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Susceptibility of Ukrainian and Belarusian domestic actors to external actors' approaches: puzzling patterns of transition

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ABSTRACT

We scrutinise key domestic actors in Belarus and Ukraine investigating under what conditions they are susceptible to external influences promoting opening. Although both countries can be characterised as limited access orders, they differ in their domestic structures as well as external relations. Compared to Belarus, Ukraine is characterised by more intense political and economic competition, significantly more active opposition groups, and more developed institutionalised relations with the EU. Notwithstanding, we find that Ukrainian actors have not always been more susceptible to external actors promoting open access institutions, while Belarusian actors are more susceptible to external actors promoting economic competition than assumed.

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Introduction

The Eastern Partnership (EaP) countries are often characterised as a playground for external actors. Prior analysis of external actors in the EaP, such as Russia, the European Union (EU), the United States (US), international financial institutions (IFIs) and China has shown that each actor pursues its own particular sets of policies in the region (see among others Dragneva-Lewers and Wolczuk 2015; Orenstein 2019; Tolstrup 2013; Vilpišauskas and Lehmkuhl 2018). Some actors such as IFIs and the EU support transition reforms that are broadly in line with transition from a limited access order (LAO) to an open access order (OAO), based on political and economic competition, rule of law and impersonal institutions (North, Wallis, and Weingast 2009). Other actors like Russia or China have a different agenda, which prioritises geopolitical or geo-economic goals rather than particular domestic reforms and the alignment of policies.

At the same time, the EaP countries continue to be “stuck in transition” exposing the limits of external influences (for limited progress in implementing reforms advocated by IFIs in Belarus, Ukraine and Moldova see Vilpišauskas 2019). Moreover, there have been persistent differences among the six EaP countries in terms of their domestic reforms

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and degree of openness in the political and economic spheres. Having in mind the widespread attitude that growing competition among major international players affects the pace and scope of democratic reforms (Tolstrup 2014, 1), closer examination of the interaction between domestic orders and external influences seems appropriate and timely. Especially interesting and still underestimated is the “inside-out approach” (Grimm 2015, 76) – how the interests of domestic actors restrict or enable the implementation of the goals of external players. More concretely, this article asks what are the main characteristics of different social orders in EaP countries, who are the key domestic actors making decisions on regime continuity or reforms, and under what conditions are they more or less susceptible to external influences promoting transformation into OAOs.

The article is structured as follows: in section two we discuss theoretical insights into LAOs, which address the logic of social orders and the motives of the dominant coalitions, but provide limited guidance on the role of external factors in the transformation of regimes from LAOs to OAOs. We therefore draw insights from the studies of democracy promotion and external governance, in particular, the interplay of external conditionality with domestic factors, external actors’ strategies and the asymmetries of power relations linked to the nature of interdependencies.

Afterwards, we provide a brief description of the domestic orders in Belarus and Ukraine to show the dominant domestic actors and their motives, as well as the differences between ruling coalition and opposition groups, followed by a presentation of the strategies of the EU and other relevant external actors, including their goals, objectives, instruments used and target groups in those two countries. Belarus and Ukraine are chosen for this comparative analysis because they represent two different types of LAOs with different degrees of economic and political closure as well as centralisation of power by the ruling elites, thus allowing us to assess which type of LAO under certain conditions is more susceptible to external influences. Moreover, in those two EaP countries different types of interdependencies can be observed between them and external actors. We look more closely into particular episodes of reform attempts under crisis conditions, when according to our assumptions the ruling elites in both countries should be more susceptible to external influences than under stable political-economic conditions. For Belarus, this is the period from 2015 to 2018, when against the background of worsening economic conditions and a changing geopolitical context in the region, the country intensified its relations with the EU, while at the same time bargaining with IFIs as well as with Russia. For Ukraine, we examine the period from 2014 to 2019, when in the context of economic, financial and security crises as well as changes in the ruling coalition, the country initiated a series of reforms.

We assess initiatives to reform the business environment and the energy sector in Belarus and anti-corruption and the energy sector reforms in Ukraine by discussing the main characteristics of a particular policy area/sector (existing limits to access, dominant actors, possibilities for rent-seeking), its interdependences with external actors and issue linkages as well as EU and other external actors’ strategies towards this sector. Our choice of concrete sectors is based on several criteria: these are the areas where reforms have been long promoted by the EU, IFIs and other external actors; they allow comparison of reforms in terms of their effects on rent-accumulation and maintenance of the dominant order; in particular, the business environment in Belarus and anti-corruption reforms in Ukraine are chosen on the basis of the above mentioned criteria – these are

the areas which allow the accumulation of rents for ruling elites and the survival of the two rather different types of LAOs, and these are the areas where reforms have been particularly emphasised by the external actors promoting open access orders; analysis of the energy sector in both countries also allows for the comparison of how differences in the factors we assess affect susceptibility to external influences. Our main goal is not the cross-sectoral comparison as such but the assessment how different characteristics of two types of LAOs interact with external influences to explain progress or the lack of it in domestic reforms, especially by focusing on the motivation of dominant coalitions in each country to preserve the system of rent-accumulation despite crises conditions and strong external pressures for reforms. We conclude with comparative observations regarding the differences between the susceptibility of domestic actors in Belarus and Ukraine, provide insights into the factors that increase or decrease their susceptibility to external actors' strategies and discuss the contributions of our research.

The study is based on the analysis of official documents, analytical studies and interviews conducted in Belarus and Ukraine in January, February and March 2018. Almost 50 scholars, journalists and practitioners from governmental bodies, external actors and NGOs were interviewed using semi-structured interviews.

Theoretical framework

In our analysis, we use the conceptual framework of Douglas North, John Wallis and Barry Weingast who argue that depending on how societies try to limit and control violence, countries could be categorised into two broad types of social orders – open access orders, characterised by political and economic competition as well as the rule of law and impersonal institutions, and limited access orders characterised by barriers to political and economic competition, close connections between ruling political elites and dominant economic actors, rent-seeking and personal, often informal relations (North, Wallis,

Table 1. Types of limited and open access orders.

| Type | Economic Organisations (EOs) | Political Organisations (POs) | Violence capacity (VC) |
|-------------------------------------|--|---|--|
| Fragile LAO | EOs and POs are not clearly distinguishable, except for multinational firms present in fragile LAOs. | | All organisations have VC. Civilian and military not clearly distinguished. |
| Basic LAO – authoritarian | All major EOs – public or “private” – are linked with the central state; some are linked with multinationals. | Most POs are controlled by the state, i.e. one-party state or dictatorship. Opposition parties are under threat. | Most VC organisations are part of state, yet some may compete with or threaten the civilian state. |
| Basic LAO – competitive clientelist | Some private firms, some multinationals. Political connections needed for major economic success. | Competing POs, but effective power is dependent on central permission. | |
| Mature LAO | Many private firms and multinationals. Political connections needed for major economic success in face of informal mechanisms of limits. | Multiple POs, but effective power is dependent on central permission. Democratic process, if present, cannot challenge major economic powers. | State controls almost all VC. |
| OAO | Most are private. Non-discriminatory rules for any citizen an EO and get state legal support. | Non-discriminatory entry rules for any citizens to start or join a PO. | No non-state organisations have VC. |

Source: Adapted from North et al. (2011, 9).

and Weingast 2009). While there are different types of LAO depending on the degree of domestic economic and political closure and state capacity to control violence, there is one type of OAO, as shown in Table 1.

All EaP countries are LAOs, although they are characterised by different internal structures and by a varying degree of openness in the political and economic spheres (Ademmer, Langbein, and Börzel 2018). We argue that the particular logic of a LAO has direct implications for its susceptibility to external actors, which promote the transformation from LAO to OAO. LAOs default policies are aimed at maintaining the *status quo* of the regime (North et al. 2011, 5–6). Thus, the susceptibility of domestic actors to external incentives for transformation is limited under ordinary circumstances because domestic elites are cautious towards any changes that can diminish their (or increase other's) access to power and resources.

The lack of tangible progress in the transformation from LAOs to OAOs among the EaP countries is demonstrated empirically (Ademmer, Langbein, and Börzel 2018, 7; Pishchikova 2019, 163). The existing differences in their openness, and the evidence of differential policy change despite high costs, limited transformation capacities and the lack of appropriate incentives (Ademmer, Langbein, and Börzel 2018; Langbein and Börzel 2013) raise the question of what factors encourage changes in the reform-unfriendly environment of LAOs.

The aim of this article is to answer this question by combining the theoretical assumptions of LAO theory with insights from external democracy promotion and Europeanization research. By drawing on extensive research providing insights into the mechanisms and conditions of external influence and pointing to the evidence of the differential and sometimes unintended effects of promoting or undermining transformation reforms (see among others Dragneva-Lewers and Wolczuk 2015; Freyburg et al. 2011; Langbein 2015; Lavenex and Schimmelfennig 2011; Levitsky and Way 2006; Schimmelfennig 2012; Tolstrup 2013), we seek to fill a gap in the academic literature regarding the obstacles that the EU's transformative agenda encounters in LAOs. In particular, we look at the susceptibility of domestic elites in EaP countries to transformation incentives, depending on the type of social order and its interplay with external actors with their particular strategies and patterns of interdependence.

For the purposes of our analysis we define susceptibility as the degree to which external incentives and instruments translate into domestic actors' decisions to reform domestic political and economic institutions and rules aimed at reducing barriers to entry (access) and increasing competition for economic and political resources and power.

It should be stressed that the logic of LAO under ordinary conditions, i.e. not in crises like war, state collapse, or economic decline, points to the crucial role played by the dominant coalition in maintaining political and economic closure and restricting access to economic resources and power (North et al. 2011, 5). Regionally focused research also emphasises that the analysis of elites, their structure and preferences, and possible access for other groups to join the dominant coalition is crucial in order to understand the functioning of a LAO (Hale 2014; Tolstrup 2014). Thus, the structure of domestic gatekeeper elites and the nature of their relationships should have a strong effect on the susceptibility to external incentives, therefore the structure of the particular regime should be analysed. First, we expect that domestic actors within LAOs with several competing centres of power would be more susceptible to demands from external actors compared

to a system with a single ruling centre and strong hierarchical power structure. It has been noted also that competition between different centres of power may facilitate the implementation of reforms (Grzymała-Busse 2012; Hale 2014, 16; Legiędź 2019).

Second, we examine the constraints and opportunity structures created by the strategies of external actors. Based on the assumption that regime stability is the main objective and driving force of a dominant coalition's behaviour, we tend to believe that it is in the interests of a dominant coalition to accept and proceed with reforms that contribute to economic growth and social stability, but do not threaten the position of dominant elites in relation to each other and other actors. Therefore, our second hypothesis states that domestic actors in a LAO should be more susceptible to external demands linked to institutional reforms that increase the state capacity to provide public goods but do not directly impose the transformation of social relations (Grugel and Bishop 2014, 118) or informal rules (Ademmer, Langbein, and Börzel 2018, 11). We also expect LAOs to have lower susceptibility to external incentives that promote external actors' goals but threaten domestic actors' dominant positions by diminishing their rents, reducing their autonomy, or empowering new players.

The third hypothesis stems from the empirical observation that different external actors in EaP countries use disparate instruments. The EU's toolkit is based on the logic of "enlargement-lite" – offering the long-term prospect of integration into the European economic and political space while dampening any hopes of actual accession, leading to the conclusion that "long-term technocratic planning is no answer to short-term crises" (Popescu and Wilson 2009, 10–11). Russia's toolkit for dealing with its neighbourhood is more diverse than the EU's and embraces economic, (geo)political, cultural and ideational (ethnic, religious) dimensions as well as a substantial military component (Makarychev 2018, 10). As a result, the EU does not possess policy tools to counterbalance Russia's policies in the common neighbourhood (Maass 2019, 2; Tkeshelashvili 2015, 28). Therefore the third hypothesis states that domestic actors would be more susceptible to those external actors with a wide-ranging toolbox of measures ranging from "soft" to "hard" policy measures such as technical and financial assistance, facilitation of trade or movement of people, to military cooperation, and who are engaged in a detailed and codified policy relationship, because this provides more possibilities for issue linkages and the interchangeable use of positive and negative conditionality. This leads to the expectation that the susceptibility of domestic actors should be weaker if the toolbox of external actors is limited and if relations between the target country and the external actor are shallow.

Finally, it should be noted that LAO's susceptibility to external incentives depends on the degree of interdependence of a target country with a particular external actor and, most importantly, the dependence of the domestic elites' rents on the relationship with the external player. Balmaceda (2013, 267–268) demonstrated how the structure of rent distribution and degree of centralisation of domestic ruling elites in Belarus and Ukraine affected their relationship with Russia. Combined with assumptions of a linkage theory (Levitsky and Way 2006), which analyses the interdependence between a target country and external actors, we formulate the fourth hypothesis that the extent to which the revenues (formal and informal) of the ruling coalition or of the competing power centres depend on relations with external actors affects how susceptible domestic actors are to pressures from outside. The rents generated for the dominant coalition in relation with

a specific external player should lead to stronger susceptibility of domestic actors to the influence of that particular external actor.

The choice of external actors is focused on those that intentionally promote the transition from LAO to OAO, in particular, the EU with its EaP programme, since we are interested in the conditions under which reforms aimed at the opening of social orders take place. The analysis would be incomplete, however, without considering other external actors with interests in Belarus and Ukraine, as the EU is not the only actor that shapes policy change in the region (Langbein and Börzel 2013, 577). A considerable number of studies have been done on the effect of the competing external actors' influence on the promotion of the EU *acquis* in EaP countries (see among others Benkova, Rihtarić, and Tchakarova 2018; Dragneva-Lewers and Wolczuk 2015; Jaroszewicz et al. 2018; Langbein 2015). The object of discussion is most often Russia (Jonavičius et al. 2019), although other players such as China are also considered to have significant interests (Popescu and Secieru 2018). By including the interrelation between the policies of the EU and the sometimes underestimated or even ignored counteractions by "black knights" (Yakouchyk 2019), we try to avoid the problem of bracketing out Russia while studying the reception of the EU's conditionality, because this overlooks the critical factor to the effectiveness of the conditionality (Tulmets, Vieira, and Ferreira-Pereira 2018, 2).

Belarus

The distribution of power in Belarus resembles the single-pyramid patrimonial system (Hale 2014) and the "balanced closure" system (Ademmer, Langbein, and Börzel 2018). Balmaceda (2014, 97–116) discusses several interrelated but competing "clans" within the Belarus ruling elite. However, the careers of actors who could have formed relevant alternative centres of power suggest that Lukashenko has managed to prevent the formation of alternative centres of power that would be capable of challenging the President's power and willing to do so. The centralisation and consolidation of political and economic power has been achieved both formally and informally and has even taken a bureaucratic form (Frear 2019).

Formally, the presidential system was established in the country after the 1996 referendum, which led to a substantial increase in presidential powers. After another referendum in 2004, presidential powers became virtually unconstrained, the term limit was abolished and Lukashenko became the president for life. The law-making process in Belarus is controlled by the Presidential Administration, and virtually all bills are initiated by the executive. Presidential decrees are frequently used as policy initiatives and policy programmes. All appointments to significant positions are political (Rohava and Burkhardt 2018). The President can appoint or fire any public official, including judges and heads of local administrations (Dimitrova et al. 2018).

On the informal level, existing institutions are ignored, or denigrated as well as commandeered by ensuring that people in significant positions are loyal to the presidency (Frear 2019, 31). Regime stability relies on security forces and prosecution institutions. There is virtually no threat to the state's monopoly on the use of force either horizontally or vertically in state power structures (BTI 2018, 6). There is also an informal contract among ruling elites regarding the dominant role of a single patron – President Lukashenko, who has the role of an arbiter preventing rivalries between various power

factions becoming too destructive and harming their common interests (see Balmaceda 2014, 111–113).

Belarus' dominant coalition is one of the most consolidated and centralised coalitions in the region. According to many experts and interviewees, the regime remains united around the President, who tightly controls security services, economic actors and society (Shraibman 2018; personal interviews, January 30, 2018). There are no independent economic actors in Belarus (Bohdan 2012). People allowed to do business serve mainly as economic agents of and for the authorities (Smok 2017). The President keeps access to the establishment of organisations fully under his personal scrutiny (personal interviews, January 29, 2018).

The relationship between Belarus and the EU is restrained and underdeveloped; common interests and objectives are few and mutual mistrust persists. The EU, Western countries and institutions until recently have followed a policy of incremental engagement (only very limited political dialogue and support for civil society) and applied negative conditionality (sanctions) due to Belarus' violations of democratic principles and human rights.

Since 2015, two changes have happened. First, the susceptibility of Belarus to the EU incentives regarding the transformation of its economy has been increasing (Alachnovič 2019). Second, in 2016, the EU adopted the Global Strategy that formulated a more pragmatic and complex approach towards global challenges, and is less eager to emphasise norm-based rhetoric preferring to focus on security and stability (Cadier 2019; Crombois 2019; Juncos 2017). In the context of these changes we analyse the susceptibility of Belarus towards external influences in sectors crucial for the rent-accumulation and stability of the regime: business environment and energy.

Business environment: opening or adapting?

After 2015, Belarus witnessed some opening up of the economy implemented by the Government. Belarus' social and economic development programme for 2016–2020 enacted reform proposals, such as gradual liberalisation of certain types of economic activity, the abolition of the existing restrictions on setting up accounts in foreign commercial banks, and the removal of the provisions giving priority to executive committees of economic entities in the purchase of shares (Smogorzewski 2017). Business registration procedures were simplified (PwC 2017). The new prime minister, appointed in October 2018, promised to improve business conditions, develop the IT sector, digitalise the economy and more efficiently manage state enterprises (SOEs) (Kłysiński 2019). The transformations were noticed by the World Bank, which improved Belarus' rankings of economic freedom and ease of doing business (World Bank 2018).

Is it possible to argue that the above-mentioned changes were a consequence of successful EU policies? Have they contributed to the transformation of Belarus' LAO?

The EU has intensified its cooperation with Belarus after several political prisoners were released in 2015, and economic liberalisation has always been among the EU requests, but the changes could hardly be perceived as sustainable efforts to open up the economy. Initiated by the state, liberalisation of the economic environment in Belarus coincided with other domestic and international developments. Domestically, Belarus was struggling with economic decline in 2015–2016. Economic difficulties also translated into increasing

unemployment and unsustainability of the “social contract” between the ruling elites and the population.

Thus, the country’s authorities needed to find a way to mitigate the pressure, and managed the opening of the economy as one of the solutions. On paper the decision might look like a trigger for change – increased economic opportunities could have spilled over into political demands for openness. This was not the case in Belarus. First, the reforms were implemented in only several selected economic areas (opportunities for SMEs or the IT sector) and did not lead to substantial structural changes such as reforms of SOEs (Belarus In Focus 2018; International Monetary Fund 2019). Second, economic liberalisation took place along with the growing influence of security services, increased restrictions on opposition activities, civil society, trade unions and independent media. In such an environment, business was not allowed to become a partner in transforming Belarus’ social order into the more open “unbalanced closure” version.

The limited liberalisation did not cause substantial opening and cannot therefore be attributed to the increased susceptibility of Belarus to EU incentives. Crucially, the changes were mostly affected by external factors other than the EU’s influence, in particular, by the Russia’s aggressive behaviour towards Ukraine, i.e. the annexation of Crimea and the promotion of conflict in Eastern Ukraine. Ruling elites in Belarus realised that orienting the country toward Russia alone is risky economically and politically (Shraibman 2018), because in light of increased tensions between Russia and the West, Kremlin might pull Belarus even closer into the Russian orbit of influence without expected benefits of deepened Eurasian integration. Growing tensions in Belarus’ economic and energy relations with Russia (Moscow’s attempts to reduce subsidies to Minsk) threatened rent-accumulation by ruling elites in Belarus and served as an important impetus for reforms. The EU’s increased concern with security and stability in the neighbourhood, and growing tensions with Russia, allowed Lukashenko to manipulate European hesitation (Kascian 2018, 93) by imitating reforms and benefiting from improved relations with the EU. The improved relations could not be seen as increasing susceptibility towards EU incentives but rather as a strategy of manipulating external influences to stabilise the domestic situation.

Importantly, China’s Belt and Road Initiative (BRI), its geo-economic goals in the region, and particularly in Belarus, serves as another external factor indirectly encouraging limited economic liberalisation (Kaczmarek, Jakobowski, and Kardaś 2019). China does not pursue transformational goals in Belarus and does not intend to challenge Russia’s interests, but Beijing’s policies facilitate increased economic openness and contribute to the evolution of Belarus’ LAO towards unbalanced closure (Ibid.). This is a result of Beijing’s attempts to promote its own economic interests and establish Belarus as a transit country within the BRI. However, China’s policies do not correspond to the EU’s strategic interests, because Beijing is strongly opposed to any political opening and prefers to deal with President Lukashenko rather than supporting the opening of the political space in Belarus – “China by default supports autocracies due to its belief in the principle of non-interference in domestic affairs” (Ibid, 16).

Thus, susceptibility to reforms that may trigger transformation from a LAO to an OAO in Belarus has to be perceived not only in the context of Belarus-EU relations, but also include a broader understanding of domestic conditions and other external factors (Risse and Babayan 2015; Shyrokykh 2018). The changed security situation in the region, the

deteriorating internal economic situation, growing pressure from Russia and the emerging interest of China have in combination created favourable conditions for economic opening in Belarus. However, the centralisation of power and resources, the inconsistent and vague policies of the EU focusing on security rather than democracy promotion, resulted in a very limited growth of susceptibility towards the EU's incentives in Belarus.

Energy sector: fixing a tank with a screwdriver

Belarus is a strongly energy-dependent country (Heinrich 2017; Manenok 2014), a “rentier-state”, which “has been extracting rents externally (from Moscow) and redistributed them internally to support a certain form of inclusive social contract” (Pikulik 2017, 14). Russia supplies 100% of Belarus’ natural gas and over 90% of its crude oil imports (Bornukova 2016). Energy dependence is crucial for the ruling elite, which is addicted to the subsidies and prepared to fight vehemently for these rents. The total energy subsidy to Belarus from Russia between 2000 and 2017 constituted circa 80 billion USD (IPM 2018). It included a supply of cheap(er) oil and gas, as well as the possibility to produce oil products that generated almost 25% of all export revenues in Belarus in 2015 (Heinrich 2017).

Belarus’ energy dependence hinders its political and economic transformation in two ways (for a deeper analysis see Balmaceda 2014, 33–92). First, the export of refined oil products to the West is the most important source of hard currency revenue for the regime, constituting more than 10% of the country’s GDP (Pikulik 2017). As long as Russia provides cheaper oil, Belarus is able to maintain centralised control of the economy. The presence and control of the rent is the instrument that keeps society under control by providing it with all basic economic needs, as well as an instrument to remind members of the dominant coalition about the “rules of the game” (Balmaceda 2014, 111–114). Second, more than 90% of Belarus’ electricity and heat is produced by gas-fired power plants using Russian gas. Therefore, cheap Russian gas is a necessity in order to maintain the ineffective and loss-generating SOEs. SOEs produce around 70% of the country’s GDP and employ more than 50% of the labour force (Pikulik 2017).

Moreover, SOE’s have an important political role: their employees constitute the important base of Lukashenko’s legitimacy and are much easier to control than private-sector employees. Disruption of this system might mean the instability of the current social, and consequently, political order, which is heavily dependent on external rents (Dobrinsky et al. 2016, 14).

The EU has very limited energy relations with Belarus. The only semi-formalised form of cooperation is the Energy Charter Treaty, which Belarus signed in 1994. Belarus applies the treaty only provisionally and has not ratified it. Belarus joined the Eastern Europe Energy Efficiency and Environment Partnership (E5P) in 2017, but this can hardly be seen as a significant tool to push for comprehensive reforms and transformation of the energy sector, due to its technical and environmentally oriented focus. It is worth noting that theoretically the EU has leverage over Belarus, since without the EU customers Minsk would not be able to monetise the preferential Russian oil price (Balmaceda 2014, 62). Why has the EU never used this leverage? As scarce research on this issue shows, Belarus’ dependence on EU markets is probably purposefully disguised, with the vast majority of country’s products transiting through EU countries and therefore not always reflected in

European trade statistics (CICHRSB 2013). However, this question requires additional analysis for a deeper understanding of the EU's leverage on Belarus.

In 2018, energy questions in Belarus became vital for the regime's survival when Russia linked the energy subsidies with political requirements to deepen bilateral integration under the aegis of the Russia-Belarus Union state (Kłysiński, Menkiszak, and Strzelecki 2018). The possible loss of the rents could attain \$11 billion by 2025 (Hansbury 2019). The IMF evaluates the possible negative effects on the Belarus economy as up to 4% of the GDP (International Monetary Fund 2019). These circumstances point to the possibility of increasing the EU's leverage in Belarus by offering alternative solutions and making them conditional on political and/or economic reforms.

Formally, Belarus would be interested in such cooperation as its energy security strategy affirms the need to reduce its energy dependence on Russia (Soviet Ministrov Respubliki Belarus 2015). However, the absence of pipeline connections, the EU's status as an energy-importer together with the absence of political consensus within the EU, different attitudes of the EU members regarding energy cooperation with Russia, and the reluctance to help "the last European dictator" due to normative considerations, reduce the possibility of increased EU impact.

Similarly, negative conditionality would also have little impact on the susceptibility to reforms among the domestic elites. The EU could use its status as an important market for the exports of refined oil products from Belarus by imposing sanctions on exports from Belarus. However, the ineffectiveness of previous sanctions against Belarus (Giumelli and Ivan 2013) may increase the risk of even stronger isolation of the country's citizens, higher political and economic dependence on Russia, and weakened hopes for improving democratic practices in the country.

Therefore, the susceptibility of Belarus to both positive and negative incentives by the EU is minimal due to a relatively symmetric Belarus-EU interdependence in the energy sphere and, most importantly, due to a strongly asymmetrical interdependence in the energy sphere between Belarus and Russia. As illustrated by the regular energy wars between Belarus and Russia (Kardaś and Kłysiński 2017; Manenok 2016), the pressure created by the conditions of asymmetric interdependence has allowed Russia to achieve its goals (consolidating Minsk energy dependence on Moscow, promotion of the Eurasian integration project), and prevented the promotion of OAO in Belarus. In other words, the rent-related interdependence with Russia minimised the susceptibility of Belarus' elites to the (modest) EU incentives.

Theoretically, there are some opportunities to increase the EU's impact in the current situation. The logic of limited access encourages Belarus' elites to resist deeper political association with Russia because it would only be a question of time before powerful Russian players would destroy Lukashenko's pyramid of power and incorporate the country if the idea of the Union State is fully realised. Driven by the idea of sovereignty and threatened by Russian behaviour in Ukraine, Lukashenko is looking for exit strategies. Attempts to increase freedom of manoeuvre are illustrated by the adoption of the "30-30-30" strategy of diversifying trade relations to achieve similar export shares going to Russia, the EU and the rest of the world, as well as measures to decrease the dependence of the economy on SOEs and diversify the economy. Increasing energy efficiency and the development of alternative sources of energy are also part of planned changes in Belarus (Soviet Ministrov Respubliki Belarus 2015).

This situation seems to be favourable for increasing the influence of external actors other than Russia in the Belarus' energy sector. However, limitations and restrictions to change remain. First, the energy sector is state-owned and there are no plans for its privatisation. Second, the reform of the energy sector in Belarus would mean the reform of the entire economy and especially restructuring of the SOEs. Privatisation of "Mozyr" and "Naftan" oil refineries or selling their stocks to foreign investors would mean diminishing control over the distribution of rents. Consequently, very big compensation or very strong influence is needed to force the President to take such a step. As negotiations with the IMF in 2016 demonstrated, restructuring SOEs remains taboo for country's authorities (Chubrik 2017). Though marginal, existing cooperation in the field of energy efficiency and alternative energy allows the EU to retain its presence in Belarus with the possibility of expansion if relations with Russia continue to deteriorate. However, the effect on the susceptibility of this form of cooperation remains a function of Belarus' relations with Russia rather than of EU-Belarus relations.

In summary, the case of Belarus confirms our expectations regarding the relationship between the type of domestic dominant coalition, the existing dependence on external actors, the toolbox available to them and the susceptibility of a LAO to external transformational pressure. The strongly centralised control by President Lukashenko, in combination with high rent-dependence on Russia, underdeveloped security and economic linkages with the EU, and the lack of any formalised framework of cooperation, limit the susceptibility of Belarus to external policies aimed at political and economic opening. Nevertheless, minor shifts toward the economic opening are possible due to the dominant interest in maintaining limited political access and control, especially in the context of economic downturn and external (geo)political pressures. Elites in Belarus are ready for economic experiments as long as they do not undermine political influence and control. This leads us to conclude that a closed hierarchical LAO might become susceptible to external influences under a particular set of conditions when reforms are limited to institutional changes and do not threaten the stability of the regime.

Ukraine

Ukraine can be considered a balanced limited access social order, leaning towards openness, where substantial political and economic access is allowed (Ademmer, Langbein, and Börzel 2018). Ukraine's political system is a competitive multi-party system. Economically, Ukraine is also relatively open: prices and trade are largely liberalised, the private sector is well developed with SMEs and private entrepreneurs officially accounting for over 99% of Ukraine's private sector enterprises, 76% of jobs and 60% of total sales in 2013 (Całus et al. 2018). The biggest problems remain corruption and the prevalence of oligarchic groups in the economy as well as strong embeddedness of rent-seeking mechanisms in the political-economic system.

At the time of research in early 2019, there were three main power centres: the president, the government and the parliament. The president has the greatest influence on policy making and reforms. The political party controlled by the president, Petro Poroshenko Bloc (BPP), had a majority in the parliamentary coalition with the People's Front (PF), and a considerable number of politicians recommended by them in the government. The parliamentary ruling coalition had no real majority in the parliament. The

coalition's discipline during voting was low, and some of the pro-reform *de jure* BPP members, e.g. Euro-optimist group, often voted against the president's plans. On the other hand, a number of opposition fractions and groups (e.g. the Radical party, Renaissance, Will of People) can be considered as *de facto* members of the coalition, and this indicates the prevalence of informal connections among decision-makers.

The Ukrainian political system lacks continuity of the policies undertaken by the previous governments. A change in a dominant ruling coalition also means change in the political-economic ties, patronage linkages and rent-seeking patterns. Earlier reform initiatives might be abandoned, since elites that manage those sectors and derive profits, may not be willing to keep the previous patterns. The Ukrainian case is a good exemplification of the LAO regime with competing centres of power making it more inclined to progress in reforms. On the other hand, it is a LAO with a rather weak track in long-term structural reforms.

Politics in Ukraine is closely linked with business (Matuszak 2012). The motivation of the majority of deputies is rent-seeking, access to new resources for themselves or their political patrons, therefore finding a majority for transition reforms is difficult. Large private businesses belong most often to oligarchs with very strong political connections (Matuszak 2012). Because of their financial strength and possession of the most important mass media, they are important stakeholders for making domestic policies, and desirable partners for politicians. As a rule, the oligarchs are an anti-reformist force, resisting the opening of the market and competition. However, oligarchs are not the major power brokers in Ukrainian politics; instead they have always sought accommodation with those in power by giving additional support to the winning side (Pleines 2016).

After 2014, the political system of Ukraine partially opened up, allowing people from the outside into the parliament and governmental positions (Olszański 2014, 2016). Civil society and NGOs are key allies of Western donors in their efforts to reform Ukraine as their modernisation goals for Ukraine coincide. Close cooperation between NGOs and the West is beneficial for both parties as it increases the impact, credibility and legitimacy of external actors inside the country and strengthens the operative capacities of NGOs (Jarábik and de Waal 2018).

The EU, the US and IFIs (mainly the IMF and the World Bank) are the main external actors actively involved in the reform processes in Ukraine and supporting its possible change towards OAO. Since 2014, the strategic priorities of these actors towards Ukraine have been similar, although each actor pursues slightly different priorities when it comes to desirable changes in specific spheres.

In the absence of its most effective mechanism, the promise of future membership, the EU offered the EaP countries the prospect of "association" as the vehicle for political cooperation, economic integration and domestic modernisation (Dragneva 2019). Moreover, in order to address the formidable challenges facing Ukraine after the signature of the AA and the Russian aggression, the EU came up with unprecedented technical and financial assistance (Wolczuk 2017). The European Commission set up a dedicated group of EU officials in the Support Group for Ukraine (SGU). Nevertheless, assistance projects are rarely based on an analysis of what reform measures could actually be most effective within a local context (Wolczuk 2017).

The US stresses the creation of democratic institutions, open and transparent governance and the fight against corruption. The IFIs have been mostly focusing on macro-

economic stabilisation, opening up of the economy and creating transparent and impersonal institutions as a way to constrain rent-seeking behaviour. The IFIs tend to practise a coordinated approach not only among themselves but also with other OAO promoting donors aiming to strengthen the conditionality and sustainability of reforms. They also interact with the domestic opposition and societal activists trying to broaden the ownership of reform programmes (Vilpišauskas 2019).

We argue that in the case of Ukraine, the EU conditionality appeared to be working in the first two years after the Dignity Revolution in 2014, when the security and economic crises pressured new elected ruling elites to be more susceptible to the influence of the EU and other external actors such as the US and the IFIs. However, as the economic pressure on Ukrainian authorities eased and the dominant actors were increasingly faced with the risk of losing their rents and power due to potential systemic reforms, the susceptibility of those domestic actors declined.

In the article, we study the period 2014–2019, before the presidential and parliamentary elections that brought to power a new dominant coalition centred on the charismatic president Volodymyr Zelensky. However, a very superficial assessment of the first few months of Zelensky's rule only strengthens our argument about the unstable nature of Ukrainian LAO with a very mixed picture of progress in certain reform areas depending on the structure of political incentives, dominant coalition interests, external actors strategies and sectoral interdependencies. A rather new phenomenon is power concentration in the hands of the newly elected president – it needs to be seen whether this phenomenon may influence the nature of Ukrainian LAO (Hosa and Wilson 2019; Motyl and Soltys 2019).

Anti-corruption reforms: slow movement

Anti-corruption reform has been selected as the area with the most comprehensive engagement of external actors including the variety of tools applied, and which is at the same time the most contentious from the point of view of rent-seeking opportunities and links between the dominant coalition and Ukrainian oligarchs. The anti-corruption reforms are strongly prioritised by all the external actors analysed, as they are considered the main pathway towards the creation of an OAO in Ukraine (personal interviews March 12–14, 2018). But these reforms have been slow and incremental due to the vested interests of different political and business groups inside the dominant elite, and also due to the prevalence of corrupt practices in almost every sphere of public life.

First, corruption in Ukraine is institutional. It is a system of informal relations between the authorities and the citizens and between subordinates and superiors occurring from the highest level of government down to the local level. Second, politicians continue to be dependent on the oligarchs who sponsor them or, in fact, are themselves oligarchs who become involved in politics in order to pursue their business objectives. Third, the outbreak of the armed conflict in the east of Ukraine and the emergence of the uncontrolled territories has facilitated the emergence of new corruption schemes (Jaroszewicz and Żochowski 2015).

Western external actors usually apply two types of instruments: conditionality and institutional capacity building. The analysis of several years of anti-corruption support demonstrates that several changes in the strategies and policies of these actors occurred.

In 2014, the EU was reluctant to install capacity building programmes for newly created anti-corruption institutions. The main tool was conditionality based on the assessment of benchmarks attached to the macro-financial assistance, visa liberalisation plans and direct budget support. In addition, the EU applied different forms of political dialogue, from high-level discussions and adoption of common documents, through political statements to informal negotiations. In the first two years, it was mainly the US, Canada and selected EU member states that were providing often ad-hoc grants and technical assistance to help establish new anti-corruption institutions. The US, in addition, got involved in the process of reforming patrol police, which later on was supported through more comprehensive assistance from the EU Advisory Mission to Ukraine (EUAM).

Starting from 2016, both the EU and the US established special measures to address more comprehensively the widespread corruption in Ukraine. In February 2017, the EU launched a special assistance initiative that included support for all key anti-corruption institutions from prevention to investigation, prosecution and recovery. The US launched the Support to Anti-Corruption Champion Institutions. Anti-corruption reforms are also supported by cross-cutting anti-corruption efforts provided for different sectors of public life including: public procurement, local government, energy, health, etc. Finally, the EU has engaged in assisting in developing the anti-corruption court as a new independent judiciary body, which could have the capacity and ability to bring to justice corrupted officials prosecuted by the law enforcement agencies (Lough and Dubrovsky 2018).

All external actors tend to agree that the most powerful tool for promoting reforms in this area is conditionality. However, this creates situations where reforms and necessary moves are only being made on the basis of external requirements without making domestically owned initiatives and self-deliberated decisions. Therefore, although many formal changes have been introduced in Ukraine since 2014, they have not transformed the system, and corrupt practices continue to be used by the power centres to maintain their rents and power position. The criticism of corrupt practices which featured strongly in Zelensky's presidential campaign only testifies to the fact of limited progress of anti-corruption reforms.

Reform of Naftogaz: unobvious transformation

The second reform sector chosen for analysis is the reform of the Ukrainian gas importer state-owned company Naftogaz. This case study has been selected as an exemplification of former strong connections to Russia and a model area for rent-seeking opportunities. Due to the crisis situation that occurred after the Russian annexation of Crimea and the eruption of the conflict in Eastern Ukraine, the Ukrainian gas sector underwent a major shift in terms of opening the sector towards transparent market regulations and reducing rent-seeking opportunities. This could also happen because of the unprecedented changes in the nature of energy interdependencies between Russia and Ukraine, and the active supportive role of external actors promoting opening. According to Balmaceda (2008), the establishment of Naftogaz in 1998 as a highly centralised state-owned company was, among other reasons, aimed at the adjudication of advantageous transit service contracts to companies presumably associated with the top management. It also allowed the cost of energy dependency on Russia to be shifted to the state as a whole, and was maintained for a long period of time due to the existence of

informal institutions beneficial for both the Ukrainian and the Russian elites (Antonenko et al. 2018).

The most important game changer was the Russian interference in Ukraine (occupation of Crimea and destabilisation of Eastern Ukraine) in 2014. Since then, the Russian presence in the energy sector has come to be perceived as a threat to national security. In June 2014, when no compromise was reached regarding the gas price for Ukraine and the value of the Ukrainian debt, Gazprom cut off gas supplies to Ukraine and submitted a claim against Naftogaz to the Arbitral Tribunal in Stockholm to recover the debt (Kardaś and Iwański 2018). Many of the influential figures in the Ukrainian energy sector that were closely connected with Russia fled Ukraine in 2014 with the result that quite a few ties with the Russian side were broken.

The EU and the IFIs gave strong political support, as well as economic and financial assistance, to help Ukraine to break ties with Russia. Slovakia has ensured reverse flow; the EU has provided political support in negotiating the so-called “winter packages”; the EBRD and the World Bank have offered financial assistance for gas imports (Iwański 2016). These measures all increased dependency on the EU in the energy sector. In 2015, about 60% of imported gas was transported from the EU, up from only 25% in 2014 (Kardaś and Iwański 2018). The dynamics in the energy sector have significantly changed: the susceptibility of the domestic ruling coalition towards Russian actors diminished and dependency on international institutions increased.

An important factor contributing to the success of the Naftogaz reform was the positive conditionality proposed by the EU and the IMF. Reform of Naftogaz has become a requirement under the Energy Community and Ukraine’s AA with the EU, and a condition built into the country’s programmes with IFIs including the IMF, the World Bank, and the EBRD (Antonenko et al. 2018). The reform was initiated in April 2015 when the Rada passed a law on the gas sector. The law ensured the ownership unbundling of Naftogaz into companies dealing with gas extraction, distribution and storage. This had to contribute to the creation of a liberalised gas market in line with the Third Energy Package.

New management and a new supervisory board were appointed (Konończuk and Matuszak 2017). Modernisation of Naftogaz by abolishing subsidies and increasing prices for customers turned Naftogaz into one of the most profitable companies in Ukraine in just one year (a profit in 2016 of around 1 billion USD). In July 2016, the government approved a plan for restructuring Naftogaz by providing for the removal from its structure of transit gas pipelines and gas storage facilities, and for transforming them into two independent companies: Main Gas Pipelines of Ukraine (MGU) and Underground Gas Storage Facilities of Ukraine (Konończuk and Matuszak 2017).

However, disagreements over the reforms began as early as 2016. The president and the prime minister wanted increased political control over the sector while the Naftogaz management and board, backed by Western institutions, opposed it. In September 2016, the Ministry of Economic Development and Trade decided to take the control of Ukrtransgaz, which previously belonged to Naftogaz. This step was negatively assessed by the EU, the IMF, and the Energy Community as contradicting implementation of the Third Energy Package and the government was forced to step back (Konończuk and Matuszak 2017).

Another attempt to grant more powers to the government to control Naftogaz was the decision to expand the supervisory board of Naftogaz with two new members from the

government. This step has resulted in the resignation of the advisory board. Though the dominant coalition was interested in reforming Naftogaz to make the company profitable, the political elite still wanted to maintain control over Naftogaz, most likely for rent-seeking purposes. Strong pressure from international institutions and the incentive of receiving financial instalments from Western donors have, however, reversed the actions of the government.

The management of Naftogaz has been quite transparent and scrutinised by international institutions, thereby leaving little space for rent seeking at the state level, but the susceptibility of the company to the influence of external actors other than the EU and the IMF is still limited at the lower regional level, as most of the regional distribution companies (over 70%) are controlled by the oligarch Dmytro Firtash. Moreover, the EU, Energy Community and the World Bank clashed with the government over the decision in March 2017 ordering Naftogaz to supply gas to 44 regional distribution companies “at a preferential price set by the government and for the amount they would request” (Konończuk and Matuszak 2017). While the pressure of international institutions in this particular case constrained the government, the situation at the regional level remains unchanged. Besides, Naftogaz remains a national monopoly despite the recommendations of external actors to liberalise the gas sector and create a more attractive environment for the entry of foreign competitors.

The most important factors that contributed to the relative success of the Naftogaz reform included a positive conditionality introduced by the international institutions in the context of a crisis which disrupted the ties between the Ukrainian government and oligarchs, on the one side, and Russia, on the other. However, the reform has been incomplete, and is not irreversible. The impact of the EU and other external actors promoting the implementation of reforms was of the utmost importance, but might be compromised if the Ukrainian economy grows and opportunities to borrow on the financial market improve, thereby reducing the need to follow the conditionality of the IMF and other Western donors.

The susceptibility to external influences of the dominant elites, who came to power in Ukraine in the context of severe security and economic crisis, has been stronger due to a combination of factors – the breakdown of interdependencies with Russia, coordinated policies of Western actors and the relatively wide-ranging “toolbox” used by the EU. However, even under such conditions, transformation has been limited and confined to the preservation of the existing structures of the LAO, in particular, rent-accumulation and informal decision-making.

Conclusions

In order to explain under what conditions Ukraine and Belarus are more or less susceptible to the external influences that promote transformation into OAOs, we formulated and tested four hypotheses.

First, we hypothesised that the LAO’s dominant domestic coalition with multiple competing power centres should be more susceptible to the demands of external actors compared to a system with a single ruling centre and strong hierarchical power structure. Our research showed that the type of domestic dominant coalition matters, as centralised control in Belarus limits the degree of susceptibility, and Ukraine with its competing domestic power elite is more susceptible to external pressure for reforms.

However, it is important to note two caveats. The reform progress in Ukraine was slower and more convoluted than one might have expected after the large-scale security, political and financial shock of 2014, which disrupted interdependencies with Russia and gave rise to the election of new ruling elites that campaigned with promises of systemic reforms, finally, active and coordinated support for reforms by the EU, IFIs and the US. Also, the case of Belarus (the reforms in the business sector) demonstrated that even a structure with a single power centre can be susceptible to external demands for reforms, when they are tightly controlled and limited to an extent that does not threaten the stability of the regime, and serve as a signalling device for both domestic and external audiences. Thus, due to the intrinsic motivation of members of a dominant coalition to maintain or gain political power by improving their position *vis-à-vis* other players or by advancing their own political agenda, some externally required reforms can be accepted by domestic actors without any systemic effect on the LAO's institutional system.

The second and third hypotheses concerned the strategies of the external actors. The Ukrainian and Belarus cases have demonstrated that the nature of the reforms promoted by external actors matters. Reforms contributing to institutional effectiveness are more acceptable to domestic actors, but their impact is limited to the extent required to preserve the existing rent-seeking system. Thus, the reforms in Belarus are centrally managed and take place only if they preserve the stability of the ruling regime. In Ukraine's case, reforms have been faster in sectors where domestic groups have a strong interest in promoting them (the case of Naftogaz compared to the anti-corruption reforms). In terms of the nature of the toolbox used by external actors, we observe that in the case of Belarus the relatively limited range of instruments used by the EU on the one hand, and the extensive range of policy measures employed by Russia on the other, does indeed make domestic actors in Belarus more susceptible to Russian influence. The more extensive range of financial and technical assistance, as well as the trade and migration policy measures, used by the EU and other actors promoting OAO in Ukraine contributed to the higher susceptibility of domestic actors in Ukraine compared to Belarus, but only to an extent which still allows the preservation of rent-seeking and informal decision-making structures. Additionally, the research demonstrated the importance of the intersecting external incentives. Susceptibility to EU efforts can be understood in an appropriate way only by including in the analysis the consequences of the behaviour of other external actors, whether that behaviour is autonomous or in reaction to EU policies. The policies of Russia, China, and others towards the EaP countries form an inseparable part of a causal mechanism explaining domestic susceptibility.

Finally, the type of interdependence with external actors contributes to increased or decreased susceptibility. This is particularly evident in the comparative analysis of energy reforms (or lack of them) in Belarus, which remains strongly dependent on Russia in this sector, and in Ukraine, where the breakdown of former relations with Russia and the re-orientation of energy relations towards the EU created conditions for more significant reforms, especially when supported by important domestic stakeholders. The research also showed how the growing importance of security and stability in the region after 2014 limits the susceptibility of EaP countries towards EU efforts to promote the opening of the social orders domestically. If gatekeeper elites in EaP countries

have the possibility to get support or concessions presenting that as a sign of loyalty and input to European security, susceptibility to OAO related (institutional) reforms decreases significantly.

All in all, the case of Belarus demonstrated that its susceptibility to EU influence is limited in terms of depth and sustainability. The analysis of the changes undertaken in the business environment demonstrated that even few formal changes may be treated as favourable for opening. However, it would be premature to qualify them as irreversible or resulting from EU policies. The combination of a single-pyramid system of limited access and its interaction with external factors other than the EU served as a trigger for these changes. The formal steps towards the liberalisation of conditions for SMEs in Belarus happened because they were seen as contributing to the stabilisation of the existing system.

Moreover, the peculiarities of EU policy towards Belarus made the regime's manoeuvring successful. Having no formalised relationship and without internal consensus on the importance of Belarus, the EU unintentionally facilitated the implementation and legitimisation of the regime's strategy. Since the EU is the main geopolitical alternative to Russia, it was not very costly for Belarus to announce some reforms that matched the EU's ambitions. However, it was Russia's policies as well as the growing economic presence of China, not the EU's strategy, which increased Belarus' formal susceptibility to the EU.

In the case of Ukraine, after 2014 the susceptibility of domestic actors to external pressure generally increased, but varied depending on the external actor and its strategies. The military conflict with Russia led to a breakdown of interdependencies with this country in many spheres. This has reduced the effectiveness of Russia's issue linkage strategies towards Ukraine, at the same time increasing the dependence on the EU.

When comparing the susceptibility of the Ukrainian dominant coalition towards the reforms promoted by the EU and other external actors in the case of the reform of Naftogaz, the relative success of these efforts was related to the fact that it was a demand-driven reform coinciding with the actual needs of gas-sector reform. An important role was played by the Naftogaz management which pushed for the reform internally, although not being part of the dominant coalition, but maintaining a good relationship with the ruling elite. In the case of anti-corruption reform, the minority group represented by the group of civil activists, law enforcement officers and other "enlightened" bureaucrats heavily supported by the EU and the IFIs did not manage to push forward those elements of the reform that would make corrupt practices too risky and unacceptable, due to very strong opposition from the dominant coalitions. Thus, when pressured by external actors, policy makers tended to take the formalistic attitude: i.e. they were imitating reforms when in reality the new laws lacked implementing acts and the new institutions meet systemic resistance.

Thus, our research demonstrated that because of the specific logic of limited access which is the key defining feature of the social orders in EaP countries, the effect of external actors on the opening of social orders is much more complex and requires deeper empirical inquiry into specific sectors. The ignorance of LAO principles during the evaluation of the effectiveness of EU policies towards EaP countries is a significant gap that needs to be eliminated. We have demonstrated that reforms or some political or economic changes in Belarus perceived as a reaction to external pressure should be treated with caution as they

are most probably connected with the nature of the Belarus LAO. The nature of Ukraine's LAO also provides a better understanding of why the reform process was slower than expected, even though the conditions for higher susceptibility seemed much more favourable. This should also make supporters of further transition reforms in Ukraine more realistic in terms of their expectations related to how much and how quickly the newly elected president Zelensky, and the new majority in the Ukrainian parliament elected in 2019, can accomplish in terms of changes which threaten rent-accumulation structures and informal rules forming the basis of a LAO.

Finally, our framework for analysing the susceptibility of domestic actors towards EU incentives can serve as an input to explain other challenges, such as how EU democracy promotion creates unintended effects by strengthening illiberal reforms and coalitions.

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