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SPOTLIGHT ON DEMOCRACY PROMOTION
– ENHANCING THE EUROPEAN NEIGHBOURHOOD POLICY

Abstract:
The effectiveness and implementation of EU promotion of human rights, democracy, good governance and civil society in its immediate neighbourhood.

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SPOTLIGHT ON DEMOCRACY
– ENHANCING THE EUROPEAN NEIGHBOURHOOD POLICY

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INTRODUCTION

The international promotion of democracy and human rights has been moving up the European Union (EU) agenda since the end of the Cold War, gaining weight in the preliminary drafts of what will be the European Neighbourhood Policy (ENP). General plans, bilateral agreements, and especially Country Reports and Action Plans have multiplied the number of references to the political situation in partner countries, calling for increased freedom and democratic reform. Indeed, improved political circumstances concerning not only stability but also freedom and development will prove essential to address economic, security and cultural exchange and partnership in the new institutional framework.

However, EU policies promoting governance, human rights, and democracy have only shown mitigated results: most assessments indicate that the programmes have been helpful, but the overall gloomy picture seems to have remained the same. This may partly be due to the fact that many basic questions have not been addressed in the EU strategy, such as the specificities of and relationship among the economic, political and human rights fields, the originality and value-added of an EU approach, the nature of this delicate international relationship (of a "political donor" and some maybe wary "recipients"), the adequacy of policies to a specific background, and so on. In this paper, I focus on some of these flaws, outline some methodological aspects to improve policy making, and propose some specific suggestions that will hopefully make EU's policies of democracy promotion more effective.

In the first part, I argue that a separation of human rights, democracy, and good governance policies is needed because, though related, they are different, and focus on different objectives: this implies different actions. In the second part, I suggest that EU democratization policy-making becomes better framed by taking into consideration the background where the transition is taking place. I also comment on the often-made criticism of "lack of political will", defending the EU's idealism in promoting democracy, as well as a pragmatic attitude vis-à-vis the unavoidable constraints of international action. In the third part, I assess the "carrot" of EU membership and human rights clauses as two conditionality tools that unfortunately call too much attention without helping the EU strategy much. Finally, I briefly suggest that the EU should focus on two "branches" of democratization, i.e. political institution building and civil society programmes, and work out the more specific policies keeping general objectives in mind.

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1. HUMAN RIGHTS, DEMOCRACY, AND GOOD GOVERNANCE – PROMOTION FOR ONE AND ALL

Policy makers and practitioners promoting democratization may very seldom wonder about the meanings of key elements in their work such as "human rights", "democracy", and "governance". In general, most would agree that they are rather blurry and often contested concepts, but would probably specify that these questions belong to more "theoretical" activities than theirs. However, it is essential to know what is meant by the terms in this political aid *jargon* for two main reasons: firstly, being able to respond adequately to the partners in the reform process regarding fundamental questions of content proves the promoter serious and responsible. Secondly, core definition issues are indispensable to make a strategy coherent and effective [how could we even know whether we are successful or not, otherwise?].

The EU should thus be aware of the objectives of human rights, democracy, and good governance policies, and maintain clear reference points that help orientate policy-making, implementation, and evaluation. Here, I will examine the meaning and role of these different terms in the jargon of democracy promotion used by the EU and many others. These terms are complementary elements of an all-encompassing strategy but, as I will argue, a clear distinction is necessary because they carry a series of connotations regarding, for instance, legal status, economic priorities and political structures.

The EU has only exceptionally sought to clarify the concepts it uses in this regard[1]. It has abided by international standards by and large while also upholding some particularities in its approach. I describe below what can be understood, in the context of EU action, by human rights, democracy, and governance, which could be promoted more successfully if they were well differentiated. I then give a brief appraisal of some examples of operationalisation and measurement of these notions to warn of the implications of these widely used indices.

1.1. <u>Human rights</u>

Regarding human rights, the European Union basically acknowledges the Universal Declaration of Human Rights. The Declaration, as a universal document, is obviously quite general in its content. However, it includes *freedom* (Article 1), also freedom of expression and of assembly, *equality* (Articles 2, 7 and 10), and, in a way, "democratic measures" such as the right to participate in one's government, and the will of the people as basis of government, to be expressed in elections (Article 21). It gives, thus, a broad scope to the promotion of human rights[2]. In addition, since it is universal, this reference grants **legitimacy** to EU action in this field.

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[1] For example, in European Commission, "Democratisation, the Rule of Law, Respect for Human Rights and Good Governance: The Challenges of the Partnership between the European Union and the ACP States", COM(98) 146, 22 March 1998. This document clarified the terms appeared in Article 5 of the fourth Lomé Convention : human rights, democratic principles, good governance, rule of law.

[2] This broad scope has been the basis for many to justify the "universal promotion of democracy". However, although the role of democracy within the United Nations and in international relations in general has widely developed, its international legal status has not been recognized yet and seems difficult to be achieved.

Many following international treaties have been based on the Declaration and constitute a reference for the promotion of human rights. Often, the treaties are ratified by most countries and then have a **legal** status that allows for the enforcement of human rights provisions. This is not the case for most other international interventions, which are deterred by the right to sovereignty. When promoting human rights, the EU can, thus, lawfully defend its position. However, this is not the case regarding democracy or governance more generally: this usefully calls for a distinction among the programmes.

The EU is most cooperative with other institutions promoting human rights, such as stipulated by the United Nations and the Organization for Security and Cooperation in Europe (OSCE). But it has also stressed its **particular approach** by insisting on factors such as the abolition of the death penalty and torture, the protection of minority rights (to a certain extent) and the support of the International Criminal Court.

The EU should then weight how to include the above-mentioned particularities in its own policies more consistently, while supporting the more general goals. Regarding the role the EU can play in human rights promotion, it must support other international actors who are mainly concerned by their protection (denouncing violations, legal defence). As a complement to this protection, the EU can add value by helping to create the favourable conditions for implementation with a more dynamic policy. Purposeful programmes, such as some included in EIDHR, help advance the cause of human rights more successfully and increase EU visibility. This practical focus can also avoid eventual incoherence among international actors and useless multiplication of "condemnations".

1.2. Democracy

The definition and scope of democracy is essentially an open question, regarding both democracy as an *ideal* and as a *realisation*. Without seeking to neither solve this issue nor enter the academic debate, the EU should take a conscious position regarding what it means by the promotion of democracy. The EU has wisely tried not to fix a specific model of democracy in order to avoid an imposing tone and let countries develop their own paths[3]. This openness is especially appreciated in the context of cultural differences with, for instance, the Arab world.

Nevertheless, the EU takes pride in a relatively original, though not uniform, notion of democracy. This refers to, in general, a **European "social" model**, partly rooted in participative democracy and the existence of welfare state provisions. This ideal tends to embrace equality and an ample series of economic and social rights. Regarding its realisation, the EU has long recognized the principle that democracy is "more than elections", and needs a complex system where citizens are empowered and protected by a just distribution of power and, to a certain extent, resources.

One of the components of the democratic system understood this way is the rule of law (itself another unclear term often present in EU rhetoric), which has been high on the

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[3] This has been the case for most agreements signed with non-candidate countries that mention political cooperation. However, the EU was not so open regarding candidate countries, as it defined the political reforms they had to undertake clearly and participated in their implementation rather directly.

democratization agenda. EU plans also count on the creation and maintenance of representative institutions, of a system that would grant economic and social rights, and would imply a wide variety of political actors and a lively civil society. This way, EU internal characteristics would seek their place in international democracy promotion.

However, these notions may be implicit in the EU approach, but its action is not clear or consequent. Socioeconomic aspects have broadly been neglected in the field because they are hard to implement when the partner institutions do not cooperate, but they also come far below on the planned agenda. In order to encourage democracy successfully, the EU must find a coherent way to translate these objectives in the policies adapted to each experience. Since there is no agreement upon a definition of democracy, or international legitimacy or legality for its promotion, the EU strategy must be based on the appeal of these goals to any population and the channels that may possibly be established to foster them. The focus on welfare, bringing wide-ranging populations' needs to the front, should be better worked out.

1.3. <u>Good governance</u>

"Good governance" has come to complement the promotion of human rights and democracy by making reference to the management of public affairs in a clearly economic context. In contrast with human rights and democracy, the EU has clearly defined "governance" in a number of occasions, while acknowledging that there is an **overlap with democracy** and that "the concept extends the aims of democratization into the sphere of resource management" [4]. The fact that the EU has been able to detail objectives and means for this aspect, and pressed for it to be an essential element in agreements (as human rights), but has failed to provide details and strong petitions for the more general goal of democratization, has raised suspicion in the partner countries.

"Governance", much related to the rhetoric of the World Bank and other development agencies, has often been criticized as targeting rather limited reform and aiming to protect foreign economic interests and investment rather than pursuing democratization for the benefit of the country's people. Since good governance conditionality and policies focus, indeed, on **limited aspects of reform** (basically, accountability and transparency within the public administration), if alone, "governance" is definitely not equivalent to democracy, and could actually be compatible with an authoritarian regime.

Nevertheless, according to most international development institutions' findings, good governance makes aid more efficient and enhances economic development. It can be argued that it also advances democracy and the protection of some human rights, and it is thus a positive aspect of EU policies. However, it seems rather a **means** than an overall goal (unlike democracy), and as such it could be placed differently in the EU strategy. This could be done in relation to democracy, but a more pragmatic solution would be to maintain it and

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[4] Op. cit. COM (98) 146, p. 7-9. In this document, there is a two-page long definition stating that "good governance refers to the transparent and accountable management of all a country's resources for its equitable and sustainable economic and social development".

programme it within the field of development, as other questions more linked to political reform are raised at the side.

1.4. **Considerations**

Policy-makers and practitioners alike are familiar with a series of reports that measure the status of a country's human rights, good governance and democracy. A word of caution is necessary regarding these studies that operationalise quantitatively such complex concepts. Indeed, they often mix these notions, or make important assumptions that have relevant consequences. I include an example of the fact that different reports may evaluate things differently in the following table, as the **democracy indicators** elaborated by **Polity IV** and **Freedom House** give different information and sometimes hint at different appraisals.

Table 1. Examples of the results of two different indices measuring democracy, Polity IV and Freedom House (both widely used indices) for the countries included in the European Neighbourhood Policy

COUNTRY (ENP)	Polity IV democracy status, 2003			Freedom House rating 2004		
	Polity	Dem.	Autocr.	Political liberties	Civil rights	Status
Algeria	-3	1	4	6	5	NF
Armenia	5	5	0	5	4	PF
Azerbaijan	-7	0	7	6	5	NF
Belarus	-7	0	7	7	6	NF
Egypt	-6	0	6	6	5	NF
Georgia (significant changes in 2004)	5	5	0	3	4	PF
Israel	10	10	0	1	3	Free
Jordan	-2	2	4	5	4	PF
Lebanon	no data, foreign occupation			6	5	NF
Libya	-7	0	7	7	7	NF
Moldova	8	8	0	3	4	PF
Morocco	-6	0	6	5	4	PF
Russia	7	7	0	6	5	NF
Syria	-7	0	7	7	7	NF
Tunisia	-4	1	5	6	5	NF
Turkey	7	8	1	3	3	PF
Ukraine (significant changes in 2004)	7	7	0	4	3	PF

KEY
<u>Polity IV</u>
"**Polity**", the sum of the two, from –7 (worst autocracy) to 10 (best democracy)
"**Democracy**": from 0 (not) to 10 (very democratic)
"**Autocracy**": from 0 (not) to 7 (very autocratic)

KEY
<u>Freedom House</u>
"**Political liberties**": from 7 (none) to 1 (all)
"**Civil rights**": from 7 (none) to 1 (all)
"**Status**", the average of the two, then distributed in the groups Free / PF(Partly Free) / NF (Not Free)

Surprisingly, these indices arrive at different conclusions, sometimes. For instance, both Moldova and Jordan are equally "Partly Free" for Freedom House; while Polity IV considers the first positively (a "weak democracy") and the second negatively ("a not too bad autocracy"). Often, they also have clear political predispositions, as Freedom House's punishment of Putin's politics and re-election in 2004 with a "Not Free" rate. In addition, the indices are elaborated differently and provide different information, which can actually be useful for specific policy making. For example, regarding Israel, while the more institutional-focused Policy IV gives a top rating, Freedom House indicates that ameliorations are still possible in the field of Civil Liberties[5].

Another example is that of the widely used **World Bank Good Governance indicator**, which includes the following "ingredients": voice and accountability, political stability, government effectiveness, regulatory quality, rule of law, and control of corruption. Many implications are embedded in this method, e.g.: Is political stability necessarily democratic? Does the rule of law not naturally include the control of corruption? In summary, EU policy-makers and practitioners should beware of such a useful tool as governance and democracy indices and pay attention to their implications. These indices may be good approximations, but additional detailed information about a country's situation is always necessary.

Human rights, democracy, good governance, and many other elements worded as "rule of law", "civil society", "civil liberties", or "free media" are definitely important in the policies to be conducted by the EU in its immediate neighbourhood. However, EU policies will remain blurred, and less effective, as long as many of these concepts are confused and mixed. For this reason, I think different strategies should be envisaged for the three.

As I argued above, good governance measures are a means to create better conditions. They would be better placed in the field of development cooperation, enhancing the practical application of aid. It is likely that the promotion of democracy and human rights are currently in the same picture because, traditionally, these have been linked to EU development cooperation. This should change because economic development is a different goal (albeit related) from human rights and democracy.

Human rights, which are universal and enjoy a privileged international legal status, must also be separated from the promotion of democracy. This last one must be undertaken with specific cultural considerations, and by means of careful, conscious projection of values, and the coherent

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[5] Many more comments and detail could be derived from the topic of methodological implications, which has been dealt with in detail elsewhere. It is included here as a simple illustration to foster careful use of democracy indices.

commitment to support those who freely claim them as theirs. Increasing the awareness of the differences among these terms and identifying their implications will thus be crucial to advance a more adequate and successful ENP. The EU must reconsider the connotations of its overall means and goals, and establish and support its strategy in accordance with these principles.

2. CONTEXT AWARENESS AND POLITICAL WILL – ASSERTING ESSENTIAL COMPONENTS

EU International political aid has intensified since the beginning of the 1990s, regarding both the sums invested and the diversity of means used. Undoubtedly, the promotion of human rights and democracy has moved up the agenda of the different spheres of external relations.

However, the policies' outcome seems to have been far from satisfactory. For instance, recent reviews of the Euro-Mediterranean Partnership (Barcelona Process), now ten years old, have raised especially harsh criticisms, as "little, if something, has changed in the South"[6]. EU plans as the Barcelona Process or the TACIS instrument, which have often covered several fields (economic, political and cultural), have shown greater advance in the economic area, as the other fields have been under-planned and underfinanced[7]. In general, serious doubts remain as to the success of EU democratization policies, and thus scepticism surrounds the discourse contained in the new Security Strategy or the ENP. Improving this situation requires, on one hand, more adequate policies that specialise in transition (parallel to the highly developed, well-informed ones fostering economic trade and liberalisation), and, on the other, a stronger political will to reinforce the coherence of the strategy.

The EU can only limitedly influence reform in partner countries, but it can definitely do so more efficiently. In this section, I will overview some general findings of Transition Studies, as these have tried to elucidate the causes and dynamics of democratization. These findings usefully hint at specific questions that should frame the work of the policy-maker in this field.

2.1. Timing and background of the policies

Firstly, policies must be developed taking into consideration the context in which they are implemented: general historical characteristics, incidents, recent trends. Overall, transition is a period of instability, and advances and setbacks are possible; its duration is, in most opinions, unpredictable. Nevertheless, scholars have been able to differentiate **phases**, and point at decisive events of the transition process. Roughly, these phases consist of 1) the *opening* of an authoritarian regime, 2) the *change* towards a democratic one, and 3) the *consolidation* of the new system. Among the **crucial moments** in a transition, we can identify, for instance, public

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[6] See, for example, the position paper of the Euro-Mediterranean Human Rights Network on *Barcelona + 10 and Human Rights*, 1 March 2005. Available at http://www.euromedrights.net [Accessed 3 April 2005].

[7] This seems, again, the case for the EU Euro-Mediterranean Partnership plans in the recent Communication from the Commission to the Council and the European Parliament, *Tenth Anniversary of the Euro-Mediterranean Partnership: A Programme to meet the Challenges of the Next Five Years*, Brussels, 14.4.2005 [Euromed Report No. 89], where the economic strategy is far more substantial and detailed than "advancing human rights and democracy" or any other objective in the work programme. Democratization is again mystified under a still undefined "Democracy Facility".

mobilisations, the overthrow of a government, the death of a dictator, and fraudulent elections. The policy-maker should remain attentive to these signs, as well as to the stage of the transition process that the country is at[8]. The possibilities and efficiency of the democratization policies depend on this time factor.

Some examples of policies for Phase 1) would be international "free" radio *broadcasting* (considered an important factor for the transition in ex-communist countries), or international *political party support* (which helped Spanish socialists to build up democratic opposition, even if only Franco's death triggered the institutional changes). In Phase 2), international *assistance to draft* constitutions and legal reforms in many countries is important, as well as *electoral assistance* (witness many current European initiatives). Finally, while not many policies have targeted Phase 3), enhancing *associational* life, ameliorating the conditions and participation of *disadvantaged groups* (minorities, women), or safeguarding and putting into practice rights can only benefit the consolidation and good health of a democracy (as well as, probably, contribute to the opening in Phase 1). Indeed, many policies can prove useful at different stages, depending on the background, though some generalisations can also be made as to when a programme would be hopeless, or most adequate. *Conflict resolution* should also be part of democratization policies' overall goals and prerequisites for institutional advance throughout the process.

The **background** will be, then, the second main element to consider in order to maximize an action's effectiveness. By and large, I am making reference to the political, economic, social, and cultural context. With such a broad scope, that is however key for a fair analysis, our examination can be question-driven in order to facilitate posterior policy drafting. Questionnaires should be developed for each geographical area and country. The questions could include, for example[9]:

- **Political** background.
  Which are the democratic-prone forces ("progressist" incumbents, dissidents, parties, civil mobilisation)? Which are the main autocratic forces (military, factions)? Who are the incumbents (what is their history and source of legitimacy)? Is there violent conflict (internal or external)? How is the state structure?…

- **Economic** background.
  How is the economic situation, what are the key factors? Is there opportunity, distribution? What kind of economic system is there and what could be its prospects (comparative advantages, human development)?…

- **Social** background.

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[8] To a certain extent, it is artificial to divide "transition to democracy" in stages, because it can best be understood as a continuum, and probably as an open-ended process, because democracy can always be improved (also, of course, within the EU). However, I am defending here this schematic division for the sake of making policies of political aid more efficient: the actions should aim at influencing the process at one specific point, and then evolve.
[9] I give here some examples of questions that could be useful in questionnaires. These should be elaborated specifically for each case. The purpose of achieving this qualitative specificity is to enhance the potential role that partner countries can play: depending on the situation, actors, main difficulties, etc. the policies will highlight special needs as well as identify interlocutors and cooperative parties in the transition process.

How is society organised (class, gender, role, ethnic)? Are there major divisions, inequalities, or clashes? Is there organized political participation and socio-political actors and channels? …

- **Cultural** background.

What is the role of democracy in public consciousness and traditions? Is religion(s) an important drive, and how? What are the level and organization of education? Are there strong international links (language, religion, traditions) and ofwhat kind? What is the role of the media?…

With such qualitative analysis, the background's description can vary greatly, and the implications will be very different. For this reason, it is difficult to generate a model to make the transition of a country succeed. Indeed, many factors can affect the effectiveness of democratization policies, such as the level of openness of the previous regime, sensitivity to international "contagion", existing conflicts, mass mobilisation, the economic situation, or the democratization of elites. Unfortunately, there is no consensus as to which ones would invariably lead to a successful transition and consolidation of democracy, and that is why area and individual analysis is needed.

One example of background analysis is that of Diamond and Linz's, who settled on a series of aspects to guide their analysis of transition:

Table 2. Sources of democratic progress and failure [according to transition studies scholars Larry Diamond and Juan J. Linz[10]]

- Historical legacies, paths, and sequences
- State structure and strength (decentralisation, role of the military)
- Political institutions (political parties and party system, constitutional structure)
- Political leadership
- Political culture
- Socioeconomic development and economic performance
- Inequality, class, and other cleavages
- Civil society and associational life
- International factors

In their analysis of different cases, these academic experts followed these paragraphs as factors explaining the kind of transition and its success, and all seem important to understand and favour democratization. However, in my opinion, it would be artificial to determine a formula from any categories or combinations about these elements. Curiously enough, this framework indicates that international factors are only one of the multiple ones affecting the outcome, i.e. that their influence is limited. However, in its strategy, the EU can seek to improve each of the other elements and thus favour democratization further.

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[10] Taken from Larry Diamond, Jonathan Hartlyn and Juan Linz, "Politics, Society and Democracy in Latin America", in *Democracy in Developing Countries - Latin America*, 2nd ed. Boulder: Rienner, 1999, p. 1-70

In summary, general features and specificities will be key to identify the needs of a country in transition, as well as the potential efficiency of any action. The EU should thus develop a framework focused on transition questions to assess the background of ENP countries. Country Reports and Action Plans, following this philosophy in the last times, have been a good contribution in this respect. However, further work is needed for the systematization of these analyses with a focus on transition-relevant elements, together with the inclusion of the temporal dimension of transition (phases) described above. The policies will then be derived from, and understood within this background.

2.2. <u>Political will</u>

Many of the criticisms addressed at the EU's promotion of democracy and human rights have focused on the limitations of funding and the overwhelming bureaucratic demands that make the application of the policies very difficult, but the most fierce accusations have probably regarded the EU's lack of political will[11]. Analysts have shown their dissatisfaction vis-à-vis the EU's double standards, incoherent policies, and the wide gap between rhetoric at the diplomatic level and practices in the field.

I agree on highlighting the importance of a clear and strong political will to increase the effectiveness of policies, because it is not only a theoretical fancy, but a real problem posed by the EU approach. Indeed, the EU's inconsistency and hypocrisy severely undermine its strategy's potential success, and little is being done to repair this trend.

However, most criticisms have not addressed the fact that there is no straightforward solution to this problem, because foreign policy is made of **a mix of "ideals" and "realist interests"**, and the simplistic suggestions sometimes found in reports (asserting, for instance, "stop inconsistencies"), are naive. In this sense, I believe that both the EU and its critics should accept the complex duality that the EU does promote democracy and human rights out of genuine, sincere values, while it is also constraint by the pragmatism of self-centred goals such as economic advantage, security, and influence.

The dichotomy is partly solved by the approach that considers that the promotion of democracy and human rights is both something good by itself (and as such, morally convenient) as well as in the EU's interest regarding stability and security, economic exchange, immigration problems, and so on. I agree with this approach, but unfortunately it does not solve the tensions that policies generate in the field, because it does not inhibit the mistrust on the side of the receptors, rather the opposite. The suspicion voices often bring up the argument of neo-colonialism, which the EU tries to avoid dearly[12]. It is this mistrust and

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[11] I will not go into details regarding these criticisms, as they have been widely considered in the writings of Richard Youngs, Gordon Crawford, Rosa Balfour, Dorothée Schmid, Richard Gillespie, Esther Barbé, and many others. Different research and policy papers have been made available by think tanks such as Centre for European Policy Studies, Centre for European Reform, Notre Europe, and EuroMesCo, many of them available through the European Policy Institutes Network.

[12] The EU finds itself trapped between the image of neo-colonialism, tied to the "heritage" ex-colonial powers (main EU decision-makers in foreign policy), and a renewed image of independent institution that can overcome the past of its members and guide its international action with democratic values. This complex issue is at the heart of the EU's

eventual accusations that endanger the effectiveness of the policies, because the EU, as well as other international actors, loses legitimacy and appreciation in the field. The policies may then backfire as a rejection of foreign, interested imposition.

A few considerations could be useful to start working this problem out, such as careful changes in the **rhetoric**, differentiation of **tasks** among involved actors and **coordination** among them, avoiding contradictions. This would imply, firstly, that European diplomacy becomes more mindful and responsible in its discourse, in order to avoid hypocrisy and "empty shells", while assuming the important responsibility of bringing democracy and human rights issues up on the agenda. This concerns both the EU (especially the Council, European Council, and Presidency) and member states' representatives. Secondly, if the competences are distributed more accurately within the EU (member states, Commission, Common Foreign and Security Policy, European Parliament, country Delegations…), it will become more understandable in the field that some have as purpose to assure, for example, security cooperation, while others focus on international energy-provision agreements, and others on the empowerment of women in politics. Finally, a centred coordination of the political actions would have as a main task to avoid blatant contradictions and counterproductive plans.

Predictably, there is always room for other, non-democratizing, interested parties to continue EU vilification in the field. In order to avoid misinterpretations of its democracy programmes, the EU must also improve its transparency and visibility showing partnership, cooperation, and genuine interest on political reform.

In brief, a stronger, more efficient EU political will is to a certain extent a matter of juggling: overcome the accusation of neo-colonial interests (and giving up on these, when they still weight), yet consider pragmatic advantages, while living up to its ethical principles. In practice, it also depends on the earnest motivation of all actors and an amelioration of EU internal functioning, particularly enhancing foreign policy capabilities. But compromise and commitment should be possible in an area such as the promotion of democracy and human rights, the importance of which all acknowledge, and which could, in the medium term, reinforce common EU action in foreign affairs.

3. SAMPLE TOOLS AND GENERAL MEANS – ASSESSING AND IMPROVING EFFICIENCY

In this section, I will review some of the types of action used by the EU to promote governance, democracy and human rights, describing their relevance, assessing their success or failure, as well as the intrinsic difficulties of their application. After some general observations about conditionality, I will go on to comment on the "carrot" of potential EU membership, and the democracy and human right clauses. Then, I will comment on instruments targeting, on one hand, institution-building, and, on the other, civil society's participation. These should be the main general objectives of the EU strategy to promote democratization, and could be considered the core of a wide-ranging EU toolbox.

"identity-formation" process. For the purpose of international democracy promotion, the EU should try to avoid a paternalist, neo-colonial attitude by emphasizing overall partnership and the programmes' transparency.

In the past years, and partly because of the influence of International Monetary Fund programming, many national development offices and international institutions have included **conditionality** in their policies. The EU has also made its aid conditional, trying to foster good governance by setting macroeconomic policies and others (political reform included) as conditions to obtain aid. This dynamics has been widespread and continues in development aid – witness one of the last American initiatives, the Millennium Challenge Account. However, opposition voices fighting for a change of dynamics are winning some important battles, such as a recently confirmed change of United Kingdom's policies, where conditionality had been questioned for some time now[13].

Indeed, development experts and international NGOs have often opposed the application of conditionality, claiming that it emphasizes the "domination" on the side of the donor and harms its perception in the target country. They also argue that the eventual sanctions affect mainly the suffering population. Another, perhaps the strongest, criticism, is that conditionality leaves room for double standards and inconsistent application upon political will. In general, conditionality's efficiency is uncertain, as reform is mostly motivated by internal drives, and not international conditions. It has also been argued that good governance measures do not necessarily lead to substantive political change, so their success is limited. Stricter human rights and democracy conditionality is usually less implemented. And even in cases where it seems to have worked, such as in the EU accession period, this method has been criticized as "imposing", and undermining the partnership tone of the strategies. For all these reasons, conditionality's role in EU's policies should be reduced.

3.1. <u>The "carrot" of potential EU membership</u>

Many have argued that the "carrot" of potential EU membership has been the only really successful tool fostering economic and political reform, witness the democratization of Southern European countries (Greece, Portugal, Spain) and of more recent Eastern, post-communist countries, including Romania and Bulgaria, which are "on their way". The influence of this logique on EU promotion of democracy policy-making is remarkable, perpetuating the conditionality philosophy. Some policy makers seem to be dramatically wondering "what to offer instead of the candidacy carrot"[14], and worrying that nothing else could work, as any substitute would be ludicrous. This logique needs to stop driving EU policies.

On one side, focusing on democratization, it would seem that the importance of this factor, as well as its success, may be somewhat exaggerated. In spite of the undeniable influence on the orientation and rhythm of reform, the causes that favoured these countries' transition are diverse, including previous democratic experience, the determination of national elites, and public support of change. In addition, "EU magic" may not have been that magic, as many

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[13] United Kingdom DFID Department for International Development, *Partnerships for poverty reduction: changing aid "conditionality",* September 2004. NGOs have celebrated recent declarations from DFID confirming a change of policy along these lines.
[14] For instance, President Prodi's "everything but the institutions", found in several speeches.

experts affirm that further democratic advance and consolidation of democracy is still necessary in some of these new member states, even if this is hardly uttered in official records.

On the other side, while it is true that membership is a pull for current candidates (e.g. Turkey) or may become a stronger one for potential ones in the neighbourhood (e.g. Ukraine or Moldova), it does more harm than good vis-à-vis other neighbours. In general, the thinking is inappropriate, as it presupposes that the only interest in reforming is to become a member of the European Union. The real arguments for reform should gain ground, i.e., that human rights are universal, that democracy is acknowledged as a good (or the least bad) system of political organization and rule, and that economic prosperity is beneficial for anyone and all. Furthermore, other actions can definitely prove successful in promoting democracy and human rights, as long as the EU strategy is enhanced.

3.2. <u>Human rights and democracy clauses</u>

Drawing directly upon the philosophy of conditionality, one of the EU most generalised tools is the inclusion of human rights and democracy clauses in its agreements with partner states. These are currently present in most trade and development cooperation agreements and maintained or envisaged in bilateral agreements within the ENP.

These clauses are praised because they constitute a legal instrument, subject to implementation, and can be invoked lawfully. While, in theory, this clearly represents an advance for the cause and could protect the people, the fact is that they are not implemented and, thus, they do not work.

Piccone has offered some suggestions to make democracy clauses more efficient, such as defining a timely threat and escalating measures that could deter coups or erosions of democratic rule. He insists on detailing benchmarks and on introducing independent monitoring of progress, as well as on the globalisation of this method under the auspices of the Community of Democracies [an organization created upon American initiative and led by Piccone himself][15]. More generally, critics have simply called for a more coherent implementation of the human rights and democracy clauses.

I agree with these opinions affirming that the non-application is the main problem of the clauses. However, I think that they are intrinsically inefficient for two reasons. Firstly, they depend on an illusory evaluation of political will that does not evaluate foreign policy dynamics realistically: even if the role of ethics is more important nowadays, foreign policy functioning is twofold and not obvious to reconcile (ideals and interests, principles and means). Conditionality's implementation is thus practically bound to be inconsistent (witness EU relations with China or Russia vs. Burma or Congo). Secondly, the clauses draw on the faulted consideration that conditionality is always a positive means, while it may punish the population or leave the situation unchanged. Both problems have been briefly commented upon above (2.2. and 3.). For these reasons, in my opinion, human rights and democracy

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[15] Theodore J. Piccone, *International Mechanisms for Protecting Democracy*. Washington, D.C.: Democracy Coalition Project, 2004. Available at http://www.demcoalition.org/pdf/Protecting_Democracy_Piccone.pdf [accessed 29 March 2005].

clauses should lose their protagonist role in EU strategy, as they are likely to remain declaratory, and need to be complemented by more influential, applicable tools.

3.3. <u>Political institution building</u>

I am grouping here a series of tools that have as objective to establish and improve political structures so that human rights and democratic opportunities can be granted. State-building measures and the reinforcement of democratic principles, described below, refer to a strengthening of the democratic framework, which is much needed as a basis for democratic routines. Unfortunately, they have been rather neglected by democracy promotion strategies, partly because of the focus on economic deconstruction and on the limited goals in the field. As a consequence, when the framework and basis are shaky, the measures in the third group, targeting democratic functioning, can only be of limited success. Again, different policies should be outlined within these three broad headings according to each country's context.

- **State-building measures.**
These aim at establishing a general structure based on representation, and on accountability as the mechanism granting that politics intend to benefit the people. This is especially needed in the so-called "weak states" (very different from strong but malfunctioning -undemocratic- ones), which are not favoured by the state-diminishing (limiting, controlling) measures promoted in many economic reform plans. Basic allegiances between the future democratic institutions and the population should be (re)established, reinforcing the states' capability to grant basic rights and services.

- **Tools to reinforce democratic principles**.
These include assistance in the drafting of constitutions and basic legislation, fostering the separation of powers, and the rule of law. The Council of Europe's Venice Commission's expertise on this field has proved very valuable for some ENP countries (Ukraine, Moldova). Similar expert advice and training, within a multilateral forum, is desirable for other regions and could be envisaged within the Barcelona Process. Programmes should be developed in international forums considering different ways of adjusting traditions and culture to democratic mechanisms[16].

- **Tools to reinforce democratic functioning**.
These are the more practical instruments of the "top-down" approach, to be adapted to the needs of a specific context, including:
Election assistance and observation. Even if they do not constitute democracy by themselves, elections and their quality (free, plural) should not be underestimated in the democratization strategy. This factor is still essential in most EU neighbour countries.

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[16] An often-mentioned example is the inclusion of charia (Islamic law) within a democratic rule of law. Research on the relationship between Islam and democracy has developed enormously in the past years: the findings not only indicate their compatibility, but tend to criticize the instrumentalisation of the religious argument to avoid democratization. The Universal Declaration of Human Rights, widely agreed upon, and the Arab Charter on Human Rights and Tunis Declaration of the 16th Arab Summit provide a new backdrop for democratization policies. The EU and other international donors should also follow upon the ongoing debate within religious and intellectual forums regarding a moratorium on the application of charia and correspondingly inform its democratization policies.

Support of the political party system. Parties constitute an efficient, peaceful means to translate popular opinions into policies. Policies should aim at co-opting them in the transition process, enhancing their role as democratic actors, making them more operational in the system (adherence to democratic principles, role of opposition, possibilities of campaigning).

Political elite training. Training should be made available, at will, for representatives (local, regional, national institutions) facing how to use "new" mechanisms in their hands to influence policies and their implementation, without losing contact with their constituencies. Similar programmes should be available for judges and administrative personnel. Exchanges and international forums, again, could help set favourable conditions of "impartiality" and allow for owned, adapted programmes.

Probably, political institution building faces the problem of respecting the country's *sovereignty* more directly than other measures. The EU should respect **non-interventionist** policies, respecting international law, and be confident in the universal attraction of human rights and democratic politics[17]. As it has happened throughout history, it is likely that reforming countries imitate paths and methods followed by other populations and other political elites, and as long as they can remain their own (and are possibly adapted), they will be considered legitimate and become more successful.

Another difficulty has been that international influence at this level is hard to channel and to implement without raising the *"cultural imposition"* tone of the policies. In this sense, the EU can only work to ease the tensions in the current international environment, that go from popular distrust to outright conflict (terrorism), in particular vis-à-vis some Islamic countries. But, more generally, and in order to avoid accusations of neo-colonialism, the EU should boost inclusive **multilateral** bodies where programmes can be drafted and validated in a **"non-partisan" international way**. The role of "democracy promotion bodies" such as International IDEA, the German foundations, the National Endowment for Democracy, etc. can be a positive contribution in this regard, but the cooperation should be studied and decided upon consciously so as to acknowledge EU principles and guidelines.

Finally, on a more practical line, the issue of *corruption* rises as a major problem, generalised for many of the plans. The situation is discouraging, with multiple factors (including international bodies, enterprises, individuals) helping to perpetuate it. The EU should remain **vigilant** regarding its own action, as well as support and strengthen the international efforts to fight this endemic problem at all levels. Regarding the specific programmes, special care should be put in the implementation stage, in order to minimize the risks and damages of corruption.

3.4. <u>Civil society programmes</u>

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[17] The creation of the Euro-Mediterranean Parliamentary Assembly is especially welcome in this sense. ENP political partnership structures' special contribution should be to serve as forum that allows for conflictive situations and opposition voices to be raised in a freer manner than within Political Dialogues. The Parliamentary Assembly of the Council of Europe already witnesses such discussions, e.g. regarding the situation in Abkhazia, Georgia.

In a complementary way, EU policies should continue to focus on civil society, especially since most assessments consider the programmes in the field as relatively successful. Here again, we confront a blurry definition of "civil society", which, in policy implementation, has sometimes led to the unfortunate exclusion of some recipients (e.g. religious groups) and the inclusion of others (e.g. "artificial" or too foreign NGOs). Both kinds of situation have been criticized, but these critiques, though useful case-studies, can hardly lead to fair generalisations about religious groups, NGOs, and other. Again, the background must help to differentiate the cases and make the most adequate decisions.

Probably, and in the light of the EU's rather reduced notion of "civil society", the most suitable option is to maintain a **broad definition** of the population to be involved by the policies, referring to any sector other than the governmental[18]. In my opinion, the EU should consider "civil society" as a **participation- and goal-oriented** concept, aiming to interact and partly influence political life, though remaining distinct from this (regarding composition and functioning). In fact, the objective of "enhancing civil society" is to promote participation and interest, i.e. a direct link between democracy and the people.

In order to avoid inopportune partners, or include those desirable ones who are often excluded from the grants because of their size or other formalisms, the EU should **inform the process** of grant allocation further. It could partly invest on its own research and assessments of NGOs and other civil partners working on democratization in different regions. It should also beware of the networking going on in human rights, or media coverage, evaluating the quality and potential contribution of these partners. Since activism varies and develops differently, in interplay among national and international elements, the EU should, on one hand, support the democratic-oriented groups or associations that exist in the countries concerned, co-opting the reform-oriented ones, as well as, on the other, assist in the creation and reinforcement of new domains of advocacy and militancy the way it already does (e.g. regarding women's rights).

A wider diversity of programmes has proved necessary to strengthen civil society, including those under the label of "civic education", that aim at raising **individual awareness and participation** in social and political life, which is crucial for democracy and a necessary complement to associational civil society. This advances are tied unavoidably to a general improvement of education levels an opportunities, including higher education and research.

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[18] The notion of civil society remains contested also in democratic countries. For instance, there is disagreement as to whether labour unions, or lobbies, do or do not belong to it, because they are often "politicized" and civil society should be, according to some opinions, a-political.

POLICY RECOMMENDATIONS

In this paper, I have tried to illustrate some basic issues that the EU needs to address in order to improve the efficiency of its policies promoting democracy and human rights. I have raised the need to clarify conceptual questions, to strengthen the strategy's philosophy (by abandoning the focus on conditionality) and to set some basic parameters as advanced by the expert study of transition processes. Some general suggestions to increase the policies' efficiency include:

- Facilitate **favourable pre-conditions** for the promotion of democracy and human rights, including conflict resolution, minimum living standards (economic situation), and education.

- Set **general policy guidelines**, defining principles, specifying the objectives targeted, and **separating the fields** of economic development, human rights, and democratization. **Side issues** that must be treated in partnership, such as security cooperation (specifically, counter-terrorism measures) and migration, should not be mixed in the democratization strategy randomly. The links among all these questions should be taken into consideration, but successful policies require their differentiation.

- Include the **specific objectives** (legal reform, private-sector enhancement, public services amelioration, protection of minorities, improved representation, etc.) **within a framework** (institution building, civil society, etc.), and make the programmes relate to the objectives and the framework. This will improve the efficiency of implementation as well as evaluation and redrafting of subsequent policies.

- **Maximize the potential of the different actors** that can be involved in the process, both on the **EU side** (Council, Commission, Delegations, European Parliament, member states' institutions) and on the **partner side** (partner countries' institutions, and field-workers such as NGOs, democracy promotion bodies, etc.) by exploring the comparative advantages of each, enhancing partnership, and making actions complementary.

In any case, further research is needed in order to develop detailed frameworks of transition analysis that can hint at specific policies for a specific background. It is also desirable that the EU agrees on some principles and originalities of its approach, and expresses them in guidelines that can serve as reference for policy-makers and field practitioners. The United States' development office USAID, for instance, has long produced documents regarding principles and policy-implementation, which have succeeded to become a reference when not to directly influence many of the trends of the promotion of democracy and human rights.

Finally, the promotion of democracy must be understood under the general framework of European Union external relations. Improving the efficiency and capabilities of EU foreign policy-making should also upgrade its democracy promotion strategy. Member states and EU internal discussions should lead to a stronger, shared approach of democracy promotion. EU democracy promotion, in turn, will also contribute to reinforce EU external action with a

dynamics of goal-oriented policies and constructive teamwork (of policy-making and implementation) that could be emulated for different fields of action later on.

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