their capacity to conduct reforms, including democratization (Delcour and Wolczuk, 2015).

It can be concluded that exploitation of frozen conflicts and the asymmetric response to colored revolutions are aimed at locking Georgia, Moldova and Ukraine into Russia's sphere of influence. Because, in line with the 'sovereign democracy' narrative and its corollary of 'making Russia great again', the Kremlin had to rebuild the empire within its immediate neighborhood, euphemistically identified as its 'near-aboard' – the former Soviet space. The goal has been to counterbalance Western encroachments and prevent, at all cost, democracy contagion (Götz, 2016). Yet, devoting so many resources and taking such political and military risks to prevent a democratic spillover is predicated on the assumption that there was, indeed, such a risk. However, this is highly debatable. One could dispute that Ukraine, much like Moldova and

Georgia, is transitioning towards democracy (Ayres, 2014; Thoburn, 2015). Nonetheless, the Kremlin is not taking any chances and increasingly acts in a proactive fashion, employing not only its hard power leverage, but, even more so, its soft power linkages in the post-soviet space. Russian soft power tools can be effective in constructing a Russia friendly national identity in the post-soviet space (Tiido, 2018). This is the new updated strategy to compliment hard-power pressure with soft-power advances.

4.1.2. Russian Soft Power: Language, Religion, and Media

In the last decade Russia has significantly boosted its soft power capabilities by investing heavily in media, civil society and religious presence in the post-soviet space and beyond (Higgins, 2016). The Kremlin has made strategic use of the Russian language under the banner of the Russian World Foundation (original: Russkiy Mir), which, in cooperating with the Russian Orthodox Church, is promoting values that challenge the Western cultural tradition, offering the ‘Russian World’ as a global alternative project that goes beyond defending the interests of Russian nationals living abroad. Russia has always used ethnic Russians, referred to as compatriots, leaving in the post-soviet space as a pretext for interfering in the domestic affairs of sovereign states. However, the concept of the ‘Russian World’ was expanded under Putin to include anyone who feels a cultural-linguistic affinity for Russia (Kudors and Orttung, 2016; Tiido, 2018).

In the context of Moldova’s divided identity, highly polarized politics and the existence of separatist Transnistria, the narrative of the ‘Russian World’ is highly popular among not just ethnic Russians, but also Russian speakers of other ethnic backgrounds living in Moldova such as Ukrainians, Gagauz, Bulgarians, but also many Moldovans. The fact that the ‘Russian World’ narrative falls on fertile ground is, partially, a result of the soviet legacy. However, it can only reach such prominence thanks to sustained Russian media support and backing from leading national politicians, who, in turn, are promoted by the Russian media in a cycle of influence. In the case of Moldova, it should come as no surprise that then President Igor Dodon promised to block any government proposals or legislative initiatives that would ban Russian news reports and political talk shows from being rebroadcast in Moldova (NTV Moldova, 2017). Ironically, the rebroadcasting rights in Moldova for the main Russian media outlets - the first federal TV channel Perviy Kanal – were, for a long time, owned by the leader of the nominally pro-

European Democratic Party Vlad Plahotniuc, who also put forward a bill to curtail Russian propaganda in Moldova (RFERL, 2017). This is in stark contrast to the decisive measures taken by Ukraine to secure its informational space by banning Russian TV rebroadcasts back in 2014 and even blocking Russian social media websites in 2017. Similarly, after the Russia-Georgia war of August 2008, the broadcast of Russian TV channels on the territory of Georgia was terminated, but this was not a result of legislative intervention, but more of an indirect government action to combat Russian propaganda. Nonetheless, Russian TV channels made a comeback starting in November 2012, when Mihail Saakashvili's political party lost the majority in parliament.

Whether efforts to curtail Russian propaganda in these countries become a political priority or not is yet to be seen, meanwhile Russian media is a highly effective tool in shaping public opinion in Moldova, as evidenced by the fact that Putin has been by far the most popular foreign leader in Moldova, whose rating is often much higher than that of any local politician (Institute of Public Policy, 2017). Furthermore, Russian media has been instrumental in undermining the trust of the Moldovan public opinion in western institutions, particularly NATO and the European Union. A report by a Moldovan media association pointed out some of the most persistent Russian propaganda messages: "Vladimir Putin is the best president", "More and more countries want to join the Eurasian Union, which has protected its members from crisis", "NATO wants to surround Russia", "Ukraine will fall to ruin as soon as western donors stop financing the country" (Agora, 2017). Numerous Russian media outlets have been active in spreading fake news during the 2016 presidential election in Moldova to undermine the chances of Igor Dodon's pro-western opponent Maia Sandu (East Center, 2018).

Indeed, Russian influence has been felt in all of Moldova's recent elections, but Moscow's hand in the 2016 presidential race was particularly visible. Dodon has been a valuable asset for the Kremlin as the only prominent politician in Moldova who would openly endorse Russian actions in Crimea, causing a wave of criticism from Ukrainian politicians and media (Pravda, 2016). As Moldovan legislation banned candidates from using endorsements from foreign politicians for campaign purposes, it was aimed at precluding the 2014 parliamentary elections scenario, when the Party of Socialists ran on a 'Together with Russia' slogan, and its electoral posters featured Vladimir Putin and Igor Dodon (Brett and Knott, 2014). During the

2016 presidential race, Igor Dodon found a legal loophole and was able to receive a highly publicized blessing from Patriarch Kirill, the head of the Russian Orthodox Church (Actualitati, 2016). Furthermore, the head of Moldovan Orthodox Church, Metropolitan Vladimir, who is ecumenically subordinated to Patriarch Kirill, publicly endorsed Dodon, while other prominent Moldovan clergy vocally attacked Dodon's opponent, questioning Maia Sandu's faith, sexual orientation and fitness for office (Popsoi, 2016).

On September 14, 1992 the Romanian Orthodox Church (RoOC) restored the Metropolis of Bessarabia in the newly independent Republic of Moldova. Thus, RoOC was perceived by Moscow as having challenged the canonical territory of the Russian Orthodox Church (ROC). According to Orthodox canon law, there can only be one church in a particular territory. This schism has since had significant political and geopolitical implications for Moldova and the broader region. Particularly as the use of religious groups for political ends has been an increasingly prominent tactic in the Kremlin's arsenal (Hug, 2015). For instance, Unlike the Moldovan Orthodox Church subordinated to the Romanian Patriarch, the Moldovan Orthodox Church subordinated to the Russian Patriarch staged numerous vocal protests against the anti-discrimination bill (offering protection against employment discrimination to LGBT people), which was an important part of Moldova's commitment under the Association Agreement Action Plan with the European Union (RFERL, 2013). Even though a watered down version of the bill, renamed into the law on Ensuring Equality, was finally enacted in 2013 and Moldova signed the Association Agreement with the EU the following year, pro-Russian political parties heavily backed by the pro-Russian part of the Moldovan Church continue to attack the law and use this piece of legislation to smear the West in general and the European Union in particular as decadent, while promoting the 'Russian World' as a morally superior alternative. Russian NGOs have also actively promoted Putin's ultra-conservative agenda.

Unlike in Moldova, the Apostolic Autocephalous Orthodox Church of Georgia, commonly known as the Georgian Orthodox Church, is an independent Eastern Orthodox Church and an equal to other churches of Eastern Orthodoxy. Moreover, as one of the oldest churches in the world, the Orthodox Church of Georgia is, in a sense, superior even to the Russian Orthodox Church. This allowed for more autonomy even under the tsarist and soviet rule, keeping hopes for autocephaly alive. After Tsar Nicholas II was overthrown in March 1917,

Georgia's bishops unilaterally restored the autocephaly of the Georgian Orthodox Church on 25 March 1917. As the Soviet Union was falling apart, on 3 March 1990, the Patriarch of Constantinople recognized and approved the autocephaly of the Georgian Orthodox Church. These circumstances considerably reduce the influence of the Russian Orthodox Church in Georgia, compared to Moldova or even Ukraine (Rapp, 2007; Grdzeldze, 2011, Hug, 2015).

The history of the Ukrainian Orthodox Church is, perhaps, even more complex as Kyiv is the cradle of the Russian Orthodox Church. Vladimir (Volodymyr) the Great converted to Christianity in 988 and, therefore, Christianized the Kievan Rus. Even before Ukrainian independence, around the time of the fall of the USSR, calls for autocephaly emerged and the Ukrainian Autocephalous Orthodox Church (UAOC) was re-established in 1990. Two years later, the Ukrainian Orthodox Church - Kiev Patriarchate (UOC-KP) was unilaterally proclaimed, hoping to become the 'official' church of the newly proclaimed independent Ukraine. The 'one-state-one-church' ambition was shared by the two churches (Krindatch, 2003). However, the strife over dividing parishes and property with the Ukrainian Orthodox Church of the Moscow Patriarchate (UOC-MP) soon escalated into violence, leading to over 1000 parishes splintering during the peak of the conformation in 1991-1993 (Krindatch, 2003; Bruning, 2015). The conflict was also becoming a political one as UAOC and UOC-KP (along with the Ukrainian Greek Catholic Church) tended to support more nationalistic and pro-western parties, while UOC-MP backed pro-Russian candidates. This became manifest during the Orange Revolution of 2004-05 and, even more so, in the aftermath of the Euromaidan Revolution of Dignity of 2013-2014 and the subsequent annexation of Crimea and the War in Donbas. UOC-MP has often been considered a 'tool' of Russian soft power influence in Ukraine (Bogomolov & Lytvynenko 2012; Sagan, 2015).

Newly elected president Petro Poroshenko made the unification of the Ukrainian Church a priority in his political agenda. The Ukrainian Orthodox Church (UOC) was instituted at the Unification Council in Kiev on 15 December 2018 (Ecumenical Patriarch Bartholomew, 2018; RISU, 2018). The new church was granted the decree of ecclesial independence (tomos) by the Ecumenical Patriarchate of Constantinople in Istanbul on 5 January 2019 (Bunderson, 2019). This was a watershed event for the entire region, not only in religious terms, but also in terms of geopolitics. This lead not only to the creation of Ukrainian Orthodox Church, following the

unification of the Ukrainian Orthodox Church – Kiev Patriarchate, the Ukrainian Autocephalous Orthodox Church and parts of the Ukrainian Orthodox Church of the Moscow Patriarchate, but also lead to the Moscow - Constantinople schism, which goes beyond Moscow-Kyiv relations (Konstandaras, 2018; Carroll, 2018).

After the annexation of Crimea and the War in Donbas, the balance of power between the Ukrainian Orthodox Church-Moscow Patriarchate (UOC-MP) and the Ukrainian Orthodox Church-Kiev Patriarchate (UOC-KP) has changed significantly. The UOC-MP has not only traditionally backed pro-Russian politicians in Ukraine, but its priests have openly supported the separatists, blessing battle flags in Donbas and Russian troops in Crimea (Hug, 2015). To the contrary, the UOC-KP has boosted its reputation during and after the Maidan protests, winning new followers and becoming, *de facto*, a national church. This created fertile ground for the unification of the Ukrainian Orthodox Church – a major geopolitical turning point that decreased the influence of ROC in Ukraine. Moreover, the challenge faced by the UOC-MP is a major predicament for the ROC and the Kremlin, as Ukraine is not only the cradle of Russian Christianity, but UOC-MP represents about a third of the ROC parishes and, thus, is a fundamental part of the Russian World project from a religious perspective (Hudson, 2018).

In his 2021 manifesto-like article denying the Ukrainian separate (from Russia) identity, Vladimir Putin decried the increased autonomy of Ukrainian Orthodox Church, calling it an attack on the spiritual unity of Russians and Ukrainians. “Our spiritual unity has also been attacked. As in the days of the Grand Duchy of Lithuania, a new ecclesiastical has been initiated. The secular authorities, making no secret of their political aims, have blatantly interfered in church life and brought things to a split, to the seizure of churches, the beating of priests and monks. Even extensive autonomy of the Ukrainian Orthodox Church while maintaining spiritual unity with the Moscow Patriarchate strongly displeases them. They have to destroy this prominent and centuries-old symbol of our kinship at all costs” (Putin, 2021). This is a thinly disguised attack on Ukrainian sovereignty, which, according to Putin, “is possible only in partnership with Russia” (Putin, 2021). This is, in fact, the quintessence of the Kremlin’s neo-imperial ideology that renders its ‘near-abroad’ as mere territories with limited sovereignty.

In Georgia, the Church is an even more powerful actor than in Ukraine. The independent and unified Georgian Orthodox Church (GOC) has played a major role in the political landscape,

given that Georgian orthodoxy has served as a foundation for the state building and nation building process during the post-Soviet period in Georgia (Hug, 2015). The church had been active in supporting more conservative political groups such as the Georgian Dream coalition that acceded to power in 2012, promoting a rather socially conservative agenda (Chitanava, 2015). The relationship is a two-way street and the former Prime Minister Bidzina Ivanishvili's (the Georgian Dream founder) provided financial support to the church. The Church has actively opposed LGBTI rights and the clergy even took part in riots against LGBTI, but this was condemned by the political class, including Bidzina Ivanishvili (Civil.Ge, 2013; Hug, 2015). Thus, it can be inferred that social conservatism promoted by the GOC's is very much in line with the values promoted by ROC, but it cannot be said that GOC acts at the behest of the ROC. Despite promoting homophobic attitudes in the society and shaping, in part, an anti-western viewpoint, GOC is not acting as an arm of the ROC, but rather based on its own religious dogmas. The GOC and Georgian society present a fertile ground for the Russian anti-western narrative, but the canonical independence of the GOC mitigates, in part, the vulnerability by which this predisposition can be exploited by the Kremlin for political means.

Most notably, the Republic of Moldova and the Moldovan Orthodox Church (MOC) are a case in point when it comes to Russian political influence via religious institutions subordinated to the Moscow Patriarchate. MOC is the dominant religious entity and a vocal supporter of the Russian World narrative, emphasizing traditional social values. The church promotes pro-Russian political forces and repeatedly attacks pro-western governments and political leaders, who promote a more progressive agenda (Hug, 2015). Given Moldova's commitment under the EU Association process, Moldova has been adopting legislation to reduce discrimination against (sexual) minorities, despite strong opposition from the church. Thus, even though Moldovan Orthodox Church is part and parcel of the Russian Orthodox Church, it has not been able to preclude Moldova from advancing on its European integration agenda. Yet, coupled with pro-Russian media and NGOs, the Church is a force that political leaders do not dare to go against.

Kremlin funded NGOs play an increasingly active role in Moldovan society and public space. The Izborsk Club opened a branch in Moldova in 2016. Yet, despite its short history, the Club has already achieved great success with the election of one of its members – Igor Dodon – to the highest office in the country - that of president. Some of the main ideas promoted by the

Club members in Moldova are: “The basic trait of the Moldovan collective identity rests in Orthodox religion”, “Moldova is part of the contemplative Eastern civilization”, “Moldova must reject its status of a political and economic colony of the West in favor of political and economic independence”, “Moldova needs a conservative intellectual and spiritual revolution”, “Concluding a strategic partnership with Russia without which Moldova will not be able to have an independent internal and external policy” (Rosca, 2013). Apart from the Izborsk Club, there are several other prominent Russian backed NGOs that try to shape the Moldovan public discourse along a pro-Russian narrative. The Byzantine Club is another platform for conservative intellectuals promoting the idea of Russia as the successor of the great Byzantine civilization and a spiritual alternative to the “decadent” European civilization (Popsoi, 2018).

Interestingly, the Izborsk Club has three branches outside Russia (Donetsk, Ukraine; Chisinau, Moldova; Riga, Latvia). The way these branches are listed on the club’s website is indicative of its imperial outlook, as the three offices in Moldova, Ukraine and Latvia are listed in simple alphabetical order, along with almost two dozen regional offices across Russia. The president of the Moldovan branch is Bogdat Tirdea: a member of parliament from the pro-Russian socialist party, while the executive director is Vladimir Bukarskii – deputy editor of the Socialist Party newspaper. The latter is also a member of the Association of Orthodox Experts and a contribution for Ukraine.ru, which is a pro-Russian media resource targeting Ukrainian audience and is part of the Russia Today media conglomerate (‘Izborsk Club’, 2020).

Despite there being no office of the Club on the territory controlled by the Ukrainian government, Ukraine is a primary target of the Club’s revanchist agenda. The Izborsk Club echoes Vladimir Putin’s regrets about the dissolution of the Soviet Union and even goes so far as to suggest an updated version of the 1939 Molotov-Ribbentrop Pact that divided Europe between Stalin and Hitler. The idea of great power deal making at the expense of smaller and weaker states is at the core of the Club’s intellectual foundation – a revised form of imperialism, “an imperial front opposing the manipulations carried out in Russian politics by foreign centers of influence and the ‘fifth column’ from within the country,” as the Club posits in its public manifesto (‘Izborsk Club’, 2020). Moreover, the leader of the Baltic chapter of the Club, Aleksandr Gaponenko, advocates for “a union of Russia and Germany” that would allow each of these countries to regain territories they had lost over the last 75 years ago (Aleksandr

Gaponenko, 2017). Indeed, the weaponization of history and the instrumentalization of the World War II, called in soviet and Russian historiography as well as in today's Russian media – 'the Great Patriotic War' – is symbolic of the Kremlin's attempts to differentiate itself from the rest of the winners of the war, as well as to justify or underplay the horrors committed by Stalin during the war. Using militarist symbols and whitewashing Stalin's image is another important element in the Kremlin's soft power arsenal in the post-soviet space.

As this ideational competition is highly symbolic, Moscow has been instrumental in promoting its own symbols in Moldova, Georgia and Ukraine, such as the Saint George Ribbon, which became a widely popular Russian symbol for the Second World War Victory celebration since 2005, apparently in reaction to orange ribbons, which pro-democracy demonstrators in Ukraine had adopted as their symbol the year before (Shevchenko, 2015). Much like the rest of the post-soviet space, Moldova, Georgia and Ukraine were engulfed by these symbols of Russian militarism, which compete with and aim to hollow out official national symbols (Gurscaia, 2016). The combination of Russian soft power and religion only underlines the symbiosis between the state and the church in Russia, bearing a strong historical resemblance to the times of the Russian Empire, with the only difference that the Tsar was the official head of the Russian Orthodox Church.

In May 2017, the Ukrainian parliament banned the production and public display of Saint George ribbons, labeling it a symbol of Russian aggression (Euromaidan Press, 2017). Ironically, around the same time, members of the Moldovan Parliament, representing the pro-Russian Party of Socialists proudly displayed the very same symbol, wearing it to the legislative session (Point, 2017). This is yet more evidence of Moldova's divided identity and another case of how Russia can rattle the feeble foundations of Moldova's civic nation – a concept despised and fiercely contested by nationalist forces in the country. Pro-Russian separatism notwithstanding, by stoking fear and anxiety among Russian speaking minorities across Moldova and by playing on the legitimate social-economic grievances of the pauperized Moldovan public, the Kremlin can exert undue influence over a large part of the Moldovan population, therefore, crippling the country's democratic consolidation process.

Given the common history and divided identity in Georgia, Moldova and Ukraine, Russia enjoys several highly effective tools for influencing political developments in these countries.

The Kremlin has been instrumental in exploiting internal political divisions by promoting an agenda aimed at maintaining these countries in its sphere of influence. Even if direct Russian economic leverage has decreased in the past decade, after military confrontation and successive Russian embargoes on wine and agricultural produce, these countries have been forced to reorient their exports primarily to the European Union market. Nonetheless, the large influence of Russian media, growing presence of Russian funded NGOs, vast power of the Orthodox Church as well as the demographic structure of the population, including particularly older Russian speaking ethnic minorities; provide the Kremlin with actionable avenues for interference.

Despite Russian interventions in Ukraine (2014-present) and Georgia (2008), which have reduced Russian soft power influence, still, by far the most effective Russian avenue for influence is the mutually beneficial relationship Moscow enjoys with pro-Russian political parties, particularly in Moldova, but also in Ukraine and Georgia. Ironically, the vocal right-wing anti-Kremlin nationalist camp, which often promotes anti-ethnic minorities' agenda, also plays directly into Moscow's hands. Certainly, lack of financial independence determines and perpetuates a clientelist party system with little to no internal democracy. Thus, coupled with the geopolitical nature of political competition, parties are easy targets of undue foreign influence. At the end of the day, the still developing political party systems in three countries remain divided along east-west geopolitical fault lines. This provides the Kremlin with numerous opportunities for exploiting these cleavages. Therefore, the evidence presented strongly suggests that democratization and democratic consolidation are, indeed, less successful when faced with undue foreign influence. This confirms the initial hypothesis, but leaves open the question about the impact of the EU's normative power.

Only further consolidation of the Georgian, Moldovan and Ukrainian nations, coupled with democratic institutionalization can offer these countries a glimpse of hope to withstand the geopolitical storms that devastated the region with tragic regularity. The interests and policy actions undertaken by the European Union in the region will also play a major role in the future of Georgia, Moldova and Ukraine. Democratic consolidation is likely to be fostered by growing EU support and normative power projection via the implementation of the existing Association Agreements, but also via a new policy mechanism of anchoring these countries into the

European normative space. The following section will explore the likelihood and effectiveness of such measures.

4.2. The EU's Normative Power Projection in Georgia, Moldova and Ukraine

Informed by the analysis of the previous section, this section answers the last research question on how the EU can improve the effectiveness of its normative power projection in the region. The author examines the hypothesis asserting that by offering countries an EU membership perspective, the EU anchors them on the European integration track and bolsters the effectiveness of its normative power. There is no denying that, in the aftermath of the Maastricht Treaty and, particularly after the Lisbon Treaty, the European Union has become an important actor on the international stage due, in part, to its Common Foreign and Security Policy (CFSP). The institutional set up of CFSP gradually evolved from rather informal foreign policy coordination of the early '70s to an institutionalized intergovernmental pillar system introduced by the Maastricht Treaty. As a second pillar, CFSP gained momentum when the new position of the High Representative for the Common Foreign and Security Policy was created by the Treaty of Amsterdam. The EU's foreign policy standing was further augmented by the Lisbon Treaty, which provides for a High Representative of the Union for Foreign Affairs and Security Policy, who not only chairs the Foreign Affairs Council, leads the European External Action Service, but is also Vice-President of the European Commission.

According to the EU's Global Strategy, the EU is a promoter of a rules-based global order, grounded on multilateralism and a supporter of the United Nations system and principles (2016). At the same time, the EU tries to combine a realistic assessment of its strategic environment with an idealistic aspiration of advancing a better world. The strategy put forward the concept of 'principled pragmatism' as a foundation for the EU's external actions. The EU is also keenly aware of the importance of unity in the quest for security, prosperity and democracy not just for its citizens, but also, to a varying extent, for its neighborhood and the world at large. The strategy points out that it is in the interest of the EU to invest in the resilience of neighboring states and societies. The nature of this investment and its success or failure will be analyzed in this section.

Despite its complex nature, the EU has been instrumental in pursuing its foreign policy objectives, one of which is having good, stable and predictable relations with its immediate

neighbors. The 2004 enlargement considerably shifted EU's borders, which prompted a broad preemptive response in the form of a European Neighborhood Policy (ENP) laid out by the Commission the year before. Constructivist accounts cautioned about the return of geopolitics and the geo-politicization of European identity via the concept of 'the other,' understood in both temporal and geographical sense (Diez, 2004). As the same time, realists warned that the EU foreign and security policy was doomed to remain inter-governmental and would remain under the direction of the Union's largest powers (Hyde-Price, 2006), in line with the self-interest and power maximization tenets (Mearsheimer, 1995; 2001). Even more sobering was the prediction that security competition would grow in Central and Eastern Europe as power relationships between the EU and Russia change, particularly in a struggle over Ukraine (Hyde-Price, 2006). However, this is not entirely surprising, as this assessment comes shortly after the, so called, Orange Revolution of 2005 that established Ukraine as the main stage for the EU-Russia competition.

Thus, if realists perceive the ENP as an extension of the existing bipolarity and nothing more than yet another ad-hoc policy imposed upon the EU by changing circumstances, constructivists view ENP as a radical shift in the EU's essence: "a formative moment and a rupture to the discourses underpinning the EU," anchored in several discourses of "duty," "fear," "danger" (Joenniemi, 2008). These parallel discursive elements are a helpful lens for understanding and critically analyzing the ENP. The concept of "neighbors" is particularly telling in this regard. Even though the ENP is built on the blueprint of the enlargement process, with Association Agreements for the Mediterranean and Eastern partner countries being very similar to the Stabilization and Association Agreement that paved the way for the accession negotiations for the Western Balkans countries, ENP countries lack a clear membership perspective. Thus, the concept of "neighbor" is constructed differently compared to the enlargement process, which represents the very core of the ENP's conceptual flaws and the main reason for its shortcomings. A conflict of expectations, therefore, leads to ambiguity, frustration and underperformance. The duality of this concept, which implied closeness and almost, but not quite, family like relationship, leads to a fundamental question: "Can the EU transform a country while keeping it at arm's length (Lynch, 2005)"?

The geographic heterogeneity of the countries included in the ENP was also a challenge. The Southern Mediterranean, Western Newly Independent States (Ukraine, Moldova and Belarus) and the South Caucasus (Armenia, Azerbaijan, Georgia) were very different in terms of history, culture, and institutional development. Also, these countries differed a lot in terms of their expectations of this policy. At the same time, there were different expectations among the EU members about the ENP. Germany was interested in free trade, energy cooperation, as well as improvements in governance and security. France was looking for new sources of energy supplies, migration control and fighting organized crime. The United Kingdom viewed the ENP primarily as a tool for fighting against terrorism. Poland wanted to promote community values and boost local civil society (Lapczyński, 2009). Given this diversity of interests and priorities, upon Poland and Sweden's proposal, the EU went ahead with formally differentiating between southern and eastern regions of the ENP.

The 2009 Prague Summit launched the Eastern Partnership (EaP) initiative, offering Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine an opportunity for political association and economic integration with the EU. While the Eastern Partnership's institutional set-up is still evolving, its current structure consists of four levels: 1. Biannual meetings of heads of state; 2. Annual meetings of foreign affairs ministers; 3. Technical level - under four thematic platforms: a. democracy, good governance and stability; b. economic integration and convergence; c. energy security; d. contacts between people; 4. Ad-hoc sub-platform level. The four platforms constitute the backbone of multilateral cooperation (Delcour, 2011). There are also several non-governmental cooperation and socialization venues: Civil Society and Business Forums, Parliamentary Assembly and an Assembly of local & regional authorities.

Currently, the policy agenda is guided by a set of 20 deliverables approved at the Eastern Partnership Summit in Brussels in November 2017. These deliverables form an ambitious work plan aiming to improve the lives of citizens across the Eastern Partnership countries by 2020. The plan focused on four priority areas of cooperation (economy, governance, connectivity, society) and a set of cross-cutting goals: engagement with civil society, gender equality and non-discrimination, strategic communication and independence of media (Consilium.europa.eu, 2017). These deliverables are also in line with the implementation of the Association Agreements.

The Association Agreements of Georgia and Moldova were initialed on 29 November 2013 and were signed on 27 June 2014, only to enter into force on 1 July 2016. The Association Agreement with Ukraine was initialed on 30 March 2012 and was scheduled to be signed on 29 November 2013, but, faced with Russian pressure, Ukrainian President Viktor Yanukovich refused to sign the agreement while attending the 28–29 November EU Summit in Vilnius (Aljazeera, 2013; Euronews, 2013). This triggered a popular revolt that toppled Yanukovich, who fled to Russia. Consequently, Ukrainian Prime Minister Arseniy Yatseniuk signed the political part of the Ukraine–European Union Association Agreement on 21 March 2014. The economic part was signed by the newly elected Ukrainian President Petro Poroshenko on 27 June 2014. The agreement came into force on 1 September 2017, after the European Council provided assurances to the Netherlands that the agreement did not grant Ukraine a membership status or provide security guarantees, military or financial aid, or free movement within the EU (European Council conclusions on Ukraine, 2016).

The adoption of Association Agreements that also included a Deep and Comprehensive Free Trade Area (DCFTA) was important as they anchored Georgia, Moldova and Ukraine not only into the EU market, but also into the EU’s normative space. These agreements meant a much deeper political relation and a major step towards incremental economic integration with the EU, which was the objective of the framework of agreements. However, the success of implementation rested on domestic reforms primarily in the fields of rule of law, anti-corruption, and respect for fundamental rights as well as strengthening democratic institutions.

According to a European Commission memo issued on 23 June 2014, “the Agreement puts a strong emphasis on democracy and the rule of law, human rights and fundamental freedoms, good governance, a well-functioning market economy and sustainable development”. This implied a strong emphasis on a values-based agenda, but with an important dose of economic pragmatism. The Agreements were meant to be a framework for modernizing these countries and developing their economies by trade liberalization: removal of tariffs and quotas, and legal harmonizing laws on national legislation with EU norms and regulations. By adopting the DCFTAs, Georgia, Moldova and Ukraine were hoping to increase trade and investments, reduce prices, increase choice and quality of goods and services, while shielding sensitive sectors

by implementing longer transitional periods. Higher product standards achieved with EU assistance would also help these countries reach markets beyond the EU.

Given that both Georgia and Moldova had separatist regions on their territory, the agreements also included provisions on conflict prevention, crisis management and regional stability. The agreements mentioned that the Title V (Trade and Trade-related Matters) will only apply to the respective separatist regions once Georgian and Moldovan authorities can ensure full enforcement of the provisions. As Ukraine had no separatist regions in 2012, when the agreement was initialed, article 483 (Territorial application) of the agreement does not refer to Crimea or Donbas. This led some to interpret the application as covering the entire territory of Ukraine, including Crimea (Blockmans, 2017), despite it being, *de facto*, under Russian control.

Thus, despite its noble intent, the Eastern Partnership initiative caused friction between the EU and Russia, exacerbating the already strained relations in the aftermath of the 2008 War in Georgia. Russia repeatedly voiced concerns over what it sees as an expansion of the EU's sphere of influence at the expense of Russia's own. This antagonism only deepened following the annexation of Crimea and the war in Donbas. The trigger for the escalation of tensions in Ukraine was, in fact, the disjunction between public expectations of signing the Association Agreement between the EU and Ukraine on the one hand, and on the other, the sudden refusal by then president Victor Yanukovich to sign this agreement under pressure from the Kremlin (Blockmans, 2017; Kostanyan et al., 2017).

Thus, the neighborhood became a contested region. The EU's normative power was challenged on the ground by Russia, while also being tested and questioned by researchers. Despite the perception of the EU becoming a powerful political, economic and normative actor in the region, the latter aspect was particularly controversial, as researchers emphasized the EU's prioritization of security over values (Lynch, 2005), while others questioned the grounds on which the EU could be viewed as a normative power, as multilateralism, human rights and democracy promotion are not always the driving force of the EU foreign policy (Sjursen, 2006). To what extent is the EU advancing its interests versus its values in the Eastern Partnership, particularly in Georgia, Moldova and Ukraine, will be examined in further detail in the next section.

4.2.1. EU's Eastern Partnership: Advancing Values or Interests?

During the presentation of the EaP initiative Polish Minister of Foreign Affairs Radosław Sikorski said: “To the South, we have neighbors of Europe. To the East, we have European neighbors...They all have the right one day to apply” (Lapczyński, 2009). The duality of the ‘neighbor’ discourse persisted, albeit in a somewhat more inclusive fashion with a declarative availability of membership on the horizon. Still, the event horizon remained as vague as it could be. Nonetheless, EaP countries took this as an invitation, but things could not have proven further from the truth. It has been argued extensively that the EU lacks a clear strategy about how to engage its eastern neighbors. Opinions vary from vague assurances about a potential accession to a rather euphemistic ‘privileged partnership’, which creates an atmosphere of ‘constructive ambiguity’ (Copsey and Pomorska, 2014). Ambiguous it may be, yet it is hardly constructive from the point of view of the EaP countries.

The new buzz word of the EaP has become a ‘more for more’ approach, contagiously coined by former European Commissioner for Enlargement and Neighborhood Policy Stefan Füle. This new formula was meant to revitalize the partnership by offering incentives to the better performing and most pro-active EaP members. It keeps the partnership on track towards more benefits, if countries show determination in their commitment to voluntary harmonization with the EU norms and values. In this sense, Moldova became an example of the new ‘more for more’ approach. The country was rewarded with visa liberalization and generous financial assistance. Additionally, the new discourse also insists on more cooperation within the EU (among member states and EU bodies), indicating a timid response to earlier criticism by scholars and practitioners of the Union’s incoherent actions and lack of strategy (Korosteleva, 2013). However, the new approach falls short of reducing uncertainty and boosting genuine reforms, since it maintains the ‘neighbor’ narrative with no promise of inclusion into the family.

The semantic changes in the title of Commissioner Stefan Füle’s successor are also indicative of Brussels’ discursive evolution when it comes to neighborhood policy. Stefan Füle was European Commissioner for Enlargement and Neighbourhood Policy, while his successor Johannes Hahn became Commissioner for European Neighborhood Policy and Enlargement Negotiations. This time enlargement only came in second and, likely, with semantic emphasis on negotiations rather than the result. Indeed, Hahn was frank about there being little support for

enlargement when it comes to EaP, pointing out that “we need to be ambitious, but also realistic and credible (Hahn, 2017)”. Hahn’s successor Olivér Várhelyi has his title streamlined to Commissioner for Neighbourhood and Enlargement, which maintains the semantic prioritization of the neighborhood narrative over enlargement.

Connoisseurs have been quick to point out that a title shift may seem like semantics, but it clearly indicates a shift in priorities as well, given Hahn’s statement about a *de facto* enlargement moratorium for the five-year term of the new Juncker Commission (Hug, 2015). It, therefore, becomes increasingly apparent that countries subject to the Neighboring Policy are indeed caught in what Hiski Haukkala (2008) referred to as “avoidance and continuation of enlargement by other means: avoidance, as it is hoped that it would enable the Union to avoid for the foreseeable future answering their demands for belonging; continuation, as the Union has built the ENP on the same logic of normative hegemony as the accession process.” This logic also applies to the current condition of the Eastern Partnership, which could be summarized as ‘more for more’, but not more than that. This is likely a reflection of the fact that there is still little appetite in Brussels for enlargement even fifteen years after the ‘Big Bang’ enlargement. This, in turn, reduces the EU’s capacity to impact change, as the EU’s transformative power stems not from the threat of invasion, but rather from a threat of reducing contacts and cutting countries off (Leonard, 2015). It can be argued that the conscious promotion of the dual narrative of ‘neighbor’ in a sort of ‘inclusive exclusion’ is the EU’s way of ensuring its interest without compromising its values.

It is certainly in the EU’s interest to have a ‘ring of friends’ around its borders, as this helps ensure stability and security within the EU (Prodi, 2002). Thus, it can be inferred that it is in the EU’s interest to assist Georgia, Moldova and Ukraine to tangibly benefit from their political association and economic integration with the EU as a result of the signed Association Agreements and the Deep and Comprehensive Free Trade Area Agreements. Yet, even more important than the economic content of these landmark decisions, is the powerful geopolitical implication of transforming these countries into more than just neighbors of the EU. Even though a membership perspective may not yet be available to them, the frontrunners may hope to join the European Economic Area (EEA) at some point (Manoli, 2013). This seems perfectly in line with the ‘more for more’ principle advocated by the EU. However, AA/DCFTA negotiations

have also underscored the clear asymmetry in relations between the EU and the EaP countries. It has highlighted what Elena Korosteleva (2011) has warned against, specifically a top-down governance approach replacing the idea of partnership that would ultimately contradict the EU's rhetoric of engagement. This criticism is even more relevant given the low level of ownership the EaP countries have over the process, making its sustainability questionable. Ultimately, it could further cement the feeling of exclusion many in the EaP have about their countries' relationship with the EU.

A more fundamental criticism of the EaP is the inclusion in the same policy set up of countries that have rather distinct political systems and different aspirations when it comes to further integration with the EU (Blockmans, 2017; Sasse, 2019). The pragmatic engagement of authoritarian leaders of Azerbaijan and Belarus, that have a terrible record when it comes to human rights, democracy and rule of law, on the same footing with those of Georgia, Moldova and Ukraine is not only futile, but counterproductive as this casts shadow over the EU's values based foreign policy. This pretense of pragmatism is best refuted by looking back to the history of the region as suggested by Kobzova (2012): "Sacrificing values in pursuit of interests in Eastern Europe is poor policy".

Nonetheless, *realpolitik* prevails when it comes to ensuring stability at the border (Belarus) and guaranteeing energy supplies (Azerbaijan) under the pretense of authoritarian modernization, but this approach is not new. The EU has also been engaged actively with highly corrupt leaders in Georgia, Moldova and Ukraine, having an almost blind belief in its transformative power. Thus, it could be concluded that the EU's normative power is not neutral, but rather based on power politics and geopolitical and security considerations. Though, the EU's reliance, almost exclusively, on soft power rather than hard power, projects a much more dovish image when compared to that of Russia.

Still, the EU needs to engage more with new partners in the region, especially the emerging middle class, civil society and media, thus building a stronger constituency for reform (Jarábik and Kobzová, 2011; Habets, 2014). In order to create a fertile ground for reforms, the EU should recalibrate its long-term assistance to support domestic agents of change. These investments are perfectly in line with a values-based agenda, while muddling through by engaging mostly corrupt elites, whose main motivation is to extract rent not only from domestic

revenue streams, but also from the international aid that comes through the government, is perpetuating a business as usual model that gives the EU's (geopolitically driven) pragmatism a bad name in the region. No matter how good the trade numbers are between the EU and its eastern partners, if politicians in these countries can afford to rig elections, they will do just that despite criticism from the EU. The best guardrail against such behavior is a strong pro-reform and pro-European constituency within these countries that can oppose undemocratic drift of the elites if the public perceives that the elites are threatening the course of the EU integration (Kobzova, 2012). However, for this strategy to be effective there needs to be a promise of membership or at least a clear high-level reinforcement of the EU law that every European country has the right for membership (Sasse, 2019). This would help to reiterate the idea that implementation of the Association Agreements, not just on the economic side, but also on the political and values side, prepares these countries for membership. The EU's insistence on avoiding any discussion about membership casts doubt about the future of the Eastern Partnership.

Given its modest success in promoting reforms in rule of law, in Moldova and Ukraine (Aslund, 2019) and lessons learned from engaging undemocratic leaders in the region, it appears that the EU has reduced its ambitions and is now seeking differentiation and stabilization rather than genuine reforms, in stark contrast to the EU's ambitions at the launch of the EaP in 2009 (Bosse, 2014; Crombois, 2019). This sort of pragmatism may be the solution for incremental progress, but it could also end up perpetuating policy inertia in the forcible future, which could trigger a downward spiral. This creates a major risk for geo-politicization of the EU's relations with its eastern partners and challenges the EU's aspirations of being a transformative power (Crombois, 2019). This would reduce the impact of the EU foreign policy and would deprive the EU of its main competitive advantage (its values based foreign policy) in a highly contested region. This would also demoralize pro-European and pro-reform constituencies in eastern partners, first and foremost in Georgia, Moldova and Ukraine.

Even though the EU is built on a solid normative foundation, when it comes to its eastern partners, the literature overwhelmingly argues that the EU is generally guided by pragmatic interests rather than values (Lynch, 2005; Joenniemi, 2008; Jarábik and Kobzová, 2011; Kobzova, 2012; Kostanyan et al., 2017; Crombois, 2019). Clearly, the EU's interest in providing

security and stability at home is predicated on fostering a ‘ring of friends’ in the neighborhood. How effective the EU will be in promoting democracy in its neighborhood remains to be seen, but its track record so far has been modest (Kobzová, 2014). Though the mechanisms of promoting democracy and stability are well established, the debate over which of these mechanisms conditionality or socialization is more effective is ongoing. There is a healthy debate on this topic, which will be explored in the next section.

4.2.2. EU’s Political Conditionality versus Socialization

A prominent theoretical lens for studying EU policy making is the ‘governance approach’. It can be divided into internal or domestic governance (Jachtenfuchs 2000; Kohler-Koch and Eising 1999; Kelley, 2004) and external governance or Europeanization studies (Friis and Murphy, 1999; Jachtenfuchs, 2001; Bache, 2003; Gänzle, 2009; Schimmelfennig and Wagner, 2004; Bosse and Korosteleva-Polglase, 2009). For the purposes of this research we are focusing on external governance and its mechanisms. The two established mechanisms for the EU’s external governance are conditionality and socialization. The first rests on a rational choice footing, while the second is a social constructivist concept. Even though both mechanisms for affecting institutional change are employed by the EU in its policy towards Georgia, Moldova and Ukraine, the two have distinct characteristics and different levels of efficiency. There is hardly an agreement in the literature on which one is more effective. The two are often viewed as competing, if not mutually exclusive, when in fact they are usually part and parcel of any major EU policy. ENP in general and Association Agreements in particular are always a combination of conditionality and socialization measures.

The two mechanisms rely on two different logics of action and institutional change. Conditionality rests on the logic of consequentiality, whereas socialization follows on the logic of appropriateness. The first is a cost benefit calculation and a result of bargaining, negotiation, and coalition formation among rational actors with defined preferences, while the second views institutions as collections of rules, norms and practices that are embedded in structures of meaning and resources that can change through selection and adaptation (Olsen, 2007). The first emphasized individual self-interest, while the second stressed the political community and the legitimacy of rules and social relations. The second has a strong normative component.

On a more technical level, we can distinguish negative and positive conditionality. Negative conditionality implies that the EU demands reforms with an implicit or explicit punishment for non-compliance in the form of denial of benefits. While positive conditionality is based on incentives such as market access and/or financial assistance. The latter reflects the ‘more for more’ principle, while the former is embodying the ‘less for less’ approach.

Negative conditionality is particularly ineffective when dealing with countries uninterested in closer integration with the EU, such as Belarus and Azerbaijan, while at the same time, it fares better in countries with strong pro-EU coalitions of stakeholders, such as Moldova, Georgia and Ukraine (Blockmans, 2017). However, the EU has been struggling with defining its conditions in an unambiguous and straightforward enough way. National sovereignty issues pertaining to the receiving countries and lack of unity among the EU members with regards to formulating the ‘demands’ often creates room for local elites to obfuscate the demands or meet them in a purely formalistic way. This is more difficult to do when it comes to technical aspects of trade, phytosanitary approximation etc., as compared to political aspects of human rights, media freedom, fair elections etc. That is why Moldova, but also Georgia and Ukraine, tend to do better when it comes to harmonization in economic aspects, resulting in growing exports into the EU, and much poorer when it comes to fuzzier and more contentious issues of democratic standards, human rights, anti-corruption and rule of law (Parmentier, 2014; Delcour, 2015).

Positive conditionality is largely unfit for countries that have not advanced on the democratization process and lack political will to engage closely with the EU, while it is most effective in countries that are eager to join the EU (Börzel and Lebanidze, 2015). The main problem with positive conditionality is that the EU can find it difficult to provide strong and lasting enough incentives, and, more importantly, the EU can run out of credible incentives (Kostanyan et al., 2017). Financial support in the form of macro-financial assistance or project-based funds are limited, while visa liberalization, once offered, no longer presents a positive incentive, but rather becomes a negative one. Yet, the threat of depriving countries of this benefit is less credible as long they are complying with the technical commitments and benchmarks.

Positive incentives alone can prove insufficient. Even coupled with negative ones, they may not be enough to produce lasting structural reforms and democratization. The failed anti-

corruption reforms in Ukraine and issues with human rights and democratic principles in Georgia, but, even more so, the aftermath of the billion-dollar scandal in Moldova that displayed major problems with the rule of law, are telling evidence of the shortcomings positive conditionality carries (Langbein and Wolczuk, 2012; Shapovalova, 2013; Sagrera, 2014; Benedyczak et al., 2015). Ironically, Moldova was the first to be granted visa free regime in April 2014 and, in November the same year, the country witnessed the largest fraud in history as 12% of GDP went missing after the banking sector was ransacked by politicians and bankers. Hardly anyone was punished while politicians continued their attempts to control the banking sector. In Moldova's case, even after the EU suspended financial assistance following the fraud, the progress was slow and at times nonexistent.

Empowering local ownership of the domestic pro-reform coalitions, coupled with robust EU monitoring, can mitigate some of the shortcomings of conditionality. Nonetheless, in the absence of the ultimate positive incentive – membership perspective – political commitment of elites to painful reforms is likely to remain low and will be dependent on a cost-benefit calculation susceptible to changing political circumstances rather than a strategic commitment to reforms.

On the other hand, political socialization or social learning is a constructivist approach that offers an alternative to rational choice conditionality. In contrast to the logic of consequentiality, socialization is guided by the logic of appropriateness. This implies that actors are guided by their identities, norms and values. They make choices based on consideration of legitimacy and as a result of persuasion rather than interests or coercion (Olsen, 2007). Thus, a country adopts the EU rules, norms and values if it is persuaded of their appropriateness (Schimmelfennig and Sedelmeier, 2004). The success of the external governance model based on socialization is, therefore, predicated on the adoption of the EU rules if they are seen as legitimate, derived democratically in a deliberative process and generally accepted not just within the EU, but also internationally.

A key factor is the extent of ideational and identity convergence among the EU and local elites in Georgia, Moldova and Ukraine. The adoption is also facilitated if the EU rules resonate with the society of these countries and if there is a feeling of a political community that transcends borders. The latter is the most challenging aspect when it comes to the success of

socialization as the building of a joint feeling of community and the construction of a common identity takes a lot of time and effort. Even more so than conditionality, the success of socialization is dependent on the initial condition of the respective countries. This explains why the Baltic States have integrated faster into the EU and why Georgia Moldova and Ukraine are lagging. Another major constraint of socialization, according to the literature, is that socialization is more fruitful after a critical juncture (Finnemore and Sikkink, 1998) or a destabilizing ideational shock (Marcussen, 2000; Boogaerts, et al., 2016), a watershed event that significantly undermined the existing norms, creating an ideational vacuum or state of anomie or ‘normlessness’ (Marcussen, 2000; Flockhart, 2005). Needless to say, these conditions are extremely rare. The collapse of the USSR could fit this description and, to a much lesser extent, the military conflicts between Russian and Georgia (2008) or Russia and Ukraine (2014-present).

In conclusion, despite mixed results, scholars and practitioners alike argue for stronger democratic conditionality when it comes to engaging the EU’s neighbors (Kostanyan et al., 2017). More clarity in defining conditions, better monitoring of implementation and larger local ownership over the entire process by stronger pro-reform domestic coalitions, can address some of the shortcomings witnessed in the cases of Georgia, Moldova and Ukraine. Avoiding euro-centric tendencies is another major predicament. Relying on the EU’s leverage rather than engaging in continuous persuasion, stemming from a commitment to build a shared community, can also undermine the effectiveness of the EU policy in the long term. Socialization may be a strenuous process, but it can provide a stronger foundation for successful cooperation when compared to a more transactional approach, such as conditionality. Yet, for socialization to bear fruit in these countries, the EU must seriously consider proving a promise of membership to these countries or, at least, a high-level confirmation of their Europeanness, and, therefore, eligibility for membership under the EU law. True socialization without a recognized shared identity and common aspirations for a future together as a family and no longer as mere neighbors is somewhat oxymoronic. A large survey conducted by Dostál et al. (2015) among stakeholders from the EaP countries indicates an overwhelming support for membership. The EU-membership ‘golden carrot’ could stimulate further reforms, according to 91.1% of the respondents.

Lack of a membership perspective creates and perpetuates the narrative of ‘neighbor’. Despite major steps in the direction of economic integration, lack of a membership perspective leaves these countries in the geopolitical limbo that affects the democratic transformations in Georgia, Moldova and Ukraine. Given their strained relations with Russia and the interest of the Kremlin to rebuild ‘the empire’, the geopolitical competition between Russia and the EU cannot leave these countries unscathed. What are the effects of this competition on democratic consolidation in these countries will be explored in the final section of this chapter.

4.3. The Effect of Geopolitical Competition between the European Union and Russia on Structural Democratic Reforms in Georgia, Moldova and Ukraine

Even since the launch of the European Neighborhood Policy in 2003, Russia perceived it as a challenge to its ‘near abroad.’ These concerns were validated, in the Kremlin’s eyes, after the Orange Revolution in Ukraine of 2004-2005, which led to the Munich Speech by Vladimir Putin in which the Russian president de facto drew a line in the sand. Brussels was still digesting the ‘Big Bang’ enlargement and failed to understand that, at a minimum, Russia perceived the EU’s normative advance in the east as a threat to its resurgence as a great power, and, at a maximum, as a threat to its security. As Stephen Walt pointed out in the aftermath of the annexation of Crimea “no great power is indifferent to potential threats in its immediate neighborhood, and all the more so when it has valid historical reasons to be concerned about particular areas (2014)”. One can only speculate whether the crisis in Ukraine could have been avoided, given the zero-sum perception that Kremlin has about developments in the countries located between the EU and Russia, which the Kremlin sees as part of its sphere of influence as a great power. While the EU remained oblivious to the lengths Russia was ready to go in projecting and reclaiming its great power status.

The geopolitical competition was only exacerbated as the EU decided to differentiate among the southern and eastern tiers of the ENP, launching the Eastern Partnership in 2009. Ironically, apart from strengthening the normative aspect of the ENP, the new EaP initiative was an attempt to reduce the excessive reliance on bilateral relations and boost multilateralism and regionalism (Martínezgarnelo, 2014). In hindsight, even the EaP proved too heterogeneous for true regionalism to take hold and it largely failed to become an effective multilateral platform. Still, the EaP had a great potential for building interconnections between the EU and the EaP

countries at all levels by engaging in horizontal or network governance (Delcour, 2011). But the very launch of the EaP was seen by Russia as a threat to its influence in the region, given that all six countries were former members of the Soviet Union, which Russia is formally a successor of.

It did not help that, while the EU was projecting its normative power in the post-soviet space, relations between the EU and Russia were strained by Russia's self-exclusion from the ENP, which it considered to be below its status. While the formal strategic EU-Russia partnership was devoid of any real linkages that could anchor Russia (Delcour, 2018), the War in Georgia further cemented the confrontational agenda as opposed to a cooperative one. Moreover, Russia was increasingly learning from the EU's and US's toolkit in promoting its own soft power in the region. Also, the Kremlin evolved from simply rebuking the EU's normative agenda to a more elaborate contestation, albeit without proposing a real alternative. Only nowadays, a resemblance of such an alternative is taking shape with Russia promoting the so-called 'Russian World' concept based on social conservative principles, with an emphasis on traditional family values, spiritual development and religion (Romanova, 2016). Yet, ultimately Russia critique of the normative power Europe narrative, including by pointing out to the EU's own human rights problems identified by western watchdogs, is primarily guided by a desire to defend against western criticism, increase its sense of self-worth and regain great power status on par with the West in general and the EU in particular.

Still, given that societies in Georgia, Moldova and Ukraine have multiple stakeholders who are opposed to European integration and find it inappropriate from their ideational viewpoint, Russia has been instrumental in capitalizing on this fertile ground and has also been able to compete with the EU by amplifying these voices and propping up the generally disorganized groups of dissent. Across the three countries under consideration, Russia has not only supported established societal and political actors that shared its perspective to some degree (media, the Church, older political parties) being critical of the EU, but also fostered new ones (media, NGOs, new political parties) with a more radical anti-EU agenda, such as advocating for the canceling the Association Agreement signed with the EU (Delcour, 2015). However, these attempts have had modest results, given how anchored the economies of these countries are in the EU market.

Yet, the competition also gained an institutional aspect, once Russia was able to complete the establishment of the Eurasian Economic Union in 2015, but it was too late for integrating any of the three countries under consideration. The integration projects proposed by the EU and Russia fared differently in terms of their appeal to a majority of the population in these countries for several reasons: ideationally the set of norms, rules and values promoted by the EU seemed more appropriate; structurally the economies of these countries were increasingly more interdependent with the EU than Russia, and ultimately, on the one hand, the expected benefit, and on the other, the level of coercion exercised by Russia was not enough to push these countries to choose the Eurasian Economic Union (Babayan, 2015; Delcour, 2015; Samokhvalov, 2016). In the case of Ukraine, the attempt to coerce the country into choosing the EEU over the EU backfired and severed ties between Russia and Ukraine for many years (Smith, 2015). Thus, both rational choice and constructivist logics point out to the same outcome in terms of choices made by domestic actors.

The direct effect of this geopolitical competition on democratic consolidation is, perhaps, best encapsulated in the divergent regime promotion strategies in Ukraine. The EU has embarked on a democracy promotion agenda, enshrined, albeit vaguely, in the Association Agreements. Russia tried to compete institutionally and ideationally but failed and ultimately had to rely on anti-democratic oligarchic forces and (pro)Russian ethnic groups to maintain its influence in the Ukrainian political process and to attempt to stall democratic reforms in line with the AA commitments (Smith, 2015). Yet, even if democratic stagnation and, at times, slippage in the region is rightly attributed to Russian economic sanctions, military threats, and attempts of institutional anchoring via the Eurasian Union, which lacks a normative democratic promotion component, and outright support of anti-democratic forces (Babayan, 2015), Russia cannot be blamed exclusively for democratic stagnation in the three countries. Alone, the Kremlin's measures to counteracted democracy advocated by the EU, cannot account for all the explanatory factors: ideational conflicts among significant parts of the society; economic challenges, given the high level of poverty and small middle class; energy dependence; high costs of democratization reforms for local elites, many of whom expose illiberal views; weak institutional capacity; frozen conflicts that are a result of the collapse of the Soviet Union (Babayan, 2015; Noutcheva, 2018). Thus, the Kremlin can only exploit the existing domestic cleavages, rather than creating or even shaping them.

Nonetheless, as long as the Kremlin perceives the democracy promotion by the EU in Georgia, Moldova and Ukraine as a geostrategic threat to its interests in the region, Russia will find the tools to exploit the pre-existing and deeply rooted vulnerabilities that preclude these countries from escaping the geopolitical and democratic limbo they have found themselves in for the last three decades. If it is any consolation to the three countries concerned, there is hardly any evidence to suggest that Russia is actively promoting autocracy as a genuine alternative regime to the democratization efforts promoted by the EU. More likely, Russia's guiding principle appears to be tactical rather than strategic and resides on the concept of 'managed instability' (Tolstrup, 2009). This explains the employment of recalcitrant domestic actors, as well as instrumentalization of separatist and autonomous regions across the three countries to maintain a degree of instability that would preclude the consolidation of democracy and the complete integration into the European value system.

The best EU countermeasure to this behavior by Russia is boosting democratic conditionality and increasing avenues for European socialization in Georgia, Moldova and Ukraine. Differentiating and strengthening multilateral cooperation within the Eastern Partnership and between the EaP countries and the EU is an opportunity still worth exploring. Yet, to make this process more effective, the EU needs two important building blocks – further institutionalization of the new governance structure, as well as learning more about 'the other' (Korosteleva, 2013; Crombois, 2019). If the three countries are going to commit to benefitting from the EU democracy promotion opportunities, they need to do more to channel their efforts towards achieving a stronger synergistic effect in their reform process.

As long as the EU's democracy promotion in the region remains a work in progress without a clear sense of destination, it will be less realistic to expect democratic consolidation. It is, therefore, paramount that the EU finds the political will to address the shortcomings of its democracy promotion efforts. Once the UE decides to meet the European aspirations of Georgia, Moldova and Ukraine and chooses to do away with the 'neighbor' narrative, provided that the necessary commitments are met by the three countries, this is likely to foster democratic consolidation and break the cycle of democratic stagnation. This could be the proverbial light at the end of the tunnel. It will also send a strong signal to courtiers like Armenia, and especially Belarus and Azerbaijan that democratic reforms pay off. Not the least, this should reduce the

intensity of the EU-Russia geopolitical competition that keeps Georgia, Moldova and Ukraine hostages to this geopolitical limbo.

This would be in line with the ‘more for more’ principle. As long as the EU limits itself to a new generation of incentives for these countries, but stops short of the ‘golden carrot’, the EU will not be able to come up with appropriate answers to the perception of ‘otherness’ that exists in these countries and that Russian will continue to exploit. There is a quasi-consensus in the literature and among practitioners that without a membership perspective, in one form or another, genuine democratic reforms will be hard to come by.

Still, despite having no formal membership perspective at the time, Georgia, Moldova and Ukraine may increase the likelihood of getting such an invitation by complying with the EU enlargement-type conditionality, since the aspirations of these countries may be viewed more favorably once conditions within the EU begin to render their accession more feasible. Successfully implementing the AAs is a good start, but unilaterally and proactively going above and beyond in harmonization in certain sectors will inevitably anchor Moldova, Ukraine, and Georgia on the European path. Meanwhile, for the short and medium term, the three countries will likely remain a buffer zone between the EU and Russia with all the challenges associated with such a predicament. On the bright side, they have a good chance of becoming members once the EU is ready for further enlargement. Thus, countries should perceive themselves as being in the waiting room, even without a membership perspective, so that when the opportunity arises they can fully capitalize on their earlier efforts.

Thus, the first section of this chapter provided robust empirical evidence to confirm the theoretical hypothesis that democratization and democratic consolidation are less successful in contexts of undue foreign influence. The second part of the chapter laid the groundwork for answering the third and last research question, addressing the normative power of the EU and its implications on the democratic consolidation of the three countries under scrutiny. Empirical evidence and the theoretical insights of the Europeanization debate confirm the hypothesis that, by offering countries an EU membership perspective, they become anchored on the European integration track, which, in turn, bolsters the effectiveness of the normative power of the European Union. The final chapter will provide broader empirical conclusions of the thesis.

5: The Prospects of Democratic Consolidation in Georgia, Moldova and Ukraine: between EU's Buffer Zone and Waiting Room

Informed by insights of the previous chapters, this final chapter presents the empirical conclusions of the research. It connects the main arguments and the key evidence presented earlier in order to make predictions and offer policy recommendations. Democratic consolidation in Georgia Moldova and Ukraine is linked with their aspirations of joining the European Union. Yet, more specifically, at this point, their democratic consolidation is inextricably linked with their implementation of their respective Association Agreements (AAs) with the European Union. These agreements present a comprehensive framework of cooperation across sectors, covering political affairs and governance, trade and finance, social and cultural affairs as well as security and foreign policy issues. This instrument could be interpreted as one of external governance as it goes in detail to shape the political, economic and social fabric of these societies, but it can also be perceived as a tool of comprehensive societal socialization. As the agreements cover almost all major areas of activity in the society, the incremental adaptation to the *acquis communautaire* has slow, but steady transformational effects on these countries.

In this final chapter the author will analyze the effectiveness of these agreements as tools of fostering democratic consolidation, bearing in mind that the three countries are not (yet) candidate countries for the EU accession. Herein, the author will compare the successes and challenges that the three countries face in implementing the agreements. The findings will contribute towards a more holistic understanding of the predicament these countries are facing in their path to democratic consolidation, while being located at the crossroads of two increasingly diverging value systems – that of the European Union and that of the Russia driven Eurasian Economic Union. It also provides several policy recommendations.

5.1. Implementation of Association Agreements: Opportunities and Challenges

The process of implementation of the association agreements, including the DCFTAs, has started in 2016 for Georgia and Moldova and is 2017 for Ukraine after their entry into force. However, they have been provisionally enforced since September and November 2014 respectively, soon after the signature procedure was carried out in 2013 and 2014, respectively. The most visible outcome of these agreements was growing trade between the EU and the three

countries. The fast increase in trade has been documented in the previous chapters. More opportunities for exports lead to more investments and jobs that, in turn, lead to more economic growth and stronger middle class, which is associated with stronger demand for democratic representation, accountability and transparency in income distribution, which ultimately fosters democratization. For this to take place a country needs robust institutions that not only oversee and regulate economic activity, but also oversee and regulate political relations. The framework of the Association Agreements provides a long set of reforms that had been negotiated between the two respective parties and the process of implementation of these reforms is an indication of progress or, to the contrary, proof of backsliding.

All three countries are subject to monitoring and evaluation of their track records in implementation of the Association Agreements. Governments assess themselves in line with new public management ethos; civil society offers its own assessment in line with pluralization of policy making, while the EU bodies carry out their own assessment and issue reports with inputs from all stakeholders. The findings and recommendations of these reports indicate the strengths and weaknesses each country showcases in their respective Association Agreements implementation. Analyzing the track records of the Association Agreement implementation of each country, while putting them in broader political contexts, allows us to draw conclusions about the political will, or lack thereof, to implement democratic reforms. The depth and speed of reforms is important, particularly when local elites have mastered the game of obfuscating the reform process and the art of putting up a democratic façade for domestic and international audiences alike. A robust and authoritative evaluation mechanism is spelled out in each of the three Association Agreements and includes: an association council, an association committee, a parliamentary association committee and a civil-society platform.

Since the signing of the Association Agreements, Republic of Moldova, despite making important progress in DCFTA implementation and increasing its trade with the EU, has been criticized the most when it comes to democratic backsliding and this criticism is reflected in the EU reports on the Association Agreement implementation, under the chapter of political dialog and reform. According to the latest reports, Moldova's progress has been mixed, to say the least. The most problematic areas are the independence of the judiciary, combating corruption, investigating the bank fraud of 2014 that left the country missing 12 percent of GDP. Importantly, this watershed event has triggered a reassessment of how the EU interacts with

Moldova. In two years, seeing little progress in the investigation of the fraud and witnessing evidence of state capture, the EU began introducing strict political conditionality of the EU financial assistance to Moldova. This has marked a departure from a more *carte blanche* approach, employed earlier to encourage presumably likeminded ruling elites in the country, who were, after-all, calling themselves the Alliance for European Integration.

Four years since Moldova began the implementation of its Association Agreement with the EU, the overall outcome of the reforms implemented in the country is assessed as unsatisfactory by EU experts tasked with evaluating the process. In fact, the rule of law, good governance, and judicial independence as well as democratic standards have regressed. New regulations are often implemented poorly, while some reforms are openly imitated, largely because they go against the interest of the ruling elites. The report concludes that the general quantitative progress has not translated into qualitative progress (Caľus et. all, 2019). This is a clear reflection of what has been referred to in the literature as the ‘Potemkin Europeanization.’

It is particularly surprising that prior and immediately after the full entry into force of the Association Agreement, Moldova became known as a ‘captured state’ (Jagland, 2015), being controlled by Vladimir Plahotniuc, who held no official position, but was widely considered to be the richest oligarch in the country, only to become the leader of the ruling Democratic Party (PDM) in late 2016. While Moldova was actively implementing the Association Agreement, the country was undergoing a degradation of democratic mechanisms. Hollowing out democratic institutions, curtailing media freedom and freedom of expression, pressuring local authorities, concerted efforts to harass and intimidate civil society and opposition leaders were all becoming routine. Using the judiciary to eliminate political opponents and critics of the ruling establishment was becoming a norm. Instead of canceling elections, which could have triggered a massive public response, the regime engaged in strategic electoral manipulation by changing the electoral system to its advantage and in violation not only of international standards, but also of local regulations. This downward spiral culminated with the canceling of the results of the mayoral election in the Capital city, which was won by the opposition. This, in turn, led to the suspension of all EU financial assistance to Moldova and brought accusation of state capture against Vlad Plahotniuc by members of the European Parliament (Căluğăreanu, 2018). The modest gains in economic approximation and integration with the EU market were being jeopardized by the democratic backsliding. Consequently, the investment climate was negatively

affecting the economy, reducing the potential for development, which further depressed the chances of democratic advances.

European officials issued critical statements and the European Parliament resolution of condemnation followed. European Parliament resolution A8-0322/2018 spelled out the reaction saying that it: “Expresses grave concern about backsliding in relation to democratic standards in Moldova, with core values, to which Moldova had subscribed notably as part of the Association Agreement, such as democracy – including fair and transparent elections respecting the will of the citizens, as well as a multi-party democratic system – and the rule of law – including the independence and impartiality of the judiciary – being undermined by the ruling political leaders colluding with business interests and unopposed by much of the political class and the judiciary, resulting in the Republic of Moldova being a state captured by oligarchic interests with a concentration of economic and political power in the hands of a small group of people exerting their influence on parliament, the government, political parties, the state administration, the police, the judiciary and the media and leading to highly unsatisfactory implementation of legislation with little benefit for the citizens; reiterates its determination to focus on the fulfillment of commitments to uphold common values rather than unconvincing so-called ‘geopolitical’ arguments (2018).” This was a wakeup call for many stakeholders.

Consequently, an important shift occurred because of these brazen violations of democratic norms in Moldova. The EU officials became much more involved in the monitoring of the Association Agreement and other commitments undertaken by Moldova. This growing scrutiny led to a reassessment of justice and anticorruption reforms, to the point that external evaluators in Brussels realized that reforms should be assessed not just in terms of the adopted legal regulations, but, more importantly, how these regulations perform on the ground, if they are applied at all. The EU has become much more proactive in conditioning financial aid on meaningful reforms, such as ‘depoliticization’ of the judiciary and anticorruption bodies. The EU has become a forceful promoter of a new public management approach in the judiciary, calling for transparent selection procedures, with the participation of independent evaluators from outside parliament and government in general, relying on civil society, including foreign experts. The EU even advocated Constitutional amendments to boost the formal independence of judges.

It has been suggested that the EU should create a mechanism similar to the Cooperation and Verification Mechanism, employed to monitor and facilitate reforms in the justice system in

Romania and Bulgaria. This measure would not only create a robust tool for promoting real reforms but would signal indirectly the incremental integration of the recipient country into the EU, not just from a normative perspective, but also into the EU's institutional space. Applying a tool designed for member states to assist neighbors with membership ambitions would send a right signal, even if in somewhat ironic circumstances of remedying major rule of law violations.

Another relevant recommendation is providing macro-financial assistance only with a strong monitoring mechanism. This should imply more qualitative evaluations and not just quantitative ones. In line with the new public management ethos, double verification mechanism is strongly encouraged, first and foremost, regular internal and external audits of the financial assistance offered as well as domestic and external assessment of the implementation of the Association Agreement carried out by independent actors.

Like Moldova, Georgia has had its share of challenges with Association Agreement implementation. Just like Moldova, Georgia has made progress in implementing its Association Agreement and DCFTA, though in contrast, Georgia has had some success in implementing constitutional and public administration reforms. Still, the country needs to be more effective in combating human rights violations and doing more to empower women, according to a European Parliament report (2018). After the Rose Revolution of 2003 and the 2008 War with Russia, Georgia has been engaged in a complex state-building project. Economic liberalization and reconstruction of infrastructure has been the focus of the ruling establishment, which tended to overlook the deterioration of democratic standards, first and foremost with regards to rule of law, independence of judiciary and media freedom. In part, due to its major security vulnerabilities, Georgia has opted for a strong state model with top-down governance and centralized, even personalized, power, which, inevitably, lead to democratic backsliding and renewed accusations of employing the judiciary to eliminate political opponents (Kramer, 2021).

Georgia was the last among the three countries to see a democratic transfer of power as a result of free elections in 2012. However, the one-party rule by the Georgian Dream has demonstrated the fragility of Georgia's electoral democracy. Given the weak institutions, frail checks and balances and informal lines of accountability, the national Parliament has failed to exercise its role of overseeing the executive branch. All this during the implementation of the EU Association Agreements, which covers common values, namely democracy, respect for human rights and fundamental freedoms as well as the rule of law. In weak and unconsolidated

democracies, one party control often leads to executive domination over parliament, yet in the case of Georgia, this domination also extends to the judicial branch, including the prosecutor's office. Like the Moldovan case, Georgia is failing to implement robust procedures that would ensure fair and transparent selection, appointment, evaluation, and promotion of judges based on merit rather than political influence.

The European Parliament resolution on the implementation of the Association Agreement is much more lenient towards Georgia than it was towards Moldova. Resolution A8-0320/2018 only “recalls the importance of free and independent mass media, editorial independence, as well as pluralism and transparency of ownership in the media environment as key democratic principles” and “takes note of the ongoing judicial reform and signs of greater impartiality and transparency of the judiciary,” which only indicates that MEPs were blindsided and failed to learn from the Moldovan experience. Even in the latest resolution A9-0136/2020, the European Parliament only “expresses its concern about recent court cases against opposition politicians, which have undermined trust between the ruling party and the opposition”. If regional experience is any indication, it is not at all surprising to see that appeasement or well-meaning ignorance of democratic backsliding has only escalated the problem, culminating in the arbitrary arrest of the leading opposition figure – Nika Melia, chairman of the United National Movement, a political party founded by a former president, Mikheil Saakashvili, who has been also prosecuted in absentia and is yet to return to the country (Kramer, 2021). This indicated a major flaw in the implementation of the Association Agreement, particularly when it comes to chapters pertaining to General principles and common values, Political dialogue and reform, as well as Rule of law and good governance.

At the same time, Ukraine, just like the other two countries, is making progress in terms of economic and trade relations with the European Union, as increasing market access is the main incentive for the Association Agreement implementation, after the visa liberalization ‘carrot’ has already been granted. Yet, the scenario in which the countries are benefiting from the economic side of the Association Agreements, while failing to meet the political, good governance, democracy and rule of law commitments, is repeating itself in the case of Ukraine. Ukraine is being praised by the EU coordinating and supervising bodies for making progress in implementing reforms, particularly in trade relations, but indicates the need for further reforms, particularly in the fight against corruption. Ukraine is also made vulnerable by the ongoing

conflict with Russia, which takes away a lot of energy and resources from implementation reforms. This reality of facing separatist regions is common to all three countries and presents an extra burden in terms of implementing the Association Agreements, while, at the same time, presenting a major opportunity for integrating the secessionist regions into the European market.

In line with neo-functionalist expectations, economic integration leads to spill-over across policy sectors and makes further political integration, or, in these cases, reintegration, more likely. Yet, given the hard security constraints, which these regions operate under, this spill over and change of attitudes and policies is unlikely in the short and medium term. Still, the EU is not only a vocal supporter of national sovereignty and territorial integrity of Ukraine, but it also “Calls on Ukraine to assist the Moldovan central government in its endeavors to regain control over Transnistria based on the territorial integrity of Moldova (EP Resolution A9-0219/2020, 2021).” The same resolution of the European Parliament on the implementation of the EU Association Agreement with Ukraine commends the support for modernization and de-oligarchization that exists in Ukrainian society. The latter goes back to President Petro Poroshenko’s promises to rid the country of oligarchs, while being one himself (Halling and Stewart, 2016). Not much progress has been achieved in reducing the influence of extremely wealthy individuals on the political process and state institutions. Just like in Moldova, that even adopted a parliament declaration on the state capture and the need for de-oligarchization, the results under underwhelming (Jural.md, 2019).

Apart from Ukraine’s challenging situation, stemming from external pressure such as that resulting from the Russian annexation of Crimea and the War in Donbas, the implementation of the Association Agreement is made more difficult by many socio-political, economic, and legal factors. Harmonization with the EU *acquis* poses a large institutional challenge. According to European experts, the biggest challenge for Ukraine is not the formal model of coordination, but rather the institutional capacity of public authorities to implement the Association Agreement. Moreover, experts point out to the bigger problem: Ukraine’s highly inefficient public administration, which hinders the country’s comprehensive reform agenda (Tyushka, 2018). Issues with capacity are common to all three countries, though issues with political influence are more pernicious in the long term.

Ukraine, just like the other two countries, is doing relatively well with legislative approximation, while the regulatory approximation and, especially, the application and

enforcement of adopted laws is a major problem. As a rule, the less political interests there are in a policy area, the higher the chances that successful implementation of legislative approximation is going to occur. The more technical an area is the more productive the harmonization process is likely to be. This negates, in part, the argument about the lack of capacity and reinforces the argument about political will for reforms in highly sensitive areas that touch upon the interest of oligarchs or strike at the core of the clientelist system – the judiciary and prosecutorial authority. Therefore, the only way forward is growing the participation of the society in the process in line with the policy pluralization. The salience and public attention, the more likely that the outcome of the policy process is going to reflect public consultations and research-informed decision-making. This is strenuous and requires time and resources. There is always a temptation for cutting corners. However, experience shows that overreliance on elites and prioritizing speed over quality ends up defeating the purpose of the reforms. All three countries would benefit from a more effective implementation of their respective Association Agreements.

Yet, for this to happen there needs to be a rethinking of the legal approximation process, so that all relevant stakeholders are included into the process, not just formalistically or just at certain stages of the process, but to have a true shared ownership over the process. This is difficult, given the still highly centralized policy making process and weak oversight across institutions in all policy areas. Nonetheless, if the Association Agreements are to bear fruit and lead to structural transformations in the three countries, making them resemble their European neighbors, the EU needs to make better use of its main leverage – political conditionality. Yet, the ultimate goal could only be reached by socialization, which is a two-way street. So far, as evidenced by the patchy implementation record of Association Agreements, particularly when it comes to democracy, rule of law and fundamental freedoms, the goal of political integration with the European Union remains distant, just as distant as democratic consolidation. Given the experience of the three countries with Association Agreement implementation, it becomes clear that the EU could do more for transforming its immediate neighborhood if only it used its existing toolbox better. It could also significantly expand its toolbox as well. The ways in which the EU could be more effective in projecting its normative power in the region will be explored in the following section.

5.2. The Catch-22 of Potemkin Europeanization and Democratization in the Absence of EU Membership Perspective

As long as the membership perspective is not on the table, other options need to be explored. Currently, the main challenge for the three countries that are part of this research is their membership in the Eastern Partnership. What was once perceived as a privileged position in relations with the EU is now the main stumbling block in advancing these relations. Back in 2009, there was no appetite for enlargement and the six countries were grouped into an initiative that was conceptualized by one of its creators – then Polish Foreign Minister Radoslaw Sikorski as follows: "We all know the EU has enlargement fatigue. We have to use this time to prepare as much as possible so that when the fatigue passes, membership becomes something natural (Goldirova, 2008)." Over a decade has passed and the fatigue has dissipated as four Western Balkan countries have begun accession negotiations since 2009 (Montenegro in 2012, Serbia in 2014, Albania in 2018, Republic of North Macedonia in 2020). Though, it could be argued that the fatigue depends on the region at hand. The path dependency and bureaucratic inertia has locked Georgia, Moldova and Ukraine into the no-man's land, when it comes to perceptions about enlargement. Even though, in some respects, these countries were just as (un)prepared to become candidate countries as some of the western Balkan nations. That is why the Commission proposal for a new policy objective for beyond 2020 is so narrow and lacking ambition. This is encapsulated in the Commissioner for Neighbourhood and Enlargement Olivér Várhelyi's statement: "We are sending a very clear message to our Eastern partner countries: we will help you to build strong economies and to create growth and jobs by attracting foreign direct investment and by strengthening connectivity in key sectors, such as transport, energy and environment. (2020)" Indeed, the message could not be clearer. The duality of the narrative and 'otherness' remains, despite the best intentions of molding a better economic environment for the citizens of the Eastern Partnership, which, as a region, has become the tenth-largest trading partner for the EU (Várhelyi, 2020).

The EU faces three main challenges in the EaP region: combating corruption and state capture, improving the security situation to boost economic development and mitigating climate change via environmental adaptation. It is clear that a multilateral framework is necessary but is not sufficient to tackle these major problems. Therefore, country specific solutions need to be tailor-made (Deen, Zweers and van Loon, 2021). These solutions need to consider the de facto

differentiation that has occurred among the EaP countries. Georgia, Moldova and Ukraine have become more advanced in their relations with the EU, having signed Association Agreements, having achieved visa-free travel, having a closer political dialogue, which constitute a clear differentiation from the other three.

More vividly, the problems with the EaP framework have become manifest when two of its members went to war with each other and the EU could not do much to engage and preclude the escalation. When Armenia and Azerbaijan are locked into a military conflict this does not leave much room for a partnership. Moreover, the timid EU response to the crisis in Belarus further undermined the EU's credibility in the region. Thus, banding together all six countries that have different levels of cooperation with the EU and different expectations is not only unfeasible any more, but counterproductive. This criticism was there from the inception of the EaP, but ten years on, this is a diagnosis of a dysfunctional initiative. As pure bilateralism is not a reasonable alternative either, a combination of multilateralism and bilateralism is a better solution. Once a clear formal differentiation is in place, Georgia, Moldova and Ukraine could better capitalize on future opportunities of deeper economic integration into all major sectors: energy, trade, transport, digital economy, customs, security cooperation etc. (Deen, Zweers and van Loon, 2021).

The problem is that the EU Commission is not ready to make this differentiation and instead proposed five sets of objectives in its March 2020 new framework document for EaP policy "Reinforcing Resilience – an Eastern Partnership that delivers for all." These objectives are aimed at building resilient, sustainable and integrated economies by revamping a partnership that protects (the rule of law and security), a partnership that greens (environmental and climate resilience), a partnership that connects (digital transformation) and a partnership that empowers (fair and inclusive societies). Though a step in the right direction, without settling the differentiation problem the EaP is likely to continue to muddle through without meeting its original goal of opening the prospects for membership.

Unlike the Commission or the Council, the European Parliament is more ambitious when it comes to the Eastern Partnership future. In June 2020, the Committee on Foreign Affairs issued a report on a European Parliament recommendation to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs

and Security Policy on the Eastern Partnership, in the run-up to the June 2020 Summit. The rapporteur was Petras Auštrevičius (ALDE), who along with his fellow MEP Andrius Kubilius (EPP) is among the biggest promoters of the differentiation and deeper integration of Georgia, Moldova and Ukraine into the EU. The vision of the report reflects a growing view that the EaP needs to formally move beyond its founding premise as a bridge between neighbors and to become a vehicle for significant economic integration and, ultimately, EU accession. The report spells out the need for establishing a common economic space, joining the Schengen Area, entering the customs and the energy unions. In fact, this reflects the Trio Strategy, born at the EPP Congress in Zagreb (2019), whereby Ukraine, Georgia and Moldova are formally recognized as a different more advanced group within the EaP format, if the EaP makes sense at all at this point. The Trio Strategy author, Andrius Kubilius, expressed disappointment over the Commission's proposals, citing Georgia's better preparedness for joining the EU than many of the current candidate countries in the Western Balkans (Lavender, 2020). This was, of course, prior to the arbitrary arrest of the Georgian opposition leader and prior to the change of Government in Moldova.

The EU Parliament report lays out an ambitious vision, calling for “maintaining a long-term European perspective for the interested countries in the EaP is a catalyst for democratization and further reforms in the EaP countries; underlining that, pursuant to Article 49 TEU, any European state may apply to become a member of the EU provided that it respects the conditions stipulated in Article 2 TEU; embarking on a process to create a common economic space, leading towards integration with the four freedoms (Auštrevičius Report, 2020).” The fact the EaP 2020 summit was postponed for 2021 provides an opportunity for the European Parliament to further lobby the Commission to expand its vision about the EaP, and the three countries under analysis. The Commission and the Council are constrained by the geo-political reality and cannot afford to leave Armenia behind. In fact, the Commission appeared to have had some hopes for closer ties with Belarus prior to the crisis that followed the presidential elections in August 2020. In this context, Georgia, Moldova and Ukraine are, yet again, held hostage by their geography. This is not to diminish the lack of preparedness of the three countries for membership, but this catch-22 can only be broken if the EU, at least, finds the determination to reaffirm what is already enshrined in Article 49 TEU - that any European state may apply to become a member of the EU if it meets the criteria for membership. Since, not willing to take

this step only reaffirms the narrative of the ‘other’ and provides fertile ground for the propaganda that paints Georgia, Moldova and Ukraine as not having even the slightest chance of becoming candidate countries due to their inherent, alleged, inferiority.

It is difficult to predict who prevails in the short term when it comes to setting the priorities for the EU’s EaP policy; however, if the EU integration history is any indication, the European Parliament always wins in the long run. In this case, one could be optimistic that the EU Parliament’s vision that calls for the creation of a common economic space with the EaP countries willing and ready to do so, will ultimately prevail over the view of the Council and the Commission, that is content with preserving the status quo and, only allowing for incremental piecemeal approach to deepening the relations.

It is important to note that the EU’s normative power is hardly neutral. It is underpinned by security interests as well as regional and global power politics. The difference is that the democratically articulated interests of the three countries under research are better aligned with those of the European Union. The democratic articulation of these interests is evidenced in opinion polls that overwhelmingly favor European integration and general elections that tend to favor political parties with a pro-EU integration agenda. The remaining challenge is to further align the interests of the EU and those of the three countries by increasing European leverage and linkages via conditionality and socialization. Genuine Europeanization, grounded on rule of law and respect for democratic principles, reduces alignment costs. Apart from mutually beneficial economic considerations, it becomes clear that democratic consolidation is also in the interests of both sides.

Therefore, in light of the economic development and democratization track records of Georgia, Moldova and Ukraine documented and scrutinized in the current research, and, in light of EU’s enlargement commitment enshrined in its founding documents as well as public statements by EU leaders promoting the ‘more for more’ principle, there is hardly any justification for not providing a membership perspective and opening accession talks with Georgia, Moldova and Ukraine if and when any one of these three countries have achieved a level of economic and democratic development comparable to Western Balkan countries. The benchmark for membership is spelled out in the 1993 Copenhagen European Council Conclusions on Relations with the Countries of Central and Eastern Europe: “Membership

requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union (Copenhagen European Council, 1993).” These Copenhagen criteria are broad enough to give EU institutions enough leeway when deciding to grant membership perspective, but these criteria are narrow enough to be operationalised and used as comparisons.

For instance, GNI and GDP per capita, average salaries in Georgia and Moldova are comparable or higher than the same indicators were in some of the Western Balkans countries at the time when they were granted membership perspective (TradingEconomics, 2010-2021). While Georgia has consistently and significantly outperformed all Western Balkan countries in terms of Corruption Perceptions Index in the past decade, Moldova is nowadays doing better than some Western Balkans countries were doing at the time when they were granted membership perspective (Transparency International CPI, 2010-2020). The same is true when it comes to democracy indicators. Moldova was and still is doing better than some Western Balkans countries, according to the Democracy Index (Economist Intelligence Unit, 2006-2020).

These discrepancies not only leave room for ‘black nights’ to steer these countries off their path towards democracy, but also create fertile ground for the elites in these countries to engage in Potemkin style reforms or even outright democratic backsliding in the absence of robust EU leverage and linkage. As long as EU leverage and linkage to a country are strong either via negotiation of an Association Agreement or, especially, during the accession talks, the local elites susceptible to public pressure have to follow the democratic norms, rules and ways of doing things and cannot afford to engage in anti-democratic behavior. Once this leverage decreases after the agreement is signed, the proverbial ‘carrots’ run out. This leads to a dilemma for local elites facing a likely election defeat after implementing costly reforms: do nothing and lose or tilt the playing field in favor of the incumbent and win. These developments are clearly visible, albeit to a varying degree, in Georgia, Moldova and Ukraine in the aftermath of their signing of the Association Agreements with the EU.

Lack of a clear membership perspective or any other robust mechanism of anchoring these countries' elites on a pro-democracy and pro-reform track has another implication for the reform process. Knowing that real reforms, particularly in the justice sector, are going to reduce their chances of staying in power or, in some cases, can lead to parts of the incumbent elite going to prison for corruption, influence peddling or abuse of power, they choose to engage in window dressing, obfuscating the reforms process at best, and, completely hijacking the process and boosting political control over the judiciary at worst – a trend that has been present in all three countries in the past decade.

Finally, in a context when reforms are politically costly and electoral prospects are negative, coupled with weak institutions and high geopolitical tensions, elites are tempted to use this reality to their political and material advantage. Putting up a democratic façade, while engaging in anti-democratic and corrupt practices, can go unobserved or ignored by western partners, if local elites learn to manipulate their western partners into accepting these compromises in exchange for geopolitical loyalty under the pretence of combating 'enemy aggression'. This, again, has been the case in the three countries in the past decade, albeit to a varying degree.

Thus, the perpetuation of no-man's land attitude towards these countries is not conducive to democratic consolidation. Reduced leverage and oscillating linkages make full democratization less likely. Moreover, both Europeanization and democratization are reversible as long as linkages remain weak and conditionality wanes. The reversibility of Europeanization and democratic backsliding can be both a result of deliberate action by incumbent elites as well as a result of incumbents being defeated or ousted by anti-democratic and anti-European forces. Meaning that, even if elites were less self-interested and more guided by the public interest and would engage in politically costly reforms for the sake of improving the living standards in the country, they could end up not just simply losing the next election, but losing it to their anti-European and anti-democratic opponents. Thus, in the absence of an anchoring mechanism, the sacrifice of the more 'altruistic' elites can become not only futile, but counter-productive for the general welfare of the society and its democratic prospects. This is why the anchoring mechanism becomes so important.

The most robust anchoring mechanism remains the membership perspective. Though, this need not be the only tool in the EU's drawer. A pathway towards a customs union or even a single market would be in line with Romano Prodi's invitation of "sharing everything with the Union but institutions" (2002) and would provide the guardrails for democratic consolidation in a geo-politically contested region. The European single market entails the four quintessential freedoms: the free movement of goods, services, capital and labour. As long as enlargement remains politically less feasible in some European capitals and unanimity is hard to come by, offering a path towards deeper economic integration may be a reasonable compromise that could ensure a virtuous cycle of economic development boosting democratic governance, which, in turn, fosters economic growth and expands the middle class that becomes invested in the stability of the democratic system.

Conclusion

Europeanization and democratization are often perceived as synonymous and are colloquially used interchangeably when it comes to the large-scale transformation of the European neighborhood. The author has explored the extent to which the incremental Europeanization of political and economic systems in Georgia, Moldova and Ukraine is connected to the process of democratization and democratic consolidation. After making a conceptual distinction between Europeanization and democratization, the study provides empirical evidence of a clear disconnect between the two processes. The findings indicate that the three countries have become increasingly Europeanized, while becoming less democratic and presenting vivid examples of democratic backsliding or even state capture, which presents an interesting puzzle of a disjuncture between Europeanization and democratization, despite their endogenous relationship. This is evidence of ‘Potemkin Europeanization’ or window dressing of reforms, as elites have learned how to obfuscate the reform process to create an illusion of reform implementation when their interests could be affected by actual reforms. This is a symptom of lack of commitment on behalf of elites to genuine reforms but is also an indication of lack of proper monitoring and evaluation mechanism for the domestic and external stakeholders, resulting in suboptimal solutions or even outright regress.

Unsurprisingly, in the absence of a membership perspective, political commitment of elites to painful reforms is likely to remain low and will be dependent on a cost-benefit calculation susceptible to changing political circumstances rather than a strategic commitment to reforms. Still, despite having no formal membership perspective, Georgia, Moldova and Ukraine can and should be proactive in increasing the chances of receiving a positive response of their future membership application by complying with the EU enlargement-type conditionality, since the aspirations of these countries may be viewed more favorably once conditions within the EU begin to render their accession more feasible. Successfully implementing their respective Association Agreements is important, but unilaterally and proactively going above and beyond in harmonizing legislation, norms, procedures and ways of doing things across sectors will inevitably anchor Moldova, Ukraine, and Georgia on the European path.

In the process of answering the research questions, the author challenges the concept of ‘snowballing,’ introduced by Samuel Huntington (1991), given that elites in the three countries analyzed have shown a tendency to emulate the worst practices from the region rather than using the third wave democratization countries as a blueprint for genuine democratization and democratic consolidation. More so, the novelty of this research resides in disconfirming Huntington’s one directional democratic cascade theory in the specific condition of the three countries. The unique geopolitical environment of these countries is reflected by the European Union’s facilitation of democracy, on the one hand, and, on the other hand, Russia’s facilitation of the status quo, while also encouraging undemocratic practices. This challenges the geographically deterministic democratic spillover from one country to another. Instead, the author finds robust evidence in support of the modernization theory of democracy, while also confirming the negative effects of active geopolitical competition on the countries that become the objects of this competition. The subjects being, on one side, the Euro-Atlantic community, more specifically the European Union, and, on the other side, the Eurasian Union, mostly represented by the ambitions of the Russian Federation to rebuild the ‘empire’. The paradoxical nature of the dilemma faced by the object countries consists in the following: The EU demands democratic reforms, but does not allow them into the EU club, while Russia does not demand any changes and is ready to accept Georgia, Moldova and Ukraine into its own regional integration structures. The perplexing reality of these countries is that local elites and the broader public appear committed, albeit to a varying degree, to engage in painful and costly democratic reforms without the promise of EU membership, while being unwilling, to a large degree, to accept the, presumably, more generous and effortless Russian offer.

As long the European Union remains engaged in democracy promotion without a clear sense of purpose, maintaining the duality of trying to transform countries while keeping them at arm’s length, it will be less realistic to expect democratic consolidation in the region. As long as prospects for a democratic and prosperous future will remain dim, nostalgia for an anti-democratic but glorious past will fill the void. It is, therefore, crucial that the European Union finds the political will to address the shortcomings of its democracy promotion efforts and reassess its normative stance vis-à-vis the Eastern Partnership differentiation proposals as well as calls for deeper economic integration under the Turkish or Norwegian models. Then, if/when the EU decides to meet the European aspirations of Georgia, Moldova and Ukraine and chooses to

do away with the ‘neighbor’ narrative, provided that the necessary commitments are met by the three countries, this is likely to foster democratic consolidation and break the cycle of democratic stagnation, launching instead a virtuous cycle of mutually reinforcing economic and democratic growth. Increased and robust EU conditionality, coupled with systemic efforts of socializing national elites and the societies at large into the European value system, will inevitably tilt the cost-benefit analysis of national elites and the broader publics towards democratic consolidation. This could kindle the proverbial light at the end of the tunnel. The length of the tunnel remains unknown, but, one thing is certain, there is no stopping or going back, as long as the passengers are ready and willing to do what it takes to follow the light.

Annexes:

Chapter 1

Annex 1: The evolution of the legal framework between EU and Georgia, Moldova and Ukraine.

Agreement	PCA signed	PCA in force (10 Years)	Joint Action Plan (3, Georgia 5 years)	AA – DCFTA talks began	AA – DCFTA initialed	AA – DCFTA signed	AA – DCFTA in force	Visa Liberalisation Action Plan Initiated	Visa Liberalisation In force
Country									
Georgia	22 April 1996	1999	14 Nov. 2006	July 2010	29 Nov. 2013	27 June 2014	1 July 2016 (Provisional 1 Sep. 2014)	June 2012	28 March 2017
Moldova	28 Nov. 1994	1 July 1998	2005	Jan. 2010	29 Nov. 2013	27 June 2014	1 July 2016 (Provisional 1 Sep. 2014)	24 Jan. 2011	28 April 2014
Ukraine	1994	1998	21 Feb. 2005	March 2007 AA; 18 Feb. 2008 DCFTA	30 March 2012	21 March 2014 (Pol. 27 June 2014 Econ.)	1 Sep. 2017 (Provisional Pol. since Nov 2014; Econ. since Jan. 2016)	22 Nov. 2010	11 June 2017

Annex 2: Trade with EU, 2017

Country	Share of total trade with EU	Share of exports to EU	Share of imports from EU
Georgia	26.6	23.7	27.5
Moldova	55.6	64.3	50.8
Ukraine	41.6	40.5	42.5

Annex 3: Trade with Russia, 2017

Country	% of total trade with RU	Share of exports to RU	Share of imports from RU
Georgia	7.8	4.6	6.2
Moldova	11.7	13.7	10.6
Ukraine	12	9.2	14.5

Annex 4: European Party Federation Membership, 2018

Country	EPP	PES	ACRE	ALDE	European Left	Greens
Georgia	UNM, European Georgia	Georgian Dream	Conservative Party	Free Democrats '12; Republican Party of Georgia '07	-	Georgian Greens Party
Moldova	PLDM, PAS, PDA	PDM	-	Liberal Party '10	PCRM	Ecological Green Party

Ukraine	Batkivshchyna	-	-	Civic Position '16; European Party of Ukraine '13	-	Ukrainian Green Party
Total	6	2	1	5	1	3

Annex 5: Public support for EU vs. EEU, IRI Polls (2017-2018)

	Pro EU	Pro EEU
Georgia	90%	6%
Moldova	43%	42%
Ukraine	50%	16%

Annex 6: Political system overview

Country	Election system	Constituencies	Threshold	Parliament type & size	Parties in parliament	Parties in govt	Women in parl.	System of government
Georgia	Mixed	1 nationwide - 77 seats closed list; 73 single member	5%	Unicameral 150	4	1	16%	semi-presidential republic
Moldova	Mixed	1 nationwide, closed party list; 51 single member	6%	Unicameral 101	5	2	22.77 %	parliamentary republic
Ukraine	Mixed	225 single-member; 1 nationwide - closed list.	5%	Unicameral 450	11	5	11.67 %	semi-presidential republic

Annex 7: EaP European Integration Index (Europeanization Index) 2012-2019*

	2012	2013	2014	2015 - 2016	2017	2018-2019 *
Linkage						
Georgia	0,54	0,57	0,59	0,66	0,65	0,70
Moldova	0,7	0,7	0,7	0,68	0,67	0,67
Ukraine	0,67	0,65	0,66	0,62	0,64	0,66

Approximation	2012	2013	2014	2015 - 2016	2017	2018-2019 *
Georgia	0,59	0,63	0,69	0,67	0,64	
Moldova	0,65	0,67	0,69	0,73	0,65	
Ukraine	0,55	0,58	0,6	0,72	0,73	

*Note: Linkages data is available for 2018-2019, while approximation data is not.

Figure 6: Linkage

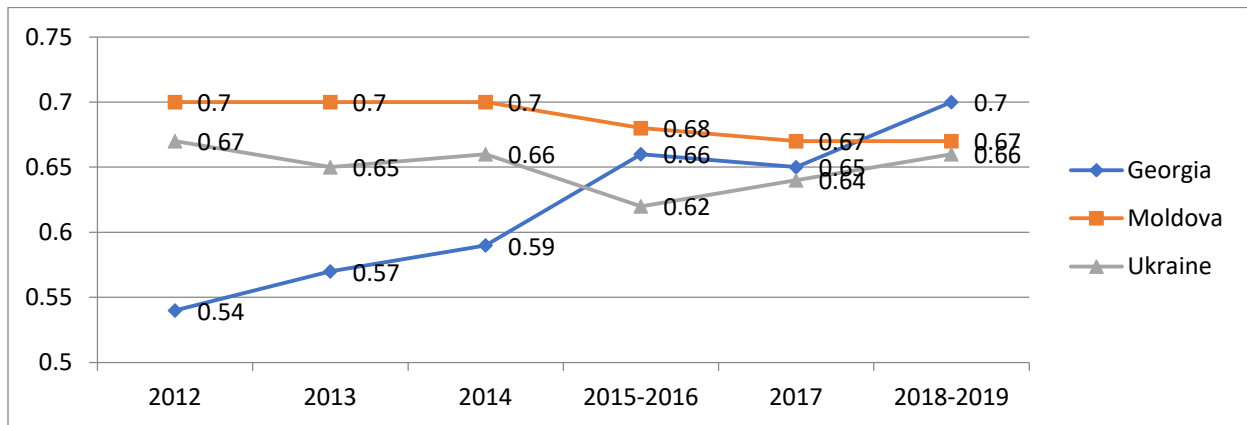
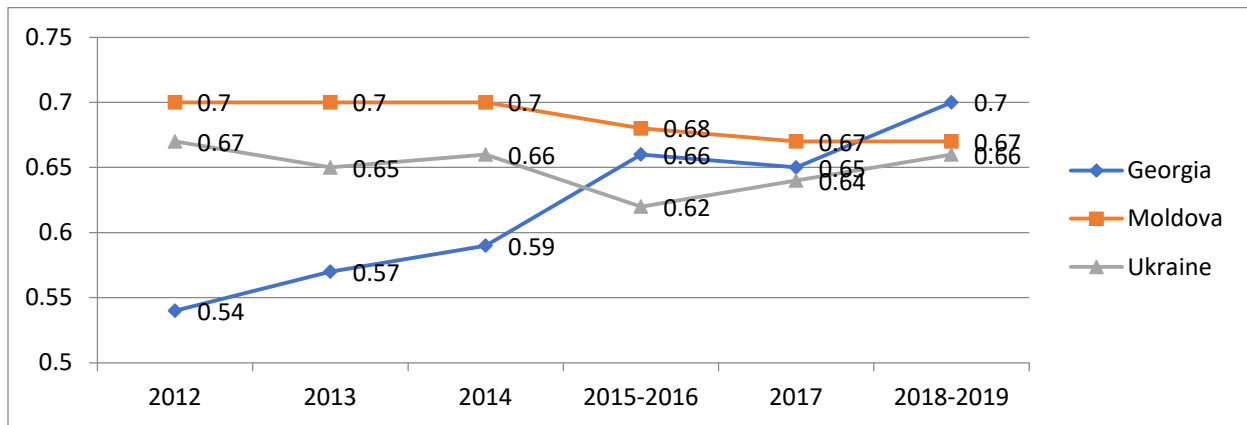


Figure 7: Approximation



Annex 8: Democratic consolidation criteria

Country	Two election/ transfer of power test	GDP per capita (2016) test
Georgia	YES	3853 USD
Moldova	YES	1900 USD
Ukraine	YES	2185 USD

Annex 9: Freedom House Democracy Score

Freedom House, Nations in Transit Report (INVERSE) higher is better											
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Georgia	2,21	2,07	2,07	2,14	2,18	2,25	2,32	2,36	2,39	2,39	2,32
Moldova	2	1,93	1,86	2,04	2,11	2,18	2,14	2,14	2,11	2,07	2,07
Ukraine	2,75	2,61	2,61	2,39	2,18	2,14	2,07	2,25	2,32	2,39	2,36

Note: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. If consensus cannot be reached, Freedom House is responsible for the final ratings. The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

Annex 10: The Economist Intelligence Unit Democracy Index

The Economist Intelligence Unit's Democracy Index											
	2006	2008	2010	2011	2012	2013	2014	2015	2016	2017	
Georgia	4,9	4,62	4,59	4,74	5,53	5,95	5,82	5,88	5,93	5,93	
Moldova	6,5	6,5	6,33	6,32	6,32	6,32	6,32	6,35	6,01	5,94	
Ukraine	6,94	6,94	6,3	5,94	5,91	5,84	5,42	5,7	5,7	5,69	

Note: 167 countries scored on a 0-10 scale based on the ratings (0, 0.5 or 1) for 60 indicators grouped in five categories: electoral process and pluralism; civil liberties; functioning of government; political participation; and political culture. Each category has a rating on a 0-10 scale, and the overall index of democracy is the simple average of the five category indices.

Annex 11: Bertelsmann Stiftung Democracy Status

Bertelsmann Stiftung's Transformation Index (Democracy Status, '06- '16)							
	2006	2008	2010	2012	2014	2016	2018
Georgia	6,1	6,9	6,1	6,2	6,5	6,7	6,8
Moldova	5,4	6,9	6,7	7,1	7,2	6,7	6,2
Ukraine	7,1	7,4	7	6,1	6,1	6,8	6,9

Note: Democracy Status describes where a country stands on its way to democracy. It is composed of five criteria evaluated on a 1-10 scale.

Annex 12: Sum and Average of the three rankings

	2006	2008	2010	2012	2014	2016	2018
Sum of 3 scores	*						
Georgia	11	13,7 3	12,7 6	12,9 1	14,6 6	15,0 2	15,0 5
Moldova	11,9	15,4	14,8 9	15,5 3	15,6 6	14,8 2	14,2 1
Ukraine	14,04	17,0 9	15,9 1	14,1 9	13,5 9	14,8 2	14,9 5

Average of three scores	2006 *	2008	2010	2012	2014	2016	2018
Georgia	5,5	4,58	4,25	4,30	4,89	5,01	5.02
Moldova	5,95	5,13	4,96	5,18	5,22	4,94	4,74
Ukraine	7,02	5,70	5,30	4,73	4,53	4,94	4,98

*Note: Only two sets of scores available for 2006, while Freedom House is missing.

Chapter 2

Annex 1: Summary of factors that influence the degree of politicization in the three cases under analysis

Case	Political origin of charges	Ambiguous charges	Inexperienced judge or prosecutor	Pre-trial detention	Closed trial	Defendants' allies targeted	Stalling by judges	ECHR complaint
Yulia Timoshenko	yes	yes	yes	partially	no	yes	partially	yes
Mihail Saakashvili	yes	yes	no	n/a	no	yes	yes	not yet
Vlad Filat	yes	no	yes	yes	yes	yes	no	yes
Domnica Manole	yes	yes	no	no	no	n/a	yes	not yet

Annex 2: Expert Survey Questionnaire: Georgia, Moldova, and Ukraine: A European and Democratic Outlook?

In light of the requirements of PhD studies at the University of Milan, I (Mihail Popsoi) would like to kindly ask you share your knowledge and intuition in this expert survey, aimed at assessing the current state of democratic consolidation or perhaps backsliding of each of the three countries in the context of their aspirations of joining the EU. There are 16 main questions and 14 questions of clarification. Finally, there are a few demographic questions. All answers are confidential and will only be used for the purposes of this research, guaranteeing anonymity to all respondents.

1. What are the main drivers of democratic backsliding in your country? (check up to three boxes)
 - Endemic high-level corruption
 - Geopolitically divided elites
 - Geopolitically divided society
 - Lack of EU membership perspective

Poverty and low economic progress
Russian military influence
Russian soft power influence
Weak domestic institutions
Weak judicial independence
Other_____

If you checked 'Other', please elaborate.

2. How politicized or un-politicized were the criminal cases/sentences against your former prime minister/president? (Tymoshenko, Filat, Saakashvili - respective to your country)
- Totally politicized
 - Somewhat politicized
 - Hard to tell
 - Somewhat un-politicized
 - Totally un-politicized

Why? Please elaborate on your choice above.

3. How fair or unfair were the criminal cases/sentences against your respective former prime minister/president? (Tymoshenko, Filat, Saakashvili)
- Totally fair
 - Somewhat fair
 - Hard to tell
 - Somewhat unfair
 - Totally unfair

Why? Please elaborate on your choice above.

4. How successful are the justice sector reforms in your country?
- Very successful
 - Somewhat successful
 - Hard to tell yet
 - Somewhat unsuccessful
 - Very unsuccessful

Why? Please elaborate on your choice above.

5. To what extent do you consider these features as important or unimportant for a country to be democratic?

(1- totally unimportant; 2 unimportant; 3 neither important nor unimportant; 4 important; 5 very important)

- Competitive elections
- Free and fair elections
- Institutional guarantees for public contestation
- Freedom of assembly and association
- Freedom of speech and media freedom
- Independent institutions normatively accepted by citizens
- Protection of the rights of the minority
- Universal acceptance of democratic norms

6. How positive or negative do you consider the effect of competing geopolitical trajectories (towards EU vs. towards Russia) on structural democratic reforms in your country?

- Very positive
- Somewhat positive
- Neither positive nor negative
- Somewhat negative
- Very negative

Why? Please elaborate on your choice above.

7. How sufficient or insufficient do you consider the incentive structure of the Eastern Partnership (‘more for more principle’) to serve as a catalyst for democratic reforms in your country?

- Totally sufficient
- Somewhat sufficient
- Neither sufficient nor insufficient
- Somewhat insufficient
- Totally insufficient

Why? Please elaborate on your choice above.

8. How necessary or unnecessary do you consider the EU membership perspective to be in order to produce sustainable structural democratic reforms in your country?

- Totally necessary

Somewhat necessary
Neither necessary nor unnecessary
Somewhat unnecessary
Totally unnecessary

Why? Please elaborate on your choice above.

9. To what extent do you consider domestic grass roots pressure for democratic reforms in your country to be sufficient or insufficient for ensuring stability of democratic institutions and rule of law?

Totally sufficient
Somewhat sufficient
Neither sufficient nor insufficient
Somewhat insufficient
Totally insufficient

Why? Please elaborate on your choice above.

10. To what extent do you agree or disagree that the Eastern Partnership policy is a buffer zone between the EU and Russia and your country has little to no chance of joining the EU?

Strongly disagree
Disagree
Neither agree nor disagree
Agree
Strongly agree

Why? Please elaborate on your choice above.

11. To what extent do you agree or disagree that the Eastern Partnership policy is a waiting room for your country in preparation for joining the EU?

Strongly disagree
Disagree
Neither agree nor disagree
Agree
Strongly agree

Why? Please elaborate on your choice above.

12. How likely is it for your country to be in one of these positions in ten years time?
(Eurasian Economic Union EEU vs. European Union EU)?

(1 very likely; 2 likely; 3 neither likely nor unlikely; 4 unlikely; 5 very unlikely)

Member of the Eurasian Economic Union
Candidate to joining the Eurasian Economic Union
Status quo (neither joining the EEU nor the EU)
Candidate to joining the European Union
Member of the European Union

13. How important or unimportant are these factors in influencing the trajectory of your country either in the direction of the EU or the EEU (Russia)?

(1- totally unimportant; 2 unimportant; 3 neither important nor unimportant; 4 important; 5 very important)

Geopolitical developments in the region
Interests of elites in each country
Public opinion in each country
Quality of reforms in each country
Market access priorities of your country
Competing technical standards in the region
Developments within the EU
Developments within Russia
Other _____

If you checked 'Other', considering that another major factor is missing, please elaborate.

14. To what extent do you consider the EU integration process of your country to be irreversible or reversible?

Totally irreversible
Somewhat irreversible
Neither sufficient nor irreversible
Somewhat reversible
Totally reversible

Why? Please elaborate on your choice above.

15. How likely or unlikely is such an event to REVERSE the process of EU integration of your country?

(1 very likely; 2 likely; 3 neither likely nor unlikely; 4 unlikely; 5 very unlikely)

Revolution

Coup d'état

Public protests

Economic depression

War and conflict

Election results

Other_____

If you checked 'Other', considering that another major factor is missing, please elaborate.

16. How likely or unlikely is such an event to cement the IRREVERSIBILITY of your country's EU integration?

(1 very likely; 2 likely; 3 neither likely nor unlikely; 4 unlikely; 5 very unlikely)

Revolution

Coup d'état

Public protests

Economic depression

War and conflict

Election results

Other_____

If you checked 'Other', considering that another major factor is missing, please elaborate.

17. Please indicate your age group.

18. Please indicate your gender.

19. Please indicate your mother tongue.

20. Please indicate your country of residence.

21. Please indicate your primary field of activities.

22. How would you assess your own political views?

23. Do you authorize the author to use your answers for the purposes of this research under the guarantee of anonymity?

Chapter 3

Annex 1. Comparative data on income, development, inequality, corruption, military spending, political stability, competitiveness and investment

	GDP per capita \$ (IMF)	HDI (UNDP)	GINI (World Bank)	CPI (Transparency International)	Mil. expend. % of GDP (World Bank)	GCI (World Economic Forum)	Political Stability Index (World Bank) *average 1996-2019	FDI, bn \$ (World Bank) average 1992-2019
Georgia	4405 (96 th)	0.78 high (70 th)	36.4 medium	56 (44 th)	2 medium	60.9 (74 th)	-0.45 (135 th) -0.78*	0.89
Moldova	4268 (99 th)	0.71 high (107 th)	25.7 low	32 (120 th)	0.4 low	56.7 (86 th)	-0.38 (130 th) -0.21*	0.2
Ukraine	3425 (117 th)	0.75 high (88 th)	26.1 low	30 (126 th)	3.4 high	57 (85 th)	-1.52 (178 th) -0.68*	3.31

Source: IMF, UNDP, World Bank, Transparency International, World Economic Forum

Note: The Human Development Index (HDI) is a statistic composite index of life expectancy, education (Literacy Rate, Gross Enrollment Ratio at different levels and Net Attendance Ratio), and per capita income indicators, which are used to rank countries into four tiers of human development. A country scores a higher HDI when the lifespan is higher, the education level is higher, and the gross national income GNI (PPP) per capita is higher. It was developed by Pakistani economist Mahbub ul Haq and was further used to measure a country's development by the United Nations Development Programme (UNDP)'s Human Development Report Office.

Gini coefficient, Gini index or Gini ratio, is a measure of statistical dispersion intended to represent the income inequality or wealth inequality within a nation or any other group of people. It was developed by the Italian statistician and sociologist Corrado Gini and published in his 1912 paper Variability and Mutability. The Gini coefficient measures the inequality among values of a frequency distribution (for example, levels of income). A Gini coefficient of zero expresses perfect equality (for example, where everyone has the same income). A Gini coefficient of one (or 100%) expresses maximal inequality among values (for a large number of people where only one person has all the income or consumption and all others have none).

The CPI scores and ranks countries/territories based on how corrupt a country's public sector is perceived to be by experts and business executives. It is a composite index, a combination of 13 surveys and assessments of corruption, collected by a variety of reputable institutions. The CPI is the most widely used indicator of corruption worldwide.

The Global Competitiveness Index has been published yearly since 2004 in the Global Competitiveness Report (GCR) by the World Economic Forum. GCI was developed by Xavier Sala-i-Martin and Elsa V. Artadi. The Global Competitiveness Index integrates the macroeconomic and the micro/business aspects of competitiveness. The report "assesses the ability of countries to provide high levels of prosperity to their citizens". This in turn depends on

how productively a country uses available resources. Therefore, GCI measures the set of institutions, policies, and factors that set the sustainable current and medium-term levels of economic prosperity."

Political stability index (-2.5 weak; 2.5 strong): The index of Political Stability and Absence of Violence/Terrorism measures perceptions of the likelihood that the government will be destabilized or overthrown by unconstitutional or violent means, including politically-motivated violence and terrorism. The index is an average of several other indexes from the Economist Intelligence Unit, the World Economic Forum, and the Political Risk Services, among others. The average for 2019 based on 195 countries was -0.05 points. The highest value was in Iceland: 1.66 points and the lowest value was in Yemen: -2.77 points. Measure: points; Source: The World Bank

Annex 2. Macroeconomic Indicators for Georgia, Moldova and Ukraine 2014-2018

Country Data	Georgia					Moldova					Ukraine				
Year	2014	2015	2016	2017	2018	2014	2015	2016	2017	2018	2014	2015	2016	2017	2018
Population (million)	3.7	3.7	3.7	3.7	3.7	3.6	3.6	3.6	3.5	3.5	42.8	42.6	42.4	42.2	42.0
GDP per capita (USD)	4,441	4,016	4,061	4,361	4,718	2,249	2,164	2,286	2,794	3,229	3,058	2,055	2,175	2,686	3,118
GDP bn (EUR-MD, GE; USD-UA)	10.9	13.5	13.7	14.4	14.9	6.0	7.0	7.3	8.6	9.7	131	87.5	92.3	113	131
Economic Growth (GDP, annual var. in %)	4.6	3.0	2.9	4.8	4.8	5.0	-0.3	4.4	4.7	4.0	6.6	-9.8	2.4	2.5	3.3
Unemployment Rate	14.6	14.1	14	13.9	12.7	3.5	4.2	3.8	3.3	2.9	10.6	9.1	9.3	9.5	8.8
Fiscal Balance (% of GDP)	-3.2	-1.0	-1.3	-0.8	-0.7	-1.7	-2.2	-1.9	-0.8	-0.9	-4.5	-1.6	-2.3	-1.4	-2.1
Public Debt (% of GDP)	35.6	41.4	44.4	45.1	44.9	24.5	37.8	35.6	31.8	29.7	69.4	79.1	80.9	71.8	60.9
Inflation Rate (CPI, annual variation in %)	3.1	4.0	2.1	6.0	2.6	5.1	9.7	6.4	6.6	3.0	12.1	48.5	14.9	14.5	11.0
Policy Interest Rate (%)	4.00	8.00	6.50	7.25	7.00	6.50	19.50	9.00	6.50	6.50	14.00	22.00	14.00	14.50	18.00
Exchange Rate (vs USD)	1.88	2.40	2.66	2.59	2.68	15.61	19.70	19.92	17.10	17.04	15.82	24.03	27.10	28.16	27.71
Current Account (% of GDP)	-10.8	-11.8	-12.5	-8.1	-6.8	-7.1	-6.0	-3.5	-5.6	-10.6	-3.5	1.8	-1.5	-2.2	-3.3
Current Account Balance (USD bn)	-1.8	-1.8	-1.9	-1.3	-1.2	-0.6	-0.5	-0.3	-0.6	-1.2	-4.6	1.6	-1.3	-2.4	-4.4
Trade Balance (USD billion)	-4.3	-4.0	-3.9	-3.8	-4.1	-3.0	-2.1	-2.1	-2.6	-3.3	-7.1	-3.5	-6.9	-9.7	-12.7
Exports (USD billion)	4.0	3.0	2.9	3.6	4.4	1.8	1.5	1.6	1.9	2.0	50.6	35.4	33.6	39.7	43.3
Imports (USD billion)	8.3	7.0	6.7	7.4	8.5	4.9	3.6	3.6	4.4	5.3	57.7	38.9	40.5	49.4	56.1
Exports (annual variation in %)	-4.7	-24.4	-5.2	24.6	23.4	-4.3	-17.0	3.4	20.1	5.6	-14.5	-29.9	-5.3	18.3	9.2
Imports (annual variation in %)	7.6	-15.8	-3.2	9.4	15.5	-3.6	-25.3	0.1	21.7	19.1	-29.0	-32.6	4.2	21.9	13.6
International Reserves (bn USD)	2.7	2.5	2.8	3.0	3.3	2.2	1.7	2.2	2.8	3.0	7.5	13.3	15.5	18.8	20.8
External Debt (% of GDP)	84.7	102	105	107	101	81.0	79.2	76.3	68.7	64.2	95.6	135	122	102	87.5

Source: IMF, Focus Economics

Annex 3. Foreign Direct Investments

Country	Georgia			Moldova			Ukraine		
Year	2017	2018	2019	2017	2018	2019	2017	2018	2019
FDI Inward Flow (<i>million USD</i>)	1,963	1,265	1,268	157	308	589	2,601	2,355	3,070
FDI Stock (<i>million USD</i>)	17,955	18,258	19,145	3,679	4,121	4,792	43,250	44,338	48,906
Number of Greenfield Investments*	19	21	19	7	4	6	67	85	48
Value of G. Investments* (<i>million USD</i>)	718	1,217	1,380	101	117	130	1,633	3,239	1,421

Source: UNCTAD, Latest available data

Note: * Greenfield Investments are a form of Foreign Direct Investment where a parent company starts a new venture in a foreign country by constructing new operational facilities from the ground up.

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