

**ОЦІНКА ДІЯЛЬНОСТІ ЄС
ЩОДО ЗМІЦНЕННЯ ДЕМОКРАТІЇ
В ДЕРЖАВАХ-УЧАСНИЦЯХ ОСТАННІХ «ХВИЛЬ»
РОЗШИРЕННЯ
(Оглядова стаття)**

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Метою статті є оцінити ефективність політики ЄС щодо зміцнення якості демократії у державах-членах. Методи дослідження спрямовані на доведення гіпотези про зниження впливу (ініціатив, контролю тощо) інституцій ЄС за поглибленням демократичної модернізації, що має наслідком розбіжності з дискусійних питань між «молодими» демократіями ЄС (на прикладі держав Балтії) та ліберально-демократичним курсом ЄС. Дослідження опирається на методології неінституціоналізму, ціннісного підходу та політичної компаративістики. Результати дослідження дозволили зробити висновок, що поточні цілі ЄС недостатньо спрямовані на питання якості демократії в державах-членах. Потребу активізації діяльності ЄС у напрямку контролю за дотриманням стандартів демократії пояснено стагнацією/регресом якості демократії у державах останніх розширень ЄС. Дії інституцій ЄС щодо держав-учасниць, де проявляється стагнація/регрес демократії, оцінені як невідповідні можливими наслідками цього деструктивного процесу. Наголошено на недостатній увазі ЄС до зміцнення цінностей, на яких базується ЄС, в чому вбачається основна причина нинішнього погіршення якості демократії. Констатовано нагальність нового формату європейської демократії, справді ефективних механізмів гарантування її якості. Автори констатували низку відкритих питань, які потребують подальшого вивчення, зокрема: 1) які ініціативи ЄС здатні зменшити демократичний дефіцит у державах-членах?; 2) наскільки сильним має бути контроль ЄС за дотриманням стандартів і цінностей демократії, щоб це не суперечило принципам демократії? Звернено увагу на потребу подальшого з'ясування тих механізмів, які має впроваджувати ЄС щодо держав-членів, щоб зміцнити якість національних демократичних політичних систем.

Ключові слова: демократія, держави Балтії, ЄС, дефекти демократії, якість демократії.

EVALUATION OF EU ACTIVITIES TO STRENGTHEN DEMOCRACY
IN MEMBER STATES OF THE LAST WAVES OF ENLARGEMENT
(Review Article)

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The article's purpose is to assess the effectiveness of EU policies concerning strengthen the quality of democracy in the member states. The research methods are aimed at proving the hypothesis about a decrease in impact (initiatives, control, etc.) of EU institutions on deepening democratic modernization, as a result of a discrepancy on debatable issues between the «young» democracies of the EU (like the Baltic States) and the liberal democratic course of the EU. The research is based on the methodology of neo-institutionalism, value approach and political comparative studies. The results of the study have led to the conclusion that the current goals of the EU are not sufficiently focused on the issue of the quality of democracy in the member states. The need to revitalize the EU in the direction of monitoring the observance of democratic standards is explained by the stagnation/regression of the quality of democracy in these states of the latest EU expansion. The actions of EU institutions in relation to member states, where stagnation/regression of democracy has been manifested, were assessed as inappropriate regarding the possible consequences of this destructive process. Insufficient attention by the EU to strengthening its values on which the EU is based was noted, that is seen as the main reason for the current deterioration in the quality of democracy. The urgency of this new format for European democracy, of really effective mechanisms for ensuring its quality was stated. The authors mentioned a number of open questions that require further study, in particular: 1) are EU initiatives able to reduce the democratic deficit in its member states?; 2) how strong should the EU's control be over the observance of these standards and values of democracy so that it does not contradict the principles of democracy? Attention is drawn to the need of further clarifying these mechanisms which the EU should implement in relation to its member states in order to strengthen the quality of national democratic political systems.

Key words: *democracy, EU, defects of democracy, quality of democracy.*

The EU was created as a union of states based on the values of respect for human dignity, freedom, democracy, equality, the rule of law and others. Article 2 of the *Treaty on European Union* (1992) suggests that these values are common to member states within a community that must be characterized by pluralism, non-discrimination, tolerance, justice, gender equality, etc. Nevertheless, the political processes of the last two decades demonstrate that the liberal-democratic values, which are fundamental to the EU, lose their stability in the member states. Intolerance, a language of hostility, numerous social phobias, etc. are on the rise in the communities of the EU states (first of all, the young democracies of the fifth and subsequent waves of EU enlargement) [Bermeo 2016; Cianetti, Dawson & Hanley 2018; Diamond 2015 et al]. In the conditions of greater diversity of the EU, intolerance, various forms of discrimination and other defects of democracy are growing [Fotopoulos 2019; Müller 2015; Godfrey & Youngs 2019 et al].

In the face of such new challenges, upholding the values of pluralism, tolerance and non-discrimination should be of particular importance to the European institutions. The EU is expected to intensify the democratization process of young democracies in Central and Eastern Europe. These states made great efforts in the late 1990s and early 2000s to meet the Copenhagen criteria, but after May 1, 2004, there has been stagnation and sometimes regression in the processes of liberal democratization, and the EU, according to our estimates, does not make appropriate efforts to consistently continue democratic transformations or to prevent a decline in the quality of democracy.

In 2019–2020, anti-liberal political forces received substantial support in EU member states. The rising number of leaders in Central and Eastern Europe refuse to play even the feigned game by the rules of democracy. The quality of democracy continues to deteriorate every year in many member states.

Simultaneously with the depreciation of the quality of democracy in the EU, new priorities for a united Europe have emerged. They are set out in a number of EU documents, among which we highlight, first of all, the *Rome Declaration*, 2017. The text of the mentioned document emphasizes the goals of constructing a safe and reliable community of the peoples of Europe, which will be competitive, sustainable and socially responsible, with the expressed desire and ability to play a leading role in the world. The EU has assigned itself a task to build a community of states where citizens have new opportunities for economic growth, cultural and social development. However, the realization of such lofty goals has been postponed due to the coronavirus infection pandemic, but their setting remains relevant against the background of this latest challenge.

The text of the *Rome Declaration* [The Rome Declaration 2017] defines the goals of the EU for the coming years: 1) a safe and secure Europe; 2) a prosperous and sustainable Europe; 3) a social Europe; 4) a stronger Europe on the global stage. Following on from the study of the *Rome Declaration*, we make the assumption that today the task of improving the quality of democracy, promoting the democratization of the last waves of its expansion is not a priority for the EU. Among the aspects that fall within the range of the quality of democracy, strengthening the stability of liberal democracy, the *Rome Declaration* focuses only on the goal of achieving a higher level of gender equality and preventing social exclusion, as well as a responsible migration policy. Simultaneously, numerous issues of the quality of democracy and the compliance of member states with the characteristics of liberal democracy remain out of the attention of the EU institutions. It is noticeable that in recent years the priority has shifted to security issues. The idea of supporting democracy at the EU level, in our opinion, no longer functions as a comprehensive factor that unites EU member states. It is probable that the problem of slowing down the pace of democratization by a group of states and the compliance with the quality standards of democracy, which the EU is actually guided by, is rooted in the decreased attention of the EU itself.

On May 9, 2019, at an informal summit in the Romanian city of Sibiu, the *Sibiu Declaration* was adopted – a strategy for action of EU member states for the next five years [The Sibiu Declaration 2019]. Emphasis was placed on joint action for the sake of the EU perspective, protection of democracy and the rule of

law in its territories, and adherence to common (liberal-democratic in nature) values. During the summit, the topic of democracy and its values was not clearly highlighted and was presented briefly. The topic of the quality of democracy was supplanted by the discussion of the issues of digital transformation, climate change, environmental protection, maintenance and development of the international order, investment in youth and others.

Currently, it is apparent that the EU's ability to act to reinforce democracy in the international arena is undermined by numerous attacks on the democratic regime (both from outside and inside) by stakeholders in individual EU Member States. Already 10-12 years ago, some EU member states clearly displayed the lack of consistency with democratic standards and did not show the political will to enhance liberal-democratic transformations. In the first place, this refers to the EU member states of the latest (since 2004) enlargements. Today, a number of these states further question the need to focus on the standards of liberal democracy, alternatively demonstrating a commitment to conservative, nationalist or other values. An example, first of all, is Hungary, where V. Orbán introduces conservative Christian democracy. This is despite the fact that on the eve of accession to the EU, these countries met the Copenhagen criteria (particularly, a group of political criteria). In such a situation, it is expected that the EU should now pay much more attention to the projects that are aimed at improving the quality of democracy both within the EU as a whole and in individual member states, where one or another aspect of the problem of democracy quality is particularly acute.

We believe that the positions of individual EU member states to some extent eroded Europe's long-standing commitment to democracy and human rights. In such circumstances, the EU reveals, in our view, the lack of activity in promoting democratic reforms and monitoring the specific areas of deepening democratic transformation in the countries of the recent EU enlargements. It is noteworthy that the EU has never been particularly inclined to impose harsh sanctions for the benefit of the democracy stability. As of 2019, the EU altogether applied about forty different sanctions [Raine 2019: 122]. This is in reference to a wide range of EU restrictions imposed on various global actors, not only EU member states.

By the means of numerous financial instruments, the EU was moving towards the increasing of democratic assistance in places where new opportunities for the

establishment of liberal democracy standards have emerged in recent years: Armenia, Fiji, Myanmar, Tunisia and others. Nonetheless, does such «dispersion» not affect the quality of cooperation to strengthen the quality of democracy in the last waves of EU enlargement? It is the states with undemocratic regimes that receive significant amounts of aid from the EU: in 2013–2017 alone, 84 % of various types of development aid was directed not to the states of the latest waves of EU enlargement, but to the states with neo-authoritarian or hybrid political regimes. 2.88 billion US dollars was allocated to support democratization in countries with neo-authoritarian regimes; 6.59 billion US dollars – to countries with hybrid regimes; 1.8 billion US dollars – to defective democracies; 0.03 billion US dollars – to full democracies [Godfrey, Youngs 2019: 6]. Understandably, by supporting democratic initiatives, especially in neo-authoritarian and hybrid regimes, the EU wants to solidify its image as a flagship of democracy, but it is apparent that the flagship itself has slowed down in democratic progress.

After 1 May 2004, the EU's primary task was to assist the new EU member states in catching up with the long-established member states. It is remarkable that the chief goal was to promote the equalization of member states in terms of growth rates and income levels, rather than the effectiveness of democratic reforms.

The question of whether the EU should defend democracy and the rule of law within member states would seem rhetorical [Müller 2015]. This assignment must be actualized in view of those destructive anti-liberal tendencies that are manifested in the reduction, first and foremost, of civil and political rights and freedoms, the erosion of the principle of pluralism.

A particular problem is that the citizens of most EU countries are dissatisfied with the way democracy works in their countries. The issue of the democratic deficit in the EU's relations with the citizens of the member states is no less relevant. A kind of «abyss» seems often to distance the EU from the problems and expectations of the citizens of the member states. Many previous EU efforts to strengthen democracy within member states have been ineffective. Proof of this can even be seen in the unsuccessful Spitzenkandidaten process in 2019, which was connected with the election of the President of the European Commission. That process became a departure from the transparent and comprehensive decision-making process within the EU, a reason for Eurosceptics to declare the «weakness of the EU» [Fotopoulos 2019: 200]. Hence, the question of the

quality of democracy in the EU is acute, as the ability of EU institutions to influence member states and candidate states within the framework of liberal democracy, depends on this.

For the time being, we see that many previous EU projects to strengthen democracy within member states have been ineffective. An example is the European Citizens Initiative. According to data for March 2021, only 76 initiatives were registered during the entire implementation of the project, of which only 6 were effective, collecting more than 1 million signatures of citizens (nationals) of the EU member states.

In fact, since the global recession affected the EU, i.e. since 2008, the EU's main achievements have been, above all, relatively effective steps to temporarily curb financial markets, support the single currency, seek compromises between countries on receiving migrants, etc. Of course, the issues of the quality of democracy were also raised, for example, in the context of the possible activation of Article 7 of the *Lisbon Treaty* in relation to the states (governments) that receive subsidies, benefits and other preferences of the EU, but violate the rules of coexistence, the values of the EU. The EU has repeatedly voiced proposals to deprive of funding the countries that deviate from the principles of democracy. Thus, between 2012 and 2020, the European Commission filed three complaints with the European Court against Hungary and four against Poland, primarily due to attempts by the governments of these countries to subjugate the legislative and judicial branches of government, independent media and non-governmental organizations.

As of mid-2020, the European Court had considered these complaints and delivered a judgement on them (not in favour of Hungary and Poland). However, the authorities of the countries on which the EU intends to impose sanctions resorted to a mechanism of vetoing the adoption by the European Parliament of the long-term (seven-year) EU budget for 2021-2027 and a plan to save (recover) the economy of 1.830 trillion euros (16.11.2020). In that way, the Polish and Hungarian governments opposed the interdependence between access to EU money and the observance of the rule of law by a particular member state. It was agreed that the rule of law in the allocation of funds to member states from the EU budget would not apply until the Court of Justice of the European Union established its legitimacy.

This situation raises the question of whether there are enough tools in the EU to bypass the positions of individual member states in making important decisions.

It is known that most EU decisions are taken by a qualified majority (support of at least 55 % of EU member states, which must be home to at least 65 % of the total EU population). However, a number of issues (including budgetary ones) require unanimity of all member states to make a decision, which is a problem taking into consideration the obvious differences between EU members. It is clear that the EU needs to improve the political and legal mechanisms that can be used to confront member states which deviate from the standards of European liberal democracy. As a result, the community of democracies of the EU will be able to protect themselves from the need to find a compromise on such important issues as, for example, the rule of law. For the time being, such a tool is a court decision.

Critically assessing the situation with the quality of democracy in the EU, we can state that the EU does not adequately apply sanctions to states which deviate from the legal principles and values of the EU. This could also be a signal to other EU member states, where the stability of democracy is presently undermined by the actions of illiberal actors. It appears that the EU currently does not have the appropriate tools to apply sanctions effectively, or that these tools do exist, but the EU is wary of using them for the sake of integrity of European peoples' community. The mechanisms for imposing sanctions on an individual EU member state are indeed too complex to apply in practice. Theoretically, a member state of an EU institution can be temporarily deprived of the right to vote in the central bodies of the EU. However, the procedure set out in Article 7 of the *Treaty on European Union* (the *Treaty of Lisbon*) is such that it is almost impossible to actually apply it. Although the European Council (Summit of Heads of State and Government), at the initiative of 1/3 of the EU states, the European Parliament or the European Commission, establishes the facts of violations in the actions of individual member states, at this stage any ally of this violating state can block the further process of bringing to justice. Furthermore, if an intergovernmental consensus has been reached, the European Council, by the above-mentioned qualified majority, may deprive the country of its right to vote. Such a procedure appears to be so complicated that it precludes the effective defence of the values of liberal democracy in the EU.

Obviously, the EU is a cumbersome, institutionally complex structure that is for the present unable to find a way out of difficult situations quickly and flexibly. The EU has not yet acquired the image of a stress-

resistant union. In fact, this was proved by the situation with the member states of the latest waves of EU enlargements, which deviate quite radically from the norms of liberal democracy, adopted by tacit agreement, in the direction of conservative nationalist values. And even filing a lawsuit by the European Commission with the European Court is not an effective mechanism, because the states that have their own point of view on the ideological vector of state development are looking for ways, gaps in legislation to evade sanctions.

Although the instruments of EU pressure on violating states are available, they are misused by the European institutions, inasmuch as EU leaders do not demonstrate the proper political will. For instance, the European Commission could use litigation tools more often, use financial leverage more actively, and so on. There were successful examples of this in the EU: in 2000, when the far-right, populist Freedom Party of Austria (FPÖ) joined the Austrian government, fourteen EU states declared a diplomatic boycott of Austria.

At present, there are no formal obstacles for EU member states to actually freeze (temporarily) diplomatic relations with the authorities of states that violate the standards of liberal-democratic development of the EU. Actually, a new relevant instrument could be the EU's right to suspend (defer) payments from the EU budget to countries that do not adhere to the rule of law, but the difficulties of applying such an instrument are obvious. The situation with the approval of the EU budget for 2021-2027 revealed them.

It is evident that if EU states that have already departed from the standards of liberal democracy are not sanctioned for undermining EU values, this will be a clear signal to other member states, that an illiberal reversal is acceptable to an EU member state. To date, the EU institutions have not established themselves as effective guarantors of liberal democratic values. They have not demonstrated the proper political will in requiring member states to abide by their obligations under EU membership. It is possible that this situation is the result of the fact that the EU itself is experiencing a crisis of values. In such circumstances, the «key provisions of the EU law are systematically violated without significant attempts by the EU institutions to enforce the EU law» [Scheppelle, Kochenov, Grabowska-Moroz 2020: 118].

At present, the EU is not active enough in promoting democratic reforms and monitoring the reform of recent enlargements. The level of activity of European institutions needs to be reviewed by virtue of the

intensification of ultra-radical political forces, who are receiving increasing support from EU voters.

The EU faces an existential crisis and this crisis divides the European community. It is noteworthy that in resolving various conflicts between member states, which arise on the basis of values, the EU aims above all to prevent open confrontation within the EU. However, such a position does not promote the unity of the member states, but only weakens the capacity of the EU itself, deepens the dividing lines between the member states. While many of the latest challenges call for the growth of solidarity of EU states, some of them appear to view the EU as a source of funding rather than a value system. Seemingly, the EU wants to save continental unity even at the cost of deteriorating the quality of liberal democracy. To our mind, such a scenario has the prospect of both the reduction of the EU's stability and the constriction of the area of liberal democracy.

A broad range of contemporary tasks of the EU is not enough, in our estimation, aimed at preventing and combating the decline in the quality of democracy, the inculcation of the values of democracy. There is a lack of attention to the member states of the recent EU enlargements, where advanced democratic principles have not been the norm for public and private interaction, and thus – an obvious risk of regression of democracy. These crucial issues have been supplanted by the actualization of a wide range of security issues, the construction of a responsible migration policy, and, since 2020, and the search for ways to mitigate the devastating effects of the COVID-19 pandemic.

We assess the EU's efforts to monitor compliance with the standards of liberal democracy in the member states as ineffective. The EU's ability to act in this direction is undermined not only by numerous external (outside the EU) factors, but also by the actions of stakeholders in EU member states, who express conservative, nationalist and other attitudes. These attitudes lead to stagnation or regression of democratic principles and values.

Realizing the ascending nature of anti-liberal processes, the EU institutions, in our opinion, do not respond properly to the manifestations of democratic regress. Particularly, there is apparent hesitancy, inconsistency in the application of sanctions to ensure the stability of democracy. From the time when the threats to the stability of the EU as a democratic union began to intensify, the policies of the EU institutions towards member states with a clear regression of

democracy are not commensurate with the possible consequences of this destructive process.

Most notably, the countries with neo-authoritarian and hybrid regimes receive much more assistance for democratization from the EU than European democracies that have recently joined the EU. The states of the fifth and subsequent enlargements of the EU are currently highlighting the complex of vestiges of the totalitarian past, which slow down liberal democratization. Understanding the role of the historical factor should be an incentive for the EU to implement as many diverse pro-democracy projects as possible in the young democracies of Central and Eastern Europe. Instead, since 2004, the EU's attention to the new member states has focused on income equalization, infrastructure development, institutional transformation, etc., but not on strengthening the values on which the EU is based. According to our estimates, ensuring the high quality of European democracy has become a rather abstract and non-priority goal in comparison with the appreciation of the euro, the harmonization of quotas for the reception of migrants, the adoption of the EU budget and many other issues. Thus, the need to construct a new format of European democracy and mechanisms to guarantee its high quality is obvious.

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