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The promotion of participatory governance in the EU's external policies: compromised by sectoral economic interests?

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Abstract

Besides the more conventional top-down leverage and bottom-up linkage approach, the European Union (EU) uses a third way to promote democracy in third countries: promotion of democratic governance through functional cooperation in policy sectors. This governance model of democracy promotion has so far been studied only with regard to its effectiveness in target countries. In contrast to earlier research, this contribution takes an 'input' perspective and asks whether adverse sectoral economic interests prevent the EU from consistent democratic governance promotion. Based on three case studies from the two policy sectors of environmental and fisheries policy, the contribution concludes that EU democratic governance promotion is indeed inconsistent when sectoral economic interests are at stake. The governance model is thus subject to

the same pattern of inconsistency as the leverage and linkage model with regard to economic interests.

Keywords:

democracy promotion democratic governance public participation European Union
functional cooperation Common Fisheries Policy Fisheries Partnership Agreements water governance
genetically modified organisms European Neighbourhood Policy

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Notes

Lavenex, 'EU External Governance'.

European Commission, 'European Union's Role in Promoting Human Rights and Democratisation', 6, emphasis added.

Council, 'Conclusions on Human Rights and Democratisation', III, IV.

European Commission, 'Governance in the European Consensus on Development', 16, emphasis added.

Kaufmann, Kraay, and Mastruzzi, 'Governance Matters VIII', 6.

Beetham, Democracy and Human Rights, 155-6.

European Commission and Council, 'Democracy building', 26.

European Commission, 'Governance in the European Consensus', 6.

Freyburg et al. 'EU Promotion of Democratic Governance'.

Freyburg, Skripka, and Wetzel, 'Democracy between the Lines'.

Freyburg et al. 'Democracy Promotion', in this volume.

Maier and Schimmelfennig, 'Shared Values'; Olsen, 'Promotion of Democracy'; Olsen 'The European Union'; Smith, European Union Foreign Policy, 165-7; Warkotsch, 'Non-Compliance'.

Crawford, 'The European Union'; Jünemann, 'From the Bottom to the Top'; Youngs, 'The European Union', 56-7.

Orbie 'Civilian Power Europe', 126.

Held, Models of Democracy, 209-15, Schmidt, Demokratietheorien, 236-53.

Friedrich, 'Old Wine', 5; Schmitter, 'Participation', 56.

Verba, 'Democratic Participation', 55-56; Verba, Small Groups, 220-1.

Armenia, Azerbaijan, Georgia, Moldova, Ukraine; all of them are considered to be 'European' countries by the European Commission, see http://europa.eu/abc/european_countries/others/index_en.htm (01.12.2010).

Schimmelfennig, 'Europeanization beyond Europe', 15.

Olsen, 'Promotion of Democracy'; Olsen 'The European Union'.

Maier and Schimmelfennig, 'Shared Values', 40.

Warkotsch, 'Non-Compliance'.

Jünemann, 'From the Bottom to the Top', 102.

Schraeder, 'State of the Art', 33-34; Jünemann and Knodt, 'Explaining EU Instruments', 353-355; Olsen, 'Promotion of Democracy', 163.25.

Jünemann and Knodt, 'Explaining EU Instruments', 357-8.

Snyder, *From Voting to Violence*.

The dilemma is that democratization processes may (temporarily) lead to instability, the empowerment of radical parties and even civil war. Seen from a role theory perspective, the EU faces an internal role conflict: as a democracy promoter it should prioritize democracy even when it is risky, as a security actor, however, the EU has to take these risks into account. Jünemann, 'Externe Demokratieförderung', 164; see also Powel, 'A clash of Norms'; Andrés Viñas, 'EU's Democracy Promotion Policy'.

Warkotsch, 'Non-Compliance', 230-1.

Schimmelfennig, 'Community Trap', 58-61.

Maier and Schimmelfennig, 'Shared Values', 45.

Kochenov, 'Behind the Copenhagen Façade'.

Olsen, 'Promotion of Democracy', 144.

Moravcsik, 'Taking Preferences Seriously', 517.

Falkner, 'Political Economy'; Dür, 'Bringing Economic Interests Back'; Elgström, 'Trade and Aid'.

Bienen, Freund, and Rittberger, 'Societal Interests', 3.

George and Bennett, *Case Studies*, 81-83; Yin, *Case Study Research*, 47.

For provisions on participation in environmental policy: Principle 10 of the 1992 Rio Declaration on Environment and Development (non-binding), UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters 1998 (binding, including weak participation provisions on GMOs in Art. 6.11); in particular with regard to GMOs (transboundary movement): Art. 23 of the 2000 Cartagena Protocol (binding); in particular with regard to water: Protocol on

Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes (binding).

Lavenex, 'A Governance Perspective', 939.

King, Keohane, and Verba, *Designing Social Inquiry*, 140.

For (non-binding) provisions on participation in fisheries policy: FAO Code of Conduct for responsible fisheries 1995: 'States, in accordance with appropriate procedures, should facilitate consultation and the effective participation of industry, fishworkers, environmental and other interested organizations in decision-making with respect to the development of laws and policies related to fisheries management, development, international lending and aid.' (6.13); 'Within areas under national jurisdiction, States should seek to identify relevant domestic parties having a legitimate interest in the use and management of fisheries resources and establish arrangements for consulting them to gain their collaboration in achieving responsible fisheries' (7.1.2).

European Parliament and Council, 'Directive 2003/35/EC'.

European Parliament and Council, 'Decision No 1600/2002/EC', Art. 9.2(i).

Ibid., Art. 6.2(i).

European Commission, 'European Neighbourhood Policy'.

One interview partner mentioned that the European Commission provides comments under the WTO TBT notification procedure on Ukraine (G/TBT/N/UKR/45). There is also some cooperation in TAIEX workshops (e.g. planned TAIEX workshop AGR 42006 on 'Harmonisation of GMO analysis', which, however, does not deal with public participation). UNECE, 'Report', 3.

The European Commission signed the Aarhus Convention for the European Community on 25 June 1998. Ratification took place on 17 February 2005.

European Parliament and Council, 'Decision No 1600/2002/EC', Art. 9.2c.

Council, 'Note from Council Secretariat', 2.

Ibid.

Ibid.

Silina and Hontelez, 'Aarhus Convention', 2.

Personal interview, Brussels, 4 February 2011.

Rosendal, 'Governing GMOs', 90.

Today, the situation has somewhat changed. For example, Ukraine has passed the law 'On the State System of Biosafety at the Time of Creating, Testing, Transporting, and Using Genetically Modified Organisms' (Law of Ukraine of 31.05.2007 No. 1103-V) and other new legislation. Nevertheless, 'the Biotech regulatory system in Ukraine is still under development' (for this assessment and an overview of legislation see USDA, 'GAIN Report Ukraine'). National Biosafety Frameworks have been developed as part of a respective UNEP-GEF project in Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine.

Kruszewska, 'Der Wilde Osten'; Zoeller, 'CEE's Experimental Fields'.

Bernauer, Genes, 83; Falkner, Business Power, 153.

European Commission, 'Innovation and Competitiveness', 32-3; Ramani, 'Creating Incentives', 1996.

Rosendal, 'Governing GMOs', 93.

Friends of the Earth Europe, 'Too Close'.

European Commission, 'Life Sciences', 7.

Rosendal, 'Governing GMOs', 91-3.

Falkner, Business Power, 159-160; Bernauer, Genes, 81.

Bernauer, Genes, 95.

Val Giddings, 'Letter'.

Verschueren, 'Letter'.

Hontelez, 'Letter'.

European Eco-Forum and other Civil Society organizations of the UN-ECE region 'Almaty Action Statement'.

NGO Eco-Tiras, Moldova.

Rosendal, 'Governing GMOs', 100.

Bernauer, *Genes*, 69.

Ibid., 8.

Kruszewska, 'Der Wilde Osten', Higgins, H. 'Romania', 3.

Pollack and Shaffer, *When Cooperation Fails*, 177-234.

European Parliament and Council, 'Directive 2000/60/EC', Preamble. The following quotes refer to this Directive.

Ibid., Annex VII: A9.

Partzsch, 'European Union Water Policy', 243.

Page and Kaika, 'EU Water Framework Directive', 334-35.

Martin, 'Position Paper'.

European Commission, 'European Neighbourhood and Partnership Instrument', 11.

Mott MacDonald, 'Water Governance', A-3.

Council Regulation (EC) No 2371/2002 of 20 December 2002 on the Conservation and Sustainable Exploitation of Fisheries Resources under the Common Fisheries Policy.

Currently, there are two major types of fisheries agreements. First, there are the agreements based on reciprocal access to the resource (the so-called 'Northern agreements', with the exception of Greenland). Second, there are the agreements where access to the resource is granted in exchange for financial compensation from the EU budget. Such agreements exist mainly with ACP countries but also with Morocco and Greenland ('Southern agreements'). After the 2002 CFP reform, these are called 'Fisheries Partnership Agreements'. A third type of agreement existed with Argentina but remained the only of its kind (Lequesne, *The Politics of Fisheries*, 137-138). This article focuses on the agreements of the second type.

Borg, 'A Partner in Global Fisheries'.

European Commission, 'Commission Staff Working Paper SEC(2007) 1202', 86.

European Commission, 'Reflections on Further Reform', 2.

(European Commission/Guinea Bissau, 2008a, 2010; European Commission/Mozambique, 2008; European Commission/Cape Verde, 2009; European Commission/Comoros, 2008; European Commission/Greenland, 2008, 2009; European Commission/Ivory Coast, 2008, 2009; European Commission/Madagascar, 2008; European Commission/Mauritania, 2008, 2010; European Commission/Morocco, 2009, 2010; European Commission/São Tomé et Príncipe, 2007; European Commission/Seychelles, 2009b, 2009a),

http://ec.europa.eu/fisheries/cfp/international/agreements/joint_committees/index_en.htm, last access 15 June 2010.

Personal interviews Council Secretariat, Brussels, 24 March 2009; European Commission, DG Fisheries, Brussels, 26 March 2009.

European Commission, The Common Fisheries Policy, 25.

Council, 'Conclusions on Democracy Support', 1; European Commission, 'European Union's Role in Promoting Human Rights and Democratisation'.

European Commission, 'Integrated Framework for Fisheries', 5, emphasis added.

Council, 'Fisheries Partnership Agreements', Art. 2, p. 15; Council, 'Regulation (EC) No 861/2007', Art. 7.

Lequesne, 'Fisheries Policy', 373 and 361.

Europêche and COGECA, 'Position', 13.

Europêche and COGECA, 'Answers', 25.

Quoted in Lequesne, 'Fisheries Policy', 373.

Van Hoof and van Tatenhove, 'EU Marine Policy', 728-29.

Churchill and Owen, EC Common Fisheries Policy, 28.

Lequesne, 'Fisheries Policy', 258.

Gorez, 'The Future of Fisheries Partnership Agreements'; West African Artisanal Fisheries' Organisations Representatives, 'Nouakchott Declaration'; European Parliament, 'Report', 17.

Hudson, 'Case Study', 127-128.

ACFA, 'ACFA Opinion', 18.

Schimmelfennig and Scholtz, 'EU Democracy Promotion'.

Freyburg et al 'EU Promotion of Democratic Governance'.

The present paper does not allow to make inferences about the magnitude of external actors' influence. While they may have a reinforcing effect, it is beyond the scope of the paper to measure these effects.

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