

Legislative Networks and Reforms in Post-Soviet States

How to Turn the Tide for Democracy

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Chapter 1

Introduction

Why We Need to Focus on Democratic Reforms and Legislative Networks

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INTRODUCTION

Why We Need to Focus on Democratic Reforms and Legislative Networks

In the early 2010s, Moldova had become an exemplar for political reform and liberal democratic potential in Eastern Europe. If post-Soviet states were to eventually become advanced liberal democracies, it was by following Moldova's strides. Under the pro-European party Alliance for European Integration (AEI), Moldova championed sweeping liberal democratic reforms. Indeed, the small post-Soviet republic became the poster child of the EU's new Eastern Partnership initiative, governing relations with Eastern Europe's post-Soviet states. Before long, many of these promising signs came to seem little more than a veneer for the enduring snare of Soviet era kleptocracy. Reformist hopes were similarly quashed in the post-Soviet republics of Armenia and Georgia, at various points in time, such as the failure of judicial reform attempts in Georgia after 2015 or the adoption of the foreign agents' law in 2024. Such incidents offer detailed case studies from which lessons can be extracted on the course and future potential of EU-backed pro-democracy efforts. These lessons can be applied across Eastern Europe, in post-Soviet hybrid regimes such as Moldova, EU accession candidates such as Ukraine, candidates in the Western Balkans and on cases of disappointing progress following adoption of the *acquis communautaire*, as in Bulgaria.

The AEI ostensibly entered office to align Moldova more closely with the EU. Yet, within a few years, a leaked addendum to the AEI government's original coalition agreement surfaced, showing that control over purportedly key 'independent' institutions had been apportioned through backroom dealings from the beginning. The key positions included the role of Prosecutor General, posts in the Court of Auditors, in the Center for combating economic crime and corruption and in the National Security Agency, among

others. After the EU had provided almost unconditional support to the AEI, this revelation was a significant embarrassment for the EU, highlighting the discrepancy between the professed modernising reforms and the reality, which starkly contrasted with the principles of ‘transparency’, ‘accountability’ and ‘impartiality’ promoted by the EU’s reformist rhetoric.

The once-promising AEI government exuded artifice and mere mimicry of democratic values via nominal legal reform. Indeed, the full magnitude of state capture in Moldova only became apparent in 2014, when it surfaced that one billion US dollars could not be accounted for among a few of Moldova’s top banks, as it was effectively missing. Such protracted, costly incidents of façade democratisation serve to gravely undermine the institutional legitimacy and capacity of democracy promotion. This applies to both the international organisations that become embroiled in a controversial failure, as well as domestically, on the ground, by undermining the legitimacy of pro-democratising, pro-EU reform politics and potential among voters. Doubtless, these cases feed a climate in which democracy is losing terrain globally to authoritarian regimes. The stakes could therefore not be higher in understanding the mechanics of such breakdowns. It is in this context that the case of Moldova becomes glaring.

Though the sums involved in the Moldovan bank case are particularly audacious, the general post-Soviet pattern of corruption amidst democratisation efforts is commonplace. Despite significant financial investment, detailed expert exchanges and abundant democratic action plans, state institutions in many post-Soviet countries remain ineffective and fail to live up to the fundamental democratic values that guide reformist political rhetoric. To grasp why these failures occur – often so unexpectedly, as in the case of Moldova’s pro-EU coalition – it is essential to analyse informal elite dynamics. The decisional weight of informal networks flourishes amidst the institutional uncertainty characteristic of hybrid regimes. It is the precise mechanisms and tipping points within these dynamics which must be analysed in depth, if we are to understand – and get ahead of – the vicious cycle which perpetuates weak institutions and informal dynamics in the region.

Understanding *façade* democratisation requires a detailed analysis of the precise elite dynamics that yield clientelist institutional capture. Typically, these dynamics are analysed legalistically, drawing attention to protracted and ultimately ineffective reform attempts. Such analyses often succeed in identifying certain weaknesses in legislative procedures and institutional frameworks (as illustrated in Dimitrova & Dragneva, 2013; Langbein, 2013; Langbein & Börzel, 2013). However, the nature of legalistic mimicry is such that merely ensuring technical compliance by dotting every ‘i’ and crossing every ‘t’ is inherently insufficient. Furthermore, this approach is highly inefficient, as measuring the effects of any formal-legalistic alteration takes years, during which time the same disingenuous actors who are undermining democratising

reforms are able to continue consuming lavish financial resources. Such technical analyses often conclude in the non-specific diagnosis that in the reform failure all comes down to a “lack of political will”. This argument is frequently advanced by international institutions like the Council of Europe and the European Commission (European Commission, 2017a, 2017b).

However, this explanation could be considered tautological; if we attribute *façade* democratisation simply to a lack of political will on the part of disingenuous actors, it does not provide meaningful insights that can be acted upon and learnt from in future. We need to know how and when to identify and control for specific warning signs. A serious analysis that could enable better democratising policies moving forwards would need to identify the precise chronology and causal mechanisms behind failed or partially failed reforms. This book is written in the spirit of contributing to these efforts.

This book analyses 11 political reforms in the fields of Rule of Law, interinstitutional and electoral accountability in three countries. Four reforms took place in Georgia in the period between 2009 and 2020; three reforms in Armenia developed between 2012 and 2019, and the four reforms in Moldova developed from 2000 until 2019. The 11 reforms span 25 years, as these processes are rare historical changes deeply affecting the state-society relations, thus being suited to close context-sensitive, qualitative analysis. Indeed, existing in-depth studies of these and similar reform processes tend to focus either (1) on international actors, giving excessive weight to Eurocentric top-down factors when explaining reform outcomes, while neglecting the role of domestic agency, or (2) on domestic actors – this literature, while emphasising the “causal weight of actors”, is much less engaged with the “perspectives of actors”, including opposition and civil society (Schedler, 2024: 19). Moreover, these two research strands focus primarily on the less consequential later stages of the reform process, when the effective democratic backsliding or subversion becomes evident. This book brings the perspective of domestic actors to the front as it privileges domestic developments, undertaking close to one hundred detailed interviews with key actors on the ground across the three case studies, in addition to international actors in Brussels and Moscow. The research, thus, traces internal power struggles from the crucial beginnings of the reform process, as part of a broader detailed process tracing of each of the 11 reform case studies.

This is crucial because we find reform trajectories to be marked by path dependencies containing scarce opportunities for contingency, with the path being set precisely by decisions taken at the early reform stages, so neglected in existing research. Ultimately, none of the reform attempts analysed yielded a marked increase in durable democratic accountability (GRECO, 2015; Hriptievski *et al.*, 2015b; GRECO, 2016; Hriptievski, 2017; GRECO, 2017; OSCE-ODIHR, 2021a, 2021b). Nonetheless, analysing the trajectory of the reform attempts in depth allows us to trace the reasons for this failure

and better prepare for the future of democracy. These ‘partial’ reform processes are analysed through a typology of reform control strategies adopted by incumbent political elites. The typology covers five control strategies, defined by their position along a spectrum, according to the degree of inclusivity or exclusivity with regards to the relative level of involvement of broad social and political stakeholders. We can thus speak of more inclusive or more exclusionary reform strategies. This inclusionary-exclusionary typology of reform control strategies is based on the results of an extensive empirical network analysis covering thousands of data points (as discussed in Chapter 2).

Ten of the 11 reform processes remain under the more-or-less straightforward control of incumbent elites, which employ “control strategies” that best align with their interests and positions within the broader political system, as they allow them to entrench their influence within the institutional system. However, one case (Georgia’s Rule of Law reform developed between 2012 and 2015) was on the extreme end of the control strategy typology, following ‘inclusive reform strategies’. Here, the reform process followed sweeping political change, with the arrival of a new political party in power on the back of social protests, seeking social legitimation by demonstrating a strong political will to conduct democratising Rule of Law reforms. In this case, the crucial early reform drafts introduced meaningful democratic accountability mechanisms. These reform proposals were so threatening and genuine that this was the only instance – among the 11 reforms – giving rise to active and concerted sabotage from other entrenched political actors with a vested interest in the reforms’ failure. Despite their ultimate failure, this reform attempt provides a glimpse at otherwise elusive political contingency, containing the potential for genuine democratising reforms. The arrival of new democratic parties following popular Rule of Law mobilisations are thus identified as especially precious and rare potential vehicles for meaningful democratising change in hybrid regimes. The EU demonstrably failed to capitalise on this rare opportunity for genuine reform. Lessons must therefore be extracted from these untimely failures if future political reforms are not to go the way of all these cases analysed here. It is only by examining the nuances of these reform attempts from their inception that we can avoid repeating past mistakes and rationally advance on any hope of advancing the cause of democracy in the region and beyond.

1.1 The Limits of Democratic Reforms’ Research

In the academic literature, there are two broad categories of work from which we shall draw in analysing failed democratising reforms: (1) the Europeanisation and norm diffusion literature, and (2) work focused more on the domestic side of reform failures and the autocratisation dynamics involved. Broadly speaking, the Europeanisation and norm diffusion side of

the literature lay the groundwork with the development of key concepts such as socialisation and conditionality, while the generally more recent literature focused on domestic contexts has, unsurprisingly, underlined the role of domestic agency and on-the-ground factors, in shaping the ultimate course of reform efforts. These approaches can be briefly summarised as follows:

1.1.1 Europeanisation and Norm Diffusion

The research on Europeanisation (Borzel & Risse, 2000; Schimmelfenning, Engert, & Knobel, 2006) incorporates ideas from two main streams of institutional theory: rationalist institutionalism and sociological institutionalism. From the perspective of rationalist institutionalism, powerful domestic gatekeepers adapt their behaviour and long-term cost-benefit calculations according to the potential consequences of democratic reforms for their status, including their capacity to increase or maintain their wealth and power. Such strategic calculations may lead “politicians and bureaucrats [to] conspire in passing and implementing cumbersome, contradictory, and/or ambiguous regulations and laws” (Stefes 2006: 23; Hellman, 1998). In contrast, sociological institutionalism explains the evolution of reform processes by focusing on the appropriateness of different political reforms. According to this perspective, domestic actors’ identities are influenced by norms and values that are embedded within institutions. It posits that values as democracy and Rule of Law shape actors’ preferences and perceptions of what is appropriate behaviour and what not. Actors internalise norms and behave in ways consistent with their identity and role expectations, which are considered appropriate and legitimate (Cowles *et al.*, 2001).

Based on these assumptions, the Europeanisation research has mainly focused on understanding different policy instruments, such as the strengths and weaknesses of EU conditionality (the EU’s material leverage in the pursuit of democratic reforms), or the socialisation of domestic elites as key to effective external influence (Keukeleire & Delreux, 2014: 133; March & Olsen, 2008; Schimmelfenning *et al.*, 2006; Borzel & Risse, 2000). For example, research on sectoral cooperation in fields such as food safety and migration policy consider the beneficial spill-over effects on democratisation through the internalisation of EU norms by national administrations (Freyburg *et al.*, 2015). This literature offers useful behavioural explanations that shall be instrumental in our analysis of façade democratisation. For example, the concept of socialisation and conditionality provides us with the conceptual vocabulary necessary to gauge the norm compliance among elites.

However, the Europeanisation literature sees the limits of democratic reforms in EU accession candidates and neighbouring states as being explained in terms of compliance with EU norms and values. Consequently, the primary causes of failed democratic reforms are the weaknesses in EU

policy instruments, including the toothless implementation of core EU foreign policy instruments such as conditionality. The lack of enforcement mechanisms in the case of non-compliance with democratic norms is said to undermine the EU's foreign policy leverage. This was a standard criticism until negative conditionality measures were eventually developed and implemented in Moldova in 2015 and 2016, as a reaction to the disappeared one billion USD.

In its analysis, the Europeanisation literature adopted a rationalist logic of consequences (strictly incentive-based behaviour) through the development of concepts such as “conditionality” and “more-for-more”, as well as the logic of appropriateness (involving the implementing partner's self-identification with EU norms) that seeks to socialise domestic political and institutional actors in EU norms (March & Olsen, 2008). However, the development of such foreign policy analysis has given rise to criticisms over its Eurocentric and top-down presuppositions (Keukeleire & Lecocq, 2021; Burluyk, Dandashly, & Noutcheva, 2023). As a reaction to this top-down tendency from the Europeanisation literature, a greater focus on domestic, on-the-ground contexts emerged.

In parallel, international relations scholars focused on the broader diffusion of Western liberal norms (Keck & Sikkink, 1998; Phinnemore & Sikkink, 1998). However, the universal claims of this approach have been increasingly challenged by constructivists focused on norm contestation, as well as norm translation, localisation, adaptation and appropriation to diverse national, local and regional contexts (Acharya, 2004, 2011; Checkel, 1999; Wolff & Zimmermann, 2016). In short, this criticism has increasingly focused on the reciprocal ways in which local actors interact with Western norms and reciprocally influence their practical adoption domestically. Work has been done to further refine the precise ways in which we can define and conceptually separate out the ways norms are contested on the ground: “norm validity”, “norm application”, “social recognition” and “cultural validation” (Wiener, 2017).

This literature broadens the prospects for a focus on domestic actor agency, in terms of understanding the ways domestic actors themselves can influence top-down norm diffusion processes by finding ways to adapt and limit their outcomes. This approach is useful in terms of analysing the ways in which concepts like democracy are understood and implemented in practice. This book applies this approach in the post-Soviet region, based on the assumption that democratic norms are contested and reinterpreted on the ground in their practical application – beyond top-down democratisation efforts and EU external action – across Eastern Europe, leading to varied practical institutional and social outcomes (as identified by Keukeleire & Lecocq, 2021; Burluyk, Dandashly, & Noutcheva, 2023; Alejandro, 2021).

1.1.2 Domestic Actors and Institutional Contexts

Recent literature on the EU's external influence and regime transformation has sought to counter the Euro-centric and top-down focus of the Europeanisation literature. Furthermore, the lack of realistic EU membership prospects in the face of "enlargement fatigue" has reduced the EU's capacity to incentivise political reforms in its neighbourhood, which has also facilitated researchers turn towards the nuances of domestic actors' agency and influence over reform implementation (Lavenex & Schimmelfennig, 2009; Freyburg *et al.*, 2015; Ademmer, 2017; Delcour, 2017b). This turn facilitated a more granular focus on a range of influential actors on the ground, which offers a rich theoretical and empirical body of work, directly applicable to the study developed in this book.

The influential actors subject to such analyses include domestic political party constellations (Schimmelfennig, Engert, & Knobel, 2006), formal and informal "veto players", such as powerful business actors (Langbein & Börzel, 2013) and domestic gatekeepers, such as ruling business elites (Tolstrup, 2014). More recent bottom-up research has developed a detailed understanding of the roles played by diverse domestic actors such as the political elites and civil society (Kralikova, 2022; Samokhvalov & Strelkov, 2021; Baltag & Burmester, 2022; Dandashly & Noutcheva, 2022). These important contributions confirm the central role played by domestic actors as gatekeepers of norm adoption, as well as the importance of domestic normative structures (Dandashly & Noutcheva, 2022). However, the exact conditions of their failure or success when influencing democratic reforms is not clearly defined, lacking an identification of the exact causal mechanisms involved.

In addition, the recent contributions in the field of autocratisation (Cassani & Tomini, 2019; Luhrmann & Lindberg, 2019), democratic backsliding or recession (Bermeo, 2016; Diamond, 2015), democratic subversion (Schedler, 2024) and the literature on hybrid regimes (Merkel, 2004; Levitsky & Way, 2010) affirm a dominant actor-centred perspective. This literature mostly has identified the gradual encroachment of powerful domestic elites through electoral victories and the subversion of accountability mechanisms of political institutions, where the importance of sequencing and the temporal evolution is seen as a significant element in identifying trends of autocratic encroachment (Gerschewski, 2021; Schedler, 2024; Cassani & Tomini, 2019). However promising, this research still suffers from certain limitations. In this analysis, not only have the exact causal mechanisms that bring about democratic subversion not been identified, but also the perspective of domestic actors is not clearly defined (Schedler, 2024). It also focuses on the late stages of the reform process, where the name of the game inevitably becomes one of identifying the root cause of the ever-allusive 'lack of political will', while it systematically discusses the different features of domestic actors.

1.2 Unpacking Political Reforms

The detailed analysis of the constellation of domestic actors and their direct involvement in democratic reforms and autocratisation processes creates avenues for deeper research on the causal mechanisms and domestic perspectives involved. While naturally complementing the domestic-centredness of the studies discussed above, this book sheds light on the exact mechanisms that prevent effective democratisation in post-Soviet states. To this end, it explains and identifies domestic gatekeepers' control strategies over the reform processes, which explains their limited outcomes in terms of democratisation. This approach also allows to identify the key contingencies opening the path for democratising reforms and the challenges leading to their failure. In order to gain better understanding of the mechanisms behind the adoption of limited democratic reforms, this book addresses the following questions:

How do domestic gatekeepers control the processes and outcomes of the reform process? What strategies do they employ for this purpose? What strategies are adopted by social and political actors that oppose this control of domestic gatekeepers? How do international actors such as the EU and Russia influence the political struggle among these domestic gatekeepers and opposition forces? Tracing the domestic norm contestation and the power struggles involved in political reforms, we are able to identify the strategies that domestic gatekeepers use in order to control reforms, as well as the countereffort strategies developed by opposition forces. These control strategies usually align with the interests and positions of these elites within the broader political system, ultimately allowing them to entrench their influence. Furthermore, these reform trajectories are marked by path dependencies with sparse opportunities for contingency, with early-stage decisions cementing the course of the reforms and maintaining political institutions in the grey zone of hybrid regimes. By studying these strategies at the centre of broader democratisation and autocratisation processes, we are able to explain why democratic reforms ultimately fail. As a result of deploying such a lens, I develop a typology of strategies utilised by gatekeepers in controlling democratisation attempts: the (1) 'inclusive strategy', (2) 'informal control strategy', (3) 'formal legitimisation strategy', (4) 'dominance strategy' and (5) 'selective negotiation strategy'. Notably, this approach allows to identify the effective boycott of meaningful democratic reforms developed through inclusive strategy.

One vein that merits particularly close attention is the nature of institutional reform in hybrid versus consolidated democracies. The different level of institutionalisation of democratic norms in hybrid regimes and consolidated democracies are crucial in both understanding the nature of a regime and the ways in which pro-democracy reforms ought to be pursued. It is in these differences – in the relatively molten, yet-to-solidify institutional terrain of hybrid regimes – that Western norm diffusion expectations are parachuted,

and which enables the emergence of power struggles that ultimately determine the course and fate of reform efforts. In consolidated democracies, solidified institutional norms play an essential role in reducing uncertainty in contexts of political transformation. However, in hybrid regimes democratic rules co-exist with an increased scope for institutionally entrenched authoritarian practices (Morlino 2011). The resultant combination of democratic and authoritarian elements increases political uncertainty and leads to frequent redefinitions of institutional rules, itself further feeding into the cycle. It is in this context that any reform process is interpreted as a threat, provoking arduous contestation among political actors guided by their immediate interests, as the definition of new procedures will “determine the likely winners and losers in the future” (O’Donnell & Schmitter, 1986: 6).

In this context of political struggle over democratic reforms, legislative and constitutional commissions play a crucial role. Yet, they are neglected in scholarly analyses of the Eastern Neighbourhood’s democratisation efforts, as they occupy the front end of the reform process, representing the first draft of any reform effort, whereas most analyses focus on the later stages in the reform process. I therefore analyse legislative and constitutional commissions both as gatekeepers of the reform process, and as arenas for political struggle and norm contestation among key domestic actors that seek to control institutions in hybrid regimes. This bottom-up approach allows me to study the agency and practical leverage of domestic decision-makers, by developing a detailed analysis of their strategies, interests and capacities, rather than an arid analysis of actors’ passive norm adoption. The role of domestic actors as gatekeepers in hybrid regimes, and the complementary conceptualisation of legislative and constitutional commissions as legislative arenas for contestation of democratic norms allow us to identify behaviours based on the logic of consequences and the logic of appropriateness that impose structural limitations on the reform processes, leading to the effective failure of democratisation efforts.

To this end, this book shifts the analysis to the initial stages of the policy design and the close analysis of the legislative and constitutional commissions that define the core features of democratic reforms, tracing this to eventual implementation and outcomes of the reform. It is thus argued that the initial drafting of the reforms is a manifestation of the actual willingness of domestic gatekeepers to effectively democratise the political system. In other words, analyses that centre on a ‘lack of political will’ tend to focus on the later stages of the reform process, thereby missing early indicators. This oversight leads to the squandering of resources, undermines the legitimacy of democratisation efforts and results in mere reform mimicry that could have been identified and addressed at an earlier stage.

Understanding the depth of any commitment to democracy in the initial reform stages allows for the timely identification of their potential development at later stages, while providing important insights for both the academic

and policy analysis of democratisation processes at the early stages of their development. The analysis of the early drafting process within legislative commissions highlights the path-dependent trends of institutional control and the contrasting contingencies for effective democratic reforms. To do this, we must assess the nature of any normative arguments advanced, as well as the power dynamics between the key political actors. By empirically and theoretically foregrounding domestic agency, we can provide relevant explanations for the fate of democratic reform efforts in hybrid regimes. To develop a better understanding of the causal mechanisms at work, we shall break down 'norm adoption' into three discrete temporal phases: (1) Appointment of legislative commission, (2) Reform drafting and (3) Public discussions and adoption. We shall also identify the key domestic gatekeepers that effectively control democratic reforms in post-Soviet hybrid regimes, together with the strategies they use for the control of democratic reforms. The chapter also discusses the influence of international actors on the domestic reform processes.

1.3 Legislative Commissions as Arenas of Norm Contestation

In hybrid regimes, reform processes are inherently a high stakes game. The ultimate shape that reforms take defines the future winners and losers in a polity. Inevitably, then, influential players seek to take a hold of the reins to secure the best outcomes for their own continued exercise of power. Thus, political reforms are synonymous with power struggles. Existing literature typically analyses such power struggles only as they reach their exciting crescendo, when the fruits of reform – or lack thereof – become apparent. That is, at the phase of policy implementation. However, the power struggle which defines these outcomes emerges with the very composition of the legislative commissions which produce the first draft of the reform. It is at the inception of the reform process that the grooves of path dependency are hewn. These legislative commissions constitute arenas of norm contestation.

This is why this book shifts the focus to the initial stages of the reform process by analysing the legislative and constitutional commissions responsible for preparing the first draft of any democratic reform. The legislative commissions which pervade post-Soviet hybrid regimes must be kept distinct from the tradition of parliamentary committees, in that legislative commissions draw from a wider pool of experts – instead of being composed strictly of parliamentarians – while also focusing on more foundational reform texts, when compared to the more routine and narrow work of parliamentary committees. Our focus here is on legislative commissions and their foundational role in the reform process. The role of ad hoc legislative and constitutional commissions should be understood as a continuation of the post-Soviet constitution-building tradition from the 1990s, and consequently as top-down elite processes (Partlett, 2015). In Armenia, Georgia and Moldova, there is a

high degree of elite continuity during post-Soviet regime transitions, making constitutional commissions instrumental vehicles for maintaining elite influence in political reforms. For these reasons, the legislative and constitutional commissions analysed here are considered as legislative arenas of norm contestation – and as embodiments of the social and political system in a broader sense – as opposed to the more widely-known work of parliamentary committees, which are a narrower, technical expression of the role of the legislature across parliamentary democracies.

The literature on legislative commissions highlights the exogenous role of a wider array of actors within the political system. For example, in Armenia both the Republican Party and the President exerted a consistently strong exogenous influence over the proceedings of foundational legislative commissions throughout the constitutional and Rule of Law reform processes. Ignoring this influence leads to a failure to understand the root causes of partial reform processes. As a result of the exogenous focus of this book, we define legislative arenas of norm contestation as “formalised settings for the interplay of significant political forces in the life of a political system”, where “the impact of external forces is decisive of the political outcome” (Polsby, 1975: 277). Thus, we shall focus on the wider exogenous influence exerted by powerful domestic gatekeepers. This perspective plays a central role in understanding the domestic strategies for control of the reform process, their limited outcomes and ultimately the challenges to democratisation in hybrid regimes.

I find that each case study is particularly adapted to a peculiar type of strategy in perpetuating its hybrid regime and resistance to democratising reforms, managing the composition of legislative commissions either by: (1) taking advantage of the existing *institutional framework*, for example, in terms of the ability for the executive (in presidential systems) to control nominations, as in Armenia, (2) exerting influence via the *party system*, such as when powerful surplus majorities exist within the legislature, as in the case of Georgia and by (3) utilising neopatrimonial networks – as state structures intertwine with personal neopatrimonial organisation – in order to influence the legislature towards particular nominations, as in the case of Moldova. These are the key factors that define the strategies used by domestic actors to establish path-dependent trajectories in the reform processes, enabling them to retain their power positions in the hybrid regimes of Georgia, Armenia and Moldova.

The development of the initial draft of the democratic reform is of foundational importance to the evolution of the subsequent reform process, representing a critical juncture in a reform effort’s development and establishing a clear path for the future evolution of the reform. The political boundaries and core features of the reforms are defined during the first three stages of the political reform. Subsequent revisions of the text require the instauration of a new legislative commission, tasked with developing a new direction for

the reform. Furthermore, the decisions taken during the early stages of the reform process have the potential to define its development and outcomes, in terms of norm compliance and internalisation. For instance, if the decision is taken to overhaul a presidential system into a parliamentary at an early stage in a reform process – as in Georgia in 2010 – it would be unrealistic for it to change back to a presidential system during the subsequent stages in the reform's development.

My focus on the initial drafting of the reform process necessitates a detailed definition of the stages in norm adoption. Drawing from related regional research on norm diffusion, which focused mainly on the adoption and implementation of political reforms (Noutcheva, 2012; Schimmelfennig, Engert, & Knobel 2006; Morlino, 2011; Lavenex & Schimmelfennig, 2009), I differentiate clearly between the initial three and subsequent stages of the reform process. The five stages of political reforms are:

1) Appointment of the Members of the Legislative or Constitutional Commission That Will Select and Define the Key Features of the Reform, as well as Draft Its First Text

At this stage, a group of decision-makers – politicians, experts, institutional or civil society representatives – are tasked with collectively agreeing on an initial draft of the political reform. A key moment is the nominating act, which specifies the timing, composition of the body and the overall reform goals it is tasked with achieving. My analysis focuses on the features of the commissions (such as their size and diversity) and the institutional background or affiliation links between the individual members of the commission, and the main social and political institutions with which they have worked in the past. The use of network analysis allows us to define the main institutions and organisations represented in the legislative commissions. This social network analysis, reflecting the institutional affiliations of legislative commission members, reveals the control strategies employed by domestic actors. These strategies vary from inclusive approaches that involve a wide array of domestic stakeholders to exclusionary tactics where the reform process is dominated by one or two political actors.

2) Norm Selection and Legislative Drafting

Norm selection corresponds to the initial choice of specific norms to be adopted by the commission, that will guide its course and development, while legislative drafting consists in drafting the initial text as the basis for subsequent deliberation during the reform process. This stage determines such foundational questions as whether to adopt a presidential or a parliamentary system, or between a proportional and majoritarian electoral system. Such decisions are adopted at the initial stages of the internal debates of

the legislative commission, before moving onto more specific aspects and the drafting of the legislative proposal text. A detailed analysis of the reasons – or the normative choices – underpinning specific institutional choices reveals the degree of actual commitment to democratic rules. For example, prioritising institutional reforms that enable political leaders to remain in power – over those measures that strengthen open democratic processes – reveals a limited value-based commitment to democracy, which is unlikely to translate into the institutional consolidation of democratic processes. By the drafting stage, the main features of the reform have been defined. Not only this, but the degree of internal agreement or disagreement generated within the commission while developing the first draft reveals which specific actors are opposed to the democratising reform, and those who are in favour. For the most part, this initial stage tells us who is who within a legislative commission tasked with a democratising reform.

3) Public Discussions and Norm Adoption

Discussions of the political reforms take place in Parliament or in public discussions with interested stakeholders. The scope of debate on the democratic reform expands from an internal one amongst members of a legislative commission to a wider debate involving a range of external stakeholders. The inclusion of experts and political representatives qualitatively shifts the debate – compared to the two early drafting stages – and is designed to bolster the legitimacy of proceedings. At this stage, the important aspects tend to be: scope of inclusion/exclusion of stakeholders, the frequency and duration of any public discussions and the introduction of any key amendments to the reform as a result of the discussions.

The later stages of the reform process (after norm adoption) have been vastly studied in the literature. They focus on the implementation and institutionalisation of the norms, as well as their internalisation as part of the citizens' behaviour moral requirements.

4) Rule Implementation and Institutionalisation

This stage concerns the practical adoption and implementation of rules through “collective structures and processes” and the adoption of “international norms into national law with rule compliance ensured by administrative implementation and judicial law enforcement” (Schimmelfenning, Engert, & Knobel, 2006: 4). At this stage, norm enforcement is dependent on the quality of legislative and institutional development, besides the practical availability of material resources, institutional capacity and the absence of extraneous obstacles.

5) Rule Internalisation

This stage refers to compliance with democratic norms enacted by the reform “because they are accepted as legitimate or appropriate” (Schimmelfenning, Engert, & Knobel, 2006: 4). The degree to which the need for and reasoning behind a reform is understood indicates the degree to which a new democratic norm has been internalised, which is ultimately achieved through effective compliance with the newly adopted rules (Kahlet, 2009). An example of this would be the reduction in petty corruption following Georgia’s Rule of Law reforms in 2004.

In this book, I argue that domestic actors’ strategies for control of democratic reforms are primarily evident during the three initial stages of the reform process, pertaining to the work of legislative commissions: the appointment of members, the norm selection process, drafting the text, and the adoption of reforms. These stages are critical for understanding how control is exerted over the reform process. In contrast, the subsequent stages – implementation, institutionalisation and internalisation – reveal the outcomes of the political influence over the reforms, such as whether they serve the interests of the governing political party by securing key institutional positions or extending its mandates. Thus, my analysis of the reform processes in Armenia, Georgia and Moldova pays special attention to the crucial work of the legislative commissions during the early stages of the reform process, besides evaluating norm implementation and institutionalisation to assess the tangible consequences of such control. This dual approach allows us to dissect the control mechanisms during the drafting and adoption phases, and to observe the eventual impact of these strategies on the political system, as well as to highlight any democratic contingencies.

1.4 Factors Defining Domestic Actors’ Control Strategies in Hybrid Regimes

The influence strategies adopted by domestic actors in the reform processes are inherently linked to the overarching characteristics of the political system in which these actors find themselves. Specifically, the ability of actors to impact reforms is determined by their positioning within the domestic political landscape and the influence channels open to them. In post-Soviet regimes, the three principal influence channels are: (1) the formal institutional framework, (2) political parties and (3) neopatrimonial organisations. The configuration of the institutional framework and party system play a critical role in determining the degree of power centralisation (Morlino, 1998; Sartori, 1976). For example, a country with both a presidential system and one dominant party will logically tend to centralise power among fewer actors, who are thus afforded outsized influence over the reform process. The adoption of such an exclusionary strategy allows the dominant actors to lock the political reform into a path-dependent trajectory, further entrenching their power positions.

In contrast, a parliamentary system in which multiple parties compete will naturally promote a more dispersed power structure, creating space for a wider range of actors to impact political reforms. In such contexts in the post-Soviet landscape, neopatrimonial organisations establish informal influence channels over political institutions, blurring the boundaries between the public and private sectors (Turovsky, 2011; Kopecky, 2006; O'Dwyer, 2004, 2006; Weylant, 2016; Hellman, 1998, 2015). Together, the specific arrangements of institutional framework, party system and neopatrimonial network critically inform the strategic choices made by domestic actors when influencing democratic reforms, allowing them to ensure continuity of their control over the institutional framework. The different roles of these three channels for influence over political reforms are developed below.

1) *Political Regime*

The balance between legislative, executive and judicial branches varies between presidential and parliamentary democracies, delineating where the highest level of reform responsibility lies. Most post-Soviet hybrid regimes concentrate power in strong presidential systems, with the executive branch led by the president, primarily steering reform efforts, while the Parliament can only veto such initiatives. The president, serving as both head of state and government, typically wields extensive control over political reforms and over cabinet composition (Linz & Valenzuela, 1994). As the president has law-making authority, legislative approval often requires intricate coalition-building within the parliament (Shugart & Carey, 1992). For instance, in Armenia's presidential system, until 2015, the decision-making power was centred in the hands of the president and the executive to such a degree that it could not be countered by any opposition party.

Conversely, parliamentary democracies distribute power more broadly. In regimes such as those of Moldova – or Georgia after its 2012 Constitutional reform – the parliament is the pivotal reform actor. It is recognised as the key institution of democratic legitimation, with the government's authority stemming directly from parliament (Linz & Valenzuela, 1994). Parliaments' control mechanisms include investiture powers, interpellations and committees of inquiry. Qualified parliamentary majorities of three-fifths or two-thirds of all MPs are essential for both government dismissal and constitutional reforms, underlining the importance of party alliances in these settings (Strom *et al.*, 2003). In such contexts, the political parties' main goal is to reach the required majority for approving the political reforms. This examination leads to the second critical aspect defining domestic actors' strategies: the party system. The configuration of the party system significantly influences the strategic choices of domestic actors seeking to control or influence the reform process.

2) Party System

Domestic actors' political leverage over the reform process depends upon the configuration of the broader party system (Morlino, 1998). The overall features of the party system play a crucial role in determining the extent to which political parties can autonomously adopt reforms or if they need to collaborate in coalitions for this purpose. In particular, the diverse patterns of partisan competition require domestic actors to adapt their strategies to influence political reforms accordingly. Specifically, a high degree of power concentration in one or two parties more easily allows a small number of political actors to fully control the process. Conversely, the need for collaboration and coordination is much higher in party systems where power is dispersed among a larger number of political parties. This aspect, in conjunction with the institutional system discussed earlier, is a fundamental element shaping domestic actors' strategies for influencing political reforms.

Sartori's (1976) classical typology of party systems, based on the level of power dispersion, allows us to understand the role of this variable when studying political reforms. In a dominant party system, one party governs autonomously without any alternation, consolidating all decision-making power and facing no challenges from other political parties due to its absolute majority (Sartori, 1976: 112). Many centralised presidential regimes create in parallel a "presidential majority in parliament" by incorporating all pragmatic smaller groups into the leading party or coalition (Turovsky, 2011: 203). In such dominant party systems, although more than one party may be represented in the parliament, they are either too small in size or act as satellites of the dominant party (Sartori, 1976). For example, the Republican Party of Armenia remained in power between 1998 and 2018, retaining full control of reform processes, while restricting the access of opposition parties. In two-party systems, while the incumbent can still control political reforms, the adoption of Constitutional reforms can necessitate the support of smaller parties or individual members of the opposition to reach the qualified majority required.

In contrast, fragmented party systems require coalition-building for the adoption of reforms, as no single party can attain a majority on its own (Sartori, 1976). The potential to form a viable political coalition within these multiparty systems largely depends on the level of ideological polarisation. As a result, Sartori categorised multiparty systems into two subtypes. The first, moderate pluralist multiparty system, is characterised by relatively low levels of polarisation, facilitating the creation of coalitional governments. Power dispersion in such systems often aligns with political segregation along different social cleavages, as in consociational democracies such as Belgium and the Netherlands (Sartori, 1976; Morlino, 1998). Moldova's party system similarly reflects segmentation along linguistic and geopolitical lines, in parallel to traditional ideological cleavages. In fragmented party systems such as Moldova's,

securing support from multiple parties through coalition-building becomes essential for obtaining parliamentary approval for reforms. In contrast, forming coalitions in the second subtype of multiparty systems – coined as polarised pluralism (Sartori, 1976) or heterogeneous multipartyism (Morlino, 1998) – proves to be far more challenging. This subtype of multiparty system is fragmented into several small parties, each representing highly polarised and incompatible political positions. Agreeing on a governing coalition can be an arduous task, especially if the aim is to adopt a Constitutional reform necessitating a larger qualified majority.

Factors such as power concentration and party system polarisation play a pivotal role in defining the capacity of domestic actors to influence democratic reforms. Smaller opposition parties, particularly those in dominant and highly polarised multiparty systems, face significant challenges in forming viable coalitions, which undermines their efforts of making their voices heard. In summary, the strategies that domestic actors formulate to influence political reforms are largely dependent on the party system and the relative positions of different political parties. The representation of opposition in the parliament, accompanied by the degrees of fragmentation and polarisation within the system, condition the choice of domestic actors' control strategies towards the political reforms.

3) Neopatrimonial Networks

By taking advantage of informal channels that allowed them to wield significant influence over political institutions and reforms, Soviet-era actors amassed significant power and resources (Gelman, 2003; Hale, 2015). As capitalist transitions took hold in the 1990s, these neopatrimonial organisations were transmuted through the “private appropriation of the elites of the public realm” (Fisun, 2012: 91). Their pervasive influence often allowed them to exploit the weak political institutions for particularistic ends. These networks hinge on trust-based relationships, with superiors providing rewards in exchange for favours serving their particularistic interests (Hale, 2015). For instance, public officials linked to neopatrimonial networks may extend benefits or obstruct legal action against members of these networks (Antonyan, 2016; Hale, 2015). Such complicit behaviour typically garners material or political backing from the neopatrimonial organisations (Stefes, 2006).

Many post-Soviet scholars have explored whether “informal interactions form an alternative framework” influence the behaviour of domestic policy-makers (Delcour, 2017a: 26; Gel'man, 2003; Radnitz, 2010; Ledeneva, 2013; Aliyev, 2015; Hellmann, 2015). These neo-patrimonial institutions (Guliyev, 2011) have also been identified as informal institutions (Helmke & Levitsky, 2004; Aliyev, 2017; Delcour, 2017b), clientelist networks (Hale, 2007) and patronal politics (Hale, 2015) in post-Soviet literature. Their prevailing

influence has inspired the in-depth examinations of “resource endowments and collective actors interest alignments” (Kitschelt *et al.*, 1999: 3) and prompted to rethink the role of “informal rules into mainstream institutional analysis” (Helmke & Levitsky, 2004: 734).

This literature has shown that neopatrimonial networks use two main channels to influence formal policymaking. Firstly, they can establish political parties to channel the influence of powerful economic interest. In return, influential business figures provide their support, for instance, by assisting with election rigging or by intimidating the opposition (Kupatadze, 2016; Hale, 2007). Under such circumstances, the struggle for ideological or policy alternatives tends to give way to competition between various neopatrimonial factions vying for control over crucial resources, positions or segments of the public administration (Fisun, 2012). Such political parties – commonly used as personalist fronts for powerful economic elites’ interests – make government formation patterns unpredictable to the electorate. Political negotiations typically follow informal neopatrimonial and particularistic objectives (O’Dwyer, 2006). This blurring of boundaries between public institutions and private neopatrimonial entities tends to weaken political pluralism and political parties’ legitimacy.

Secondly, neopatrimonial networks can influence the appointment of crucial institutional roles defined by the requirement of their impartial and unbiased conduct (particularly roles with oversight and accountability functions). Notably, selection procedures – whether for members of the Constitutional Court, anti-corruption prosecution, ombudsman, or High Council of Justice positions – become sites of intense rivalry between political parties and neopatrimonial networks. The case of Moldova, as outlined at the beginning of this chapter, offers a clear illustration. In such scenarios, the formal institutional framework often transforms into a mechanism that “help[s] structure the way all these networks arrange and rearrange themselves” (Hale, 2015: 10). This dynamic demonstrates the extent of collision and blurred boundaries between formal public institutions and informal private organisations.

Political reforms in such environments can potentially disrupt the balance of power among neopatrimonial networks and even diminish their control over formal institutions. Consequently, democratic reforms are viewed as potential threats to the status, wealth and power of neopatrimonial organisations, who then aim to dilute and weaken these reforms. Such reforms often produce toothless and ineffective accountability mechanisms that avoid threatening the power of neopatrimonial networks. As the post-Soviet literature suggests, such partial reforms often lead to state capture by entrenched oligarchic factions (Stefes, 2006; Hale, 2015; Hellman, 1998).

In summary, domestic actors’ control strategies in hybrid regimes are significantly shaped by the interplay of several crucial factors. The extent to which they manage to control reform processes is shaped by the characteristics

and the level of power centralisation within their surrounding political structures, institutional frameworks, party systems and neopatrimonial networks. The institutional framework dictates access to formal institutional channels, which, coupled with the structure of the party system, defines the landscape in which these actors operate. For instance, in a presidential regime with a dominant party, supported by neopatrimonial organisations sympathetic to the government, a few powerful actors can easily dominate the reform process. Taking the case of Armenia prior to 2018, we note that the governing party and the executive had achieved almost complete control. In a more politically fragmented environment, governing parties or coalitions may require the inclusion of other political actors, such as opposition political parties, civil society or institutional representatives.

Neopatrimonial networks, with their capacity for exerting informal influence, play an equally essential role in shaping the strategic choices of domestic actors. Such informal influence offers control over the reform processes when political power is otherwise dispersed. The pervasive influence of these networks can affect both institutional positions and party dynamics, thereby contributing to the complexity of the political reform processes. Consequently, the dynamic interplay of institutional framework, party system and neopatrimonial networks sheds light on the strategic choices available to domestic actors and their impact on domestic reforms.

1.5 Control Strategies of Legislative Commissions

By combining an examination of power centralisation (as discussed above) and the internal dynamics of legislative commissions, we can compile a typology of strategies used by domestic gatekeepers to control reform processes. These two dimensions – the level of power centralisation (as discussed above) and the inclusiveness of legislative commissions – form the basis of the control strategy typology (see Table 1.1). The power centralisation variable focuses on the conditions that define the channels for influence available to domestic

TABLE 1.1 Strategies for control of legislative networks

		<i>Inclusivity of the legislative commission</i>		
		<i>Exclusive</i>	<i>Partially inclusive</i>	<i>Inclusive</i>
Power concentration	High	Dominant strategy	Selective negotiation	Formal legitimisation
	Low	Informal control strategy of captured reform		Inclusive strategy

actors in each country, depending on its institutional framework, party system and neopatrimonial networks.

The second variable, the commission's inclusiveness, reflects the number and diversity of represented actors, as well as the influence of their preferences on the legislative draft produced. The membership selection of legislative commissions is an early indicator of incumbent political goals, balancing between the desire for control over the reform process and the need to achieve broader social legitimacy and inclusivity. For instance, an inclusive and broad legislative commission can suggest a commitment to democratic values and consensus-building while aiming to garner widespread support for the reform. Conversely, a more exclusive selection of the commission's composition, where potential critiques are excluded from the drafting process, indicates direct control of the reform process by the incumbent. This inclusionary-exclusionary typology reflects the actual openness and commitment to democratic reforms. Essentially, the early decision on the composition of the legislative commission establishes the path for either meaningful democratic reforms or partial reforms that merely mimic democratic accountability mechanisms. For example, if the incumbent successfully controls the reform process by excluding potential critics from the drafting process, the outcomes will reflect its preferences. These strategies have been identified inductively in the composition of the legislative network and traced through the adoption, implementation and institutionalisation of the reform. The shift in strategy will be marked by the constitution of a new legislative commission and the inclusion of different social actors, highlighting a potential turn towards genuine democratic reforms.

The typology synthesises five different strategies commonly used by domestic actors to control political reforms. When arranged along a continuum from less to more inclusive – see Figure 1.1 – the inclusive strategy and the dominant strategy are positioned at the two extremes. In between, the formal legitimisation, selective negotiation and informal control strategies provide access to a variety of domestic actors. However, they do so without relinquishing the ability of powerful gatekeepers to guide the reform towards their preferred outcomes.



FIGURE 1.1 Strategies for control of legislative networks, listed from most to least inclusive.

An inclusive strategy aims for wide-ranging participation of diverse actors in the legislative commission, thereby ensuring that their perspectives are considered and reflected in the legislative outcomes. This approach is typically adopted in fragmented political systems, where the involvement of both governing and opposition parties is crucial for securing parliamentary and societal support for political reforms. By promoting broad inclusivity, this strategy seeks to build consensus among all stakeholders on the legislative draft, enhancing the prospects for the ultimately successful implementation of a reform. The inclusive strategy is the only approach that opens space for contingency, offering a rare opportunity for genuine democratisation and development of effective accountability mechanisms. In the cases analysed here, the inclusive strategy has been employed exclusively by newly established political parties that come to power following periods of social mobilisation demanding Rule of Law reforms. Such parties initiate reform processes led by inclusive legislative commissions, seeking to respond to social demands as they consolidate their power positions. This strategy was deployed in the Rule of Law reforms in Georgia and Moldova between 2012 and 2015, opening the space for genuine democratic reforms. However, the legislative drafts launched by these commissions were boycotted by key branches of power, seeking to retain their positions. In contrast, all other strategies perpetuate institutional features through path-dependent trajectories, where powerful domestic elite utilises existing influence channels to control the reform process and restrain its development, as it retains its power positions.

On the contrary, the dominant strategy is adopted in highly centralised political systems, such as a presidential regime ruled by a dominant party. This strategy leverages a high degree of power centralisation, thereby enabling the executive and the governing party to exert stringent control over the reform process. In this context, legislative commissions are typically small, marked by lower levels of inclusiveness, while being predominantly filled with allies of the incumbents. There is less diversity among the participants, due to the absence of opposition leaders or representatives of civil society, who may voice criticisms of the reforms. This ensures that the resulting reforms serve the interests of the incumbents, sacrificing transparency and alienating broader social groups and political actors. The inclusion of amendments promoted by the opposition, or other governments' critiques, becomes nearly impossible at any stage of the reform process. The successful implementation and institutionalisation of reforms confirm the incumbent's objectives of power consolidation. This strategy not only brings to light the mechanisms of power consolidation within highly centralised political systems, but also underscores deep-seated challenges to democratic pluralism in post-Soviet hybrid regimes, as demonstrated by the intentional silencing of opposition voices through strategic control of political reforms.

The formal legitimisation strategy mimics the inclusive strategy, as it adopts a formally inclusive approach by involving a wide array of actors. These legislative commissions have a larger size (more than 30 members) and appear to have a broadly diverse composition. Despite this appearance of inclusivity, the actual influence of many members on the legislative draft is minimal, leading to reforms that primarily align with the incumbent's interests. This stringent control is guaranteed by the over-representation of members linked to the governing party or allied institutions, ensuring majoritarian support for the incumbent's proposals. This strategy is distinguishable from genuinely inclusive approaches through the tactical over-representation of the incumbent and the incumbent's control over the drafting process. Therefore, the use of a formal legitimisation strategy signals the absence of any real opportunity for democratisation due to the close control exerted by the governing party. This strategy is adopted in parliamentary systems, where the governing party has a reinforced or super majority in parliament, allowing it to pass reforms independently. Although the opposition lacks veto power and cannot block reforms, it can challenge the legitimacy of the process. To counteract this, the government includes diverse actors in the commission. While not allowing critiques to genuinely influence the legislation, this strategy aims to legitimise the reform process in the eyes of the public.

The selective negotiation strategy is defined by the partial inclusion of relevant stakeholders in the legislative commission. Commissions falling under this strategy tend to have a moderate size, typically ranging from 10 to 30 participants, and can be observed in systems with a high degree of power centralisation, and in systems wherein power is dispersed among various entities. Its hallmark is the strategic inclusion of stakeholders deemed essential for the later stages of the reform, such as those involved in its parliamentary adoption or its implementation, while deliberately excluding others to mitigate potential criticism. For instance, in parliamentary systems, the participation of representatives from different political parties reveals the necessity of their support in the parliament's eventual adoption of reforms. Likewise, the inclusion of key representatives of the judiciary indicates the role they shall later play in the implementation and institutionalisation of Rule of Law reforms. In this framework, those championing the reform view the involvement of these institutions as a means for securing their approval and collaboration. Therefore, this targeted inclusiveness reflects a calculated strategy aimed at addressing the dependence on these actors' approval and cooperation. However, this approach does not open the space for broader inclusiveness, effectively constraining control over the reform process to a limited number of powerful actors. In the cases analysed here, such a strategy did not result in the development of more democratic mechanisms but allowed the incumbent to adapt the reform process according to its interests.

Lastly, an informal control strategy emerges in fragmented political systems in which political institutions and parties become co-opted by neopatrimonial groups. This strategy is often employed in parliamentary systems characterised by a fragmented party system, with or without significant political polarisation. Politicians and officials in these contexts maintain informal affiliations with neopatrimonial networks, which supersede their allegiance to democratic norms or party ideologies. Legislative commissions tend to be small, enabling a rapid and opaque reform process that aligns with the interests of neopatrimonial groups rather than democratic or public interests. Consequently, the composition of these commissions and the nature of the reforms they propose reflect the influence of neopatrimonial networks. Moreover, normative arguments play a negligible role in the commissions' deliberations, in contrast to the dominant power-based calculations of its members that seek to protect their positions within the political system. When arguments such as the Rule of Law and democratic accountability do emerge in the commission's discussions, they are often manipulated or used instrumentally to undermine the effectiveness of political institutions, further entrenching the power of neopatrimonial organisations.

This typology is systematised in Table 1.2, reflecting the correspondence between the different power centralisation factors (institutional framework, party system, neopatrimonial networks) and the corresponding choice of strategies used to control legislative commissions. Domestic actors leverage the channels provided by the institutional framework, party system and neopatrimonial networks to rationally control the reform process and shape the political system to their advantage. Table 1.2 summarises how the choice to include or to exclude political actors reflects the perceived need for their support to achieve parliamentary adoption or implementation of the reform. The influence of neopatrimonial networks becomes apparent in contexts where both the institutional framework and the party system are weak and fragmented, permitting their manipulation and instrumentalisation by informal organisations. Indeed, neopatrimonial networks can play a critical role in shaping legislative outcomes in fragmented hybrid regimes, as in the case of Moldova's state capture between 2010 and 2019 when their influence became particularly pronounced.

1.6 Opposition Strategies at Norm Adoption and Implementation

Identifying the strains of domestic opposition is equally important in explaining reform outcomes, as a powerful opposition strategy can change the course of the process. Stakeholders excluded from the legislative commissions can voice their opposition to the reform after the draft produced by the commission is made public. Therefore, such opposition becomes evident during public discussions, adoption and implementation phases. Recognising the

TABLE 1.2 Systematisation of the different factors contributing to power centralisation and the corresponding choice of strategies according to the different levels of centralisation

<i>Institutional framework</i>	<i>Party system</i>	<i>Neopatrimonial networks</i>	<i>Strategy adopted</i>	<i>Reason justifying the choice of strategy</i>
Presidential system	High power centralisation in a dominant party	Not essential role in the reform	Dominant strategy	The incumbent does not need support for the adoption of the reform
Parliamentary or Semi-presidential	High power centralisation – reinforced majority of the governing party. Opposition parties cannot veto the process, but can delegitimise it	Not essential role in the reform	Formal legitimization	Participation required only for legitimization
Semi-presidential system	Bipartism with one-party cabinet	Not essential role in the reform	Selective negotiation	Support is required for parliamentary approval. Collaboration by judicial institutions or administration required for implementation

(Continued)

TABLE 1.2 (Continued)

<i>Institutional framework</i>	<i>Party system</i>	<i>Neopatrimonial networks</i>	<i>Strategy adopted</i>	<i>Reason justifying the choice of strategy</i>
Parliamentary system	Reduced polarisation Homogeneous multipartyism	Not essential role in the reform Strong informal influence by neopatrimonial networks	Inclusive strategy Informal control strategy	Participation required as a consensus building strategy Informal negotiation among neopatrimonial networks can dominate the weak institutions
Parliamentary system	Increased polarisation Heterogeneous multipartyism	Strong informal influence by neopatrimonial networks	Informal control strategy	Informal negotiation among neopatrimonial networks can dominate the weak institutions

opposition strategies is crucial because they indicate which actors are opposed to the new mechanisms introduced with the reform drafts defined by the legislative commission. In such cases, reforms can become significant arenas for power struggles and normative contestation among powerful domestic actors. The analysis of these dynamics often uncovers the underlying motivations of political actors and shows whether they are based on rational incentives or normative value-based reasoning. For example, opposition to the reform may seek to allow powerful gatekeepers to retain their control of the institutional system, or it may strive to promote democratic change. Therefore, the analysis of these dynamics is very important for explaining the reasons behind failed political reforms in hybrid regimes. Political parties, social movements and institutional actors develop different approaches to voice their opposition against political reforms.

Parliamentary parties may resist by voting against the reforms in parliament, for example by building a coalition to veto the reform's adoption. Additionally, outside parliament, they can launch campaigns to delegitimise the reform by highlighting perceived undemocratic features and instrumentalisation by the governing elite. They can develop targeted media campaigns and organise social mobilisation. However, opposition parties can face significant challenges in hybrid post-Soviet regimes marked by neopatrimonial influence. In centralised political systems, freedom of expression may be curtailed, and the collaboration between political and neopatrimonial elites can effectively silence dissent. Opposition actors can see their advocacy actions sabotaged through an absence of media coverage, for example, while in more authoritarian contexts public gatherings can also meet violent opposition.

As a parallel approach, political parties might lobby international organisations (like the Council of Europe) and institutions (such as the European Commission) to indirectly put pressure on the government. Similarly, civil society actors can leverage international networks to advocate for compliance with democratic norms, a strategy known as the boomerang effect (Keck & Sikkink, 1998). Ultimately, both political parties and civil society might resort to social protests to oppose the reforms, with their success dependent on the mobilisation capacities of social movements and the level of repression exercised by the state (Way, 2009).

Civil society organisations and social movements can also initiate or support campaigns against political reforms. Their ability to mobilise support largely hinges on their material and ideational resources. Kick and Sikkink (1998) defined four types of advocacy resources that social organisations can use to put pressure on domestic gatekeepers. First, social organisations can use their expertise and knowledge to advise decision-makers. Second, they can increase the symbolic leverage of their actions by building impactful narratives against the political reforms and their instrumental use by

political elites. Moreover, social actors can use their connections with international organisations to pressure national governments into compliance with democratic norms. And lastly, they can use accountability mechanisms to stop the political reform. By challenging political reforms in judicial venues such as the Constitutional Court, these organisations can halt or amend reform processes. The reform processes can be reversed, if a delegitimisation campaign successfully creates a negative image of the government to an extent that threatens their power positions. Such strategies can reverse the reform process and their analysis is essential for understanding reform outcomes and the motivations defining the behaviour of powerful domestic actors.

Lastly, institutional actors such as the judiciary, or the public administration, can boycott the adoption and implementation of the reform. Such institutions can express their disapproval of the reform process during public discussions and the adoption phase. If their perspective is not reflected in the legislative reform, they can challenge the implementation and the institutionalisation of the democratic reform. Such principled disagreement will become important if a significant number of employees and leaders of the institutions disobey the political reform, rendering it ineffective in its implementation.

Together, these strategies highlight the multifaceted approach civil society organisations and social movements can adopt to influence political reforms. By leveraging their unique resources and connections, both domestic and international, these groups play a crucial role in shaping the outcomes of political reforms, either aligning them with democratic values or sabotaging their effective development. The examination of domestic actors' influence throughout the reforms underscores the complexities of enacting democratic reforms in hybrid regimes. In the cases analysed in this book, most of Georgia's political reforms have been adopted against the backdrop of the strong opposition of an active boycott and delegitimisation strategy of opposition parties and civil society, which collaborated closely with international organisations.

However, the centralised power structure and the limited capacities of opposition actors have stymied these efforts, revealing the critical challenges to democratic reforms. The same challenges were encountered in the two Rule of Law reforms in Georgia and Moldova between 2012 and 2015, which sought to effectively respond to social demands for democratic accountability through the development of an inclusive reform strategy. This inclusive approach was unique in opening space for political contingency within an otherwise path-dependent reform process, offering a rare opportunity for effective democratisation. However, the sabotage by entrenched political actors condemned these democratisation attempts to failure before their adoption in parliament.

1.7 External Influence on Democratic Reforms

International actors such as the EU and Russia not only influence but indeed sculpt the contours of democratic reform processes within national boundaries. This interaction enhances the opportunity structure for domestic entities engaged in the reform process by adding an additional layer to the domestic dynamics (Della Porta & Tarrow, 2005). Domestic institutions, political parties and civil society organisations, therefore, benefit from the international organisations' support, which manifests in the provision of material resources and training crucial for developing their operational capacities. This support includes the development of their expertise and organisational capacities, as well as providing support to their lobbying efforts and social mobilisation initiatives. Furthermore, international actors wield significant influence over the strategic calculations of domestic actors by employing mechanisms of both positive and negative conditionality (Kneuer & Demmelhuber, 2015). The allure of international funding, favourable trade conditions or relaxed travel restrictions for citizens often serve as potent incentives, motivating domestic actors to adopt and implement democratic reforms. These dynamics highlight a complex interplay of local and global forces in shaping the political background in which reform efforts develop.

The EU offers substantial incentives to encourage democratisation efforts in the region, foremost among these being access to the EU market, a visa-free regime and significant financial support. These benefits function as a reward system, contingent upon the successful adoption of democratic reforms. This approach is central within the framework of the EU Neighbourhood Policy, which allocates considerable resources not only towards the adoption and implementation of democratic reforms, but also in strengthening the organisational capacities of pro-democratic entities such as public institutions and civil society organisations. This approach is characterised in the norm diffusion literature as positive conditionality, where such incentives are posited to support the adoption of democratic reforms and provide crucial backing for civil society organisations.

On the other side of the spectrum lies negative conditionality, which involves the imposition of trade sanctions or withdrawal of financial support as punitive measures against the undemocratic or even authoritarian reforms. Therefore, the EU employs a dual-faceted strategy of conditionality to uphold its commitment to fostering democratisation. Specifically, the EU uses positive incentives to promote democratic reforms and imposes punitive measures to deter the subversion of democratic institutions (Kneuer & Demmelhuber, 2015; Schimmelfenning, Engert, & Knobel, 2006; Lavenex & Schimmelfennig, 2009).

Russia's strategic use of positive and negative conditionality leverages its Soviet-era interdependencies in energy, trade and economic migration. By

capitalising on its dominant or monopolistic position in these sectors, Russia extends support to regimes and political entities that align with its interests or imposes sanctions against those that pursue courses of action it deems unfavourable (Delcour, 2017a). This approach is used to reshape the preferences of domestic actors within its sphere of influence, aligning them more closely with Russia's geopolitical and economic objectives and the changing dynamics of international relations (Kneuer & Demmelhuber, 2015).

The effectiveness of conditionality measures in influencing domestic actors' behaviour during political reforms hinges significantly on the size and credibility of the incentives offered by the EU and Russia. Credibility involves the domestic actors' recognition that the offered incentives or imposed sanctions will be consistently upheld by the international actors. A lack of credibility suggests that neighbouring states do not view these possibilities as genuine, which diminishes the impact of the external incentives provided. In such cases, the alterations to the domestic cost-benefit calculations may be minimal or insignificant (Schimmelfennig et al., 2006; Delcour, 2017). For example, the absence of prior clear provisions and instances of negative conditionality for violations of EU norms and values reduced the credibility of such measures. This was the case until mechanisms were effectively applied in Moldova following the 2014 corruption scandals.

Moreover, the incentives provided by international actors are assessed in the context of regional interdependencies. Specifically, the negative conditionality imposed by Russia is likely to have more substantial implications for countries that are heavily reliant on its support. When analysing the international backdrop of reform processes, it is crucial to consider the significant dependency of certain countries on Russia. Specifically, Armenia's situation and its foreign policy up until 2023 starkly contrast with that of Georgia and Moldova, primarily because of the high structural leverage Russia exerted over Armenia. This leverage was termed as "overdependence [that] emerged in a '3G' form": guns, gas and goods (Giragosian, 2019: 5). Armenia's deep military dependency on Russia was largely anchored by the Nagorno-Karabakh conflict with Azerbaijan. During this period, Armenia benefited from discounted Russian weapons and hosted a Russian military base. Armenia was also a member of the Collective Security Treaty Organisation (CSTO) from the Caucasus region, which was acknowledged as a significant stabilising force for regional security until 2020 (ArmenPress.am, 2019). Consequently, Russia emerged as a crucial security guarantor for Armenia, a role that persisted until 2020 when Azerbaijan initiated military actions and blockades that allowed it to take control of Nagorno-Karabakh in 2023, leading to the mass exodus of the Armenian ethnic population from the region.

Unlike the EU, Russia has resorted to direct military intervention as a response to governmental changes that threaten its interests, further influencing political developments. Russia's aggressive actions in Georgia in 2008 and

Ukraine in 2014 illustrated its willingness to use military actions to maintain influence and counter what it viewed as Western encroachment within its sphere of influence. This trend became particularly pronounced in its invasion of Ukraine in response to the 2014 discussions surrounding the AA/DCFTA agreement between the EU and Ukraine. Before, 2022, the EU's strategy in the region was defined by its avoidance of geopolitical confrontation and mitigation of the potential crises by enhancing diplomatic engagement, providing financial aid and promoting democratic values (Raik *et al.*, 2024). The EU's Eastern Partnership initiative exemplifies this strategy, focusing on stability and cooperation through trade agreements, visa facilitation and support for institutional reforms. The EU's approach shifted dramatically after Russia's full-scale invasion of Ukraine in February 2022. This invasion underscored a pivot in the EU's strategy towards more assertive and direct support for countries under threat from Russian aggression. The EU has provided significant military aid to Ukraine and imposed comprehensive sanctions on Russia. This direct engagement is in stark contrast to the EU's pre-2022 approach (Raik *et al.*, 2024).

In addition to leveraging both positive and negative incentives, the promotion of pro-democratic behaviour among domestic actors can be significantly enhanced through socialisation into democratic norms which is based on the logic of appropriateness and the adaptation of the actors' behaviour to democratic values and norms. This often occurs through participation in specialised training programmes (Freyburg *et al.*, 2015) and the legitimisation of the behaviours and identities of those involved in democratic reforms by explicitly voicing their support (Noutcheva, 2014; Cowles *et al.*, 2001; Tolstrup, 2015). This support can manifest in various forms, including institutional statements and declarations, as well as through the provision of guidelines, argumentation in reports and expert opinions. These activities typically occur during official visits, institutional exchanges and participation in international fora (Kelley, 2004). By aligning their actions with internationally recognised standards and leveraging the backing of global actors, domestic stakeholders can enhance their credibility and effectiveness in promoting and implementing democratic reforms. Depending on their geopolitical orientation, domestic actors may establish institutional links with entities such as the EU Parliament, representatives of the EU Commission and the Council of Europe. These links are pivotal in shaping and supporting democratic reforms. However, it is also possible for international actors and states that oppose liberal democratic values to empower domestic sceptics or opponents of these reforms. For instance, institutional exchanges with entities like Yedinaya Rossiya (United Russia) could be seen as examples of this dynamic.

Figure 1.2 illustrates the complex interplay within the multilevel opportunity structure that influences domestic actors' behaviour in political reforms. At the foundational level, the domestic context – comprising the institutional

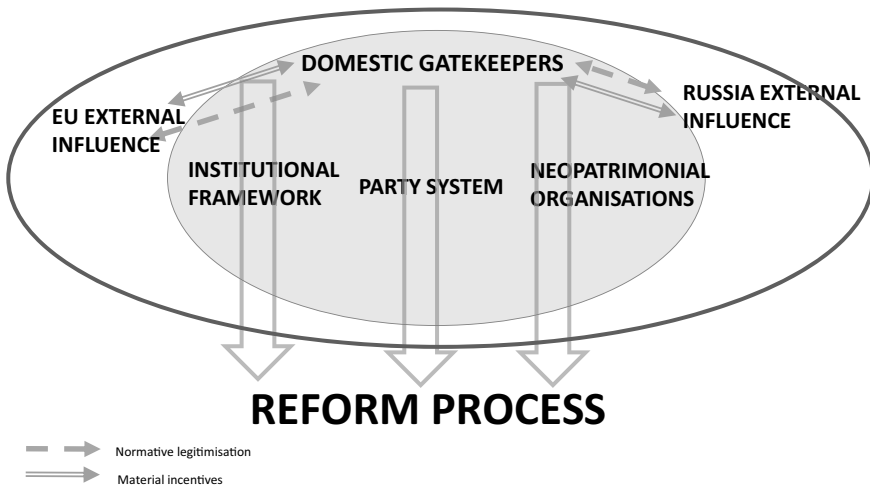


FIGURE 1.2 Multilevel opportunity structure shaping the behaviour of domestic actors in political reforms.

framework, the party system and neopatrimonial networks – dictates the strategies and channels that domestic gatekeepers employ to exert control over the reform processes. These elements condition the avenues through which influence can be exerted internally. Moving to the external level, international actors play a crucial role by either reinforcing or undermining the capacities of domestic actors to shape reforms. This is achieved through the provision of material incentives and normative legitimisation, effectively impacting the direction and nature of domestic reforms.

The interplay between external influences and domestic reforms is mediated by the behaviour of domestic actors. These actors not only respond to external pressures and supports but also actively seek and utilise international support to increase their influence over the reform process indirectly. This dynamic interaction underscores the significance of both internal and external forces in shaping political reform outcomes.

In essence, both the EU and Russia shape how various social and political actors perceive what is deemed appropriate, legitimate or correct, thereby influencing their interests and preferences (Keukeleire St. & Delreux, 2014: 133; March, J.G. & Olsen, 2008). By adopting targeted strategies towards either champions or challengers of democracy, these international actors play a pivotal role in steering the trajectory of political reforms. In this dynamic environment, domestic actors navigate the reform process, seizing opportunities to increase their influence both locally and globally. Consequently, international influence not only parallels but also actively engages with

domestic political reforms, offering incentives and shaping narratives that either empower or constrain domestic decision-makers, ultimately guiding their actions throughout the different stages of the reform processes.

1.8 Plan of the Book

This book delves into the political reforms concerning the Rule of Law, Inter-constitutional and electoral accountability within Armenia, Georgia and Moldova. Chapter 2 elucidates the methodological approach grounded in social network analysis and process tracing, alongside an operationalisation of the variables employed in the typology of strategies for controlling the reform process. The exploration of legislative networks precedes a detailed examination of the case studies – Armenia, Georgia and Moldova – highlighting their institutional frameworks, party systems and neopatrimonial organisations. Chapter 3 explores the Rule of Law reforms across these nations, whereas Chapter 4 and Chapter 5 respectively scrutinise Inter-constitutional Accountability and Electoral Accountability. These chapters collectively cover 11 reform initiatives, also mapping the interplay between domestic actors' strategic manoeuvres to control the reform trajectory and the international dynamics shaped by the EU and Russia's influence on their actions.

Each of the chapters on reform processes (Chapters 3, 4 and 5) delves into a specific aspect of democratic reform: Rule of Law, Interinstitutional Accountability and Electoral Accountability. These chapters contextualise how these dimensions manifest in Armenia, Georgia and Moldova, providing a nuanced view of the unique dynamics at play in each country. The narrative traces the reform processes in detail, highlighting the strategies employed by domestic gatekeepers during the early phases of reform and examining how these strategies evolve or persist through later stages. Additionally, the influence of international actors on both the progression and the outcomes of these political reforms is critically discussed. The concluding chapter synthesises the findings from the comparative analysis of the reform processes across the three countries.