

COVID-19 and Democracy in the European Union

Written by Alexander Brotman

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ALEXANDER BROTMAN, MAY 26 2020

The European Union has a remarkable gift at transforming the trajectory of nations. Spain and Portugal were recovering from decades of military dictatorship and autocratic rule when they entered the bloc in 1986. In 2004 and 2007, the eastern enlargement occurred to the former Warsaw Pact states and communist command economies from Poland to Bulgaria, and the former Soviet republics of Latvia, Lithuania, and Estonia. The Copenhagen Criteria necessitates that those countries seeking accession to the EU must guarantee democracy, the rule of law, and human rights. The harsh reality is that there are very few member states which have joined the bloc since 2004 that would qualify under this criteria today.

Hungary, Poland, the Czech Republic, and Slovakia have formed an illiberal alliance that is constantly at odds with Brussels on migration and security policy, combined with repeated threats to judicial and academic independence. The Baltic states have proved a rare exception in their transition to full democracies, while Bulgaria and Romania still suffer from corruption and a lack of judicial reform. In recent years, the EU has undertaken formal rule of law, judicial independence, and anti-corruption inquiries in Hungary, Poland, Romania, and Bulgaria, and Hungarian President Viktor Orban's Fidesz party has risked expulsion from the European People's Party grouping in the European Parliament. The COVID-19 pandemic is just the latest event that is likely to further accelerate the trend towards illiberalism in Central Europe and test the limits of the EU's principles of collective action and burden sharing in a time of crisis.

For some member states like France and Germany, the EU is a domestic actor that is deeply interwoven with national matters of public policy. For other states like Hungary and Poland, the EU is an external actor that is too often perceived as a meddling influence run by unelected Brussels bureaucrats who care little for the sovereignty of member states. In order to be effective, the EU must be entrenched as a domestic political actor that can retain the support of center-left, center-right, populist, and regional parties of all stripes through successive elections. This level of support can take a while to materialize, particularly when cultural and economic links to Russia remain strong and populist parties can easily insert themselves into the ideological wedge that exists between Brussels and Moscow. This wedge is natural so long as Euroscepticism remains strong in some of the EU's oldest and wealthiest member states like France and Italy, combined with weak and ineffective governing coalitions that are often short-lived and have minimal legitimacy.

For the EU to thrive, it must be capable of the enforcement of shared laws and regulations and not just the reinforcement of shared ideals and identity. Respect for the rule of law and an independent judiciary by all member states should be non-negotiable and subject to persistent scrutiny in order to uphold democracy across the bloc. For the myriad of states that make up the European continent, democracy is not a natural condition. It is a newly consolidated condition that has been approved by formerly warring states in order to provide the mutual benefits of interconnectedness and economic prosperity. A more natural condition is Euroscepticism and a persistent desire for regionalism and nationalism at the expense of others. Hungary, Poland, and Slovakia should not be expected to eliminate Euroscepticism in their quest for more democratic institutions. They should be expected to institutionalize it so that it is seen as a legitimate reaction to EU policies with the goal to reform, rather than antagonize, Brussels.

The future democratic path of Poland, Hungary, Romania, and the EU's other new entrants rests on the recognition of unique regional and national identities while also allowing judicial sovereignty and oversight to extend beyond

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national borders. Warsaw and Budapest are not expected to easily adhere to this reality so long as an 'ever closer Union' of regulatory, political, and legal integration remains a hollow supranational belief in the 21st century. Formal inquiries into the rule of law are admirable so long as both parties are seen as mediators and respondents in the struggle for an ever more democratic Union and not as victims or aggressors in the trial for an ever closer one.

The COVID-19 pandemic will likely further exacerbate existing divides in Europe and pose greater tests for the EU in responding to threats to the rule of law and judicial independence. Already, Poland has taken steps to proceed with a controversial election that has been criticized by the opposition and rights groups, while Hungary's parliament has granted emergency powers to Viktor Orban that may last well beyond this pandemic. In the present moment, the EU can seem slow and sclerotic when compared to the swift and unilateral decision-making of the more autocratic and illiberal leaders of Central and Eastern Europe.

The EU will have to prove that this slowness is a virtue and not a vice when responding to moments of great consequence. It will not be an easy task, particularly as the results from the EU's largest member states such as France, Spain, and Italy are much less promising in terms of the number of casualties and the economic fallout when compared with Poland or Hungary. In upholding the rule of law and the principles of EU membership, Brussels has the unenviable task of promoting burden-sharing and collective action at a time when local responses for immediate political gain are all too common.

At the moment, none of the member states that have experienced democratic backsliding have expressed any desire to leave the EU. Unlike the United Kingdom, Poland and Hungary are here to stay as members, however fraught their relationship with Brussels might be. If left unchecked, Poland, Hungary, Slovakia, and other states will likely continue to enjoy the fruits of EU membership without the responsibility and accountability that membership entails. For membership in the EU is not a right based on mere geography but a privilege based on the recognition and acceptance of history and the removal of long-held animus. To be 'in Europe' is a malleable condition that often rests on the whims of individual leaders and is an easy target for the authoritarian with a revisionist impulse.

The EU was built to counter an authoritarian response that preys on people's fears with a reasoned and enlightened unity that turns the politics of grievance into an opportunity for renewal. The renewal of full democracy in Poland and Hungary is an opportunity for renewal in Europe at large. Before the dust settles on the COVID-19 pandemic, Europe must be ready to meet the moment with a profound clarity of purpose before it extends the hand of enlargement once again. In the absence of meaningful reforms, the transformative power of integration and accommodation in Europe risks providing a false sense of renewal that will only help future nationalists and populists in the years ahead.

About the author:

Alexander Brotman is a political risk and intelligence analyst with a focus on EU politics and security developments. He has written for several political risk publications, including Global Risk Insights, Foreign Brief, and Geopolitical Monitor, and has provided direct research support to a leading scholar of Russia and Eurasia in Washington. Alexander received his MSc. in International Relations from The University of Edinburgh. He is currently based in Washington DC.

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