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POLITICAL AND LEGAL FOUNDATIONS OF THE INTERNATIONAL COMMUNITY'S WORK IN EASTERN EUROPE

Abstract. *The authors note that the preparation of the regions of Converging Europe before the European integration processes took place with the active participation of the EU and is mediated by various institutional mechanisms, including provision of technical assistance for carrying out such reforms. In addition, the EU acts as an external arbiter who ensures the success of the transformation.*

With the influx of advances aligned with integration, fundamental changes have occurred in the structure of mass media in the countries of Central Europe. Let us show the example of Georgia and Moldova, who signed the Association Agreement and rejected the necessary "external institutional preferences" for democratization through convergence. To optimize the participation of international cooperation in modernization processes in Converging Europe, the following recommendations can be made. It is very important to ensure symmetry between the intelligent and the strong-willed between the recipients of foreign aid and the foreign aid. Aid to democracy works best when it best matches the needs of local reformers, and when both the elite and the wider population of the recipient country are aware of the reasons through which This country is denying additional help.

The harmony of democracy requires such delicate foods as politics, power and political life, psychology and culture – this is a subtle international skill that requires tact. Medical national peculiarities and suspenseful attitudes, over-the-top criticism and pressure on results may threaten the success of the international community. It is necessary to encourage pro-democratic forces (political and civil) in countries with economies in transition. It is important to remember that they are the main agents of change, and they, and not donor agencies or their departments, are best suited for developing change strategies. Their active leaders often risk their future, and in some cases, guide their lives in the struggle for democracy and justice in their countries.

In some countries, democratization is progressing rapidly, in others it may take a long time. Donors need to be provided with assistance and adaptive assistance programs. Geographical proximity to the EU and rich history, as well as a rich international community, help the rich countries of Converging Europe to achieve historical success. The values and interests of the EU and the USA will not ever be so easily deciphered, since the decisions of distant countries, less familiar to their transatlantic homeland, are more important today to help. In addition, the long-term approach to the provision of assistance in Galusia democracy, which corresponds to the specificity of the region, whose process will need to be overtaken.

Key words: *democratic transit, Post Soviet Space, European integration, international actors, European Union, consolidated democracy.*

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ПОЛІТИЧНО-ПРАВОВІ ОСНОВИ МІЖНАРОДНОГО СПІВРОБІТНИЦТВА У СХІДНІЙ ЄВРОПІ: ЄВРОІНТЕГРАЦІЙНИЙ КОНТЕКСТ

Анотація. Авторами відзначено, що підготовка країн Східної Європи до євроінтеграційних процесів відбувалася за активної участі ЄС та опосередковується спільними інституційними механізмами, включаючи виділення технічної допомоги для проведення відповідних реформ. Крім того, ЄС виступає як зовнішній арбітр, який відстежує успіх перетворень.

У статті наголошено, що під впливом заходів, підпорядкованих меті інтеграції, відбулися докорінні зміни у структурі масової свідомості у країнах Центрально-Східної Європи. Показовим є приклад Грузії та Молдови, які підписавши Угоди про асоціацію, отримали необхідні «зовнішні інституційні преференції» для демократизації через конвергенцію. Для оптимізації участі міжнародного співтовариства у процесах модернізації у Східній Європі можна визначено такі рекомендації. Дуже важливо забезпечити симетрію у розумінні та волевиявленні між постачальниками іноземної допомоги та країною-отримувачем. Допомога демократії працює найкраще, коли вона максимально відповідає потребам місцевих реформаторів, і коли і еліта, і широка громадськість у країні-реципієнті обізнана про причини, через які їхня країна отримує допомогу.

Авторами відзначено, що сприяння демократії зачіпає такі делікатні чутливі питання, як політика, влада та політичне життя, психологію та культуру – це тонка міжнародна навичка, що вимагає такту. Враховуючи національні особливості та суспільні настрої, надмірна критика та тиск у результаті можуть поставити під загрозу успіх участі міжнародної спільноти. Підтримувати продемократичні сили (політичні чи громадянські) у країнах із перехідною економікою необхідно. Важливо пам'ятати, що вони – головні агенти змін, і вони, а не донорські агентства чи їхні уряди, найкраще підходять для розробки стратегій змін. Їхні активні лідери часто ризикують своїм майбутнім, а в деяких випадках навіть своїм життям у боротьбі за гідність та справедливість у своїх країнах.

У деяких країнах демократизація протікає швидше, в інших – може знадобитися багато часу. Донорам це потрібно враховувати та пропонувати гнучкі та адаптивні програми допомоги. Географічна близькість до ЄС та спільна історія, а також спільне міжнародне середовище допомагає добитися історичного успіху багатьом країнам Східної Європи. Але цінності та інтереси ЄС та США не завжди так просто розшифрувати, тоді як реалії віддалених країн, менш відомих у трансатлантичній родині, сьогодні важче допомогти. Але довгостроковий підхід до надання допомоги в галузі демократії, що враховує специфіку країни, у цьому процесі – потрібно передусім.

Ключові слова: демократичні перетворення, пострадянський простір, євроінтеграція, міжнародні актори, Європейський Союз, консолідована демократія.

Introduction. Building democracy is a large-scale and complex human endeavor that is difficult to adequately capture using analytical language. Fortunately, equality and justice can overcome fear, apathy, and mistrust.

The complexity and growing apprehension of our multipolar world make it necessary to collaborate more broadly and, today, once again, to go beyond purely technical and material solutions.

After the end of the Cold War, Europe's major organizations – the European Union (EU), the North Atlantic Treaty Organization (NATO), the Council of Europe (CoE), and the Organization for Security and Co-Operation in Europe (OSCE) – proclaimed human rights, liberal democracy, and peaceful conflict resolution as the normative foundations of the New Europe. Political change was defined as a new core objective. These organizations provided expertise and training for country transformation, provided financial support to emerging civil societies and parties, and acted as mediators in conflict situations.

They monitored the establishment and functioning of democratic institutions and the rule of law; they began to guarantee financial assistance. In the context of Western organizations' support for transformation, the political modernization of countries depended on their adherence to political norms and, in some

cases, military intervention to stop civil wars and massive human rights violations.

Approximately a decade and a half later, ten consolidated Eastern European democracies achieved stability. Others, primarily the successor states of the Soviet Union, continue to consolidate autocracies rather than democracies. These divergent trends raise the question: – under what conditions have European organizations exerted effective influence on human rights?

– how realistic will liberal democracy and peaceful conflict resolution be in Eastern Europe?

To answer this question, this article draws on two main «political» models of international rule promotion:

– external incentives and social learning – used in various strands of international relations research. The former is used in the context of the rationalist-constructivist debate in international relations. However, constructivist scholars have begun to develop theoretical concepts of «international socialization» that go beyond material bargaining. These propositions are based on processes of social influence [5], argumentation, or persuasion [2], and incorporate deep interest effects.

Second, the literature on international conditions, focusing on lending and the conditionality of international financial institutions (IFIs), is relevant. It is skeptical about the effectiveness of bargaining conditions and social bargaining [2].

Literature review. Analysis of recent research. In the period after the end of the Cold War, a number of international theories began to develop that describe the relations between international actors and recipient countries. Among these theories, one can single out the theory of linkage diplomacy. This theory explains the mechanisms by which one state influences the policy of another state, which in itself is very similar to the mechanism used by a donor to influence and change the policy of the recipient country in exchange for the assistance that the donor provides. Assistance on which the recipient country depends is perceived as a tool of the donor. For example, weak policies in the field of democratization are perceived within the framework of this theory as a weakness of the recipient country. Using promises to provide assistance or the threat to reduce assistance, the donor influences those areas of the recipient country's policy in which it wants to see changes. An indicative work is [18], which applies this theory within the framework of studying the policies of international actors regarding democracy in developing countries.

A separate direction in the study of democratization has been the study of the experience of post-Soviet countries in democratic transit. Many modern authors study the theoretical aspects of transit, i.e. the transition from a non-democratic (communist) political regime to a democratic one.

Researcher V. Bans studied the context of international instability faced by the "countries of the post-communist world". In her works, she studied the problems of old ethnic and interstate conflicts in the post-Soviet space. Jacques Rupnik wrote about the "post-communist divide" into democratic Europe and authoritarian Eurasia [14]. In the 1990s, two-thirds of foreign capital flowing into post-communist European states came from countries that were members of the European Union. But the European integration processes were dictated more by political considerations than by economic expediency. The countries of Eastern Europe had a chance to become the periphery of the EU, which would be defined as neocolonialism in the long term. M. Leonard emphasized the irreversible development of the countries of Eastern Europe before its foundation in his works. All countries that wanted to join the Union had to "swallow" about 80 thousand pages of European laws and adapt their own legislation in accordance with these laws [10; 11; 12]. The process was controlled by an army of representatives to check whether the established criteria were met.

But at the same time, the phenomenon of the transit of the countries of Central Europe is that in the shortest possible time, through the consolidated efforts of the entire society, with the initiative of the elites, democratic reforms were implemented here and, relying on their experience, they helped, both financially and by providing technical assistance, in the development of the countries of Eastern Europe and in the countries of Eastern Europe, integration.

The purpose of the article is to analyze the political and legal basis of international cooperation in Eastern Europe from the European integration perspective.

Results. Similarly, the literature on «Europeanization» – the EU's influence on member states' institutions, political processes, and policies – distinguishes between «internal change as a process of resource redistribution» and «internal change as a process of socialization and learning» [1]. Both models identify different conditions as crucial for the effectiveness of promoting international norms. The external incentives model focuses on the size and reliability of incentives provided by international organizations, as well as internal vetoes and adaptation costs. Another approach emphasizes the authority of socialization, the degree of legitimacy, and the internal resonance of norms.

Most scholars argue for the effectiveness of the external incentives model. Incentives for NATO membership and low costs of internal adaptation are individually necessary and jointly sufficient political conditions for the political modernization of transition countries. However, the combination of strong incentives and low costs is not the only sufficient condition for effective international influence. European identity mattered only in conjunction with incentives, and the other conditions tested here (legitimacy and resonance) were not systematically associated with the effectiveness of international norm promotion.

The external incentives model is a rationalistic bargaining model. It assumes that the actors involved are strategic utility maximizers, interested in maximizing their own power and well-being [17]. In bargaining, they exchange information, threats, and promises; the outcome depends on their relative bargaining power. According to the external incentives model, the current strategy of European international organizations is political conditionality: the organizations set their liberal democratic norms as conditions that Eastern European countries must fulfill in order to receive pre-agreed rewards. These rewards consist of aid and

institutional ties, ranging from trade agreements and cooperation agreements through associations and full membership agreements. International organizations pay rewards if the target government complies with certain conditions and may withhold the reward if they do not. However, they do not intervene coercively.

The analytical starting point of the negotiation process is the status quo in the country involved in the negotiations with, for example, the EU. This status quo is conceived as an «internal equilibrium,» reflecting the current distribution of preferences and bargaining power in the domestic society. EU conditionality disrupts this internal equilibrium by introducing (additional) incentives to comply with EU rules. A state complies with the organization's norms if the benefits of the rewards exceed the costs of domestic adoption. Specifically, this balance of costs and benefits depends on the reliability of the international reward, on the one hand, and the magnitude of the costs of ensuring internal equilibrium, on the other.

The size of the international reward depends on its quality and quantity. In particular, the EU and NATO, which provide the highest economic and security benefits available from European international organizations, are potentially the most effective. Europe offers primarily social rewards, such as international legitimacy and soft security. Therefore, their influence is unlikely to be effective without the support of the EU or NATO.

As for quantity, the greater the welfare, security, and power offered by international organizations, the more likely it is that target states will comply. For example, an offer of EU membership will be more effective than a simple association offer, and NATO membership with full security guarantees will have a stronger impact than NATO's Partnership for Peace.

Furthermore, international incentives must be credible – both in terms of the regional organization's threat to withhold rewards in the event of non-compliance and, conversely, its promise to provide rewards if the rule is accepted. In other words, effective political conditionality requires, firstly, greater bargaining power on the part of the external agency (otherwise, threats would not be credible).

The likelihood of the threat of exclusion is generally high in relations between European regional organizations. Due to the high asymmetric interdependence that characterizes these relationships, organizations possess greater bargaining power. Eastern Europe is of secondary importance to the economy and security of the EU and NATO. NATO

membership benefits the region more than it does the existing member states. NATO enlargement strengthens the bargaining power of the main Western organizations.

The main issue is the credibility of promises. To be credible, regional organizations must be able to pay rewards (at low cost to themselves). First, promises are untrustworthy if they exceed their capabilities. Second, the higher the cost of rewards to the organization, the more dubious their ultimate payment to the target countries. Based on this reasoning, non-material social rewards were more «politically» reliable than material rewards. And support for association was a more reliable reward than accession. Eastward enlargement entails significant costs for the EU and NATO, which – while not prohibitively high – are likely to exceed the marginal benefits to member states [15, p. 37-62].

Of course, the political foundations of membership varied. The criteria for membership in the CoE were stricter than those of the OSCE, and less stringent than those of the EU and NATO. This was not a problem, however, since the conditions were complementary rather than contradictory, and organizations with stricter conditions also offered higher rewards. The EU's political conditionality was consistent with the recommendations and requirements of the OSCE and the Council of Europe (CoE), the European organizations directly addressing human and minority rights in Central and Eastern Europe. Moreover, it was reinforced by NATO's conditionality on accession, which was the same as the EU's. If target states are faced with credible conditions, and if they are offered equally favorable rewards, the external incentive model posits that the size of the domestic costs of adoption determines whether they accept or reject the conditions.

Liberal democratic norms, which are subject to political conditionality, typically limit the autonomy and power of governments. They prohibit certain undemocratic and illiberal practices that governments can rely on the press to exercise their power – for example, by suppressing opposition parties or civic associations, restricting press freedom, or rigging elections. Furthermore, they can alter power relations between government actors – for example, by increasing the independence of the judiciary or limiting the political influence of the military. Finally, particularly in the case of minority rights, they affect the empowerment of certain social and ethnic groups. This can undermine the social power base of governments and threaten the security, integrity, and identity of states.

Secondly, in Eastern European countries, political parties are organized from the top down. They are weakly rooted in society and social organizations, and dependent on the state for resources. Industrial relations are typically characterized by state-dominated corporatism (in many cases, even patrimonial networks), and an active civil society has not emerged, despite promising initiatives.

The social learning model follows the core principles of social constructivism. It has informed research on international socialization in general [2] and represents the most prominent alternative explanation for contingency [3] and Europeanization [1]. In contrast to the rationalist contingency model, the social learning model assumes a logic of conformity [8, p. 160–161]. According to this logic, actors are motivated by internal values and norms. Among alternative courses of action, they choose the (most) appropriate or legitimate one. Accordingly, by reasoning about the legitimacy of rules and the appropriateness of behavior (rather than bargaining over terms and rewards), persuasion (rather than coercion) and a learning «set» (rather than behavioral adaptation) characterize the process of transmitting and adopting rules and legal provisions.

From this perspective, European organizations represent a European international community, defined by a collective identity and a set of shared values and norms. Whether a non-member state will accept the community's rules depends on the extent to which it considers them appropriate in light of this collective identity, values, and norms [15, p. 83–90]. Thus, a state complies with an organization's norms if it is convinced of their applicability.

The sociological institutionalist literature distinguishes three main mechanisms of social learning: imitation, argumentation, and influence (see, e.g., Checkel 2004; Johnston 2001). According to the social learning mechanism, imitation, community norms are templates that help participants understand and interpret social situations and provide scripts for the roles they should play in international society. Socialization provides role models and demonstrates appropriate behaviors that target states learn through close contact and role-playing. The argumentation mechanism posits that community norms are claims of normative validity, reasonably justified by socializing agencies in international discourses. Through the “power of the best argument”, target participants are convinced of the legitimacy of the claims about validity and change their interests accordingly [2]. Thus, according to this mechanism, social

learning implies a reflexive process of normative internalization. Social influence is based on the use of social incentives and disincentives (such as image or status). Social rewards (e.g., popularity, respect, a positive image) require the adoption of social norms. Otherwise, target states face social penalties (e.g., shame).

Legitimacy refers to the normative quality of the norms of regional organizations. According to Thomas Frank, compliance will depend on «the clarity with which rules are created and applied, their conceptual consistency.» In short, it is the legitimacy of rules that facilitates their compliance.

Obviously, the minimum condition is that demands on target governments must be based on organizational principles, legal norms, and specific rules, and not simply the special interests of member states. Moreover, if democratic rights, human rights, and rules promoted by international organizations are clearly defined, agreed upon, and consistently applied by member states, their incentive to comply will be high.

Identity refers to the international community that the target government considers its respective «ingroup» and to which it aspires to belong. Furthermore, social learning is more likely to be effective if the norm-promoting agency «is an authoritative member of the in-group to which the persuadee belongs or wishes to belong» [2, p. 563]. Authoritativeness is generally enhanced if organizations, rather than individual states, have or aspire to have universal membership in a region, rather than representing only a narrow sample of regional states.

Resonance refers to the cultural or institutional congruence of a given external rule with pre-existing internal values, norms, practices, and discourses in a particular issue area. The higher the «degree of normative congruence» of an international rule, the more likely it is that the target government will perceive the norm as legitimate, accept it as a commitment, and subsequently institutionalize political practice. Despite high overall identification with the international community, the resonance of a specific rule propagated by that community may be low.

However, two of these conditions are excluded from the analysis, as they are likely to be constant in the context of this study. On the one hand, novelty is a constant feature, because all target states considered here were either created or reestablished after the end of the Cold War, or at least experienced regime change with the rise of new elites. On the other hand, there

is no change in authority, because the norm-promoting agencies consist of the same set of regional organizations in all cases.

Arguably, the likelihood of conformity increases with the legitimacy and resonance of norms and the target state's identification with the international community. Generally, cases of low identity are rare in post-Cold War Europe. Most governments strongly identify with Western or European countries. Contradictions arise when credible incentives, positive identity, and high domestic costs are combined with either high legitimacy or high resonance.

The high costs in each case are not related to general threats to regime survival or state integrity. Rather, the cases are linked to democratically elected target governments and result from threats by coalition partners to leave the government.

In many cases, the decision confirms the effectiveness of the external incentives model as a sufficient configuration of conditions. However, a second sufficient cause must be allowed for: the combination of Western European identity. The external incentives model shows that strong and credible incentives are necessary for the successful promotion of political norms internationally. In the absence of such incentives, external efforts fail to lead to democratic change in countries that do not comply with the rules. However, compelling incentives alone are not sufficient to achieve such change. They must be combined with other conditions. The model, credible incentives, and low costs are sufficient together, leaving aside contradictory configurations. It should be added that, according to a conservative interpretation of the original analysis, both costs and identity should be favorable for the transformation of credible incentives. Perhaps a mixed model integrating identity into the external incentives model works as well or even better than the «pure» model. Positive identification is created by a strong interest in membership in aspiration group organizations as a primary foreign policy goal. In particular, at or before crucial «moments of truth» in accession negotiations, governments with a positive identity tend to value the prospect of membership above moderate short-term costs and comply, even at the risk of (temporary) loss of power.

The effectiveness of the social learning model is not confirmed. Even in the presence of positive identity and high legitimacy, neither legitimacy nor resonance emerge as necessary.

Another factor in this model—identity—is relevant not on its own, but only in combination with factors from the external incentives model. The size and reliability of external incentives are the most significant factor for the effectiveness of international norm promotion – at least in the short term.

Conclusions. Modern researchers define the following conditions for the development of a consolidated democracy: (1) free and recognized elections can be held, the winners can exercise a monopoly of legitimate power, and citizens cannot effectively exercise their rights protected by the rule of law if there is no state; (2) democracy cannot become consolidated if the democratic approach is not implemented (it is considered complete when the activities of all branches of government have a high level of freedom from influence from the military, religious structures, and other authoritarian forces); (3) no regime can be called democratic until its leaders govern democratically, that is, the executive branch does not want to change the constitution, does not violate the rights of individuals and minorities, and does not interfere in the affairs of the legislative branch. In a behavioral sense, a democratic regime can be considered consolidated when no significant national, social, economic, political, or institutional actors have the opportunity to achieve their goal by creating an undemocratic regime or by seceding from the state. A democratic regime is considered consolidated if a significant part of the population, even in the presence of economic problems and disappointments, recognizes that the existing democratic processes and institutions are the most favorable for governing public life.

The conditions for a consolidated democracy can be civil society, a relatively autonomous political society, the subordination of the state and the main political actors to the rule of law, and effective public administration.

Due to security issues, energy resources, and other strategically important interests, democracy assistance programs may face various moral dilemmas. But donors have to make more compromises than before, to support pro-democratic and independent forces. On the other hand, these countries are home to activists, well-paid Western experts, who have great potential to support the passion of the international community in the development of consolidated democracy in the region.

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