Democracy support in EU external policy

SUMMARY

The EU's policy of external democracy support has gained momentum, particularly after the entry into force of the Lisbon Treaty, which defined democracy as a fundamental principle of the Union, to be enshrined in all policies of external significance. Subsequently, several policy documents have outlined strategic orientations and sought ways to enhance implementation and policy coherence and effectiveness, a need often recognised by EU stakeholders and other players.

The EU has deployed all the tools at its disposal in order to support democracy and democratisation processes across the world. These tools range from political and diplomatic efforts, including political and human rights dialogues, to development aid instruments and extensive support for civil society and human rights defenders. As a result, democracy support has become better integrated into the EU's external policies, particularly in the area of development, and better inter-linked with measures to protect human rights and the space needed for civil society to thrive.

The EU is the biggest commercial bloc and development aid donor in the world, and therefore has considerable leverage over its partner countries. However, as the EU does not want to use its power in a coercive manner, it has sought to move away from a classical relationship of donor conditionality to one of equal partnership, recognising that domestic dynamics and local ownership in third countries are essential for democratic progress. It has used sanctions mechanisms in its bilateral agreements and unilateral trade preferences mainly as a constructive tool to open dialogue and find solutions based on consultation and cooperation.

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> **Glossary**
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> While the EU has not set out a single specific definition of democracy, the following give an idea of its perspective:
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> **Democracy:** 'Though democratic systems may vary in forms and shape, democracy has evolved into a universal value. Democracy ensures that rulers can be held accountable for their actions. Governments with democratic legitimacy must deliver on the basic rights and needs of people or they risk losing legitimacy and public support.' (Council conclusions on Democracy Support in the EU's External Relations, 2009)[1]
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> **Deep Democracy:** 'Several elements are common to building deep and sustainable democracy and require a strong and lasting commitment on the part of governments. They include: free and fair elections; freedom of association, expression and assembly and a free press and media; the rule of law administered by an independent judiciary and right to a fair trial; fighting against corruption; security and law enforcement sector reform (including the police) and the establishment of democratic control over armed and security forces.' (Joint communication of the Commission and High Representative, A new response to a changing Neighbourhood, 2011)

Goals and principles

Legal foundations in the Treaties

The legal foundations of the EU's policy for external democracy support were laid down in the Treaties in the 1990s. The Maastricht Treaty, which entered into force in 1993, established democracy promotion as a general objective of EU common foreign and security policy (CFSP) (Article J.1) and EU development cooperation (Article 130u). The Copenhagen criteria, adopted by the Council in 1993, made democracy and human rights the focus of conditionality during the preparatory phase prior to new members' EU accession. The Treaty of Lisbon, which entered into force in 2009, gave full-fledged recognition to democracy as a fundamental principle and a general objective of EU external action. The novelty it introduced was that, being a core value of the Union (Article 2 of the Treaty on European Union (TEU)), democracy, alongside human rights and the rule of law, became a guiding principle for all policies with an external dimension (including 'the external aspects of its other policies', Article 21(3)). In practical terms, this means that the EU has the obligation not only to design specific policies and actions to support democracy but also to mainstream democracy as a general consideration in all other policies with external relevance.

The need for democracy support

Apart from honouring democracy as one of its own core values, as established by the Treaties, the EU has several practical reasons for attaching key importance to democracy. Democratic systems are particularly fit for shielding their citizens from extreme deprivation. No famine has ever taken place in a democratic system.[2] Moreover, democracies tend to avoid war with each other, according to the democratic peace theory.[3] Democracies, provided they are inclusive enough, are also more likely to solve internal conflicts peacefully. Democratic systems are also considered best at promoting human rights, many of which they actually incorporate in a relationship of mutual dependency. Democracies are more prone to respect the separation of powers, to be transparent and accountable and to fight corruption, thereby strengthening the rule of law. At international level, the UN Sustainable Development Goals make a reference, albeit indirectly (as the word democracy is not used), to the need to strengthen political systems along lines which are characteristic of democracy. More precisely, one of the

targets of Goal 16 is to 'ensure responsive, inclusive, participatory and representative decision-making at all levels'. Democracy (understood as electoral but not necessarily liberal democracy) has been increasingly recognised as a universal value, as all countries in the world, with very few exceptions, now hold some form of elections.

The strategic orientations of EU democracy support

In accordance with the provisions of the Treaties, the EU has sought to establish ways of integrating democracy in all areas of its external policy. To improve the coherence and the effectiveness of EU action, the Council defined strategic orientations in its November 2009 conclusions on democracy support in the EU's external relations and the annexed EU agenda for action on democracy support in EU external relations. Accordingly, EU policy **has to be tailored to local specificities**; furthermore, the EU should foster dialogue and partnership with third countries, which, through their institutions, political actors, civil society organisations and other stakeholders, bear **ownership** for democratisation, while the EU plays an assisting role. The 2012 EU Strategic Framework and Action Plan on Human Rights and Democracy established a tight link between democracy and human rights, defining general policy orientations. The second Action Plan on Human Rights and Democracy, covering the 2015-2019 period, gave flesh to these, proposing a comprehensive set of concrete measures while looking into ways to increase the coherence and complementarity of existing tools. The EEAS Global strategy for the EU's CFSP, adopted in June 2016, reaffirmed the imperative of consistency with EU fundamental values, and described democracy as an indispensable aspect of 'resilient societies'.

EU instruments in support of democracy

Specific measures

In recent years, the EU has extended its political and diplomatic efforts at CFSP level. Although created relatively recently, the European External Action Service (EEAS) has played an important empowering role on the ground, facilitating dialogues with national authorities and civil society. Even if it does not have a dialogue specifically dedicated to democracy assistance,[4] the EU includes democracy issues in its political and human rights dialogues with partner countries. In 2016, the EU held human rights dialogues and consultations with 42 countries and regional groupings. In addition, many of the 79 ACP countries discussed democracy and human rights issues with the EU in the framework of their political dialogues established by the Cotonou Agreement. Among other things, these dialogues help the EU and its partners to clarify the way they conceptualise democracy. Rights that are directly relevant to democracy, such as freedom of expression, assembly and association, but also electoral rights, are frequently addressed by the EU during such dialogues, including in the form of recommendations. However, it is not always easy to feed democracy-related aspects into such dialogues. For example, even though the EU has a structured dialogue dedicated to human rights with China, civil and political rights have never been the focus of discussion in this context.[5] The extent to which such dialogues can drive effective change depends on partner countries' readiness to take human rights concerns into account.[6]

Democracy has been added as a central dimension to the human rights and democracy country strategies, which EU delegations have been tasked with drafting with the aim of identifying priorities for action. The creation of human rights focal points and liaison officers for human rights defenders in a large number of EU delegations has been helpful for developing tailor-made democratisation strategies. To complement its work in

promoting democracy and human rights, the EU considers that more effective communication of EU policies and values is needed. To this end, public diplomacy and strategic communication are now being systematically included in the EU's external action.

Another important strand of diplomatic and political action is EU support for human rights defenders, many of whom defend rights that are fundamental to democracy, such as freedom of expression and association. The EU has intervened in favour of human rights defenders through diplomatic démarches or by raising their cases in high-level dialogues. It has continued granting emergency grants to those of them who face the highest risks, and is funding a consortium of NGOs that works to protect human rights defenders. All this makes the EU a very prominent protector of human rights defenders in the world.

The EU endeavours to engage continuously with civil society organisations in third countries. As part of its development policy, the EU set up the European Instrument for Democracy and Human Rights (EIDHR), dedicated to providing financial support to democracy and human rights. In financial terms, it remains the smallest EU external financing instrument, with €1.33 billion to be allocated over the 2014-2020 period. Around a quarter of its funds are reserved for election assistance, especially for funding EU election observation missions; the rest are dedicated mainly to financing civil society organisations and helping human rights defenders at risk. The instrument has the advantage that it does not require the consent of third countries' governments for funding its measures. Between 2014 and 2017, these focused mainly on human rights and civic education, democratic accountability and fundamental freedoms. The instrument also has broader geographical scope than other external financial instruments, covering almost all of the world's countries with a problematic human rights and democratic situation, and is able to address sensitive issues. A mid-2017 external evaluation of the instrument found that the EIDHR has been relevant and effective in dealing with the rising threats to democracy. The European Endowment for Democracy, an independent private law foundation supported jointly by the EU institutions and a number of EU Member States, is another effective tool for providing funding to struggling local champions of democratic change in the European Neighbourhood. Being very flexible, it can adapt to local circumstances, to avoid restrictions from authoritarian governments.

Moreover, in countries where civil society does not operate freely, the EU has focused its cooperation on less political elements, such as the rule of law, non-political human rights or less politicised aspects of governance. For example, the EU has provided training to legal and academic experts in China through a series of seminars focused on improvements in the legal system, including with regard to human rights. However, the effectiveness of such actions in promoting political openings remains limited.

The EU is one of the leading international organisations in the field of election observation. Recognising that free and fair elections are one of the most important elements of democracy, the EU has sent electoral observation missions (EU EOMs) and provided electoral support to partner countries, overseeing over 160 elections to date. The European Parliament plays a prominent role in the EU EOMs; such missions are always headed by an MEP and include an EP observer delegation. EU electoral assistance is complementary to election observation and consists of technical or material support to the electoral process, including support to NGOs. EU funding has been vital for organising elections in transition countries. The challenge is to extend EU assistance to the whole electoral cycle in order to strengthen the relevant stakeholders and legislative

frameworks, and to make sure that EU EOM recommendations are implemented. There is, however, a need for better synergy between electoral assistance and electoral observation.

Figure 1 – Countries that have received EU electoral observation missions since 1993

Source: EEAS website (including states having received an electoral assessment team: Afghanistan, Iraq, Libya).

Democracy conditionality

Beyond these direct interventions in favour of democracy, the EU has significant leverage through several of its external policies.

EU enlargement policy applies the Copenhagen criteria, which place several political requirements on candidate states: stability of institutions guaranteeing democracy, rule of law, human rights, and respect for and protection of minorities. The European Commission undertakes regular monitoring ('screening') of the way these democratic standards are respected by the candidate states, an approach that is traditionally considered very effective. However, recent developments in some candidate states have led to calls for more effective application of this conditionality.

While EU trade and development policies also include a component of human rights and democracy conditionality, their leverage is more limited compared to enlargement policy.[7] A democracy clause has been present in the political cooperation agreements and free trade agreements[8] signed by the EU since 1995. This clause states that democracy and human rights are 'essential elements' whose breach by one party would entitle the other to take restrictive measures, or even suspend the agreement. So far, the 'democracy clause' has only been activated in the context of the Cotonou Agreement or its predecessor, the Lomé IV Convention (1995), in relation to development cooperation, and never to trade. The procedure under the Cotonou Agreement is progressive, privileging dialogue and consultation, with sanctions a measure of last resort. In the more than 20 cases where it has been activated since 1996 (in response to flawed elections, coups d'état and break-down of the rule of law in ACP countries), the targeted countries generally complied with EU recommendations in the end, and cooperation and aid were restored.[9] The deterrent effect of cutting aid can also be significant, without the procedure actually being launched. This enables the EU to put political pressure on countries that benefit from its aid to make them comply with democratic standards.

The EU's unilateral trade preferences contain a similar clause allowing their suspension in cases of massive and serious violations of human rights, including civil and political rights as defined in the relevant UN conventions. The EU has only suspended them three times; although the reasons invoked did not relate to democracy, the political situation may have played a background role. The EU has privileged a 'positive conditionality' approach, providing trade incentives to developing countries that ratify and comply with an extensive set of international conventions, including human rights conventions under its Generalised Scheme of Preferences Plus (GSP+).

For its neighbours south of the Mediterranean, which are covered by a specific framework for cooperation, the EU Neighbourhood Policy (ENP), the EU introduced a 'more for more' principle in the aftermath of political uprisings there in 2010. According to this principle, EU assistance is channelled towards those countries that are carrying out effective reforms in respect of democratisation and the rule of law. In a 2011 communication, the Commission proposed to focus on pursuing 'deep democracy' (see glossary above for the meaning) in its assistance to these countries. For Tunisia, the country considered to have made the most significant democratic progress in the region since 2011, the EU has more than doubled its financial contribution. However, taking into account EU cooperation with other countries in the region, such as Egypt, the EU's approach has been criticised for side-lining the promotion of democracy for the sake of other interests, despite official EU rhetoric on the matter.

EU development aid for good governance and civil society

During the 2007-2016 period, 8 % of total EU development aid was allocated to government and civil society,[10] with the majority of it – about 62 % – being spent on supporting government institutions in increasing their effectiveness in areas such as public policy and public administration management, legal and judicial reform, management of public finances, the fight against corruption, and decentralisation. All these actions are considered to provide indirect and long-term support to democracy. The remaining 38 % of total EU governance aid between 2007 and 2016 was allocated specifically to measures strengthening democratic participation in a more direct way. The areas that received the highest share of EU aid were democratic participation and civil society, followed by human rights and elections, whereas EU aid for parliaments, political parties and freedom of the media was relatively low (see Figure 2).

Figure 2 – Share of EU development aid (gross disbursements) for good governance, received by various sectors (2007-2016)
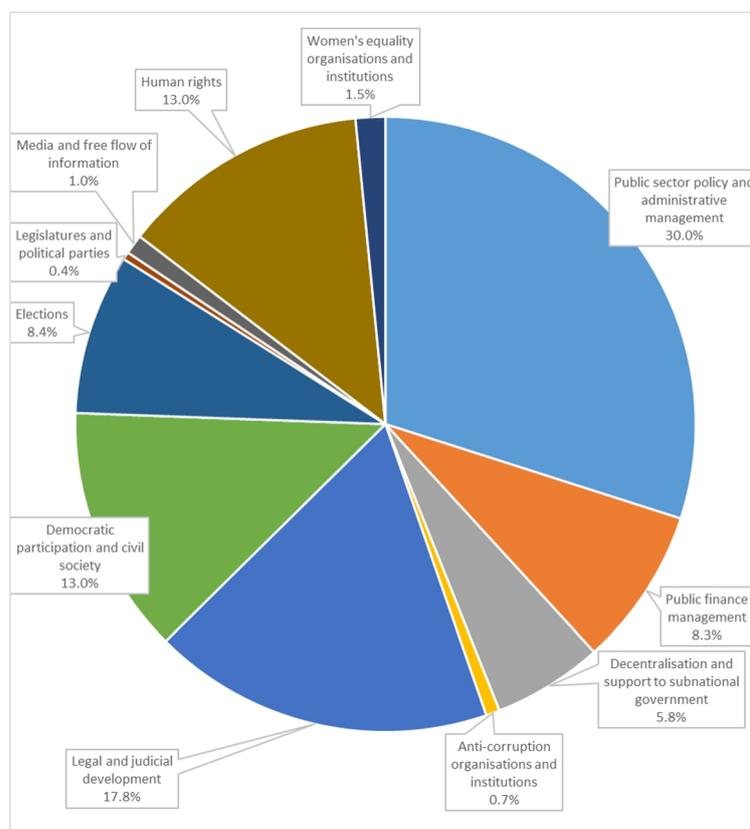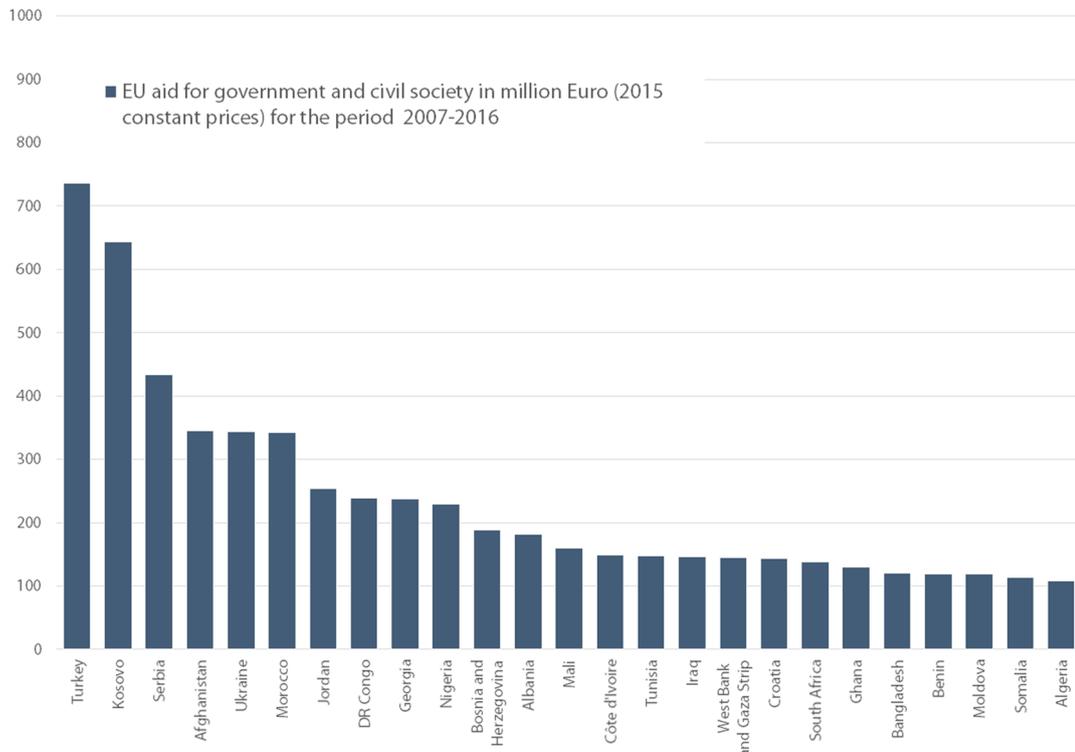

Source: OECD DAC, ODA – CRS data set.[11]

At the level of specific funds, democratic governance receives little direct support from the geographical programmes of the Development Cooperation Instrument (DCI); on the other hand, the DCI's thematic programmes focus on support for civil society organisations and human rights. The European Development Fund (EDF) provides significant support to governance, including to civil society and elections, particularly in sub-Saharan Africa.

Figure 3 shows that the recipients of the biggest amounts of EU governance aid are mainly located in the Western Balkans and the EU's eastern and southern neighbourhoods. Topping the list are two accession candidates, Turkey and Serbia, and a potential candidate, Kosovo. Among the recipients not located close to the EU, some – namely Afghanistan, the Democratic Republic of Congo, Iraq, Mali, the occupied Palestinian

territory (oPt) and Somalia – are particularly affected by conflict and are struggling to establish democratic systems. Others are sub-Saharan African countries, namely Côte d'Ivoire, Ghana, Nigeria and Benin, which have recorded significant democratic progress recently, even if their political systems remain partly fragile.

Figure 3 – The 25 largest recipients of EU governance aid in the world, 2007-2016

Source: OECD DAC, ODA - CRS data set, gross disbursements.

Mainstreaming democracy in development policy

In development policy, support and promotion for democracy are seen as a central priority. The EU considers that a country's democracy record should have a direct impact on the 'programming, modalities and channels of aid, and on the reviewing of direct budget support'. The Commission proposal for a new European consensus on development recognises the tight link between democracy and development, calling democratic societies with accountable institutions 'preconditions' of sustainable development. The EU has been moving away from a classic donor-beneficiary relationship to one based on partnership and recognition of the ownership of partner countries, which are encouraged to identify opportunities for EU assistance in the area of democracy and human rights themselves.

What is the European Parliament doing?

In its resolution on the EU annual report on human rights and democracy in the world from December 2017, the Parliament reiterates its call for the Commission to develop EU guidelines on democracy support. It positively assesses the assistance provided to civil society under the EIDHR as well as the efforts by the European Endowment for Democracy to promote democracy and fundamental rights. The report calls on the Commission to reinforce its efforts in candidate countries by applying the strong tools provided by enlargement policy, in order to strengthen democratic political culture, the rule of law and the independence of the media and judiciary. It also stresses the importance of following up on the reports and recommendations of the EU EOMs.

The Parliament has developed, in close cooperation with the EEAS and the Commission, its own tools for providing support to democracy in the world. It cooperates with parliaments in third countries to help them enhance their institutional capacity. It has been observing elections for over 30 years either as part of EU EOMs or of OSCE observation missions. The Parliament is consulted by the EU High Representative on the identification and planning of EU EOMs.

The Parliament has created a Democracy Support and Election Coordination Group (DEG), whose current format goes back to 2012, with the aim of enhancing EP action in the area of election observation and support to parliamentary democracy and human rights. Its role is to provide political guidance and supervision on election observation, on promotion of parliamentary democracy, including training to staff and members, and on management of activities to support pre-accession countries' parliaments. It is composed of 15 members, including the chair of the Sub-Committee on Human Rights and the EP vice-president responsible for human rights and democracy. The comprehensive approach to democracy support launched by the Parliament at the beginning of the current legislature is a policy concept aimed at ensuring that democracy support activities are linked to the electoral cycle, in order to strengthen their coherence and complementarity. To better focus democracy support actions, the DEG has drafted a list of priority countries for receiving capacity support from the Parliament. The 2018 list includes Ukraine, Moldova, Georgia, Tunisia, Morocco, Peru and Nigeria. The Pan-African Parliament is also a beneficiary of support from the Parliament. Support activities to each of these partners are guided by a lead MEP.

Policy outcomes

Democracy support policy has certain distinctive features that make any assessment of its results particularly challenging. Democracy is quite a complex concept that does not have a universally accepted definition; the impact of democracy support is still under researched; and there are no clear benchmarks or accepted methodologies for measuring the impact of democracy support.[12] Political processes that affect democratisation, whether positively or negatively, are influenced by multiple factors, EU support being only one of them. EU efforts in favour of democracy are also complex and multidimensional. They consist of numerous and varied actions and projects, often localised, which are effective in their own right. They are operated within a short timeframe, while democracy consolidation occurs over a longer period of time and is not a linear process, being susceptible to regression.

EU action is constrained by numerous objective factors. According to EU policy documents (mentioned above), external democracy support can only play an **assisting role** in relation to national and local actors, who have ownership over the genuine change processes required to enhance democracy. **Political support by EU Member States**, which sometimes have their own strategic and economic interests, is also crucial for the success of the policy.[13] In certain cases, the EU **has to strike a fine balance between its core values and interests**, for example when strategic objectives such as fighting terrorism or tackling irregular migration require a certain degree of cooperation with undemocratic regimes. **The constellation of relationships of power** in the world cannot be ignored, either. For EU policy to be effective, it needs to be coordinated with other major international donors and take due account of the positions adopted by international or regional organisations (such as the UN Security Council or the African Union). The EU also faces growing competition in its development efforts from emerging

countries, which do not make their development assistance conditional on respect for democratic standards, such as China. Last, but not least, EU efforts to support civil society face **obstacles**[14] **raised by authoritarian regimes**, which restrict the use of external funding by NGOs, criminalise NGOs' activities, use defamation and intimidation against human rights defenders, and denounce any diplomatic intervention as 'outside interference'.

> In general, the impact of democracy assistance and development aid on third countries is a matter of controversy among researchers. General development aid is considered by some to have an 'amplification effect', making democratic regimes more democratic and autocratic regimes more autocratic. This is explained by the fact that development aid allows authoritarian regimes to deliver better public goods and services to the population while also often taking the credit for it.

While it is very difficult to assess precisely the impact of EU aid on democratisation processes, some conclusions can be drawn from research on the topic. Development aid has a positive effect on countries where dependence on outside aid is comparatively high, and this is particularly the case in Africa. Democratisation in several sub-Saharan countries has taken place at lower levels of income and education than would have been expected, which is likely also due to the impact of outside aid and conditionality. In other parts of the world, such as central Asia, some parts of east Asia and south-east Asia, as well as the Gulf region, the EU has little leverage to drive reforms.

According to a report by a group of academics on the effectiveness of EU democratisation policies, published in 2016,[15] EU democracy assistance has been more efficient whenever the regional and country context is favourable to cooperation with the EU and there is a friendly environment for civil society. Based on the report findings, EU assistance has been relatively successful with regard to EU accession candidates, Albania and Serbia, showcasing the leverage the EU has on accession countries) and with regard to third countries, such as Bolivia (despite a difficult political environment) and Peru, where there has been readiness to cooperate with the EU on specific projects. Its record has been mixed in the case of Tunisia, Egypt and Ukraine (taking a longer perspective, covering times before the political changes), while in the case of China, the EU's scope for action has been very limited, and the impact of projects (which in themselves were quite successful) has consequently been reduced to only certain groups of specialists. In North Africa, the EU's leverage has been diminished, because its incentives have been considered too weak (for instance, no membership prospects), and it has also been in a position requiring it to make demands on the countries concerned (such as immigration control or energy supply).

Outlook

The EU, given the democratic traditions of its Member States and the successful supportive role it played in democratisation processes during successive waves of enlargement in southern, central and eastern Europe, is widely regarded as a norm entrepreneur committed to fundamental values.

In many authoritarian regimes, it has become increasingly difficult to support democratisation processes and players. It is however essential that the EU continues its support for human rights defenders and civil society by all available means.

EU policy delivery will have to navigate the troubled waters of a changing global political landscape, in which the pursuit of geostrategic interests becomes more important than the promotion of fundamental values. Development aid is coming under increasing

criticism for being ineffective, and democracy support, the results of which are less visible because they are long-term and diffuse, will be particularly exposed to such criticism. On the other hand, a new EU migration policy towards countries of origin (some of them with very bad democratic credentials, such as Eritrea and Sudan) risks diluting efforts to support democracy and weakening pressure on such regimes.

Keeping the right balance will be a major challenge.

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Endnotes

[1] Although this is not a definition *per se*, it includes several essential elements, such as government accountability to the people and democratic legitimacy. It seems that the EU works with a very broad and deliberately vague or even fuzzy notion of democracy that has the advantage of allowing for policy flexibility.

[2] According to a theory that was laid out by economist and Nobel Prize-winner, Amartya Sen, and is generally accepted.

[3] This theory dates back to the Enlightenment philosopher, Immanuel Kant, and is generally accepted and supported by empirical research.

[4] This is an objective advocated by civil society, namely by the European Partnership for Democracy, a network of European CSOs working on democracy assistance.

[5] According to Human rights concepts in EU Human Rights Dialogues.

[6] Assessing the impact of these dialogues is difficult, as EU 'dialogue on democracy remains an under-studied and under-utilized medium used by the EU to manage norm diffusion and transfer processes' (http://www.idea.int/news-media/events/office-international-idea-european-union-discusses-political-dialogue-and).

[7] With the exception of the EU's enlargement policy, no 'carrot' appears big enough to support long-term political reforms. Security or economic interests often trump support for democracy and human rights. (Good Governance in EU External Relations, Study, European Parliament).

[8] Trade agreements either include a reference to the clause in the framework cooperation agreements, or the explicit clause itself.

[9] Zimbabwe is a partial exception, as cooperation has been reinstated, but budget aid has not. The most recent sanctions have been adopted against Burundi, a country highly dependent on budget aid. Initially unbending to pressure, the government has finally made some concessions, namely freeing some political prisoners.

[10] According to OECD DAC data, based on the creditor reporting system. The calculation is based on EU gross disbursements, and total EU development aid for government and civil society excludes measures for peace support and conflict prevention and mediation.

[11] OECD data are in US dollars, which have been converted using the exchange rates indicated on the OECD webpage. Data for Croatia only cover the period up to 2010 before its accession to the EU.

[12] See FRAME Deliverable 12.3.

[13] This is one of the conclusions drawn by an academic research financed under EU FRAME Deliverable 12.3.

[14] According to the report quoted in the previous note, in countries such as China, Egypt or Bolivia, obstacles of this kind make the EU either decide against financing civil society organisations working on politically sensitive issues or in favour of funding less controversial projects.

[15] See previous note.

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