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Manners, Ian

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The External Dimensions of the European Union's Autocracy Crisis

Ian Manners

This contribution analyses the external dimensions of the EU's autocracy crisis. It argues that the internal and external dimensions of the crisis, and those relating to accession, are interlinked, and that more genuine social democracy, human rights, and rule of law would help address the crisis. It concludes that a paradigm shift to a holistic approach is needed to understand and address the causes, not just the symptoms, of the EU's autocracy crisis.

1. Introduction: Autocracy Crisis

The European Union has an autocracy crisis.[1] Some of its Member States have regimes in which 'politics is increasingly exclusive and monopolistic, and political power ever more repressive and arbitrary'.[2] Internally the autocracy crisis means that one EU Member State is 'no longer a democracy' while another 'arguably no longer' has 'an independent judicial branch'.[3] But the autocracy crisis is not just about the rule of law in the EU, as the 2022 report from the *Varieties of Democracy* project makes clear: 'the level of democracy enjoyed by the average global citizen in 2021 is down to 1989 levels—the last 30 years of democratic advances are now eradicated'.[4] Other annual reports on political freedoms and democracy reinforce this assertion, with Freedom House stating that 'the present threat to democracy is the product of 16 years of decline in global freedom' while the *Democracy Index 2022* published by *The Economist* argues that there continues to be a 'stagnation in the state of global democracy' with 'darker developments' in Russia and China.[5] The World Justice Project (WJP) *Rule of Law Index 2022* confirms these dire reports reinforcing that 'for the fifth year in a row, the rule of law has declined in most countries'.[6]

Within the EU Hungary has descended to an 'electoral autocracy' or 'hybrid regime', while Poland has followed a similar path but remaining an 'electoral democracy' or partially 'flawed democracy'.[7] Certain candidate countries are also defined as 'electoral autocracies' or 'hybrid regime[s]' (Turkey), 'flawed democracy' (Serbia).

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1 R. Daniel Kelemen, 'The European Union's failure to address the autocracy crisis: MacGyver, Rube Goldberg, and Europe's unused tools' (2023) 45(2) *Journal of European Integration* 223.

2 Seda Gürkan and Luca Tomini, 'The Limits of the Europeanization Research Agenda: Decoding the reverse process in and around the EU' in Nathalie Brack and Seda Gürkan (eds), *Theorising the Crises of the European Union* (Routledge 2020) 183–203.

3 Barbara Grabowska-Moroz, Joelle Grogan, Dimitry Kochenov, and Laurent Pech, 'Reconciling Theory and Practice of the Rule of Law in the European Union' (2022) 14 *Hague Journal on the Rule of Law* 101.

4 V-Dem Institute, *Varieties of Democracy Report 2022: Autocratization Changing Nature?* (Gothenburg, V-Dem Institute, University of Gothenburg 2022).

5 'Freedom in the World 2022: The Global Expansion of Authoritarian Rule' *Freedom House* (Washington DC, 2022); 'Democracy Index 2022: Frontline Democracy and the Battle for Ukraine' *The Economist* (London, 2023).

6 World Justice Project, *Rule of Law Index 2022* (Washington DC, 2023).

7 Freedom House and The Economist (n 5).

Within Europe, Belarus and Russia have been defined as 'electoral autocracies' or 'authoritarian regimes'. According to the WJP the 'four universal principles of the rule of law'—accountability, just law, open government, accessible and impartial law—have declined in Hungary, Poland, Serbia, Turkey, Belarus, and Russia over the past five years. Thus, there is an autocracy crisis among the EU's members, applicants, and neighbours; but this crisis is shared across the planet.

2. Genuine Democracy, Human Rights, and Rule of Law

The EU's autocracy crisis is not just about the decline of the rule of law. As the 1949 Statute of the Council of Europe (CoE) made clear, genuine democracy is based on the principles of individual freedom, political liberty and the rule of law, which the 1993 'Copenhagen Criteria' for EU membership embody with their emphasis on democracy, human rights, and the rule law. The CoE's 1996 declaration clarifies this understanding: 'a genuine democracy must be a social democracy. Democracy cannot be genuine unless it has a social dimension. The lack of respect for fundamental social rights threatens legal and political equality, the foundation of any democracy'.[8] The more recent 2022 CoE Parliamentary Assembly resolution on 'Safeguarding and Promoting Genuine Democracy in Europe' clarifies the central principle of genuine social democracy as 'promoting equality and providing protection against discrimination and hatred', similar to the Copenhagen criteria of 'respect for and protection of minorities'.[9]

These 'three complementary and indivisible principles'[10] of democracy, human rights, and rule of law are being constitutionalised within the EU through the Charter of Fundamental Rights (Article 6 TEU); the Union's values (Article 2 TEU); the conditions for membership (Article 49 TEU); the legal basis for its external action (Article 21 TEU), and its commitment to accede to the European Convention on Human Rights (Article 6 TEU). It is absolutely crystal clear that solutions to the rule of law crisis in the EU cannot be found without understanding and addressing the complementary and indivisible principles of democracy, human rights, and rule of law together. But an undue emphasis on free and fair elections, freedom from fear, and/or legal impartiality and impunity in an abstract sense overlooks the deep origins of the autocracy crisis. Thus there is a need to tackle the autocracy crisis through genuine social democracy addressing democratic decay, human rights abuse, and unfair rule of law through the promotion of equality.

3. Internal, Accession, and External Dimensions

It is a mistake to see the internal, accession, and external dimensions of the EU's autocracy crisis as separable. The V-Dem focus on the way in which 'anti-pluralist parties are driving autocratization in at least six of the top autocratizers', including Hungary, Poland, Serbia, and Turkey is important for understanding the domestic drivers of the crisis in EU Member States and candidate countries.[11] The V-Dem report also identifies democratic decay in Slovenia, Croatia, Greece and Czechia over the past decade, but it is the role of far-right anti-pluralist parties in the UK, Netherlands, France, Italy, Sweden, Austria, and Germany that need greater focus. As the European Parliament's 2022 resolution on 'foreign interference in all democratic processes in the EU' makes explicit, close links between Russia and many parties in the EU Member States—Austria's Freedom Party, France's National Rally, Italy's Northern League, Germany's AfD, Hungary's Fidesz and Jobbik, and UKIP/Brexit Party in the UK—have driven the crisis within the EU.[12] Studies of these parties'

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8   Council of Europe, 'Draft Declaration on Genuine Democracy', Final Activity Report of Project Group on Human Rights and Genuine Democracy, Committee of Ministers, Strasbourg, 19 January 1996; Conference of INGOs of the Council of Europe, 'Declaration on Genuine Democracy', CONF/PLE(20139DEC1, adopted 24 January 2013.

9   Parliamentary Assembly of the Council of Europe, 'Safeguarding and Promoting Genuine Democracy in Europe', doc. 15486, 25 March 2022.

10   Council of Europe 1996 (n 8) 5.

11   V-Dem (n 4) 23.

12   European Parliament, 'Resolution of 9 March 2022 on Foreign interference in all democratic processes in the European Union'(2020/2268(INI)), P9_TA(2022)0064.

voting patterns in the European Parliament (EP) have demonstrated their tendency to vote in Russia's interest and against closer EU relations with Ukraine, Moldova, and Georgia.[13]

Similarly, while the V-Dem report draws attention to 'electoral autocracy' in EU accession countries Turkey, Serbia, Ukraine, Bosnia and Herzegovina, Montenegro, Macedonia, and Albania, the EP's 'foreign interference' resolution sets out how the Western Balkans (Serbia, Montenegro, and Republika Srpska in Bosnia and Herzegovina) are particularly vulnerable to 'foreign interference and disinformation campaigns stemming from Russia, China and Turkey'.[14] The role of Hungary and Turkey in blocking Sweden's membership of NATO provides an example of an EU member and an accession state seeking to undermine both the EU and NATO to Russia's advantage.[15]

Externally, the EU is part of a planet increasingly populated by autocracies. The V-Dem report demonstrates how the peak of democratic countries by population occurred between 2000–2010, with only 30% of the world's population now living in liberal or electoral democracies. Freedom House measures the decline in people living in free countries from 46% of the world's population in 2005 to 20% in 2021. The Economist's Democracy Index peaked in 2008 and 2014–2015, with 45% of the world's population now living in full or flawed democracies. Regardless of the exact measures, it is clear that the EU now acts externally in an environment overwhelmingly defined by autocracy, 'not free countries', hybrid and authoritarian regimes. The six votes held in the UN General Assembly on Russia's invasion(s) of Ukraine between 2014 and 2023 provide evidence of the international consequences of this planetary

autocratisation for multilateral cooperation. They demonstrate five dimensions of the EU's autocracy crisis: first, that only about 141 states are willing to consistently vote in favour of maintaining the UN principles of international peace and security; second, that about six autocracies (led by Russia) are willing to consistently vote against the first group; third, that a third group of about 32–35 states (led by China) consistently abstain; fourth, that only about 93–100 states are willing to vote in favour of UN principles of territorial integrity and human rights; and finally, that the EU and its European neighbours (43 states) consistently make up about 30–45% of the UN-supporting countries in the world.

Thus the internal, accession, and external dimensions of the EU's autocracy crisis are inseparable—there is external support for autocracy within the EU; there are autocracies seeking membership of the EU, and the EU faces opposition from groups of autocracies opposed to international cooperation in the EU and the UN.

4. A Holistic Approach to the Causes and Symptoms of the Crisis

The temptation to analyse the autocracy crisis in terms of the decline of the liberal international order is also a mistake. The autocracy crisis is a symptom of a wider, planetary organic crisis (POC) of economic inequality, social injustice, ecological unsustainability, conflict insecurity, and political irresilience.[16] In order to understand the causes of the autocracy crisis, a first step is to appreciate that these five mutually interdependent roots of the POC feed the rise of ethnonationalism around the world. This combination of far-right reactionism with neo-liberal libertarianism has been termed 'reactionary

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[13] Anton Shekhovtsov, 'The "National-Bolshevik" alliance is again at work in the European Parliament' (*Anton Shekhovtsov's blog,* 17 September 2014); Patrik Oksanen, 'SD:s rysslandsröster i Europaparlamentet sticker ut' (*Säkerhetsrådet, Frivärld,* 7 september 2022); Anton Wiebke, '"*Russia*" in the European Parliament: Voting patterns, discourse-coalitions and self-other representations' (DPhil thesis, Ludwig-Maximilians-University 2022).

[14] European Parliament 2022, *op cit.*

[15] Karin Thurfjell, 'Kris för Nato om vi inte är medlemmar om ett år' (*Svenska Dagbladet,* 8 januari 2023); 'Hungary signals fresh delay in Finland, Sweden NATO approval' (*Reuters,* 25 February 2023).

[16] Ian Manners, 'European Communion and Planetary Organic Crisis' in Nathalie Brack and Seda Gürkan (eds) *Theorising the Crises of the European Union (Routledge 2020);* Ian Manners, 'Achieving European Communion in the Planetary Organic Crisis: How Dominance and Differentiation affects the sharing of Genuine Democracy' (2023) EU3D: Differentiation, Dominance, Democracy (Oslo, ARENA); Stephen Gill and Solomon Benatar, 'Reflections on the Political Economy of Planetary Health' (2020) 27(1) *Review of International Political Economy* 167.

libertarianism' and has firmly established itself inside and outside the EU since the global financial crisis.[17] An extensive analysis of this collaboration in the cases of the USA (Trump), Britain (Brexit), Hungary (Orbán), Israel (Netanyahu) argues that neoliberal oligarchies needed to disguise their failures by supporting 'populist oligarchy' across the planet in need to protect the wealthy elite.[18] For example, Putin's Russian nationalism relies on oligarchs, Modi's Hindu nationalism relies on industrialists, and Trump's American nationalism relies on billionaires.[19]

With this context in mind it becomes easier to see how resolving the EU's autocracy crisis is not so much a matter of treating the symptoms of the lack of rule of law, but rather first requires us to understand the causes of the planetary organic crisis; not so much a case of EU democracy vs. non-EU autocracy, as one of reactionary libertarians, inside and outside the EU, using ethnonationalist agendas to disguise the practices of kleptocratic ruling elites.

Taking this more holistic approach to the problem of the EU's autocracy crisis involves two ways of understanding its causes: a) taking a normative power approach, and b) considering the role of external political actors in EU politics. Doing so suggests two ways of addressing the crisis: c) the enlargement of the EU as reinvigorating its *raison d'être*, and d) external actions in concert with others prepared to act for the planetary good. The next four paragraphs set this out and lead to the conclusion of the necessity of a holistic analysis of the EU's autocracy crisis.

a) The normative power approach within critical social theory questions notions of normativity and power. It studies international, regional, and transnational actors and how their actions can, in concert, reshape conceptions of 'normal' for the planetary good.[20] Studies of the EU's normative power have demonstrated how 'through the promotion of the rule of law as well as other values enshrined in Article 2 TEU, the EU has significantly built its normative power, and the European Commission, with the support of the Member States, has steadily increased its leverage notably in promoting the rule of law towards the former candidate countries from Central and Eastern Europe'.[21] Thus, the EU is not just subject to global trends, such as autocratization and increasing irresilience, but can shape those trends.

b) As well as considering the normative role of the EU beyond its borders, it is vital to understand the role of external political actors in the politics of EU Member States. Achieving genuine democracy, human rights, and rule of law through social democratic equality involves identifying the networks of economic and political influence that flow through reactionary libertarian power structures in 'dark money' think tanks, 'whitecoat' policy experts, 'astroturf' activist groups, and far-right political parties into autocratic governments.[22] More specifically, exposing Russian interference in the democracy and rule of law of Member States, together with the role of US Christian right networks (eg European Center for Law and Justice), and the Atlas and Epicenter network of neoliberal 'think tanks' would constitute an important step towards breaking the material and ideological support for autocrats in the EU.

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[17] Dieter Plehwe, Quinn Slobodian, and Philip Mirowski (eds), *Nine Lives of Neoliberalism* (Verso Books 2020); Owen Worth, *Morbid Symptoms: The Global Rise of the Far-Right* (Bloomsbury Publishing 2019).

[18] Shelly Gottfried, *Contemporary Oligarchies in Developed Democracies* (Springer 2019).

[19] Timothy Snyder, *The Road to Unfreedom: Russia, Europe, America* (Tim Duggan Books 2018). Arundhati Roy, 'Modi's model is at last revealed for what it is: violent Hindu nationalism underwritten by big business' (*The Guardian*, 18 February 2023); Nancy MacLean, *Democracy in Chains: The Deep History of the Radical Right's Stealth Plan for America* (*Viking Press,* 2017).

[20] Ian Manners, 'Arrival of Normative Power in Planetary Politics' (2023) 61 *JCMS: Journal of Common Market Studies* (forthcoming).

[21] Ivan Damjanovski, Christophe Hillion, and Denis Preshova, 'Uniformity and Differentiation in the Fundamentals of EU Membership: The EU Rule of Law Aquis in the Pre- and Post-accession Context' (EUIDEA Research Paper No. 4, 31 May 2020).

[22] 'Dark money' is spending and funding from groups that do not disclose their donors in order to influence public and policy debates, elections, and referenda. The World Health Organisation defines 'whitecoat' as the 'use of science or pseudoscience to defeat legitimate scientific enquiry' (WHO, Tobacco Industry Interference with Tobacco Control (Geneva: WHO, 2009) 11. 'Astroturfing' is the practice of masking the sponsors of political campaigns to give the appearance of grassroots support.

c) Such considerations reveal opportunities: the enlargement to include new Eastern and South Eastern European Member States is a chance to reinvigorate the *raison d'être* of the EU—'to better achieve together what cannot be achieved apart'—peace, prosperity, and progress. The 2022 elections in Slovenia and the ongoing anti-corruption reforms in Ukraine are examples of how new accession and Member States can serve as examples of 'precisely what rule of law elements are needed to achieve what specific aims'.[23] Recent analysis of external democracy promotion in its neighbourhood demonstrates that there is 'little evidence of deterioration in the EU's image as a democracy promotor and human rights defender, as seen from the countries in the European neighbourhood (both east and south)'.[24] The EU's long-term response to Ukraine's application for membership provides an opportunity to use its normative power to strengthen genuine democracy, human rights, and rule of law through enlargement to its new social democracies—Ukraine, Moldova, Georgia, Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, and Kosovo.[25]

d) This global approach suggests global solutions: in order to address the autocracy crisis, the EU's normative power must be used through enacting external actions in concert for the planetary good. In practice this means moving the 'foreign policy' paradigm away from the geopolitics of 'principled pragmatism' where the EU institutionally isomorphises itself into a 'Global Europe', imitating the USA, China, India, or Russia. Instead, the EU, its Member States, and its transnational actors (such as civil society, activist movements, and NGOs) must take empowering actions in concert with other equally concerned groups and actors to reshape conceptions of normal for the planetary good.[26] This paradigm shift begins with the realisation that at its heart the autocracy crisis is fuelled by the denial of the fact that with a 3–5 degree Celsius global mean temperature rise by 2100, human civilisation as we know it is in its last century.[27]

5. Conclusion: Holistic Analysis of the EU's Autocracy Crisis

It is only through a holistic analysis of the EU's autocracy crisis, including the way in which reactionary libertarian autocratic groups promote increasing economic inequality, strengthen the spread of social injustice, deny the breakdown of ecological sustainability, simultaneously promote and claim to answer conflict insecurity, and represent irresilient political regimes, that we can understand the roots of the POC. Addressing the external dimensions of the EU's autocracy crisis begins with appreciating the depth and breadth of the crisis; it means advocating genuine democracy, human rights, and rule of law that bring greater equality to ordinary people; it involves realising that the internal, accession, and external dimensions of the autocracy crisis are deeply interlinked; and it demands a paradigm shift through normative power to a holistic approach to the causes and symptoms of the autocracy crisis.

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[23] Lisa Louwerse, The EU's conceptualisation of the rule of law in its external relations: case studies on development cooperation and enlargement (DPhil thesis, Leiden University 2019).

[24] Olga Burlyuk, Assem Dandashly, and Gergana Noutcheva, 'External democracy promotion in times of internal rule-of-law crisis: the EU and its neighbourhood'(2023) *Journal of European Public Policy* 1.

[25] Marta Králiková, 'Power Structures and Normative Environment: Limits to the Rule of Law and the EU's Normative Power in Ukraine'(2017) UPTAKE Working Paper No. 3/2017; Gergana Noutcheva and Kateryna Zarembo, 'Normative Power at Its Unlikeliest: EU Norms, Soviet Legacy and Security Sector Reform in Ukraine' (2023) 58 *Cooperation and Conflict* (forthcoming).

[26] Ian Manners, 'Normative Power Approach to European Union External Action', in Sieglinde Gstöhl and Simon Schunz (eds), *The External Action of the European Union: Concepts, Approaches, Theories* (Macmillan 2021).

[27] Manners (n 20).