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Promoting Democracy and the Rule of Law

American and European Strategies

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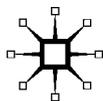
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Foreword

Richard Morningstar

Former United States Ambassador to the European Union

Democracy ranks high in the value systems of Americans and Europeans alike. Democracy is the bedrock of our respective political systems. What is less clear is when the United States and Europe should take steps as external actors to promote democracy in third countries. The United States and the member states of the European Union are at the very core of the liberal international order. We sometimes work at cross purposes but we are indispensable – together and apart – to the continued flourishing of social, economic and political freedom around the world. We struggle to design, deliver, monitor and evaluate democracy promotion programs, but without our combined efforts there would be a near total vacuum in this international field. For these reasons we need to discuss issues relating to democracy promotion in a systematic fashion.

This volume represents the first comprehensive effort to examine from a critical, analytical standpoint, American and European approaches to democracy promotion in different regions of the globe – from the Middle East and North Africa, to Southeast Asia, and from Latin America to the Caucasus. It successfully, in my view, compares and contrasts the modalities Americans and Europeans employ to promote democracy in different parts of the world, their philosophies, motivations and instruments. Such a comparison is critical, if we are to move away from platitudes, towards a serious, fact-based transatlantic dialogue about democracy promotion.

Democracy promotion became increasingly important in the lexicon of policymakers following the fall of the Iron Curtain and the collapse of the Soviet Union. Politicians on both sides of the Atlantic put tremendous pressure on their respective governments to help create market democracies in the former Communist states. We learned quickly that achieving democracy takes much more than waving a magic wand and our efforts were met with mixed success at best. The greatest success, of course, came in Central and Eastern Europe where the incentive of accession to the European Union had a major effect in transforming the candidates for accession. The experience in Central and Eastern Europe leaves open the question as to whether democracy promotion

can be successful in the absence of enormous incentives and a large-scale supranational structure to “lock in” democratic gains within a regional (or even global) system of economic and political integration. That question will be discussed throughout this volume.

Democracy promotion took on new meaning after 9/11 and the invasions of Afghanistan and Iraq. “Regime Change” became a favored term within the Bush Administration. By succeeding in Iraq, we would create a whole new Middle East comprised of democratic nations. As Michael Ignatiev, former professor at Harvard’s Kennedy School commented during informal lectures, this might be considered the “pulverization” theory of democracy promotion. This worked in Germany and Japan after the Second World War. The Middle East would be another story.

The critical point from a policy-making standpoint is that democracy and democracy promotion are multifaceted concepts that are difficult to define and often difficult to agree on. Understanding how democratization actually happens is even more complicated. There are many unanswered questions. This volume examines these questions and attempts to give answers. From that standpoint the volume is invaluable to policymakers on both sides of the Atlantic and beyond, as well as to multilateral development agencies – like the UN and the World Bank – and international NGOs, who now and in the future must think through what they are trying to do and the consequences of their actions.

Perhaps the most basic question that policymakers must consider is, What is democracy? What constitutes democracy? Does the definition depend on the particular country involved? Certainly democracy is more than free and competitive elections. Free elections are a component of democracy but not the only one. For example, with the Palestinian election of Hamas, we learned to be careful what we wish for. This volume will look at what we mean by democratic process, substance, and quality. As both Europeans and Americans appreciate more and more, rule of law and good governance are the key elements of democratic quality, and necessary ingredients of sustainable democratic development. Some think that because of the Bush Administration’s emphasis on regime change, a rift has developed between the US and Europe with respect to democracy promotion. It is a myth, however, to think that American policymakers and thought leaders do not recognize the importance of rule of law and good governance. These elements have been key aspects of US democracy promotion efforts, particularly in former Communist countries. At the same time it is a myth that Europe relies solely on soft power and emulation of the European model to

promote democracy. Europe is increasingly combining civilian and military power to achieve democratic goals; the Balkans being a prime example.

Another critical issue facing policymakers is whether democracy promotion should take a “top-down” or a “bottom-up” approach. Are both approaches necessary? When is a top-down approach achievable? Are there instances when policymakers should take a longer-term view, recognizing that democratic transformation can take a generation or longer? Will on the ground programs such as assisting NGOs and independent media, working with political parties and emphasizing exchange programs create meaningful change over the longer term? Exchange programs have been especially successful in this regard. For example, thousands of young high-school and college students from the former Soviet Union have studied in the United States. Each of these students returns to his or her respective country, usually with positive views of the United States and democratic values. They influence their family, friends and later co-workers. There is a clear multiplier effect.

Europe has been criticized for taking too much of a top-down government to government approach. Is this a fair criticism, or do Europeans practice extensive bottom-up strategies to promote democratization too? Where differences in philosophy and tactics do exist – and the chapters in this volume show that they do – what are the causes of such differences, and how far do they matter in practice? Only by gaining a better grip on these questions can we conduct a responsible, well-grounded transatlantic dialogue about the challenges of spreading the universal promise of freedom.

When considering the top-down approach, it is necessary to consider what conditions are necessary to achieve success. Again this volume analyzes these issues. The most successful example of democracy promotion has been in connection with European Union enlargement. The huge “carrot” of accession to the European Union, with defined requirements and defined goals, was arguably the primary factor that led to successful transformation. Can democracy promotion be successful when incentives are smaller or less immediate? Does NATO membership or OSCE membership create sufficient incentives? Will the European Neighbourhood Policy, which seeks to learn from the enlargement experience and reward progress on rule of law and good governance with closer association with the European Union, provide sufficient incentives?

The broader question lurking here for both Europeans and Americans is whether conditionality works? The US Millennium Challenge Account has

had some success in conditioning assistance on progress with democratic reforms. Imposing conditionality on assistance can be difficult. During recent years many have argued that conditionality should be imposed on assistance to Bosnia. The counter-argument has been that if conditionality were imposed, the fragile Bosnian government could fall apart. Another example involves Ukraine. During the 1990s the United States Congress conditioned assistance to the government of Ukraine on the Secretary of State certifying that Ukraine had made sufficient progress in achieving reforms and had made progress in resolving trade disputes with American companies. The Secretary made the necessary certifications under tremendous pressure, because to deny the certification and withdraw assistance would have had an extremely negative effect on the critical overall relations with Ukraine. Conditionality is a critical issue that policymakers will increasingly face across a multitude of international issue areas – from democracy and human rights, to security reform, to climate change. The lessons of conditionality in the area of democracy promotion, therefore, carry importance to other critical fields.

Another major issue is how to measure a country's capacity for democratic reform. Democracy promotion is impossible if a country does not have the capacity to effectively make and implement change. Are there change agents with sufficient influence to bring about change? Do change agents have greater influence than those whose self-interest would lead them to oppose reform? Do the incentives and other benefits of change outweigh the costs of adaptation? In the EU case, for example, the benefits of accession to the EU far outweighed the costs of democratic transformation, but only in countries that were already fledgling electoral democracies in the first place. The golden carrot of EU membership holds no attraction to autocrats such as Belarus's Lukashenko.

Further the United States and Europe must have credibility to be successful in promoting democracy. For enlargement and democratic reform to have been successful, it was necessary for the accession countries to have had the desire to be a part of Europe and to emulate European ideals. Countries must also desire the respectability of becoming a democracy. A counter-example is the experience of the United States in the Middle East. For many reasons, not all of its own doing, the United States has little credibility in many Middle Eastern countries, which makes democracy promotion efforts very difficult. Only when citizens of those countries feel that the United States is worthy of emulation and that they are being treated with respect and dignity can democracy promotion efforts be successful.

Another major issue discussed in this volume and which policymakers must address is monitoring the effectiveness of democratic reform. It is one thing to adopt necessary legislation and still another for that legislation to be internalized and implemented. Those opposing change may seek to continue to get away with as much as possible and resist implementation of new legislation. In other situations, what levers do the United States and Europe have to make sure that legislation is successfully implemented? Is this where conditionality can play a role? Are monitoring and reporting mechanisms sufficient? Does the overall nature of the particular bilateral relationship create enough leverage to force compliance? Can “naming and shaming” work?

An important area examined in this volume which policymakers must consider is what vehicles of democracy promotion work and what do not. How should the US and EU measure the efficacy of democracy promotion programs? For example, should exchange programs be evaluated by the number of participants they reach (an input measure) or by changes taking place as a result in a particular country (output measures)? How does one measure change if one looks at democratic change as a long-term process? With respect to programs designed to help countries enact specific legislation, does one measure success by adoption or by internalization and implementation which are difficult to measure?

Still another issue is, How should Americans and Europeans organize their democracy promotion activities? With regard to the US, should democracy promotion activities be coordinated by the White House, the State Department or a new department responsible for democracy promotion? What should be the role of Congress? Or the Pentagon? Or other departments, such as the Justice Department? Alternatively, should the US government get out of the democracy promotion “game” altogether, by providing grants to semi-independent foundations, such as the National Endowment for Democracy (NED), party foundations (like NDI and IRI) or even purely independent, civil society and private organizations? And with what oversight? Likewise in Europe, how should member state activities be coordinated with those of the European Commission and Parliament? How should responsibilities be divided between the Council and External Relations and Development directorates?

By examining the issues outlined above, this volume helps policymakers address future scenarios. How should the United States and Europe deal with emerging challenges in all parts of the world – from Iran and Pakistan, to Russia, Venezuela and Cuba? How do we deal with democratic fragility in countries as disparate as Kenya, Thailand, or Russia?

How should democracy issues be addressed in an increasingly multi-polar or even non-polar world where cross-border movements can have such an enormous influence on individual countries? How should policies be developed to address these new situations? What coordination mechanisms can the United States and Europe put in place to avoid duplication and maximize consistent policies? It is clear that transatlantic policymakers and academic thinkers must be brought together to work through these issues and to help establish an integrated, coordinated policy. This volume cannot, indeed it should not, provide conclusive answers to all these questions. Instead, it represents an excellent beginning to a critical conversation that will shape transatlantic relations, and the world at large, for decades to come.

Note

Ambassador Richard Morningstar contributed to this book before joining the Obama Administration in January 2009. The views reflected in this publication are his alone and do not necessarily represent or reflect U.S. Government policy.

Acknowledgments

This volume presents the first results from an ongoing cooperation between the Center on Democracy, Development and the Rule of Law (CDDRL) at Stanford University and the Collaborative Research Center (*Sonderforschungsbereich 700*) 'Governance in Areas of Limited Statehood' at the Freie Universität Berlin, Germany. The three of us, as well as Tanja Börzel, Stephen Krasner, Richard Youngs and Christoph Zürcher, decided to join forces in order to systematically investigate external efforts at democracy promotion in liberalizing, consolidating and post-conflict countries. When we started our endeavour, we noticed that we had little idea about the democracy promotion strategies and policies of two of the most important actors in this business, namely the United States and the European Union (EU). When this project began, it was more or less conventional wisdom that the US and the EU pursued hugely different strategies. In short, the US uses 'hard power' including military force to change regimes, while the EU concentrates on 'soft power' and persuasion. We thought from the beginning that this caricature of US and EU differences was widely off the mark and that we needed a much more finely tuned analysis.

Our joint project was incubated in Berlin, Brussels, Madrid and Boston, and finally brought to completion back in California. It is a truly transatlantic progeny, the upbringing of which entailed the accruing of numerous debts of gratitude, spanning at least two continents. Stephen Krasner and Thomas Risse developed the first ideas over dinner in Berlin in early 2004. They then endorsed Amichai Magen's idea of a comparative study into the way Americans and Europeans think about democracy promotion and go about pursuing it in their respective foreign policies. It was Steve's early support that launched the study through the funding and organization of an initial workshop on the topic held at Stanford in October 2004. In this connection, we would like to gratefully acknowledge the various contributions – including chapters in this volume – of our Stanford colleagues: John Barton, Coit (Chip) Blacker, Gerhard Casper, Larry Diamond, Desha Girod, Thomas Heller and Kathryn Stoner Weiss. What became the themes of this volume took shape through three subsequent gatherings. Special thanks are due to Michael Emerson of the Centre for European Policy Studies (CEPS) who, in June 2005, generously organized a follow-up meeting

in Brussels. Next, to Madrid, where in May 2006 – with the generous support of the German Marshall Fund (GMF) grant and the Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE) – our friend and colleague Richard Youngs (also a contributor to this volume) organized a workshop from which several draft chapters in this volume eventually emerged. The final project workshop took place in Stanford in March 2008 and was funded by Risse’s Max Planck Price for International Cooperation. In between, we presented individual chapters of the volume at the 2008 Convention of the International Studies Association in San Francisco and the 2008 Annual Conference of the American Political Science Association in Boston.

We are particularly grateful to Palgrave Macmillan for accepting this volume to launch their new series on the *Transformation of Governance in Areas of Limited Statehood* edited by Thomas Risse and Ursula Lehmkuhl. In this context, special thanks go to Alexandra Webster and Audie Klotz who advised us on the project in the early stages.

Barack Obama has now taken over the office of the Presidency of the United States. His election not only brought about change in the US, it also represents a new beginning in the transatlantic relationship. Democracy promotion is a constitutive feature of the collective identity of the transatlantic community. We hope, therefore, that this book contributes to this spirit of community and helps to foster the cooperation between the US and the EU.

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